Mishneh Torah, Transmission of the Oral Law

Trans. by Eliyahu Touger, Moznaim Publishing

1 **The Rambam's Introduction to the Mishneh Torah**

"In the name of God, Lord of the world" (**Genesis 21:33**)

"Then I will not be ashamed when I gaze at all Your mitzvot" (**Psalms 119:6**).

The mitzvot given to Moses at Mount Sinai were all given together with their explanations, as implied by [**Exodus 24:12**]: "And I will give you the tablets of stone, the Torah, and the mitzvah."

"The Torah" refers to the Written Law; "the mitzvah," to its explanation. [God] commanded us to fulfill "the Torah" according to [the instructions of] "the mitzvah." "The mitzvah" is called the Oral Law.

2 Moses, our teacher, personally transcribed the entire Torah before he died. He gave a Torah scroll to each tribe and placed another scroll in the ark as a testimonial, as [**Deuteronomy 31:26**] states: "Take this Torah scroll and place it [beside the ark…] and it will be there as a testimonial."

3 "The mitzvah" - i.e., the explanation of the Torah - he did not transcribe. Instead, he commanded it [verbally] to the elders, to Joshua, and to the totality of Israel, as [**Deuteronomy 13:1**] states: "Be careful to observe everything that I prescribe to you." For this reason, it is called the Oral Law.

4 Even though the Oral Law was not transcribed, Moses, our teacher, taught

it in its entirety in his court to the seventy elders. Elazar, Pinchas, and Joshua received the tradition from Moses.

[In particular, Moses] transmitted the Oral Law to Joshua, who was his [primary] disciple, and instructed him regarding it.

5 Similarly, throughout his life Joshua taught the Oral Law. Many elders received the tradition from him. Eli received the tradition from the elders and from Pinchas. Samuel received the tradition from Eli and his court. David received the tradition from Samuel and his court.

Achiah of Shiloh was one of those who experienced the exodus from Egypt. He was a Levite and heard [teachings] from Moses. He was, however, of low stature in Moses' age. Afterwards, he received the tradition from David and his court.

6 Elijah received the tradition from Achiah of Shiloh and his court. Elisha received the tradition from Elijah and his court.

Yehoyada, the priest, received the tradition from Elisha and his court. Zechariah received the tradition from Yehoyada and his court. Hoshea received the tradition from Zechariah and his court. Amos received the tradition from Hoshea and his court. Isaiah received the tradition from Amos and his court. Michah received the tradition from Isaiah and his court. Yoel received the tradition from Michah and his court. Nachum received the tradition from Yoel and his court. Chabbakuk received the tradition from Nachum and his court. Tzefaniah received the tradition from Chabbakuk and his court.

Jeremiah received the tradition from Tzefaniah and his court. Baruch ben

Neriyah received the tradition from Jeremiah and his court. Ezra and his court received the tradition from Baruch and his court.

7 [The members of] Ezra's court are referred to as *Anshei K'nesset Hagedolah* (the men of the great assembly). They included Chaggai, Zechariah, Malachi, Daniel, Chananiah, Mishael, Azariah, Nechemiah ben Chakaliah, Mordechai the linguist, Zerubavel and many other sages - 120 elders in all.

The last [surviving] member of this group was Shimon the Just. He was included among the 120 elders and received the Oral Law from all of them. He served as the High Priest after Ezra.

8 Antignos of Socho and his court received the tradition from Shimon the Just and his court.

Yosse ben Yo'ezer of Tzreidah and Yosef ben Yochanan of Jerusalem and their court received the tradition from Antignos and his court. Yehoshua ben Perachiah and Nittai of Arbel and their court received the tradition from Yosse ben Yo'ezer and Yosef ben Yochanan and their court. Yehudah ben Tabbai and Shimon ben Shatach and their court received the tradition from Yehoshua ben Perachiah and Nittai of Arbel and their court. Shemayah and Avtalion, who were righteous converts, and their court received the tradition from Yehudah and Shimon and their court.

Hillel and Shammai and their court received the tradition from Shemayah and Avtalion and their court. Rabban Yochanan ben Zakkai and Rabbi Shimon, the son of Hillel the elder, received the tradition from Hillel [and Shammai] and his [their] court[s].

9 Rabban Yochanan ben Zakkai had five students [who were] great sages and received the tradition from him. They were: Rabbi Eleazar the great, Rabbi Yehoshua, Rabbi Yosse the priest, Rabbi Shimon ben Netanel and Rabbi Elazar ben Arach. Rabbi Akiva ben Yosef received from Rabbi Eleazar the great. Yosef, his father, was a righteous convert.
Rabbi Yishmael and Rabbi Meir, a son of righteous converts, received the tradition from Rabbi Akiva. Rabbi Meir and his colleagues also received the tradition from Rabbi Yishmael.

10 The colleagues of Rabbi Meir include Rabbi Yehudah, Rabbi Yosse, Rabbi Shimon, Rabbi Nechemiah, Rabbi Elazar ben Shamu'a, Rabbi Yochanan the shoemaker, Shimon ben Azzai, and Rabbi Chananiah ben Teradion.
Similarly, Rabbi Akiva's colleagues also received the tradition from Rabbi Eleazar the great. Rabbi Akiva's colleagues include Rabbi Tarfon - the teacher of Rabbi Yosse of the Galil - Rabbi Shimon ben Elazar, and Rabbi Yochanan ben Nuri.

11 Rabban Gamliel the elder received the tradition from Rabban Shimon, his father - the son of Hillel the elder. Rabban Shimon, his son, received the tradition from him. Rabban Gamliel, his son, received the tradition from him and Rabban Shimon, his son, received the tradition from him.
Rabbi Yehudah, the son of Rabban Shimon and referred to as Rabbenu Hakadosh ("our saintly teacher"), received the tradition from his father, from Rabbi Elazar ben Shamu'a, and from Rabban Shimon and his colleagues.

12 Rabbenu Hakadosh composed the Mishnah. From the days of Moses, our teacher, until Rabbenu Hakadosh, no one had composed a text for the purpose of teaching the Oral Law in public. Instead, in each generation, the head of the court or the prophet of that generation would take notes of the teachings which he received from his masters for himself, and teach them verbally in public.

13 Similarly, according to his own potential, each individual would write notes for himself of what he heard regarding the explanation of the Torah, its laws, and the new concepts that were deduced in each generation concerning laws that were not communicated by the oral tradition, but rather deduced using one of the thirteen principles of Biblical exegesis and accepted by the high court. This situation continued until [the age of] Rabbenu Hakadosh.

14 He collected all the teachings, all the laws, and all the explanations and commentaries that were heard from Moses, our teacher, and which were taught by the courts in each generation concerning the entire Torah. From all these, he composed the text of the Mishnah. He taught it to the Sages in public and revealed it to the Jewish people, who all wrote it down. They spread it in all places so that the Oral Law would not be forgotten by the Jewish people.

15 Why did Rabbenu Hakadosh make [such an innovation] instead of perpetuating the status quo? Because he saw the students becoming fewer, new difficulties constantly arising, the Roman Empire spreading itself

throughout the world and becoming more powerful, and the Jewish people wandering and becoming dispersed to the far ends of the world. [Therefore,] he composed a single text that would be available to everyone, so that it could be studied quickly and would not be forgotten. Throughout his entire life, he and his court taught the Mishnah to the masses.

16 These are the great Sages who were part of the court of Rabbenu Hakadosh and who received the tradition from him: His sons, Shimon and Gamliel, Rabbi Effess, Rabbi Chanina ben Chama, Rabbi Chiyya, Rav, Rabbi Yannai, bar Kafra, Shemuel, Rabbi Yochanan, Rabbi Hoshaia. Thousands and myriads of other sages received the tradition from [Rabbenu Hakadosh] together with these great sages.

17 Even though all of the eleven sages mentioned above received the tradition from Rabbenu Hakadosh and attended his study sessions, [there are differences between them. At that time,] Rabbi Yochanan was of lesser stature. Afterwards, he became a disciple of Rabbi Yannai and received instruction from him. Similarly, Rav received the tradition from Rabbi Yannai, and Shemuel received the tradition from Rabbi Chanina ben Chama.

18 Rav composed the *Sifra* and the *Sifre* to explain the sources for the Mishnah. Rabbi Chiyya composed the *Tosefta* to explain the subjects [discussed in] the Mishnah. Rabbi Hoshaia and bar Kafra composed *baraitot* to explain the matters [discussed in] the Mishnah. Rabbi

Yochanan composed the Jerusalem Talmud in *Eretz Yisrael* approximately three hundred years after the destruction of the Temple.

19 Among the great sages who received the tradition from Rav and Shemuel were: Rav Huna, Rav Yehudah, Rav Nachman, and Rav Kahana. Among the great sages who received the tradition from Rabbi Yochanan were: Ravvah bar bar Channah, Rav Ami, Rav Assi, Rav Dimi, and Rav Avin.

20 Among the Sages who received the tradition from Rav Huna and Rav Yehudah were Rabbah and Rav Yosef. Among the sages who received the tradition from Rabbah and Rav Yosef were Abbaye and Ravva. Both of them also received the tradition from Rav Nachman. Among the Sages who received the tradition from Ravva were Rav Ashi and Ravina. Mar bar Rav Ashi received the tradition from Rav Ashi, his father, and from Ravina.

21 Thus, there were forty generations from Rav Ashi back to Moses, our teacher, of blessed memory. They were:

1) Rav Ashi [received the tradition] from Ravva.

2) Ravva [received the tradition] from Rabbah.

3) Rabbah [received the tradition] from Rav Huna.

4) Rav Huna [received the tradition] from Rabbi Yochanan, Rav, and Shemuel.

5) Rabbi Yochanan, Rav, and Shemuel [received the tradition] from Rabbenu Hakadosh.

6) Rabbenu Hakadosh [received the tradition] from Rabbi Shimon, his

father.

7) Rabbi Shimon [received the tradition] from Rabban Gamliel, his father.

8) Rabban Gamliel [received the tradition] from Rabban Shimon, his father.

9) Rabban Shimon [received the tradition] from Rabban Gamliel, the elder, his father.

10) Rabban Gamliel, the elder, [received the tradition] from Rabban Shimon, his father.

11) Rabban Shimon [received the Tradition] from Hillel, his father, and Shammai.

12) Hillel and Shammai [received the tradition] from Shemayah and Avtalion.

13) Shemayah and Avtalion [received the tradition] from Yehudah and Shimon [ben Shatach].

14) Yehudah and Shimon [received the tradition] from Yehoshua ben Perachiah and Nittai of Arbel.

15) Yehoshua and Nittai [received the tradition] from Yosse ben Yo'ezer and Yosef ben Yochanan.

16) Yosse ben Yo'ezer and Yosef ben Yochanan [received the tradition] from Antignos.

17) Antignos [received the tradition] from Shimon the Just.

18) Shimon the Just [received the tradition] from Ezra.

19) Ezra [received the tradition] from Baruch.

20) Baruch [received the tradition] from Jeremiah.

21) Jeremiah [received the tradition] from Tzefaniah.

22) Tzefaniah [received the tradition] from Chabbakuk.
23) Chabbakuk [received the tradition] from Nachum.
24) Nachum [received the tradition] from Yoel.
25) Yoel [received the tradition] from Michah.
26) Michah [received the tradition] from Isaiah.
27) Isaiah [received the tradition] from Amos.
28) Amos [received the tradition] from Hoshea.
29) Hoshea [received the tradition] from Zechariah.
30) Zechariah [received the tradition] from Yehoyada.
31) Yehoyada [received the tradition] from Elisha.
32) Elisha [received the tradition] from Elijah.
33) Elijah [received the tradition] from Achiah.
34) Achiah [received the tradition] from David.
35) David [received the tradition] from Shemuel.
36) Shemuel [received the tradition] from Eli.
37) Eli [received the tradition] from Pinchas.
38) Pinchas [received the tradition] from Joshua.
39) Joshua [received the tradition] from Moses, our teacher.
40) Moses, our teacher, [received the tradition] from the Almighty.

22 Thus, [the source of] all these people's knowledge is God, the Lord of Israel. All the sages who were mentioned were the leaders of the generations. Among them were heads of academies, heads of the exile, and members of the great Sanhedrin. Together with them in each generation, there were thousands and myriads that heard their [teachings].

23 Ravina and Rav Ashi were the final generation of the Sages of the Talmud. Rav Ashi composed the Babylonian Talmud in Shin'ar approximately one hundred years after Rabbi Yochanan composed the Jerusalem Talmud.

24 The intent of both the Talmuds is to elucidate the words of the Mishnah, to explain its deeper points, and [to relate] the new matters that were developed by each court from the era of Rabbenu Hakadosh until the composition of the Talmud. From the entire [body of knowledge stemming from] the two Talmuds, the *Tosefta,* the *Sifra,* and the *Sifre,* can be derived the forbidden and the permitted, the impure and the pure, the liable and those who are free of liability, the invalid and the valid as was received [in tradition], one person from another, [in a chain extending back] to Moses at Mount Sinai.

25 Also, [the sources mentioned above] relate those matters which were decreed by the sages and prophets in each generation in order to "build a fence around the Torah." We were explicitly taught about [this practice] by Moses, as [implied by **Leviticus 18:30**]: "And you shall observe My precepts," [which can be interpreted to mean]: "Make safeguards for My precepts."

26 Similarly, it includes the customs and ordinances that were ordained or practiced in each generation according to [the judgment of] the governing court of that generation. It is forbidden to deviate from [these decisions], as [implied by **Deuteronomy 17:11**]: "Do not deviate from the instructions that they will give you, left or right."

27 It also includes marvelous judgments and laws which were not received from Moses, but rather were derived by the courts of the [later] generations based on the principles of Biblical exegesis. The elders of those generations made these decisions and concluded that this was the law. Rav Ashi included in the Talmud this entire [body of knowledge, stemming] from the era of Moses, our teacher, until his [own] era.

28 The Sages of the Mishnah also composed other texts to explain the words of the Torah. Rabbi Hoshaia, the disciple of Rabbenu Hakadosh, composed an explanation of the book of Genesis. Rabbi Yishmael [composed] an explanation beginning at "These are the names" [the beginning of the book of Exodus,] until the conclusion of the Torah. This is called the *Mechilta.* Rabbi Akiva also composed *a Mechilta.* Other Sages of the following generations composed other [collections of the] interpretations [of verses] *(Medrashim).* All of these works were composed before the Babylonian Talmud.

29 Thus, Ravina, Rav Ashi, and their colleagues represent the final era of the great Sages of Israel who transmitted the Oral Law. They passed decrees, ordained practices, and put into effect customs. These decrees, ordinances, and customs spread out among the entire Jewish people in all the places where they lived.

30 After the court of Rav Ashi composed the Talmud and completed it in the time of his son, the Jewish people became further dispersed throughout all the lands, reaching the distant extremes and the far removed islands. Strife

sprung up throughout the world, and the paths of travel became endangered by troops. Torah study decreased and the Jews ceased entering their yeshivot in the thousands and myriads, as was customary previously.

31 Instead, individuals, the remnants whom God called, would gather in each city and country, occupy themselves in Torah study, and [devote themselves] to understanding the texts of the Sages and learning the path of judgment from them.

32 Every court that was established after the conclusion of the Talmud, regardless of the country in which it was established, issued decrees, enacted ordinances, and established customs for the people of that country - or those of several countries. These practices, however, were not accepted throughout the Jewish people, because of the distance between [their different] settlements and the disruption of communication [between them]. Since each of these courts were considered to be individuals - and the High Court of 71 judges had been defunct for many years before the composition of the Talmud -

33 people in one country could not be compelled to follow the practices of another country, nor is one court required to sanction decrees which another court had declared in its locale. Similarly, if one of the Geonim interpreted the path of judgment in a certain way, while the court which arose afterward interpreted the proper approach to the matter in a different way, the [opinion of the] first [need] not be adhered to [absolutely]. Rather, whichever [position] appears to be correct - whether

the first or the last - is accepted.

34 These [principles apply regarding] the judgments, decrees, ordinances, and customs which were established after the conclusion of the Talmud. However, all the matters mentioned by the Babylonian Talmud are incumbent on the entire Jewish people to follow. We must compel each and every city and each country to accept all the customs that were put into practice by the Sages of the Talmud, to pass decrees parallelling their decrees, and to observe their ordinances, since all the matters in the Babylonian Talmud were accepted by the entire Jewish people.

35 The [Talmudic] Sages who established ordinances and decrees, put customs into practice, arrived at legal decisions, and taught [the people] concerning certain judgments represented the totality of the Sages of Israel or, at least, the majority of them. They received the tradition regarding the fundamental aspects of the Torah in its entirety, generation after generation, [in a chain beginning with] Moses, our teacher.

36 All the Sages who arose after the conclusion of the Talmud and comprehended its [wisdom] and whose prowess gained them a reputation are called the Geonim. All these Geonim that arose in Eretz Yisrael, Babylonia, Spain, and France taught the approach of the Talmud, revealing its hidden secrets and explaining its points, since [the Talmud's] manner of expression is very deep. Furthermore, it is composed in Aramaic, with a mixture of other tongues. This language was understood by the people of Babylonia in the era when the Talmud was composed.

37 However, in other places, and even in Babylonia in the era of the Geonim, a person cannot understand this language unless he has studied it. The inhabitants of each city would ask many questions of each Gaon who lived in their age, to explain the difficult matters that existed in the Talmud. They would reply to them according to their wisdom. The people who had asked the questions would collect the replies and make texts from them, so that they could consider them in depth.

38 Also, the Geonim of each generation composed texts to explain the Talmud. Some of the them explained only certain halachot. Others explained selected chapters that had created difficulty in their age. Still others explained entire tractates and orders.

39 Also, [the Geonim] composed [texts recording] the decisions of Torah law regarding what is permitted and what is forbidden, when one is liable and when one is free of liability, with regard to subjects that were necessary at the time, so that they would be accessible to the grasp of a person who could not comprehend the depths of the Talmud. This is the work of God, which was performed by all the Geonim of Israel from the completion of the Talmud until the present date, 1108 years after the destruction of the Temple, 4937 years after the creation of the world.

40 At this time, we have been beset by additional difficulties, everyone feels [financial] pressure, the wisdom of our Sages has become lost, and the comprehension of our men of understanding has become hidden. Therefore, those explanations, laws, and replies which the Geonim

composed and considered to be fully explained material have become difficult to grasp in our age, and only a select few comprehend these matters in the proper way. Needless to say, [there is confusion] with regard to the Talmud itself - both the Jerusalem and Babylonian Talmuds - the *Sifra,* the *Sifre,* and the *Tosefta,* for they require a breadth of knowledge, a spirit of wisdom, and much time, for appreciating the proper path regarding what is permitted and forbidden, and the other laws of the Torah.

41 Therefore, I girded my loins - I, Moses, the son of Maimon, of Spain. I relied upon the Rock, blessed be He. I contemplated all these texts and sought to compose [a work which would include the conclusions] derived from all these texts regarding the forbidden and the permitted, the impure and the pure, and the remainder of the Torah's laws, all in clear and concise terms, so that the entire Oral Law could be organized in each person's mouth without questions or objections. Instead of [arguments], this one claiming such and another such, [this text will allow for] clear and correct statements based on the judgments that result from all the texts and explanations mentioned above, from the days of Rabbenu Hakadosh until the present.

42 [This will make it possible] for all the laws to be revealed to both those of lesser stature and those of greater stature, regarding every single mitzvah, and also all the practices that were ordained by the Sages and the Prophets. To summarize: [The intent of this text is] that a person will not need another text at all with regard to any Jewish law. Rather, this text will

be a compilation of the entire Oral Law, including also the ordinances, customs, and decrees that were enacted from the time of Moses, our teacher, until the completion of the Talmud, as were explained by the Geonim in the texts they composed after the Talmud. Therefore, I have called this text, *Mishneh Torah* ["the second to the Torah," with the intent that] a person should first study the Written Law, and then study this text and comprehend the entire Oral Law from it, without having to study any other text between the two.

43 I saw fit to divide this text into [separate] halachot pertaining to each [particular] subject, and, within the context of a single subject, to divide those halachot into chapters. Each and every chapter is divided into smaller halachot so that they can be ordered in one's memory.

44 [Regarding] the halachot which pertain to specific subjects: Some of the halachot contain the laws governing only one mitzvah, this being a mitzvah that has many matters of the tradition [associated with it] and is a subject in its own right. Other halachot contain the laws governing many mitzvot, since they deal with the same subject matter, for I have divided this text according to topics, not according to the number of mitzvot, as will become clear to the reader.

45 The number of mitzvot which are incumbent on us at all times is 613. 248 are positive commandments; an allusion to their [number], the number of limbs in the human body. 365 are negative commandments (prohibitions); an allusion to their [number,] the number of days in a

solar year.

Mishneh Torah, Positive Mitzvot

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1 The first of the positive commandments is the mitzvah to know that there is a God, as [**Exodus 20:2**] states: "I am God, your Lord."

2 To unify Him, as [**Deuteronomy 6:4**] states: "God is our Lord, God is one."

3 To love Him, as [**Deuteronomy 6:5**] states: "And you shall love God, your Lord."

4 To fear Him, as [**Deuteronomy 6:13**] states: "Fear God, your Lord."

5 To pray, as [**Exodus 23:25**] states: "And you shall serve God, your Lord." This service is prayer.

6 To cling to Him, as [**Deuteronomy 10:20**] states: "And you shall cling to Him."

7 To swear in His name, as [**Deuteronomy 10:20**] states: "And you shall swear in His name."

8 To emulate His good and just ways, as [**Deuteronomy 28:9**] states: "And you shall walk in His ways."

9 To sanctify His name, as [**Leviticus 22:32**] states: "And I shall be sanctified

amidst the children of Israel."

10 To recite the *Shema* twice daily, as [**Deuteronomy 6:7**] states: "And you shall speak of them when you lie down and when you arise."

11 To study Torah and to teach it [to others], as [**Deuteronomy 6:7**] states: "And you shall teach them to your children."

12 To tie *tefillin* upon our heads, as [**Deuteronomy 6:8**] states: "And they shall be an emblem between your eyes."

13 To tie *tefillin* upon our arms, as [**Deuteronomy 6:8**] states: "And you shall tie them for a sign upon your arms."

14 To make *tzitzit*, as [**Numbers 15:38**] states: "And you shall make *tzitzit* for them."

15 To affix a *mezuzah*, as [**Deuteronomy 6:9**] states: "And you shall write them on the doorposts of your home."

16 To collect the people to hear the Torah [being read] in the year following the *shemitah* year, as [**Deuteronomy 31:12**] states: "Gather together the people."

17 For each man to write a Torah scroll for himself, as [**Deuteronomy 31:19**] states: "Write down this song."

18 For the king to write a second Torah scroll for himself in addition to the

one which [he is required to write to fulfill the mitzvah incumbent upon] every man. Thus, he will have two Torah scrolls, as [**Deuteronomy 17:19**] states: "And he shall write for himself a copy of this Torah."

19 To bless [God] after eating, as [**Deuteronomy 8:10**] states: "[After] you eat and are satisfied, you shall bless God, your Lord."

20 To build [God's] chosen house, [the Temple,] as [**Exodus 25:8**] states: "And you shall make a sanctuary for Me."

21 To revere this house, as [**Leviticus 19:30**] states: "And revere My sanctuary."

22 To keep watch over this house continuously, as [**Numbers 18:2**,4] states: "And you and- your descendants before the Tent of Testimony.... [And they shall keep the watch....]"

23 For the Levites to serve in the sanctuary, as [**Numbers 18:23**] states: "And the Levite shall serve...."

24 For a priest to sanctify his hands and feet at the time of service [in the Temple], as [**Exodus 30:19**] states: "And Aaron and his sons will wash...."

25 To prepare the candles of the Sanctuary, as [**Exodus 27:21**] states: "Aaron and his sons shall prepare it."

26 For the priests to bless the Jews, as [**Numbers 6:23**] states: "In this manner, you shall bless the children of Israel."

27 To arrange bread and frankincense before God [in the Temple] on every Sabbath, as [**Exodus 25:30**] states: "And you shall place the showbread on the table."

28 To burn a spice offering twice [each] day, as [**Exodus 30:7**] states: "And Aaron shall burn incense upon it...."

29 To keep a fire burning on the altar for burnt offerings continually, as [**Leviticus 6:6**] states: "And you shall keep a fire burning continuously on the altar."

30 To remove the ashes from the altar, as [**Leviticus 6:3**] states: "And he shall remove the ashes...."

31 To send impure people out from the camp of the Divine Presence - i.e., the sanctuary - as [**Numbers 5:2**] states: "And you shall send from the camp all the leprous, any zav, and anyone who has contracted impurity because of a corpse."

32 To show honor to Aaron's descendants and to give them priority regarding all holy matters, as [**Leviticus 21:8**] states: "And you shall sanctify him."

33 To clothe the priests with the priestly garments for service [in the Temple], as [**Exodus 28:2**] states: "And you shall make holy garments...."

34 To carry the ark upon our shoulders when it is to be carried, as [**Numbers 7:9**] states: "And they shall carry it on their shoulders."

35 To anoint the High Priests and kings with the anointing oil, as [**Exodus 30:30-31**] states: "[Anoint Aaron....] This shall be sacred anointing oil."

36 For the priests to serve in the sanctuary in individual watches; and for them to all serve as one on the festivals, as [**Deuteronomy 18:6-8**] states: "When the Levite shall come... [he can serve]...with the exception of that which is theirs by ancestral right."

37 For the priests to become ritually impure and mourn for their relatives in the same manner as other Jews who are commanded to mourn, as [**Leviticus 21:3**] states: "He shall become impure for her."

38 For a High Priest to marry a virgin, as [Leviticus 21:13] states: "And he shall marry a woman who is a virgin."

39 To offer the *tamid* offerings each day, as [**Numbers 28:3**] states: "[This is the fire offering...] two each day continuously."

40 For the High Priest to offer a meal offering each day, as [**Leviticus 6:13**] states: "This is the sacrifice of Aaron and his descendants."

41 To offer an additional sacrifice every Sabbath, as [**Numbers 28:9**] states: "On the Sabbath day, two lambs...."

42 To offer an additional sacrifice every Rosh Chodesh, as [**Numbers 28:11**] states: "On your Rashei Chodashim...."

43 To offer an additional sacrifice on Pesach, as [**Leviticus 23:36**] states: "For

seven days, you will bring a fire offering unto God...."

44 To bring the meal offering of the *omer* on the day after the first day of Pesach together with a single lamb, as [**Leviticus 23:10**] states: "And you shall bring the *omer...."*

45 To offer an additional sacrifice on Shavuot, as [**Numbers 28:26**] states: "On the day of the first fruits *[Bikkurim]...."*

46 To bring two loaves and the sacrifices which accompany the loaves on Shavuot, as [**Leviticus 23:17**] states: "From your dwellings, bring bread as a wave offering. And you shall offer upon the bread...."

47 To offer an additional sacrifice on Rosh HaShanah, as [**Numbers 29:1**] states: "And in the seventh month, on the first of the month...."

48 To offer an additional sacrifice on the fast [of Yom Kippur], as [**Numbers 29:7**] states: "On the tenth of the seventh month...."

49 To carry out the service of the fast [of Yom Kippur], as [**Leviticus 16:3**] states: "In this manner, Aaron will enter the [inner] sanctuary, with a young bull...." All the [particulars of] this service are stated in the *parashah* of *Acharei Mot.*

50 To offer an additional sacrifice on the holiday of Sukkot, as [**Numbers 29:13**] states: "And you shall present a burnt offering as a pleasing fragrance...."

51 To offer an additional sacrifice on *Shemini Atzeret,* for it is a festival in its own right, as [**Numbers 29:35**] states: "And on the eighth day....

52 To celebrate on the festivals, as [**Exodus 23:14**] states: "And you shall celebrate three festivals for Me."

53 To appear [before God in the Temple] on the festivals, as [**Deuteronomy 16:16**] states: "On three occasions during the year, all your males shall appear...."

54 To rejoice on the festivals, as [**Deuteronomy 16:14**] states: "And you shall rejoice on your festivals."

55 To slaughter the Paschal lamb, as [**Exodus 12:6**] states: "And the entire congregation shall slaughter it...."

56 To eat the meat of the Paschal sacrifice roasted on the night of the fifteenth of Nisan, as [**Exodus 12:8**] states: "And they shall eat the meat...."

57 To offer the second Paschal sacrifice, as [**Numbers 9:11**] states: "In the second month, on the fourteenth of the month...."

58 To eat the meat of the second Paschal offering together with matzot and bitter herbs, as [**Numbers 9:11**] states: "And you shall eat it with matzot and bitter herbs."

59 To sound the trumpets when the sacrifices [are offered] and in times of difficulty, as [**Numbers 10:10**] states: "And you shall sound the

trumpets...."

60 For all animals to be sacrificed after their eighth day [of life], as [**Leviticus 22:27**] states: "And on the eighth day and afterwards...."

61 For all animal offerings to be unblemished, as [**Leviticus 22:21**] states: "[When it is] unblemished, it will be desirable...."

62 To salt all the sacrifices, as [**Leviticus 2:13**] states: "Offer salt on all your sacrifices."

63 The burnt offering, as [**Leviticus 1:3**] states:"If his is a burnt offering...."

64 The sin offering, as [**Leviticus 6:18**] states: "These are the laws of the sin offering...."

65 The guilt offering, as [**Leviticus 7:1**] states: "These are the laws of the guilt offering...."

66 The peace offering, as [**Leviticus 7:11**] states: "These are the laws of the peace offering...."

67 The meal offering, as [**Leviticus 2:1**] states: "When a person presents a meal offering...."

68 For the [High] Court to offer a sacrifice if it renders an erroneous decision, as [**Leviticus 4:13**] states: "If the entire congregation of Israel shall err...."

69 For each individual to offer a sin offering if he unintentionally violates a negative commandment punishable by *karet*, as [**Leviticus 5:1**] states: "When a person sins...."

70 For an individual to offer a sacrifice if he is in doubt whether or not he transgressed a prohibition for which he would be liable for a sin offering, as [**Leviticus 5:17-18**] states: "If he does not know, he still bears responsibility...and he shall bring his guilt offering." This is referred to as "the conditional guilt offering."

71 For [the following individuals:] a person who unknowingly used sacred property, a person who sinned by stealing, one [who had relations with] a maidservant designated for another person, or one who denied possession of an entrusted object and took a [false] oath, to bring a guilt offering. This is referred to as "the unconditional guilt offering."

72 To offer "the adjustable guilt offering" [as atonement for the violation of certain transgressions], as [**Leviticus 5:1**,11] states: "If his means are not sufficient.... If his means do not suffice...."

73 For a person to confess before God for any sin which he has committed. [This applies] when he brings a sacrifice [for atonement] and when he does not bring a sacrifice, as [**Numbers 5:6**] states: "And they shall confess the sins that they committed."

74 For a *zav* to offer a sacrifice when he becomes purified [after his affliction], as [**Leviticus 15:13**] states: "When a *zav* will become pure...."

75 For a *zavah* to offer a sacrifice when she be-comes purified [after her affliction], as [**Leviticus 15:28**] states: "When she becomes pure from [the condition] of *zavah...."*

76 For a woman who gave birth to offer a sacrifice after she becomes purified, as [**Leviticus 12:6**] states: "And after the conclusion of her pure days...."

77 For a person afflicted with *tzara'at* to offer a sacrifice after he becomes purified, as [**Leviticus 14:1**] states: "On the eighth day, he shall take...."

78 To tithe one's herds, as [**Leviticus 27:32**] states: "And all the tithes of your cattle and sheep...."

79 To sanctify the firstborn of a kosher animal and offer it as a sacrifice, as [**Deuteronomy 15:19**] states: "Every firstling which shall be born...."

80 To redeem firstborn sons, as [**Numbers 18:15**] states: "However, you must surely redeem first-born humans."

81 To redeem a firstling donkey, as [**Exodus 34:20**] states: "Redeem a firstling donkey with a sheep."

82 To decapitate a firstling donkey [which is not redeemed], as [**Exodus 34:20**] states: "If you do not redeem it, you must decapitate it."

83 For a person to bring all the sacrifices for which he is liable, be they obligatory or voluntary offerings, on the first pilgrimage festival that occurs, as [**Deuteronomy 12:5-6**] states: "And you shall come there... and

you shall bring there...."

84 To sacrifice all the offerings in [God's] chosen house, [i.e., the Temple,], as [**Deuteronomy 12:14**] states: "There, you will perform all that I command you."

85 To tend to all the offerings from the Diaspora and bring them to *Eretz* [*Yisrael*], to [God's] chosen house, [i.e., the Temple,] as [**Deuteronomy 12:26**] states: "Take the sacred offerings which you possess, and your pledges, and come [to the place that God will choose]." Based on the oral tradition, we have learned that this applies to sacred offerings from the Diaspora.

86 To redeem sacred offerings that have become blemished, and thus have them to be permitted [for mundane use], as [**Deuteronomy 12:15**] states: "But whenever you desire, you may slaughter...." Based on the oral tradition, we have learned that this refers only to sacred offerings which have become disqualified and have been redeemed.

87 That an animal substituted for a sacred offering be regarded as sacred, as [**Leviticus 27:33**] states: "Both [the original animal] and the one substituted for it shall be consecrated."

88 To eat the remains of the meal offerings, as [**Leviticus 6:9**] states: "Aaron and his sons will eat the remainder of it."

89 To eat the flesh of the sin and guilt offerings, as [**Exodus 29:33**] states:

"And they shall eat [the sacrifices] with which atonement was made for them."

90 To burn sacred meat which became impure, as [**Leviticus 7:19**] states: "And the flesh which touches anything impure... [shall be burnt]."

91 To burn the leftovers [from the sacrifices], as [**Leviticus 7:17**] states: "The leftovers from the flesh of the sacrifice shall be burnt with fire on the third day."

92 For a Nazirite to grow his hair long, as [**Numbers 6:5**] states: "He shall let the hair of his head grow without cutting it."

93 For a Nazarite to shave his hair when bringing his sacrifices at the conclusion of his term as a Nazirite, or during his Nazirite term if he becomes impure, as [**Numbers 6:9**] states: "Should a person die in his presence,... [he must shave....]"

94 For a person to fulfill any [promise] which he utters, be it a sacrifice, [a gift to] charity, or the like, as [**Deuteronomy 23:24**] states: "What you have spoken, take heed to fulfill...."

95 To carry out the laws regarding the nullification of vows, as mentioned in the Torah.

96 For everyone who comes in contact with the corpse of an animal to become impure, as [**Leviticus 11:39**] states: "Should an animal die...."

97 For the [dead bodies of] the eight species of crawling animals [mentioned in the Torah] to impart ritual impurity, as [**Leviticus 11:19**] states: "These shall be impure for you...."

98 For [certain] foods to impart impurity, as [**Leviticus 11:34**] states: "From all the food which you will eat...."

99 For [a woman in the] *niddah* state to be impure and to impart impurity to others.

100 For [a woman] who gives birth to be impure [like a woman] in the *niddah* state.

101 For a person afflicted with *tzara'at* to be impure and to impart impurity.

102 For a garment afflicted with *tzara'at* to be impure and to impart impurity.

103 For a house afflicted with *tzara'at* to impart impurity.

104 For *a zav* to impart impurity.

105 For semen to impart impurity.

106 For a *zavah* to impart impurity.

107 For a corpse to impart impurity.

108 For the sprinkling water [used for the purification process involving the red heifer] to impart impurity to a person who is ritually pure, and to

impart ritual purity to a person who is ritually impure solely because of contact with a human corpse. All the laws dealing with these different types of impurity and the majority of the judgments regarding all types of ritual purity and impurity are explained explicitly in the Written Law.

109 For the process of purification from all types of ritual impurity to involve immersion in the waters of a *mikveh*, as [**Leviticus 15:16**] states: "And he shall wash all his flesh in water." Based on the oral tradition, we have learned that this washing [involves immersion in a body of] water in which one's entire body can immerse at one time.

110 For the process of purification from *tzara'at*, be it a person afflicted with *tzara'at* or a house afflicted with *tzara'at*, [to involve] a staff of cedar, a hyssop, the crimson wool, two birds, and spring water, as [**Leviticus 14:2**] states: "This shall be the purification process for the person afflicted with *tzara'at*...."

111 For a person afflicted with *tzara'at* to shave all of his hair, as [**Leviticus 14:9**] states: "And it shall be on the seventh day, he shall shave all his hair."

112 For a person afflicted with *tzara'at* to make known his condition to all others, according to the instructions mentioned in [**Leviticus 13:45**]: "His garments shall be torn, his hair shall grow uncut, he shall cover his face to the lip, and he shall cry out: `Impure! Impure!"' Similarly, all others who are ritually impure must make known their condition.

113 To prepare the red heifer so that its ashes will be ready, as [**Numbers 19:9**]

states: "And it will be a keepsake for the congregation of Israel."

114 For a person who makes an endowment valuation to give the specific amount of money stated in the [Torah] portion, as [**Leviticus 27:2**] states: "When a person expresses a vow...."

115 For a person who makes an endowment valuation concerning a non-kosher animal to give [the required amount of] money, as [**Leviticus 27:11**] states: "And he shall cause the animal to stand...."

116 For a person who makes an endowment valuation concerning his home to give the value determined by the priest, as [**Leviticus 27:14**] states: "And the priest shall determine its value."

117 For a person who consecrates his field to give the fixed amount determined by the [Torah], as [**Leviticus 27:16**] states: "And the value you attach to it shall be according to the amount of seed."

118 For a person who unintentionally makes use of a sacred object to make restitution for what he misused [when] sinning against God, and for him to add one fifth of its value, as [**Leviticus 5:17**] states: "For that which he sinned, [using something] sacred, he shall pay...."

119 For the produce of the fourth year to be sacred, as [**Leviticus 19:24**] states: "Its produce shall be sacred, [an object of] praise to God...."

120 To leave *pe'ah*.

121 To leave *leket.*

122 To leave a forgotten sheaf.

123 To leave the incompletely formed grape clusters.

124 To leave the individual fallen grapes. With regard to all these [five mitzvot], [**Leviticus 19:10**] states: "Leave them for the poor and the stranger." This [verse states] the positive commandment for all these.

125 To bring the first fruits to God's chosen house, [the Temple,], as [**Exodus 23:19**] states: "The first fruits of your land...."

126 To separate the greater *terumah* [and give it] to the priest, as [**Deuteronomy 18:4**] states: "Give him the first of your grain."

127 To separate a tithe of grain [and give it] to the Levites, as [**Leviticus 27:30**] states: "All the land's tithes...."

128 To separate the second tithe so that it can be eaten by its owners in Jerusalem, as [**Deuteronomy 14:22**] states: "You shall surely tithe...." According to the oral tradition, we learn that this refers to the second tithe.

129 For the Levites to separate a tenth from the tenth which they took from the Israelites and give it to the priests, as [**Numbers 18:27**] states: "Speak to the Levites:...."

130 To separate the tithe for the poor instead of the second tithe in the third and sixth years of the seven-year [agricultural cycle], as [**Deuteronomy 14:28**] states: "At the end of three years, remove a tithe of all your crops...."

131 To give thanks, [reciting] the declaration concerning the tithes, as [**Deuteronomy 26:13**] states: "And you shall declare before God, your Lord, `I have removed the sacred [foods]...."'

132 To read the statement [acknowledging thanks] for the first fruits, as [**Deuteronomy 26:5**] states: "And you shall respond and say before God, your Lord:...."

133 To separate *challah* [and give it] to the priest, as [**Numbers 15:20**] states: "The first of your dough, the *challah,* you shall separate as an offering...."

134 To let the land lie fallow [in the seventh year], as [**Exodus 23:11**] states: "In the seventh year, you shall let it lie fallow and withdraw from it."

135 To refrain from agricultural work [in the seventh year], as [**Exodus 34:21**] states: "From plowing and harvesting, you shall rest."

136 To sanctify the Jubilee year by refraining [from agricultural work], as is done in the *shemitah,* as [**Leviticus 25:10**] states: "And you shall sanctify the fiftieth year...."

137 To sound the shofar in the Jubilee year, as [**Leviticus 25:9**] states: "And you shall sound the shofar blasts."

138 To free all land in the Jubilee year, as [**Leviticus 25:24**] states: "For all your ancestral lands, there will be redemption for the land."

139 To allow houses in a walled city to be redeemed within a year, as [**Leviticus 25:29**] states: "If a person shall sell a residential house in a walled city...."

140 To count the years of the Jubilee year and the *shemitah* years within it, as [**Leviticus 25:8**] states: "And you shall count seven *shemitah* years."

141 To remit all financial [obligations] in the seventh year, as [**Deuteronomy 15:2**] states: "Every creditor must remit...."

142 To seek to collect [a debt] from a gentile [in the seventh year], as [**Deuteronomy 15:3**] states: "Seek to collect [a debt] from a gentile. However, what your brother owes you must remit...."

143 To give a priest the shankbone, the jaw, and the maw from an animal [which is slaughtered], as [**Deuteronomy 18:3**] states: "And you shall give the priest the shankbone...."

144 To give the first portion of the fleece to a priest, as [**Deuteronomy 18:4**] states: "Give him the first portion of the shearing of your sheep."

145 To render judgment with regard to property which is dedicated, whether dedicated to God or dedicated to the priests, as [**Leviticus 27:28**] states: "However, any dedication that will be made...."

146 To slaughter an animal, beast, or fowl and afterwards to eat their meat, as

[**Deuteronomy 12:21**] states: "And you shall slaughter your cattle and your sheep."

147 To cover the blood of beasts and fowl [which are slaughtered], as [**Leviticus 17:13**] states: "And you shall pour out its blood and cover it with dust."

148 To send away the mother bird from the nest [when taking the young], as [**Deuteronomy 22:7**] states: "You shall surely send away the mother."

149 To check the signs [with which] animals [are identified], as kosher, as [**Leviticus 11:2**] states: "These are the animals which you may eat...."

150 To check the signs of fowl in order to differentiate between one which is kosher and one which is not kosher, as [**Deuteronomy 14:11**] states: "All birds which...."

151 To check the signs of grasshoppers in order to know which is kosher and which is not kosher, as [**Leviticus 11:21**] states: "Those which possess jointed [leg like] extensions...."

152 To check the signs [with which] fish [are identified as kosher], as [**Leviticus 11:9**] states: "These are the animals which you may eat from all that is found in water...."

153 To sanctify the months and to calculate the years and months. [This mitzvah is incumbent on] the court alone, as [**Exodus 12:2**] states: "This month will be for you the first of the months."

154 To rest on the Sabbath, as [**Exodus 23:12**] states: "Rest on the seventh day...."

155 To sanctify the Sabbath, as [**Exodus 20:8**] states: "Remember the Sabbath day to keep it holy."

156 To destroy *chametz* [before Pesach], as [**Exodus 12:15**] states: "On the day before [the holiday], obliterate *chametz* from your homes."

157 To relate the narrative of the exodus of Egypt on the first night of the Feast of Matzot, as [**Exodus 13:8**] states: "And you shall tell your son on that day,...."

158 To eat *matzah* on this night, as [**Exodus 12:18**] states: "In the evening, you shall eat *matzot*."

159 To rest on the first day of Pesach, as [**Exodus 12:16**] states: "And on the first day, it shall be a sacred holiday."

160 To rest on the seventh day [of the festival], as [**Exodus 12:16**] states: "On the seventh day, there will be a sacred holiday."

161 To count 49 days from the harvesting of the *omer,* as [**Leviticus 23:15**] states: "And you shall count from the day following the day of rest...."

162 To rest on the fiftieth day [after Pesach], as [**Leviticus 23:21**] states: "And you shall proclaim a sacred holiday on that selfsame day."

163 To rest on the first day of the seventh month, as [**Leviticus 23:24**] states: "On the first day of [this] month, you shall have a day of rest."

164 To fast on the tenth [of this month, Yom Kippur,] as [**Leviticus 15:29**] states: "On the tenth of the month, you shall afflict your souls."

165 To rest on [this] fast day, as [**Leviticus 16:31**] states: "It shall be a Sabbath of Sabbaths...."

166 To rest on the first day of the festival of Sukkot, as [**Leviticus 23:35**] states: "On the first day, there shall be a sacred holiday."

167 To rest on the eighth day of the festival of Sukkot, as [**Leviticus 23:36**] states: "On the eighth day, there shall be a sacred holiday."

168 To dwell in a sukkah for seven days, as [**Leviticus 23:42**] states: "And you shall dwell in sukkot for seven days."

169 To take the lulav [and the other three species on Sukkot], as [**Leviticus 23:40**] states: "And you shall take for yourselves on the first day, the fruit of a beautiful tree, a palm branch,...."

170 To hear the sound of the shofar on Rosh HaShanah, as [**Numbers 29:1**] states: "It will be a day of [shofar] blasts for you."

171 To give a half-shekel each year, as [**Exodus 30:13**] states: "This shall be given by all those included in the census...."

172 To listen to any prophet who will arise in any era, provided he does not add or detract [from the Torah's commandments], as [**Deuteronomy 18:15**] states: "You shall listen to him."

173 To appoint a king, as [**Deuteronomy 17:15**] states: "You shall surely set a king upon yourselves."

174 To obey the High Court regarding all [the ordinances] they establish for Israel, as [**Deuteronomy 17:11**] states: "Carry out the judgment which they render for you."

175 To follow the majority if there is a difference of opinion in the *Sanhedrin* concerning a law, as [**Exodus 23:2**] states: "Follow after the majority."

176 To appoint judges and court officers in each and every Jewish community, as [**Deuteronomy 16:18**] states: "Appoint judges and court officers...."

177 To treat litigants equally when they appear [in court] to be judged, as [**Leviticus 19:15**] states: "Judge your fellow man with righteousness."

178 For anyone who has evidence to testify in court, as [**Leviticus 5:1**] states: "If he was a witness, saw, or knew...."

179 To cross-examine the witnesses thoroughly, as [**Deuteronomy 13:15**] states: "You must investigate and probe, making careful enquiry."

180 To [punish] false witnesses [by] giving them the same penalty that they wish to have imposed [on the defendant], as [**Deuteronomy 19:19**] states:

"And you shall do to him what he plotted to do to his brother."

181 To decapitate the calf [brought as atonement for an unsolved murder] as required, as [**Deuteronomy 21:4**] states: "You shall decapitate the calf there in the river."

182 To prepare six refuge cities, as [**Deuteronomy 19:3**] states: "Prepare the way and divide into three [the boundary]...."

183 To give the Levites cities in which to dwell - they also serve as refuge centers - as [**Numbers 35:2**] states: "And you shall give cities to the Levites...."

184 To construct a guard rail, as [**Deuteronomy 22:8**] states: "And you shall construct a guard rail for your roof."

185 To destroy false gods and all their objects of worship, as [**Deuteronomy 12:2**] states: "You shall surely destroy...."

186 To slay the inhabitants of an apostate city and burn the city, as [**Deuteronomy 13:17**] states: "And you shall burn the city and all its spoil with fire."

187 To destroy the seven nations [that dwelled in] *Eretz Yisrael,* as [**Deuteronomy 20:17**] states: "You shall utterly destroy them."

188 To exterminate the seed of Amalek, as [**Deuteronomy 25:19**] states: "Blot out the memory of Amalek."

189 To constantly remember what Amalek did to us, as [**Deuteronomy 25:17**] states: "Remember what Amalek did to you."

190 To wage a voluntary war according to the laws prescribed by the Torah, as [**Deuteronomy 20:10**] states: "When you approach the city...."

191 To anoint a priest [who will address the people before] battle, as [**Deuteronomy 20:2**] states: "And it shall come to pass, when you approach the battle, the priest will come forward and speak to the people...."

192 To prepare a place [outside] the [army] camp [for use as a latrine], as [**Deuteronomy 23:13**] states: "Prepare a place for yourselves outside the camp."

193 To prepare a shovel [to cover one's excrement], as [**Deuteronomy 23:14**] states: "You shall have a shovel in addition to your weapons."

194 To return a stolen object, as [**Leviticus 5:23**] states: "And he shall return the object which he stole."

195 To give charity, as [**Deuteronomy 15:8**] states: "You shall surely open your hand [to your poor brother]."

196 To give a severance gift to a Hebrew servant, as [**Deuteronomy 15:14**] states: "You shall surely give him gifts...." Similarly, [this gift is given] to a Hebrew maidservant.

197 To lend to the poor, as [**Exodus 22:24**] states: "If you will lend money to

my people...." In this instance, the word "if" does not refer to a matter left to one's volition, but to a commandment, as [**Deuteronomy 15:8**] states: "You shall surely lend him."

198 To lend to a gentile at interest, as [**Deuteronomy 23:21**] states: "Take interest from a gentile." Based on the oral tradition, we have learned that this is a positive commandment.

199 To return security to its owner, as [**Deuteronomy 24:13**] states: "You shall surely return the security to him."

200 To pay a worker his wage on time, as [**Deuteronomy 24:15**] states: "Pay him his wage on the day it is due."

201 For a hired worker to be allowed to eat [from produce] while he is working with it, as [**Deuteronomy 23:25-26**] states: "When you enter your neighbor's vineyard... When you enter your neighbor's standing grain...."

202 To assist a colleague in unloading a burden which he or his beast [is carrying], as [**Exodus 23:5**] states: "You shall surely help him."b

203 To [help a colleague] load a burden unto a beast, as [**Deuteronomy 22:4**] states: " You shall lift it up with him."

204 To return a lost object, as [**Deuteronomy 22:1**] states: "You shall surely return them to your brother."

205 To rebuke a person who sins, as [**Leviticus 19:17**] states: "You shall surely

rebuke your fellow men."

206 To love every member of our people, as [**Leviticus 19:18**] states: "And you shall love your neighbor as yourself."

207 To love a convert, as [**Deuteronomy 10:19**] states: "And you shall love a convert."

208 To balance scales with correct weights, as [**Leviticus 19:36**] states: "You shall have correct scales, with correct weights."

209 To honor the Sages, as [**Leviticus 19:32**] states: "Rise before an elder."

210 To honor one's father and mother, as [**Exodus 20:12**] states: "Honor your father and mother."

211 To fear one's father and mother, as [**Leviticus 19:3**] states: "A person must fear his mother and his father."

212 To be fruitful and multiply, as [**Genesis 9:7**] states: "Be fruitful and multiply."

213 To have sexual relations [only within] marriage, as [**Deuteronomy 24:1**] states: "If a man takes a woman [as a wife]...."

214 For a groom to rejoice together with his wife for a year, as [Deuteronomy *24:5]* states: "He shall be free for his home for one year."

215 To circumcise a son, as [**Leviticus 12:3**] states: "On the eighth day, the flesh of his foreskin shall be circumcised."

216 To marry the widow of one's brother who died childless, as [**Deuteronomy 25:5**] states: "Her *yavam* shall come unto her."

217 To remove the *yavam's* shoe [if he does not marry his brother's widow], as [**Deuteronomy 25:9**] states: "And she shall remove his shoe from his foot."

218 For a rapist to marry the woman he raped, as [**Deuteronomy 22:29**] states: "She shall become his wife."

219 For a person who made defamatory remarks about his wife to remain married to her for his entire life, as [**Deuteronomy 22:19**] states: "She shall become his wife. He may not send her away for his entire life."

220 To carry out the judgment concerning a seducer, fining him fifty shekels and carrying out the other laws regarding this matter, as [**Exodus 22:15**] states: "If a person will seduce...."

221 To carry out the procedure [the Torah] prescribes for *a yefat to'ar,* as [**Deuteronomy 21:11**] states: "And if you see a beautiful woman among the captives...."

222 To divorce with a *get,* as [**Deuteronomy 24:1**] states: "And he shall write a bill of divorce for her and place it in her hand."

223 To carry out the [procedure] prescribed for a *sotah,* as [**Numbers 5:30**]

states: "And the priests will carry out all these laws for her."

224 To whip the wicked, as [**Deuteronomy 25:2**] states: "The judge will cast him down and beat him."

225 To exile a person who accidentally kills a person, as [**Numbers 35:25**] states: "And he shall dwell there until the High Priest dies...."

226 For a court to execute by decapitation, as [**Exodus 21:20**] states: "Revenge shall surely be taken."

227 For a court to execute by strangulation, as [**Leviticus 20:10**] states: "The adulterer and the adulteress shall die."

228 For a court to execute by burning [the condemned] with fire, as [**Leviticus 20:14**] states: "They shall burn him and them with fire."

229 For a court to execute by stoning [the condemned] with stones, as [**Deuteronomy 22:24**] states: "And you shall stone them."

230 To hang [the corpses] of those liable for hanging, as [**Deuteronomy 21:22**] states: "And you shall hang them on a gallows."

231 To bury [the body of] an executed person on the day of his execution, as [**Deuteronomy 21:22**] states: "For you shall surely bury him on that day."

232 To carry out the laws concerning a Hebrew servant, as [**Exodus 21:2**] states: "When you purchase a Hebrew servant...."

233 To marry a Hebrew maidservant, as [**Exodus 21:8**] states: "Who has designated her for himself... and she will be redeemed."

234 To redeem a Hebrew maidservant, as [Exodus, ibid.] states: "And she will be redeemed."

235 To have a Canaanite servant serve forever, as [**Leviticus 25:46**] states: "You shall have them serve you forever."

236 For a person who injures [a colleague] to pay him damages, as [**Exodus 21:18**] states: "If men will quarrel and one man will strike [his colleague]...."

237 To judge regarding the damages caused by an ox, as [**Exodus 21:35**] states: "If an ox belonging to one person gores an ox belonging to a colleague...."

238 To judge regarding the damages caused by a pit, as [**Exodus 21:33**] states: If a person will open a pit...."

239 To judge a thief, obligating him for payment or execution, as [**Exodus 21:37**] states: "Should a theft be perpetrated," as [**Exodus 22:1**] states: "If when breaking in," and, as [**Exodus 21:16**] states: "If one kidnaps a person and sells him,…. "

240 To judge regarding the damages caused by grazing, as [**Exodus 22:4**] states: "If a person will graze [his animals] in a field or vineyard...."

241 To judge regarding the damages caused by fire, as [**Exodus 22:5**] states: "If

fire will break out and catch in thorns...."

242 To render judgment [in questions] regarding an unpaid watchman, as [**Exodus 22:6**] states: "If a person will give a colleague money or utensils [to watch]...."

243 To render judgment [in questions] regarding a paid watchman, as [**Exodus 22:9**] states: "Should a person give a donkey or an ox...."

244 To render judgment [in questions] regarding a borrower, as [**Exodus 22:13**] states: "If a person will borrow from a colleague...."

245 To render judgment [in questions] regarding business transactions, as [**Leviticus 22:14**] states: "If you sell merchandise to your colleague...."

246 To render judgment [in questions] regarding claims made by one person against another, as [**Exodus 22:8**] states: "For every matter of trespass, concerning an ox, concerning a donkey, or concerning a sheep...."

247 To save a person who is being pursued even if it is necessary to kill the pursuer, as [**Deuteronomy 25:12**] states: "And you shall cut off her hand...."

248 To render judgment [in questions] regarding inheritances as [**Numbers 27:8**] states: "If a person dies without having a son...."

Mishneh Torah, Negative Mitzvot

Trans. by Eliyahu Touger, Moznaim Publishing

1 The first mitzvah of the negative commandments is not to consider the thought that there is another divinity aside from God, as [**Exodus 20:3**] states: "You shall have no other gods before Me."

2 Not to make an idol - not to make one oneself or have one made for oneself by others - as [**Exodus 20:4**] states: "Do not make an idol for yourselves."

3 Not to make false gods even for others, as [**Leviticus 19:4**] states: "Do not make molten gods for yourselves."

4 Not to make images for decoration, even when one does not worship them, as [**Exodus 20:20**] states: "Do not make a representation of anything that is with Me."

5 Not to bow down to any false gods, even though they are not generally worshiped by bowing down before them, as [**Exodus 20:5**] states: "Do not bow down to them."

6 Not to worship false gods with the types of service with which it is customary to worship them, as [**Exodus 20:3**] states: "Do not serve them."

7 Not to offer one's son to *Molech,* as [**Leviticus 18:21**] states: "Do not give [any] of your children to offer to *Molech*."

8 Not to perform the deeds associated with an ov, as [**Leviticus 19:31**] states: "Do not turn to the *ovot*."

9 Not to perform the deeds associated with a *yid'oni,* as [**Leviticus 19:31**] states: "Do not turn to... the *yid'onim*."

10 Not to take interest in the worship of false gods, as [**Leviticus 19:4**] states: "Do not turn to false gods."

11 Not to erect a pillar [for purposes of worship], as [**Deuteronomy 16:22**] states: "Do not erect a pillar for yourselves."

12 Not to make hewn stones [upon which to prostrate oneself], as [**Leviticus 26:1**] states: "You shall not place hewn stones..."

13 Not to plant a tree on the Temple [premises], as [**Deuteronomy 16:21**] states: "Do not plant an *asherah* or any other tree...."

14 Not to take an oath on a false god [as requested by] one of its worshipers, nor to have one of them take an oath on [their false god], as [**Exodus 23:13**] states: "And the name of other gods you shall not mention, nor should it be heard from your mouth."

15 Not to act as a missionary *[madiach]* to persuade the Jews to worship false gods], as [**Exodus 23:13**] states: "And the name of other gods... shall not be heard from your mouth." [Our Sages taught that] this is a prohibition against acting as a missionary for the worship of false gods.

16 Not to act as a missionary *[mesit]* to persuade an individual Jew to worship false gods, as [**Deuteronomy 13:12**] states with regard to such missionaries: "And they shall not continue to do so."

17 Not to show affection for *a mesit,* as [**Deuteronomy 13:9**] states: "Do not show appreciation for him."

18 Not to reduce one's hatred for *a mesit,* as [**Deuteronomy 13:9**] states: "Do not listen to him."

19 Not to [try to] save a *mesit,* but rather to see to it that he is executed, as [**Deuteronomy 13:9**] states: "Do not have mercy upon him."

20 For the person whom a *mesit* tried to convince not to advance any arguments on behalf of the *mesit*, as [**Deuteronomy 13:9**] states: "Do not have pity... [upon him]."

21 For the person whom *a mesit* tried to convince not to withhold any evidence he is aware of that would incriminate the *mesit,* as [**Deuteronomy 13:9**] states: "And do not try to cover up for him."

22 Not to benefit from ornaments that have adorned false gods, as [**Deuteronomy 7:25**] states: "Do not covet the gold or silver which is upon them...."

23 Not to rebuild an apostate city to its former stature, as [**Deuteronomy 13:17**] states: "It shall never be rebuilt."

24 Not to benefit from the property of an apostate city, as [**Deuteronomy 13:18**] states: "Let nothing that has been condemned cling to your hand."

25 Not to benefit from false gods, from any of their accessories, anything offered to them, or any wine brought as a libation for them, as [**Deuteronomy 7:26**] states: "Do not bring an abomination into your house."

26 Not to prophesy in the name of false gods, as [**Deuteronomy 18:20**] states: "[The prophet]... who speaks in the name of other gods [shall die]."

27 Not to relate false prophecies, as [**Deuteronomy 18:20**] states: "When a prophet presumptu-ously makes a declaration in My name which I have not commanded him...."

28 Not to listen to someone who prophesies in the name of false gods, as [**Deuteronomy 13:4**] states: "Do not listen to the words of that prophet."

29 Not to refrain from executing a false prophet, nor to fear him, as [**Deuteronomy 18:22**] states: "Do not fear him."

30 Not to follow the laws or customs of the worshipers of false gods, as [**Leviticus 20:23**] states: "Do not follow the practices of the nation [that I am driving out before you]...."

31 Not to practice black magic, as [**Deuteronomy 18:10**] states: "There shall not be found among you... a magician."

32 Not to practice divination, as [**Leviticus 19:26**] states: "Do not practice divination."

33 Not to act as a soothsayer, as [Leviticus, *ibid.*] states: "Do not act as a soothsayer."

34 Not to practice sorcery, as [**Deuteronomy 18:10**] states: "There shall not be found among you... a sorcerer."

35 Not to cast spells, as [**Deuteronomy 18:11**] states: "[There shall not be found among you...] one who casts spells."

36 Not to consult an *ov,* as [Deuteronomy, *ibid.*] states: "[There shall not be found among you...] one who consults an *ov.*"

37 Not to consult *a yid'oni,* as [Deuteronomy, *ibid.*] states: "[There shall not be found among you...] one who consults an *ov* or a *yid'oni*."

38 Not to seek information from the dead in dreams, as [Deuteronomy, *ibid.*] states: "[There shall not be found among you...] one who attempts to communicate with the dead."

39 For a woman not to wear articles appropriate for men, as [**Deuteronomy 22:5**] states: "A woman should not wear a man's clothing."

40 For a man not to wear articles appropriate for women, as [**Deuteronomy 22:5**] states: "A man should not wear a woman's clothing." [This prohibition was instituted] because this is an idolatrous custom. Explicit

statements to this effect are found in the texts describing their worship.

41 Not to tattoo our bodies like the worshipers of false gods, as [**Leviticus 19:28**] states: "Do not tattoo your flesh."

42 Not to wear *sha'atnez,* as do the priests of false gods, as [**Deuteronomy 22:11**] states: "Do not wear *sha'atnez*."

43 Not to shave the temples of our heads, as do the worshipers of false gods, as [**Leviticus 19:27**] states: "Do not shave your temples."

44 Not to shave off our beards entirely, as do the priests of false gods, as [**Leviticus 19:27**] states: "Do not shave the corners of your beard."

45 Not to make cuts in our flesh, as the worshipers of false gods do, as [**Deuteronomy 14:1**] states: "Do not cut yourselves." *Gedidah is* another term for cutting.

46 Not to ever dwell in the land of Egypt, as [**Deuteronomy 17:16**] states: "Do not ever return on this path again."

47 Not to stray after the thoughts of one's heart or the sights one's eyes behold, as [**Numbers 15:39**] states: "Do not stray after your heart and eyes."

48 Not to establish a covenant with the seven [Canaanite] nations, as [**Deuteronomy 7:2**] states: "Do not establish a covenant with them."

49 Not to allow a single member of the seven [Canaanite] nations to live, as [**Deuteronomy 20:16**] states: "Do not allow a soul to live."

50 Not to show favor to the worshipers of false gods, as [**Deuteronomy 7:2**] states: "Do not show them favor."

51 Not to allow the worshipers of false gods to settle in our land, as [**Exodus 23:33**] states: "They shall not settle in your land."

52 Not to marry gentiles, as [**Deuteronomy 7:3**] states: "Do not marry among them."

53 For a Jewish woman never to marry an Ammonite or Moabite [even after conversion], as [**Deuteronomy 23:4**] states: "An Ammonite or a Moabite shall never enter the congregation of God."

54 Not to prevent the third generation of [converts from] the descendants of Esau from marrying among [the Jewish people], as [**Deuteronomy 23:8**] states: "Do not [utterly] despise an Edomite."

55 Not to prevent the third generation of Egyptian [converts] from marrying among [the Jewish people], as [**Deuteronomy 23:8**] states: "Do not [utterly] despise an Egyptian."

56 Not to make an offer of peace to Ammon and Moav at the outbreak of war, as is done for other nations, as [**Deuteronomy 23:7**] states: "Do not seek their peace and welfare...."

57 Not to destroy fruit trees nor to destroy anything else of value, as [**Deuteronomy 20:19**] states: "Do not destroy its trees."

58 For soldiers not to fear or become frightened of the enemy during war, as [**Deuteronomy 7:21**] states: "Do not panic before them," and [**Deuteronomy 3:22**] states: "Do not fear them."

59 Not to forget the wicked deeds which Amalek perpetrated against us, as [**Deuteronomy 25:19**] states: "Do not forget."

60 The prohibition against blessing [i.e., cursing] God's name, as [**Exodus 22:27**] states: "Do not curse God." [**Leviticus 24:16**] mentions the punishment: "One who curses the name of God shall surely die." This is a general principle: A negative commandment is involved whenever the Torah mentions the punishments of *karet* or execution - with the exception of circumcision and the Paschal sacrifice which are positive commandments pun-ishable by *karet.*

61 Not to violate an oath, as [**Leviticus 19:12**] states: "Do not swear falsely in My name."

62 Not to take an oath in vain, as [**Exodus 20:7**] states: "Do not take the name of God, your Lord, in vain."

63 Not to profane the name of the Holy One, blessed be He, as [**Leviticus 22:32**] states: "Do not profane My holy name."

64 Not to test the promises of God, as [**Deuteronomy 6:16**] states: "Do not

test God, your Lord."

65 Not to destroy the Temple, synagogues, or houses of study; and similarly, not to erase any of [God's] sacred names, nor to destroy any sacred texts, as [**Deuteronomy 12:3-4**] states: "You shall surely destroy them. Do not do this to God, your Lord."

66 Not to leave a corpse that was hung on the gallows, as [**Deuteronomy 21:23**] states: "Do not leave his body on the gallows."

67 Not to interrupt the watch held around the Temple, as [**Leviticus 18:30**] states: "And you shall keep My watch."."

68 For a priest not to enter the Temple building at all times, as [**Leviticus 16:2**] states: "And he shall not enter the sanctuary at all times."

69 For a priest with a disqualifying physical deformity not to proceed beyond [the beginning of] the altar, as [**Leviticus 21:23**] states: "However, to the *parochet* he shall not approach."

70 For a priest with a disqualifying physical deformity not to serve [in the Temple], as [**Leviticus 21:17**] states: "[Anyone...] who has a blemish [may not approach to present]...."

71 For a priest with a disqualifying physical deformity of a temporary nature not to serve [in the Temple], as [**Leviticus 21:18**] states: "Anyone who has a blemish may not approach [to offer a sacrifice].

72 For the Levites not to perform the services of the priests, and for the priests not to perform the services of the Levites, as [**Numbers 18:3**] states with regard to the Levites: "Neither to the sacred vessels nor to the altar shall they approach, so that they do not die, neither they nor you."

73 For a person who is intoxicated not to enter the Temple nor to render a halachic decision, as [**Leviticus 10:9**] states: "Do not drink wine or strong drink when you enter the Tent of Testimony," and [ibid., 10:11] states: "or when you render a decision for the children of Israel."

74 For a non-priest not to serve in the Temple, as [**Numbers 18:4**] states: "An unauthorized person shall not approach them."

75 For a priest who is ritually impure not to serve [in the Temple], as [**Leviticus 22:2**] states: "And they shall separate themselves from the sacred offerings of the children of Israel."

76 For a priest who has immersed himself in a *mikveh* in order to purify himself from ritual impurity not to serve [in the Temple] until the conclusion, of that day, as [**Leviticus 21:6**] states: "And they shall not profane...."

77 For a priest who is ritually impure not to enter the Temple courtyard, as [**Numbers 5:3**] states: "And they shall not make your camp impure." This refers to the camp of the Divine Presence.

78 For a person who is impure not to enter the camp of the Levites, the

parallel for all time being the Temple Mount, as [**Deuteronomy 23:11**] states: "Do not enter the camp." This refers to the camp of the Levites.

79 Not to build the altar with hewn stones, as [**Exodus 20:22**] states: "Do not make them hewn."

80 Not to ascend to the altar using steps, as [**Exodus 20:23**] states: "Do not ascend My altar with steps."

81 Not to extinguish the fire of the altar, as [**Leviticus 6:6**] states: "Burn a continuous fire on the altar. Do not extinguish it."

82 Not to offer any [undesired] incense offering or any sacrifices on the golden altar, as [**Exodus 30:9**] states: "Do not offer any unauthorized incense upon it."

83 Not to duplicate the composition of the anointing oil, as [**Exodus 30:32**] states: "And do not duplicate its formula."

84 Not to anoint an unauthorized person with the anointing oil, as [**Exodus 30:32**] states: "Do not anoint the flesh of a person with it."

85 Not to duplicate the composition of the incense offering, as [**Exodus 30:37**] states: "Do not duplicate its formula."

86 Not to remove the staves of the ark, as [**Exodus 25:16**] states: "They shall not be removed from it."

87 For the [High Priest's] breastplate not to come loose from the ephod, as [**Exodus 28:28**] states: "The breastplate shall not come loose from the ephod."

88 For the [High Priest's] cloak not to tear, as [**Exodus 28:32**] states: "It shall have a woven border around it. It shall not tear."

89 Not to offer sacred offerings outside [the Temple], as [**Deuteronomy 12:13**] states: "Be careful, lest you offer your burnt offerings...."

90 Not to slaughter sacred offerings outside [the Temple], as [**Leviticus 17:3-4**] states: "A person who slaughters an ox or a sheep without bringing it to the Tent of Testimony. He shall be punished by *karet*."

91 Not to consecrate animals with disqualifying physical blemishes [as sacrifices to be offered on] the altar, as [**Leviticus 22:20**] states: "Any [animal] which has a blemish shall not be sacrificed." This prohibition involves [the animal's] consecration.

92 Not to slaughter animals with disqualifying physical blemishes as sacrifices, as [**Leviticus 22:22**] states: "Do not sacrifice these to God."

93 Not to sprinkle the blood of animals with disqualifying physical blemishes on the altar, as [**Leviticus 22:24**] states: "Do not sacrifice to God...." This prohibition involves sprinkling [the animal's] blood."

94 Not to burn the sacrificial portions of animals with disqualifying physical blemishes [as sacrifices on the altar], as [**Leviticus 22:22**] states: "Do not

make a fire offering of them."

95 Not to offer animals with disqualifying physical blemishes of a temporary nature as sacrifices, as [**Deuteronomy 17:1**] states: "Do not sacrifice to God, your Lord, an ox or a sheep that has a blemish." This refers to a blemish of a temporary nature.

96 Not to offer an animal with a disqualifying physical blemish as a sacrifice when it was brought by gentiles, as [**Leviticus 22:25**] states: "Do not offer sacrifices [from these animals] when they are given by gentiles."

97 Not to inflict a disqualifying physical blemish upon a consecrated animal, as [**Leviticus 22:21**] states: "It shall not have a blemish." This can be interpreted to mean: Do not inflict a blemish upon it.

98 Not to burn as an offering anything which is sweetened or leavened, as [**Leviticus 2:11**] states: "You may not burn anything leavened or sweet [as a fire offering]."

99 Not to offer a sacrifice which is unsalted, as [**Leviticus 2:13**] states: "Do not omit the salt of God's covenant."

100 Not to offer as a sacrifice an animal received by a prostitute as her fee, or an animal received in exchange for a dog, as [**Deuteronomy 23:19**] states: "Do not bring a prostitute's fee or the price of a dog...."

101 Not to slaughter an animal and its offspring on the same day, as [**Leviticus 22:28**] states: "Do not slaughter it and its offspring on the same day."

102 Not to place olive oil on the meal offering brought by a sinner, as [**Leviticus 5:11**] states: "Do not place oil upon it."

103 Not to place frankincense on such a sacrifice, as [Leviticus, *ibid.*] continues: "...and do not place frankincense upon it."

104 Not to place oil on the meal offering brought by a *sotah,* as [**Numbers 5:15**] states: "Do not pour oil upon it."

105 Not to place frankincense on such a sacrifice, as [Numbers, *ibid.*] continues: "...and do not place frankincense upon it."

106 Not to substitute [another animal] for [one selected as] a sacred offering, as [**Leviticus 27:10**] states: "Do not exchange it or substitute another for it."

107 Not to change the designation of a consecrated animal from one sacrifice to another, as [**Leviticus 27:26**] states regarding a firstling animal: "A person should not consecrate it" - i.e., he should not consecrate it as another sacrifice.

108 Not to redeem a firstling kosher animal, as [**Numbers 18:17**] states: "Nevertheless, a firstling ox... do not redeem."

109 Not to sell the tithe of cattle, as [**Leviticus 27:33**] states: "It shall not be redeemed."

110 Not to sell a field that has been dedicated, as [**Leviticus 27:28**] states: "It

shall not be sold."

111 Not to redeem a field that has been dedicated, as [Leviticus, *ibid.*] states: "It shall not be redeemed."

112 Not to sever the head of a bird [brought as] a sin offering, as [**Leviticus 5:8**] states: "He shall pinch off its head...[without separating it]."

113 Not to work with consecrated animals, as [**Deuteronomy 15:19**] states: "Do not work with your firstling ox."

114 Not to shear consecrated animals, as [**Deuteronomy 15:19**] states: "Do not shear your firstling sheep."

115 Not to slaughter the Paschal sacrifice while one possesses *chametz*, as [**Exodus 23:18**] states: "Do not sacrifice the blood of My offering in the presence of *chametz*."

116 Not to allow the sacrificial portions of the Paschal sacrifice to become disqualified by re-maining overnight, as [**Exodus 23:18**] states: "Do not allow the fat of My festive offering to remain until the morning."

117 Not to allow the meat of the Paschal sacrifice to remain [overnight], as [**Exodus 12:10**] states: "Do not leave over any of it until the morning."

118 Not to allow the meat of the *Chaggigah* sacrifice to remain until the third day, as [**Deuteronomy 16:4**] states: "Do not leave over any of the meat...." According to the oral tradition, we have learned that the verse refers to the

Chaggigah sacrifice offered on the fourteenth of Nisan. The phrase "until the morning" [in that verse] refers to the morning of the second day of Pesach, the third day after [the sacrifice] was offered.

119 Not to allow the meat of the second Paschal sacrifice to remain until the morning, as [**Numbers 9:12**] states: "Do not leave over any of it until the morning."

120 Not to allow the meat of the thanksgiving offering to remain until the morning, as [**Leviticus 22:30**] states: "Do not leave over any of it until the morning." The same law applies to all other sacrifices. They should not be left over beyond the time allotted for their consumption.

121 Not to break any of the bones of the Paschal sacrifice, as [**Exodus 12:46**] states: "Neither shall you break a bone of it."

122 Not to break any of the bones of the Second Paschal sacrifice, as [**Numbers 9:12**] states: "Neither shall you break a bone of it."

123 Not to remove the meat of the Paschal sacrifice from the company [in which it is being eaten], as [**Exodus 12:46**] states: "Do not remove [any of the meat] from the house...."

124 Not to allow any of the remaining portions of the meal offerings to leaven, as [**Leviticus 6:10**] states: "It shall not be baked as leaven. Their portion...."

125 Not to eat the meat of the Paschal sacrifice raw or boiled in water, as

[**Exodus 12:9**] states: "Do not eat from it raw or boiled in water."

126 Not to feed the meat of the Paschal sacrifice to a resident alien, as [**Exodus 12:45**] states: "No temporary resident or hired worker may eat from it."

127 Not to feed the meat of the Paschal sacrifice to an uncircumcised male, as [**Exodus 12:48**] states: "No uncircumcised person may eat of it."

128 Not to feed the meat of the Paschal sacrifice to an apostate Jew, as [**Exodus 12:43**] states: "No outsider may eat from it." This refers to a Jew who has become assimilated among the gentiles and serves false gods, as they do. He must not partake [of the Paschal sacrifice].

129 For a person who became ritually impure not to partake of consecrated foods, as [**Leviticus 7:20**] states: "And a soul who partakes of the meat of the peace sacrifice while he is impure...."

130 Not to partake of consecrated foods that have contracted ritual impurity, as [**Leviticus 7:19**] states: "Meat that has touched any impurity shall not be eaten."

131 Not to eat sacrificial meat that has remained past the limits allotted for its consumption, as [**Leviticus 19:8**] states: "One who eats it shall bear his guilt,... his soul will be punished by *karet*."

132 Not to eat *piggul,* as [**Leviticus 7:18**] states: "It will not be accepted for him. Instead, it will be considered as *piggul.* Any person who eats it will bear his guilt." This sin is punishable by *karet.*

133 For an unauthorized person not to partake of the terumot, as [**Leviticus 22:10**] states: "No unauthorized person shall eat it."

134 For even a tenant or a hired worker employed by a priest not to partake of *terumah,* as [**Leviticus 22:10**] states: "A tenant of a priest or [his] hired worker shall not eat the holy [food]."

135 For an uncircumcised person not to partake of *terumah* or other consecrated foods. This concept was derived from a *gezerah shavah* and is not explicitly mentioned in the Torah. [Nevertheless,] based on the oral tradition, the prohibition against an uncircumcised person partaking of consecrated foods is considered as a [prohibition of] the Torah itself and not a decree of the Sages.

136 For a priest who is impure not to partake of *terumah,* as [**Leviticus 22:4**] states: "Any of your descendants... shall not eat from the consecrated foods."

137 For a *chalalah* not to partake of consecrated foods, neither *terumah,* nor the breast and the shankbone [given to the priest], as [**Leviticus 22:12**] states: "When a priest's daughter marries an unauthorized person, she shall not eat [from the sacred, elevated gifts]."

138 For a meal offering brought by a priest not to be eaten, as [**Leviticus 6:16**] states: "Any meal offering brought by a priest shall be consumed entirely [by fire]; it shall not be eaten."

139 Not to partake of the meat of the sin offerings [whose blood is sprinkled] within [the Temple sanctuary], as [**Leviticus 6:23**] states: "Any sin offering whose blood has been brought...."

140 Not to partake of consecrated animals that were disqualified [for use as sacrifices because] a blemish was intentionally inflicted upon them, as [**Deuteronomy 14:3**] states: "Do not eat of any abomination." According to the oral tradition, we have learned that the verse refers to consecrated animals that were disqualified for use because of a blemish inflicted upon them.

141 Not to eat grain [separated as] the second tithe outside of Jerusalem, as [**Deuteronomy 12:17**] states: "You may not eat within your gates the tithe from your grain."

142 Not to consume wine [separated as] the second tithe outside of Jerusalem, as [Deuteronomy, *ibid.*] continues: "...your wine...."

143 Not to consume oil [separated as] the second tithe outside of Jerusalem, as [Deuteronomy, *ibid.*] continues: "...and your oil...."

144 Not to eat an unblemished firstling animal outside of Jerusalem, as [Deuteronomy, *ibid.*] states: "You may not eat [within your gates]... and the firstlings [of your cattle and flocks]...."

145 For the priests not to eat a sin offering or a guilt offering outside the Temple courtyard, as [Deuteronomy, *ibid.*] continues: "...your cattle and

your flocks." According to the oral tradition, the purpose of this phrase is only to forbid the consumption of the sin offerings and the guilt offerings outside the Temple courtyard. Anything that is eaten outside the place intended for it is covered by the [prohibition]: "You may not eat within your gates...."

146 Not to eat the meat of a burnt offering, as [Deuteronomy, *ibid.*] states: "You may not [eat]...[the sacrifices] you have vowed [to bring]...," meaning to say: You may not eat [the sacrifices] you have vowed to give. This is a warning against a person's benefiting from the [unauthorized use] of consecrated articles which he is forbidden to use. If he derives such benefit, he transgresses.

147 Not to eat the meat of sacrifices of a lesser order of holiness before the sprinkling of their blood, as [Deuteronomy, *ibid.*] states: "You may not [eat]... the [animals] you have pledged [to bring as sacrifices]..." - i.e., you are not allowed to eat from the sacrifices you have pledged until their blood has been sprinkled.

148 For an unauthorized person not to eat the meat of the sacrifices of the highest order of sanctity, as [**Exodus 29:33**] states: "An unauthorized person shall not partake of them, for they are holy."

149 For a priest not to partake of the first fruits *[Bikkurim]* before they are placed down in the Temple courtyard, as [Deuteronomy, *ibid.*] states: "You may not [eat]... the elevated gifts [delivered by] hand." The [latter phrase] refers to the first fruits.

150 Not to eat the second tithe which has become impure, even within Jerusalem, until it has been redeemed, as [**Deuteronomy 26:14**] states: "I have not consumed it while it is impure."

151 Not to eat the second tithe while in mourning, as [Deuteronomy, *ibid.*] states: "I have not eaten from it while in mourning."

152 Not to use the proceeds [from the redemption of] the second tithe for anything aside from food and drink, as [Deuteronomy, *ibid.*] states: "I have not used it for the dead." Anything that is not associated with the needs of a living body is referred to as "used for the dead."

153 Not to eat *tevel. Tevel* refers to produce from which one is obligated to separate *terumah* and tithes from which God's *terumah* has not been separated, as [**Leviticus 22:15**] states: "And they shall not profane the sacred gifts which the children of Israel will separate for God." This implies that the produce which [the Jews] will ultimately separate for God should not be treated in a mundane manner and eaten while *tevel.*

154 Not to separate *terumah* before the first fruits, nor the first tithe before *terumah,* nor the second tithe before the first. Rather, [the agricultural gifts] must be given in order - first, the first fruits; afterwards, *terumah;* afterwards, the first tithe; and, afterwards, the second tithe - as [implied by **Exodus 22:28**]: "Do not delay your offerings of newly ripened produce and your agricultural offerings." [This means:] Do not delay bringing an offering that should be brought first.

155 Not to delay bringing sacrifices you have vowed to offer, or animals which you have pledged to bring as sacrifices, as [**Deuteronomy 23:22**] states: "[When you make a pledge to God,] do not delay paying it."

156 Not to make a festive pilgrimage without [bringing] a sacrifice, as [**Exodus 23:15**] states: "Do not appear before Me empty-handed."

157 Not to violate a vow which a person makes forbidding his use of anything, as [**Numbers 30:3**] states: "He shall not violate his word."

158 For a priest not to marry an immoral woman *[zonah],* as [**Leviticus 21:7**] states: "They shall not marry an immoral woman or a *chalalah*."

159 For a priest not to marry a chalalah, as [**Leviticus 21:7**] states: "They shall not marry... a chalalah."

160 For a priest not to marry a divorcee, as [**Leviticus 21:7**] states: "...nor may they marry a woman divorced from her husband."

161 For a High Priest not to marry a widow, as [**Leviticus 21:14**] states: "A widow, a divorcee, a *chalalah,* or an immoral woman - these he must not marry."

162 For a High Priest not to have sexual relations with a widow even outside the context of marriage, because by doing so he profanes her, as [**Leviticus 21:15**] states: "He shall not profane his progeny...." This [also] implies that he must not cause a woman eligible to marry a priest to become ineligible [as happens through the relations described above].

163 For a priest not to enter the Temple with hair that has grown unseemingly long, as [implied by **Leviticus 10:6**]: "Do not let your hair grow long."

164 For a priest not to enter the Temple with torn garments, as [implied by Leviticus, *ibid.*]: "Do not rend your garments."

165 For a priest not to leave the Temple courtyard in the midst of service, as [implied by **Leviticus 10:7**]: "Do not depart from before the entrance to the Tent of Testimony."

166 For a common priest not to become impure through contact with a corpse [with the exception of the specific instances permitted by the Torah], as [**Leviticus 21:1**] states: "He shall not become impure [through contact with] the dead."

167 For a High Priest not to become impure [through contact with any corpse], even [those of] his relatives, as [**Leviticus 21:11**] states: "He shall not become impure, [even] for his father and mother."

168 For a High Priest not to enter the place where a corpse is found, as [**Leviticus 21:11**] states: "He should not come in contact with any dead body." According to the oral tradition, we have learned that he is obligated [for violating both the prohibitions:] not to become impure and not to enter [the place of a corpse].

169 For the tribe of Levi not to take a portion of *Eretz Yisrael,* as [**Deuteronomy 18:2**] states: "He shall not receive an inheritance."

170 For the tribe of Levi not to take a portion of the spoils in the conquest of *Eretz Yisrael,* as [**Deuteronomy 18:1**] states: "The priests and the Levites shall not receive a portion or an inheritance."

171 Not to tear out hair [in mourning] for the dead, as [**Deuteronomy 14:1**] states: "Do not make a bald spot upon your heads."

172 Not to eat non-kosher animals, as [**Deuteronomy 14:7**] states: "Nevertheless, among those who chew the cud, these you may not eat...."

173 Not to eat non-kosher fish, as [**Leviticus 11:11**] states: "They shall be [regarded as] a detestable thing for you. Do not eat of their flesh."

174 Not to eat non-kosher birds, as [**Leviticus 11:13**] states: "These birds you must regard as detestable. Do not eat them."

175 Not to eat flying insects, as [**Deuteronomy 14:19**] states: "Every flying insect [that is] not-kosher for you shall not be eaten."

176 Not to eat insects that breed on land, as [**Leviticus 11:41**] states: "Every insect that creeps upon the earth must be regarded as detestable. It may not be eaten."

177 Not to eat anything that creeps on the earth, as [**Leviticus 11:44**] states: "Do not make your souls impure with any insect that creeps upon the earth."

178 Not to eat worms that breed in produce after they become exposed to the

air, as [**Leviticus 11:42**] states: "...for any swarming creature which breeds upon the land, you shall not eat them."

179 Not to eat swarming creatures that breed in the water, as [**Leviticus 11:43**] states: "Do not make yourselves detestable [by eating] any swarming creature."

180 Not to eat carrion, as [**Deuteronomy 14:21**] states: "Do not eat carrion."

181 Not to eat an animal with a mortal infliction *(trefah),* as [**Exodus 22:30**] states: "Do not eat flesh torn off [by a predator]."

182 Not to eat a limb from a living animal, as [**Deuteronomy 12:23**] states: "Do not eat the life [of an animal] with its flesh."

183 Not to eat the displaced [sciatic] nerve as [**Genesis 32:33**] states: "Therefore, the children of Israel do not eat the displaced nerve."

184 Not to consume blood, as [**Leviticus 7:26**] states: "Do not consume any blood."

185 Not to partake of [hard] fat, as [**Leviticus 7:23**] states: "Do not eat any of the fat in an ox, sheep, or goat."

186 Not to cook meat and milk [together], as [**Exodus 23:19**] states: "Do not cook a kid in its mother's milk."

187 Not to eat meat and milk [together], as [**Exodus 34:26**] states: "Do not

cook a kid in its mother's milk." Based on the oral tradition, we have learned that one [of these verses] implies a prohibition against cooking [the two together], and the other, a prohibition against eating [from the combination].

188 Not to partake of the meat of an ox that was stoned to death, as [**Exodus 21:28**] states: "And do not eat its flesh."

189 Not to eat bread made from newly grown produce before Pesach, as [**Leviticus 23:14**] states: "[Until that day,...] you may not eat bread..."

190 Not to eat roasted grain from newly grown produce before Pesach, as [Leviticus, *ibid.*] continues: "[Until that day,...] you may not eat... roasted grain..."

191 Not to eat fresh grain from newly grown produce before Pesach, as [Leviticus, *ibid.*] continues: "[Until that day,...] you may not eat... fresh grain."

192 Not to eat *orlah* for three years, as [**Leviticus 19:23**] states: "For three years, you must regard its fruit as a forbidden growth. It may not be eaten."

193 Not to eat mixed species planted in a vineyard, as [**Deuteronomy 22:9**] states: "...lest the yield of the crops you planted and the fruit of the vineyard shall become forfeit." This refers to a prohibition against eating [such produce].

194 Not to drink wine used for idolatrous libations, as [**Deuteronomy 32:38**]

states: "...who ate the fat of their sacrifices and drank the wine of their libations."

195 Not to eat or drink like a glutton and a drunkard, as [**Deuteronomy 21:20**] states: "This son of ours is a glutton and a drunkard."

196 Not to eat on the day of the fast [of Yom Kippur], as [**Leviticus 23:29**] states: "For any person who does not afflict himself [on that day]...."

197 Not to partake of *chametz* on Pesach, as [**Exodus 13:3**] states: "Do not eat *chametz*."

198 Not to eat a mixture of *chametz*, as [**Exodus 12:20**] states: "Do not eat any leavened matter."

199 Not to eat *chametz* after noontime on the fourteenth [of Nisan], as [**Deuteronomy 16:3**] states: "Do not eat *chametz* with it."

200 Not to have *chametz* seen [in one's possession during Pesach], as [**Exodus 13:7**] states: "No *chametz* and no leaven may be seen in your territories."

201 Not to have *chametz* found [in one's possession during Pesach], as [**Exodus 13:7**] states: "No *chametz* may be found in your homes."

202 For a Nazarite not to drink wine or partake of anything in which wine was mixed and has the taste of wine, as [**Numbers 6:3**] states: "He shall not drink any grape beverage." [This prohibition applies] even if the wine or other beverage with which the wine was mixed has become sour, as the

above verse states: "He may not drink vinegar from wine or wine-brandy."

203 [For a Nazarite] not to eat fresh grapes, as [Numbers, *ibid.*] states: "[He shall not eat] fresh... grapes."

204 [For a Nazarite] not to eat raisins, as [Numbers, *ibid.*] states: "[He shall not eat]... dried grapes."

205 [For a Nazarite] not to eat grape seeds, as [**Numbers 6:4**] states: "He shall not eat [anything from wine grapes] from its seeds...."

206 [For a Nazarite] not to eat grape peels, as [Numbers, *ibid.*] continues: "He shall not eat [anything from wine grapes,...] to its peels."

207 For a Nazarite not to become impure through contact with a dead body, as [**Numbers 6:7**] states: "He may not become impure even for his father, his mother,...."

208 [For a Nazarite] not to enter below any roof beneath which a corpse is found, as [**Leviticus 21:11**] states: "He shall not come into contact with any dead body."."

209 [For a Nazarite] not to shave, as [**Numbers 6:5**] states: "A razor shall not pass upon his head."

210 Not to harvest one's entire field, as [**Leviticus 23:22**] states: "Do not completely harvest the ends of your fields."

211 Not to gather the [individual] stalks that fall in the harvest, as [Leviticus, *ibid.*] states: "Do not gather the *leket* of your harvest."

212 Not to harvest underdeveloped grape clusters, as [**Leviticus 19:10**] states: "Do not pick the incompletely formed grape clusters in your vine-yard."

213 Not to gather individual [fallen grapes], as [Leviticus, *ibid.*] states: "Do not gather the individual [fallen grapes] in your vineyard."

214 Not to take a sheaf which has been forgotten, as [**Deuteronomy 24:19**] states: "Do not go back to take it." [This prohibition also applies to] all trees, as [ibid. 24:20] states: "Do not carefully re-harvest it."

215 Not to sow mixed species of seeds together, as [**Leviticus 19:19**] states: "Do not sow different species of seed in your field."

216 Not to sow grain or vegetables in a vineyard, as [**Deuteronomy 22:9**] states: "Do not plant different species in your vineyard."

217 Not to crossbreed different species of animals, as [**Leviticus 19:19**] states: "Do not crossbreed your livestock with other species."

218 Not to work with two different species of animals together, as [**Deuteronomy 22:10**] states: "Do not plow with an ox and a donkey together."

219 Not to muzzle an ox while it is working with produce from which it would eat and derive benefit, as [**Deuteronomy 25:4**] states: "Do not

muzzle an ox while it is treading grain."

220 Not to cultivate the land in the seventh year, as [**Leviticus 25:4**] states: "Do not sow your field."

221 Not to cultivate trees in the seventh year, as [Leviticus, *ibid.*] continues: "Do not prune your vineyard."

222 Not to reap crops that grow on their own in the seventh year in the same manner as in an ordinary year, as [**Leviticus 25:5**] states: "Do not reap the crops of your harvest that grow on their own."

223 Not to reap fruit that grows on trees in the seventh year in the same manner as in an ordinary year, as [Leviticus, *ibid.*] continues: "...and do not gather the grapes of your vines from which you must abstain."

224 Not to do [agricultural] work - whether with land or trees - in the Jubilee year, as [**Leviticus 25:11**] states: "Do not sow...."

225 Not to reap crops that grow on their own in the Jubilee year in the same manner as in an ordinary year, as [Leviticus, *ibid.*] states: "Do not harvest the crops which grow on their own."

226 Not to reap the fruit of the Jubilee year in the same manner as in an ordinary year, as [Leviticus, *ibid.*] continues: "...and do not gather the grapes of your vines from which you must abstain."

227 Not to sell a field in *Eretz Yisrael* in perpetuity, as [**Leviticus 25:23**] states:

"Do not make a permanent sale of the land."

228 Not to change [the purpose of] the open areas and fields [granted to] the Levites, as [**Leviticus 25:34**] states: "The fields of the open areas [surrounding] their cities shall not be sold." According to the oral tradition, we have learned that this verse is a prohibition against changing [the purpose for which these lands are used].

229 Not to forsake the Levites, as [**Deuteronomy 12:19** states: "Be very careful not to abandon the Levite." Rather, we must give them the portions they are due and rejoice with them on each of the festivals.

230 Not to demand the repayment of a loan after the seventh year has passed, as [**Deuteronomy 15:2**] states: "Do not demand payment from your fellow man."

231 Not to withhold lending money to a poor person because of the advent of the *shemitah* year, as [**Deuteronomy 15:9**] states "Be careful, lest an idea... [occur to you....]" This is an accepted general principle: Whenever [the Torah] uses the expressions "Be careful," "Lest," or "Do not," a negative commandment is involved.

232 Not to withhold lending money to a poor person or providing him with his needs, as [**Deuteronomy 15:7**] states: "Do not harden your heart." Thus, a person who gives charity fulfills a positive commandment, while one who spurns the opportunity to give not only fails to perform a positive commandment, but also transgresses a negative commandment.

233 Not to send away a Hebrew servant empty-handed when he goes free, as [**Deuteronomy 15:13**] states: "Do not send him away empty-handed."

234 Not to demand payment of a debt from a poor person when one knows that he is impoverished, nor to cause him grief, as [**Exodus 22:24**] states: "Do not behave like a creditor towards him."

235 Not to lend at interest to a Jew, as [**Leviticus 25:37**] states: "Do not lend him your money at interest."

236 Not to borrow with interest, as [inferred from **Deuteronomy 23:20**, which] states: "Do not take interest from your brother." According to the oral tradition, this verse is interpreted as a prohibition, forbidding a borrower from paying interest to a lender.

237 Not to intermediate between the borrower and lender when interest is involved, not to act as a guarantor or a witness [to such a loan], nor to draw up a contract for it, as [**Exodus 22:24**] states: "Do not charge him interest."

238 Not to delay payment of a worker, as [**Leviticus 19:13**] states: "Do not hold back a worker's wages overnight."

239 Not to take security from a debtor by force, as [**Deuteronomy 24:10**] states: "Do not enter his home to take security."

240 Not to withhold the return of security to its owner when he needs it, as [**Deuteronomy 24:12**] states: "Do not lie down [to sleep] with his security"

- i.e., do not lie down while holding his security. Instead, return it to him at night when he needs it at night.

241 Not to take security from a widow, as [**Deuteronomy 24:17**] states: "Do not take a widow's garment as security."

242 Not to take utensils used in the preparation of food, as [**Deuteronomy 24:6**] states: "Do not take either the upper or lower millstone as a pledge."

243 Not to kidnap a Jewish person, as [**Exodus 20:13**] states: "Do not steal." This refers to kidnapping.

244 Not to steal, as [**Leviticus 19:11**] states: "Do not steal." This refers to stealing money.

245 Not to rob, as [**Leviticus 19:13**] states: "Do not rob."

246 Not to alter land boundaries, as [**Deuteronomy 19:14**] states: "Do not remove your neighbor's landmark."

247 Not to wrong [a colleague by withholding his due], as [**Leviticus 19:13**] states: "Do not wrong your neighbor."

248 Not to deny [a just claim], as [**Leviticus 19:11**] states: "Do not deny your neighbor's [claim]."

249 Not to swear falsely in denying a monetary [obligation to] a colleague, as [Leviticus, *ibid.*] states: "Do not swear [falsely]" - i.e., do not swear falsely

about money owed to a colleague.

250 Not to cheat in business, as [**Leviticus 25:14**] states: "One man should not cheat his brother."

251 Not to hurt someone with words, as [**Leviticus 25:17**] states: "And one man shall not wrong another." This [prohibition refers to] hurting someone with words.

252 Not to hurt a convert with words, as [**Exodus 22:20**] states: "And do not wrong a convert...."

253 Not to cheat a convert in business, as [Exodus, *ibid.*] continues: "...nor oppress him."

254 Not to return a slave who fled to *Eretz Yisrael* to his master [who lives] in the Diaspora, as [**Deuteronomy 23:16**] states: "Do not deliver a servant to his master."

255 Not to wrong such a servant, as [**Deuteronomy 23:17**] states: "He shall dwell in your midst, in the place which he selects... as he sees fit. Do not wrong him."

256 Not to oppress any widow or orphan, as [**Exodus 22:21**] states: "Do not oppress any widow or orphan."

257 Not to have a Hebrew servant perform servile tasks, as [**Leviticus 25:39**] states: "Do not work him like a slave."

258 Not to sell [a Hebrew servant] as slaves are sold, as [**Leviticus 25:42**] states: "Do not sell him as slaves are sold."

259 Not to make a Hebrew servant perform rigorous work, as [**Leviticus 25:43**] states: "Do not rule over him with rigor."

260 Not to allow a gentile [who purchased a Hebrew servant] to make him work rigorously, as [**Leviticus 25:53**] states: "He shall not rule over him with rigor."

261 Not to sell a Hebrew maidservant to another person, as [**Exodus 21:8**] states: "He shall have no power to sell her."

262 Not to withhold from a Hebrew maidservant who has been designated as a bride living expenses, clothing, or conjugal rights, as [**Exodus 21:10**] states: "He may not diminish her living expenses, clothing, or conjugal rights." The above applies also to other wives.

263 Not to sell a *yefat to'ar,* as a maidservant as [**Deuteronomy 21:14**] states: "Do not sell her."

264 Not to force a *yefat to'ar* to serve as a maidservant, as [Deuteronomy, *ibid.*] continues: "Do not rule over her."

265 Not to covet, as [**Exodus 20:14**] states: "Do not be envious of your neighbor's wife."

266 Not to desire, as [**Deuteronomy 5:18**] states: "Do not desire your

neighbor's house."

267 For a worker who is harvesting crops not to eat from the unpicked produce before he has finished work, as [**Deuteronomy 23:26**] states: "Do not lift a sickle...."

268 For a worker not to take more than what he eats [from the produce he harvests], as [**Deuteronomy 23:25**] states: "Do not put any into your receptacles."

269 Not to ignore a lost object, as [**Deuteronomy 22:3**] states: "You may not ignore it."

270 Not to leave an animal fallen under its load on the road, as [**Deuteronomy 22:4**] states: "You may not watch your neighbor's donkey...."

271 Not to falsify measurements, as [**Leviticus 19:35**] states: "Do not act deceitfully in judgment...." According to the oral tradition, we have learned that this verse prohibits acting deceitfully regarding measurements.

272 Not to possess two sets of weights and measures, as [**Deuteronomy 25:13**] states: "You may not have in your home...."

273 Not to act deceitfully in judgment, as [**Leviticus 19:15**] states: "Do not pervert justice."

274 Not to accept bribes, as [**Exodus 23:8**] states: "Do not take a bribe."

275 Not to honor a man of stature in judgment, as [**Leviticus 19:15**] states: "Do not show respect to a great man."

276 For a judge not to fear rendering [a just] judgment because of a wicked man, as [**Deuteronomy 1:17**] states: "Do not fear anyone."

277 Not to have mercy on a poor person in judgment, as [**Exodus 23:3**] states: "And do not favor a poor man in his cause."

278 Not to pervert judgment against a sinner, as [implied by **Exodus 23:6**, which] states: "Do not pervert the judgment of a poor person." This refers to someone who is poor with regard to [the observance of] the mitzvot.

279 Not to have pity on a person who has caused damages in judgments concerning fines, as [**Deuteronomy 25:12**] states: "Let your eye not pity."

280 Not to pervert the justice due converts or orphans, as [**Deuteronomy 24:17**] states: "Do not pervert the judgment of a convert or an orphan."

281 Not to listen to one litigant in the absence of the other, as [**Exodus 23:1**] states: "Do not hear a false report."

282 Not to render a conviction in a capital case when there is only a majority of one, as [**Exodus 23:2**] states: "Do not follow the majority to do evil."

283 For a person who argued in favor of acquittal in a capital case not to argue for a conviction, as [Exodus, *ibid.*] states: "Do not speak up in a trial to influence...."

284 Not to appoint as a judge a man who is unlearned in the Torah, even if he is learned in other disciplines, as [**Deuteronomy 1:17**] states: "Do not show favoritism regarding judgment."

285 Not to give false testimony, as [**Exodus 20:13**] states: "Do not give false testimony against your neighbor."

286 For a sinner not to act as a witness, as [**Exodus 23:1**] states: "Do not conspire with a wicked person to be a corrupt witness."

287 For a relative not to act as a witness, as [**Deuteronomy 24:16**] states: "Fathers shall not die because of children." According to the oral tradition, we have learned [that the verse teaches that] fathers should not die through the testimony of [their] sons. The same law applies regarding other relatives.

288 Not to render a decision based on the testimony of a single witness, as [**Deuteronomy 19:15**] states: "A single witness shall not rise up against a person."

289 Not to kill an innocent person, as [**Exodus 20:13**] states: "Do not murder."

290 Not to render a decision on the basis of a presumption, unless two witnesses observe the actual matter, as [**Exodus 23:7**] states: "Do not slay the innocent and the righteous."

291 For a witness not to render a decision in a capital case in which he testified, as [**Numbers 35:30**] states: "One witness shall not testify in a

capital case..."

292 Not to execute a person liable for execution before he stands trial, as [**Numbers 35:12**] states: "The murderer shall not die [until he stands before the congregation]."

293 Not to have pity on a pursuer. Rather, he should be killed before he kills or rapes the person he is pursuing, as [**Deuteronomy 25:12**] states: "And you shall cut off her hand. Show no pity."

294 Not to punish a person forced [to commit a sin], as [**Deuteronomy 22:26**] states: "Do not do anything to the maiden."

295 Not to take a ransom from a murderer, as [**Numbers 35:31**] states: "Do not take a ransom for the life of a murderer."

296 Not to take a ransom in return for exile for a person who kills accidentally, as [**Numbers 35:32**] states: "And do not take a ransom [for having] to flee to his refuge city."

297 Not to neglect [a person] in mortal danger, as [**Leviticus 19:16**] states: "Do not stand still in the face of mortal danger."

298 Not to leave obstacles, as [**Deuteronomy 22:8**] states: "...lest you bring blood upon your house."

299 Not to mislead an unsuspecting person, as [**Leviticus 19:14**] states: "Do not place a stumbling block before the blind."

300 Not to add lashes when whipping a person liable for such punishment, as [**Deuteronomy 25:3**] states: "Do not add [lashes], lest by [giving him] this additional [punishment]...."

301 Not to gossip, as [**Leviticus 19:16**] states: "Do not go around as a gossiper among your people."

302 Not to bear hatred in one's heart, as [**Leviticus 19:17**] states: "Do not hate your brother in your heart."

303 Not to embarrass any Jewish person, as [Leviticus, *ibid.*] states: "You shall surely rebuke your neighbor and not bear a sin because of him."

304 Not to take revenge, as [**Leviticus 19:18**] states: "Do not take revenge."

305 Not to bear a grudge, as [Leviticus, *ibid.*] states: "Do not bear a grudge."

306 Not to take a mother bird together with the young, as [**Deuteronomy 22:6**] states: "Do not take the mother bird together with the young."

307 Not to shave the hair around a bald spot brought about by *tzara'at*], as [**Leviticus 13:33**] states: "And he shall not shave the bald spot."

308 Not to remove the signs of *tzara'at*, as [**Deuteronomy 24:8**] states: "Be very careful concerning signs of *tzara'at*."

309 Not to till or sow the land [around] a powerful river [at which atonement was made for an unsolved murder], as [**Deuteronomy 21:4**] states:

"...which must never be tilled and never be sown."

310 Not to allow a sorcerer to live, as [**Exodus 22:17**] states: "Do not allow a witch to live."

311 For a groom not to be held liable for any type of public service - e.g., army, guarding the walls [of a city], and the like - as [**Deuteronomy 24:5**] states: "He shall not go out to the army, nor be charged with any duties."

312 Not to reject the authority of the court, as [**Deuteronomy 17:11**] states: "Do not swerve from the word which they tell you."

313 Not to add to the mitzvot of the Torah. [This applies] both to the Written Law and to its explanation conveyed by the oral tradition, as [**Deuteronomy 13:1**] states: "Carefully observe everything which I command you to do. Do not add to it."

314 Not to diminish from any of the mitzvot of the Torah, as [Deuteronomy, *ibid.*] continues: "...and do not diminish from it."

315 Not to curse a judge, as [**Exodus 22:27**] states: "Do not curse judges."

316 Not to curse a *nasi* - i.e., the king or the head of the academy in *Eretz Yisrael* - as [Exodus, *ibid.*] continues: "...and do not curse the *nasi* of your people."

317 Not to curse any other Jew, as [**Leviticus 19:14**] states: "Do not curse [even] a deaf-mute."

318 Not to curse one's father or mother, as [**Exodus 21:17**] states: "One who curses his father or mother shall surely die."

319 Not to strike one's father or mother, as [**Exodus 21:15**] states: "One who strikes his father or mother shall surely die."

320 Not to work on the Sabbath, as [**Exodus 20:10**] states: "Do not do any work."

321 Not to travel beyond the boundaries of a city on the Sabbath as travelers do, as [**Exodus 16:29**] states: "A person should not leave his place [on the Sabbath day]."

322 [For a court] not to inflict punishment on the Sabbath, as [**Exodus 35:3**] states: "Do not kindle a fire on the Sabbath day."

323 Not to work on the first day of Pesach, as [**Leviticus 23:7**] states concerning it: "Do not do any servile work on these [days]."

324 Not to work on the seventh day of Pesach, as [**Leviticus 23:8**] states concerning it: "Do not do any servile work on these [days]."

325 Not to work on the holiday of Shavuot, as [**Leviticus 23:21**] states concerning it: "Do not do any servile work."

326 Not to work on the first day of the seventh month [the day of Rosh HaShanah], as [**Leviticus 23:25**] states concerning it: "Do not do any servile work."

327 Not to work on Yom Kippur, as [**Leviticus 23:28**] states concerning it: "Do not do any servile work."

328 Not to work on the first day of the festival [of Sukkot], as [**Leviticus 23:35**] states concerning it: "Do not do any servile work."

329 Not to work on the eighth day of the festival [of Sukkot], as [**Leviticus 23:36**] states concerning it: "Do not do any servile work."

330 Not to have intimate relations with one's mother, as [**Leviticus 18:7**] states: "She is your mother, do not commit incest with her."

331 Not to have intimate relations with one's father's wife, as [**Leviticus 18:8**] states: "Do not commit incest with your father's wife."

332 Not to have intimate relations with one's sister, as [**Leviticus 18:9**] states: "Do not commit incest with your sister, your father's daughter."

333 Not to have intimate relations with a sister, [the daughter of] either your father or your mother, as [**Leviticus 18:11**] states: "She is the daughter of your father, your father's progeny, do not commit incest with her."

334 Not to have intimate relations with one's son's daughter, as [**Leviticus 18:10**] states: "[Do not commit] incest with your son's daughter."

335 Not to have intimate relations with one's daughter's daughter, as [Leviticus, *ibid.*] continues: "...and do not commit incest with your daughter's daughter."

336 Not to have intimate relations with one's daughter. Why was this prohibition not explicitly stated in the Torah? Since the Torah forbade [relations with] one's daughter's daughter, it did not mention [the prohibition against relations with] one's daughter. [Nevertheless, according to the oral tradition, the prohibition against [relations with] one's daughter has the status of a Torah law like the other sexual offences [and is not considered as Rabbinic in origin].

337 Not to have intimate relations with a woman and her daughter, as [**Leviticus 18:17**] states: "Do not commit incest [by marrying] a woman and her daughter."

338 Not to have intimate relations with a woman and her son's daughter, as [Leviticus, *ibid.*] continues: "...her son's daughter...."

339 Not to have intimate relations with a woman and her daughter's daughter, as [Leviticus, *ibid.*] continues: "...her daughter's daughter,... you shall not take."

340 Not to have intimate relations with one's father's sister, as [**Leviticus 18:12**] states: "Do not commit incest with your father's sister."

341 Not to have intimate relations with one's mother's sister, as [**Leviticus 18:13**] states: "Do not commit incest with your mother's sister."

342 Not to have intimate relations with the wife of one's father's brother, as [**Leviticus 18:14**] states: "Do not commit incest with his wife. [She is your

aunt.]"

343 Not to have intimate relations with one's son's wife, as [**Leviticus 18:15**] states: "Do not commit incest with your daughter-in-law."

344 Not to have intimate relations with one's brother's wife, as [**Leviticus 18:16**] states: "Do not commit incest with your brother's wife."

345 Not to have intimate relations with one's wife's sister, as [**Leviticus 18:18**] states: "Do not take a woman as a wife together with her sister."

346 Not to have intimate relations with a woman in the *niddah* state, as [**Leviticus 18:19**] states: "Do not come close to a woman in the *niddah* state of impurity."

347 Not to have intimate relations with a married woman, as [**Leviticus 18:20**] states: "Do not lie carnally with your neighbor's wife."

348 Not to perform a sexual act with an animal, as [**Leviticus 18:23**] states: "And do not lie carnally with any animal."

349 For a woman not to perform a sexual act with an animal, as [**Leviticus 18:23**] continues: "...and a woman should not present herself to an animal for sexual purposes."

350 Not to commit sodomy, as [**Leviticus 18:22**] states: "And do not lie with a male...."

351 Not to commit sodomy with one's father, as [**Leviticus 18:7**] states: "Do not commit a sexual offense with your father."

352 Not to commit sodomy with one's father's brother, as [**Leviticus 18:14**] states: "Do not commit a sexual offense with your father's brother."

353 Not to be intimate with a woman with whom sexual relations are forbidden in matters that might lead to intercourse - e.g., embracing, kissing, winks, or signs - as [**Leviticus 18:6**] states: "No person shall approach a close relative to commit a sexual offense." Based on the oral tradition, we have learned that this prohibits intimacy that might lead to sexual relations .

354 For a *mamzer* not to marry a natural born Jewess, as [**Deuteronomy 23:3** states: "A *mamzer* may not enter God's congregation."

355 For there not to be *a kedeishah* - i.e., a woman who engages in intimate relations without a marriage contract and a marriage ceremony - [among the Jewish people], as [**Deuteronomy 23:18**] states: "There shall not be a*kedeishah*...."

356 For a man who is divorced not to remarry his divorcee after she marries anyone else, as [**Deuteronomy 24:4**] states: "Her first husband who divorced her may not take her as a wife again."

357 For a *yevamah* not to marry anyone other than her *yavam,* as [**Deuteronomy 25:5**] states: "The wife of the deceased shall not...."

358 For a rapist not to divorce the woman he raped, as [**Deuteronomy 22:29**] states: "He may not send her away for his entire life."

359 For a person who defamed his wife's character not to divorce her, as [**Deuteronomy 22:19**] states: "He may not send her away for his entire life."

360 For a man incapable of procreation not to marry a natural born Jewess, as [**Deuteronomy 23:2**] states: "A man with crushed testicles... may not enter [God's congregation]."

361 Not to castrate a male from any species - neither a human, a domestic animal, a wild beast, nor a bird, as [**Leviticus 22:24**] states: "You shall not do this in your land."

362 Not to appoint a convert [to a position of authority] over the Jewish people, as [**Deuteronomy 17:15**] states: "You may not appoint a foreigner over you."

363 For a king not to accumulate many horses, as [**Deuteronomy 17:16**] states: "And he may not accumulate many horses."

364 For a king not to accumulate many wives, as [**Deuteronomy 17:17**] states: "And he may not accumulate many wives."

365 For a king not to accumulate much silver and gold, as [Deuteronomy, *ibid.*] continues: "And he may not accumulate very much silver and gold."

366 These 613 mitzvot were given to Moses on Mount Sinai together with their general principles, particular points, and details. These general principles, particular points, and details represent the Oral Law, which each court received from the previous court.

367 There are [also] other commandments that were instituted after the giving of the Torah. They were established by the Prophets and Sages and spread throughout Israel, for example, the reading of the *Megillah*, [lighting] a Chanukah candle, fasting on Tish'ah b'Av, [setting up] *eruvim,* and [washing one's] hands [in preparation for prayer and eating]. Each of these commandments also possesses explanatory aspects and details. All of this will be explained in this text.

368 We are obligated to accept and observe all these commandments which [the Rabbis] instituted, as [implied by **Deuteronomy 17:11**]: "Do not deviate from the instructions that they will give you, left or right." They are not considered to be additions to the commandments of the Torah. [If so,] what was the intention of the Torah's warning (**Deuteronomy 13:11**): "Do not add to it and do not detract from it"? That a prophet is not permitted to introduce a new measure and say that the Holy One, blessed be He, commanded this mitzvah to us and that it should be added to the Torah's mitzvot, or [say that He commanded that we] eliminate one of the 613 mitzvot mentioned above.

369 However, if a court, together with the prophet of that age, adds a commandment as an ordinance, a lesson, or as a decree, this is not

considered as an addition. He is not saying that the Holy One, blessed be He, commanded us to make an *eruv* or read the *Megillah* at its [appointed] time. Were he to say so, he would be adding to the Torah.

370 Instead, we are saying that the prophets and the courts ordained and commanded that the *Megillah* be read at its [appointed] time in order to recall the praise of the Holy One, blessed be He, the salvation He wrought for us, and His response to our cries, so that we will bless Him, extol Him, and inform the future generations of the truth of the Torah's promise (**Deuteronomy 4:7**): "What nation is so great that it has God [close to it....]". Similar principles apply with regard to all the other Rabbinic commandments, be they positive commandments or negative commandments.

Mishneh Torah, Overview of Mishneh Torah Contents

Moses Hyamson, 1937-1949

Chapter 1

1 I have seen fit to divide this work into fourteen books.

2 **FIRST BOOK.** I include in it all the precepts which constitute the very essence and principle of the faith taught by Moses, our teacher, and which it is necessary for one to know at the outset; as for example, acceptance of the unity of God, and the prohibition of idolatry. I have called this book: the Book of Knowledge.

3 **SECOND BOOK.** I include in it all the precepts which are to be continuously observed, and which we have been bidden to keep, in order that we may always love God and be ever mindful of Him. Such precepts are the recital of the *Shema* and of prayers, the wearing of phylacteries, the recital of the blessings. Included in this group is the rite of Circumcision, because this is a sign in our flesh, serving as a constant reminder, even when phylacteries and fringes of the garment, etc. are not being worn. I have called this book: The Book of Love.

4 **THIRD BOOK.** I include therein all the precepts to be fulfilled at stated periods, such as Sabbaths and Festivals. I have called this book: The Book of Seasons.

5 **FOURTH BOOK.** I include therein the precepts that refer to marital

relations, such as marriage and divorce, levirate marriage and the form of release from the obligation of a levirate marriage. I have called this book: The Book of Women.

6 **FIFTH BOOK.** I include in it precepts having reference to illicit sexual unions, and those that relate to forbidden foods; because, in these two regards, the Omnipresent sanctified us and separated us from the nations, and of both classes of precepts it is said, "And I have set you apart from the peoples" (**Lev. 20:26**), ".... who have set you apart from the peoples" (**Lev. 20:24**). I have called this book: The Book of Holiness.

7 **SIXTH BOOK.** I include in it precepts binding on one who has incurred an obligation by utterances, e.g., by taking oaths or making vows. I have called this book: The Book of Specific Utterance.

8 **SEVENTH BOOK.** I include in it precepts relating to cultivation of the soil; such as Sabbatical years and Jubilees, tithes, heave-offerings, (priests' dues of the crops), and other precepts connected with these and akin to them. I have called this book: The Book of Seeds.

9 **EIGHTH BOOK.** I include therein precepts relating to the erection of the Sanctuary and to the regular public sacrifices. I have called this book: The Book of Service.

10 **NINTH BOOK.** I include therein precepts that refer to sacrifices brought by private individuals. I have called this book: The Book of Sacrifices.

11 **TENTH BOOK.** I include therein precepts relating to things ritually clean or unclean. I have called this book: The Book of Purity.

12 **ELEVENTH BOOK.** I include therein precepts referring to civil relations which from the outset cause damage to property or injury to the person. I have called this book: The Book of Torts.

13 **TWELFTH BOOK.** I include in it precepts referring to sales and (other modes of) acquisition. I have called this book: The Book of Acquisition.

14 **THIRTEENTH BOOK.** I include in it precepts referring to civil relations in cases that do not, from the outset, cause damage, such as Bailments, Debts, Claims and Denials. I have called this book: The Book of Judgments.

15 **FOURTEENTH BOOK.** I include therein precepts, the fulfilment of which is assigned to the Sanhedrin, as for example, infliction of capital punishment, reception of evidence, administration of the laws affecting the sovereign, and wars. I have called this book: The Book of Judges.

16 The following is the division of groups of laws in this work, arranged according to the subject matter of the books, as also of the precepts appertaining to the topics in each of these groups.

17 **BOOK OF KNOWLEDGE** Its Halachoth (groups of laws) are five, in the following order: laws concerning the foundations of the Torah; laws concerning ethical behaviour; laws concerning the study of the Torah;

laws concerning idolatry and institutions of the gentiles; laws concerning Repentance.

18 LAWS CONCERNING THE FOUNDATION OF THE TORAH.

These comprise ten precepts; of which, six are affirmative, and four are negative precepts, as follows: 1) To know that there is a God; 2) Not to entertain the thought that there is any other god but the Eternal; 3) To acknowledge His Unity; 4) To love Him; 5) To revere Him; 6) To hallow His name; 7) Not to desecrate His name; 8) Not to destroy things upon which His name is called; 9) To hear and accept the message of the prophet who speaks in His name; 10) Not to test Him.

19 LAWS OF ETHICAL BEHAVIOUR.

These comprise eleven precepts; of which, five are affirmative, and six are negative precepts. They are as follows: 1) To imitate His ways; 2) To cleave to those who know Him; 3) To love associates; 4) To love strangers; 5) Not to hate brothers; 6) To administer rebuke; 7) Not to put any one to shame; 8) Not to afflict the feeble and wretched; 9) Not to go about tale-bearing; 10) Not to avenge; 11) Not to bear a grudge.

20 LAWS CONCERNING THE STUDY OF THE TORAH.

These comprise two affirmative precepts; first, to learn Torah; second, to show honour to its teachers and to those versed in the knowledge of it.

21 LAWS CONCERNING IDOLATRY AND THE INSTITUTIONS OF HEATHEN NATIONS.

These comprise fifty-one precepts; of which, two are affirmative, and

forty-nine, negative precepts. They are as follows: 1) Not to turn to idolatry; 2) Not to indulge in evil thoughts or sights; 3) Not to blaspheme; 4) Not to worship an idol in the customary mode; 5) Not to prostrate oneself before it; 6) Not to make a graven image for oneself; 7) Not to fashion a graven image, even for others; 8) Not to make images even for ornaments; 9) Not to draw others away after idol-worship; 10) To burn a city that has become idolatrous; 11) Not to rebuild such a city; 12) Not to use any of its property; 13) Not to entice an individual to idol worship; 14) Not to love the enticer; 15) Not to give up hating him; 16) Not to save him; 17) Not to urge pleas in his favour; 18) Not to refrain from urging pleas against him; 19) Not to prophesy in the name of an idol; 20) Not to listen to, and accept a message from, one who prophesies in its name; 21) Not to prophesy falsely even in the name of God; 22) Not to fear putting a false prophet to death; 23) Not to swear in the name of an idol; 24) Not to practise consultation of ghosts; 25) Not to practise consultation of familiar spirits; 26) Not to pass (anyone through the fire) to Molech; 27) Not to set up a pillar (for worship); 28) Not to prostrate oneself on a figured stone; 29) Not to plant an *Asherah* (grove for worship); 30) To destroy an idol and everything made for its sake; 31) Not to make use of an idol or articles subsidiary to its service; 32) Not to make use of the ornamental adjunct of anything worshipped; 33) Not to make a covenant with idolaters; 34) Not to show them favour; 35) That they should not settle in our land; 36) Not to adopt their customs, nor their mode of dress; 37) Not to practise enchantment; 38) Not to practise divination; 39) Not to practise soothsaying; 40) Not to practise charming; 41) Not to seek counsel of the dead; 42) Not to enquire of a ghost; 43)

Not to enquire of a familiar spirit; 44) Not to practise witchcraft; 45) Not to round the corners of the head; 46) Not to remove the corners of the beard; 47) That a man shall not put on a woman's attire; 48) That a woman shall not put on a man's attire; 49) Not to tattoo the body; 50) Not to cut one's flesh (for the dead); 51) Not to make a bald spot for the dead.

22 LAWS CONCERNING REPENTANCE.
These are comprised in one affirmative precept, namely that the sinner shall repent of his sin and confess.

23 The precepts included in this book are thus seventy-five, of which sixteen are affirmative, and fifty-nine negative precepts.

Chapter 2

1 **BOOK OF LOVE**

2 Its groups of laws are six in the following order: laws concerning reading of the *Shema';* laws concerning prayer and the priestly benediction; laws concerning *Tephillin* (phylacteries), Mezuzah (passages of Scripture affixed in a case to the doors of dwellings) and scrolls of the Torah; laws concerning fringes (on the corners of garments); laws concerning blessings; laws of circumcision.

3 LAWS CONCERNING READING OF THE SHEMA'.
These are comprised in one affirmative precept, namely to read the *Shema*'

twice daily.

4 LAWS CONCERNING PRAYERS AND THE PRIESTLY BENEDICTION.

These are comprised in two affirmative precepts; first, to serve the Eternal daily by prayer; secondly, that priests shall bless Israel daily.

5 LAWS CONCERNING TEPHILLIN (PHYLACTERIES), MEZUZAH AND SCROLL OF THE TORAH.

These comprise five affirmative precepts. In detail, they are as follows: to put a phylactery on the head; to bind it on the arm; to fix a mezuzah on the doors of entrances; that every one shall write a scroll of the Torah for himself; that the King shall write a second scroll for himself, so that he will have two scrolls of the Torah.

6 LAWS CONCERNING FRINGES.

These are comprised in one affirmative precept, namely, to put fringes on the corners of the garment.

7 LAWS CONCERNING BLESSINGS.

These are comprised in one affirmative precept; namely, to bless His Name after consuming food.

8 LAWS OF CIRCUMCISION.

These are comprised in one affirmative precept; namely, to circumcise male infants on the eighth day.

9 The precepts included in this book are thus eleven affirmative precepts.

Chapter 3

1 **BOOK OF SEASONS**

2 Its groups of laws are ten. They are treated in the following order: laws concerning the Sabbath; laws concerning *Erubin* (arrangements for permission to carry outside the house on the Sabbath day, or to walk outside the city beyond the prescribed limits); laws concerning the observance of rest on the tenth day of Tishri; laws concerning the observance of rest on the feasts; laws concerning leavened and unleavened bread (on Passover); laws concerning the sounding of the Ram's Horn (on the New Year); concerning booths (on the Feast of Tabernacles) and concerning the palm branch (and other plants to be taken on the Feast of Tabernacles); laws concerning the payment of shekels; laws concerning the solemn announcement of the beginning of the month; laws concerning fasts; laws concerning the reading of the Scroll of Esther (on the Feast of Purim) and concerning the observance of Chanucah (Feast of Lights).

3 THE LAWS OF THE SABBATH.

These comprise five precepts, of which two are affirmative precepts and three are negative precepts. The following are their details: 1) to rest on the seventh day; 2) not to do work on it; 3) not to inflict punishment on the Sabbath; 4) not to walk on the Sabbath (outside the city) beyond the prescribed limits; 5) to sanctify the day by express mention.

4 LAWS OF ERUBIN.

This treats of one affirmative precept instituted by the Scribes and which is not counted in the number of commandments of the Torah.

5 LAWS CONCERNING THE OBSERVANCE OF REST ON THE TENTH OF TISHRI.

These comprise four precepts, of which two are affirmative precepts and two are negative precepts. The following are their details: 1) to rest on that day from work; 2) not to do work on it; 3) to fast on it; 4) not to eat or drink on it.

6 LAWS CONCERNING THE OBSERVANCE OF REST ON THE FEASTS.

These comprise twelve precepts, of which six are affirmative precepts and six, negative precepts. Their details are as follows: 1) to rest on the first day of Passover; 2) not to do work on it; 3) to rest on the seventh day of Passover; 4) not to do work on it; 5) to rest on the Feast of Weeks; 6) not to do work on it; 7) to rest on the New Year; 8) not to do work on it; 9) to rest on the day of the Feast of Tabernacles; 10) not to do work on it; 11) to rest on the eighth day of the Feast; 12) not to do work on it.

7 LAWS CONCERNING LEAVENED AND UNLEAVENED BREAD.

These comprise eight precepts, of which three are affirmative precepts and five are negative precepts. Their details are as follows: 1) not to eat leavened food on the fourteenth day of Nissan, from noon onwards; 2) to destroy leaven on the fourteenth of Nissan; 3) not to eat leavened food

during the seven days of Passover; 4) not to eat food which contains leaven, during the seven days of Passover; 5) that no leaven is to be exposed to view during those seven days; 6) that no leaven is to be found (in one's possession) during those seven days; 7) to eat unleavened bread on the (first) night of Passover; 8) to discourse concerning the departure from Egypt on that night.

8 LAWS CONCERNING THE RAM'S HORN; CONCERNING BOOTHS AND CONCERNING THE PALM BRANCH.

These comprise three affirmative precepts, as follows: 1) to hear the sound of the ram's horn on the first of Tishri; 2) to dwell in a booth during the seven days of the Feast of Tabernacles; 3) to take the palm-branch (and the other three plants), in the Temple during the seven days of the Feast.

9 LAWS OF THE SHEKEL-DUES.

These are comprised in one affirmative precept, namely, that every individual shall give every year half a shekel to the Sanctuary.

10 LAWS CONCERNING THE SOLEMN ANNOUNCEMENT OF THE FIRST DAY OF THE MONTH.

These are comprised in one affirmative precept, namely, to calculate, determine and fix the day which shall be the beginning of each month in the year.

11 LAWS CONCERNING FASTS.

These are comprised in one affirmative precept, namely, to fast and supplicate the Eternal, when a great calamity befalls the community.

12 LAWS CONCERNING READING THE SCROLL OF ESTHER AND CONCERNING THE FEAST OF LIGHTS.
These comprise two affirmative precepts ordained by the Scribes; and they are not counted in the number of precepts of the Pentateuch.

13 The commandments of the Torah included in this book accordingly total thirty-five; of which nineteen are affirmative, and sixteen are negative precepts. There are also three precepts appointed by the Scribes.

Chapter 4

1 **BOOK OF WOMEN**

2 Its groups of laws are five in the following order: laws concerning marriage; laws concerning divorce; laws concerning levirate marriage and concerning formal release from the obligation to contract such a union; laws concerning virgin maidens; laws concerning a married woman suspected (by her husband) of infidelity.

3 LAWS CONCERNING MARRIAGE.
These comprise four precepts, of which two are affirmative precepts and two are negative precepts. The following are their details: 1) To wed by means of a marriage-contract (*Kethubah*) and sacramental ritual (*Kiddushin*); 2) Not to cohabit with a woman in the absence of a marriage-contract and sacramental ritual; 3) Not to withhold from a wife, her board, raiment and fulfilment of conjugal duty; 4) To be fruitful and multiply by cohabiting with her.

4 LAWS CONCERNING DIVORCE.

These comprise two precepts. The first is an affirmative precept, namely, that one who divorces (his wife) shall divorce her with a written document. The second precept is that he shall not take back the divorced woman as his wife, after she had been married to another man.

5 LAWS CONCERNING LEVIRATE MARRIAGE AND FORMAL RELEASE FROM THE OBLIGATION OF ENTERING INTO SUCH A UNION.

These comprise three precepts, of which two are affirmative precepts, while one is a negative precept. These, in detail, are as follows: 1) to marry the widow of a deceased brother who left no surviving issue; 2) that, if the brother is not willing to enter into such a union, he shall release the widow by a formal refusal in accordance with the prescribed ritual; 3) that she shall not marry another man till the levirate obligation has been removed.

6 LAWS CONCERNING VIRGIN MAIDENS.

These comprise five precepts, of which three are affirmative precepts and two are negative precepts. These, in detail, are as follows: 1) to fine the seducer; 2) that the violator of a virgin shall marry her; 3) that he shall not divorce her; 4) that the wife of one who has published a false and evil report (concerning her condition before marriage) shall remain with him forever; 5) that a husband who has published such an evil report, shall not divorce his wife.

7 LAWS CONCERNING A WOMAN SUSPECTED (BY HER HUSBAND) OF INFIDELITY.
These comprise three precepts, of which one is an affirmative precept, while two are negative precepts. They are, in detail, as follows: 1) to do unto the woman suspected of infidelity according to "the law of jealousy" set forth in the Torah (**Num. 5:11-31**); 2) not to put oil on her offering; 3) not to put frankincense on it.

8 All the precepts comprised in this book are seventeen, of which nine are affirmative, and eight, negative precepts.

Chapter 5

1 **BOOK OF HOLINESS**

2 Its groups of laws are three, in the following order: laws concerning illicit sexual relations; laws concerning forbidden foods; laws concerning slaughtering of animals for food.

3 LAWS CONCERNING PROHIBITED SEXUAL RELATIONS.
These comprise thirty-seven precepts, of which one is an affirmative precept, while thirty-six are negative precepts. These are, in detail, as follows: not to cohabit 1) with one's mother; 2) with one's father's wife; 3) with one's sister; 4) with one's father's wife's daughter; 5) with one's son's daughter; 6) with one's daughter; 7) with one's daughter's daughter; not to take as a wife 8) a woman and her daughter; 9) a woman and her son's daughter; 10) a woman and her daughter's daughter; not to cohabit

11) with one's father's sister; 12) with one's mother's sister; 13) with one's father's brother's wife; 14) with one's son's wife; 15) with one's brother's wife; 16) with one's wife's sister; 17) not to lie carnally with a beast; 18) that a woman shall not have intercourse with a beast; that a man shall not have intercourse 19) with a male; 20) with one's father; 21) with one's father's brother; not to cohabit 22) with another man's wife; 23) with a woman in her menstruous period; 24) not to intermarry with gentiles; 25) that an Ammonite or Moabite shall not enter the community (by marriage); 26) not to keep an Egyptian of the third generation from so entering the community; 27) not to keep an Edomite of the third generation from so entering the community; 28) that a bastard shall not so enter the community; 29) that a eunuch shall not so enter the community; 30) not to castrate a male, even a domestic animal or wild beast, or fowl; 31) that the High Priest shall not marry a widow; 32) that the High Priest shall not cohabit with a widow, even without wedlock; 33) that the High Priest shall marry a virgin in her maidenhood; 34) that a priest shall not marry a divorced woman; 35) that he shall not marry a harlot; 36) that he shall not marry a "profaned" woman; 37) that he shall not draw near to one within the prohibited degrees, even if no actual intercourse takes place.

4 LAWS OF FORBIDDEN FOODS.

These comprise twenty-eight precepts, of which four are affirmative, and twenty-four, negative precepts. They are, in detail, as follows: 1) to examine the marks of the beast—domestic or wild—in order to distinguish the unclean from the clean; 2) to examine the marks of the

fowl, to distinguish the unclean from the clean; 3) to examine the marks of locusts, to distinguish the unclean from the clean; 4) to examine the marks of fishes, (to distinguish the unclean from the clean); 5) not to eat of unclean beasts—domestic or wild; 6) not to eat of unclean fowl; 7) not to eat of unclean fishes; 8) not to eat of winged creeping things; 9) not to eat of things that creep upon the earth; 10 not to eat vermin that creep upon the earth; 11) not to eat a worm found in fruit after it has emerged on to the ground; 12) not to eat creeping things of the water; 13) not to eat the flesh of a beast that died of itself; 14) not to use in any way an ox (condemned to be) stoned; 15) not to eat of a beast that is *Terefah*; 16) not to eat of a limb removed from a beast while it was alive; 17) not to eat blood; 18) not to eat *Cheleb* (specified forbidden suet fat) of a clean beast; 19) not to eat of the sinew that shrank; 20) not to eat meat with milk; 21) not to boil it (with milk); 22) not to eat bread made of new grain (before the *Omer* is offered on the second day of Passover); 23) not to eat parched corn of the new produce (before the *Omer* is offered on the second day of Passover; 24) not to eat fresh ears of corn (before this offering has been brought); 25) not to eat *Orlah* (fruit borne by a tree till three years have elapsed since it was planted); 26) not to eat the produce of diverse seeds sown in a vineyard; 27) not to eat produce from which the priests' dues have not been separated; 28) not to drink wine of idolaters.

5 LAWS OF RITUAL MODE OF SLAYING ANIMALS FOR FOOD.

These comprise five precepts, of which three are affirmative, while two are negative precepts. They are, in detail, as follows: 1) to slay an animal (in the traditional mode) before eating of it; 2) not to slay a beast and its

young on the same day; 3) to cover the blood of a wild beast or of a fowl; 4) not to take the mother-bird and its young; 5) to let the mother-bird go free, if one has taken it and its young.

6 All the precepts comprised in this book are accordingly seventy, of which, eight are affirmative, and sixty-two are negative precepts.

Chapter 6

1 **BOOK OF SPECIFIC UTTERANCE**

2 Its groups of laws are four, in the following order: laws concerning oaths; laws concerning vows; laws concerning the Nazarite; laws concerning appraisals (of persons or things whose value was sanctified to the Lord) and of things devoted to the Sanctuary.

3 LAWS OF OATHS.
These comprise five precepts, of which one is an affirmative precept, while four are negative precepts. These are, in detail, as follows: 1) not to swear by God's Name falsely; 2) not to take His Name in vain; 3) not to deny falsely claim to an article left in trust; 4) not to swear in denial of a money claim; 5) to swear by His Name, truly.

4 LAWS OF VOWS.
These comprise three precepts of which two are affirmative precepts and one is a negative precept. They are, in detail, as follows: 1) to fulfill what one's lips have uttered and do as one has vowed; 2) not to break one's

word; 3) that the vow or oath shall be annulled (on proper cause). This last is the content of the law of annulment of vows, explicitly set forth in the Written Law.

5 LAWS OF THE NAZARITE.

These comprise ten precepts, of which two are affirmative, and eight are negative precepts. The following are their details: 1) that the Nazarite shall let his hair grow long; 2) that he shall not shave off his hair during the entire period of his Nazariteship; 3) that the Nazarite shall not drink wine nor anything containing wine, not even their vinegar; 4) that he shall not eat fresh grapes; 5) that he shall not eat dried grapes (raisins); 6) that he shall not eat skins of grapes; 7) that he shall not eat kernels of grapes; 8) that he shall not enter a dwelling where there is a dead body; 9) that he shall not defile himself by contact with the dead; 10) that he shall shave off his hair when bringing his sacrifices at the completion of his Nazariteship or, if he is defiled, during that period.

6 LAWS OF APPRAISALS AND OF THINGS DEVOTED TO THE SANCTUARY.

These comprise seven precepts, of which five are affirmative and two are negative precepts. Their details are as follows: 1) in appraisals of values of human beings, to apply the standards explicitly set forth in the Torah; and these constitute the law of appraisals of human beings; 2) the law of the appraisal of cattle; 3) the law of the appraisal of dwellings; 4) the law of the appraisal of fields; 5) the law of one who devotes his property to the Sanctuary; 6) that what was so devoted shall not be sold; 7) that what was

so devoted shall not be redeemed.

7 The precepts comprised in this book are accordingly twenty-five, of which ten are affirmative and fifteen are negative precepts.

Chapter 7

1 **BOOK OF SEEDS**

2 Its groups of laws are seven, arranged as follows: laws concerning the sowing of diverse seeds; laws concerning gifts to the poor; laws concerning heave-offerings (dues to the priests); laws concerning tithes; laws concerning second tithes and the fruit of the fourth year; laws concerning first-fruits and other gifts to the priests given outside the Sanctuary; laws concerning the Sabbatical year and the year of the Jubilee.

3 LAWS CONCERNING THE SOWING OF DIVERSE SEEDS.
They comprise five affirmative precepts. The details are as follows: 1) not to sow diverse seeds together; 2) not to sow seeds of grain or herbs in a vineyard; 3) not to gender cattle of diverse species; 4) not to work with cattle of diverse species coupled together; 5) not to wear garments woven of diverse species (wool and linen).

4 LAWS OF GIFTS TO THE POOR.
These comprise thirteen precepts, of which seven are affirmative, and six are negative precepts. The details are as follows: 1) to leave a corner (of the field); 2) not wholly to reap the corner; 3) to leave the gleanings; 4) not to

gather the gleanings; 5) to leave gleanings in the vineyard; 6) not to gather the gleanings in the vineyard; 7) to leave the single grapes of the vineyard; 8) not to gather the single grapes of the vineyard; 9) to leave the forgotten sheaf; 10) not to turn back in order to take the forgotten sheaf; 11) to set aside tithe for the poor; 12) to give charity according to one's means; 13) not to harden one's heart against the poor.

5 LAWS OF HEAVE-OFFERINGS (DUES TO THE PRIEST).

These comprise eight precepts, of which two are affirmative and six are negative precepts. Their details are as follows: 1) to set aside the great heave-offering; 2) to set aside the heave-offering of the tithes; 3) not to set apart the heave-offerings and the tithes, out of order, but to do so in the order prescribed; 4) that a stranger (to the priest's family) shall not eat of the heave-offering; 5) that even one who resides with the priest, or even his hired labourer shall not eat of the heave-offering; 6) that the uncircumcised shall not eat of the heave-offering; 7) that the priest who is unclean shall not eat of the heave-offering; 8) that the profaned woman shall not eat of the heave-offering nor of anything that has been taken from the holy things.

6 LAWS OF TITHES.

These are comprised in one precept, namely, to set apart the first tithe of the produce every year when the fields are sown and give it to the Levites.

7 LAWS OF SECOND TITHES AND THE FRUIT OF THE FOURTH YEAR FROM THE PLANTING OF THE TREES.

These comprise nine precepts, of which three are affirmative and six are negative precepts. Their detailed statement is as follows: 1) to set apart the second tithe; 2) not to expend the redemption money of this tithe for any necessaries but food, drink and oil for anointing the body; 3) not to eat the second tithe while in a state of uncleanness; 4) not to eat it while mourning for a deceased relative; 5) not to eat the second tithe of grain outside Jerusalem; 6) not to eat the second tithe of the vintage outside Jerusalem; 7) not to eat the second tithe of oil outside Jerusalem; 8) that the fruit of the fourth year after the trees were planted, shall be altogether holy, and the law is that it is to be eaten by its owner in Jerusalem and is to be treated in all respects like the second tithe; 9) to make the prescribed confession, (**Deut. 26:13-15**), when bringing the second tithe.

8 LAWS OF FIRST-FRUITS AND OTHER GIFTS TO THE PRIESTS OUTSIDE THE SANCTUARY.

These comprise nine precepts, of which eight are affirmative and one is a negative precept. The following is their detailed statement: 1) to set apart first-fruits and bring them to the Sanctuary; 2) that the priest (to whom they are presented) shall not eat the first-fruits outside Jerusalem; 3) to read the prescribed declaration (**Deut. 26:3** and 5-11), when presenting the first-fruits; 4) to set apart a cake of dough for the priest; 5) to give the shoulder, the two cheeks and the maw (of a beast killed for food) to the priest; 6) to give to the priest the first fleece (at the shearing); 7) to redeem the first-born, if a son, and to give the redemption-money to the priest; 8) to redeem the firstling of an ass and give a Iamb in its stead, to the priest; 9) to break the neck of the firstling of an ass, if the owner does not wish to

redeem it.

9 LAWS OF THE SABBATICAL YEAR AND THE YEAR OF THE JUBILEE.

These comprise twenty-two precepts, of which nine are affirmative, and thirteen are negative precepts. The detailed statement is as follows: 1) that the land shall remain untilled in the Sabbatical year; 2) that one should not engage in agricultural work in that year; 3) that one should not engage in arboricultural work in that year; 4) that one should not cut the aftermath which grows of itself after the manner of the reapers; 5) that one should not gather the fruit of the untended trees, after the manner of the workers who gather the fruit in vineyards and orchards; 6) that one should leave what the land produces (in the year) free to all; 7) that one should release all loans; 8) that one should not press or make demands upon the debtor; 9) that one should not refrain from making loans prior to the Sabbatical year, for fear of losing one's money; 10) to count the years by sevens; 11) to hallow the fiftieth year; 12) to sound the *Shofar* (ram's horn) on the tenth of Tishri (in that year), as a signal that slaves shall go out free; 13) that the soil shall not be tilled in that year; 14) not to cut the aftermath which grows of itself in this year after the manner of the reapers; 15) not to gather the fruits of the year of the untended trees after the manner of the workers who gather the fruit in vineyards and orchards; 16) to grant redemption of the land in this year. This is the law of land (in Palestine) whether inherited or acquired by purchase; 17) that the land shall not be sold in perpetuity; 18) the law concerning houses in walled cities; 19) that the entire tribe of Levi shall not receive a heritage in

the land of Israel, but cities to dwell in shall be given to them as a gift; 20) that the tribe of Levi shall not take a share of the spoils of war; 21) to give to the Levites cities to dwell in, together with their suburbs; 22) that the suburbs of any of their cities shall never be sold (in perpetuity), but the Levites may redeem these suburbs at any time before the Jubilee or after the Jubilee.

10 All the precepts included in this book are, accordingly, sixty-seven, of which thirty are affirmative, and thirty-seven are negative precepts.

Chapter 8

1 **THE BOOK OF DIVINE SERVICE (IN THE SANCTUARY)**

2 Its groups of laws are nine, arranged in the following order: laws concerning the National Sanctuary; laws concerning the vessels of the Sanctuary and those who serve in it; laws concerning admission into the Sanctuary; laws concerning prohibitions in connection with sacrifices on the altar; laws concerning the ritual of the offering up of sacrifices; laws concerning the daily offerings and the additional offerings; laws concerning sacrifices that have become unfit (to be offered up or consumed); laws concerning the Service on the Day of Atonement; laws concerning unlawful use of what has been set apart for sacrifices or of the property of the Sanctuary.

3 LAWS CONCERNING THE NATIONAL SANCTUARY.

These comprise six precepts, of which three are affirmative, and three are

negative precepts. Their details are as follows: 1) to erect a Sanctuary; 2) not to build the altar of hewn stones; 3) not to go up by steps unto the altar; 4) to revere the Sanctuary; 5) to keep a guard about the Sanctuary; 6) not to leave the Sanctuary unguarded.

4 LAWS CONCERNING THE VESSELS OF THE SANCTUARY AND THOSE WHO SERVE IN IT.

These comprise fourteen precepts, of which six are affirmative, and eight are negative precepts. Their details are as follows: 1) to prepare the oil of anointment; 2) not to make oil like it (for secular use); 3) not to anoint oneself with it; 4) not to prepare a compound of spices after the formula of the incense; 5) not to offer on the golden altar anything but the incense; 6) to bear the ark on the shoulder; 7) that the staves of the Ark shall not be removed from it; 8) that the Levite shall serve in the Sanctuary; 9) that no one in the Sanctuary shall do the work assigned to another; 10) to consecrate the priest for the service; 11) that, on the festivals, all the divisions shall take part equally in the services; 12) to put on priestly vestments for the service; 13) that the priests' robes shall not be rent; 14) that the breast-plate be not loosed from the *Ephod*.

5 LAWS CONCERNING ADMISSION INTO THE SANCTUARY.

These comprise fifteen precepts, of which two are affirmative, and thirteen are negative precepts. Their details are as follows: 1) that an intoxicated person shall not enter the Sanctuary; 2) that no one, whose hair is dishevelled, shall enter the Sanctuary; 3) that one whose garment is torn, shall not enter it; 4) that a priest shall not go in to the Sanctuary at all

times; 5) that a priest shall not go forth from the Sanctuary during service; 6) to send the ritually unclean out of the Sanctuary; 7) that one who is unclean shall not enter the Sanctuary; 8) that one who is unclean shall not enter the area of the Temple-Mount; 9) that one who is unclean shall not take part in the service; 10) that one who has been cleansed by immersion shall not take part in the service on the day (when he has been cleansed); 11) that one who serves in the Sanctuary shall sanctify his hands and feet (by washing at the laver); 12) that a person with a physical blemish shall not enter the Sanctuary nor approach at the altar; 13) that a person with a physical blemish shall not take part in the service; 14) that a person with a temporary physical blemish shall not take part in the service; 15) that a stranger (not descended from Aaron) shall not take part in the service.

6 LAWS CONCERNING RESTRICTIONS IN REGARD TO (SACRIFICES ON) THE ALTAR.

These comprise fourteen precepts, of which four are affirmative, and ten are negative precepts. Their details are as follows: 1) to offer for all sacrifices only unblemished cattle; 2) not to set apart a blemished beast for the altar; 3) not to slaughter (such a beast for the altar); 4) not to sprinkle its blood; 5) not to burn its fat (on the altar); 6) not to offer up a beast with a temporary blemish; 7) not to offer a beast with a blemish, even when presented by gentiles; 8) not to inflict a blemish in cattle set apart for the altar; 9) to redeem cattle, set apart for the altar, which have become unfit to be offered up; 10) to offer up a beast, only when at least eight days old; before then, it is styled immature and is not to be offered up; 11) not to offer up for sacrifice the hire of a harlot or "the price of a

dog"; 12) not to burn on the altar leaven or honey; 13) to salt all sacrifices; 14) not to omit seasoning all sacrifices with salt.

7 LAWS CONCERNING THE PROCEDURE (IN THE OFFERING UP) OF SACRIFICES.

These comprise twenty-three precepts, of which ten are affirmative and thirteen are negative precepts. Their details are as follows: 1) in offering up the burnt-offering to follow the procedure in the prescribed order; 2) not to eat the flesh of the burnt-offering; 3) (to observe) the prescribed procedure of the sin-offering; 4) not to eat the flesh of the holiest sin-offerings; 5) not to divide asunder the fowl brought as a sin-offering; 6) (to observe) the prescribed procedure of the trespass offering; 7) that the priests shall eat the flesh of the holy sacrifices, within the Sanctuary; 8) that they shall not eat them outside the Courtyard of the Sanctuary; 9) that a stranger (not a priest) shall not eat any portion of the holy sacrifices; 10) (to observe) the prescribed procedure of the peace offerings; 11) not to eat the flesh of the offerings that are holy in a minor degree before their blood has been sprinkled (on the altar); 12) in offering up a meal-offering to observe the procedure specifically prescribed for it in the Torah; 13) not to put oil in a meal-offering brought as a sin-offering; 14) not to put frankincense upon it; 15) that the meal-offering of a priest shall not be eaten; 16) that a meal-offering shall not be baked as leavened bread; 17) that the priests shall eat the rest of the meal-offering (after a handful has been offered up on the altar); 18) that one shall fulfill all his vows and bring his free-will offerings on the first of the three festivals (after making such vows or promising such offerings); 19) not to delay

fulfilling one's vow, or bringing one's free-will offering, or executing other obligations; 20) to offer up all sacrifices in the chosen (national) Sanctuary; 21) to bring all hallowed things outside Palestine to the national Sanctuary; 22) not to slaughter sacrifices outside the Courtyard (of the Sanctuary); 23) not to offer up a sacrifice outside the Courtyard (of the Sanctuary).

8 LAWS CONCERNING THE DAILY OFFERINGS AND ADDITIONAL OFFERINGS.

These comprise nineteen precepts, of which eighteen are affirmative precepts and one is a negative precept. The details are as follows: 1) to offer up every day two lambs as burnt-offerings; 2) to kindle fire upon the altar daily; 3) not to extinguish it; 4) to remove the ashes daily; 5) to burn incense daily; 6) to light lamps daily; 7) that the High Priest shall offer up a meal-offering every day. This is called *Havitin*; 8) to offer up on the Sabbath, in addition, two lambs as burnt-offerings; 9) to prepare (and set in order) the shew-bread; 10) (to offer up) the additional sacrifice of the New Moons; 11) the additional sacrifice of Passover; 12) to offer up the *Omer* as a wave-offering; 13) that every one shall count seven weeks from the day the *Omer* is brought; 14) to offer up the additional sacrifice of the Feast of Pentecost; 15) to bring on the Feast of Pentecost two loaves of bread together with the sacrifices brought in connection with them; 16) (to offer up) the additional sacrifice of the New Year; 17) the additional offering of the Day of Atonement; 18) the additional offering of the Feast of Tabernacles; 19) the additional offering of the Feast of Solemn Assembly.

9 LAWS CONCERNING SACRIFICES THAT HAVE BECOME UNFIT (TO BE OFFERED UP OR CONSUMED).

These comprise eight precepts, of which two are affirmative, and six are negative precepts. The following is their detailed list: 1) not to eat offerings that have become unfit or blemished; 2) not to eat of an offering that is vile; 3) not to leave the offerings beyond the time for their consumption, as specified (in the Torah); 4) not to eat what has been left over of the sacrifice beyond the specified time; 5) not to eat sacrifices that have become unclean; 6) that a man who has become unclean shall not eat of the sacrifices; 7) to burn that which has been left over; 8) to burn that which has become unclean.

10 LAWS CONCERNING THE SERVICE OF THE DAY OF ATONEMENT.

These refer to one affirmative precept; that is, to perform the service of the Day of Atonement in regard to the sacrifices, confessions, sending away of the Scapegoat and the remainder of the service, as prescribed in the section אחרי מות (**Lev. ch. 16**).

11 LAWS CONCERNING TRESPASS ON THINGS SET APART AS A SACRIFICE OR ON PROPERTY OF THE SANCTUARY.

These comprise three precepts, one of which is an affirmative precept, while two are negative precepts. The following is their detailed list: 1) that the one guilty of trespass shall pay for his trespass the value of what he has taken, and add a fifth, and bring an offering. This is the law of one who unlawfully takes holy things; 2) not to work with cattle set apart for

sacrifices; 3) not to shear the fleece of such cattle.

12 All the precepts included in this book number one hundred and three, of which forty-seven are affirmative, and fifty-six are negative precepts.

Chapter 9

1 **BOOK OF SACRIFICES**

2 Its groups of laws are six, treated in the following order: laws concerning the Paschal offering; laws concerning the celebration of the festivals; laws concerning the first-born; laws concerning offerings brought for sins committed in error; laws concerning those who have to bring sacrifices as an atonement; laws concerning substitution of a beast for one set apart for sacrifice.

3 LAWS OF THE PASCHAL OFFERING.
These comprise sixteen precepts, of which, four are affirmative and twelve are negative precepts. Their detailed enumeration is as follows: 1) to slaughter the Paschal offering at its appointed time; 2) not to slaughter it while leaven has not yet been removed (from the home); 3) not to let the fat of the Paschal offering remain all night, without being placed on the altar; 4) to kill a second Paschal lamb; 5) to eat the flesh of the Paschal offering with unleavened bread and bitter herbs on the night of the fifteenth of Nissan; 6) to eat the flesh of the Paschal offering on the night of the fifteenth of the second month; 7) nor to eat it raw or sodden; 8) not to take flesh of the Paschal lamb outside the place of assembly of the

company (who had agreed to consume it); 9) that an apostate shall not eat of it; 10) that a non-Israelite denizen or a non-Israelite hired man shall not eat of it; 11) that an uncircumcised person shall not eat of it; 12) that one should not break a bone of it; 13) that one should not break a bone of the second Paschal offering; 14) that one should not leave any of it till the morning; 15) that one should not leave any portion of the second Paschal offering till the morning; 16) that one should not leave any of the flesh of the festival offering brought on the fourteenth of Nissan to the third day.

4 LAWS CONCERNING THE CELEBRATION OF THE FESTIVALS.

These comprise six precepts of which four are affirmative and two are negative precepts. Their detailed enumeration is as follows: 1) to appear before the Lord; 2) to celebrate the three festivals; 3) to rejoice on the festivals; 4) not to appear (before the Lord) empty-handed; 5) not to neglect the Levite but to make him rejoice and give him gifts on the festivals; 6) to assemble the people on the Feast of Tabernacles at the close of the Sabbatical year.

5 LAWS OF THE FIRST-BORN.

These comprise five precepts, of which two are affirmative precepts and three are negative precepts. Their detailed enumeration is as follows: 1) to set apart the first-born (of the cattle); 2) not to eat an unblemished first-born outside Jerusalem; 3) not to redeem the first-born (of the clean cattle); 4) to set apart tithe of the young of the clean cattle; 5) not to redeem the tithe of cattle. I have included the laws of tithe of cattle with those of first-born of cattle because the procedure is the same in both, and

Scripture includes the former with the latter in the text "Thou shalt sprinkle their blood (on the altar)" (**Num. 18:17**), which text has been traditionally interpreted to refer to the blood of the tithe of cattle and the blood of firstlings.

6 LAWS CONCERNING OFFERINGS BROUGHT FOR TRANSGRESSIONS COMMITTED IN ERROR.

These comprise five affirmative precepts. Their detailed enumeration is as follows: 1) that an individual (who sinned) shall bring the definite sin-offering prescribed for his error; 2) that one who is uncertain whether he sinned or not, shall bring a trespass-offering till he has ascertained that he did sin and then he brings his sin-offering. The former offering is called the offering for a doubtful trespass; 3) that for certain specified transgressions, the sinner brings a trespass-offering. This is called offering for a certain trespass; 4) that for certain other specified transgressions, the sinner brings an offering. If he is wealthy, he brings a beast; if he is poor, a bird or a tenth of an *Ephah* of flour. This offering is called "the offering that varies according to one's means"; 5) that the Sanhedrin shall bring an offering if they have erred and given a decision not according to the law in matters involving a serious transgression..

7 LAWS CONCERNING THOSE WHO HAVE TO BRING SACRIFICES AS AN ATONEMENT.

These comprise four affirmative precepts. Their detailed enumeration is as follows: 1) that a woman who has a running issue, shall, when she becomes clean, bring an offering; 2) that a woman, after child-birth, shall

bring an offering, when she is clean; 3) that a man who has a running issue shall bring an offering, when he becomes clean; 4) that a leper shall bring an offering when he is clean. After they have brought their offerings, their purification is complete.

8 LAWS CONCERNING SUBSTITUTION.

These comprise three precepts. One of these is an affirmative precept while two are negative precepts. Their detailed enumeration is as follows: 1) not to change (a beast set apart for sacrifice); 2) that, if a change was made, the substituted beast shall also be holy; 3) not to change things that have been consecrated from one category of holiness to another.

9 All the precepts comprised in this book are, accordingly, thirty-nine, twenty of which are affirmative, while nineteen are negative precepts.

Chapter 10

1 **BOOK OF PURITY**

2 Its groups of laws are eight, treated in the following order: laws concerning defilement by a dead body; laws concerning the Red Heifer; laws concerning the uncleanness of leprosy; laws concerning defilement of a couch or a seat; laws concerning other original sources of defilement; laws concerning defilement of foods; laws concerning vessels; laws concerning ritual baths.

3 LAWS CONCERNING DEFILEMENT BY A DEAD BODY.

These are comprised in one affirmative precept, namely, that relating to defilement by a dead body.

4 LAWS CONCERNING THE RED HEIFER.

These comprise two affirmative precepts: 1) the Red Heifer; 2) the uncleanliness of the waters of sprinkling (**Num. 19:9-22**) and of the mode in which these are to be used for purification.

5 LAWS CONCERNING THE UNCLEANNESS OF LEPROSY.

These comprise eight precepts, of which six are affirmative, and two are negative precepts. Their detailed enumeration is as follows: 1) to give decisions on leprosy in human beings according to the rules prescribed in the Torah; 2) not to cut away the marks pointing to uncleanness; 3) not to shave the scall; 4) that the leper shall be recognised as such by rending his garments, allowing his hair to go loose and covering of the lips; 5) (the prescribed rules for) the cleansing of leprosy; 6) that the leper shall shave all his hair when he is clean; 7) the law of leprosy of a garment; 8) the law of leprosy of a house.

6 a LAWS CONCERNING DEFILEMENT OF A COUCH OR OF A SEAT.

These comprise four affirmative precepts. Their detailed enumeration is as follows: 1) the law of defilement of a menstruous woman; 2) the law of defilement of a woman in childbirth; 3) the law of defilement of a woman with a running issue; 4) the law of defilement of a man with a running issue.

7 b LAWS OF OTHER ORIGINAL SOURCES OF DEFILEMENT.
These comprise three affirmative precepts. Their detailed enumeration is as follows: 1) the law of defilement of that which died of itself; 2) the law of defilement of creeping things (vermin); 3) the law of defilement of seminal issue. An idol defiles to the same degree as a creeping thing. This defilement (by an idol) was instituted by the Scribes.

8 LAWS OF DEFILEMENT OF FOODS.
These are comprised in one precept, set forth in the laws concerning the defilement of liquids and solid foods, and the precedent condition which makes it possible for them to become defiled.

9 LAWS OF VESSELS.
These laws enable one to know which vessels contract defilement in any of the degrees above noted, and which do not become defiled; and likewise how these vessels become defiled or cause defilement.

10 LAWS CONCERNING RITUAL BATHS.
These are comprised in one affirmative precept, that whoever is unclean shall immerse his body in the waters of a ritual bath and then he will be clean.

11 All the precepts comprised in this book are thus twenty; of which, eighteen are affirmative precepts and two are negative precepts.

Chapter 11

1 **BOOK OF INJURIES**

2 Its groups of laws are eight. The following is the order in which these are treated: laws concerning damages to property; laws concerning theft; laws concerning robbery and articles lost; laws concerning one who commits an injury to the person or to property; laws concerning a murderer and concerning the preservation of human life.

3 LAWS CONCERNING DAMAGES TO PROPERTY.

These comprise four affirmative precepts. Their detailed enumeration is as follows: the law concerning the goring ox; the law concerning trespassing cattle; law concerning (damages caused by) a pit; law concerning (damages caused by) fire.

4 LAWS CONCERNING THEFT.

These comprise seven precepts—two affirmative, and five negative precepts. Their detailed enumeration is as follows: not to steal anything of pecuniary value; the law concerning the thief; to ensure correct scales and weights; to commit no wrong in respect to measures and weights; not to have in one's possession two kinds of weights or measures, even if they are not used in buying and selling; not to remove a landmark; not to kidnap.

5 LAWS CONCERNING ROBBERY AND CONCERNING THINGS LOST.

These comprise seven precepts—two affirmative and five negative. Their detailed enumeration is as follows: 1) not to rob; 2) not to oppress; 3) not to covet; 4) not to desire (that which belongs to another person); 5) to

restore what has been robbed; 6) not to pass by unheedingly when one sees anything that has been lost; 7) to restore lost property.

6 LAWS CONCERNING ONE WHO COMMITS AN INJURY TO PERSON OR TO PROPERTY.

These are comprised in one affirmative precept, namely to observe the law concerning one who inflicts an injury upon the person, or does damage to another's property.

7 LAWS CONCERNING MURDER AND CONCERNING THE PRESERVATION OF HUMAN LIFE.

These comprise seventeen precepts; seven are affirmative precepts and ten are negative precepts. Their detailed enumeration is as follows: 1) not to commit murder; 2) not to accept ransom for the life of a murderer; he is to be put to death; 3) that one who committed homicide accidentally shall be sent into exile; 4) not to accept ransom from one who has thus incurred exile; 5) that the murderer shall not be put to death when he has committed murder before he has been tried; 6) to save the pursued even at the cost of the life of the pursuer; 7) to show no pity for the pursuer; 8) not to stand idly by the blood (of another); 9) to set apart cities of refuge and make a proper road thereto for the benefit of one who had committed homicide accidentally; 10) to break the neck of the calf in the valley; 11) not to till that valley nor sow it; 12) not to cause loss of human life; 13) to build a parapet (to the roof of one's dwelling house); 14) not to leave anything that might cause injury to one unaware of it; 15) to relieve a man of his burden when he met with an accident on the road; 16) to help

him to load it again; 17) not to leave him in a state of confusion, and go on one's way.

8 All the precepts included in this book are thus thirty-six. Sixteen of these are affirmative precepts and twenty of them are negative precepts.

Chapter 12

1 **THE BOOK OF ACQUISITION**

2 Its groups of laws are five, arranged in the following order: laws of sale; laws of acquisition of derelict property and of gifts; laws (of mutual rights and obligations) of neighbours; laws of agents and partners; laws of bondmen.

3 LAWS OF SALE.
These comprise four precepts, one of which is an affirmative precept while four are negative precepts. Their detailed enumeration is as follows: 1) the law of purchase and sale; 2) not to do wrong in buying and selling; 3) not to wrong in speech; not to wrong a proselyte in regard to his possessions; 5) not to wrong him in speech.

4 LAWS OF ACQUISITION OF DERELICT PROPERTY AND GIFTS.
These laws (enable us) to know the law in regard to one who acquires derelict property and by what methods one acquires title to such property and the law in regard to the donor of a gift and its recipient; and which kind of gift reverts, and which does not revert.

5 THE LAWS OF NEIGHBOURS.

These laws (enable us) to know the law of partition of realty between partners and the avoidance of damage by each of them to his neighbour or owner of adjoining property *;* the law in regard to the owner of adjacent property.

6 THE LAWS OF AGENTS AND PARTNERS.

These laws (enable us) to know the law in regard to an agent, or partner; and how to adjudicate cases of purchases and sales, losses and profits.

7 LAWS OF BONDMEN.

These comprise thirteen precepts, five of which are affirmative precepts and eight are negative precepts. The following is their detailed enumeration: 1) the law of the acquisition of a Hebrew bondman; 2) that he should not be sold as a slave is sold; 3) that he should not be forced to work rigorously; 4) that we should not let a denizen proselyte rule him with rigor; 5) that we should not force him to do the work of a slave; 6) to bestow upon him a liberal gift when he goes out free; 7) that he shall not go out empty-handed; 8) to redeem a Hebrew bondwoman; 9) to espouse her; 10) that she shall not be sold; 11) to keep a Canaanite slave in perpetual bondage, except if the master injured one of his limbs ; 12) not to surrender a slave who fled from territory outside the land of Israel to that land; 13) not to wrong such a slave who escaped to us.

8 All the precepts comprised in this book are accordingly eighteen. Six of these are affirmative, while twelve are negative precepts.

Chapter 13

1 **THE BOOK OF JUDGMENTS**

2 Its groups of laws are five, arranged as follows: laws concerning hiring; laws concerning borrowing and deposit; laws concerning creditor and debtor; laws concerning plaintiff and defendant; laws concerning inheritances.

3 LAWS OF HIRING.

These comprise seven precepts, three of which are affirmative precepts and four are negative precepts. The detailed enumeration is as follows: 1) the law of the hired man and of the depositary for hire; 2) to pay the hired wage punctually; 3) not to delay the payment of the hired man's wage after it is due; 4) that the hired man may eat of the unsevered fruit at which he was working (at harvest time); 5) that he may not eat of the unsevered fruit when he is engaged in work at other times; 6) that the hired man must not take anything in addition to what he consumes; 7) that one must not muzzle the ox when he is treading out the corn; this rule applies also to other cattle.

4 LAWS CONCERNING BORROWING AN ARTICLE AND DEPOSIT.

These comprise two affirmative precepts; 1) the law appertaining to a borrower and 2) the law concerning a gratuitous depositary.

5 LAWS CONCERNING CREDITOR AND DEBTOR.

These comprise twelve precepts, four of which are affirmative, and eight negative precepts. Their detailed statement is as follows: 1) to lend to the poor and needy; 2) not to press him; 3) to press the idolater; 4) that the creditor shall not take a pledge by force; 5) to return the pledge to its owner when he is in need of it; 6) not to be tardy in returning it to the owner who is a poor man, when he is in need of it; 7) not to exact a pledge from a widow; 8) not to take in pledge utensils used in preparing food; 9) that the lender shall not give a loan at usury; 10) that the borrower shall not take a loan at usury; 11) that a person shall not act as intermediary between lender and borrower in a loan at usury; nor serve as witness in the transaction between them nor act as a surety, nor write the bond; 12) to borrow from, and lend to, an alien at interest.

6 THE LAWS OF PLAINTIFF AND DEFENDANT.

These are comprised in one affirmative precept; that is, (to observe) the rules for the case of one who makes a claim, an admission, or a denial.

7 THE LAWS OF INHERITANCES.

These are comprised in one affirmative precept; that is, (to observe) the law of the order of succession.

8 These precepts included in this book are accordingly twenty-three; of these, eleven are affirmative, and twelve are negative precepts.

Chapter 14

1 **THE BOOK OF JUDGES**

2 Its groups of laws are five, treated in the following order: laws concerning the Sanhedrin, and the penalties they inflict; laws concerning evidence; laws concerning the contumacious; laws concerning mourning; laws concerning sovereigns and wars.

3 LAWS CONCERNING THE SANHEDRIN AND THE PENALTIES WITHIN THEIR JURISDICTION.

These comprise thirty precepts, of which, ten are affirmative and twenty negative precepts. Their detailed list is as follows: 1) to appoint judges; 2) not to appoint a judge who does not know judicial procedure; 3) to follow the majority, when the judges differ; 4) not to execute the accused if there is only a bare majority for conviction, but to do so if there is at least a majority of two; 5) that, in capital cases, one who has presented pleas for the acquittal shall not again argue for conviction; 6) to put to death by stoning; 7) to put to death by burning; 8) to put to death by decapitation with the sword; 9) to put to death by strangling; 10) to hang; 11) to bury the body of the executed person, on the day of his execution; 12) not to let the body remain overnight; 13) not to suffer a sorcerer to live; 14) to punish the wicked with stripes; 15) not to exceed the number of stripes (prescribed in the Torah); 16) not to put the innocent to death, on presumption; 17) not to punish one who committed an offence under duress; 18) not to show pity for one who slays another person, or inflicts a physical injury upon him; 19) not to show compassion at a trial to a person who is poor; 20) not to show respect at a trial to a great man; 21) not to decide the cause of a habitual transgressor unjustly even if he is a sinner; 22) not to pervert judgment; 23) not to wrest the judgment of a

stranger or an orphan; 24) to judge righteously; 25) not to be afraid, at a trial, of a man who is violent; 26) that one shall not take a bribe; 27) not to receive a baseless report; 28) not to revile judges; 29) not to revile the head of the state; 30) not to revile any other Israelite who leads a worthy life.

4 LAWS OF EVIDENCE.

These comprise eight precepts, three affirmative and eight negative. They are, in detail, as follows: 1) that one in possession of evidence, should testify in Court; 2) that the witnesses should be thoroughly examined; 3) that one who has given evidence in a capital case shall not act as judge in it; 4) that no decision shall be made on evidence tendered by one witness only; 5) that a transgressor shall be disqualified from testifying; 6) that a relative shall not testify; 7) that one shall not testify falsely; 8) to do unto a false witness as he had plotted to do to the accused.

5 LAWS CONCERNING THE CONTUMACIOUS.

These include nine precepts, three affirmative and six negative precepts. Their detailed list is as follows: 1) to act in accordance with the law of the Torah, as the Supreme Court declares it; 2) not to depart from the instructions of the members of the Court; 3) not to add to the Torah either in regard to the precepts in the Written Law or in regard to their exposition which we have learnt by tradition; 4) not to take aught away from the precepts; 5) not to curse one's father or mother; 6) not to smite one's father or mother; 7) to honour one's father and mother; 8) to revere one's father and mother; 9) that a son shall not rebel against the order of

his father or mother.

6 LAWS OF MOURNING.

These comprise four precepts, of which one is an affirmative precept, and three are negative precepts. Their detailed list is as follows: 1) to mourn for (deceased) relatives; even a priest must defile himself (by contact with the bodies of) deceased relatives, and mourn for them, but one does not mourn for those who have been put to death by order of the Court. I have included these laws in this book, because they are analogous to the duty of burying the deceased on the day of his death, which is an affirmative precept; 2) that the High Priest shall not defile himself (by contact with the bodies of) deceased relatives; 3) that he should not be under the roof with the dead; 4) that an ordinary priest shall not defile himself for any one, except relatives.

7 LAWS OF SOVEREIGNS AND WARS.

These comprise twenty-three precepts, ten of which are affirmative, and thirteen are negative precepts. The detailed list is as follows: 1) to choose a king from among the Israelites; 2) not to choose him from the community of proselytes ; 3) that he shall not have many wives; 4) that he shall not acquire many horses; 5) that he shall not amass much gold and silver; 6) to destroy the seven (Canaanite) nations; 7) not to let any one of them live; 8) to blot out the seed of Amalek; 9) to remember what Amalek did to us; 10) not to forget his evil deeds, how he treacherously lay in wait on the way; 11) not to reside permanently in the land of Egypt; 12) to offer terms of peace to the inhabitants of a city that is besieged and to deal with

it in the way set forth in the Torah, in case the city makes, or does not make peace; 13) not to seek peace with Ammon and Moab. This rule only applies, when besieging their cities; 14) when engaged in a siege, not to destroy fruit trees; 15) to prepare a place of convenience whither the members of the camp shall repair; 16) to have a paddle to dig therewith; 17) to anoint a priest to speak to the men of the army in wartime; 18) that the man who has taken a wife, erected a dwelling, or planted a vineyard shall rejoice a full year; and such newly wed men are sent back home from the war; 19) not to draft them for any purpose; they are not to go out for municipal service, service of the troops, nor any similar duty; 20) not to be afraid nor to retreat in the hour of battle; 21) the law of a beautiful woman taken captive in war; 22) that she is not to be sold; 23) that she is not to be retained in servitude, after cohabitation.

8 All the precepts included in this book are accordingly seventy-four, twenty-seven of which are affirmative and forty-seven negative precepts.

9 And all the groups of precepts treated in these fourteen books are eighty-three groups.

10 And now with the help of the (Almighty) I shall begin to expound the rules of each precept and all the ordinances comprised in, and specifically connected with it according to the order of the groups set forth..

Mishneh Torah, Human Dispositions

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Each and every man possesses many character traits. Each trait is very different and distant from the others.

One type of man is wrathful; he is constantly angry. [In contrast,] there is the calm individual who is never moved to anger, or, if at all, he will be slightly angry, [perhaps once] during a period of several years.

There is the prideful man and the one who is exceptionally humble. There is the man ruled by his appetites - he will never be satisfied from pursuing his desires, and [conversely,] the very pure of heart, who does not desire even the little that the body needs.

There is the greedy man, who cannot be satisfied with all the money in the world, as [**Ecclesiastes 5:9**] states: "A lover of money never has his fill of money." [In contrast,] there is the man who puts a check on himself; he is satisfied with even a little, which is not enough for his needs, and he does not bother to pursue and attain what he lacks.

There is [the miser,] who torments himself with hunger, gathering [his possessions] close to himself. Whenever he spends a penny of his own, he does so with great pain. [Conversely,] there is [the spendthrift,] who consciously wastes his entire fortune.

All other traits follow the same pattern [of contrast]. For example: the overly elated and the depressed; the stingy and the freehanded; the cruel and the softhearted; the coward and the rash. and the like.

2 Between each trait and the [contrasting] trait at the other extreme, there are intermediate points, each distant from the other.

With regard to all the traits: a man has some from the beginning of his conception, in accordance with his bodily nature. Some are appropriate to a person's nature and will [therefore] be acquired more easily than other traits. Some traits he does not have from birth. He may have learned them from others, or turned to them on his own. This may have come as a result of his own thoughts, or because he heard that this was a proper trait for him, which he ought to attain. [Therefore,] he accustomed himself to it until it became a part of himself.

3 The two extremes of each trait, which are at a distance from one another, do not reflect a proper path. It is not fitting that a man should behave in accordance with these extremes or teach them to himself.

If he finds that his nature leans towards one of the extremes or adapts itself easily to it, or, if he has learned one of the extremes and acts accordingly, he should bring himself back to what is proper and walk in the path of the good [men]. This is the straight path.

4 The straight path: This [involves discovering] the midpoint temperament of each and every trait that man possesses [within his personality.] This refers to the trait which is equidistant from either of the extremes, without being close to either of them.

Therefore, the early Sages instructed a man to evaluate his traits, to calculate them and to direct them along the middle path, so that he will be sound {of body}.

For example: he should not be wrathful, easily angered; nor be like the dead, without feeling, rather he should [adopt] an intermediate course; i.e., he should display anger only when the matter is serious enough to warrant it, in order to prevent the matter from recurring. Similarly, he should not desire anything other than that which the body needs and cannot exist without, as [**Proverbs 13:25**] states: "The righteous man eats to satisfy his soul."

Also, he shall not labor in his business except to gain what he needs for immediate use, as [**Psalms 37:16**] states: "A little is good for the righteous man."

He should not be overly stingy nor spread his money about, but he should give charity according to his capacity and lend to the needy as is fitting.

He should not be overly elated and laugh [excessively], nor be sad and depressed in spirit. Rather, he should be quietly happy at all times, with a friendly countenance. The same applies with regard to his other traits.

This path is the path of the wise. Every man whose traits are intermediate and equally balanced can be called a "wise man."

5 A person who carefully [examines] his [behavior], and therefore deviates slightly from the mean to either side is called pious.

What is implied? One who shuns pride and turns to the other extreme and carries himself lowly is called pious. This is the quality of piety. However, if he separates himself [from pride] only to the extent that he reaches the mean and displays humility, he is called wise. This is the quality of wisdom. The same applies with regard to other character traits.

The pious of the early generations would bend their temperaments from

the intermediate path towards [either of] the two extremes. For some traits they would veer towards the final extreme, for others, towards the first extreme. This is referred to as [behavior] beyond the measure of the law.

We are commanded to walk in these intermediate paths - and they are good and straight paths - as [**Deuteronomy 28:9**] states: "And you shall walk in His ways."

6 [Our Sages] taught [the following] explanation of this mitzvah:

Just as He is called "Gracious," you shall be gracious;

Just as He is called "Merciful," you shall be merciful;

Just as He is called "Holy," you shall be holy;

In a similar manner, the prophets called God by other titles: "Slow to anger," "Abundant in kindness," "Righteous," "Just," "Perfect," "Almighty," "Powerful," and the like. [They did so] to inform us that these are good and just paths. A person is obligated to accustom himself to these paths and [to try to] resemble Him to the extent of his ability.

7 How can one train himself to follow these temperaments to the extent that they become a permanent fixture of his [personality]?

He should perform - repeat - and perform a third time - the acts which conform to the standards of the middle road temperaments. He should do this constantly, until these acts are easy for him and do not present any difficulty. Then, these temperaments will become a fixed part of his personality.

Since the Creator is called by these terms and they make up the middle

path which we are obligated to follow, this path is called "the path of God." This is [the heritage] which our Patriarch Abraham taught his descendants, as [**Genesis 18:19**] states: "for I have known Him so that he will command his descendants...to keep the path of God."

One who follows this path brings benefit and blessing to himself, as [the above verse continues]: "so that God will bring about for Abraham all that He promised."

Chapter 2

1 To those who are physically sick, the bitter tastes sweet and the sweet bitter. Some of the sick even desire and crave that which is not fit to eat, such as earth and charcoal, and hate healthful foods, such as bread and meat - all depending on how serious the sickness is.

Similarly, those who are morally ill desire and love bad traits, hate the good path, and are lazy to follow it. Depending on how sick they are, they find it exceedingly burdensome.

Isaiah 5:20 speaks of such people in a like manner: "Woe to those who call the bad good, and the good bad, who take darkness to be light and light to be darkness, who take bitter to be sweet and sweet to be bitter." Concerning them, **Proverbs 2:13** states: "Those who leave the upright paths to walk in the ways of darkness."

What is the remedy for the morally ill? They should go to the wise, for they are the healers of souls. They will heal them by teaching them how to acquire proper traits, until they return them to the good path.

Concerning those who recognize their bad traits and do not go to the wise

to heal them, Solomon **Proverbs 1:7** said: "Fools scorned wisdom and correction."

2 How are they to be healed? We tell the wrathful man to train himself to feel no reaction even if he is beaten or cursed. He should follow this course of behavior for a long time, until the anger is uprooted from his heart.

The man who is full of pride should cause himself to experience much disgrace. He should sit in the lowliest of places, dress in tattered rags which shame the wearer, and the like, until the arrogance is uprooted from his heart and he returns to the middle path, which is the proper path. When he returns to this middle path, he should walk in it the rest of his life.

One should take a similar course with each of the other traits. A person who swayed in the direction of one of the extremes should move in the direction of the opposite extreme, and accustom himself to that for a long time, until he has returned to the proper path, which is the midpoint for each and every temperament.

3 There are temperaments with regard to which a man is forbidden to follow the middle path. He should move away from one extreme and adopt the other.

Among these is arrogance. If a man is only humble, he is not following a good path. Rather, he must hold himself lowly and his spirit very unassuming. That is why **Numbers 12:3** describes our teacher Moses as "*very* humble" and not simply "humble". Therefore, our Sages directed:

"Hold oneself very, very lowly." Also, they declared: "Whoever is arrogant is as if he denied God's presence, as implied by **Deuteronomy 8:14**: 'And your heart will be haughty and you will forget God, your Lord.' Furthermore, they said: "Whoever is arrogant should be placed under a ban of ostracism. This applies even if he is only somewhat arrogant."

Anger is also an exceptionally bad quality. It is fitting and proper that one move away from it and adopt the opposite extreme. He should school himself not to become angry even when it is fitting to be angry. If he should wish to arouse fear in his children and household - or within the community, if he is a communal leader - and wishes to be angry at them to motivate them to return to the proper path, he should present an angry front to them to punish them, but he should be inwardly calm. He should be like one who acts out the part of an angry man in his wrath, but is not himself angry.

The early Sages said: Anyone who becomes angry is like one who worships idols. They also said: Whenever one becomes angry, if he is a wise man, his wisdom leaves him; if he is a prophet, his prophecy leaves him. The life of the irate is not true life.

Therefore, they have directed that one distance himself from anger and accustom himself not to feel any reaction, even to things which provoke anger. This is the good path.

This is the way of the righteous: They accept humiliation, but do not humiliate others; they listen when they are shamed, but they do not answer; they do this with love and are joyous in their sufferings. Of them, **Judges 5:31** states: "And those who love Him are like the sun when it comes out in its strength."

4 One should always cultivate silence and refrain from speaking, except with regard to matters of knowledge or things that are necessary for his physical welfare. It was said that Rav, the disciple of our saintly teacher, Rabbi Yehudah HaNasi, never uttered an idle word in all his days - which is what the conversation of most people consists of.

One should not speak at length even about matters involving one's physical needs. On this point, our Sages commanded us and said: "Whoever speaks at length brings on sin." They also said: "I have found nothing better for one's person than silence."

Similarly, when speaking about matters of Torah or knowledge, one's words should be brief, but rich in content. This is what the Sages commanded with their statement: "One should always teach his students with brevity." In contrast, if one's words are many and the content scant, that is foolishness, of which **Ecclesiastes 5:2** states: "The dream comes with a multitude of subjects, and the voice of the fool with a multitude of words."

5 Silence is a safeguard for wisdom.

Therefore, one should not hasten to answer, nor speak at length. He should teach his students in calm and tranquility without shouting or wordiness. This is what Solomon stated: "The words of the wise are heard in tranquility" (**Ecclesiastes 9:17**).

6 A person is forbidden to act in a smooth-tongued and luring manner. He should not speak one thing outwardly and think otherwise in his heart. Rather, his inner self should be like the self which he shows to the world.

What he feels in his heart should be the same as the words on his lips.

It is forbidden to deceive people, even a non-Jew. For example, one should not sell a gentile the meat of an animal which has not been ritually slaughtered as if it were ritually slaughtered meat, nor a shoe made from the hide of an animal which has died of natural causes as if it were made of the hide of a slaughtered animal. One should not press his colleague to share a meal with him when he knows that his colleague will not accept the invitation, nor should he press presents upon him when he knows that his colleague will not accept them. He should not open casks supposedly for his colleague which he must open for sale, in order to deceive him into thinking that they have been opened in his honor. The same applies with all matters of this sort.

It is forbidden to utter a single word of deception or fraud. Rather, one should have only truthful speech, a proper spirit and a heart pure from all deceit and trickery.

7 One should neither be constantly laughing and a jester, nor sad and depressed, but happy. Our Sages declared: "Jesting and lightheadedness accustom one to lewdness." They also directed that a man should not laugh without control, nor be sad and mournful, but receive everyone in a friendly manner.

Similarly, he should not be greedy, rushing for wealth and possessions, nor lazy and an idler from work. Rather, he should be of a goodly eye and limit his business endeavors so that he may occupy himself with Torah study. He should be happy with the little which is his lot.

He should not be quarrelsome, of envious temperament, full of desires,

nor pursue honor. Our Sages have said: "Envy, desire and honor remove a man from life in this world."

The general principle is that one should follow the midpoint quality of each temperament until all his traits are aligned at the midpoint. This is what is implied by Solomon's statement: "Make even the turning of your foot and make all your ways firm" (**Proverbs 4:26**).

Chapter 3

1 A person might say, "Since envy, desire, [the pursuit] of honor, and the like, are a wrong path and drive a person from the world, I shall separate from them to a very great degree and move away from them to the opposite extreme." For example, he will not eat meat, nor drink wine, nor live in a pleasant home, nor wear fine clothing, but, rather, [wear] sackcloth and coarse wool and the like - just as the pagan priests do.

This, too, is a bad path and it is forbidden to walk upon it. Whoever follows this path is called a sinner [as implied by **Numbers 6:11**'s] statement concerning a nazarite: "and he [the priest] shall make an atonement for him, for his having sinned regarding [his] soul." Our sages declared: If the nazarite who abstained only from wine requires atonement, how much more so does one who abstains from everything.

Therefore, our Sages directed man to abstain only from those things which the Torah denies him and not to forbid himself permitted things by vows and oaths [of abstention]. Thus, our Sages stated: Are not those things which the Torah has prohibited sufficient for you that you must forbid additional things to yourself?

This general statement also refers to those who fast constantly. They are not following a good path, [for] our Sages have forbidden a man to mortify himself by fasting. Of all the above, and their like, Solomon directed and said: "Do not be overly righteous and do not be overly clever; why make yourself desolate?" (**Ecclesiastes 7:16**).

2 A person should direct his heart and the totality of his behavior to one goal, becoming aware of God, blessed be He. The [way] he rests, rises, and speaks should all be directed to this end.

For example: when involved in business dealings or while working for a wage, he should not think solely of gathering money. Rather, he should do these things, so that he will be able to obtain that which the body needs - food, drink, a home and a wife.

Similarly, when he eats, drinks and engages in intimate relations, he should not intend to do these things solely for pleasure to the point where he will eat and drink only that which is sweet to the palate and engage in intercourse for pleasure. Rather, he should take care to eat and drink only in order to be healthy in body and limb.

Therefore, he should not eat all that the palate desires like a dog or a donkey. Rather, he should eat what is beneficial for the body, be it bitter or sweet. Conversely, he should not eat what is harmful to the body, even though it is sweet to the palate. For example: a person with a warm constitution should not eat meat or honey, nor drink wine, as Solomon has stated in a parable: The eating of much honey is not good (**Proverbs 25:27**). One should drink endive juice, even though it is bitter, for then, he will be eating and drinking for medical reasons only, in order to

become healthy and be whole - for a man cannot exist without eating and drinking.

Similarly, he should not have intercourse except to keep his body healthy and to preserve the [human] race. Therefore, he should not engage in intercourse whenever he feels desire, but when he knows that he requires a seminal emission for medical reasons or in order to preserve the [human] race.

3 A person who accustoms himself to live by [the rules of] medicine does not follow a proper path if his sole intention is that his entire body and limbs be healthy and that he have children who will do his work and toil for him. Rather, he should have the intent that his body be whole and strong, in order for his inner soul to be upright so that [it will be able] to know God. For it is impossible to understand and become knowledgeable in the wisdoms when one is starving or sick, or when one of his limbs pains him. [Similarly,] one should intend to have a son [with the hope that] perhaps he will be a wise and great man in Israel.

Thus, whoever walks in such a path all his days will be serving God constantly; even in the midst of his business dealings, even during intercourse for his intent in all matters is to fulfill his needs so that his body be whole to serve God.

Even when he sleeps, if he retires with the intention that his mind and body rest, lest he take ill and be unable to serve God because he is sick, then his sleep is service to the Omnipresent, blessed be He.

On this matter, our Sages have directed and said: "And all your deeds should be for the sake of Heaven." This is what Solomon declared in his

wisdom: "Know Him in all your ways and He will straighten your paths" (**Proverbs 3:6**).

Chapter 4

1 Since maintaining a healthy and sound body is among the ways of God - for one cannot understand or have any knowledge of the Creator, if he is ill - therefore, he must avoid that which harms the body and accustom himself to that which is healthful and helps the body become stronger.
They are as follows: a person should never eat unless he is hungry, nor drink unless thirsty. He should never put off relieving himself, even for an instant. Rather, whenever he [feels the] need to urinate or move his bowels, he should do so immediately.

2 One should not eat until his stomach is full. Rather, [he should stop when] he has eaten to close to three quarter's of full satisfaction.
One should drink only a small amount of water during the meal, and mix that with wine. When the food begins to be digested in his intestines, he may drink what is necessary. However, he should not drink much water, even when the food has been digested.
One should not eat until he has checked himself thoroughly that he does not need to relieve himself. He should not eat until he has taken a stroll which is sufficient to raise his body temperature.
Alternatively, he should work or exert himself in some other way. The rule is that he should engage his body and exert himself in a sweat-producing task each morning. Afterwards, he should rest slightly until he regains

composure and [then, he should] eat. If he were to bathe in hot water after exerting himself, it would be beneficial. Afterwards, he should wait a short while and eat.

3 One should always eat while seated or reclining on his left side. He should not walk about, ride, exert himself, subject his body to startling influence, nor take a stroll until the food has been digested in his intestines. Anyone who takes a stroll or exerts himself after eating brings serious and harmful illnesses upon himself.

4 Together, day and night make up [a period of] twenty four hours. It is sufficient for a man to sleep a third of this period; i.e., eight hours. These should be towards the end of the night, so that there be eight hours from the beginning of his sleep until sunrise. Thus, he should rise from his bed before sunrise.

5 One should not sleep face down or on his back, but on his side - on his left side at the beginning of the night and on the right side at the end of the night. He should not retire shortly after eating, but should wait some three or four hours.

One should not sleep during the day.

6 Laxative foods such as grapes, figs, mulberries, pears, melons, certain types of cucumbers and certain types of zucchini should be eaten first, before the meal. One should not eat them together with his main meal. Rather, he should wait until they have descended from the upper stomach and [then] eat his meal.

Foods which are constipating, such as pomegranates, quinces, apples, and crustumenian pears should be eaten immediately after the meal and not in quantity.

7 A person who desires to eat poultry and meat in one sitting, should eat the poultry first. Similarly, if he desires to eat both eggs and poultry, he should eat the eggs first. If [he desires to eat] both meat of large cattle and that of small cattle, he should eat the meat of small cattle first; [i.e.,] he should always eat the lighter fare first and the heavier fare afterwards.

8 In the summer, one should eat unseasoned foods without many spices and use vinegar. In the rainy season, one should eat seasoned foods, use many spices, and eat some mustard and *chiltit*.

One should follow these principles in regard to cold climates and hot climates, [choosing the food] appropriate to each and every one of them.

9 There are foods which are extremely harmful and it is proper that one should never eat them, for example: large fish that are aged and salted, cheese which is aged and salted, truffles and mushrooms, meat which is aged and salted, wine from the press, cooked food which has been left over until it produces an odor, and any food with a bad smell or a very bitter taste. These are like poison to the body.

There are [other] foods which are harmful, but their harmful effects do not compare to those first [mentioned]. Therefore, a person ought to eat them only sparingly and after intervals of many days. He should not eat them regularly as his main fare or constantly as a sidedish with his food.

[They are] large fish, cheese and milk which has been left over for more than twenty-four hours after the milking, the meat of large oxen or he-goats, horse-beans, lentils, chickpeas, barley bread, matzot, cabbage, leeks, onions, garlic, mustard and radishes. All of these are harmful foods. It is fitting that he should eat them very sparingly and only in the rainy season, abstaining entirely in the summer. [Of these], horse-beans and lentils alone, should not be eaten either in the summer or winter. Squash may be eaten in the summer season.

10 There are foods which are harmful, but less so than these. They are water fowl, young pigeons, dates, bread roasted in oil or kneaded in oil, flour which has been sifted so well that no bran is left, fish brine and pickled fish oil. They ought not to be eaten in quantity.

A man who is wise, overcomes his desires, is not drawn by his appetites and eats nothing of the aforementioned unless he needs them for a medical reason, is [indeed] heroic.

11 One should always avoid fruits. He should not eat of them in quantity even [when] dried and, it goes without saying [when they are] fresh. When they are not sufficiently ripe, they are like swords to the body. Carobs, too, are always harmful.

All pickled fruits are harmful and should be eaten only sparingly in summer weather and in hot climates. Figs, grapes and almonds are always beneficial, both fresh and dried. One may eat of them as much as he requires. However, he should not eat them constantly even though they are the most beneficial of fruits.

12 Honey and wine are harmful to the young and wholesome for the old. Certainly, this applies in the rainy season. In summer, one should eat two-thirds of what he eats in the winter.

13 A person should always try to have loose movements throughout his life, tending slightly towards diarrhea. This is a cardinal principle in medicine: Whenever one suffers from constipation or has difficulty moving his bowels, serious diseases will beset him.

How can he induce loose movements if he has mild constipation? If he is a young man, each morning, he should eat well-cooked halimi which have been seasoned in olive-oil, pickled fish oil, and salt without bread daily; or drink the boiled water of [cooked] spinach or cabbage, [seasoned] with olive oil, pickled fish oil and salt.

If he is an old man, he should drink honey diluted with hot water, in the morning, wait approximately four hours and then eat his meal.

He should do this for one day, or three, or four, if necessary, until he has loose bowels.

14 They have given another principle with regard to physical well-being: As long as one exercises, exerts himself greatly, does not eat to the point of satiation and has loose bowels, he will not suffer sickness and he will grow in strength. [This applies] even if he eats harmful foods.

15 [Conversely,] whoever is idle and does not exercise, or does not move his bowels when he has the need, or is constipated, even if he eats the proper foods and takes care to follow the rules of medicine, will be full of pain for

all his days and his strength will fade away.

Overeating is like poison to anyone's body. It is the main source of all illness. Most illnesses which afflict a man are caused by harmful foods or by his filling his belly and overeating, even of healthful foods.

This was implied by Solomon in his wisdom: "Whoever guards his mouth and his tongue, guards his soul from distress" (**Proverbs 21:23**); i.e., "guards his mouth" from eating harmful food or eating his fill and "his tongue" from speaking [about things] other than his needs.

16 The [proper] manner of bathing is that a person should go to the baths once every seven days. He should not enter [the bath soon after mealtime; nor when he is hungry, but when his food has begun to be digested.

He should bathe the entire body in hot - but not scalding water - and his head, only, in scalding water. Then, he should bathe his body in tepid water, followed by bathings in successively cooler water, until he has bathed in cold water. [However,] he should not use tepid or cold water for his head, nor should he bathe in cold water in the winter.

He should not bathe until after he is in a sweat and his whole body has been massaged. He should not linger in the bath. Rather, as soon as he is in a sweat and been massaged, he should rinse off and leave.

He should examine himself to see if he needs to move his bowels before entering the bath and after leaving it. Similarly, he should always examine himself before and after eating, before and after sexual intercourse, before and after exertion and exercise, before and after sleeping, all in all, on ten [different occasions].

17 When one leaves the bath, he should dress and cover his head in the outer room [of the bathhouse], so that he not catch a chill. He should take this precaution even in the summer.

After leaving [the baths], he should wait until he regains his composure, and the warmth [from bathing] has receded, and then eat.

A nap before eating, after the bath, is very beneficial. One should not drink cold water on leaving the baths and it goes without saying, that he should not drink while bathing. If he should be thirsty upon leaving the bath and cannot refrain, he should mix the water with wine or honey, and drink.

It is beneficial for one to rub himself with oil at the baths, during the winter, after he has rinsed off.

18 One should not accustom himself to constant bloodletting. He should not be bled unless there is an extreme necessity. He should not be bled in the summer or winter, but slightly in Nisan and slightly in Tishrei.

After the age of fifty, he should not be bled at all. He should not be bled and go to the baths on the same day, or leave on a journey after being bled; nor should he be bled on the day on which he returns from a trip.

He should eat less than usual on the day of a bloodletting. He should rest on that day, not exert himself, nor exercise, nor stroll.

19 Semen is the strength of the body, its life [force], and the light of the eyes; the greater the emission [of sperm], [the greater] the damage to the body, to its strength and the greater the loss to one's life [span]. This was implied by Solomon in his wisdom: "Do not give your strength to

women" (**Proverbs 31:3**).

Whoever is steeped in sexual relations, old age springs upon him [before its time], his strength is depleted, his eyes become dim, a foul odor emanates from his mouth and his armpits, the hair of his head, his eyebrows, and eyelashes fall out, the hair of his beard, armpits, and legs grows in abundance, his teeth fall out and he suffers many pains beyond these. The wise of the doctors have said: One of a thousand dies from other illnesses and a thousand from excessive intercourse.

Therefore, a person must take care in this matter if he wishes to live in good [health]. He should not engage in intercourse except when the body is healthy and particularly strong, when he has many involuntary erections, the erection is still present even when he makes an effort to think of something else, he finds a heaviness from the loins and below, the tendons of the testicles seem to be stretched, and his flesh is warm. Such a person needs to engage in intercourse and it is medically advisable.

He should not engage in intercourse on a full or empty stomach, but after the food has been digested. He should examine himself to see if he needs to move his bowels before and after intercourse. He should not engage in intercourse while standing or sitting, nor in the bathhouse, nor on a day on which he goes to the bathhouse, nor on a day on which he lets blood, nor on the day he departs on a journey or arrives from a journey, nor [on the day] before or afterwards.

20 Whoever conducts himself in the ways which we have drawn up, I will guarantee that he will not become ill throughout his life, until he reaches advanced age and dies. He will not need a doctor. His body will remain

intact and healthy throughout his life.
[One may rely on this guarantee] unless [his body] was impaired from the birth, he was accustomed to one of the harmful habits from birth, or should there be a plague or a drought in the world.

21 All of these beneficial habits which we have stated apply only to a healthy man. In contrast, a sick person, or one who has a single organ which is not healthy, or one who has followed a harmful way of life for many years, each of these must choose different patterns of behavior in accordance with his [particular] illness as it is explained in the medical literature.
Any change from the conduct which one normally follows is the beginning of sickness.

22 Where there is no doctor available, neither the healthy nor the sick man should budge from all the directions given in this chapter for each of them ultimately brings to a beneficial result.

23 A Torah Sage is not permitted to live in a community which does not have the following: a doctor, a bloodletter, a bathhouse, a latrine, an available source of water such as a river or a spring, a synagogue, a teacher of children, a scribe, a charity supervisor, a rabbinical court empowered to impose corporal punishment and jail sentences.

Chapter 5

1 Just as the wise man is recognized through his wisdom and his temperaments and in these, he stands apart from the rest of the people, so,

too, he should be recognized through his actions - in his eating, drinking, intimate relations, in relieving himself, in his speech, manner of walking and dress, in the management of his finances, and in his business dealings. All of these actions should be exceptionally becoming and befitting.

What is implied? A Torah Sage should not be a glutton. Rather, he should eat food which will keep his body healthy, without overeating. He should not seek to fill his stomach, like those who stuff themselves with food and drink until their bellies burst. They are alluded to by [the statement of] the prophet [**Malachi 2:3**]: "I will spread dung on your faces, the dung of your feasts." Our Sages explain: These are the people who eat and drink and make all their days like feast days. They say, "Eat and drink, for tomorrow, we will die" (**Isaiah 22:13**).

This is the food of the wicked. It is these tables which the verse censures, saying: "For all tables are full of vomit and excrement; there is no room" (**Isaiah 28:8**).

In contrast, a wise man eats only one dish or two, eating only enough to sustain him. That is sufficient for him. This is alluded to by Solomon's statement: "The righteous man eats to satisfy his soul" (**Proverbs 13:25**).

2 When the wise man eats the little which is fitting for him, he should eat it only in his own home, at his table. He should not eat in a store or in the marketplace, unless there is a very pressing need, lest he be viewed without respect by others.

He should not eat together with the unlearned, nor at those tables that are "filled with vomit and excrement." He should not eat frequently in other places, even in the company of wise men, nor should he eat where there is

a large gathering.

It is not fitting for him to eat at another person's [table] except at a feast associated with a mitzvah, e.g., a betrothal or wedding feast - and then, [only] when a scholar is marrying the daughter of a scholar.

The righteous and the pious of old never partook of a meal that was not their own.

3 When a wise man drinks wine, he drinks only enough to soften the food in his stomach.

Whoever becomes drunk is a sinner, is shameful, and will lose his wisdom.

If he becomes drunk before the common people, he desecrates God's Name.

It is forbidden to drink even a small quantity of wine in the afternoon hours, unless it is taken together with food. Drink that is taken together with food is not intoxicating. Only wine that is taken after the meal is to be avoided.

4 Although a man's wife is permitted to him at all times, it is fitting that a wise man behave with holiness. He should not frequent his wife like a rooster. Rather, [he should limit his relations to once a week] from Sabbath evening to Sabbath evening, if he has the physical stamina.

When he speaks with her, he should not do so at the beginning of the night, when he is sated and his belly [is] full, nor at the end of the night, when he is hungry; rather, in the middle of the night, when his food has been digested.

He should not be excessively lightheaded, nor should he talk obscene

nonsense even in intimate conversation with his wife. Behold, the prophet has stated (**Amos 4:13**): "And He repeats to a man what he has spoken." [On this verse,] our Sages commented: A person will have to account for even the light conversation that he has with his wife.

[At the time of relations,] they should not be drunk, nor lackadaisical, nor tense - [neither both of them,] or [even] one of them. She should not be asleep, nor should the man take her by force, against her will. Rather, [the relations should take place] amidst their mutual consent and joy. He should converse and dally with her somewhat, so that she be relaxed. He should be intimate [with her] modestly and not boldly, and withdraw [from her] immediately.

5 Whoever conducts himself in this manner [may be assured that] not only does he sanctify his soul, purify himself, and refine his character, but, furthermore, if he has children, they will be handsome and modest, worthy of wisdom and piety.

[In contrast,] whoever conducts himself in the ways of the rest of the people who walk in darkness, will have children like those people.

6 Torah Sages conduct themselves with exceptional modesty. They do not demean themselves and do not bare their heads or their bodies.

Even when one enters a latrine, he should be modest and not uncover himself until he is seated. He should not wipe himself clean with the right hand. He should stay away from all others and enter a chamber beyond a chamber, a cave within a cave, and relieve himself. If he [must] relieve himself behind a fence, he should move far enough away that no one can

hear the sound if he breaks wind. If he [must] relieve himself in an open area, he should be far enough off so that no one can see him baring himself.

One should not speak while relieving himself, even if there is great need. Just as he conducts himself with modesty while in the latrine by day, he should [also] do so at night.

One should always train himself to relieve himself in the early morning and after dark only, so that he [need] not go far off.

7 A Torah Sage should not shout or shriek while speaking, like the cattle and wild beasts, nor should he raise his voice overly much. Instead, he should speak gently to all people. [In addition to] speaking gently, he should take care not to stand at a distance, lest [his speech] appear like the speech of the haughty.

He should greet all men [before they greet him], so that they be pleased with him. He should judge every one in a good light, speak favorably of his fellow man, [never mentioning] anything that is shameful to him, love peace and pursue it.

If he sees that his words will be effective, and will be given attention, he should speak; if not, he should keep silent. What is implied? He should not try to placate a man in the moment of his anger. He should not question a man about his vow at the time he is making his vow, [but wait] until he is tranquil of mind and calm. He should not comfort a man while his dead is lying before him because [the bereaved] is unsettled until he has buried [his dead]. The same applies in other similar cases. He should not look at his fellow man at the moment of his humiliation, but turn his

attention away.

He should not distort facts, exaggerate a situation, or minimize it, except in the interests of peace and the like.

The guiding rule is that he should speak only words of wisdom or in connection with acts of kindness and the like. He should not speak to a woman in the marketplace, even if she be his wife, or his sister, or his daughter.

8 A Torah Sage should not walk erect, with his head held high, as [**Isaiah 3:16**] states: "And they walked with necks outstretched and flashing eyes."

He should not walk with a [short-stepped,] toe-to-heel, stately [gait] like [that of] women and the proud, as [Isaiah, ibid.] states: "walking and mincing as they go, tinkling with their feet."

Nor should he run in public like a madman, nor bend over like a hunchback. Rather, he should cast his eyes downward as he [does when he] stands during prayer. He should walk in the market-place like a person preoccupied with his business affairs.

From a man's carriage, too, one can recognize whether he is wise and a thoughtful person or mindless and a fool. Thus, Solomon said in his wisdom (**Ecclesiastes 10:3**): "On the road, too, when the fool walks, his mind is empty and he proclaims to all that he is a fool" - he informs everyone about himself, that he is a fool.

9 A Torah Sage's clothing should be attractive and clean. It is forbidden that [a] blood or fat [stain] or the like be found on his garment.

He should not wear regal garb, e.g., clothes of gold and purple, which

draw everyone's attention, nor the dress of the poor which shames its wearers, but attractive garments of the middle range.

His flesh should not be visible under his clothing as [is the case when one wears] the exceptionally sheer linen garments produced in Egypt. His clothes should not drag on the ground like the dress of the haughty, but [should extend] to the heel and his sleeves [should extend] to his fingers.

He should not let his cloak hang down, for that creates an impression of haughtiness, except on the Sabbath if he has no change [of cloak].

In the summer, he should not wear shoes that have often been mended and have many patches. He may do so in the rainy season, if he is poor.

He should not go out in the marketplace perfumed, or with perfumed clothes, nor should he put perfume on his hair. However, he is permitted to rub perfume on his body if he does so in order to remove filth. Similarly, he should not go out alone at night, unless he has a set time to go out for his studies. All of these [restrictions are instituted] because of [possible] suspicion [of immorality].

10 A Torah Sage manages his financial affairs judiciously. He eats, drinks, and provides for his household in accordance with his funds and [degree of] success without overtaxing himself.

The Sages have directed [us] regarding the ways of the world: A person should eat meat only with appetite as [**Deuteronomy 12:20**] states: "If your soul should crave to eat meat..." It is sufficient for the healthy to eat meat [once weekly,] from Sabbath eve to Sabbath eve. If he is wealthy enough to eat meat every day, he may.

The Sages have [also] directed us, saying: One should always eat less than

befits his income, dress as befits [his income], and provide for his wife and children beyond what befits [his income].

11 The way of sensible men is that first, one should establish an occupation by which he can support himself. Then, he should purchase a house to live in and then, marry a wife. [This order of priorities may be inferred from **Deuteronomy 20:5-7**], which states: "Who is the man who has planted a vineyard, but not redeemed it...;" "who is the man who has built a house, but not dedicated it...;" "who is the man who has betrothed a woman, but not taken her [to wife]..."

In contrast, a fool begins by marrying a wife. Then, if he can find the means, he purchases a house. Finally, towards the end of his life, he will search about for a trade or support himself from charity.

[This is also implied by the order of] the curses mentioned [in **Deuteronomy 28:30**]: "You shall betroth a woman..., you shall build a house..., you shall plant a vineyard;" i.e., your behavior will be disordered so that you will not succeed in your ways. However, in regard to blessing [**I Samuel 18:14**] states: "And David was thoughtful in all his undertakings and God was with him."

12 One is forbidden to renounce ownership of, or consecrate, all of his possessions and [thereby,] become a burden to society.

He should not sell a field and buy a house, [sell] a house and buy chattels, or use money [acquired] by [selling] his house for trade. Conversely, he should sell chattels to buy a field. The rule is that he should aim to improve his [financial position] and to exchange the impermanent for the

permanent.

His intention should not be to enjoy slight momentary pleasure, or to enjoy some slight pleasure [for which he] incurs a great loss.

13 A Torah Sage [should conduct] his business dealings with honesty and good faith. When [his] answer is "no," he says, "no;" when [his answer] is "yes," he says, "yes."

He is stringent with himself in his accounting, gives and yields to others when he buys from them, but is not demanding [about what they owe him].

He pays for his purchases immediately. He does not act as a guarantor, or accept objects for deposit, or act as a debt collector for a lender.

He accepts obligations in matters of buying and selling for which the Torah does not hold him liable, in order to uphold and not go back on his verbal commitments. If others have obligations to him by law, he grants them an extension and pardons them. He lends and bestows gifts.

He does not encroach upon another's occupation, nor does he ever cause someone discomfort. The rule is that he should be among the pursued and not the pursuers, among those who accept humiliation but not among those who humiliate [others]. Whoever does all the above and their like, of him [**Isaiah 49:3**] states: "And He said to me, 'You are My servant, Israel, through whom I will be glorified.'"

Chapter 6

1 It is natural for a man's character and actions to be influenced by his

friends and associates and for him to follow the local norms of behavior. Therefore, he should associate with the righteous and be constantly in the company of the wise, so as to learn from their deeds. Conversely, he should keep away from the wicked who walk in darkness, so as not to learn from their deeds.

This is [implied by] Solomon's statement (**Proverbs 13:20**): "He who walks with the wise will become wise, while one who associates with fools will suffer." Similarly, [**Psalms 1:1**] states: "Happy is the man who has not followed the advice of the wicked."

A person who lives in a place where the norms of behavior are evil and the inhabitants do not follow the straight path should move to a place where the people are righteous and follow the ways of the good.

If all the places with which he is familiar and of which he hears reports follow improper paths, as in our times, or if he is unable to move to a place where the patterns of behavior are proper, because of [the presence of] bands of raiding troops, or for health reasons, he should remain alone in seclusion as [**Eichah 3:28**] states: "Let him sit alone and be silent."

If they are wicked and sinful and do not allow him to reside there unless he mingle with them and follow their evil behavior, he should go out to caves, thickets, and deserts [rather than] follow the paths of sinners as [**Jeremiah 9:1**] states: "Who will give me a lodging place for wayfarers, in the desert."

2 It is a positive commandment to cleave unto the wise and their disciples in order to learn from their deeds as [**Deuteronomy 10:20**] states: "and you will cling to Him."

Our Sages [questioned the nature of this command for] is it possible for man to cling to the Divine Presence? They [resolved the difficulty,] explaining this commandment to mean: Cleave unto the wise and their disciples.

Therefore, one should try to marry the daughter of a Torah Sage and marry his daughter to a Torah Sage, eat and drink with Sages, do business on behalf of Sages, and associate with them in all possible ways as [**Deuteronomy 11:22**] states: "to cling to Him."

Similarly, our Sages have directed [us], saying: "Sit in the dust of their feet and drink in their words thirstily."

3 Each man is commanded to love each and every one of Israel as himself as [**Leviticus 19:18**] states: "Love your neighbor as yourself."

Therefore, one should speak the praises of [others] and show concern for their money just as he is concerned with his own money and seeks his own honor.

Whoever gains honor through the degradation of a colleague does not have a share in the world to come.

4 Loving a convert who has come to nestle under the wings of the *Shechinah* [fulfills] two positive commandments: one for he is [also] included among the "neighbors" [whom we are commanded to love] and one because he is a convert and the Torah (**Deuteronomy 10:19**) states: "and you shall love the converts."

[Thus, God] has commanded us concerning the love of a convert just as He has commanded us concerning loving Himself as [**Deuteronomy 11:1**]

states: "and you shall love God, your Lord." The Holy One, blessed be He, Himself, loves converts as [**Deuteronomy 10:18**] states: "and He loves converts."

5 Whoever hates a [fellow] Jew in his heart transgresses a Torah prohibition as [**Leviticus 19:17**] states: "Do not hate your brother in your heart." One is not [liable for] lashes for violating this prohibition because no deed is involved.

The Torah only warns [us] against hating in [our] hearts. However, a person who beats a colleague or insults him, although he is not permitted to do so, does not violate [the prohibition,] "you shall not hate."

6 When one person wrongs another, the latter should not remain silent and despise him as [**II Samuel 13:22**] states concerning the wicked: "And Avshalom did not speak to Amnon neither good, nor bad for Avshalom hated Amnon."

Rather, he is commanded to make the matter known and ask him: "Why did you do this to me?", "Why did you wrong me regarding that matter?" as [**Leviticus 19:17**] states: "You shall surely admonish your colleague."

If, afterwards, [the person who committed the wrong] asks [his colleague] to forgive him, he must do so. A person should not be cruel when forgiving [as implied by **Genesis 20:17**]: "And Abraham prayed to God..."

7 It is a mitzvah for a person who sees that his fellow Jew has sinned or is following an improper path [to attempt] to correct his behavior and to inform him that he is causing himself a loss by his evil deeds as [**Leviticus**

19:17] states: "You shall surely admonish your colleague."

A person who rebukes a colleague - whether because of a [wrong committed] against him or because of a matter between his colleague and God - should rebuke him privately. He should speak to him patiently and gently, informing him that he is only making these statements for his colleague's own welfare, to allow him to merit the life of the world to come.

If he accepts [the rebuke], it is good; if not, he should rebuke him a second and third time. Indeed, one is obligated to rebuke a colleague who does wrong until the latter strikes him and tells him: "I will not listen."

Whoever has the possibility of rebuking [sinners] and fails to do so is considered responsible for that sin, for he had the opportunity to rebuke the [sinners].

8 At first, a person who admonishes a colleague should not speak to him harshly until he becomes embarrassed as [**Leviticus 19:17**] states: "[You should]... not bear a sin because of him." This is what our Sages said: Should you rebuke him to the point that his face changes [color]? The Torah states: "[You should]... not bear a sin because of him."

From this, [we learn that] it is forbidden for a person to embarrass a [fellow] Jew. How much more so [is it forbidden to embarrass him] in public. Even though a person who embarrasses a colleague is not [liable for] lashes on account of him, it is a great sin. Our Sages said: "A person who embarrasses a colleague in public does not have a share in the world to come."

Therefore, a person should be careful not to embarrass a colleague -

whether of great or lesser stature - in public, and not to call him a name which embarrasses him or to relate a matter that brings him shame in his presence.

When does the above apply? In regard to matters between one man and another. However, in regard to spiritual matters, if [a transgressor] does not repent [after being admonished] in private, he may be put to shame in public and his sin may be publicized. He may be subjected to abuse, scorn, and curses until he repents, as was the practice of all the prophets of Israel.

9 It is pious behavior if a person who was wronged by a colleague would rather not admonish him or mention the matter at all because the person who wronged him was very boorish or because he was mentally disturbed, [provided] he forgives him totally without bearing any feelings of hate or admonishing him. The Torah is concerned only with those who carry feelings of hate.

10 A person is obligated to show great care for orphans and widows because their spirits are very low and their feelings are depressed. This applies even if they are wealthy. We are commanded to [show this attention] even to a king's widow and his orphans as [implied by **Exodus 22:21**]: "Do not mistreat any widow or orphan."

How should one deal with them? One should only speak to them gently and treat them only with honor. One should not cause pain to their persons with [overbearing] work or aggravate their feelings with harsh words and [one should] show more consideration for their financial

interests than for one's own. Anyone who vexes or angers them, hurts their feelings, oppresses them, or causes them financial loss transgresses this prohibition. Surely this applies if one beats them or curses them.

Even though [a person who violates] this prohibition is not [liable for] lashes, the retribution one suffers for its [violation] is explicitly stated in the Torah (*ibid.* 22:23): "I will display My anger and slay you with the sword." There is a covenant between them and He who spoke and created the world that whenever they cry out because they have been wronged, they will be answered as [*ibid.*:22] states: "When they cry out to Me, I will surely hear their cry."

When does the above apply? When one causes them suffering for one's own purposes. However, it is permitted for a teacher to cause them suffering while teaching them Torah, or a craft, or in order to train them in proper behavior. Nevertheless, he should not treat them in the same manner as he treats others, but rather make a distinction with regard to them and treat them with gentility, great mercy, and honor for [**Proverbs 22:22**] states: "For God will take up their cause."

This applies to both those orphaned from their father and those orphaned from their mother. Until when are they considered orphans in the context [of this mitzvah]? Until they no longer need a mature individual to support, instruct, and care for them and are able to see to all their own needs by themselves, like other adults.

Chapter 7

1 A person who collects gossip about a colleague violates a prohibition as

[**Leviticus 19:16**] states: "Do not go around gossiping among your people."

Even though this transgression is not punished by lashes, it is a severe sin and can cause the death of many Jews. Therefore, [the warning]: "Do not stand still over your neighbor's blood" is placed next to it in the Torah [*ibid.*]. See what happened [because of] Doeg, the Edomite.

2 Who is a gossiper? One who collects information and [then] goes from person to person, saying: "This is what so and so said;" "This is what I heard about so and so." Even if the statements are true, they bring about the destruction of the world.

There is a much more serious sin than [gossip], which is also included in this prohibition: *lashon horah*, i.e., relating deprecating facts about a colleague, even if they are true.

[*Lashon horah* does not refer to the invention of lies;] that is referred to as defamation of character. Rather, one who speaks *lashon horah* is someone who sits and relates: "This is what so and so has done;" "His parents were such and such;" "This is what I have heard about him," telling uncomplimentary things. Concerning this [transgression], the verse [**Psalms 12:4**] states: "May God cut off all guileful lips, the tongues which speak proud things..."

3 Our Sages said: "There are three sins for which retribution is exacted from a person in this world and, [for which] he is [nonetheless,] denied a portion in the world to come: idol worship, forbidden sexual relations, and murder. *Lashon horah* is equivalent to all of them."

Our Sages also said: "Anyone who speaks *lashon horah* is like one who denies God as [implied by **Psalms 12:5**]: 'Those who said: With our tongues we will prevail; our lips are our own. Who is Lord over us?'"
In addition, they said: "*Lashon horah* kills three [people], the one who speaks it, the one who listens to it, and the one about whom it is spoken. The one who listens to it [suffers] more than the one who speaks it."

4 There are certain matters which are considered "the dust of *lashon horah*." What is implied? [For example, a person says:] "Who will tell so and so to continue acting as he does now," or "Do not talk about so and so; I do not want to say what happened," or the like.
Similarly, it is also considered the "dust of *lashon horah*" when someone speaks favorably about a colleague in the presence of his enemies, for this will surely prompt them to speak disparagingly about him. In this regard, King Solomon said [**Proverbs 27:14**]: "One who greets his colleague early in the morning, in a loud voice, curses him," for his positive [act] will bring him negative [repercussions].
Similarly, [to be condemned is] a person who relates *lashon horah* in frivolity and jest, as if he were not speaking with hatred. This was also mentioned by Solomon in his wisdom [**Proverbs 26:18-19**]: "As a madman who throws firebrands, arrows, and death and says: 'I am only joking.'"
[Also, to be condemned is] someone who speaks *lashon horah* about a colleague slyly, pretending to be innocently telling a story without knowing that it is harmful. When he is reproved, he excuses himself by saying: "I did not know that the story was harmful or that so and so was involved."

5 [There is no difference] whether one speaks *lashon horah* about a person in his presence or behind his back. [The statements] of people who relate matters which, when passed from one person to another, will cause harm to a man's person or to his property or will even [merely] annoy him or frighten him are considered as *lashon horah*.

If such statements were made in the presence of three people, [one may assume that the matter] has already become public knowledge. Thus, if one of the three relates the matter a second time, it is not considered *lashon horah*, provided his intention was not to spread the matter further and publicize it.

6 All the above are people who speak *lashon horah* in whose neighborhood, one is forbidden to dwell. How much more so [is it forbidden] to sit [together] with them and hear their conversation.

The judgement against our ancestors in the desert was only sealed because of *lashon horah*.

7 A person who takes revenge against a colleague transgresses a Torah prohibition, as [**Leviticus 19:18**] states: "Do not take revenge."

Even though [revenge] is not punished by lashes, it is a very bad trait. Instead, a person should [train himself] to rise above his feelings about all worldly things, for men of understanding consider all these things as vanity and emptiness which are not worth seeking revenge for.

What is meant by taking revenge? A person's colleague asks him, "Lend me your hatchet. He responds, "I refuse to lend it to you." On the following day, the person [who refused] needs to borrow a hatchet from

his colleague. He asks him: "Lend me your hatchet." The latter responds, "Just as you did not lend it to me, I will not lend it to you." This is considered as taking revenge. Instead, when he comes to ask him for it, he should give it to him with a full heart, without repaying him for what he did.

The same applies in other similar instances. Thus, King David proclaimed regarding his exemplary qualities [**Psalms 7:5**]: "Have I repaid those who have done evil to me? Behold, I have rescued those who hated me without cause."

8 Similarly, anyone who holds a grudge against another Jew violates a Torah prohibition, as [**Leviticus 19:18**] states: "Do not bear a grudge against the children of your people."

What is meant by bearing a grudge? Reuven asked Shimon, "Rent this house to me," or "lend this ox to me," and Shimon was not willing [to do so]. A few days later, Shimon came to borrow or rent something from him. Reuven told him, "Here, it is. I am lending it to you. I am not like you, nor am I paying you back for what you did."

A person who acts in this manner violates the prohibition against bearing a grudge. Instead [of doing so], he should wipe the matter from his heart and never bring it to mind. As long as he brings the matter to mind and remembers it, there is the possibility that he will seek revenge. Therefore, the Torah condemned holding a grudge, [requiring] one to wipe the wrong from his heart entirely, without remembering it at all.

This is a proper quality which permits a stable environment, trade, and commerce to be established among people.

Mishneh Torah, Torah Study

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Women, slaves, and minors are free from the obligation of Torah study. Nevertheless, a father is obligated to teach his son Torah while he is a minor, as [**Deuteronomy 11:19**] states: "And you shall teach them to your sons to speak about them."

A woman is not obligated to teach her son, for only those who are obligated to learn are obligated to teach.

2 Just as a person is obligated to teach his son, so, too, is he obligated to teach his grandson, as [**Deuteronomy 4:9**] commands: "And you shall teach them to your sons and your grandsons."

[Furthermore, this charge is not confined] to one's children and grandchildren alone. Rather, it is a mitzvah for each and every wise man to teach all students, even though they are not his children, as [**Deuteronomy 6:7**] states: "And you shall teach them to your sons..." The oral tradition explains: "Your sons," these are your students, for students are also called sons, as [**II Kings 2:3**] states: "And the sons of the prophets went forth."

If so, why do the commandments [explicitly mention] one's son and grandson? To grant precedence to one's son over one's grandson, and one's grandson over the son of a colleague.

3 Also, one is obligated to hire a teacher for one's son, while one is not

required to undertake any expense to teach a colleague's son.

A person who was not instructed by his father is obligated to arrange for his own instruction when he can understand, as [**Deuteronomy 5:1**] states: "And you shall study them and take heed to perform them."

Similarly, in every place, one finds that study takes precedence over deed, for study brings about deed. However, deed does not bring about study.

4 If a person wants to study Torah and he has a son whom he should teach Torah, his [study] takes priority over [that of] his son. If his son is wiser and a more creative thinker and thus capable of understanding what he studies more than he [himself] is, his son is given priority.

Even though his son is granted priority, he should not neglect [his own studies]. For just as he is commanded to teach his son, he is commanded to teach himself.

5 A person should always study Torah and, afterwards, marry. If he marries first, his mind will not be free for study. However, if his natural inclination overcomes him to the extent that his mind is not free, he should marry, and then study Torah.

6 At what age is a father obligated to teach [his son] Torah?

When he begins to speak, he should teach him *Torah tzivah lanu Moshe...* (**Deuteronomy 33:4**) and *Shema Yisrael...* (*ibid.* 6:4).

Afterwards, he should teach him [selected verses], little by little, verse by verse, until he is six or seven - depending on his health - [at which time] he should take him to a teacher of young children.

7 If it is local custom for a teacher of young children to take payment, he should be paid. [The father] is obligated to pay for his instruction until he can read the entire written Torah.

In a place where it is customary to receive a wage for teaching the written Torah, one is permitted to do so. However, it is forbidden to take a wage for teaching the Oral Law, as [implied by **Deuteronomy 4:5**]: "Behold, I have taught you laws and statutes, as God commanded me." [Our Sages teach that Moses was implying:] Just as I learned at no cost, so, too, have you been taught from me at no cost. Teach the coming generations in a like manner. Teach them at no cost as you have learned from me."

[Nevertheless,] if a person cannot find someone to teach him at no cost, he must pay for his studies, as [implied by **Proverbs 23:23**]: "Buy truth." May he charge to teach others? We learn [*ibid.*]: "but do not sell." Thus, it can be derived that it is forbidden to charge to teach Torah even though one's teacher charged to instruct him.

8 Every Jewish man is obligated to study Torah, whether he is poor or rich, whether his body is healthy and whole or afflicted by difficulties, whether he is young or an old man whose strength has diminished.

Even if he is a poor man who derives his livelihood from charity and begs from door to door, even if he is a husband and [a father of] children, he must establish a fixed time for Torah study during the day and at night, as [**Joshua 1:8**] commands: "You shall think about it day and night."

9 The greater Sages of Israel included wood choppers, water drawers, and blind men. Despite these [difficulties], they were occupied with Torah

study day and night and were included among those who transmitted the Torah's teachings from [master] to [student in the chain stretching back to] Moses, our teacher.

10 Until when is a person obligated to study Torah? Until the day he dies, as [**Deuteronomy 4:9**] states: "Lest you remove it from your heart, *all* the days of your life." Whenever a person is not involved with study, he forgets.

11 A person is obligated to divide his study time in three: one third should be devoted to the Written Law; one third to the Oral Law; and one third to understanding and conceptualizing the ultimate derivation of a concept from its roots, inferring one concept from another and comparing concepts, understanding [the Torah] based on the principles of Biblical exegesis, until one appreciates the essence of those principles and how the prohibitions and the other decisions which one received according to the oral tradition can be derived using them. The latter topic is called *Gemara*.

12 How is the above expressed? A person who is a craftsman may spend three hours each day involved in his work, and [devote] nine hours to Torah study: In those nine hours, he should spend three reading the Written Law; three, the Oral Law; and three, meditating with his intellect to derive one concept from another.

The "words of the prophetic tradition" are considered part of the Written Law; and their explanation, part of the Oral Law. The matters referred to as *Pardes* are considered part of the *Gemara*.

The above applies in the early stages of a person's study. However, when a

person increases his knowledge and does not have the need to read the Written Law, or occupy himself with the Oral Law constantly, he should study the Written Law and the oral tradition at designated times. Thus, he will not forget any aspect of the laws of the Torah. [However,] he should focus his attention on the *Gemara* alone for his entire life, according to his ambition and his ability to concentrate.

13 A woman who studies Torah will receive reward. However, that reward will not be [as great] as a man's, since she was not commanded [in this mitzvah]. Whoever performs a deed which he is not commanded to do, does not receive as great a reward as one who performs a mitzvah that he is commanded to do.

Even though she will receive a reward, the Sages commanded that a person should not teach his daughter Torah, because most women cannot concentrate their attention on study, and thus transform the words of Torah into idle matters because of their lack of understanding.

[Thus,] our Sages declared: "Whoever teaches his daughter Torah is like one who teaches her tales and parables." This applies to the Oral Law. [With regard to] the Written Law: at the outset, one should not teach one's daughter. However, if one teaches her, it is not considered as if she was taught idle things.

Chapter 2

1 Teachers of small children should be appointed in each and every land, in each and every region, and in each and every village.

If a village does not have children who study Torah, its populace is placed under a ban of ostracism until they employ teachers for the children. If they do not employ teachers, the village [deserves to be] destroyed, since the world exists only by virtue of the breath coming from the mouths of children who study Torah.

2 Children should be brought to study [under a teacher's instruction] at the age of six or seven, according to the child's health and build. Below the age of six, he should not be brought [to a teacher].

A teacher may employ corporal punishment to cast fear upon [the students]. However, he should not beat them cruelly, like an enemy. Therefore, he should not beat them with a rod or a staff, but rather with a small strap.

[The teacher] should sit and instruct them the entire day and for a portion of the night, to train them to study during the day and night. The children should not neglect [their studies] at all, except at the end of the day on the eve of the Sabbaths and festivals and on the festivals themselves. On the Sabbath, they should not begin new material. However, they should review what was learned already.

The children should never be interrupted from their studies, even for the building of the Temple.

3 A teacher of children who leaves the children and goes out, or [remains] with them but performs other work, or is lazy in their instruction, is included in [the admonition (**Jeremiah 48:10**)]: "Cursed be he who performs God's work deceitfully." Therefore, it is only proper to select a

teacher who is God-fearing, teaches them at a fast pace, and instructs them carefully.

4 A man who is unmarried should not teach children, because of the mothers who visit the children. No woman should teach children, because of the fathers who visit the children.

5 [A maximum of] 25 students should study under one teacher. If there are more than 25, but fewer than 40, an assistant should be appointed to help him in their instruction. If there are more than forty students, two teachers should be appointed.

6 A child may be transferred from one teacher to another teacher, who is capable of teaching him at a faster pace, whether with regard to the Written Law itself or grammar. This applies when both are located in the same city and there is not a river between them. However, a child should not be forced to travel from city to city, or even from one side of the river to the other in the same city, unless there is a strong bridge, which is not likely to fall readily, over the river.

7 If a person [whose house opens] to an alleyway [to which other houses open] - or even one [whose house opens] to a courtyard [to which other houses open] - desires to become a teacher of children, his neighbors may not protest against his decision.

Similarly, should one teacher of children come and open a schoolroom next to the place [where] a colleague [was teaching], so that other children will come to him or so that the children [studying under his] colleague

shall come to him, his colleague may not lodge a protest against him, as [**Isaiah 42:21** states]: "God desired, for the sake of His righteousness, to make the Torah great and glorious."

Chapter 3

1 Three crowns were conferred upon Israel: the crown of Torah, the crown of priesthood, and the crown of royalty. Aaron merited the crown of priesthood, as [**Numbers 25:13**] states: "And it will be an eternal covenant of priesthood for him and his descendants after him."
David merited the crown of royalty, as [**Psalms 89:37**] states: "His seed will continue forever, and his throne will be as the sun before Me."
The crown of Torah is set aside, waiting, and ready for each Jew, as [implied by **Deuteronomy 33:4**]: "The Torah which Moses commanded us is the inheritance of the congregation of Jacob." Whoever desires may come and take it.
Lest you say that the other crowns surpass the crown of Torah, [**Proverbs 8:15-16**] states: "By me, kings reign, princes decree justice, and nobles rule." Thus, you have learned that the crown of Torah is greater than the other two.

2 Our Sages declared that even a Torah Sage who is a *mamzer* deserves precedence over a high priest who is unlearned, as [implied by **Proverbs 3:15**]: "It is more precious than pearls." [That verse can be interpreted:] more precious than the High Priest who enters the innermost chambers.

3 None of the other mitzvot can be equated to the study of Torah. Rather, the study of Torah can be equated to all the mitzvot, because study leads to deed. Therefore, study takes precedence over deed in all cases.

4 [The following rules apply] when a person is confronted with the performance of a mitzvah and the study of Torah: If the mitzvah can be performed by another individual, he should not interrupt his studies. If not, he should perform the mitzvah, and then return to his studies.

5 The first aspect of a person's judgement [in the world to come] will center on Torah study. Only afterwards will his other deeds [be considered].
Accordingly, our Sages would say: "A person should always occupy himself in Torah study, whether for God's sake or even if not for God's sake, for from [the study of Torah which] is not carried out for God's sake will come [the study of Torah which] is carried out for God's sake.

6 A person whose heart inspires him to fulfill this mitzvah in a fitting manner and to become crowned with the crown of Torah should not divert his attention to other matters. He should not set his intent on acquiring Torah together with wealth and honor simultaneously.
[Rather,] this is the path of Torah: Eat bread with salt, drink water in small measure, sleep on the ground, live a life of difficulty, and toil in Torah.
The task is not incumbent upon you to complete, nor are you free to desist from it. If you have acquired much Torah, you have acquired much reward, and that reward is commensurate with the difficulty [invested].

7 Perhaps, one will say: "[I will interrupt my studies] until after I gather money, and then I will return and study, [I will interrupt my studies] until after I buy what I need, and then, when I can divert my attention from my business, I will return and study." If you consider such thoughts, you will never merit the crown of Torah.

Rather, make your work secondary, and your Torah study a fixed matter. Do not say: "When I have free time, I will study," for perhaps you will never have free time.

8 It is written in the Torah [Deuteronomy 30:12, 13]: "It is not in the heavens....It is not across the sea...." [This implies:] "It is not in the heavens" - i.e., it is not found in the proud spirited. "It is not across the sea" - i.e., it is not found in those who travel across the sea.

Therefore, our Sages said: "Not everyone who is involved in business will become wise." Our Sages also commanded: "Minimize your business activities and occupy yourself with Torah."

9 The words of Torah can be compared to water, as [**Isaiah 55:1**] states: "Behold, all who are thirsty, come to the water." This teaches you that just as water does not collect on an incline, but rather flows from it and collects in a low place, similarly, the words of Torah will not be found in the arrogant or in the hearts of any of the haughty, but rather in the humble and lowly, who sit in the dust at the feet of the Sages and remove the desires and pleasures of the times from their hearts. They do only a minimal amount of work each day [to earn] their livelihood if they have nothing else to eat. The rest of their days and nights are involved with

Torah study.

10 Anyone who comes to the conclusion that he should involve himself in Torah study without doing work and derive his livelihood from charity, desecrates [God's] name, dishonors the Torah, extinguishes the light of faith, brings evil upon himself, and forfeits the life of the world to come, for it is forbidden to derive benefit from the words of Torah in this world.
Our Sages declared: "Whoever benefits from the words of Torah forfeits his life in the world." Also, they commanded and declared: "Do not make them a crown to magnify oneself, nor an axe to chop with." Also, they commanded and declared: "Love work and despise Rabbinic positions." All Torah that is not accompanied by work will eventually be negated and lead to sin. Ultimately, such a person will steal from others.

11 It is a tremendous advantage for a person to derive his livelihood from his own efforts. This attribute was possessed by the pious of the early generations. In this manner, one will merit all [types of] honor and benefit in this world and in the world to come, as [**Psalms 128:2**] states: "If you eat the toil of your hands, you will be happy and it will be good for you."
"You will be happy" - in this world. "It will be good for you" - in the world to come, which is entirely good.

12 The words of Torah will not be permanently acquired by a person who applies himself feebly [to obtain] them, and not by those who study amid pleasure and [an abundance] of food and drink. Rather, one must give up

his life for them, constantly straining his body to the point of discomfort, without granting sleep to his eyes or slumber to his eyelids.

The Sages alluded to this concept, [interpreting **Numbers 19:14**:] "This is the Torah, a man should he die in a tent..." [to mean that] the Torah cannot be permanently acquired except by a person who gives up his life in the tents of wisdom.

Similarly, Solomon said in his wisdom [**Proverbs 24:10**]: "If you faint in the day of adversity, your strength is small." He also said [**Ecclesiastes 2:9**]: "Also, my wisdom remained with me." [This can be interpreted to mean:] The wisdom which I learned in anger, this is what remained with me.

Our Sages declared: A covenant has been established that anyone who wearies himself in Torah study in a house of study will not forget it quickly. Anyone who wearies himself in Torah study in private will become wise, as [**Proverbs 11:2**] states: "To the modest will come wisdom." Whoever raises his voice during his studies will permanently acquire the subject matter. In contrast, one who reads silently will forget quickly.

13 Even though it is a mitzvah to study during the day and at night, it is only at night that a person acquires most of his wisdom. Therefore, a person who desires to merit the crown of Torah should be careful with all his nights, not giving up even one to sleep, eating, drinking, talk, or the like. Rather, [they should be devoted to] the study of Torah and the words of wisdom.

Our Sages declared: "The song of Torah can [be heard] only at night, as [**Eichah 2:19**] states: 'Arise, sing out at night...'"

Whoever occupies himself with Torah study at night will have a strand of

[Divine] favor extended over him during the day, as [implied by **Psalms 42:9**]: "During the day, God ordains His kindness and, at night, His song is with me, a prayer to the living God."

[In contrast], any house in which the words of Torah cannot be heard at night will be consumed by fire, as [implied by **Job 20:26**]: "All the darkness is hidden away from His treasures; a fire that need not be blown will consume him."

[The verse, **Numbers 16:31**,] "He scorned the word of God," applies to someone who pays no attention to Torah at all. Similarly, anyone who has the potential to occupy himself with Torah study and does not, or who has studied both the Written and Oral Law and turned away to the vanities of the world, leaving behind his study and ignoring it, is included in the category of "those who scorn the word of God."

Our Sages declared: "Whoever neglects Torah study when wealthy will ultimately neglect it amidst poverty. Whoever maintains the Torah in poverty will ultimately maintain it amidst prosperity." This concept is explicitly mentioned in the Torah [**Deuteronomy 28:47-48**], which states: "Because you did not serve God, your Lord, with happiness and good feeling when there was an abundance of everything, you shall serve your enemies," and [**Deuteronomy 8:16**] states: "so that you shall suffer...so that ultimately He will make you prosper."

Chapter 4

1 Torah should be taught only to a proper student - one whose deeds are attractive - or to a person whose behavior is unknown. However, [a

potential student] who follows bad ways should be influenced to correct his behavior and trained to follow a straight path. [After he repents, his deeds] are examined and he is allowed to enter the house of study to be instructed.

Our Sages said: Whoever teaches an improper student is considered as if he throws a stone to Mercury, as [**Proverbs 26:8**] states: "As one who winds a stone in a sling, so is he who gives honor to a fool." There is no "honor" other than Torah, as [**Proverbs 3:35**] states: "The wise shall inherit honor."

Similarly, one should not study from a teacher who does not follow a proper path, even though he is a very wise man and his [instruction] is required by the entire nation, until he returns to a good path, as [implied by **Malachi 2:7**]: "For the priest's lips shall keep knowledge, and they shall seek Torah from his mouth, because he is a messenger from the Lord of Hosts."

Our Sages said: If a teacher resembles "a messenger of the Lord of Hosts," seek Torah from his mouth. If he does not, do not seek Torah from his mouth.

2 How is [Torah] taught? The teacher sits at the head and the students sit around him, so that all can see the teacher and hear his words.

The teacher should not sit on a chair, [while] his students [sit] on the ground. Rather, either everyone should sit on the ground or everyone should sit on chairs.

Originally, the teacher would sit and the students would stand. [However,] before the destruction of the Second Temple, everyone followed the practice of teaching while both they and the students were

seated.

3 If the teacher [desires] to instruct the students personally, he is entitled to do so. If he [desires to] teach through the medium of a spokesman, the spokesman should stand between him and the students. The teacher speaks to the spokesman and he announces the teaching to all the students.

When they ask the spokesman a question, he asks the teacher. The teacher, [in turn,] replies to the spokesman and the spokesman replies to the questioner.

The teacher should not raise his voice above that of the spokesman. Similarly, when the spokesman asks a question of the teacher, he should not raise his voice above that of the teacher.

The spokesman is not allowed to detract from, add to, or change [the teacher's words], unless he is the teacher's father or teacher. If the teacher tells the spokesman: "My teacher told me the following..." or "My father and teacher told me the following...," when the spokesman relates the teaching to the people, he should quote the statement in the name of the sage [who authored it], mentioning the name of the teacher's father or teacher, saying: "So and so, the sage, said the following..." [This is allowed] despite the fact the teacher did not mention the sage's name, because it is forbidden to refer to one's teacher or father by name.

4 If the teacher taught [a concept] and it was not grasped by the students, he should not become upset with them and display anger. Rather, he should repeat and review the matter, even if he must do so many times,

until they appreciate the depth of the halachah.

Similarly, the student should not say "I understood" when he did not understand. Rather, he should ask again and again, even if he requires several repetitions. If his teacher becomes upset with him and displays anger, he should tell him: "My teacher, this is Torah. It is necessary that I study, and my powers of comprehension are weak."

5 A student should not be embarrassed because his colleagues grasped the subject matter the first or second time, while he did not understand it until it was repeated a number of times. If he becomes embarrassed because of such matters, he will find himself going in and out of the house of study without learning anything.

Accordingly, the Sages of the previous generations stated: "A bashful person will not learn, nor should the short-tempered teach."

When does the above apply? When the students did not understand the subject matter because of its depth or because of their limited powers of comprehension. However, if it appears to the teacher that they are not applying themselves to the words of Torah and are lax about them, and, therefore, do not understand, he is obligated to display anger towards them and shame them with his words, to sharpen their powers of concentration. In this context, our Sages said: "Cast fear into the students."

Therefore, it is not fitting for a teacher to act frivolously in the presence of his students. He should not amuse himself in their presence, nor should he eat and drink with them. [These restrictions are intended] so that they fear him and study under him at a fast pace.

6 When the teacher enters the house of study, questions should not be posed to him until he gathers his powers of concentration. [Thus,] a student should not ask until he sits and rests.

Two should not ask at once. A teacher should not be asked about an outside matter, but rather, [only] regarding the subject which they are involved with, lest he become embarrassed.

The teacher may [deliberately] lead the students astray with his questions and the deeds he carries out in their presence to sharpen their powers of concentration and to test whether they remember what he taught them or not. Needless to say, he may ask them regarding another matter, which they are not presently involved with, to spur them on.

7 A person should not ask a question while standing, nor should a person respond while standing. One should not ask from a high place, from far away, or from behind the elders.

A question should be asked of the teacher regarding only the subject which they are reading. A question should be asked only with an attitude of awe. A person should ask concerning only three halachot [while studying] the same subject.

8 [The following rules apply when] two people ask questions simultaneously: If one question is to the point and the other is not to the point, attention is paid to the question which is to the point. [If one question concerns] a matter to be applied in practice, and the other is an abstract question, attention is paid to the question which concerns the matter to be applied.

[If one question concerns] Torah law, and the other the interpretation of the verses of the Torah, attention is paid to the question which concerns Torah law. [If one question concerns] the interpretation of the verses of the Torah, and the other *aggadah*, attention is paid to the question which concerns the interpretation of the verses of the Torah.

[If one question concerns] *aggadah*, and the other the inference drawn from a minor premise to a major one, attention is paid to the question which concerns the inference drawn from a minor premise to a major one. [If one question concerns] the inference drawn from a minor premise to a major one, and the other an analogy established on the basis of similar words, attention is paid to the inference drawn from a minor premise to a major one.

If of the two questioners, one was a sage and one was a student, attention is paid to the sage; one a student and one a commoner, attention is paid to the student. However, if they are both sages, both students, or both commoners - similarly, if two people both ask questions concerning Torah law, or they both wish to reply to what has been previously stated, or both questions concern actual deeds - from this point on, the spokesman has the option [of giving precedence to whichever question he desires].

9 One should not sleep in a house of study. When any person dozes in the house of study, his Torah will be torn in shreds. This is alluded to in Solomon's words of wisdom [**Proverbs 23:21**]: "Drowsiness will clothe a man in rags."

Conversation in the house of study should concern only the words of Torah. Even if someone sneezes, one should not wish him: "[To your]

recovery" in the house of study. Needless to say, the discussion of other matters is prohibited.

The sanctity of a house of study exceeds that of a synagogue.

Chapter 5

1 Just as a person is commanded to honor his father and hold him in awe, so, too, is he obligated to honor his teacher and hold him in awe.

[Indeed, the measure of honor and awe] due one's teacher exceeds that due one's father. His father brings him into the life of this world, while his teacher, who teaches him wisdom, brings him into the life of the world to come.

[Accordingly,] if he saw a lost object belonging to his father and one belonging to his teacher, the lost object belonging to his teacher takes precedence. If his father and his teacher are both carrying loads, he should relieve his teacher's load, and then his father's. If his father and his teacher are held as captives, he should redeem his teacher, and afterwards, redeem his father. However, if his father is [also] a Torah sage, he should redeem his father first.

[Similarly,] if his father is a Torah sage - even if he is not equivalent to his teacher - he should return his lost article, and then that belonging to his teacher.

There is no greater honor than that due a teacher, and no greater awe than that due a teacher. Our Sages declared: "Your fear of your teacher should be equivalent to your fear of Heaven."

Therefore, they said: Whoever disputes the authority of his teacher is

considered as if he revolts against the Divine Presence, as implied [by **Numbers 26:9**]: "...who led a revolt against God."

Whoever engages in controversy with his teacher is considered as if he engaged in controversy with the Divine Presence, as implied [by **Numbers 20:13**]: "...where the Jews contested with God and where He was sanctified."

Whoever complains against his teacher is considered as if he complains against the Divine Presence, as implied [by **Exodus 16:8**]: "Your complaints are not against us, but against God."

Whoever thinks disparagingly of his teacher is considered as if he thought disparagingly of the Divine Presence, as implied [by **Numbers 21:5**]: "And the people spoke out against God and Moses."

2 What is meant by disputing the authority of one's teacher? A person who establishes a house of study [where] he sits, explains, and teaches without his teacher's permission in his teacher's lifetime. [This applies] even when one's teacher is in another country.

It is forbidden to ever render a halachic judgment in one's teacher's presence. Whoever renders a halachic judgment in his teacher's presence is worthy of death.

3 If a person asked [a student] regarding a halachic question and there were twelve *mil* between him and his teacher, he is permitted to answer. [Furthermore,] to prevent a transgression, it is permitted to give a halachic judgment even in the presence of one's teacher.

What does the above imply? For example, one saw a person perform a

forbidden act because he was unaware of the prohibition or because of his perversity, he should [try to] prevent him [by] telling him: "This is forbidden." [This] applies even in his teacher's presence and even though one's teacher had not given him permission. Wherever the desecration of God's name is involved, no deference is paid to a teacher's honor.

When does the above apply? With regard to a matter that came up incidentally. However, establishing oneself as a halachic authority to sit and reply to all who ask concerning halachic matters is forbidden, even if [the student] is at one end of the world and the teacher at the other, until either:

a) the teacher dies; or

b) the student receives permission from his teacher.

Not everyone whose teacher dies is permitted to sit and render judgment concerning Torah law; only one who is a student worthy of rendering judgment.

4 Any student who is not worthy of rendering halachic judgments and does so is foolish, wicked, and arrogant. [**Proverbs 7:26**:] "She has cast down many corpses" applies to him.

[Conversely,] a sage who is worthy of rendering halachic judgments and refrains from doing so holds back [the spread of] Torah and places stumbling blocks before the blind. "How prodigious are those she slew" [*ibid.*] applies to him.

These underdeveloped students who have not gathered much Torah knowledge, seek to gain prestige in the eyes of the common people and the inhabitants of their city [by] jumping to sit at the head of all questions

of law and halachic judgments in Israel. They spread division, destroy the world, extinguish the light of Torah, and wreak havoc in the vineyard of the God of Hosts. In his wisdom, Solomon alluded to them [as follows, (**Song of Songs 2:15**)]: "Take for us foxes, little foxes that spoil the vineyards, [our vineyards are blooming.]"

5 It is forbidden for a student to refer to his teacher by name, even outside his presence. He should not mention his name in his presence, even when referring to others with the same name as his teacher - as he does with the name of his father. Rather, he should refer to them with different names, even after their death.

The above applies when the name is unusual, and all will thus know to whom it refers.

[A student] should not greet his teacher or respond to the latter's greeting, as is customary when two friends exchange greetings. Rather, he should bow before him and say with awe and reverence: "Peace be upon you, my master." If his teacher greeted him, he should respond: "Peace be upon you, my teacher and master."

6 Similarly, he should not remove his *tefillin* in the presence of his teacher, nor should he recline in his presence. Rather, he should sit before him as one sits before a king.

A person should not pray either in front of his teacher, behind his teacher, or at his teacher's side. Needless to say, one should not walk by his side. Rather, he should distance himself behind his teacher without standing directly behind him and then pray.

One should not enter a bathhouse together with his teacher or sit in his teacher's place. One should not side against his teacher's opinion in his presence or contradict his statements.

One should not sit in his presence until he tells him to sit. One should not stand before him until he tells him to stand or until he receives permission to stand.

When one departs from his teacher, one should not turn his back to him. Rather, one should walk backwards while facing him.

7 A person is obligated to stand before his teacher from the time he sees him - as far away as he can see - until [he passes beyond his field of vision] and is hidden: his figure no longer visible. Then, [the student] may sit.

A person is obligated to visit his teacher during the festivals.

8 Deference should not be shown to a student while in the presence of his teacher, unless it is customary for his teacher also to show him deference.

All the services which a servant performs for his master should be performed by a student for his teacher. [However,] if [the student] was in a place where he was not recognized and was not wearing *tefillin* - should he suspect that people will say he is a servant - he need not put on [his teacher's] shoe or remove it.

Whoever prevents his student from serving him withholds kindness from him and takes away his fear of heaven. Any student who deals lightly with a matter related to the honor of his teacher causes the Divine Presence to depart from Israel.

9 [A student who] saw his teacher transgress the words of the Torah should tell him: you have taught us such and such.

Whenever he mentions a teaching in his presence, he should tell him: "You have taught us the following, master." He should not mention a concept which he did not hear from his teacher unless he mentions the name of the person who authored it.

When his teacher dies, he should rend all his garments until he reveals his heart. He should never mend them.

When does the above apply? To one's outstanding teacher from whom one has gained the majority of his wisdom.

However, a person who has not gained the majority of his wisdom under a teacher's instruction is considered to be both a student and colleague. He is not obligated to honor him in all the above matters. Nevertheless, he should stand before him, rend his garments at his [death], as he does for all the deceased for whom he is obligated to mourn. Even if he learned only one thing from him, whether it be a small or great matter, he should stand before him and rend his garments at his [death].

10 Every student with a proper character will not speak in front of anyone who is wiser than he is, even though he has not learned anything from him.

11 An outstanding teacher may, if he desires, forgo his honor with regard to any or all of the above matters to any or all his students.

Even though he forgoes [these honors], the student is obligated to respect him at the time he forgoes [respect].

12 Just as students are obligated to honor their teacher, a teacher is obligated to honor his students and encourage them. Our Sages declared: "The honor of your students should be as dear to you as your own."
A teacher should take care of his students and love them, because they are like sons who bring him pleasure in this world and in the world to come.

13 Students increase their teacher's wisdom and broaden his horizons. Our Sages declared: "I learned much wisdom from my teachers and even more from my colleagues. However, from my students [I learned] most of all."
Just as a small branch is used to light a large bough, so a small student sharpens his teacher's [thinking processes], until, through his questions, he brings forth brilliant wisdom.

Chapter 6

1 It is a mitzvah to respect every Torah sage, even if he is not one's teacher, as [**Leviticus 19:32**] states: "Stand up before a white-haired [man] and respect an elder." [The word] *zakein*, [translated as "elder," alludes to the Hebrew words meaning] "one who has acquired wisdom."
When is one obligated to stand before him? When he approaches within four cubits of him until he passes him.

2 One should not stand before [a sage] in a bathhouse or toilet, for it is stated [*ibid.*]: "Stand up...and respect...," [implying] standing up that conveys respect.
Craftsmen are not obligated to stand before the Torah sages while they are

involved in their work, for it is stated: "Stand up...and respect...." [It can be inferred that] just as showing respect does not involve a financial loss, standing need not involve a financial loss.

What is the source [which teaches that] a person should not divert his eyes from the sage so that he will not see him, lest he be required to stand before him? It is written [*ibid.*], "and you shall fear your God." With regard to all matters dependent on one's conscience, the Torah states: "and you shall fear your God."

3 It is not proper for a sage to trouble the people and position himself before them so that they will have to stand for him. Rather, he should take shortcuts and have the intent that they should not see him, so that he will not trouble them to stand. The Sages would take circular routes through the outskirts [of their cities], where people who recognize them would not be found, in order not to trouble them.

4 Riding is considered to be walking. Just as one stands before [a sage who is] walking, so one should stand before one who is riding.

5 When three people are journeying [together], the master should walk in the center, the [student of] greater [stature] on his right, and the one of lesser [stature] on his left.

6 One who sees a sage need not stand in deference to him until he reaches within four cubits of him; once he has passed, he may sit.

Should one see the *av beit din*, one should stand in deference to him from the time he sees him - as far away as he can see. He may not sit until he

has passed four cubits beyond him.

Should one see the *nasi*, one should stand in deference to him from the time he sees him - as far away as he can see. He may not sit until he has reached his place or passed [beyond his field of vision] and is hidden.

Should a *nasi* [desire to] waive the honor due him, he may forgo it.

When the *nasi* enters, all the people should stand. They may not sit until he tells them to. When the *av beit din* enters, two rows are opened for him, and the people stand on either side until he enters and sits in his place. The other people remain seated in their places.

7 When a sage enters - when he approaches within four cubits of anyone - the latter should stand for him. Thus, one stands and one sits until he enters and sits in his place.

The sons and the students of the sages may jump over the heads of the people to reach their place when their presence is required by the people at large.

It is not praiseworthy for a sage to enter [the house of study] last. If one leaves to tend to his needs, he may return to his place.

The children of the sages who have enough knowledge to listen turn their faces toward their father. If they lack the knowledge to listen, they turn their faces to the people.

8 A student who is constantly sitting before his teacher is permitted to rise in his honor only [twice daily,] in the morning and in the evening, so that the honor paid to him does not exceed the honor paid to God.

9 We should stand before an old man of exceedingly advanced age, even if he is not a sage. Even a sage who is young is obligated to stand before an old man of exceedingly advanced age. Nevertheless, he need not rise to his full height, and need only show some token of respect.

Even an old gentile should be addressed with words of respect, and a hand should be extended to support him, as [**Leviticus 19:32**] states: "Stand up before a white-haired [man]." Every white-haired man is included therein.

10 Torah sages should not personally take part in any communal work projects - e.g., building, digging, or the like - [to improve] the city, lest they become disgraced in the eyes of the common people.

Money should not be collected from them to pay for building the [city] wall, fixing its gates, its watchmen's wages, and the like. [The same applies regarding] a present to be offered to the king.

Similarly, they are not obligated to pay taxes - neither [their share in] a tax levied on the city as a whole nor a head tax levied on each individual - as [**Hoshea 8:10**] states: "Although they will give among the nations, now I will gather them; in a little while, they will be released from the burden of the king and his officers."

Similarly, if a Torah sage has merchandise to sell, he is allowed to sell it first, and no other person at the marketplace is allowed to sell until he does. Similarly, if he has a legal matter and stands among many other litigants, he is given priority. [Also,] he is allowed to sit.

11 It is a great sin to disgrace Torah sages or to hate them. Jerusalem was not destroyed until [its inhabitants] disgraced its sages, as implied by [**II**

Chronicles 36:16]: "And they would mock the messengers of God, despise His words, and scoff at His prophets" - i.e., they would scorn those who taught His words.

Similarly, the Torah's prophecy [**Leviticus 26:16**]: "If you despise My statutes" [should be interpreted]: "If you despise the teachers of My statutes." Whoever disgraces the sages has no portion in the world to come and is included in the category: "Those who scorn the word of God" [Numbers 15:31].

12 Even though a person who disgraces a Torah sage will not receive a portion in the world to come, if witnesses come [and testify that] he disgraced him, even if only verbally, he is obligated to be placed under a ban of ostracism. This ban is publicly announced by the court. Also, wherever he is located, he is fined a *litra* of gold, which is given to the sage.

Even one who disgraces a sage after his death is placed under a ban of ostracism by the court. They should release the ban when he repents. In contrast, if the sage is alive, they do not release the ban until he appeases the sage for whose [honor] he was ostracized.

[To protect] his honor, a sage may issue a ban of ostracism against a common person who acted outrageously against him. He does not need witnesses, nor must [the offender] have been warned. The ban is not lifted until he appeases the sage. If the sage dies, three people may come and lift [the ban]. If the sage desires to forgive him and not place him under ban, he is permitted to do so.

13 If a teacher placed a person under a ban of ostracism because of his honor, all of his students are obligated to treat the person in the required fashion. However, if a student issued a ban of ostracism because of his honor, his teacher is not obligated to abide by the terms of the ban. Nevertheless, all other people are obligated to do so.

Similarly, when a person is placed under a ban of ostracism because of the *nasi*, all Jews are obligated to abide by the terms of the ban. However, if a person is placed under a ban of ostracism because of any Jew, the *nasi* is not obligated to abide by it.

When a person is placed under a ban of ostracism because of his city, other cities must also abide by this ban. However, if he is placed under ban by other cities, his own city need not abide by the ban.

14 When does the above apply? When the ban was imposed because he acted disrespectfully to a Torah sage. However, a person who was placed under a ban of ostracism for another reason for which such a ban may be declared - even if the ban was declared by a person of the lowest stature in Israel - the *nasi* and all Jews are obligated to abide by the terms of the ban until he repents for the matter for which the ban was imposed, and the ban is lifted.

A ban of ostracism is imposed upon a person - either man or woman - for [the following] 24 reasons:

a) a person who disgraces a sage, even after his passing;

b) a person who embarrasses a messenger of a court;

c) a person who calls a colleague a slave;

d) a person who was ordered [to appear before] a court at a specific time

and did not come;
e) a person who treats even one point of Rabbinic law with disrespect; needless to say, this applies regarding [matters of] Torah law;
f) a person who refuses to comply with the decisions [rendered by a court] is placed under ban until he complies;
g) a person who possesses an entity that can cause damage - e.g., a dangerous dog or a faulty ladder - is placed under ban until he removes that entity;
h) a person who sells land to a gentile is placed under ban until he accepts responsibility for any damages which the gentile may cause his Jewish neighbor;
i) a person who testifies against a Jewish colleague in a secular court and causes money which Torah law would not [require him to pay] to be expropriated from him is placed under ban until he repays [that amount];
j) a butcher who is a priest and does not separate the priestly gifts and give them to another priest is placed under ban until he gives them;
k) a person who violates the sanctity of the second day of the festivals in the Diaspora, even though [their observance] is only a custom;
l) a person who performs work on Pesach eve after noon;
m) a person who takes God's name in vain or takes an oath casually;
n) a person who causes the many to desecrate God's name;
o) a person who causes the many to eat sacrificial food outside [its proper place];
p) a person who calculates the years [and declares a leap year] or fixes the day of the new month in the Diaspora;
q) a person who causes the blind [- i.e., the morally unaware -] to

stumble;

r) a person who prevents the many from performing a mitzvah;

s) a butcher who sold non-kosher meat;

t) a butcher who does not inspect his knife in the presence of a sage;

u) a person who intentionally causes himself to have an erection;

v) a person who divorced his wife, and then entered into a partnership or business dealing with her which requires them to come into contact. When they come to court, they are placed under ban;

w) a sage whose reputation is unsavory;

x) a person who places a person under ban when the latter does not deserve [such punishment];

Chapter 7

1 Even though a sage who is distinguished for his wisdom, the *nasi*, or the *av beit din* acts shamefully, they should never be publically placed under a ban of ostracism unless their deeds resemble those of Jeroboam ben Nevat and his colleagues. However, if one [of these individuals] performs other sins, he should be lashed privately, as [implied by **Hoshea 4:5**]: "You shall stumble during the day and the prophet will stumble with you at night" - i.e., even though he stumbles, cover him like night. He is told: "Preserve your honor and stay at home."

Similarly, whenever a Torah sage is obligated to be ostracized, it is forbidden for a court to act rashly and pronounce a ban hastily. Instead, they should shun the matter and try to avoid it. The pious among the Sages would be proud of the fact that they never participated in the

ostracism of a Torah sage. Nevertheless, they would participate in sentencing him to be lashed. They would even participate in sentencing him to receive "stripes for rebellion."

2 How is the ban [issued]? The [court] pronounces: "So and so shall be ostracized. If the ban is issued in his presence, [the court] pronounces: "This [person], so and so, shall be ostracized."

A ban of excommunication [is issued as follows]: They tell him: "So and so is excommunicated."

The expression "He is cursed" implies a curse, an oath, and a ban of ostracism.

3 How is a ban of ostracism or excommunication lifted? They tell him: "You are released. You are forgiven." If the ban is lifted outside his presence, they say: "So and so is released. So and so is forgiven."

4 What are the practices that must be observed by the person who is ostracized and those who come into contact with him?

a) he is forbidden to cut his hair or launder his clothes, like a mourner throughout his entire period of ostracism;

b) he is not included in a *zimmun,* nor in a quorum of ten with regard to any matter that requires ten;

c) no one should sit within four cubits of him.

He may, however, teach others and others may teach him. He may be hired and may hire others. If he dies while under ban, the court sends [an emissary who] places a stone on his coffin, as if to say that they are

stoning him because he was separated from the community. Needless to say, eulogies are not recited for him, nor is his bier accompanied.

5 A person who is excommunicated has even more [severe restrictions]. He may not teach others and others may not teach him. Nevertheless, he may study himself, so that he does not forget what he has learned.
He may not be hired, nor is he allowed to hire others. We should not engage in trade with him. [Indeed,] we should not have any business dealings with him except the bare minimum necessary for his livelihood.

6 When a person was ostracized for thirty days and did not seek to be released from the ban, he is placed under a second ban. If he was ostracized for a second thirty days without seeking release, he is excommunicated.

7 How many [people] are necessary to release [a person from a] ban of ostracism or excommunication? Three. They may even be commoners. A single judge with unique expertise may release [a person from a] ban of ostracism or excommunication alone. A student may release [a person from a] ban of ostracism or excommunication even in the place of his teacher.

9 When three individuals issue a ban of ostracism, and then depart, if the person who was ostracized improves his behavior with regard to the matter for which he was ostracized, three others may come and release him [from that ban].

10 A person who does not know who placed him under a ban of ostracism should approach the *nasi* who may release him from that ban.

11 If a ban was issued conditionally, even if one imposed that [conditional ban] on himself, it must be nullified [before ordinary interaction with the person is permitted]. If a Torah sage issued a ban of ostracism against himself, even if he made that ban conditional on the consent of another person and even if he issued it because of a matter which requires ostracism, he may nullify the ban himself.

12 Whenever a person dreams that he was placed under a ban of ostracism, even if he knows who issued that ban, ten people who are proficient in Torah Law are required to release him from that ban. If he cannot find such people [in his immediate surroundings], he must journey a *parsah* in search of them.

If he cannot find [these people within that distance], the ban can be released even by ten people who study Mishnah. If he cannot find [such people], the ban can be released even by ten people who know how to read the Torah. If he cannot find ten people in his place, the ban can be released by three ordinary people.

13 Whenever a ban of ostracism is imposed in a person's presence, it should only be lifted in his presence. If it was issued outside his presence, it may be lifted in his presence or outside his presence. There is no [fixed amount of time] between the issuance of a ban and its release. Instead, one may issue a ban and lift it immediately if the person placed under ban

improves his behavior.

However, [if the court sees fit for this individual to remain under ban for a number of years, they may extend [the ban] according to his wickedness. Similarly, if it sees fit, the court is entitled to excommunicate a person at the outset or to excommunicate anyone who eats, drinks, or stands within four cubits of a person who has been ostracized. [This power is granted] to cause [the banned person] hardship and [thus,] create a fence around the Torah, so that it will not be violated by the sinners. Even though a Torah sage may place a person under a ban of ostracism [to preserve] his honor, it is not praiseworthy for a sage to accustom himself to this practice. Instead, he should turn his ears from the words of the common people and not pay attention to them, as Solomon said in his wisdom [**Ecclesiastes 7:21**]: "Also, do not pay heed to all the words that are spoken."

This was the practice of the pious of the early generations. They would hear their shame and not answer. Furthermore, they would pardon and forgive the person who insulted them. The great sages would take pride in their pleasant deeds, relating that they never issued a ban of ostracism or excommunication [to protect] their honor. This is the path of the sages which is worthy of being followed.

When does the above apply? When [the person] spurned or embarrassed [the sage] in private. However, if one spurns or embarrasses a sage in public, it is forbidden for the sage to forgo his honor. Indeed, if he does so, he is punished, because the disrespect of the Torah is involved. Instead, he should seek vengeance and carry enmity over the matter like a snake until the offender requests to be pardoned. Then, he should forgive him.

Mishneh Torah, Foreign Worship and Customs of the Nat…

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 During the times of Enosh, mankind made a great mistake, and the wise men of that generation gave thoughtless counsel. Enosh himself was one of those who erred.

Their mistake was as follows: They said God created stars and spheres with which to control the world. He placed them on high and treated them with honor, making them servants who minister before Him. Accordingly, it is fitting to praise and glorify them and to treat them with honor. [They perceived] this to be the will of God, blessed be He, that they magnify and honor those whom He magnified and honored, just as a king desires that the servants who stand before him be honored. Indeed, doing so is an expression of honor to the king.

After conceiving of this notion, they began to construct temples to the stars and offer sacrifices to them. They would praise and glorify them with words, and prostrate themselves before them, because by doing so, they would - according to their false conception - be fulfilling the will of God.

This was the essence of the worship of false gods, and this was the rationale of those who worshiped them. They would not say that there is no other god except for this star.

This message was conveyed by Jeremiah, who declared (10:7-8): "Who will not fear You, King of the nations, for to You it is fitting. Among all the wise men of the nations and in all their kingdoms, there is none like

You. They have one foolish and senseless [notion. They conceive of their] empty teachings as wood;" i.e., all know that You alone are God. Their foolish error consists of conceiving of this emptiness as Your will.

2 After many years passed, there arose people - false prophets - who told [their nations] that God had commanded them to say: Serve this star - or all the stars - sacrifice to it, offer libations to it, build a temple for it and make an image of it so that all people - including the women, the children, and the common people - could bow to it.

He would inform them of a form that he had conceived, and tell them that this is the image of the particular star, claiming that this was revealed to him in a prophetic vision. In this manner, the people began to make images in temples, under trees, and on the tops of mountains and hills.

People would gather together and bow down to them and the [false prophets] would say: This image is the source of benefit or harm. It is appropriate to serve it and fear it. Their priests would tell them: This service will enable you to multiply and be successful. Do this and this, or do not do this or this.

Subsequently, other deceivers arose and declared that a specific star, sphere, or angel had spoken to them and commanded them: Serve me in this manner. He would then relate a mode of service [telling them:] Do this, do not do this.

Thus, these practices spread throughout the world. People would serve images with strange practices - one more distorted than the other - offer sacrifices to them, and bow down to them. As the years passed, [God's] glorious and awesome name was forgotten by the entire population. [It

was no longer part of] their speech or thought, and they no longer knew Him. Thus, all the common people, the women, and the children would know only the image of wood or stone and the temples of stone to which they were trained from their childhood to bow down and serve, and in whose name they swore.

The wise men among them would think that there is no God other than the stars and spheres for whose sake, and in resemblance of which, they had made these images. The Eternal Rock was not recognized or known by anyone in the world, with the exception of a [few] individuals: for example, Chanoch, Metushelach, Noach, Shem, and Ever. The world continued in this fashion until the pillar of the world - the Patriarch Abraham - was born.

3 After this mighty man was weaned, he began to explore and think. Though he was a child, he began to think [incessantly] throughout the day and night, wondering: How is it possible for the sphere to continue to revolve without having anyone controlling it? Who is causing it to revolve? Surely, it does not cause itself to revolve.

He had no teacher, nor was there anyone to inform him. Rather, he was mired in Ur Kasdim among the foolish idolaters. His father, mother, and all the people [around him] were idol worshipers, and he would worship with them. [However,] his heart was exploring and [gaining] understanding.

Ultimately, he appreciated the way of truth and understood the path of righteousness through his accurate comprehension. He realized that there was one God who controlled the sphere, that He created everything, and

that there is no other God among all the other entities. He knew that the entire world was making a mistake. What caused them to err was their service of the stars and images, which made them lose awareness of the truth.

Abraham was forty years old when he became aware of his Creator. When he recognized and knew Him, he began to formulate replies to the inhabitants of Ur Kasdim and debate with them, telling them that they were not following a proper path.

He broke their idols and began to teach the people that it is fitting to serve only the God of the world. To Him [alone] is it fitting to bow down, sacrifice, and offer libations, so that the people of future [generations] would recognize Him. [Conversely,] it is fitting to destroy and break all the images, lest all the people err concerning them, like those people who thought that there are no other gods besides these [images].

When he overcame them through the strength of his arguments, the king desired to kill him. He was [saved through] a miracle and left for Charan. [There,] he began to call in a loud voice to all people and inform them that there is one God in the entire world and it is proper to serve Him. He would go out and call to the people, gathering them in city after city and country after country, until he came to the land of Canaan - proclaiming [God's existence the entire time] - as [**Genesis 21:33**] states: "And He called there in the name of the Lord, the eternal God."

When the people would gather around him and ask him about his statements, he would explain [them] to each one of them according to their understanding, until they turned to the path of truth. Ultimately, thousands and myriads gathered around him. These are the men of the

house of Abraham.

He planted in their hearts this great fundamental principle, composed texts about it, and taught it to Isaac, his son. Isaac also taught others and turned [their hearts to God]. He also taught Jacob and appointed him as a teacher.

[Jacob] taught others and turned [the hearts] of all those who gathered around him [to God]. He also taught all of his children. He selected Levi and appointed him as the leader. He established him [as the head of] the academy to teach them the way of God and observe the mitzvot of Abraham.

[Jacob] commanded his sons that the leadership should not depart from the descendants of Levi, so that the teachings would not be forgotten. This concept proceeded and gathered strength among the descendants of Jacob and those who collected around them, until there became a nation within the world which knew God.

When the Jews extended their stay in Egypt, however, they learned from the [Egyptians'] deeds and began worshiping the stars as they did, with the exception of the tribe of Levi, who clung to the mitzvot of the patriarchs - the tribe of Levi never served false gods.

Within a short time, the fundamental principle that Abraham had planted would have been uprooted, and the descendants of Jacob would have returned to the errors of the world and their crookedness. Because of God's love for us, and to uphold the oath He made to Abraham, our patriarch, He brought forth Moses, our teacher, the master of all prophets, and sent him [to redeem the Jews]. After Moses, our teacher, prophesied, and God chose Israel as His inheritance, He crowned them with mitzvot

and informed them of the path to serve Him, [teaching them] the judgement prescribed for idol worshiper and all those who stray after it.

Chapter 2

1 The essence of the commandment [forbidding] the worship of false gods is not to serve any of the creations, not an angel, a sphere, or a star, none of the four fundamental elements, nor any entity created from them. Even if the person worshiping knows that ה' is the [true] God and serves the creation in the manner in which Enosh and the people of his generation worshiped [the stars] originally, he is considered to be an idol worshiper.

The Torah warns us about this, saying [**Deuteronomy 4:19**]: "Lest you lift your eyes heavenward and see the sun, the moon, and the stars... [and bow down and worship them], the entities which God apportioned to all the nations." This implies that you might inquire with "the eye of the heart" and it might appear to you that these entities control the world, having been apportioned by God to all the nations to be alive, to exist, and not to cease existence, as is the pattern of [the other creations with] the world. Therefore, you might say that it is worthy to bow down to them and worship them.

For this reason, [**Deuteronomy 11:16**] commands: "Be very careful that your heart not be tempted [to go astray and worship other gods]." This implies that the thoughts of your heart should not lead you astray to worship these and make them an intermediary between you and the Creator.

2 The worshipers of false gods have composed many texts concerning their service, [describing] what is the essence of their service, what practices are involved, and what are its statutes. The Holy One, blessed be He, has commanded us not to read those books at all, nor to think about them or any matters involved with them.

It is even forbidden to look at the image of an idol, as [**Leviticus 19:4**] states: "Do not turn to the idols." In this regard, [**Deuteronomy 12:30**] states: "[Be careful]... lest you seek to find out about their gods, saying, 'How did they serve them.' This prohibits inquiring about the nature of their service even if you, yourself, do not serve them. This matter will ultimately cause you to turn to [the false god] and worship it as they do, as [the above verse continues]: "so that I will do the same."

3 All these prohibitions have one common thrust: that one should not pay attention to idol worship. Whoever performs a deed that reflects his concern with [idol worship] receives lashes [as punishment].

The worship of false gods is not the only subject to which we are forbidden to pay attention; rather, we are warned not to consider any thought which will cause us to uproot one of the fundamentals of the Torah. We should not turn our minds to these matters, think about them, or be drawn after the thoughts of our hearts.

In general, people have limited powers of understanding, and not all minds are capable of appreciating the truth in its fullness. [Accordingly,] were a person to follow the thoughts of his heart, it is possible that he would destroy the world because of his limited understanding.

What is implied? There are times when a person will stray after star

worship, and times when he will wonder about God's oneness: Perhaps He is one, perhaps He is not? [He might also wonder:] What exists above, [in the heavenly realms]? What exists below [them]? What was before time? What will be after time? Similarly, [one might wonder about] prophecy: Perhaps it is true, perhaps it is not? And [one may also wonder] about the Torah: Perhaps it emanates from God, perhaps it does not?

Since he may not know the guidelines with which to evaluate [ideas that will lead him] to the truth in its fullness, he may come to heresy. The Torah has warned about this matter, saying [**Numbers 15:39**]: "Do not stray after your hearts and eyes, which have led you to immorality" - i.e., each one of you should not follow his limited powers of understanding and think that he has comprehended the truth.

Our Sages [interpreted this warning]: "After your hearts," this refers to heresy; "after your eyes," this refers to immorality. This prohibition - though [severe,] causing a person to be prevented [from attaining a portion] in the world to come - is not punishable by lashes.

4 The commandment [forbidding] the worship of false gods is equivalent to all the mitzvot, as [implied by **Numbers 15:22**]: "Lest you err and not perform all the mitzvot...." The oral tradition teaches that the verse refers to the worship of false gods. Thus, we learn that anyone who acknowledges a false god denies the entire Torah in its totality, all the works of the prophets, and everything that has been commanded to the prophets from Adam, [the first man,] until eternity, as [**Numbers 15:23**] continues: "...from the day God issued His commandments and afterwards, for your future generations."

[Conversely,] anyone who denies the worship of false gods acknowledges the entire Torah in its totality, all the works of the prophets, and everything that has been commanded to the prophets from Adam, [the first man,] until eternity. [This acknowledgement] is fundamental to all of the mitzvot.

5 A Jew who serves false gods is considered like a gentile in all regards and is not comparable to a Jew who violated another transgression punishable by being stoned to death. An apostate who worships false gods is considered to be an apostate with regard to the entire Torah.

Similarly, Jewish *minnim* are not considered to be Jews with regard to any matter. Their repentance should never be accepted, as [implied by **Proverbs 2:19**]: "None that go to her repent, nor will they regain the paths of life."

The *minnim* are those who stray after the thoughts of their hearts, concerning themselves with the foolish matters mentioned above, until they ultimately transgress against the body of Torah [law] arrogantly, with scorn, with the intent of provoking God's anger, and yet say that there is no sin involved.

It is forbidden to talk to them or to reply to them at all, as [**Proverbs 5:8**] states: "Do not come close to her door." [It can be assumed that] a *min's* thoughts are concerned with false gods.

6 Whoever accepts a false god as true, even when he does not actually worship it, disgraces and blasphemes [God's] glorious and awesome name. This applies both to one who worships false gods and to one who curses

God's name [as is obvious from **Numbers 15:30**]: "If a person commits [an act of idolatry] highhandedly, whether he be a native born [Jew] or a convert, he is blaspheming God."

Therefore, a person who worships false gods is to be hanged, just as one who blasphemes against God is hanged. Both are executed by being stoned to death. Therefore, I have included the laws applying to a blasphemer in *Hilchot Avodat Kochavim*. Both deny the fundamental principle [of Jewish faith].

7 These are the laws which govern a blasphemer: A blasphemer is not liable to be stoned to death until he states God's unique name, which possesses four letters: א-ד-נ-י, and curses that name with one of the names of God which are forbidden to be erased, as [**Leviticus 24:16**] states: "One who blasphemes God's name...."

One is obligated to be stoned to death for blaspheming God's unique name. [Should he blaspheme] the other names for God, he [transgresses] a prohibition.

There are those who state that one is liable [for execution] only when one blasphemes the name י-ה-ו-ה. I, however, maintain that one should be stoned to death in both instances.

8 Which verse serves as the warning prohibiting blasphemy? [**Exodus 22:27**]: "Do not curse God."

[The procedure for the trial of a blasphemer is as follows:] Each day [when] the witnesses are questioned, [they use] other terms for God's name, [stating,] "May Yosse strike Yosse." At the conclusion of the

judgment, all bystanders are removed [from the courtroom]. The judges question the witness of greatest stature and tell him, "Tell us what you heard explicitly." He relates [the curse]. The judges stand upright and rend their garments. They may not mend them [afterwards].

The second witness states: "I also heard as he did." If there are many witnesses, they must all say, "I heard the same."

9 [The fact that] a blasphemer retracts his statements in the midst of speaking is of no consequence. Rather, once he utters blasphemy in the presence of witnesses, he is [liable for execution by] stoning.

Should a person curse God's name with the name of a false god, the zealous may strike him and slay him. If the zealous do not slay him and he is brought to court, he is not [condemned to] be stoned. [That punishment is administered] only when one curses God's name with another one of His unique names.

10 Whoever hears the blasphemy of God's name is obligated to rend his garments. Even [when one hears] the blasphemy of other terms used to describe God, one is obligated to rend his garments.

The above applies when one hears [the blasphemy] from a fellow Jew. [In that instance,] both one who hears the actual blasphemy and one who hears it from the witnesses is obligated to rend his garments. In contrast, one who hears a gentile [blaspheme God's name] is not obligated to rend his garments. Elyakim and Shevna rent their garments [as described in **Isaiah 36:22**] only because Ravshakeh was an apostate Jew.

[Before his execution,] all the witnesses and the judges place their hands

on the head of the blasphemer and tell him: "You are responsible for your death. You brought it upon yourself." Only a blasphemer - and none of the other offenders executed by the court - has [the judges and witnesses] place their hands upon his head, as [**Leviticus 24:14**] states: "And all those who hear shall place their hands on his head."

Chapter 3

1 Whoever serves false gods willingly, as a conscious act of defiance, is liable for כרת. If witnesses who warned him were present, he is [punished by being] stoned to death. If he served [such gods] inadvertently, he must bring a fixed sin offering.

2 The gentiles established various different services for each particular idol and image. These services do not [necessarily] resemble each other. For example, Pe'or is served by defecating before it. Marculis is served by throwing stones at it or clearing stones away from it. Similarly, other services were instituted for other idols.

One who defecates before Marculis or throws a stone at Pe'or is free of liability until he serves it according to the accepted modes of service, as [implied by **Deuteronomy 12:30**]: "[Lest one inquire about their gods, saying,] 'How did these nations serve their gods? I will do the same.'"

For this reason, a court must know the types of worship [practiced by gentiles], because an idolater is stoned to death only when we know that [he has worshiped a false god] in the mode in which it is traditionally worshiped.

3 The warning [forbidding] such worship and the like is the verse [**Exodus 20:5**] which states: "Do not serve them."

When does the above apply? with regard to services other than bowing, slaughtering [an animal], bringing a burnt offering, and offering a libation. A person who performs one of these four services to any one of the types of false gods is liable, even though this is not its accepted mode of service.

How is this exemplified? A person who offers a libation to Pe'or or slaughters [an animal] to Marculis is liable, as [implied by **Exodus 22:19**]: "Whoever slaughters [an animal] to any deity other than God alone must be condemned to death."

[Liability for performing the other services can be derived as follows:] Slaughter was included in the general category of services [forbidden to be performed to false gods]. Why was it mentioned explicitly? To teach [the following]: Slaughter is distinct as one of the services of God, and one who slaughters to false gods is liable to be executed by stoning. Similarly, with regard to any service which is distinct as one of the services of God, if a person performs it in worship of other gods, he is liable.

For [a similar reason, **Exodus 34:14**] states: "Do not bow down to another god," to teach that one is liable for bowing down [to another god] even when this is not its accepted mode of service. The same applies to one who brings a burnt offering or pours a libation. Sprinkling [blood] is considered the same as pouring a libation.

4 [Even if] one pours feces before it or pours a libation of urine from a chamber pot before it, one is liable. If one slaughters a locust before it,

one is not liable, unless this is the mode of service of that deity. Similarly, if one slaughters an animal lacking a limb for it, one is not liable, unless this is the manner of service of this deity.

[The following rules apply when] a false god is worshiped by [beating with] a staff [before it]: If one breaks a staff before it, one is liable [for the worship of false gods], and [the deity] is forbidden. If one threw a staff before it, one is held liable, but [the deity] is not forbidden, because throwing a staff is not considered equivalent to sprinkling blood. The staff remains as it was, while the blood spatters [in different directions].

A person who accepts any one of the various false gods as a deity is liable for [execution by] stoning. Even one who lifted up a brick and said, "You are my god," or the like, is liable. Even if he retracted his statements in the midst of speaking and said, "This is not my God," his retraction is not significant and he should be stoned [to death].

5 Anyone who serves a false god through its accepted mode of service - even if he does so in a derisive manner - is liable. What is implied? When a person defecates before Pe'or to repudiate it, or throws a stone at Marculis to repudiate it - since this is the manner of serving them - the person is liable and must bring a sacrifice [to atone for] his inadvertent transgression.

6 [The following rules apply when] a person serves a false deity out of love - i.e., he desires an image because its service is very attractive - or when one serves it out of his fear of it - i.e., he fears that it will harm him - as the [idol] worshipers fear [their deities as sources of] benefit and harm: If he

accepts it as a god, he is liable to be stoned to death. If he serves it out of love or fear through its accepted mode of service or through one of the four services [mentioned above], he is not held liable.

One who embraces a false deity, kisses it, sweeps before it, mops before it, washes it, anoints it, dresses it, places shoes upon it, or performs any similar act of deference violates a negative commandment, as [implied by **Exodus 20:5**]: "Do not serve them." Such acts are also "service." The offender is, nevertheless, not liable for lashes, because [these services] are not [mentioned] explicitly [by the Torah].

If one of the above services was the accepted mode of worship [of a particular deity] and a person performed this service as an act of worship, he is liable [for execution].

7 If a splinter becomes stuck in a person's foot before an idol, he should not bend down to remove it, because it appears that he is bowing down to the idol.

If money belonging to a person becomes scattered before an idol, he should not bow down and pick it up, because it appears that he is bowing down to the idol. Instead, he should sit down, and then pick it up.

8 A person should not place his mouth over the mouths of statues which serve as fountains that are located before false deities in order to drink, because it appears that he is kissing the false deity.

9 A person who has a false god made for himself - even though he, himself, did not actually fashion it, nor worship it - is [punished by] lashing, as

[**Exodus 20:5**] states: "Do not make for yourself an idol or any representation."

Similarly, a person who actually fashions a false god for others, even for idolaters, is [punished by] lashing, as [**Leviticus 19:4**] states: "Do not make molten gods for yourselves." Accordingly, a person who actually fashions a false god for himself receives two measures of lashes.

10 It is prohibited to make images for decorative purposes, even though they do not represent false deities, as [implied by **Exodus 20:20**]: "Do not make with Me [gods of silver and gods of gold]." This refers even to images of gold and silver which are intended only for decorative purposes, lest others err and view them as deities.

It is forbidden to make decorative images of the human form alone. Therefore, it is forbidden to make human images with wood, cement, or stone. This [prohibition] applies when the image is protruding - for example, images and sculptures made in a hallway and the like. A person who makes such an image is [liable for] lashes.

In contrast, it is permitted to make human images that are engraved or painted - e.g., portraits, whether on wood or on stone - or that are part of a tapestry.

11 [The following rules apply regarding] a signet ring which bears a human image: If the image is protruding, it is forbidden to wear it, but it is permitted to use it as a seal. If the image is an impression, it is permitted to wear it, but it is forbidden to use it as a seal, because it will create an image which protrudes.

Similarly, it is forbidden to make an image of the sun, the moon, the stars, the constellations, or the angels, as [implied by Exodus, ibid.]: "Do not make with Me [gods of silver...]" - i.e., do not make images of My servants, those who serve before Me on high. This [prohibition] applies even [to pictures] on tablets.

The images of animals and other living beings - with the exception of men - and similarly, the images of trees, grasses, and the like may be fashioned. This applies even to images which protrude.

Chapter 4

1 Those who lead [the inhabitants of] a Jewish city astray are executed by stoning, even though they themselves did not worship a false deity, but [merely] proselytized to the inhabitants of their city until they worshiped it.

The inhabitants of the city that has been led astray (עיר הנדחת) are executed by decapitation if they worshiped a false deity or accepted it as a god.

What is the source that serves as a warning against proselytizing on behalf of a false deity? "Let not [the name of another deity] be heard through your mouth."

2 A city is not condemned as an עיר הנדחת until two or more individuals attempt to lead its inhabitants astray, as [**Deuteronomy 13:14**] states: "Unfaithful people have emerged...." The people who lead them astray must be from that tribe and from that city, as [the verse continues]: "from

your midst."

Those led astray must be the majority [of the city's inhabitants]. They must number from [at least] 100 to the majority of the tribe. If, however, the majority of the tribe is led astray, they are judged as individuals, as implied by [the phrase in the following verse]: "the inhabitants of the city;" neither a small village nor a large metropolis. If there are fewer than 100, it is considered a small village. If the majority of the tribe is involved, it is considered to be a large metropolis.

Similarly, the laws applying to an עיר הנדחת are not enforced if:

the people who led them astray were women or minors,

they were led astray by a single individual,

a minority of the city were led astray,

they turned to idols on their own initiative, or

if those who led them astray came from outside the city.

Instead, [the violators] are considered to be individuals who worshiped false deities. All those who worshiped are executed by stoning, and their estate is given to their heirs like all others executed by a court.

3 The laws of an עיר הנדחת are enforced only by a court of 71 judges, as [implied by **Deuteronomy 17:5**]: "And you shall take the man or woman who did that wicked thing to your gates." [This can be interpreted to mean:] Individuals are executed by the courts which are found at the gates [of every city]. A multitude are only executed by the supreme court.

4 None of the cities of refuge can ever be condemned as an עיר הנדחת, as [implied by **Deuteronomy 13:13**]: "one of your cities." [Similarly,]

Jerusalem can never be condemned as an עיר הנדחת, because it was not divided among the tribes.

A border city is never condemned as an עיר הנדחת, so that gentiles will not enter and destroy *Eretz Yisrael*. One court should not condemn three cities located next to each other as an עיר הנדחת. If [the cities] are separated from each other, they may condemn them.

5 [A city] is not condemned as an עיר הנדחת unless those who proselytize [the inhabitants] address them in the plural, telling them, "Let us go and worship," "Let us go and sacrifice," "Let us go and bring a burnt offering," "Let us go and offer a libation," "Let us go and bow down," or "Let us go and accept [the deity] as a god."

[The inhabitants] must listen and then worship [the deity] with its accepted mode of worship, or through one of the four modes of worship [mentioned in Chapter 3, Halachah 3], or accept it as a god.

What happens if all these conditions are not fulfilled with regard to a city or those who proselytize [its inhabitants]? Warnings are given to each person who worships false gods, and testimony [is delivered against them]. They are executed by stoning as individuals who worshiped false gods, and their estate is given to their heirs.

6 What is the judgment rendered against an עיר הנדחת when all the criteria for that judgment have been met?

The supreme Sanhedrin sends [emissaries] who investigate and probe until they have established clear proof that the entire city - or the majority of its inhabitants - have turned to the worship of false gods.

Afterwards, they send two Torah sages to warn them and to motivate them to repentance. If they repent, it is good. If they continue their wicked ways, the court commands the entire Jewish people to take up arms against them. They lay siege to the city and wage war against it until the city falls.

When the city falls, very many courts are set up, and [the inhabitants] are judged. All those people against whom two witnesses testify that they worshiped a false deity after receiving a warning are separated. If those who worshiped [the false deity] constitute only a minority [of the city's inhabitants], they are stoned to death, but the rest of the city is saved. If they constitute a majority, they are brought to the supreme Sanhedrin and their judgment is concluded there. All those who worshiped [the false deity] are executed by decapitation.

If the entire city was led astray, all of the inhabitants including the women and the children are slain by the sword. If a majority of the inhabitants were led astray, the transgressors' wives and children are slain by the sword. Whether the entire city or only a majority of its inhabitants were led astray, those who proselytized [on behalf of the false deity] are stoned to death.

All the property within it is collected within its main street. If it does not have a main street, a main street is made for it. If its main street is located outside its confines, its wall is extended until its [main street] is included within its confines, as [implied by **Deuteronomy 13:17**]: "[Gather all its goods] in the midst of its main street."

All live animals that are contained within are slain. All its property and the city [as a whole] are burned with fire. Burning them fulfills a positive

commandment, as [the verse continues]: "Burn the city and all its goods entirely."

7 The property of the righteous men - i.e., the remainder of the city's inhabitants who were not led astray with the majority - that is located within the city should be burned together with all its property. Since they resided there, their fortunes are destroyed.

Whoever derives even the slightest benefit from [the city's property] receives a single measure of lashes, as [**Deuteronomy 13:18**] states: "Let nothing that has been condemned remain in your possession."

8 [The following rules apply when] the witnesses who testified against an עיר הנדחת were disqualified as *zomemim*: Whoever takes possession of any property is considered to have acquired it and may derive benefit from it, since the [incriminating testimony - and thus, the judgment based upon it -] has been nullified.

Why do they acquire it? Because each of the city's inhabitants gave up ownership of his property after the judgment was rendered.

[An עיר הנדחת] may never be rebuilt, and a person who rebuilds it is [liable for] lashes, as [**Deuteronomy 13:17**] states: "...never to be rebuilt." It is permitted to use it for gardens and orchards. "Never to be rebuilt" implies only that it should not be rebuilt as a city, as it was previously.

9 [The following laws apply to] a caravan which journeys from one place to another, passes through an עיר הנדחת, and is led astray with it: If they had remained [in the city] thirty days, they are executed by decapitation and

their property is condemned. If they were there for a lesser period, they are executed by stoning, but their property is given to their heirs.

10 Property belonging to people of other cities which is kept within [an עיר הנדחת] is not burned, but rather is returned to its owners. [This applies] even when [the inhabitants of the עיר הנדחת] accepted responsibility for it, as implied by [**Deuteronomy 13:17**]: "its goods" - i.e., its goods, and not those belonging to others.

[The following rules apply to] property belonging to the wicked - i.e., those who were swayed [to idol worship] - which was kept in other cities. If [that property] was gathered together with the property of the עיר הנדחת, they are burned together. If not, it is not destroyed, but rather is given to the heirs.

11 If an animal which partially belongs to [an inhabitant of] an עיר הנדחת and partially belongs to [a person living in] another city is found within [the עיר הנדחת], it is forbidden. [In contrast,] a loaf of bread which is owned by such [partners] is permitted, because it can be divided.

12 It is forbidden to benefit from an animal which belongs to [an inhabitant of] an עיר הנדחת and which was slaughtered, just as it is forbidden to derive benefit from an ox which was condemned to be stoned and was slaughtered.

We are permitted to benefit from the hair of both men and women of [the condemned city]. A wig, however, is considered part of "its goods," and is therefore forbidden.

13 Produce which is connected [to its source of nurture] is permitted, as [implied by **Deuteronomy 13:17**]: "Gather [all its goods...] Burn..." - i.e., this includes only those articles which must merely be gathered and burned, and thus excludes produce which is still connected [to its source of nurture], and would have to be severed and gathered in order to be burned.

The same principle applies to [the inhabitants'] hair. Needless to say, the trees themselves are permitted and are bequeathed to the heirs.

[The following rules apply to] the consecrated property within it: Those animals which were consecrated to be sacrificed on the altar themselves must die, since "the sacrifices of the wicked are an abomination" [**Proverbs 21:27**]. Property which is consecrated for the purposes of the Temple must be redeemed, and afterwards is burned, [as implied by the word] "its goods" - its goods and not those which are consecrated.

14 [The following rules apply to] firstborn animals and the animal tithes that are found within [the עיר הנדחת]: Those that are unblemished are considered to be animals consecrated to be sacrificed on the altar and must die. Those that are blemished are considered to be "its animals," and are slain [with them].

[The following rules apply to] *terumah* which is contained within the city: If it has already been given to a priest, it should be allowed to rot, because it is considered his private property. If it is still in the possession of an Israelite, it should be given to a priest in another city, because it is considered to be "the property of heaven," and its consecrated nature extends to its actual substance.

15 The second tithe, money used to redeem the second tithe, and sacred writings in it must be entombed.

16 Anyone who administers the judgment of an עיר הנדחת is considered as if he offered a burnt offering consumed entirely by fire, as [**Deuteronomy 13:17**] states: "...entirely for the sake of God, your Lord." Furthermore, such action diverts [Divine] wrath from the Jews, as [the following verse continues]: "so that God's fierce anger will be allayed," and it brings them blessing and mercy [as the verse] states: "And He will grant you mercy. He will deal mercifully with you and will make you flourish."

Chapter 5

1 A person who proselytizes [a *mesit*] to any single Jew [a *musat*] - whether man or woman - on behalf of false deities should be stoned to death. [This applies] even if neither the *mesit* or the *musat* actually worshiped the false deity.

As long as he instructed him to worship [the false deity], he should be executed by stoning, regardless of whether the *mesit* was a prophet or an ordinary person, or whether the *musat* was a single individual - man or woman - or whether several people were proselytized.

2 A person who proselytizes the majority of the inhabitants of a city is called a *madiach* rather than a *mesit*. If the person who leads the majority of a city astray is a prophet, he is executed by stoning, and the people who were led astray are judged as individuals, and are not considered to be

inhabitants of an עיר הנדחת. [For the latter laws to be applied,] two people must proselytize them.

If a person says: "A false deity told me: 'Serve me,'" or "The Holy One, blessed be He, told me: 'Serve a false deity'" - he is considered a prophet who leads others astray. If the majority of the city's inhabitants are swayed by his words, he should be stoned to death.

A *mesit* should be stoned to death whether he proselytizes in plural terms or in singular. What is implied? He is considered a *mesit* if he tells a colleague, "I will worship a false deity. [Follow me.] I will go and worship..." or "Let us go and worship following the particular rite with which that deity is served," "I will slaughter. [Follow me.] I will go and slaughter..." or "Let us go and slaughter," "I will bring a burnt offering. [Follow me.] I will go and bring a burnt offering..." or "Let us go and bring a burnt offering," "I will offer a libation. [Follow me.] I will go and offer a libation..." or "Let us go and offer a libation," or "I will bow down. [Follow me.] I will go and bow down..." or "Let us go and bow down."

When a person proselytizes two individuals, they may serve as witnesses against him. They should summon him to court and testify against him, relating what he told them, and the *mesit* is stoned.

3 A *mesit* does not need a warning.

If one proselytizes a single individual, the latter should tell him, "I have friends who would also be interested in this," and thus he should lure him into proselytizing before two people, so that the *mesit* can be executed.

If the *mesit* refuses to proselytize before two people, it is a mitzvah to set a trap for him. A trap is never set for a person who violates any of the

Torah's other prohibitions. This is the only exception.

How is the trap set for him? The *musat* should bring two people and place them in a dark place where they can see the *mesit* and hear what he is saying without his seeing them. He tells the *mesit*: "Repeat what you told me privately."

[When] he does so, the *musat* should reply: "How can we forsake our God in heaven and serve wood and stone?" If [the *mesit*] retracts or remains silent, he is not held liable. If he tells him, "This is our obligation and this is beneficial to us," those who stand far off have him summoned to court and stoned.

4 It is a mitzvah for the *musat* to kill [the *mesit*], as [**Deuteronomy 13:10**] states: "Your hand must be the first against him to kill him."

It is forbidden for the *musat* to love the *mesit*, as [the previous verse states]: "Do not be attracted to him." Since [**Exodus 23:5**] states with regard to an enemy: "You must surely help him," [the question arises:] Perhaps you should help a *mesit*? The Torah [Deuteronomy, ibid.] teaches, "Do not... listen to him."

Since [**Leviticus 19:16**] teaches: "Do not stand idly over your brother's blood," [the question arises:] Perhaps you should not stand idly over a *mesit's* blood? The Torah teaches, [Deuteronomy, ibid.] "Do not let your eyes pity him."

The *musat* is forbidden to advance any arguments on his behalf, as [the verse continues,] "Do not show him any compassion." If he knows incriminating evidence, he is not permitted to remain silent, as [the verse continues,] "Do not try to cover up for him."

What is the verse which serves as a warning against a common person proselytizing as a *mesit*? "And all Israel will hear and they will become afraid [and they will not continue to do such evil things]" (**Deuteronomy 13:12 .**

5 [The following rules apply to] a person who proselytizes others by telling them to worship him: Should he tell them: "Worship me," and they worship him, he should be stoned. If they did not worship him, even though they accepted and agreed to his statements, he is not liable for stoning.

In contrast, if he proselytizes by telling them to worship another man or another false deity, [different rules apply:] If they accept his statements and say, "We will go and worship," even if they have not actually worshiped, both of them - the *mesit* and the *musat* - should be stoned. [**Deuteronomy 13:9**] states: "Do not be attracted to him or listen to him." Thus, if one was attracted and listened, one is held liable.

6 What is meant by [the expression], a prophet who prophesies in the name of false gods? A person who says: "This false deity or this star told me that we are commanded to do such and such or to refrain from doing so." [This applies] even when he stated the law accurately, labeling the impure as impure and the pure as pure.

If a warning was given to him [beforehand], he is executed by strangulation, as [**Deuteronomy 18:20**] states: "And one who speaks in the name of other gods, that prophet shall die." The warning against this [transgression] is included in the statement, [**Exodus 23:13**:] "And you

shall not mention the name of other gods."

7 It is forbidden to enter into a discussion or a debate with one who prophesies in the name of a false deity. We may not ask him to perform a sign or wonder, and if he does so on his own accord, we should pay no attention to it nor think about it. Whoever contemplates about the wonders [he performed, thinking], "Perhaps they are true," violates a negative commandment, as [**Deuteronomy 13:4**] states: "Do not listen to the words of that prophet."

Similarly, a false prophet should be executed by strangulation. [He is to be executed] although he speaks in the name of God and neither adds to nor diminishes [the mitzvot], as [**Deuteronomy 18:20**] states: "However, the prophet who dares to speak a matter in My name which I did not command - that prophet shall die."

8 [The category of] a false prophet includes:

a) one who "prophesies" regarding something that was never heard through prophetic vision;

b) one who "prophesies" about a subject which he heard from another prophet, saying that this prophecy was given to him.

[Both of these individuals] are to be executed by strangulation.

9 Anyone who refrains from executing a false prophet because of the latter's [spiritual] level, [as expressed by] his adherence to the paths of prophecy, violates a negative commandment, as [**Deuteronomy 18:22**] states: "Do not fear him." Similarly, included within [the scope of the prohibition:] "Do

not fear him" are one who withholds incriminating testimony against [a false prophet] and one who is afraid or in awe of his words.
A false prophet may be tried only by the [supreme] court of 71 judges.

10 A person who makes a vow or takes an oath in the name of a false deity is [liable for] lashes, as [**Exodus 23:13**] states: "And you shall not mention the name of other gods."
[This applies] both to one who takes such an oath for his own reasons and to one who takes such an oath because of a gentile. It is forbidden to have a gentile take an oath on his deity. It is even forbidden to mention the name of a gentile deity without any connection to an oath, as [implied by the expression], "You shall not mention."

11 A person should not tell a colleague: "Wait for me near a particular false deity," or the like.
It is permitted to mention the name of any false deity that is mentioned in the Bible - e.g., Peor, Ba'al, Nevo, Gad, and the like. It is forbidden to cause others to take oaths or vows in the name of false deities. [In regard to all these prohibitions,] the only [transgressor] liable for lashes is one who [himself] makes a vow or an oath in the name [of a false deity].

Chapter 6

1 Anyone who willingly, as a conscious act of defiance, performs the deeds associated with an *ov* or a *yid'oni* is liable for *karet*. If witnesses were present and warned him, he should be stoned to death. If he performed

these actions inadvertently, he must bring a fixed sin offering.

What do the deeds associated with an *ov* involve? A person stands up and offers an incense offering of known content. He holds a wand of myrtle in his hand and waves it while whispering a known incantation in a hushed tone. [This continues] until the person making the inquiry hears a voice, as if another person is speaking to him and replying to his questions. It appears as if the words are coming from below the earth in a very low tone, to the extent that it cannot be perceived by the ear, but only sensed by thought.

Similarly, among the deeds associated with an *ov* is taking the skull of a corpse, offering incense, and chanting incantations until one hears a voice in a very low tone emanating from his armpits and replying [to his questions]. Anyone who performs one of these acts should be stoned to death.

2 What do the deeds associated with a *yid'oni* involve? A person places a bone from a bird whose name is *yidua* in his mouth, offers incense, and performs other deeds until he falls into a trance, [losing self-control] like an epileptic, and relates events which will occur in the future.

All of these are types of idol worship. What is the source for the warning against them? [**Leviticus 19:31**]: "Do not turn to the *ovot* or the *yid'onim*."

3 Anyone who willingly, as a conscious act of defiance, gives of his progeny to *Molech* is liable for *karet*. If he did so inadvertently, he must bring a fixed sin offering. If witnesses were present and warned him, he should be stoned to death, as [**Leviticus 20:2**] states: "Whoever gives of his progeny

to *Molech* will surely die. The people will stone him."

Which verse serves as a warning for this [prohibition]? "Do not give of your progeny to *Molech*" [**Leviticus 18:21**]. Also, further on [**Deuteronomy 18:10**] states: "There shall not be found among you one who passes his son or daughter through fire."

What was done? A person would kindle a great fire and then take some of his progeny and give them to the priests who serve the fire. After the child was given to them, the priests return the son to his father to pass him through the fire at his will. The father of the child is the one who passes his child through the fire with the priests' permission. He passes him through the fire from one side to the other [while carrying him, the father walking on] his feet in the midst of the flames.

Thus, [the father] does not cremate his son to *Molech*, as sons and daughters are cremated in the worship of other deities. Rather, this form of worship called *Molech* involved merely passing [the child through the fire]. Therefore, if one performed this service to a deity other than *Molech*, one is not liable.

4 One is not liable for *karet* or stoning until one gives over his son to *Molech*, passing him through the fire as he carries him. If he gives him over, but does not pass him through the flames, or passes him through the flames without giving him over, or gives him over and passes him through the flames, but does not carry him, he is not held liable.

He is not held liable until he gives over some of his progeny and leaves some of his progeny, as [implied by **Leviticus 20:3**]: "For he gave of his progeny to *Molech*" - i.e., some [of his progeny] and not his entire

[progeny].

5 [The prohibition against giving one's progeny to *Molech* includes:] both progeny of legitimate pedigree and illegitimate pedigree, sons and daughters, children and grandchildren. One is liable for giving over any of one's descendants, because they are all included in the term "progeny."
In contrast, if one passed one's brothers, sisters, or ancestors [through the fire] or if one caused oneself to be passed through the fires, one is not held liable. A person who passes one of his progeny [through the fire] while he is sleeping or blind is not liable.

6 A monument which the Torah has forbidden is a structure around which people gather. [This prohibition applies] even [when it was constructed] for the service of God, because this is a pagan practice, as [**Deuteronomy 16:22**] states: "Do not erect a monument which God hates." Whoever erects a monument is [liable for] lashes.
Similarly, [a person who bows down on] the kneeling stone mentioned in the Torah receives lashes - even if he prostrates oneself upon it to God - as [**Leviticus 26:1**] states: "Do not place a kneeling stone in your land to prostrate yourself upon it." The pagans would customarily place a stone before a false deity so that they could prostrate themselves upon it. Therefore, this practice is not followed in the worship of God.
A person is not [liable for] lashes until he spreads out his hands and feet on the stone, thus prostrating himself on it entirely. This is what the Torah means by bowing.

7 Where does the [prohibition mentioned above] apply? Every place outside the Temple. In the Temple, however, it is permitted to bow down to God on stone.

This concept is derived as follows: [Leviticus, ibid.] states: "Do not place... in your land." "In your land," it is forbidden to prostrate oneself on stones. You may, however, prostrate yourself on hewn stones in the Temple.

For this reason, it is a universally accepted custom among the Jewish people to place mats, straw, or hay in synagogues that are paved with stones, to separate between their faces and the stones. If it is impossible to find anything to separate between them and the stones, the person should go to another place to prostrate himself, or lie on his side, so that he will not press his face to the stone.

8 A person who prostrates himself to God upon paved stones without spreading out his hands and feet is not [liable for] lashes. He is, however, punished by "blows for rebelliousness." In contrast, one who prostrates himself to a false deity should be stoned to death, whether or not he spreads out his hands and feet. As soon as he buries his face in the ground [he is liable].

9 A person who plants a tree near the altar or anywhere in the Temple courtyard - regardless of whether it is a fruit-bearing tree or not - is [liable for] lashes, as [**Deuteronomy 16:21**] states: "Do not plant an *asherah* or any other tree near the altar of God, your Lord." [This prohibition applies] even when he did so to beautify the Temple and make it more attractive.

[The reason for this prohibition is] that this was a pagan practice. They would plant trees near their altars so that people would gather there.

10 It is forbidden to construct a porch made of wood in the Temple as one would do in one's courtyard. Even though [the wood would be affixed] within the structure and not planted within the ground. This is an extra restriction, as [implied by the words:] "any other tree" [in the verse cited above]. Instead, all the porches and structures which protruded from the walls within the sanctuary were of stone and not of wood.

Chapter 7

1 It is a positive commandment to destroy false deities, all their accessories, and everything that is made for their purposes, as [**Deuteronomy 12:2**] states: "You shall surely destroy all the places [where the gentiles... served their gods]" and, as [implied by **Deuteronomy 7:5**]: "Rather, what you should do to them is tear down their altars."

In *Eretz Yisrael*, the mitzvah requires us to hunt after idol worship until it is eradicated from our entire land. In the diaspora, however, we are not required to hunt after it. Rather, whenever we conquer a place, we must destroy all the false deities contained within.

[The source for this distinction is **Deuteronomy 12:3**, which] states: "And you shall destroy their name from this place," [implying that] you are obligated to hunt false deities in *Eretz Yisrael*, but you are not obligated to do so in the diaspora.

2 It is forbidden to benefit from false deities, their accessories, offerings for them, and anything made for them, as [implied by **Deuteronomy 7:26**]: "Do not bring an abomination to your home."

Anyone who derives benefit from any of the above receives two measures of lashes: one because of the prohibition, "Do not bring an abomination...," and one because of the prohibition, "Let nothing which is condemned cling to your hand."

3 It is forbidden to benefit from an animal which was sacrificed to false deities in its entirety - even its excrement, its bones, its horns, its hooves, and its hide. It is forbidden to benefit from it at all.

To cite an example, the hide of an animal which is marked by a sign that indicates that it was offered as a sacrifice to false deities - e.g., it has a round hole in the place of the heart through which the heart is extracted, which was a common practice [of idolaters] - It is forbidden to benefit from all of these hides and others of the like.

4 What is the difference between an idol belonging to a gentile and one belonging to a Jew? It is forbidden to benefit from an idol belonging to a gentile immediately [after it is fashioned], as [implied by **Deuteronomy 7:25**]: "You shall burn the sculptures of their gods with fire" - i.e., they are considered gods as soon as they have been sculpted.

[In contrast,] it is not forbidden to benefit from a Jew's [idol] until he worships it, as [implied by **Deuteronomy 27:15**]: "[Cursed is the person who makes an idol...] and places it in a hidden place" - i.e., it is not forbidden until he does private acts - i.e., worship - on its behalf.

The accessories of idol worship, whether belonging to a Jew or to a gentile, are not forbidden until they were actually used for the purpose of idol worship.

5 [When] a person makes an idol for another person - although he receives lashes - his wage is permitted. [This applies] even when he made [the idol] for a gentile, and it is therefore forbidden immediately.

[What is the rationale for the latter decision? The idol] is not forbidden until it is completed and the hammer-stroke which completes it is not worth a penny.

[The following rules apply when] a person buys scrap metal from a gentile and finds idols within it: If he has already paid the money, but has not taken possession of it, he should return it to the gentile. The same [rules] apply if he took possession of it, but did not pay the money. Though taking possession represents a formal transfer of ownership in dealings with a gentile, the transaction was made in error. If he paid the money and took possession [of the scrap], he must take [the idols] to the Dead Sea.

Similarly, when a gentile and a convert [divide] the estate of their father - a gentile - the convert may tell the gentile, "Take the idols and I will take the money," "Take the forbidden wine and I will take the produce." Once [idols] come into the possession of the convert, however, they are forbidden.

6 We are allowed to benefit from images which gentiles made for aesthetic purposes. It is forbidden, however, to benefit from images that are made

for the purpose of idol worship.

What is implied? It is forbidden to benefit from any images found in villages, for one may assume that they were made for the sake of idol worship. When images are found in a city, they are forbidden only when they are found at the entrance to the city and hold a staff, bird, globe, sword, crown, or ring in their hands. Otherwise, we may assume that they were made for aesthetic purposes, and benefit from them is permitted.

7 Statues of false deities which are found discarded in the marketplace or in a scrap metal heap are permitted. Needless to say, this applies to pieces of statues.

In contrast, should one find a hand, a foot, or another limb from the form of one of the constellations or celestial signs, it is forbidden to benefit from it. Since one knows that this limb is one of the images that is worshiped, the prohibition against [benefiting from it] remains until one knows that the gentiles who worshiped it, nullified it.

8 [The following laws apply when] a person finds articles which have the form of the sun, the moon, or a *d'rakon* upon them: If they are golden or silver objects, or silk garments, or if these forms were engraved on a nose-ring or finger-ring, they are forbidden. If these forms are found on other articles, they are permitted, since we may assume that they were made for aesthetic purposes. Similarly, we may assume that any other form which is found on an article was intended for aesthetic purposes. Therefore, [the articles] are permitted.

9 A false deity, its accessories, and the objects offered to it are always forbidden, regardless of the proportion [of a mixture they make up].

What is implied? If an idol becomes mixed together with statues made for aesthetic purposes - even if the proportion is merely one in several thousand - the entire group must be taken to the Dead Sea. Similarly, if a goblet [used for] idol worship becomes mixed together with many other goblets, or a piece of meat [coming from a sacrifice to a false deity] becomes mixed with other meat, the entire group must be taken to the Dead Sea. Similarly, if a hide with a hole through which the heart was removed becomes mixed with other hides, it is forbidden to benefit from the entire mixture.

[When] a person transgresses and sells a false deity, one of its accessories, or an object that was offered to it, it is forbidden to benefit from the money received, and that prohibition [remains if these funds become mixed with others], regardless of the proportion [of the mixture] they make up. [**Deuteronomy 7:26**] states: "Lest you become condemned like it." [From this we infer,] that anything that comes from a false deity, from any of its accessories, or from [anything] offered to it is [governed by the same prohibitions] as it is.

10 When a false deity or an *asherah* is burned, it is forbidden to benefit from its ashes. A coal taken from an idol is forbidden; a flame [from an idol] is permitted, for it is not an entity with substance.

When there is a doubt whether an object is connected to idol worship or not, it is forbidden. If, however, that doubt is questionable, it is permitted.

What is implied? Should a goblet used for idol worship fall into a storage

room of goblets, they are all forbidden, because a false deity and all its accessories are always forbidden, regardless of the proportion [of a mixture they make up]. If one of the cups from this mixture falls together with two other cups, the the [entire second mixture] is permitted.

Should a ring [used to adorn] an idol become mixed together with one hundred other rings, and then two of them fall into the Mediterranean Sea, it is permissible to use all of them. We presume that the [forbidden] ring was among the two [which fell].

Should [a forbidden ring] become mixed together with a hundred others and then [the group] becomes divided, forty being separated in one group and sixty in another, and then the entire [group of] forty fall into another group of rings, it is permissible to use all of them. We presume that the forbidden ring remained among the majority. If the [group of] sixty fall into another group of rings, they are all forbidden.

11 Sitting under the shade of the trunk of an *asherah* - whether it is worshiped itself or whether an idol was placed under it - is forbidden. It is, however, permissible to sit under the shade of its branches and its leaves.

If a person has another route, it is forbidden for him to pass under it. If he has no other route, he may pass under it, provided he runs.

12 Chicks which do not need their mother and nest in [an *asherah*] are permitted. In contrast, the chicks and eggs which need their mother are forbidden for the *asherah* is considered as if it is a base for them. The nest itself - [even though it is] in the top of the tree - is permitted, for the birds

bring the wood for it from other places.

13 It is forbidden to benefit from wood which one takes from it. Should a person have heated the oven with such wood, he must cool it off. Afterwards, he should kindle it with other, permitted, wood and then bake within.

Should he bake bread in [an oven heated in this manner] without cooling it, he is forbidden to benefit from the bread. If [such a loaf] became mixed together with others, he must bring the value of that loaf to the Dead Sea so that he will never benefit from it. The other loaves, however, are permitted.

14 If one took [a piece of wood from an *asherah* to use as] a shuttle, and wove a garment with it, it is forbidden to benefit from [the garment]. Should the garment become mixed together with other garments, he must bring the value of that garment to the Dead Sea. All the other garments, however, are permitted.

It is permissible to plant vegetables under [an *asherah*] - whether in the summer - when they need the shade - or in the winter. [This leniency is granted] because the vegetables' growth is produced by two factors: the shade of the *asherah*, which is forbidden, and the earth, which is permitted. Whenever an effect is produced by the combination of a forbidden factor and a permitted factor, it is permitted. Therefore, if a field was fertilized with fertilizer [that was forbidden because of a connection with] idol worship, one may sow it. Similarly, [the meat of] a cow that was fed with beans [that were forbidden because of a connection

with] idol worship, may be eaten. The same principle applies in other similar situations.

15 It is not forbidden to benefit from meat, wine, and fruits that were prepared as offerings for idols. Although they were brought into the temple of a false deity, [they are not prohibited] until they are actually brought as offerings.

Once they are brought as offerings, [their status changes] and they remain forbidden forever, even if they were later removed [from the temple].

Torah law forbids benefiting from anything that is found in a temple of a false deity, even water or salt. If a person eats even the slightest amount from such substances, he is [punished by] lashing.

16 [The following laws apply when] a person finds garments, utensils, or money [placed] on the head of an idol. If he finds them [placed] in a derisive manner, they are permitted. If he finds them [placed] in a deferential manner, they are forbidden.

What is implied? If one finds a purse hanging around its neck, folded garments placed on its head, or a utensil overturned on its head, they are permitted, because [they were placed] in a derisive manner. The same applies to other similar situations. [In contrast,] if one finds an object of a type which is used as an offering for the [Temple] altar on the head [of an idol], it is forbidden.

When does the above apply? When one finds such articles outside its [usual] place of worship. When, however, one finds such articles within the [idol's place of worship], regardless of whether it was placed in a

derisive manner or in a deferential manner, or whether it is of the type of objects used as sacrifices for the [Temple] altar, any article found within [such a structure] - even water or salt - becomes forbidden.
[Different laws apply regarding] Pe'or and Marculis. It is forbidden to benefit from anything that is found together with them, whether [it is found] in their [temple] or outside of it. Similarly, with regard to the stones [found near a symbol of] Marculis: If a stone appears to be together with it, it is forbidden to benefit from it.

17 When [the shrine of] a false deity possesses a bathhouse or a garden, benefit may be derived from it, provided one does not offer appreciation [in return]. [If] one must offer appreciation, it is forbidden.
[If the garden or bathhouse] is mutually owned by [the shrine] and another entity, one may derive benefit from it even if one provides its priests with appreciation. One may not, however, pay a fee.

18 It is permitted to bathe in a bathhouse even though an idol is located within, because it is placed there for aesthetic purposes and not to be served. [This leniency can be inferred from the use by **Deuteronomy 12:2** of the term:] "their gods" - i.e., the prohibition applies when they treat them as gods, and not when they humiliate them, such as in an instance where [the idol] stands over the sewage pipe and they urinate before it.
Should [the idol's] worship involve such activities, it is forbidden to enter [the bathhouse].

19 It is permitted to benefit from [an animal] slaughtered using a knife

[forbidden because of its connection to] idol worship, because one is detracting from [the animal's] value. If the animal is in danger [of dying], it is forbidden, because one is enhancing its value, and this improvement involves benefit from an accessory of idol worship.

Similarly, it is forbidden to cut meat with [such a knife], because one is enhancing its value. Should one cut with a destructive intent, causing a loss, the meat is permitted.

Chapter 8

1 It is permitted to derive benefit from anything that has not been manipulated by man or that was not made by man, even though it was worshiped [as a deity]. Therefore, it is permitted to benefit from mountains, hills, trees - provided they were planted originally with the intent of harvesting their fruit - springs which provide water for many people, and animals, despite their having been worshiped by pagans. It is permitted to partake of fruits that were worshiped in the place where they grow and to partake of such an animal.

Needless to say, it is permitted to partake of an animal that was set aside for the purpose of idol worship. It is permitted regardless of whether it was set aside to be worshiped or to be sacrificed [to another deity].

When do the above statements permitting the use of an animal apply? When a deed involving it was not committed for the sake of idol worship. If, however, any deed whatsoever was committed involving it, it is forbidden; for example, one cut one of its signs for the sake of an idol. Should one exchange it for an idol, it is forbidden. Similarly, it is

forbidden if it was exchanged for an article that was itself exchanged for an idol, since the latter article is considered to be "payment for an idol."
When does the above apply? Regarding one's own animal. If, however, one slaughtered a colleague's animal for the sake of a false deity, or exchanged it for an idol, it does not become forbidden, because a person cannot cause an article that does not belong to him to become forbidden.
When a person bows down to virgin earth, he does not cause it to become forbidden. If he digs pits, channels, and caverns in it for the sake of a false deity, it becomes forbidden.

2 When a person bows down to water which was lifted up by a wave, he does not cause [the water] to become forbidden. If, however, he picked [water] up with his hands and bowed down to it, it becomes forbidden.
If rocks which had slid down from a mountain were worshiped in the place where they [landed], they are permitted, since they were not manipulated by man.

3 When a Jew stands a brick up with the intention of bowing down to it, but does not bow down to it, and then a gentile comes and bows down to it, benefit from [the brick] becomes forbidden, because standing it up is considered to be a deed. Similarly, if he stands an egg up and a gentile comes and bows down to it, it becomes forbidden.
If one cuts off a gourd or the like and bows down to it, it is forbidden. Even when one bows down to only half the gourd, and the other half is still attached to it, it is forbidden because of the doubt involved: perhaps the second half is considered to be a handle for the half which was

worshiped.

It is forbidden to benefit from a tree which was planted for the purpose of being worshiped. This is the *asherah* that the Torah mentions. When a tree which had been planted previously was pruned and carved for the sake of idol worship - even if it was extended or a growth was grafted onto the trunk of the tree - and branches grew, one must cut off [these] branches, and benefit from them is forbidden. The remainder of the tree, however, is permitted.

Similarly, when a person bows down to a tree, even though the tree itself is not forbidden, it is forbidden to benefit from all the branches, leaves, sprouts, and fruits which it produces during the time it is worshiped.

When gentiles guard the fruits of a tree and say that they are designated to be used to make alcoholic beverages for a particular pagan temple, and [the fruits] are used for alcoholic beverages which are drunken on their pagan holidays, it is forbidden to benefit from this tree. This is the ritual associated with an *asherah*. Accordingly, we can assume that [the tree] is an *asherah*, and therefore its fruits will be used for such purposes.

4 [The following rules apply to] a tree under which a false deity was placed: It is forbidden to benefit from it as long as the deity is located under it. When it is removed, we are permitted [to benefit] from it, since the tree itself is not the entity which was worshiped.

When a gentile constructs a building with the intention that the building itself be worshiped, and, similarly, when a person bows down to a building that has already been constructed, they become forbidden.

When a [building] which had already been constructed, was plastered and

embellished for the sake of worship to the extent that it is considered to be a new entity, one must remove all the new additions, and it is forbidden to benefit from them, since they were made with the intention of being worshiped. It is, however, permitted to benefit from the remainder of the building.

If one placed an idol within a house, it is forbidden to benefit from the house while the idol is located within. When it is removed, the house becomes permitted.

Similarly, it is forbidden to benefit from a stone which was hewn from a mountain with the intention that it be worshiped. If it had already been hewn out, but was adorned and embellished with the intention that it be worshiped - even if the stone itself was adorned and embellished and, needless to say, if the adornment was added to it - one must remove all the new additions, and it is forbidden to benefit from them, since they were made with the intention of being worshiped. It is, however, permitted to benefit from the remainder of the stone.

5 A stone on which an idol is placed is forbidden as long as the idol is upon it. Once [the idol] is removed, it is permitted.

When a person's house which is located next to [a shrine of] an idol falls, it is forbidden for him to rebuild it. What must he do? He must move [the wall] within his own four cubits, and then rebuild it. The empty space must not be left free for the sake of the shrine of the idol. Rather, he should fill it with thorns or feces.

If the wall belonged jointly to both a private individual and an idol, it should be considered to belong to them equally. It is permitted to benefit

from his half; the [half] belonging to the idol, however, is forbidden. [Similarly,] it is forbidden to benefit from all [the wall's] stones, beams, and earth.

6 How must one destroy a false deity and the other entities which are forbidden on its account - e.g., its accessories and offerings? One must grind them and scatter [the dust] in the wind, or burn them and deposit the ashes in the Dead Sea.

7 Although [as mentioned above,] an entity which cannot be manipulated by man - e.g., a mountain, animal, or tree - even when worshiped remains permitted, it is forbidden to benefit from its coatings. A person who derives any benefit from them whatsoever is [liable for] lashes, as [**Deuteronomy 7:25**] states: "Do not desire the silver and gold which are upon them."

Any coating of a false deity is considered to be one of its accessories.

8 It is permitted to benefit from a false deity belonging to a gentile whose deification was nullified [by gentiles] before it entered the possession of a Jew, as [Deuteronomy, *ibid.*] states, "You must burn the statues of their gods with fire." [This command applies] only if they are treated as gods when they enter our possession. If, however, their deification was nullified, they are permitted.

9 A false deity belonging to a Jew can never be nullified. Even if he owns it in partnership with a gentile, its nullification is of no consequence. Rather, it is forbidden to benefit from it forever, and it must be entombed.

Similarly, when a false deity belonging to a gentile enters the possession of a Jew, and then is nullified by a gentile, the nullification is of no consequence, and it is forbidden to benefit from it forever.

A Jew cannot nullify a false deity even when it is in the possession of a gentile. A gentile who is a minor or a fool cannot nullify a false deity. When a gentile is forced to nullify a false deity - whether it belongs to him or to other gentiles, even when he is forced to do so by Jews - the nullification is of consequence.

The gentile who nullifies idol worship must himself be an idolater. If he is not an idolater, his nullification is of no consequence.

When [a gentile] nullifies a false deity, he also nullifies [the connection to idol worship of] its accessories. When he nullifies [the connection to idol worship of] its accessories, it is permitted to benefit from the accessories. [The deity] itself, however, remains forbidden until it is nullified. [The connection to idol worship of] an object that was brought to an idol as an offering can never be nullified.

10 How is [an idol] nullified? When one cuts off the tip of its nose, the tip of its ear, or the tip of its finger, smoothes out its face - even though none of its substance was destroyed - or sells it to a Jewish jeweler, it is nullified.

If, however, one gave it as security for a loan, sold it to a gentile, [sold it] to a Jew who is not a jeweler, [left it] after it was covered by fallen articles without removing them, did not demand its return after it was stolen by thieves, spat in its face, urinated upon it, dragged it [in mud], or threw feces upon it, it is not nullified.

11 When a false deity was abandoned by its worshipers in a time of peace, it is apparent that they nullified it. Hence, benefit may be derived from it. [If it was abandoned] in a time of war, it is forbidden. The only reason they abandoned it was the war.

When a false deity becomes broken in the course of nature, it is forbidden to benefit from its broken pieces until they have been nullified. Accordingly, when a person finds broken pieces of an idol, [he must regard them] as forbidden, lest the gentiles have not nullified them.

[The following principles apply to an idol] which comes in pieces: If it could be reassembled by an ordinary person, each piece must be nullified individually. If [an ordinary person] could not reassemble it, once one has nullified one of its limbs, all of them are nullified.

12 Though an altar for idol worship has been damaged, it is still forbidden to benefit from it until the majority of it has been destroyed by gentiles. A platform which has been damaged is permitted.

What is considered a platform, and what, an altar? A platform consists of a single stone; an altar, of many stones.

How are the stones of Marculis nullified? When one constructs a building from them or uses them to pave the roads or the like, it is permitted to benefit from them.

How is an *asherah* nullified? When one pulls off a leaf, cuts off a branch, takes a staff or scepter from it, or planes off its sides in a manner which does not benefit it, it is nullified. When one planes its sides in a manner which benefits it, it is forbidden, but its shavings are permitted.

If [the sides of] an *asherah* which belongs to a Jew [are planed off], both it

and its shavings are forbidden forever, regardless of whether [it was planed] for its benefit or not, because a false deity belonging to a Jew can never be nullified.

Chapter 9

1 It is forbidden to purchase or sell any durable entity to an idolater within three days of one of their holidays. [Similarly, within this period, it is forbidden] to borrow from them, to lend to them, to accept payment from them or to repay them for a loan that is supported by a promissory note or collateral. It is, however, permitted to collect a loan which is supported by a verbal commitment alone, because one is saving one's property from being lost to them.

It is permitted to sell them an entity which will not endure - e.g., vegetables, or a cooked dish - until the day of their festival.

When does the above apply? In *Eretz Yisrael*. In other lands, however, it is forbidden [to engage in such activities] only on the day of their festival itself.

If one transgressed and did business with them during these three days, one may derive benefit from the results of these transactions. When, however, one does business with them on the day of their festival itself, it is forbidden to benefit from the results of these transactions.

2 It is forbidden to send a present to a gentile on one of his holidays, unless one knows that he does not acknowledge or worship idols. Similarly, if a gentile sends a present to a Jew on one of [the gentile's] holidays, the Jew

should not accept it. If, however, there is the possibility of ill-feeling arising, he should take it from him. Nevertheless, he should not derive any benefit from it until he finds out that the gentile does not acknowledge or worship idols.

3 If the idolaters' festival lasts several days - whether three, four, or ten - all the days [of the festival] are considered as a single day. [Carrying out transactions] on any of these days, or on the three days preceding them, is forbidden.

4 The Canaanites are idol worshipers, and Sunday is their festival. Accordingly, in *Eretz Yisrael*, it is forbidden to conduct transactions with them on Thursday and Friday each and every week, and, needless to say, on Sunday itself, when transactions with them are forbidden everywhere.

5 The day on which the idolaters gather together to crown a king and offer sacrifice and praise to their false deities is considered to be one of their holidays, since it is comparable to their other holidays. In contrast, on a day which is celebrated by an individual idolater as a festival on which he gives thanks and praise to the star he [worships] - for example, his birthday, the day on which he shaves his beard or hair, the day on which he returns from a sea-voyage, the day on which he leaves prison, the day on which he makes a [wedding] feast for his son, and the like - it is forbidden [to do business] on that particular day only with that individual man.

Similarly, when [it is customary] that the day on which one of them dies is

marked with festivities, it is forbidden [to do business] with those individuals on that day. Whenever [a person's] death is marked by the burning of his utensils and the offering of incense, we can assume that idol worship is [involved in the ritual].

The [above] prohibition applies only to those who worship [the false deity]. In contrast, it is permitted to do business with those who join in the celebrations by eating, drinking, and observing it as a matter of custom or in deference to the king.

6 Articles which are distinguished by their use [in the worship] of one of the false deities in a particular locale may never be sold to the worshipers of that deity in that locale. Articles which are not characterized by such uniqueness may be sold to them without enquiring [about the purpose for which they will be used].

If, however, an idolater specifically states that he is purchasing the article for the sake of idol worship, it is forbidden to sell it to him unless one blemishes it in a manner which disqualifies it for use as an offering to the idol. An animal lacking a limb is not offered as a sacrifice to an idol.

7 It is permitted to sell articles which are distinguished [by their use in the worship of a false deity] that are mixed together with articles that are not used for such purposes - e.g., pure frankincense with black frankincense - without enquiring [about the purpose for which they will be used]. We do not suspect that [the purchaser] will separate the pure frankincense to use for idol worship. The same applies in other similar situations.

8 Just as it is forbidden to sell idolaters articles that assist them in idol worship, it is forbidden to sell them articles that can cause harm to many people - for example, bears, lions, weapons, fetters, and chains. [Similarly,] it is forbidden to sharpen their weapons.

Everything that is forbidden to be sold to idolaters is also forbidden to be sold to a Jew who is suspect that he will sell to idolaters. Similarly, it is forbidden to sell dangerous objects to a Jewish thief.

9 When the Jews dwell among the idolaters and have established a covenant with them, it is permissible to sell weapons to the servants of the king and his to his soldiers, because they use them to wage war against the enemies of the country and to protect it. Thus, they also protect us, for we dwell among them.

It is permitted to walk around a city in which an idol is located. It is, however, forbidden to enter [the city]. If the idol is located outside the city, it is permitted to walk within it.

10 A person who is journeying from one place to another may not pass through a city in which a false deity is located.

When does this apply? When this is the only way to his destination. If, however, there is an alternate route to his destination and, by chance, he took [the route which passed through this city], it is permissible.

11 It is forbidden to build - [even] together with an idolater - a dome under which an idol is placed. If one transgressed and built such a structure, however, one's wage is permitted. *A priori*, one may construct the palace

or the courtyard where that dome is located.

12 [The following laws apply] when an idol is located within a city and there some shops which are adorned and some which are not: It is forbidden to benefit from those which are adorned or [to use] anything they contain, since we can assume that they were adorned for the sake of idol worship. It is permitted to benefit from those which are not adorned.

It is forbidden to do business with a store owned by a false deity, because one offers benefit to the false deity.

13 When a person sells his house to an idol, it is forbidden to benefit from the proceeds of the sale. Rather, they must be taken to the Dead Sea. If, however, an idolater steals a Jew's house against his will and places an idol within, it is permitted [to accept whatever] money [he offers]. [The Jew] may compose [a bill of sale] and formalize it in accordance with the civil law procedures.

14 Flutes belonging to idolaters should not be used in a funeral dirge.

One may attend a pagan commercial fair and purchase livestock, gentile servants and maidservants before they convert, houses, fields, and vineyards. One may compose a bill of sale and formalize it in accordance with the civil law procedures, since by doing so one saves [one's property] from them.

When does the above apply? When one buys from a private individual who does not have to pay a tax [to the false deity]. If, however, one buys from a merchant, it is forbidden, for a merchant must pay a tax which

must be given to the false deity. Hence, [by making such a purchase], one is giving benefit to a false deity.

[The following laws apply] if one transgressed and purchased [merchandise] from a merchant: If one purchased livestock, one should cut off the animal's hooves from below the anklebone. If one purchased garments or other objects, one should let them rot. If one purchased money or metal utensils, one should bring them to the Dead Sea. If one purchased a servant, one may not help him up [from a pit], nor should one push him into one.

15 When an idolater makes a [wedding] party for his son or daughter, it is forbidden to benefit from the feast. It is even forbidden for a Jew to eat and drink his own food there, since it is being consumed at a celebration of idolaters.

When is it forbidden to eat such an idolater's food? From when he began to prepare for the wedding feast, the entire duration of the wedding feast, and for thirty days afterwards. [Furthermore,] if he makes another celebration because of the wedding even after thirty days have passed, it is forbidden [to participate] until twelve months [have passed].

This stringency was imposed because of idol worship, as [implied by **Exodus 34:15-16**]: "And he shall call to you and you shall eat from his slaughter, and you shall choose from his daughters for your sons. His daughters will stray after their gods, and they will lead your sons astray after these gods."

16 A Jewish woman should not nurse the child of an idolater, since, by doing

so, she raises a son who will be an idolater. She should not serve as a midwife for an idolatrous woman [without charge]. She may, however, do so for a fee, lest strife arise.

An idolatrous woman may serve as a midwife for a Jewess and nurse her child. [This must be done] in premises belonging to a Jew, lest the idolatrous woman kill the child.

17 It is forbidden to trade with [gentiles] on their way to reproachful places of idol worship, but it is permitted to trade with them when they return. This applies when they do not journey in a caravan. If, however, they are traveling in a caravan, they may change their mind and return.

If a Jew journeys to a reproachful place of idol worship, one may trade with him on his way, since he may change his mind. On his way back, it is forbidden. [It is forbidden to trade with] an apostate Jew on his way there and on his way back.

18 When a Jew attends a fair of idol worshipers it is forbidden to trade with him when he returns. Perhaps he sold an idol to them, and it is forbidden to benefit from the proceeds of the sale of idol worship possessed by a Jew. It is, however, permitted to benefit from [the proceeds of the sale of an idol] possessed by an idolater. Therefore, it is permitted to trade with an idolater coming from such a fair, but not with a Jew. It is forbidden to trade with an apostate Jew on his way to and on his way from such a fair.

Chapter 10

1 We may not draw up a covenant with idolaters which will establish peace between them [and us] and yet allow them to worship idols, as [**Deuteronomy 7:2**] states: "Do not establish a covenant with them." Rather, they must renounce their [idol] worship or be slain. It is forbidden to have mercy upon them, as [Deuteronomy, *ibid.*] states: "Do not be gracious to them."

Accordingly, if we see an idolater being swept away or drowning in the river, we should not help him. If we see that his life is in danger, we should not save him. It is, however, forbidden to cause one of them to sink or push him into a pit or the like, since he is not waging war against us.

To whom do the above apply? To gentiles. It is a mitzvah, however, to eradicate Jewish traitors, *minnim*, and *apikorsim*, and to cause them to descend to the pit of destruction, since they cause difficulty to the Jews and sway the people away from God.

2 From the above, we can infer that it is forbidden to offer medical treatment to an idolater even when offered a wage. If, however, one is afraid of the consequences or fears that ill feeling will be aroused, one may treat them for a wage, but to treat them free is forbidden.

[With regard to] a *ger toshav*, since we are commanded to secure his well-being, he may be given medical treatment at no cost.

3 It is forbidden to sell them homes and fields in *Eretz Yisrael*. In Syria, one may sell them homes, but not fields.

One may rent them homes in *Eretz Yisrael*, provided that a neighborhood

[of idolaters] is not established. Fewer than three [homes] does not constitute a neighborhood. It is, however, forbidden to rent them fields. In Syria, one may rent them fields.

Why did [the Rabbis issue] more stringent laws regarding fields? Because two difficulties are involved: One removes the obligation of tithes [from these fields], and one gives them a resting place in our land.

It is permitted to sell them houses and fields in the Diaspora, because it is not our land.

4 Even when it is permitted to rent [homes to idolaters], it is not permitted to rent to them for use as a dwelling, because they will bring idols into them, as [**Deuteronomy 7:26**] states: "Do not bring an abomination into your home." It is, however, permitted to rent them homes to use as storehouses.

It is forbidden to sell them fruit, grain, or other produce while it is attached to the earth. One may sell [these products] after they have been harvested or [before they have been harvested], on the condition that they will be harvested, and he must harvest them.

Why is it forbidden to sell them [land or anything attached to the land]? Because [**Deuteronomy 7:2**] states: "Do not be gracious with them." [This phrase can also be interpreted:] "Do not give them a resting place in the land." As long as they do not have a resting place in the land, their stay will be a temporary one.

[This prohibition also] forbids speaking about [idolaters] in a praiseworthy manner. It is even forbidden to say, "Look how beautiful that idolater's body is." How much more so is it forbidden to praise their

deeds or to hold their words dear, as [the phrase states]: "Do not be gracious with them." [This phrase can also be interpreted:] "Do not look at them graciously," for doing so will cause you to draw close to them and learn from their wicked behavior.

[Also implicit in the above phrase is that] it is forbidden to give them a present. A present may, however, be given to a *ger toshav*, [as implied by **Deuteronomy 14:21**:] "You may give it to the stranger in your gates so that he may eat it; or sell it to a gentile," [i.e., to an idolater]; it should be sold, not given.

5 We should provide for poor idolaters together with poor Jews for the sake of peace. One should not rebuke idolaters [from taking] *leket*, *shich'chah*, and *pe'ah*, for the sake of peace. One may inquire about their well-being - even on their festivals - for the sake of peace.

One may never repeat good wishes to them. Also, one should not enter the house of a gentile on one of his festivals to wish him well. If one encounters him in the marketplace, one may greet him meekly with a serious countenance.

6 All the above matters apply only in an era when Israel is in exile among the idolaters or in an era when the idolaters are in power. When, however, Israel is in power over them, it is forbidden for us to allow an idolater among us.

Even a temporary resident or a merchant who travels from place to place should not be allowed to pass through our land until he accepts the seven universal laws commanded to Noah and his descendants, as [**Exodus**

23:33] states: "They shall not dwell in your land" - i.e., even temporarily.
A person who accepts these seven mitzvot is a *ger toshav*. A *ger toshav* may be accepted only in the era when the [laws of the] Jubilee Year are observed. In an era when the [laws of the] Jubilee Year are not observed, however, we may accept only full converts [to Judaism].

Chapter 11

1 We may not follow the statutes of the idolaters or resemble them in their [style] of dress, coiffure, or the like, as [**Leviticus 20:23**] states: "Do not follow the statutes of the nation [that I am driving out before you]," as [**Leviticus 18:3**] states: "Do not follow their statutes," and as [**Deuteronomy 12:30**] states: "Be careful, lest you inquire after them."
[All these verses] share a single theme: they warn us not to try to resemble [the gentiles]. Instead, the Jews should be separate from them and distinct in their dress and in their deeds, as they are in their ideals and character traits. In this context, [**Leviticus 20:26**] states: "I have separated you from the nations [to be Mine]."
[Thus,] one may not wear a garment which is unique to them or grow the tresses of our hair as they do. We may not shave our heads from the sides and leave hair in the center as they do. This is called a *blorit*. We may not shave the hair on the front of our faces from ear to ear and leave a growth at the back of our heads as they do. We may not build Temples in order that many people may enter as they do. Whoever performs one of the above or a deed of this nature is [liable for] lashes.

2 When a Jew is cutting an idolater's hair, he must stop when he approaches within three fingerbreadths of his *blorit* on all sides.

3 A Jew who has an important position in a gentile kingdom and must sit before their kings, and would be embarrassed if he did not resemble them, is granted permission to wear clothes which resemble theirs and shave the hair on his face as they do.

4 It is forbidden to practice soothsaying as idolaters do, as [**Leviticus 19:26**] states: "Do not act as a soothsayer."

What is meant by a soothsayer? For example, those who say: Since my piece of bread fell out of my mouth, or my staff fell from my hand, I will not travel to this place today, since if I were to go I would not be able to accomplish my desires.

Since a fox passed on my right side, I will not go out of my door today, since if I were to go out I would meet a deceiver.

Similarly, [this category includes] those who hear the chirping of a bird and say: This will happen or this will not happen; it is beneficial to do this or it is detrimental to do this. [Also, it includes] those who say: Slaughter this rooster that crowed like a raven; slaughter this hen that crowed like a rooster.

Similarly, a person who sets up omens for himself; e.g., if this and this happens, I will do this. If it will not happen, I will not do it, as Eliezer, the servant of Abraham did, and the things of the like - all this is forbidden. Anyone who does one of these things because of such omens is [liable for] lashes.

5 [A different ruling applies when] a person says, "This dwelling which I built will be a good omen for me"; "This woman whom I married or this animal that I purchased was blessed. From the time I purchased it onward, I have become rich."

The same applies to a person who rejoices and exclaims, "This is a good omen" when he asks a child, "Which verse are you studying?" and the child reads him a verse of blessing. This and the like are permitted, since the person did not perform an act or hold himself back from performing an act [because of the omen]. All he did was consider something that had already happened as a sign.

6 What is meant by a diviner? This refers to a person who performs certain deeds to cause him to fall into a trance and have his mind cleared of all thoughts until he can predict the future, saying, "This will happen" or "This will not happen;" or saying, "it is proper to do such and such. Be careful to do so."

There are some diviners who use sand or stones [to obtain their answers]. Others prostrate themselves on the ground, make strange motions and scream. Others look at a metal or crystal mirror, fantasize, and speak. Still others carry a staff and lean on it and tap with it until they fall into a trance and speak. This is what the prophet [**Hoshea 4:12** meant by] saying, "My people will inquire of their rods. Their staffs will tell them."

7 It is forbidden to divine or to inquire of a diviner. A person who inquires of a diviner is given "stripes for rebelliousness." In contrast, the diviner himself is [punished by] lashes if he performs one of the above or other

similar acts, as [**Deuteronomy 18:10**] states: "There shall not be found among you one who passes..., one who practices divination."

8 Who is a fortuneteller? A person who tries to predict auspicious times, using astrology and saying, "This day will be a good day," "This day will be a bad day," "It is appropriate to perform a particular task on a certain day"; or "This year" or "This month will not be opportune for this particular matter."

9 It is forbidden to tell fortunes. [This applies] even though one does not perform a deed, but merely relates the falsehoods which the fools consider to be words of truth and wisdom. Anyone who performs a deed because of an astrological calculation or arranges his work or his journeys to fit a time that was suggested by the astrologers is [liable for] lashes, as [**Leviticus 19:26**] states: "Do not tell fortunes."

Also included in the scope of this prohibition is one who performs magic tricks and deludes those who observe him into thinking that he performs wonders although he is not doing so. He is [liable for] lashes.

10 Who is a person who casts spells? A person who chants incantations that have no meaning in people's speech or any connotation and imagines in his foolish perception that his words have an effect. Such people will say: If you cast a particular spell on a snake or a scorpion, they will do no harm. If you cast a particular spell on a person, he will never be harmed. Some of them will hold a key or a rock in their hands while they are talking, or perform other similar deeds. All of these are forbidden.

A person who casts spells is [punished by lashes] if he holds anything in his hand or performs an act while speaking, even if he merely gestures with his finger, as [**Deuteronomy 18:10-11**] states: "There shall not be found among you... one who casts spells." If, however, the person merely spoke without moving his finger or his head and without holding anything in his hand, and similarly, a person who has a spell cast upon him through the utterance of such incantations, thinking that this will help him, he is given "stripes for rebelliousness" because he participated in the foolish activities of a spell-caster.

All these deplorable incantations and strange names will not do harm, nor will they bring any benefit.

11 When a person has been bitten by a scorpion or a snake, it is permitted to recite incantations over the bite. [This is permitted] - even on the Sabbath - in order to settle his mind and strengthen his feelings. Even though [the incantations] are of no avail, since the victim's life is in danger, permission was granted lest he become overly disturbed.

12 A person who whispers an incantation over a wound and then recites a verse from the Torah, who recites a verse over a child so that he will not become scared, or who places a Torah scroll or *tefillin* over a baby so that it will sleep, is considered to be a soothsayer or one who cast spells. Furthermore, such people are included among those who deny the Torah, because they relate to the words of Torah as if they are cures for the body, when, in fact, they are cures for the soul, as [**Proverbs 3:22**] states: "And they shall be life for your soul."

It is, however, permitted for a healthy person to read verses [from the Bible] or chapters from Psalms so that the merit of reading them will protect him and save him from difficulties and injury.

13 Who is one who seeks [information] from the dead? A person who starves himself and goes to sleep in a cemetery so that a deceased person will come to him in a dream and reply to his questions. There are others who wear special clothes, recite incantations, burn a particular type of incense, and sleep alone so that a deceased person will come to them and speak to them in a dream. To summarize: Anyone who performs a deed in order that a deceased person should come to him and give him information is [liable for] lashes, as [**Deuteronomy 18:10**] states: "There shall not be found among you one who passes..., one who seeks [information] from the dead."

14 It is forbidden to inquire of a person who practices [divination with an] *ov* or a *yid'oni*, as [**Deuteronomy 18:10-11**] states: "There shall not be found among you one who passes..., one who seeks [information] from an *ov* or a *yid'oni*."

Thus, a person who practices [divination with an] *ov* or a *yid'oni* himself is stoned to death, and a person who inquires of them violates a negative commandment and receives stripes for rebelliousness. One who plans his deeds and acts according to their instructions is [liable for] lashes.

15 A sorcerer must be condemned to execution by stoning. This applies when he commits a deed of sorcery. If, however, he merely deludes those

who observe him into thinking that he is performing an act although he actually does not, he is given stripes for rebelliousness.

[The reason is] that the prohibition against sorcery is stated in the prohibition [**Deuteronomy 18:10-11**]: "There shall not be found among you one who... [practices sorcery]." It is, however, a prohibition which is punishable by execution by the court, as [**Exodus 22:17**] states: "Do not allow a witch to live." [Therefore,] lashes are not administered for its violation.

16 All the above matters are falsehood and lies with which the original idolaters deceived the gentile nations in order to lead them after them. It is not fitting for the Jews who are wise sages to be drawn into such emptiness, nor to consider that they have any value as [implied by **Numbers 23:23**]: "No black magic can be found among Jacob, or occult arts within Israel." Similarly, [**Deuteronomy 18:14**] states: "These nations which you are driving out listen to astrologers and diviners. This is not [what God... has granted] you."

Whoever believes in [occult arts] of this nature and, in his heart, thinks that they are true and words of wisdom, but are forbidden by the Torah, is foolish and feebleminded. He is considered like women and children who have underdeveloped intellects.

The masters of wisdom and those of perfect knowledge know with clear proof that all these crafts which the Torah forbade are not reflections of wisdom, but rather, emptiness and vanity which attracted the feebleminded and caused them to abandon all the paths of truth. For these reasons, when the Torah warned against all these empty matters, it

advised [**Deuteronomy 18:13**]: "Be of perfect faith with God, your Lord."

Chapter 12

1 We may not shave the corners of our heads as the idolaters and their priests do, as [**Leviticus 19:27**] states: "Do not cut off the corners of your heads."

One is liable for each corner. Therefore, a person who shaves both his temples - even if he were to do so simultaneously and had received only a single warning – is [liable for] two measures of lashes.

[This prohibition applies equally to] one who shaves off only the corners of his head and leaves the remainder of his hair, and to one who shaves his entire head at once. Since he has shaved the corners, he is [liable for] lashes.

To whom does the above apply? To the person who shaves. The person [whose head] is shaven is not lashed unless he assists the one who is shaving him. One who shaves [the corners of] a child's [head] should be [liable for] lashes.

2 A woman is exempt if she shaves the head of a man or has her own head shaven. [Since **Leviticus 19:27**] states: "Do not cut off the corners of your heads and do not destroy the corners of your beards," [an association between the two prohibitions is established]. Whoever is liable for shaving is liable for cutting off the corners. Therefore, because women are not liable for shaving - since they do not have beards - they are not liable for cutting off the corners [of their heads]. Accordingly, slaves are forbidden

to cut off the corners of their heads, since they do possess beards.

3 All the Torah's prohibitions apply equally to men and women, with the exception of the prohibition against shaving, cutting off the corners of one's head, and the prohibition against priests contracting impurity through contact with a dead body.

Women are not obligated with regard to all positive commandments which apply from time to time and are not constant obligations, with the exception of the sanctification of [the Sabbath] day, eating *matzah* on Pesach night, eating and offering the Paschal sacrifice, *hakhel*, and the festive peace-offering for which they are obligated.

4 The status of a *tumtum* and an *androgynous* is doubtful. Therefore, the stringencies applying to both a man and a woman are applied to them, and they are obligated by all [the mitzvot]. If, however, they transgress, they are not [liable for] lashes.

5 Although a woman is permitted to shave the corners of her own head, she is forbidden to shave the corners of a man's head. She is even forbidden to shave the corners of a child's [head].

6 The Sages did not determine the amount [of hair] which must be left in the corners of our temples. We have, however, heard from our elders that one must leave at least forty hairs.

One may remove the [hairs from] the corners [of our heads] with scissors. The prohibition applies only to total removal with a razor.

7 It is customary for pagan priests to remove their beards. Therefore, the Torah forbade the removal of one's beard.

The beard has five "corners": the upper and lower cheek on both the right and left sides, and the hair on the chin. One is [liable for] lashes for the removal of each "corner." A person who removes them all at the same time is [liable for] five measures of lashes.

One is liable only when one shaves with a razor, as [implied by **Leviticus 19:27**]: "Do not destroy the corners of your beard." [We can infer that this applies only] to shaving which utterly destroys [one's facial hair]. Therefore, a person who removes his beard with scissors is exempt.

A person who allows himself to be shaved is not [liable for] lashes unless he provides assistance. A woman who has facial hair is allowed to shave it. If she shaves a man's beard, she is exempt.

8 It is permitted to shave one's mustache - i.e., the hair on the upper lip, and, similarly, the hair which hangs from the lower lip. Even though the removal [of this hair] is permitted, it is customary for the Jews not to destroy it entirely. Rather, its ends may be removed so that it will not interfere with eating or drinking.

9 The Torah does not forbid the removal of hair from other portions of the body - e.g., the armpits or the genitalia. This is, however, prohibited by the Rabbis. A man who removes [such hair] is given stripes for rebelliousness.

Where does the above apply? In places where it is customary only for women to remove such hair, so that one will not beautify himself as

women do. In places where it is customary for both men and women to remove such hair, one is not given stripes. It is permitted to remove hair from our other limbs with scissors in all communities.

10 A woman should not adorn herself as a man does - e.g., she may not place a turban or a hat on her head or wear armor or the like. She may not cut [the hair of] her head as men do.

A man should not adorn himself as a woman does - e.g., he should not wear colored garments or golden bracelets in a place where such garments and such bracelets are worn only by women. Everything follows local custom.

A man who adorns himself as a woman does, and a woman who adorns herself as a man does, are [liable for] lashes. When a man removes white hairs from among the dark hairs of his head or beard, he should be lashed as soon as he removes a single hair, because he has beautified himself as a woman does. Similarly, if he dyes his hair dark, he is given lashes after dyeing a single hair.

A *tumtum* and an *androgynous* may not wrap their heads [in a veil] as women do, or cut [the hair of] their head as men do. If they do [either of the above], they are not [liable for] lashes.

11 The tattooing which the Torah forbids involves making a cut in one's flesh and filling the slit with eye-color, ink, or with any other dye that leaves an imprint. This was the custom of the idolaters, who would make marks on their bodies for the sake of their idols, as if to say that they are like servants sold to the idol and designated for its service.

When a person makes a mark with one of the substances that leave an imprint after making a slit in any place on his body, he is [liable for] lashes. [This prohibition is binding on] both men and women.

If a person wrote and did not dye, or dyed without writing by cutting [into his flesh], he is not liable. [Punishment is administered] only when he writes and dyes, as [**Leviticus 19:28**] states: "[Do not make] a dyed inscription [on yourselves]."

To whom does this apply? To the person doing the tattooing. A person who is tattooed [by others], however, is not liable unless he assisted the tattooer to the extent that it is considered that he performed a deed. If he did not perform a deed, he is not lashed.

12 A person who gouges himself for the dead is lashed, as [**Leviticus 19:28**] states: "Do not gouge your flesh for the dead." This [prohibition] applies both to priests and to Israelites.

A person who makes a single gouge for five dead people or five gouges for a single dead person is [liable for] five measures of lashes, provided he is given a warning for each individual matter.

13 Gashing and gouging oneself are [governed by] a single [prohibition]. Just as the pagans would gouge their flesh in grief over their dead, they would mutilate themselves for their idols, as [**I Kings 18:28**] states: "And they mutilated themselves according to their custom."

This is also forbidden by the Torah, as [**Deuteronomy 14:1**] states: "Do not mutilate yourselves." [The difference between the two is that if one gouges himself in grief over] the dead, whether he did so with his bare hands or

with an instrument, he is [liable for] lashes; for the sake of idols, if one uses an instrument, one is liable for lashes. If one does so with one's bare hands, one is exempt.

14 This commandment also includes [a prohibition] against there being two courts which follow different customs in a single city, since this can cause great strife. [Because of the similarity in the Hebrew roots,] the prohibition against gashing ourselves [can be interpreted] to mean: "Do not separate into various different groupings."

15 A person who creates a bald spot [on his head] for a dead person is [liable for] lashes, as [**Deuteronomy 14:1**] states: "Do not make a bald spot between your eyes for a dead person." When either a priest or an Israelite makes a bald spot [on his head] for a dead person, he is [liable for] only a single measure of lashes.

A person who makes four or five bald spots for a single dead person is [liable for] a measure of lashes equivalent to the number of bald spots he made, provided he received a separate warning for each bald spot. There is no difference whether one created the bald spot with his hands or with a potion. If a person dipped his fingers into a potion and positioned them in five places on his head at the same time, since he created five bald spots, he is [liable for] five measures of lashes even though only a single warning was given, for they were all created at the same time.

One is liable [for creating a bald spot] on any part of the head, [not only] "between the eyes" [as is inferred from **Leviticus 21:5**]: "Do not make a bald spot on your heads."

What is the measure of a bald spot? An area on one's head the size of a *gris* which is free of hair.

16 A person who makes a bald spot on his head or gouges his flesh because his house falls or because his ship sinks at sea is exempt. One is lashed only [if he carries out these acts] for the sake of a deceased person or if he gashes his flesh for the sake of an idol.

[The following laws apply] when a person creates a bald spot on a colleague's head, makes a gash on a colleague's flesh, or tattoos his colleague's flesh while his colleague assists him. If they both intended to violate the prohibition, both receive lashes. If one violated the prohibition inadvertently and the other did so intentionally, the one who performed the act intentionally is [liable for] lashes, and his colleague is exempt.

Mishneh Torah, Repentance

Chapter 1

1 If a person transgresses any of the mitzvot of the Torah, whether a positive command or a negative command - whether willingly or inadvertently - when he repents, and returns from his sin, he must confess before God, blessed be He, as [**Numbers 5:6-7**] states: "If a man or a woman commit any of the sins of man... they must confess the sin that they committed." This refers to a verbal confession. This confession is a positive command.

How does one confess: He states: "I implore You, God, I sinned, I transgressed, I committed iniquity before You by doing the following. Behold, I regret and am embarrassed for my deeds. I promise never to repeat this act again."

These are the essential elements of the confessional prayer. Whoever confesses profusely and elaborates on these matters is worthy of praise.

Those who bring sin offerings or guilt offerings must also [confess their sins] when they bring their sacrifices for their inadvertent or willful transgressions. Their sacrifices will not atone for their sins until they repent and make a verbal confession as [**Leviticus 5:5**] states: "He shall confess the sin he has committed upon it."

Similarly, those obligated to be executed or lashed by the court do not attain atonement through their death or lashing unless they repent and confess. Similarly, someone who injures a colleague or damages his property, does not attain atonement, even though he pays him what he

owes until he confesses and makes a commitment never to do such a thing again as implied by the phrase [Numbers, *loc. cit.*.], "any of the sins of man."

2 Since the goat sent [to Azazel] atones for all of Israel, the High Priest confesses upon it as a spokesman for all of Israel as [**Leviticus 16:21**] states: "He shall confess upon it all the sins of the children of Israel."

The goat sent to Azazel atones for all the transgressions in the Torah, the severe and the lighter [sins]; those violated intentionally and those transgressed inadvertently; those which [the transgressor] became conscious of and those which he was not conscious of. All are atoned for by the goat sent [to Azazel].

This applies only if one repents. If one does not repent, the goat only atones for the light [sins].

Which are light sins and which are severe ones? The severe sins are those for which one is liable for execution by the court or *karet.* False and unnecessary oaths are also considered severe sins even though they are not [punished by] *karet.* [The violation of] the other prohibitions and [the failure to perform] positive commandments that are not punishable by *karet* are considered light [sins].

3 At present, when the Temple does not exist and there is no altar of atonement, there remains nothing else aside from Teshuvah.

Teshuvah atones for all sins. Even a person who was wicked his whole life and repented in his final moments will not be reminded of any aspect of his wickedness as [**Ezekiel 33:12**] states "the wickedness of the evil one will

not cause him to stumble on the day he repents his wickedness."

The essence of Yom Kippur atones for those who repent as [**Leviticus 16:30**] states: "This day will atone for you."

4 Even though Teshuvah atones for all [sins] and the essence of Yom Kippur brings atonement, [there are different levels of sin and hence, differences in the degree of atonement.] There are sins that can be atoned for immediately and other sins which can only be atoned for over the course of time. What is implied?

If a person violates a positive command which is not punishable by *karet* and repents, he will not leave that place before he is forgiven. Concerning these sins, [**Jeremiah 3:22**] states: "Return, faithless children! I will heal your rebellious acts."

If a person violates a prohibition that is not punishable by *karet* or execution by the court and repents, Teshuvah has a tentative effect and Yom Kippur brings atonement as [Leviticus, *loc. cit.* states "This day will atone for you."

If a person violates [sins punishable by] *karet* or execution by the court and repents, Teshuvah and Yom Kippur have a tentative effect and the sufferings which come upon him complete the atonement. He will never achieve complete atonement until he endures suffering for concerning these [sins, **Psalms 89:33**] states: "I will punish their transgression with a rod."

When does the above apply: When the desecration of God's name is not involved in the transgression. However, a person who desecrated God's name, even though he repented, Yom Kippur arrived while he continued

his repentance, and he experienced suffering, will not be granted complete atonement until he dies. The three: repentance, Yom Kippur, and suffering have a tentative effect and death atones as [**Isaiah 22:14**] states: "It was revealed in my ears [by] the Lord of Hosts, surely this iniquity will not be atoned for until you die."

Chapter 2

1 [Who has reached] complete Teshuvah? A person who confronts the same situation in which he sinned when he has the potential to commit [the sin again], and, nevertheless, abstains and does not commit it because of his Teshuvah alone and not because of fear or a lack of strength.

For example, a person engaged in illicit sexual relations with a woman. Afterwards, they met in privacy, in the same country, while his love for her and physical power still persisted, and nevertheless, he abstained and did not transgress. This is a complete Baal-Teshuvah. This was implied by King Solomon in his statement [**Ecclesiastes 12:1**] "Remember your Creator in the days of your youth, [before the bad days come and the years draw near when you will say: `I have no desire for them.'"]

If he does not repent until his old age, at a time when he is incapable of doing what he did before, even though this is not a high level of repentance, he is a Baal-Teshuvah.

Even if he transgressed throughout his entire life and repented on the day of his death and died in repentance, all his sins are forgiven as [Ecclesiastes, *op. cit.*:2] continues: "Before the sun, the light, the moon, or the stars are darkened and the clouds return after the rain..." - This refers

to the day of death. Thus, we can infer that if one remembers his Creator and repents before he dies, he is forgiven.

2 What constitutes Teshuvah? That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart, never to commit them again as [**Isaiah 55:7**] states "May the wicked abandon his ways...." Similarly, he must regret the past as [**Jeremiah 31:18**] states: "After I returned, I regretted."

[He must reach the level where] He who knows the hidden will testify concerning him that he will never return to this sin again as [**Hoshea 14:4**] states: "We will no longer say to the work of our hands: `You are our gods.'"

He must verbally confess and state these matters which he resolved in his heart.

3 Anyone who verbalizes his confession without resolving in his heart to abandon [sin] can be compared to [a person] who immerses himself [in a *mikvah*] while [holding the carcass of] a lizard in his hand. His immersion will not be of avail until he casts away the carcass.

This principle is implied by the statement, [**Proverbs 28:13**], "He who confesses and forsakes [his sins] will be treated with mercy."

It is necessary to mention particularly one's sins as evidenced by [Moses' confession, **Exodus 32:31**]: "I appeal to You. The people have committed a terrible sin by making a golden idol."

4 Among the paths of repentance is for the penitent to

a) constantly call out before God, crying and entreating;
b) to perform charity according to his potential;
c) to separate himself far from the object of his sin;
d) to change his name, as if to say "I am a different person and not the same one who sinned;"
e) to change his behavior in its entirety to the good and the path of righteousness; and f) to travel in exile from his home. Exile atones for sin because it causes a person to be submissive, humble, and meek of spirit.

5 It is very praiseworthy for a person who repents to confess in public and to make his sins known to others, revealing the transgressions he committed against his colleagues.
He should tell them: "Though I sinned against so and so, committing the following misdeeds.... Behold, I repent and express my regret." Anyone who, out of pride, conceals his sins and does not reveal them will not achieve complete repentance as [**Proverbs 28:13**] states: "He who conceals his sins will not succeed."
When does the above apply? In regard to sins between man and man. However, in regard to sins between man and God, it is not necessary to publicize one's [transgressions]. Indeed, revealing them is arrogant. Rather, a person should repent before God, blessed be He, and specifically mention his sins before Him. In public, he should make a general confession. It is to his benefit not to reveal his sins as [**Psalms 32:1**] states: "Happy is he whose transgression is forgiven, whose sin is covered."

6 Even though repentance and calling out [to God] are desirable at all times,

during the ten days between Rosh HaShanah and Yom Kippur, they are even more desirable and will be accepted immediately as [**Isaiah 55:6**] states: "Seek God when He is to be found."

When does the above apply? To an individual. However, in regard to a community, whenever they repent and cry out wholeheartedly, they are answered immediately as [**Deuteronomy 4:7**] states: "[What nation is so great that they have God close to them,] as God, our Lord, is whenever we call Him."

7 Yom Kippur is the time of Teshuvah for all, both individuals and the community at large. It is the apex of forgiveness and pardon for Israel. Accordingly, everyone is obligated to repent and confess on Yom Kippur.

The mitzvah of the confession of Yom Kippur begins on the day's eve, before one eats [the final meal], lest one choke to death in the meal before confessing.

Although a person confessed before eating, he should confess again in the evening service, Yom Kippur night, and similarly, repeat the confession in the morning, *Musaf,* afternoon, and *Ne'ilah* services.

At which point [in the service] should one confess? An individual confesses after the *Amidah* and the *Chazan* confesses in the midst of the *Amidah,* in the fourth blessing.

8 The confessional prayer customarily recited by all Israel is: "For we have all sinned...." This is the essence of the confessional prayer.

Sins which were confessed on one Yom Kippur should be confessed on another Yom Kippur even though one remains steadfast in his repentance,

as [**Psalms 51:5**] states: "I acknowledge my transgressions and my sins are always before me."

9 Teshuvah and Yom Kippur only atone for sins between man and God; for example, a person who ate a forbidden food or engaged in forbidden sexual relations, and the like. However, sins between man and man; for example, someone who injures a colleague, curses a colleague, steals from him, or the like will never be forgiven until he gives his colleague what he owes him and appeases him.

[It must be emphasized that] even if a person restores the money that he owes [the person he wronged], he must appease him and ask him to forgive him.

Even if a person only upset a colleague by saying [certain] things, he must appease him and approach him [repeatedly] until he forgives him.

If his colleague does not desire to forgive him, he should bring a group of three of his friends and approach him with them and request [forgiveness]. If [the wronged party] is not appeased, he should repeat the process a second and third time. If he [still] does not want [to forgive him], he may let him alone and need not pursue [the matter further]. On the contrary, the person who refuses to grant forgiveness is the one considered as the sinner.

[The above does not apply] if [the wronged party] was one's teacher. [In that instance,] a person should continue seeking his forgiveness, even a thousand times, until he forgives him.

10 It is forbidden for a person to be cruel and refuse to be appeased. Rather,

he should be easily pacified, but hard to anger. When the person who wronged him asks for forgiveness, he should forgive him with a complete heart and a willing spirit. Even if he aggravated and wronged him severely, he should not seek revenge or bear a grudge.

This is the path of the seed of Israel and their upright spirit. In contrast, the insensitive gentiles do not act in this manner. Rather, their wrath is preserved forever. Similarly, because the Gibeonites did not forgive and refused to be appeased, [**II Samuel 21:2**] describes them, as follows: "The Gibeonites are not among the children of Israel."

11 If a person wronged a colleague and the latter died before he could ask him for forgiveness, he should take ten people and say the following while they are standing before the colleague's grave: "I sinned against God, the Lord of Israel, and against this person by doing the following to him...."

If he owed him money, he should return it to his heirs. If he is unaware of the identity of his heirs, he should place [the sum] in [the hands of] the court and confess.

Chapter 3

1 Each and every person has merits and sins. A person whose merits exceed his sins is [termed] righteous. A person whose sins exceed his merits is [termed] wicked. If [his sins and merits] are equal, he is termed *a Beinoni.*

The same applies to an entire country. If the merits of all its inhabitants exceed their sins, it is [termed] righteous. If their sins are greater, it is [termed] wicked. The same applies to the entire world.

2 If a person's sins exceed his merits, he will immediately die because of his wickedness as [**Jeremiah 30:14**] states: "[I have smitten you...] for the multitude of your transgressions."

Similarly, a country whose sins are great will immediately be obliterated as implied by [**Genesis 18:20**]: "The outcry of Sodom and Amorah is great.... In regard to the entire world as well, were its [inhabitants'] sins to be greater than their merits, they would immediately be destroyed as [**Genesis 6:5**] relates: "God saw the evil of man was great... [and God said: `I will destroy man....']"

This reckoning is not calculated [only] on the basis of the number of merits and sins, but also [takes into account] their magnitude. There are some merits which outweigh many sins as implied by [**I Kings 14:13**]: "Because in him, there was found a good quality." In contrast, a sin may outweigh many merits as [**Ecclesiastes 9:18**] states: "One sin may obscure much good."

The weighing [of sins and merits] is carried out according to the wisdom of the Knowing God. He knows how to measure merits against sins.

3 Anyone who changes his mind about the mitzvot he has performed and regrets the merits [he has earned], saying in his heart: "What value was there in doing them? I wish I hadn't performed them" - loses them all and no merit is preserved for him at all as [**Ezekiel 33:12**] states "The righteousness of the upright will not save him on the day of his transgression." This only applies to one who regrets his previous [deeds].

Just as a person's merits and sins are weighed at the time of his death, so, too, the sins of every inhabitant of the world together with his merits are

weighed on the festival of Rosh HaShanah. If one is found righteous, his [verdict] is sealed for life. If one is found wicked, his [verdict] is sealed for death. *A Beinoni's* verdict remains tentative until Yom Kippur. If he repents, his [verdict] is sealed for life. If not, his [verdict] is sealed for death.

4 Even though the sounding of the shofar on Rosh HaShanah is a decree, it contains an allusion. It is as if [the shofar's call] is saying:

Wake up you sleepy ones from your sleep and you who slumber, arise. Inspect your deeds, repent, remember your Creator. Those who forget the truth in the vanities of time and throughout the entire year, devote their energies to vanity and emptiness which will not benefit or save: Look to your souls. Improve your ways and your deeds and let every one of you abandon his evil path and thoughts.

Accordingly, throughout the entire year, a person should always look at himself as equally balanced between merit and sin and the world as equally balanced between merit and sin. If he performs one sin, he tips his balance and that of the entire world to the side of guilt and brings destruction upon himself.

[On the other hand,] if he performs one mitzvah, he tips his balance and that of the entire world to the side of merit and brings deliverance and salvation to himself and others. This is implied by [**Proverbs 10:25**] "A righteous man is the foundation of the world," i.e., he who acted righteously, tipped the balance of the entire world to merit and saved it.

For these reasons, it is customary for all of Israel to give profusely to charity, perform many good deeds, and be occupied with mitzvot from

Rosh HaShanah until Yom Kippur to a greater extent than during the remainder of the year.

During these ten days, the custom is for everyone to rise [while it is still] night and pray in the synagogues with heart-rending words of supplication until daybreak.

5 When a person's sins are being weighed against his merits, [God] does not count a sin that was committed only once or twice. [A sin] is only [counted] if it was committed three times or more.

Should it be found that [even] those sins committed more than three times outweigh a person's merits, the sins that were committed twice [or less] are also added and he is judged for all of his sins.

If his merits are equal to [or greater than the amount of] his sins committed which were committed more than three times, [God] forgives his sins one after the other, i.e., the third sin [is forgiven because] it is considered as a first sin, for the two previous sins were already forgiven. Similarly, after the third sin is forgiven, the fourth sin is considered as a "first" [sin and is forgiven according to the same principle].

The same [pattern is continued] until [all his sins] are concluded.

When does the above apply? In regard to an individual as can be inferred from [**Job 33:29**] "All these things, God will do twice or three times with a man." However, in regard to a community, [retribution for] the first, second, and third sins is held in abeyance as implied by [**Amos 2:6**] "For three sins of Israel, [I will withhold retribution,] but for the fourth, I will not withhold it." When a reckoning [of their merits and sins] is made according to the above pattern, the reckoning begins with the fourth [sin].

[As mentioned above,] *a Beinoni* [is one whose scale is equally balanced between merit and sin]. However, if among his sins is [the neglect of the mitzvah of] *tefillin* [to the extent that] he never wore them even once, he is judged according to his sins. He will, nevertheless, be granted a portion in the world to come.

Similarly, all the wicked whose sins are greater [than their merits] are judged according to their sins, but they are granted a portion in the world to come for all Israel have a share in the world to come as [**Isaiah 60:21**] states "Your people are all righteous, they shall inherit the land forever." "The land" is an analogy alluding to "the land of life," i.e., the world to come. Similarly, the "pious of the nations of the world" have a portion in the world to come.

6 The following individuals do not have a portion in the world to come. Rather, their [souls] are cut off and they are judged for their great wickedness and sins, forever:

the *Minim,*

the *Epicursim,*

those who deny the Torah,

those who deny the resurrection of the dead and the coming of the [Messianic] redeemer,

those who rebel [against God],

those who cause the many to sin,

those who separate themselves from the community,

those who proudly commit sins in public as Jehoyakim did,

those who betray Jews to gentile authorities,

those who cast fear upon the people for reasons other than the service of God,
murderers,
slanderers,
one who extends his foreskin [so as not to appear circumcised].

7 Five individuals are described as *Minim:*
a) one who says there is no God nor ruler of the world;
b) one who accepts the concept of a ruler, but maintains that there are two or more;
c) one who accepts that there is one Master [of the world], but maintains that He has a body or form;
d) one who maintains that He was not the sole First Being and Creator of all existence;
e) one who serves a star, constellation, or other entity so that it will serve as an intermediary between him and the eternal Lord.
Each of these five individuals is a *Min.*

8 Three individuals are described as *Epicursim:*
a) one who denies the existence of prophecy and maintains that there is no knowledge communicated from God to the hearts of men;
b) one who disputes the prophecy of Moses, our teacher;
c) one who maintains that the Creator is not aware of the deeds of men.
Each of these three individuals is an *Epicurus.*
There are three individuals who are considered as one "who denies the Torah":

a) one who says Torah, even one verse or one word, is not from God. If he says: "Moses made these statements independently," he is denying the Torah.

b) one who denies the Torah's interpretation, the oral law, or disputes [the authority of] its spokesmen as did Tzadok and Beitus.

c) one who says that though the Torah came from God, the Creator has replaced one mitzvah with another one and nullified the original Torah, like the Arabs [and the Christians].

Each of these three individuals is considered as one who denies the Torah.

9 Among Israel, there are two categories of apostates: an apostate in regard to a single mitzvah and an apostate in regard to the entire Torah.

An apostate in regard to a single mitzvah is someone who has made a practice of willfully committing a particular sin [to the point where] he is accustomed to committing it and his deeds are public knowledge. [This applies] even though [the sin] is one of the minor ones. For example, someone who has made a practice of constantly wearing *sha'atnez* or cutting off his sideburns so that it appears that, in regard to him, it is as if this mitzvah has been nullified entirely. Such a person is considered an apostate in regard to that matter. This applies [only] if he [commits the sin] with the intent of angering God.

An example of an apostate in regard to the entire Torah is one who turn to the faith of the gentiles when they enact [harsh] decrees [against the Jews] and clings to them, saying: "What value do I have in clinging to Israel while they are debased and pursued. It's better to cling to those who have the upper hand." Such an individual is an apostate in regard to the entire

Torah.

10 [The category of] "those who cause the many to sin" includes those who cause them to commit a severe sin like Jeroboam, Tzadok, or Beitus; and also, those who cause them to commit a slight sin, even the nullification of a positive command.

It includes [both] those who force others to sin like Menasheh who would kill the Jews if they did not worship idols and those who entice others and lead them astray.

11 A person who separates himself from the community [may be placed in this category] even though he has not transgressed any sins. A person who separates himself from the congregation of Israel and does not fulfill mitzvot together with them, does not take part in their hardships, or join in their [communal] fasts, but rather goes on his own individual path as if he is from another nation and not [Israel], does not have a portion in the world to come.

"Those who proudly commit sins in public as Jehoyakim did," whether they commit slight sins or severe ones, have no portion in the world to come. Such behavior is referred to as "acting brazen-facedly against the Torah," for he acted insolently, in open [defiance], without feeling any shame despite the Torah's words.

12 There are two categories of "those who betray Jews to gentiles:" one who betrays a colleague to the gentiles so that they may kill him or beat him; and one who gives over a colleague's money to gentiles or to a person who

commandeers property and is, therefore, considered like a gentile.
Neither of the two has a portion in the world to come.

13 "Those who cast fear upon the people for reasons other than the service of God" - This refers to one who rules the community with a strong hand and [causes] them to revere and fear him. His intent is only for his own honor and none of his desires are for God's honor; for example, the gentile kings.

14 All the twenty four individuals listed above will not receive a portion in the world to come even though they are Jewish.
There are other sins which are less severe than those mentioned. Nevertheless, our Sages said that a person who frequently commits them will not receive a portion in the world to come and [counseled] that these [sins] be avoided and care be taken in regard to them. They are:
one who invents a [disparaging] nickname for a colleague; one who calls a colleague by a [disparaging] nickname;
one who embarrasses a colleague in public;
one who takes pride in his colleague's shame;
one who disgraces Torah Sages;
one who disgraces his teachers;
one who degrades the festivals; and
one who profanes sacred things.
When does the statement that these individuals do not have a portion in the world to come apply? When they die without having repented. However, if such a person repents from his wicked deeds and dies as a

Baal-Teshuvah, he will merit the world to come, for nothing can stand in the way of Teshuvah.

Even if he denies God's existence throughout his life and repents in his final moments, he merits a portion in the world to come as implied by [**Isaiah 57:19**] "`Peace, peace, to the distant and the near,' declares God. `I will heal him.'"

Any wicked person, apostate, or the like, who repents, whether in an open, revealed manner or in private, will be accepted as implied by [**Jeremiah 3:22**] "Return, faithless children." [We may infer] that even if one is still faithless, as obvious from the fact that he repents in private and not in public, his Teshuvah will be accepted.

Chapter 4

1 There are 24 deeds which hold back Teshuvah: Four are the commission of severe sins. God will not grant the person who commits such deeds to repent because of the gravity of his transgressions.

They are:

a) One who causes the masses to sin, included in this category is one who holds back the many from performing a positive command;

b) One who leads his colleague astray from the path of good to that of bad; for example, one who proselytizes or serves as a missionary [for idol worship];

c) One who sees his son becoming associated with evil influences and refrains from rebuking him. Since his son is under his authority, were he to rebuke him, he would have separated himself [from these influences].

Hence, [by refraining from admonishing him, it is considered] as if he caused him to sin.

Included in this sin are also all those who have the potential to rebuke others, whether an individual or a group, and refrain from doing so, leaving them to their shortcomings.

d) One who says: "I will sin and then, repent." Included in this category is one who says: "I will sin and Yom Kippur will atone [for me]."

2 Among [the 24] are five deeds which cause the paths of Teshuvah to be locked before those who commit them. They are:

a) One who separates himself from the community; when they repent, he will not be together with them and he will not merit to share in their merit.

b) One who contradicts the words of the Sages; the controversy he provokes will cause him to cut himself off from them and, thus, he will never know the ways of repentance.

c) One who scoffs at the mitzvoth; since he considers them as degrading, he will not pursue them or fulfill them. If he does not fulfill mitzvot, how can he merit [to repent]?

d) One who demeans his teachers; this will cause them to reject and dismiss him as [Elishah did to] Gechazi. In this period of rejection, he will not find a teacher or guide to show him the path of truth.

e) One who hates admonishment; this will not leave him a path for repentance. Admonishment leads to Teshuvah. When a person is informed about his sins and shamed because of them, he will repent. Accordingly, [rebukes are] included in the Torah, [for example]:

"Remember, do not forget, that you provoked [God, your Lord, in the desert. From the day you left Egypt until here,] you have been rebelling...."(**Deuteronomy 9:7** .

"[Until this day,] God did not give you a heart to know...." (**Deuteronomy 29:3** .

"[Is this the way you repay God,] you ungrateful, unwise nation" (**Deuteronomy 2:6** .

Similarly, Isaiah rebuked Israel, declaring: "Woe, sinful nation, [people laden with iniquity...]" (**Isaiah 1:4** ,

"The ox knows its owner, [and the ass, his master's crib. Israel does not know...]" (*ibid.*: 1:3),

I know you are obstinate... (*ibid.* 48:4).

God also commanded him to admonish the transgressors as [*ibid.* 58:1] states: "Call out from your throat, do not spare it." Similarly, all the prophets rebuked Israel until she repented. Therefore, it is proper for each and every congregation in Israel to appoint a great sage of venerable age, with [a reputation of] fear of heaven from his youth, beloved by the community, to admonish the masses and motivate them to Teshuvah.

This person who hates admonishment will not come to the preacher's [lecture] or hear his words. Accordingly, he will continue his sinful [paths], which he regards as good.

3 Among these [24] are five [transgressions] for which it is impossible for the person who commits them to repent completely. They are sins between man and man, concerning which it is impossible to know the person whom one sinned against in order to return [what is owed him] or

ask for his forgiveness. They are:

a) One who curses the many without cursing a specific individual from whom he can request forgiveness;

b) One who takes a share of a thief's [gain], for he does not know to whom the stolen article belongs. The thief steals from many, brings him [his share], and he takes it. Furthermore, he reinforces the thief and causes him to sin;

c) One who finds a lost object and does not announce it [immediately] in order to return it to its owners. Afterwards, when he desires to repent, he will not know to whom to return the article;

d) One who eats an ox belonging to the poor, orphans, or widows. These are unfortunate people, who are not well-known or recognized by the public. They wander from city to city and thus, there is no one who can identify them and know to whom the ox belonged in order that it may be returned to him.

e) One who takes a bribe to pervert judgment. He does not know the extent of the perversion or the power [of its implications] in order to pay the [people whom he wronged], for his judgment had a basis. Furthermore, [by taking a bribe], he reinforces the person [who gave it] and causes him to sin.

4 Also among the [24] are five [transgressions] for which it is unlikely that the person who commits them will repent. Most people regard these matters lightly. Hence, [by committing such a transgression,] a person will sin without realizing that he has. They are:

a) One who eats from a meal which is not sufficient for its owners. This is

a "shade of theft." However, the person who [partook from this meal] will not realize that he has sinned, for he will rationalize: "I only ate with his permission."

b) One who makes use of a pledge taken from a poor person. The pledge taken from a poor person would be his axe or plow. He rationalizes: "Their value will not depreciate and, hence, I haven't stolen anything from him."

c) One who looks at women forbidden to him. He considers the matter of little consequence, rationalizing: "Did I engage in relations with her? Was I intimate with her?" He fails to realize how looking [at such sights] is a great sin, for it motivates a person to actually take part in illicit sexual relations as implied by [**Numbers 15:39**] "Do not follow after your heart and your eyes."

d) One who takes pride in his colleague's shame. He tells himself that he has not sinned, for his colleague was not present. Thus, no shame came [directly] to his colleague, nor did he humiliate him. He merely contrasted his good deeds and wisdom against the deeds or wisdom of his colleague in order that, out of that comparison, he would appear honorable, and his colleague, shameful.

e) One who suspects worthy people. He will also say to himself "I haven't sinned," for he will rationalize: "What have I done to him? All I did was raise a doubt whether he committed the wrong or not." He does not realize that this is a sin, for he has considered a worthy person as a transgressor.

5 Among the [24] are five [qualities] which have the tendency to lead the

transgressor to continue to commit them and which are very difficult to abandon. Therefore, a person should be very careful lest he become attached to them, for they are very bad attributes. They are:

a) gossip;

b) slander;

c) quick-temperedness;

d) a person preoccupied with sinister thoughts;

e) a person who becomes friendly with a wicked person, for he learns from his deeds and they are imprinted on his heart. This was implied by Solomon [**Proverbs 13:20**]: "A companion of fools will suffer harm."

In *Hilchot De'ot,* we explained the [character traits] which all people should continually follow. This surely holds true for a Baal-Teshuvah.

6 All of the above, and other similar transgressions, though they hold back repentance, they do not prevent it entirely. Should one of these people repent, he is a Baal-Teshuvah and has a portion in the world to come.

Chapter 5

1 Free will is granted to all men. If one desires to turn himself to the path of good and be righteous, the choice is his. Should he desire to turn to the path of evil and be wicked, the choice is his.

This is [the intent of] the Torah's statement (**Genesis 3:22** : "Behold, man has become unique as ourselves, knowing good and evil," i.e., the human species became singular in the world with no other species resembling it in the following quality: that man can, on his own initiative, with his

knowledge and thought, know good and evil, and do what he desires. There is no one who can prevent him from doing good or bad. Accordingly, [there was a need to drive him from the Garden of Eden,] "lest he stretch out his hand [and take from the tree of life]."

2 A person should not entertain the thesis held by the fools among the gentiles and the majority of the undeveloped among Israel that, at the time of a man's creation, The Holy One, blessed be He, decrees whether he will be righteous or wicked.

This is untrue. Each person is fit to be righteous like Moses, our teacher, or wicked, like Jeroboam. [Similarly,] he may be wise or foolish, merciful or cruel, miserly or generous, or [acquire] any other character traits. There is no one who compels him, sentences him, or leads him towards either of these two paths. Rather, he, on his own initiative and decision, tends to the path he chooses.

This was [implied by the prophet,] Jeremiah who stated [**Eichah 3:38**: "From the mouth of the Most High, neither evil or good come forth." The Creator does not decree that a person should be good and refrain from being evil. Accordingly, it is the sinner, himself, who causes his own loss.

Therefore, it is proper for a person to cry and mourn for his sins and for what he has done to his soul, the evil consequences, he brought upon it. This is implied by the following verse [*ibid.*:39]: "Of what should a living man be aggrieved? [A man of his sins.]"

[The prophet] continues explaining, since free choice is in our hands and our own decision [is what prompts us to] commit all these wrongs, it is

proper for us to repent and abandon our wickedness, for this choice is presently in our hand. This is implied by the following verse [*ibid.*:40]: "Let us search and examine our ways and return [to God]."

3 This principle is a fundamental concept and a pillar [on which rests the totality] of the Torah and mitzvot as [**Deuteronomy 30:15**] states: "Behold, I have set before you today life [and good, death and evil]." Similarly, [**Deuteronomy 11:26**] states, "Behold, I have set before you today [the blessing and the curse]," implying that the choice is in your hands.

Any one of the deeds of men which a person desires to do, he may, whether good or evil. Therefore, [**Deuteronomy 5:26**] states:

"If only their hearts would always remain this way." From this, we can infer that the Creator does not compel or decree that people should do either good or bad. Rather, everything is left to their [own choice].

4 Were God to decree that an individual would be righteous or wicked or that there would be a quality which draws a person by his essential nature to any particular path [of behavior], way of thinking, attributes, or deeds, as imagined by many of the fools [who believe] in astrology - how could He command us through [the words of] the prophets: "Do this," "Do not do this," "Improve your behavior," or "Do not follow after your wickedness?"

[According to their mistaken conception,] from the beginning of man's creation, it would be decreed upon him, or his nature would draw him, to a particular quality and he could not depart from it.

What place would there be for the entire Torah? According to which

judgement or sense of justice would retribution be administered to the wicked or reward to the righteous? Shall the whole world's Judge not act justly!

A person should not wonder: How is it possible for one to do whatever he wants and be responsible for his own deeds? - Is it possible for anything to happen in this world without the permission and desire of its Creator as [**Psalms 135:6**] states: "Whatever God wishes, He has done in the heavens and in the earth?"

One must know that everything is done in accord with His will and, nevertheless, we are responsible for our deeds.

How is this [apparent contradiction] resolved? Just as the Creator desired that [the elements of] fire and wind rise upward and [those of] water and earth descend downward, that the heavenly spheres revolve in a circular orbit, and all the other creations of the world follow the nature which He desired for them, so too, He desired that man have free choice and be responsible for his deeds, without being pulled or forced. Rather, he, on his own initiative, with the knowledge which God has granted him, will do anything that man is able to do.

Therefore, he is judged according to his deeds. If he does good, he is treated with beneficence. If he does bad, he is treated harshly. This is implied by the prophets' statements: "This has been the doing of your hands" [**Malachi 1:9**]; "They also have chosen their own paths" [**Isaiah 66:3**].

This concept was also implied by Solomon in his statement [**Ecclesiastes 11:9**]: "Young man, rejoice in your youth... but, know that for all these things God will bring you to judgment," i.e., know that you have the

potential to do, but in the future, you will have to account for your deeds.

5 One might ask: Since The Holy One, blessed be He, knows everything that will occur before it comes to pass, does He or does He not know whether a person will be righteous or wicked?

If He knows that he will be righteous, [it appears] impossible for him not to be righteous. However, if one would say that despite His knowledge that he would be righteous, it is possible for him to be wicked, then His knowledge would be incomplete.

Know that the resolution to this question [can be described as]: "Its measure is longer than the earth and broader than the sea." Many great and fundamental principles and lofty concepts are dependent upon it. However, the statements that I will make must be known and understood [as a basis for the comprehension of this matter].

As explained in the second chapter of *Hilchot Yesodei HaTorah,* The Holy One, blessed be He, does not know with a knowledge that is external from Him as do men, whose knowledge and selves are two [different entities]. Rather, He, may His name be praised, and His knowledge are one.

Human knowledge cannot comprehend this concept in its entirety for just as it is beyond the potential of man to comprehend and conceive the essential nature of the Creator, as [**Exodus 33:20**] states: "No man will perceive, Me and live," so, too, it is beyond man's potential to comprehend and conceive the Creator's knowledge. This was the intent of the prophet's [**Isaiah 55:8**] statements: "For My thoughts are not your thoughts, nor your ways, My ways."

Accordingly, we do not have the potential to conceive how The Holy

One, blessed be He, knows all the creations and their deeds. However, this is known without any doubt: That man's actions are in his [own] hands and The Holy One, blessed be He, does not lead him [in a particular direction] or decree that he do anything.

This matter is known, not only as a tradition of faith, but also, through clear proofs from the words of wisdom. Consequently, the prophets taught that a person is judged for his deeds, according to his deeds - whether good or bad. This is a fundamental principle on which is dependent all the words of prophecy.

Chapter 6

1 There are many verses in the Torah and the words of the prophets which appear to contradict this fundamental principle. [Thus,] the majorities of the people err because of them and think that the Holy One, blessed be He, does decree that a person commit evil or good and that a person's heart is not given over to him to direct it towards any path he desires.

Behold, I will explain a great and fundamental principle [of faith] on the basis of which the interpretation of those verses can be understood. [As a preface,] when an individual or the people of a country sin, the sinner consciously and willfully committing that sin, it is proper to exact retribution from him as explained. The Holy One, blessed be He, knows how to exact punishment: There are certain sins for which justice determines that retribution be exacted in this world; on the sinner's person, on his possessions, or on his small children.

[Retribution is exacted upon a person's] small children who do not possess

intellectual maturity and have not reached the age where they are obligated to perform mitzvot [because these children] are considered as his property. [This concept is alluded to] by the verse [**Deuteronomy 24:16**]: "A man will die because of his own sins." [We may infer: This rule only applies] after one has become "a man.

There are other sins for which justice determines that retribution be exacted in the world to come with no damages coming to the transgressor in this world. There are [other] sins for which retribution is taken in this world and in the world to come.

2 When does the above apply? When [the transgressor] does not repent. However, if he repents, his Teshuvah is a shield against retribution. Just as a person may sin consciously and willfully, he may repent consciously and willfully.

3 A person may commit a great sin or many sins causing the judgment rendered before the True Judge to be that the retribution [administered to] this transgressor for these sins which he willfully and consciously committed is that his Teshuvah will be held back. He will not be allowed the chance to repent from his wickedness so that he will die and be wiped out because of the sin he committed.

This is implied by the Holy One, blessed be He's statement [related] by **Isaiah [6:10]**: "Make the heart of this people fat [and make their ears heavy. Smear over their eyes, lest they see with their eyes... understand with their hearts, repent and be healed]."

Similarly, [**II Chronicles 36:16**] states " They mocked the messengers of

God, scorned His words, scoffed at His prophets until the anger of God mounted up against His people until there was no remedy."

Implied [by these verses] is that they willingly sinned, multiplying their iniquity until it was obliged to hold back their Teshuvah, [which is referred to as] the "remedy."

For these reasons, it is written in the Torah [**Exodus 4:21**], "I will harden Pharaoh's heart." Since, he began to sin on his own initiative and caused hardships to the Israelites who dwelled in his land as [**Exodus 1:10**] states: "Come, let us deal wisely with them," judgment obligated that he be prevented from repenting so that he would suffer retribution. Therefore, The Holy One, blessed be He, hardened his heart.

Why did [God] send Moses to [Pharaoh], telling him: "Send [forth the people], repent"? The Holy One, blessed be He, had already told Moses that he would not release [the people], as [**Exodus 9:30**] states: "I realize that you and your subjects [still do not fear God]."

[The reason is stated in **Exodus 9:16**:] "For this alone, I have preserved you… so that My name will be spoken about throughout the earth]," i.e., to make known to all the inhabitants of the world that when the Holy One, blessed be He, withholds repentance from a sinner, he cannot repent, but he will die in the wickedness that he initially committed willfully.

Similarly, Sichon was held liable for repentance to be withheld from him, because of the sins he committed, as [**Deuteronomy 2:30**] states: "God, your Lord, hardened his spirit and strengthened his heart."

Also, the Canaanites held back from repenting, because of their abominable acts, so that they would wage war against Israel as [**Joshua**

11:20] states: "This was inspired by God, to harden their hearts so that they should come against Israel in battle in order to utterly destroy them." Similarly, the Israelites during the era of Elijah committed many iniquities. Repentance was held back from those who committed these many sins, as [**I Kings 18:37**] states: "You have turned their heart backwards," i.e., held repentance back from them.

In conclusion, the Almighty did not decree that Pharaoh should harm the Israelites that Sichon should sin in his land, that the Canaanites should perform abominable acts, or that the Israelites should worship idols. They all sinned on their own initiative and they were obligated to have Teshuvah held back from them.

4 This is what is implied in the requests of the righteous and the prophets in their prayers, [asking] God to help them on the path of truth, as David pleaded [**Psalms 86:11**]: "God, show me Your way that I may walk in Your truth;" i.e., do not let my sins prevent me from [reaching] the path of truth which will lead me to appreciate Your way and the oneness of Your name.

A similar intent [is conveyed] by the request [**Psalms 51:14**]: "Support me with a spirit of magnanimity;" i.e., let my spirit [be willing] to do Your will and do not cause my sins to prevent me from repenting. Rather, let the choice remain in my hand until I repent and comprehend and appreciate the path of truth. In a similar way, [one must interpret] all the [verses] which resemble these.

5 What was implied by David's statement [**Psalms 25:8-9**]: "God is good

and upright, therefore, he instructs sinners in the path. He guides the humble [in the path of justice and] teaches the humble His way]"? That He sends them prophets to inform them of the path of God and to encourage them to repent.

Furthermore, it implies that He granted them the power to learn and to understand. This attribute is present in all men: As long as a person follows the ways of wisdom and righteousness, he will desire them and pursue them. This [may be inferred from] the statement of our Sages of blessed memory: "One who comes to purify [himself] is helped;" i.e., he finds himself assisted in this matter.

[A question may still arise, for] behold, it is written in the Torah [**Genesis 15:13**]: "They shall enslave them and oppress them," [seemingly implying that] He decreed that the Egyptians would commit evil.

Similarly, it is written [**Deuteronomy 31:16**]: "And this nation will arise and stray after the alien gods of the land," [seemingly implying that] He decreed that Israel would serve idols. If so, why did He punish them?

Because He did not decree that a particular person would be the one who strayed. Rather, each and every one of those who strayed to idol-worship [could have chosen] not to serve idols if he did not desire to serve them. The Creator merely informed [Moses] of the pattern of the world.

To what can this be compared? To someone who says, there will be righteous and wicked people in this nation. [Thus,] a wicked person cannot say that because God told Moses that there will be wicked people in Israel, it is decreed that he will be wicked. A similar concept applies regarding the statement [**Deuteronomy 15:11**]: "The poor will never cease to exist in the land."

Similarly, in regard to the Egyptians, each and every one of the Egyptians who caused hardship and difficulty for Israel had the choice to refrain from harming them, if he so desired, for there was no decree on a particular person. Rather, [God merely] informed [Abraham] that, in the future, his descendants would be enslaved in a land which did not belong to them.

We have already explained that it is beyond the potential of man to know how God knows what will be in the future.

Chapter 7

1 Since free choice is granted to all men as explained, a person should always strive to do Teshuvah and to confess verbally for his sins, striving to cleanse his hands from sin in order that he may die as a Baal-Teshuvah and merit the life of the world to come.

2 A person should always view himself as leaning towards death, with the possibility that he might die at any time. Thus, he may be found as a sinner.

Therefore, one should always repent from his sins immediately and should not say: "When I grow older, I will repent," for perhaps he will die before he grows older. This was implied by the wise counsel given by Solomon [**Ecclesiastes 9:8**]: "At all times, your clothes should be white."

3 A person should not think that repentance is only necessary for those sins that involve deed such as promiscuity, robbery, or theft. Rather, just as a

person is obligated to repent from these, similarly, he must search after the evil character traits he has. He must repent from anger, hatred, envy, frivolity, the pursuit of money and honor, the pursuit of gluttony, and the like. He must repent for all [of the above].

These sins are more difficult than those that involve deed. If a person is attached to these, it is more difficult for him to separate himself. In this context, [**Isaiah 55:7**] exhorts: "May the wicked abandon his path and the crooked man, his designs."

4 A Baal-Teshuvah should not consider himself distant from the level of the righteous because of the sins and transgressions that he committed. This is not true. He is beloved and desirable before the Creator as if he never sinned.

Furthermore, he has a great reward for he has tasted sin and yet, separated himself from it, conquering his [evil] inclination. Our Sages declared: "In the place where Baalei Teshuvah stand, even the completely righteous are not able to stand." The level of Baalei Teshuvah transcends the level of those who never sinned at all, for they overcome their [evil] inclination more.

5 All the prophets commanded [the people] to repent. Israel will only be redeemed through Teshuvah.

The Torah has already promised that, ultimately, Israel will repent towards the end of her exile and, immediately, she will be redeemed as [**Deuteronomy 30:1-3**] states: ”There shall come a time when [you will experience] all these things... and you will return to God, your Lord....

God, your Lord, will bring back your [captivity]."

6 Teshuvah is great for it draws a man close to the *Shechinah* as [**Hoshea 14:2**] states: "Return, O Israel, to God, your Lord;" [**Amos 4:6**] states: "`You have not returned to Me,' declares God;" and [**Jeremiah 4:1**] states: "`If, you will return, O Israel,' declares God, `You will return to Me.'" Implied is that if you will return in Teshuvah, you will cling to Me.

Teshuvah brings near those who were far removed. Previously, this person was hated by God, disgusting, far removed, and abominable. Now, he is beloved and desirable, close, and dear.

Similarly, we find God employs the same expression with which He separates [Himself] from the sinners to draw close those who repent. [**Hoshea 2:1**] states: "Instead of saying to you: `You are not My nation,' He will tell you: `You are the children of the living God.'"

[Also, Jeremiah] speaks of Yecheniah while he was wicked [with the expression (22:30)]: "Write down this man as childless, a man who shall never prosper in his days," and [22:24]: "Would Cheniah, the son of Yehoyakim, king of Judah, be the signet ring on My right hand, I would tear him off." However, after he repented when in exile, [**Chaggai 2:23**] said concerning Zerubavel, his son: "'On that day,' declares the God of Hosts, `I will take you, Zerubavel, the son of Shaltiel, My servant,' declares God, `and I will place you as a signet ring.'"

7 How exalted is the level of Teshuvah! Previously, the [transgressor] was separate from God, the Lord of Israel, as [**Isaiah 59:2**] states: "Your sins separate between you and your God." He would call out [to God] without

being answered as [**Isaiah 1:15**] states: "Even if you pray many times, I will not hear."

He would fulfill mitzvot, only to have them crushed before him as [**Isaiah 1:12**] states: "Who asked this from you, to trample in My courts," and [**Malachi 1:10**] states: "`O were there one among you who would shut the doors that you might not kindle fire on My altar for no reason! I have no pleasure in you,' says the God of Hosts, `nor will I accept an offering from your hand.'"

Now, he is clinging to the *Shechinah* as [**Deuteronomy 4:4**] states: "And you who cling to God, your Lord." He calls out [to God] and is answered immediately as [**Isaiah 65:24**] states: "Before, you will call out, I will answer." He fulfills mitzvot and they are accepted with pleasure and joy as [**Ecclesiastes 9:7**] states, "God has already accepted your works," moreover, [G-d] desires them, as [**Malachi 3:4**] states: "Then, shall the offering of Judah and Jerusalem be pleasing to God as in days of old and as in the former years."

8 The manner of Baalei Teshuvah is to be very humble and modest.

If fools shame them because of their previous deeds, saying to them: "Yesterday, you would commit such and such [sins]. Yesterday, you would commit these and these [transgressions]," they will pay no attention to them. On the contrary, they will hear [this abuse] and rejoice, knowing that it is a merit for them.

Whenever they are embarrassed for the deeds they committed and shamed because of them, their merit increases and their level is raised.

It is a utter sin to tell a Baal Teshuvah, "Remember your previous deeds,"

or to recall them in his presence to embarrass him or to mention the surrounding circumstances or other similar matters so that he will recall what he did. This is all forbidden. We are warned against it within the general category of verbal abuse which Torah has warned us against as [**Leviticus 25:17**] states: "A man should not mistreat his colleague."

Chapter 8

1 The good that is hidden for the righteous is the life of the world to come. This will be life which is not accompanied by death and good which is not accompanied by evil. The Torah alludes to this in [the promise, **Deuteronomy 22:7**]: "So that good will be granted you and you will live long."

The oral tradition explains: "So that good will be granted you" - in the world that is entirely good; "and you will live long" - in the world which is endlessly long, the world to come.

The reward of the righteous is that they will merit this pleasure and take part in this good. The retribution of the wicked is that they will not merit this life. Rather, they will be cut off and die.

Whoever does not merit this life is [truly] dead and will not live forever. Rather, he will be cut off in his wickedness and perish as a beast. This is the intent of the meaning of the term *karet* in the Torah as [**Numbers 15:31**] states: "That soul shall surely be cut off."

[Based on the repetition of the verb,] the oral tradition explains: *hikaret* means to be cut off in this world and *tikaret*, to be cut off in the world to come. After these souls become separated from bodies in this world, they

will not merit the life of the world to come. Rather, even in the world to come, they will be cut off.

2 In the world to come, there is no body or physical form, only the souls of the righteous alone, without a body, like the ministering
angels. Since there is no physical form, there is neither eating, drinking, nor any of the other bodily functions of this world like sitting, standing, sleeping, death, sadness, laughter, and the like.

Thus, the Sages of the previous ages declared: "In the world to come, there is neither eating, drinking, nor sexual relations. Rather, the righteous will sit with their crowns on their heads and delight in the radiance of the Divine Presence."

From that statement, it is clear that there is no body, for there is no eating or drinking. [Consequently,] the statement, "the righteous sit," must be interpreted metaphorically, i.e., the righteous exist there without work or labor.

Similarly, the phrase, "their crowns on their heads," [is also a metaphor, implying] that they will possess the knowledge that they grasped which allowed them to merit the life of the world to come. This will be their crown. A similar [usage of this metaphor was employed by] Solomon [**Song of Songs 3:11**]: "The crown with which his mother crowned him."

[Support for the concept that this does not refer to a physical crown can be brought from the prophecy, **Isaiah 51:11**]: "Eternal joy will be upon their heads." Joy is not a physical entity which can rest on a head. Similarly, the expression "crown" used by the Sages [refers to a spiritual concept], knowledge.

What is meant by the expression, "delight in the radiance of the Divine Presence"? That they will comprehend the truth of Godliness which they cannot grasp while in a dark and humble body.

3 The term "soul" when used in this context does not refer to the soul which needs the body, but rather to "the form of the soul," the knowledge which it comprehends according to its power. Similarly, it comprehends abstract concepts and other matters. This is "the form" whose nature we described in the fourth chapter of *Hilchot Yesodei HaTorah.* This is the soul referred to in this context.

Since this life is not accompanied by death - for death is an event associated with the body alone and, in that realm, there is no body - it is called "the bond of life," as [**I Samuel 25:29**] states: "And the soul of my master will be bound up in the bond of life." This is the reward above which there is no higher reward and the good beyond which there can be no [greater] good. This was [the good] desired by all the prophets.

4 How many metaphoric terms have been used to refer to [the world to come]! "The mountain of God" [**Psalms 24:3**], "His holy place" [*ibid.*], "the holy path" [**Isaiah 35:8**], "the courtyards of God" [**Psalms 65:5**, 92:14], "the pleasantness of God" [*ibid.* 27:4], "the tent of God" [*ibid.* 15:1], "the palace of God" [*ibid.* 5:8], "the house of God" [*ibid.* 27:4], "the gate of God" [*ibid.* 118:20].

The Sages referred to this good which is prepared for the righteous with the metaphor: "the feast." Generally, it is referred to with the term "the world to come."

5 The retribution beyond which there is no greater retribution is that the soul will be cut off and not merit this life as [**Numbers 15:31**] states: "This soul shall surely be cut off. His sin shall remain upon him."

This refers to the obliteration of the soul which was referred to by the prophets with the following metaphoric terms: "the pit of destruction" [**Psalms 55:24**], "obliteration" [*ibid.* 88:12], "the bonfire" [**Isaiah 30:33**], "the leech" [**Proverbs 30:15**]. All the synonyms for nullification and destruction are used to refer to it for it is the [ultimate] nullification after which there is no renewal and the [ultimate] loss which can never be recovered.

6 Lest you think lightly of this good, [the world to come], imagining that the reward for the mitzvot and for a person [following] completely the paths of truth is for him to eat and drink good foods, have intercourse with beautiful forms, wear garments of linen and lace, dwell in ivory palaces, use utensils of gold and silver, or other similar ideas, as conceived by the foolish, decadent Arabs, who are flooded with lewdness.

In contrast, the sages and men of knowledge know that all these matters are vain and empty things, without any purpose. They are only considered of great benefit to us in this world because we possess a body and a physical form. All these matters are the needs of the body. The soul only desires them and lusts for them because of the needs of the body, so that its desires will be fulfilled and its health maintained. In a situation, where there is no body, all of these matters will be nullified.

There is no way in this world to grasp and comprehend the ultimate good which the soul will experience in the world to come.

We only know bodily good and that is what we desire. However, that [ultimate] good is overwhelmingly great and cannot be compared to the good of this world except in a metaphoric sense.

In truth, there is no way to compare the good of the soul in the world to come to the bodily goods of this world. Rather, that good is infinitely great, with no comparison or likeness. This is alluded to by David's statement [**Psalms 31:20**]: "How great is the good that You have hidden for those who fear You."

7 How very much did David desire the life of the world to come as implied by [**Psalms 27:13**]: "Had I not believed that I would see the goodness of God in the land of the living!"

The Sages of the previous generations have already informed us that man does not have the potential to appreciate the good of the world to come in a full sense nor can anyone know its greatness, beauty, and power except God, alone.

All the beneficence which the prophets promised Israel in their visions are only physical concerns which Israel will appreciate in the Messianic age when dominion [over the world] will return to Israel. However, the good of the life of the world to come has no comparison or likeness, nor was it described by the prophets, lest with such a description, they diminish it.

This [was implied] by [Isaiah's (64:3)] statement: "No eye has ever seen, O God, except for You, what You will do for those who wait for You;" i.e. the good which was not perceived by the vision of a prophet and is perceived by God alone, this was created by God for those who wait for Him.

The Sages declared: "All the prophets only prophesied about the Messianic Age. However, regarding the world to come - `No eye has ever seen, O God, except for You.'

8 The Sages did not use the expression "the world to come" with the intention of implying that [this realm] does not exist at present or that the present realm will be destroyed and then, that realm will come into being. The matter is not so. Rather, [the world to come] exists and is present as implied by [**Psalms 31:20**: "How great is the good] that You have hidden... which You have made...." It is only called the world to come because that life comes to a man after life in this world in which we exist, as souls [enclothed] in bodies. This [realm of existence] is presented to all men at first.

Chapter 9

1 [A question arises:] As explained, the reward for the mitzvot and the good which we will merit if we observe the path of God as prescribed by the Torah is the world to come as [**Deuteronomy 2:7**] states: "So that good will be granted you and you will live long."

[Also,] the retribution which is exacted from the wicked who abandon the paths of righteous prescribed by the Torah is *karet* as [**Numbers 15:31**] states: "This soul shall surely be cut off. His sin shall remain upon him."

[If so,] what is the meaning of the [statements] made throughout the entire Torah: "If you observe [the Torah's laws], you will acquire such and such;" "If you do not observe [the Torah's laws], such and such will

happen to you?" All [of the benefits and difficulties that are promised] are matters of this [material] world, for example, plenty and famine, war and peace, sovereignty [over other nations] or a humble [national standing], the settlement of the land or exile, success in one's deeds or loss and all the other points mentioned in the covenant.

[In resolution, it must be stated that] all those statements are true. They have been realized in the past and will be realized in the future. When we fulfill all the mitzvot in the Torah, we will acquire all the benefits of this world. [Conversely,] when we transgress them, the evils written [in the Torah] will occur.

Nevertheless, those benefits are not the ultimate reward for the mitzvot, nor are those evils the ultimate retribution to be exacted from someone who transgresses all the mitzvot.

Rather, the resolution of the matter is as follows: God gave us this Torah which is a tree of life. Whoever fulfills what is written within it and comprehends it with complete and proper knowledge will merit the life of the world to come. A person merits [a portion of the world to come] according to the magnitude of his deeds and the extent of his knowledge.

[In addition,] we are promised by the Torah that if we fulfill it with joy and good spirit and meditate on its wisdom at all times, [God] will remove all the' obstacles which prevent us from fulfilling it, for example, sickness, war, famine, and the like.

Similarly, He will grant us all the good which will reinforce our performance of the Torah, such as plenty, peace, an abundance of silver and gold in order that we not be involved throughout all our days in matters required by the body, but rather, will sit unburdened and [thus,

have the opportunity to] study wisdom and perform mitzvot in order that we will merit the life of the world to come.

This [principle is expressed] by the Torah. After [**Deuteronomy 6:11-12**] promises us all the benefits of this world, it concludes [*ibid.*:25]: "And charity will remain for us if we take care to perform [all these commandments]."

Similarly, the Torah has informed us that if we consciously abandon the Torah and involve ourselves in the vanities of the time in a manner similar to that stated [by **Deuteronomy 32:15**]: "Jeshurun became fat and rebelled," then, the True Judge will remove from all the benefits of this world which reinforce their rebellion those who abandoned [the Torah].

He will bring upon them all the evils which prevent them from acquiring [a portion in] the world to come so that they will be destroyed in their wickedness. This was implied by the Torah's statement [**Deuteronomy 28:47-48**]: "Because you did not serve God, [your Lord, with happiness,]... you will serve your enemies whom God sends against you."

Thus, these blessings and curses can be interpreted as follows: If you serve God with happiness and observe His way, He will grant you these blessings and remove these curses from you in order that you may be free to gain wisdom from the Torah and involve yourselves in it so that you will merit the life of the world to come. "Good will be granted you" - in the world that is entirely good; "and you will live long" - in the world which is endlessly long, [the world to come].

Thus, you will merit two worlds, a good life in this world, which, in turn, will bring you to the life of the world to come. For if a person will not acquire wisdom in this world and he does not possess good deeds, with

what will he merit [a portion in the world to come]? [Thus, **Ecclesiastes 9:10**] states: "There is no work, no accounting, no knowledge, and no wisdom in the grave."

[Conversely,] if you have abandoned God and become obsessed with food, drink, lewdness, and the like, He will bring all these curses upon you and remove all blessing until you will conclude all your days in confusion and fear. You will not have a free heart or a complete body to fulfill the mitzvot in order that you forfeit the life of the world to come.

Thus, you will forfeit two worlds for when a person is occupied in this world with sickness, war, and hunger, he cannot involve himself with either wisdom or mitzvot which allow him to merit the life of the world to come.

2 For these reasons, all Israel, [in particular,] their prophets and their Sages, have yearned for the Messianic age so they can rest from the [oppression of] the gentile kingdoms who do not allow them to occupy themselves with Torah and mitzvot properly. They will find rest and increase their knowledge in order to merit the world to come.

In that era, knowledge, wisdom, and truth will become abundant. [**Isaiah 11:9**] states, "The earth will be full of the knowledge of God." [**Jeremiah 31:33**] states: "One man will no longer teach his brother, nor a man his colleague... [for all will know Me]." And [**Ezekiel 36:26**] states: "I will take away the heart of stone from your flesh and give you a heart of flesh."

[These changes will come about] because the king who will arise from David's descendants will be a greater master of knowledge than Solomon and a great prophet, close to the level of Moses, our teacher. Therefore, he

will teach the entire nation and instruct them in the path of God.

All the gentile nations will come to hear him as [**Isaiah 2:2**] states: "And it shall come to pass in the last days that the mountain of God's house shall be established at the peak of the mountains... [and all the nations shall flow to it]."

[Nevertheless,] the ultimate of all reward and the final good which will have no end or decrease is the life of the world to come. In contrast, the Messianic age will be [life within the context of] this world, with the world following its natural pattern except that sovereignty will return to Israel.

The Sages of the previous generations have already declared: "There is no difference between the present age and the Messianic era except [the emancipation] from our subjugation to the [gentile] kingdoms."

Chapter 10

1 A person should not say: "I will fulfill the mitzvot of the Torah and occupy myself in its wisdom in order to receive all the blessings which are contained within it or in order to merit the life of the world to come."

"[Similarly,] I will separate myself from all the sins which the Torah warned against so that I will be saved from all the curses contained in the Torah or so that [my soul] will not be cut off from the life of the world to come."

It is not fitting to serve God in this manner. A person whose service is motivated by these factors is considered one who serves out of fear. He is not on the level of the prophets or of the wise.

The only ones who serve God in this manner are common people, women, and minors. They are trained to serve God out of fear until their knowledge increases and they serve out of love.

2 One who serves [God] out of love occupies himself in the Torah and the mitzvot and walks in the paths of wisdom for no ulterior motive: not because of fear that evil will occur, nor in order to acquire benefit. Rather, he does what is true because it is true, and ultimately, good will come because of it.

This is a very high level which is not merited by every wise man. It is the level of our Patriarch, Abraham, whom God described as, "he who loved Me," for his service was only motivated by love.

God commanded us [to seek] this rung [of service] as conveyed by Moses as [**Deuteronomy 6:5**] states: "Love God, your Lord.'' When a man will love God in the proper manner, he will immediately perform all of the mitzvot motivated by love.

3 What is the proper [degree] of love? That a person should love God with a very great and exceeding love until his soul is bound up in the love of God. Thus, he will always be obsessed with this love as if he is lovesick.

[A lovesick person's] thoughts are never diverted from the love of that woman. He is always obsessed with her; when he sits down, when he gets up, when he eats and drinks. With an even greater [love], the love for God should be [implanted] in the hearts of those who love Him and are obsessed with Him at all times as we are commanded [**Deuteronomy 6:5**: "Love God...] with all your heart and with all soul."

This concept was implied by Solomon [**Song of Songs 2:5**] when he stated, as a metaphor: "I am lovesick." [Indeed,] the totality of the Song of Songs is a parable describing [this love].

4 The Sages of the previous generations declared: Should one say: "I will study Torah in order that I become wealthy, in order that I be called a Rabbi, or in' order that I receive reward in the world to come?" The Torah teaches [**Deuteronomy 11:13**]: "[If you are careful to observe My commandments...] to love God; [implying] that all that you do should only be done out of love.

The Sages also said: [**Psalms 112:1** instructs:] "Desire His commandments greatly." [Desire His commandments] and not the reward [which comes from] His commandments.

In a similar manner, the great Sages would command the more understanding and brilliant among their students in private: "'Do not be like servants who serve their master [for the sake of receiving a reward].' Rather, since He is the Master, it is fitting to serve Him;" i.e., serve [Him] out of love.

5 Anyone who occupies himself with the Torah in order to receive reward or in order to protect himself from retribution is considered as one who is not occupied for the God's sake.

[In contrast,] anyone who occupies himself with it, not because of fear, nor to receive a reward, but rather because of his love for the Lord of the entire earth who commanded it, is one who occupies himself for God's sake.

Nevertheless, our Sages declared: A person should always occupy himself with the Torah even when it is not for God's sake for out of [service which is not intended] for God's sake will come service that is intended for God's sake.

Therefore, when one teaches children, women, and most of the common people, one should teach them to serve out of fear and in order to receive a reward. As their knowledge grows and their wisdom increases, this secret should be revealed to them [slowly,] bit by bit. They should become accustomed to this concept gradually until they grasp it and know it and begin serving [God] out of love.

6 It is a well-known and clear matter that the love of God will not become attached within a person's heart until he becomes obsessed with it at all times as is fitting, leaving all things in the world except for this. This was implied by the command [**Deuteronomy 6:5**: "Love God, your Lord,] with all your heart and all your soul.

One can only love God [as an outgrowth] of the knowledge with which he knows Him. The nature of one's love depends on the nature of one's knowledge! A small [amount of knowledge arouses] a lesser love. A greater amount of knowledge arouses a greater love.

Therefore, it is necessary for a person to seclude himself in order to understand and conceive wisdom and concepts which make his creator known to him according to the potential which man possesses to understand and comprehend as we explained in *Hilchot Yesodei HaTorah.*

7 (The first book has been completed and it is the Book of Knowledge.)

Mishneh Torah, Reading the Shema

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 We [are obligated to] recite the *Shema* twice daily - in the evening and in the morning - as [**Deuteronomy 6:7**] states: "...when you lie down and when you rise" - i.e., when people are accustomed to sleep - this being the night - and when people are accustomed to rise, this being daytime.

2 And what is it that one recites? These three sections:
"Hear O Israel..." (**Deuteronomy 6:4-9**),
"And if you will listen..." (**Deuteronomy 11:13-21**),and
"And God said..." (Numbers 15:37-41).
We begin with the section of "Hear O Israel" since it contains [the concept of] the unity of God, [the commandment of] loving Him and the study of Torah, it being a fundamental principle upon which everything is based.
After it, [we read] "And if you will listen...," since it contains the imperative to fulfill the rest of the commandments, and finally the portion of *tzitzit*, since it also contains the imperative of remembering all the commandments.

3 The commandment of *tzitzit* is not obligatory at night. Nevertheless, we recite [the section describing] it at night because it contains mention of the exodus from Egypt.
We are commanded to mention the exodus both during the day and at

night as [**Deuteronomy 16:3**] states: "In order that you shall remember the day of your leaving the land of Egypt all the days of your life."
Reading these three sections in this order constitutes the recitation of the *Shema*.

4 When reciting the *Shema*, after completing the first verse, one says quietly "Blessed be the name of the glory of His Kingdom forever." He then continues to read the first section in its normal fashion: "And you shall love God, your Lord..."
Why do we read it in this fashion? It is our tradition that when the patriarch, Jacob, gathered all his sons together in Egypt close to his death, he commanded and urged them regarding the Unity of God and the path of God upon which Abraham and Isaac, his father, had tread.
He asked them: "My sons, perhaps there are dregs among you, one who does not stand with me in the Unity of God?" This is comparable to the manner in which Moses, our teacher, said to us: "Lest there be among you a man or woman [whose heart turns this day from God...]" (**Deuteronomy 29:17**).
They all answered and said: "Listen, Israel, God is our Lord, God is One," i.e., listen to us, Israel, our father, God is our Lord, God is One.
The wise elder responded: "Blessed be the Name of the Glory of His Kingdom forever." Therefore, the Jews are accustomed to utter the praise that Israel, the wise elder, uttered after this verse.

5 Blessings are recited before and after *Kri'at Shema*. In the day, one recites two blessings before it and one after it. At night, one recites two blessings

before and two blessings after it.

6 The first blessing preceding [the *Shema*] in the day [begins: "Blessed are You, God...], the One who forms the light and creates darkness,..." The second blessing [begins with]: "With everlasting love, You have loved us..."

[The *Shema*] is followed by [the section beginning] "True and certain..."

The first blessing preceding [the *Shema*] at night [begins: "Blessed are You, God...], the One who brings the evening,..." and the second [begins] "With everlasting love, You have loved Your people Israel." The first blessing after [the *Shema*] is [the section begining] "True and faithful..." and the second [begins] "Lay us down..."

7 The first blessing preceding [the *Shema*], both in the day and at night, begins "Blessed [are You, God, our Lord...]" and concludes "Blessed [are You, God]..." The rest of the blessings all conclude with "Blessed [are]...," but do not begin "Blessed [are]..."

These blessings and all the rest of the blessings familiar to the Jewish people were instituted by Ezra, the scribe, and his court. One may not detract from them or add to them.

In every instance that they decreed to conclude with "Blessed...," one may not omit this conclusion. Where they decreed not to conclude [with "Blessed..."], one may not conclude with it. Where they decreed not to begin with "Blessed," one may not begin with it. Where they decreed to begin [with "Blessed..."], one may not omit it.

The general principle is that anyone who deviates from the set form of

blessings established by the Sages is mistaken and must recite the blessing again in its proper form.

Anyone who does not say [the paragraph of] "True and certain..." in the morning prayer or [the paragraph of] "True and faithful..." in the evening prayer does not fulfill his obligation.

8 One who recites the second blessing before the first, whether in the day or at night, or whether the transposed blessings are recited before or after *Kri'at Shema*, fulfills his obligation, since there is no absolute order to the blessings.

A person who begins with "...the One who forms the light..." and concludes with "...the One who brings the evenings" in the morning prayer does not fulfill his obligation.

Were he to begin with "...the One who brings the evenings" and conclude with "...the One who forms the light", he would fulfill his obligation.

Were he to begin with "...the One who brings the evenings" ...and conclude with "...the One who forms the light" in the evening, he would not fulfill his obligtation.

If he begins with "...the One who forms light" and concludes with "...the One who brings the evenings" - he fulfills his obligation since all blessings are defined by their conclusions.

9 When is the [proper] time for the recitation of Shema at night? The commandment [starts] from the time of the appearance of the stars [and continues] until midnight.

A person who transgresses and delays fulfills his obligation if he recites

[the Shema] before dawn. [The Sages established the limit] of midnight only in order to distance us from negligent wrongdoing.

10 One who reads the *Shema* [of the night] after dawn, [but] before sunrise, does not fulfill his obligation unless he was unavoidably detained - e.g., drunk or sick, or in a similar situation. A person who was so detained and reads [the *Shema*] at this time does not recite [the blessing of] "Lay us down."

11 When is the proper time [for the recitation of the *Shema*] during the day? The commandment is that one should start to read before sunrise in order to conclude and recite the last blessing with the sunrise. This measure [of time] is one-tenth of an hour before the sun rises.
A person who delays and reads the *Shema* after the sun rises fulfills his obligation, for the proper time is until the end of the third hour of the day for one who transgresses and delays.

12 One who is overhasty and recites the *Shema* of the morning prayers after dawn, even though he finishes before sunrise, fulfills his obligation. In extraordinary circumstances - e.g., one who rises early in order to travel - one may recite it at the outset from dawn.

13 One who recited [the *Shema*] after [the end of] the third hour, even if he was unavoidably detained, does not fulfill his obligation to recite the *Shema* at its proper time. He can be compared to one who studies Torah.
He should recite the blessings preceding it and after it all day, even if he delays and recited it after [the end of] the third hour.

Chapter 2

1 One who recites the first verse of *Kri'at Shema* - i.e., *Shema Yisrael*... - without intention, does not fulfill his obligation. [One who recites] the rest without intention fulfills his obligation.
Even a person studying Torah in his usual way or proofreading these portions at the time of *Kri'at Shema* fulfills his obligation provided he concentrates his intention for the first verse.

2 A person may recite [the *Shema*] as he is, whether standing, walking, lying down or riding on the back of an animal. It is forbidden to recite the *Shema* while lying face down on the ground or flat on one's back with his face pointing upwards. However, one may recite it lying on his side.
A particularly obese person who cannot turn over onto his side or a sick person should lean slightly to the side and [then] recite it.

3 A person who is walking on foot must stop for the first verse. He may recite the rest while walking. If one is sleeping, we should disturb him by awakening him until he reads the first verse. From that point on, if he is overcome by sleep, we are not obligated to disturb him.

4 A person who is involved in work must stop while he recites the whole first section. Artisans must also interrupt their work for the first section, in order that their recitation should not be haphazard. They may recite the rest while working in their normal manner. Even one standing in a tree or on top of a wall may read [the *Shema*] where he is, reciting the

blessings before and after it.

5 A person who is studying Torah when the time to recite the *Shema* arrives should stop to recite the *Shema* with the blessings before and after it. One who is involved in community matters should not stop, but rather finishes his work and reads the *Shema* if there is still time left.

6 A person who is eating, is in the bathhouse, is having a haircut, is working with skins or is involved in court, should complete [his task] and recite the *Shema* afterwards. If he fears that the time for its recitation will pass, and, [therefore,] stops to recite it, he has acted in a praiseworthy fashion.

7 A person who immerses in a ritual bath and is able to come up and dress before sunrise, should do so, and [then] recite [the *Shema*]. If he is afraid that perhaps the sun will rise before he can recite the *Shema*, he should cover himself with the water in which he stands and recite the *Shema*.
He should not cover himself with putrid water that has an unpleasant odor or with water that has been used for soaking flax or with water so clean that his nakedness is visible. However, he may cover himself with murky water that has no unpleasant odor and recite [the *Shema] where he is*.

8 While reciting the Shema, one should not gesture with his eyes or lips, or point with his fingers, in order that his reading not be haphazard. If one were to do this, although he does fulfill his obligation, he has acted improperly.
One should recite the *Shema* so that his words are audible to himself.

[However, even] if he does not do this, he fulfills his obligation. One must enunciate the letters clearly. [However, even] if he does not do this, he fulfills his obligation.

9 How must one enunciate? He must be careful not to pronounce [a letter with] a strong *dagesh* as if there were no *dagesh*, or [a letter with] no *dagesh* as if there were one. Nor should one pronounce the silent *sheva* or silence the pronounced *sheva*.

Therefore, one must pause between two words in which the first word ends with the same letter with which the second word begins. For example, when reading בכל לבבך (*bechol levavcha*) (**Deuteronomy 6:5**), one should pause slightly between בכל (*bechol*) and לבבך (*levavcha*). [One should act] similarly in the cases of ואבדתם מהרה (*va'avad'tem meheirah*) (**Deuteronomy 11:17**) and הכנף פתיל (*hacanaf p'til*) (**Numbers 15:38**).

One must also pronounce distinctly the *zayin* of תזכרו (*tizkeru*) (Numbers 15:40).

One should sufficiently elongate the *dalet* in אחד (*echad*) (**Deuteronomy 6:4**) in order to proclaim God's sovereignty over the Heaven and the Earth, and all four directions. The *chet* in אחד (*echad*, *ibid.*) should not be shortened so that the word sounds like איחד (*ee-chad*).

10 A person may recite the *Shema* in any language he understands. One who recites in a foreign language must be as scrupulous in his enunciation as if he were reciting it in the Holy Tongue.

11 One who reads [the *Shema*] out of order does not fulfill his obligation.

This refers to the order of the verses. However, were one to reverse the order of the sections, even though it is not permitted, I hold that he does fulfill his obligation, since these sections are not sequential in the Torah.
To recite a verse and then repeat it again is improper. One who reads a word and then repeats it, such as one who recites *Shema, Shema*, should be silenced.

12 If one reads intermittently, he fulfills his obligation, even if he pauses between each reading an amount of time sufficient to complete the entire *Kri'at Shema*.
This refers to the one who recites it in order. If one recites it while drowsy - i.e., not fully awake, but not fast asleep - he fulfills his obligation, as long as he was fully awake while reciting the first verse.

13 One who is unsure whether or not he recited the *Shema*, should recite it with the blessings before and after it. However, if he is sure that he recited the *Shema*, but is in doubt regarding whether he recited the blessings before and after it, he need not recite the blessings again.
A person who made a mistake while reciting [the *Shema*] should return to the point of his mistake. If one becomes confused and forgets which section he has just completed, he should return to the first section - i.e., "And you shall love God, your Lord" (**Deuteronomy 6:5**).

14 A person who errs in the middle of a section and is unaware of where he paused, should return to the beginning of that section.
One who recited וכתבתם (*uch'tavtam*) but does not know whether or not

he recited *uch'tavtam* of [the section of] "*Shema*" or of [the section of] והיה אם שמוע (And if you will listen), should return to *uch'tavtam* of "*Shema*." However, if his doubt arises only after having recited למען ירבו ימיכם (In order that your days be multiplied) (**Deuteronomy 11:21**), he need not return, because [we assume] he has recited in accordance with the natural pattern of his speech.

15 [The following rules apply when] one encounters other people or is approached by them while reciting the *Shema*. If he is between sections, he should stop and greet those he is obligated to honor - e.g., his father, his teacher or anyone greater than he in learning. He may return the greetings of any person who initiates the friendly exchange.

16 If one is in the middle [of a section], he may stop and initiate an exchange of greetings only with someone of whom he is afraid - e.g., a king or tyrant. However, he may return the greetings of those he is obligated to honor - e.g., his father or his teacher.

17 These are the intervals between the sections: between the first blessing and the second; between the second [blessing] and *Shema*; between the first and second sections of *Kri'at Shema*; between the second and third sections of *Kri'at Shema*.

Between these sections, one initiates an exchange with one whom it is his duty to honor and responds to the greetings of anyone. However, the interval between the end of the third section of *Kri'at Shema* and [the paragraph beginning with] *Emet v'yatziv* is considered the middle of a

section, and one may interrupt only to greet one of whom one is afraid, or to respond to the greetings of someone one is obligated to honor.

Chapter 3

1 One who recites the *Shema* should wash his hands with water before reciting it.

If the time for reciting the *Shema* arrives and he cannot find water, he should not delay his recitation in order to search for water. Rather, he should clean his hands with earth, a stone, or a beam [of wood] or a similar object, and then recite.

2 One should not recite the *Shema* in a bathhouse or latrine - even if there is no fecal material in it - nor in a graveyard or next to a corpse. If he distances himself four cubits from the grave or the corpse, he is permitted to recite it. Anyone who recites in an improper place must recite the *Shema* again.

3 The *Shema* may be recited facing, but not inside, a latrine that has been newly built, but not used as of yet. [In contrast,] the *Shema* may be recited in a new bathhouse.

In the case of two buildings, one of which was designated for use as a latrine and, concerning the other, the owner said: "And this..." - a doubt remains regarding the latter: whether it also was appropriated for a similar use or not.

Therefore, one should not deliberately recite the *Shema* there. However,

after the fact, if he recited it there, he has fulfilled his obligation.
If the owner said: "Also this," both have been designated for this use, and the *Shema* may not be recited in them.
It is permissible to recite the *Shema* in the courtyard of the bathhouse, i.e., the place where people stand clothed.

4 Not only *Kri'at* Shema, but nothing pertaining to matters of sanctity may be uttered in a bathhouse or latrine, even in a language other than Hebrew.
Not only speech, but even thoughts pertaining to the words of Torah are forbidden in a bathhouse, latrine or other unclean places - i.e., a place where feces or urine is found.

5 Secular matters may be discussed in a latrine, even in Hebrew. Similarly, the terms used to express Divine attributes, such as merciful, gracious, faithful and the like, may be uttered in a latrine.
However, the specific names of the Almighty - i.e., those which may not be erased - may not be mentioned in a latrine or bathhouse that has been used. If a situation arises where it is necessary to restrain someone from wrongdoing, this should be done, even in Hebrew and even concerning matters of sanctity.

6 The *Shema* may not be recited in the presence of human feces, or in the presence of dog or pig excrement while skins are soaking in it, or in the presence of any other feces like these that have a foul odor. This is also the case regarding human urine, but not animal urine.

One need not distance oneself from the feces or urine of a child unable to eat the weight of an olive of grain cereal, in the time in which an adult could eat an amount equivalent to the weight of three eggs.

7 One may not recite the *Shema* next to feces, even if they are as dry as a shard. However, if they were so dry that, if thrown away, they would crumble, one may recite the *Shema* facing them.

If urine that has been soaked up into the ground is still sufficiently wet to moisten one's hand, the *Shema* should not be recited facing it. If it has dried sufficiently, the *Shema* may be recited.

8 How far must a person distance himself from feces or urine in order to recite the *Shema*? Four cubits. This applies when they are at his side or behind him, but if they are in front of him, he should move until he cannot see them, and then recite [the *Shema*].

9 When does the above apply? When he is in an enclosure with them, and they are on the same level. However, if they are 10 handbreadths higher or lower than he, he may sit next to them and recite the *Shema*, since there is a space separating them.

The above applies provided no foul smell reaches him. Similarly, if he were to cover the feces or urine with a vessel, it would be considered as buried, even though it would still be in the room, and it is permitted to recite [the *Shema*] next to it.

10 A person who is separated from feces by a glass partition, may recite the *Shema* next to them even if he can still see them. If a quarter *log* of water

is added to the urine of one micturition, the *Shema* may be recited within four cubits of it.

11 If feces are found in a hole in the ground, a person may stand with his shoe over the hole and recite the *Shema*. However, his shoe may not touch the feces.

If one finds very small feces, the size of a drop, he may expectorate thick saliva upon it to cover it, and then recite the *Shema*.

When there is a residue of feces on one's skin or one's hands are dirty from the washroom, if - because of the small quantity or its dryness - there is no foul odor, he may recite the *Shema*, since there is no foul odor.

However, if it is still in its place, even if not visible when he stands, since it is visible when he sits, he is forbidden to recite the *Shema* until he cleans himself very well. This is because of the moist nature and foul smell of the feces.

Many *Geonim* taught that one is forbidden to recite the *Shema* if one's hands are soiled, and it is proper to heed their teaching.

12 [When the source of] a foul odor has substance, one may distance himself four cubits and recite the *Shema* provided the odor has subsided. If it has not subsided, he should distance himself further until it ceases.

If [the odor] is not emanating from an actual substance - e.g., it is the result of someone passing gas - he should distance himself until the odor ceases and [then] recite.

It is forbidden to recite the *Shema* in front of a cesspool or chamber pot, even if it is empty and has no foul smell, as it is similar to a latrine.

13 It is forbidden to recite the *Shema* while facing moving excreta - e.g., excreta floating on the water. The mouth of a pig is regarded as moving excreta. Therefore, the *Shema* may not be recited facing it, until it has moved four cubits away.

14 A person who reaches an unclean place while he is walking and reciting the *Shema*, should not place his hand over his mouth and [continue] his recitation. Rather, he should stop reciting until he has passed this particular place.

Similarly, if one is reciting [the *Shema*] and passes gas, he should stop until the odor subsides and resume his recitation afterwards. The same applies to one studying Torah.

When another person passes gas, even though one should stop reciting the *Shema*, he need not interrupt his Torah study.

15 A person is permitted to continue reciting the *Shema* if a doubt arises whether feces or urine is found in the house in which he is located.

In contrast, a person reading the *Shema* in a garbage heap is not permitted to continue reading if a doubt arises regarding the presence of feces until he checks [that it is clean] because a garbage heap may be presumed to contain feces. If the doubt exists only regarding urine, however, the *Shema* may be recited even in a garbage heap.

16 Just as it is forbidden to recite the *Shema* where there are feces or urine until one distances himself from it, so, too, the *Shema* may not be recited in the presence of nakedness, unless one turns his face away.

This applies also to a non-Jew or a child. Even if a glass partition separates him from them - since he sees them - he must turn his face away in order to recite the *Shema*.

Any part of a woman's body is regarded as ervah. Therefore, one should not gaze at a woman, even his wife, while reciting the *Shema*. If even a handbreadth of her body is uncovered, he should not recite the *Shema* facing her.

17 Just as one may not recite the *Shema* in the presence of another's nakedness, so, too, is he forbidden to do so when he himself is naked. Therefore, one may not recite the *Shema* when he is naked until he covers his nakedness.

If his loins are covered with cloth, leather or sack, even though the rest of his body is exposed, he may recite the *Shema*, as long as his heel does not touch his genitalia.

If he is lying under his sheet, but is otherwise naked, he should make a separation by placing his sheet below his heart, and [then] recite the *Shema*. He should not, however, make a separation from his neck [downward] and recite, because his heart will see his nakedness, and it is as if he is reciting without any loin covering.

18 When two people are lying under one sheet, each is forbidden to recite the *Shema* even if he has covered himself below his heart, unless the sheet also separates between them in a manner that prevents their bodies from touching from the loins downward.

If he is sleeping with his wife, children or other young members of his

household, their bodies are considered like his own, and he is not affected by them. Therefore, even though his body is touching theirs, he may turn away his face, separate below his heart and recite [the *Shema*].

19 Until when is one considered a child concerning this matter? A boy, until 12 years and one day; a girl, until 11 years and one day.
[When they reach that age, they are only excluded when] their physical characteristics are like those of adults - i.e., developed breasts and pubic hair. From this time onwards, one may not recite the *Shema* unless he has first separated himself from them with the sheet.
However, if they have not yet developed breasts or pubic hair, he may still recite [the *Shema* while lying] in physical contact with them, and need not separate from them until the boy is 13 years and one day, and the girl 12 years and one day.

Chapter 4

1 Women, slaves and children are exempt from *Kri'at Shema*. We should teach children to recite it at the proper time with the blessings before and after it, in order to educate them regarding the commandments.
One who is preoccupied and in an anxious state regarding a religious duty is exempt from all commandments, including *Kri'at Shema*. Therefore, a bridegroom whose bride is a virgin is exempt from *Kri'at Shema* until he has consummated the marriage, because he is distracted lest he not find her a virgin.
However, if he delays until Saturday night after the wedding and does not

have relations with her, he is obligated to recite the *Shema* from that time onward, since his mind has settled and he is familiar with her even though they have not consummated the marriage.

2 However, one who marries a woman who is not a virgin is obligated to recite the *Shema*, because even though he, too, is involved in the performance of a mitzvah, it is not so distracting. The same principle applies to similar cases.

3 One who is bereaved of a relative for whom he is obligated to mourn is exempt from *Kri'at Shema* until he has buried him, because his attention is distracted from reciting [the *Shema*].

A person who is watching a body is also exempt, even if it is not the body of a relative. When there are two watchers, one should continue watching while the other withdraws and recites the *Shema*. [When the latter] returns, the other should depart and recite [the *Shema*].

A gravedigger is also exempt from *Kri'at Shema*.

4 A body should not be taken out for burial close to the time for reciting the *Shema*, unless the deceased was a great man.

If they do begin to remove the deceased and the time for reciting the *Shema* arrives while they are accompanying the body, anyone required to [carry] the coffin - e.g., the bearers of the coffins and their replacements and those who, in turn, relieve the replacements - whether they are before the coffin or after it, are exempt [from *Kri'at Shema*].

The rest of those accompanying the body who are not required to [carry]

the coffin are obligated [to recite the *Shema*].

5 Should they be involved in eulogies when the time for *Kri'at Shema* arrives, if they are in the presence of the deceased they should withdraw singly and recite, and then return to the eulogy.
If the deceased is not present, all the people should recite the *Shema* except the mourner, who remains silent, because he is not obligated to recite the *Shema* until he buries his relative.

6 After the burial, the mourners return to receive condolences and the people follow them from the gravesite to the place where they form a line to receive condolences. If the people are able to start and finish even one verse [of *Kri'at Shema*] before they arrive at the line, they should do so. If not, they should not start until they have consoled the mourners.
After they have taken their leave they should commence reciting. Those standing in the inner line - i.e., they can see the faces of the mourners - are exempt from *Kri'at Shema*. Those at the outside, since they cannot see the mourner, are obligated to recite the *Shema* where they are.

7 Anyone who has an exemption from *Kri'at Shema*, but nevertheless desires to be strict with himself and recite, may do so. This is conditional upon the fact that his mind is not distracted. However, if this exempted person is in a confused state, he is not permitted to recite [the *Shema*] until he composes himself.

8 All those ritually impure are obligated to read the *Shema* and recite the blessings before and after it in their impure state. This applies even when

it is possible for them to purify themselves that day - e.g., one who has touched [the carcass of] a שרץ (crawling animal), a menstrual woman, a זבה, or the couch on which these people have laid, and the like.

Ezra and his colleagues decreed that a man who had a seminal emission was forbidden to read the words of the Torah. Thus, they separated him from the other ritually impure until he immersed himself in a *mikveh*. This ordinance was not universally accepted among the Jewish people. Most were unable to observe it and it was therefore negated.

The Jewish people accepted the custom of reading the Torah and reciting the *Shema* even after a seminal emission, because the words of Torah cannot contract ritual impurity. Rather, they stand in their state of purity forever, as [**Jeremiah 23:29**] states: "Are not my words like fire, declares the Lord." Just as fire is incapable of becoming ritually impure, so, too, the words of Torah are never defiled.

Mishneh Torah, Prayer and the Priestly Blessing

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive Torah commandment to pray every day, as [**Exodus 23:25**] states: "You shall serve God, your Lord." Tradition teaches us that this service is prayer, as [**Deuteronomy 11:13**] states: "And serve Him with all your heart" and our Sages said: Which is the service of the heart? This is prayer.

The number of prayers is not prescribed in the Torah, nor does it prescribe a specific formula for prayer. Also, according to Torah law, there are no fixed times for prayers.

2 Therefore, women and slaves are obligated to pray, since it is not a time-oriented commandment.

Rather, this commandment obligates each person to offer supplication and prayer every day and utter praises of the Holy One, blessed be He; then petition for all his needs with requests and supplications; and finally, give praise and thanks to God for the goodness that He has bestowed upon him; each one according to his own ability.

3 A person who was eloquent would offer many prayers and requests. [Conversely,] a person who was inarticulate would speak as well as he could and whenever he desired.

Similarly, the number of prayers was dependent on each person's ability. Some would pray once daily; others, several times.

Everyone would pray facing the Holy Temple, wherever he might be. This was the ongoing practice from [the time of] Moshe Rabbenu until Ezra.

4 When Israel was exiled in the time of the wicked Nebuchadnezzar, they became interspersed in Persia and Greece and other nations. Children were born to them in these foreign countries and those children's language was confused.

The speech of each and every one was a concoction of many tongues. No one was able to express himself coherently in any one language, but rather in a mixture [of languages], as [**Nehemiah 13:24**] states: "And their children spoke half in Ashdodit and did not know how to speak the Jewish language. Rather, [they would speak] according to the language of various other peoples."

Consequently, when someone would pray, he would be limited in his ability to request his needs or to praise the Holy One, blessed be He, in Hebrew, unless other languages were mixed in with it. When Ezra and his court saw this, they established eighteen blessings in sequence.

The first three [blessings] are praises of God and the last three are thanksgiving. The intermediate [blessings] contain requests for all those things that serve as general categories for the desires of each and every person and the needs of the whole community.

Thus, the prayers could be set in the mouths of everyone. They could learn them quickly and the prayers of those unable to express themselves would be as complete as the prayers of the most eloquent. It was because of this matter that they established all the blessings and prayers so that they would be ordered in the mouths of all Israel, so that each blessing

would be set in the mouth of each person unable to express himself.

5 They also decreed that the number of prayers correspond to the number of sacrifices - i.e., two prayers every day, corresponding to the two daily sacrifices. On any day that an additional sacrifice [was offered], they instituted a third prayer, corresponding to the additional offering.
The prayer that corresponds to the daily morning sacrifice is called the Shacharit Prayer. The prayer that corresponds to the daily sacrifice offered in the afternoon is called the *Minchah* Prayer and the prayer corresponding to the additional offerings is called the *Musaf* Prayer.

6 They also instituted a prayer to be recited at night, since the limbs of the daily afternoon offering could be burnt the whole night, as [**Leviticus 6:2**] states: "The burnt offering [shall remain on the altar hearth all night until morning]." In this vein, [**Psalms 55:18**] states: "In the evening, morning and afternoon I will speak and cry aloud, and He will hear my voice."
The Evening Prayer is not obligatory, as are the Morning and *Minchah* Prayers. Nevertheless, the Jewish people, in all the places that they have settled, are accustomed to recite the Evening Prayer and have accepted it upon themselves as an obligatory prayer.

7 Similarly, they instituted a prayer after the *Minchah* Prayer [to be recited] close to sunset on fast days only, its purpose being to increase supplication and pleading because of the fast.
This is called the *Ne'ilah* prayer, as if to say that the gates of Heaven are closed behind the sun, which becomes hidden, since it is recited only close

to [the time of] sunset.

8 Thus, three prayers are recited daily: the Evening Prayer, the Morning Prayer, and the *Minchah* Prayer. There are four on Sabbaths, festivals and Rosh Chodesh: the three that are recited daily and the *Musaf* Prayer. On Yom Kippur, there are five: these four and the *Ne'ilah* prayer.

9 The number of these prayers may not be diminished, but may be increased. If a person wants to pray all day long, he may.

Any prayer that one adds is considered as a freewill offering. Therefore, one must add a new idea consistent with that blessing in each of the middle blessings. [However], making an addition of a new concept even in only one blessing is sufficient in order to make known that this is a voluntary prayer and not obligatory.

In the first three [blessings] and the last three [blessings], one must never add, detract or change anything at all.

10 The community should not recite a voluntary prayer, since the community does not bring a freewill offering. Even an individual should not recite the *Musaf* Prayer twice, once as the obligation of the day and the other as a voluntary prayer, because the additional offering is never a freewill offering.

One of the *Geonim* taught that it is forbidden to recite a voluntary prayer on Sabbaths or holidays, since freewill offerings were not sacrificed on these days, but only the obligatory offerings of the day.

Chapter 2

1 In the days of Rabban Gamliel, the numbers of heretics among the Jews increased. They would oppress the Jews and entice them to turn away from God.

Since he saw this as the greatest need of the people, he and his court established one blessing that contains a request to God to destroy the heretics. He inserted it into the *Shemoneh Esreh* so that it would be arranged in the mouths of all. Consequently, there are nineteen blessings in the *Shemoneh Esreh*.

2 In each *Shemoneh Esreh*, every day, a person should recite these nineteen blessings in the proper order.

When does the above apply? When his concentration is not disturbed and he is able to read fluently. However, if he is distracted and bothered, or unable to pray fluently, he should recite the first three [blessings], one blessing that summarizes all the intermediate ones, and the last three [blessings], and [thereby] fulfill his obligation.

3 This is the blessing that they established as the abbreviated summary of the intermediate [blessings]:

Give us knowledge, O God, our Lord, to know Your ways, and circumcise our hearts to fear You. Forgive us so that we will be redeemed. Distance us from pain. Cause us to prosper and to dwell in the pastures of Your land.

Gather the scattered from the four [corners of the earth]. Judge those led astray in accordance with Your knowledge. Raise Your hand over the

wicked, and let the righteous rejoice in the building of Your city and the reestablishment of Your sanctuary, in the flourishing of the might of David, Your servant, and in the clear shining light of the son of Yishai, Your anointed one.

Before we call, You answer, as [**Isaiah 65:24**] states: "And before they call I will answer; while they are still speaking I heed," for You are the One who answers at all times, the Redeemer and Savior from all distress. Blessed are You, O God, the One Who hears prayer.

4 When does the above apply? In the summer. However, in the winter, one should not recite "Give us knowledge...," since he must mention "the petition" in the blessing for material wealth.

Similarly, on Saturday nights and the nights after a holiday, one should not recite "Give us knowledge...," since one must say *Havdalah* in [the blessing of] the One who bestows knowledge.

5 On Sabbaths and holidays, one recites seven blessings in each of the four [*Amidah*] prayers of that particular day: the first three, the last three, and one in the middle, appropriate to that particular day.

On Sabbaths, one concludes the intermediate blessing with "who sanctifies the Sabbath." On the festivals, he concludes with "who sanctifies Israel and the appointed times." When the Sabbath and a festival [coincide], he concludes with "who sanctifies the Sabbath, Israel and the appointed times."

On Rosh Hashanah, he concludes with "the King over all the Earth, who sanctifies Israel and the Day of Remembrance." If it is [also] the Sabbath,

he concludes with "the King over all the Earth, who sanctifies the Sabbath, Israel and the Day of Remembrance."

6 When does this apply? In the Evening Prayers, the Morning Prayers and the *Minchah* Prayers. However, in the *Musaf* Prayer on Rosh Hashanah, one recites nine blessings: the first three and the last three [recited] every day, and three intermediate blessings.
The first of the intermediate blessings is concerned with *Malchuyot* - [acceptance of God's sovereignty];
the second with *Zichronot* - [acknowledgement of God's remembrance of the Jewish people]; and
the third with *Shofarot* - [describing the blowing of the shofar.]
One concludes each one of them with an appropriate *chatimah*.

7 On Yom Kippur, one recites seven blessings in each of the five prayers of the day; the first three and the last three blessings, and the intermediate blessing appropriate to the day.
One concludes the latter blessing in each of the services with: "the King over all the Earth, who sanctifies Israel and the Day of Atonement." If [Yom Kippur] falls on the Sabbath, one concludes [this blessing in] each service with: "the King over all the Earth, who sanctifies the Sabbath, Israel and the Day of Atonement."

8 When does the above apply? On the Fast Day of each and every year. However, on the Fast Day of the Jubilee Year, one recites a *Musaf* Prayer of nine blessings like the *Musaf* Prayer of Rosh Hashanah. They are exactly

the same blessings, no less and no more.
These blessings are only recited when the Jubilee Year is in effect.

9 Before the first blessing of each and every Amidah-prayer, one states: "God, open my lips, and my mouth will utter Your praise" [Psalms 51:17]. Upon concluding the prayer, he says: "May the utterances of my mouth and the meditations of my heart be in accordance with Your will, O God, my Rock and Redeemer" [Psalms 19:15], and then steps backwards.

10 On Rosh Chodesh and the intermediate days of a festival, one recites 19 blessings in the Evening Prayer, Morning Prayer, and *Minchah* Prayer as on other days. In the *Avodah*, one adds: "Our God and God of our fathers, let our remembrance rise and come,..."
In the *Musaf* Prayer of the intermediate day of a festival, one recites the *Musaf* Prayer of the holiday itself. On Rosh Chodesh, one recites seven blessings; the first three and last three, and one in the middle that refers to the special Rosh Chodesh sacrifice. One concludes with: "... who sanctifies Israel and *Roshei Chodashim*."

11 On a Sabbath that occurs during the intermediate days of a festival, and Rosh Chodesh that falls on the Sabbath, in the Evening, Morning, and *Minchah* Prayers, one recites the seven blessings as on every Sabbath and adds: "Our God and God of our fathers, let our remembrance rise and come..." in the *Avodah*.
In the *Musaf* Prayer, one begins and concludes the intermediate blessing

with a reference to the Sabbath, and mentions the sanctified nature of the day in the middle. He concludes [the blessing] on Rosh Chodesh with: "who sanctifies the Sabbath, Israel and *Roshei Chodashim*." On the intermediate days of a festival, he concludes in the same fashion as on the holiday itself that occurs on Sabbath.

12 On a holiday that occurs on the first day of the week, at night, one inserts into the fourth blessing [the following]:

And You have made known to us Your righteous statutes and have taught us to perform the decrees of Your will. And You have given us, God, our Lord, the sanctity of the Sabbath, the glory of the festival and the rejoicing of the pilgrim feast. You have distinguished between the sanctity of the Sabbath and that of the holiday, and You have sanctified the seventh day above the six workdays. And You have set apart and sanctified Your people Israel with Your holiness. You have given us, O God, our Lord, festivals for joy, holidays and appointed times for gladness...

On the night after the Sabbath and after a holiday all year long, one recites the *Havdalah* prayer in "You bestow knowledge..." even though he [also] recites the *Havdalah* prayer over a cup.

13 On Chanukah and Purim, one adds "For the miracles,..." in the blessing of thanks.

On the Sabbath that occurs during Chanukah, one mentions "For the miracles,..." in the *Musaf* Prayer, just as he does in all the other prayers.

14 On Fast Days, even an individual who fasts [by his own volition] adds

"Answer us..." in "the One who hears prayer."

The leader of the congregation recites it as an independent blessing between "the One who redeems Israel" and "the One who heals...," and concludes with "the One who answers in times of trouble." Thus, he recites 20 blessings.

On the ninth of Av, one adds [the following] to the blessing of "the One who rebuilds Jerusalem": "Have mercy on us, God, our Lord, and on Your people, Israel, and Jerusalem, Your city, the mourning city,..."

15 During the rainy season, [the phrase] "the One who causes the rain to fall" is recited in the second blessing. In the summer, [one adds] "the One who causes the dew to descend."

When does one recite "the One who causes the rain to fall"? From the *Musaf* Prayer on the last holiday of Sukkot until the Morning Prayer of the first holiday of Pesach. [Conversely,] from the *Musaf* Prayer of the first holiday of Pesach, one utters "the One who causes the dew to descend."

16 [Beginning] from the seventh of Marcheshvan, one petitions for rain in the blessing of prosperity, [and continues to do so] as long as one mentions the rain.

Where does the above apply? To *Eretz Yisrael*. However, in Shin'ar, Syria, Egypt and areas adjacent to or similar to these, one petitions for rain 60 days after the autumnal equinox.

17 In places that require rain in the summer months, such as the distant islands, they petition for rains when they need them, in [the blessing of]

"the One who hears prayer."

[Even] where the holidays are observed for two days, "the One who causes the rain to fall" is recited in the *Musaf* Prayer of the first day of Shemini Atzeret. Its recitation is continued throughout the rainy season.

18 Throughout the entire year, one concludes the third blessing with "the Holy God" and the eleventh blessing with "the King who loves righteousness and justice." [However,] on the ten days from Rosh Hashanah to Yom Kippur, one concludes the third one with "the Holy King" and the eleventh one with "the King of Justice."

19 There are places that are accustomed during these ten days to add in the first blessing: "Remember us for life,..." and in the second one: "Who is like You, Merciful Father,..." In the blessing of thanksgiving, [they add]: "Remember Your mercy,..." In the last blessing, they add: "In the Book of life,..."

During these ten days, there are also those accustomed to add [the following prayers] in the third blessing: "And so put Your fear... And so..." On Rosh Hashanah and Yom Kippur, it is the commonly accepted practice to add [these prayers] in the third blessing.

Chapter 3

1 The mitzvah of reciting the Morning Prayer entails that one begin praying at sunrise. The time [for prayer, however,] extends until the fourth hour, i.e., a third of the day.

If one transgresses or errs and prays after the fourth hour, he has fulfilled the obligation of prayer, but not the obligation of prayer in its time. Just as prayer is a positive Scriptural commandment, so too, its recitation at the proper time is a Rabbinic commandment, as established for us by Sages and Prophets.

2 We have already stated that the time of the *Minchah* Prayer was established in correspondence to the daily afternoon sacrifice. Since the daily [afternoon] sacrifice was offered every day at nine and a half hours, [the Sages] established its time as nine and a half hours. This is referred to as "the lesser *Minchah*."

When the eve of Pesach fell on Friday, they would slaughter the daily [afternoon] sacrifice at six and a half hours. Accordingly, [the Sages] ordained that one who prays [Minchah] after six and a half hours has fulfilled his obligation. When this time arrives, the time of its obligation begins. This is referred to as "the greater *Minchah*."

3 Many people are accustomed to recite [the afternoon service at both *Minchah*] *Gedolah* and *K'tanah*, and [to consider] one of them as an optional prayer.

Some of the Geonim taught that it is proper to recite the optional prayer only [at the time of *Minchah*] *Gedolah*. This is reasonable, since it corresponds to [the offering of a sacrifice] which was not frequent every day.

If one recites [the service] as an obligatory prayer [at the time of *Minchah*] *Gedolah*, he should recite it only as an optional prayer [at the time of

Minchah] *K'tanah*.

4 Behold, you have learned that the time of *Minchah Gedolah* is from six and a half hours until nine and a half hours, and the time of *Minchah K'tanah* is from nine and a half hours until there are one and a quarter hours left in the day. One may [however,] recite [the afternoon service] until sunset.

5 The proper time of the *Musaf* Prayer is after the Morning Prayer, until seven hours of the day. One who recites it after seven hours, even though he has acted negligently, fulfills his obligation, since its time is the entire day.

6 Regarding the Evening Prayer - even though it is not obligatory - a person who does recite it [must know that] its proper time is from the beginning of the night until dawn.

The proper time of the *Ne'ilah* prayer is such that one completes it close to sunset.

7 One who recites a prayer before its proper time does not fulfill his obligation and must recite it again at its time. If, due to extenuating circumstances, one recites the Morning Prayer after dawn, [but before the proper time], he does fulfill his obligation.

One may recite the Evening Prayer of the Sabbath night on the eve of the Sabbath before sunset. Similarly, he may recite the Evening Prayer of Saturday night on the Sabbath. Since the Evening Prayer is not obligatory, we are not especially careful about its time. Nevertheless, one must recite

the *Shema* at its proper time after the appearance of the stars.

8 Anyone who intentionally allowed the proper time for prayer to pass without praying, cannot rectify the situation and cannot compensate [for his failure to pray].

[If he unintentionally failed to pray or was unavoidably detained or distracted, he can compensate for the [missed] prayer during the time of the prayer closest to it. He should first recite the prayer of this time, and afterwards, the [prayer of] compensation.

9 How is this [exemplified]?

One who errs and does not recite the Morning Prayer before half the day passes should recite the *Minchah* Prayer twice, the first as *Minchah* [itself] and the second as compensation for the Morning Prayer.

One who errs and does not recite the *Minchah* Prayer before sunset should recite the Evening Prayer twice, the first as the Evening Prayer [itself] and the second as compensation for the *Minchah* Prayer.

[Similarly,] one who errs and does not recite the Evening Prayer before dawn should recite the Morning Prayer twice, the first as the Morning Prayer [itself] and the second as compensation for the Evening Prayer.

10 One who errs and does not recite two consecutive prayers can only compensate for the last of them. How is this [exemplified]?

One who errs and recites neither the Morning Prayer nor the *Minchah* Prayer should recite the Evening Prayer twice, the first as the Evening Prayer [itself] and the last as compensation for *Minchah*. The Morning

Prayer, however, has no compensation, since its time has already passed. This is also the case for other prayers.

11 If two prayers are before him, *Minchah* and *Musaf*, he should first recite *Minchah* and afterwards *Musaf*. There are those who teach that one should not do this in a congregation, in order that people not err.

Chapter 4

1 Five things prevent one from praying, even though the time [for prayer] has arrived:
1) the purification of one's hands;
2) the covering of nakedness;
3) the purity of the place of prayer;
4) things that might bother and distract one; and
5) the proper intention of one's heart.

2 The purification of one's hands - What does this imply? One must wash his hands in water until the joint. [Only] afterwards may he pray.
[The following rules apply when] a person is travelling on the road when the time for prayer arrives: If he has no water, but is within four *millin* - i.e., 8000 cubits - of a source of water, he should proceed to it, wash his hands, and then pray. If the distance to the water is greater than this, he should clean his hands with pebbles, earth, or a beam, and pray.

3 When does this apply? [When the water is] ahead of him. However, if the place with water is behind him, we do not obligate him to retrace his steps

more than one *mil*. However, if he has passed further beyond the water, he is not obligated to return. Rather, he should clean his hands and pray.

When do the above statements requiring one to purify merely his hands alone for prayer apply? To the other services, but not for the Morning Prayer. For the Morning Prayer, one should wash his face, hands, and feet, and only afterwards, may he pray. If he is far from water, he may clean his hands only and then pray.

4 All the ritually impure need only wash their hands in order to pray, just like those not in such a state. Even if they are able to immerse themselves [in a *mikveh*] and ascend from their impure state, this immersion is not required [for prayer].

We have already explained that Ezra decreed that only one who has had a seminal emission is prohibited from Torah study until he has immersed himself. The Rabbinical Court [that existed afterwards] decreed that [this applies] even to prayer, i.e., such a person alone should not pray until he immerses himself.

These decrees were not put into effect because of questions of ritual purity and impurity, but rather to ensure that the Torah scholars would not overindulge in marital intimacy with their wives. Therefore, they instituted ritual immersion only for one who has a seminal emission, thereby excepting him from the other ritually impure.

5 Therefore, at the time of this decree, it was said that even a זב who had a seminal emission, a menstruating woman who emitted semen, and a woman who saw traces of menstrual blood after relations, required

immersion to recite the *Shema* and to pray because of the seminal emission, despite [the fact that they remained] ritually impure.

This is reasonable, since this immersion was not a matter of purity, but a result of the decree so that they would not constantly be with their wives.

This decree regarding prayer was also abolished, since it was not universally accepted by the Jewish people, and the community at large was unable to observe it.

6 It is widespread custom in Shin'ar and Spain that one who has had a seminal emission does not pray until he has washed his whole body in water, [based on the command]: "Prepare to meet your God, Israel" (**Amos 4:12** .

To whom does this refer? To a healthy person or to a sick person who engaged in intimacy, but a sick person who has had an accidental emission is exempt from bathing and there is no such custom regarding this matter. Similarly, there is no such custom regarding a זב who has a seminal emission and a menstruating woman who emits semen. Rather, they should clean themselves, wash their hands, and pray.

7 The proper covering of one's nakedness: What is implied?

Even if one covers his genitalia in the fashion necessary for the recital of the *Shema*, he may not pray until he covers his heart. If one did not - or was unable to - cover his heart, as long as he covered his nakedness when he prayed, he has fulfilled his obligation. However, *a priori,* he should not do so.

8 The purity of the place of prayer: What is implied?

One should not pray in a place of filth, a bathhouse, a latrine or garbage heap. [Similarly, one should not pray] in a place that is not presumed to be clean until he checks it.

The general rule is that one should not pray in any place in which one would not recite the *Shema*. [Thus,] just as one separates oneself from excreta, urine, a foul odor, a corpse and the sight of nakedness for *Kri'at Shema*, so too, he should separate himself for *Shemoneh Esreh*.

9 [The following rules apply] when one finds excreta in his place [of prayer.] Since he transgressed by not checking the place before he began to pray, he must pray again in a clean place.

[The following rules apply] when one finds excreta while he is in the midst of prayer: If he can walk forwards such that [the feces] will be left four cubits behind him, he should do so. If not, he should move to the side. If he is unable [to do the latter], he should stop praying.

The great Sages would refrain from praying in a house in which there was beer or brine at the time of its foaming because of the foul odor, even though it was a clean place.

10 Things that might bother and distract him: What is implied?

One who must relieve himself should not pray. Whenever anyone who must relieve himself prays, his prayer is an abomination and he must pray again after he relieves himself.

If a person can restrain himself for the length of time that it takes to walk a *parsah*, his prayer is considered prayer.

Nevertheless, *a priori*, one should not pray until he has checked himself very well, checked his intestines, rid himself of phlegm and mucus and any [other] bothersome thing. [Only] afterwards should he pray.

11 [The following rules apply to] one who burps, yawns, or sneezes during prayer: Should a person do so voluntarily, it is deprecating. [However,] if the person checked himself before he prayed and did so against his will, it is of no consequence.

If saliva comes up during prayer, one should cause it to be absorbed into his tallit or clothes. If he is bothered by this, he may throw it behind him with his hand in order that he not be bothered during his prayer and be distracted.

If one passes gas unwittingly during prayer, he should wait until the gas subsides and return to his prayer.

12 One who desires to pass gas from below and is bothered exceedingly, to the extent that he cannot restrain himself, should walk back four cubits, [expel the gas], and then wait until the gas subsides. He should say:

Master of all the world, You created us with many orifices and ducts. Our shame and disgrace is apparent and known before You. Shame and disgrace during our life, worm-eaten and decaying in our death.

He then returns to his place and prays.

13 When urine flows on a person's legs during *Shemoneh Esreh*, he should wait until the flow ceases, and return to the place at which he stopped. If he waited the time necessary to complete his *Shemoneh Esreh*, he should

return to the beginning.

14 Similarly, one who urinates should wait the length of time it takes to walk four cubits, and then pray. After one has prayed, he should wait this length of time before urinating, in order to make a distinction following the words of prayer.

15 Proper intention: What is implied?

Any prayer that is not [recited] with proper intention is not prayer. If one prays without proper intention, he must repeat his prayers with proper intention.

One who is in a confused or troubled state may not pray until he composes himself. Therefore, one who comes in from a journey and is tired or irritated is forbidden to pray until he composes himself. Our Sages taught that one should wait three days until he is rested and his mind is settled, and then he may pray.

16 What is meant by [proper] intention?

One should clear his mind from all thoughts and envision himself as standing before the Divine Presence. Therefore, one must sit a short while before praying in order to focus his attention and then pray in a pleasant and supplicatory fashion.

One should not pray as one carrying a burden who throws it off and walks away. Therefore, one must sit a short while after praying, and then withdraw.

The pious ones of the previous generations would wait an hour before

praying and an hour after praying. They would [also] extend their prayers for an hour.

17 A person who is drunk should not pray, because he cannot have proper intention. If he does pray, his prayer is an abomination. Therefore, he must pray again when he is clear of his drunkenness. One who is slightly inebriated should not pray, [but] if he prays, his prayer is prayer.

When is a person considered as drunk? When he is unable to speak before a king. [In contrast,] a person who is slightly inebriated is able to speak before a king without becoming confused. Nevertheless, since he drank a *revi'it* of wine, he should not pray until his wine has passed from him.

18 Similarly, one should not stand to pray in the midst of laughter or irreverent behavior, nor in the midst of a conversation, argument or anger, but rather in the midst of words of Torah.

[However, one should not stand to pray] in the midst of a judgment or a [difficult] halachic issue, even though these are words of Torah, lest one's mind be distracted by the halachah in question. Rather, [one should pray] in the midst of words of Torah that do not require deep concentration, e.g., laws that have already been accepted.

19 Before reciting occasional prayers, e.g., the *Musaf* Prayer of Rosh Chodesh or the prayers of the festivals, one must review his prayers lest he make mistakes in them.

A person walking in a dangerous place, e.g., a place frequented by wild animals or bandits, when the time of the *Amidah* arrives, should recite

[only] a single blessing:

The needs of Your people, Israel, are great and their knowledge is limited. May it be Your will, O God, our Lord, that You will provide each and every one with a sufficient livelihood, and give to each individual all that he lacks. And that which is good in Your eyes, You should do. Blessed are You, God, the One who hears prayer.

He may recite it as he walks on the road. [However,] if he is able to stop [to recite it], he should. When he arrives at a settlement and his mind is composed, he should recite a proper *Amidah* of 19 blessings.

Chapter 5

1 A person who prays must be careful to tend to [the following] eight matters. [However,] if he is pressured, confronted by circumstances beyond his control, or transgresses and does not attend to one them, they are not of absolute necessity. They are:

1) standing;
2) facing the Temple;
3) preparation of his body;
4) proper clothing;
5) proper place;
6) control of his voice;
7) bowing; and
8) prostration.

2 Standing: What is implied?

[Generally,] one should pray only while standing. [Thus,] a person sitting in a boat or in a carriage, if able to stand, should do so; if not, he may sit in his place and pray.

A person who is ill may pray even while lying on his side, provided he is able to have the proper intention. Similarly, one who is thirsty or hungry is considered as one who is ill. [Therefore,] if he is able to concentrate properly he should pray. If not, he should not pray until he has eaten or drunk.

One riding an animal should not descend [from the animal] - even if he has someone to hold his animal. Rather, he should sit in his place and pray so his mind will be settled.

3 Facing the Temple: What is implied?

A person standing in the Diaspora should face *Eretz Yisrael* and pray.

One standing in *Eretz Yisrael* should face Jerusalem.

One standing in Jerusalem should face the Temple.

One standing in the Temple should face the Holy of Holies.

A blind person, one who is unable to determine direction, or one travelling in a boat should direct his heart towards the Divine Presence and pray.

4 The preparation of one's body: What is implied?

When one stands in prayer, he should place his feet together side by side. He should set his eyes downwards as if he is looking at the ground, and his heart upwards as if he is standing in Heaven.

His hands should be resting on his heart, with the right hand clasped over

the left hand. He should stand like a servant before his master, in fear, awe, and dread. He should not rest his hand on his hips [during the *Amidah*].

5 Proper clothing: What is implied?

One should adjust his clothing and make himself neat and presentable before [praying], as [implied by **Psalms 29:2**]: "They bow to God in resplendent holiness."

One should not pray wearing [only] his undershirt, bareheaded, or barefoot - if it is the custom of the people of that place to stand before their most respected people with shoes.

In all places, one should not hold *tefillin* in his hand or a *Sefer Torah* in his arms during the *Amidah*, since he will worry about them. [Similarly,] one should not hold utensils or money in his hand. However, he may pray while holding his lulav on Sukkot, since it is the commandment of the day.

If one is carrying a burden of less than four *kabbim* on his head when the time for the *Amidah* arrives, he should throw it over his shoulder and pray. If it is larger than four *kabbim*, he should place it on the ground and then pray.

It is customary for all Sages and their students to pray only when wrapped in a *tallit*.

6 Proper place: What is implied?

One should stand in a low place and turn his face towards the wall. Also, one should open windows or doors that face Jerusalem and pray opposite

them, as [**Daniel 6:11**] states: "...and he had windows open in his room facing Jerusalem."

A person should establish a fixed place where he always prays. One should not pray in a destroyed building, nor [should one pray] behind a synagogue, unless he turns his face towards the synagogue.

It is forbidden to sit down next to someone in the midst of the *Amidah* or to pass in front of him, except at a distance of four cubits.

7 One should not stand in a place three or more handbreadths high and pray. [Similarly, he should not pray while standing] on a bed, bench, or chair.

A raised platform that has a surface area of four cubits by four cubits which is the [minimum] size of a house, is considered like an attic. Thus, one is permitted to pray there. Similarly, if it is surrounded by walls, even if it is not four cubits by four cubits, one may pray there, since its height is not noticeable, because it constitutes an area unto itself.

8 Craftsmen working at the top of a tree, or on top of a board or wall when the time of the *Amidah* arrives must descend in order to pray, and then return to their work. If they were at the top of an olive or fig tree, they may pray where they are, because of the excessive effort [involved in descending].

What is it that they pray? If they are working for meals alone, they recite three prayers of 19 blessings. If they are working for wages, they recite "Give us understanding." In either case, they do not lead the congregation or lift up their hands [to bless the people].

9 Control of one's voice: What is implied?

A person should not raise his voice during his *Amidah*, nor should he pray silently. Rather, he should pronounce the words with his lips, whispering in a tone that he can hear.

He should not make his voice audible unless he is sick or cannot concentrate otherwise. In such a case, it is permitted except when in a congregation, lest the others be disturbed by his voice.

10 Bowing: What is implied?

One praying bows five times in each and every *Amidah*:

In the first blessing, at the beginning and at the end;

in the blessing of thanks, at the beginning and at the end; and

upon completing the *Amidah*, one bows and takes three steps backwards while bowing. He takes leave from his left and afterwards, from his right. Then, he lifts his head up from the bowed position.

When he bows the [other] four times, he does so at [the utterance of the word] "Blessed" and straightens up when [reciting] G-d's name.

To whom does the above apply? To an average person. However, the High Priest bows at the beginning and end of each and every blessing. A king bows at the beginning [of the *Amidah*] and does not lift his head until he completes his whole *Amidah*.

11 Why should one take leave from the left first? Because one's left is to the right [side] of His countenance; i.e., just like when one stands before a king, he takes leave from the right of the king, and then afterwards from the left of the king. Thus, they established that one should withdraw from

the *Amidah* in the same manner as he withdraws from before a king.

12 All these bows require that one bow until the vertebrae in his spine protrude and he makes himself like a bow.
However, if one bows slightly [to the extent that] it causes him pain and he appears to have bowed with all of his power, he need not worry.

13 Prostration, what is implied?
After one lifts his head from the fifth bow, he sits on the ground, falls with his face towards the earth, and utters all the supplications that he desires.
"Kneeling" always refers to [falling to] one's knees; "bowing," to bending over on one's face; and "prostration," to stretching out on one's hands and feet until he is flat with his face on the ground.

14 When uttering the supplication after the *Amidah*, there are those who bow and there are those who prostrate themselves.
It is forbidden to prostrate oneself on stones except in the Holy Temple, as we have explained in *Hilchot Avodat Kochavim*.
An important person is not permitted to fall on his face unless he is certain that he is as righteous as Yehoshua. Rather, he should tilt his face slightly, but not press it to the ground.
One may pray in one place and offer this supplication in another

15 It is an accepted custom among the entire Jewish people not to utter the supplication on Sabbaths or festivals. Nor [does one utter it] on Rosh Hashanah, Rosh Chodesh, Chanukah or Purim or in Minchah on the eve of Sabbaths or holidays, nor in the Evening Prayer of any day. There are

[however,] individuals who do utter the supplication in the Evening Prayer.

On Yom Kippur only, one utters the supplication prayer in every prayer, since it is a day of supplication, requests, and fasting.

Chapter 6

1 A person is forbidden to walk behind a synagogue at the time that the congregation is praying, unless he is carrying a burden or there are two entrances to the synagogue on different sides. [In the latter instance], anyone who sees him would presume that perhaps he is planning to enter [the synagogue] through the other entrance.

Similarly, if there are two synagogues in the city, a person seeing him would say that perhaps he is going to his usual synagogue.

If one is wearing *tefillin* on his head, he is permitted to pass [a synagogue] even without any of these conditions, since the *tefillin* indicate that he is a person who is seriously interested in the performance of commandments, and not one to refrain from prayer.

2 One praying with a congregation should not lengthen his prayer excessively. [However,] he may do so when praying alone. If, after praying, he desires to [add to his prayers], he may, including even the confession of Yom Kippur.

Similarly, he may add in each of the middle blessings something relevant to that blessing if he desires.

3 What is implied?

If one has a sick person [for whom he wants to pray], he should request mercy for this person in the blessing for the sick as eloquently as he can.

If he requires sustenance, he should add a supplication and request in the blessing for material prosperity. The same applies regarding each of the other blessings.

Should one desire to ask for all his needs in the blessing of "the One who hears Prayer," he may do so. However, he should make no requests in the first three or last three [blessings].

4 A person is forbidden to taste anything or to do any work from dawn until after he has recited the Morning Prayer. He should also refrain from visiting the house of a friend to greet him before he has recited the Morning Prayer; nor should he set out on a journey before he has prayed.

However, one may taste food or do work before reciting *Musaf* or *Minchah*, although he should not have a full meal close to the time for *Minchah*.

5 Once the time for *Minchah Gedolah* arrives, one should not enter a bathhouse, even [if only] to sweat, until he has prayed, lest he faint and neglect prayer.

He should not eat, even a snack, lest he continue eating and neglect prayer, nor [should he] judge [a court case], even if only to render a final judgment, lest the decision be questioned and the matter be drawn out and cause him to miss prayer.

Similarly, one should not sit in a barber's chair, even for a regular haircut,

until he prays, lest the scissors break. He should not enter a tanning house close to *Minchah* before he has prayed, lest he see a deficiency in his work which he will deal with, and [thereby] be delayed from praying.
If he begins doing one of these things, he need not stop, but may finish and then recite *Minchah*.

6 When is the beginning of a haircut? When he puts the barber's cloth over his knees.
When is the beginning of a bath? When he takes off his underclothes.
When is the beginning of [work in the] tanning house? When he ties the apron between his shoulders, as is the way of artisans.
When is the beginning of eating? For those who live in *Eretz Yisrael*, it is when one washes his hands. For inhabitants of Babylonia, it is when they loosen their belts.
When is the beginning of judgment? When the judges robe themselves in their *taleisim* and sit down. If they were [already] sitting, it is when the adversaries begin to make their claims.

7 Even though the Evening Prayer is not obligatory, one should not come home from his work and say: "I will eat a little and sleep a little and then I will pray," lest sleep overtake him and he sleep all night. Rather, he should [first] pray, and afterwards he may eat, drink or sleep.
It is permissible to have a haircut or enter a bathhouse before the Morning Prayer. [The Sages] only established their decree before *Minchah*, since it is common for most people to go there during the day. However, in the morning, [these actions] are uncommon. Hence, they did not establish a

decree.

8 A person who is involved in the study of Torah when the time for prayer arrives must stop and pray. If the study of Torah is his full-time occupation and he does not work at all, and he is involved in the study of Torah at the time of prayer, he need not stop, since the commandment of the study of Torah is greater that the commandment of prayer.
Anyone involved in efforts for the welfare of the community is like one involved in Torah study.

9 One is forbidden to interrupt his *Amidah* except in a situation where his life is endangered. Even if the King of Israel greets him, he must not answer him. However, he may interrupt [to answer] a non-Jewish king, lest he kill him.
A person standing in the [midst of the] *Amidah* who sees a non-Jewish king or tyrant approaching him should shorten [his prayer]. If unable to do so, he may stop. Similarly, if one sees snakes or scorpions approaching him in a place where their bite is fatal, he should stop [praying] and flee. If they are not fatal, he should not stop.

10 Women, slaves and children are obligated to pray. Anyone exempt from *Kri'at Shema* is also exempt from the *Amidah*.
All those accompanying the dead [for burial], even if they are not required to carry the coffin, are exempt from the *Amidah*.

Chapter 7

1 When the Sages instituted [a text for] these prayers, they [also] established other blessings to be recited every day. These are:

When a person gets into bed to sleep at night, he says:

Blessed are You, God, our Lord, King of the universe, who causes the bonds of sleep to fall upon my eyes, who sinks [one into] restful slumber, and illuminates the pupil of the eye. May it be Your will, God, our Lord, to save me from the evil inclination and from a bad occurrence. May I not be disturbed by bad dreams or evil thoughts. Let my bed be perfect before You and may You raise me up from it to life and peace and illuminate my eyes lest I sleep a sleep of death. Blessed are You, God, who illuminates the whole world in His glory.

2 [Then,] one reads the first section of *Kri'at Shema* and goes to sleep. [This applies] even if his wife is sleeping with him.

If he is overcome by sleep, he should read the first verse [of *Kri'at Shema*] or verses of mercy and afterwards, he may go to sleep.

3 When a person awakes after concluding his sleep, while still in bed, he says:

My Lord, the soul that You have placed within me is pure. You have created it, You have formed it, You have breathed it into me and You preserve it within me. You will ultimately take it from me and restore it to me in the Time to Come. As long as the soul is lodged within me, I am thankful before You, O God, my Lord, Master of all works. Blessed are You, God, who restores souls to dead bodies.

4 When one hears the crow of a rooster, he recites: Blessed are You, God, our Lord, King of the universe, who gives the rooster understanding to distinguish between day and night.

When he puts on his clothes, he recites: Blessed are You, God, our Lord, King of the universe, who clothes the naked.

When he puts his cloth on his head, he recites: Blessed are You, God, our Lord, King of the universe, who crowns Israel in glory.

When he passes his hands over his eyes, he recites: [Blessed...] who opens the eyes of the blind.

When he sits up in his bed, he recites: [Blessed...] who unties those bound.

When he lowers his feet from the bed and rests them on the ground, he recites: [Blessed...] who spreads the earth over the waters.

When he stands up, he recites: [Blessed...] who straightens the bowed.

When he washes his hands, he recites: [Blessed...] who has sanctified us with His commandments and commanded us regarding the washing of hands.

When he washes his face, he recites: Blessed are You, God, our Lord, King of the universe, who removes the bonds of sleep from my eyes and slumber from my eyelids. May it be Your will, God, my Lord and Lord of my fathers, that You accustom me to the performance of [Your] commandments and do not accustom me to sins or transgressions. Cause the positive inclination to rule over me and not the evil inclination. Strengthen me in Your commandments and grant my portion in Your Torah. Allow me to find favor, lovingkindness, and mercy in Your eyes and the eyes of all who see me and bestow upon me benevolent

kindnesses. Blessed are You, God, who bestows benevolent kindnesses.

5 Whenever one enters the toilet, before entering, he says:
Be honored, holy honorable ones, servants of the Most High. Help me. Help me. Guard me. Guard me. Wait for me until I enter and come out, as this is the way of humans.
After he comes out, he recites:
Blessed are You, God, our Lord, King of the universe, who formed man in wisdom and created within him many openings and cavities. It is revealed and known before the throne of Your glory that if one of them were to be blocked or if one of them were to be opened, it would be impossible to exist for even one moment. Blessed are You, God, who heals all flesh and works wonders.

6 When one fastens his belt, he recites: [Blessed...universe,] who girds Israel with strength.
When he puts on his shoes, he recites: [Blessed...universe,] for You have provided me with all my needs.
When he walks to depart on his way, he recites: [Blessed... universe,] who prepares the steps of man.
[Also,] every day, a person should recite:
Blessed are You, God, our Lord, King of the universe, who has not made me a non-Jew.
Blessed are You, God, our Lord, King of the universe, who has not made me a woman.
Blessed are You, God, our Lord, King of the universe, who has not made

me a servant.

7 These eighteen blessings do not have a particular order. Rather, one recites each of them in response to the condition for which the blessing was instituted, at the appropriate time.

What is implied? One who fastens his belt while still in his bed recites [the blessing] "who girds Israel with strength." One who hears the voice of the rooster recites [the blessing] "who gives understanding to the rooster."

Any blessing in which one is not obligated should not be recited.

8 What is implied? One who sleeps in his outer garment should not recite the blessing "who clothes the naked" upon rising.

One who walks barefoot does not recite the blessing, "for You have provided me with all my needs."

On Yom Kippur and the ninth of Av, when one does not wash, one does not recite the blessing *al netilat yadayim*, nor the blessing "who removes the bonds of sleep...."

One who does not relieve himself does not recite the blessing, "who created man in wisdom...." The same applies regarding the remainder of the blessings.

9 It is the custom of the people in the majority of our cities to recite these blessings one after another in the synagogue, whether or not they are obligated in them.

This is a mistake and it is not proper to follow this practice. One should not recite a blessing unless he is obligated to.

10 One who rises to study Torah, whether the Written or Oral Law, before he recites the *Shema*, should wash his hands beforehand, recite [the following] three blessings, and then study.

[These blessings] are:

[Blessed... universe,] who has sanctified us with His commandments and commanded us concerning the words of Torah.

And please, God, our Lord, make pleasant the words of Your Torah in our mouths and in the mouths of Your people, the entire House of Israel. May we, our offspring, and the offspring of Your people, be knowers of Your name and among those who occupy themselves with Your Torah. Blessed are You, God, who teaches Torah to His people, Israel.

Blessed are You, God, our Lord, King of the universe, who has chosen us from among all the nations and given us His Torah. Blessed are You, God, who gives the Torah.

11 One is obligated to recite these three blessings every day. Afterwards, one should read a few words of Torah. [To fulfill this obligation,] the people adopted the custom of reading the Priestly Blessing. In certain places, they recite [the passage, (**Numbers 28: 1-9**)]: "Command the children of Israel...," and there are places where they read both of them.

Also, [it is proper] to read chapters or laws from the Mishnah and the *Beraitot*.

12 The Sages praised those who recite songs from the Book of Psalms every day; from "A song of praise by David... (*Tehillah l'David*)" (Psalms 145) until the end of the Book [of Psalms]. It has become customary to read

verses before and after them.

They instituted a blessing before the [recitation of the] songs, *Baruch She'amar*..., and a blessing after [concluding] them, *Yishtabach*. Afterwards, one recites the blessings for *Kri'at Shema* and recites the *Shema*.

13 There are places where they are accustomed to recite the Song of the Sea (**Exodus 14:30-15:26**) each day after they recite *Yishtabach*. Afterwards, they recite the blessings for the*Shema*.

There are places where they recite the song, *Ha'azinu* (Deuteronomy 32:1-43), and there are individuals who recite both of them. Everything is dependent on custom.

14 A person is obligated to recite 100 blessings [in the period of one] day and night. What are these 100 blessings?

The twenty-three blessings that we have counted in this chapter,

the seven blessings before and after *Kri'at Shema* in the morning and in the evening;

When one wraps himself in tzitzit, he recites: Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to wrap ourselves in tzitzit.

When he puts on his Tefilin, he recites: Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to put on Tefilin.

[One recites] three *Amidot*, each of which contains eighteen blessings.

Behold, this is 86 blessings.

When one eats two meals, [one] during the day and [one] at night, one recites 14 blessings, seven for each meal:
one when he washes his hands before eating,
and, on the food itself, one before and three afterwards,
on the wine, one before and one afterwards,
[a total] of seven.
Thus, there are 100 blessings all told.

15 At present, since the [Sages] established the blessing [cursing] the heretics in prayer and added *hatov v'hameitiv* in the grace after meals, there are five more blessings.
On Sabbaths and holidays, when the *Amidah* contains [only] seven blessings, and similarly, on other days, if one is not obligated in all of these blessings - e.g., one did not sleep at night, nor loosen his belt, nor go to the bathroom, or the like - he must complete the 100 blessings by [reciting blessings over] fruits.

16 What is implied?
[When] one eats a small amount of vegetables, he recites a blessing before and after it. [When] he eats a small amount of a particular fruit, he recites a blessing before and after it. He should count all the blessings [he recites] until he completes [the requirement of] 100 each day.

17 The order of prayer is as follows:
In the morning, a person should rise early and recite the blessings [mentioned above]. [Then,] he recites the songs [of praise] and the

blessings before and after them. [Afterwards,] he recites the *Shema*, [together with] the blessings before and after it. He should omit the *Kedushah* from the first blessing before [the *Shema*] because an individual does not recite *Kedushah*.

When he concludes [the blessing,] *ga'al Yisrael*, he should stand immediately to connect [the blessing of] redemption to prayer. He should pray standing, as we have said.

When he concludes, he should sit, fall on his face and recite the supplication prayer. [Afterwards,] he should lift up his head and recite a few [additional] supplications while sitting amid supplication.

Afterwards, while sitting, he recites *Tehillah l'David* (Psalms 145), adds supplications according to his ability and departs to his own affairs.

18 One begins the Minchah service by reciting *Tehillah l'David* (**Psalm 145**) while sitting. Afterwards, one stands and recites the Minchah prayer. When he finishes, he falls on his face and recites the supplication prayer, raises his head and utters [more] supplication according to his ability and departs to his own matters.

In the evening service, he recites the *Shema* together with the blessings before and after it, connects [the blessing of] redemption to prayer and prays standing. When he finishes, he sits a short while and departs.

One who offers prayers of supplication after the evening service is praiseworthy.

Even though one recites the blessing *hashkiveinu* after*ga'al Yisrael*, it is not considered as an interruption between [the blessing of] redemption and prayer, for they are both considered as one long blessing.

Chapter 8

1 Communal prayer is always heard. Even when there are transgressors among [the congregation], the Holy One, blessed be He, does not reject the prayers of the many. Therefore, a person should include himself in the community and should not pray alone whenever he is able to pray with the community.

One should always spend the early morning and evening [hours] in the synagogue, for prayer will not be heard at all times except [when recited] in the synagogue.

Anyone who has a synagogue in his city and does not pray [together] with the congregation in it is called a bad neighbor.

2 It is a mitzvah to run to the synagogue as [**Hoshea 6:3**] states: "Let us know. Let us run to know God." A person should not take long steps when he leaves the synagogue. Instead, he should proceed [slowly,] step by step.

When one enters a synagogue, he should go in the distance of two doorways and then pray, [in order] to fulfill [the instructions of **Proverbs 8:34**] which states: "to guard the posts of My doors."

3 A study hall is greater than a synagogue. Even though [some of the] great Sages [lived in] cities where many synagogues were located, they would pray only in the place where they studied Torah.

The above applies, [however, only] when one can participate in communal prayer there.

4 What is implied by [the term,] communal prayer? One [person] prays aloud and all [the others] listen. This should not be done with fewer than ten adult free males. The leader of the congregation is [counted as] one of them.

Even if some of them have already prayed and fulfilled their obligation, they can complete the [quorum of] ten provided the majority of the ten have not prayed.

Similarly, we should not recite *Kedushah*, read the Torah with its blessings before and after it, or read the *haftorah* from the Prophets except in [a quorum of] ten.

5 Similarly, one [person] should not recite the blessings associated with the *Shema* while the others listen and answer "Amen" except [in the presence of a quorum of] ten. This is called *poreis al Shema*.

One only recites *Kaddish* with ten. The priests do not bless the people except [in the presence of a quorum of] ten. The priests [themselves] may be considered part of the quorum.

[Ten are required] because every [group of] ten Jews is called a congregation as [implied by **Numbers 14:27**]: "How long [must I suffer] this evil congregation." They were ten, for Joshua and Calev were not included [among them].

6 Any holy matter may only [be performed] in a congregation of Jews, as [**Leviticus 22:32**] states: "And I shall be sanctified among the children of Israel".

Regarding all these matters, if they were begun with ten [people] and

some leave - even though they are not permitted to - the remainder should conclude [the holy matter].

7 All [ten members of a congregation] and the leader of the congregation must be in one place.

[The following rules apply when] a small courtyard opens up in its entirety into a large courtyard: If there are nine [people] in the large one and one in the small one, they may be considered as a group [to form a quorum of ten]. If there are nine [people] in the small one and one in the large one, they are not considered as a group.

If a congregation is in the large one, but the leader of the congregation is in the small one, they fulfill their obligation. If the congregation is in the small one, but the leader of the congregation is in the large one, they do not fulfill their obligation since he is separate from them and not with them in one place.

[The motivating principle is] that the walls on each side of the large courtyard separate it from the small one. [However], the smaller one is not separated from the large one, but rather, is considered as its corner.

8 Similarly, if there were feces in the larger [courtyard], it is forbidden to pray or recite the *Shema* [even] in the smaller one. If there were feces in the smaller one, it is permissible to pray and recite the *Shema* in the larger one provided there is not a foul odor since [the larger courtyard] is set apart from [the feces].

9 The leader of the congregation can fulfill the obligation [of prayer] on

behalf of the congregation.

What is implied? When he prays and they listen and respond "Amen" after each and every blessing, it is considered as if they prayed [themselves].

To whom does this apply? To one who does not know how to pray. However, one who does know how to pray, only fulfills his obligation by praying himself.

10 When does the above apply? Throughout the entire year with the exception of Rosh HaShanah, and Yom Kippur of the Jubilee year.

On these two days, the leader of the congregation can fulfill the obligation [of prayer] on behalf of those who know [how to pray] just as he can fulfill the obligation [of prayer] on behalf of those who do not know [how to pray] because [the *Shemoneh Esreh* recited on these days contains] long blessings and most people do not know them [to the extent] that they can have the same intention as the leader of the congregation.

Therefore, on these two days, even a person who knows [how to pray] is granted permission to rely on the prayers of the leader of the congregation to fulfill his obligation [of prayer] if he so desires.

11 Only a person of great stature within the community in both wisdom and deed should be appointed as the leader of the congregation. If he is an older man, it is very praiseworthy. An effort should be made to appoint as the leader of the congregation, someone who has a pleasant voice and is familiar with reading [Biblical verses].

A person who does not have a full beard should not be appointed as the

leader of the congregation even if he be a wise man of great stature, as a gesture of respect to the congregation. However, he may recite the *Shema* publicly after he has reached the age of thirteen and manifested signs of physical maturity.

12 Similarly, the inarticulate who pronounce an *alef* as an *ayin* or an *ayin* as an *alef* or one who cannot articulate the letters in the proper manner should not be appointed as the leader of a congregation.

A teacher may appoint one of his students to lead the prayers in his presence. A blind person may recite the *Shema* publicly and serve as the leader of a congregation. A person whose shoulders are uncovered - though he may recite the *Shema* publicly - may not serve as the leader of the congregation until he is covered by a cloak.

Chapter 9

1 The order of prayer is as follows:

In the morning, [while] all the people are sitting, the leader of the congregation descends before the ark in the midst of the people and recites the *Kaddish*. Everyone responds with all their strength: *Amen. Yehei shemeih rabba mevarach le'alam ul'almei almaya*. They answer "Amen" at the end of the *Kaddish*.

Afterwards, [the *chazan*] declares: *Barchu et Ado-nai hamevorach*, and they answer: *Baruch Ado-nai hamevorach le'olam va'ed*. He then begins by reciting the *Shema* and its blessings out loud. They answer "Amen" after each blessing.

A person who knows how to recite the blessings and read [the *Shema*] with him should read [the blessings by himself] until he recites the blessing *ga'al Yisrael*.

2 Immediately [afterwards], all stand and pray in a hushed tone. A person who does not know how to pray should stand in silence while the leader of the congregation prays in a hushed tone together with the others. Whoever concludes his prayers with the congregation should take three steps back and stand [still] in the place he reached when he stepped backwards.

3 After the leader of the congregation takes three steps backwards and stands still, he begins and prays in a loud voice from the beginning of the blessings, in order to fulfill the obligation on behalf of those who did not pray.

Everyone - both those who did not fulfill their obligation [to pray] and those who fulfilled their obligation - stands, listens, and recites "Amen" after each and every blessing.

4 [The leader of the congregation] recites *Kedushah* in the third blessing.

When the leader of the congregation reaches *Kedushah*, each individual may return to the place where he originally stood in prayer.

When the leader of the congregation reaches *Modim* and bows, everyone should also bow - but not bow exceedingly - and say:

We give thanks to You, God, our Lord, and Lord of all flesh, our Creator and the Creator of all existence. [We offer] blessings and thanks to Your

great and holy name, for You have granted us life and sustained us. So may You continue to grant us life and sustain us, and gather our exiles into the courtyards of Your Sanctuary [so that we may] keep Your laws, serve You in truth, and fulfill Your will with a perfect heart, for we thankfully acknowledge You.

Whoever says *Modim, modim* should be silenced.

5 After the leader of the congregation concludes the entire *Shemoneh Esreh*, he and the entire congregation should sit, fall on their faces, and lean over slightly, reciting supplicatory prayers while fallen on their faces.

Then, he and the entire congregation should sit, lift their heads, and recite a small amount of supplicatory prayer out loud while seated. Afterwards, the leader of the congregation alone should stand and recite *Kaddish* a second time. The congregation should answer as they did previously.

Afterwards, while he is standing, he recites *V'hu rachum...* and *Tehillah [l'David]...* The congregation remains seated and recites together with him. Afterwards, he recites [the following verses]: *U'va l'Tzion go'el..., Va'ani zot..., V'attah kadosh...* and *V'kara zeh el zeh, v'amar: Kadosh...* and completes the *Kedushah*.

They respond: *Kadosh, Kadosh* three times. He then recites the *Kedushah* in an Aramaic translation. Afterwards, he recites [the verse] *Vatisa'eni ruach* and reads it in Aramaic, and then recites [the verse], *Ado-nai yimloch le'olam va'ed* and reads it in Aramaic. [The Aramaic translations are intended] in order that the [common] people should understand.

6 These verses [which are recited] before *Kedushah* and afterwards, together

with their Aramaic translations, are referred to as "the order of *Kedushah*." Afterwards, he recites supplicatory prayers and verses of mercy. He then recites the *Kaddish*. The people respond as is customary, and depart.

7 One who says in his supplicatory prayers: "May He who showed mercy on a bird's nest prohibiting the taking of the mother together with the chicks, or the slaughter of an animal and its calf on the same day, also show mercy on us," or [makes other] similar statements should be silenced, because these mitzvot are God's decrees and not [expressions] of mercy. Were they [expressions] of mercy, He would not permit us to slaughter at all.

Also, a person should not be profuse in his mention of adjectives describing God, and say: "The great, mighty, awesome, powerful, courageous, and strong God," for it is impossible for man to express the totality of His praises. Instead, one should mention [only] the praises that were mentioned by Moses, of blessed memory.

8 In the Minchah service, the leader of the congregation recites *Ashrei yoshvei veitecha...*, *Tehillah l'David...*. He and the congregation recite this while seated. [Then,] the leader of the congregation stands and recites *Kaddish*. They stand and respond in their normal manner. [Afterwards,] they all pray in a hushed tone.

Afterwards, the leader of the congregation prays out loud, as in the morning service, until he concludes the *Shemoneh Esreh*. Then, both he and the congregation fall on their faces, recite supplicatory prayers, lift their heads, and recite a few supplicatory prayers while seated, as in the morning service.

[The leader of the congregation] rises and recites *Kaddish*. The congregation responds in the normal manner and they depart to their affairs.

9 In the evening, all the people sit, and [the leader of the congregation] stands and recites: *V'hu rachum*.... [He announces:] *Barchu et Ado-nai hamevorach*, and they answer: *Baruch Ado-nai hamevorach le'olam va'ed*. He then begins by reciting the *Shema* and its blessings out loud and recites *Kaddish*. [Afterwards,] they all stand and pray in a hushed tone.

When they conclude, [the leader of the congregation] recites *Kaddish* and they depart. He does not repeat the evening *Shemoneh Esreh* out loud, since the evening service is not obligatory. Therefore, he should not recite blessings in vain, for there is no one who is obligated [to recite these blessings] whose obligation he would fulfill [by his recitation].

10 On the night of the Sabbath, after praying together with the congregation in a hushed tone, the leader of the congregation prays out loud. However, he does not recite all seven blessings, but rather one blessing that includes all seven. He states:

Blessed are You, God, our Lord and Lord of our fathers, the Lord of Abraham, the Lord of Isaac, and the Lord of Jacob, the great, mighty, and awesome God, the supreme God, who, in His mercies, creates heaven and earth.

He shielded our ancestors with His word. He resurrects the dead with His statements - the holy God, like whom there is none. He causes His people to rest on His holy Sabbath, for to them did He desire to grant rest. We

will serve Him with awe and fear and give thanks to His name every day, continually, according to the blessings [appropriate for that day]. God who is worthy of thanks, Lord of peace, who sanctifies the Sabbath and blesses the seventh day and brings rest with holiness to a people satiated with delight in commemoration of the work of creation.

Our Lord, and Lord of our fathers, desire our rest.... Blessed are You, God, who sanctifies the Sabbath.

He recites *Kaddish* and the people depart.

11 Why did the Sages institute this [practice]? Because the majority of people come to recite the evening service on Friday night. It is possible that someone will come late, remain alone in the synagogue, and thus be endangered. Accordingly, the leader of the congregation repeats his prayers in order that the entire congregation will remain, [allowing] the one who came late to conclude his prayers and leave together with them.

12 Therefore, when a festival, Rosh Chodesh or Yom Kippur coincides with the Sabbath, the leader of the congregation who recites the evening service does not mention the unique aspect of the day in this blessing. Instead, he concludes, "[Blessed are You, God,] who sanctifies the Sabbath," [mentioning] only [the Sabbath], because [on the other] days, there is no obligation [to recite] this blessing.

13 On the Sabbaths and the festivals, after the leader of the congregation completes the recitation of the *Shemoneh Esreh* of the morning service out loud, he recites *Kaddish* and afterwards, *Tehillah l'David*. He recites

Kaddish [again] and [the congregation] recites *Musaf* in a hushed tone. Afterwards, he recites the *Musaf Shemoneh Esreh* out loud, in the same manner as the morning service. He recites *Kaddish* after *Musaf* and the people depart.

We do not recite *Kedushah* and supplicatory prayers after the morning service. Instead, we recite them before the *Minchah* service. What is implied? We recite *Tehillah l'David*, the order of the day, and supplicatory prayers. [The leader of the congregation] recites *Kaddish* and the *Minchah* service is recited [in a hushed tone.] Afterwards, [the leader of the congregation] repeats the service out loud, and then recites *Kaddish*.

14 On Rosh Chodesh and *Chol Hamo'ed*, one recites the order of *kedushah* before the *Musaf* prayer. On the night following the Sabbath, the order of the day is also recited after the evening service. [Then] one recites *Kaddish* and afterwards, *Havdalah*.

Chapter 10

1 A person who prayed without concentrating [on his prayers] must pray a second time with concentration. However, if he had concentrated during the first blessing, nothing more is necessary.

A person who errs in the recitation of the first three blessings [of the *Shemoneh Esreh*] must return to the beginning [of the *Shemoneh Esreh*]. Should one err in the recitation of the final three blessings, one should return to [the blessing, *R'tzey*]. If one errs in the midst of [one of] the intermediate blessings, one should return to the beginning of that blessing

and [then] conclude one's prayers in the [proper] order.
Should the leader of the congregation err when he is praying out loud, he should [correct himself] based on these principles.

2 However, if the leader of the congregation errs while he is praying in a hushed tone, I maintain that he does not repeat his prayers a second time, because of the difficulty it will cause the congregation. Rather, he relies on the prayer which he will recite out loud.
The above applies when he does not err in the first three blessings. If he errs in their [recitation], he always repeats [his prayers] in the same manner as any [other] individual.

3 Should the leader of a congregation err [in his repetition of the *Shemoneh Esreh*], become confused and not know where to begin [again] - if he waits for a prolonged period, another person should replace him.
If he errs in the recitation of the blessing [that curses] the heretics, we do not wait for him [to correct himself]; rather, another person should replace him. This applies only when he did not begin this [blessing]. However, if he did begin [the blessing], we wait for him.
The second person should not refuse at this time.

4 From which point should [the substitute for the leader of the congregation] begin? If the first one erred in one of the intermediate blessings, [the substitute] should begin from the beginning of the blessing in which he erred. However, if he erred in one of the first three blessings, the [substitute] starts from the beginning [of the *Shemoneh Esreh*. If he

erred in one of the final [three] blessings, the substitute should begin from [the blessing, *R'tzey*].

5 A person who says, "I will not lead the congregation in prayer because [I am wearing] colored clothes," should not lead the congregation in that prayer service even when wearing white clothes. If he said, "I will not lead the congregation because I am wearing sandals," he should not lead the congregation even when barefoot.

6 A person who is in doubt whether he prayed or not should not repeat his prayers, unless he recites the second prayer with the intention that it is a voluntary prayer, since an individual may recite voluntary prayers throughout the entire day.

A person who remembers that he has already prayed while he is in the midst of the *Shemoneh Esreh* should cease [praying] immediately, even if he is in the midst of a blessing. [However,] if he was reciting the evening service, he need not cease [praying], for even at the outset, he did not begin that prayer service with the thought that it was an obligation.

7 A person who erred and recited a weekday prayer on the Sabbath does not fulfill his obligation. If he recalled while he was in the midst of the *Shemoneh Esreh*, he should conclude the blessing which he has begun and [continue] reciting the Sabbath prayers.

When does the above apply? In the evening, morning, and *Minchah* services. However, in the *Musaf* service, one should cease [praying] even in the midst of a blessing. Similarly, if one completed a weekday *Shemoneh*

Esreh with the intention that it be one's *Musaf* prayers, one must recite *Musaf* again. This applies on the Sabbath, on a festival, and on Rosh Chodesh.

8 [When] one errs during the rainy season and does not recite either *morid hageshem* or *morid hatal*, he must return to the beginning of the prayers. However, if he mentions dew, he need not repeat [his prayers].
Should one err in the summer and recite *morid hageshem*, he must return to the beginning of the prayers. However, if he omits mention of dew [in the summer], he need not repeat his prayers, for dew is never held back, nor is there a need to request it.

9 [The following rules apply when] one forgets to request rain in the blessing for material prosperity: If he remembers before [the blessing,] *shome'a tefilah*, he should request rain in [that blessing]. If he [recalls] after reciting the blessing, *shome'a tefilah*, he should return to the blessing for material prosperity. If he does not recall until after he completes the *Shemoneh Esreh*, he must return to the beginning of the prayer and pray a second time.

10 [The following rules apply when] a person errs and fails to mention *Ya'aleh v'yavo*: If he remembers before he has concluded the *Shemoneh Esreh*, he should return to [the blessing, *R'tzey*], and recite it. If he remembers after he has concluded his prayers, he must repeat the *Shemoneh Esreh* from the beginning. If he is accustomed to recite supplicatory prayers after *Shemoneh Esreh* and remembers after he has

concluded his prayers, but before he has lifted up his feet [to step backwards after prayer], he should return to [the blessing, *R'tzey*].

11 When does the above apply? On *Chol Hamo'ed* or in the morning or *Minchah* services of Rosh Chodesh. However, in the evening service of Rosh Chodesh, if one failed to mention it one need not repeat his prayers.

12 In every case in which an individual is required to repeat his prayers [because of an error], the leader of the congregation is also required to repeat his prayers if he made a similar mistake while praying out loud, with the exception of the morning service of Rosh Chodesh.

[In this instance,] if the leader of the congregation failed to mention *Ya'aleh v'yavo* before completing his prayers, he is not required to repeat his prayers because of the difficulty it would cause the congregation. The *Musaf* service is still to be recited and Rosh Chodesh will be mentioned there.

13 If during the ten days between Rosh Hashanah and Yom Kippur, one erred and concluded the third blessing, *Ha'El hakadosh*, he should return to the beginning of the *Shemoneh Esreh*.

If he erred and concluded the eleventh blessing, *Melech ohev tzedakah umishpat*, he should return to the beginning of the blessing and conclude *Hamelech hamishpat*, and continue reciting his prayers in order. If he did not remember until he concluded his prayers, he must recite [his prayers again] from the beginning.

[These laws apply] to both an individual and to the leader of the

congregation.

14 If a person erred and did not mention *Havdalah* in the blessing, *chonen hada'at*, he should conclude his prayers, without returning [to correct himself]. Similarly, one who did not mention *Al hanisim* on Chanukah or Purim, or *Anenu* in the prayers on a fast day, need not repeat his prayers. [These laws apply] to both an individual and the leader of a congregation.
If one remembers before lifting his feet [to step backwards after prayer], he should say: "Answer us because You are the one who hears prayer, redeems, and rescues in all times of difficulty and distress. May the words of my mouth...."

15 [A person who] forgot to recite the afternoon service on the Sabbath eve should recite the Sabbath evening service twice. [The same law applies] on a festival.
[A person who] forgot to recite the afternoon service on the Sabbath or a festival should recite the weekday evening service twice after their conclusion.
He should recite *Havdalah* in the first of these prayers and not in the second. However, if he recited *Havdalah* in both prayers or omitted it in both prayers, he fulfills his obligation. Nevertheless, if he did not recite *Havdalah* in his first *Shemoneh Esreh*, but mentioned it in his second, he [must] return and recite a third *Shemoneh Esreh*, since his first prayers were not acceptable because they were recited before the evening service.
Whoever recites two prayers [in succession] - even the morning service and the *Musaf* service - should not recite them one immediately after the

other. Rather, he should wait between prayers, so that his mind will be settled.

16 It is forbidden for a person who is praying with a congregation to pray before the congregation.

[The following rules apply when] a person enters a synagogue and finds the congregation praying in a hushed tone: If he could begin and complete his prayers before the leader of the congregation reached *Kedushah*, he should recite the *Shemoneh Esreh*. If not, he should wait until the leader of the congregation begins reciting the *Shemoneh Esreh* out loud, and pray together with him word for word until the leader of the congregation reaches *Kedushah*. He should respond to *Kedushah* with the rest of the congregation and then recite the remainder of the *Shemoneh Esreh* alone.

One who began reciting the *Shemoneh Esreh* before the leader of the congregation, [but was unable to conclude his prayers before] the leader of the congregation reached *Kedushah*, should not interrupt his prayers [to] respond to *Kedushah* with [the congregation]. Similarly, one should not respond *Amen, yehei shemeih rabba mevarach...* while in the midst of *Shemoneh Esreh*. Needless to say, [this applies regarding responding "Amen"] to other blessings.

Chapter 11

1 Wherever ten Jews live, it is necessary to establish a place for them to congregate for prayer at the time of each prayer service.

This place is called a *Beit K'nesset*. The inhabitants of a city can compel each other to construct a synagogue and to purchase scrolls containing the Torah, the Prophets, and the Sacred Writings.

2 When a synagogue is built, it should be built only at the highest point of the city [as implied by **Proverbs 1:21**]: "She cries at the head of the public places." It should be built [so that] its height exceeds [that of] all the other buildings in the city [as implied by **Ezra 9:9**]: "to lift up the house of our God."

The entrance to the synagogue should open only on the east [as implied by **Numbers 3:38**]: "...And those who camped before the sanctuary on the east."

In [the synagogue], a *heichal*, where the Torah scroll is placed, should be constructed. The *heichal* should be constructed in the direction to which the people pray in that city, so that they will face the *heichal* when they stand to pray.

3 A platform is placed in the center of the hall, so that the one who reads the Torah or one who gives a sermon can stand on it, so that all the others will hear him.

When one positions the *tevah* which contains the Torah scroll, one should position it in the center of the hall, in the direction of the *heichal* and facing the people.

4 How do the people sit in the synagogue? The elders sit facing the people with their backs toward the *heichal*. All the people sit row after row, each

row facing the back of the row before it. Thus, all the people face the sanctuary, the elders, and the *tevah*.

When the leader of the congregation stands to pray, he stands on the ground, before the *tevah*, facing the sanctuary like the others.

5 Synagogues and houses of study should be treated with respect. They should be swept clean and mopped.

All the Jews in Spain, the west, Babylonia, and *Eretz Yisrael*, are accustomed to light lamps in the synagogue and spread mats over the floor to sit on. In European communities, they sit on chairs.

6 No lightheadedness - i.e., jests, frivolity, and idle conversation - should be seen in a synagogue. We may not eat or drink inside [a synagogue], nor use [a synagogue] for our benefit, nor stroll inside one.

On a sunny [day], one should not enter [a synagogue to seek shade] from the sun, and on a rainy [day], [one should not enter a synagogue to seek shelter] from the rain. [However,] the sages and their students are permitted to eat and drink in a synagogue because of the difficulty [observing the prohibition would cause them].

7 It is forbidden to calculate accounts in [a synagogue], unless the accounts are connected with a mitzvah: for example, the collection of charity, the redemption of captives, or the like.

[Similarly,] eulogies should not be recited inside them, except a eulogy that involves many [of the inhabitants of the city]; for example, [if] there were a eulogy of the great sages of that city for which all the people would

gather together and come.

8 If a synagogue or a house of study has two entrances, one should not use it for a shortcut, i.e., to enter through one entrance and leave through the other to reduce [the distance one] travels, because it is forbidden to enter [these buildings] except for a mitzvah.

9 A person who has to enter a synagogue to call a child or his friend should enter and read [a portion of the written law] or relate a teaching [of the oral law] and then call his friend, so that he will not have entered [a synagogue] for his personal reasons alone.

If he does not know [how to study], he should ask one of the children [to] tell him the verse he is studying or, [at the very least,] wait a while in the synagogue and then leave, since spending time [in the synagogue] is one of the aspects of the mitzvah as implied by [**Psalms 84:5**]: "Happy are those who dwell in Your house."

10 A person who enters [a synagogue] to pray or to study is permitted to leave by the opposite door to shorten his way.

A person is permitted to enter a synagogue [holding] his staff, [wearing] his shoes, wearing [only] lower garments, or with dust on his feet. If it is necessary for him to spit, he may spit in the synagogue.

11 Synagogues and houses of study that have been destroyed remain holy [as can be inferred from **Leviticus 26:31**]: "I will destroy your sanctuaries." [Our Sages explained]: Even though they are destroyed, they remain holy. Just as one must treat them with respect while they are standing, so must

they be treated [with respect] when they are destroyed with the exception of sweeping and mopping them. [When destroyed], they need not be swept or mopped.

If grass grows in them, it should be pulled out and left there so that it will be seen by the people [in the hope that] it will rouse their spirits and rebuild them.

12 One should not tear down a synagogue in order to build another in its place or in another place. Instead, one should build the [new synagogue] and then, one [may] tear down the [previous] one lest unforeseen difficulties arise [which prevent it] from being built.

This applies even to a single wall of [a synagogue]. One should build the new wall next to the old wall and then, tear down the old wall.

13 When does the above apply? When its foundations are not ruined or its walls are not leaning perilously. However, if its foundation is destroyed or its walls are leaning perilously, it should be destroyed immediately and [then, efforts to] rebuild it should be begun immediately throughout the day and night lest times become difficult and it remain destroyed.

14 It is permitted to transform a synagogue into a house of study. However, it is forbidden to transform a house of study into a synagogue because the sanctity of a house of study exceeds that of a synagogue and one must proceed to a higher rung of holiness, but not descend to a lower rung.

Similarly, the inhabitants of a city who sold a synagogue may purchase an ark with the proceeds. If they sold an ark, they may purchase a mantle or a

case for a Torah scroll with the proceeds. If they sold a mantle or a case, they may buy *chumashim* with the proceeds. If they sold *chumashim*, they may buy a Torah scroll with the proceeds. If they sold a Torah scroll, the proceeds may only be used to purchase another Torah scroll, for there is no level of holiness above that of a Torah scroll.

The same [laws apply] to [any money] which remains.

15 Similar [principles apply] if a congregation collected money to build a house of study or a synagogue or to purchase an ark, a mantle or a case [for a Torah scroll], or a Torah scroll, and desired to change [the purpose for which] all the [funds] had been [originally] collected.

It is forbidden to change [the purpose for which the funds will be used] except from a matter of lesser sanctity to one of greater sanctity. However, if [the congregation] accomplished the purpose for which they had [originally] collected [the funds], they may use the remainder for whatever they desire.

All the components of a synagogue are considered like the synagogue itself. The curtain hanging before the ark is considered like the mantle of a Torah scroll. If a condition was made concerning them, the terms of the condition are binding.

16 When do the above statements permitting the sale of a synagogue apply? In regard to a synagogue in a village. Since it was constructed for the sake of the inhabitants of that village alone, so that they can pray inside it, they are permitted to sell it if they all desire to do so.

In contrast, a synagogue in a metropolis, since it was constructed for the

sake of all the people in the world, [i.e.,] so that anyone who comes to that country can come and pray in it, it is considered as [the property] of [the entire] Jewish people and it can never be sold.

17 The inhabitants of a village who desire to sell their synagogue in order to build another synagogue with the money, or to buy an ark or Torah scroll with the money, must establish as a condition [of the sale] that the purchaser not use the building for a bathhouse, a leatherworks, a *mikveh*, or a laundry.

If, at the time of the sale, the seven officials of the community made a condition in the presence of the entire community that the purchaser be allowed to use the building for the above purposes, he may.

18 Similarly, if the seven officials of the community made a condition in the presence of the entire community that [after the community accomplished the purpose for which they sold the synagogue], the remainder of the funds could be used for mundane purposes, they may be used for such purposes. Thus, after the money has been used for building another synagogue, for purchasing an ark, a mantle or case [for a Torah scroll], *chumashim*, or a Torah scroll, the remainder may be used for mundane purposes in accordance with their condition, and may be used for whatever they please.

19 Similarly, if all the inhabitants of a city - or a majority of them - accept [the authority of] a single individual, whatever actions he takes [in regard to a synagogue] are binding. He may sell [the synagogue] or give [it as a

gift] alone, as he sees fit, and establish whatever conditions he desires.

20 Just as it is permitted to sell a synagogue, it is permitted to give it away as a present. If the community had not received any benefit from giving it as a gift, it would not have given it. However, it cannot be rented or given as security.

Similarly, when a synagogue is being torn down so that it can be rebuilt, it is permitted to sell the bricks, timber, and soil, exchange them, or give them as gifts. However, it is forbidden to lend them, since their sanctity only departs in return for money or benefit which is equivalent to money.

21 Although the people pray in a city's main street on fast days and *ma'amadot*, because too many people gather to fit within a synagogue, [the street] does not possess any quality of sanctity, because [praying there is only a temporary measure] and it is not established as a place of prayer.

Similarly, buildings and courtyards where people gather to pray do not possess any measure of sanctity, because they were not designated for prayer alone. Rather, [people] pray within them as a temporary measure, as a person prays within his home.

Chapter 12

1 Moses, our teacher, ordained that the Jews should read the Torah publicly on the Sabbath and on Monday and Thursday mornings, so the [people] would never have three days pass without hearing the Torah.

Ezra ordained that [the Torah] should be read during the *Minchah* service

on the Sabbath, because of the shopkeepers. He also ordained that on Mondays and Thursdays, three people should read [from the Torah], and that they should read no fewer than ten verses.

2 These are the days when the Torah is read publicly: Sabbaths, festivals, *Rashei Chadashim*, fast days, Chanukah, Purim, and Mondays and Thursdays each week.
The *haftarah* is read only on Sabbaths, festivals, and Tish'ah B'Av.

3 The Torah is never read in public in the presence of fewer than ten adult free men. No fewer than ten verses are read. *Vayedaber* is counted as one of them. No fewer than three men should read.
[When] beginning a passage from the Torah, [one should read] at least three verses, and one should not conclude less than three verses from the conclusion of a passage. Each reader should not read fewer than three verses.

4 [When] three people read ten verses: Two read three [verses each] and one, four [verses]. It is praiseworthy regardless of whether the one who read four [verses] is first, last, or in the middle.

5 Each one of the readers opens the Torah scroll and looks at the place from which he is to read. Afterwards, he declares, *Barchu et Ado-nai hamevorach*, and all the people answer: *Baruch Ado-nai hamevorach le'olam va'ed*. He then recites the blessing:
Blessed are You, God, our Lord, King of the universe, who has chosen us from among all the nations and given us His Torah. Blessed are You, God,

the Giver of the Torah.

All the people respond: "Amen." Afterwards, he reads until he completes the reading, rolls the scroll [closed] and recites the blessing:

Blessed are You, God, our Lord, King of the universe, who has given us His Torah, the Torah of truth, and implanted eternal life in our midst. Blessed are You, God, the Giver of the Torah.

6 The person reading the Torah is not allowed to begin reading until the congregation ceases responding "Amen." If one erred while reading, even regarding the careful pronunciation of one letter, [the reader] is forced to repeat [the reading] until he reads it correctly.

Two people should not read at the same time. Rather, one should read alone. If one was reading and lost the ability to speak, another should replace him. He should begin from the place where the one who lost the ability to speak began, and recite the blessing after concluding.

7 The reader is not permitted to [begin] reading until the person of greatest stature within the community tells him to [begin] reading. Even the *chazan* or the *gabbai* should not begin reading on their own initiative until the community [as a whole] or the person of greatest stature begins to read.

[When the *chazan* reads from the Torah,] another person should stand with him while he reads, just as the *chazan* stands together with the other readers.

8 The reader may skip from place to place in one subject - for example,

from *Acharei mot...* to *Ach be'asor*, in the portion *Emor el Hacohanim* - provided he does not read by heart. It is forbidden [for a reader] to say even one word [without looking at the text]. [When] skipping [in this fashion, the reader] should not wait longer than it takes for the translator to translate one verse.

9 Once the reader begins reading the Torah, it is forbidden [for the congregants] to talk, even regarding matters of Torah law. Rather, everyone should listen, remain silent, and pay attention to what is being read, as [Nechemiah 8:3] states: "The ears of all the people were [attentive] to the Torah scroll."

It is forbidden to leave the synagogue while the reader is reading from the Torah. However, one is permitted to leave between *aliyot*. A person who is constantly involved in Torah study, and Torah is his occupation, is permitted to involve himself in Torah study while the Torah is being read.

10 From the time of Ezra, it was customary that a translator would translate to the people the [passages] read by the reader from the Torah, so that they would understand the subject matter.

The reader should read one verse alone and remain silent while the translator translates it. Afterwards, he should read a second verse. The reader is not permitted to read to the translator more than one verse [at a time].

11 The reader is not permitted to raise his voice above that of the translator, nor should the translator raise his voice above that of the reader. The

translator is not permitted to [begin] translating until the reader completes reading the verse, nor may the reader [begin] reading another verse until the translator has completed the translation.

The translator should not lean on a beam or on a pillar. Rather, he should stand with awe and fear. He should not translate from a written text, but rather should recite the translation by heart.

The reader is not permitted to assist the translator, lest people say: "The translation is written in the Torah scroll." A person of lesser stature may serve as a translator for a person of greater stature. However, it is not befitting the honor of a person of greater stature to serve as a translator for a person of lesser stature. Two people should not serve as translators simultaneously; rather, one person should read and one should translate.

12 Not all passages from the Torah are translated in public. All [of the following passages] should be read, but not translated: the incident involving Reuven, the priestly benediction, [the passage describing the sin] of the golden calf from "And Moses told Aharon" (**Exodus 32:21** until "And Moses saw the people" (**Exodus 32:25** and one other verse, "And God set a plague upon the people" (**Exodus 32:35** .

In the [description of] the incident concerning Amnon (**II Samuel, Chapter 13**), the verse which states, "Amnon, the son of David" (13:1) should be neither read nor translated.

13 The person who reads the *haftarah* must read from the Torah first. Even three verses [are sufficient]. He should read again the passage that had been read previously.

He should not [begin] reading the *haftarah* until the Torah scroll has been rolled closed. He should not read fewer than twenty-one verses [as the *haftarah*]. However, if a concept is completed in fewer [verses] than that, he need not add more. If he read only ten verses, but the *haftarah* is translated, it is sufficient even if the concept is not completed.

[When reading] from the prophets, one reads and even two may translate. One may skip from one concept to another. However, one should not skip from one prophet to another, except among the twelve prophets. Furthermore, [even within a book from a single prophet,] one should not skip from the conclusion of the book until its beginning. Whenever one skips, one should not wait longer than it takes the translator to complete his translation.

14 A person reading from the prophets may read three verses to the translator at one time, and the translator translates them one after another. If the three verses are three separate passages, [the reader] should read them to the translator only one at a time.

15 The person who reads the *haftarah* recites one blessing before [beginning his reading]: Blessed are You, God, our Lord, King of the universe, who chose prophets....

After [completing the reading], he recites four blessings. He concludes the first blessing: "the God who is faithful in all of His words." He concludes the second blessing: "who builds Jerusalem." He concludes the third blessing: "the Shield of David." He concludes the fourth blessing with the mention of the sacred aspect of the day, as he does in the *Shemoneh Esreh*.

Similarly, if Rosh Chodesh falls on the Sabbath, the one who reads the *haftarah* mentions Rosh Chodesh in this blessing, as he does in the *Shemoneh Esreh*.

16 How many readers [are called to the Torah]? On Sabbath morning, seven; on Yom Kippur, six; on festivals, five. This number may not be reduced. However, it may be increased.

On *Rashei Chadashim* and on *Chol Hamo'ed*, four people [are called to read [from the Torah]. On the Sabbath and Yom Kippur during the *Minchah* service, on Mondays and Thursdays throughout the entire year, on Chanukah and Purim in the morning service, and on fast days in the morning and *Minchah* services three people [are called to] read [from the Torah]. This number may not be reduced, nor may it may be increased.

17 A woman should not read the Torah publicly, as a token of respect for the community. A minor who knows how to read and is aware of the One who is being blessed may be counted as one of the required number [of people called to the Torah].

Similarly, the one who recites the *haftarah* is counted as one of the required number [of people called to the Torah], because he also reads from the Torah. [However,] if the leader of the congregation interrupted [by reciting] *Kaddish* between the conclusion of the Torah reading and the reading of the person who recites the *haftarah*, [the latter] is not included as one of the required number [of people called to the Torah].

If there is only one person in the community who knows how to read [from the Torah], he should be called to the Torah, read, descend [from

the platform], return and read again a second and a third time until he completes the number of *aliyot* designated for that day.

18 In all of these [Torah] readings, a priest reads first; after him, a Levite; and after him, an Israelite. It is common custom at present that even a priest who is a common person is given precedence and allowed to read before a wise man of great stature in Israel.

Whoever is greater than his colleague in wisdom is given precedence regarding the reading [of the Torah]. The last person who rolls the Torah scroll closed receives a reward equivalent to that of all the others. Therefore, even the person of the greatest stature in the community can receive the concluding *aliyah*.

19 When there are no priests present, an Israelite is called to the Torah and a Levite should not be called after him at all.

When there are no Levites present, the priest who received the first *aliyah* returns and reads [from the Torah] a second time in place of the Levite. Another priest should not read [from the Torah] after him, lest others say that there is a blemish in the first's lineage, and, therefore, another priest was given the *aliyah*.

Similarly, one Levite should not read [from the Torah] after another Levite, lest others say that there is a blemish in the lineage of one of them.

20 What is the order [of the service] when the Torah is read after prayer? On a day when there is a *Musaf* service, after the leader of the congregation completes the morning service, he recites *Kaddish* and takes out the Torah

scroll. He calls the members of the community, one by one, and they ascend and read from the Torah. When they have completed the reading, he returns the Torah scroll to its place, recites *Kaddish*, and then the [congregation] recites the *Musaf* service.

On days when the *haftarah* is read and there is a *Musaf* service, it is customary to recite *Kaddish* before the person who reads the *haftarah* ascends [for his *aliyah*]. There are places where it is customary to recite *Kaddish* after the person who reads the *haftarah* [completes his Torah reading].

21 During the *Minchah* service on the Sabbath and on Yom Kippur, after the leader of the congregation completes *Tehillah l'David* and the order of *Kedushah*, he recites the *Kaddish*, and takes out a Torah scroll. [Those called to the Torah] ascend and read and then, [the Torah scroll] is returned [to its place. The leader of the congregation] recites *Kaddish*, and the [congregation] recites the *Minchah* service.

Similarly, on a fast day, the Torah is read [before] the *Minchah* service. Afterwards, *Kaddish* is recited, and the *Minchah* service is recited. On festivals, it is not customary to read [the Torah] in the *Minchah* service.

22 [When the Torah is read on] a day when *Musaf* is not recited, after the morning *Shemoneh Esreh* is completed, [the leader of the congregation] recites the *Kaddish* and takes out a Torah scroll. [After the portion is] read from it, [the Torah scroll] is returned [to its place. The leader of the congregation] recites *Tehillah l'David* and the order of *Kedushah*, as is the practice every day. [Afterwards,] he recites the *Kaddish* and the people

depart.

23 It is not proper to read from *chumashim* in synagogues, as a token of respect for the community.

A Torah scroll should not be rolled [from one portion to another portion] in the presence of the community, because of the difficulty it would cause the people, forcing them to remain standing while the Torah scroll is being rolled. Therefore, if it is necessary to read two separate concepts, two Torah scrolls are taken out. [However,] one person should not read one concept from two Torah scrolls, lest people say that the first scroll was invalid and, therefore, they read from the second.

24 When a person rolls a Torah scroll [closed], he should roll it from the outside. When he ties it, he should tie it from the inside. He should leave the stitching [in the center], so that it will not rip.

In a place where a Torah scroll is taken [from the synagogue] to another room where it is kept, the congregation is not allowed to leave until the Torah scroll is taken. They should accompany it, following it to the place where it is kept.

Chapter 13

1 The common custom throughout all Israel is to complete the [reading of] the Torah in one year. [The cycle] is begun on the Sabbath after the Sukkot festival, reading the *sidrah, Bereshit*. On the following Sabbath, [the *sidrah,*] *Eleh toldot* [is read]; on the third, [the *sidrah,*] *Vayomer Ado-*

nai el Avram. We continue reading according to this order until the Torah is completed, during the Sukkot festival.

There are those who finish the Torah reading in a three-year cycle. However, this is not a widely accepted custom.

2 Ezra instituted the practice of having the Jews read the "curses" found in the Book of Leviticus before Shavuot, and those found in the Book of Deuteronomy before Rosh HaShanah.

It is common custom to read [the *sidrah,*] *Bemidbar Sinai* before Shavuot, [the *sidrah,*] *Va'etchanan* after Tish'ah B'Av, [the *sidrah,*] *Attem nitzavim* before Rosh HaShanah, and [the *sidrah,*] *Tzav et Aharon* before Pesach in an ordinary year.

Therefore, there are Sabbaths on which two *sedarim* are read: for example, [the *sidrah,*] *Ishah ki tazria* and [the *sidrah,*] *Vezot tih'yeh torat hametzora* [are often combined. Similarly, the *sidrah,*] *Im bechukotai* [is often combined] with [the *sidrah,*] *Behar Sinai*, so that [the reading of the Torah] will be completed in a year, and the *sedarim* will be read at the appropriate times.

3 At the point [in the Torah] where the Sabbath morning [reading] was completed, the reading [is begun] on the Sabbath afternoon, on Monday, on Thursday, and on the following Sabbath.

What is implied? On the first Sabbath, we read [the *sidrah,*] *Bereshit* in the morning. In the afternoon, ten or more verses from [the *sidrah,*] *Eleh toldot Noach* are read. The same practice [is followed] on Monday and Thursday. On the coming Sabbath, we begin from *Eleh toldot Noach*, and

read until the conclusion of the *sidrah*. This pattern is followed throughout the year.

On each Sabbath, a *haftarah* is recited that reflects the Torah reading.

4 On Rosh Chodesh, the first reader reads three verses from the passage (**Numbers 28:1-15**) *Tzav*. The second reader reads the third verse which was read by the first reader, and the following two verses, so that three verses will remain in the passage. The third reader reads the three verses that were left [unread] by the second reader, and the passage "And on the Sabbath day...." The fourth reader reads [the passage] "And on your new months...."

If Rosh Chodesh falls on the Sabbath, two Torah scrolls are taken out in the morning. The *sidrah* of that particular Sabbath is read from one, and the person who concludes the reading reads [the passage] "And on your new months...."

The person who reads the *haftarah* reads the passage concerning Rosh Chodesh, and then reads [the passage (**Isaiah 66:1-24**) that concludes:] "And it will be from month to month..." as the *haftarah*.

If Rosh Chodesh Av falls on the Sabbath [the passage, **Isaiah 1:14-31**, beginning:] "My soul hates your new moons and your festivals" is read as the *haftarah*.

If Rosh Chodesh falls on Sunday, on the preceding Sabbath [the passage (**I Samuel 20:18-42**), beginning:] "And Jonathan told him: 'Tomorrow is the new month...'" is read as the *haftarah*.

5 Whoever is called to read from the Torah should begin [his reading] with

a positive matter and conclude with a positive matter.

However, in *Parashat Ha'azinu*, the first [person called to the Torah] reads until *Z'chor y'mot olam* (**Deuteronomy 32:7** . The second begins from *Z'chor y'mot olam* [and continues] until *Yarkivehu* (*ibid.*:13). The third [reads] from *Yarkivehu* until *Vayar Ado-nai vayin'atz* (*ibid.*:19). The fourth [reads] from *Vayar Ado-nai vayin'atz* until *Lu chachmu* (*ibid.*:29). The fifth [reads] from *Lu chachmu* until *Ki essa el shamayim yadi* (*ibid.*:40). The sixth [reads] from *Ki essa el shamayim yadi* until the conclusion of the song (*ibid.*:43).

Why is the Torah reading ceased at these points? Because these are [verses of] rebuke, [and the intent is that] that they motivate the people to repent.

6 The eight verses at the conclusion of the Torah may be read in a synagogue when fewer than ten people are present. They are indeed all Torah and were related by Moses from the Almighty. However, since, on the surface, they appear to have been recited after Moses' death, the [rules governing them] are different. Therefore, it is permissible for an individual to read them.

7 The "curses" in Leviticus should not be interrupted. Rather, a single person should read them [in their entirety]. He should begin with the verse preceding them and conclude with the verse following them.

The "curses" in Deuteronomy may be interrupted if one desires. However, the people have already adopted the custom of not interrupting [this reading]. Rather, a single person reads them [in their entirety].

8 [The cycle of Torah readings] is interrupted for the festivals and Yom Kippur. [On these occasions,] we read [a passage that] concerns the festival and not the *sidrah* of [that] Sabbath.

Moses instituted [the practice that], on each festival, the Jews should read [a passage] appropriate to it. Also, it [is proper] on each festival to ask about and explain the subjects [pertinent] to that festival.

Which [passages] are read? On Pesach, [we read] the passage concerning the festivals in **Leviticus 23:4-44**). [However,] the people have already adopted the custom of reading *Mishchu uk'chu lachem* (**Exodus 12:21-51**) on the first day. The *haftarah* is [the description] of the Pesach celebrated in Gilgal (**Joshua 5:2-15**).

On the second day, we read *Shor o kesev* (**Leviticus 22:26-23:44**). The *haftarah* is [the description] of the Pesach celebrated by Josaiah (II Kings 1-9, 21-25). On the third day, we read *Kadesh li kol b'chor* (**Exodus 13:1-16**); on the fourth day, *Im kessef talveh* (**Exodus 22:24-23:19**); on the fifth day, *P'sol lecha* (**Exodus 34:1-26**); on the sixth day, *Vaya'asu Bnei Yisrael et hapesach b'mo'ado* (**Numbers 9:1-14**).

On the final festival, [we read] from *Vay'hi beshalach* until the conclusion of the song [sung at Red Sea] until [the verse,] *Ani Ado-nai rof'echa* (**Exodus 13:17-15:26**). The *haftarah* is *Vayedaber David* (**II Samuel 22:1-51**).

On the eighth day, [we read], *Kol hab'chor* (**Deuteronomy 15:19-16:17**). The *haftarah* is *Od hayom* (Isaiah 10:32-4, 11:1-16, 12:1-6).

9 On Shavuot, we read [the passage, containing the reading] *Shiv'ah shavuot* (**Deuteronomy 16:9** . However, it is common custom to read [the passage,]

Bachodesh hash'lishi (**Exodus 19:1-20:23**) on the first day of the festival. [The vision of God's] chariot (**Ezekiel 1:1-28**) is read as the *haftarah*.
On the second day, the passage describing the festivals, *Kol hab'chor* (**Deuteronomy 15:19-16:17**) is read, and [a passage from] Chabbakuk (3:1-19) is read as the *haftarah*.

10 On Rosh HaShanah, we read [the passage including the verse]: *Uvachodesh hash'vi'i b'echad lachodesh* (**Numbers 29:1** . However, it is common custom to read [the passage,] *VAdo-nai pakad et Sarah* (**Genesis 21:1-33**). [The passage,] *Vay'hi ish echad min haramatayim* (**I Samuel 1:1-2:10**) is read as the *haftarah*.
On the second day, [the passage,] *V'HaElo-him nisah et Avraham* (**Genesis 22:1-24**) is read, and [the passage including the verse] *Haven yakir li Efrayim* (**Jeremiah 31:1-19**) is read as the *haftarah*.

11 On Yom Kippur, in the morning, we read [the passage,] *Acharei mot* (**Leviticus 16:1-34**) and read [the passage,] *Ki koh amar ram v'nisa* (**Isaiah 57:14-58:14**) as the *haftarah*.
In the afternoon, [we read the passage] in *Acharei mot* that is concerned with forbidden sexual relations, in order that anyone who has violated one of these sins will remember, become embarrassed, and repent. The third person [who] reads from the Torah recites [the Book of] Yonah as the *haftarah*.

12 On Sukkot, on the first two days, we read the passage that concerns the festivals: *Shor o kesev o eyz* (**Leviticus 22:26-23:44**). The *haftarah* read on

the first day is [the passage,] *Hiney yom ba l'Ado-nai* (**Zechariah 14**). On the second day, [the *haftarah* is the passage,] *Vayikahalu el hamelech Shlomo* (**I Kings 8:2-21**).

On the final day of the festival, we read [the passage,] *Kol hab'chor* (**Deuteronomy 15:19-16:17**). For the *haftarah*, we read [the passage,] *Vay'hi k'chalot Shlomo* (**I Kings 8:54-66**).

On the following day, we read [the *sidrah,*] *Vezot haberachah* (**Deuteronomy 33-34**). For the *haftarah*, we read [the passage,] *Vaya'amod Shlomo* (**I Kings 8:22-53**). There are those who read [the passage,] *Vay'hi acharei mot Moshe* (**Joshua 1**) as the *haftarah*.

On the other days of Sukkot, we read [the passages that describe] the sacrifices [offered] on the festival.

13 What is implied? On each of the days of *Chol Hamo'ed*, we read two passages. [For example,] on the third day [of the festival], which is [the first day of] *Chol Hamo'ed*, the priest reads [the passage,] *Uvayom hasheni*. The Levite reads [the passage,] *Uvayom hash'lishi*. The Israelite repeats [the passage,] *Uvayom hash'lishi,* and the person called for the fourth*aliyah* repeats [both passages:] *Uvayom hasheni* and *Uvayom hash'lishi*.

Similarly, on the fourth day [of the festival], which is the second day of *Chol Hamo'ed*, we read the passages *Uvayom hash'lishi* and *Uvayom harevi'i*. The same pattern is followed on all the [other] days.

14 In the morning [service] on each and every one of the festivals, on Yom Kippur, and during the seven days of Pesach, two [Torah] scrolls are taken out. We read the passages mentioned above from the first scroll, and from

the second scroll we read the description of the sacrifices [offered on] that day, in the Book of Numbers. The person who reads the description of the sacrifices recites the *haftarah* from the prophets.

15 On any day when two or three [Torah] scrolls are taken out: if they are taken out one after the other, when the first scroll is returned, *Kaddish* is recited and the second scroll is taken out. When the second scroll is returned, *Kaddish* is also recited.

We have mentioned above that the common custom is to recite *Kaddish* after the reader concludes the reading at all times, and then to recite the *haftarah* from the prophets.

16 When the Sabbath falls during *Chol Hamo'ed* - whether during Pesach or during Sukkot - [the passage,] *R'ey Attah omer elai* (**Exodus 33:12-34:26**) is read on that Sabbath. On Pesach, [the passage describing Ezekiel's vision of] the dry bones (Chapter 37) is read as the *haftarah*. When [the Sabbath] falls in the midst of Sukkot, [the passage,] *B'yom bo Gog* (**Ezekiel 38:18-39:16**) is read as the *haftarah*.

17 On Chanukah, [the following passages are read:] On the first day, we read from the Priestly Blessing (**Numbers 6:38-42**) until the conclusion of the sacrifice offered on the first day (**Numbers 7:17** . On the second day, we read [the passage describing] the sacrifices of the *Nasi* who brought the offering on the second day. This practice is continued until the eighth day. On the eighth day, we read [the descriptions of] all the [remaining] sacrifices until the end of the portion.

On the Sabbath of Chanukah, the *haftarah* is Zechariah's [vision of the Menorah (2:14-4:7)]. If two Sabbaths are celebrated during Chanukah, on the first Sabbath, Zechariah's [vision of the Menorah] is read as the *haftarah*; on the second, [the description of] Solomon's [Menorah is read as the *haftarah* (**I Kings 7:40-50**)]. The one who reads the [passage designated for] Chanukah is the one who recites the *haftarah* from the prophets.

On Purim, [the passage,] *Vayavo Amalek* (**Exodus 17:8-16**) [is read].

18 On Tish'ah B'Av, in the morning, [the passage,] *Ki tolid banim* (**Deuteronomy 4:25-40**) is read, and [the passage,] *Asof asifem, n'um Adonai* (**Jeremiah 8:13-9:23**) is read as the *haftarah*. During the *Minchah* service, we read [the passage,] *Vay'chal Moshe* (Exodus 32:11-14, 34:1-10), as on other fast days.

On the other days when we fast [to commemorate the bitter events] that occurred to our ancestors, we read the [above-mentioned passage,] in the morning and *Minchah* services [in the following manner]: The first person called to the Torah reads four verses, [beginning] *Vay'chal Moshe*. The second and the third read from *P'sol lecha* until *asher ani oseh imach*.

On the fasts that are declared by the community because of difficulties like famine or plague, we read blessings and curses, so that the people will repent and humble their hearts when they hear them.

19 It is customary on the three Sabbaths before Tish'ah B'Av to read haftarot of rebuke. On the first Sabbath, we read [the passage,] *Divrei Yirmiyahu* (**Jeremiah 1:1-2:3**) as the *haftarah*. On the second [Sabbath], we read [the

passage,] *Chazon Yishayahu* (**Isaiah 1:1-27**). On the third [Sabbath], we read [the passage,] *Eichah hay'ta l'zonah* (**Isaiah 1:21 .**

Similarly, on the Sabbath after Tish'ah B'Av we read [the passage *Nachamu, nachamu, ami* (**Isaiah 40:1-26**) as the *haftarah*. It is the common custom in our cities to read the comforting prophecies of Isaiah as the haftarot from Tish'ah B'Av until Rosh HaShanah.

On the Sabbath between Rosh HaShanah and Yom Kippur, we read [the passage,] *Shuvah Yisrael* as the *haftarah*.

20 When Rosh Chodesh Adar falls on the Sabbath, we read *Parashat Shekalim* (**Exodus 30:11-16**), and read as the *haftarah* [the passage concerning] Yehoyada, the priest (**II Kings 11:17-20, 12**:1-17). If Rosh Chodesh Adar falls in the middle of the week - even if it falls on Friday - *Parashat Shekalim* is read on the previous Sabbath.

On the "second Sabbath," we read *Parashat Zachor* (**Deuteronomy 25:17-19**), and read as the *haftarah*, [the passage,] *Pakad'ti et asher asah Amalek* (**I Samuel 15:1-34**). What is meant by the "second Sabbath"? The Sabbath before the week in which Purim falls - even if Purim falls on Friday.

On the "third Sabbath," we read [the passage describing] "the red heifer" (**Numbers 19:1-22**), and read as the *haftarah* [the passage,] *V'zarakti aleichem* (**Ezekiel 36:16-38**). Which is the "third Sabbath"? The one preceding the fourth.

On the fourth Sabbath, we read [the passage,] *Hachodesh hazeh lachem* (**Exodus 12:1-20**), and read as the *haftarah* [the passage,] *Barishon b'echad lachodesh* (Ezekiel 45:16-25, 46:1-18). Which is the "fourth Sabbath"?

The Sabbath of the week when Rosh Chodesh Nisan falls - even if it falls on Friday.

21 Thus, there will be times when there is an interruption between the first [of these] Sabbaths and the second, or between the second and the third. At times, there will be two interruptions - between the first and the second and between the second and third. However, an interruption is never made between the third and fourth [Sabbaths].

22 Each one of these four passages should be read from another Torah scroll, after reading the *sidrah* of that Sabbath from the scroll that was taken out first.

If Rosh Chodesh Adar fell on the Sabbath and the *sidrah* to be read that week was *V'attah tetzaveh*, six people read from *V'attah tetzaveh* until *V'asita kiyor nechoshet*.The seventh person reads from the second scroll and repeats the reading of *Ki tissa* until *V'asita kiyor nechoshet.*

If the *sidrah* to be read that week was *Ki tissa* itself, six people read from *Ki tissa* until *Vayakhel*. The seventh person reads from the second scroll and repeats the reading of *Ki tissa* until *V'asita kiyor nechoshet*.

23 [When] Rosh Chodesh Adar falls on the Sabbath, three Torah scrolls are taken out. The *sidrah* of the day is read from the first scroll. The passage concerning Rosh Chodesh is read from the second scroll, and *Ki tissa* is read from the third scroll. Similarly, [when] Rosh Chodesh Nisan falls on the Sabbath, three Torah scrolls are taken out. The *sidrah* of the day is

read from the first scroll, the passage concerning Rosh Chodesh is read from the second scroll, and *Hachodesh hazeh* is read from the third scroll.

24 [Similarly, when] Rosh Chodesh Tevet falls on the Sabbath, three Torah scrolls are taken out. The *sidrah* of the day is read from the first scroll. The passage concerning Rosh Chodesh is read from the second scroll, and the passage for Chanukah is read from the third scroll.
[When Rosh Chodesh Tevet] falls during the middle of the week, three people read from the passage concerning Rosh Chodesh, and the fourth person reads the passage for Chanukah.

25 Although a person hears the entire Torah [portion] each Sabbath [when it is read] communally, he is obligated to study on his own each week the *sidrah* of that week, reading it twice in the original and once in the Aramaic translation. [When] there is no Aramaic translation for a verse, one should read the verse three times in the original, so that one completes [the study of] one's [Torah] portions with the community.

Chapter 14

1 In the morning, *Musaf*, and *Ne'ilah* services, the priests recite the priestly blessing. They do not recite the priestly blessing in the *Minchah* service, because, by the time of the *Minchah* service, all the people have eaten. The possibility exists that the priests would have drunken wine, and it is forbidden to recite the priestly blessing while intoxicated.
Even on a fast day, the priestly blessings are not recited during the

Minchah service. This decree [was instituted,] lest [people fail to differentiate between] the *Minchah* service of a fast day and the *Minchah* service of an ordinary day.

2 When does the above apply? On fast days when both *Minchah* and *Ne'ilah* are recited - i.e., Yom Kippur and communal fasts [declared because of distress]. However, on a fast day on which *Ne'ilah* is not recited - e.g., Tish'ah B'Av or the seventeenth of Tammuz - since the *Minchah* service is recited close to sunset, it resembles *Ne'ilah* and will not be confused with an ordinary *Minchah* service. Therefore, the priestly blessing is recited during it.

If a priest transgressed and ascended to the platform during the *Minchah* service of Yom Kippur, since it is known that there is no possibility of drunkenness on that day, he may recite the priestly blessing, and he is not required to descend because of the suspicion [that might be aroused], so that people do not say, "He is of blemished lineage. Therefore, they forced him to descend."

3 How is the priestly blessing recited outside the Temple? When the leader of the congregation reaches the blessing *R'tzey*, when he recites the word *R'tzey* all the priests in the synagogue leave their places, proceed forward, and ascend the *duchan*.

They stand there, facing the *heichal*, with their backs to the congregation. They hold their fingers closed, against their palms, until the leader of the congregation completes the blessing *Modim*. [Then,] they turn their faces to the people, spread out their fingers, lift up their hands shoulder high,

and begin reciting, *Y'varechecha*....

The leader of the congregation reads [the blessing] to them, word for word, and they respond after him [as can be inferred from **Numbers 6:23**: "This is how you should bless the children of Israel:] 'Say to them...;'" [i.e., the priests do not bless until one] "says to them."

When [the priests] conclude the first verse, all the people answer "Amen." The leader of the congregation reads [the priests] the second verse, word for word, and they respond after him until they complete the second verse. The people respond "Amen." The same applies regarding the third verse.

4 When the priests conclude the recitation of [these] three verses, the leader of the congregation begins the final blessing of the *Shemoneh Esreh, Sim shalom*. The priests turn their faces to the ark and close their fingers. They remain standing on the *duchan* until the leader of the congregation concludes the blessing, [and then] return to their places.

5 The person who calls the priests is not permitted to call to the priests until the Amen of the community is no longer heard. The priests are not permitted to begin reciting the blessing until the statement of the person who calls the priests is no longer heard.

The congregation should not respond "Amen" until the blessing of the priests is no longer heard. The priests may not begin another blessing until the Amen of the community is no longer heard.

The leader of the congregation is not allowed to recite Amen to the priests' blessings like the rest of the people, lest he become confused and

not realize which blessing to recite to them, whether the second blessing or the third blessing.

6 The priests are not permitted to turn their faces away from the congregation until the leader of the congregation begins [the blessing] *Sim shalom*. Neither may the priests leave their places until the leader of the congregation concludes [the blessing] *Sim shalom*, nor may they close their fingers until they turn their faces from the community.

One of the measures ordained by Ezra is that the priests should not ascend to the *duchan* wearing sandals. Rather, they should stand barefoot.

7 When the priests bless the people, they should not look at them or divert their attention. Rather, their eyes should be directed towards the earth like one standing in prayer.

A person should not look at the priests' faces while they are blessing the people, lest they divert their attention. Rather, all the people should listen attentively to the blessing; they should [stand] face to face with the priests, without looking at their faces.

8 If only one priest is blessing the people, he should begin reciting the blessing alone. [Afterwards,] the leader of the congregation reads [the blessings] to him, word for word, as mentioned.

If there are two or more [priests blessing the people], they do not begin reciting the blessing until the leader of the congregation calls them, saying "*Kohanim*." They answer and respond *Y'varechecha*, and then he reads [the blessings] to them, word for word, in the manner described above.

9 How is the priestly blessing recited in the Temple? The priests ascend to the *duchan* after the priests have completed the service associated with the morning sacrifice offered daily. They lift their hands above their heads with their fingers extended, except the High Priest. He does not lift his hands above the *tzitz*.

One person reads [the blessings] to them, word for word, in the same manner as outside the Temple, until they complete the three verses. The people do not respond ["Amen"] after each verse. Instead, in the Temple, [the priestly blessings] are read as a single blessing. When [the priests] conclude, all the people respond, "Blessed be God, the Lord, the Lord of Israel to all eternity."

10 They recite [God's] name - i.e., the name י-ה-ו-ה , as it is written. This is what is referred to as the "explicit name" in all sources. In the country, it is read [using another one of God's names]: אדני, for only in the Temple is this name [of God] recited as it is written.

After Shimon HaTzaddik died, the priests ceased reciting the [priestly] blessing using God's explicit name even in the Temple, lest it be learned by a person lacking proper stature and moral conduct. The Sages of the early generations would teach [this name] once in seven years, only to their students and sons [who had proven] their moral conduct. All this is in reverence for His great and awesome name.

11 Wherever the priestly blessing is recited, it is recited only in the holy tongue, as [implied by **Numbers 6:23**]: "This is how you should bless the children of Israel."

We have learned the following [instructions] from the tradition [passed on] from Moses, our teacher, may he rest in peace:
"This is how you should bless" - while standing.
"This is how you should bless" - raising your hands.
"This is how you should bless" - in the holy tongue.
"This is how you should bless" - face to face.
"This is how you should bless" - in a loud voice.
"This is how you should bless" - mentioning [God's] explicit name; the latter [applying only] when one is in the Temple, as explained.

12 Wherever [they recite the blessing], the priests are not permitted to add other blessings - e.g., "May God, Lord of your fathers, increase your numbers a thousandfold" (**Deuteronomy 11:11**) - in addition to the three verses [of the priestly blessing]. [These additions may not be made] either silently or out loud, as [**Deuteronomy 4:2**] states: "Do not add to the matter."
While a priest is ascending to the *duchan*, he recites [the following prayer] when he leaves his place to ascend:
May it be Your will, God, our Lord and Lord of our fathers, that this blessing which You have commanded us to bless Your people, Israel, be a perfect blessing, that it not be marred by obstacles or iniquity, from now until eternity.
Before he turns to bless the community, [a priest] should recite the blessing:
Blessed are You, God, our Lord, King of the universe, who has sanctified us with the holiness of Aharon, and commanded us to bless His people

Israel with love.

Afterwards, he turns his face to the community and begins reciting the priestly blessings. When he turns his face from the community after completing [the recitation] of the blessings, he recites [the following]:

We have carried out that which You have decreed upon us. Deal with us as You have promised us: Look down from Your abode, from the heavens, and bless Your people, Israel.

13 When the priests turn their faces to the community to bless them, and when they turn their faces from the community after blessing [them], they should turn only to the right. Similarly, any turns which a person makes should always be to the right.

14 In the Temple, the priestly blessing would be recited once a day, after the [offering of] the morning sacrifice. [The priests] come and stand on the steps to the *Ulam* and recite the blessing, as mentioned above. However, outside the Temple, it is recited after every prayer service, except *Minchah*, as explained.

In all places, an effort is made that the person who reads the blessing to the priests should be an Israelite, as [implied by **Numbers 6:23**]: "Say to them." This implies that the one who reads the blessing to them is not one of them.

Chapter 15

1 There are six factors that prevent [a priest] from reciting the priestly

blessings: [an inability] to pronounce [the blessings properly], physical deformities, transgressions, [lack of] maturity, intoxication, and the ritual impurity of [the priest's] hands.

[An inability] to pronounce [the blessings properly]: What is implied? Those who cannot articulate the letters properly - e.g., those who read an *aleph* as an *ayin* and an *ayin* as an *aleph*, or who pronounce *shibbolet* as *sibbolet* and the like - should not recite the priestly blessings.

Similarly, a stutterer or one who speaks unclearly, whose words cannot be understood by everyone, should not recite the priestly blessing.

2 Physical deformities: What is implied? A priest should not recite the priestly blessings if he has blemishes on his face, hands, or feet - for example, his fingers are bent over, crooked, or covered with white spots - for they will attract the people's attention.

A person whose spittle always dribbles when he speaks, and also a person who is blind in one eye should not recite the priestly blessings. However, if such a person was well known in his city and everyone was familiar with the person who was blind in one eye or whose spittle dribbled, he may recite the priestly blessing, for he will not attract their attention.

Similarly, a person whose hands were colored purple or scarlet should not recite the priestly blessings. If the majority of the city's population is involved in such a profession, he is permitted, for this does not attract the people's attention.

3 Transgressions: What is implied? A priest who killed someone should never recite the priestly blessings, even if he repents, as [implied by **Isaiah**

1:15 which] states: "Your hands are full of blood," and states: "When you spread out your hands, I will hide My eyes from you."

A priest who served false gods, even if he was compelled to do so or did so inadvertently - though he has repented - may never recite the priestly blessing, as [can be inferred from **II Kings 23:9**, which] states: "However, the priests of the high places shall not ascend [to God's altar in Jerusalem]." [The recitation of the priestly] blessings is equated to service [in the Temple], as [**Deuteronomy 10:8**] states: "to serve Him and to bless in His name."

Similarly, a priest who converted to the worship of false gods - even though he repents - may never recite the priestly blessing. Other transgressions do not prevent [a priest from blessing the people].

4 [Lack of] maturity: What is implied? A young priest should not recite the priestly blessings until he grows a full beard.

Intoxication: What is implied? A [priest] who drank a *revi'it* of wine at one time should not recite the priestly blessings until the effects of the wine wear off. [This restriction was imposed] because an association was established between [reciting the priestly] blessing and service [in the Temple].

Should [a priest] drink a *revi'it* of wine on two different occasions or mix a small amount of water in it, he is permitted [to recite the priestly blessings]. If he drank more than a *revi'it*, even though it was mixed with water or even though he drank it intermittently, he should not recite the priestly blessings until the effects of the wine wear off.

How much is a *revi'it*? [The volume of an area] two fingerbreadths by two

fingerbreadths and two and seven tenths of a fingerbreadth high. Whenever the term "finger" is mentioned as a measure throughout the entire Torah, it refers to a thumbbreadth. The thumb is called *bohen yad* [in the Torah].

5 The ritual impurity of [the priest's] hands: What is implied? A priest who did not wash his hands should not recite the priestly blessing. Rather, he should wash his hands to the wrist, as is done when sanctifying the hands for the service in the Temple, as [**Psalms 134:2**] states: "Raise up your hands [in] holiness and bless God."
A *challal* does not recite the priestly blessing, for he is not a priest.

6 A priest who does not have any of the factors which hinder the recitation of the priestly blessings mentioned above should recite the priestly blessing, even though he is not a wise man or careful in his observance of the mitzvot. [This applies] even though the people spread unwholesome gossip about him, or his business dealings are not ethical.
He should not be prevented from [reciting the priestly blessings] because [reciting these blessings] is a positive mitzvah incumbent on each priest who is fit to recite them. We do not tell a wicked person: Increase your wickedness [by] failing to perform mitzvot.

7 Do not wonder: "What good will come from the blessing of this simple person?" for the reception of the blessings is not dependent on the priests, but on the Holy One, blessed be He, as [**Numbers 6:27**] states: "And they shall set My name upon the children of Israel, and I shall bless them." The

priests perform the mitzvah with which they were commanded, and God, in His mercies, will bless Israel as He desires.

8 The people standing behind the priests are not included in the blessing. Those standing at their sides are included in the blessing. [Even] if there is a partition - even an iron wall - between the priests and the people who are being blessed, since they are facing the priests, they are included in the blessing.

9 The priestly blessing is recited [only] when ten people [are present]. The priests can be included in that number.

If [the congregation in a particular] synagogue are all priests, they should all recite the priestly blessing. Who should they bless? Their brethren in the north and the south. Who will respond "Amen" to their [blessings]? The women and the children. If more than ten priests remain besides those who ascend to the *duchan*, these ten [priests] respond "Amen" and the remainder of the priests recite the blessings.

10 When there is no priest in the community other than the leader of the congregation, he should not recite the priestly blessings. If he is sure that he can recite the priestly blessings and return to his prayers [without becoming confused], he may [recite the priestly blessing].

If there are no priests present at all, when the leader of the congregation reaches [the blessing] *Sim shalom*, he recites [the following prayer]:

Our God and God of our fathers, bless us with the threefold blessing written in the Torah by Moses, Your servant, and recited by Aharon and

his sons, the priests, Your consecrated people, as it is said:
May God bless you and keep you.
May God shine His countenance upon you and be gracious to you.
May God turn His countenance to you and grant you peace.
And they shall set My name upon the children of Israel and I will bless them.
The people do not respond "Amen" to these blessings. He [resumes his recitation of the *Shemoneh Esreh*], beginning the recitation of [the blessing] *Sim shalom*.

11 A priest who recited the priestly blessings and went to another synagogue and found the congregation in the midst of prayer, before the [recitation of] the priestly blessings, should bless them. [He may recite the priestly blessings] several times during the day.
A priest who does not move from his place to ascend to the *duchan* when the leader of the congregation recites [the blessing] *R'tzey* should not ascend [to the *duchan*] during that prayer service. However, if he moved [from his place], even though he did not reach the *duchan* until after the [conclusion of the blessing *R'tzey*], he may ascend [the *duchan*] and bless [the people].

12 Any priest who does not ascend to the *duchan* - even though he neglects [the performance] of [only] one commandment - is considered as if he violated three positive commandments, as [**Numbers 6:23-27**] states: "This is how you shall bless the children of Israel," "Say to them," "And you shall set My name..."

Any priest who does not recite the priestly blessing will not be blessed, and any priest who blesses [the people] will be blessed, as [**Genesis 12:3**] states: "And I will bless those who bless you."

Mishneh Torah, Tefillin, Mezuzah and the Torah Scroll

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Four passages [of the Torah]: *Kadesh Li* and *V'hayah ki y'viacha Ado-nai* in the book of **Exodus 13:1-10** and 13:11-16) and *Shema* and *V'hayah im shamo'a* (**Deuteronomy 6:4-9**) and 11:13-21) should be written separately and covered with leather. They are called *tefillin*.

They are placed on the head and tied on the arm. According to Torah law, even a mere point of one of the letters from these four passages prevents all of them from being acceptable. All four must be written in the proper manner.

2 Similarly, if even one letter of the two passages contained in the *mezuzah*, *Shema* and *V'hayah im shamo'a* (**Deuteronomy 6:4-9** and 11:13-21), is lacking a point, it is not acceptable according to Torah law, which requires that they [each] be written in a perfect manner. Similarly, a Torah scroll which is lacking even one letter is unacceptable.

3 There are ten requirements for *tefillin*. All of them are halachot transmitted to Moses on Mount Sinai. It is necessary to fulfill them all. Therefore, if one made any changes with regard to them, the *tefillin* are not fit for use: Two of them involve their composition, and eight involve the coverings [placed around the passages] and the tying of their straps.

These are the two that involve their composition:

a) They must be written in ink;

b) They must be written on parchment.

4 How is ink prepared? One collects the vapor of oils, of tar, of wax, or the like, [causes it to condense,] and kneads it together with sap from a tree and a drop of honey. It is moistened extensively, crushed until it is formed into flat cakes, dried, and then stored.

When one desires to write with it, one soaks [the cakes of ink] in gallnut juice or the like and writes with it. Thus, if one attempts to rub it out, he would be able to.

This is the ink with which it is most preferable to write scrolls, *tefillin*, and mezuzot. If, however, one wrote any of the three with gallnut juice or vitriol, which remains without being rubbed out, it is acceptable.

5 If so, what was excluded by the halachah conveyed to Moses on Mount Sinai, which stated that it be written in ink?

It excludes tints of other colors, such as red, green, and the like. If even one letter of a Torah scroll, *tefillin*, or mezuzot is in another tint or in gold, they are invalid.

6 There are three types of parchment: *g'vil*, *k'laf*, and *duchsustos*.

What is implied? The hide of a domesticated or wild animal is taken. First, the hair is removed from it. Afterwards, it is salted and then prepared with flour. Then resin and other substances which cause the skin to contract and become harder are applied to it. In this state, it is called *g'vil*.

7 After the hair is removed, the hide may be taken and divided in half in the

manner known to the parchment processors. Thus, there are two pieces of parchment: a thin one, which is on the side where the hair grew, and a thicker one, on the side of the flesh.

After it has been processed using salt, then flour, and then resin and the like, the portion on the side where the hair grew is called *k'laf* and the portion on the side of the flesh is called *duchsustos*.

8 It is a halachah transmitted to Moses on Mount Sinai that a Torah scroll should be written on *g'vil* on the side on which the hair had grown. When *tefillin* are written on *k'laf*, they should be written on the side of the flesh. When a *mezuzah* is written on*duchsustos*, it should be written on the side of the hair.

Whenever one writes on *k'laf* on the side of the hair or on *g'vil* or *duchsustos* on the side of the flesh, it is unacceptable.

9 Although it is a halachah which was transmitted to Moses on Mount Sinai, that if one wrote a Torah scroll on *k'laf*, it is acceptable. *G'vil* was mentioned only to exclude *duchsustos*. If a Torah scroll was written on the latter, it is not acceptable.

Similarly, if a *mezuzah* was written on *k'laf* or on *g'vil*, it is acceptable. *Duchsustos* was mentioned only as a mitzvah.

10 [Torah] scrolls, *tefillin*, and mezuzot may not be written on hide from a non-kosher animal, fowl, or wild animal. One may write on the hides of [all] kosher animals, wild beasts, and fowl. This applies even when these animals died without being ritually slaughtered or when they were killed

by wild beasts.

We may not write on the skin of a kosher fish because of the foul secretions, since the processing of the skin will not cause the foul secretions to cease.

11 The *g'vil* for a Torah scroll and the *k'laf* for *tefillin* and for a Torah scroll must be processed with this purpose in mind. If they were not processed with this intent, they are not acceptable.

Accordingly, if they were processed by a gentile, they are not acceptable. Even when [a Jew] instructed a gentile to process the parchment with the intent that it be used for a Torah scroll or for *tefillin*, it is not acceptable. The gentile follows his own intentions and not those of the person who hires him. Therefore, whenever an article must be made with a specific intent in mind, it is unacceptable if made by a gentile.

[The parchment used for] a *mezuzah* need not be processed with this purpose in mind.

12 It is a halachah transmitted to Moses on Mount Sinai that a Torah scroll or *mezuzah* should be written only [on parchment] which has been ruled. [The parchment used for] *tefillin*, however, need not be ruled, because they are covered.

It is permissible to write *tefillin* and mezuzot without [looking at] an existent text, because everyone is familiar with these passages. It is, however, forbidden to write even one letter of a Torah scroll without [looking at] an existent text.

13 A Torah scroll, *tefillin*, or *mezuzah* written by an *apikoros* should be burned. If they were written by a gentile, an apostate Jew, a person who betrays [the Jews] to a powerful person, a slave, a woman, or a minor, they are not acceptable and must be entombed, as [implied by **Deuteronomy 6:8-9**]: "And you shall tie... and you shall write." [Our Sages explain that this includes only] those who are commanded to tie [*tefillin* on their arms] and those who believe in what they write.

[Sacred articles] which are found in the possession of an *apikoros*, and it is not known who wrote them, should be entombed. Those which are found in the possession of a gentile are kosher. We should not, however, purchase Torah scrolls, *tefillin*, or mezuzot from gentiles for more than they are worth, so that they do not become accustomed to stealing them.

14 A Torah scroll, *tefillin*, or *mezuzah* that was written on parchment from a non-kosher animal, beast, or fowl, or on parchment that was not processed [properly, is not acceptable]. [Similarly,] a Torah scroll or *tefillin* that was written on parchment that was not processed with the intent to use it for these sacred purposes is not acceptable.

15 When a person writes a Torah scroll, *tefillin*, or *mezuzah* without having [the proper] intention, should he write one of God's names without the desired intent, they are not acceptable.

Therefore, when a person is writing God's name, he should not reply even if the king of Israel greets him. If he is writing two or three names, he may interrupt between them and reply.

16 [When a scribe] dips his pen [in ink] to write God's name, he should not begin [writing] one of the letters of God's name. Rather, he should begin with the letter preceding [God's name].

If [a scribe] forgot to write God's name in its entirety, he may insert it in between the lines. It is, however, unacceptable to have a portion of God's name on the line and a portion inserted [between the lines]. With regard to other words, if one forgets, one may write half the word on the line and half above the line.

When does the above apply? With regard to a Torah scroll. In contrast, with regard to *tefillin* and mezuzot, one should not insert even one letter [between the lines]. Rather, if one forgets even one letter, one should entomb what one has written and write another one.

It is permitted to write God's name on [parchment where letters] have been scraped off or rubbed out on all [of these sacred articles].

17 Scribes who write Torah scrolls, *tefillin*, and mezuzot may not turn the parchment face down. Rather, they should spread a cloth over them or fold them.

18 [The following rule applies when] a scribe who wrote a Torah scroll, *tefillin*, or *mezuzah* states: "I did not write the names of God with the proper intent." Once they have left his hand, his statements are not believed with regard to the disqualification of the scroll. They are, however, accepted to the extent that he must forfeit his entire wage.

Why isn't he believed with regard to the disqualification of the scroll? Because it is possible that he wanted to cause a loss to the purchaser or to

the person who hired him, thinking that with this statement all that he would be required to forfeit would be the payment for the names of God. Accordingly, were he to say that the parchment of this Torah scroll or *tefillin* was not processed with the proper intent in mind, his statements are accepted with regard to the disqualification of the sacred articles because, [by virtue of these statements,] he forfeits his entire wage. Everyone knows that if the parchments were not processed with the proper intent, he does not deserve any payment.

19 Tefillin and mezuzot may be written only in Assyrian script. Permission was granted to write Torah scrolls in Greek as well. That Greek language has, however, been forgotten from the world. It has been confused and has sunk into oblivion. Therefore, at present, all three sacred articles may be written using Assyrian script alone.

One must be precise while writing them, making sure that one letter does not become attached to another one, because any letter which is not surrounded by parchment on all four sides is unacceptable.

Any letter that cannot be read by a child who is neither wise nor foolish is not acceptable. Therefore, one must be careful with regard to the form of the letters, so that a *yud* will not resemble a *vav*, nor a *vav* a *yud*; a *kaf* should not resemble a *beit*, nor a *beit* a *kaf*; a *dalet* should not resemble a *resh*, nor a *resh* a *dalet*.

[The same applies in] other similar instances. [The text must be written in a manner] that a reader will be able to read without difficulty.

20 [The following rules apply to] parchment which has holes: One should

not write over a hole. If, however, ink passes over the hole [without seeping through], the presence of the hole is of no consequence, and one may write upon it. Accordingly, if the skin of a fowl has been processed, it is permissible to write upon it.

[The following rules apply] when a parchment becomes perforated after it has been written on: If the perforation is within the inside of a letter - e.g., in the space inside a *heh*, inside a*mem*, or inside any of the other letters - it is acceptable.

Despite the fact that a leg of a letter becomes perforated to the extent that it becomes separated [into two portions], it is acceptable if:

a) [the length of the leg] is equivalent to that of a small letter; and

b) the letter's [present form] does not resemble another letter.

If [the length of the leg] is not equivalent to that of a small letter, it is not acceptable.

Chapter 2

1 In what manner are the *tefillin* [placed on] the head written? [The] four passages are written on four parchments and rolled closed, each as a separate entity. They are placed in four compartments, which are covered by a single piece of leather.

The four passages of [the *tefillin* placed on] the arm are written on four columns on a single parchment. They should be rolled closed like a Torah scroll from the end to the beginning and placed in a single compartment.

2 Care must be taken in writing these passages. If one wrote a passage which

should be *s'tumah* as *p'tuchah* or a passage which should be *p'tuchah* as *s'tumah*, it is invalid.

The first three passages are all *p'tuchot*, while the final passage, *V'hayah im shamo'a*, is *s'tumah*.

3 One must be careful regarding [the spelling of the words in these passages] with regard to the short or full form. [The manner in which] these four passages are written [in *tefillin*] should resemble the manner they are written in a Torah scroll that has been checked [for accuracy in this regard].

When one writes a word which requires a short form using a full form, it is invalid until one erases the extra letter. If one writes a word which requires a full form using a short form, it is invalid and may not be corrected.

These are [the correct spellings of the words that could present difficulties] with regard to the short and full forms in these four passages.

4 [In] the first passage, *Kadesh li kol b'chor*, [the word] *b'chor* [is written using] the full form; the word *zachor* [using] the full form; the word *b'chozek* [using] the short form; the word *hotzi* [using] the full form; the word *yotzi'em* without a *vav*; the word *y'viacha* [using] the full form; the word *v'ha'emori* [using] the short form; the word *v'hay'vusi* [using] the full form; the word *la'avotecha* without a *vav*; the word *ha'avodah* [using] the short form; the word *matzot* [using] the short form; the word *hash'vi'i* [using] the full form; the word *matzot* [using] the full form; the word *s'or* [using] the short form; the word *g'vulecha* [using] the short form; the

word *ba'avur* [using] the full form; the word *l'ot* [using] the full form; the word *ul'zikaron* [using] the full form; the word *einecha* [using] the full form; the word *torat* [using] the full form; the word *hotziacha* without a *yud*; the word *hachukkah* [using] the short form; and the word *l'moadah* [using] the full form.

5 [In] the second passage, *V'hayah ki y'viacha*, [the word] *y'viacha* [is written] without a *yud*; the word *chamor* [using] the short form; the word *b'chor* [using] the full form; the word *b'chozek* [using] the short form; the word *hotzianu* [using] the full form; the word *vayaharog* [using] the short form; the word *b'chor* [using] the full form; the word *mib'chor* [using] the short form; the words *v'ad b'chor* [using] the full form; the word *zove'ach* without a *vav*; the word *b'chor* in *v'chol b'chor* [using] the full form; the word *l'ot* [using] the full form; the word *yadecha* is written with a *hey*; the word *ul'totafot* without the final *vav*; the word *einecha* [using] the full form; the word *b'chozek* [using] the short form; and the word *hotzianu* [using] the full form.

6 [In] the third passage, *Shema*, the *ayin* of [the word] *Shema* and the *dalet* of [the word] *echad* are enlarged.

The word *m'odecha* [is written using] the short form; the word *l'vanecha* [using] the full form; the word*b'vetecha* without a second *yud*; the word *uv'kumecha* [using] the full form; the word *l'ot* [using] the full form; the word *yadecha* [using] the short form; the word *l'totafot* without both *vavim*; the word *einecha* [using] the full form; the word *mezuzot* without the first *vav*; the word *beitecha* without a second *yud*; the word

uvish'arecha [using] the full form.

7 [In] the fourth passage, *V'hayah im shamo'a*, [the word] *shamo'a* [is written using] the short form; the word *mitzvotai* with only one *vav*; the word *yoreh* [using] the full form; the word *umalkosh* [using] the full form; the word *v'tiroshcha* without a *vav*; the word *v'hishtachavitem* [using] the full form; the word *y'vulah* [using] the full form; the word *hatovah* [using] the short form; the word *notein* [using] the short form; the word *otam* [using] the short form; the word *l'ot* [using] the full form; the word *l'totafot* lacking the second *vav*; the word *einechem* [using] the full form; the word *otam* [using] the short form; the word*b'vetecha* without a second *yud*; the word *uv'kumecha* [using] the full form; the word *mezuzot* [using] the full form; the word *beitecha* without a second *yud*; the word *uvish'arecha* [using] the full form; the word *la'avoteichem* without a *vav*.

8 Care must be taken regarding the placement of crowns on the letters. They are formed like [small] *zeiynin* on the [tops of the] letters which possess crowns as in a Torah scroll. These are the letters which possess crowns in these four passages.

9 There is only one letter [with a crown] in the first passage: the final *mem* of *miyamim*. There are three *zeiynin* upon it. In the second passage, there are five letters [with crowns]. Each of these is a *heh*, and four *zeiynin* are placed on each of them. They are: the *heh* of *un'tanah*, the first and final *heh* in the word *hikshah*, the *heh* of *vayaharog*, and the *heh* of *yadecha*.
In the third passage, there are five letters [with crowns.] They are: the *kof*

of *uv'kumecha*; it has three *zeiynin*; the *kof* of *uk'shartam*; it has three *zeiynin*; the two *tetim* and the *pei* of *l'totafot*; each of these letters has four *zeiynin*.

In the fourth passage, there are five letters [with crowns.] They are: the *peh* of *v'asafta*; it has three *zeiynin*; the *tov* of *v'asafta* has one *zayin*; the two *tetim* and the *peh* of *l'totafot*; each of these letters has four *zeiynin*.

There are a total of sixteen letters which require crowns. If one did not place crowns above them, added other crowns, or reduced the number of *zeiynin*, the passages are not invalid.

10 A person who purchases *tefillin* from a person who is not an expert is required to inspect them. If he purchased 100 *tefillin*, he should inspect three, either two head *tefillin* and one arm *tefillin*, or two arm *tefillin* and one head *tefillin*. If he finds them acceptable, [from this time onward,] he can assume the scribe [to be proficient]. Thus, they are all considered to be acceptable and need not be checked.

If, however, one purchases them in different packages, they must all be checked, because it can be presumed that each package was purchased from a different scribe.

11 After a person writes *tefillin* himself, purchases them from an expert, or purchases them from another person and has them inspected, and places them in their leather [compartments], they need not ever be checked again.

As long as their compartments are intact, they are assumed to be acceptable even though several years have passed. We do not suspect that a

letter has faded out or been perforated. Hillel the elder stated: "These [tefillin] are from my maternal grandfather."

Chapter 3

1 There are eight requirements in the making of *tefillin*. All of them are halachot transmitted to Moses on Mount Sinai and, therefore, it is necessary to fulfill them all. If one deviates with regard to any of them, the [*tefillin*] are unacceptable. They are:

a) The *tefillin* must be square and must be sewn closed in a square. [Both] diagonals must be equal, and thus all four angles will be equal.

b) The leather of the head [*tefillin*] should have a *shin* embossed on both its right and left sides.

c) The passages should be wrapped in fabric.

d) A hair should be wound around that fabric. Afterwards, they should be placed in their compartment.

e) They should be sewn [closed] with the sinews [of an animal].

f) The leather compartment in which they are placed should have a place for the straps to pass through so that they can be moved through the [*tefillin*'s] handle.

g) The straps should be black.

h) The knot with which they are tied should be the renowned knot that is formed like a *dalet*.

2 How are the head *tefillin* made? We take a cubic wooden block. [It need not, however, be a perfect cube]. If its height is [slightly] more or less than

its width, it is of no consequence. We are required to take care only that its width and length are alike.

Three grooves are carved into it so that four projections will be made as depicted. Leather is taken and soaked in water, and then, the mold is placed within it. The leather is inserted in between the grooves.

While [the leather] is still wet, it is plucked and squeezed until the shape of a *shin* with three heads is formed on the right side of the *tefillin* as they will be worn, and the shape of a *shin* with four heads is formed on the left side of the *tefillin* as they will be worn.

3 The leather is then left on the mold until it dries, and then it is removed. Thus, the leather will be [formed into a block] with four empty compartments.

One of the passages from the Torah is placed in each compartment, and then a portion of the leather is folded over beneath them, and then they are sewn closed on all four corners.

Within this lower piece of leather, a place should be left for the straps to be inserted, like a handle. It is called a *ma'aboret*.

4 How are the *tefillin* of the arm made? We take a wooden block whose length is equal to its width and is a fingerbreadth - or slightly more or slightly less - high, and place wet leather around it.

The leather is left on this mold until it has dried, and then it is removed. The four passages are deposited in the place left by the mold. A portion of the leather is folded over beneath them, and then they are sewn closed on all four corners. A piece of leather, like a handle, should be left for the

straps [to be inserted].

5 What is the order of the passages? For the head *tefillah*, the final passage, *V'hayah im shamo'a*, is placed in the first compartment on the right side of the person putting on the *tefillin*. *Shema* is placed next to it. *V'hayah ki y'viacha* is placed in the third compartment next to *Shema*, and *Kadesh Li* is placed in the fourth compartment, on the left side of the person putting on the *tefillin*.
Thus, a person who is facing the person wearing the *tefillin* will read them in the following order. If their order is altered, they are not acceptable.

6 [The passages for] the arm *tefillin* are written on four columns on a single piece of parchment like a Torah scroll, according to the order in which these passages are found in the Torah, in the following manner:
If they were written on four separate pieces of parchment and placed in the same compartment, one fulfills one's obligation. There is no need to glue them together.

7 When the passages - both of the head and the arm *tefillin* - are rolled closed, they should be rolled from the end to the beginning, so that were the passage to be rolled open, it would be possible to read each portion from the beginning to the end.

8 Before the passages are placed in their compartments, they should be wrapped in a fabric, and hair should be wound around them. Afterwards, they may be placed in their compartments.
This hair should be from a kosher species of animal or beast. Even when

these animals died without being ritually slaughtered or were *treifah*, [their hair is nevertheless acceptable]. It has already become a universally accepted custom to wind hair from the tail of a calf [around these parchments].

9 When the *tefillin* are sewn closed, they may be sewn only with sinews from a kosher species of animal or beast. [Sinews taken from] animals which died without being ritually slaughtered or which were *treifah* [are nevertheless acceptable].

It is customary to take sinews from the heels of kosher animals and beasts. They are white in color. If they are too firm, they are softened by [pounding them with] stones and the like until they become like flax. Afterwards, they are spun and twisted into threads and used to sew together *tefillin* and the sheets of Torah scrolls.

10 When the *tefillin* are sewn closed, they should be sewn as a square. It is a widely accepted practice for there to be three stitches on each side, so that there will be twelve stitches in all. This applies for both the arm *tefillin* and the head *tefillin*. If, however, one made ten or fourteen stitches, there is no difficulty.

For each of the stitches, the thread must pass through from both sides.

11 The groove between [each of the compartments] of the head *tefillin* should reach the stitches [which sew the *tefillin* closed]. [Nevertheless,] if the groove is discernible, so that the [division into] four compartments is openly visible, [the *tefillin*] are acceptable even if the groove does not

extend until the stitches. If, however, the groove is not discernible, [the *tefillin*] are not acceptable.

It is necessary to pass a thread or cord through each of the grooves on [the outer side of] the leather [compartments] to separate between the compartments. It is common custom to pass one of the sinews used to sew [the *tefillin* closed] between each of these three grooves.

12 How are the straps made? We take leather straps [at least] the length of a barley-corn in width. If they are wider than that, they are acceptable. The length of the straps of the head *tefillin* should be sufficient to surround the head, tie the knot, and extend on either side of the head until they reach the navel or slightly above it.

The length of the strap of the arm should be sufficient to surround the forearm, tie its knot, and extend until it can be wound three times around the middle finger and tied. If the straps are longer than this, they are acceptable.

13 One places the straps through their handle, leaving space for the [circumference of] one's head, and ties a square knot, which resembles a *dalet*. Every Torah scholar should learn how to tie this knot. It is impossible to describe this knot in writing. Rather, it must be seen.

The straps of the hand *tefillin* should be tied with a knot that resembles a *yud*. This knot should allow the strap to pass through it so that it can be widened or narrowed while one is tying the *tefillin* on one's arm.

14 The outer surface of the straps of both the head and the arm *tefillin* must

be black. This is a halachah transmitted to Moses on Mount Sinai.

In contrast, with regard to the inner surface, since it faces the inside, it is acceptable if it is green or white. One should not make this [side of the straps] red, since it will be embarrassing for him if they become overturned.

The back of the straps should be the same color as the compartment; if it is green, they should be green; if it is white, they should be white. It is attractive for *tefillin* to be entirely black, the compartments and the entire strap.

15 The leather used to cover the *tefillin* and from which the straps are made should come from a kosher species of animal, beast, or fowl. Even when these animals died without being ritually slaughtered or were *treifah*, [their hides are nevertheless acceptable]. If, however, leather from a non-kosher species was used or if they were covered with gold, they are not acceptable.

The leather used for the straps must be processed with the intent that it be used for the mitzvah. In contrast, the leather used to cover the *tefillin* need not be processed at all. It is even acceptable if it is made from *matzah*. [Indeed,] this is the practice in many communities.

16 *tefillin* may be made only by a Jew, since making them is equivalent to writing [the passages], because of the *shin* [embossed] in the leather [compartment] mentioned above. Therefore, if they were made by a gentile or sewn closed by him, they are unacceptable.

Similarly, they may not be made by any others whose writing [of the passages] is not acceptable.

17 A head *tefillah* may not be made into an arm *tefillah*, but an arm *tefillah* may be made into a head *tefillah*, because an article should not be lowered from a higher level of holiness to a lesser one. Similarly, the strap of a head *tefillah* should not be used for an arm *tefillah*.

When does the above apply? After one has worn them. However, if head *tefillin* have never been worn, one may make them into arm *tefillin*. How is this done? One drapes leather around them until they become a single [compartment] and [then, one can] tie them on his hand.

18 [The following laws apply when] the stitches of the *tefillin* become torn: If two stitches which are located next to each other become torn, or three stitches become torn even though they are not located next to each other, [the *tefillin*] are unacceptable.

When does the above apply? With regard to old [*tefillin*]. With regard to new [*tefillin*], however, if their base remains intact, they are acceptable. [*tefillin* are considered] to be "new" as long as the leather remains strong and does not tear when one takes hold of a portion of the leather where the stitch was torn and hangs the *tefillin*. If the leather is not fit to hang the *tefillin* because it will tear, the [*tefillin* are considered] "old."

19 Should a strap be torn, [the pieces] should not be tied or sewn together. Rather, it should be removed and entombed, and another one [substituted for it].

The remnants of [torn] straps are not acceptable unless their length and width meets - or exceeds - the minimum requirements.

At all times, a person should be careful that the external surface of the

straps faces upward when he ties them on his arm and head.

Chapter 4

1 Where are the head *tefillin* placed? They should be placed at the point of the skull, the end of the hairline towards the face, the place where a child's brain [can be felt] to pulsate.
Care must be taken to position them in the center, so that they will be "between the eyes." The knot should be at the top portion of the neck, the bottom of the skull.

2 The arm [*tefillin*] should be tied to one's left arm at the muscle - i.e., the bulging flesh of the arm between the shoulder and the elbow. Thus, if one presses his arm to his ribs, the *tefillah* will be opposite his heart, thus fulfilling the directive [**Deuteronomy 6:6**], "And these words... shall be upon your heart."

3 A person who places the arm *tefillah* on his palm, or the head *tefillah* on his forehead, follows the way of the Sadducees. A person who makes his *tefillin* rounded like a nut does not fulfill the mitzvah at all.
A left-handed person puts *tefillin* on his right hand, since [figuratively,] it is his left hand. If he is ambidextrous, he should place them on his left hand - i.e., his left hand in a literal sense.
The places where to tie and place the *tefillin* were received as part of the oral tradition.

4 The [absence of the] head *tefillah* does not preclude [wearing *tefillin*] on

the arm, and similarly, the [absence of the] arm *tefillah* does not preclude [wearing *tefillin*] on the head. They are two mitzvot, each one to be considered independently.

What blessings are recited? On the head *tefillin*, one recites: "[Blessed are You...] who has sanctified us with His commandments and commanded us concerning the mitzvah of *tefillin*." On the arm *tefillin*, one recites: "[Blessed are You...] who has sanctified us with His commandments and commanded us to put on *tefillin*."

5 When does the above apply? When one puts on only one of them. If, however, one puts them both on, one recites only a single blessing, "...to put on *tefillin*."

One should tie the *tefillin* on one's arm, and afterwards put on the head *tefillin*. When one removes them, the head *tefillin* should be removed, and then the arm *tefillin*.

6 [After] reciting the blessing, "...to put on *tefillin*," and tying the *tefillin* on one's arm, one is forbidden to talk - even to respond to a greeting from one's teacher - until he puts on the head *tefillin*. If he talks, it is considered to be a transgression. [In such an instance,] one is required to recite the second blessing, "...concerning the mitzvah of *tefillin*," and then put on the head *tefillin*.

7 Whenever a person puts on *tefillin* - even if he removes them and puts them on several times throughout the day - he should recite a blessing for them.

With regard to all mitzvot: one recites a blessing for them before performing them. Therefore, one should recite the blessing for the arm *tefillah* after placing it on one's muscle, before tying it, since tying it comprises the fulfillment of the mitzvah.

8 When a person removes his *tefillin* to place them in a container, he should not place the arm *tefillah* below and the head *tefillah* above, because when he wants to put them on, he will encounter the head *tefillah* first. Thus, he will [be forced to] ignore it and take out the arm *tefillah*, since one should not put on the head *tefillah* before the arm *tefillah*.

[This is undesirable because] it is forbidden for a person to ignore one mitzvah and proceed to the fulfillment of another mitzvah. Rather, as soon as a mitzvah comes to a person's hand, he should occupy himself with it. Therefore, a person should place the arm *tefillin* above, so that he will encounter it first, and thus put on the *tefillin* in the proper sequence.

9 A container that was made for *tefillin* to be placed in and which was used for that purpose becomes holy. It is forbidden to use it for mundane purposes.

If a container was prepared for that purpose, but never used for it, or if a container was temporarily used for *tefillin*, but was not prepared for that purpose, it does not become holy. Rather, it is considered an ordinary article as before.

It is forbidden to suspend *tefillin*. [This applies regardless of whether one suspends them] by their straps or from the *tefillah* itself. One may, however, suspend the bag in which they are placed.

10 The time for wearing *tefillin* is the day and not the night, as [**Exodus 13:10**] states: "And you shall observe this statute in its appointed time, from day to day." "This statute" refers to the mitzvah of *tefillin*.

Similarly, Sabbaths and holidays are not days on which *tefillin* [are worn], as [**Exodus 13:9**] states: "And they shall be a sign for you." Since the Sabbaths and the holidays are themselves signs, [the sign of *tefillin* is unnecessary].

When does the time to put them on begin? When one can see a colleague standing four cubits away and recognize him. [It continues] until sunset.

11 It is permitted for a person who put on *tefillin* before sunset to continue wearing them after nightfall. They may even remain upon him the entire night.

This law, however, is not to be taught in public. Instead, everyone should be taught not to wear *tefillin* at night and to remove them before sunset.

A person who puts on *tefillin* after sunset transgresses a Scriptural prohibition, as [implied by **Exodus 13:10**]: "And you shall observe this statute... from day to day."

12 When a person is wearing *tefillin* in the midst of a journey and the sun sets, marking the commencement of the Sabbath, he should cover them with his hand until he reaches his home and then, remove them.

If he is sitting in the house of study and the sun sets, marking the commencement of the Sabbath, he should cover them with his hand until he reaches his home, and then remove them.

If there is a house located near the wall [of a city] where they would be

safe, he should place them there. If, however, he did not remove his *tefillin* after sunset because he did not have a place where they would be safe, it is permissible for him to continue wearing them in order to protect them.

13 All those who are exempt from the obligation to recite the *Shema* are exempt from the obligation to wear *tefillin*. If a minor knows [the importance of] guarding his *tefillin*, his father should obtain *tefillin* for him, to educate him regarding the performance of mitzvot.

A person with stomach problems and anyone who can contain his excretory functions only with difficulty are exempt from the obligation to wear *tefillin*. [In contrast,] all those ritually impure are obligated to wear *tefillin* like one who is pure.

A person who suffers discomfort, or someone who is disturbed and cannot concentrate his thoughts, is exempt from the obligation to wear *tefillin*, since a person who wears *tefillin* is forbidden to divert his attention from them.

Priests who are in the midst of [the Temple] service, Levites who chant on the platform, and Israelites while they are attending the Temple [ceremonies] are exempt from the obligation to pray and to wear *tefillin*.

14 A person should touch his *tefillin* [from time to time] during the entire time he is wearing them, so that he will not divert his attention from them even for a single moment, for their holiness surpasses that of the *tzitz*. The *tzitz* has God's name [written] upon it only once, while the head *tefillin* - and similarly, the arm *tefillin* - contain the name 21 י-ה-ו-ה times.

15 *tefillin* require a clean body; i.e., that one should be careful not to release gas while wearing them.

Accordingly, it is forbidden to sleep while wearing them - neither a long sleep nor a nap. If, however, one places a cloth over them and a woman is not with him, one may nap while wearing them. What should he do? Place his head between his knees and sleep while sitting.

16 A person who has *tefillin* wound around his hand is permitted to sleep with them. [This applies] even to a long sleep.

He may eat only a snack while wearing them. If, however, he enters to partake of a regular meal, he should remove them and place them on the table until after he washes his hands [at the conclusion of the meal]. Afterwards, he should put them on and recite grace over his meal while wearing them.

17 [The following rules apply with regard to a person] wearing *tefillin* who must use the lavatory: [He should remove his *tefillin* but,] while he enters, he should not place them in the holes [of the outer wall of the lavatory] which are near the public domain, lest they be taken by passersby.

What should he do? Even if he [merely] has to urinate, he should remove his *tefillin* four cubits away [from the lavatory] and roll them in his clothes like a Torah scroll, holding them near his heart with his right hand. He must take care that the strap does not protrude more than a handbreadth from his hand. Afterwards, he should enter and relieve himself. After leaving the lavatory and walking more than four cubits away, he should put them on.

18 When does the above apply? In a permanent lavatory where drops [of urine] will not sprinkle upon him. In contrast, in a place that is temporarily being used as a lavatory, one should not enter, [holding *tefillin*] wound up in one's hand. Instead, one should remove them [outside the lavatory] and give them to a colleague to guard.

Urine cannot be expelled [without drops sprinkling] even in a permanent lavatory unless one squats. If [the floor is covered] with soft dust, [drops will not sprinkle] even when one stands. If the floor is hard, one should stand on an incline [and urinate], so that drops will not sprinkle on him.

19 When a person is wearing *tefillin* and must relieve himself in the evening, when there would be no time left in the day to put them on again after he finishes, he should not enter a lavatory, [holding them] rolled up in his clothes.

What should he do [instead]? He should remove them and place them in their container if it is a handbreadth in size, or in another container which is not specific for them even though it is not a handbreadth in size. He should hold the container in his hand when he enters the lavatory. Similarly, if he needs to relieve himself at night, he should place them in a container and enter the lavatory, holding the *tefillin* in his hand.

20 If a person forgot and entered a lavatory while wearing *tefillin*, he should cover them with his hand until he completes expelling the first issue of feces or urine, and then leave the lavatory, remove the *tefillin*, return, and complete relieving himself. Were one to interrupt in the midst of expelling the first outburst of feces or urine, he might become very dangerously ill.

21 If a person forgot and had intercourse while wearing *tefillin*, he should not hold either the straps or the compartments themselves until he washes his hands. [Then, he should] remove them. [This restriction was instituted] because hands are active.

22 [The following rules apply to] a person who enters a bathhouse: In the rooms where people stand clothed, it is permitted to put on *tefillin*. In the rooms where some of the people stand naked and some clothed, one need not remove one's *tefillin*, nor, at the outset, should one put *tefillin* on there. In the rooms where [everyone] stands naked, one should remove one's *tefillin* and, needless to say, one should not put them on.

23 A person should not walk in a cemetery wearing his head *tefillin*. Even [outside a cemetery], a person should remove his *tefillin* if he comes within four cubits of a corpse or a grave, until he distances himself four cubits from them.

A person should not put on *tefillin* [when he is naked]. He must first cover his genitalia and put on his clothes.

A person who is carrying a load on his head should remove his head *tefillin* [and not put it on again] until he puts down his load. It is even forbidden to wear a handkerchief around one's head when wearing *tefillin*. One may, however, wear a hat over the *tefillin*.

24 When *tefillin* or a Torah scroll are in a room, it is forbidden to engage in sexual relations, unless they are removed or placed into a container, and that container placed into a second container which is not specific to

them. If, however, the second container designated for them, even ten containers are considered as a single container.

Should a person place [the sacred articles] in two containers, he may place them at the head of his bed, between a cushion and a pillow, as long as they are not under his head, so that he can protect them. [This applies] even if his wife is together with him in bed.

25 The holiness associated with *tefillin* is very great. As long as a person is wearing *tefillin* on his head and arm, he will be humble and God-fearing and will not be drawn to frivolous behavior or empty speech. He will not turn his thoughts to evil matters, but rather will direct his heart to words of truth and justice.

Accordingly, a person should try to wear [*tefillin*] throughout the entire day, for this is the mitzvah associated with them. Among the praises conveyed upon Rav, the student of Rabbenu Hakadosh, was that he was never seen walking four cubits without [reciting words of] Torah, without *tzitzit*, and without *tefillin*.

26 Although it is a mitzvah to wear [*tefillin*] throughout the entire day, it is most important during prayer. Our Sages declared: "Whoever recites the *Shema* without *tefillin* is considered as if he is giving false testimony."

Whoever does not wear *tefillin* transgresses eight positive commandments, for in each of the four passages contained in the *tefillin* we are commanded to wear both head and arm *tefillin*. [The rewards for wearing *tefillin* are also great.] Whoever wears *tefillin* regularly will live long, as [implied by **Isaiah 38:16**]: "God is upon them, they shall live."

Chapter 5

1 How is a *mezuzah* written? The two portions, *Shema* and *V'hayah im shamo'a*, are written on one piece of parchment in a single column. Approximately half a fingernail of space should be left above and below [the writing].

Should one write [a *mezuzah*] in two or three columns, it is acceptable, as long as it not written tail-shaped, in a circle, or tent-shaped. If it was written using any of these forms, it is not acceptable.

If it was not written in order - e.g., one wrote the passage [*V'hayah im shamo'a*] before the passage [*Shema*] - it is not acceptable. If one writes a *mezuzah* on two different parchments, it is not acceptable even if they were sewn together [later].

A *mezuzah* should not be made from a Torah scroll or *tefillin* that have become worn, nor should a *mezuzah* be written on the empty parchment from a Torah scroll, because one should not lower an article from a higher level of holiness to a lesser one.

2 It is a mitzvah to leave a space between the passage *Shema* and the passage *V'hayah im shamo'a*, as if it were *s'tumah*. If space were left as if it were *p'tuchah*, it is acceptable, since these passages do not follow each other in the Torah.

One must take care regarding the crowns [on the letters] in a *mezuzah*. The following letters should have crowns.

3 In the first passage, there are seven letters which should each have three

zeiynin upon it. They are: The *shin* and the *ayin* of [the word] *Shema*, the *nun* of [the word] *nafsh'cha*, the two *zeiynin* of [the word] *mezuzot*, and the two *tettin* of the word *totafot*.

In the second passage, there are six letters each of which should have three *zeiynin* upon it. They are: The *gimmel* of [the word] *d'ganecha*, the two *zeiynin* of [the word] *mezuzot*, the two *tettin* of the word *totafot*, and the *tzadi* of [the word] *ha'aretz*.

If no crowns were made, or one increased or decreased their number, [the *mezuzah*] is not invalidated. If the *mezuzah* was not written on ruled [parchment], if [the scribe] was not exact with regard to the use of the full or short form [of the words, or if [the scribe] added even a single letter inside [the *mezuzah*], it is invalidated.

4 It is a common custom to write [God's name,] *Shaddai*, on the outside of a *mezuzah* opposite the empty space left between the two passages. There is no difficulty in this, since [the addition is made] outside.

Those, however, who write the names of angels, other sacred names, verses, or forms, on the inside [of a *mezuzah*] are among those who do not have a portion in the world to come. Not only do these fools nullify the mitzvah, but furthermore, they make from a great mitzvah [which reflects] the unity of the name of the Holy One, blessed be He, the love of Him, and the service of Him, a talisman for their own benefit. They, in their foolish conception, think that this will help them regarding the vanities of the world.

5 It is a mitzvah to write *al ha'aretz* on the final line [of a *mezuzah*], either at

the beginning or in the middle of the line. It has become universally accepted custom for scribes to write [mezuzot] with 22 lines, with *al ha'aretz* at the beginning of the final line.

These are the letters that appear at the beginning of each line in order: *shema,* י-ה-ו-ה*, hadevarim, l'vanecha, uv'shochbicha, beyn, v'hayah, m'tzaveh, b'chol, yoreh, esev, pen, v'hishtachavitem, hashamayim, va'avad'tem, v'samtem, otam, otam, baderech, uvish'arecha, asher, al ha'aretz.*

6 When [a *mezuzah*] is folded, it should be rolled from the end of the line to its beginning so that when a reader rolls it open, he will be able to read from the beginning of the line to the end.

After rolling it, one should place it in a tube made of reed, wood, or any other substance and affix it to the doorpost of one's entrance with a nail. Alternatively, one should hollow out the doorpost and place the *mezuzah* within.

7 Before affixing it on the doorpost of the entrance, one should recite the blessing: "Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to affix a *mezuzah*."

One should not recite a blessing when writing [the *mezuzah*], because affixing it fulfills the mitzvah.

8 If one suspends [a *mezuzah*] within a pole, it is unacceptable, because it has not been affixed. If one positions it behind the door, it is as if one has done nothing.

Should one hollow out the doorpost and place a *mezuzah* within it horizontally, as the rods were put through the rings [in the Sanctuary], it is unacceptable. Should one place it deeper than a handbreadth [within the doorpost], it is unacceptable.

Should one cut a reed in half and insert a *mezuzah* within, and afterwards connect this reed with other reeds, making a doorpost for the house from them, it is unacceptable, because the affixing of the *mezuzah* preceded the making of the doorpost of the entrance.

9 A *mezuzah* [placed] on private [property] should be checked twice in seven years, and a *mezuzah* [placed] on public [property] should be checked twice in fifty years, lest a letter have become torn or faded. Since it is affixed within a wall, there is the possibility that it will decay.

10 Everyone is obligated [to fulfill the mitzvah of] *mezuzah*, even women and slaves. Minors should be educated to affix a *mezuzah* to [the doors of] their homes.

A person who rents a dwelling in the diaspora, and a person who rents a room in a hotel in *Eretz Yisrael*, are exempt from the obligation [to affix a] *mezuzah* for thirty days. One who rents a house in *Eretz Yisrael*, however, is obligated [to affix a] *mezuzah* immediately.

11 When a person rents a dwelling to a colleague, the tenant is obligated to obtain a *mezuzah* and affix it. [This applies] even if he would pay to have it affixed. [The rationale is] that a *mezuzah* is an obligation incumbent on the person dwelling [in the house], and is not incumbent on the house.

When [the tenant] leaves [the dwelling, however], he should not take it with him unless the dwelling belongs to a gentile. In that instance, he should remove it when he leaves.

Chapter 6

1 There are ten requirements that must be met by a house for the person who dwells within to be obligated to affix a *mezuzah*. If one of the requirements is lacking, there is no obligation for a *mezuzah*. They are:
a) for the area [of the dwelling] to be four cubits by four cubits or more;
b) for it to have two doorposts;
c) for it to have a lintel;
d) for it to have a roof;
e) for it to have doors;
f) for the entrance to be at least ten handbreadths high;
g) for the dwelling not to be consecrated;
h) for it to be intended for human habitation;
i) for it to be intended to be used for a dignified dwelling;
j) for it to be a permanent dwelling.

2 A dwelling which is less than four cubits by four cubits does not require a *mezuzah*. If its area is equal to sixteen square cubits, although it is circular, pentagonal, and needless to say, if it is rectangular, since its area is equal to the above-mentioned figure, it requires a *mezuzah*.

3 An excedra, a structure with three walls and a roof, does not require a

mezuzah even though it has two pillars on the fourth side. The pillars are intended as supports for the roof, and not as doorposts.

Similarly, a roof without walls which stands on pillars, even though shaped like a house, does not require a *mezuzah*, because it has no doorposts. The pillars are intended to support the roof.

4 [The following rules apply to] a house which has a doorpost on either side and an arch above the two doorposts instead of a lintel. If the doorposts are ten handbreadths high or more, it requires a *mezuzah*. If they are not ten handbreadths high, [the entrance] does not require [a *mezuzah*], because it does not have a lintel.

5 A house that does not have a roof does not require a *mezuzah*. If a portion of [a building] was covered by a roof and a portion was not, the [following ruling] appears to me [as appropriate]: If the covered portion is near the entrance, it requires a *mezuzah*.

The doors should be attached, and afterwards, a *mezuzah* affixed.

6 [The gates to] the Temple Mount, its chambers, courtyards, and, similarly, entrances to synagogues and houses of study which do not have apartments in which people live do not require *mezuzot*, because they are consecrated.

A synagogue in a village in which guests reside requires a *mezuzah*. Similarly, a synagogue in a metropolis, if it has an apartment, requires a *mezuzah*.

All the gates in the Temple complex did not have *mezuzot*, with the

exception of the Gate of Nicanor and those further within, and the entrance to the Chamber of Parhedrin, because this chamber served as a dwelling for the High Priest during the seven days when he was separated [from his home in preparation for the Yom Kippur service].

7 A storage house for straw, a barn for cattle, a woodshed, or [other] storage rooms do not require a *mezuzah* [as can be inferred from **Deuteronomy 6:9**, which requires that a *mezuzah* be placed on] "your homes" - i.e., a house which is set aside for your use - thus excluding the above and their like.

Therefore, [if] a barn [is also used] by women as a dressing room, it requires a *mezuzah*, since it is used as a dwelling by a human being. A guardhouse, an excedra, a porch, a garden, and a corral do not require a *mezuzah* since they are not dwellings. If dwellings which require a *mezuzah* open up to these structures, they require a *mezuzah*.

8 Accordingly, gates to courtyards, gates to alleys, and gates to cities and towns, all require a *mezuzah*, since houses which require a *mezuzah* open up to them. Even when there are ten structures leading one to each other, should the innermost one require a *mezuzah*, they all require [mezuzot]. Therefore, [our Sages] stated: A gate which opens up from a garden to a courtyard requires a *mezuzah*.

9 A toilet, a bathhouse, a mikveh, a tannery, and the like, do not require a *mezuzah*, since they do not constitute a dignified dwelling.

A sukkah on the holiday of Sukkot, and a house on a ship do not require a

mezuzah, for they do not constitute a permanent dwelling.

[With regard to] the two booths of a potter, one inside the other: The outer booth does not require a *mezuzah*, because it is not a permanent structure. Stores in a market place do not require a *mezuzah* because they are not permanently used as a dwelling.

10 A dwelling which has many doorways requires a *mezuzah* for each and every doorway, even though one generally enters and leaves through only one of them.

A small entrance between a dwelling and a loft requires a *mezuzah*. When there is a separate room in a house, or even one room which leads to another room, it is necessary to affix a *mezuzah* on the doorway to the innermost room, the doorway to the outer room, and the doorway to the house, since all of them are used for the purpose of dwelling and are permanent structures.

11 When a person frequently enters and leaves through an entrance between a synagogue and a house of study and his own house, that entrance requires a *mezuzah*.

When there is an entrance between two houses, [the position of the *mezuzah*] is determined by the door-hinge. The *mezuzah* is placed on the side on which the hinge can be seen.

12 Where is the *mezuzah* affixed? At the inside of the entrance, within a handbreadth of the outer edge of the doorpost, at the beginning of the top third of the entrance. If it was affixed higher up, it is acceptable as long as

it is at least a handbreadth below the lintel.
It must be placed at the right-hand side as one enters the house. If it is placed on the left-hand side, it is invalid.
A house belonging to partners requires a *mezuzah*.

13 A person must show great care in [the observance of the mitzvah of] *mezuzah*, because it is an obligation which is constantly incumbent upon everyone.
[Through its observance,] whenever a person enters or leaves [the house], he will encounter the unity of the name of the Holy One, blessed be He, and remember his love for Him. Thus, he will awake from his sleep and his obsession with the vanities of time, and recognize that there is nothing which lasts for eternity except the knowledge of the Creator of the world. This will motivate him to regain full awareness and follow the paths of the upright.
Whoever wears *tefillin* on his head and arm, wears *tzitzit* on his garment, and has a *mezuzah* on his entrance, can be assured that he will not sin, because he has many who will remind him. These are the angels, who will prevent him from sinning, as [**Psalms 34:8**] states: "The angel of God camps around those who fear Him and protects them."
Blessed be God who offers assistance.

Chapter 7

1 It is a positive commandment for each and every Jewish man to write a Torah scroll for himself, as [implied by the commandment (**Deuteronomy**

31:19)]: "And now, write down this song for yourselves," i.e., write down the [entire] Torah which contains this song. [The basis for this interpretation is] that the Torah should not be written passage by passage.
Even if a person's ancestors left him a Torah scroll, it is a mitzvah to write one himself. If a person writes the scroll by hand, it is considered as if he received it on Mount Sinai. If he does not know how to write himself, [he should have] others write it for him.
Anyone who checks even a single letter of a Torah scroll is considered as if he wrote the entire scroll.

2 A king is commanded to write another Torah scroll for himself, for the sake of his sovereignty, in addition to the scroll which he possessed while a commoner, as [**Deuteronomy 17:18**] states: "And when he sits on his royal throne, he shall write...." This scroll should be checked against the scroll in the Temple Courtyard by the Supreme Sanhedrin.
The one which he possessed while he was a commoner should be placed in his storage chambers, and the one that he wrote - or had written for him - while he was a king, should be with him at all times. When he goes out to war, his Torah scroll should be with him. When he returns, it should be with him. When he sits in judgment, it should be with him. When he dines, it should be opposite him, as [**Deuteronomy 17:19**] states: "And it shall be with him and he shall read it all the days of his life."

3 If a king did not possess a Torah scroll before he became king, he must write two Torah scrolls after he ascends the throne: one to place in his storage chambers, and the other to accompany him at all times, never

leaving his presence except at night, when he enters the bathhouse, the toilet, or when he sleeps.

4 A Torah scroll which was written on unruled [parchment] or which was written with portions on *g'vil* and portions on *k'laf* is invalid. It must be written either entirely on *g'vil* or entirely on *k'laf*.

How should a Torah scroll be written? One should write with very careful and attractive calligraphy, leaving the space the size of a small letter between each word and a hairbreadth's space between each letter. The space of a line should be left between each line.

The length of each line should be thirty letters so that one can write the word למשפחותיכם three times. This should be the width of every column. A line should not be shorter than this, lest the column appear like a note; nor wider than this, so that one's eyes will not wander through the text.

5 One should not reduce the size of a letter in order to leave the proper amount of space between one passage and another.

Should [a scribe] have to write a word with five letters [at the end of a line, and there not be sufficient space for them all], he should not write two within the column and three beyond its margins. Rather, he should write three within the column, and two beyond its margins. If there is no room on the line to write [at least] three letters, he should leave an empty space and continue at the beginning of the [next] line.

6 Should [a scribe] have to write a two-letter word [after completing a line], he should not write it between the columns. Instead, he should write it at

the beginning of the [following] line.

[The following rules apply] if one had to write a word of ten - or more or fewer - letters in the middle of a line, and less space than necessary remained within the column: If it is possible to write half of the word within the column, with [only] half extending beyond the margin, he should. If that is not possible, he should leave an empty space and continue at the beginning of the next line.

7 One should leave four empty lines between each of the books of the Torah, neither more, nor less, starting the next book at the beginning of the following line.

One should complete the entire Torah in the middle of the line at the bottom of the column. If many lines remain in the column, he should write shorter lines, beginning at the beginning of the line, but not completing it, so that the words לעיני כל ישראל are in the middle of the line at the bottom of the column.

8 One should be careful regarding the oversized letters, the miniature letters, the letters that are dotted, the letters that have abnormal shapes - e.g., the *pe'in* that are bent over - and the crooked letters that the scribes have copied from each other in a chain of tradition.

[Similarly,] care should be taken regarding the crowns and the number [of crowns placed on a letter]. There are some letters that have [only] one crown, and others that have seven crowns. All these crowns are shaped like *zeiynin*. They should be as thin as a hair.

9 All the above matters were mentioned only because this is the most perfect way of performing the mitzvah. Should one, however, alter the structure [of a scroll from that] mentioned above or not be precise regarding the placement of the crowns, [the scroll is acceptable] if all the letters were written as they should be.

[Similarly,] if one wrote the lines closer together, separated them further, lengthened them, or shortened them, the scroll is acceptable, provided one letter does not touch another, no letters are omitted, extra letters are not added, the shape of even a single letter is not altered, and the [form of the passages, whether] *p'tuchah* or *s'tumah*, is not changed.

10 There are other practices which, although they are not mentioned in the Talmud, have been followed by scribes as tradition, transferred from generation to generation. They include that:

a) the number of lines in each column not be less than 48 nor greater than 60;

b) there is a space of approximately nine letters left empty between each passage, so that one could write the word אשר three times;

c) that the five lines above the song recited at the Red Sea begin with the words: *haba'im, bayabashah,* י-ה-ו-ה and *b'Mitzrayim*, and that the five lines below that song begin with the words: *vatikach, achareha, sus, vayetz'u,* and *vayavo'u*.

d) that the six lines above the song, *Ha'azinu* begin with the words: *v'a'idah, acharei, haderech, b'acharit, l'hach'iso,* and *k'hal,* and that the five lines below that song begin with the words: *vayavo, l'daber, asher, hazot, asher*.

11 All the above matters [were mentioned] only because this is the most perfect way of performing the mitzvah. If one deviated from them, [the scroll] is not disqualified.

In contrast, if one wrote the short form of a word that should be spelled using a long form, or the long form of one that should be spelled using a short form, [the scroll] is disqualified.

[The same ruling applies if, in circumstances where one word is written in the Torah scroll and a different word is read] - e.g.,*yishkavenah* is read instead of *yishgalenah* (**Deuteronomy 28:30**), and *uvat'chorim* is read instead of *uva'folim* (Deuteronomy 28:27 - one writes the word that is read [instead of the word that is written].

Similarly, if one wrote a passage that should be *p'tuchah* as *s'tumah*, or one that should be *s'tumah* as *p'tuchah*, or if one wrote another passage from the Torah in the form of one of the songs, or wrote one of the songs in the form of another passage, [the scroll is disqualified]. It does not have the holiness of a Torah scroll and, instead, is considered as one of the *chumashim* from which children are taught.

12 A Torah scroll that is uncorrected should not be left [unattended to] for more than thirty days. Rather, it should either be corrected or entombed.

A Torah scroll that has three errors in each column should be corrected. If it has four, it should be entombed. Should the majority of a scroll have been checked to be accurate and there are four errors in each column of the remainder of the scroll, the scroll should be corrected, provided there is at least one column of the defective portion that has fewer than four errors.

13 When does the above apply? When one wrote the short form of a word instead of the long form, and one will thus be forced to insert the [extra] letters between the lines. If, however, one wrote the long form of a word instead of the short form, one may correct the scroll even if there are many errors on each page. In such an instance, one removes a letter instead of inserting it.

14 It is permitted to write a scroll containing each of the five books of the Torah individually. These scrolls do not have the sanctity of a Torah scroll. One should not write a scroll that contains several passages, nor should one write a scroll for a child to learn from. This is, nevertheless, permitted if one [ultimately] intends to complete an entire book of the Torah. It is permitted to write a scroll with [verses from the Torah] when one writes three words in a line spaced out disjointedly.

15 It is permitted to include [all the books of] the Torah, the Prophets, and the Holy Scriptures in a single scroll.

Four empty lines should be left between each book of the Torah, and three empty lines between each book of the Prophets. One should also leave three lines between each book of the twelve [minor] prophets, so that should one desire to cut, he may do so.

This is the order of the Prophets: Joshua, Judges, Samuel, Kings, Jeremiah, Ezekiel, Isaiah, the Twelve [Minor Prophets].

This is the order of the Holy Scriptures: Ruth, Psalms, Job, Proverbs, Ecclesiastes, the Song of Songs, Lamentations, Daniel, Esther, Ezra, Chronicles.

16 All sacred texts may be written only on a ruled [surface]. [This applies] even if they are written on paper. One may write three words without ruling [the surface on which they are written]. Writing any more than that is forbidden.

A scroll that includes the Torah, the Prophets, and the Holy Scriptures does not possess the same degree of holiness as a Torah scroll. Rather, it is like a scroll containing one of the books of the Torah, because the addition [of a book in the scroll] is equivalent to having omitted one.

Chapter 8

1 There are two forms for a passage which is written as *p'tuchah*: [One form is used] when one completes [the previous passage] in the midst of the line. Then, one should leave the remainder of the line empty and begin the passage that is *p'tuchah* at the beginning of the following line.

When is [this form] used? When the empty space is large enough to contain nine letters. If, however, the empty space is very small or one concludes [the previous passage] at the end of the line, one should leave one line totally empty and begin the passage that is *p'tuchah* at the beginning of the third line.

2 There are three forms for a passage that is written as *s'tumah*: [One form is used] when one completes [the previous passage] in the midst of the line. Then, one should leave the above-mentioned amount of empty space and begin writing at least one word of the passage written as *s'tumah* at the end of the line. Thus, there will be a space in the middle [of the line].

When there is not enough room left on the line to leave this amount of space open and write at least one word at the end of the line, one should leave the entire space empty, then leave an empty space at the beginning of the second line, and begin writing the passage to be written as *s'tumah* in the middle of the second line.

When one completes the previous passage at the end of the line, one should leave a space of the above-mentioned size at the beginning of the second line and begin writing the passage to be written as *s'tumah* in the middle of the line.

Thus, a passage written as *p'tuchah* always begins at the beginning of the line, and a passage written as *s'tumah* always begins in the middle of the line.

3 A scroll that has errors regarding the long and short form of letters can be corrected and checked as explained above. In contrast, if:

one erred with regard to the space between passages and wrote a passage that should be written as *p'tuchah* as *s'tumah*, or one that should be written as *s'tumah* as *p'tuchah*;

one left an empty space where a [new] passage does not [begin];

one continued writing in the normal manner without leaving a space between passages; or

one changed the form of the songs, the scroll is disqualified and may never be corrected. Instead, one must remove the entire column on which it is written.

4 Since I have seen great confusion about these matters in all the scrolls I

have seen, and similarly, the masters of the tradition who have written down and composed [texts] to make it known [which passages] are *p'tuchot* and which are *s'tumot* are divided with regard to the scrolls on which to rely, I saw fit to write down the entire list of all the passages in the Torah that are *s'tumot* and *p'tuchot*, and also the form of the songs. In this manner, all the scrolls can be corrected and checked against these [principles].

The scroll on which I relied on for [clarification of] these matters was a scroll renowned in Egypt, which includes all the 24 books [of the Bible]. It was kept in Jerusalem for many years so that scrolls could be checked from it. Everyone relies upon it because it was corrected by ben Asher,who spent many years writing it precisely, and [afterward] checked it many times.I relied [on this scroll] when I wrote a Torah scroll according to law.

The Book of Genesis

יהי רקיע יקוו המים יהי מאורות ישרצו המים תוצא הארץ ויכלו
אלה תולדות השמים כולן פתוחות והן שבע פרשיות אל האשה אמר ולאדם אמר שתיהן
סתומות ויאמר יי' אלהים פתוחה והאדם ידע זה ספר ויחי שת ויחי אנוש ויחי קינן ויחי
מהללאל ויחי ירד ויחי חנוך ויחי מתושלח ויחי למך ויחי נח אחת עשרה פרשיות אלו
כולן סתומות וירא יי' אלה תולדת נח שתיהן פתוחות ויאמר אלהים לנח וידבר אלהים אל
נח ויאמר אלהים אל נח שלשתן סתומות ויהיו בני נח ואלה תולדת בני נח שתיהן
פתוחות וכנען ילד ולשם ילד שתיהן סתומות ויהי כל הארץ שפה אחת אלה תולדת שם
שתיהן פתוחות וארפכשד חי ושלח חי ויחי עבר ויחי פלג ויחי רעו ויחי שרוג ויחי נחור
ויחי תרח כולן סתומות השמונה פרשיות ויאמר יי' אל אברם ויהי רעב ויהי בימי אמרפל
שלשתן פתוחות אחר הדברים ושרי אשת אברם ויהי אברם ויאמר אלהים אל אברהם
ארבעתן סתומות וירא אליו פתוחה ויסע משם ויי' פקד את שרה שתיהן סתומות ויהי
בעת ההוא ויהי אחר ויהי אחרי הדברים ויהיו חיי שרה ארבעתן פתוחות ואברהם זקן
סתומה ויסף אברהם ואלה תלדת ישמעאל ואלה תולדת יצחק ויהי רעב ארבעתן פתוחות

ויהי עשו ויהי כי זקן יצחק ויצא יעקב שלשתן סתומות וישלח יעקב פתוחה ויבא יעקב ותצא דינה שתיהן סתומות ויאמר אלהים וירא אלהים ויהיו בני יעקב ואלה תלדות עשו ארבעתן פתוחות אלה בני שעיר סתומה ואלה המלכים וישב יעקב ויהי בעת שלשתן פתוחות ויוסף הורד מצרימה סתומה ויהי אחר הדברים ויהי מקץ שתיהן פתוחות: ויגש אליו ואלה שמות ואת יהודה שלשתן סתומות ויהי אחרי הדברים ויקרא יעקב שמעון ולוי יהודה זבולן יששכר כולן פתוחות והן שש דן גד מאשר נפתלי בן פרת יוסף חמשתן סתומות בנימין פתוחה There are 43 passages that are *p'tuchot* and 48 passages that are *s'tumot*, 91 passages in their entirety.

Chapter 9

1 A Torah scroll should not be written in a way which causes its length to exceed its circumference, or its circumference to exceed its length.

What is the appropriate length? When the scroll is written on *g'vil*, six handbreadths - i.e., 24 thumbbreadths. When the scroll is written on *k'laf*, it may be more or less, provided that the length is equal to the circumference. If one wrote a scroll on *g'vil* less than six handbreadths long and concentrated one's writing, or [wrote a scroll] more than six handbreadths long and spread out one's writing, if the length is equal to the circumference, it has been written in the proper manner.

2 The following margins should be left [on each column]: Below the column: four thumbbreadths; above the column: three thumbbreadths; and between each column: two thumbbreadths.

[To allow for these margins,] one should leave an additional thumbbreadth at the beginning and the end of each portion of parchment

and room to sew the parchments together. Thus, when one sews all the portions of parchment together, there will be two thumbbreadths between each column throughout the entire scroll.

One should also leave an extra portion of parchment at the beginning and the end of the scroll, to wind around its staves.

All these measures are part of [performing] the mitzvah [in the optimum manner]. If one decreased or increased any of them, [the scroll] is not disqualified.

3 How should a person structure the scroll [he is writing] so that its length will be equal to its circumference? He should begin by making equal portions of parchment, each having a standard width of six handbreadths. Afterwards, he should wind the parchments, each in the same manner, making one tight coil. He should continue adding to the coil, winding the parchments tightly until the circumference of the coil is six handbreadths, the width of the parchment. He should measure with a red cord that [is long enough] to surround the entire coil.

4 Afterwards, one should make a measuring rod, forty or fifty thumbbreadths long. Each thumbbreadth on the rod should be divided into halves, thirds, and quarters, so that it will be possible to have exact measurements, including even half and quarter thumbbreadths.

One should measure each piece of parchment with this rod to determine its length in thumbbreadths. In this manner, one can calculate the length in thumbbreadths of the entire coil.

5 Afterwards, one should take two or three other parchments [as an experiment] to check the size of one's writing. One should write a [sample] column.

It is obvious that the length of the column [used for the writing] will be seventeen thumbbreadths, since three thumbbreadths are left for a margin above the column and four thumbbreadths are left for a margin below. The width of the column, however, varies according to the thickness of one's writing. Similarly, the number of lines within each column varies according to the writing. The space of a line should be left between each two lines.

6 After one writes the experimental column as one desires, one should measure the column with the rod. Then one should add the two thumbbreadths to be left between columns and calculate the number of columns one will have in the entire coil [should one continue] using the same [size] writing.

Once one knows the number of columns [for which there is space in the coil], one should calculate according to the scroll from which one is writing whether the entire Torah will be able to be contained in the number of columns there are in the coil based on this [size] writing.

If the entire Torah can be contained within this number of columns, [the scroll] will be [written in the] desired [fashion]. If, according to one's calculations, there are more columns than necessary to contain the Torah, one should write with a broader script, so that fewer columns will be included. One should write another [experimental] column [and recalculate until the calculations are resolved].

If, according to one's calculations, there are fewer columns than necessary to contain the Torah, one should write with a thinner script, so that more columns will be included. One should write another [experimental] column and recalculate until the calculations are resolved.

7 After one knows the width of the column and the measure of one's writing, one takes the coil [of parchment] and divides each parchment into columns according to the [size of the] column with which one experimented and made the [above] calculation, ruling each column. When more than three or four fingerbreadths remain after the final column [which fits onto] the portion of parchment, one should leave only a thumbbreadth and the space necessary to sew it and cut off the rest.
One need not worry that, ultimately, additional parchments will have to be added to the coil to compensate for the portions which were cut off. This is not a factor of circumstance, because the writing will cause [the size of the scroll] to be extended [only] according to the number of columns [originally calculated].

8 Similarly, if one desires to make the width of the scroll more than six [thumbbreadths] or less than six [thumbbreadths], one should follow similar calculations. Thus, the length of the scroll will be equal to the circumference, neither less nor more, provided one does not err in his calculations.

9 The thumbbreadth mentioned in all these calculations - and in all other Torah measurements - refers to the width of a normal person's thumb. We

have calculated this measure precisely and found it to be equal to the width of seven average barley-corns when placed next to each other in a cramped manner. This is equivalent to the length of two barley-corns amply spaced apart.

Whenever the term "handbreadth" is mentioned, it refers to four of these thumbbreadths. Whenever the term cubit is mentioned, it refers to six handbreadths.

10 In the Torah scroll which I wrote, the width of each column was four thumbbreadths [with the exception of the] columns on which the Song of the Red Sea and the song *Ha'azinu* were written; they were six thumbbreadths wide. There were 51 lines in each column and 226 columns in the entire scroll. [In its entirety,] the scroll was approximately 1366 thumbbreadths long.

11 The six thumbbreadths beyond the number that one would arrive at by calculation were used for the margin of the scroll left at the beginning and the end. I wrote the scroll from parchment made from ram skin.

Should one desire to write a scroll using these measurements or deviating from them only slightly - i.e., adding or subtracting two or three columns, there is no necessity to trouble oneself with calculations; without any difficulty one will have a scroll whose length is equal to its circumference.

12 One should not write fewer than three columns on a piece of parchment, nor [should one write] more than eight columns. If one has a piece of parchment large enough to contain nine columns, one should divide it in

two, one portion containing five columns, and one portion four columns. When does the above apply? At the beginning of the scroll or in the middle. At the end of the scroll, however, even if there is one verse in one column, that column may be written on a separate piece of parchment and sewn together with the other parchments.

13 When one sews the parchments together, one should use only sinews from a kosher species of animal or beast. [Sinews taken from] animals which died without being ritually slaughtered or which were killed by wild beasts [are, nevertheless, acceptable].

This is a halachah transmitted to Moses on Mount Sinai. Therefore, if one did not sew them with sinews, or used sinews from a non-kosher animal, the scroll is unacceptable until one removes the threads and sews them again.

14 When sewing all the pieces of parchment together, one should not sew the entire length of the parchment. Rather, one should leave a certain portion unsewn on both the top and bottom of the parchment, so that the parchment will not tear in the middle when the Torah is rolled.

Two staves of wood should be made for a [Torah scroll], one at the beginning and one at the end. One should sew the parchment left over at the beginning and the end [of the scrolls] to these staves with sinews, so that it can be rolled around [these staves]. Space should be left between the staves and the columns of writing.

15 When a tear in a Torah scroll is contained within two lines, [it is sufficient

to] sew [the tear]. If it [extends to] three [or more], [it] should not be sewn.

When does the above apply? With regard to an old Torah scroll which one cannot recognize as having been processed with gallnut juice. If, however, one can recognize that the parchment was processed with gallnut juice, one may sew it, even if the tear extends to three [lines]. Similarly, [if there is a tear] between columns or between words, one may sew it.

All these tears may be sewn only with the sinews which are used to sew the parchments together. When sewing, one must be careful that a single letter is not omitted or has its form distorted.

Chapter 10

1 Thus, it can be concluded that there are twenty factors that - each in its own right - can disqualify a Torah scroll. If a scroll contains one of these factors, it does not have the sanctity of a Torah scroll, but rather is considered like a *chumash* used to teach children. It may not be used for a public Torah reading.

They are:

a) that the scroll was written on parchment from a non-kosher animal;

b) that the scroll was written on parchment from a kosher animal that was not processed;

c) [that the scroll was written on parchment] that was not processed with the intention that it be used for a Torah scroll;

d) that it was written on [the side of the parchment] that is not appropriate for writing; i.e., on *g'vil* on the side of the flesh, and on *k'laf*

on the side of the hair;

e) that a portion was written on *g'vil* and a portion on *k'laf*;
f) that it was written on *duchsustos*;
g) that it was written on unruled [parchment];
h) that it was written with [an ink] other than a black ink that remains [without fading];
i) that it was written in a language other [than *L'shon HaKodesh*];
j) that it was written by a nonbeliever or others whose writing is not acceptable;
k) that the names of God were not written with the proper intention;
l) that even a single letter was omitted;
m) that even a single letter was added;
n) that one letter touches another;
o) that the form of a letter is distorted so that it cannot be read, or so that it would be read as another letter. This applies regardless of whether the distortion was caused by the original writing, a perforation, a tear, or an erasure;
p) that additional space was left between letters, so that a word would appear as two words, or that too little space was left between words, so that two words appear as one;
q) that the form of the passages was altered;
r) that the form of the songs was altered;
s) that other passages were written in the form of the songs;
t) that the parchments were sewn together using [thread made from anything other] than animal sinews.

Any other factors were mentioned only as the most proper way of fulfilling the mitzvah and are not absolute requirements.

2 A proper Torah scroll is treated with great sanctity and honor. It is forbidden for a person to sell a Torah scroll even if he has nothing to eat. [This prohibition applies] even if he possesses many scrolls or if he [desires to] sell an old scroll in order to purchase a new one.

A Torah scroll may never be sold except for two purposes:

a) to use the proceeds to study Torah;

b) to use the proceeds to marry.

[Even in these instances, permission to sell is granted only] when the person has nothing else to sell.

3 A Torah scroll that has become worn or disqualified should be placed in an earthenware container and buried next to a Torah sage. This is the manner in which it should be entombed.

The mantle of a scroll that has become worn should be used to make shrouds for a corpse that has no one to bury it. This is the manner in which it should be entombed.

4 The [following] are all considered to be sacred articles: a container that was prepared to be used for a Torah scroll and within which a scroll had actually been placed, and similarly, a mantle, a movable ark or cabinet in which a Torah scroll is placed - [this applies] even though the scroll is within its container - and similarly, a chair that was prepared for a Torah scroll to be placed upon it and upon which a scroll had actually been

placed. They are forbidden to be discarded. Instead, when they become worn out or broken, they should be entombed.

In contrast, the platform on which the *chazan* stands while holding the Torah scroll and tablets used for the instruction of children are not sacred in nature.

Similarly, the decorative silver and gold pomegranates that are made for a Torah scroll are considered sacred articles and may not be used for mundane purposes, unless they were sold with the intention of purchasing a Torah scroll or *chumash* with the proceeds.

5 It is permissible to place a Torah scroll on another Torah scroll and, needless to say, upon *chumashim*. *Chumashim* may be placed upon books of the Prophets or of the Sacred Writings. In contrast, books of the Prophets or the Sacred Writings may not be placed on *chumashim*, nor may *chumashim* be placed on Torah scrolls.

All sacred writings, even texts of Torah law and allegories, may not be thrown. It is forbidden to enter a lavatory wearing a amulet containing verses from the sacred writings unless it is covered with leather.

6 A person should not enter a bathhouse, lavatory, or cemetery while holding a Torah scroll, even if it is covered by a mantle and placed in its container. He should not read from the scroll until he moves four cubits away from the corpse or from the lavatory.

A person should not hold a Torah scroll while naked. It is forbidden to sit on a couch on which a Torah scroll is placed.

7 It is forbidden to engage in intimate relations in a room where a Torah scroll is located, until one either:

a) removes the scroll;

b) places it in a container, and then places that container in a container that is not intended for it. If, however, the container is intended for it, even ten containers, one over the other, are considered as a single entity; or

c) constructs a divider at least ten handbreadths high.

[The above applies] only when there is no other room available. If there is another room available, one may not engage in intimate relations unless one removes the Torah scroll.

8 Any impure person, even [a woman in] a *niddah* state or a gentile, may hold a Torah scroll and read it. The words of Torah do not contract ritual impurity. This applies when one's hands are not soiled or dirty with mud. [In the latter instance,] one should wash one's hands and then touch the scroll.

9 Whenever a person sees a Torah scroll being carried, he must stand before it. Everyone should remain standing until the person holding the scroll reaches his destination and stands still, or until they can no longer see the scroll. Afterward, they are permitted to sit.

10 It is a mitzvah to designate a special place for a Torah scroll and to honor it and glorify it in an extravagant manner. The words of the Ten Commandments are contained in each Torah scroll.

A person should not spit before a Torah scroll, reveal his nakedness before it, take off his footwear before it, or carry it on his head like a burden. He should not turn his back to a Torah scroll unless it is ten handbreadths higher than he is.

11 A person who was journeying from one place to another with a Torah scroll should not place the Torah scroll in a sack, load it on a donkey, and then ride on [the beast]. If, however, he is afraid of thieves, it is permissible. If there is no danger, he should carry it in his bosom while riding the animal, and journey [onward].

Anyone who sits before a Torah scroll should sit with respect, awe, and fear, because [the Torah] is a faithful testimony [of the covenant between God and the Jews] for all the inhabitants of the earth, as [**Deuteronomy 31:26**] states: "And it will be as a testimony for you."

A person must honor a Torah scroll [to the full extent] of his potential. The Sages of the early generations said: "Whoever desecrates the Torah will have his person desecrated by people. Whoever honors the Torah will have his person honored by people."

Blessed be God who offers assistance.

Mishneh Torah, Fringes

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The tassel that is made on the fringes of a garment from the same fabric as the garment is called tzitzit, because it resembles the locks of the head, as [**Ezekiel 8:3**] relates, "And he took me by the locks of my head."
This tassel is called the white [strands], because we are not commanded to dye it. The Torah did not establish a fixed number of strands for this tassel.

2 Then we take a strand of wool that is dyed a sky-like color and wind it around this tassel. This strand is called *techelet*. The Torah did not establish a fixed requirement for the number of times that this strand should be wound [around the tassel].

3 Thus, this mitzvah contains two commandments: to make a tassel on the fringe [of a garment], and to wind a strand of *techelet* around the tassel. [Both these dimensions are indicated by **Numbers 15:38**, which] states: "And you shall make tassels... and you shall place on the tassels of the corner a strand of *techelet*."

4 The [absence of] *techelet* does not prevent [the mitzvah from being fulfilled with] the white strands, nor does the [absence of] the white strands prevent [the mitzvah from being fulfilled with] *techelet*.
What is implied? A person who does not have *techelet* should make

[tzitzit] from white strands alone. Similarly, if [tzitzit] were made from both white strands and *techelet*, and afterwards, the white strands snapped and were reduced until [they did not extend beyond] the corner [of the garment], and thus only the *techelet* remained, it is acceptable.

5 Although the [absence of] one does not prevent [the mitzvah from being fulfilled with] the other, they are not considered as two mitzvot. Instead, they are a single mitzvah. Whether [the tzitzit] a person wears on his garment are white, *techelet*, or a combination of the two colors, he fulfills a single mitzvah.

The Sages of the early generations related: [**Numbers 15:39** states:] "And they shall be tzitzit for you." This teaches that they are both one mitzvah.

The [presence of each of the] four tzitzit is necessary [for the mitzvah to be fulfilled], because all four are [elements] of a single mitzvah.

6 How are the tzitzit made? One begins from the corner of a garment - i.e., the end of its woven portion. One ascends upward no more than three fingerbreadths from the edge, but no less than the distance from the knuckle of the thumb to its end.

[A hole is made] and four strands inserted, [causing them] to be folded in half. Thus, there will be eight strands hanging down from the corner. These eight strands must be at least four fingerbreadths long. If they are longer - even if they are a cubit or two long - it is acceptable. The term "fingerbreadth" refers to a thumbbreadth.

One of the eight strands should be *techelet*; the other seven should be white.

7 Afterwards, one should take one of the white strands and wind it once around the other strands close to the edge of the garment and let it go. Then one takes the strand that was dyed *techelet* and winds it twice [around the other strands], next to the coil made by the white strand, and then ties the strands in a knot. These three coils are called a segment.

Afterwards, one should leave a slight space, and then make a second segment using only the strand that was dyed *techelet*. Again, one should leave a slight space, and then make a third segment [using only the strand that was dyed *techelet* for this segment as well]. One should continue in this manner until the final segment, which is made of two coils of *techelet* and a final coil using a white strand. Since one began with a white strand, one concludes with it, because one should always ascend to a higher level of holiness, but never descend.

Why should one begin using a white strand? So that [the coil that is] next to the corner of the garment should be similar to [the garment itself].

The same pattern is followed regarding all four corners.

8 How many segments should be made at every corner? No fewer than seven and no more than thirteen.

[The above] represents the most preferable way of performing the mitzvah. If, however, one wound only one segment around the strands, it is acceptable. Should one wind the *techelet* around the majority of the [length of the] tzitzit, it is acceptable. For the *techelet* to be attractive, [however,] all the segments should be in the upper third of the strands, and the [remaining] two thirds should hang loose.

One must separate the strands like the locks of one's hair.

9 A person who makes [tzitzit using only] white threads without using *techelet* should take one of the eight strands and wind it around the others, covering one third of [the length of] the strands and leaving two thirds hanging loose.

When winding [this strand around the others], one may create segments as one does when winding the *techelet*, if one desires. This is our custom. If, however, one desires to wind [the strand around the others] without creating segments, one may.

The general principle is that one should intend that one third of the tzitzit be bound, and two thirds hang loose. There are those, however, who are not precise about this matter when [making tzitzit] with white threads [alone].

Should one wind a white thread around the majority [of the length] of the strands or should one make only a single segment, [the tzitzit] are acceptable.

10 Both the white strands and those dyed *techelet* may be made out of entwined strands. Even a strand that is made from eight threads entwined into a single strand is considered as only a single strand in this context.

11 Both the white strands of the tzitzit and those dyed*techelet* must be spun for the sake of being used for [the mitzvah of] tzitzit.

[Tzitzit] may not be made from wool which becomes attached to thorns when sheep graze among them, nor from hairs which are pulled off the animal, and not from the leftover strands of the woof which the weaver leaves over when he completes a garment. Rather, they must be made

from shorn wool or from flax.

[Tzitzit] may not be made from wool which was stolen, which came from an *ir hanidachat*, or which came from a consecrated animal. If such wool was used, it is unacceptable. If a person bows down to an animal, its wool is not acceptable for use for tzitzit. If, however, one bows down to flax which is planted, it is acceptable, because it has been changed.

12 Tzitzit that were made by a gentile are not acceptable, as [implied by **Numbers 15:38**, which] states: "Speak to the children of Israel... and you shall make tzitzit for yourselves." If, however, a Jew made tzitzit without the intention [that they be used for the mitzvah], they are acceptable.

Tzitzit that are made from those already existing are not acceptable.

13 What is implied? Should a person bring the corner of a garment which has tzitzit attached to it and sew it onto another garment, it is not acceptable. [This applies] even if that corner of the garment is a square cubit in size.

[This concept is derived from **Numbers 15:38**, which] states: "And you shall make tzitzit for yourselves" - i.e., [you should make them] and not [use those] which were made previously,since this would be as if [the mitzvah] came about on its own accord.

It is permissible to remove strands [of tzitzit] - whether white or *techelet* - from one garment and tie them on another.

14 Should one suspend the strands between two corners of the garment and tie [tzitzit on] each of the corners in the proper manner, and then separate

them from each other, it is unacceptable.

[The rationale is] that, at the time they were tied, they were unacceptable, since the two corners were connected with each other through the strands. When the strands were cut, two tzitzit were made. This is considered as making tzitzit from those which already exist.

15 [The following rules apply when] a person ties tzitzit over existing tzitzit: Should [he tie the second set] with the intention of nullifying the first set, if he unties or cuts off the first set, the tzitzit are acceptable.

Should, however, [he have tied the second set] with the intention of adding [a second tzitzit, the tzitzit] are not acceptable even though he cuts one of them off. When he added the second tzitzit, he disqualified both sets, and when he unties or cuts off the additional one, the remaining one is [disqualified because it involves] making [tzitzit] from those which are already existing, since the manner in which it existed previously was not acceptable.

16 Similarly, all the tzitzit of a garment are unacceptable

[in the following instance]: A person placed tzitzit on a garment that had three corners. afterwards, he made the garment a fourth corner and placed tzitzit on it. [This is also excluded by the commandment, **Deuteronomy 22:12**:] "Make braids," [which implies that one may not use those] which were made previously.

17 A garment should not be folded in half, and then tzitzit hung on the four corners of the folded garment, unless one sews it along [one] side entirely.

[It is sufficient, however, to sew it] on one side alone.

18 [The following rules apply] if the corner [of the garment] to which the tzitzit were attached is torn off the garment: If more than three fingerbreadths were torn, it may be sewed back in its place.
If less than three fingerbreadths were torn off, it should not be sewn back.
If the portion of the garment is between [the hole through which] the tzitzit [are attached] and the end of the garment, it is acceptable, even though only the smallest portion of the fabric remains.
Similarly, if the [length of the] strands of the tzitzit was reduced, it is acceptable, as long as enough of the strand remains to tie a loop. Should, however, even a single strand be torn off [from the place to which it is attached to the garment], it is no longer acceptable.

Chapter 2

1 The term *techelet* mentioned throughout the Torah refers to wool dyed light blue - i.e., the color of the sky which appears opposite the sun when there is a clear sky.
The term *techelet* when used regarding tzitzit refers to a specific dye that remains beautiful without changing. [If the *techelet*] is not dyed with this dye, it is unfit to be used as tzitzit even though it is sky blue in color. For example, using isatis, black dye, or other dark dyes, is unacceptable for tzitzit.
The wool of a ewe that a goat gave birth to is unacceptable for use as tzitzit.

2 How is the *techelet* of tzitzit dyed? Wool is taken and soaked in lime. Afterwards, it is taken and washed until it is clean and then boiled with bleach and the like, as is the dyers' practice, to prepare it to accept the dye. A chilazon is a fish whose color is like the color of the sea and whose blood is black like ink. It is found in the Mediterranean Sea.
The blood is placed in a pot together with herbs - e.g., chamomile - as is the dyers' practice. It is boiled and then the wool is inserted. [It is left there] until it becomes sky-blue. This is the manner in which the *techelet* of tzitzit [is made].

3 One must dye tzitzit *techelet* with the intention that it be used for the mitzvah. If one did not have such an intention, it is unacceptable.
When one places some wool in the pot in which the dye was placed, to check whether the dye is good or not, the entire pot may no longer be used [for tzitzit]. [If so,] how should one check [the dye]? He should take some dye from the pot in a small container and place the wool he uses to check in it. Afterwards, he should burn the wool used to check - for it was dyed for the purpose of checking - and pour out the dye used to check it, since using it for an experiment disqualified it. Afterwards, he should dye [the wool] *techelet* with the remainder of the dye which was not used.

4 *Techelet* should only be purchased from a recognized dealer because we are concerned that perhaps it was not dyed with the intention that it be used for the mitzvah. Even though it was purchased from a recognized dealer, if it was checked, and it was discovered that it was dyed with another dark dye which is not of a permanent nature, it is not acceptable.

5 How can *techelet* be checked to see whether it has been dyed properly or not? One takes straw, the secretion of a snail, and urine that had been left standing for forty days and leaves the*techelet* in this mixture for an entire day. If the color of the*techelet* remained unchanged, without becoming weaker, it is acceptable.

If it became weaker, we place the *techelet* which changed color inside a dough of barley meal that was left to sour for fish brine. The dough is baked in an oven, and then the *techelet* is removed. If it became even weaker than it was previously, it is unacceptable. If this strengthened the color and it became darker than it was before being baked, it is acceptable.

6 One may purchase *techelet* from an outlet which has established a reputation for authenticity without question. It need not be checked. One may continue to rely [on its reputation] until a reason for suspicion arises.

Should one entrust *techelet* to a gentile for safekeeping, it is no longer fit for use, [because] we fear that he exchanged it. If it was in a container and closed with two seals, one seal inside the other, it is acceptable. If, however, it had only a single seal, it may not be used.

7 If a person found *techelet* in the marketplace - even strands which were cut - it is not fit for use.If they were twisted together, however, they are acceptable.

[The following rules apply when] a person purchases a garment to which tzitzit are attached in the marketplace. When he purchases it from a Jew, he may presume [that it is acceptable]. If he purchases it from a gentile merchant, it is [presumed to be] acceptable;

from a non-Jew who is a private person, it is not acceptable.

8 When a garment is entirely red, green, or any other color [besides white], its white strands should be made from the same color as the garment itself. If it is green, they should be green. If it is red, they should be red. Should the garment itself be *techelet*, its white strands should be made from any color other than black,
for it resembles *techelet*. He should wind one strand of *techelet* around all the strands, as one does with other tzitzit that are not colored.

9 The punishment given someone who does not wear [tzitzit of white strands] is more severe than that given one who does not wear *techelet*, because the white strands are easily accessible while *techelet* is not available in every time and in every era, because of the [unique] dye mentioned above.

Chapter 3

1 A garment to which the Torah obligates a person to attach tzitzit [must meet the following requirements]:
a) it must have four - or more than four - corners;
b) it must be large enough to cover both the head and the majority of the body of a child who is able to walk on his own in the marketplace without having someone else accompany him and watch him;
c) it must be made of either wool or linen alone.

2 In contrast, a garment made of other fabrics - for example, clothes of silk,

cotton, camels' wool, hares' wool, goats' wool, and the like - are required to have tzitzit only because of Rabbinic decree, in order to show regard for the mitzvah of tzitzit.

[These garments require tzitzit only] when they are four-cornered - or have more than four corners - and are of the measure mentioned above.

[The motivating principle for this law] is that all the garments mentioned in the Torah without any further explanation refer to those made of either wool or linen alone.

3 On the four corners of your garments (Deuteronomy 22:12 : This applies to a garment which possesses four corners, but not to one which possesses only three. Perhaps, [it comes to include] a four-cornered garment and [to exclude] a five-cornered garment? The Torah continues: "with which you cover yourself." This includes even a five- (or more) cornered garment.

Why do I obligate a garment of five corners and exempt a garment of three corners? Neither has four corners [as required by the above verse]. Because a five-cornered garment has four corners.

Accordingly, when one attaches tzitzit to a garment with five or six corners, one should attach the tzitzit only to the four corners which are farthest apart from each other from among these five or six corners, as [implied by the phrase,] "On the four corners of your garments."

4 If a garment is made of cloth and its corners of leather, it requires tzitzit. If the garment is of leather and its corners are of cloth, it does not require tzitzit. The determining factor is the makeup of the garment itself.

A garment belonging to two partners requires [tzitzit], as [implied by

Numbers 15:38]: "On the corners of their garments." The term "your garments" [(**Deuteronomy 22:12** , which is interpreted as an exclusion,] excludes only a borrowed garment, since a borrowed garment does not require tzitzit for thirty days. Afterwards, it does require them.

5 For a garment of wool, the white strands should be made of wool. For a garment of linen, the white strands should be made of linen. For garments of other [fabrics], the white strands should be made from the same fabric as the garment itself. For example, silk strands should be used for a silk garment, strands of goats' wool should be used for garments of goats' wool.

If one desired to make white strands of wool or linen for [garments of] any type [of fabric], one may, because [strands of] wool and linen can fulfill the obligation [of tzitzit] for garments made of their own fabric or for garments made of other fabrics. In contrast, [strands made] from other fabrics can fulfill the obligation [of tzitzit] only for garments made of their own fabric.

6 What is the ruling regarding making woolen strands for a garment of linen or linen strands for a garment of wool - even though we are speaking only of the white strands without *techelet*?

One might think that it should be permitted, because *sha'atnez* is permitted to be used for tzitzit, as evident from the fact that *techelet* is made using woolen strands, and yet it should be placed on a linen garment. Nevertheless, this is not done.

Why? Because it is possible to make the white strands from the same

fabric as [the garment]. Whenever [a conflict exists] between the observance of a positive commandment and the adherence to a negative commandment, [the following rules apply]: If it is possible to observe both of them, one should. If not, the observance of the positive commandment supersedes the negative commandment. In the present instance, however, it is possible to observe both of them.

7 *Techelet* should not be attached to a linen garment. Rather, one should [make the tzitzit] from white threads of linen alone. This is not because [the prohibition against] *sha'atnez* supersedes [the mitzvah of] tzitzit, but rather it is a Rabbinical decree [imposed] lest one wear the garment at night, when one is not required to wear tzitzit, and thus violate a negative commandment when the performance of a positive commandment is not involved.

[This is because] the obligation to wear tzitzit applies during the day, but not at night [as can be inferred from **Numbers 15:39**]: "And you shall see them." [The mitzvah applies only] during a time when one can see. [Nevertheless,] a blind man is obligated to wear tzitzit. Even though he does not see them, others see him [wearing them].

8 A person is permitted to wear tzitzit at night, both during the weekdays and on the Sabbath, even though this is not the time when the mitzvah should be fulfilled, provided he does not recite a blessing.

When should the blessing over tzitzit be recited in the morning? When [the sun has risen so] that one can differentiate between the strands of *techelet* and those which are white.

Which blessing should be recited upon it? "Blessed are you, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to wrap ourselves with tzitzit." Whenever a person wraps himself in tzitzit during the day, he should recite the blessing before doing so.

No blessing should be recited on the tzitzit when making them, because the ultimate purpose of the mitzvah is that one should wrap oneself in [a *tallit*].

9 It is permissible to enter a lavatory or a bathhouse [wearing] tzitzit. If one of the strands of white or *techelet* becomes torn, it may be discarded in a garbage dump, because tzitzit is a mitzvah which does not confer sanctity on the article itself.

It is forbidden to sell a garment with tzitzit to a gentile until he removes the tzitzit, not because the garment possesses a measure of holiness, but because we are concerned that he will dress in it, and [unknowingly,] a Jew will accompany him, thinking that he is a fellow Jew, and the gentile may kill him.

Women, servants, and minors are not required by the Torah to wear tzitzit. It is, however, a Rabbinical obligation for every child who knows how to dress himself to wear tzitzit in order to educate him to fulfill mitzvot.

Women and servants who wish to wrap themselves in tzitzit may do so without reciting a blessing. Similarly, regarding the other positive commandments which women are not required to fulfill, if they desire to fulfill them without reciting a blessing, they should not be prevented from

doing so.

A *tumtum* and an *androgynous* are obligated in all positive commandments because of the doubt [about their status]. Therefore, they fulfill [all these positive commandments] without reciting a blessing.

10 What is the nature of the obligation of the commandment of tzitzit? Every person who is obligated to fulfill this mitzvah, if he wears a garment requiring tzitzit, should attach tzitzit to it and then wear it. If he wears it without attaching tzitzit to it, he has negated [this] positive commandment.

There is, however, no obligation to attach tzitzit to a garment which requires tzitzit, as long as it remains folded in its place, without a person wearing it. It is not that a garment requires [tzitzit]. Rather, the requirement is incumbent on the person [wearing] the garment.

11 Even though a person is not obligated to purchase a tallit and wrap himself in it so that he must attach tzitzit to it, it is not proper for a person to release himself from this commandment. Instead, he should always try to be wrapped in a garment which requires tzitzit so that he will fulfill this mitzvah.

In particular, care should be taken regarding this matter during prayer. It is very shameful for a Torah scholar to pray without being wrapped [in a tallit].

12 A person should always be careful regarding the mitzvah of tzitzit, because the Torah considered it equal to all the mitzvot and considered them all as

dependent on it, as [implied by **Numbers 15:39**]: "And you shall see them and remember all the mitzvot of God."

Mishneh Torah, Blessings

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive mitzvah from the Torah to bless [God] after eating satisfying food, as [**Deuteronomy 8:10**] states: "When you have eaten and are satiated, you shall bless God, your Lord."

The Torah itself requires a person to recite grace only when he eats to the point of satiation, as implied by the above verse, "When you have eaten and *are satiated,* you shall bless...." The Sages, however, ordained that one should recite grace after eating [an amount of bread equal] to the size of an olive.

2 Similarly, the Rabbis ordained that we recite blessings before partaking of any food. Even when one wants to eat the slightest amount of food or drink, one should recite a blessing, and then derive benefit from it.

Similarly, when smelling a pleasant fragrance, one should recite a blessing and then smell. Anyone who derives benefit [from this world] without reciting a blessing is considered as if he misappropriated a sacred article.

The Rabbis also ordained that one should recite a blessing after eating or drinking, provided one drinks a *revi'it* and eats a *k'zayit*. A person who [merely] tastes food is not required to recite a blessing before partaking of it or afterwards unless he partakes of a *revi'it*.

3 Just as we recite blessings for benefit which we derive from the world, we should also recite blessings for each mitzvah before we fulfill it.

Similarly, the Sages instituted many blessings as expressions of praise and thanks to God and as a means of petition, so that we will always remember the Creator, even though we have not received any benefit or performed a mitzvah.

4 Thus, all the blessings can be divided into three categories:
a) blessings over benefit;
b) blessings over mitzvot;
c) blessings recited as expressions of praise and thanks to God and as a means of petition, so that we will always remember the Creator and fear Him.

5 The text of all the blessings was ordained by Ezra and his court. It is not fit to alter it, to add to it, or to detract from it. Whoever alters the text of a blessing from that ordained by the Sages is making an error.
A blessing that does not include the mention of God's name and His sovereignty [over the world] is not considered a blessing unless it is recited in proximity to a blessing [which meets these criteria].

6 All the blessings may be recited in any language, provided one recites [a translation of] the text ordained by the Sages. [A person who] changes that text fulfills his obligation nonetheless - since he mentioned God's name, His sovereignty, and the subject of the blessing - although he did so in a ordinary language.

7 A person should recite all the blessings loud enough for him to hear what he is saying. Nevertheless, a person who does not recite a blessing out loud

fulfills his obligation, whether he verbalizes the blessing or merely recites it in his heart.

8 Whenever one recites a blessing, one should not make an interruption between the blessing and the subject for which the blessing is recited. If one makes an interruption with other matters, one must recite the blessing again.

If, however, one makes an interruption which relates to the subject of the blessing, one does not have to repeat the blessing. What is implied? When a person recites a blessing over bread and before eating says, "Bring salt," "Bring food," "Give so-and-so to eat," "Bring food for the animal," or the like, he need not repeat the blessing.

9 A person who is ritually impure is permitted to recite all the blessings. This applies regardless of whether the impurity is of a type from which one can purify oneself on the same day or not.

A person who is naked should not recite a blessing until he covers his genitals. To whom does this apply? To men. Women may recite blessings [while naked], provided they sit with their genitals facing the ground.

10 [The following principle applies to] all blessings: Although a person has already recited them and fulfilled his own obligation, he may recite them again for others who have not fulfilled their obligation, so that they can fulfill their obligation.

There is, however, one exception: blessings over benefit which is not associated with a mitzvah. In this instance, one may not recite a blessing

for others unless one enjoys benefit together with them. Nevertheless, one may recite blessings for benefit which is associated with a mitzvah - e.g., eating matzah on Pesach and reciting *kiddush* [on Sabbaths and festivals] - for others. They may then eat or drink, even though the one [who recites the blessing] does not eat or drink with them.

11 Whenever a person listens to the entire recitation of a blessing with the intention of fulfilling his obligation, he is considered to have fulfilled his obligation although he does not answer *Amen*. Whoever answers *Amen* to a blessing recited by another person is considered as if he recited the blessing himself, provided the person who recites the blessing is obligated to recite that blessing.

If the person who recites the blessing is obligated only because of a Rabbinic ordinance, while the person responding is obligated by Torah law, the listener cannot fulfill his obligation until he repeats in response [to the one reciting the blessings] or until he hears [the blessing recited] by someone who, like him, is obligated by Torah law.

12 When many people gather together to eat [a meal with] bread or to drink wine, and one recites the blessing while the others respond *Amen*, they are [all] permitted to eat and drink. If, however, they did not intend to eat together, but rather they each came on their own initiative, although they all eat from a single loaf of bread, each one should recite the blessings [before eating] by himself.

When does the above apply? With regard to bread and wine. With regard to other foods, however, which do not require [premeditated intent] to be

eaten together as a group, if one person recited a blessing and everyone answered *Amen*, they may eat and drink although they did not intend to gather together as a group.

13 Whenever a person hears a Jew recite a blessing, he is obligated to respond *Amen*, although
a) he did not hear the blessing in its entirety,
b) he was not obligated to recite that blessing himself.
One should not respond *Amen* if the person reciting the blessing is a gentile, an apostate, a Samaritan, a child in the midst of study, or an adult who altered the text of the blessing.

14 Whenever responding *Amen*, one should not recite a rushed *Amen*, a cut off *Amen*, nor a short or a prolonged *Amen*, but rather an *Amen* of intermediate length.
One should not raise one's voice above that of the person reciting the blessing. Whoever did not hear a blessing that he is obligated to recite should not answer *Amen* together with the others.

15 Whoever recites a blessing for which he is not obligated is considered as if he took God's name in vain. He is considered as one who took a false oath, and it is forbidden to answer *Amen* after his blessing.
We may teach children the blessings using the full text. Even though in this manner, they recite blessings in vain in the midst of their study, it is permissible. One should not recite *Amen* after their blessings. A person who answers *Amen* after their blessings does not fulfill his obligation.

16 It is demeaning for a person to recite *Amen* after his own blessings. When, however, one concludes the last of a series of blessings, it is praiseworthy to answer *Amen* - e.g., after the blessing, *Boneh Yerushalayim* in grace, and after the final blessing [following] the recitation of the *Shema* in the evening service. Similarly, always, at the conclusion of the last of a series of blessings, one should recite *Amen* after one's own blessing.

17 Why is *Amen* recited after the blessing *Boneh Yerushalayim*, although it is followed by the blessing *Hatov v'hametiv*? Because the latter blessing was ordained in the era of the *Mishnah* and is considered to be an addition. The conclusion of the essential blessings of grace is *Boneh Yerushalayim*.
Why is *Amen* not recited after the blessing *Ahavat olam*? Because it is the conclusion of the blessings recited before the *Shema*. Similarly, in other instances when [a series of] blessings are recited before a practice - e.g., the blessings recited before the reading of the *Megillah* or the kindling of the Chanukah lights - *Amen* [is not recited] lest it constitute an interruption between the blessings and [the fulfillment of] the performance over which they are being recited.

18 Why is *Amen* not recited after the blessing over fruits and the like? Because it is only a single blessing, and *Amen* is recited only after a concluding blessing that follows another blessing or blessings - e.g., the blessings of the king or the blessings of the High Priest - to signify the conclusion of the blessings. Therefore, reciting *Amen* is appropriate.

19 When a person eats a forbidden food - whether consciously or

inadvertently - he should not recite a blessing beforehand or afterward.
What is implied? If one eats *tevel* - even food that is classified as *tevel* by Rabbinical decree, the first tithe from which *terumah* was not separated, or the second tithe or sanctified foods that were not redeemed in the proper manner, one should not recite a blessing. Needless to say, this applies if one ate meat from an animal that was not ritually slaughtered or was *trefah* or if one drank wine used as a libation for idol worship.

20 If, however, a person ate *d'mai*, although it is fit only for the poor, the first tithe from which *terumat ma'aser* was separated, even though the proper amount for *terumah* was not separated because the tithe was taken while the grain was still in sheaves, or the second tithe or sanctified food that was redeemed, but an additional fifth was not added upon it, one should recite a blessing beforehand and afterwards. The same applies in other similar situations.

Chapter 2

1 This is the order of the blessings of the grace after meals:
The first blessing [thanks God for providing our] sustenance;
The second blessing [thanks God for granting us] *Eretz* [*Yisrael*];
The third blessing [praises God as] "the builder of Jerusalem"; and
The fourth blessing [praises God as] "He who is good and does good."
The first blessing was instituted by Moses, our teacher; the second blessing by Joshua; the third by King David and his son, Solomon; and the fourth by the Sages of the *Mishnah*.

2 When workers are employed by an employer and eat a meal of bread, they should not recite a blessing before eating. Similarly, they should recite only two blessings after eating so that they do not neglect their employer's work.

[In such an instance,] the complete text of the first blessing should be recited. In the second blessing, they should begin with the text of the blessing for *Eretz Yisrael*, include aspects of the blessing for the building of Jerusalem, and conclude using the standard conclusion of the second blessing.

If they do not receive a wage, but only meals in return for their services or if they eat together with their employer, they should recite the full text of the four blessings as others do.

3 The blessing for *Eretz Yisrael* should include an acknowledgement of thanks [to God] at its beginning and at its conclusion. It should conclude: "[Blessed are You, God,] for the land and for the sustenance." Whoever does not include the phrase "a precious, good, and spacious land" in the blessing for *Eretz Yisrael* does not fulfill his obligation.

A person must mention the covenant [of circumcision] and the Torah [in this blessing], mentioning the covenant before the Torah. [The reason for this order is] that the covenant mentioned in the blessing for *Eretz Yisrael* refers to the covenant of circumcision, concerning which thirteen covenants [are mentioned in the Torah]. In contrast, [the Torah mentions only] three covenants with regard to the Torah, as [**Deuteronomy 28:69**] states: "These are the words of the covenant... in addition to the covenant He established with you at Chorev," and [**Deuteronomy 29:9-11**] states:

"You are standing... to establish a covenant."

4 The third blessing begins as follows: "Have mercy on us, God, our Lord, and on Israel, Your people, on Jerusalem, Your city, and on Zion, the abode of Your glory..." Alternatively, it begins: "Comfort us, God, our Lord, with Jerusalem, Your city...."
One should conclude: "[Blessed are You, God,] who will build Jerusalem," or "...who will comfort His people Israel with the building of Jerusalem." For this reason, this blessing is referred to as "the blessing of comfort."
Whoever does not mention the kingdom of the House of David in this blessing does not fulfill his obligation, because it is an essential element of the blessing. There will be no complete comfort until the return of the sovereignty to the House of David.

5 On Sabbaths and on the festivals, one should begin with the concept of comfort and conclude with the concept of comfort and, in the midst of the blessing, mention the sacred quality of the day.
How should one begin? Either with, "Comfort us, God, our Lord, with Zion, Your city..." or "Have mercy on us, God, our Lord, and on Israel, Your people, on Jerusalem, Your city...." One should conclude with: "[Blessed are You, God,] who will comfort His people Israel with the building of Jerusalem" or "... who will build Jerusalem."
On the Sabbath, in the midst [of the blessing], one should say:
Our God, and God of our fathers, may it please You, God, our Lord, to strengthen us through Your mitzvot and through the mitzvah of this great and holy seventh day. For this day is great and holy before You for us to

refrain from work and rest on it with love in accordance with the commandment of Your will. In Your good will, God, our Lord, grant us tranquility and prevent distress, evil, and sorrow on the day of our rest.
On the festivals, one should include the prayer *Ya'aleh v'yavo* in this blessing. Similarly, on *Rosh Chodesh* and on *Chol HaMo'ed*, one should include the prayer *Ya'aleh v'yavo* in the third blessing.

6 On Chanukah and Purim, one should add the prayer *Al hanisim* in the blessing for *Eretz Yisrael*, as one adds in the *Shemoneh Esreh*.
When a festival or *Rosh Chodesh* falls on the Sabbath, one recites *R'tzey vahachalitzenu* first, and then *Ya'aleh v'yavo*. Similarly, when *Rosh Chodesh* Tevet falls on the Sabbath, one recites *Al hanisim* in the blessing for *Eretz Yisrael*, and *R'tzey vahachalitzenu* and *Ya'aleh v'yavo* in the blessing of comfort.

7 In the fourth blessing, one must mention God's sovereignty three times.
When a guest recites grace in the home of his host, he should add a blessing for his host in this blessing. What should he say? "May it be Your will that [my] host not be disgraced in this world or shamed in the world to come." He may add to the blessing for [his] host and extend it [as he desires].

8 When grace is being recited in the house of a mourner, the following addition should be made in the fourth blessing:
The Living King who is good and does good, the true God, the true Judge who judges justly, the absolute ruler of His world who may do as He

chooses. We are His people and His servants and we are obligated to thank Him and bless Him for everything.
He should request mercy for the mourner to comfort him in the matters that he desires. [Afterwards,] he concludes, *Harachaman*....

9 The blessing for the bridegroom is recited after these four blessings at each meal eaten in the place of the wedding celebration. This blessing should not be recited by servants or by minors.
Until when is the blessing recited? When a widower marries a widow, it is recited only on the first day. When a groom who has never married before marries a widow or when a bride who has never married before marries a widower, it is recited during all the seven days of the marriage celebrations.

10 The blessing that is added at the place of the wedding celebration is the final blessing of the seven blessings recited at the wedding.
When does the above apply? When [all] the people who eat there were present [at the wedding] and heard the wedding blessings being recited. If, however, other people were present who had not heard the wedding blessings at the wedding, the seven wedding blessings are recited for them after grace, just as they are recited at the wedding itself.
The above applies when [a quorum of] ten are present. The groom can be counted as part of this quorum.

11 These are the seven blessings:
Blessed are You, God, our Lord, King of the universe, Creator of man.

Blessed are You, God, our Lord, King of the universe, who created all things for His glory.

Blessed are You, God, our Lord, King of the universe, who created man in His image, in an image reflecting His likeness, [He brought forth] his form and prepared for him from his own self a structure that will last for all time. Blessed are You, God, Creator of man.

May the barren one rejoice and exult as her children are gathered to her with joy. Blessed are You, God, who makes Zion rejoice in her children.

Grant joy to these loving companions as You granted joy to Your creation in the Garden of Eden long ago. Blessed are You, God, who grants joy to the groom and the bride.

Blessed are You, God, our Lord, King of the universe, who created joy and happiness, bride and groom, gladness, song, cheer, and delight, love and harmony, peace and friendship. Soon, God, our Lord, may there be heard in the cities of Judah and the outskirts of Jerusalem, a voice of joy and a voice of happiness, a voice of a groom and a voice of a bride, a voice of grooms rejoicing from their wedding canopies and youths from their songfests. Blessed are You, God, who grants joy to the groom together with the bride.

12 [The following rules apply when a person who is reciting grace] on a Sabbath or a festival [concludes the third blessing and] forgets to mention the aspect of holiness connected with the day: If he remembers before he begins the fourth blessing, he should recite the following:

On the Sabbath: Blessed [are You, God...] who has granted rest to His people Israel as a sign and a holy covenant. Blessed are You, God, who

sanctifies the Sabbath.

On the festivals: Blessed [are You, God...] who has granted festivals to His people Israel for rejoicing and for happiness. Blessed are You, God, who sanctifies Israel and the seasons.

Afterwards, one should begin the fourth blessing and conclude grace. If he [does not] remember [the omission of the special passages until after] he begins the fourth blessing, he should cease [his prayers] and return to the beginning [of grace], the blessing for sustenance.

13 [The following rules apply when a person who is reciting grace] on *Rosh Chodesh* [concludes the third blessing and] forgets to recite *Ya'aleh v'yavo*:

If he remembers before he begins the fourth blessing, he should recite the following: "Blessed [are You, God...] who granted *Rashei Chadashim* to His people Israel as a remembrance." The blessing does not include a *chatimah*. Afterwards, he should begin the fourth blessing and conclude grace. If he remembers after beginning the fourth blessing, he should complete it [without making any additions]. He need not repeat [the entire grace]. The same rules apply on *Chol HaMo'ed*.

[When a person reciting grace] on Chanukah or on Purim forgets to mention the uniqueness of the day in grace, he need not repeat [the grace].

14 [The following rules apply to] a person who ate and forgot to recite grace:

If he remembers before his food becomes digested, he should return and recite grace. If he remembers after his food becomes digested, he should not return and recite grace.

If a person forgets and is unsure whether he recited grace or not, he must return and recite grace, provided his food has not become digested.

Chapter 3

1 There are five species [of grain]: wheat, barley, rye, oats, and spelt. Rye is a sub-species of wheat, and oats and spelt are sub-species of barley.
When these five species are in their stalks, they are referred to as *tevuah*. After they have been threshed and winnowed, they are referred to as grain. When they have been milled and their flour kneaded and baked, they are referred to as bread. Bread made from these species is referred to as bread without any additional modifier.

2 Before eating bread, a person should recite the blessing, "Blessed are You, God, our Lord, King of the universe, who brings forth bread from the earth." Afterwards, he should recite the four blessings [of grace].
Before eating kernels of grain that have been cooked without being processed, a person should recite the blessing *borey pri ha'adamah*. Afterwards, he should recite the blessing *borey nefashot rabbot*. Before eating flour, a person should recite the blessing *shehakol*. Afterwards, he should recite the blessing *borey nefashot rabbot*.

3 [The following rules apply] when a person cooks flour from one of the five species of grain, which has been mixed with water or other liquids: If the mixture is thick, so that it is fit to be eaten and chewed, one should recite the blessing *borey minei mezonot* beforehand and the blessing *al*

hamichyah v'al hakalkalah afterward. If the mixture is thin, so that it is fit to be drunk, one should recite the blessing *shehakol* beforehand and the blessing *borey nefashot rabbot* afterward.

4 The blessing *borey minei mezonot* is recited before [partaking of any of the following foods]:

flour from one of the five species of grain that was cooked in a pot - whether alone or whether it was mixed together with other ingredients - e.g., dumplings or the like;

grain that was divided or crushed and cooked in a pot - e.g., groats or grits. These [two categories] are referred to as cooked dishes.

The same laws also apply to any dish in which flour or bread from the five species of grain was mixed.

5 When does the above apply? When the person considers the [flour or bread] from the five species of grain as the primary element [of the mixture] and not as a secondary element. If, however, the [flour or bread] from the five species of grain is a secondary element of a mixture, the person should recite the [appropriate] blessing over the primary food, and thus fulfill his obligation regarding the secondary food.

This is a major principle with regard to blessings: Whenever a food contains primary and secondary elements, a person should recite a blessing over the primary element, and thus fulfill his obligation regarding the secondary element. [This principle applies] regardless of whether the secondary element is mixed together with the primary element or not.

6 What is an example of a secondary food mixed together [with a primary food]? Cooked turnips or cabbage to which flour from one of the five species was added so that it would hold together. The blessing *borey minei mezonot* is not recited, because the turnips are of primary importance and the flour is secondary.

Similarly, whenever a substance is added to hold food together, to add fragrance, or to color a dish, it is considered secondary. If, however, it was added in order to add flavor to the food, it is considered of primary importance.

Accordingly, when sweets are made by cooking honey and mixing it with starch so that it will stick together, the blessing *borey minei mezonot* is not recited, because the honey is of primary importance.

7 What is an example of a secondary food which is not mixed together? A person who wants to eat salted fish and eats bread with it so that the heavy brine will not harm his throat or tongue. [In this instance,] he should recite a blessing on the salted fish, and by doing so fulfill his obligation regarding the bread, because the bread is secondary. The same principle applies in other similar situations.

8 [The following rules apply when] bread was broken into pieces and cooked in a pot or mixed into soup: If the pieces are the size of an olive or they can be recognized as bread and their appearance has not changed, the blessing *hamotzi* should be recited before partaking of them. If, however, they are not the size of an olive or they no longer resemble bread because of the cooking process, the blessing *borey minei mezonot* should be recited

before partaking of them.

9 Before partaking of dough baked over the ground as is baked by the Arabs living in the desert, one should recite the blessing *borey minei mezonot*, because it does not have the appearance of bread. If, however, one uses it as the basis of a meal, one should recite the blessing *hamotzi*.

Similar [laws apply to] dough that was kneaded with honey, oil, or milk, or mixed together with different condiments and baked. It is referred to as *pat haba'ah b'kisnin*. Although it [resembles] bread, the blessing *borey minei mezonot* is recited over it. If, however, one uses it as the basis of a meal, one should recite the blessing *hamotzi*.

10 Before eating rice that has been cooked or bread made from rice, one should recite the blessing *borey minei mezonot*. Afterwards, the blessing *borey nefashot* should be recited. This applies only when no other ingredients are combined together with the rice.

In contrast, before eating bread made from millet or other species of *kitniyot*, one should recite the blessing *shehakol*. Afterwards, the blessing *borey nefashot* should be recited.

11 Whenever the blessing *hamotzi* is recited before [partaking of a food], the four blessings of grace are recited afterwards in their proper order. Whenever the blessing *borey minei mezonot* is recited before [partaking of a food], a single blessing, which includes the three [blessings of grace], is recited afterward, except when one eats rice.

12 When does the above apply? When a person ate more than the size of an

olive [from these foods]. If, however, he ate less than the size of an olive, whether from bread or from other food, or drank less than a *revi'it*, whether from wine or from other beverages, he should recite the appropriate blessing before partaking of the food or drink, but should not recite any blessing at all afterward.

13 This is [the text of] the single blessing that includes the three blessings of grace:

Blessed are You, God, our Lord, King of the universe, for the life- giving and the sustaining [food], for the precious, good, and spacious land which You have graciously given as a heritage to our ancestors. Have mercy, God, our Lord, on us, and on all Israel, Your people, and on Jerusalem, Your city, and on Zion, the abode of Your glory. And may You cause us to ascend to it and let us rejoice in its rebuilding and we will bless You in holiness and in purity. Blessed are You, God, for the land and for the sustenance.

On Sabbaths and festivals, one should include in this blessing a condensed reference to the sanctity of the day as one does in grace.

Chapter 4

1 Everyone who recites grace or the single blessing that includes the three [blessings of grace] should recite these blessings in the place where he ate. If he ate while walking, he should sit down where he concluded eating and recite the blessings. If he ate while standing, he should sit down in his place and recite grace.

If a person forgets to recite grace and remembers before his food becomes digested, he may recite grace in the place where he remembers. If he intentionally [did not recite grace in the place where he ate], he should return to his place and recite grace. Should he recite grace in the place where he remembers, he fulfills his obligation.

Similarly, a person who recites grace while standing or while walking fulfills his obligation. Nevertheless, at the outset, a person should not recite grace or the single blessing which includes the three [blessings of grace] except when he is seated in the place where he ate.

2 A person who is in doubt whether he recited the blessing *hamotzi* or not should not repeat the blessing, because it is not required by the Torah.

A person who forgets to recite *hamotzi* should recite the blessing if he remembers before he completes his meal. If he remembers after he completed his meal, he should not recite the blessing.

3 [The following rules apply when] a person was eating in one house, interrupted his meal, and went to another house, or when a friend called to him and he went out the doorway of his house to speak to him: When he returns, he is required to recite grace after what he originally ate, and to recite *hamotzi* again because he changed his place. [Only] after this, may he complete his meal.

4 [The following rules apply when] friends joined to eat a meal together and [interrupted their meal to] go out to greet a groom or a bride: If they left an old man or a sick person [in the place where they ate], they may return

to their place and complete their meal without having to recite a second blessing.

If they did not leave an old man or a sick person [in the place where they ate], when they depart they are required to recite a blessing after eating. When they return, they must recite a blessing before [beginning to eat again].

5 Similar laws apply when people drink together as a group or eat fruits together. Whenever one changes one's place, it is considered as if he interrupted his eating. Therefore, he must recite a blessing after what he ate and must recite a second blessing before partaking of any other foods.

A person who changes his place from one corner to another in the same room need not recite another blessing. In contrast, a person who ate on the east side of a fig tree and goes to eat on the west side of the fig tree must recite another blessing.

6 When a person recites a blessing on bread, it also includes the appetizers eaten together with bread - e.g., cooked food or fruit. Reciting a blessing on these foods, however, does not include bread.

Reciting a blessing on cooked grains includes cooked food. Reciting a blessing on cooked food, however, does not include cooked grains.

7 A person who decides not to continue eating or drinking, and afterwards changes his mind and [desires to] eat or drink, must recite another blessing although he has not changed his place. If he did not decide [to cease] eating or drinking and had in mind to continue - even if he made

an interruption for the entire day - he is not required to recite a second blessing.

8 When people who are sitting together and drinking say "Let us recite grace," or "Let us recite *kiddush*," they are forbidden to continue drinking until they recite grace or *kiddush*. Should they desire to drink more - although they are not permitted to do so - before reciting grace or *kiddush*, they are required to recite the blessing *borey pri hagafen* before drinking. In contrast, should they say, "Let us recite *havdalah*," they are not required to recite a blessing [should they continue drinking].

9 When a company who gathered together to drink wine were served another type of wine - e.g., they were drinking red wine and black wine was brought, or they were drinking aged wine and fresh wine was brought - they need not recite a second blessing over wine. They should, however, recite the following blessing: "Blessed are You, God, our Lord, King of the universe, who is good and does good."

10 A person should not recite a blessing over any food or drink until it is brought before him. If he recited a blessing, and then the food was brought before him, he must recite a second blessing.

When a person took food in his hand and recited a blessing, but [before he could eat it] it fell from his hand and was burned or washed away by a river, he should take other food and recite another blessing. [This applies] even when the food is of the same species. He should also say, "Blessed be the Name of Him whose glorious kingdom is forever and ever" for the

first blessing, so that he will not be considered to have recited a blessing in vain.

A person may stand over a stream of water, recite a blessing, and drink. Although the water that was before him at the time he recited the blessing is not the water he drinks, this was his original intention.

11 Foods that are eaten within the meal, because of the meal, do not require a blessing beforehand or afterward. Rather, the blessing *hamotzi* that is recited in the beginning and the grace recited afterward include everything, because everything is secondary to the meal.

Foods that are eaten within the meal, but do not come because of the meal, require a blessing before partaking of them, but do not require a blessing afterward.

Foods that are eaten after the meal, whether because of the meal or independent of the meal, require a blessing beforehand and afterward.

12 On Sabbaths, on festivals, at the meal after one lets blood or leaves the bath, and the like, when a person makes wine a primary element of his meal, if he recites a blessing on wine before eating his meal, that blessing includes the wine that he drinks after the meal, before he recites grace. In contrast, on other days, a person should recite another blessing on wine that is drunk after the meal.

If wine is served to a company in the midst of the meal, each person should recite a blessing by himself, because one's mouth may not be empty to recite *Amen*. [This blessing] does not include the wine that is drunk after the meal.

Chapter 5

1 Women and slaves are obligated to recite grace. There is a doubt whether their obligation stems from the Torah, since [this is a positive mitzvah] that is not linked to a specific time, or whether their obligation does not stem from the Torah. Therefore, they should not fulfill the obligation of grace on behalf of others. Children, however, are obligated to recite grace by virtue of Rabbinic decree, in order to educate them to perform mitzvot.

2 When three people eat [a meal including] bread together, they are obligated to recite the blessing of *zimmun* before grace.
What is the blessing of *zimmun*? If there were between three and ten participants in a meal, one recites the blessing, saying, "Let us bless Him of whose [bounty] we have eaten."
Everyone responds: "Blessed be He of whose [bounty] we have eaten and by whose goodness we live." The one [reciting the blessing] then repeats: "Blessed be He of whose [bounty] we have eaten and by whose goodness we live."

3 Afterwards, he recites, "Blessed are You, God, our Lord, King of the universe, who sustains the entire world in His goodness..." until he completes the four blessings [of grace]. The others answer *Amen* after each blessing.

4 If ten or more people eat together, the *zimmun* should be recited with

God's name. What is implied? The one reciting the blessing declares, "Let us bless to our God of whose [bounty] we have eaten."
The others respond: "Blessed be our God of whose [bounty] we have eaten and by whose goodness we live." The one [reciting the blessing] then repeats: "Blessed be our God of whose [bounty] we have eaten and by whose goodness we live." He then begins reciting grace.

5 When eating in the home of a bridegroom from the time when the preparations for the wedding feast have begun until 30 days after the wedding, the one reciting the blessings should say, "Let us bless Him in whose abode is joy, of whose bounty we have eaten," and the others respond, "Blessed be He in whose abode is joy, of whose bounty we have eaten...."
If ten people are present, he says, "Let us bless our God in whose abode is joy, of whose bounty we have eaten..." and the others respond, "Blessed be our God in whose abode is joy, of whose bounty we have eaten...." Similarly, whenever a feast is held because of the wedding for twelve months after the wedding, one should include the phrase, "in whose abode is joy."

6 All men are obligated in the blessing of the *zimmun* as they are obligated in grace, even priests who partook of sacrifices of the most sacred order in the Temple Courtyard. Similarly, priests and Israelites who ate together are required to recite the *zimmun* as they are required to recite grace, although the priests partook of *terumah* and the Israelites ordinary food.

7 Women, servants, and children are not included in a *zimmun*. They may, however, make a *zimmun* among themselves. Nevertheless, for the sake of modesty, there should not be a company that consists of women, servants, and children [together]. Instead, women may make a *zimmun* alone, as may servants and as may children. They should not, however, mention God's name.

An *androgynous* may make a *zimmun* among his own kind, but should not be included among a *zimmun* either of men or of women. A *tumtum* should not be included in a *zimmun* at all.

A child who understands Whom is being blessed may be included in a *zimmun*, although he is merely seven or eight years old. He may be counted among either a group of three or a group of ten for the purpose of *zimmun*. A gentile may not be included in a *zimmun*.

8 Only those who ate at least an amount of bread equal to the size of an olive should be included in a *zimmun*.

When seven people partake of bread and three eat vegetables or brine and the like with them, the latter may be included in the *zimmun*, so that God's name may be mentioned, provided the one reciting the blessings partook of bread. In contrast, should six people partake of bread and four eat vegetables, the latter may not be included. There has to be a distinct majority of people who partook of bread.

When does the above apply? With regard to [a *zimmun* of] ten. Regarding three, however, they should not recite the *zimmun* unless each one of them eats a portion of bread the size of an olive.

9 [The following rule applies when] two people eat together and complete their meal, and afterward, a third person comes and eats. If the others can eat any food [- they need not partake of bread -] together with him, he should be included [in the *zimmun*] with them.

The sage of the greatest stature among those dining should recite grace, although he arrived at the end of the meal.

10 When three people eat together, they may not separate [and recite grace without a *zimmun*]. The same applies to four and five people. Between six and ten people may separate [and recite grace in two groups].

If more then ten people are present, they may not separate until [their number reaches] twenty. [The governing principle is that a group may separate only if] the blessing of the *zimmun* will be the same for both groups if they separate.

11 When three people who each came from a different group of three [join together], they should not separate [without reciting grace with a *zimmun*]. If each of them already participated in a *zimmun*, they may separate. They are not obligated to participate in a *zimmun* again, because a *zimmun* was already recited including them.

When three people sit down [together] to eat bread, they may not separate even though each person eats from his own food.

12 [The following rules apply when] two groups eat together in the same building: When part of one group can see part of the other group, they may join together in a single *zimmun*. If not, they should each recite a

zimmun separately.

If there is a single attendant who serves both of these groups, they may join in a single *zimmun*, even though none of the people in the two groups see each other, provided both groups can clearly hear the words of the person reciting the blessings.

13 When three people ate together and one went out to the marketplace, he should be called to pay attention to what they are saying. He may be included in the *zimmun* while he is at the marketplace, and thus fulfill his obligation. Afterwards, when he returns to his house, he should recite grace alone. In contrast, when ten people eat together and one goes out to the market place, the *zimmun* may not be recited until he returns to his place.

14 When three people eat together and one recites grace alone before the others, the *zimmun* can be recited with him and the other two fulfill their obligation. He, however, is not considered to have fulfilled his obligation, because the *zimmun* cannot be fulfilled retroactively.

15 When two people eat together, each person should recite grace by himself. If one knows [how to recite grace] and the other does not, the one who knows should recite the grace out loud, and the other person should recite *Amen* after each blessing. In this manner, he fulfills his obligation.

A son may recite grace for his father, a servant for his master, and a woman for her husband - and thus enable the person to fulfill his obligation. Nevertheless, our Sages said, "May a curse come on a person

whose wife or children recite grace for him."

16 When do the statements that [it is possible to] fulfill one's obligation [in this manner] apply? When they have not eaten to the point of satiation. Therefore, their obligation is only Rabbinic in origin, and can be fulfilled by [listening to] a minor, a servant, or a woman.
If, however, they ate to the point of satisfaction, and thus are obligated according to the Torah itself to recite grace, they cannot fulfill their obligation by [listening to] either a woman, a minor, or a servant. Anyone who is obligated according to the Torah to perform a mitzvah can have his obligation fulfilled only by another person who is also obligated from the Torah [to fulfill this mitzvah] as he is.

17 [The following rules apply when] a person enters [a room where] others are reciting the blessing of *zimmun*]: If he [enters when] the person reciting the blessings says, "Let us recite grace," he should respond, "Blessed is He, and may He be blessed." If he [enters when] the others reply, he should say *Amen* afterward.

Chapter 6

1 Anyone who eats bread over which the blessing *hamotzi* is recited must wash his hands before and after partaking of it.This applies even when the bread one eats is not sacred food.
Although a person's hands are not dirty, nor is he aware that they have contracted any type of ritual impurity, he should not eat until he washes

both his hands. Similarly, before [partaking of] any food dipped in liquid, one must wash one's hands.

2 Whenever a person washes his hands - whether before eating, before the recitation of the *Shema*, or before prayer - he should recite the following blessing beforehand: "[Blessed are You...] who sanctified us with His commandments and commanded us concerning the washing of hands."
This is a Rabbinic mitzvah that we have been commanded by the Torah to follow, as [**Deuteronomy 17:11**] states: "[Do not stray...] from all the laws that they direct you." A blessing should not, however, be recited before washing after eating, for this was instituted only as a protective measure. This rationale, however, obligates a person to be more careful in the observance of this practice.

3 Washing hands between one course and another is a matter of choice. If one desires, one may wash; if not, one need not.
There is no obligation to wash before partaking of unconsecrated fruit, whether before eating or afterward. [On the contrary,] whoever washes his hands before partaking of fruit is considered among the haughty.
Whenever bread [is eaten] with salt, it is necessary to wash one's hands afterward, lest it contain Sodomite salt or salt that resembles Sodomite salt, and [after eating,] one [inadvertently] pass one's hands over one's eyes and blind them. This - [the possibility of acrid] salt - is the reason why we are obligated to wash after eating.
In an army camp, [the soldiers] are not obligated to wash before eating, because they are involved in the war. They are, however, obligated to wash

afterwards because of the danger involved.

4 To what point should one's hands be washed? To the wrist. How much water should be used? A [minimum of a] *revi'it* for each pair of hands. Anything that is considered an intervening substance [and thus invalidates] a ritual immersion is also considered an intervening substance with regard to washing hands. All liquids that may be included in the measure of a *mikveh* may be included in the measure of the *revi'it* [necessary for the washing of hands].

5 Whoever had to wash his hands and [instead] immersed them in the water of a *mikveh* need not do anything else. If he immersed them in a body of water that does not have the required measure of a *mikveh*, or in water that has been poured onto the ground, he has not accomplished anything. Water that is poured [by man] can purify hands only when it is poured over them.

6 Everyone who washes his hands must show concern for four matters:
the water itself - that it not be unacceptable for washing hands,
its measure - that there be a *revi'it* for each pair of hands,
the container - that one wash from a container,
the individual pouring - that the water come from the power of a person who pours it.

7 There are four matters that render water unacceptable: a change in its color, its being left open, its having been used for work, and its becoming spoiled to the point that an animal would not drink from it.

What is implied? Water whose color changes becomes unacceptable whether it is contained [in a pool] in the ground or in a container, or whether it changed because of something that fell into it or because of the place where it is contained.

Similarly, if the water was left uncovered in a manner that causes it to become forbidden to be drunken, it is unacceptable for washing hands.

8 Any water that was used for a task is considered as sewage water and is unfit to use for washing hands. What is implied? Water that has been drawn from its source, which was used to wash utensils, to dip one's bread in, or the like, whether [it was stored] in a container or [in a pool] in the ground, becomes unacceptable for washing hands.

If one uses the water to wash clean utensils or new ones, it does not becomes unacceptable. Water in which a baker dips crackers is unacceptable. In contrast, water from which [he removes some] to baste the dough when kneading it is acceptable. It is the water that he removes that was used for a task; the water from which he removed it remains acceptable [as before].

9 All water that becomes unfit for a dog to drink - e.g., bitter [water], salty [water], very murky [water], foul-smelling [water] - which is contained in a vessel may not be used for washing hands. If [such water] is [contained in a pool] in the ground, one may immerse one's hands in it.

[The following rules apply to] the hot springs of Tiberias. In their [natural] place, one may immerse one's hands in them. If, however, one removed them with a container or diverted a stream of them into another

place, they may not be used for either the first or the final washing of the hands, because they are not fit for an animal to drink.

10 One may pour water over one's hands a little at a time until one has poured out the entire amount. If, however, one poured out the entire *revi'it* at one time, it is acceptable.

Four or five people may wash with a single pouring while they are standing next to each other or with their hands above each other's, provided:

a) they leave space between their hands for the water to enter, and

b) there is enough water in that pouring to provide each one with a *revi'it*.

11 One may not use the following to wash one's hands: the sides of vessels, the base of a samovar, pieces of earthenware, or the covering of a jug. Should one modify such a covering to use for washing, it is acceptable. Similarly, a wine-pouch that was modified may be used for the washing of hands.

In contrast, a sack or a basket - [although] they have been modified - may not be used to wash hands. One may not hold water in one's hands and pour it over a colleague's [hands], because one's hands are not a vessel.

Vessels that have been broken to the extent that the laws of ritual impurity no longer apply to them may not be used to wash hands, because they are considered to be broken vessels.

12 All vessels, even those made from cow dung or earth, may be used to wash hands, provided they are whole.

A vessel that cannot contain a *revi'it* or a vessel that does not contain a *revi'it* may not be used for the washing of hands.

13 All people are acceptable to pour water over one's hands, even a deaf-mute, a mentally incapable person, or a minor. If no one else is present, one should hold the vessel between one's knees, and thus pour it out over one's hands; lean a jug over so that the water will fall out over one's hands; or pour the water over each of one's hands individually.
It is acceptable if a monkey pours water over one's hands.

14 When a person pours water into a trough by hand or by using a pulley, and afterwards the water flows out from it through an irrigation channel that brings the water to vegetables or to animals, it is not acceptable for one to place one's hands in the trough and have the water pass over them, because the water is not coming from "the power of a giver." If one's hands were close to the place where the bucket is poured out so that the water passes over one's hands because of the power of a human being, the washing is acceptable.

15 When there is a doubt with regard to the water [used to wash one's hands] - e.g., whether it had been used for other tasks or not, whether it contained the required quantity or not, whether it [the water itself] is ritually pure or not, and, similarly, when a person has a doubt whether he washed his hands or not, [in all these instances,] his hands are considered to be pure. In all instances where doubt arises concerning the ritual purity of hands, the hands are considered to be pure.

16 When washing before eating, a person should raise his hands upward so that that water will not flow past the wrist, and then return and make the hands impure. In contrast, when washing after eating, a person should hold his hands downward so that all the power of the salt should be rinsed away off one's hands.

Before eating, one may wash into a container or onto the ground. After eating, one should wash only into a container. Before eating, one may wash with hot water or with cold water. After eating, one should not wash with hot water - i.e., water that will scald one's hands. It will not [serve the purpose of] removing filth, because one cannot rub one's hands together with it. If the water is merely warm, it may be used for washing after eating.

17 A person may wash his hands in the morning and stipulate that [the washing will be effective] for the entire day. Thus, he will not have to wash before each time he eats. [This rule applies] only when he does not divert his attention from his hands. If, however, he diverts his attention from them, he must wash them whenever it is required.

18 A person may wrap his hands in a cloth and eat bread or food dipped in liquid although he did not wash his hands.

A person who feeds others need not wash his hands. The person who eats, however, must wash his hands, although another person puts food into his mouth and he does not touch the food at all. Similarly, a person who eats with a fork must wash his hands.

19 It is forbidden to feed someone who did not wash his hands even if one puts the food directly into his mouth.
It is forbidden to treat the washing of hands with disdain. Our Sages have authored many commands and warnings about this manner. Even when one has a minimum amount of water to drink, one should wash one's hands with a portion, eat, and drink the remainder.

20 [After washing,] a person must dry his hands before eating. Anyone who eats without drying his hands is considered to have eaten impure bread.
Similarly, whenever a person washes his hands after eating, he should dry them and then recite grace. One should recite grace directly after washing one's hands. No interruptions should be made. It is even forbidden to drink water after washing one's hands after eating until one recites grace.

Chapter 7

1 The Sages of Israel were wont to follow many customs at meals. All these are included in the realm of mannered behavior. Among them:
When entering for a meal, the man of greatest stature should wash his hands first. Afterwards, all should enter enter and sit down, reclining on couches. The man of greatest stature reclines at the head of the company, and the person who is second in prominence reclines below him. If there are three couches, the man of greatest stature reclines at the head of the company, the person who is second in prominence reclines above him, and the person who is third in prominence reclines below him.

2 The host should recite the blessing *hamotzi*. When he completes the blessing, he should break bread. A guest should recite grace, so that he will bless the host. If they are all members of the household, the person of greatest stature should break bread and recite grace.

3 The person breaking bread is not permitted to do so until salt or relishes have been brought before each individual, unless their intention was to eat bread by itself.

One should not break off a small piece, lest one appear stingy, nor a piece larger than the size of an egg, lest one appear like a glutton. On the Sabbath, however, one may break off a large piece. One should break the bread at the place that it has been baked thoroughly.

4 The most preferable way to perform the mitzvah is to break open a whole loaf. When one possesses a whole loaf of barley bread and a sliced loaf of wheat bread, one should put the sliced loaf together with the whole loaf, so that one will break open both a loaf of wheat and a whole loaf.

On Sabbaths and on festivals, one is obligated to break bread on two whole loaves. One should hold both in one's hands [when reciting the blessing] and break open one.

5 The person who breaks bread should give a slice of bread to each individual, the latter should each pick up the piece with his hand. The person who breaks bread should not place the bread in the hand of a person who is eating unless the latter is a mourner.

The person who breaks bread should take the bread first and eat. Those

assembled may not eat until the person who recites the blessing tastes [from the bread]. The person reciting the blessing may not taste [from the bread] until those assembled complete the recitation of *Amen*. Should the person breaking bread desire to honor his teacher or a scholar of greater stature than he by allowing him to take the bread before he does, he may.

6 Two people should wait for each other when [eating from the same] dish. When three people are [eating from the same dish], it is not [necessary] to wait. When two have completed eating, the third should also cease. If, however, one completes eating, the other two need not cease.

One should not talk during a meal lest a dangerous situation arise. For this reason, if wine is brought in the midst of the meal, each person should recite the blessing alone. Were one to recite the blessing and another to answer *Amen* while he is swallowing, a dangerous situation might arise.

One should not look at the face of a person who is eating or at his portion, lest he become embarrassed.

7 An attendant who stands before those dining should not eat together with them. As an act of mercy, one should allow him to taste each dish to satisfy his desire. If the assembled give him wine, he should recite a blessing over each cup, because his drinking is dependent on their desire, not his own.

8 Should one of the assembled go out to urinate, he need wash only one hand [before] entering. Should he speak with a friend and thus remain

outside for an extended period of time, he should wash both his hands [before] entering.

If [the company] was sitting and drinking, he should enter, sit in his place, wash his hands [with his back turned], and then turn to face the guests. Why should he wash in his place? So that the others will not say that he did not wash his hands because bread is not being served.

9 Raw meat should not be placed on bread, nor should a full cup be passed over bread. Similarly, bread should not be used as a support for a plate, nor should it be thrown. The same applies to pieces [of meat or fish] and other foods that do not have shells - e.g., berries, grapes, and figs - because they will become disgusting.

It is permissible to cause wine to flow through pipes in the halls of bridegrooms, and roasted grains and nuts may be tossed at the bridegrooms in summer. This is not permitted in the winter, however, because they will become disgusting.

We should not wash our hands with wine, whether it has been mixed with water or not. Similarly, we may not spoil any other food or beverage in a contemptuous and derisive manner.

10 It is forbidden for guests to take any of [the food] that they have been served and give it to the sons or the daughters of the host. Perhaps the host will become embarrassed because all he had was what he had served and that will have been taken away by the children.

A person should not send a friend a cask of wine with oil floating on its surface, lest one send a friend a cask that is [almost] entirely wine with

only [a small amount] of oil on its surface. The recipient may be [unaware of the cask's contents,] invite guests [with the intention of serving them oil,] and become embarrassed [at his inability to do so]. Similarly, any other activity that may cause a person who holds a feast to become embarrassed is forbidden.

11 After [everyone] finishes eating, the tables should be removed and the place where they ate should be swept. Afterwards, [those assembled] should wash their hands [as mentioned above].

[This practice should be followed] lest pieces [of bread] the size of an olive be found on the floor. It is forbidden to walk or wash over [pieces of this size]. If, however, the pieces are smaller than an olive, it is permissible to destroy them intentionally.

12 When water is brought to wash, the one who recites grace washes his hands first, so that the person of greatest stature will not sit with dirty hands while others are washing. The remainder of the people eating wash one after another.

Honor is not paid to anyone with regard to [the order of washing], because honor is not extended with regard to dirty hands, crossing bridges, or on the roads, with the exception of an entrance that is fit to have a mezuzah, and even then only with regard to entering.

13 After [the assembled] finish washing their hands, drying their hands, and reciting grace, the person who recited grace should recite the blessing over the incense when the incense burner is brought in. Everyone should

answer *Amen*.

14 If wine is available, [grace should be recited over a cup of wine]. We bring a cup that contains a *revi'it* or more and spices. [The person reciting grace] should hold the wine in his right hand and the spices in his left hand while reciting grace. Afterwards, he should recite the blessing on the wine, and then the blessing on the spices.

If the spices were fragrant oil or the like, he should spread them on the head of the attendant afterwards. If the attendant was a Torah sage, he should spread it on the wall so that he will not be going out to the marketplace with perfume.

15 Although grace does not require wine, should one recite grace over wine according to the custom we have mentioned, [several conditions must be met:]

One should wash out the cup over which the blessing is recited on the inside and rinse its outside.

It should be filled with undiluted wine. When one reaches the blessing for *Eretz Yisrael*, one should add a small amount of water so that it will be pleasant to drink.

Conversation should not be made over the cup over which grace is recited. Rather, everyone should remain silent until grace and the blessing of the wine is concluded, and then they should drink.

Chapter 8

1 [When partaking of] all fruit that grows on trees, we recite the blessing *borey pri ha'etz* beforehand, and *borey nefashot rabbot...* afterward. An exception is made regarding the five species of fruit mentioned in the Torah: grapes, figs, pomegranates, olives, and dates. The single blessing that includes the three [blessings of grace] is recited after them.

[When partaking of] fruit that grows from the earth and vegetables, we recite the blessing *borey pri ha'adamah* beforehand and *borey nefashot rabbot* afterward.

[When partaking of] foods that do not grow from the earth - e.g., meat, cheese, fish, eggs, water, milk, honey, and the like - we recite the blessing, *shehakol* beforehand and *borey nefashot rabbot* afterward.

When a person drinks water for an intention other than fulfilling his thirst, it is not necessary for him to recite a blessing beforehand or afterward.

2 When a person squeezes fruit - with the exception of grapes and olives - to extract its juices, he should recite the blessings *shehakol* beforehand and *borey nefashot* afterward.

Over wine, he should recite the blessing *borey pri hagafen* beforehand and the single blessing that includes the three [blessings of grace] afterward. Over oil, he should recite the blessing *borey pri ha'etz* beforehand.

When does the above apply? When he has a sore throat and drinks the oil together with the sauce of cooked [vegetables] and the like, for he benefited by drinking. If, however, a person drank oil alone or did not have a sore throat, he should recite the blessing *shehakol*, because he did not benefit from the taste of the oil.

3 When fruits and vegetables that are usually eaten raw are cooked or stewed, one should recite the blessings *shehakol* beforehand and *borey nefashot* afterward.

[Conversely,] when one eats vegetables that are usually eaten cooked - e.g., cabbage or turnips - raw, one should recite the blessings *shehakol* beforehand and *borey nefashot* afterward. When one eats them cooked or stewed, one should recite the blessings *borey pri ha'adamah* beforehand and *borey nefashot* afterward.

When foods are commonly eaten both raw and cooked, regardless of whether one eats them raw or cooked, one should recite the blessing appropriate for them: i.e., if they are fruit that grows on trees, *borey pri ha'etz*; if they are fruits that grow from the ground or vegetables, *borey pri ha'adamah*.

4 When one stews vegetables that are frequently stewed, one should recite the blessing *borey pri ha'adamah* on the soup produced, because the soup produced by stewing is equivalent to [the vegetables] that are stewed if it is common custom to stew them. This applies only when one stews them to drink the soup.

The blessing *shehakol* is recited over date-honey. Nevertheless, when one crushes dates by hand, removes their pits, and makes them into a substance resembling a dough, one should recite the blessing *borey pri ha'etz* beforehand and the single blessing that includes the three [blessings of grace] afterward.

5 Regarding sugar cane whose sap is extracted and cooked until it

crystallizes like salt: The overwhelming majority of the *Geonim* require that the blessing *borey pri ha'adamah* is recited upon it. Others say that the blessing *borey pri ha'etz* should be recited upon it.

Similarly, they say that one who sucks sugar cane should recite the blessing *borey pri ha'adamah*. I say that this is not a fruit, and the blessing *shehakol* should be recited upon it. The "honey" produced by these canes that has been altered by fire should not be given greater prominence than date honey, which is not changed by fire, and yet the blessing *shehakol* is recited upon it.

6 [When partaking of] the top stalk of the palm tree [hearts of palm], which is like white wood, one should recite the blessing*shehakol*.[When partaking of] petals from [the flowers of] the caper bush, one should recite the blessing *borey pri ha'adamah*, because they are not fruit. Caper berries - the fruit of this bush which looks like small dates - require the blessing *borey pri ha'etz*.

7 [When partaking of] fresh peppers and ginger, one should recite the blessing *borey pri ha'adamah*. When these products are dry, they do not require any blessing, neither beforehand nor afterward, because they are considered spices and not food.

Similarly, foods that are not fit to be eaten and beverages that are not fit to be drunk do not require any blessing, neither beforehand nor afterward.

8 The blessing *shehakol* is recited over bread that has become moldy, wine on which a film has risen, food that has spoiled, windfall fruit that is

underdeveloped, beer, vinegar, locusts, salt, truffles, and mushrooms.
Whenever *shehakol* is recited before partaking of a food, the blessing *borey nefashot* is recited afterwards. Whenever a food requires a blessing afterwards, it also requires a blessing beforehand.

9 When one pours three measures [of water] over [wine] dregs and receives four measures of liquid, one should recite the blessing *borey pri hagafen* upon it, for it is considered to be diluted wine. If one receives less than four measures of liquid, one should recite the blessing *shehakol* even when the liquid tastes like wine.

10 A person who recited the blessing *borey pri ha'adamah* over fruits that grow on trees fulfills his obligation. Conversely, one who recited the blessing *borey pri ha'etz* over fruits that grow from the ground does not fulfill his obligation. One who recites the blessing *shehakol* over any food fulfills his obligation. [This applies even in regard] to bread and wine.

11 Should a person take a cup of beer in his hand and begin reciting a blessing with the intention of saying *shehakol...*, and instead err and say *borey pri hagafen*, he is not compelled to repeat [the blessing].
Similarly, if fruits that grow from the earth were placed before him, and he began reciting a blessing with the intention of saying *borey pri ha'adamah*, and instead erred and said *borey pri ha'etz*, he is not compelled to repeat [the blessing].
By the same token, if a cooked dish of grain was placed before him and he began reciting a blessing with the intention of saying *borey minei mezonot*,

and instead erred and said *hamotzi...*, he fulfills his obligation.
[These decisions were rendered] because at the time when he mentioned God's name and His sovereignty, which are the essence of this blessing, he had the intention of reciting the appropriate blessing for this food. Therefore, since the essence of the blessing was not recited in error, he is considered to have fulfilled his obligation and need not repeat it, although he erred at its conclusion.

12 With regard to all these blessings, if a doubt arises whether one recited the blessing or not, one should not repeat the blessing, neither before eating or afterwards, because [the blessings] were instituted by the Sages.
[The following rules apply when] a person forgets and places food in his mouth without reciting a blessing: with regard to beverages, he should swallow them and recite a blessing afterwards. If they were fruit which would become disgusting if he would remove them [from his mouth] - e.g., berries or grapes - he should push them to the side [of his mouth], recite the blessing and swallow them afterwards. If they would not become disgusting - e.g., beans or peas - he should remove them, so that his mouth will be free to recite the blessing and eat them afterwards.

13 [The following rules apply when] several types of food are placed before a person [at the same time]: If the same blessing applies to all of them, one should recite the blessing on one, and thus fulfill one's obligation regarding the others. If the same blessing does not apply to all of them, one should recite the blessing that is appropriate for each one individually. The order of precedence depends on one's desires.

When there is no one type of food that one desires more than the others, [the order of precedence is as follows:] If among the foods there are foods from the seven species [for which *Eretz Yisrael* was praised], the blessing should be recited over them first. The species that are mentioned first in the verse receive precedence with regard to the blessing.

The seven species are those mentioned in the following verse, [**Deuteronomy 8:8**:] "A land of wheat, barley, vines, figs, and pomegranates, a land of olives that produce oil and honey." Honey refers to date-honey.

Dates are given precedence over grapes because dates were mentioned second in proximity to the word "land," and grapes were mentioned third in proximity to that word.

14 The single blessing that includes the three blessings [of grace] recited over the five species of fruit and over wine is the same as that recited over grain products, except that for fruit, one should say [at the beginning]: "for the trees, for the fruit of the trees and for the produce of the field, and for the precious land..." and for wine, one should say [at the beginning]: "for the vines and for the fruit of the vine...."

For both [wine and fruit], one should conclude: "for the land and for the fruits." A person in *Eretz Yisrael* should conclude: "for the land and for its fruits."

There are some who add the following phrase before the conclusion of this blessing: "For You, God, are good and do good," for it reflects the fourth blessing [of grace]. There is, however, an opinion that states that the fourth blessing was instituted for grace alone.

15 Should a person drink wine, eat dates, and also eat cooked food made from the five species of grain, he should recite [a single] blessing afterwards: "Blessed are You, God, our Lord, King of the universe, for the life-giving and the sustaining [food], for the vines and the fruit of the vine, for the trees and for the fruit of the trees and for the produce of the field, and for the precious land...." He should conclude, "Blessed are You, God, for the land and for the sustenance and for the fruits."

16 If, however, a person ate meat and drank wine, he should recite a separate blessing afterwards for each food. Nevertheless, if he ate figs or grapes with apples, pears, and the like, he should recite the single blessing that includes the three blessings [of grace] afterwards. It includes everything that he ate, since all the foods are "fruit of the trees." The same principles apply in other similar situations.

Chapter 9

1 Just as it is forbidden to benefit from food or drink before reciting a blessing, so too, it is forbidden to benefit from a pleasant fragrance before reciting a blessing.

What blessings should be recited over pleasant fragrance? If the fragrant substance is a tree or the product of a tree, one should recite the blessing "[Blessed...] who created fragrant trees." If the fragrant substance is an herb or the product of an herb, one should recite the blessing "[Blessed...] who created fragrant herbs."

If it is not from a tree or an herb - e.g., musk, which comes from an

animal - one should recite the blessing "[Blessed...] who created various kinds of spices." If it is a fruit that is fit to eat - e.g., an etrog or an apple - one should recite the blessing "[Blessed...] who endowed fruits with pleasant fragrance."

Should one recite the blessing "[Blessed...] who created various kinds of spices," on any fragrance, one fulfills one's obligation.

2 A blessing should not be recited on incense until a cloud of smoke rises up.

What blessing should be recited over it? If the incense comes from a tree, one should recite the blessing "[Blessed...] who created fragrant trees." If it comes from an herb, [one should recite] "... who created fragrant herbs." If it came from an animal or the like, [one should recite] "... who created various kinds of spices."

3 Balsam oil and the like require the blessing "... who created pleasant oil." If, however, one pressed or soaked olives until they produced oil with a pleasant fragrance, one should recite the blessing "...who created fragrant trees." Oil in which spices were mixed, as was done for the anointing oil, requires the blessing "...who created various kinds of spices."

If one brought both oil and a myrtle to a person, he should recite the blessing on the myrtle and include the oil, because the same blessing, "...who created fragrant trees," applies to both of them.

4 When one has both a fragrant spice from a tree and a fragrant spice from an herb, a single blessing should not be recited to include both of them.

Rather, a blessing should be recited for each one individually.

When wine and fragrant oil are brought before a person, he should hold the wine in his right hand and the oil in his left hand, recite the blessing over the wine and drink it, and then recite the blessing over the oil, smell it, and then, spread it on the attendant's head. If the attendant is a Torah scholar, he should spread it on the wall.

5 If there is a doubt whether a spice requires the blessing "...who created fragrant trees" or the blessing "...who created fragrant herbs," one should recite the blessing "...who created various kinds of spices." Similarly, one should recite the blessing "...who created various kinds of spices" over a mixture of spices prepared by a perfumer.

When a person enters a perfumery, he should recite the blessing "...who created various kinds of spices." If he spends the entire day there, he should recite only one blessing. If he enters and leaves several times, he should recite a blessing each time he enters.

6 Anemones and lavender require the blessing "...who created fragrant trees." Lilies that are raised in a garden require the blessing "...who created fragrant trees"; those that grow in the field require the blessing "...who created fragrant herbs."

Roses, rose water, frankincense, and rock roses require the blessing "...who created fragrant trees."

7 There are types of pleasant fragrances over which blessings should not be recited: a pleasant fragrance that is forbidden, a pleasant fragrance used as

a deodorant, and a pleasant fragrance that was not prepared with the intent that it be smelled itself.

8 What is implied? One should not recite a blessing over perfumes of false gods or over perfumes of women with whom sexual relations are forbidden, because it is forbidden to smell them.

Blessings should not be recited over perfumes placed by the dead, perfumes placed in toilets, or an oil used to remove filth, because they are intended to remove a foul odor.

A blessing is not recited when incense is burned to perfume utensils or clothes, because the incense was not prepared with the intent that it be smelled itself. Similarly, a blessing should not be recited on clothes that were perfumed in this manner, because the fragrant substance itself is not present; there is merely a fragrance without any substance.

9 A blessing should not be recited on spices used at a gentile party, because we assume that a gentile party is dedicated to idol worship.

[The following rules apply when] a person smelled a pleasant fragrance while walking outside a city: If the majority of the city are gentiles, he should not recite a blessing. If the majority of the city are Jewish, he should. If a fragrance for which a blessing should be recited becomes mixed with a fragrance for which a blessing should not be recited, the ruling depends on the majority.

Chapter 10

1 The Sages instituted other blessings and many other statements that lack a *p'tichah* and a *chatimah*, as an expression of praise and acknowledgement of the Holy One, blessed be He - for example, the blessings of prayer that we have already mentioned. Among these [blessings are the following]:

A person who builds a new house or buys new articles should recite the blessing: "Blessed are You, God, our Lord, who has granted us life, sustained us, and enabled us to reach this occasion." [This blessing is recited] regardless of whether he possesses similar articles or not.

2 Similarly, a person who sees a friend after [not seeing him for] thirty days [or more] should recite the blessing *shehecheyanu* . If he sees him after a hiatus of twelve months [or more], he should recite the blessing "Blessed are You, God... who resurrects the dead."

A person who sees a fruit that grows only in a specific season each year should recite the blessing *shehecheyanu* when he sees it for the first time.

3 When a person hears favorable tidings, he should recite the blessing: "Blessed are You, God, our Lord, King of the universe, who is good and does good." If he hears bad tidings, he should recite the blessing: "Blessed [are You...] the true Judge."

A person is obligated to recite a blessing over undesirable occurrences with a positive spirit, in the same manner as he joyfully recites a blessing over desirable occurrences. [This is implied by **Deuteronomy 6:5**]: "And you shall love God, your Lord... with all your might." Included in this extra dimension of love that we were commanded [to express] is to acknowledge and praise [God] with happiness even at one's time of

difficulty.

4 When a desirable event occurred to a person or he heard favorable tidings, although it appears that this good will ultimately cause one difficulty, he should recite the blessing *hatov v'hameitiv*. Conversely, if a person suffered a difficulty or heard unfavorable tidings, although it appears that this difficulty will ultimately bring him good, he should recite the blessing *Dayan ha'emet*. Blessings are not recited in consideration of future possibilities, but rather on what happens at present.

5 [The following rules govern the recitation of blessings for] abundant rainfall: If one owns a field [individually], he should recite the blessing *shehecheyanu*. If one owns it in partnership with others, he should recite the blessing *hatov v'hameitiv*. If one does not own a field, he should recite the following blessing:

We thankfully acknowledge You, God, our Lord, for each and every drop that you have caused to descend for us. If our mouths were filled.... They shall all give thanks, praise, and bless Your name, our King. Blessed are You, God, the Almighty, who is worthy of manifold thanksgiving and praise.

6 When should the blessing be recited? When much water collects on the face of the earth, the raindrops cause bubbles to form in the rain that has already collected, and the bubbles begin to flow one into another.

7 [The following blessings should be recited] when a person was told that his father died and that he is his heir: If he has brothers [who will share

the inheritance] with him, he should first recite, *Dayan ha'emet*, and afterwards, *hatov v'hameitiv*. If he has no brothers [who will share] with him, he should recite the blessing *shehecheyanu*.

To summarize the matter: Whenever a circumstance is of benefit to one together with others, he should recite the blessing *hatov v'hameitiv*. Should it be of benefit to him alone, he should recite the blessing *shehecheyanu*.

8 Four individuals are required to render thanks: a person who had been sick and recuperated, a person who had been imprisoned and was released, people who alight [at their destination] after a journey at sea, and travelers who reach a settlement.

These thanks must be rendered in the presence of ten people, of whom two are sages, as [implied by **Psalms 107:32**]: "They will exalt Him in the congregation of the people and they will praise Him in the seat of the elders."

How does one give thanks and what blessing should he recite? He should stand in the midst of the [abovementioned] company and say:

Blessed are You, God, our Lord, King of the universe, who bestows benefits upon the culpable, who has bestowed all goodness upon me.

Those who hear should respond: May He who granted you beneficence continue to bestow good upon you forever.

9 A person who sees a place where miracles were wrought for the Jewish people - for example, the Red Sea or the crossings of the Jordan - should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who wrought

miracles for our ancestors in this place.

This blessing is recited wherever miracles were performed for many people. In contrast, in a place where a miracle was performed for an individual, that individual, his son, and his grandson should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who wrought a miracle for me in this place.

or "...who wrought a miracle for my ancestors in this place."

A person who sees the den of lions [into which Daniel was thrown] or the fiery furnace into which Chananiah, Mishael, and Azariah were thrown should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who wrought miracles for the righteous in this place.

A person who sees a place in which false gods are worshiped should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who grants patience to those who transgress His will.

[When a person sees] a place from which the worship of false gods has been uprooted in *Eretz Yisrael*, he should recite the blessing:

[Blessed are You, God, our Lord, King of the universe,] who uproots foreign worship from our land.

In the Diaspora, he should recite the blessing:

...who uproots foreign worship from this place.

In both instances, he should say:

As You have uprooted [foreign worship] from this place, so may it be uprooted from all places. And may You turn the hearts of its worshipers to

serve You.

10 A person who sees a settlement of Jewish homes should recite the blessing: Blessed are You, God, our Lord, King of the universe, who establishes the border of the widow.

[One who sees Jewish homes that are] destroyed should recite the blessing, "the true Judge." A person who sees Jewish graves should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who created you with justice, judged you with justice, sustained you with justice, took your lives with justice, and ultimately, will lift you up with justice to the life of the world to come. Blessed are You, God, who resurrects the dead.

11 The following should be recited when one sees 600,000 people at one time. If they are gentiles, he should recite the verse (**Jeremiah 50:12** : "Your mother shall be greatly ashamed; she that bore you will be disgraced. Behold, the ultimate fate of the gentiles will be an arid wilderness and a desolate land."

If they are Jews and in *Eretz Yisrael*, he should recite the blessing:

Blessed are You, God, our Lord, King of the universe, the Wise [who knows] secrets.

One who sees a gentile wise man should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who has given from His wisdom to flesh and blood.

[When one sees] Jewish wise men, he should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who has given from

His wisdom to those who fear Him.
[When one sees] a Jewish king, he should recite the blessing:
Blessed are You, God, our Lord, King of the universe, who has given from His glory and might to those who fear Him.
[When one sees] a gentile king, he should recite the blessing:
Blessed are You, God, our Lord, King of the universe, who has given from His glory to flesh and blood.

12 A person who sees a Kushit or a person who has a strange-looking face or an abnormal limb should recite the blessing:
Blessed are You, God, our Lord, King of the universe, who has altered His creations.
When one sees a blind man, a one-legged person, a person with skin boils or white blotches, or the like, he should recite the blessing "the true Judge." If they were born with these afflictions, he should recite the blessing "who has altered His creations."
When one sees an elephant, monkey, or owl, he should recite the blessing: "Blessed... who has altered His creations."

13 A person who sees beautiful and well-formed creations or pleasant-looking trees should recite the blessing:
[Blessed are You, God, our Lord, King of the universe,] whose world is like this.
A person who goes out to the fields or gardens in the month of Nisan and sees flowering trees sprouting branches should recite the blessing:
Blessed are You, God, our Lord, King of the universe, who did not leave

anything lacking in His world and created within it fine creations and beautiful and fine trees so that they would give pleasure to men.

14 [When one perceives] any of the following: winds that blow extremely powerfully, lightning, thunder, loud rumblings that sound like large mills when they are heard on the earth, shooting stars, or comets, he should recite the blessing:

[Blessed are You, God, our Lord, King of the universe,] whose power and might fill up the world.

If one desires, he may recite the blessing:

[Blessed are You, God, our Lord, King of the universe,] who performs the work of creation.

15 Whenever one sees mountains, hills, seas, deserts, or rivers after a thirty day interval, he should recite the blessing "who performs the work of creation."

A person who sees the ocean after an interval of thirty days or more should recite the blessing:

[Blessed are You, God, our Lord, King of the universe,] who created the ocean.

16 A person who sees a rainbow should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who remembers the covenant, is faithful to His covenant, and maintains His word.

When a person sees the moon after it is renewed, he should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who created the heavens with His word and all their hosts with the breath of His mouth. He granted them a fixed law and schedule so that they should not alter their tasks. They rejoice and are glad to carry out the will of their Creator. They are faithful servants whose work is righteous. And He instructed the moon to renew itself as a crown of glory to those who are borne [by Him] from the womb, who are destined to be similarly renewed and to glorify their Creator for the name of the glory of His kingdom and for all He has created. Blessed are You, God, who renews the months.

17 This blessing should be recited while standing, for whoever recites the blessing on the new moon at its appropriate time is considered as if he greeted the Divine Presence.

If a person did not recite the blessing on the first night, he may recite the blessing until the sixteenth of the month, until the moon becomes full.

18 A person who sees the sun on the day of the spring equinox at the beginning of the twenty-eight year cycle that begins on Wednesday night [must recite a blessing]. When he sees the sun on Wednesday morning, he should recite the blessing "who performs the work of creation."

Similarly, the blessing "who performs the work of creation" should be recited when the moon reaches the beginning of the zodiac constellation *taleh* at the beginning of the month when it is not pointing to the north or the south, when any of the other five stars [that revolve in separate spheres] arrive at the beginning of the constellation *taleh* and do not point to the north or the south, and when one sees the constellation *taleh* ascend

to the eastern corner [of the sky].

19 When a person sees a settlement of gentile homes, he should recite the verse (**Proverbs 15:25**): "God will pluck up the house of the proud." Should he see a desolate settlement of gentile homes, he should recite the verse (**Psalms 94:1**): "The Lord is a God of retribution. O God of retribution, reveal Yourself." When one sees gentile graves, he should recite the verse (**Jeremiah 50:12**): "Your mother shall be greatly ashamed...."

20 A person who enters a bathhouse should say "May it be Your will, God, our Lord, to allow me to enter in peace and leave in peace, and may You save me from this and the like in the future."
When one leaves the bath, he should say, "I give thanks to You, God, our Lord, for saving me from fire."

21 A person who goes to let blood should say, "May it be Your will, God, our Lord, that this activity bring me a recovery, for You are a generous healer." Afterward, he should recite the blessing, "Blessed are You, God... Healer of the sick."

22 A person who goes to measure his silo should say, "May it be Your will, God, our Lord, that You send blessing to the work of my hands." When he begins to measure, he should say, "Blessed be He who sends blessings to this heap of grain."
If he asks for mercy after measuring [his grain], his prayer is considered to be in vain. [Similarly,] whoever calls out [to God] over events that have

already happened is considered to have uttered a prayer in vain.

23 When a person enters a house of study, he should say:
May it be Your will, God, our Lord, that I not stumble regarding a point of law, that I not call something that is pure impure, nor something that is impure pure, nor call something that is permitted forbidden, nor something that is forbidden permitted, and that I not err regarding a point of Scriptural Law and cause my colleagues to laugh at me, nor my colleagues err and I laugh at them.

24 When one leaves the house of study, he should say:
I thank You, God, our Lord, that You have granted me a portion among those who sit in the House of Study and have not granted me a portion among those who sit on the street-corners.
I rise early and they rise early: I rise early to the words of Torah, and they rise early to fruitless matters. I labor and they labor: I labor for the words of Torah and receive a reward; they labor and do not receive a reward. I run and they run: I run to the life of the world to come, and they run to the pit of destruction.

25 A person who enters a metropolis should say, "May it be Your will, God, my Lord, to allow me to enter this metropolis in peace." If one enters in peace, he should say, "I thank You, God, my Lord, for allowing me to enter in peace."
When one desires to leave, he should say, "May it be Your will, God, my Lord, to allow me to depart from this metropolis in peace." If one departs

in peace, he should say:

I thank You, God, my Lord, for allowing me to depart in peace. As You have allowed me to depart in peace, lead me [on my way] in peace, direct my steps in peace, support me in peace, and save me from the hands of the enemies and lurking foes on the way.

26 The general rule is: A person should always cry out [to God] over future possibilities, asking for mercy. He should thank [God] for what has transpired in the past, thanking Him and praising Him according to his capacity. Whoever praises and thanks God abundantly and continuously is worthy to be praised.

Chapter 11

1 All blessings begin with "Blessed [are You, God...]" and conclude with "Blessed [are You, God...]," with the exception of the blessing after the recitation of the *Shema*, blessings that come in succession to each other, the blessings over fruit and the like, the blessings over the fulfillment of the mitzvot, and the blessings that we have mentioned which are expressions of praise and thanks. The [latter blessings] include some that begin with "Blessed [are You, God...]" and do not conclude with "Blessed [are You, God...]" and others that conclude with "Blessed [are You, God...]" but do not begin with "Blessed [are You, God...]."

[There are certain exceptions to these rules,] for example, a small number of blessings over the mitzvot, such as the blessing recited [when reading from] a Torah scroll and [some of the blessings recited as an expression of

praise and thanks;] for example, the blessing recited when one sees Jewish graves. The rest of the blessings over mitzvot begin with "Blessed [are You, God...]" and do not conclude [with "Blessed are You, God...].

2 There are positive commandments that a person is obligated to make an effort to pursue [their fulfillment] until he performs them - for example, *tefillin,* sukkah, *lulav*, *and shofar.* These are referred to as obligations, since a person is obligated to fulfill them.

There are other mitzvot that are not obligations, but resemble voluntary activities - for example, [the mitzvot of] *mezuzah* and constructing a guardrail. A person is not obligated to dwell in a house that requires a *mezuzah* [just in order] to fulfill this mitzvah. Instead, if he desires, he can dwell in a tent or a ship for his entire life. Similarly, he does not have to build a house [just] in order to build a guardrail.

A blessing should be recited before fulfilling all positive commandments that are between man and God, whether they are mitzvot that are obligatory or are not obligatory.

3 Similarly, with regard to all the Rabbinic mitzvot - both the mitzvot that the Rabbis established as obligations - e.g., regarding the *megillah*, lighting Shabbat candles, and lighting Chanukah candles - and the mitzvot that are not obligations - e.g., an *eruv* or washing hands - one should recite a blessing before performing them, [praising God] "who has sanctified us with Your commandments and commanded us…."

Where has He commanded us [to fulfill these commandments]? In the Torah, which states [**Deuteronomy 17:11**]: "Act [according to the

judgment] they relate to you." [Based on this Biblical verse, the blessing recited before fulfilling a Rabbinical commandment] can be interpreted as follows: Who has sanctified us with Your commandments and commanded us to listen to these [sages] who have commanded us to light Chanukah candles or read the *megillah*. The same applies regarding all Rabbinic commandments.

4 Why do we not recite a blessing before washing our hands after [eating]? Because the Sages obligated us [to do] this only because of danger. Blessings are not recited over an [obligation that was instituted] because of danger.

To what can this be compared? To someone who strains drinking water at night because of the danger of leeches. [Surely,] he does not recite a blessing, [praising God,] "who commanded us to strain water." The same applies in all similar situations.

5 [The following rules apply when] a person performs a mitzvah, but does not recite a blessing: If the fulfillment of the mitzvah still continues, he may recite the blessing even though he already performed it. If the mitzvah is a deed that is completed, he should not recite a blessing.

What is implied? When a person wrapped himself in *tzitzit*, donned *tefillin*, or sat in a *sukkah* without reciting a blessing at the outset, after wrapping himself [in *tzitzit*] he should recite the blessing "... who commanded us to wrap ourselves in *tzitzit*"; after donning [*tefillin*], he should recite the blessing "... who commanded us to put on *tefillin*"; after sitting [in the *sukkah*], he should recite the blessing "... who commanded

us to sit in the *sukkah*." The same applies in all similar situations.

6 In contrast, if a person slaughtered [an animal] without reciting a blessing, he should not recite the blessing "... who sanctified us with Your commandments and commanded us concerning slaughter," after the slaughter [is completed]. Similarly, if he covered [a fowl's] blood, separated *terumah* or the tithes, or immersed himself without reciting a blessing beforehand, he should not recite a blessing afterwards. The same applies in all similar situations.

7 There is no mitzvah for which the blessing should be recited after its fulfillment, with the exception of the immersion of a convert. [In this instance, the exception was made] because he could not say, "who sanctified us with Your commandments and commanded us." Until [the convert] immersed himself, he was neither sanctified nor commanded. Therefore, he recites the blessing over the immersion [only] after immersing himself. [This is allowed] since at the outset, he was unfit and unable to recite the blessing.

8 Whenever the performance of a mitzvah constitutes the completion of one's obligation, he should recite the blessing before performing it. When, however, there is another commandment that follows the performance of a particular mitzvah, the blessing should not be recited until the other mitzvah is performed.

What is implied? When a person makes a *sukkah*, a *lulav*, a *shofar,* tzitzit, *tefillin*, or a *mezuzah*, he should not recite a blessing at the time he made

[them]: [praising God for] "sanctifying us with Your commandments and commanding us to make a *sukkah*" or "a *lulav*," or "to write *tefillin*," because there is another commandment that follows this action.
When is the blessing recited? When one sits in the *sukkah*, shakes the *lulav*, hears the sounding of the *shofar, wraps oneself in* tzitzit, dons *tefillin*, or affixes the *mezuzah*. In contrast, when one constructs a guardrail, before constructing it one should recite the blessing "...who has sanctified us with Your commandments and commanded us to construct a guardrail." The same applies in all similar situations.

9 The blessing *shehecheyanu* is recited:
[before] fulfilling every mitzvah that we are obligated to fulfill only at a specific time - e.g., *shofar,* sukkah, *lulav*, reading the Megillah, and [lighting] Chanukah candles,
[before fulfilling] every mitzvah that involves the acquisition of property - e.g., *tzitzit*, *tefillin*, and a guardrail - and
[before fulfilling] every mitzvah that we are obligated to fulfill infrequently - for this resembles a mitzvah we are obligated to fulfill only at a specific time - e.g., circumcising one's son and redeeming him.
If one did not recite the blessing *shehecheyanu* when making a *sukkah* or a *lulav*, one should recite this blessing when fulfilling the mitzvah. The same applies in other similar situations.

10 Whether a person performs a mitzvah for himself or for a colleague, before performing the mitzvah, he should recite the blessing "... who has sanctified us with Your commandments and commanded us...." He

should, however, recite the blessing *shehecheyanu* only on mitzvot that he is performing for himself.

If a person is [intending to] fulfill several mitzvot, he should not recite the blessing "... who has sanctified us with Your commandments and commanded us to fulfill the mitzvot ---." Instead, he should recite a blessing over each mitzvah individually.

11 Whoever performs a mitzvah for his own sake, whether it is an obligation incumbent upon him or not, should recite a blessing, [praising God "who sanctified us with Your commandments and commanded us] to perform ----." In contrast, if he performs a mitzvah on behalf of another person, the form of the blessing is ["who sanctified us... and commanded us] concerning the performance of ----."

12 What is implied? Before donning *tefillin*, one recites the blessing "... to put on *tefillin*"; before wrapping oneself in *tzitzit*, one recites the blessing "... to wrap..."; before sitting in the *sukkah*, one recites the blessing "...to sit in the *sukkah*." Similarly, one recites the blessings "... to kindle the Sabbath light," and "... to complete the *Hallel*."

Similarly, if one affixes a *mezuzah* on one's own house, one should recite the blessing "... to affix a *mezuzah*"; if one erects a guardrail on one's roof, one should recite the blessing "... to erect a guardrail." Should one separate *terumah* for oneself, one should recite the blessing "... to separate [*terumah*]." Should one circumcise one's own son, one should recite the blessing "... to circumcise [one's] son." Should one slaughter one's Paschal sacrifice or festive sacrifice, one recites the blessing "... to slaughter...."

13 If, however, one affixes a *mezuzah* for others, one should recite the blessing "... concerning the affixing of a *mezuzah*." Should one construct a guardrail for others, one should recite the blessing "... concerning the building of a guardrail." Should one separate *terumah* for others, one should recite the blessing "... concerning the separation of *terumah*. Should one circumcise a colleague's son, one should recite the blessing "... concerning the circumcision." The same applies in all similar situations.

14 [The following rules apply] when a person performs a mitzvah on his own behalf and on behalf of others simultaneously. If the mitzvah is not obligatory in nature, he should use the form "... concerning..." for the blessing. Therefore, one recites the blessing "... concerning the mitzvah of *eruv*."

If the mitzvah is obligatory and he had the intent of fulfilling his own obligation and that of the others, he should use the form "... to..." for the blessing. Therefore, one recites the blessing "... to hear the sound of the *shofar."*

15 When one takes the *lulav*, one should recite the blessing "... concerning the taking of the *lulav*." [This form is used] because a person fulfills his obligation when he picks [the *lulav*] up. If one recites the blessing before taking the *lulav*, one should recite the blessing "... to take the *lulav*," as one recites the blessing "... to sit in the *sukkah*." From this, one derives the principle that a person who recites a blessing after performing [a mitzvah] blesses "... concerning..." [the mitzvah's] performance.

With regard to the washing of hands and ritual slaughter, since they are of

a voluntary nature, even if a person slaughters on his own behalf, he should recite the blessings "... concerning slaughter," "... concerning the covering of the blood," and "... concerning the washing of hands."

Similarly, one recites the blessing "... concerning the destruction of *chametz*," whether one searches for leaven on one's own behalf or on behalf of others. [This form is used] because once a person resolves in his heart to nullify his ownership [over *chametz*], the mitzvah of destroying it is fulfilled even before one searches, as will be explained in its place.

16 [A blessing is not recited over] all practices that are customs. [This applies] even to a custom established by the prophets - for example, taking the willow branches on the seventh day of Sukkot. Needless to say, a blessing is not recited over customs established by the Sages - e.g., reading *Hallel* on Rosh Chodesh and on the intermediate days of Pesach.

Similarly whenever there is a question whether a practice requires a blessing or not, it should be performed without reciting a blessing.

A person should always take care not to recite blessings that are not necessary, and should recite many blessings that are required. Thus, David declared [**Psalms 145:2**]: "I will bless you each day."

Mishneh Torah, Circumcision

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Circumcision is a positive mitzvah [whose lack of fulfillment] is punishable by *karet*, as [**Genesis 17:14**] states: "And an uncircumcised male who does not circumcise his foreskin - this soul will be cut off from his people."

A father is commanded to circumcise his son, and a master, his slaves. This applies both to those who are born in his home and to those purchased by him. If the father or the master transgressed and did not circumcise them, he negated the fulfillment of a positive commandment. He is not, however, punished by *karet*, for *karet* is incurred only by the uncircumcised person himself. The court is obligated to circumcise that son or slave at the proper time and should not leave an uncircumcised male among the Jewish people or their slaves.

2 We may not circumcise a person's son without his knowledge, unless he has transgressed and did not circumcise him. [In such an instance,] the court must circumcise [the child] against [the father's] will.

If the matter does not become known to the court and they do not circumcise him, when [the child] reaches *bar mitzvah*, he is obligated to circumcise himself. With each and every day that passes after he has reached *bar mitzvah*, he negates a positive commandment. He is not, however, liable for *karet* until he dies uncircumcised, having intentionally

[failed to perform the mitzvah].

3 A master is obligated to circumcise both a slave who was born as the property of a Jewish owner and a slave purchased from the gentiles. [There is, however, a difference between the two.] A home-born slave should be circumcised on the eighth day [of his life]. In contrast, a slave who is purchased should be circumcised on the day he was purchased. If he was purchased on the day he was born, he should be circumcised on that day.

4 There are, however, slaves that are purchased who should be circumcised on the eighth day [of their lives], and home-born slaves who should be circumcised on the day they are born.

What is implied? Should one purchase a maidservant and purchase [the rights to] her fetus [separately], when she gives birth, the baby should be circumcised on the eighth day. Although the fetus itself was purchased separately, since [the master] purchased his mother before the child was born, he should be circumcised on his eighth day.

5 If a person purchased a maidservant for her offspring, or purchased a maidservant with the intent of not immersing her as a slave, even though her offspring is born in his domain, the child should be circumcised on the day he was born.

[This ruling was granted, because] this child is considered as if he alone has been purchased [by his master], and it is as if he purchased him this day. His mother is not included among the maidservants of the Jewish

people, so that the child could be considered "home-born." If his mother immersed herself after she gave birth, the child should be circumcised on the eighth day.

6 When a person purchases a slave from the gentiles and the slave does not consent to be circumcised, we may be patient with him for twelve months. It is forbidden to maintain him for any longer period while he remains uncircumcised, and one must sell him to gentiles.

If, at the outset, while the slave was still in the possession of his gentile master, he made a stipulation that he would not be circumcised, it is permissible to maintain him although he is not circumcised, provided he accepts the seven universal laws commanded to the descendants of Noah and becomes a resident alien.

If he refuses to accept these seven laws, he should be killed immediately. A resident alien may be accepted only in the era when the laws of *yovel* are in effect.

7 When a convert enters the congregation of Israel, he is obligated to undergo circumcision first. If he had been circumcised while he was a gentile, it is necessary to extract the blood of the covenant on the day that he converts.

Similarly, a child who was born without a foreskin must have blood extracted for circumcision on the eighth day. An androgynous, a child with both male and female sexual organs, must be circumcised on the eighth day. Similarly, a child born by Caesarian section and a child who has two foreskins should both be circumcised on the eighth day.

8 Circumcision is performed only during the day, after the rising of the sun, as [**Leviticus 12:3**] states, "On the eighth day...," i.e., during the day, and not at night. [This applies to a circumcision performed] at the appropriate time, the eighth day [after birth], and [to a circumcision performed] after the appropriate time, from the ninth day and onward.

If one performed the circumcision after dawn, it is acceptable. It is acceptable [at any time] throughout the entire day. Nevertheless, it is a mitzvah to [perform the circumcision] early, in the beginning of the day, since "the eager perform mitzvot early."

9 When a circumcision [is performed] at its appropriate time, [its performance] supersedes [the prohibition against labor] on the Sabbath. When it [is] not [performed] at its appropriate time, [its performance] does not supersede [the prohibition against labor] on the Sabbath or the festivals. Whether or not it is performed at its appropriate time, [its performance] supersedes [the prohibition against removing signs of] *tzara'at*.

What is implied? If there was a sign of *tzara'at* on the foreskin, it may be cut off with the foreskin. Although there is a prohibition against cutting off the signs of *tzara'at*, the performance of a positive commandment supersedes the observance of a negative commandment.

10 Just as the circumcision of sons supersedes [the prohibitions against labor on] the Sabbath, so too, the circumcision of those slaves who are circumcised on the eighth day [of their lives] supersedes [the prohibitions against labor on] the Sabbath when the eighth day [of their life] falls on

the Sabbath. There is [one] exception - a slave whose mother did not immerse herself until after she gave birth. Although such a slave is circumcised on the eighth day, his circumcision does not supersede [the prohibitions against labor on] the Sabbath.

11 [The circumcision of the following individuals] does not supersede [the prohibitions against labor on] the Sabbath:
a child who was born without a foreskin;
a child who was born in the eighth month of pregnancy before his development was completed; he is considered to be a stillborn, for he will not live;
a child born by Caesarian section;
an *androgynous*; and
a person with two foreskins.
These individuals are circumcised on [the following] Sunday, the ninth day of their lives.

12 When a child is born *beyn hash'mashot*, which is a period when it is undetermined whether it is considered day or night, we count from the night, and he is circumcised on the ninth day [following the day he was born], which could be the eighth day.
When a child is born *beyn hash'mashot* on Friday, his circumcision does not supersede the Sabbath prohibitions, because the Sabbath prohibitions are never superseded because of a doubtful situation. Rather, he should be circumcised on [the following] Sunday.

13 [The following principles apply when] a child is born in the eighth month [of pregnancy]: If the child's nails and hair are completely formed, we assume that this is a completely formed infant that should have been born in the seventh month, but whose birth was delayed. Hence, the baby may be carried on the Sabbath, is not considered to be a stone, and may be circumcised on the Sabbath.

If, however, when the baby was born, its hair and nails were incompletely formed, we can be certain that this child is in its eighth month of development and should not have been born until the ninth month, but was born prematurely. Therefore, he is considered as a stone and may not be moved on the Sabbath.

Nevertheless, if such an infant remains alive for thirty days, he is considered to be a child who will live and is governed by all the same rules as other infants.

Whenever a human child lives longer than thirty days, it is no longer considered to be a stillborn.

14 [The following rules apply when] a child is born in the seventh month of gestation: If a child is born with his limbs completely formed, we assume that he will live and he should be circumcised on the eighth day [even if it falls on the Sabbath].

If there is a question whether a child was born in the seventh month or in the eighth month, he can be circumcised on the Sabbath. The rationale is: If he was born in the seventh month and his limbs are completely formed, it is appropriate that [his circumcision] supersede [the prohibitions against labor on] the Sabbath. If he was born in the eighth month, circumcising

him [does not constitute a violation of the Sabbath prohibitions].
It is like cutting meat, because he is like a stillborn if he is, in fact, born in the eighth month.

15 When a child's head emerges from his mother's birth canal *beyn hash'mashot* on Friday, but his entire body does not emerge until after the Sabbath night [has commenced], the child should not be circumcised on the Sabbath.
Whenever a child's circumcision does not supersede the Sabbath prohibitions, [such circumcision] also does not supersede the prohibitions of the first day of a festival. It does, however, supersede the prohibitions of the second day of a festival. On Rosh HaShanah, however, it does not supersede [the prohibitions] of either the first or the second day. Similarly, a circumcision that is not carried out at the appropriate time does not supersede [the prohibitions of either of] the two days of Rosh HaShanah.

16 A sick person should not be circumcised until he regains his health. Seven full days should be counted from the time he regains his health until he is circumcised.
When does the above apply? When he recovers from high fever or from a similar illness. If, however, a person's eyes hurt, as soon as his eyes heal he may be circumcised immediately. The same applies in all similar circumstances.

17 A child whose complexion is very yellowish on the eighth day of his life should not be circumcised until his blood recovers and his complexion

returns to that of an ordinary healthy child.
Similarly, if his complexion is overly red, as if he had been painted, he should not be circumcised until his blood recovers and his complexion returns to that of an ordinary healthy child. This is an example of sickness, and great care must be taken regarding this matter.

18 When a woman circumcised her first son and he died because the circumcision sapped his strength, and similarly, circumcised her second son and he also died because of the circumcision, she should not circumcise her third son at the appropriate time. Rather, she should wait until he becomes older and his strength increases. [This applies regardless of whether] the first two children were sired by the same father or not.
We should not circumcise a child who is afflicted with any sickness at all, since the danger to life takes precedence over everything. Circumcision can be performed at a later date, while it is impossible to bring a single Jewish soul back to life.

Chapter 2

1 Circumcision may be performed by anyone. Even a person who is himself not circumcised, a slave, a woman, or a minor may perform the circumcision, if an adult male is not present. A gentile, however, should not be allowed to perform the circumcision at all. Nevertheless, if he does so, there is no need for a second circumcision.
Any utensil may be used for circumcision, even a flint, glass, or any article that cuts. One should not circumcise with the sharpened side of a reed,

because of the danger involved. The optimum manner of performing the mitzvah is to use an iron utensil - either scissors or a knife. Throughout the Jewish community, it has become customary to use a knife.

2 How is the circumcision performed? The foreskin that covers the crown of the penis is cut off until the entire crown is revealed. [This step is referred to as *milah*.]

Afterwards, the soft membrane that is beneath the skin should be split along the mid-line with one's nails and peeled back to either side until the flesh of the crown is revealed. [This step is referred to as *pri'ah*.]

Afterwards, one should suck the place of the circumcision until all the blood in the further reaches is extracted, lest a dangerous situation arise. [This step is referred to as *metzitzah*.] Any [*mohel*] who does not perform *metzitzah* should be removed from his position. After one has performed *metzitzah*, one should apply a bandage, a compress, or the like.

3 There are strands of flesh that disqualify a circumcision [if they are not removed], and strands of flesh that do not disqualify a circumcision.

What is implied? If, [after circumcision,] a portion of the foreskin is left that covers the majority of the crown of the penis' height, the child is considered to be uncircumcised, and this flesh is considered a *tzitz* that disqualifies the circumcision.If only a small portion of flesh remains which does not cover the majority of the crown of the penis' height, it is considered to be a *tzitz* that does not disqualify the circumcision.

4 While the person performing the circumcision is involved in the

operation, he should go back and remove both the *tzitzim* that disqualify the circumcision and the *tzitzim* that do not disqualify the circumcision. Once he has interrupted his activity, he must return and remove any *tzitzim* that disqualify the circumcision, but he does not return to remove any*tzitzim* that do not disqualify the circumcision.

When one performs a circumcision without performing *pri'ah*, it is considered as if the circumcision was not performed.

5 [The following ruling is given when] a child's flesh is soft and hangs loosely, or if he is very fat and, therefore, it appears that he is not circumcised. We should observe him when he has an erection: if he appears circumcised at that time, it is unnecessary to do anything more. One must, however, correct the flesh on the sides, because of the appearance it creates.

If, however, he does not appear to be circumcised when he has an erection, the loose hanging flesh on the sides should be cut off until the crown of the penis is revealed while it is erect.

This was ordained by the Rabbis. According to the Torah itself, even though he [appears] uncircumcised, since he was circumcised once, there is no obligation to circumcise him again.

6 Anything that is necessary for the circumcision [itself] may be performed on the Sabbath. We may perform *milah, pri'ah*, and *metzitzah*, return and remove the *tzitzim* that disqualify the circumcision even though one has interrupted one's activity, return and remove the *tzitzim* that do not disqualify the circumcision if one has not interrupted one's activity, and

bandage the circumcision afterwards. The preparation of articles that are necessary for the circumcision does not supersede the prohibitions against labor on the Sabbath.

What is implied? If we are unable to find a knife, a knife may not be made on the Sabbath, nor may we bring it from place to place. It is even forbidden to bring it from one courtyard to another courtyard in an alleyway if there is no *eruv*. Although the [mitzvah of] *eruv* is only Rabbinic in origin, it is not superseded by [the necessity] to bring a knife, since it was possible to bring the knife on Friday.

7 Herbs may not be ground to [use for the compress], nor may water be heated [to wash the child], nor may a compress be prepared, nor may wine and oil be mixed [on the Sabbath itself].

If cumin was not ground on Friday, one may chew it on the Sabbath and apply it [to the wound]. If one did not mix wine and oil together, they may each be applied individually. This is the general rule: Whatever can be performed on Friday does not supersede [the prohibitions against labor on] the Sabbath. Should one forget and not prepare the accessories necessary for the circumcision, the circumcision should be performed on the ninth day.

8 If a child was circumcised on the Sabbath and, afterwards, the hot water was spilled or the herbs [for the compress] were scattered, one may do anything that is necessary for him on the Sabbath, because of the danger involved.

In a place where it is customary to wash a child, he may be washed on the

Sabbath on the day of his circumcision, both before the circumcision and after the circumcision, and on the third day of his circumcision. The child's entire body may be washed as well as the place of the circumcision itself. [On the third day,] he may be washed with water that was heated on Friday or with water that was heated on the Sabbath itself, because the situation involves danger.

9 If a knife was forgotten and not brought [to the place of the circumcision] on Friday, one may instruct a gentile to bring it on the Sabbath, provided he does not bring it through the public domain.

The general principle governing this matter is: It is permissible to tell a gentile to perform any activity that we are forbidden to perform as a *sh'vut,* so that we may perform a mitzvah at its appropriate time. When, however, an activity is prohibited because a forbidden labor is involved, we may not instruct a gentile to do it [for us] on the Sabbath.

10 [The preparation of] the accessories for circumcision - even when the circumcision is being performed at the appropriate time - does not supersede [the prohibitions against labor on] the holidays, because it is possible to complete them before the commencement of the holiday.

[This ruling can be derived through the following] process of inference: If [the preparation of] the accessories for circumcision is not significant enough to supersede the Rabbinic prohibitions of *sh'vut*, why should they supersede a negative commandment of the Torah? [Nevertheless, there are certain greater leniencies on festivals:] One may grind herbs for [the compress], since these herbs are fit to be used in food. Similarly, oil and

wine may be mixed together.

Chapter 3

1 Before the circumcision, the person who performs the circumcision recites the blessing, "[Blessed are You...] who sanctified us with His commandments and commanded us concerning the circumcision." [This applies] when circumcising the son of another person. When circumcising one's own son, one should recite the blessing "... to circumcise a son."
[At the circumcision,] the father of the child recites another blessing:
Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to have our children enter the covenant of Abraham, our Patriarch.
[This blessing was instituted because] it is a greater mitzvah for a father to circumcise his son than for the Jewish people as a whole to circumcise the uncircumcised among them. Therefore, if a child's father is not present, this blessing should not be recited. There are those who have ruled that the court or one of the people [in attendance should recite this blessing in the father's absence]. [Nevertheless, this ruling] should not be followed.

2 If others are present, they say: "Just as you have brought him into the covenant, so, too, may you bring him to Torah, marriage, and good deeds."

3 Afterwards, the father of the child, the person who performed the circumcision, or one of the people in attendance should recite the

[following] blessing:

Blessed are You, God, our Lord, King of the universe, who has sanctified the cherished from the womb, affixed his covenant in his flesh, and sealed his descendants with the sign of the holy covenant. Therefore, as a reward for this [circumcision], living God, our Portion, our Rock, has ordained that the beloved of our flesh be saved from the abyss for the sake of His covenant that He has set in our flesh. Blessed are You, God, who establishes the covenant.

The father of the son recites the blessing *shehecheyanu*.

4 When circumcising converts, one should recite the blessing:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to circumcise converts and to extract from them the blood of the covenant, for were it not for the blood of the covenant the existence of the heavens and the earth could not be maintained, as [**Jeremiah 33:25**] states: "Were it not for My covenant, day and night, I would not have established the laws of heaven and earth."

5 One who circumcises his slave recites the blessing:

[Blessed are You...] who has sanctified us with His commandments and commanded us to circumcise slaves and to extract from them the blood of the covenant, for were it not for the blood of the covenant the existence of the heavens and the earth could not be maintained...."

If one circumcises a slave belonging to someone else, one should [alter the text of] the blessing and say, "[and commanded us] concerning the circumcision of slaves [and...]

When circumcising an adult male, one must cover his sexual organ until after the blessing is recited. Afterwards, one reveals it and performs the circumcision.

6 When the blood of circumcision is extracted from a convert who had been circumcised before conversion, or from a child who was born without a foreskin, there is no necessity to recite a blessing. Similarly, a blessing is not recited over the circumcision of an *androgynous*, because he is not definitely categorized as a male.

7 It is forbidden for a Jew to circumcise a idolator who is forced to remove his foreskin because of a wound or because of a tumor, since we are instructed neither to save the idolator from death, nor to cause them to die. Although a mitzvah is accomplished in the process of administering this medical treatment, the idolator did not intend to fulfill the mitzvah. If, however, the idolator intends to fulfill the mitzvah of circumcision, it is a mitzvah to circumcise him.

8 How disgusting is the foreskin that is used as a term of deprecation with regard to the gentiles, as [**Jeremiah 9:25**] states: "For all the gentiles are uncircumcised!" How great is the circumcision! Behold, our Patriarch Abraham was not called "perfect" until he was circumcised, as [**Genesis 17:1-2**] states: "Proceed before Me and become perfect. And I will place My covenant between Me and you."

Anyone who breaks the covenant of Abraham our Patriarch and leaves his foreskin uncircumcised, or [although he was circumcised,] causes it to

appear extended, does not have a portion in the world to come, despite the fact that he has studied Torah and performed good deeds.

9 Come and see how severe a matter circumcision is. Moses, our teacher, was not granted even a temporary respite from [fulfilling this mitzvah].

The Torah mentions only three covenants regarding all its mitzvot, as [**Deuteronomy 28:69**] states: "These are the words of the covenant that God commanded... in addition to the covenant that He established with you in Chorev." And [**Deuteronomy 29:9-11**] states: "You are all standing today... to enter into a covenant with God, your Lord." Thus, there are three covenants.

In contrast, thirteen covenants were established with Abraham, our Patriarch, with regard to circumcision:

"I will place My covenant between Me and you" [**Genesis 17:2**],

"And I, behold, My covenant is with you" [*ibid.*:4],

"I will establish My covenant between Me and you" [*ibid.*:7],

"For an eternal covenant" [*ibid.*],

"And you shall observe My covenant" [*ibid.*:9],

"This is My covenant which you shall observe" [*ibid.*:10],

"It will be a sign of the covenant" [*ibid.*:11],

"My covenant will be in your flesh" [*ibid.*:13],

"For an eternal covenant" [*ibid.*],

"He will have nullified My covenant" [*ibid.*:14],

"And I will establish My covenant with Him" [*ibid.*:19],

"For an eternal covenant" [*ibid.*],

"And I will establish My covenant with Isaac" [*ibid.*:21].

Mishneh Torah, The Order of Prayer

Sefaria Community Translation

Chapter 1

1 סדר תפלות כל השנה

2 נָהֲגוּ הָעָם לִקְרוֹת בְּכָל יוֹם בַּשַּׁחַר אַחַר שֶׁקּוֹרִין פָּרָשַׁת צַו וּבִרְכַּת כֹּהֲנִים קוֹרִין מִשְׁנָה זוֹ. אֵלּוּ דְּבָרִים שֶׁאֵין לָהֶם שִׁעוּר הַפֵּאָה וְהַבִּכּוּרִים וְהָרֵאָיוֹן וּגְמִילוּת חֲסָדִים וְתַלְמוּד תּוֹרָה. אֵלּוּ דְּבָרִים שֶׁאָדָם אוֹכֵל פֵּרוֹתֵיהֶן בָּעוֹלָם הַזֶּה וְהַקֶּרֶן קַיֶּמֶת לוֹ לָעוֹלָם הַבָּא. כִּבּוּד אָב וָאֵם וּגְמִילוּת חֲסָדִים וְעִיּוּן תְּפִלָּה וּבִקּוּר חוֹלִים וְהַשְׁכָּמַת בֵּית הַמִּדְרָשׁ וְהַכְנָסַת אוֹרְחִים וַהֲבָאַת שָׁלוֹם בֵּין אָדָם לַחֲבֵרוֹ וְתַלְמוּד תּוֹרָה כְּנֶגֶד כֻּלָּם. אָמַר רַבִּי זֵירָא בְּנוֹת יִשְׂרָאֵל הֵן הֶחְמִירוּ עַל עַצְמָן שֶׁאֲפִלּוּ רוֹאוֹת טִפַּת דָּם כְּחַרְדָּל יוֹשְׁבוֹת עָלֶיהָ שִׁבְעָה נְקִיִּים. תָּנָא דְּבֵי אֵלִיָּהוּ כָּל הַשּׁוֹנֶה הֲלָכוֹת בְּכָל יוֹם מֻבְטָח לוֹ שֶׁהוּא בֶּן הָעוֹלָם הַבָּא שֶׁנֶּאֱמַר הֲלִיכוֹת עוֹלָם לוֹ אַל תִּקְרֵי הֲלִיכוֹת אֶלָּא הֲלָכוֹת. אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי חֲנִינָא תַּלְמִידֵי חֲכָמִים מַרְבִּים שָׁלוֹם בָּעוֹלָם שֶׁנֶּאֱמַר וְכָל בָּנַיִךְ לִמּוּדֵי יְיָ וְכוּ׳. מִזְמוֹר לְדָוִד יְיָ מִי יָגוּר בְּאָהֳלֶךָ מִי יִשְׁכֹּן בְּהַר קָדְשֶׁךָ הוֹלֵךְ תָּמִים וּפֹעֵל צֶדֶק. לְעוֹלָם יְהֵא אָדָם יָרֵא שָׁמַיִם בַּסֵּתֶר וּמוֹדֶה עַל הָאֱמֶת וְדוֹבֵר אֱמֶת בְּלִבָּבוֹ וְיַשְׁכֵּם וְיֹאמַר. רִבּוֹן הָעוֹלָמִים לֹא עַל צִדְקוֹתֵינוּ אֲנַחְנוּ מַפִּילִים תַּחֲנוּנֵינוּ לְפָנֶיךָ כִּי עַל רַחֲמֶיךָ הָרַבִּים מָה אָנוּ מֶה חַיֵּינוּ מַה חַסְדֵּנוּ מַה צִדְקָתֵנוּ מַה כֹּחֵנוּ וּמַה גְּבוּרָתֵנוּ מַה נֹּאמַר לְפָנֶיךָ יְיָ אֱלֹהֵינוּ הֲלֹא כָּל

הַגִּבּוֹרִים כְּאַיִן לְפָנֶיךָ וְאַנְשֵׁי הַשֵּׁם כְּלֹא הָיוּ וַחֲכָמִים כִּבְלִי מַדָּע וּנְבוֹנִים כִּבְלִי הַשְׂכֵּל כִּי כָל מַעֲשֵׂינוּ תֹהוּ וָבֹהוּ וִימֵי חַיֵּינוּ הֶבֶל לְפָנֶיךָ כְּמוֹ שֶׁכָּתוּב בְּדִבְרֵי קָדְשֶׁךָ וּמוֹתַר הָאָדָם וְגוֹ'. אֲבָל אֲנַחְנוּ עַמְּךָ בְּנֵי בְרִיתֶךָ בְּנֵי אַבְרָהָם אוֹהַבְךָ שֶׁנִּשְׁבַּעְתָּ לוֹ בְּהַר הַמּוֹרִיָּה. זֶרַע יִצְחָק יְחִידְךָ שֶׁנֶּעֱקַד עַל גַּבֵּי מִזְבְּחֶךָ. עֲדַת יַעֲקֹב בִּנְךָ בְּכֹרֶךָ שֶׁמֵּאַהֲבָתְךָ שֶׁאָהַבְתָּ אוֹתוֹ וּמִשִּׂמְחָתְךָ שֶׁשָּׂמַחְתָּ בּוֹ קָרָאתָ אוֹתוֹ יִשְׂרָאֵל וְיֵשׁוּרוּן.

3 לְפִיכָךְ אָנוּ חַיָּבִין לְהוֹדוֹת לְךָ וּלְשַׁבְּחֲךָ וּלְפָאֶרְךָ וְלִתֵּן שֶׁבַח וְהוֹדָאָה לִשְׁמֶךָ. וְחַיָּבִין אָנוּ לוֹמַר לְפָנֶיךָ בְּכָל יוֹם עֶרֶב וָבֹקֶר שְׁמַע יִשְׂרָאֵל יְיָ אֱלֹהֵינוּ יְיָ אֶחָד. אַשְׁרֵינוּ מַה טּוֹב חֶלְקֵנוּ מַה נָּעִים גּוֹרָלֵנוּ מַה יָּפָה יְרֻשָּׁתֵנוּ. אַשְׁרֵינוּ שֶׁאָנוּ מַשְׁכִּימִין וּמַעֲרִיבִין בְּכָל יוֹם תָּמִיד עֶרֶב וָבֹקֶר וְאוֹמְרִים שְׁמַע יִשְׂרָאֵל יְיָ אֱלֹהֵינוּ יְיָ אֶחָד. אַתָּה הוּא קֹדֶם שֶׁנִּבְרָא הָעוֹלָם אַתָּה הוּא אַחַר שֶׁנִּבְרָא הָעוֹלָם אַתָּה הוּא בָּעוֹלָם הַזֶּה וְאַתָּה הוּא לָעוֹלָם הַבָּא אַתָּה הוּא רִאשׁוֹן וְאַתָּה הוּא אַחֲרוֹן. קַדֵּשׁ שִׁמְךָ הַגָּדוֹל וְהַקָּדוֹשׁ בְּעוֹלָמְךָ וּבִישׁוּעָתְךָ תָּרוּם וְתַגְבִּיהַּ קַרְנֵנוּ בָּרוּךְ הַמְקַדֵּשׁ שְׁמוֹ בָּרַבִּים. אַתָּה הוּא יְיָ אֱלֹהֵינוּ בַּשָּׁמַיִם מִמַּעַל וְעַל הָאָרֶץ מִתַּחַת וּבִשְׁמֵי הַשָּׁמַיִם הָעֶלְיוֹנִים. אַתָּה הוּא רִאשׁוֹן וְאַתָּה הוּא אַחֲרוֹן וּמִבַּלְעָדֶיךָ אֵין אֱלֹהִים קַבֵּץ קוֵּךְ מֵאַרְבַּע כַּנְפוֹת הָאָרֶץ יַכִּירוּ וְיֵדְעוּ כָּל בָּאֵי עוֹלָם כִּי אַתָּה הוּא הָאֱלֹהִים לְבַדְּךָ לְכָל מַמְלְכוֹת הָאָרֶץ אַתָּה עָשִׂיתָ אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ וּמִי בְכָל מַעֲשֵׂה יָדֶיךָ בָּעֶלְיוֹנִים אוֹ בַּתַּחְתּוֹנִים מִי שֶׁיֹּאמַר לְךָ מַה תַּעֲשֶׂה. אָבִינוּ שֶׁבַּשָּׁמַיִם עֲשֵׂה עִמָּנוּ כְּמוֹ

שֶׁהִבְטַחְתָּנוּ עַל יְדֵי חוֹזֶךָ בָּעֵת הַהִיא אָבִיא אֶתְכֶם וּבָעֵת קַבְּצִי אֶתְכֶם כִּי אֶתֵּן אֶתְכֶם לְשֵׁם וְלִתְהִלָּה בְּכל עַמֵּי הָאָרֶץ בְּשׁוּבִי אֶת שְׁבוּתֵיכֶם לְעֵינֵיכֶם אָמַר יְיָ. וְנֶאֱמַר אַתָּה הוּא יְיָ לְבַדֶּךָ אַתָּה עָשִׂיתָ אֶת הַשָּׁמַיִם שְׁמֵי הַשָּׁמַיִם וְכָל צְבָאָם הָאָרֶץ וְכָל אֲשֶׁר עָלֶיהָ הַיַּמִּים וְכָל אֲשֶׁר בָּהֶם וְאַתָּה מְחַיֶּה אֶת כֻּלָּם וּצְבָא הַשָּׁמַיִם לְךָ מִשְׁתַּחֲוִים. אַתָּה הוּא יְיָ הָאֱלֹהִים אֲשֶׁר בָּחַרְתָּ בְּאַבְרָם וְהוֹצֵאתוֹ מֵאוּר כַּשְׂדִּים וְשַׂמְתָּ שְׁמוֹ אַבְרָהָם. אַתָּה הוּא וּשְׁנוֹתֶיךָ לֹא יִתָּמוּ. יְיָ מֶלֶךְ יְיָ מָלָךְ יְיָ יִמְלֹךְ לְעוֹלָם וָעֶד. יְיָ מֶלֶךְ כּוּ׳ עַד בָּרוּךְ יְיָ לְעוֹלָם אָמֵן וְאָמֵן:

4 בְּרָכָה רִאשׁוֹנָה שֶׁמְּבָרְכִין לִפְנֵי פְּסוּקֵי הַזְּמִירוֹת זֶהוּ נֻסְחָהּ. בָּרוּךְ שֶׁאָמַר וְהָיָה הָעוֹלָם בָּרוּךְ הוּא בָּרוּךְ אוֹמֵר וְעוֹשֶׂה בָּרוּךְ גּוֹזֵר וּמְקַיֵּם בָּרוּךְ מְרַחֵם עַל הָאָרֶץ בָּרוּךְ מְרַחֵם עַל הַבְּרִיּוֹת בָּרוּךְ מַעֲבִיר אֲפֵלָה וּמֵבִיא אוֹרָה בָּרוּךְ מְשַׁלֵּם שָׂכָר טוֹב לִירֵאָיו בָּרוּךְ שֶׁאֵין לְפָנָיךְ לֹא עַוְלָה לֹא שִׁכְחָה וְלֹא כָזָב וְלֹא מִרְמָה לֹא מַשּׂוֹא פָנִים וְלֹא מִקַּח שֹׁחַד בָּרוּךְ אֵל חַי לָעַד וְקַיָּם לָנֶצַח. בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם הָאֵל הַמְּהֻלָּל בְּפִי עַמּוֹ מְשֻׁבָּח וּמְפֹאָר בִּלְשׁוֹן כָּל חֲסִידָיו וַעֲבָדָיו וּבְשִׁירֵי דָוִד עַבְדֶּךָ מְשִׁיחֶךָ נְהַלֶּלְךָ יְיָ אֱלֹהֵינוּ בִּשְׁבָחוֹת וּבְזִמִּירוֹת נוֹדֶךָ וּנְשַׁבֵּחֲךָ וּנְפָאֶרְךָ וְנַזְכִּיר שִׁמְךָ מַלְכֵּנוּ אֱלֹהֵינוּ יָחִיד חֵי הָעוֹלָמִים מְשֻׁבָּח וּמְפֹאָר עֲדֵי עַד שְׁמוֹ בָּרוּךְ אַתָּה יְיָ מֶלֶךְ מְהֻלָּל בַּתִּשְׁבָּחוֹת. וְקוֹרִין פְּסוּקִין אֵלּוּ יְהִי כְבוֹד יְיָ לְעוֹלָם יִשְׂמַח יְיָ בְּמַעֲשָׂיו כּוּ׳ אַשְׁרֵי כּוּ׳ עַד סוֹף תְּלִים. וְאַחַר כָּךְ קוֹרֵא פְּסוּקִים אֵלּוּ בָּרוּךְ יְיָ לְעוֹלָם אָמֵן וְאָמֵן. יִמְלוֹךְ יְיָ לְעוֹלָם אָמֵן

וְאָמֵן. וַיְבָרֶךְ דָּוִיד אֶת יְיָ לְעֵינֵי כָּל הַקָּהָל וַיֹּאמֶר דָּוִיד בָּרוּךְ אַתָּה יְיָ
אֱלֹהֵי יִשְׂרָאֵל וְכוּ׳:

5 בְּרָכָה אַחֲרוֹנָה שֶׁל אַחַר פְּסוּקֵי הַזְּמִירוֹת זֶהוּ נֶסְחָהּ. יִשְׁתַּבַּח שִׁמְךָ לָעַד
מַלְכֵּנוּ הָאֵל הַמֶּלֶךְ הַגָּדוֹל וְהַקָּדוֹשׁ בַּשָּׁמַיִם וּבָאָרֶץ כִּי לְךָ נָאֶה יְיָ
אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ וְכוּ׳. וְקוֹרֵא הַשִּׁירָה עַד סוֹפָהּ כְּמִנְהַג הַמָּקוֹם.
בְּשַׁבָּת נָהֲגוּ כָּל הָעָם לְהוֹסִיף לִפְנֵי בְּרָכָה זוֹ נֹסַח זֶה. נִשְׁמַת כָּל חַי
תְּבָרֵךְ אֶת שִׁמְךָ יְיָ אֱלֹהֵינוּ וְרוּחַ כָּל בָּשָׂר תְּפָאֵר וּתְרוֹמֵם זִכְרְךָ מַלְכֵּנוּ
תָּמִיד לְדוֹר וָדוֹר וּמֵעוֹלָם וְעַד עוֹלָם אַתָּה אֵל וּמִבַּלְעָדֶיךָ אֵין אֱלֹהִים וְאֵין
לָנוּ מֶלֶךְ גּוֹאֵל וּמוֹשִׁיעַ פּוֹדֶה וּמַצִּיל בְּכָל עֵת צָרָה וְצוּקָה אֶלָּא אַתָּה
מְפַרְנֵס וּמְרַחֵם אֱלוֹהַּ כָּל בְּרִיּוֹת אֲדוֹן הַתּוֹלָדוֹת הַמְהֻלָּל בַּתִּשְׁבָּחוֹת
הַמְנַהֵג עוֹלָמוֹ בְּחֶסֶד וּבְרִיּוֹתָיו בְּרַחֲמִים רַבִּים. אֱלֹהִים אֱמֶת לֹא יָנוּם
וְלֹא יִישַׁן הַמְעוֹרֵר יְשֵׁנִים וְהַמֵּקִיץ נִרְדָּמִים סוֹמֵךְ נוֹפְלִים וְרוֹפֵא חוֹלִים
וּמַתִּיר אֲסוּרִים וּלְךָ אֲנַחְנוּ מוֹדִים. וְאִלּוּ פִינוּ מָלֵא שִׁירָה כַּיָּם וּלְשׁוֹנֵנוּ
רִנָּה כַּהֲמוֹן גַּלָּיו וְשִׂפְתוֹתֵינוּ שֶׁבַח כְּמֶרְחֲבֵי רָקִיעַ וְעֵינֵינוּ מְאִירוֹת כַּשֶּׁמֶשׁ
וְכַיָּרֵחַ וְיָדֵינוּ פְּרוּשׂוֹת כְּנִשְׁרֵי שָׁמַיִם וְרַגְלֵינוּ קַלּוֹת כָּאַיָּלוֹת אֵין אָנוּ
מַסְפִּיקִין לְהוֹדוֹת לְךָ יְיָ אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ וּלְבָרֵךְ אֶת שְׁמֶךָ עַל
אַחַת מֵאֶלֶף אַלְפֵי אֲלָפִים וְרֹב רִבֵּי רְבָבוֹת פְּעָמִים הַטּוֹבוֹת נִסִּים וּגְבוּרוֹת
שֶׁעָשִׂיתָ עִמָּנוּ וְעִם אֲבוֹתֵינוּ. מִלְּפָנִים מִמִּצְרַיִם גְּאַלְתָּנוּ יְיָ אֱלֹהֵינוּ מִבֵּית
עֲבָדִים פְּדִיתָנוּ. בָּרָעָב זַנְתָּנוּ וּבְשָׂבָע כִּלְכַּלְתָּנוּ. מֵחֶרֶב הִצַּלְתָּנוּ וּמִדֶּבֶר
מִלַּטְתָּנוּ וּמֵחֳלָאִים רָעִים רַבִּים דִּלִּיתָנוּ. וְעַד הֵנָּה עֲזָרוּנוּ רַחֲמֶיךָ יְיָ

אֱלֹהֵינוּ וְלֹא עֲזָבוּנוּ חַסְדֶּיךָ עַל כֵּן אֵיבָרִים שֶׁפִּלַּגְתָּ בָּנוּ וְרוּחַ וּנְשָׁמָה שֶׁנָּפַחְתָּ בְּאַפֵּנוּ וְלָשׁוֹן אֲשֶׁר שַׂמְתָּ בְּפִינוּ הֵן הֵם יוֹדוּ וִיבָרְכוּ אֶת שִׁמְךָ יְיָ אֱלֹהֵינוּ וְכוּ' יִשְׁתַּבַּח וְכוּ'. וְכֵן נָהֲגוּ לִקְרוֹת כָּל מִזְמוֹר שִׁיר לְיוֹם הַשַּׁבָּת קֹדֶם שֶׁיַּתְחִילוּ פְּסוּקֵי הַזְּמִירוֹת בְּיוֹם הַשַּׁבָּת וּבְיוֹם הַכִּפּוּרִים. וְיֵשׁ מְקוֹמוֹת שֶׁנָּהֲגוּ לִקְרוֹת הַלֵּל הַגָּדוֹל בְּשַׁבָּתוֹת קֹדֶם פְּסוּקֵי הַזְּמִירוֹת. וְיֵשׁ מְקוֹמוֹת שֶׁנָּהֲגוּ לִקְרוֹת שִׁיר הַמַּעֲלוֹת הַכֹּל כְּמִנְהָגָם:

6 בְּרָכָה רִאשׁוֹנָה שֶׁלִּפְנֵי קְרִיאַת שְׁמַע זוֹ הִיא נֻסְחָה. בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם יוֹצֵר אוֹר וּבוֹרֵא חֹשֶׁךְ כוּ' עַד יוֹצֵר הַמְּאוֹרוֹת. בְּרָכָה שְׁנִיָּה אַהֲבַת עוֹלָם אָהַבְתָּנוּ יְיָ אֱלֹהֵינוּ חֶמְלָה גְּדוֹלָה וִיתֵרָה חָמַלְתָּ עָלֵינוּ אָבִינוּ מַלְכֵּנוּ כוּ' עַד בְּעַמּוֹ יִשְׂרָאֵל בְּאַהֲבָה:

7 בְּרָכָה אַחֲרוֹנָה שֶׁלְּאַחַר קְרִיאַת שְׁמַע זוֹ הִיא נֻסְחָה. אֱמֶת וְיַצִּיב וְכוּ' עַד בָּרוּךְ אַתָּה יְיָ גָּאַל יִשְׂרָאֵל. וּבְעַרְבִית בְּרָכָה רִאשׁוֹנָה בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר בִּדְבָרוֹ מַעֲרִיב עֲרָבִים עַד בָּרוּךְ אַתָּה יְיָ הַמַּעֲרִיב עֲרָבִים. בְּרָכָה שְׁנִיָּה אַהֲבַת עוֹלָם בֵּית יִשְׂרָאֵל עַמְּךָ אָהָבְתָּ וְכוּ' עַד בָּרוּךְ אַתָּה יְיָ אוֹהֵב עַמּוֹ יִשְׂרָאֵל.

8 בְּרָכָה רִאשׁוֹנָה שֶׁלְּאַחַר קְרִיאַת שְׁמַע שֶׁל עַרְבִית זוֹ הִיא נֻסְחָה. אֱמֶת וֶאֱמוּנָה כָּל זֹאת קַיָּם עָלֵינוּ כוּ' עַד בָּרוּךְ אַתָּה יְיָ גָּאַל יִשְׂרָאֵל.

9 בְּרָכָה אַחֲרוֹנָה זוֹ הִיא נֻסְחָה. הַשְׁכִּיבֵנוּ יְיָ אֱלֹהֵינוּ לְשָׁלוֹם וְכוּ' עַד בָּרוּךְ שׁוֹמֵר עַמּוֹ יִשְׂרָאֵל לָעַד. בָּרוּךְ יְיָ לְעוֹלָם אָמֵן וְאָמֵן כוּ' עַד פָּדִיתָה

אוֹתִי יְיָ אֵל אֱמֶת. יִרְאוּ עֵינֵינוּ וְיִשְׂמַח לִבֵּנוּ כוּ' עַד יְיָ מֶלֶךְ יְיָ מָלָךְ יְיָ יִמְלֹךְ לְעוֹלָם וָעֶד.

10 וְנָהֲגוּ מִקְצָת הָעָם לְבָרֵךְ פְּסוּקִים בְּאֶמְצַע בְּרָכָה וְקוֹרְאִין בְּנוֹסַח זֶה. וַיַּרְא כָּל הָעָם וַיִּפְּלוּ עַל פְּנֵיהֶם וַיֹּאמְרוּ יְיָ הוּא הָאֱלֹהִים יְיָ הוּא הָאֱלֹהִים. הוֹשִׁיעֵנוּ אֱלֹהֵי יִשְׁעֵנוּ וְקַבְּצֵנוּ וְהַצִּילֵנוּ מִן הַגּוֹיִם לְהוֹדוֹת לְשֵׁם קָדְשֶׁךָ לְהִשְׁתַּבֵּחַ בִּתְהִלָּתֶךָ. כִּי לֹא יִטּוֹשׁ יְיָ אֶת עַמּוֹ בַּעֲבוּר שְׁמוֹ הַגָּדוֹל כִּי הוֹאִיל יְיָ לַעֲשׂוֹת אֶתְכֶם לוֹ לְעָם וְעָלוּ מוֹשִׁעִים בְּהַר צִיּוֹן לִשְׁפֹּט אֶת הַר עֵשָׂו וְהָיְתָה לַיְיָ הַמְּלוּכָה וְהָיָה יְיָ לְמֶלֶךְ עַל כָּל הָאָרֶץ בַּיּוֹם הַהוּא יִהְיֶה יְיָ אֶחָד וּשְׁמוֹ אֶחָד. אֱלֹהֵינוּ שֶׁבַּשָּׁמַיִם יַחֵד שִׁמְךָ הַקָּרוּי עָלֵינוּ קַיֵּם אֶת שִׁמְךָ וּמַלְכוּתְךָ עָלֵינוּ תָּמִיד. בְּיָדְךָ נַפְשׁוֹת הַחַיִּים וְהַמֵּתִים אֲשֶׁר בְּיָדוֹ נֶפֶשׁ כָּל חָי וְרוּחַ כָּל בְּשַׂר אִישׁ בְּיָדְךָ אַפְקִיד רוּחִי פָּדִיתָה אוֹתִי יְיָ אֵל אֱמֶת. וַאֲנַחְנוּ עַמְּךָ וְצֹאן מַרְעִיתֶךָ נוֹדֶה לְךָ לְעוֹלָם לְדוֹר וָדוֹר נְסַפֵּר תְּהִלָּתֶךָ. יְיָ הַצִּילָה נַפְשִׁי מִשְּׂפַת שֶׁקֶר מִלָּשׁוֹן רְמִיָּה. יִשְׂרָאֵל נוֹשַׁע בַּיְיָ תְּשׁוּעַת עוֹלָמִים לֹא תֵבֹשׁוּ וְלֹא תִכָּלְמוּ עַד עוֹלְמֵי עַד. יְהִי יְיָ אֱלֹהֵינוּ עִמָּנוּ כַּאֲשֶׁר הָיָה עִם אֲבוֹתֵינוּ אַל יַעַזְבֵנוּ וְאַל יִטְּשֵׁנוּ לְהַטּוֹת לְבָבֵנוּ אֵלָיו לָלֶכֶת בְּכָל דְּרָכָיו לִשְׁמֹר מִצְוֹתָיו וְחֻקָּיו וּמִשְׁפָּטָיו אֲשֶׁר צִוָּה אֶת אֲבוֹתֵינוּ. כָּל הַנְּשָׁמָה תְּהַלֵּל יָהּ הַלְלוּיָהּ. בָּרוּךְ יְיָ בַּיּוֹם בָּרוּךְ יְיָ בַּלַּיְלָה בָּרוּךְ יְיָ בְּשָׁכְבֵנוּ בָּרוּךְ יְיָ בְּקוּמֵנוּ תָּמִיד נְהַלֶּלְךָ סֶלָה וְנָשִׂיחַ בְּחֻקֶּיךָ וּבֶאֱמוּנָתֶךָ. בָּרוּךְ אַתָּה יְיָ הַמּוֹלֵךְ בִּכְבוֹדוֹ חַי וְקַיָּם תָּמִיד יִמְלוֹךְ עָלֵינוּ וְכוּ':

Chapter 2

1 The formula of blessings of the tefillah and their order.

2 Blessed are You, Lord our God and God of our ancestors, God of Abraham, God of Isaac and God of Jacob, the great, mighty, and awesome God, etc.

3 You are mighty forever, Lord, You give life to the dead, great is [Your power] to save (causing the dew to fall) (causing the wind to blow and rain to fall). You sustain the living with compassionate love, give life to the dead in great mercy, support the fallen, etc.

4 You are holy and Your name is Holy and the Holy ones praise you every day. Blessed are You, Lord, the holy God.

5 You graciously endow humans with knowledge and teach people. Grant us knowledge, wisdom, understanding and insight. Blessed are You, Lord, who graciously grants knowledge.

6 Return us, Our Father, to Your Torah, and cause us to cleave to Your commandments and bring us near to Your service. Cause us to return in complete repentance to You. Blessed are You, Lord, who desires repentance.

7 Forgive us, Our Father, for we have sinned, pardon us, Our King, for we have transgressed against You. For You are a good and forgiving God.

Blessed are You, Lord, You are very gracious to forgive.

8 See our affliction, and fight our fight and judge our cause and quickly redeem us because you are the sovereign God, a mighty redeemer. Blessed are You, Lord, Redeemer of Israel.

9 Heal us, Lord, our God, and we will be healed. Save us and we will be saved because You are our praise. Bring complete healing to all of our sick because You are a merciful and healing God. Blessed are You, Lord, who heals the sick of his people Israel.

10 Bless us, Lord, our God, in all the works of our hands and bless our years. And give (dew and rain for) blessing upon the face of the entire earth and satisfy the world with your blessings and water the face of the earth. Blessed are You, Lord, who blesses the years.

11 Sound the great shofar for our freedom and raise a banner to gather all our exiles from the four corners of the earth to our land. Blessed are You, Lord, who gathers the distant ones of his people Israel.

12 Restore our judges as at first and counsel us as in the beginning, and remove from us sorrow and sighing. May You alone rule over us with lovingkindness and compassion, with righteousness and justice. Blessed are You, Lord, who loves righteousness and justice.

13 For the slanderers, let there be no hope, and all the heretics, may all of them in a moment be destroyed. And uproot and quickly shatter the

kingdom of the evil in our days. Blessed are You. Lord who destroys enemies and humbles the arrogant.

14 Upon the pious and the righteous and the righteous converts and the remnant of Your people the house of Israel arouse Your mercy, Lord our God and grant a good reward to all who truly trust in Your name, etc.

15 Dwell in the midst of Jerusalem, Your city, as You stated and build it as an everlasting structure soon in our days. Blessed are You, Lord, who builds Jerusalem.

16 The shoot of David may it soon flower and his horn be raised high by Your salvation. Blessed are You, Lord, who causes the horn of salvation to flower.

17 Hear our voice, Lord, our God, pity and have mercy upon us and receive in mercy and favor our prayer. O King, do not turn us away empty-handed because you hear, etc.

18 Find favor, Lord, our God, in Your people Israel and their time of prayer. And restore the service to the sanctuary of Your house and the fire offerings of Israel and their prayer. Blessed are You, Lord, our God, who restores the Divine presence to Zion.

19 We give thanks to You, that You are the Lord, our God and God of our ancestors. You are the rock of our life and the shield of our salvation from generation to generation. We will thank You and we recount Your praise

for our lives, etc.

20 Grant peace, goodness and blessing, grace, mercy and compassion to us and to all Your people Israel. Bless all of us from the light of Your Presence and give us Lord, our God, Torah and life, love, etc.

21 During the summer one should say in the second blessing, "great is Your power to save, who causes the dew to fall, You sustain the living with compassionate love, etc." And in the ninth blessing, in this formula, "Bless us Lord, our God with all of the work of our hands and bless our years with favorable dew, blessing and generosity as in the good years. Blessed are You, who blesses the years." ...

22 On the evening following the Sabbath or Yom Kippur or a festival, recite the fourth blessing following this formula. You favor humans with knowledge and teach people wisdom. You distinguish between holy and profane, between light and darkness, between Israel and the [other] nations, between the seventh day and the six days of work, just as you distinguished between holy and profane, this redeem us and save us from all types of destruction and all form of calamity that come into the work and guard us from everything. Graciously give us from you....etc.

23 On new months and on the intermediate days of festivals add to the 17th blessing in the evening, morning and afternoon and recite it according the this formula. "Find favor, Lord, Our God, etc." until "the service of Israel your people" then "Our God and the God of our ancestors, arise and come, etc." "And cause our eyes to see, etc."

24 and on the intermediate days of festivals say, "On this holy festival, on this festival day of matzot, on this festival day of Shavuot or on this festival day of Sukkot." ...

25 On a fast day, an individual recites the sixteenth blessing according to this formula. Hear our voice, Lord our God, have pity and mercy on us and receive in mercy and in favor our prayers before you. Do not cause us to return empty-handed, our King. Answer us, our Father, answer us on our fast day because in this great distress we do not turn your face from us and do not block your ears from hearing our pleas and may our salvation be soon. Before we call, you answer, we speak and you listen as it is said, "And it will be that before they call, I will answer (**Isaiah 65:23**)." They also say, "And I will hear because you hear the prayer of of every mouth." Blessed are You, Adonai, who hears prayer. And the representative of the community recites this blessing on behalf of himself. After the seventh blessing, he says "Answer us, etc." until "because you answer at a time of trouble, redeem and rescue us at every time of trouble and distress. Blessed are You, Lord who answers at times of trouble."

26 On the ninth of Av, recite the fourteenth blessing according to this formula. Have mercy Lord on us and on Israel Your people and on Jerusalem Your city, the city of mourning, destruction and desolation given over to the hand of strangers. She sits, her head uncovered like a barren woman that has not given birth. Legions have devoured her and idolators have inherited her and given the carcasses of Your servants as food to the birds of the heavens and the beasts of the earth. Therefore

Zion weeps bitterly and Jerusalem raises her voice. My heart, my heart grieves for their slain ones; I am in anguish, I am in anguish for those they killed. See her desolation and comfort her because with fire You consumed it and with fire You will rebuild it, as it is written, "And I myself will be, says the Lord, a wall of fire around it and will be its glory within (**Zechariah 2:9**)." Blessed are You, Lord, who rebuilds Jerusalem.

27 On Purim, recite the eighteenth blessing according to this formula. We gratefully acknowledge that You are the Lord our God...for our lives which are handed over into your hands and for our souls which are entrusted to You for Your miracles that are with us every day and Your wonders that are with us at all times, etc. For the miracles and for the mighty deeds and for the salvations, etc. And for all of these, Lord, our God, we gratefully acknowledge You, the goodness which does not cease, etc.

28 On Chanukah recite this blessing according to this formula. We gratefully acknowledge You, etc. until and for Your wonders that are with us at all times, evening, morning and afternoon...for the miracles, etc. until and then Your children entered, etc.

29 The agent of the community always blesses the third blessing according to this formula. We sanctify you and we declare you King and three times daily we declare Your holiness as it says by the hand of Your prophet, "And they turned one to the other and said, 'Holy, holy, holy is the Lord of Hosts, the whole earth is filled with His Glory (**Isaiah 6**)." His Glory

and His Greatness fill the world and His servants ask, 'where is the place of His Glory?' To revere him, those facing praise and say, "Blessed is the glory of God from His place (**Ezekiel 3**)." From Your place, our King, appear and rule over us because we wait for You. When will You rule in Zion? In our lives and in our day may you dwell, be sanctified and be exalted in the midst of Jerusalem, Your city, from generation to generation forever. May our eyes see the kingdom of your strength, as it is said in Your holy writings by the hand of David your righteous anointed one, "The Lord will reign forever, Your God O Zion, from generation to generation, Halleluyah(**Psalm 146**)!" From generation to generation we will declare Your greatness and from eternity to eternity proclaim Your holiness; Your praise, our God, shall not cease from our lips because You, God, are a great and holy King. Blessed are You, Lord, the holy God. At the time when the communal agent says within this blessing, "And one turned to the other," all the people respond, " Holy, holy, holy, etc." And when he says, "Where is the place of Your glory?" All of the people respond, "They praise and say, blessed, etc." And when he says, "In our lives and in our days," all the people respond, "Amen." And when he says, " By the hand of David, Your righteous anointed one," all the people respond, "The Lord will reign forever." And all of these, the words that the congregation responds, he recites with them and does not raise his voice at the time that they respond with him, one for the individual and one for the communal agent. During the ten days from Rosh Hashanah until Yom Kippur, one says at the end of this blessing, as it is said, the Lord of Hosts is exalted by justice and the holy God is sanctified through righteousness. Blessed are you, Lord, the Holy King.

30 # קדיש ונפילת אפים

31 The prayer leader always says Kaddish before and after each prayer. And after he says the order of the day each day, at any time that he should say the order of the day, he should supplicate a little and [then] say Kaddish. And when he finishes reading from the Torah, and at any time that he supplicates with words of supplication, he should say Kaddish when he finshes his supplications.

32 **The text of Kaddish**

33 May His great name be exalted and sanctified in the world which He created according to His will; and may He rule His kingdom, spring forth His redemption, bring His Messiah near and redeem His people. In your lifetime and in your days, and in the lifetime of the entire House of Israel, speedily and in the near future, and say, Amen. May His great Name be blessed for ever and ever. Blessed. etc. At the time that the prayer leader says, "May His great name be exalted and sanctified," all of the people say, "Amen." And when he first says, "And say, Amen," all of the people answer, "Amen. May His great Name be blessed for ever and ever." And it is a commandment of the first Sages to answer, "Amen. May His great Name be blessed for ever and ever," with all of a person's strength. And when he says, "Blessed [etc.]," all the people answer, "Amen." And when he says, "Blessed be He," all the people answer, "Amen." And when he says at the end, "And say, Amen," all the people answer, "Amen." And they answer according to this order for every kaddish. [Concerning] the

last kaddish after every kaddish that the prayer leader says after he finishes the prayer, such that he does not say anything after it, but all the people rather hear it and leave, people have the practice of adding this formula at its end: May You accept the prayers and render effective the requests and the prayers and requests of the entire House of Israel before their Father in heaven. May there be abundant peace, assistance and salvation from the Heavens upon you and upon us and upon the congregation of Israel, and say, Amen. He Who makes peace in His high heavens, may He, in His mercy, make peace for us and for all Israel. Amen. The Rabbis' Kaddish: Whenever ten or more Jews finish occupying themselves with study of the Oral Torah - even of Midrash or Aggadah (non-legal sections) - one of them says Kaddish according to this formula: May His great name be exalted and sanctified who in the future will refresh the world, to bring the dead to life, to redeem the living, to build the city of Jerusalem, to complete the holy sanctuary, to uproot the foreign service from the land (of Israel) and to place the service of the Heavens in its place, with its splendor and its uniqueness, etc. [It then concludes:] and the consolations that we say in this world, and say, Amen. Upon the rabbis, and upon their disciples, and upon the disciples of their disciples who occupy themselves with Torah in this place and in every place; may there be favor, kindness, compassion, assistance and ease for them and for you from before their Father who is in the heavens, and say Amen. May there be peace, etc. And this is what is called the Rabbis' Kaddish.

מִנְהָגֵנוּ לְהִתְחַנֵּן בִּנְפִילַת פָּנִים בִּדְבָרִים וּפְסוּקִים אֵלּוּ פְּעָמִים בְּכֻלָּן וּפְעָמִים בְּמִקְצָתָן. לְפִיכָךְ אֲנִי כּוֹרֵעַ וּמִשְׁתַּחֲוֶה וּמִתְחַנֵּן לְפָנֶיךָ אֲדוֹן

הָעוֹלָם אֱלֹהֵי הָאֱלֹהִים וַאֲדוֹנֵי הָאֲדוֹנִים כִּי לֹא עַל צִדְקֹתֵינוּ אֲנַחְנוּ
מַפִּילִים תַּחֲנוּנֵינוּ לְפָנֶיךָ כִּי עַל רַחֲמֶיךָ הָרַבִּים. יְיָ׳ שְׁמָעָה יְיָ׳ סְלָחָה יְיָ׳
הַקְשִׁיבָה וַעֲשֵׂה אַל תְּאַחַר. מַה נֹּאמַר לְפָנֶיךָ הַשֵּׁם מַה נְּדַבֵּר וּמַה
נִּצְטַדָּק חָטָאנוּ עָוִינוּ וְהִרְשַׁעְנוּ וּמָרַדְנוּ וְסַרְנוּ מִמִּצְוֹתֶיךָ וּמִמִּשְׁפָּטֶיךָ לְךָ יְיָ׳
הַצְדָקָה וְלָנוּ בֹּשֶׁת הַפָּנִים. הֶשְׁחֲרוּ פָּנֵינוּ מִפְּנֵי חַטֹּאתֵינוּ וְנִכְפְּפָה קוֹמָתֵנוּ
מִפְּנֵי אַשְׁמוֹתֵינוּ אֵין לָנוּ פֶּה לְהָשִׁיב וְלֹא מֵצַח לְהָרִים רֹאשׁ. אֱלֹהַי
בִּשְׁתִּי וְנִכְלַמְתִּי לְהָרִים אֱלֹהַי פָּנַי אֵלֶיךָ כִּי עֲוֹנוֹתֵינוּ רָבוּ עַד לְמַעְלָה
רֹאשׁ וְאַשְׁמָתֵנוּ גָדְלָה עַד לַשָּׁמָיִם. אֵין בָּנוּ מַעֲשִׂים עֲשֵׂה עִמָּנוּ צְדָקָה
לְמַעַן שִׁמֶךָ וְהוֹשִׁיעֵנוּ כְּמוֹ שֶׁהִבְטַחְתָּנוּ עַל יְדֵי נְבִיאֶךָ לְמַעַן שְׁמִי אַאֲרִיךְ
אַפִּי וּתְהִלָּתִי אֶחֱטָם לָךְ לְבִלְתִּי הַכְרִיתֶךָ לֹא לְמַעַנְכֶם אֲנִי עֹשֶׂה בֵּית
יִשְׂרָאֵל כִּי אִם לְשֵׁם קָדְשִׁי אֲשֶׁר חִלַּלְתֶּם בַּגּוֹיִם אֲשֶׁר בָּאתֶם שָׁם. לֹא
לָנוּ יְיָ׳ לֹא לָנוּ כִּי לְשִׁמְךָ תֵּן כָּבוֹד עַל חַסְדְּךָ עַל אֲמִתֶּךָ לָמָּה יֹאמְרוּ
הַגּוֹיִם אַיֵּה נָא אֱלֹהֵיהֶם אָנָּא יְיָ׳ אַל תֵּפֶן אֶל קְשִׁי הָעָם הַזֶּה וְאֶל רִשְׁעוֹ
וְאֶל חַטָּאתוֹ סְלַח נָא לַעֲוֹן הָעָם הַזֶּה כְּגֹדֶל חַסְדֶּךָ וְכַאֲשֶׁר נָשָׂאתָה לָעָם
הַזֶּה מִמִּצְרַיִם וְעַד הֵנָּה וְסָלַחְתָּ לַעֲוֹנֵנוּ כִּי רַב הוּא. יְיָ׳ שְׁמָעָה יְיָ׳ סְלָחָה
יְיָ׳ הַקְשִׁיבָה וַעֲשֵׂה וְאַל תְּאַחַר לְמַעַנְךָ אֱלֹהַי כִּי שִׁמְךָ נִקְרָא עַל עִירְךָ
וְעַל עַמֶּךָ׃

35 נָהֲגוּ הָעָם לְהִתְחַנֵּן אַחַר נְפִילַת פָּנִים כְּשֶׁמַּגְבִּיהַּ פָּנָיו מִן הַקַּרְקַע
בִּפְסוּקִים אֵלּוּ. וַאֲנַחְנוּ לֹא נֵדַע מַה נַּעֲשֶׂה כִּי עָלֶיךָ עֵינֵינוּ. זְכֹר רַחֲמֶיךָ
יְיָ׳ וַחֲסָדֶיךָ כִּי מֵעוֹלָם הֵמָּה. אַל תִּזְכָּר לָנוּ עֲוֹנֹת רִאשֹׁנִים מַהֵר יְקַדְּמוּנוּ

רַחֲמֶיךָ כִּי דַלּוֹנוּ מְאֹד. קוּמָה עֶזְרָתָה לָנוּ וּפְדֵנוּ לְמַעַן חַסְדֶּךָ. יְהִי חַסְדְּךָ
יְיָ עָלֵינוּ כַּאֲשֶׁר יִחַלְנוּ לָךְ. אִם עֲוֹנוֹת תִּשְׁמָר יָהּ יְיָ מִי יַעֲמֹד כִּי עִמְּךָ
הַסְּלִיחָה לְמַעַן תִּוָּרֵא. יְיָ הוֹשִׁיעָה הַמֶּלֶךְ יַעֲנֵנוּ בְיוֹם קָרְאֵנוּ. כִּי הוּא יָדַע
יִצְרֵנוּ זָכוֹר כִּי עָפָר אֲנָחְנוּ. עָזְרֵנוּ אֱלֹהֵי יִשְׁעֵנוּ עַל דְּבַר כְּבוֹד שְׁמֶךָ
וְהַצִּילֵנוּ וְכַפֵּר עַל חַטֹּאתֵינוּ לְמַעַן שְׁמֶךָ. וְכֵן נָהֲגוּ הָעָם לְהִתְחַנֵּן אַחַר
סֵדֶר הַיּוֹם בְּתַחֲנוּנִים אֵלּוּ. יְיָ אֱלֹהֵי אַבְרָהָם יִצְחָק וְיִשְׂרָאֵל אֲבֹתֵינוּ
שָׁמְרָה זֹּאת לְעוֹלָם לְיֵצֶר מַחְשָׁבוֹת לְבַב עַמֶּךָ וְהָכֵן לְבָבָם אֵלֶיךָ וְהוּא
רַחוּם יְכַפֵּר עָוֹן וְגוֹ'. כִּי אַתָּה יְיָ טוֹב וְסַלָּח וְרַב חֶסֶד לְכָל קוֹרְאֶיךָ
צִדְקָתְךָ צֶדֶק לְעוֹלָם וְתוֹרָתְךָ אֱמֶת. מִי אֵל כָּמוֹךָ נוֹשֵׂא עָוֹן וְעוֹבֵר עַל
פֶּשַׁע יָשׁוּב יְרַחֲמֵנוּ יִכְבֹּשׁ עֲוֹנוֹתֵינוּ וְגוֹ'. בָּרוּךְ יְיָ יוֹם יוֹם יַעֲמָס לָנוּ הָאֵל
יְשׁוּעָתֵנוּ סֶלָה. יְיָ צְבָאוֹת עִמָּנוּ מִשְׂגָּב לָנוּ אֱלֹהֵי יַעֲקֹב סֶלָה יְיָ צְבָאוֹת
אַשְׁרֵי אָדָם בּוֹטֵחַ בָּךְ. בָּרוּךְ אֲדוֹנֵנוּ בָּרוּךְ בּוֹרְאֵנוּ בָּרוּךְ שֶׁבְּרָאָנוּ לִכְבוֹדוֹ
וְהִבְדִּילָנוּ מִן הַתּוֹעִים וְנָתַן לָנוּ תּוֹרַת אֱמֶת עַל יְדֵי מֹשֶׁה רַבֵּנוּ וְחַיֵּי עוֹלָם
נָטַע בְּתוֹכֵנוּ. הָרַחֲמָן יִפְתַּח לִבֵּנוּ לְתַלְמוּד תּוֹרָתוֹ וְיִתֵּן בְּלִבֵּנוּ אַהֲבָתוֹ
וְיִרְאָתוֹ וְתוֹרָתוֹ לַעֲשׂוֹת רְצוֹנוֹ וּלְעָבְדוֹ בְּלֵבָב שָׁלֵם וּבְנֶפֶשׁ חֲפֵצָה לְמַעַן
לֹא נִיגַע לָרִיק וְלֹא נֵלֵד לַבֶּהָלָה. כֵּן יְהִי רָצוֹן וְרַחֲמִים מִלְּפָנֶיךָ יְיָ אֱלֹהֵינוּ
שֶׁנִּחְיֶה לִשְׁמֹר חֻקֶּיךָ בָּעוֹלָם הַזֶּה וְלִימוֹת הַמָּשִׁיחַ כְּדֵי שֶׁנִּזְכֶּה וְנִירַשׁ
טוֹב לְחַיֵּי הָעוֹלָם הַבָּא לְמַעַן יְזַמֶּרְךָ כָּבוֹד וְלֹא יִדֹּם יְיָ אֱלֹהַי לְעוֹלָם
אוֹדֶךָּ. יִהְיוּ לְרָצוֹן אִמְרֵי פִי וְהֶגְיוֹן לִבִּי לְפָנֶיךָ יְיָ צוּרִי וְגוֹאֲלִי:

נָהֲגוּ מִקְצָת הָעָם לִקְרֹא בְּכָל יוֹם אַחַר תַּחֲנוּנִים אֵלּוּ שִׁיר מִזְמוֹר שֶׁהָיוּ

הַלְוִים אוֹמְרִים בְּבֵית הַמִּקְדָּשׁ בְּאוֹתוֹ הַיּוֹם וְקוֹרִין לְדָוִד אֵלֶיךָ יְיָ נַפְשִׁי אֶשָּׂא כָּל הַמִּזְמוֹר. וְקוֹרִין אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי חֲנִינָא תַּלְמִידֵי חֲכָמִים מַרְבִּים שָׁלוֹם וְכוּ׳. אֵין כֵּאלֹהֵינוּ אֵין כַּאדוֹנֵנוּ אֵין כְּמַלְכֵּנוּ אֵין כְּמוֹשִׁיעֵנוּ מִי כֵאלֹהֵינוּ מִי כַאדוֹנֵנוּ מִי כְמַלְכֵּנוּ מִי כְמוֹשִׁיעֵנוּ נוֹדֶה לֵאלֹהֵינוּ נוֹדֶה לַאדוֹנֵנוּ נוֹדֶה לְמַלְכֵּנוּ נוֹדֶה לְמוֹשִׁיעֵנוּ אַתָּה הוּא אֱלֹהֵינוּ אַתָּה הוּא אֲדוֹנֵנוּ אַתָּה הוּא מַלְכֵּנוּ אַתָּה הוּא מוֹשִׁיעֵנוּ. אַתָּה תָּקוּם תְּרַחֵם צִיּוֹן כִּי עֵת לְחֶנְנָהּ כִּי בָא מוֹעֵד. אַךְ צַדִּיקִים יוֹדוּ לִשְׁמֶךָ יֵשְׁבוּ יְשָׁרִים אֶת פָּנֶיךָ וְיִבְטְחוּ בְךָ יוֹדְעֵי שְׁמֶךָ כִּי לֹא עָזַבְתָּ דֹרְשֶׁיךָ יְיָ. כִּי כָל הָעַמִּים יֵלְכוּ אִישׁ בְּשֵׁם אֱלֹהָיו וַאֲנַחְנוּ נֵלֵךְ בְּשֵׁם יְיָ אֱלֹהֵינוּ לְעוֹלָם וָעֶד.

37 כְּבָר אָמַרְנוּ בַּסֵּפֶר הַזֶּה שֶׁבִּימֵי הַשַּׁבָּתוֹת וְיָמִים טוֹבִים מִתְפַּלֵּל אָדָם בְּכָל תְּפִלָּה שֶׁבַע בְּרָכוֹת שָׁלֹשׁ רִאשׁוֹנוֹת וְשָׁלֹשׁ אַחֲרוֹנוֹת וּבְרָכָה אַחַת אֶמְצָעִית מֵעֵין הַיּוֹם. וּבְרֹאשׁ הַשָּׁנָה וּבְיוֹם הַכִּפּוּרִים שֶׁל יוֹבֵל מִתְפַּלֵּל בָּאֶמְצַע שָׁלֹשׁ בְּרָכוֹת וּבִתְפִלַּת מוּסָף בִּלְבַד. וְנִמְצָא מִתְפַּלֵּל בְּמוּסָף בִּשְׁנֵי יָמִים אֵלּוּ תֵּשַׁע בְּרָכוֹת. וּבְמוּסַף רֹאשׁ חֹדֶשׁ וּבְמוּסַף חֻלּוֹ שֶׁל מוֹעֵד מִתְפַּלֵּל שֶׁבַע שָׁלֹשׁ רִאשׁוֹנוֹת וְשָׁלֹשׁ אַחֲרוֹנוֹת וּבְרָכָה אַחַת בָּאֶמְצַע:

Chapter 3

1 **וזהו נסח כל הברכות האמצעיות**

2 בְּרָכָה אֶמְצָעִית שֶׁל לֵילֵי שַׁבָּת אַתָּה קִדַּשְׁתָּ אֶת יוֹם הַשְּׁבִיעִי לִשְׁמֶךָ תַּכְלִית מַעֲשֵׂה שָׁמַיִם וָאָרֶץ וּבֵרַכְתּוֹ מִכָּל הַיָּמִים וְקִדַּשְׁתּוֹ מִכָּל הַזְּמַנִּים כָּאָמוּר וַיְבָרֶךְ אֱלֹהִים אֶת יוֹם הַשְּׁבִיעִי וַיְקַדֵּשׁ אוֹתוֹ וְגוֹ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ רְצֵה נָא בִּמְנוּחָתֵנוּ וְכוּ׳. בְּרָכָה אֶמְצָעִית שֶׁל יוֹצֵר יִשְׂמַח מֹשֶׁה בְּמַתְּנַת חֶלְקוֹ כִּי עֶבֶד נֶאֱמָן קָרָאתָ לוֹ כְּלִיל תִּפְאֶרֶת בְּרֹאשׁוֹ נָתַתָּ בְּעָמְדוֹ לְפָנֶיךָ עַל הַר סִינַי הוֹרִיד בְּיָדוֹ שְׁנֵי לֻחוֹת אֲבָנִים וְכָתוּב בָּהֶן שְׁמִירַת שַׁבָּת וְכֵן כָּתוּב בְּתוֹרָתֶךָ וְשָׁמְרוּ בְנֵי יִשְׂרָאֵל וְכוּ׳. יִשְׂמְחוּ בְּמַלְכוּתְךָ שׁוֹמְרֵי שַׁבָּת קוֹרְאֵי עֹנֶג עַם מְקַדְּשֵׁי שְׁבִיעִי. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ רְצֵה נָא בִּמְנוּחָתֵנוּ כוּ׳ עַד בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ הַשַּׁבָּת.

3 בְּרָכָה אֶמְצָעִית שֶׁל מוּסַף שַׁבָּת. לְמֹשֶׁה צִוִּיתָ עַל הַר סִינַי מִצְוַת שַׁבָּת שָׁמוֹר וְזָכוֹר וּבוֹ צִוִּיתָנוּ יְיָ אֱלֹהֵינוּ לְהַקְרִיב לְךָ קָרְבַּן מוּסָף כָּרָאוּי. יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ אֱלֹהֵינוּ שֶׁתַּעֲלֵנוּ לְאַרְצֵנוּ וְכוּ׳ וְאֶת מוּסַף יוֹם הַמָּנוֹחַ הַזֶּה נַעֲשֶׂה וְנַקְרִיב כוּ׳ עַד עַל יְדֵי מֹשֶׁה עַבְדֶּךָ. וְלֹא נְתַתּוֹ מַלְכֵּנוּ לְגוֹיֵי הָאֲרָצוֹת וְלֹא הִנְחַלְתּוֹ מַלְכֵּנוּ לְעוֹבְדֵי אֱלִילִים גַּם בִּמְנוּחָתוֹ לֹא יִשְׁכְּנוּ עֲרֵלִים לְבֵית יִשְׂרָאֵל נְתַתּוֹ זֶרַע יְשֻׁרוּן אֲשֶׁר בָּם בָּחַרְתָּ חֶמְדַּת יָמִים אוֹתוֹ קָרָאתָ. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ רְצֵה נָא בִּמְנוּחָתֵנוּ כוּ׳ עַד בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ הַשַּׁבָּת. בְּרָכָה אֶמְצָעִית שֶׁל מִנְחַת שַׁבָּת אַתָּה אֶחָד וְשִׁמְךָ אֶחָד וּמִי כְעַמְּךָ יִשְׂרָאֵל גּוֹי אֶחָד בָּאָרֶץ עֲטֶרֶת תְּהִלָּה וַעֲטֶרֶת יְשׁוּעָה לְעַמְּךָ נָתַתָּ אַבְרָהָם יָגֵל יִצְחָק יְרַנֵּן יַעֲקֹב וּבָנָיו יָנוּחוּ בוֹ מְנוּחָה שְׁלֵמָה שֶׁאַתָּה רוֹצֶה בָּהּ יַכִּירוּ בָנֶיךָ וְיֵדְעוּ כִּי מֵאִתְּךָ הִיא מְנוּחָתָם תַּנְחִילֵנוּ אָבִינוּ וְאַל

תְּהִי צָרָה וְיָגוֹן בְּיוֹם מְנוּחָתֵנוּ. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ וְכוּ׳.

4 בְּרָכָה אֶמְצָעִית שֶׁל מוּסַף רֹאשׁ חֹדֶשׁ. רָאשֵׁי חֳדָשִׁים לְעַמְּךָ נָתָתָּ זְמַן כַּפָּרָה לְכָל תּוֹלְדוֹתָם לִהְיוֹתָם מַקְרִיבִים לְפָנֶיךָ זִבְחֵי רָצוֹן וּשְׂעִירֵי חַטָּאת לְכַפֵּר בַּעֲדָם. זִכָּרוֹן לְכֻלָּם יִהְיוּ תְּשׁוּעַת נַפְשָׁם מִיַּד שׁוֹנֵא. מִזְבֵּחַ חָדָשׁ בְּצִיּוֹן תָּכִין וְעוֹלַת רֹאשׁ חֹדֶשׁ נַעֲלֶה עָלָיו. שִׁירֵי דָוִד נִשְׁמַע בְּעִירֶךָ הָאֲמוּרִים לִפְנֵי מִזְבְּחֶךָ. אַהֲבַת עוֹלָם תָּבִיא לָהֶם וּבְרִית אָבוֹת לַבָּנִים תִּזְכֹּר. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מִפְּנֵי חֲטָאֵינוּ גָּלִינוּ מֵאַרְצֵנוּ וְנִתְרַחַקְנוּ מֵעַל אַדְמָתֵנוּ יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ׳ אֱלֹהֵינוּ שֶׁתַּעֲלֵנוּ לְאַרְצֵנוּ וְאֶת מוּסַף יוֹם רֹאשׁ הַחֹדֶשׁ הַזֶּה כוּ׳ עַד עַל יְדֵי מֹשֶׁה עַבְדֶּךָ. יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ׳ אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ שֶׁתְּחַדֵּשׁ עָלֵינוּ אֶת רֹאשׁ הַחֹדֶשׁ הַזֶּה לְטוֹבָה וְלִבְרָכָה לְחֵן וּלְחֶסֶד וּלְרַחֲמִים לְחַיִּים וּלְשָׁלוֹם וְיהִי רֹאשׁ הַחֹדֶשׁ הַזֶּה קֵץ וְסוֹף לְכָל חַטֹּאתֵינוּ וְצָרוֹתֵינוּ תְּחִלָּה וָרֹאשׁ לִפְדוּת נַפְשֵׁנוּ כִּי בְעַמְּךָ יִשְׂרָאֵל מִכָּל הָאֻמּוֹת בָּחַרְתָּ וְרָאשֵׁי חֳדָשִׁים לָהֶם נָתָתָּ. בָּרוּךְ אַתָּה יְיָ׳ מְקַדֵּשׁ יִשְׂרָאֵל וְרָאשֵׁי חֳדָשִׁים. בְּרָכָה אֶמְצָעִית מִמּוּסַף רֹאשׁ חֹדֶשׁ שֶׁחָל לִהְיוֹת בְּשַׁבָּת. אַתָּה יָצַרְתָּ עוֹלָמְךָ מִקֶּדֶם כִּלִּיתָ מְלַאכְתְּךָ בַּיּוֹם הַשְּׁבִיעִי בָּחַרְתָּ בָּנוּ מִכָּל הָעַמִּים וְרָצִיתָ בָּנוּ מִכָּל הַלְּשׁוֹנוֹת וְקִדַּשְׁתָּנוּ בְּמִצְוֹתֶיךָ וְקֵרַבְתָּנוּ מַלְכֵּנוּ לַעֲבוֹדָתֶךָ וְשִׁמְךָ הַגָּדוֹל וְהַקָּדוֹשׁ עָלֵינוּ קָרָאתָ וַתִּתֶּן לָנוּ יְיָ׳ אֱלֹהֵינוּ שַׁבָּתוֹת לִמְנוּחָה וְיוֹם רֹאשׁ חֹדֶשׁ הַזֶּה לְכַפֵּר בַּעֲדֵנוּ שֶׁחָטָאנוּ לְפָנֶיךָ. וּמִפְּנֵי חֲטָאֵינוּ וְכוּ׳ עַד וּמוֹסְפִים כְּהִלְכָתָן וְאֶת מוּסְפֵי יוֹם הַמָּנוֹחַ הַזֶּה וְיוֹם רֹאשׁ הַחֹדֶשׁ הַזֶּה נַעֲשֶׂה וְנַקְרִיב אֶת קָרְבְּנוֹת חוֹבוֹתֵינוּ תְּמִידִין

כְּסִדְרָן כְּמִצְוַת רְצוֹנֶךָ כְּמוֹ שֶׁכָּתַבְתָּ עָלֵינוּ בְּתוֹרָתֶךָ עַל יְדֵי מֹשֶׁה עַבְדֶּךָ.
יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ שֶׁתְּחַדֵּשׁ וְכוּ׳ עַד לִפְדוּת
נַפְשֵׁנוּ. רְצֵה נָא בְּמְנוּחָתֵנוּ וְקַדְּשֵׁנוּ בְּמִצְוֹתֶיךָ כוּ׳ עַד וְיָנוּחוּ בָם כָּל
יִשְׂרָאֵל אוֹהֲבֵי שְׁמֶךָ. בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ הַשַּׁבָּת וְיִשְׂרָאֵל וְרָאשֵׁי
חֳדָשִׁים.

5 בְּרָכָה אֶמְצָעִית שֶׁל יוֹם טוֹב שֶׁל פֶּסַח עַרְבִית שַׁחֲרִית וּמִנְחָה. אַתָּה
בְחַרְתָּנוּ מִכָּל הָעַמִּים אָהַבְתָּ אוֹתָנוּ וְרָצִיתָ בָּנוּ מִכָּל הַלְּשׁוֹנוֹת וְקִדַּשְׁתָּנוּ
בְּמִצְוֹתֶיךָ וְקֵרַבְתָּנוּ מַלְכֵּנוּ לַעֲבוֹדָתֶךָ וְשִׁמְךָ הַגָּדוֹל וְהַקָּדוֹשׁ עָלֵינוּ קָרָאתָ
וַתִּתֶּן לָנוּ יְיָ אֱלֹהֵינוּ מוֹעֲדִים לְשִׂמְחָה חַגִּים וּזְמַנִּים לְשָׂשׂוֹן אֶת יוֹם טוֹב
מִקְרָא קֹדֶשׁ הַזֶּה אֶת יוֹם חַג הַמַּצּוֹת הַזֶּה זְמַן חֵרוּתֵנוּ בְּאַהֲבָה זֵכֶר
לִיצִיאַת מִצְרָיִם. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ יַעֲלֶה וְיָבוֹא כוּ׳. וְהַשְׁמִיעֵנוּ יְיָ
אֱלֹהֵינוּ אֶת בִּרְכַּת מוֹעֲדֶיךָ לְחַיִּים וּלְשָׁלוֹם כַּאֲשֶׁר אָמַרְתָּ וְרָצִיתָ לְבָרְכֵנוּ
כֵּן תְּבָרְכֵנוּ סֶלָה וְתֵן חֶלְקֵנוּ בְּתוֹרָתֶךָ וְשַׂמֵּח נַפְשֵׁנוּ בִּישׁוּעָתֶךָ וְכוּ׳. בָּרוּךְ
אַתָּה יְיָ מְקַדֵּשׁ יִשְׂרָאֵל וְהַזְּמַנִּים.

6 בְּרָכָה אֶמְצָעִית מִמּוֹסַף הַפֶּסַח. אַתָּה בְחַרְתָּנוּ מִכָּל הָעַמִּים כוּ׳ עַד זֵכֶר
לִיצִיאַת מִצְרָיִם. וּמִפְּנֵי חֲטָאֵינוּ גָּלִינוּ מֵאַרְצֵנוּ וְנִתְרַחַקְנוּ מֵעַל אַדְמָתֵנוּ
וְאֵין אָנוּ יְכוֹלִין לַעֲלוֹת לְהֵרָאוֹת וּלְהִשְׁתַּחֲווֹת לְפָנֶיךָ בְּבֵית בְּחִירָתֶךָ בְּנֵוֶה
הַדֶּרֶךְ בַּבַּיִת הַגָּדוֹל וְהַקָּדוֹשׁ שֶׁנִּקְרָא שִׁמְךָ עָלָיו מִפְּנֵי הַיָּד שֶׁנִּשְׁתַּלְּחָה
בְּמִקְדָּשֶׁךָ. יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ אֱלֹהֵינוּ שֶׁתָּשׁוּב וּתְרַחֵם עָלָיו וְעָלֵינוּ
בְּרַחֲמֶיךָ הָרַבִּים וּתְקַבֵּץ פְּזוּרֵינוּ מִבֵּין הַגּוֹיִם וּנְפוּצוֹתֵינוּ כַּנֵּס מִיַּרְכְּתֵי

אָרֶץ וַהֲבִיאֵנוּ לְצִיּוֹן עִירְךָ בְּרִנָּה וְלִירוּשָׁלַיִם בֵּית מִקְדָּשְׁךָ בְּשִׂמְחַת עוֹלָם וְשָׁם נַעֲשֶׂה לְפָנֶיךָ אֶת קָרְבְּנוֹת חוֹבוֹתֵינוּ תְּמִידִין כְּסִדְרָן וּמוּסָפִין כְּהִלְכָתָן וְאֶת מוּסַף יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה יוֹם חַג הַמַּצּוֹת הַזֶּה נַעֲשֶׂה וְנַקְרִיב לְפָנֶיךָ כְּמִצְוַת רְצוֹנֶךָ כְּמוֹ שֶׁכָּתַבְתָּ עָלֵינוּ בְּתוֹרָתֶךָ עַל יְדֵי מֹשֶׁה עַבְדֶּךָ. מֶלֶךְ רַחֲמָן רַחֵם עָלֵינוּ וְכוּ׳. וְהַשִּׂיאֵנוּ וְכוּ׳. בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ יִשְׂרָאֵל וְהַזְּמַנִּים. וּבַנִּסָּח הַזֶּה הוּא מִתְפַּלֵּל בְּחַג שָׁבוּעוֹת וּבְחַג הַסֻּכּוֹת בְּלֹא חֶסְרוֹן וּבְלֹא יָתֵר. אֶלָּא שֶׁבְּחַג הַשָּׁבוּעוֹת הוּא אוֹמֵר אֶת יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה אֶת יוֹם חַג הַשָּׁבוּעוֹת הַזֶּה זְמַן מַתַּן תּוֹרָתֵנוּ בְּאַהֲבָה זֵכֶר לִיצִיאַת מִצְרָיִם. וּבְמוּסָף הוּא אוֹמֵר וְאֶת מוּסַף יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה יוֹם חַג הַשָּׁבוּעוֹת הַזֶּה. וְכֵן בְּסֻכּוֹת הוּא אוֹמֵר אֶת יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה יוֹם חַג הַסֻּכּוֹת הַזֶּה זְמַן שִׂמְחָתֵנוּ בְּאַהֲבָה וְכוּ׳. וּבְשְׁמִינִי עֲצֶרֶת אוֹמֵר אֶת יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה אֶת יוֹם חַג שְׁמִינִי עֲצֶרֶת הַזֶּה זְמַן שִׂמְחָתֵנוּ כוּ׳. וְכֵן בְּמוּסָף אוֹמֵר וְאֶת מוּסַף יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה יוֹם חַג שְׁמִינִי כוּ׳.

7 וְאִם חָל יוֹם טוֹב לִהְיוֹת בְּשַׁבָּת אוֹמֵר אַתָּה בְחַרְתָּנוּ כוּ׳ עַד וַתִּתֶּן לָנוּ יְיָ אֱלֹהֵינוּ שַׁבָּתוֹת לִמְנוּחָה מוֹעֲדִים לְשִׂמְחָה חַגִּים וּזְמַנִּים לְשָׂשׂוֹן אֶת יוֹם הַמָּנוֹחַ הַזֶּה וְאֶת יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה אֶת יוֹם פְּלוֹנִי כוּ׳. וְכֵן בְּמוּסָף אוֹמֵר וְאֶת מוּסְפֵי יוֹם הַמָּנוֹחַ הַזֶּה כוּ׳. וְעַל דֶּרֶךְ זוֹ הוּא מַזְכִּיר הַשַּׁבָּת בְּרֹאשׁ הַשָּׁנָה וּבְיוֹם הַכִּפּוּרִים אִם חָלוּ לִהְיוֹת בְּשַׁבָּת בֵּין בִּשְׁאָר תְּפִלּוֹת בֵּין בְּמוּסָף. וְחוֹתֵם בְּכָל הַתְּפִלּוֹת שֶׁל שָׁלֹשׁ רְגָלִים מְקַדֵּשׁ

הַשַּׁבָּת וְיִשְׂרָאֵל וְהַזְּמַנִּים. וּבְרֹאשׁ הַשָּׁנָה חוֹתֵם מֶלֶךְ עַל כָּל הָאָרֶץ
מְקַדֵּשׁ הַשַּׁבָּת וְיִשְׂרָאֵל וְיוֹם הַזִּכָּרוֹן. וּבְיוֹם הַכִּפּוּרִים מֶלֶךְ עַל כָּל הָאָרֶץ
מְקַדֵּשׁ הַשַּׁבָּת וְיִשְׂרָאֵל וְיוֹם הַכִּפּוּרִים.

8 רֹאשׁ הַשָּׁנָה. נָהֲגוּ רֹב הָעָם מֵרֹאשׁ הַשָּׁנָה וְעַד יוֹם הַכִּפּוּרִים לְהוֹסִיף
בְּכָל תְּפִלָּה בַּעֲשֶׂרֶת הַיָּמִים. בִּבְרָכָה רִאשׁוֹנָה מוֹסִיפִים זָכְרֵנוּ לְחַיִּים כו׳
בָּרוּךְ אַתָּה יְיָ׳ מָגֵן אַבְרָהָם. וּמוֹסִיפִין בִּבְרָכָה שְׁנִיָּה מִי כָמוֹךְ אַב
הָרַחֲמִים זוֹכֵר יְצוּרָיו בְּרַחֲמִים בָּרוּךְ אַתָּה יְיָ׳ מְחַיֵּה הַמֵּתִים. וּמוֹסִיפִין
בִּבְרַכַּת י״ח זְכוֹר רַחֲמֶיךָ וְכו׳. וּבִבְרָכָה אַחֲרוֹנָה מוֹסִיפִין וּבְסֵפֶר חַיִּים
וְכו׳. וּבִתְפִלַּת נְעִילָה שֶׁל יוֹם הַצוֹם אוֹמֵר בִּבְרָכָה זָכְרֵנוּ לְחַיִּים חָתְמֵנוּ
וְכָל אֵלּוּ הַתּוֹסָפוֹת מִנְהַג מְקוֹמוֹת שֶׁנָּהֲגוּ שֶׁלֹּא יוֹסִיפוּ
דָּבָר. מִנְהָג פָּשׁוּט שֶׁמְּבָרְכִין בְּרָכָה שְׁלִישִׁית בְּנֹסַח זֶה בִּשְׁנֵי יָמִים שֶׁל
רֹאשׁ הַשָּׁנָה בְּכָל תְּפִלָּה וּתְפִלָּה מֵאַרְבַּע הַתְּפִלּוֹת וְכֵן נָהֲגוּ מִקְצָת לְבָרֵךְ
אוֹתָהּ בְּאוֹתוֹ הַנֹּסַח בְּכָל תְּפִלָּה וּתְפִלָּה מֵחָמֵשׁ תְּפִלּוֹת שֶׁל יוֹם
הַכִּפּוּרִים וְזֶהוּ נֶסְחָהּ. אַתָּה קָדוֹשׁ וְשִׁמְךָ קָדוֹשׁ וּקְדוֹשִׁים בְּכָל יוֹם
יְהַלְלוּךָ סֶּלָה. וּבְכֵן תֵּן פַּחְדְּךָ יְיָ׳ אֱלֹהֵינוּ עַל כָּל מַעֲשֶׂיךָ וְאֵימָתְךָ עַל כָּל
מַה שֶּׁבָּרָאתָ וְיִרָאוּךָ כָּל הַמַּעֲשִׂים וְיִשְׁתַּחֲווּ לְפָנֶיךָ כָּל הַבְּרוּאִים וְיֵעָשׂוּ
כֻּלָּם אֲגֻדָּה אֶחָת לַעֲשׂוֹת רְצוֹנְךָ בְּלֵבָב שָׁלֵם כו׳. וּבְכֵן תֵּן כָּבוֹד לְעַמֶּךָ
תְּהִלָּה לִירֵאֶיךָ וְתִקְוָה טוֹבָה לְדוֹרְשֶׁיךָ וּפִתְחוֹן פֶּה לַמְיַחֲלִים לָךְ שִׂמְחָה
לְאַרְצֶךָ שָׂשׂוֹן לְעִירֶךָ וּצְמִיחַת קֶרֶן לְדָוִד עַבְדֶּךָ וַעֲרִיכַת נֵר לְבֶן יִשַׁי
מְשִׁיחֶךָ בִּמְהֵרָה בְיָמֵינוּ. וְאָז צַדִּיקִים יִרְאוּ וְיִשְׂמָחוּ וִישָׁרִים יַעֲלֹזוּ

וַחֲסִידִים כו׳ כַּכָּתוּב בְּדִבְרֵי קָדְשֶׁךָ יִמְלֹךְ יְיָ׳ לְעוֹלָם אֱלֹהַיִךְ צִיּוֹן לְדוֹר וָדוֹר הַלְלוּיָהּ וְכָתוּב וַיִּגְבַּהּ יְיָ׳ וְגו׳ בָּרוּךְ אַתָּה יְיָ׳ הַמֶּלֶךְ הַקָּדוֹשׁ. בָּרְכָה אֶמְצָעִית שֶׁל רֹאשׁ הַשָּׁנָה עַרְבִית שַׁחֲרִית וּמִנְחָה. אַתָּה בְחַרְתָּנוּ מִכָּל הָעַמִּים כו׳. וַתִּתֶּן לָנוּ יְיָ׳ אֱלֹהֵינוּ אֶת יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה זִכְרוֹן תְּרוּעָה בְּאַהֲבָה זֵכֶר לִיצִיאַת מִצְרָיִם. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ יַעֲלֶה וְיָבוֹא כו׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְלוֹךְ עַל כָּל הָעוֹלָם כֻּלּוֹ בִּכְבוֹדֶךָ וְהִנָּשֵׂא עַל כָּל הָאָרֶץ בִּיקָרֶךָ וְהוֹפַע בַּהֲדַר גְּאוֹן עֻזֶּךָ עַל כָּל יוֹשְׁבֵי תֵּבֵל אַרְצֶךָ וְיֵדַע כָּל פָּעוּל כִּי אַתָּה פְעַלְתּוֹ וְיָבִין כָּל יְצוּר כִּי אַתָּה יְצַרְתּוֹ וְיֹאמַר כֹּל אֲשֶׁר רוּחַ וּנְשָׁמָה בְאַפּוֹ יְיָ׳ וְכו׳. קַדְּשֵׁנוּ כו׳. בָּרוּךְ אַתָּה יְיָ׳ מֶלֶךְ עַל כָּל הָאָרֶץ מְקַדֵּשׁ יִשְׂרָאֵל וְיוֹם הַזִּכָּרוֹן.

9 בְּרָכָה רִאשׁוֹנָה מִשָּׁלֹשׁ בְּרָכוֹת אֶמְצָעִיּוֹת שֶׁל מוּסַף רֹאשׁ הַשָּׁנָה. אַתָּה בְחַרְתָּנוּ. וּמִפְּנֵי חֲטָאֵינוּ כו׳. וְאֶת מוּסְפֵי כו׳ כְּמוֹ שֶׁכָּתוּב. עָלֵינוּ לְשַׁבֵּחַ לַאֲדוֹן הַכֹּל לָתֵת גְּדֻלָּה לְיוֹצֵר בְּרֵאשִׁית שֶׁלֹּא עָשָׂנוּ כְּגוֹיֵי הָאֲרָצוֹת וְכו׳. אוֹחִילָה לָאֵל אֲחַלֶּה פָּנָיו אֶשְׁאֲלָה מִמֶּנּוּ מַעֲנֵה לָשׁוֹן אֲשֶׁר בְּקִהַל עָם אָשִׁירָה עֻזּוֹ אַבִּיעָה רְנָנוֹת בְּעַד מִפְעָלָיו כו׳. בָּרוּךְ אַתָּה יְיָ׳ לַמְּדֵנִי חֻקֶּיךָ. עַל כֵּן נְקַוֶּה לְךָ יְיָ׳ אֱלֹהֵינוּ לִרְאוֹת מְהֵרָה בְּתִפְאֶרֶת עֻזֶּךָ וְכו׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְלוֹךְ כו׳. בָּרוּךְ אַתָּה יְיָ׳ מֶלֶךְ עַל כָּל הָאָרֶץ מְקַדֵּשׁ יִשְׂרָאֵל וְיוֹם הַזִּכָּרוֹן. הַיּוֹם הֵרַת עוֹלָם הַיּוֹם יַעֲמִיד בַּמִּשְׁפָּט כָּל יְצוּרֵי עוֹלָם אִם כְּבָנִים אִם כַּעֲבָדִים אִם כְּבָנִים רַחֲמֵנוּ כְּרַחֵם אָב עַל בָּנִים אִם כַּעֲבָדִים עֵינֵינוּ לְךָ תְלוּיוֹת וְכו׳. בְּרָכָה שְׁנִיָּה אַתָּה זוֹכֵר מַעֲשֵׂה עוֹלָם

וּפוֹקֵד כָּל יְצוּרֵי קֶדֶם כּוּ׳ כִּי זוֹכֵר הַנִּשְׁכָּחוֹת אַתָּה הוּא מֵעוֹלָם וְאֵין שִׁכְחָה לִפְנֵי כִסֵּא כְבוֹדֶךָ וַעֲקֵדַת יִצְחָק לְזַרְעוֹ תִּזְכֹּר וְכוּ׳. הַיּוֹם הֲרַת עוֹלָם הַיּוֹם יַעֲמִיד בַּמִּשְׁפָּט כָּל יְצוּרֵי עוֹלָם אִם כְּבָנִים אִם כַּעֲבָדִים אִם כְּבָנִים רַחֲמֵנוּ כְּרַחֵם אָב עַל בָּנִים כּוּ׳. בְּרָכָה שְׁלִישִׁית אַתָּה נִגְלֵיתָ בַּעֲנַן כְּבוֹדֶךָ עַל עַם קָדְשֶׁךָ לְדַבֵּר עִמָּם מִן הַשָּׁמַיִם הִשְׁמַעְתָּם קוֹלֶךָ כּוּ׳ כִּי אַתָּה שׁוֹמֵעַ כּוּ׳ בָּרוּךְ אַתָּה יְיָ׳ שׁוֹמֵעַ תְּרוּעָה. הַיּוֹם הֲרַת עוֹלָם כּוּ׳ כַּכָּתוּב לְמַעְלָה.

10 בְּרָכָה אֶמְצָעִית שֶׁל צוֹם יוֹם הַכִּפּוּרִים בְּעַרְבִית וְשַׁחֲרִית וּמִנְחָה וּנְעִילָה אַתָּה בְחַרְתָּנוּ כּוּ׳. וַתִּתֶּן לָנוּ יְיָ׳ אֱלֹהֵינוּ אֶת יוֹם הַכִּפּוּרִים הַזֶּה וְאֶת יוֹם מִקְרָא קֹדֶשׁ הַזֶּה לִמְחִילָה וְכוּ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ יַעֲלֶה וְיָבוֹא יַגִּיעַ יֵרָאֶה וְיֵרָצֶה יִשָּׁמַע וְיִפָּקֵד וְיִזָּכֵר לְפָנֶיךָ זִכְרוֹנֵנוּ זִכְרוֹן אֲבוֹתֵינוּ זִכְרוֹן יְרוּשָׁלַיִם עִירֶךָ וְזִכְרוֹן מָשִׁיחַ בֶּן דָּוִד וְכוּ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְחַל לַעֲוֹנוֹתֵינוּ וְכוּ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְלוֹךְ כּוּ׳. קַדְּשֵׁנוּ כּוּ׳. וּדְבָרְךָ אֱמֶת וְקַיָּם כּוּ׳ בָּרוּךְ אַתָּה יְיָ׳ מֶלֶךְ עַל כָּל הָאָרֶץ מְקַדֵּשׁ מוֹחֵל וְסוֹלֵחַ וְכוּ׳. בְּרָכָה אֶמְצָעִית שֶׁל מוּסָף אַתָּה בְחַרְתָּנוּ וּמִפְּנֵי חַטָּאֵינוּ וְאֶת מוּסְפֵי יוֹם מִקְרָא קֹדֶשׁ הַזֶּה נַעֲשֶׂה וְנַקְרִיב לְפָנֶיךָ כְּמִצְוַת רְצוֹנֶךָ כּוּ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְחַל לַעֲוֹנוֹתֵינוּ בְּיוֹם צוֹם הַכִּפּוּרִים הַזֶּה מְחֵה וְהַעֲבֵר פְּשָׁעֵינוּ כּוּ׳ עַד וּמִבַּלְעָדֶיךָ אֵין לָנוּ מֶלֶךְ מוֹחֵל וְסוֹלֵחַ וְכוּ׳. אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְלוֹךְ עַל כָּל הָעוֹלָם כֻּלּוֹ בִּכְבוֹדֶךָ וְהִנָּשֵׂא עַל כָּל הָאָרֶץ בִּיקָרֶךָ וְהוֹפַע בַּהֲדַר גְּאוֹן עֻזֶּךָ וְכוּ׳ עַד וּמַלְכוּתוֹ בַּכֹּל מָשָׁלָה. קַדְּשֵׁנוּ

בְּמִצְוֹתֶיךָ וְתֵן חֶלְקֵנוּ בְּתוֹרָתֶךָ וְשַׂבְּעֵנוּ מִטּוּבֶךָ וְשַׂמְּחֵנוּ בִּישׁוּעָתֶךָ וְטַהֵר לִבֵּנוּ לְעָבְדְּךָ בֶּאֱמֶת וּדְבָרְךָ כוּ׳ עַד בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ יִשְׂרָאֵל וְיוֹם הַכִּפּוּרִים. נָהֲגוּ הָעָם בְּכָל תְּפִלּוֹת הַמּוּסָפִין כְּשֶׁהוּא אוֹמֵר כְּמוֹ שֶׁכָּתַבְתָּ עָלֵינוּ בְּתוֹרָתֶךָ עַל יְדֵי מֹשֶׁה עַבְדֶּךָ מַזְכִּיר קָרְבְּנוֹת אוֹתוֹ הַיּוֹם כְּמוֹ שֶׁהֵם כְּתוּבִים בַּתּוֹרָה וְקוֹרֵא אוֹתָם הַפְּסוּקִים. וְאִם לֹא הִזְכִּיר כֵּיוָן שֶׁאָמַר כְּמוֹ שֶׁכָּתַבְתָּ עָלֵינוּ בְּתוֹרָתֶךָ שׁוּב אֵינוֹ צָרִיךְ:

Chapter 4

נסח הודוי

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2 אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ תָּבוֹא לְפָנֶיךָ תְּפִלָּתֵנוּ וְאַל תִּתְעַלַּם מִתְּחִנָּתֵנוּ שֶׁאֵין אָנוּ עַזֵּי פָנִים וּקְשֵׁי עֹרֶף שֶׁנֹּאמַר לְפָנֶיךָ צַדִּיקִים אֲנַחְנוּ וְלֹא חָטָאנוּ אֲבָל אֲנַחְנוּ וַאֲבוֹתֵינוּ אָשַׁמְנוּ בָּגַדְנוּ גָּזַלְנוּ דִּבַּרְנוּ דֹּפִי הֶעֱוִינוּ וְהִרְשַׁעְנוּ זַדְנוּ חָמַסְנוּ כוּ׳. עַד כִּי אֱמֶת עָשִׂיתָ וַאֲנַחְנוּ הִרְשָׁעְנוּ. מַה נֹּאמַר לְפָנֶיךָ יְיָ אֱלֹהֵינוּ יוֹשֵׁב מָרוֹם וּמַה נְּסַפֵּר לְפָנֶיךָ שׁוֹכֵן שְׁחָקִים הֲלֹא הַנִּסְתָּרוֹת וְהַנִּגְלוֹת אַתָּה יוֹדֵעַ. אַתָּה יוֹדֵעַ רָזֵי עוֹלָם וְתַעֲלוּמוֹת סִתְרֵי כָל חָי אַתָּה חוֹפֵשׂ כָּל חַדְרֵי בָטֶן וּבוֹחֵן כְּלָיוֹת וָלֵב אֵין כָּל דָּבָר נָעְלָם מִמֶּךָּ וְאֵין נִסְתָּר מִנֶּגֶד עֵינֶיךָ. וּבְכֵן יְהִי רָצוֹן מִלְּפָנֶיךָ יְיָ אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ שֶׁתִּמְחל לָנוּ עַל כָּל חַטֹּאתֵינוּ וּתְכַפֵּר לָנוּ עַל כָּל עֲוֹנוֹתֵינוּ וְתִסְלַח לָנוּ עַל כָּל פְּשָׁעֵינוּ. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּאֹנֶס וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בִּבְלִי דָעַת. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּגָלוּי וְעַל חֵטְא שֶׁחָטָאנוּ

לְפָנֶיךָ בְּדַעַת וּבְמִרְמָה. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּהַרְהוֹר הַלֵּב וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּוִדּוּי פֶּה. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּזָדוֹן וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּחֹזֶק יָד. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּטֻמְאַת שְׂפָתַיִם וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּיֵצֶר הָרָע. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּיוֹדְעִים וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בִּלֹא יוֹדְעִים. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּכַחַשׁ וּבְכָזָב וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּלָשׁוֹן הָרָע. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּמַרְאִית הָעַיִן וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּנֶשֶׁךְ וּבְמַרְבִּית. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּשִׂיחַ שִׂפְתוֹתֵינוּ וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּעֵינַיִם רָמוֹת. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּפִתְחוֹן פֶּה וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּצַעֲדֵי רַגְלַיִם. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בִּקְפִיצַת יָד וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּרָצוֹן וּבְדַעַת. עַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בִּשְׁגָגָה וְעַל חֵטְא שֶׁחָטָאנוּ לְפָנֶיךָ בְּתִמְהוֹן לֵבָב. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם חַטָּאת. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם עוֹלָה. (עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם קָרְבָּן). עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם אָשָׁם וַדַּאי. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם אָשָׁם תָּלוּי. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם קָרְבָּן עוֹלָה וְיוֹרֵד. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם עֲשֵׂה. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם לֹא תַעֲשֶׂה) שֶׁנִּתְקוּ לַעֲשֵׂה. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם מִיתָה בִּידֵי שָׁמַיִם. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם כָּרֵת. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם מַלְקוֹת. עַל חֲטָאִים שֶׁאָנוּ חַיָּבִין עֲלֵיהֶם אַרְבַּע מִיתוֹת בֵּית דִּין סְקִילָה שְׂרֵפָה הֶרֶג וְחֶנֶק. עַל הַגְּלוּיִים לָנוּ וְעַל שֶׁאֵינָן גְּלוּיִים לָנוּ הַגְּלוּיִים לָנוּ כְּבָר אֲמַרְנוּם לְפָנֶיךָ יְיָ אֱלֹהֵינוּ וְשֶׁאֵינָם גְּלוּיִים

לָנוּ כָּל חֲטָאֵינוּ אַתָּה יוֹדֵעַ כָּל הַנִּסְתָּרוֹת כַּכָּתוּב הַנִּסְתָּרוֹת לַיְיָ אֱלֹהֵינוּ וְהַנִּגְלֹת לָנוּ וּלְבָנֵינוּ עַד עוֹלָם וְכוּ׳. כִּי אַתָּה סָלְחָן לְיִשְׂרָאֵל מִן הָעוֹלָם וּמָחֳלָן לְשִׁבְטֵי יְשׁוּרוּן וּמִבַּלְעָדֶיךָ אֵין לָנוּ מֶלֶךְ מוֹחֵל וְסוֹלֵחַ. אֱלֹהַי עַד שֶׁלֹּא נוֹצַרְתִּי אֵינִי כְדַאי וְעַכְשָׁיו שֶׁנּוֹצַרְתִּי כְּאִלּוּ לֹא נוֹצַרְתִּי עָפָר אֲנִי בְּחַיָּי קַל וָחֹמֶר בְּמִיתָתִי הֲרֵי אֲנִי לְפָנֶיךָ יְיָ אֱלֹהַי כִּכְלִי מָלֵא בוּשָׁה וּכְלִמָּה יְהִי רָצוֹן מִלְּפָנֶיךָ שֶׁלֹּא אֶחֱטָא עוֹד וּמַה שֶׁחָטָאתִי מְחֵה בְּרַחֲמֶיךָ הָרַבִּים אֲבָל לֹא עַל יְדֵי יִסּוּרִין. יְהִיוּ לְרָצוֹן אִמְרֵי פִי וְהֶגְיוֹן לִבִּי לְפָנֶיךָ יְיָ צוּרִי וְגוֹאֲלִי.

3 כַּסֵּדֶר הַזֶּה מִתְוַדֶּה בְּעַרְבִית שַׁחֲרִית וּמוּסָף וּמִנְחָה בֵּין יָחִיד בֵּין שְׁלִיחַ צִבּוּר. אֶלָּא שֶׁהַיָּחִיד אוֹמֵר וְדוּי זֶה אַחַר תְּפִלָּתוֹ אַחַר שֶׁגּוֹמֵר שִׁים שָׁלוֹם קֹדֶם שֶׁיִּפְסִיעַ שָׁלֹשׁ פְּסִיעוֹת וּשְׁלִיחַ צִבּוּר אוֹמְרוֹ בְּתוֹךְ בְּרָכָה אֶמְצָעִית קֹדֶם שֶׁיֹּאמַר אֱלֹהֵינוּ וֵאלֹהֵי אֲבוֹתֵינוּ מְחַל לַעֲוֹנוֹתֵינוּ מִתְוַדֶּה וְדוּי כַּסֵּדֶר הַזֶּה וְאַחַר כָּךְ אוֹמֵר מְחַל לַעֲוֹנוֹתֵינוּ בְּיוֹם צוֹם הַכִּפּוּרִים:

4 **בְּנָעִילָה** מִתְוַדֶּה כַּסֵּדֶר הַזֶּה. מַה נֹּאמַר לְפָנֶיךָ יוֹשֵׁב מָרוֹם כּוּ׳ כִּי עֲוֹנוֹתֵינוּ רַבּוּ מִלְּמְנוֹת כּוּ׳ מָה אָנוּ מֶה חַיֵּינוּ מֶה חַסְדֵּנוּ מַה צִדְקֵנוּ מַה מַּעֲשֵׂינוּ מַה נֹּאמַר לְפָנֶיךָ יְיָ אֱלֹהֵינוּ הֲלֹא כָּל הַגִּבּוֹרִים כְּאַיִן לְפָנֶיךָ וְאַנְשֵׁי הַשֵּׁם כְּלֹא הָיוּ וַחֲכָמִים כִּבְלִי מַדָּע וּנְבוֹנִים כִּבְלִי הַשְׂכֵּל כִּי כָּל מַעֲשֵׂינוּ תֹּהוּ וִימֵי חַיֵּינוּ הֶבֶל לְפָנֶיךָ כַּכָּתוּב וּמוֹתַר הָאָדָם מִן הַבְּהֵמָה אָיִן כִּי הַכֹּל הָבֶל. אֲבָל אַתָּה הִבְדַּלְתָּ אֱנוֹשׁ מֵרֹאשׁ וַתַּכִּירֵהוּ לַעֲמֹד לְפָנֶיךָ כִּי מִי יֹאמַר לְךָ מַה תַּעֲשֶׂה וְאִם יִצְדַּק מַה יִּתֶּן לָךְ וַתִּתֶּן לָנוּ יְיָ

אֱלֹהֵינוּ אֶת יוֹם הַכִּפּוּרִים הַזֶּה קֵץ מְחִילָה לְכָל חַטֹּאתֵינוּ לְמַעַן נֶחְדַּל מֵעֹשֶׁק יָדֵינוּ וְנָשׁוּב לַעֲשׂוֹת חֻקֵּי רְצוֹנֶךָ בְּלֵב שָׁלֵם כַּדָּבָר שֶׁנֶּאֱמַר דִּרְשׁוּ יְיָ בְּהִמָּצְאוֹ קְרָאֻהוּ בִּהְיוֹתוֹ קָרוֹב יַעֲזֹב רָשָׁע דַּרְכּוֹ וְאִישׁ אָוֶן מַחְשְׁבֹתָיו וְיָשֹׁב אֶל יְיָ וִירַחֲמֵהוּ וְאֶל אֱלֹהֵינוּ כִּי יַרְבֶּה לִסְלוֹחַ. וְאַתָּה אֱלוֹהַּ סְלִיחוֹת טוֹב וּמֵטִיב חַנּוּן וְרַחוּם אֶרֶךְ אַפַּיִם וְרַב חֶסֶד מַרְבֶּה לְהֵיטִיב רוֹצֶה בִּתְשׁוּבָתָן שֶׁל רְשָׁעִים וְאֵין אַתָּה חָפֵץ בְּמִיתָתָן כַּכָּתוּב חַי אָנִי נְאֻם יְיָ אִם אֶחְפֹּץ בְּמוֹת הָרָשָׁע כִּי אִם בְּשׁוּב רָשָׁע מִדַּרְכּוֹ וְחָיָה שׁוּבוּ שׁוּבוּ מִדַּרְכֵיכֶם הָרָעִים וְלָמָּה תָמוּתוּ בֵּית יִשְׂרָאֵל. הֲשִׁיבֵנוּ וְקַבְּלֵנוּ וּמְחַל לָנוּ וְסַלַּח כְּגֹדֶל חַסְדֶּךָ. יִהְיוּ לְרָצוֹן אִמְרֵי פִי וְהֶגְיוֹן לִבִּי לְפָנֶיךָ יְיָ כוּ׳. עֹשֶׂה שָׁלוֹם וְכוּ׳:

Chapter 5

נסח ברכת המזון

1

2 בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם הַזָּן אֶת הָעוֹלָם כֻּלּוֹ בְּטוּבוֹ בְּחֵן וּבְחֶסֶד וּבְרַחֲמִים וּמְפַרְנֵס לַכֹּל כָּאָמוּר פּוֹתֵחַ אֶת יָדֶךָ וּמַשְׂבִּיעַ לְכָל חַי רָצוֹן וּמֵכִין מָזוֹן לְכָל בְּרִיּוֹתָיו אֲשֶׁר בָּרָא בָּרוּךְ אַתָּה יְיָ הַזָּן אֶת הַכֹּל. נוֹדֶה לְךָ יְיָ אֱלֹהֵינוּ וּנְבָרֶכְךָ מַלְכֵּנוּ כִּי הִנְחַלְתָּ אֶת אֲבוֹתֵינוּ אֶרֶץ חֶמְדָּה טוֹבָה וּרְחָבָה בְּרִית וְתוֹרָה עַל שֶׁהוֹצֵאתָנוּ מֵאֶרֶץ מִצְרַיִם וּפְדִיתָנוּ מִבֵּית עֲבָדִים עַל תּוֹרָתְךָ שֶׁלִּמַּדְתָּנוּ עַל חֻקֵּי רְצוֹנְךָ שֶׁהוֹדַעְתָּנוּ עַל כֻּלָּם יְיָ אֱלֹהֵינוּ אָנוּ מוֹדִים לָךְ וּמְבָרְכִים אֶת שִׁמְךָ כָּאָמוּר וְאָכַלְתָּ וְשָׂבָעְתָּ

וּבֵרַכְתָּ אֶת יְיָ אֱלֹהֶיךָ עַל הָאָרֶץ הַטּוֹבָה אֲשֶׁר נָתַן לָךְ בָּרוּךְ אַתָּה יְיָ עַל הָאָרֶץ וְעַל הַמָּזוֹן. רַחֵם יְיָ אֱלֹהֵינוּ עַל יִשְׂרָאֵל עַמֶּךָ וְעַל יְרוּשָׁלַיִם עִירֶךָ וְעַל צִיּוֹן מִשְׁכַּן כְּבוֹדֶךָ וְעַל הַבַּיִת הַגָּדוֹל וְהַקָּדוֹשׁ שֶׁנִּקְרָא שִׁמְךָ עָלָיו וּמַלְכוּת דָּוִד מְשִׁיחֶךָ תַּחֲזִיר לִמְקוֹמָהּ בְּיָמֵינוּ וּבְנֵה יְרוּשָׁלַיִם בְּקָרוֹב כַּאֲשֶׁר דִּבַּרְתָּ בָּרוּךְ אַתָּה יְיָ בּוֹנֵה בְרַחֲמָיו אֶת יְרוּשָׁלַיִם. בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם הָאֵל אָבִינוּ מַלְכֵּנוּ אַדִּירֵנוּ בּוֹרְאֵנוּ גּוֹאֲלֵנוּ קְדוֹשֵׁנוּ קְדוֹשׁ יַעֲקֹב הַמֶּלֶךְ הַטּוֹב וְהַמֵּטִיב שֶׁבְּכָל יוֹם וָיוֹם גּוֹמְלֵנוּ חֵן וָחֶסֶד וְרַחֲמִים וְכָל טוֹב. הָרַחֲמָן יִשְׁתַּבַּח לְדוֹר דּוֹרִים. הָרַחֲמָן יִתְפָּאַר לָנֶצַח נְצָחִים. הָרַחֲמָן יְזַכֵּנוּ לִימוֹת הַמָּשִׁיחַ וּלְבִנְיַן בֵּית הַמִּקְדָּשׁ וּלְחַיֵּי הָעוֹלָם הַבָּא. מִגְדּוֹל יְשׁוּעוֹת מַלְכּוֹ וְגוֹ׳ כְּפִירִים רָשׁוּ וְרָעֵבוּ וְגוֹ׳ הוֹדוּ לַיְיָ כִּי טוֹב כִּי לְעוֹלָם חַסְדּוֹ:

3 **הַמַּפְטִיר בַּנָּבִיא** מְבָרֵךְ לְפָנֶיהָ בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר בָּחַר בִּנְבִיאִים טוֹבִים וְרָצָה בְּדִבְרֵיהֶם הַנֶּאֱמָרִים בֶּאֱמֶת. בָּרוּךְ אַתָּה יְיָ הַבּוֹחֵר בַּתּוֹרָה וּבְמֹשֶׁה עַבְדּוֹ וּבְיִשְׂרָאֵל עַמּוֹ וּבִנְבִיאֵי הָאֱמֶת וְהַצֶּדֶק. וּמְבָרֵךְ לְאַחֲרֶיהָ בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם צוּר כָּל הָעוֹלָמִים צַדִּיק בְּכָל הַדּוֹרוֹת הָאֵל הַנֶּאֱמָן הָאוֹמֵר וְעוֹשֶׂה מְדַבֵּר וּמְקַיֵּם אֲשֶׁר כָּל דְּבָרָיו אֱמֶת וָצֶדֶק נֶאֱמָן אַתָּה הוּא יְיָ אֱלֹהֵינוּ וְנֶאֱמָנִים דְּבָרֶיךָ וְדָבָר אֶחָד מִדְּבָרֶיךָ אָחוֹר לֹא יָשׁוּב רֵיקָם כִּי אֵל נֶאֱמָן אָתָּה בָּרוּךְ אַתָּה יְיָ הָאֵל הַנֶּאֱמָן בְּכָל דְּבָרָיו. רַחֵם עַל צִיּוֹן כִּי הִיא בֵּית חַיֵּינוּ וְלַעֲגוּמַת נֶפֶשׁ (תּוֹשִׁיעַ) מְהֵרָה בְיָמֵינוּ וְתִבְנֶה מְהֵרָה בָּרוּךְ אַתָּה יְיָ בּוֹנֵה יְרוּשָׁלָיִם. אֶת

צֶמַח דָּוִד עַבְדְּךָ מְהֵרָה תַצְמִיחַ וְקַרְנוֹ תָּרוּם בִּישׁוּעָתֶךָ בָּרוּךְ אַתָּה יְיָ מָגֵן דָּוִד. עַל הַתּוֹרָה וְעַל הָעֲבוֹדָה וְעַל הַנְּבִיאִים וְעַל יוֹם הַמָּנוֹחַ הַזֶּה שֶׁנָּתַתָּ לָנוּ יְיָ אֱלֹהֵינוּ לִקְדֻשָּׁה לְכָבוֹד וּלְתִפְאֶרֶת עַל הַכֹּל אָנוּ מְבָרְכִין שִׁמְךָ בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ הַשַּׁבָּת. וּבְיוֹם טוֹב הוּא אוֹמֵר וְעַל יוֹם טוֹב מִקְרָא קֹדֶשׁ הַזֶּה שֶׁנָּתַתָּ לָנוּ לְשָׁשׂוֹן וּלְשִׂמְחָה בָּרוּךְ אַתָּה יְיָ מְקַדֵּשׁ יִשְׂרָאֵל וְהַזְּמַנִּים. וְאִם הָיָה שַׁבָּת וְיוֹם טוֹב כּוֹלֵל שְׁנֵיהֶם וְחוֹתֵם מְקַדֵּשׁ הַשַּׁבָּת וְיִשְׂרָאֵל וְהַזְּמַנִּים. כַּנֹּסַח שֶׁהוּא חוֹתֵם בַּתְּפִלָּה בִּבְרָכָה אֶמְצָעִית בְּאוֹתוֹ הַיּוֹם כָּךְ הוּא חוֹתֵם בִּבְרָכָה אַחֲרוֹנָה זוֹ.

4 **(הָעִנְיָנוֹת שֶׁנֶּהֱגוּ רֹב הָעָם לִקְרוֹת מִן הַנְּבִיאִים בְּכָל שַׁבָּת וְשַׁבָּת וּמַפְטִירִין בָּהֶן וְאֵלּוּ הֵן:)** בְּרֵאשִׁית. הֵן עַבְדִּי אֶתְמָךְ בּוֹ עַד אֵלֶּה הַדְּבָרִים עֲשִׂיתֶם וְלֹא עֲזַבְתִּים בִּישַׁעְיָה. תּוֹלְדֹת נֹחַ. רָנִי עֲקָרָה לֹא יָלָדָה עַד הַטּוּ אָזְנְכֶם וּלְכוּ אֵלַי בִּישַׁעְיָה. לֶךְ לְךָ. וְאֶל מִי תְדַמְּיוּנִי וְאֶשְׁוֶה עַד כִּי אֲנִי יְיָ אֶעֱנֵם אֱלֹהֵי יִשְׂרָאֵל בִּישַׁעְיָה. וַיֵּרָא אֵלָיו. וְאִשָּׁה אַחַת מִנְּשֵׁי בְנֵי הַנְּבִיאִים עַד וַתִּשָּׂא אֶת בְּנָהּ וַתֵּצֵא בִּמְלָכִים. וַיְהִיו חַיֵּי שָׂרָה. תְּחִלַּת הַסֵּפֶר עַד יְחִי אֲדֹנִי הַמֶּלֶךְ לְעֹלָם בִּמְלָכִים. תּוֹלְדֹת יִצְחָק. מַשָּׂא דְבַר יְיָ אֶל יִשְׂרָאֵל בְּיַד מַלְאָכִי עַד וְעָרְבָה לַיְיָ מִנְחַת וְגוֹ' בִּתְרֵי עָשָׂר. וַיֵּצֵא יַעֲקֹב. וְעַמִּי תְלוּאִים לְמִשּׁוּבָתִי עַד וּבְנָבִיא הֻעֲלָה בִּתְרֵי עָשָׂר. וַיִּשְׁלַח יַעֲקֹב. חֲזוֹן עֹבַדְיָה עַד סוֹף סִפְרוֹ בִּתְרֵי עָשָׂר. וַיֵּשֶׁב יַעֲקֹב. עַל שְׁלֹשָׁה פִּשְׁעֵי יִשְׂרָאֵל עַד אַרְיֵה שָׁאַג מִי לֹא יִירָא בִּתְרֵי עָשָׂר. וַיְהִי מִקֵּץ. וַיִּקַּץ שְׁלֹמֹה וְהִנֵּה חֲלוֹם עַד וַיְהִי הַמֶּלֶךְ שְׁלֹמֹה מֶלֶךְ בִּמְלָכִים. וַיִּגַּשׁ אֵלָיו.

וְאַתָּה בֶן אָדָם קַח לְךָ עֵץ אֶחָד עַד וְיָדְעוּ הַגּוֹיִם כִּי אֲנִי יְיָ בִּיחֶזְקֵאל.
וַיְחִי יַעֲקֹב. וַיִּקְרְבוּ יְמֵי דָוִד לָמוּת עַד וּשְׁלֹמֹה יָשַׁב עַל כִּסֵּא דָּוִד אָבִיו
בִּמְלָכִים. וְאֵלֶּה שְׁמוֹת. בֶּן אָדָם הוֹדַע אֶת יְרוּשָׁלַם עַד וַיֵּצֵא לָךְ שֵׁם
בִּיחֶזְקֵאל. וָאֵרָא. (וְלֹא יִהְיֶה עוֹד לְבֵית) יִשְׂרָאֵל עַד בַּיּוֹם הַהוּא אַצְמִיחַ
קֶרֶן לְבֵית יִשְׂרָאֵל בִּיחֶזְקֵאל. בֹּא אֶל פַּרְעֹה. מַשָּׂא מִצְרָיִם עַד אֲשֶׁר
בֵּרְכוֹ ה׳ צְבָאוֹת בִּישַׁעְיָה. וַיְהִי בְּשַׁלַּח. שִׁירַת דְּבוֹרָה מִן וַיַּכְנַע אֱלֹהִים
עַד וַתִּשְׁקֹט הָאָרֶץ אַרְבָּעִים שָׁנָה בְּשׁוֹפְטִים. וַיִּשְׁמַע יִתְרוֹ. בִּשְׁנַת מוֹת
הַמֶּלֶךְ עֻזִּיָּהוּ עַד לְמַרְבֵּה הַמִּשְׂרָה בִּישַׁעְיָה. וְאֵלֶּה הַמִּשְׁפָּטִים. הַדָּבָר
אֲשֶׁר הָיָה אֶל יִרְמְיָהוּ עַד לֹא יִכְּרֵת אִישׁ לְיוֹנָדָב בֶּן רֵכָב בִּירְמְיָה. וְיִקְחוּ
לִי. וַיְיָ נָתַן חָכְמָה לִשְׁלֹמֹה עַד וְשָׁכַנְתִּי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל בִּמְלָכִים.
וְאַתָּה תְּצַוֶּה. הַגֵּד אֶת (בְּנֵי) [בֵּית] יִשְׂרָאֵל אֶת הַבַּיִת עַד וְרָצִיתִי אֶתְכֶם
בִּיחֶזְקֵאל. כִּי תִשָּׂא. וּדְבַר יְיָ הָיְתָה אֶל אֵלְיָהוּ עַד וַיִּרְכַּב אַחְאָב וַיֵּלֶךְ
בִּמְלָכִים. וַיַּקְהֵל. וַיִּשְׁלַח הַמֶּלֶךְ שְׁלֹמֹה וַיִּקַּח אֶת חִירָם מִצֹּר עַד וַתִּתֹּם
מְלֶאכֶת בִּמְלָכִים. וְאֵלֶּה פְּקוּדֵי. וַיַּעַשׂ חִירוֹם עַד וְהַפֹּתוֹת לְדַלְתוֹת הַבַּיִת.
וַיִּקְרָא. עַם זוּ יָצַרְתִּי לִי עַד כֹּה אָמַר יְיָ מֶלֶךְ יִשְׂרָאֵל בִּישַׁעְיָה. צַו אֶת
אַהֲרֹן. עֲלוֹתֵיכֶם סְפוּ עַל זִבְחֵיכֶם עַד בְּאֵלֶּה חָפַצְתִּי נְאֻם יְיָ בִּירְמְיָהוּ.
וַיְהִי בַּיּוֹם הַשְּׁמִינִי. וַיֹּסֶף עוֹד דָּוִד אֶת כָּל בָּחוּר בְּיִשְׂרָאֵל עַד כֹּל אֲשֶׁר
בִּלְבָבְךָ בִּמְלָכִים. אִשָּׁה כִּי תַזְרִיעַ. וְאִישׁ בָּא מִבַּעַל שָׁלִשָׁה עַד וַיֵּלֶךְ אִתּוֹ
כִּבְרַת אָרֶץ בִּמְלָכִים. זֹאת תִּהְיֶה. וְאַרְבָּעָה אֲנָשִׁים (וּמְדַלֵּג) עַד וְלֹא
הִשְׁלִיכֶם מֵעַל פָּנָיו בִּמְלָכִים. אַחֲרֵי מוֹת. הֲתִשְׁפֹּט הֲתִשְׁפֹּט עַד וְנִחַלְתְּ
בָּךְ לְעֵינֵי הַגּוֹיִם בִּיחֶזְקֵאל. קְדֹשִׁים תִּהְיוּ. בָּאוּ אֲנָשִׁים מִזִּקְנֵי יִשְׂרָאֵל עַד

צְבִי הִיא לְכָל הָאֲרָצוֹת בִּיחֶזְקֵאל. אֱמֹר אֶל הַכֹּהֲנִים. וְהַכֹּהֲנִים הַלְוִיִּם
בְּנֵי צָדוֹק עַד כָּל נְבֵלָה וּטְרֵפָה בִּיחֶזְקֵאל. בְּהַר סִינַי. יְיָ עֻזִּי וּמָעֻזִּי עַד
רְפָאֵנִי יְיָ וְאֵרָפֵא בִּירְמְיָה. אִם בְּחֻקֹּתַי. הִנָּבֵא עַל רוֹעֵי יִשְׂרָאֵל עַד
וְהִצַּלְתִּים מִיַּד הָעֹבְדִים בָּהֶם בִּיחֶזְקֵאל. בְּמִדְבַּר סִינַי. וְהָיָה מִסְפַּר בְּנֵי
יִשְׂרָאֵל עַד וְאֵרַשְׂתִּיךְ לִי בֶּאֱמוּנָה בִּתְרֵי עָשָׂר. נָשׂא. וַיְהִי אִישׁ אֶחָד
מִצָּרְעָה עַד וַיִּגְדַּל הַנַּעַר וַיְבָרְכֵהוּ יְיָ בְּשׁוֹפְטִים. בְּהַעֲלֹתְךָ. רָנִּי וְשִׂמְחִי
בַּת צִיּוֹן עַד יְדֵי זְרֻבָּבֶל יְסָדוּ הַבַּיִת בִּתְרֵי עָשָׂר. שְׁלַח לְךָ. וַיִּשְׁלַח יְהוֹשֻׁעַ
בִּן נוּן עַד וְגַם נָמְגוּ כָּל יֹשְׁבֵי וְגוֹ׳ בִּיהוֹשֻׁעַ. וַיִּקַּח קֹרַח. וַיֹּאמֶר שְׁמוּאֵל
אֶל הָעָם עַד כִּי לֹא יִטֹּשׁ יְיָ אֶת עַמּוֹ בְּשְׁמוּאֵל. זֹאת חֻקַּת הַתּוֹרָה.
וְיִפְתָּח הַגִּלְעָדִי עַד מְיָמִים יָמִימָה בְּשׁוֹפְטִים. וַיַּרְא בָּלָק. וְהָיָה שְׁאֵרִית
יַעֲקֹב עַד וְהַצְנֵעַ לֶכֶת עִם אֱלֹהֶיךָ בִּתְרֵי עָשָׂר. פִּינְחָס. וְיַד יְיָ הָיְתָה אֶל
אֵלְיָהוּ עַד וַיָּקָם וַיֵּלֶךְ אַחֲרֵי אֵלְיָהוּ בִּמְלָכִים. רָאשֵׁי הַמַּטּוֹת. וַיִּתֵּן מֹשֶׁה
לְמַטֵּה בְנֵי רְאוּבֵן עַד מֵחַלֵּק אֶת הָאָרֶץ בִּיהוֹשֻׁעַ. אֵלֶּה מַסְעֵי. אֵלּוּ
הַנְּחָלֹת עַד וַיִּתְּנוּ בְנֵי יִשְׂרָאֵל לַלְוִיִּם בִּיהוֹשֻׁעַ. אֵלֶּה הַדְּבָרִים. אֲשֶׁר דִּבֶּר
יְיָ אֶל יִשְׂרָאֵל עַד וְהָיִיתֶם לִי לְעָם בִּירְמְיָה. וָאֶתְחַנַּן. וָאֶתְפַּלֵּל אֶל יְיָ
אַחֲרֵי תֵּת אֶת סֵפֶר הַמִּקְנָה עַד שָׁדוֹת בַּכֶּסֶף יִקְנוּ בִּירְמְיָה. וְהָיָה עֵקֶב.
הָלֹךְ וְקָרָאתָ בְאָזְנֵי יְרוּשָׁלַם עַד וְהִתְבָּרְכוּ בוֹ כָּל גּוֹיִם וּבוֹ יִתְהַלָּלוּ
בִּירְמְיָה. רְאֵה אָנֹכִי. הִנֵּה יָמִים בָּאִים נְאֻם יְיָ וַהֲקִמֹתִי עַד אִם יְסָתֵר
אִישׁ בַּמִּסְתָּרִים בִּירְמְיָה. שֹׁפְטִים. וַיְהִי כַּאֲשֶׁר זָקֵן שְׁמוּאֵל עַד וַיֹּאמֶר
שְׁמוּאֵל אֶל אַנְשֵׁי יִשְׂרָאֵל לְכוּ בִּשְׁמוּאֵל. כִּי תֵצֵא. וַיַּאַסְפוּ פְּלִשְׁתִּים אֶת
מַחֲנֵיהֶם עַד וַיְיָ יִהְיֶה עִמָּךְ בִּשְׁמוּאֵל. וְהָיָה כִּי תָבוֹא. אָז יִבְנֶה יְהוֹשֻׁעַ

מִזְבֵּחַ עַד וְלֹא הָיָה כַּיּוֹם הַהוּא בִּיהוֹשֻׁעַ. אַתֶּם נִצָּבִים. וַיֶּאֱסֹף יְהוֹשֻׁעַ אֶת כָּל שִׁבְטֵי יִשְׂרָאֵל עַד כְּרָמִים וְזֵיתִים אֲשֶׁר לֹא נְטַעְתֶּם בִּיהוֹשֻׁעַ. הַאֲזִינוּ. וְלָקַחְתִּי אֲנִי מִצַּמֶּרֶת הָאֶרֶז עַד וְהָשִׁיבוּ וְחָיוּ בִּיחֶזְקֵאל. וְזֹאת הַבְּרָכָה. וַיְהִי אַחֲרֵי מוֹת מֹשֶׁה עֶבֶד יְיָ׳ וּמְדַלֵּג עַד וַיְהִי יְיָ׳ אֶת יְהוֹשֻׁעַ בִּיהוֹשֻׁעַ. כָּל שַׁבָּת שֶׁקּוֹרִין בָּהּ שְׁתֵּי פָּרָשִׁיּוֹת מַפְטִירִין בָּהּ מֵעִנְיַן פָּרָשָׁה אַחֲרוֹנָה וְזוֹ הַמִּנְהָג בְּרֹב הַמְּקוֹמוֹת. וְכֵן נָהֲגוּ רֹב הָעָם לִהְיוֹת מַפְטִירִין בְּנֶחָמוֹת יְשַׁעְיָהוּ מֵאַחַר תִּשְׁעָה בְּאָב עַד רֹאשׁ הַשָּׁנָה. בְּשַׁבָּת שֶׁאַחַר תִּשְׁעָה בְּאָב נַחֲמוּ נַחֲמוּ עַמִּי. בַּשְּׁנִיָּה וַתֹּאמֶר צִיּוֹן. בַּשְּׁלִישִׁית עֲנִיָּה סוֹעֲרָה. בָּרְבִיעִית אָנֹכִי אָנֹכִי הוּא מְנַחֶמְכֶם. בַּחֲמִישִׁית קוּמִי אוֹרִי. בַּשִּׁשִּׁית רָנִּי עֲקָרָה. בַּשְּׁבִיעִית שׂוֹשׂ אָשִׂישׂ בַּייָ׳:

5 בְּרִיךְ רַחֲמָנָא דְּסַיְּעָן - נִגְמַר סֵפֶר שֵׁנִי סֵפֶר אַהֲבָה בְּסִיעַתָּא דִּשְׁמַיָּא.

6 הִלְכוֹתָיו שֵׁשׁ. וּמִנְיַן פְּרָקָיו שִׁשָּׁה וְאַרְבָּעִים. וְאֵלּוּ הֵן:

7 הִלְכוֹת קְרִיאַת שְׁמַע ד׳ פְּרָקִים: הִלְכוֹת צִיצִית ג׳ פְּרָקִים: הִלְכוֹת תְּפִלָּה וּבִרְכַּת כֹּהֲנִים ט״ו פְּרָקִים: הִלְכוֹת בְּרָכוֹת י״א פְּרָקִים: הִלְכוֹת תְּפִלִּין מְזוּזָה וְסֵפֶר תּוֹרָה י׳ פְּרָקִים: הִלְכוֹת מִילָה ג׳ פְּרָקִים:

Mishneh Torah, Sabbath

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Chapter 1

1 Resting from labor on the seventh day fulfills a positive commandment, as [**Exodus 23:12**] states, "And you shall rest on the seventh day." Anyone who performs a labor on this day negates the observance of a positive commandment and also transgresses a negative commandment, for [*ibid.* 20:10] states, "Do not perform any labor [on it]."

What are the liabilities incurred by a person who performs labor [on this day]? If he does so willingly, as a conscious act of defiance, he is liable for *karet*; if witnesses who administer a warning are present, he should be stoned [to death]. If he performs [labor] without being conscious of the transgression, he is liable to bring a sin offering of a fixed nature.

2 Whenever the expression, "one who performs this is liable" is used within the context of the Sabbath laws, the intent is that he is liable for *karet*, and if witnesses are present and administer a warning, he is liable to be stoned to death. If he performs such an activity without being aware of the transgression, he is liable for a sin offering.

3 Whenever the expression, "one who performs this is not liable" is used, the intent is that he is not liable for *karet*, for [execution by] stoning, or for bringing a [sin] offering. It is, however, forbidden to perform this act on the Sabbath.

In such an instance, the prohibition is Rabbinic in origin and was

instituted as a safeguard against [the performance of] labor. A person who performs such an act is given "stripes for defiance."Similarly, whenever the expressions "this should not be performed..." or "it is forbidden to do this on the Sabbath" are used, a person who performs such an act as a conscious act of rebellion is given "stripes for defiance."

4 Whenever the expression, "it is permissible to do this" is used, the intent is that, at the outset, one may perform this act. Similarly, whenever the expressions, "one is under no obligation" or "one is not liable at all" are used, one does not receive any punishment at all [for performing such an act.]

5 It is permissible to perform an act that is permitted on the Sabbath, despite the fact that it is possible - but it is not an absolute certainty - that, [as a result of one's actions], a forbidden labor will be performed, provided one does not have the intent to perform that labor.

What is implied? A person may drag a bed, a chair, a bench and the like [on the ground] on the Sabbath, provided he does not intend to gouge out a groove in the earth while dragging them. Therefore, even if he did gouge out [a groove] in the ground [while dragging them], it is of no consequence, for he did not have this intent in mind.

Similarly, a person may tread on grass on the Sabbath, as long as his intent is not to uproot it. Thus, should it be uprooted, that is of no consequence. Also, a person may rub powdered herbs and the like over his hands, provided he does not intend to remove his hair. Therefore, if the hair is removed, it is of no consequence. Based on the same rationale, one may

enter a narrow opening on the Sabbath even though, [while doing so,] one causes pieces of the wall to fall. Similarly, it is permissible to perform any act with similar repercussions, provided that one does not have the intent of doing so.

6 [In contrast,] when one performs a deed that results in the performance of a forbidden labor, and it is a certainty that this deed will cause [that labor] to be performed, one is liable even though one did not intend [to perform the forbidden labor].

What is implied? A person needs a fowl's head to serve as a toy for a child, and therefore cuts off the [fowl's] head on the Sabbath; although his ultimate purpose is not merely to slaughter the chicken, he is liable. It is obvious that it is impossible for the head of a living being to be cut off and for that being to survive. Instead, the [fowl's] death came about because of [this activity]. [Therefore, he is liable.] The same applies in other similar situations.

7 Anyone who performs a [forbidden] labor - even if he has no need for the actual labor he performed - is liable for his deed.

What is implied? A person extinguished a lamp because he needed [to save] the oil or the wick from being destroyed or from burning or so that the earthenware reservoir of the lamp [that holds the oil] would not break. Since he had the intent of extinguishing the lamp, even though he did not do so for the [usual] purpose of extinguishing, but merely for the sake of the oil, the wick or the earthenware, he is liable.

Similarly, a person who moves a thorn four cubits in the public domain or

extinguishes a coal so that many people will not be injured by it, is liable. Although the [usual] purpose [served] by extinguishing [the coal] or moving [the thorn] is not important to him, and his intent was merely to prevent injury, he is liable. The same applies in other similar situations.

8 Whenever a person intends to perform a forbidden labor, but instead [through his actions] causes the performance of another forbidden labor for which he had no intent, he is not liable, because his intent was not carried out.

What is implied? A person threw a stone or shot an arrow at a colleague or at an animal with the intent of slaying them. Should [the object that he propelled] uproot a tree in its progress and not kill [the intended victim], he is free of liability.

How much more so does this principle apply if one had the intent of performing a lesser transgression and one performed a more serious one. For example, a person intended to throw [a stone] into a *carmelit,* and instead, the stone passed into the public domain. He is not held liable. The same applies in other similar circumstances.

Should a person have the intent of performing a permitted act and instead perform another act [which is forbidden], he is not held liable. For example, should he intend to cut produce that was not attached to the ground, and instead cut produce attached to the ground, he is not held liable. The same applies in other similar situations.

9 Should a person intend to pick black figs and pick white figs instead - or should he intend first to pick figs and then to pick grapes, but instead

picked grapes and then figs - he is not liable. He in fact picked everything that he desired, but because he did not pick them in the order that he intended, he is not held liable, since he did not act according to his intent. It is "purposeful labor" that the Torah forbade.

10 When a person had two candles before him and both of them were either burning or extinguished, and he desired to kindle or extinguish one, but instead he kindled or extinguished the other, he is liable, for he performed the [forbidden] labor that he intended to perform.

To what can the matter be compared? To a person who intended to pick one fig and picked another instead, or to a person who desired to kill one [living being] and killed another instead. [He is liable,] because the [forbidden] labor which he intended to do was performed.

11 One is, however, freed of liability [in the following instance: There were two candles before a person, one lit and one extinguished.] The person intended to kindle the [one that was extinguished] first and to extinguish the second candle afterwards. Nevertheless, the order [of his actions] became reversed, and instead, he extinguished the candle first and kindled the second candle afterwards.

If he extinguished one and kindled the other in a single breath, he is liable. Although he did not kindle the first candle before [extinguishing the other], he did not delay [its lighting], and performed both activities simultaneously. Therefore, he is liable. The same applies in other similar circumstances.

Whenever a person performs a [forbidden] labor casually, without specific

intention, he is not liable.

12 Whenever a person intended to perform a forbidden labor and performed it more effectively than he had originally intended, he is liable. If [he performs it] less effectively than he had originally intended, he is not liable.

What is implied? A person intended to carry a burden suspended behind him and instead, it swung in front of him. He is liable, for he intended to protect it in a less effective manner, and it was ultimately protected in a more effective manner. If, however, he intended to carry a burden suspended before him, and instead it swung behind him, he is not liable, for he intended to protect it in a more effective manner and, it was ultimately protected in a less effective manner.

13 [A person who transfers an article from one domain to another is held liable in the following situation]: He was wearing a belt and he placed a burden that is commonly transferred in this manner between his body and his garment. Whether the burden hung in front of him or it had shifted behind him [at the time he transferred it], he is held liable, since it is likely to shift position.

14 Whenever a person desired to perform a [forbidden] labor on the Sabbath, began the performance of that labor, and performed an amount of work sufficient to incur liability, he is held liable, even if he did not complete the task he desired to perform.

For example, a person desired to write a note or a contract on the

Sabbath. We do not say that he is not liable until he completes his desire and writes the entire note or contract. Instead, as soon as he writes two letters, he is liable.

Similarly, a person who desires to weave an entire garment is held liable after weaving two strands. Although he intended to complete [the entire garment], he is held liable because he intentionally performed the amount of work sufficient to incur liability. The same applies in all similar situations.

15 Whenever two people share in the performance of a [forbidden] labor that one of them could have performed by himself, they are [both] free of liability.

This applies whether one performed part of the [forbidden] labor and the other performed the remainder - e.g., one removed an article from one domain and the other placed it down in the other domain - or they both performed the [forbidden] labor together from the beginning to the end. For example, they both held a pen and wrote, or they both held a loaf of bread and transferred it from one domain to another.

16 When, however, a single individual cannot perform [the forbidden labor] alone and must be joined by others, [all the individuals involved are held liable]. For example, two people held a beam and transferred it to the public domain. Since neither one of them had the strength to perform this task alone, and they performed it together from the beginning to the end, they are both held liable. The minimum amount of work for which they are held liable is the same as for a single individual who performs

such a task.

[The following decision applies when] one of them has sufficient strength to transfer the beam alone, but the other is unable to transfer it alone. If they join together and transfer the beam, the one who is capable [of moving it himself] is held liable. The second one is considered [merely] as offering assistance, and a person who offers assistance [in this fashion] is not liable at all. The same applies in other similar situations.

17 Whenever [a forbidden labor is performed] in a destructive manner, one is not held liable. What is implied? A person who injures a colleague or an animal with a destructive intent, one who rips or burns garments, or one who breaks utensils with a destructive intent is not held liable.

A person who dug a pit solely because he needed the earth inside it is considered as having performed a [forbidden] labor with a destructive intent, and is therefore free of liability. Although he performed a [forbidden] labor, he is not held liable because he had a destructive intent.

18 Whenever a person carries out a destructive activity for the sake of ultimately performing a constructive activity, he is liable. For example, a person who demolishes [a structure] in order to build [another] in its place, one who erased for the sake of writing [something else] in the place of the erasure, or one who dug a pit in order to place the foundations of a structure within. The same applies in other similar situations.

The minimum measure of the destructive activity for which he is held liable is equal to that of the correspondent positive activity.

19 Whenever a person performs a [forbidden] labor on the Sabbath, partially with intent and partially unintentionally, he is not liable. [This law applies] regardless of whether one began the performance of the [forbidden] labor intentionally and completed it unintentionally, or one began the [forbidden] labor unintentionally and completed it intentionally.

One is liable for *karet* only when one performs the entire minimum measure of a [forbidden] labor intentionally from the beginning to the end. [In such a circumstance,] were witnesses who administered a warning to be present, one would be liable for execution by stoning. Conversely, one is liable to bring a sin offering of a fixed nature when one performs the entire minimum measure of a [forbidden] labor unintentionally from the beginning to the end.

Chapter 2

1 The [laws of] the Sabbath are suspended in the face of a danger to life, as are [the obligations of] the other mitzvot. Therefore, we may perform - according to the directives of a professional physician of that locale - everything that is necessary for the benefit of a sick person whose life is in danger.

When there is a doubt whether or not the Sabbath laws must be violated on a person's behalf, one should violate the Sabbath laws on his behalf, for the Sabbath laws are suspended even when there is merely a question of danger to a person's life. [The same principles apply] when one physician says the Sabbath laws should be violated on a person's behalf and another

physician states that this is not necessary.

2 [The following laws apply when physicians] determine on the Sabbath that a person needs [a treatment to be administered] for eight days. We do not say that we should wait until the evening so that it will not be necessary to violate two Sabbaths on his behalf. Instead, the treatment is begun immediately, on the Sabbath, and even one hundred Sabbaths may be violated on his behalf.

As long as a person is dangerously [ill] - or even if there is a question whether or not he is dangerously [ill] - and requires treatment, [the Sabbath] should be violated [on his behalf]. A lamp may be lit on his behalf and extinguished on his behalf. [Animals] may be slaughtered on his behalf, [food] baked and cooked on his behalf, and water heated for him, whether to drink or to use for bathing.

The general principle for a person who is dangerously ill is that the Sabbath should be considered as a weekday regarding all his needs.

3 When such treatment is administered, it should not be administered by gentiles, by children, by servants, or by women, so that they will not view the Sabbath flippantly. Instead, the treatment should be administered by the leaders of Israel and the wise.

It is forbidden to hesitate before transgressing the Sabbath [laws] on behalf of a person who is dangerously ill, as [reflected in the interpretation in the phrase of **Leviticus 18:5**,] "which a person shall perform to live through them," as "['to live through them'] and not to die through them." This teaches that the judgments of the Torah do not [bring] vengeance to

the world, but rather bring mercy, kindness, and peace to the world. Concerning those non-believers who say that [administering such treatment] constitutes a violation of the Sabbath and is forbidden, one may apply the verse [**Ezekiel 20:25**]: "[As punishment,] I gave them harmful laws and judgments through which they cannot live."

4 When a person's eyes are ailing - i.e., when he has a secretion from either one or both of them, when tears flow from them due to great pain, when blood flows from them, or when they are affected by fever, or by other afflictions of this like - he is considered among those individuals who are dangerously ill. The Sabbath may be violated on his behalf, and anything necessary for his treatment may be performed for him.

5 Similarly, a person who has a wound in his body cavity - from his lips inward, whether in his mouth, his digestive organs, his liver or spleen, or any of the other organs in his body cavity - is considered to be dangerously ill and does not require [a physician's] assessment [of his condition]. His ailment is serious, and we should violate the Sabbath laws on his behalf immediately without [waiting for] an assessment.

A wound on the back of the hand or on the back of the foot is considered equivalent to a wound in the body cavity. It does not require [a physician's] assessment [of his condition] for us to violate the Sabbath laws on his behalf. A fever that causes the flesh to wince is considered equivalent to a wound in the body cavity, and we should violate the Sabbath laws on this person's behalf.

Similarly, we should violate the Sabbath laws whenever a physician assesses

an ailment as dangerous, even when it affects only the exterior of a person's skin.

6 When a person swallows a leech, water may be heated for him on the Sabbath, and any medical treatment that is necessary may be administered, since his life is in danger. Similarly, when a person is bitten by a rabid dog or a poisonous snake or other reptile, any medical treatment that is necessary to save him may be administered. [The same laws apply] even when there is merely a question of whether or not [the bite] can cause death.

7 When physicians assessed that a sick person required a fig, and ten people ran and brought him ten figs at once, they are all absolved of liability entirely.

[The same decision applies] if the ten people brought the figs one after another, even when he recuperated after the first fig, for all of them had license to bring them.

8 If a sick person required two figs, and two figs could be found only on two separate stems - while three figs were found on another stem - we should remove the stem that has three figs, even though only two are required. [It is preferable] to cut only one stem and not two stems, so as not to increase [the performance of the forbidden labor of] gleaning. The same applies in all similar situations.

9 When food is cooked for a sick person on the Sabbath and the sick person leaves some over after eating, a healthy person is forbidden to eat from the

remainder, lest [this cause] more food to be added for him.

When, however, an animal is slaughtered for a sick person on the Sabbath, it is permissible for a healthy person to partake of uncooked meat [from that animal]. A decree was not enacted, because there is no possibility of an additional [activity] being performed [for a healthy person]. The same applies in all similar situations.

10 When a sick person is not dangerously ill, all his needs should be cared for by a gentile. What is implied? We may tell a gentile to perform [forbidden labors] on his behalf and he performs them. [This includes] cooking, baking, bringing medicine from one domain to another and the like. Similarly, one may have one's eyes treated by a gentile on the Sabbath even though there is no danger involved.

Furthermore, if [the sick] require treatment that does not involve the performance of [forbidden] labors, they may be treated even by Jews. For this reason, it is permitted to perform [physical activities for the benefit of the sick]; for example, one may lift [the tendons of] the ears, lift up cartilage around the heart, restore broken bones to their places, or perform other activities of this like.

11 When a woman in the process of childbirth squats to give birth, her life is considered in danger and the Sabbath laws may be violated on her behalf. A midwife may be called from a distant place and the umbilical cord may be cut and tied.

If she requires a light when she cries out because of labor pains, a candle may be lit for her. [This leniency is granted] even if she is blind, because

light has a calming influence even if she does not see.

If she needs oil or the like, it may be brought for her. If possible, the items that are brought should be brought in an uncharacteristic manner; for example, a friend should bring a utensil tied in her hair. If this not possible, it may be brought in the ordinary manner.

12 We should not help an idolatress give birth on the Sabbath, even if payment is offered. We do not worry about the possibility of ill-feelings being aroused. [This applies even when] there is no violation [of the Sabbath laws] involved.

[In contrast,] one may offer assistance to a daughter of a *ger toshav* who gives birth, since we are commanded to secure his well-being. We may not, however, violate the Sabbath laws on her behalf.

13 From the time a woman in childbirth has a flow of blood until the birth - [and indeed,] after birth for three days - the Sabbath laws may be violated on her behalf, and all her needs should be met. [This applies] regardless of whether she says she requires such treatment or she maintains that she does not require such treatment.

Between the third and the seventh day [after childbirth], if she maintains that she does not require treatment, the Sabbath laws should not be violated on her behalf. If she remains silent, and certainly if she maintains that she requires treatment, the Sabbath laws should be violated on her behalf. Between the seventh and the thirtieth day, her status is analogous to that of a sick person who is not dangerously ill. Even if she maintains that she requires treatment, [forbidden] labors should be performed on

her behalf only by a gentile.

14 A fire may be kindled for a woman after she has given birth even in the summer, since cold is very difficult for a woman to bear after childbirth in the cold regions. In contrast, a fire should not be kindled for other sick people to warm themselves. Nevertheless, if a person let blood and became chilled, a fire may be kindled for him even in the summer.

After cutting his umbilical cord, we may wash a new born baby on the day he is born, even when this requires heating the water on the Sabbath. Herbal powder can be applied to his skin and his limbs can be tied, for it is dangerous not to perform these activities for him.

Similarly, a baby may be washed before circumcision, after circumcision, and on the third day after circumcision with water that is heated on the Sabbath, because of the danger [to him].

15 When a woman dies while in labor on the Sabbath, a knife should be brought - even if it must be carried through the public domain - and the woman's womb cut open and the fetus removed, for it is possible that it will still be alive.

[The rationale for this ruling is] that the Sabbath laws are violated even when there is only a possibility of saving a life, and even in such instances, where there is no *chazakah* on which to base our presumption that the fetus is alive.

16 [All] activities necessary to save a life should be performed on the Sabbath; there is no necessity to receive license from the court. The more zealous

one is [in this regard], the more praiseworthy.

What is implied? If one sees that a child has fallen into the sea, one may spread out a net and hoist him up, although one catches fish together with him. If a person hears that a child fell into the sea and spreads out a net to hoist him up, but raises up only fish, he is absolutely free of liability.

If he intended to raise up fish and [in fact] lifted up both fish and a child, he is not held liable. Since he lifted up a child together with the fish, he is not held liable even when he did not hear that the child had fallen into the water.

17 If a child fell into a pit, a person may dislodge a clod of earth, and lift [the child] up, even though he creates a step when he dislodges it. If a door was locked with a child inside, a person may break the door down and take the child out, even though he chops it into pieces of wood which are appropriate to use for work, lest the child become frightened and die.

If a fire broke out and a person is inside the building and we fear that he may be consumed by the flames, a person may extinguish the fire to save him, although he prepares a pathway while extinguishing the fire. Whoever acts first to save him is praiseworthy. One does not need to ask permission from the court in all instances when there is a danger to a person's life.

18 When an avalanche has fallen, and there is a doubt whether or not it has fallen over a person, it may be cleared. If the person was discovered to be alive, but was crushed [by the fallen debris] to the extent that it is impossible that he will recover, [the debris] may be cleared and the person

taken out to enable him to live [however] long he does.

19 If [in the process of clearing the debris,] they [reached] his nose and saw that he was not breathing, he should be left there, for he has died already.
Although it is discovered that people on the upper level of a landslide have died, one should not assume that those on the lower levels have died. Instead, [the debris] should be cleared away from all of the people, for in a landslide it is possible that those on the upper level will die, while those on the lower level will remain alive.

20 When an avalanche fell on a courtyard in which were located both gentiles and Jews - even if there were a thousand gentiles and only one Jew, we should remove all [the debris] for the sake of the Jew. Should one of the individuals leave and enter another courtyard and that courtyard collapse upon him, we should remove [the debris]. Perhaps the person who departed was a Jew, and [all] those who remain were gentiles.

21 When they all left this courtyard to go to another courtyard, and as they were proceeding, one of them whose identity is unknown departed and entered a third courtyard and was covered by an avalanche, [the debris] should not be removed from him.
Since they left their original place, [the presence of] a Jew is not accepted as an established fact. Hence, we assume that anyone who separated from this group as it was proceeding was part of the majority. Accordingly, if the majority were Jewish, even a person separated from them [who entered] another courtyard after they left their original place - should he

be covered by an avalanche, we should remove [the debris] from him.

22 A person who is traveling in the desert and does not know which day is the Sabbath should count six days and consider the seventh day as holy. He should recite the blessing of the day [*Kiddush*] and recite *Havdalah* at the conclusion of this "Sabbath" day.

Every day, even on the day on which he recites *Kiddush* and after which he recites *Havdalah*, he is allowed to earn only enough for his livelihood, so that he will not die. It is forbidden for him to earn more than his livelihood, for there is a possibility that every day is the Sabbath.

If the person knows that the day is the eighth day or the fifteenth day after his departure, he is allowed to work on that day, for it is certain that he did not depart on the Sabbath. On the other days, he is allowed to earn merely his livelihood.

23 [The following rules apply] when gentiles lay siege to Jewish cities: If their intent was financial gain, the Sabbath laws should not be violated because of them, nor are we allowed to wage war against them. If a city is located near the border, however, we should march against them with weapons and wage war against them even when they are demanding hay or straw.

In any location, if the gentiles' intent was Jewish lives, or if they engaged in battle with a city or laid siege to it without stating a specific intention, we must wage war against them, and the Sabbath laws should be violated because of them. It is a mitzvah for every member of the Jewish people who can come [to their assistance] to go out and aid their brethren who are under siege and save them from the gentiles [although it is the]

Sabbath. It is forbidden to wait until Saturday night.

After they have saved their brethren, they may return home with their weapons on the Sabbath, so that a dangerous situation will not be created in the future.

24 Similarly, if a ship is sinking at sea or a city is surrounded by a [flooding] river, it is a mitzvah to go out on the Sabbath and use every possible means to save them.

Even when a single individual is being pursued by gentiles, by a snake, or by a bear with the intent to kill him, it is a mitzvah to save him, even when it is necessary to perform several forbidden labors on the Sabbath. It is even permitted to forge weapons to save him. Similarly, we should cry out [to God] on their behalf, make supplications, and sound the trumpets to summon help for them.

We should not cry out [to God] or make supplications because of plague on the Sabbath.

25 We should lay siege to gentile cities [at least] three days before the Sabbath. We may wage war with them on any day, even on the Sabbath, until we conquer [the city], even if the war is voluntary in nature. The oral tradition, interprets [**Deuteronomy 20:20**] "until you have subjugated it," as teaching that [one should wage war] even on the Sabbath.

Surely, the above applies with regard to a war that we are obligated to wage. Indeed, it was on the Sabbath that Joshua conquered Jericho.

Chapter 3

1 It is permissible to begin the performance of a [forbidden] labor on Friday, even though the labor is completed on its own accord on the Sabbath itself, for the prohibition against work applies only on the Sabbath itself. Moreover, when a task is carried out on its own accord on the Sabbath, we are permitted to derive benefit from what was completed on the Sabbath.

2 What is implied? We may open an irrigation channel to a garden on Friday, causing it to continue to fill throughout [the Sabbath] day. We may place [burning] incense under garments, causing them to continue to be made fragrant throughout the entire Sabbath. We may apply salve to an eye or a bandage to a wound, causing them to continue to heal throughout the Sabbath.

We may mix ink with herbs before night and let the mixture soak throughout the entire Sabbath. We may place wool into a vat or strands of flax into an oven so that their [color] continues to change throughout the entire Sabbath.

We may lay out snares for wild beasts, birds, and fish at nightfall so that they continue being captured throughout the entire Sabbath. We may load the beams of an olive press or the round stones of a grape press at nightfall so that the liquids will continue to flow throughout the entire Sabbath. Similarly, we may light a candle or a fire [before] evening so that it continues to burn throughout the entire Sabbath.

3 A pot may be placed over a fire, or meat may be placed in an oven or over coals [on Friday], so that they continue to cook throughout the Sabbath

[with the intent] that they be eaten on the Sabbath. With regard to this matter, however, there are certain restrictions that were enacted lest one stir the coals on the Sabbath.

4 What is implied? When food has not been cooked to the extent that it is ready to serve, water has not been boiled, or food has been cooked to the extent that it is ready to serve, but the longer it cooks the better it tastes, it may not be left over a fire on the Sabbath even though it was placed there before the commencement of the Sabbath, lest one stir the coals to complete the cooking process or to cause it to cook more thoroughly.

Accordingly, it is permissible to leave [food cooking] if one removed the coals one covered the coals in the range with ash or with thin chips from the combing of flax, the coals burned low, for then they are covered with ash, or the fuel used was straw, stubble, or the feces of a small animal, for then no coals will remain.

[In these instances, it is obvious that] the person has diverted his intention from this food. Hence, a decree was not [enacted forbidding food to be left on the fire] lest he stir the coals.

5 When does the above apply? With regard to a range whose heat is minimal. With regard to an oven, in contrast, even if one removed the coals, covered them with ash, or used straw or stubble as fuel, we are not allowed to leave food in it or on it. Similarly, one should not put food close to it.

[This applies to] food that was not cooked to completion or was completely cooked, but will benefit from continued cooking. Since [an

oven] is very hot, a person will not divert his attention [from the fire]. Hence, we suspect that he will stir the small fire that remains, even if it is straw or stubble, or even if it is covered.

6 Why did [the Sages] forbid leaving food in the oven even if the fire was removed? Because a person can remove only the majority of the coals and their most intense [heat]. It is impossible to remove the entire fire so that not even a spark remains. Since [an oven's] heat is very warm, we suspect that he will stir [the fire] so that the sparks that remain in the oven will burn more.

7 A *kopach* is warmer than a range and not as warm as an oven. Therefore, if wood or *gefet* is used as fuel, it is considered equivalent to an oven, and we are not permitted to leave food within it, upon it, or next to it if it was not completely cooked, or even if it was completely cooked, but will benefit from continued cooking. This applies even if the fire was removed or covered with ash.

If straw or stubble was used as fuel, it is bound by the same rules as a range that was fueled with straw or stubble, and [food] may be left [cooking] on it. What is a range and what is a *kopach*? A range is a place with an opening for two pots. A *kopach* is a place with an opening for a single pot.

8 When food has not been cooked at all or has been cooked to completion, but will be impaired by further cooking, it is permitted to leave it cooking whether on a range, a *kopach*, or an oven. Similarly, even when food has

been cooked, but has not been cooked to completion, or when it has been cooked to completion, but will benefit from further cooking, it may be left on the fire if one placed an uncooked piece of meat in it shortly before nightfall, for the whole dish is considered to be entirely uncooked. [This applies] although one has not removed or covered the coals, for he has diverted his attention [from this food] and will not stir the coals.

9 [The following rules apply] whenever a person left food [on a fire] in a situation where he was prohibited against doing so: If he transgressed and left [the food cooking intentionally], he is prohibited to eat it until Saturday night, and must wait until enough time passes for it to have cooked. If he forgot [to remove it from the fire on Friday, greater leniency is allowed.] If the food was not completely cooked [before the commencement of the Sabbath], it is forbidden to eat it until Saturday night. If it was completely cooked, but further cooking will benefit it, it is permitted to be eaten immediately on the Sabbath.

10 Whenever [food] is permitted to be left on a fire, if it was taken from [the fire] on the Sabbath, it is forbidden to return it to its place. [Food[may be returned only to a range from which the coals have been removed or covered or to a range or a *kopach* that was heated with straw or with stubble.

[This leniency is granted] provided the food was not placed on the ground. If it was placed on the ground, it may not be returned even to a range whose coals were removed or covered. Similarly, [food] may not be returned to an oven or to a *kopach* that was heated with *gefet* or wood,

despite the fact that one has removed or covered the coals, for they are very hot.

Whenever food should not be returned [to a cooking surface], it should also not be placed next to it [to warm].

11 It is forbidden to insert a ladle into a pot to remove [food] while it is on a fire on the Sabbath, because while doing so, one stirs it. [Stirring] is one of the activities necessary for cooking, and thus one will be cooking on the Sabbath.

It is permissible to shift a pot from one range to another, even when the heat of the first range is not as great as the heat of the second range. One may not, however, take food that was on a range and cover it to maintain its heat, or take food that was covered to maintain its heat and place it on a range.

12 A person should not fill a pot with peas or beans or a jug with water and place them in an oven on Friday before nightfall and leave them [to cook]. Even when the above and other foods like them were not cooked at all, they are considered to be food that was not completely cooked, because they do not require a substantial [amount of time to] cook. Therefore, the person will continue to pay attention to them, for he intends to partake of them immediately. Accordingly, it is forbidden to leave them in an oven [unless they are completely cooked].

If one transgressed and left them in an oven, it is forbidden to partake of them until Saturday night. [Even then,] one must also wait the amount of time necessary for them to cook.

13 [The following rules apply when] meat was placed in an oven before nightfall and left [to roast] on the Sabbath: If the meat is from a kid or it is other [tender] flesh, it is permitted. [Such meat] requires only the warmth of the fire itself, and if one stirs the coals the meat will char. If the meat is from a goat or an ox, it is forbidden, lest he stir the coals to cause it to cook [faster].

If, however, one sealed the opening of the oven closed with clay, [roasting even the latter meats] is permitted, for if one opens the oven to stir [the coals], the wind will enter and cause the meat to harden and spoil. The oven will cool [suddenly] and the meat will spoil.

14 Similarly, whenever something would be spoiled by the wind, we do not decree [against its being heated], because someone might open [the oven] and stir [coals]. For this reason, we may place strands of flax into an oven [to bleach] before nightfall, for if one opens the oven, they will spoil.

15 If one placed an entire kid into an oven, [the situation] is governed by the laws applying to meat from a goat or an ox, and it is forbidden, lest one stir the coals, unless one seals the oven [closed].

[If the fourteenth of Nisan falls on Friday,] it is, however, permitted to hang the Paschal lamb into an oven directly before nightfall, even though it is not sealed closed. The members of the company [gathered to eat the sacrifice] are careful.

16 Meat, onions, or eggs should not be roasted over an [open] fire, unless they can be roasted before nightfall to the point where they are fit to be

eaten. [If they are roasted to this extent before the commencement of the Sabbath], it is permissible to leave them on the fire on the Sabbath to be roasted further.

[The rationale is] that [increased heat] will impair their taste. Since they are being cooked over a fire, if one stirs [the coals] they will char.

For this reason, we are allowed to leave incense under clothes before nightfall [to perfume them]. For if one stirs the coals, the incense will burn and the clothes will be [damaged by] the smoke.

17 From the above, we can conclude that all the prohibitions mentioned in this context were not enacted because [the cooking] was completed on the Sabbath. Instead, they are Rabbinic decrees [enacted] lest one stir the coals. Accordingly, wool should not be placed into a vat [to dye] unless it was removed from the fire, lest one stir the coals. Similarly, the vat should be sealed close with clay, lest one stir [the dye] after nightfall.

18 We should not place bread in an oven [directly] before nightfall, nor should we place a cake on coals unless [there is time] for the surface attached to the oven or [the side of the cake] facing the fire to crust. [Should this be done,] it is permissible to leave it to continue baking afterwards, for if one stirs [the coals], one will spoil the bread.

[The following rules apply when one places bread in an oven] before nightfall and there is not sufficient time for its surface to crust before nightfall. If one did so with a deliberate intent to violate [the above ruling], it is forbidden to partake of the bread until Saturday night, after sufficient time for it to bake has passed.If one did so unknowingly, it is

permitted to remove bread for the three Sabbath meals. When one removes the bread, one should not remove it using a baker's peel as one does during the week. Instead, one should use a knife or other similar utensil.

19 A person may make a fire from any substance he desires, regardless of whether] he kindles it on the ground or in a torch holder. When he lights it before nightfall, he may use its light, or warm himself from it on the Sabbath.

He must, however, kindle the majority of the fire before nightfall to the extent that the flame rises up on its own accord. If he did not kindle the majority of the fire, it is forbidden for him to benefit from it on the Sabbath, lest he stir or move the wood so the flame rises up. If he [desires to] burn a single piece of wood, he must kindle the majority of its thickness and the majority of its circumference before nightfall.

20 When does the above apply? Outside the Temple premises; but in the Temple, it is permissible to light a fire in the Chamber of the Hearth directly before nightfall. We do not suspect that anyone will stir the coals, for the priests are careful.

21 If a fire was made of reeds or of seeds, it is not necessary for the majority of it to be kindled before the Sabbath. Instead, since it caught fire before [the commencement] of the Sabbath, its use is permitted, for the fire will spread quickly through [these substances], and there is no necessity for one to stir it.

Therefore, if the reeds were bound together or the seeds were placed in palm baskets, the same laws applying to wood apply, and the flames must be powerful enough to rise up on their own accord before [the commencement] of the Sabbath.

22 When a fire is fueled with tar, sulfur, oily substances, wax, straw, or stubble, it is not required that the majority be kindled before the commencement of the Sabbath, because these substances catch fire quickly.

Chapter 4

1 There are substances which, if food is covered with them to preserve its heat, will raise its temperature and contribute to its being cooked as fire does - e.g., *gefet*, manure, salt, lime, sand; nor may we use grape skins, unprocessed wool, or grass [for this purpose] when they are damp, even when this is due to their natural moistness. These entities are referred to as substances that increase heat.

There are substances which, if food is covered with them to preserve its heat, will [accomplish that objective alone]. They will not contribute to the cooking process, but will merely prevent [the food] from cooling - e.g., grape skins, unprocessed fabrics, grass, when these are dry, garments, produce, pigeon feathers, thin chips from the combing of flax, carpenters' sawdust, pelts, and the shearings of wool. These entities are referred to as substances which preserve heat.

2 [The Torah's definition of the Sabbath] laws would allow one to cover food with substances that raise its temperature before nightfall, and thus the food would be covered and its heat preserved on the Sabbath, for it is permitted to leave food cooking on a fire on the Sabbath.

The Sages, however, enacted a decree forbidding covering food with substances that raise its temperature before nightfall, lest the pot boil on the Sabbath and it be necessary to uncover it until its boiling ceases. If one would then cover it again on the Sabbath, one would be covering food with a substance that increases its heat on the Sabbath, and this is forbidden.

Accordingly, it is permitted to cover food with substances that increase its temperature *beyn hash'mashot*, since at that time most pots have already boiled, and they [have cooled, so that] they cease boiling. Since they have already ceased boiling, it is unlikely that they will boil again.

3 Similarly, [the Torah's definition of the Sabbath] laws would allow one to cover food with substances that do not raise its temperature on the Sabbath itself. The Sages, however, enacted a decree forbidding this, lest a person cover food with a mixture of ash and coals that has sparks of fire, and stir the coals. [As a safeguard against this, the Sages] forbade covering food with any substance on the Sabbath, even when it will not raise the food's temperature.

4 If one is unsure whether it is before or after nightfall, one may cover hot food. Similarly, it is permitted to cover cold food with a substance that will not raise its temperature, to prevent it from becoming colder or to

remove its chill.

When hot food that was covered before the Sabbath becomes uncovered on the Sabbath, it may be covered again, since one is not increasing its temperature. It is permitted to change the covering of food on the Sabbath - e.g., one may replace clothing with pigeon feathers or replace pigeon feathers with clothing.

5 Should one transfer hot food or water from the vessel [in which it was cooked] into another vessel, it is permitted to cover the second vessel with a substance that does not raise its temperature on the Sabbath, as one is permitted to cover cold food. The prohibition against covering [food] on the Sabbath applies only to hot food in the vessel in which it was cooked. If it was transferred, it is permitted.

6 One may place one metal pot on another metal pot, an earthenware pot on another earthenware pot, an earthenware pot on a metal pot, and a metal pot on an earthenware pot, and one may seal [either an earthenware pot or a metal pot] closed with dough - one's intent being not that they should be heated more, but that their heat should be preserved.

The [Sages] forbade only covering [food] with other substances on the Sabbath. It is, however, permissible to place one vessel on another vessel so that they remain hot. In contrast, we may not place a vessel containing a cold substance on a hot vessel on the Sabbath, for by doing so one introduces heat to it. It is permissible, however, to place [cold food on a hot pot] before the Sabbath commences. It is not considered analogous to covering food with a substance that raises its temperature.

Chapter 5

1 The kindling of a Sabbath lamp is not a matter left to our volition - i.e., [it is not a matter about which,] if one desires, one may kindle it, but if one does not desire, one need not. Nor is it a mitzvah that we are not obligated to pursue - e.g., making an *eruv* for a courtyard or washing one's hands before eating. Instead, it is an obligation.

Both men and women are obligated to have a lamp lit in their homes on the Sabbath. Even if a person does not have food to eat, he should beg from door to door and purchase oil to kindle a lamp, for this is included in [the mitzvah of] delighting in the Sabbath.

One is obligated to recite a blessing before kindling [the Sabbath lamp], as one does before fulfilling any of the obligations incumbent upon us by virtue of Rabbinic decree. [The blessing is:] Blessed are You, God, our Lord who has sanctified us with His commandments and commanded us to light the Sabbath lamp.

2 It is permissible to make use of [the light of] a Sabbath lamp, provided that the matter does not require careful scrutiny. If, however, a matter requires one to look precisely, it is forbidden to use the Sabbath lamp to inspect it, lest one tilt [the lamp].

3 The person who lights the Sabbath lamp should light it while it is still day, before sunset.

Women have a greater obligation in this regard than men, for they are normally at home and are involved in the household tasks. Nevertheless, a

man should alert them concerning this matter and check that they have done so. He should tell the members of his household on the Sabbath eve before nightfall, "Kindle the lamp."

If there is a question whether night has fallen and the Sabbath has commenced or whether the Sabbath has not commenced, the lamp should not be kindled.

4 The time from sunset until the appearance of three middle-sized stars is universally referred to as *beyn hash'mashot*. There is a doubt whether this time is considered as part of the day or as part of the night. [Accordingly,] it is accepted to rule stringently concerning [this time] in all places. Therefore, one should not kindle [a lamp at this time]. A person who performs a [forbidden] labor *beyn hash'mashot* [both] on the Sabbath eve and on Saturday night is required to bring a sin offering.

The stars mentioned are not large stars that can be seen during the day or small stars that are seen only at night, but of moderate size. When such three medium-sized stars are seen, it is surely night.

5 The wick used for the Sabbath lights should not be made from a substance that causes the light to flicker - e.g., wool, goat's hair, silk, cedar fiber, uncarded flax, palm bast, various types of soft trees, and the like. Instead, [we should use] a substance that burns steadily - e.g., carded flax, [remnants of] linen clothes, cotton, and the like.

The person kindling [the lamp] should make sure that the fire has caught on the major portion of the wick that emerges [from the lamp].

6 [The following rules apply when] one winds a substance that one may use as a wick around a substance that one should not use as a wick: If one's intent was to make the wick thicker and thus increase its light, it is forbidden. If one's intent was to make the wick firmer so that it will stand erect and not hang downward, it is permitted.

7 One may place a grain of salt or a bean at the opening of a lamp on Friday so that it will burn [better] on the Sabbath.

All [the substances] that may not be used as wicks on the Sabbath may be used in a large fire [that was kindled] either for warmth or for the purpose of light whether the fire is within a holder or on the ground. The prohibition against using them applies solely in regard to their use as wicks for a candle.

8 The fuel used for kindling a Sabbath lamp must be drawn after the wick. Fuels that are not drawn after the wick may not be used. [These include] [molten] tar, [molten] beeswax, gourd oil, [fat from a] sheep's tail, or tallow.

Why may we not kindle with wicks that do not catch the fire well and with fuels that are not drawn after the wick? This is a decree [enacted] lest the light of the candle be dim and one tilt it in order to carry out an activity by its light.

9 One may use tallow or fish entrails that have been boiled [as fuel for a Sabbath lamp] provided that one mixes a minimal amount of oil with them. [Other] fuels that may not be used [as fuel for a Sabbath lamp] may

not be used even when they are mixed with fuels that may be used, since they are not drawn [after the wick].

10 We may not use pine sap as fuel [for the Sabbath lamp], because it produces an unpleasant fragrance, lest one leave [the room] and [on the Sabbath,] there is an obligation to sit [in a room] illuminated by the light of a lamp.

Similarly, we may not use balsam oil, because it is very fragrant and it is possible that one will take some of the oil in the lamp [for use as perfume]. Also, [balsam oil] is extremely flammable. For the latter reason, one may not use white naphtha [as fuel for a lamp] even during the week. It is extremely flammable and may cause a danger.

11 At the outset, one is permitted to use other oils - e.g., radish oil, sesame oil, turnip oil, or the like. It is forbidden to use only those which were explicitly mentioned by our Sages.

12 A person should not place a container with a hole filled with oil above the opening of a lamp so that the oil will drip in. Similarly, he should not fill a bowl with oil, put it next to a lamp, and place the end of the wick in it so that it will draw oil. [These were both forbidden as] a decree lest one remove the oil in the vessel which has not become repugnant in the lamp.

It is forbidden to derive benefit on the Sabbath from oil that was used for kindling, even when the lamp has become extinguished or it has dripped from the lamp [into another container]. [This is forbidden,] because the [oil] is considered *muktzeh* because it was set aside to be used for a

forbidden [labor].

[In the instance mentioned in the first clause,] if one attached the container to the lamp with cement, clay, or the like, it is permissible [to be used].

13 We may not place a container under a lamp to collect [the drippings of] oil, for by doing so, one nullifies the possibility of using that container. If, however, one placed it there before the commencement of the Sabbath, it is permitted.

One may place a utensil beneath a lamp on the Sabbath to collect the sparks, because they have no substance and thus, one does not nullify the possibility of carrying [that utensil]. It is forbidden, however, to place water within it, even if one does so on Friday, since by doing so, one causes the sparks to be extinguished sooner.

14 A person may not check his garments for lice by the light of a lamp or read by the light of a lamp. [This applies] even if the lamp was two storeys high. Even when there are ten storeys one on top of another, a person living in the bottom storey should not read or check his garments for lice by the light [of a lamp] in the highest storey, lest one forget and tilt the lamp.

If, however, two people are reading a single subject, they are permitted to read before a lamp, since one will remind the other if he forgets. This is not allowed when [they are concerned] with two [separate] subjects, for each one will be occupied with his subject.

15 Children may read in the presence of their teacher by the light of a lamp, for their teacher will watch over them. The teacher, by contrast, may not read, for he is not in fear [of his charges]. He may, nevertheless, look at a scroll by the light of a lamp to find the beginning of the passage that he needs to have them read. Afterwards, he should place the scroll in their hands and have them read for him.

16 One may not take articles that resemble each other and can be discerned from each other only after careful inspection to the light of a lamp to identify them, lest one forget and tilt the lamp.

For this reason, an attendant who is not permanently employed is forbidden to check cups and bowls by the light of a lamp, since he does not recognize them. This applies regarding both a lamp that uses olive oil and a lamp that uses kerosene although the latter produces much light.

In contrast, an attendant who is permanently employed may check cups and bowls by the light of a lamp, since he does not need to check them closely. Nevertheless, if olive oil was used as fuel for the lamp, he should not be instructed to check objects by its light although he is permitted to do so. This is a decree [enacted], lest he take from the oil.

17 When a lamp is burning behind a door, it is forbidden to open and close the door in one's ordinary manner, because one [might] extinguish it. Instead, one should open and close the door carefully.

It is forbidden to open a door opposite a fire on the Sabbath so that the wind will blow upon it [and fan the fire], even if there is only an ordinary wind. A Sabbath lamp may be placed on a tree that is attached to the

ground; there is no need for anxiety.

18 Six shofar blasts should be sounded in every Jewish city and town on Friday. These shofar blasts are sounded from a high place so that they can be heard by all the inhabitants of the city and its surroundings.

19 When the first shofar blast is sounded, the people in the fields should halt plowing, digging, and performing other labors in the fields. Those who are close to the city are not, however, permitted to enter the city until those who are distant come, so that they all enter at the same time. The stores may still remain open with their shutters in place.

When the second shofar blast is sounded, the shutters should be secured and the stores closed. Hot water and pots may still be left [cooking] on the ranges. When the third shofar blast is sounded, one should remove those pots one intends to remove, cover those one wishes to cover with insulating materials, and light candles.

One should wait the time it takes to roast a small fish or to stick a loaf of bread on [the side of the] oven, sound a *teki'ah*, a *teru'ah*, and a final *teki'ah* and cease activity.

20 The first *teki'ah* should be sounded at [*plag*] haminchah and the third [*teki'ah*] close to sunset. Similarly, the *shofar* should be sounded on Saturday night to [inform] the people that they are permitted [to tend] to their affairs.

21 When Yom Kippur falls on Friday, the shofar is not sounded. [When Yom Kippur] begins on Saturday night, the shofar should not be sounded, nor

should *havdalah* be recited.

When a festival falls on Friday, the shofar should be sounded and *havdalah* should not be recited. When a festival begins directly after the Sabbath, *havdalah* should be recited, but the shofar should not be sounded.

Chapter 6

1 It is forbidden for us to tell a gentile to perform work on the Sabbath on our behalf, although they are not commanded [to observe] the Sabbath. [This applies] even when the instructions were conveyed to them before the Sabbath and we do not require [the products of] their work until after the Sabbath.

The above is forbidden as a Rabbinical prohibition to prevent the people from regarding the Sabbath lightly, lest they perform [forbidden] labor themselves.

2 [The following rules apply] when a gentile performs a [forbidden] labor on the Sabbath on his own accord: If he performed it on behalf of a Jew, it is forbidden to benefit from that labor until one waits the amount of time necessary to perform the labor on Saturday night.

[The latter leniency is granted] provided the matter is not public notice - i.e., everyone knows that a particular task is being performed for a person on the Sabbath.

If [the gentile] performed [the labor] for his own sake alone, it is permitted to benefit from it on the Sabbath.

3 What is implied? If a gentile kindled a candle [for his own benefit], a Jew is also permitted to perform activity by its light. If [the gentile] kindled the light on behalf of the Jew, it is forbidden.

Similarly, if a gentile made a ramp to descend from a ship [himself], a Jew may descend after him. If he made it for the Jew, it is forbidden. If he filled a trench with water to allow his animal to drink, a Jew may have his own animal drink afterwards. If he did so for the sake of the Jew, it is forbidden.

If a [gentile] gathered grass to feed his animal, a Jew may bring his animal to eat from it provided that the gentile does not know this Jew. [If he does, it is forbidden,] lest he bring more on his behalf at which point he would be performing a [forbidden] labor on behalf of a Jew. Similarly, whenever there is a possibility that the gentile will add more [on a Jew's behalf], [a Jew] should not benefit unless [the gentile] does not know [the Jew].

4 In contrast, when a matter concerns a situation where there is no concept of increasing or decreasing [one's efforts for the sake of the Jew] - e.g., a light or a ramp - since [the gentile] performed these activities for his own sake, a Jew may benefit from them afterwards on the Sabbath, even when [the gentile] knows him.

[The following laws apply when] a lamp is kindled at a gathering [of Jews and gentiles] on the Sabbath: If most of the people in attendance are Jewish, it is forbidden to benefit from the light, since the one who kindles it does so for the sake of the majority. If the majority are gentiles, it is permitted to benefit from the light. If the proportions are equal, it is

forbidden..

If a fire broke out on the Sabbath and a gentile comes to extinguish it, we may not tell him, "Extinguish it," nor [must we tell him,] "Do not extinguish it," for his resting is not our responsibility. The same applies in all similar situations.

5 [The following principles apply when] gentiles make a coffin, dig a grave, or bring flutes to play mourning dirges on behalf of a deceased person:

If this was done discreetly, one must wait until that activity could have been carried out on Saturday night, and then the person may be buried using the above. If, however, the grave was located in a public square, the coffin was placed upon it, and all those who pass by say, "This activity that the gentiles are performing on the Sabbath is for the sake of so and so," that Jew may never be buried using the above, for this is a matter of public knowledge.

Another Jew, however, may be buried using the above, provided that the people wait the amount of time necessary for these activities to have been performed [after the Sabbath has concluded]. The same applies in all similar situations.

6 [The following rules apply when] a gentile brings flutes on the Sabbath to mourn a deceased person: Even though he brought them from just outside the wall, we are required to wait the time it takes to bring them from a close place after the Sabbath has concluded, and afterwards we may mourn with them. [This restriction stems from our suspicion] that he brought them from another place at night, and then entered with them in

the morning.

If one is certain that they were brought from another place on the Sabbath, one should wait [the amount of time] until it was possible to bring them from that place after [the conclusion of] the Sabbath. [The above leniencies apply] only when [the flutes were not brought] in a public square, as mentioned above.

7 [The following rules apply with regard to] a city inhabited by both Jews and gentiles that possesses a bathhouse that is open on the Sabbath: If the majority [of the bathers] are gentiles, it is permitted to bathe in it on Saturday night immediately [after the conclusion of the Sabbath].

If the majority of the bathers are Jewish, one must wait [the time it takes] for the water to heat. [The rationale is that] the water was heated for the majority of [the city's bathers]. If [the numbers of Jews and gentiles are] equal, one must wait [the time it takes] for the water to heat. The same applies in all similar situations.

8 A Jew who instructs a gentile to perform a [forbidden] labor on his behalf on the Sabbath commits a transgression and should be given stripes for rebellion [as punishment]. Nevertheless, he is permitted to benefit from the labor on Saturday night after waiting the time it takes for the labor to have been performed.

The following is the sole reason for which [the Sages] forbade using [the products of forbidden labor] until the time to perform the labor passes on Saturday night: If one permitted the use of [the products of forbidden labor] immediately [on Saturday night], a person might tell a gentile to

perform a [forbidden] labor on his behalf, so that [after the conclusion of the Sabbath], it will be immediately available for him. Since, however, [the products of forbidden labor] are forbidden until the time it takes for the labor to have been performed passes, he will not instruct a gentile to perform this task. It does not bring him any benefit at all, for on Saturday evening he must wait the time it takes for the labor to have been performed on the Sabbath.

9 A Jew is permitted to instruct a gentile to perform an activity that is not a [forbidden] labor and is prohibited from being performed on the Sabbath only as a *sh'vut*.[This leniency applies] provided that this is necessary because of a minor infirmity, a very pressing matter, or a mitzvah.

10 What is implied? On the Sabbath, a Jew may instruct a gentile to climb a tree or to swim across water to bring him a shofar or a knife for circumcision. Similarly, [one may instruct a gentile] to bring hot water from one courtyard to another to wash a child or a person experiencing difficulty, although an *eruv* was not made to join them. The same applies in all similar situations.

11 When a person buys a house in *Eretz Yisrael* from a gentile, he is permitted to tell the gentile to compose a deed of sale on the Sabbath. Giving the gentile instructions [to perform a forbidden labor on the Sabbath] is a Rabbinic prohibition, and because [of the importance] of settling *Eretz Yisrael*the Sages did not enforce their decree in this instance. Similarly, the above principles apply when one purchases a house from [a

gentile] in Syria, for Syria is equivalent to *Eretz Yisrael* in this regard.

12 When a person contracts a gentile for a task and sets the price, the gentile [is considered] as acting in his own interests. [Therefore,] even if he performs the task on the Sabbath, it is permitted. Similarly, it is permissible to hire a gentile for a prolonged period, although he performs [forbidden] labor on the Sabbath.

What is implied? When a person hires a gentile for a year or two as a scribe or as a weaver, it is permissible for the gentile to write or weave on the Sabbath. It is as though he contracted him to write a scroll or weave a garment, [in which case, he may] perform the task whenever he desires. [This leniency is granted] provided he does not pay him on a day to day basis.

13 When does the above apply? When the matter is discreet, and everyone is not aware that the [forbidden] labor being performed on the Sabbath is for the sake of a Jew. If, however, it is a matter that is well known, open, and of public knowledge, it is forbidden [for a gentile to perform such work]. A person who sees the gentile working does not know that he has been hired on a contractual basis and will say that so and so hired a gentile to work for him on the Sabbath.

14 Therefore, [the following rules apply when] a person hires a gentile to build a courtyard or a wall or to harvest his field, or [hires him to work] at building his courtyard or planting a vineyard for him for a year or two:

If the project is located in a city or within its Sabbath limits, it is

forbidden for the Jew to allow them to work on the Sabbath, because of [the impression this might create in the mind of] an observer who is unaware that they were hired on a contractual basis. If the project is located beyond the Sabbath limits, it is permitted, for there are no Jews who will see the laborers at work on the Sabbath.

15 Similarly, it is permitted for a Jew to hire out his vineyard or his field to a gentile, although the latter will sow and plant them on the Sabbath, since an observer will know that they have been hired out or given [to the gentile] under a sharecropping agreement.

[In contrast,] when an enterprise is known by the name of its Jewish owner and is not of the type that is hired out or contracted out under a profit sharing agreement by most people in that city, it is forbidden to be hired out to a gentile. The gentile will perform work in the establishment on the Sabbath, and [in the public's mind, the establishment] will be associated with the name of its Jewish owner.

16 It is permitted to lend and hire out utensils to a gentile although he will perform [forbidden] labors with them on the Sabbath, for we are not obligated to have our utensils rest [on the Sabbath]. It is, however, forbidden to [lend or hire out] one's servant or livestock [to work on the Sabbath], for we are commanded that they rest.

17 [The following rules apply when a Jew] enters into a partnership with a gentile concerning labor, merchandise, or the operation of a storefront: If such a stipulation was made at the outset, it is permissible for the profits

from the Sabbath - whether large or small - to be designated for the gentile alone, and the profits of another day to be given to the Jew alone in exchange.

If, however, such conditions were not made at the outset, when [the two] come to divide the profits, the gentile should take all the profits of the Sabbath for himself alone, and then the remainder should be divided [equally]. The [gentile] need not give [the Jew] anything extra for the Sabbath unless a stipulation to that effect was made at the outset. The same principles apply if [a Jew and a gentile] hired a field under a partnership arrangement.

18 If the stipulation [mentioned above] was not made, [the partners] came to divide the profits, and the profits of the Sabbath were not distinct, it appears to me that the gentile should take a seventh of the profits alone and the remainder should be divided equally.

When a person gives a gentile money to invest, the two may divide the profits equally, despite the fact that the gentile engages in business dealings with these funds on the Sabbath. All of the *Geonim* concur with this ruling.

19 A Jew should not give utensils to a gentile artisan to fashion on Friday, despite the fact that he has established a set price, unless there is time for him to remove them from [the Jew's] home before nightfall.

Similarly, a person should not sell, lend, pawn, or give a present of his possessions to a gentile unless [the gentile] can leave the entrance of [the Jew's] house with that article before the Sabbath. As long as [the gentile] is

in [the Jew's] house, no one knows when he gave it to him. Thus, should the gentile leave [the Jew's] house on the Sabbath with [the Jew's] possessions in his hand, it would appear that the object was lent, pawned, agreed to be worked on, or sold on the Sabbath.

20 [The following rules apply when] a person gives a gentile a letter to bring to another city. If he fixed a fee for conveying [the letter], it is permitted [even if the gentile conveys it on the Sabbath]. [This leniency applies] even when [the Jew] gives [the letter] to [the gentile] on Friday at nightfall, provided [the gentile] leaves [the Jew's] home before the commencement of the Sabbath.

When a fee was not fixed [beforehand, the following rules apply]: If there is a designated person in the city who collects letters and sends them to other cities with his agents, it is permitted to give a gentile the letter, provided there is time [on Friday] for the letter to reach a house adjacent to [the city's] wall before [the commencement of] the Sabbath, lest the home of the gentile who collects and sends letters be located there.

If there is no person designated to fulfill this function and the gentile to whom one gives the letter is the one who brings it to the other city, it is always forbidden to send a letter with a gentile unless one establishes a fixed price [beforehand].

21 It is permissible for a gentile carrying his possessions to bring them into the Jew's house on the Sabbath. It is even permissible for [the Jew] to tell [the gentile], "Place them in this corner."

One may invite a gentile to visit on the Sabbath and serve food for him to

eat. If he took the food outside [the Jew's] home, there is no difficulty, for one is not obligated to see that he observes the Sabbath.

Similarly, one may serve food to a dog in one's courtyard. If he takes it outside, there is no difficulty.

22 When a person is carrying money while traveling on a journey and the Sabbath commences, he should give his wallet to a gentile to carry for him. On Saturday night, he may take it back from him. This is permitted even though he did not pay the gentile for his services and even though he gave it to him after nightfall.

These leniencies are granted because a person becomes distraught over his money and cannot bear to discard it. If we do not allow him [to have a gentile carry it for him] - a matter forbidden merely by Rabbinic decree - we fear that he will come to carry it himselfand thus transgress one of the Torah's prohibitions.

When do the above [leniencies] apply? With regard to one's wallet. In contrast, a person may not give an ownerless object that he discovered to a gentile [to carry for him]. Instead, he should carry it less than four cubits at a time [until he reaches a place where he can deposit it].

23 [The following rules apply when] a Jew performs a [forbidden] labor on the Sabbath: If he willingly transgressed, it is forbidden for him to benefit from this labor forever. Other Jews may, however, benefit from this labor immediately after the conclusion of the Sabbath, as [can be inferred from **Exodus 31:14**]: "And you shall observe the Sabbath, for it is holy." [Our Sages commented,] "It is holy, but the fruits of labor performed on it are

not holy."

What is implied? When a Jew cooks [food] on the Sabbath in willful violation [of the Sabbath laws], other Jews may partake of it Saturday night. He, however, is forbidden to partake of it forever. If he cooked it without knowing of the prohibition he was violating, both he and others may eat it immediately after the conclusion of the Sabbath. The same principles apply in other similar situations.

24 When produce was taken outside a city's Sabbath limits and then brought back without the knowledge of the prohibition involved, one may partake of it on the Sabbath, since nothing was done to the fruits themselves, and their state did not change. If they were brought back in willful violation of the prohibition involved, one may not partake of them until after the conclusion of the Sabbath.

25 When a person hires a worker to watch a cow or a baby, he should not pay him a wage for the Sabbath day. Therefore, [the worker] is not responsible for what happens on the Sabbath.If a worker was hired on a weekly or annual basis, he is given full payment. Therefore, [the worker] is responsible for what happens on the Sabbath. [In the latter instance,] the worker should not say, "Pay me for the Sabbath," but rather, "Pay me for the year," or "Pay me for the ten days."

Chapter 7

1 With regard to the [forbidden] labors for which one is liable to be

executed by stoning if one transgresses willingly, or for which one is obligated to bring a sin offering if one commits the transgression unknowingly, there are primary categories and [their] derivatives.

The sum of all the primary categories of [forbidden] labor are forty minus one. They include:

1) plowing,
2) sowing,
3) reaping,
4) collecting sheaves,
5) threshing,
6) winnowing,
7) separating,
8) grinding,
9) sifting,
10) kneading,
11) baking,
12) shearing,
13) whitening,
14) beating,
15) dyeing,
16) spinning,
17) making heddles,
18) mounting the warp,
19) weaving,
20) undoing woven fabric,
21) tying,

22) untying,
23) sewing,
24) tearing,
25) building,
26) demolishing,
27) beating with a hammer,
28) trapping,
29) slaughtering,
30) skinning,
31) processing [hides],
32) removing hair,
33) cutting [leather],
34) writing,
35) erasing,
36) ruling lines,
37) kindling a flame,
38) extinguishing a flame,
39) transferring from one domain to another.

2 All of these [forbidden] labors and all analogous activities are referred to as primary categories of labor. What is meant by an "analogous activity"? Plowing, digging, or making a groove [in the ground] are all considered to be primary categories of work. For each one involves digging in the ground and they all reflect a single activity.

3 Similarly, one who sows seeds, plants trees, extends trees, grafts [branches

to] trees, or prunes trees: All of these [activities] are considered a single primary category of [forbidden] labor, [for] they share a commonality, since all these activities have a single intent: to cause [a plant] to grow.

4 Similarly, a person who reaps grain or legumes, one who harvests grapes, dates, olives, or figs: All these [activities] are considered a single primary category of [forbidden] labor, [for] they share a commonality, since all these activities have a single intent: to remove produce from [the plant] on which it grows. [The same principle applies] with regard to other forbidden categories of labor.

5 A derivative is a labor that resembles one of these categories of [forbidden] labor. What is implied? A person who cuts a vegetable into small pieces to cook is liable, for this activity resembles grinding. When a person grinds, he takes one [large] entity, and divides it into smaller parts. Anyone who performs an activity that resembles this is [performing] a derivative of the labor of grinding. Similarly, a person who takes a strip of metal and pulverizes it to use the powder acts as goldsmiths do; he is [performing] a derivative of the labor of grinding.

6 Similarly, one who takes milk and inserts a [piece of intestine] in it so that it curdles is liable for [performing] a derivative of separating, for he separates the curds from the whey.

If one made cheese from it, one is liable for [performing a derivative of building]. Whenever one collects separate entities and bonds them together so that they form a single mass, [the activity] resembles building.

Similarly, each of the primary categories of [forbidden] labor [mentioned above] possesses derivatives, which are determined according to the principles explained above. From the nature of the [forbidden] labor performed on the Sabbath, one can determine in which category of [forbidden] labor it should be included, or which [forbidden] labor it is a derivative of.

7 A person who willingly, as a conscious act of defiance, performs an activity that constitutes one of the primary categories of [forbidden] labor or one of the derivatives [of these categories] is liable for *karet*. If witnesses come, he should be stoned [to death]. If [he performs such an activity] without being conscious of the transgression, he must bring a sin offering of a fixed nature.

If so, what is the difference between the primary categories of [forbidden] labor and the derivatives? There is no difference except with regard to sacrifices. When a person, without being conscious of the transgression involved, performs many activities, each of which constitutes a different primary category [of forbidden labor] in one period of lack of awareness, he is obligated to bring a sin offering for every such category [of forbidden labor].

If he performs an activity that constitutes a primary category [of forbidden labor] and its derivatives in one period of lack of awareness, he is obligated to bring merely one sin offering.

8 What is implied? If a person plows, sows, and reaps on the Sabbath in a single period of lack of awareness, he is required to bring three sin

offerings. Even if he performs all thirty-nine [forbidden] labors without knowing of the prohibition involved - e.g., he forgot that it is forbidden to perform these labors on the Sabbath - he is obligated to bring one sin offering for each and every [forbidden] labor.

In contrast, if he ground [grain], cut a vegetable, and pulverized a strip of metal during a single period of lack of awareness, he is required to bring only one sin offering [for each Sabbath], for he performed only a single primary [forbidden] labor and its derivatives. The same applies in all similar situations.

9 When a person performs many labors corresponding to a single category of labor in one period of lack of awareness, he is obligated to bring only one sin offering.

What is implied? When a person sowed, planted, extended, grafted, and pruned in a single period of lack of awareness, he is obligated to bring only a single sin offering, for all of these [activities] are included in the same primary category of labor. The same applies in all similar situations.

Chapter 8

1 A person who plows even the slightest amount [of earth] is liable. One who weeds around the roots of trees, cuts off grasses, or prunes shoots to beautify the land - these are derivatives of plowing. One is liable for performing even the slightest amount of these activities.

Similarly, one who levels the surface of a field - e.g., one who lowers a mound and flattens it or fills a vale - is liable for [performing a derivative

of] plowing. [One is liable for performing] the slightest amount of these activities. Similarly, one who levels cavities [in the ground] to even the slightest degree is liable.

2 A person who sows even the slightest amount is liable. A person who prunes a tree so that it grows performs an activity resembling sowing. In contrast, watering plants and trees on the Sabbath is considered merely a derivative of sowing. One is liable for even the slightest amount. Similarly, one who soaks the seeds of wheat, barley, and the like in water [performs] a derivative of sowing and is liable for even the slightest amount.

3 One who reaps an amount the size of a dried fig is liable. Plucking [fruit] is considered a derivative of reaping. Similarly, any person who removes produce from where it is growing is liable for reaping. Therefore, a person who removes grass growing from a rock, a parasite plant that grows on shrubs, or grasses that grow on a barrel is liable, for this is the place where they grow.

In contrast, a person who removes [fruit from a plant growing] in a flower pot that is not perforated is not liable, for this is not the [ordinary] place from which it grows. If, however, the flower pot has a hole the size of a small root, [the plant] is considered as growing in the ground and a person who picks fruit from it is liable.

4 Whenever reaping from a plant causes it to grow larger - e.g., cattle-grass or beets - a person who harvests it without knowing of the prohibition involved is liable for two sin offerings: one because he [performed the

labor of] reaping, and one because he [performed the labor of] planting. Similarly, a person who prunes [a tree] and desires to use [the branches he prunes] is liable for reaping and planting.

[The following rules apply to] a clod of earth on which grass is growing: If one lifted it from the earth and placed it on staves, one is liable for uprooting. If it was supported by staves and one placed it on the earth, one is liable for planting.

When figs have dried out while on the tree, and similarly, [other] trees whose fruits have dried out - a person who picks them on the Sabbath is liable although they are considered to be detached [from the tree] with regard to the laws of ritual purity.

5 [The following rules apply to] one who uproots chicory or who prunes moist shoots: If he intends to use them as food [for human beings], the minimum measure [for which one is held liable for reaping] is the size of a dried fig. If he intends to use them as animal [fodder], the minimum measure is the amount necessary to fill the mouth of a young kid. If he intends to use them for kindling, the minimum measure is the amount necessary to cook an egg.

[Similar measures apply with regard to the forbidden labor of] collecting food: If [one's intent is to use it] as [food for human beings], the minimum measure [for which one is held liable] is the size of a dried fig. [If one's intent is] for animal [fodder], the minimum measure is the amount necessary to fill the mouth of a young kid. [If one's intent is] for kindling, the minimum measure is the amount necessary to cook an egg.

Whenever the term "an egg" is used, the intent is an average-size chicken

egg. Whenever the term "the amount necessary to cook an egg" is used, the intent is the amount necessary to cook a portion of an egg the size of a dried fig. A dried fig is one-third the size of an egg.

[The forbidden labor of] collecting food applies only with regard to [collecting] the earth's produce.

6 A person who collects figs and makes a chain from them or one who pierces a hole through dates and passes a string through them until they are collected as a single entity performs a derivative of the forbidden labor of collecting sheaves. The same applies in other similar circumstances.

7 A person who threshes [an amount of grain the size of] a dried fig is liable. [The forbidden labor of] threshing applies only with regard to the earth's produce.

Extracting produce from its shell is a derivative of threshing; [a person who performs this activity] is liable. The same applies in all similar situations. Similarly, a person who milks an animal is liable for extracting food.

By the same token, a person who wounds an animal that has a hideis liable for extracting, provided he requires the bloodthat flows from the wound. If, however, his intent is merely to wound [the animal], he is not liable, because his activity is destructive in nature. One is not liable unless one extracts a quantity of blood or milk equivalent to the size of a dried fig.

8 When does the above apply? When one wounds an animal, a wild beast, a

fowl, or the like. If one wounds a fellow man, by contrast, one is liable although one's intent is to injure, for [this activity generates] pleasure. It causes one's feelings to cool and one's anger to subside. Therefore, it is considered "constructive" in nature. Accordingly, even if one does not require the blood that one extracts, one is liable.

9 The eight creeping animals mentioned in the Torah have hides whose status is analogous to those of animals, beasts, and fowl with regard to the Sabbath laws. Other small creatures and crawling animals are not considered to have a hide [whose status is significant with regard to the Sabbath laws]. Therefore, one who wounds them is not liable.

One who wounds an animal, beast, fowl, or one of the above-mentioned eight creeping animals is liable whether he caused an open wound from which they bled or he made a bruise that caused internal bleeding.

10 A person who squeezes fruit to extract its juice is liable for extracting. One is not liable until he extracts an amount of juice equivalent to the size of a dried fig. From the Torah itself, one is liable for pressing only grapes and olives.

It is, [however,] permitted to squeeze a cluster of grapes directly into food, since a liquid that is absorbed into food is considered as food. Thus, one is considered to be extracting food from food. Nevertheless, if one squeezes these liquids into a vessel that does not contain food, this is considered pressing and one is liable.

[Similarly,] one who milks directly into food or one who sucks with his mouth is not liable. One is liable only when one milks into a container.

11 A person who winnows or separates [an amount of food the size of] a dried fig is liable. Causing milk to curdle is a derivative [of the category] of separating.

Similarly, a person who separates the dregs from liquids is liable for having performed a derivative of separating or a derivative of sifting. [The particular category of forbidden labor is not defined,] because the labors of winnowing, separating, and sifting resemble each other. [If so,] why were they reckoned as three [separate categories? Because every labor that was performed in the Sanctuary is counted as a separate category.

12 A person who separates food from unwanted matter and one who separates one type of food from another food using a sifter or a strainer is liable. If one separates using a tray or a pot with compartments, one is not liable. It is permitted to separate food by hand to eat immediately.

13 A person who separates unwanted matter from food is liable, even if he does so using only one hand. A person who separates *turmos* beans from their shucks is liable, for the shucks sweeten them when they are cooked together. Therefore, one is considered to be taking unwanted matter from food and is held liable.

A person who separates food from unwanted matter by hand and sets it aside [to serve] at a later time, even later on [the Sabbath] itself, is considered to have separated for the purpose of storage and is held liable.

If there were two types of food mixed together before a person, he may separate one from the other and place it aside to eat immediately. If he separated [one from the other] and set it aside [to serve] at a later time,

even later on [the Sabbath] itself, he is liable - for example, one separated food in the morning to eat in the late afternoon.

14 A person who filters the dregs from wine, oil, water, or other liquids, using a utensil appropriate for this purpose is liable, provided he removes the dregs from an amount of liquid equivalent to the size of a dried fig. One may, however, filter wine that has no dregs, or clear water, with a handkerchief or with an Egyptian basket so they will become crystal clear.
We may pour water over wine dregs so they will become clear. [Similarly,] we may place a raw egg in a mustard strainer so that it becomes clear.
When one has mixed mustard on Friday, one may stir it by hand or with a utensil to make it fit to drink [on the Sabbath]. Similarly, while wine is in the process of fermentation, one may pour out a barrel of wine together with the dregs over handkerchiefs, for the dregs have not been finely separated from the wine and they are still considered a single mixture. The same applies to mustard and all similar substances.

15 A person who grinds [an amount of grain the size of] a dried fig is liable. One who crushes spices or herbs in a mortar is performing the labor of grinding and is held liable.
A person who cuts a vegetable that has been detached from its source [into small pieces] performs a derivative of the labor of grinding.
Similarly, a person who saws wood in order to benefit from the sawdust, and similarly, one who files a piece of metal is liablefor filing even the slightest amount. A person who chops wood is not liable [for grinding] until he produces enough chips to cook an amount of egg the size of a

dried fig.

16 A person who sifts [an amount of flour the size of] a dried fig is liable.
A person who kneads [dough the size of] a dried fig is liable. Mixing earth [for use as cement] is a derivative of kneading. What is the minimum amount for which one is liable? The amount necessary to make a crucible for a goldsmith. The activity of mixing cement cannot be performed with ash, coarse sand, bran, or the like.
A person who places sesame seeds, flax seeds, or the like in water is liable for kneading, because they become attached to each other.

Chapter 9

1 A person who bakes [an amount of food] the size of a dried fig is liable. Just as a person is liable for baking bread, he is liable for cooking food or herbs, or for heating water. These are all one type [of activity].
The minimum amount of water for which one is liable for heating is an amount sufficient to wash a small limb. The minimum amount of herbs for which one is liable is the amount required to serve the purpose for which they are being cooked.

2 A person who places an egg next to a kettle so that it will become slightly cooked is liable if the egg becomes cooked, for a person who cooks with a derivative of fire is considered as if he cooked with fire itself.
Similarly, a person who washes aged salted fish or sole- a very thin, soft fish - with hot water is liable. Washing them with hot water completes the

cooking process they require. The same principles apply in other similar situations.

3 A person who breaks open an egg over a warm cloth, over sand, or over the dust of the roads that are heated by the sun is not liable even though it becomes roasted, for the derivatives of the heat of the sun are [governed by] different [laws than those governing] the derivatives of fire. Nevertheless, the Sages instituted a decree forbidding cooking with [the derivatives of the heat of the sun], lest [one cook with] the derivatives of fire. Similarly, a person who cooks using the [hot] springs of Tiberias and the like is not held liable.

A person who cooks food that has been completely cooked, on a fire, or who cooks food that does not need to be cooked at all is not liable.

4 When one person brought fire, another brought wood, another brought a pot, another added water, another put in meat, another put in spices, and another stirred it, all are liable for cooking. For anyone who performs an activity that is necessary for cooking is considered as [having performed that forbidden labor].

If, by contrast, one put down the pot, another came and added water, another came and added meat, another came and added spices, another came and brought fire, another came and placed wood on the fire, and another came and stirred, it is only the latter two who are liable for cooking.

5 When a person places meat over coals, and a portion the size of a dried fig

becomes [thoroughly] roasted, he is liable even when the portions that are roasted are [separate, and located] in two or three portions [of the piece of meat].

When there is not a portion the size of a dried fig that has become [thoroughly] roasted, but the entire [piece of meat] becomes half-cooked, one is liable. If, however, it is half-cooked from one side only, one is not liable until one turns it so that it becomes half-cooked on both sides.

If a person forgot and attached a loaf to an oven on the Sabbath, but remembered [the prohibition involved afterwards], he may remove it before it bakes and causes [him to be liable for performing a forbidden] labor.

6 A person who melts even the slightest amount of metal or who heats a piece of metal until [it glows like] a coal performs a derivative [of the forbidden labor] of cooking. Similarly, a person who melts wax, tallow, tar, brown tar, or pitch, and the like performs a derivative [of the forbidden labor] of cooking and is liable.

Similarly, a person who heats an earthenware utensil until it becomes hard clay is liable for cooking. The general principle is: Whether one softens a firm entity with fire or hardens a soft entity, one is liable for cooking.

7 One who shears wool or hair from an animal or a beast - whether alive or dead - is liable. [This applies even when he] removes [these substances] from skin.

What is the minimum measure for which one is liable? Enough to spin a thread that is twice the length of a width of a *sit* from it. How long is the

width of a *sit*? The distance from the thumb to the first finger when they are extended as far as possible. This is approximately two thirds of a *zeret*.

A person who tears off the wing of a bird [is liable for performing] a derivative of shearing. One who spins wool from a living animal is not liable, for this is not the ordinary manner of shearing, nor is this the ordinary manner of beating, nor is this the ordinary manner of spinning.

8 A person who cuts his nails, his hair, his mustache, or his beard [performs a] derivative [of the forbidden labor] of shearing and is liable. [This applies] provided one cuts them using a utensil. If one removes them by hand, one is not liable. [The above applies regarding both] one's own [nails and the like] and those of a colleague.

Similarly, a person who cuts a wart from his body, whether using a utensil or by hand is not liable. [The above applies regarding both] one's own [warts] and those of a colleague.

It is permitted to remove a wart in the Temple by hand, but not with a utensil. If it is dry, one may cut it off with a utensil, [in order to] take part in the Temple service.

9 How much hair is it necessary for a person to remove with a utensil to be liable? Two hairs. If one removes a grey hair from dark ones, one is liable for removing even one.

[The following rules apply to] a nail when the majority of it has been split, or to strips of flesh that have begun to peel: If they have split upward and annoy the person, one may remove them by hand, but not with a utensil. If, however, one removes them with a utensil, one is not liable.

If they do not annoy the person, it is forbidden to remove them even by hand. If the majority has not been split [nor has begun to peel], it is forbidden to remove them even by hand, and one who removes them with a utensil is liable.

10 A person who whitens wool, linen, wool to be dyed crimson, or any other fabrics that are ordinarily whitened is liable.

What is the minimum measure for which one is liable? [An amount of fibers large enough] to produce a thread as long as twice the width of a *sit* - i.e., four handbreadths.

11 Laundering clothes is a derivative of the [forbidden] labor of whitening and causes one to be liable.

A person who wrings out a garment until the water [absorbed] in it is discharged is considered as one who laundersand is held liable. Wringing out [a garment] is one of the activities necessary for laundering, as stirring is one of the activities necessary for cooking.

There is no concept of wringing out hair. Similarly, one is not liable for wringing out leather.

12 One who beats wool, linen, wool to be dyed crimson, or any other similar fabrics is liable. What is the minimum measure for which one is liable? [An amount of fibers large enough] to produce a thread four handbreadths long.

A person who beats animal sinews until they become like wool, so that [cord] can be spun from them, is liable for performing a derivative of

beating.

13 A person who dyes a thread that is four handbreadths long or fabric from which a thread of this length can be spun is liable.
A person is not liable unless the dye he uses will make a permanent [change in the article's color]. When the application of color will not have a permanent effect - e.g., one who applies red clay or vermilion to iron or brass and colors it is not liable, for it can be removed immediately without dyeing it at all. Whenever a person performs a labor that does not have a permanent effect on the Sabbath, he is not liable.

14 A person who creates a color is liable [for performing] a derivative of the labor of dyeing. What is implied? One mixed gallnut juice into vitriol until the entire mixture turned black, or mixed isatis into saffron water until the entire mixture turned green and the like.
What is the minimum measure for which one is liable? [An amount of dye large enough] to dye a thread four handbreadths long.

15 A person who spins a thread four handbreadths long from any fibers [from] which [thread] is spun is liable. This includes spinning wool, linen, [camel] hair, goat's hair, animal sinews, and any other fibers of this nature.
A person who makes felt is liable for [performing] a derivative [of the forbidden labor] of spinning if he makes felt from fibers that could be used to spin a thread of ordinary thickness that is four handbreadths long.

16 A person who makes two heddles is liable.
A person who makes a sifter, a strainer, a basket, a hairnet, or one who

weaves a rope bed [performs] a derivative [of the forbidden labor] of making heddles; when he makes two frames of any one of the above, he is liable. Similarly, a person who makes two frames of any object that is made frame by frame like the above is liable.

17 Weavers generally stretch out the threads [of the warp] to the desired length and width of the fabric. Two people hold [the beams to which the ends of the threads are connected], one from one side and one from the other side. A person beats the threads with a rod and aligns them so that they lie one next to the other, [all of the] warp threads without the woof.
Extending the threads as the weavers do is called mounting the warp. A person who [extends these threads] so they are taut is called one who sets the warp. Bending [the loom] and inserting the woof between the warp [threads] is called weaving.

18 The person who mounts the warp is liable. This is one of the [39] primary categories of [forbidden] labor. The person who beats the threads until they separate and then aligns them performs a derivative of mounting the warp. What is the minimum measure for which one is liable? Preparing a fabric that is two fingerbreadths wide.
Similarly, a person is liable for weaving two threads [of a fabric] two fingerbreadths wide. [The above applies] whether one began the weaving [of a garment] or whether one wove two additional threads on a garment that had already been begun by another weaver. If one wove only a single thread, but completed the garment by doing so, one is liable.
If one weaves two threads a width of three frames at the end of a fabric,

one is liable. To what can this be compared? To weaving a thin belt, three frames wide.

19 A person who straightens the threads and separates them in the midst of the weaving process [performs] a derivative [of the labor] of weaving.
Similarly, one who braids hair [performs] a derivative [of the labor] of weaving. The measure for which one is liable is making a braid two fingerbreadths long.

20 One who is בוצע two threads is liable. בוצע refers to the separation of woven fabric. One is liable for [the labor of] בוצע whether one removes the woof from the warp or the warp from woof.
[The above applies provided that] one is not acting with a destructive [intent], but rather with the intent to improve [the garment]. For example, there are people who mend [tears in] very light garments. First, they undo the weave. Afterwards, they mend the garment, and then reweave the threads that they undid. [In this manner,] they join two garments or two tears together.
A person who undoes a braid for the sake of fixing it [performs] a derivative [of the labor] of בוצע. The minimum measure for which one is liable is the same as the minimum measure for בוצע.

Chapter 10

1 A person who ties a knot which is intended to remain permanently and which can be tied [only] by craftsmen is liable. Included in this category

are the knots tied by camel drivers, the knots tied by seamen, the knots tied by shoemakers when making shoes and sandals.

One who ties a knot that is intended to remain permanently, but does not require a craftsmen [to tie it], is not liable. A knot that will not remain permanently and does not require a craftsman may be tied with no compunctions.

2 How is [the intermediate category] defined? If one of a person's sandal straps tore and he tied it, a rope tore and one tied it, one tied a rope to a bucket, or one tied the bridle of an animal, the person is not liable. The same applies to all other knots that do not require professional expertise, but are always tied with the intention that they remain permanently.

Any knot that is not intended to remain permanently is forbidden to be tied using a knot that requires professional expertise.

3 A woman may tie the opening of her cloak although it has two openings. She may tie the strands of a hairnet although it hangs loosely on her head. One may tie the straps of shoes and sandals that are tied around one's foot when donning them. One may tie pouches of wine and pouches of oil although they have two protrusions. One may tie a pot of meat although it is possible to remove the meat without untying the knot.

One may tie a bucket with a linen cord, a belt or another similar entity, but not with an ordinary rope. One may tie a rope before an animal or tie it to an animal's foot so that it will not go out, although this involves two knots.

If a rope is tied to a cow, one may tie it to its feeding trough. If a rope is

tied to a feeding trough, one may tie it to a cow. One may not, however, bring a rope from one's home and tie it to [both] a cow and a feeding trough. If, however, one has a weaver's rope which one is permitted to carry, one may bring it and tie it to both the cow and the feeding trough.

[The rationale for these laws is that] all [the above] knots do not require professional expertise, nor are they intended to remain. On the contrary, a person ties them and unties them at will. Therefore, it is permitted to tie them with no compunctions.

One may untie the openings of baskets of dates and dried figs, break off or cut off the cord, take them and eat them.

4 Any substance that is fit to be used as animal fodder may be used for tying on the Sabbath. Therefore, if the straps of a person's sandals snapped in a *carmelit*, he may take a moist reed that is fit to be eaten by an animal, wind it around [the sandal] and tie it.

If a sandal strap slips from its place, or one's foot slips from the sandal, one may return the strap to its place, provided one does not tie a knot.

5 It is permitted to tie a loop [on the Sabbath], for it will not be interchanged with a knot. Therefore, if a rope snapped, one may gather the two ends together, wind a linen cord around them and tie a loop.

6 It is permissible to tie a knot that is not permanent in nature for the purpose of a mitzvah. For example, one may tie a knot to calibrate one of the Torah's measures.

One may tie a harp string that snaps in the Temple, but not anywhere

else. One may not tie a harp string for the first time on the Sabbath, even in the Temple.

7 A person is liable for untying any knot that he is liable for tying. Whenever a person is not liable for tying a knot, he is not liable for untying it. Whenever a person is permitted to tie a knot, he is permitted to untie it.

8 A person who winds together a rope from palm branches, love grass, strands of wool, strands of flax, strands of goat's hair or the like is liable for performing a derivative of the [forbidden] labor of tying.

The minimum measure for which one is liable is a length of rope sufficient to remain wound without being tied, for then the work the person performed is permanent.

Similarly, a person who unwinds cords performs a derivative of the forbidden labor of untying and is liable. [This applies] provided one's intent is not merely destructive in nature. The minimum measure for which one is liable is the same as that for winding a cord.

9 A person who sews two stitches is liable, provided he ties the stitches at both ends so that they will remain and not slip out. If, however, one sews an additional stitch, one is liable even if one did not tie [the ends], for one's stitching will remain.

A person who pulls taut a thread used for sewing on the Sabbath is liable, because this activity is necessary for sewing.

10 A person who tears [a length of a garment] sufficient to tie two stitches for

the sake of tying two stitches is liable. In contrast, one who tears with the intent to ruin is not liable, for [his activity] is destructive in nature.

A person who tears in a fit of rage or [one who rends his garments] for the sake of a deceased person for whom he is required to rend his garments is liable, for by doing so he settles his mind and calms his natural inclination. Since his anger is soothed through this act, it is considered to be constructive in nature and he is liable.

A person who makes an opening for a neck [in a garment] on the Sabbath is liable.

11 A person who attaches paper or hides together with scribe's glue and the like is liable for performing a derivative of the forbidden labor of sewing.

Conversely, a person who separates papers or hides that are stuck together is liable for performing a derivative of the forbidden labor of tearing if his intent is not merely destructive.

12 A person is liable for building even the slightest amount.

A person who levels the floor inside a house is liable. Whether he lowers a raised piece of earth or fills a cavity, he is considered to be building and is liable.

When one person places down a stone and another the mortar, the one who places down the mortar is liable. For the highest row [of stones], one is liable merely for lifting up the stone and placing it on the mortar, since other mortar is not placed upon it.

A person who builds on a base of utensils is not liable.

13 A person who erects a permanent tent is liable for performing a derivative [of the forbidden labor] of building.

Similarly, a person who fashions an earthenware utensil - e.g., an oven or a jug - before they are fired [in a kiln] is liable for performing a derivative [of the forbidden labor] of building.

Similarly, one who makes cheese performs a derivative [of the forbidden labor] of building. One is not liable until one makes an amount of cheese equivalent to the size of a dried fig.

A person who inserts the blade of an axe onto its handle or one who performs any similar activity performs a derivative [of the forbidden labor] of building. Similarly, one who attaches one piece of wood to another, whether he attaches them with a nail or by inserting one piece of wood into another until they become a single entity, is liable for performing a derivative [of the forbidden labor] of building.

14 A person who makes even the slightest hole in a chicken coop to let light in is liable for building.

A person who returns a door of a well, a cistern, or a wing of a building [to its place] is liable for building.

15 A person who demolishes even the slightest amount is liable, provided he demolishes with the intent to build. If his intent in demolishing is merely destructive, he is not liable.

A person who demolishes a permanent tent or separates a piece of wood attached to another is liable for performing a derivative [of the forbidden labor] of demolishing, provided his intent is to improve it [afterwards].

16 A person who gives the [final] blow with a hammer is liable. [Similarly,] a person who performs any activity that represents the completion of a task is liable for performing a derivative of dealing [the final] hammer blow.
What is implied? A person who blows a glass vessel, one makes a design, or even a portion of a design, on a utensil, one who planes [the edges of a utensil], one who makes a hole of even the smallest size in a piece of wood, a building, a piece of metal, or a utensil is liable for performing a derivative of dealing [the final] hammer blow.
One is not liable for making [a hole] unless it can be used to bring in and bring out.

17 A person who pierces a blister on the Sabbath to widen the opening of the wound, as physicians do, with the intent of widening the opening of the wound is liable for performing [a derivative of] dealing [the final] hammer blow, for this is a labor performed by a physician.
If one pierced it to remove its pus, [the act] is permitted.

18 One who files a stone to even the slightest degree is liable for performing [a derivative of] dealing [the final] hammer blow. A person who aligns a stone in the foundation of a building, adjusting its position with his hands and settling it in its proper place, is liable for performing [a derivative of] dealing [the final] hammer blow.
A person who removes threads, straws, or splinters of wood from a garment by hand - for example, the splinters that are found in woolen garments - is liable for performing [a derivative of] dealing [the final] hammer blow. [This applies] provided the person is disturbed by them. If,

however, he removes them as a matter of course, [without thinking,] he is not liable.

A person who shakes out a new black garment to make it attractive and to remove any remnants of white wool adhering to it, as is a tailor's practice, is liable to bring a sin offering. If he is not disturbed by them, it is permissible [to do so].

19 A person who traps a living creature from a species that is common to trap - e.g., beasts, fowl, or fish - is liable provided he traps them in a place where no further efforts are required to trap them.

What is implied? One chased after a deer until one caused it to enter a room, a garden, or a courtyard, and one locked it inside, one caused a fowl to fly into a closet and locked it, one removed a fish from the sea and placed it in a bowl of water. [In all these instances,] the person is liable.

If, however, a person caused a bird to fly into a room and locked it, caused a fish to swim from the sea into a pool of water, or chased a deer until he caused it to enter a large hall, and locked it, he is not liable. [The living creature] is not completely trapped, for if he to desired to take it, he would have to chase it and trap it in [this new place]. Therefore, a person who traps a lion is not liable until he causes it to enter the pen in which it will be enclosed.

20 [The following] - a place in which if a person ran, he could reach the animal in a single movement, and a place so narrow that the shadow of both walls would merge in the middle - are considered to be small places. If one chased a deer or the like into such a place, one is liable. If a place is

larger than this, a person who chases an animal or a fowl into it is not liable.

21 [The following principle applies regarding] the eight creeping animals mentioned in the Torah and similarly, other creeping animals and crawling things: When a species is usually trapped, a person who traps any one of them - whether for a purpose, or without a purpose, even merely for the sake of sport - is liable, since he intended to trap and actually did so. A person is liable for performing a [forbidden] labor even if he has no need for the actual labor he performed.

A person who traps an animal that is sleeping or a blind animal is liable.

22 When a person sends out dogs to trap deer, rabbits, and the like, the deer flees because of the dog, and the person chases after the deer or stands before it and as such, frightens it so that the dog can catch it, he is liable for [performing] a derivative [of the forbidden labor] of trapping. The same applies with regard to [trapping] fowl.

23 When a deer enters a room and one person closes it, the latter is liable. If two people close it, they are not liable. If the door cannot be closed by a single person and they both close it, they are both liable.

When one person sat in the entrance and did not block it, and a second person sat down and blocked it, the second person is liable.

When the one person blocks the entrance when he sits down, and a second person sits down next to him [in a manner that also obstructs the entrance], the first person [alone] is liable. [This applies] even if he later

rises and leaves, [and the second person remains blocking the entrance], for the second person has not done anything. He is permitted to remain seated in the doorway until the evening and then take the deer. To what could this be compared? To one who locks his house to protect it and finds a trapped deer inside.

If a fowl enters under the edge of a person's clothes, he may [continue] sitting and watch it until nightfall. It is [then] permitted [to take it].

24 A person who traps a deer that is old, limping, sick, or small is not liable.

A person who releases an animal, a beast, or a fowl from a trap is not liable. A person who traps a beast or a fowl that is in his domain - e.g., ducks, chickens, or doves from a cote - is not liable. A person who traps a living being whose species is not usually trapped - e.g., locusts, wild bees, hornets, mosquitoes, fleas, and the like - is not liable.

25 Crawling beasts that are dangerous - e.g., snakes, scorpions and the like - may be trapped on the Sabbath. [This leniency is granted] even when they are not deadly, but merely bite, provided one's intent is to prevent [someone from] being bitten.

What should one do? Place a utensil over them, cover them with something, or tie them so they cannot cause damage.

Chapter 11

1 A person who slaughters is liable. This does not apply only to [ritual] slaughter. Anyone who takes the life of a living beast, an animal, fowl,

fish, or crawling animal - whether by slaughtering, stabbing, or beating - is liable.

A person who strangles a living creature performs a derivative of slaughtering. Therefore, if one removed a fish from the glass of water [in which it was being kept] until it died, one is liable for strangling it. [Indeed, one is liable even if one returns it to the water before] the fish actually dies. As long as [a portion of its body as wide as] a *sela* between its fins becomes dry, one is liable, for it will not be able to live afterwards.

A person who inserts his hand into an animal's womb and removes a fetus [from] the womb is liable.

2 A person who kills insects and worms that are conceived through male-female relations or fleas that come into being from the dust is liable as if he killed an animal or a beast. In contrast, a person is not liable for killing insects and worms that come into being from dung, rotten fruit, or the like - e.g., the worms found in meat or those found in legumes.

3 A person who checks his clothes for lice on the Sabbath may rub off the lice and discard them. It is is permitted to kill lice on the Sabbath, for they come into being from sweat.

4 It is permitted to kill beasts or insects whose bites are surely deadly, as soon as one sees them - for example, flies in Egypt, hornets in Nineveh, scorpions in Adiabena, snakes in *Eretz Yisrael*, and rabid dogs in all places. [The following rules apply with regard to] other dangerous animals: If they are chasing a person, one may kill them.If they are staying in their

place or fleeing from the person, it is forbidden to kill them. If one steps on them accidentally as one is walking and kills them, this is permitted.

5 A person who skins [a portion of an animal's] hide large enough to make an amulet is liable. Similarly, one who processes [a portion of an animal's] hide large enough to make an amulet is liable.

Just as one who processes [a hide is liable], so too, is one who salts [a hide], for salting is one of the methods of processing. [Prohibitions associated with the forbidden labor of] processing do not apply with regard to foodstuffs.

Similarly, one who smooths [a portion of an animal's] hide large enough to make an amulet is liable. What is meant by smoothing? Removing the hair or the wool from the hide after [the animal's] death so that the surface of the hide will be smooth.

6 A person who separates *duchsustos* from *k'laf*is liable for [performing] a derivative [of the forbidden labor] of skinning. A person who separates [a portion] from a hide large enough to make an amulet is liable.

A person who treads upon a hide with his feet until it becomes hard, or one who softens it with his hands, extending it, and leveling it as the leather workers do is liable for [performing] a derivative [of the forbidden labor] of processing.

A person who pulls a feather from the wing of a fowl is liable for [performing] a derivative [of the forbidden labor] of smoothing. Similarly, a person who smears a poultice of even the smallest size, beeswax, tar, or other entities that are smeared until a smooth surface is produced is liable

for [performing a derivative of the forbidden labor of] smoothing.
A person who rubs a hide that is suspended between pillars is liable for smoothing.

7 A person who cuts [a portion] from a hide large enough to make an amulet is liable, provided he cuts with a specific length and width in mind. Cutting in this manner is considered as labor [forbidden on the Sabbath]. If, however, one cuts with a destructive intent, or without a precise measure, doing so either without thought entirely or for pleasure, he is not liable.
A person who trims [the down from] a wing [of a fowl] is liable [for performing] a derivative [of the forbidden labor] of cutting. Similarly, one who planes a beam of cedar wood is liable for cutting. Similarly, anyone who cuts a piece of wood or a piece of metal is liable for cutting.
A person who takes a small piece of wood and trims it to use as a toothpick or to pry open a door is liable.

8 Any article that is fit to be used as animal fodder - e.g., straw, soft grasses, palm branches, and the like, may be trimmed on the Sabbath, because the the concept of preparing a utensil does not apply in this context.
It is permitted to break fragrant branches [by hand] for the sake of their scent although they are hard and dry. One may strip [their bark] as one desires, regardless of whether one strips [the bark] of a small branch or a large branch.

9 A person who writes two letters is liable. A person who erases writing so

that he can write two letters is liable.

A person who writes one large letter the size of two [ordinary] letters is not liable. In contrast, a person who erases one large letter in a place where two letters can be written is liable.

A person who wrote one letter that concluded a scroll is liable. A person who writes for the sake of ruining the parchment is liable, for one is liable for the writing itself and the surface on which [the letters] are written is not significant. If one rubs out writing with the intent of ruining [the writing surface], one is not liable.

Should one rub out ink that fell on a scroll or rub out wax that fell on a writing tablet, one is liable if [the rubbed out] portion is large enough for two letters to be written upon it.

10 A person who writes the same letter twice and thus produces a word [that has meaning] - e.g., דד תת גג רר שש סס חח - is liable.

One is liable for writing in any language and with any characters, or even for making two marks.

11 Left: Two zeinim in the Assyrian script. Right: A chet in the Assyrian script.

A person is not liable for writing in the following circumstances:

He writes one letter next to writing that existed previously;

he writes on top of writing that existed previously;

he intended to write a *chet* and instead wrote two *zeinim* or makes a similar error with regard to other letters;

he writes one letter on the floor [of a house] and one letter on [one of] the

beams [of the ceiling], for they are not read as a single unit;
he writes two letters on two pages of a writing tablet that are not read as a single unit.
When a person writes [two letters] in two corners [of the walls of a house] or on two pages of a writing tablet and they can be read as a single unit, he is liable.

12 If a person took a parchment or the like and wrote one letter upon it in one city and traveled on that same [Sabbath] day to another city where he wrote another letter on another scroll, he is liable. [This decision is rendered] because when the [two parchments] are brought close to each other, they can be read as a single unit. All that is necessary is to bring them together.

13

The dark portion is the letter reish. When the serrated lines are filled in, the letter dalet is formed.
A person who writes merely one letter is not liable even when [that letter] is representative of an entire word. What is implied? One wrote a מ and everyone knows that the intent is the word *ma'aser* or one wrote [that letter] in the place where a number is required and thus it is as if one wrote [the word] "forty," one is not liable.
If one was checking a single letter and divided it, [creating] two [letters], one is liable; for example, one divided the connecting lines of a *chet*, thus creating two *zeinim*. The same applies in all similar situations.

14 A person who writes with his left hand, with the back of one's hand, with his feet, his mouth, or with his elbow, is not liable.

A left-handed person who writes with his right hand - which for him is equivalent to other people's left hand - is not liable. If he writes with his left hand, he is liable. A person who is ambidextrous is liable regardless of whether he writes with his right or left hand.

When a child holds the pen and an adult holds his hand and moves it, causing him to write, the adult is liable. When an adult holds a pen and a child holds his hand and moves it, causing him to write, the adult is exempt.

15 A person who writes is not liable until he writes with a substance that leaves a permanent mark - e.g., with ink, black tint, vermilion, gum, vitriol, and the like - on a surface on which the writing will remain preserved - e.g., a skin, parchment, paper, wood, and the like.

[In contrast,] a person is not liable if he writes with a substance that does not leave a permanent mark - e.g., beverages or fruit juice - or if he writes with ink and the like on a substance like vegetable leaves where the writing will not be preserved. One is liable only when writing with a substance that leaves a permanent mark on a surface where that mark will be preserved.

Similarly with regard to [the forbidden labor of erasing]: A person who erases is liable only when erasing writing that would leave a permanent mark from a surface where that mark will be preserved.

16 A person who writes on his skin is liable, because his flesh is [comparable

to an animal] hide. Even though the warmth of his flesh will cause the writing to fade afterwards, this is comparable to writing that was erased. In contrast, a person who engraves the forms of letters onto his skin is not liable.

A person who cuts out the form of letters on a hide is liable. In contrast, a person who makes a mark in the shape of letters on a hide is not liable.

A person who traces over letters that were written with vermilion with ink is liable for two [transgressions]: one for writing and one for erasing. [In contrast,] a person who traces with ink over letters that were written with ink, who traces with vermilion over letters that were written with vermilion, or who traces with vermilion over letters that were written with ink, is not liable.

17 Making designs is a derivative [of the forbidden labor] of writing. What is implied? A person who makes designs or who creates forms on a wall or with red color and the like as artists do is liable [for performing a derivative of] writing. Similarly, a person who erases a design for the sake of correcting [it] is liable [for performing] a derivative [of the forbidden labor] of erasing.

A person who rules a line in order to write two letters below that line is liable. Carpenters who draw a red line on a beam to enable them to saw evenly perform a derivative of ruling a line. Similarly, stonemasons who [make lines] on a stone so that they will cut it evenly [perform a derivative of ruling a line.]

One is liable regardless of whether the line one rules is colored or without color.

Chapter 12

1 A person who kindles even the smallest fire is liable, provided he needs the ash that it creates. However, should a person kindle a fire with a destructive intent, he is not liable, for he is causing ruin.

Nevertheless, a person who sets fire to a heap of produce or a dwelling belonging to a colleague is liable, because his intent is to take revenge on his enemies. [Through this act,] he calms his feelings and vents his rage. He is comparable to a person who rends his garments over a deceased person or in rage [on the Sabbath], or a person who injures a colleague in an argument. These individuals are all considered to be performing a constructive activity, because of their evil inclinations.

Similarly, a person who lights a candle or wood, whether to generate warmth or light, is liable.

A person who heats iron in order to strengthen it by submerging it in water is liable for [performing] a derivative [of the forbidden labor] of kindling.

2 A person who extinguishes [a fire] of even the smallest size is liable. [This includes both] one who extinguishes a candle and one who extinguishes a coal that comes from wood. In contrast, a person who extinguishes a glowing piece of metal is not liable.

If, however, the person's intent is to purify the metal, he is liable. This indeed is the practice of blacksmiths; they heat the iron until it glows like a coal, and extinguish it in water to seal it. This is the process of purification for which one is liable. It is a derivative [of the category of

forbidden labor] of extinguishing.

It is permissible to extinguish a glowing piece of metal in the public domain so that many people will not be injured by it.

A person who pours oil into a burning lamp is liable for kindling. [Similarly,] a person who takes oil from a lamp is liable for extinguishing.

3 Should a fire break out on the Sabbath, a person is liable if he extinguishes it because of fear of monetary loss. It is only the threat of loss of life, and not monetary loss, that supersedes the Sabbath prohibitions.

Therefore, all people should leave [the area of the blaze] so they do not die. They should let the fire continue to burn, even if it consumes the entire city.

4 It is permissible to construct a barrier using any type of container - whether full or empty - so that a fire will not spread. One may even construct a barrier using new earthen vessels filled with water, although they will surely break and extinguish [the fire]. It is permissible to cause [a fire to be] extinguished [indirectly].

One may place a bowl over a candle so that [the light] will not catch on the beams [of the roof].

5 When a fire catches on to a perfume box, a chest, or a [wooden] cabinet, one may bring a goat's skin or another substance that will not catch fire and spread it over the portion that has not been consumed, so that the fire will not reach there.

6 When a garment [that is folded] catches on fire, one may spread it out

and don it; if [in the process, the fire] is extinguished, it is not significant. Similarly, if a Torah scroll has caught fire, one may unroll it and read from it, if [in the process, the fire] is extinguished, it is not significant. One may place water on the portion that has not yet caught fire, if [in the process, the fire] is extinguished, it is not significant.

If a person left a burning candle on a board, one may shake the board, causing the candle to fall. If it is extinguished, it is not significant. If he [intentionally] placed it down [before] nightfall, it is forbidden to move [the board] even after the candle is extinguished.

7 If a fire broke out on the Sabbath and a gentile comes to extinguish it, we may not tell him, "Extinguish it," nor [must we tell him,] "Do not extinguish it," for his resting is not our responsibility.

In contrast, should a child desire to extinguish [the fire], he should not be allowed if he is acting on his father's behalf. If he is acting on his own initiative, the court is not obligated to restrain him.

In the instance of a fire, [our Sages] permitted a person to say, "Anyone who extinguishes the fire will not suffer a loss."

8 Transferring objects from one domain to another is one of the categories of labor [forbidden on the Sabbath].

Although this [prohibition], as all other elements of the body of Torah law, was communicated orally by Moses [as he received them] from Sinai, it is also [alluded to within] the Torah itself. [**Exodus 36:6**] relates: "[Moses ordered that an announcement be made:] 'No man or woman should do any further work concerning the donations to the Sanctuary.' And the

people stopped bringing [their gifts]." From this, one can infer that bringing [an article from one domain to another] is [also] referred to as "labor."

Similarly, we have learned according to the oral tradition that a person who carries an article from the beginning [of a square] four cubits long to the end [of that square] is comparable to a person who transfers an article from one domain to another and is liable.

9 A person who transfers an object from one domain to another is not liable until he transfers an object of sufficient size to be useful from a private domain to the public domain or from the public domain to a private domain.

Similarly, one must remove the article from one domain and place it down in the second domain. A person is not liable if he merely:

removed the article and did not place it down [and another person took it from his hand and placed it down],

placed it down [after taking it from the hand of the person who removed it], but did not remove it [himself], or

transferred less than an amount [that is useful].

Similarly, a person who carries an article from the beginning [of a square] four cubits long to the end [of that square] in the public domain is not liable unless he removes an article of significant size from one side [of the square] and places it down on the other side [of the square].

10 A person who throws an article from one domain to another or who hands [an article from one domain to a person in another domain] is

liable for performing a derivative [of the forbidden labor] of transferring.
Similarly a person who throws or passes an article by hand from the beginning [of a square] four cubits long to the end [of that square] in the public domain is liable for performing a derivative [of the forbidden labor] of transferring.
A person who throws in an abnormal manner is not liable.

11 A person who transfers part of an object from one of these two domains [a private domain or a public domain] to the other is not liable until he transfers the entire object from one domain into the other.
[For example,] if a container is filled with articles, even if it is filled with mustard [seed], and a person transferred the majority of it from one domain to the other, the person is not liable unless he transfers the entire container. The same applies in other similar situations. [The rationale is that] the container causes all the articles within it to be considered a single entity.

12 A person who transfers an article in the ordinary fashion in which the article is transferred is liable, whether he transferred it [by carrying it] in his right hand, in his left hand, or in his bosom, or whether he transfers money bound up in a cloth.
Similarly, one is liable if one transferred the articles on one's shoulder. [This applies] although the article is [being carried] more than ten handbreadths high in the public domain, for this was the manner in which the sons of Kehat would carry [the sacred articles] of the Sanctuary above ten handbreadths high as [**Numbers 7:9**] states, "They shall carry

them on their shoulders." As mentioned, all [the obligations for Sabbath] labors are derived from the Sanctuary.

13 In contrast, a person is not liable for transferring an article on the back of his hand, with his foot, in his mouth, in the crook of his arm, in his ear, in a pocket sewn into his garment when the opening of the garment is facing downward, between one garment and another, in the hem of one's garment, in his shoe, and in his sandal. [The rationale is that] he did not transfer the articles as people usually do.

14 [The following rules apply when] a person transfers a burden, carrying it on his head: If the burden was heavy - e.g., a full sack, a chest, a cabinet, or the like - and the person places it on his head and holds it with his hands, he is liable. This is the normal manner in which these articles are transferred, and this is thus equivalent to a person carrying an article on his shoulder or in his hand.

If, however, the person placed a light article - e.g., a garment, a book, or a knife - on his head and transferred them without holding them in his hand, he is not liable. He did not transfer them in the ordinary manner, for most people do not transfer articles by placing them on their heads.

A person who carries an article from the beginning [of a square] four cubits long to the end [of that square] in the public domain is liable, even when he lifts it above his head.

15 It is permissible for a person to move objects in the public within a square four cubits by four cubits adjacent to the place where he is standing. He is

allowed to move articles [freely] throughout this square.

These cubits are measured according to the size of the person's arm. If, however, his arms are dwarf-sized, he is granted four cubits according to the size of an average person's arms.

According to the oral tradition, this is the interpretation of the Torah's statement [**Exodus 16:29**]: "Every person should remain in his place," that every person should not move an article outside this square, only within it. [This square] represents the length of a human body when one extends one's hands and feet; only within it is one allowed to move objects.

16 When two people [are standing near each other] and a portion of the four cubits [in which one may carry] extends into the four cubits [in which the other may carry], they may both bring [food] and eat in the center, provided one does not take something from [the area which is solely] his and bring it into [the area which is solely] his colleague's.

If three people [are standing near each other] and the middle individual's [space] is enclosed within their space, he is permitted [to share] with them and they are permitted [to share] with him. The two individuals on the extremes, however, are forbidden [to share] with each other.

17 Based on the above, it is permitted for a person to lift up an article from the public domain and give it to a colleague who is near him, within his four cubits. The colleague may give it to another colleague standing at his side [who may pass it further]. Even if the article changes hands hundreds of times or is transferred several *millim* on the Sabbath, this is permissible, because each individual moved it only within the four cubits [granted]

him.

18 Since each person is allowed to carry within a square four cubits by four cubits, he is permitted to carry along the diagonal of this square which is five and three-fifths cubits long. Accordingly, a person who carries or throws an article in the public domain is not liable unless he moves it beyond five and three-fifths cubits [from its original place].

Whenever we have mentioned [the phrases], "from the beginning [of a square] four cubits long to the end [of that square]" or "one who carries an object four cubits is liable," the intent was [the distance] from the beginning of the diagonal of a four cubit [square] until its end. If a person carries an object for a shorter distance, he is not liable.

19 Thus, there are three [levels of responsibility that apply when] a person lifts up an object from one place in the public domain and places it down in another place in the public domain: If there are less than four cubits between these two places, the act is permitted.

If there are more than four cubits but less than five and three-fifths cubits between the two places, [the act is forbidden, but the person] is not liable. If there are more than five and three-fifths cubits, the person is liable, because he moved an article beyond the diagonal of a square [four cubits long].

Chapter 13

1 A person who transfers an object from one domain into another or one

who carries an object beyond four cubits in the public domain is not liable unless he lifts the object up from a place that is [at least] four handbreadths by four handbreadths, and places it down in a place that is [at least] four handbreadths by four handbreadths.

2 A person's hand is considered equivalent to a place four handbreadths by four handbreadths in size. Therefore, a person who removes an object from another person's hand in one domain and places it in the hand of a third person in a second domain is liable.

Similarly, a person is liable if he was standing in one of these two domains and stretched his hand into the other, removed an article from there or from the hand of a person standing there, and then returned his hand. [This applies] even though he did not place down the article in the domain in which he is standing. Since it is in his hand, it is considered as if it were placed on the ground.

3 When a person was eating and passed from one domain to another, he is liable if he thought to carry the food in his mouth from one domain to the other. Although this is not the ordinary way in which articles are transferred, his intent causes his mouth to be considered as a place four handbreadths by four handbreadths in size.

Similarly, if a person who was standing in one domain urinated or spit into the other domain, he is liable, because he removed [a substance] from one domain and placed it down in another. His conscious [performance of this activity] causes it to be considered as if he removed [an object] from a space four [handbreadths by four handbreadths]. If a person is

standing in one domain and the opening of his penis is in a second domain and he urinates into that domain, he is not liable.

4 If a person standing in one of two domains extended his hand into the other, removed water from a pit full of water, and transferred it [to another domain], he is liable. The entire [quantity of] water is considered as if it is placed on the ground.

In contrast, when a container of fruit is floating on the water, a person who extends his hand and takes some of the fruit and transfers it [to the domain in which he is standing] is not liable. Since the fruit was not resting on the ground, the person did not remove [an object] from a space four [handbreadths by four handbreadths].

Needless to say, if the fruit itself was floating on the water and one transferred it [to another domain], he is not liable. Similarly, if oil was floating on water and one scooped up some of the oil and transferred it [to another domain], he is not liable.

5 As mentioned above, a person who transfers [an object] from one domain to another is not liable unless he removes the object from its place and places it down [in a new place]. When, however, one removes [an object], but does not place it down or places it down without lifting it up, one is not liable.

Therefore, when a person standing in one of two domains extends his hand into another domain while holding an object, and another person takes it from him, or if another person places an article in his hand and he retracts his hand, neither is liable, neither the person who removed the

article nor the one who placed it down.

6 When does the above apply? When [the giver's] hand is held more than three [handbreadths above the ground]. If, however, [the giver's] hand is held less than three handbreadths above the ground, [holding the article at that height] is equivalent to placing it on the ground, and one is liable.

7 When one person is standing in either of these two domains and a colleague extends his hand from the second domain, takes an object from the person standing in the first domain and brings it in, or [the colleague] takes an object from his [domain] and places it in the hand of the person who is standing, the person who is standing [is not liable at all]. He did absolutely nothing; it was [his colleague who] placed the object in his hand or took it from his hand. The colleague is therefore liable, for he removed the object [from its original place] and put it down [in a new place].

8 When a person is standing in either of these two domains and a colleague puts an object in his hand or [loads it] on his back, and the [first] person goes out to another domain [carrying] this object, he becomes liable [when] he stands [still]. Removing his body while bearing the object is considered as removing the object from that domain, and standing while carrying the object is considered as placing the object down on the ground where he is standing. Therefore, if he went out holding the object in his hand or [carrying] it on his back and did not stand [still] in the second domain, but rather returned to the first domain while he was still holding

the object, he is not liable. [This applies] even if he goes in and out [carrying the object] for the entire day until its conclusion. Although he removed [the object from its original place], he did not put it down [in a new place]. Even if he stands [still] to adjust his load, he is not liable. [To be held liable, he must] stand [still] to rest.

9 For this reason, a person who is carrying a burden on his shoulders and running is not liable until he stands, even if he runs the entire day. He must, however, be running. If he is walking slowly, it is tantamount to having removed the article and having placed it down. [Hence,] this is forbidden. For this reason, a person who was carrying an article on his shoulders when the Sabbath commences should run with it until he reaches his home and then throw it inside in an abnormal manner.

10 When a person removes an article from its place in the public domain and walks, [carrying] it less than four cubits and stands, [he is not liable]. [Moreover, even if he continues this pattern[the entire day, carrying the article less than four cubits, stopping, and then proceeding further, he is not liable. When does the above apply? When he stands in order to rest. If, however, he stands to adjust his load [within four cubits], it is considered as if he is still walking. Thus, when he stands after moving four cubits [from his original place], he is liable. The [latter ruling applies, however,] when he stops [a second time] after moving four cubits [from his original place] for the purpose of resting. If he stops for the purpose of adjusting his load [again], he is considered as if he is still walking. He is not liable until he stood to rest more than four cubits [from his original

place].

11 [The following rules apply when] a pole, spear, or the like is lying on the ground: If a person lifts up one end without lifting the other from the ground, and then thrusts the pole forward, [he is not liable]. [Moreover, even if he continues this pattern,] picking up the second end which had remained in contact with the earth [while leaving the other end in contact with the earth], and thrusting it forward, and continuing to do so until the object moved several *millim*, he is not liable. [The rationale is that] the person never lifted the object from the earth. If, however, he pulls the article and drags it on the ground from the beginning [of a square] four cubits long to the end [of that square], he is liable. [The rationale is that] rolling the article is comparable to picking it up from its place.

12 When a person removes an article from one corner [of a private domain] with the intent of placing it down in another corner [of the same domain], the removal of the article in such a manner is permitted. Should he then change his mind and take the article out to another domain, he is not liable.

[The rationale is that] the removal [of the article from its original place] was not [performed] with that intent. Thus, the placement of the article was [performed in a forbidden manner], but not its removal.

Similarly, a person is not liable if he removes an article [from its original position] and places it on the back of a colleague who is walking, but removes it from his colleague's back when the latter desires to stand. The removal of the article was [performed in a forbidden manner], but not its

placement.

13 A person who throws an object from one domain to another, or from the beginning [of a square] four cubits long to the end [of that square] is not liable if another person caught it in his hands, a dog caught it, or it was consumed by flames before it came to rest. [The rationale is that] this was not the manner in which the thrower intended that the article come to rest. Accordingly, if this, in fact, was his intent, he is liable.

14 A person is not liable if he throws an article that is tied to a rope he is holding in his hand from one domain to another, if he can pull the article back to him. [The rationale is that] the article is not considered to have been placed down in a definitive manner. Thus, the person is considered to have removed the article [from its original place], but not to have placed it down [in a new place].

15 [The following rules apply when] a person throws an object and it comes to rest in the hands of a colleague: If the colleague stood in his place and received the object, the person who threw it is liable, for he both removed [the object from its original place] and caused it to come to rest. If the colleague [was forced to] leave his place to receive it, the one who threw it is not liable. If a person threw an article and then ran after the article himself and caught it in his hands in another domain or beyond four cubits [in the public domain], he is not liable. It is as if [the intended recipient was forced to] leave his place to catch it. [The rationale for these rulings is: The person who throws an article is not considered to have]

caused [the article] to come to rest in a definitive manner until it comes to rest in the place in which it was intended to come to rest when it was removed [from its original place].

16 A person who throws an article from one private domain to another private domain is not liable, even if the article passes through the space of a public domain that separates them from each other. [The above applies] provided the article passes more than three handbreadths above the ground. If, however, the article passes less than three handbreadths above the earth and comes to rest on another object, the person is liable even though [afterwards,] the object [continues to] move and rolls into the other private domain. [Nevertheless,] it is considered as if it had remained in the public domain. Therefore, the person is liable. Similarly, when a person throws an article from one public domain to another public domain that is separated from the first by a private domain, the person is not liable. If, however, the article passes less than three handbreadths above the earth and comes to rest on another object, the person is liable even though [afterwards,] the object rolls into the other public domain. [Nevertheless,] it is considered as if it had remained in the private domain. Therefore, the person is liable.

17 A person is, however, liable if he carries an object more than four cubits [in the public domain as he proceeds from] one public domain to another [although he passes through a private domain in the interim]. The rationale is that the total of four cubits [can be reached by] combining [the area traversed in] both public domains, because the object did not

come to rest in the domain between them.

18 A person is liable if he passes an article from one private domain to another private domain when they are separated by a public domain. [This law applies] even when he passed the article above the space of the public domain, for this was [part of] the service of the Levites in the Sanctuary. They would pass the boards from wagon to wagon. [This is analogous to the above situation, because] the public domain passed between each wagon and each wagon was considered as a private domain.

19 When does the above apply? When the two private domains are positioned [parallel to each other] along the length of the public domain, as the wagons would proceed behind each other in the public domain. If, however, the two private domains are positioned opposite each other on either side of the public domain, one is not liable even if one passes an article from one domain to the other.

Passing from One Balcony to Another

20 [The following rules apply when] a person forgot and reached his hand out from one courtyard with the intent of extending it into another courtyard to its side

while he was holding fruit: If he remembered before his hand entered [the other courtyard], and his hand is thus extended above the space of the public domain, he is permitted to return it to the courtyard in which he [is located]. He is, however, forbidden to extend it into the second courtyard, so that he will not accomplish the intent he had in mind when

he performed this act inadvertently. If he extended his hand with a conscious intent to violate [the Sabbath laws and then changed his mind], he is [even] forbidden to return it. [The Sages] punished him [and decreed] that his hand must remain extended until nightfall.

21 When a person intended to throw an article eight cubits in the public domain, but the article came to rest [just] beyond four cubits, he is liable, because the minimum measure of the forbidden labor was performed and the person's intent was completed. [Why is this so?] Because it is known that an article cannot reach a range of eight cubits without first passing through every space within that distance. In contrast, if a person intended to throw an article [just beyond] four [cubits] and the article came to rest at a distance of eight cubits, he is not liable, because the article came to rest in a place where he did not expect it to pass and certainly not to come to rest. Accordingly, if a person threw an object with the intent that it come to rest wherever it [landed], he is liable.

22 When a person throws an article [within] four cubits and it rolls beyond that distance, he is not liable. [The following rules apply] if a person throws an article beyond four cubits and it rolls back within four cubits: If it came to rest on an object beyond four cubits and afterwards rolled back within four cubits, he is liable. If it did not come to rest at all [beyond four cubits], he is not liable.

Chapter 14

1 There are four domains [referred to by our Sages with regard to transferring objects on the Sabbath]: a private domain, a public domain, a *carmelit*, and a *makom patur*.

What constitutes a public domain? Deserts, forests, marketplaces, and the thoroughfares leading to them, provided that the thoroughfares are sixteen cubits wide and are not covered by a roof.

What constitutes a private domain? A mound that is at least ten handbreadths high and at least four handbreadths by four handbreadths in area;

a groove that is at least ten handbreadths deep and at least four handbreadths by four handbreadths in area;

a place that is surrounded by four walls that are [at least] ten handbreadths high and whose inner space is at least four handbreadths by four handbreadths in area. Even if such an area is several *millim* in size, [it is considered a private domain] if it was enclosed for the purpose of [creating] a dwelling - e.g., a city surrounded by a wall whose gates are closed at night and a lane that has three walls and a *lechi* at its fourth side. Similarly, a courtyard, a corral, and a stable that were enclosed for the purpose of [creating] a dwelling are considered private domains in a complete sense.

2 Even vessels - e.g., a boat, a wooden closet, a beehive, or the like - are considered private domains in a complete sense if they are at least four handbreadths by four handbreadths in area and ten handbreadths high.

3 The span of the walls of the private domain is considered to be like the

private domain. If the [walls] create a distinction [from the public domain] for another [area - i.e., the space they contain], surely they create a distinction for themselves.

The space above a private domain until [the highest point] in the heavens is considered a private domain. The space ten handbreadths above the public domain, [by contrast,] is considered a *makom patur*.

4 What is a *carmelit*? A mound that is four [handbreadths] by four [handbreadths] in area and between three [handbreadths]and ten [handbreadths] high. For a *carmelit* occupies only the space ten [handbreadths] or less above the ground and is not less than four [handbreadths] by four [handbreadths in area].

Each of the following is [also considered] a *carmelit*:

a groove that is four [handbreadths] by four [handbreadths] in area and between three [handbreadths] and ten [handbreadths] deep,

a place that is surrounded by four walls that are between three and ten [handbreadths] high and enclose an area at least four [handbreadths] by four [handbreadths], a corner next to the public domain - i.e., an area surrounded by three walls with the public domain on the fourth side - e.g., a passageway that does not have a *lechi* or a *korah* on the fourth side, seas, a valley [of fields], whether in the summer or in the rainy season.

5 The space above a *carmelit* is considered equivalent to a *carmelit* for ten handbreadths. The space ten handbreadths above a *carmelit*, however, is considered a *makom patur*.

Therefore, the space above the water in a sea or river is considered a

carmelit for ten [handbreadths], the space higher than ten [handbreadths above the water] is considered a *makom patur*. The entire depth of the water by contrast is considered as thick earth [and thus is deemed a *carmelit*].

6 A storage vat in a *carmelit* is considered a *carmelit* even if it is 100 cubits deep, if it is not four [handbreadths by four handbreadths in area].

A public domain that is covered by a roof or that is not sixteen cubits wide is considered a *carmelit*.

A stall between the pillars of the public domain and the narrow space at the side of the public domain is considered a *carmelit*. In contrast, the space between the pillars is considered a public domain, because many people walk there.

7 What is meant by a *makom patur*? An area that is less than four handbreadths by four handbreadths in area and more than three handbreadths above the earth, even if it reaches the heavens themselves. An elevation less than three handbreadths high, by contrast, is considered as [being on] ground level.

Even brambles, briers, and dung that are located in the public domain and are more than three [handbreadths] high and less than four [handbreadths] by four [handbreadths] are deemed a *makom patur*.

Similarly, a groove that is less than four [handbreadths] by four [handbreadths] and more than three handbreadths deep, even if it reaches the earth's very depths, and a place that is surrounded by walls, but is not four [handbreadths] by four [handbreadths] in area and is more than three

handbreadths high, are both considered a *makom patur*. Even if they are one thousand *millim* long, but the length of a barley corn less than four handbreadths wide, [they are still considered as a *makom patur*.

Also considered a *makom patur* is the space above a public domain and the space above a *carmelit* that is more than ten handbreadths high.

8 A place that is exactly nine handbreadths high, neither more or less, in the public domain is considered part of the public domain. [It is placed in this category] regardless of its width or length - whether large or small - because many people use it to arrange their loads.

If, however, it is more or less than nine handbreadths high, [different rules apply]: If it is four [handbreadths] by four [handbreadths] or more [in area], it is a *carmelit*. If it is less than four [handbreadths] by four [handbreadths in area], it is a *makom patur*.

9 When a roof that is less than ten handbreadths [high] is located in proximity to the public domain and many use it for their loads, it is forbidden to carry on this roof unless a ladder [leading to the owner's courtyard] is permanently affixed there. [If this is done,] it is permitted [to carry on the roof].

A pillar that is located in the public domain and is ten handbreadths high and four [handbreadths by four handbreadths in area] is deemed a private domain. If, however, one inserted a spike in its side, even if [the spike is] less than three handbreadths high, since articles may be hung from it or it may be used [for other purposes], it reduces the height of the pillar and it is deemed to be a *carmelit*. [The pillar's] height is calculated beginning

from the highest spike.

10 Holes [in the wall of] a private domain are [considered part of] the private domain. Holes in the public domain, by contrast, [are not considered part of the public domain, but rather] are judged according to their size.

What is implied? Holes located at the side of the public domain which are four [handbreadths] by four [handbreadths] and ten [handbreadths] high are considered as a private domain. If they [are this length and width, but] are not ten [handbreadths] high, they are considered to be a *carmelit*. If they are smaller than four [handbreadths] by four [handbreadths], they are considered to be a *makom patur*.

[The above applies] provided that they are three [handbreadths above the ground]. Anything below three [handbreadths] is considered to be [an extension] of the ground.

11 It is permitted to carry throughout a private domain and a *makom patur*. Even if such a domain is several *millim* long, one is permitted to carry throughout the entire area. In contrast, one may carry only within [a square of] four cubits in a public domain and in a *carmelit*.

If a person carried [an article], passed [it] to another person or threw [it] beyond four cubits in the public domain, he is liable. In a *carmelit*, one is not liable, since the prohibition against [carrying in] a *carmelit* is a Rabbinic decree, [enacted because] the area resembles a public domain and [the Sages were concerned] that a distinction between the two would not be made.

Accordingly, if one removed [an article] for which one had no purpose - e.g., one removed a thorn from a *carmelit* so that people would not be injured by it, the act is permitted. This applies even if one carries it several cubits. The same applies in other similar instances.

12 Just as one is permitted to carry within a *makom patur*, so too, is one permitted to transfer articles from it to a private domain, a public domain, and, needless to say, a *carmelit.* Similarly, one may transfer articles to it from a private domain, a public domain, and, needless to say, a *carmelit*.

13 Just as one is forbidden to carry within a *carmelit*, so, too, is one forbidden to remove articles from it to a private domain or a public domain. [Similarly, it is forbidden] to bring in an article from a private domain or a public domain to a *carmelit.* If one removes or brings in [an article], one is not liable.

14 A person is not liable for transferring an article from one private domain to another private domain via a *carmelit*, nor [is he liable for transferring an article] from one public domain to another public domain via a *carmelit*. Similarly, a person who passes or throws an article from either of these types of domains to another similar domain via a *carmelit* is not liable.

When a person transfers an article from the public domain to a *carmelit,* puts it down in the latter domain, and afterwards, picks it up from the *carmelit* and brings it into a private domain, [he is not liable]. [Similarly, a person who transfers an article] from a private domain to a *carmelit,* puts

it down in the latter domain, and afterwards, picks it up from the *carmelit* and brings it into a public domain, is not liable.

15 A person is liable if he transfers an article from a private domain to a public domain even though he passes through a *makom patur*, because a person who is walking is not considered to have stood [in the places through which he passed]. Surely, when a person throws an article through a *makom patur*, the article is not considered to have come to rest.
A person is not liable if, while standing in a *makom patur*, he took an article from a private domain or from a person standing there and placed it down in the public domain or in the hands of a person standing there. Similarly, if one brought an article from a public domain to a private domain [via a] *makom patur* and stood in the latter domain, one is not liable.

16 A pillar that is located in the public domain [is considered] a private domain [in the following situation]: It is ten [handbreadths] high and [possesses an upper surface] of four [handbreadths by four handbreadths] in area, but a lower surface that is not four [handbreadths by four handbreadths]. [This applies even] when its smaller end is more than three [handbreadths] high. [Therefore,] if a person throws an article from the public domain and it lands on [this pillar], he is liable.
A mound whose incline ascends ten handbreadths within a distance of four cubits is considered to be a private domain. If a person throws an article from the public domain and it lands on [the mound], he is liable.

17 When a person throws an article from the public domain and it lands upon a reed - even one that is 100 cubits high - which is implanted in a private domain, he is liable, for a private domain extends until the very heavens.

When a tree's [trunk] is located in a private domain and its branches extend into the public domain, a person who throws [an article from the public domain that] lands in its branches is not liable, because the branches are not [automatically considered as being] in the same domain as the stem.

18 When a person throws an article that lands upon a reed with a basket at its top which is implanted in a public domain, he is not liable, for a public domain extends only ten [handbreadths high].

[The following rules apply when] a person throws an article in the public domain and it comes to rest on a wall - e.g., one threw fats or dough and they became attached to the wall: If they become attached above ten handbreadths [from the ground], it is considered as if he threw the article into the air, for the space more than ten handbreadths above a public domain is a *makom patur*.

If it becomes attached below ten handbreadths, it is as if he threw the article on the ground and he is liable. If he threw the article above ten [handbreadths high] and it came to rest in a hole that is of inconsequential size, he is not liable.

19 If a person throws a reed or a spear from a private domain [to a public domain] and [the spear] becomes implanted in the public domain in an

upright position, he is not liable, for a portion [of the article] is in a *makom patur*.

If a person throws a large utensil which is four [handbreadths] by four [handbreadths in area] and ten handbreadths high, he is not liable. The utensil itself constitutes a private domain, and thus the person is considered as one who transfers an article from one private domain to another.

20 When a person uproots a clod of earth from the bottom of a pit that is nine handbreadths deep, and [by doing so] makes it ten handbreadths deep, he is not liable. [This decision is rendered] despite the fact that the removal of the article and the creation of the domain occur simultaneously, because the domain was not originally ten [handbreadths] deep.

A pit whose depth of 10 handbreadths is reduced by the addition of earth

[Conversely,] if a person throws a clod of earth into a pit that is ten handbreadths deep, and [by doing so] causes it to become less than ten handbreadths [deep], he is not liable. [This decision is rendered] because the placement of the article and the nullification of the domain occur simultaneously.

21 A person is not liable if he throws a board that lands on spikes [implanted] in the public domain [even when] by doing so, he creates a private domain. [This applies] although a utensil was on the board. [The rationale for this decision is] that the creation of the domain occurs at the same time that the utensil comes to rest.

A Board Being Placed on Spikes in the Public Domain

22 When a person throws a mat from a public domain into a pit that is ten handbreadths deep and [precisely] eight handbreadths wide, [and the mat falls in an upright position in the exact center of the pit,] dividing the width of the pit in half, he is not liable. [The rationale is] that when the article lands, it nullifies the domain, causing each of the halves to be less than four [handbreadths] by four [handbreadths].

23 When a person throws an article into a pit in the public domain that is ten handbreadths deep and four [handbreadths by four handbreadths] in area and is filled with water, he is liable although the article lands on the water, for the water does not nullify the domain.

[In contrast,] were [such a pit] to be filled with produce, a person who throws [an article] into it would not be liable, for the produce reduces the size of the pit.

24 [The following rules apply to] an irrigation ditch that contains water that passes through the public domain, and which people [usually] walk through: If it is not ten handbreadths deep, it is considered to be a public domain regardless of whether it is four cubits [or more] wide or less than four handbreadths wide. [It is placed in this category, despite the fact that, in the latter instance,] most people would jump over it, rather than walk through it. [Regardless of its width,] since it is not ten handbreadths deep, it is considered to be [part] of the public domain.

If it is ten handbreadths or more deep, it is considered a *carmelit* like other

bodies of water. [The above applies] when the ditch is at least four handbreadths wide, for there is no concept of a *carmelit* that is less than four handbreadths [wide].

Chapter 15

1 A person standing in a public domain may move [articles] throughout a private domain. Similarly, a person standing in a private domain may move [articles] within a public domain, provided he does not transfer them beyond four cubits. If he transfers an article [beyond that distance], he is not liable, because he is located in a different domain.

Similarly, a person standing in a private domain may open [a door with a key] in a public domain. [One standing] in a public domain may open [a door with a key] in a private domain.

One may force feed an animal whose head is inside [a stall, although] the major portion of its body is outside. One may not, [however, force feed a] camel unless its head and the major portion of its body is within [the stall], since its neck is long.

2 A person should not stand in a private domain and [extend his head into] the public domain to drink, nor [should he stand] in a public domain and [extend his head into] a private domain to drink, unless he brings his head and the majority of his body into the domain in which he is drinking.

When do the above [restrictions] apply? When he is drinking with attractive vessels that he needs. [In this instance, our Sages instituted a] decree, lest he transfer [the drinking vessels]. If, however, [the person uses]

vessels that are not attractive and which he does not require, all that is necessary is that he bring in his head; it is not necessary that he bring in the majority of his body. If a cistern of water is located in a *carmelit*, [the above leniency applies] even when [the person] uses vessels that are attractive.

3 A person may stand in a public domain, [extend his hand,] collect water that is flowing from a drainpipe or a wall [while the water is] in the air, and drink, provided he does not touch the drainpipe or the wall and collect the water from them.

[The following rules apply] should he [in fact] touch [the drainpipe or the wall]: If the place he touches is more than ten [handbreadths] high and within three handbreadths of the roof, the act is forbidden. It is as if he removed [the water] from the roof, which is a private domain.

Similarly, if the drainpipe was four [handbreadths] by four [handbreadths] and one collected water from it, this is forbidden regardless of whether the pipe is within ten handbreadths of the ground or above ten handbreadths. Why is the person not held liable? Because the water is not at rest, but rather continuing to flow.

4 [The following rules apply when] a projection extends [from the wall of a building] near a window: If the projection is above ten handbreadths high, its use is permitted, for the public domain extends only ten handbreadths [above the ground]. Therefore, it is permissible to use the entire wall, with the exception of the bottom ten handbreadths.

5 When does the above apply? When there is [only] one projection extending into the space. When, however, there are two projections extending from the wall, one below the other, even though they are both more than ten handbreadths high, [different rules apply]: If the upper projection near the window is four [handbreadths] by four [handbreadths] in area, its use is forbidden, for it is a domain in its own right, and the projection below it is a separate domain. Accordingly, they each cause the other to be forbidden, for [the people in] two domains cannot [jointly] use the space of one domain.

6 If both the upper projection and the lower projection are not four [handbreadths by four handbreadths], both of them may be used. Similarly, [in such a situation,] one may use the entire wall with the exception of the bottom ten handbreadths.

If the lower projection was four [handbreadths by four handbreadths], but the upper projection was not four [handbreadths by four handbreadths], [an individual dwelling in the upper storey] may use only that portion of the upper [projection] that is directly opposite his window. It is forbidden to use the remainder of the projection that extends on either side of the window, because of the lower projection, which is considered to be a separate domain.

7 Whenever there is a projection that extends over the public domain and may be used, one may place upon it and remove from it only utensils of earthenware, glass, or the like, for if they fall into the public domain they will break. Other utensils and food are prohibited [to be placed there], lest

they fall into the public domain, and [one descend and] bring them [into the home].

8 [The following rules apply when] there are two houses on opposite sides of the public domain: If a person throws an article from one to the other and the article is ten [handbreadths] above the ground, he is not liable, provided both houses belong to him or there is an *eruv* between them. One may throw even garments and metal utensils.

Two Houses of Different Heights on Opposite Sides of the Public Domain

If one of [the two houses] was higher than the other, and they were thus not on the same level, it is forbidden to throw a garment or the like, lest it fall and [one descend and] bring it. One may, however, throw earthenware utensils and the like.

9 [The following rules apply when] a cistern located in the public domain has an opening [to a home] above it: The cistern and the sand [piled around it] are measured together [to see if their height reaches] ten [handbreadths]. [If it does,] one may draw water from it on the Sabbath.

When does the above apply? When [the cistern] is within four handbreadths of the wall, for then a person cannot pass between them. If, however, it is further removed, one may not draw water from it unless the sand [piled around it] is ten [handbreadths] high. Thus, when the bucket is raised above the sand [pile], it enters a *makom patur*.

10 It is permitted to pour water [from] a window [of a home] to a garbage

heap located in the public domain that is ten handbreadths high, on the Sabbath.

To what does the above apply? To a garbage heap belonging to the community, for this is unlikely to be removed. We may not, however, pour water onto a garbage heap belonging to an individual.

It is possible that the garbage heap was cleared away and thus, [unknowingly,] one will be pouring into the public domain.

11 [The following rules apply to] a water conduit that passes through a courtyard: If it is ten [handbreadths] high and between four [handbreadths] and ten cubits wide, we may not draw water from it on the Sabbath, unless one erects a partition [in the water] ten handbreadths high at its entrance [to the courtyard] and its exit.

If it is not ten [handbreadths] high or is less than four [handbreadths] wide, we may draw water from it without [erecting] a partition.

12 When [the water conduit that passes through the courtyard] is more than ten cubits wide, although it is less than ten handbreadths high, we may not draw water from it unless a partition is erected. Since it is more than ten [cubits] wide, it is considered to be an open space and nullifies the existence of the divider.

What is the ruling regarding carrying in the courtyard as a whole? If there is even a small portion [of the wall] remaining on both sides of the opening, or if a portion [of the wall] four handbreadths in size remains on one side of the opening, it is permitted to carry in the entire courtyard. It is forbidden only to draw water from the conduit. If, however, no portion

of the wall remains, it is forbidden to carry in the entire courtyard, for it has been opened up to the sea, which is a *carmelit*.

13 How must the partitions be erected in the water? If [the majority of the partition] is above the water, at least a handbreadth of the partition must descend into the water. If the partition as a whole descends into the water, at least a handbreadth must rise above the water level. [In this manner,] the water in the courtyard will be distinct, [from the water in the conduit on either side of the courtyard].

Although the partition does not reach the ground [in the conduit], since it is ten handbreadths high, it is permitted. The use of a partition that remains hanging was allowed only with regard to water. Since the prohibition against carrying this water is Rabbinic in origin, [the Sages] were lenient regarding [the nature of] the partition [required], for its purpose is only to create a distinction.

14 [The following rules apply] when a conduit of water passes between several courtyards and there are openings [from the courtyards] to it: If it is not the minimum size [of a domain],one may lower buckets from the windows and draw water from it on the Sabbath.

The extension of the wall 3 handbreadths

When does the above apply? When [the conduit] is not more than three handbreadths away from the wall. If, however, [the conduit] is more than three handbreadths away from the wall, we may not draw water from it unless there are projections extending from the walls on either side. Thus the conduit would be considered as if it passes through the courtyard.

15 [The following rules govern] a balcony that extends over a body of water with an aperture [in its floor] that opens to the water: We may not draw water from it on the Sabbath unless a partition ten handbreadths high is constructed over the water parallel to the opening in the balcony. Alternatively, we may construct a partition descending from the balcony to the water. Then, we consider this partition as descending until it touches the water.

Just as we may draw water from [the body of water] after making the partition, so too we may pour water from the balcony to the water. [The rationale is:] One is pouring into a *carmelit*.

16 We must not pour water into a courtyard that is less than four cubits by four cubits on the Sabbath, because [the water] will flow into the public domain rapidly.

Therefore, it is necessary to dig a pit that contains two *seah* in the courtyard or in the public domain next to the courtyard, so that the water will collect there. [If the pit is within the public domain], one must build a domed covering over this pit from the outside so that the pit will not be seen in the public domain.

The courtyard and the patio adjoining it are combined [when calculating] the four cubits. How large is a pit that contains two *seah*? [A pit] half a cubit by a half a cubit in area and three fifths of a cubit high.

17 If the pit cannot contain two seah, we may pour [no more than] its contents into it. If it can contain two seah, we may pour [any amount of] water into it, even 60 seah, despite the fact that the water will overflow

and spill from the pit outward.

When does the above apply? In the rainy season, at which time the courtyards are muddied and many drainpipes spread water. Thus, onlookers will not say that this person is making use of the courtyard and the water is flowing into the courtyard because of his power. In the summer, by contrast, if [the pit] can contain two seah, only that amount may be poured into it. If it cannot contain two seah, no water at all may be poured into it.

18 [The following rules apply] to a drain through which water is poured and the water flows under the ground into the public domain, and to a gutter when water is poured over its mouth and the water flows down a wall and descends to the public domain: Even if the wall is 100 cubits long or the stretch of ground under which [the water] passes is 100 cubits long, it is forbidden to pour into the mouth of this drain or this gutter, for because of one's power, the water flows into the public domain. Instead, one should pour outside the drain, [allowing the water to] flow into the drain on its own accord.

19 When does the above apply? In the summer. In the winter, by contrast, one may pour [water as mentioned above], and indeed, do so repeatedly, without inhibition. At that time, the gutters are flowing [with water], and a person desires that the water will be absorbed in its place.

The protrusion extending above the sea

[In contrast,] it is permitted for a person to pour water over a drain which flows into the carmelit, even in the summer. No decrees were enacted

against [the effect of] a person's power in a carmelit. For this reason, it is permitted to pour [water] down the side of a ship and have it descend to the sea.

20 A person who is standing in a ship should not draw water from the sea unless he builds a protrusion, four [handbreadths] by four [handbreadths], extending from the ship above the sea.

When does the above apply? When [the deck of the ship] is within ten [handbreadths of the water level]. If, however, [the deck] is more than ten [handbreadths above the water level], he may draw water after erecting a protrusion of the smallest size. [The rationale for this leniency is that] he is drawing water through a makom patur, and the protrusion is necessary only to make a distinction.

21 [The following rules apply when] a person was reading a scroll in a carmelit, a portion of the scroll rolled into the public domain, and a portion remained in his hand: If it rolled more than four cubits, he should turn it face down and leave it. This is a decree, enacted lest [the scroll] drop from his hand and he carry it [more than] four cubits. If it rolled less than four cubits, he should roll it back toward himself. Similarly, if it rolled into a private domain, he should roll it back towards himself.

[The following rules apply when] a person was reading in a private domain and the scroll rolled into a public domain]: If it came to rest, he should turn the scroll face down. If it did not come to rest, but rather remained suspended in the air above the public domain and did not reach the earth, he may roll it back to himself.

22 A person who moves thorns so that the public at large will not be injured [should adhere to the following guidelines]: If [the thorns] were in the public domain, he should move them less than four cubits at a time. If they were located in a carmelit, he may move them even 100 cubits in a normal manner.

Similarly, if a corpse [began to decompose,] emit foul odors, and become extremely abhorrent to the extent that the neighbors cannot bear to remain [in the same place], it may be taken from a private domain to a carmelit.

After a person descends to bathe in the sea, he should dry himself when he ascends, lest he carry the water that is on him more than four cubits in a carmelit.

Chapter 16

1 [The following rules pertain to] a place that is enclosed for purposes other than habitation, and is used as an open space - e.g., gardens and orchards, an open area that is enclosed to protect it, or the like: If the walls surrounding it are ten handbreadths or more high, it is considered to be a private domain with regard to a person's being liable for transferring, throwing, or passing an object from it to the public domain, or from the public domain to it.

We are not allowed to carry within it, unless its area is equivalent to that necessary to sow two *seah* [of grain] or less. If its area is larger than the space necessary to sow two *seah*, we may not carry more than four cubits within it, as in a *carmelit*.

2 Similarly, if a surface is elevated more than ten handbreadths high and whose area is equivalent to the space necessary to sow two *seah* or less, we may carry on the entire surface. If its area exceeds the space necessary to sow two *seah*, we may carry only within a space of four cubits upon it.

When a rock in the sea is less than ten handbreadths high, we may carry from it to the sea, and from the sea to it, for the entire area is a *carmelit*. If [the rock] is ten handbreadths high, [different rules apply]. If the size of its area is betweenfour handbreadths [by four handbreadths] and the space necessary to sow two *seah*, [our Sages forbade] carrying from [the rock] to the sea or from the sea to the rock. [This restriction is a safeguard, instituted,] because we are permitted to carry on the entire [rock].

If its area exceeds the space necessary to sow two *seah*, although it is a private domain and yet it is forbidden to carry more than four cubits upon it as in a *carmelit*, it is permitted to carry from it to the sea and from the sea to it. This is an atypical situation. Hence, the Sages did not [include] it [in their] decree.

3 How large is an area in which a *seah* [of grain can be sown]? Fifty cubits by fifty cubits. Thus, the area in which two *seah* [of grain can be sown] is 5000 square cubits.

This measure applies whether the area is a square of 70 cubits and a fraction by 70 cubits and a fraction,or it is a circle, or it is of another shape. [If its area equals the sum mentioned,] it is considered as "the area in which two *seah* [of grain can be sown]."

4 [The following rules apply when] an area that is enclosed for purposes

other than habitation and is large enough for two *seah* [of grain to be sown within is rectangular in shape]: If its length is twice its width - for example, it is 100 by 50, as was the courtyard of the Sanctuary - carrying is permitted within it.

If, however, [it is more elongated] and its length exceeds twice its width by even one handbreadth, we are permitted to carry only four cubits within it. [This restriction is imposed because the permission to carry as one may carry] in other courtyards [within] an open space large enough for two *seah* [of grain to be sown within], is derived from the courtyard of the Sanctuary.

5 [The status of] a place that was originally enclosed for purposes other than habitation [may be changed in the following manner]. A person tears down [a portion of the wall, creating] an open space that is more than ten cubits long and ten handbreadths high and then re-encloses that space for the purpose of habitation. [After this has been done,] one may carry within the entire enclosure.

Moreover, even if one [did not complete the entire process at once, but rather] tore down a single cubit and re-enclosed that space for the purpose of habitation, tore down another single cubit and re-enclosed that space for the purpose of habitation - [when one continues this process until] one re-encloses a space greater than ten cubits one may carry within the entire enclosure, even though it is several *millim* in size.

6 When [produce] is sown in the majority of an area that is larger than the space [necessary to sow] two *seah* [of grain] that was enclosed for the sake

of habitation, the area is considered to be a garden, and it is forbidden to carry within it in its totality.

[The following rules apply when produce] is sown merely within a minor portion [of the enclosure]: If the portion [where the produce] was sown is equal to the space [necessary to sow] two *seah* [of grain], one may carry within the entire [enclosure]. If the portion [where the produce] was sown is larger than the space [necessary to sow] two *seah* [of grain],one may not carry within the entire [enclosure].

When trees are planted in the majority [of the enclosure], it is considered to be a courtyard, and one may carry within the entire [enclosure].

Should [the enclosure] become filled with water, [the following rules apply]: If [the water] is fit to be used [by humans], [the water] is considered to be like trees, and it is permitted to carry within the entire enclosure. If [the water] is not fit to be used [by humans], we may carry only [within a square of] four cubits in [the enclosure].

7 [The following rule applies when a roof is constructedover a portion of] an area large enough for three *seah* [of grain to be sown within] which originally had been enclosed for purposes other than habitation: If the roof covers [a portion of this area] large enough for a *seah* [of grain to be sown], we are permitted [to carry throughout the entire enclosure] because of the roof. [The rationale is:] The edge of the roof is considered to descend and close off [the covered portion from the enclosure as a whole].

[The following rule applies when the wall surrounding an area that was enclosed for purposes other than habitation] was torn down, opening the

enclosure up to an adjoining courtyard, and [a portion of the wall of the courtyard] opposite [the enclosure] was also torn down:
[We are] permitted [to carry] within the courtyard as [we] previously [were], and [we are] forbidden [to carry] within the enclosure as [we] previously [were]. [The rationale is:] The open space of the courtyard does not cause [carrying] to be permitted [within the enclosure].

8 When [the area of an enclosure] is greater than the space necessary [to sow] two *seah* [of grain], and one attempts to reduce its size by planting trees, its [size is not considered to have been] reduced.
If one builds a pillar ten [handbreadths] high and three or more [handbreadths] wide at the side of the wall, [the size of the enclosure is considered to have been] reduced. If, however, [the pillar] is less than three [handbreadths] wide, [the size of the enclosure is not considered to have been] reduced, for an entity that is within three handbreadths of an existing entity is considered to be an extension of the latter entity.
Similarly, a person who erects a partition that is more than three [handbreadths] removed from the wall [is considered to have] reduced [the size of the enclosure]. If [the partition] is less than three [handbreadths from the wall], it is of no consequence.

9 If one applies cement to the wall, one reduces [the size of the enclosure], although [the cement] is not substantial enough to stand as a separate entity.
[The following rule applies when an area which is larger than the space required to sow two *seah* of grain is located on a mound:] If one builds a

wall [with the intent of enclosing the area for habitation] at the edge of the mound, it is not of consequence, for a partition that is built on top of another partition is of no consequence.

[The following rule applies when] a wall [that was constructed for the purpose of habitation was built] on top of a wall [that was not constructed for the purpose of habitation,] the lower wall sunk within the ground, and the upper wall remained: Since the upper wall was constructed for the purpose of dwelling, and it is the only [wall] visible at present, it is [now] considered of consequence and one may carry within the entire [enclosure].

10 We may carry only within [a square of] four cubits in a yard that is located behind [a group of] houses larger than the space necessary [to sow] two *seah* [of grain], even when there is an opening from [one of] the homes to [the yard].

If one opens an entrance [from one of the homes] to [the yard] and then encloses it, [the yard] is considered as enclosed for the purpose of habitation, and we are permitted to carry throughout its total [area].

11 [Permission is granted to carry within] a yard that opens to a city at one side and a path that leads to a river on the other [in the following manner]: If one erects a post at the side near the city, it is permitted to carry within [the yard], from [the yard] to the city, and from the city to [the yard].

12 [The following rules apply when] an individual spends the Sabbath in an

open valley and constructs a partition around his [immediate area]: If [the enclosed area] is the size of the area in which two *seah* [of grain can be sown] or less, he may carry within the entire [enclosed area]. If [the enclosed area] is larger, he may carry only within [a square of] four cubits.

The same [rules apply when] two individuals [spend the Sabbath in an open valley]. When, however, three or more Jews spend the Sabbath in an open valley [and erect a partition enclosing their immediate area], they are considered a caravan and they are allowed to carry as far as necessary, even several *millim*, provided there is not a space larger than the area [necessary to sow] two *seah* left vacant without utensils. If, however, [the enclosed area] includes a space larger than the area [necessary to sow] two *seah* that is left vacant without utensils, and that is of no use to them, they are allowed to carry only within [a square of] four cubits within the enclosure.

A minor is not included in [the reckoning of the minimum number of people necessary to compose] a caravan.

13 When three people enclose an area large enough for their needs and establish this as their place for the Sabbath, [those who remain] are allowed to [continue] carrying within the entire [enclosure] despite the fact that one of them dies [on the Sabbath].

When [by contrast] two individuals establish [an enclosed area] larger than the space [necessary to sow] two *seah* [of grain] as their place for the Sabbath, they may carry only within four cubits despite the fact that a third person joins them [on the Sabbath]. [The rationale for both decisions is that the ruling] is determined by the manner in which the

individuals establish [a site as] their place for the Sabbath [at the commencement of the Sabbath], and not on the number of people who are actually present [on the Sabbath day].

14 [Our Sages did not establish restrictions against carrying in the following instance:] Three areas that are enclosed for purposes other than habitation are located adjacent to each other, and lead to each other. The two outer enclosures are wide, while the middle enclosure is narrow. Thus, there are barriers around the outer enclosures on either side. If [three people spend the Sabbath in this place,] one in each of these enclosures, [the three] are considered as a caravan, and they are allowed to carry [wherever] necessary.

If the middle enclosure is wide, while the two outer enclosures are narrow, there are barriers around the middle enclosure on either side. [Thus,] it is considered separate. Therefore, [if three people spend the Sabbath in this place,] one in each of these enclosures, they are not allowed to carry without restriction. Instead, each one is allowed to carry within his own enclosure [provided it is smallerthan the space necessary to sow] two *seah* [of grain].

If a single individual [spends the Sabbath] in each [of the outer enclosures], while two people are in the middle enclosure, or two people [spend the Sabbath] in each [of the outer enclosures], while one person is in the middle enclosure, they are allowed to carry [wherever] necessary.

15 Any partition that cannot stand in the face of an ordinary wind is not considered a significant partition. [Similarly,] any partition which is not

constructed in a lasting manner is not considered a significant partition. [Likewise,] a partition constructed only for the purpose of modesty is not considered a significant partition.

Any partition that is not ten handbreadths high is not considered to be a complete partition. A mound five handbreadths high and a partition [on top of it] five handbreadths [high] are combined [and together are considered to be a valid partition].

16 Any partition whose open portion exceeds its closed portion is not considered to be a partition. If, however, the open portion is equivalent to its closed portion, it is permitted [to carry within the enclosure], provided none of the open portions is larger than ten cubits wide. [The rationale for this leniency is that an open space] ten cubits [or less] is considered to be an entrance.

If, however, this open space [is enclosed by] the frame of an entrance,, even if it is wider than ten cubits the partition is not considered to be nullified, provided the open space does not exceed the closed portion.

17 When does the above apply? When the open spaces are three handbreadths or wider. If, however, the open spaces are each less than three handbreadths, the partition is acceptable although the total open space exceeds the space which is enclosed. For whenever there is an opening of less than three handbreadths, the portions separated in this manner are considered as parts of a solid partition.

18 What does the above imply? For example, a person makes an enclosure

with reeds - as long as there is less than three handbreadths between one reed and the next, the partition is fully acceptable. Similarly, if one makes a partition with ropes, as long as there is less than three handbreadths between one rope and the next [the partition is fully acceptable]. [The above applies] even when the [reeds or ropes] run vertically but not horizontally, or horizontally but not vertically.

The height of the reeds must be at least ten [handbreadths], or there must be ten handbreadths from the earth to the top of the highest rope if one makes an enclosure with rope. For a partition cannot be less than ten handbreadths high. All these measures are part of the oral tradition transmitted to Moses on Mount Sinai.

19 Whenever the term "frame of an entrance" is mentioned, it refers to a structure that has at the very least one reed at either side and another reed above them. [There is a further leniency:] The height of the posts at the sides must be at least ten handbreadths, but it is not necessary for the reed or other material placed above them to touch them. Even if it is several cubits above them, since the posts at the side are ten [handbreadths] high, [the structure] is considered to be a frame of an entrance.

The frame of an entrance mentioned must be sturdy enough to hold a door. Nevertheless, [the door need not be of a heavy substance;] a door of straw is also sufficient.

20 When the upright portions of the sides of an entrance that is structured in the form of an arch are ten [handbreadths] high, it is considered to be a "frame of an entrance."

A frame of an entrance that is constructed at the side of a partition is not significant, for it is not common for entrances to be constructed at the corner [of a wall], but rather in its center.

21 A partition may be made from any substances: utensils, food stuffs, or human beings. Even livestock and other animals and birds [may be used for this purpose] provided they are bound so that they will not depart.

22 A partition that arises on its own accord is acceptable. Similarly, a partition that is erected on the Sabbath is considered to be a partition. If it is constructed unintentionally, carrying within [the enclosed area] is permitted on that Sabbath, provided it is not constructed with the knowledge of those who carry within.

If, however, a person intends that a partition be erected on the Sabbath, he is forbidden to carry within [the enclosure] on that Sabbath, even though the person who actually constructed the partition did not do so with the intent of violating [the Sabbath laws]. Similarly, if [a partition] is erected with a conscious intent to violate [the Sabbath laws], it is forbidden to carry within [the enclosure] even if [the person who erected the structure] did not intend to carry within it.

23 It is permitted to erect a human partition on the Sabbath - i.e., people standing next to each other - provided that the people whose bodies form the partition do not know that they are standing there for that purpose. Nor may the person who desires to use this enclosure be the one who has them stand there. Instead, another person should have them stand there

without the knowledge of [the person who will benefit from the enclosure].

24 The branches of a tree which hang downward and which reach within three handbreadths of the earth [may serve as an enclosure]. One should place straw, stubble, and the like between the branches and the leaves, and should tie them to the earth so that they will stand firmly and not flutter in the face of an ordinary wind. [When this is done,] one may carry under the entire [tree].

[The above applies] when there is less than the space [necessary to sow] two *seah* [of grain beneath the tree]. If, however, the area [below the tree] is larger than that, we are allowed to carry only within four cubits [in this space], since the space beneath [the tree] was enclosed for purposes other than dwelling.

Chapter 17

1 A lane with three walls is called a closed lane. In contrast, a lane that has only two walls, one opposite the other, and thus passersby enter from one end and leave from the other, is referred to as an open lane.

2 What must be done to allow people to carry within a closed lane? We should erect one pole at the fourth side or extend a beam above it; this is sufficient. The beam or the pole is considered to have enclosed the fourth side, making it [equivalent to] a private domain.

Thus, carrying is permitted within it.

According to Torah law, one is permitted to carry [within an area enclosed] by three partitions. [The requirement to enclose the] fourth side is Rabbinic [in origin]. Therefore, it is sufficient to erect a pole or a beam.

3 What must be done to allow people to carry within an open lane? A frame of an entrance must be erected at one side and either a pole or a beam must be erected at the other side.

An L-shaped lane is governed by the same rules as an open lane.

4 When a lane is level, but descends on an incline to the public domain, or if its entrance to the public domain is level but it itself descends on an incline, it does not require either a pole or a beam, for it is clearly distinct from the public domain.

5 When one side of a lane ends at the sea and the other side ends at a public garbage dump, there is no need for [further measures to enable carrying to be permitted].

[Leniency is granted,] because a public garbage dump is unlikely to be removed, and we do not suspect that the sea will wash up mud and rocks [which will dry out and create a surface level with that of the lane].

6 [The following rules apply to] an open lane that ends in the middle of a yard belonging to many different people: If [the end of the lane] is not opposite the entrance to the yard, it is considered to be closed and does not require any further measures at the side of the yard. If, however, it ends at the sides of the yard, it is forbidden [to carry within the lane].

Moreover, if the yard belongs to a single individual, it is forbidden [to

carry within the lane] even if the lane leads into the middle of the yard. [The rationale for this prohibition is that] at times, [the owner] may build on one of the sides of the yard. [After these improvements have been made,] it is possible that the lane will end at the side of the yard.

7 Permission [to carry within] a lane because a pole or a beam was erected is granted only when [the following conditions are met]:
[several] houses and courtyards open into it;
it is four cubits long or more; and
its length exceeds its width.
If, however, the length and the width of a lane are equal, it is considered to be a courtyard, and permission [to carry within is granted] only [when one erects] two poles - there is no minimum requirement with regard to their width - one at each of its sides, or one erects a barrier four handbreadths [wide] at one side.

8 When the length of a courtyard exceeds its width, it is considered to be a lane, and [carrying within it] is permitted [only when one erects] a pole or a beam.
[When several] houses and courtyards do not open into a lane - e.g., only one house or one courtyard does - and similarly, [when] a lane is not four cubits long, permission [to carry within is granted] only [when one erects] two poles or a barrier (more than) four handbreadths [wide].

9 When a lane is not three handbreadths wide, one may carry throughout it; it does not require either a pole or a beam. [This leniency is granted

because] an opening less than three handbreadths wide is considered to be an extension of the existing wall.

When a beam is erected over a lane to make it possible for people to carry within as in a private domain, [the lane is not considered to be a private domain, and] a person who throws an article from it to the public domain or from the public domain into it is not liable. The beam is [there merely] to create a distinction.

When, by contrast, a pole is erected [to make it possible for people to carry], [the lane is a private domain, and] a person who throws an article from it to the public domain or from the public domain into it, is liable. The pole is considered to be a wall on the fourth side.

10 How is it possible to [make it permissible for people to carry] between two walls of the public domain through which people [frequently] pass? One makes gates on both sides, causing the space between them to be considered to be a private domain.

[In practice,] the gates need not be locked at night, but they must be fit to lock. If they are sunken in the earth, [the earth must be] cleared away and [the gates] adjusted so that they can be locked. The frame of an entrance, a pole, or a beam are not sufficient to make it possible for people to carry within a public domain.

11 It is permissible to carry in [the portion of] the lane that is under the beam or opposite the pole. When does the above apply? When these structures are constructed near a public domain.

When, by contrast, [a lane is] near a *carmelit*, it is forbidden to carry in

[the portion of] the lane that is under the beam or opposite the pole, unless one erects another pole to permit carrying within the entrance.
[The rationale for this stringency is that according to the Torah, a *carmelit* is a *makom patur*. Therefore, when] this entity, [the space opposite the pole or under the beam, which is also a *makom patur*, is adjacent] to an entity of this type, [the *carmelit*,] its presence is deemed significant [and it is considered to be an extension of the *carmelit*].

12 A pole may be constructed employing any substance, even a living entity, or even an object from which we are forbidden to benefit. [For example, if] a false deity or a tree that is worshiped is employed as a pole, it is acceptable. [The rationale for this ruling is that] there is no minimum requirement regarding the width of a pole.
The height of the pole may not be less than ten handbreadths. There is not, however, a minimum requirement for its width and breadth.

13 A beam may be constructed employing any substance, with the exception of a tree that has been worshiped. [The latter restriction is applied] because there is a minimum measure for the width of a beam, and a tree that has been worshiped is forbidden to be used whenever there is a minimum measure specified.
The width of a beam may be no less than a handbreadth; there is, however, no minimum measure for its thickness. Nevertheless, it must be sturdy enough to hold a brick that is one and a half handbreadths by three handbreadths. The supports for the beam must be sturdy enough to hold the beam and a brick of the size mentioned above.

14 Of what size may the entrance of a lane be for a pole or a beam to be sufficient to allow [people to carry within]? Its height may not be less than ten handbreadths, nor more than twenty cubits. Its width may not be more than ten cubits.

[The above applies] when [the opening] is not built with a frame of an entrance. If, however, [the opening] is built with the frame of an entrance, even if it is 100 cubits high, less than ten [handbreadths high], or more than 100 cubits wide, it is permissible [to carry within].

15 Similarly, if the beam over a lane is ornamented or it has designs so that everyone looks at it, it is acceptable even if it is more than 20 cubits high. A beam serves as a distinguishing factor. Therefore, [generally,] if it is higher than 20 cubits, [it is not acceptable because] it will not be noticed. If, however, it is ornamented or if it has designs - since it attracts attention, it serves as a distinguishing factor.

16 When the height of a lane, from the earth until the bottom of the beam is 20 cubits, it is acceptable even though the width of the beam extends higher than 20 [cubits above the ground.]

If the lane is more than 20 cubits high and one desires to reduce its height by placing a beam lower than it,

the beam must be a handbreadth wide. If the lane is less than ten handbreadths high, one should dig out a portion that is four cubits by four cubits in area, deep enough so that [the walls of the lane will be] a full ten handbreadths [in height].

17 [The following rules apply when] an opening is made in the side of a lane, near its front: If a portion of the wall four handbreadths wide touching the front [wall] remains standing, it is permissible [to carry within the lane], provided the opening is not more than ten cubits wide.

If, however, a portion of the wall four handbreadths wide does not remain, it is forbidden [to carry within the lane] unless the opening is less than three handbreadths. [Any opening] less than three handbreadths [is considered to be closed,] based on the principle of *l'vud*.

18 [The following rules apply when] a lane opens up entirely to a courtyard and the courtyard opens up on the opposite side to the public domain: it is forbidden [to carry within], because it is like an open lane. It is [however] permissible to carry within the courtyard, for although many people pass through a courtyard - entering from this side and departing from the other - it is still considered a private domain.

19 [The following rules apply when] there are several paths leading [from the public domain] to a lane, [merging with it] at different points.

Although the entrances are not opposite one another, since they all lead to the public domain, every one is considered to be an open lane.

What must be done [to make it possible to carry within this lane]? A frame of an entrance should be constructed for each of the paths at one end. Similarly, [a frame of an entrance should be constructed] at the main entrance [of the lane to the public domain]. At the other side of all the paths, one should construct a pole or a beam.

20 When one of the walls of a lane [that leads to the public domain] is long and the other is short, one should place the beam near the shorter wall.

When a pole is constructed in the midst of a lane, it is permissible to carry within the inner portion of the lane that is behind the pole. It is, however, forbidden [to carry] in the outer portion of the lane that is beyond the pole.

21 When a lane is twenty cubits wide, [it is possible to enable people to carry within by erecting a pole or a board in the following manner]: One may build a wall ten handbreadths high and four cubits long - the latter being the minimum length of a lane - and place [the wall perpendicularly] in the middle [of the entrance].

[As such,] it is as if there are two lanes, each with an entrance of ten cubits.

Alternatively, one may leave a space of two cubits from [one side of the lane] and set up a wall three cubits long, and [similarly,] leave a space of two cubits [from the other side of the lane] and set up a wall three cubits long. Thus, the opening of the lane will be ten cubits wide, and the sides will be considered to be closed, because the enclosed portions exceed the open portions.

22 A pole that projects outward from the wall of the lane is acceptable. [Similarly,] a pole that is standing [at the side of the entrance to a lane] without having been placed there [intentionally] is acceptable, provided one has the intent of relying on it before [the commencement of] the

Sabbath.

When a pole can be seen from the inside of a lane but cannot be seen from the outside, or conversely, when it can be seen from the outside, but from within the lane appears flush with the wall, it is acceptable as a pole.

A pole that is lifted three handbreadths above the ground or that is more than three handbreadths away from the wall, is not at all significant. Anything less than three handbreadths is, however, acceptable, based on the principle of *l'vud*.

When a pole is very wide - whether its width is less than or equal to half the width of the lane, it is acceptable and is considered to be a pole. If, however, [its width] exceeds half the width of the lane, [it is considered to be a wall and this side is considered to be enclosed], because the enclosed portion exceeds the open portion.

23 When a mat is spread over a beam, the beam's [function in making it possible to carry within the lane] is nullified, for it is no longer conspicuous. [It is possible, however, for it still to be possible to carry within the lane, provided the mat reaches within three handbreadths of the ground.] If the mat is three handbreadths or more from the ground, it is not considered to be a wall [and carrying is forbidden within the lane].

If one implants two spikes into the front of the wall of a lane and places a beam upon them, one's actions are of no significance [and it is forbidden to carry within the lane]. For a beam [to be significant, it] must be positioned over a lane and not next to it.

24 [The following rules apply when] a beam extends outward from one wall

of a lane, but does not reach the second wall, or if one beam extends outward from one wall and another beam extends outward from the second wall: If they reach within three [handbreadths] of each other, there is no need to bring another beam. If there is more than three handbreadths between them, one must bring another beam.

25 Similarly, when two beams are positioned parallel to each other and neither of them is able to support a brick [of the required size], there is no need to bring another beam if the two beams can support the brick together.

If one is on a higher plane and the other is on a lower plane, we see the upper one as if it were lower and the lower one as if it were raised [and thus the two are regarded as though they were on the same plane]. [This applies] provided the upper board is not higher than 20 cubits high, the lower board is not less than ten handbreadths high and there would be less than three handbreadths between the two if the upper one were lowered and the lower one were raised until they were parallel to each other on the same plane.

26 If the beam is crooked, we consider it as if it were straight. If it is rounded, we consider it as if it were linear. Thus, if its circumference is three handbreadths, it is a handbreadth in diameter.

[The following rules apply when] a beam is located in the midst of a lane, but because it is crooked, a portion projects outside the lane, or because it is crooked, a portion projects above twenty [cubits] or below ten [handbreadths] high: We consider the distance that would remain

between the two ends of the beam were the crooked portion [which projects outside the desired area] to be removed: If less than three handbreadths remain, there is no need to bring another beam. If [more remain], another beam is required.

27 When eight walls are positioned at the corners [of a square around] a well, two attached [perpendicularly] at each corner, they are considered to be an enclosure. Even though [the length of the] open portion exceeds that of the walls on each of the sides, since [there are walls] standing at all of the corners, it is permitted to draw water from the well and permit an animal to drink.

How high must each of these walls be? Ten handbreadths. The walls must each be six handbreadths wide, and there must be space between each wall for two teams - each consisting of four cattle - one entering and one departing. This measure is not more than thirteen and one third cubits.

28 [It is not always necessary for this space to have actual walls positioned at its corners]. If at one of the corners, or at all four of the corners, there is positioned a large stone, a tree, a mound whose incline is more than ten handbreadths within four cubits, or a bundle of reeds, [the following rules apply]: We see whether the article in question has a section one cubit long on either side that is ten handbreadths high when divided [at the corner]. [If this is true,] it is considered to be two walls positioned at a corner.

When five reeds are erected [around the corner of such a square] with less than three [handbreadths] between each pair of them, [the space between them is considered to be closed]. If there are six handbreadths on one side

and six handbreadths on the other side, they are considered to be two walls positioned at a corner.

29 It is permissible to bring these four corners closer to the well, provided there is still enough space for the majority of a cow's body to be within these walls when it is drinking. Although one does not hold the head of the animal together with the vessel from which it is drinking, since there is space for the head [of a cow] and the majority [of its body] within [the square], it is permitted.

[If the square is this size,] it is permissible even for a camel [to use] it. If [the square] is smaller, it is forbidden to draw water within [the square], even for a kid whose entire body can enter within.

It is permissible to separate [the walls] from the well as far as one desires, provided that one adds straight walls on every side, so that there will never be more than thirteen and one third cubits between each of the two walls.

30 [The use of] such walls was permitted only in *Eretz Yisrael*, and for the sake of the herds of the festive pilgrims. Similarly, [this leniency] was granted only with regard to a fresh-water well that belongs to the public..

In contrast, should a person desire to drink, he should descend to the well and drink, or should make a barrier ten handbreadths high around the wall, stand within it, draw water, and drink. If the well is very wide and a man is unable to climb down it, he may draw water and drink within [a structure of] corner walls [as described above].

31 Similarly, it is forbidden to draw water from a cistern that belongs to the

public or from a well that belongs to a private individual - even in *Eretz Yisrael* - unless one constructs a barrier ten handbreadths high around them.

32 When a person was drawing [water] for his animal that is standing between the walls [of the abovementioned enclosure], he may draw water and place it before [the animal] in the vessel [with which it was drawn].
If the [animal was in] a stall ten handbreadths high and four handbreadths [by four handbreadths] wide, whose front portion projected within such walls, the person should not draw water and place [the vessel] before [the animal]. [This restriction was instituted] lest the stall be broken and the person carry the bucket into the stall, and from the stall [bring it] to the ground of the public domain. Instead, he should draw water, pour it before [his animal], who will drink it itself.

33 When a person throws [an article] from the public domain into [a space surrounded by] walls of this nature, he is liable. Since there is an actual wall that is ten [handbreadths] high and more than four [handbreadths] by four [handbreadths] in area in every corner, the square is a definitive and distinct entity. Hence, the entire [enclosure] is considered to be a private domain.
[The above applies] even [were such a structure to be built] in a valley where there is no well, for there is a wall on each side of each corner [of the enclosure]. Even if many people pass through the enclosure, the walls are not considered to have been nullified.[Instead, the enclosure] is considered to be like a courtyard through which many people pass. [All

agree that] a person who throws [an object] into [such a courtyard] is liable.If there is a well located within such an enclosure, [our Sages relaxed some of their restrictions and] permitted drawing water for an animal.

34 When one end of a courtyard enters between the walls of the abovementioned enclosure, it is permitted to carry from [the courtyard] into the enclosure and from the enclosure into [the courtyard]. When [portions of] two courtyards enter between the walls of the abovementioned enclosure, it is forbidden to carry [from the enclosure to the courtyards and from the courtyard to the enclosure] unless an *eruv* is made.

If the well dries up on the Sabbath, it is forbidden to carry between the walls [of the enclosure]. [Our Sages] considered these walls to be an acceptable enclosure to allow [people] to carry within, only because of the water. If the well begins to flow with water on the Sabbath, it is permitted to carry within [the enclosure], for an enclosure that is established on the Sabbath is an [acceptable] enclosure.

When the beam or pole [used to permit people to carry within] a lane is removed on the Sabbath, it is forbidden to carry within, even if it opens up to a *carmelit*.

35 When an *excedra* is constructed in an open area, it is permitted to carry within its entire space although it has only three walls and a roof. We consider it to be as though the edge of the roof descends and closes off the fourth side. A person who throws an article into it from the public domain is not liable. It is as if one throws an article into a closed lane that

possesses a roof.

When the corner of a house or a courtyard is broken and an opening of ten cubits is created, it is forbidden to carry within it at all. Although [generally] whenever an opening is ten cubits or less we consider it to be an entrance, [no leniency is granted in this instance, because] an entrance is not made in a corner.

Should there be a board extending across the length of the opening, it is considered as if it descends and closes the opening. Thus, it is permitted to carry within the entire area. [This leniency applies] provided [the beams] are not [constructed at] an angle.

36 The term "fingerbreadth" when used as a measurement, universally refers to the width of a thumb. A handbreadth is the size of four fingerbreadths. Whenever the term "cubit" is used whether with regard to the laws of the Sabbath, a sukkah, or the prohibition of growing mixed species, it refers to a cubit of six handbreadths.

There are times when we measure a cubit as six handbreadths pressed one to the other, and other occasions when we consider the handbreadths as amply spaced one from the other. In both instances, the intent is that this lead to a more stringent ruling.

For example, the length of a lane [is required to be a minimum of] four cubits. These are measured in amply spaced cubits. The height [of a lane may not exceed] twenty cubits. These are measured in constricted cubits. Similarly, the length of an opening [may not exceed] ten cubits. These are measured in constricted cubits. Similar principles apply regarding the laws of a sukkah and the prohibition of growing mixed species.

Chapter 18

1 A person who transfers an article from a private domain into the public domain, or from the public domain into the private domain is not liable, unless he transfers an amount that will be beneficial [to accomplish a purpose]. The following are the minimum amounts for which one is liable for transferring:

Human food, the size of a dried fig. This quantity may include a combination of [different types of foods], provided the amount of food itself is the size of a dried fig. The shells, the seeds, the stems, the chaff, and the bran are not included [in this measure].

2 [The minimum measure for which one is liable for transferring] wine is a quarter of a *revi'it*; if it has congealed, a *k'zayit*. For the milk of a kosher animal, a gulp. For non-kosher milk, enough to apply to one eye. For a woman's milk and egg-white, enough to put in an ointment. For oil, enough to anoint the the small toe of a newborn infant.

Dew, enough to serve as a base for an eye ointment. An eye ointment, enough to be mixed with water [and be applied to an eye]. Water, enough for washing the surface of a mortar. Honey, enough to apply to a wound. Blood, all other liquids, and all sewage water, a *revi'it*.

3 [The minimum measure for which one is liable for transferring] straw from grain is a cow's mouthful. Straw from beans, a camel's mouthful. If, however, one transfers bean straw with the expressed purpose of feeding it to a cow, one is liable for transferring a cow's mouthful. Eating that

involves difficulty is still considered to be eating. Straws from the ears of grain, a lamb's mouthful. Grass, a kid's mouthful.

Leaves of garlic and leaves of onion when fresh are considered to be human food. Hence, their measure is the size of a dried fig. When they are dry, their measure is a kid's mouthful.

[Should one take out a combination of these substances,] their amounts should not be combined to hold one liable according to the more stringent measure. They should, however, be combined to hold one liable according to the more lenient measure. What is implied? When a person takes out both straw from grain and straw from beans, if the amount he takes out is enough to fill a cow's mouth, he is not liable. If it is enough to fill a camel's mouth, he is liable. The same applies regarding all similar dimensions of the Sabbath laws.

4 [The minimum measure for which one is liable for transferring] wood is the amount necessary to cook a portion of a chicken's egg the size of a dried fig, when the egg is beaten and mixed with oil and placed in a pot.

A person who transfers a reed is liable when it is large enough to make a pen that reaches to the top of his fingers. If, however, the reed is thick or crushed, [and thus is unfit for use as a pen,] the measure [for which one is liable] is the same as for wood.

5 [The minimum measure for which one is liable for transferring] spices is the amount necessary to spice an egg. [Different] spices can be combined [to make up this measure].

Pepper, even the slightest amount. Pine sap, even the slightest amount. A

substance with a pleasant fragrance, even the slightest amount. A substance with an unpleasant fragrance, even the slightest amount. Perfumes, even the slightest amount. Fine purpled dye, even the slightest amount. Rosebuds, one.

Pieces from utensils made from hard metal - e.g., bronze or iron - even the slightest amount. [Chips] from the stones of the altar, or from the earth of the altar, [pieces] of decayed scrolls or their wrapping cloths, even the slightest amount, for [these articles] are [required to be] entombed.

A coal, even the slightest amount. A person who transfers a flame is not liable.

6 A person who transfers seeds of garden plants that are not fit for human consumption is liable for [transferring] a measure that is almost the size of a dried fig. [A person is liable for transferring] two cucumber seeds, two gourd seeds, and five Egyptian bean seeds.

[A person who] transfers coarse bran [is liable for transferring a quantity] fit to place on the opening of the crucible of a gold refiner. [The measure for which a person is liable for transferring] fine bran [depends on his intent]: If [he intends to use the bran as] food [for humans], the measure is the size of a dried fig. As food for animals, a kid's mouthful. For paint, enough to paint a small cloth.

The buds of shrubs and carobs that have not yet become sweet, the size of a dried fig. After they become sweet, a mouthful of a kid. In contrast, *luf*, mustard, *turmos*,and all other foods that are pickled, whether they have become sweet or not, [the measure for which one is liable is] the size of a dried fig.

7 [When a person] transfers seeds to eat, [he is liable for transferring] five. [If his intent] is to use them as fuel, they are considered to be wood. For counting, two, for sowing, two.

[Similarly, the measure for which a person is liable for transferring] hyssop [depends on his intent]. If [his intent] is for human consumption, he is liable for [an amount equal to] the size of a dried fig. For animal consumption, a kid's mouthful. For fuel, the measure of wood; for sprinkling, the measure acceptable for sprinkling.

8 [A person who] transfers nut shells, pomegranate shells, isatis, pu'ah, and other dyes [is liable for transferring a quantity] that is sufficient to dye a small garment - e.g., the hairnet young girls place on their heads.

Similarly, one who transfers urine that is forty days old, Alexandrian niter, soap, *cimonia*, *ashlag*, and all other cleansing agents [is liable for transferring] the amount necessary to wash a small garment - e.g., the hairnet young girls place on their heads.

A person who transfers herbs that are soaking [is liable for transferring] an amount sufficient to dye a sample for a weaver.

9 A person who transfers ink on a quill [is liable for transferring] a measure sufficient to write two letters. If, however, a person removes [the dried concentrate used to make] ink or ink in an inkwell, a larger amount is necessary [for him to be liable], i.e., the amount necessary for a person to dip a pen in and write two letters.

If [a person transfers] enough [ink] to write one letter in an inkwell and enough [ink] to write one letter on a quill or enough dry ink to write one

letter and enough ink to write one letter on a quill, there is a doubt whether he is liable or not.

[When a person takes out enough ink to write] two letters and writes them as he is walking, he is liable. Writing them is considered to be placing them down. [When a person takes out enough ink to write] one letter and writes and then takes out [enough ink to write] a second letter and writes it, he is not liable. For [the ink for] the first letter is lacking.

10 [A person who transfers] eye paint, whether for medicinal or cosmetic purposes, [is liable for transferring an amount sufficient] to paint one eye. In places where [a woman] would not apply eye paint to less than two eyes as a cosmetic practice, a person who takes out eye paint for cosmetic purposes is not liable unless he takes out a quantity sufficient to paint two eyes.

Tar or sulfur, enough to make a hole. Wax, enough to place on a small hole. Paste, enough to place on a board to catch birds. Fat, enough to grease [a space] the size of a *sela* under a cake [in an oven].

11 [A person who transfers] red clay [is liable for transferring an amount] sufficient to make a seal for a letter.Clay, enough to make the opening of a crucible.

Manure or fine sand, enough to fertilize a leek. Coarse sand, enough to mix with a full trowel of lime. Firm clay, enough to make the opening of a goldsmith's crucible. Hair, enough to mix with clay to make the opening of a goldsmith's crucible. Lime, enough to apply to a girl's smallest finger. Dust or ash, enough to cover the blood of a small bird. A pebble, enough

for an animal to feel if it was thrown at it - i.e., the weight of ten *zuzim*. A shard, enough to contain a *revi'it*.

12 [A person who transfers] rope [is liable for transferring an amount] sufficient to make a handle for a container. Reeds, enough to make a hook to hang a sifter or a sieve. Palm leaves, enough to make a handle for an Egyptian basket. Palm bast, enough to use as a stopper for a small pitcher of wine. Unprocessed wool, enough to make a ball the size of a nut.
Bone, enough to make a spoon. Glass, to sharpen the point of a weaver's needle or to cut two threads at once.

13 [A person] is liable for transferring two hairs from the tail of a horse or of a cow. If he transfers one bristle from a pig's [back], he is liable. Fibers from a date palm, two. The bark of the date branches, one.
From cotton, from silk, camel's wool, rabbit's wool, wool from an animal of the sea, or any other fibers that can be spun, enough to spin a thread four handbreadths long.
When a person transfers cloth, sack, or leather, the same minimum measurements that apply with regard to the laws of ritual purity also apply with regard to transferring [on the Sabbath]: [The size of] a cloth for which one is liable for transferring] is three [fingerbreadths] by three [fingerbreadths]; sackcloth, four [handbreadths] by four [handbreadths]; leather, five [handbreadths] by five [handbreadths].

14 When a person transfers an animal hide that was not processed at all and is thus soft, the measure [for which he is liable] is enough to wrap a small

weight the size of a *shekel*. When [it is in the first stages of being processed - i.e.,] salt has been applied to it, but not flour and gall-nut juice, the measure [for which one is liable] is enough to make an amulet. If flour has been applied to it, but not gall-nut juice, the measure is enough to write a bill of divorce upon it. If it has been processed entirely, its measure is five [handbreadths] by five [handbreadths].

15 [A person who transfers] processed parchment [is liable for transferring a piece] sufficient for the passage from *Shema* to *uvish'arecha*. *Duchsustos*, enough to write a *mezuzah* on it.

Paper, enough to write on it two letters for a customs officer's receipt. These two letters are larger than the letters we [usually write]. A person who transfers a customs officer's receipt is liable even though he has already shown it to the customs officer and has been exempted because of it, for it will serve forever as proof [of his having paid].

A person who transfers a promissory note that has been paid or a paper that has been erased [is liable for transferring] enough to wrap around a small flask of perfume. If it has a portion of clean paper large enough to write two letters for a custom officer's receipt, he is liable.

16 A person who transfers an animal, a wild beast, or a fowl is liable even if it is alive. A living person, by contrast, is not considered to be a burden. Nevertheless, if he is bound or sick, a person who transfers him is liable.

A woman may walk her son if he can pick up one foot and place down the other.

17 A person who transfers a living child with a purse hanging around his neck is liable, because of the purse, for the purse is not considered to be subsidiary to the child. If, however, one transfers an adult who is wearing clothes and rings on his hands, one is not liable, for everything is considered to be subsidiary to him. If, by contrast, his garments were folded [and held] on his shoulder, a person who carries him is liable.

18 [A person who transfers] a live locust of the smallest size [is liable]. If it is dead, [he is liable for transferring an amount] the size of a dried fig. [For transferring] "a bird of the vineyards," [one is liable for transferring] even the smallest amount, regardless of whether it is alive or dead, since it is preserved for medicinal purposes. The same applies in all similar cases.
The minimum measure for which one is liable for transferring [flesh from] a human corpse, [flesh from] the carcass of an animal, or [flesh from] a dead crawling animal is the same as the minimum amount of these substances capable of imparting ritual impurity: From a human corpse and from an animal carcass, the size of an olive. From a crawling animal, the size of a lentil.

19 If there is exactly an olive-sized portion [of an animal carcass in one place] and a person removes a portion half the size of an olive from it, he is liable. [This decision is rendered,] because his actions are effective in reducing [the amount of impure substance to the extent] that the minimum amount that can convey impurity is no longer present.
If, however, he removes a quantity aproximately half the size of an olive from a quantity that is one and a half times the size of an olive, he is not

liable. The same principles apply with regard to other sources of impurity.

20 When does [the abovementioned rule,] that a person is liable only when he transfers the minimum of a standard measure of a substance, apply? When the person transfers the substance without any specific intent. If, however, a person transfers a [seed] to sow, or a substance for medicinal purposes, to show as an example, or the like, he is liable for the slightest amount.

21 Should a person who stores a substance to use as seed, or to use for medicinal purposes, or a substance to be shown as a sample, [afterwards,] forget the reason for which he stored the substance, and remove it without any specific intent, he is liable regardless of its size. Another person, by contrast, is not liable [if he transfers this article] unless it is of the prescribed measure.

If after transferring the article [for the intent he originally had], the person throws it into a storeroom, even if it is [set aside] in a distinct place, his original intent is considered to have been nullified. Therefore, if he brings in the article afterwards, he is not liable unless it is of the prescribed measure.

22 When an entity is not usually stored away, nor is it fit to be stored away - e.g., a woman's menstrual discharge - a person who stores it and then transfers it is liable. Other people, by contrast, are exempt for [transferring] such an article, for [in general] one is not liable unless one transfers an article that is fit to be stored and that people generally store.

23 A person who transfers half of the prescribed measure [of a substance] is not liable. Similarly, a person who performs half the measure of any of the other [forbidden] labors is not liable.

If a person transfers half of the prescribed measure [of a substance], places it down, and then returns and transfers the second half, he is liable. If, however, he picks up the first half before he places down the second half, it is as if [the first half] were burned, and he is not liable.

When a person transfers half of the prescribed measure [of a substance], places it down, and then returns and transfers the second half, passing it over the first [half without placing it on the ground], he is liable [if the second half] is [held] within three handbreadths of the first half. [The rationale is] that transferring is considered equivalent to placing the object down on a substance.

If, by contrast, he throws the second half, he is not liable unless it comes to rest on a substance [within the domain where the first half was placed].

24 [When a person] transfers half the prescribed measure [of a substance], and afterwards transfers another half of the prescribed measure [of that substance] to the same domain in a single period of unawareness, he is liable.

[Different rules apply if] he transfers [the two half-measures] to two different domains. If there is a domain into which one would be liable [for transferring an article interposed] between [the two domains], one is not liable [for transferring these two halves]. If there is a *carmelit* between them, they are considered to be a single domain, and [the person who transfers the two half-measures] is liable to bring a sin offering.

25 When a person transfers less than the prescribed measure [of a substance], but before he places it down, [the substance] swells in size and reaches the prescribed measure [he is not liable]. Similarly, one is not liable if one transfers more than the prescribed measure [of a substance], but before he places it down [the substance] diminishes in size and becomes less than the prescribed measure.

26 [The following rule applies when] a person transfers a portion [of a food] the size of a dried fig with the intent of eating it, but before he places it down it diminishes in size: If he [reconsiders and] decides to use it to sow, or for medicinal purposes, he is liable, because of the intent he had at the time he placed it down.

If a person transfers [a quantity of seeds] smaller than the size of a dried fig with the intent of sowing them, but before he places them down, changes his mind and decides to eat them, he is not liable. If [the seeds] swell in size before they are placed down and reach the size of a dried fig before he changes his mind [and decides to] eat them, he is liable. Even if he had not change his mind, he would still have been liable because of his original intent.

27 When a person transfers a portion [of a food] the size of a dried fig with the intent of eating it, it diminishes in size, and then it swells [to the size of a dried fig] again before it is placed down, there is a question [whether he is liable or not]: [Does the fact that in the interim, it was not of sufficient size for its transfer to incur liability cause that liability] to be deferred [forever] or not?

When a person throws a portion of the food the size of an olive into a house that is impure and by doing so, complements the quantity of food that was already in the house, causing there to be an amount [of food] the size of an egg [in the impure house], there is a question [whether he is liable or not]: Is he liable for transferring [the portion of] food that is equivalent to the size of an olive, because he completed the measure of food that is significant with regard to the laws of ritual impurity, or is he not liable?

28 A person who transfers less than the standard measure [of a substance] is not liable even though he transfers it in a container. [The rationale is that] the container is subsidiary [to its contents]; [when the person transfers it,] he is concerned not with the container, but with its contents.

Accordingly, if a person transfers a man who is alive and who is not bound on a bed, he is not liable, for the bed is considered to be subsidiary to the man. These principles apply in all similar situations.

A person who transfers a perfumer's box is liable for only a single [sin offering], although it contains many different types [of scents]. [Similarly,] even if he transfers [several items] in his hand, he is liable for only a single sin offering, for [he has performed] a single act of transfer.

Chapter 19

1 We may not go out [wearing] any weaponry on the Sabbath. [The following rules apply should one] go out [wearing weaponry]: If they are objects that are worn as garments - e.g., a coat of mail, a helmet, or iron

boots - one is not liable. If, however, one goes out [carrying] articles that are not worn as garments - e.g., a spear, a sword, a bow, a round shield or a triangular shield - he is liable.

2 We may not go out wearing a sandal studded with nails to fasten it. Even on festivals, the Sages decreed that we should not go out wearing [such sandals].

It is permitted to go out wearing a belt with pieces of gold and silver imbedded into it as kings wear, for this is a piece of jewelry, and it is permitted [to wear] all jewelry. [This license is granted] provided [the belt] does not hang loosely, lest it fall in the public domain and one go and bring it.

3 A ring that has a seal is considered to be a piece of jewelry for a man, but not for a woman. A ring without a seal, by contrast, is considered to be a piece of jewelry for a woman, but not for a man. Accordingly, a woman who goes out wearing a ring that has a seal and a man who goes out wearing a ring without a seal are liable.

Why are they liable? They did not transfer them in an ordinary manner - i.e., it is not an ordinary practice for a man to wear a ring on his finger that is not appropriate for him, nor for a woman to wear a ring on her finger that is not appropriate for her. [Nevertheless,] there are times when a man gives his ring to his wife to hide at home and she places it on her finger while she is walking. Similarly, there are times when a woman gives her ring to her husband to take to a jeweler to fix, and he places it on his finger while he is walking to the jeweler's store. Therefore, [although the

rings are not appropriate for the individuals mentioned above, because they do occasionally wear such rings,] they are considered to have transferred them in an ordinary manner. Accordingly, they are liable.

4 Although a ring that does not have a seal is considered to be a piece of jewelry for a woman, a woman should not go out wearing such a ring, lest she take it off in the public domain and show it to her friends, as women often do. If, however, she went out wearing such a ring, she is not liable.

A man, by contrast, may go out wearing a ring that has a seal, for it is considered to be a piece of jewelry for him and it is not usual practice for a man to show off [his jewelry to others]. It has, [nevertheless,] become accepted practice for people to go out without wearing any rings at all.

5 A woman who goes out [wearing] a pin with an eye is liable, while a man is not liable. A man who goes out [wearing] a pin without an eye is liable, while a woman is not liable, for this is considered to be a piece of jewelry for her. She is prohibited against wearing it only because of a decree lest she [take it off and] show it to her friends.

The [following] general principles apply: Whenever a person goes out wearing an item that is not considered to be jewelry for him, and it is not [worn as] a garment, he is liable if he transfers it in an ordinary manner.

Whenever a man goes out wearing a piece of jewelry that hangs loosely and could easily fall and thus cause him to bring it through the public domain, and similarly, whenever a woman goes out wearing a piece of jewelry that she is likely to take off and show [to her friends], they are not liable.

Whenever an adornment that is not likely to fall, nor is it likely to be shown to others, [a woman] is permitted to go out [wearing] it. Therefore, she may go out [wearing] a bracelet that is placed on the forearm or [a garter that is placed on] the thigh if it clings tightly to the flesh and will not slip off. These rules apply in other similar situations.

6 A woman should not go out with woolen strands, linen strands, or straps attached to her head lest she remove them when she immerses herself and carry them in the public domain.

She should not go out [wearing] a frontlet on her forehead, nor with bangles of gold that hang from the frontlet on her cheeks if they are not sewn together. Nor may [she go out wearing] a crown of gold on her head, nor with the ankle chains worn by maidens so that they will not take long strides and thus destroy [the signs of] their virginity.

It is forbidden to go out [wearing] any of these articles lest they fall and one carry them by hand.

7 A woman should not go out [wearing] a necklace, a nose ring, a flask of perfume attached to her forearm, a small round pouch in which balsam oil is placed, referred to as a *cochellet*.

Nor should she wear a wig that will give the appearance that she has a full head of hair, nor a woolen pad that goes around her face, nor a false tooth, nor a golden crown that she places over a black tooth or a red blemish that she has on her teeth. She may go out with a silver tooth, because this is not obvious.

All these prohibitions were instituted lest {the article fall and [the woman]

carry it in her hand or} lest she remove it and show it to a friend.

8 Whenever the Sages forbade wearing an item in the public domain, it is forbidden to go out [wearing] that item even in a courtyard for which there is no *eruv*. An exception is made with regard to a face pad and a wig; permission is granted to go out [wearing] them to a courtyard where there is no *eruv* so that [the woman] would not appear unattractive to her husband.

A woman who goes out [carrying] an empty flask with no perfume is liable.

9 A woman may go out [wearing] strands of hair that are attached to her head. Water passes through them and they are therefore not considered to be an interposing substance were she to immerse herself. [Consequently,] she will not remove them. Hence, there is no necessity to prohibit [wearing them lest she remove them] and carry them into the public domain.

This applies regardless of whether [the strands of hair were taken from] the woman's own tresses, those of another woman, or from an animal. An elderly woman should not, however, go out [wearing strands of hair from] a young woman, for they are becoming to her, [and we fear that] she might remove them and show them to a friend. A young woman, by contrast, may go out [wearing] strands of hair from an elderly woman.

Any woven hair-covering may be worn.

10 A woman may go out [wearing] strands [tied around] her neck, because

she does not tie them tightly, and they are therefore not considered to be an interposing substance [with regard to ritual immersion]. If, however, they are colored, she may not go out wearing them, lest she show them to a friend.

A woman may go out wearing a golden diadem, since these are worn only by dignified woman who are not accustomed to removing [their jewelry] and showing them to their friends. A woman may also go out [wearing] a frontlet on her forehead with bangles of gold [that hang from the frontlet], provided they are sewn into her head-covering so that they do not fall. The same applies in all similar situations.

11 A woman may go out with wadding in her ear provided it is attached to her ear, with wadding in her sandal provided it is attached to her sandal, and with wadding for her menstrual discharge even though it is not attached. [The latter rule applies] even if it has a handle. Since it is repulsive, even if it falls, she would not carry it.

12 She may go out with pepper, a grain of salt, or any other substance that is placed in the mouth [to prevent] bad breath. She should not, however, place these substances in her mouth on the Sabbath itself.

Women may go out [wearing] slivers of wood in their ears, or with bells on their necks or garments, and with a cloak fastened with a make-shift button.

Indeed, a woman may fasten her cloak in this manner using a stone or a nut on the Sabbath and go out, provided she does not [use this leniency as] a ruse and use a nut for this purpose in order to bring it to her young

son. Similarly, she should not fasten her cloak in this manner using a coin, for it is forbidden to carry it. If her cloak was fastened [using a coin], she may go out wearing it.

13 A man may go out to the public domain with a sliver of wood in his teeth or in his sandal. If, however, it falls, he should not put it back. [He may go out with] wadding or a sponge over a wound, provided he does not wind a cord or a string over them. [The latter restriction applies] because he considers the cord or the string as important and they do not assist [the healing of] the wound.

[He may go out with] a garlic peel or an onion peel on a wound, and with a bandage on a wound. He may open and close [the bandage] on the Sabbath. [He may go out with] a compress, a plaster, or a dressing on a wound. [Similarly, one may go out with] a *sela* on a footsore, a locust's egg, a fox's tooth, a nail from a gallows, and any other entity that is hung on a person's body to [bring] a cure, provided that physicians say that it is effective.

14 [A woman] may go out with a *tekumah* stone or with the weight of a *tekumah* stone, which was weighed [and carried] with the intent that it serve as a remedy. This applies not only to a pregnant woman, but to all women, [as a safeguard] lest they become pregnant and miscarry.

One may go out [wearing] an amulet that has proven its efficacy. What is an amulet that has proven its efficacy? [An amulet] that has cured three individuals or that was prepared by an individual who cured three people with other amulets. If a person goes out wearing an amulet that has not

proved its efficacy, he is not liable. [The rationale:] he carried it out as a garment. Similarly, a person who goes out [wearing] *tefillin* is not liable.

15 A person who has a wound on his foot may go out [wearing] one sandal on his healthy foot. If, however, a person does not have a wound on his foot, he may not go out [wearing] a single sandal.

A child should not go out [wearing] the sandals of an adult. He may, however, go out [wearing] the cloak of an adult. A woman should not go out [on the Sabbath], [wearing] a loose-fitting sandal, nor [wearing] a new sandal that she did not wear for even a short period of time before [the commencement of the Sabbath].

A one-legged man may not go out [wearing] his wooden leg. We may not go out [wearing] wooden shoes, because it is not the ordinary practice to wear them. If, however, one goes out [wearing] them, he is not liable.

16 [A man] may go out [wearing] tufts of flax or a woolen wig worn by men with sores on their heads. When does this apply? When he colored them with oil and wound them, or he went out [wearing] them [at least] momentarily before the commencement of the Sabbath. If, however, he did not perform a deed [that indicated his desire to use these articles], nor did he go out [wearing] them before the Sabbath, it is forbidden for him to go out [wearing] them.

17 We may go out [wearing] coarse sackcloth, tent-cloth,a thick woolen blanket, or a coarse wrap [as protection] against rain. We may not, however, go out [wearing] a chest, a container, or a mat, [as protection]

against the rain.

When a pillow and a blanket are soft and thin as garments are, one may go out [wearing] them as a wrap on one's head on the Sabbath. When they are firm, they are considered to be burdens and it is forbidden.

18 We may go out with bells woven into our clothes. A servant may go out [wearing] a clay seal around his neck, but not with a metal seal, lest it fall and he carry it.

[The following rules apply when] a person wraps himself in a *tallit* and folds it, either [holding the folds] in his hand, or [placing them] on his shoulder: If his intent is that [the ends of the garment] should not tear or become soiled, it is forbidden. If his intent is for the sake of fashion, since this is the style in which people of his locale wear their clothes, it is permitted.

19 A person who goes out [to the public domain] with a garment that is folded and placed on his shoulders is liable. He may, however, go out with a wrap [folded] around his shoulders even though a thread is not tied to his fingers.

Whenever a wrap does not cover [a person's] head and the majority of his body, he is forbidden to go out [wearing it]. A cloth that is worn as a head covering that is short and not wide should be tied below one's shoulders. Thus, it will serve as a belt and one will be permitted to go out [wearing] it.

20 It is permitted to wrap oneself in a *tallit* that has unwoven strands at its

edges, even though they are long and do not enhance the appearance of the *tallit*, because they are considered to be subsidiary to it. The person [wearing the *tallit*] does not care whether they exist or not.

Based on the above, a person who goes out [wearing] a *tallit* whose *tzitzit* are not halachically acceptable is liable. For these strands are important to him and he is concerned with completing what they are lacking, so that they can be considered to be *tzitzit*.

When, however, the *tzitzit* are halachically acceptable, it is permitted to go out [wearing this garment] during the day and during the night. *Tzitzit* that are halachically acceptable are not considered to be a burden, but rather to be an article that enhances the garment and beautifies it. Were the strands of *tzitzit* that are halachically acceptable to be considered a burden, one would be liable [for wearing such a garment] even on the Sabbath day, since a positive commandment [whose negation] is not [punishable by] *karet* does not supersede the Sabbath [prohibitions].

21 A tailor should not go out on the Sabbath with a needle stuck into his clothes, nor a carpenter with a sliver of wood behind his ear, nor a weaver with wool in his ear, nor a carder of flax with a string around his neck, nor a money-changer with a *dinar* in his ear, nor a dyer with a sample in his ear.

If one [of these individuals] goes out [wearing such an article], he is not liable. Although this is the usual practice for artisans of this craft, [he is not liable,] because he is not considered to have transferred the article in an ordinary manner.

22 A *zav* who goes out with his receptacle is liable, for this is the only way this receptacle is transferred. [He is liable] although he has no need to take out [the receptacle] itself; [he needs it] only to prevent his clothes from being soiled. For a person who performs a labor is liable even when he has no need for the actual labor he performed.

23 What should a man do when he finds *tefillin* in the public domain on the Sabbath? He should wear them in the ordinary fashion, placing the head *tefillin* on his head and the arm *tefillin* on his arm, enter a home and remove them there. Afterwards, he should go out, return, put on a second pair, [return to the home,] remove them, and [continue this pattern] until he brings in all [the *tefillin*].

If there were many pairs of *tefillin* and there was not enough time to bring them in during the time by wearing them as garments, he should remain [watching] them until [after] nightfall, and bring them in on Saturday night. In a time of oppressive decrees, when one might fear to linger and watch them until the evening because of the gentiles, he should cover them where they are located, leave them, and proceed [on his way].

24 Should he be afraid to wait until after nightfall because of thieves, he should take the entire group at once and carry them less than four cubits at a time, or he should give them to a colleague [standing within four cubits], who in turn will give them to another colleague until they reach the courtyard at the extremity of the city.

When does the above apply? When they are found together with their straps that are tied with the knots with which *tefillin* are tied, since then

they are surely *tefillin*. If, however, their straps are not tied, one should not pay attention to them.

25 A person who finds a Torah scroll should linger and watch it until after nightfall. In a time of danger, he may leave it and go on his way. If rain is descending, one should wrap himself in the parchment, cover it [with one's outer garments], and enter [a home] with it.

26 On Friday, shortly before nightfall, a tailor should not go carrying a needle in his hand, nor should a scribe [go out carrying] his pen, lest he forget and transfer it on the Sabbath.

A person is obligated to check his clothes on Friday before nightfall, lest he forget something in them and [inadvertently] transfer it on the Sabbath.

It is permissible to go out wearing *tefillin* on Friday shortly before sunset. Since a person is obligated to touch his *tefillin* at all times, there is no possibility that he will forget them. If a person forgets and goes out to the public domain [wearing] *tefillin*, [when] he remembers the *tefillin* on his head, he should cover his head until he reaches his home or the house of study.

Chapter 20

1 It is forbidden to transfer a burden on an animal on the Sabbath, as [**Exodus 23:12**] states, "[On the seventh day, you shall cease activity,] and thus your ox and your donkey may rest." This includes [not only] an ox

and a donkey, but all animals, beasts, and fowl.

Although a person is commanded to have [his animals] rest, he is not liable [for causing them to work], for the prohibition is derived from a positive commandment. Therefore, a person who directs his animal [while] it is carrying a burden on the Sabbath is not liable.

2 Behold, there is [also] an explicit prohibition in the Torah [against working with an animal] as [**Exodus 20:10**] states: "Do not do any work on the Sabbath. [This includes] you, your son, your daughter, your servant, your maidservant and your beast."

[This means that one should not perform forbidden labors such as] plowing and the like [together with an animal]. Since this is a prohibition which is punishable by death, [its violation does not incur] lashes.

3 It is forbidden for a Jew to lend or hire a large animal to a gentile so that the latter may perform work with it on the Sabbath, since [the Jew] is commanded to have his animal rest.

Our Sages forbade selling a large animal to a gentile, lest one come to lend or hire [an animal to work on the Sabbath]. A person who makes such a sale is penalized and is required to repurchase the animal, even if this requires paying ten times its worth.

Even an animal that is injured should not be sold [to a gentile]. It is, however, permitted to sell [an animal to a gentile] through a broker, since a broker neither lends nor hires [beasts].

4 It is permitted to sell a gentile a horse, since a horse is used only for

human transportation and not for transporting burdens. [Hence, there is no forbidden labor involved, because] "a living entity carries itself."
Just as it is forbidden to sell [such an animal] to a gentile, so too is it forbidden to sell it to a Jew who, we suspect, might sell it to a gentile.
One may, however, sell [a gentile] a cow for the purpose of slaughter, [provided] he slaughters it in the seller's presence. One should not, however, sell [any animal], even an ox fattened for slaughter, without an explicit condition, lest the purchaser delay and work with it [on the Sabbath in the interim].

5 In a place where the accepted custom is to sell a small animal to gentiles, one may make such a sale. In a place where the accepted custom is not to make such sales, one should not.
In all places, however, a large non-domesticated animal should not be sold [to a gentile], just as a large domesticated animal should not be sold unless one does so via a broker.

6 [The following rules apply when] a person is on a journey and night falls on Friday, [but] he is not accompanied by a gentile to whom he could give his purse: If he has an animal with him, he should place his purse on [the animal] while it is walking, and when [the animal] desires to stand, he should remove [the purse] from it, so that it will not stand still while carrying [the purse]. [In this manner,] neither the removal of an article from its place, nor placing it down in a new position will have been performed [by the animal].
It is forbidden for him to direct the animal, even with his voice alone, as

long as the purse is on it, so that he will not be considered to be directing his animal on the Sabbath. Our Sages decreed that one should not place a purse on an animal on the Sabbath unless one is not accompanied by a gentile.

7 Although the person is also accompanied by a deaf mute, a mentally incompetent individual, and a minor, he should place his purse on the donkey rather than give to one of these individuals, for they are humans and are members of the Jewish people.

If he is accompanied by a deaf-mute and a mentally incompetent individual, and does not have an animal with him, he should give it to the mentally incompetent individual. If [he is accompanied by] a mentally incompetent individual and a minor, he should give it to the mentally incompetent individual. If [he is accompanied by] a deaf-mute and a minor, he may give it to whomever he desires.

If he does not have an animal with him, nor is he accompanied by one of these individuals, he should walk [carrying his purse] less than four cubits [at a time]. Even if he has acquired a lost article, he may [move it] by walking less than four cubits [at a time].

[Different rules, however, apply to a lost article that] he has not acquired: If he can linger and wait until nightfall, he should. If not, he may [carry it] by walking less than four cubits [at a time].

8 It is permitted to lead an animal in the public domain with its reins and its bridle, provided the bridle and reins are appropriate for it - for example, a horse with a neck-ring, a camel with a rope tied to its mouth, a

female camel with an iron bit, and a dog with a muzzle.

If, however, one took out an animal with a bridle that is insufficient - e.g., one tied a rope in the mouth of a horse - or with a bridle that is excessive, for it would be controlled with a lesser one, - for example one took out a donkey with a horse's neck-ring, or a cat with a muzzle, it is considered to be a burden. For any excessive or insufficient restraint is considered to be a burden.

9 A person should not tie camels together and lead them. [Moreover,] even when they were tied together on Friday, he should not lead them on the Sabbath. One may, however, gather the ropes [of many camels] in one's hand, provided none of the ropes extends more than a handbreadth outside one's hand and the rope leading from [each] camel's mouth to one's hand is at least a handbreadth above the earth.

Why is one prohibited from leading camels that are tied to each other? Because it appears as if he is leading them to the marketplace where animals are sold or used for sport. For this reason, a person should not go out [leading] an animal wearing a bell around its neck, even if its clapper is plugged [so that] it does not produce a sound.

10 An animal should not go out with a bell [attached to] its coverings, a seal [attached to] its neck, a seal [attached to] its coverings, a strap on its foot, or a ladder on its neck.

A donkey may not go out with a saddle-cloth unless it is tied to it on Friday. A camel should not go out with a patch attached to its hump or its tail unless it is tied to both its hump and its tail.

A camel should not go out with its foreleg tied to its hind legor its foreleg bound. The same applies to all other animals.

11 Chickens may not go out with cords, nor with straps on their feet. Rams may not go out with a small wagon under their fat tail. Ewes may not go out with [chips of] wood that are placed in their nostrils so that they sneeze and dislodge the worms in their brains.

A calf may not go out with a small yoke [that is placed] on its neck to break [its nature] and accustom it [to bearing a yoke so that later it will wear a larger yoke for] plowing. An animal may not go out with a muzzle placed in its mouth so that it will neither bite nor eat. A cow may not go out with a hedgehog skin on its teats so that crawling animals will not suck from it when it sleeps, nor may it go out with a strap between its horns, regardless of whether it is placed there as an ornament or as a restraint.

When a goat's horns are pierced, it may go out with a rope tied to its horns on the Sabbath. If the rope is tied to [the goat's] beard, it is forbidden, lest it tear off and the person carry it in his hands in the public domain. The same applies in all similar situations.

12 Rams may go out with a wide strap tied against their genitals so that they will not copulate with females, with a hard piece of leather strapped over their hearts so that they will not be attacked by wolves, and with an embroidered cloth that is placed on them to make them more attractive.

Ewes may go out with their fat tail tied to their backs, [exposing them] so that rams will copulate with them, or tied downward so that rams will not

copulate with them. They may go out covered with a cloth so that their wool will remain clean.

Goats may go out with their teats tied so that their milk will dry up. They should not go out, however, [with their teats tied] so that no milk will flow out until they are milked in the evening.

13 A donkey should not go out [wearing] a saddle even when it is tied upon it on Friday. A horse may not go out wearing a fox's tail or with a scarlet thread between its eyes.

An animal should not go out with a feeding bag [attached] to its mouth, nor with metal shoes, nor with an amulet that has not proven its efficacy for an animal. An animal may, however, go out with a bandage placed on a wound, with plates placed on a broken bone, or with a placenta that is hanging from it.

We may plug up a bell hanging around its neck and allow [an animal] to stroll with it in a courtyard. Similarly, one may place a saddlecloth on a donkey and allow it to stroll in a courtyard. One may not, however, attach a feeding bag to [an animal] on the Sabbath [even when it will not go beyond a courtyard].

14 Just as a person is commanded that his animals rest on the Sabbath, so too, he is commanded that his servants and maidservants rest. Although they have the power of thought, and act according to their own volition, [their master] is obligated to watch over them and prevent them from performing [forbidden] labor on the Sabbath, as [**Exodus 23:12**] states: "Thus your ox and your donkey may rest, and the son of your

maidservant and the foreigner may find repose."

The servants and maidservants whom we are commanded to have rest [on the Sabbath] are servants that have been circumcised and have immersed themselves [in the *mikveh*], so that they be granted the status of servants who have accepted the mitzvot that servants are obligated to observe. By contrast, servants who have not been circumcised and have not immersed themselves, but have merely accepted [the observance of] the seven [universal] laws commanded to the descendants of Noach, are considered equivalent to "resident aliens" and are permitted to perform [forbidden] labors for their own sake in public as the Jews may during the week. [The status of] a resident alien is granted only in the era when the Jubilee year is observed.

[One might ask:] Since a resident alien may perform [forbidden] labors on his own behalf on the Sabbath, and a convert is considered equivalent to a native-born Jew in all matters, who is referred to with [the term הגר] in the phrase, "and the son of your maidservant and the foreigner [הגר] may find repose"?

This refers to a resident alien who is an employee of a Jew, like "the son of [his] maidservant." Such a resident alien may not perform [forbidden] labors on behalf of his Jewish master on the Sabbath.He may, however, perform [such labors] on his own behalf. Moreover, even if this foreigner is a servant [belonging to a Jewish master], [this foreigner] may perform [labors] for his own sake [on the Sabbath].

Chapter 21

1 [Regarding the Sabbath,] the Torah [**Exodus 23:12**] states: "[On the seventh day,] you shall cease activity." [This implies] ceasing [even the performance of certain] activities that are not [included in the categories of the forbidden] labors.

[The Torah left the definition of the scope of this commandment to] the Sages, [who] forbade many activities as *sh'vut*. Some activities are forbidden because they resemble the forbidden labors, while other activities are forbidden lest they lead one to commit a forbidden labor. These [activities] include the following:

2 A person who levels crevices [in the ground] is liable for [performing the forbidden labor of] plowing. For this reason, it is forbidden to defecate in a field that is lying fallow, lest one come to level crevices.

A person who empties a storeroom [of its contents] on the Sabbath, because he needs [the storeroom] for the sake of a mitzvah - e.g., to house guests or to use as a study hall - should not empty the storeroom entirely, lest he come to level crevices within.

[A person who] has mud on his feet may clean it off on a wall or on a beam, but not on the ground, lest he level crevices. A person should not spit on the ground and wipe it with his feet, lest crevices be leveled. It is, however, permitted to step on spittle that is lying on the ground as one walks, without having any specific intent.

3 It is forbidden for women who [often] play with nuts, almonds, or the like, to play with them on the Sabbath, lest they be motivated to level crevices.

It is forbidden to sweep the ground, lest one level crevices, unless [the floor] is paved with stone. One may, however, sprinkle water on the ground. There is no suspicion that the person will level crevices, since this is not his intent.

One may not apply oil to the floor, even if it is paved, nor may one blow [dust from the floor], nor may one wash it. This applies on a holiday, and surely on the Sabbath. These acts were forbidden lest a person follow his usual weekday pattern and thus come to level crevices in a place which is not paved.

4 When a courtyard has become soiled in the rainy season, one may bring straw and spread it over [the courtyard]. When a person spreads [the straw], he should not spread it with a basket or with a container, but rather with the underside of the container, so that he will not follow his usual weekday pattern and thus come to level crevices.

5 A person who waters seeds [that have been planted] is liable for [performing a derivative of the forbidden labor of] sowing. Therefore, it is forbidden to draw water from a cistern using a pulley, lest one draw water for one's garden and one's ruin. On this basis, if a cistern with a pulley is located in one's courtyard, it is permitted to use the pulley to draw water.

6 A person who detaches [produce or wood] is liable for [performing a derivative of the forbidden labor of] reaping. Accordingly, it is forbidden to remove honey from a beehive on the Sabbath, because this resembles detaching [produce].

We may not climb a tree; [this includes both] a fresh tree and one that has dried out. We may not suspend [articles from] a tree, nor may we lean on a tree. We may not climb a tree before the commencement of the Sabbath [with the intent of] remaining there for the entire day.
We may not use any [plant] that is attached to the ground. This is a decree, lest one detach [produce].

7 Fruit that falls from a tree on the Sabbath may not be eaten until Saturday night; this is a decree lest one detach [produce].
One may smell a myrtle that is attached [to its bush], because the only benefit one has from it is its fragrance, and its fragrance can be appreciated even when it is attached. In contrast, it is forbidden to smell an etrog, an apple, or any other [fruit] that is fit to be eaten while it is attached [to its tree]. This is a decree enacted lest one pick it to partake of it.

8 It is forbidden to sit on the roots of a tree that project more than three handbreadths above the ground. If, however, they are less than three [handbreadths above the ground], they are considered as the ground itself.
If [the roots] descend from three [handbreadths] above the ground to within three [handbreadths of the ground], it is permitted to make use of them. If they are three handbreadths above the ground [on one side] or if there is a cavity three [handbreadths high below them], it is forbidden to sit on them even when one side [of the roots] is level with the ground.

9 We may not ride on an animal on the Sabbath; this is a decree enacted lest

one cut a branch [to use as a switch] to guide it. We may not hang from an animal, nor may we climb onto an animal before the Sabbath so that we can sit upon it on the Sabbath.

We may not support ourselves by leaning on an animal; we may, however use articles hanging from an animal as a support.

A person who climbs a tree on the Sabbath without being aware of the prohibition involved is allowed to descend. [In contrast, one who climbs up] in conscious violation [of the prohibition] is forbidden to descend.

[In contrast, should one mount] an animal, one may descend even if one [mounted it] in conscious violation of the prohibition. [This leniency is granted] in consideration of the pain [endured] by the animal. Similarly, we may remove a load from an animal on the Sabbath, because of the pain [endured] by the animal.

10 What is implied? If a person's animal is carrying a haversack of grain, [he may unload the animal in an irregular manner; he should insert his head under [the load, so that] it will be shifted to the other side and fall.

[The following rules apply when a person] enters [a city] from a journey on Friday night and his animal is carrying a burden: When he reaches the outermost courtyard of the city, he should remove the utensils that may be carried on the Sabbath. Regarding those that may not be carried, he should loosen the ropes that are holding the bags, and allow the sacks to fall.

[The following rules apply] if the sacks contain articles that might break. If the sacks are small, one may bring pillows and blankets and place them under them, so that the sacks will fall on the pillows. [This is permitted]

because, if the person desires, he could slip the pillows out from under the sacks, since these sacks are small and light. Thus, one has not nullified the possibility of using a utensil prepared for use on the Sabbath.

If [the sacks are large and contain] large pieces of glass, one should release the sacks and let them fall. Even if they break, there will not be a great loss, for [such pieces of glass] are intended to be melted down. [Therefore, only] a small loss [will be incurred],and this is of no concern to the Sages.

If the sacks are large and contain glass utensils and the like, one should unload the sacks gently. One may not, however, leave them on the animal [for the entire Sabbath], because of the pain the animal [will suffer].

11 A person who presses fruits together until they become a single entity is liable for [performing the forbidden labor of] collecting food. Therefore, a person whose fruits have been spread throughout his courtyard may collect them by hand and partake of them. He should not, however, place them into a basket or into a container as he does during the week. Were he to follow his ordinary weekday practice, there is the possibility that he would press them with his hands in the container and perform the forbidden labor of collecting food.

Similarly, salt or the like should not be collected into a single block, because it appears as if one is collecting food.

12 A person who extracts [food from raw produce is liable for performing a derivative of] threshing. One who squeezes olives and grapes is liable for extracting. Therefore, it is forbidden to squeeze berries or pomegranates. Since some people squeeze them [for juice] like olives and grapes, [were

this to be allowed,] one might come to squeeze olives and grapes. It is, however, permitted to squeeze other fruit - e.g., quince, apples, and crab apples - on the Sabbath, since they are not usually squeezed.

13 It is permitted to squeeze pickled or cooked foods to soften them. If, however, one's intent is to extract liquid from them, it is forbidden.

We may not crush snow, so that liquid will flow from it. One may, however, crush [snow] into a bowl or into a cup.

[The following rules apply to] garlic, unripe grapes, and unripe grain that were crushed before the commencement of the Sabbath: If it is necessary that they be crushed [further], it is forbidden to continue crushing them on the Sabbath. If it is necessary that they [merely] be ground by hand, it is permitted to complete grinding them on the Sabbath.

Accordingly, it is permitted to continue grinding kernels of grain with a wooden spoon in a pot on the Sabbath after [the pot] was removed from the fire.

14 One may remove grain from husks in an abnormal manner so that it does not appear that one is extracting.

[An adult] who sucks milk with his mouth is not liable. If, however, he is groaning [from pain], it is permissible. Since he is extracting [the milk] in an abnormal manner and he is in pain, the Sages do not forbid this, despite the fact that there is no danger involved.

15 The following rules apply when] liquids flow from fruit on the Sabbath: If they are olives or grapes, it is forbidden to partake of these liquids until

Saturday night, lest one intentionally squeeze [these fruits] on the Sabbath.

If they are berries or pomegranates, [the following rules apply]: If the person takes them [home] to eat, the beverages that flow from them are permitted. If he takes them [home] to press them [and extract their juice], the beverages that flow from them are forbidden until Saturday night.

16 When grapes or olives are crushed on Friday, the liquids that flow from them on the Sabbath on their own accord are permitted. Similarly, when honeycombs are crushed on Friday, the liquid that flows out on its own accord on the Sabbath is permitted. There is no reason for a prohibition [to be imposed], since they were already crushed on [Friday].

17 Winnowing and selecting are primary categories of [forbidden] labor. Therefore, even though a person is permitted to remove grain from husks with his fingertips, when he blows air [over them to cause the husks to fall], he may do so [only while holding them] in one hand, blowing with all his strength. He may not, however, use a tray or a pot with compartments, lest he use a sifter or a strainer, for which he is liable.

Filtering dregs is a derivative [of either of the forbidden labors] of selecting or of sifting. Therefore, even though it is permitted to filter clear wine or clear water using a handkerchief or an Egyptian basket,one should not make a hollow in the handkerchief [to gather the dregs] as one does during the week, lest one filter [dregs] with a filter. Similarly, it is forbidden to hang a filter as one does during the week, lest one filter [dregs with it].

Causing milk to curdle [to make cheese] is a derivative [of the category] of separating. Therefore, even though it is permitted to place sesame seeds and nuts into honey, one should not mix them into a block with one's hands.

18 [A person who] cuts vegetables into small pieces in order to cook them is liable [for performing] a derivative [of the forbidden labor] of grinding. Therefore, it is forbidden to shred straw or carobs for animals, whether in large or small pieces, because it appears as if one is grinding. One may, however, cut gourds for an animal, or an animal carcass for dogs, for there is no concept of grinding regarding fruit.

We may untie bundles of straw for an animal. One may spread out small sheaves, but not large ones, because this entails effort.

19 One may partake of bundles of *siah, ezov,* and *kornit* and the like that were stored for use as animal fodder. One may break off some with one's fingertips, but should not break off a large amount with one's hands, so that one does not follow one's weekday practice and come to crush them.

20 A person who must pulverize pepper and the like to season food on the Sabbath should crush it with the handle of a knife against the bowl. It is forbidden to use a pestle, for one is grinding. For this reason, it is forbidden for a healthy person to take medication on the Sabbath. This is a decree [enacted] lest one grind herbs.

21 What is implied? A person should not partake of foods that are not ordinarily eaten by healthy people - e.g., hyssop and *piah* - nor herbs that

cause diarrhea - e.g., wormwood and the like. Nor should one drink beverages that are not ordinarily drunk by healthy people - e.g., water cooked with herbs and grasses.

22 A person may, however, partake of coriander seed, hops, hyssop, and other foods and beverages that healthy people frequently eat and drink. Although they are being healed as they eat, this is permitted, since the food is ordinarily eaten by healthy people.

A person who has drunk *chiltit* before the Sabbath on several occasions may drink it on the Sabbath, even in places where it is not customary for healthy people to drink *chiltit*. Egyptian beer may be drunk in all places.

23 [Similar concepts apply regarding oils:] A person is allowed to anoint himself on the Sabbath with oils that healthy people use to anoint themselves, even though his intent is for healing purposes. It is, however, forbidden [to anoint oneself with oils] that are not used by healthy people.

A person who has groinal discomfort may not apply wine or vinegar. He may, however, apply oil. One may use rose oil only in places where healthy people anoint themselves with it. It is permitted to anoint oneself with oil and salt in all places.

A person who wounded his hand or foot may soak it in wine, but not in vinegar. If his [constitution] is delicate, he is even forbidden [to soak it] in wine.

24 A person who feels discomfort in his teeth may not sip vinegar and spit it out. He may, however, sip it and swallow it. A person who has a sore

throat may not gargle with oil. He may, however, drink large amounts of oil, and if he is cured in this manner, it is [welcome].
We may not chew gum. A person may not brush his teeth with herbs on the Sabbath if his intent is to cure [discomfort]. If, however, he intends to improve the fragrance of his breath, it is permitted.

25 One may not apply wine to one's eyes, but one may place it on one's eyelids. It is forbidden to apply saliva taken from a person before he ate - even to one's eyelids. An eye salve that was left to soak on Friday may be applied to one's eyes on the Sabbath without hesitation.
A person whose finger becomes wounded should not wind a reed around it to heal it, nor should he squeeze it tightly with his hand so that it bleeds.

26 We may not place hot water or oil on a wound, nor on a wad of unprocessed fabric that is above a wound, nor on a wad of unprocessed fabric to be placed on a wound. We may, however, apply it outside the wound [so that] it will flow into the wound.
We may place a dry wad of unprocessed fabric on a wound. If, however, it is aged fabric, this is forbidden, since this is like applying a bandage.

27 A bandage that has fallen onto a utensil may be put back [on a wound]. If, however, it falls to the ground, one is forbidden to put it back.
We may place a bandage on a wound for the first time in the Temple [on the Sabbath], for the prohibitions classified as *sh'vut* do not apply in the Temple. In all places, one is allowed to clean the opening of a wound.

One may not, however, clean a bandage, lest one spread [a salve].

28 One may apply oil and massage the intestines on the Sabbath, provided that one applies oil and massages at the same time, so that one will not follow one's weekday practice.

One may not work-out on the Sabbath. What is meant by a work-out? Others tread on a person's body forcefully until he becomes exerted and begins to perspire, or a person walks [vigorously] until he exerts himself and begins to perspire. It is forbidden to exert oneself on the Sabbath to the extent of perspiring, for this is a therapeutic practice. Similarly, one may not stand in mud baths in *Eretz Yisrael,* because this is exerting and therapeutic.

29 One may not wash in water that causes diarrhea, nor in quicksand, nor in water [in which flax was left to] soak and which has turned foul smelling, nor in the Dead Sea, nor in the foul water in the Mediterranean, because all of these cause discomfort, and [**Isaiah 58:13**] states, "And you shall call the Sabbath a delight."

Accordingly, if one does not remain in these [bodies of water] for an extended time, but rather emerges immediately, it is permittedeven though one has sores on one's scalp.

30 We may not scrape our skin with a utensil used for that purpose. If, however, one's hands are soiled with feces or with mud, one may scrape in one's ordinary manner without concern.

We may apply oil to and peel off [the scabs of] a human's [wound] for

pleasure, but not those of an animal. If, however, the animal is in discomfort, we may apply oil and peel off [its scabs] to eliminate aggravation.

When an animal has eaten an excessive amount of beans, we may have it run in the courtyard so that it is cured. If it turns red, we may have it stand in water so that it will cool. We do not suspect that one will grind herbs.

31 A person may not cause himself to vomit food on the Sabbath. When does this apply? When he uses a drug, for he may come to crush herbs. It is, however, permitted to place one's hand down one's throat so that one will vomit.

It is forbidden to press the stomach of an infant so that he will defecate, lest one give him curative herbs. It is permitted to place a cup over an [infant's] navel to lift it up. It is permitted to place a neck-brace or hip-girdle around a child. Similarly, one may lift up [the tendons of a child's] ears, whether by hand or with an instrument, and lift up cartilage on one's chest. For all of these [activities] are performed [by hand], and not with herbs. Since [the person] is in pain and there is no suspicion that one may crush [herbs,] [these activities are permitted].

32 Sifting is one of the categories of forbidden labor. Therefore, we may not sift straw in a sieve or place a sieve with straw in a high place so that the chaff will fall, since this is like sifting. One may, however, place straw in a sieve and carry it to [an animal's] feeding trough, even though the chaff falls while one is transferring it, since this is not one's intent.

33 A person who creates a mixture of small particles and water is liable for [performing a derivative of the forbidden labor of] kneading. Therefore, one may not make a mixture of a large amount of roasted flour, lest one come to knead unroasted flour. One may, however, mix [small amounts] of roasted [flour] a little at a time.

In contrast, *shatit*, i.e., grain that has not matured to a third of its fullness and is roasted and coarsely ground, resembles sand. Large quantities of it may be mixed with vinegar and the like at once, provided the mixture is soft. If it is firm, it is forbidden, for it appears as though one is kneading. [Even when making a soft mixture,] one must deviate from one's ordinary practice. What is implied? First, one must put in the *shatit* and then the vinegar.

34 Although bran does not produce a mixture resembling a dough, it is forbidden to be mixed with water, lest one mix earth and the like.

One may pour water over bran and stir it with a spoon in all directions. One may not mix it with one's hands, so that it will not appear that one is kneading. If it does not mix well, one may pour it from one container to another until it mixes well, and then give it to the chickens or the oxen.

It is permissible to mix bran in the above manner in one container and then divide it into several containers, giving each animal [its portion]. One may mix even a *kor* or two *korim* [of bran together] in one container.

35 One may not [force-]feed domesticated animals, beasts, or fowl on the Sabbath in the same way as one feeds them during the week, lest one crush beans, knead flour, or [perform another] similar [activity].

What is implied? On the Sabbath, one should not feed a camel enough food for three or four days. One may not throw down a calf or the like, hold its mouth open and pour in beans and water at one time. Similarly, one may not place [food deep] in the mouths of doves or chickens, in a place from which they cannot spit it out.

One may, however, feed an animal while it is standing and give it water while it is standing, or one may place both water and beans separately in its mouth, provided it is possible for [the animal] to spit them up. Similarly, one may feed fowl by hand as long as they can spit the food up. Needless to say, one may place food before the animals so that they can eat.

36 When does [the license to feed animals] mentioned above apply? Regarding an animal that one is responsible for feeding - e.g., one's domesticated animals, one's beasts, doves raised within one's home, geese, and chickens. One may not, by contrast, provide food or water for animals that one is not responsible for feeding - e.g., pigs, doves raised in a dovecote, and bees.

A person may lead his animal directly to grass that is still growing and allow it to eat. He may not, by contrast, lead it to [food] that has been set aside [not to be used on the Sabbath].One may, nevertheless, stand in front of the animal until it turns, and, on its own accord, heads to the food that has been set aside and partakes of it. The same [laws apply] on the holidays.

Chapter 22

1 Although removing a loaf [of bread from the side of an oven] does not involve a [forbidden] labor, our Sages forbade doing so, lest one be prompted to bake.

If one stuck a loaf to [the side of] an oven before the commencement of the Sabbath, and afterwards the Sabbath began, one may remove enough for three meals. Similarly, one may tell others, "Come and take for yourselves." Although removing a loaf does not involve a [forbidden] labor, in this situation, when one removes a loaf, one should not do so with a baker's peel, but rather with a knife, in order to deviate from one's ordinary procedure.

2 Why did the Sages forbid entering a bathhouse on the Sabbath? Because the attendants would heat up water on the Sabbath, and say that it has been heated before the commencement of the Sabbath. For this reason, our Sages decreed that one should not enter a bathhouse on the Sabbath, even to use [merely] as a steam bath.

Similarly, they decreed that a person should not rinse his entire body with hot water - even if the water was heated on Friday. One may, however, wash one's face, hands, and feet [with hot water that was heated before the commencement of the Sabbath]. When do the above [restrictions] apply? To water that is heated by fire. One may, however, rinse one's entire body in the hot springs of Tiberias and the like.

It is forbidden to bathe in hot springs located in caves, for the cave is filled with hot air, and one will sweat [as in a steam bath]. Thus, it resembles a bathhouse.

3 A person may warm himself before a fire and then go out and rinse his entire body in cold water. He may not, however, rinse his entire body in cold water and then warm himself by a fire. By doing so, the water on his body will become lukewarm, and it would be as if he washed his entire body in warm water.

When a person causes a duct of cold water to pass through hot water, even water coming from the hot springs of Tiberias, the water is considered as if it was heated [by fire] on the Sabbath and one is forbidden to wash in it or drink it.

4 A person may bring a cask of water and place it in front of a fire, not in order that it will be warmed, but to dispel its chill. Similarly, one may place a flask of oil in front of a fire so that it will become lukewarm, but not so that it will be heated.

A person may dip his hand in water or oil and warm it in front of a fire, provided the water [or oil] on his hand will not become so hot that it could burn an infant's belly. One may warm a cloth and place it on one's stomach on the Sabbath.

5 We may not place cold water in a tub in a bathhouse that is filled with hot water, for [the cold water] will become very hot. Similarly, one may not place a flask of oil in such a tub, for it is considered as if one is cooking it. One may, however, place hot water in a tub of cold water.

6 After hot water was removed from a cooking urn, it is permitted to pour in cold water so that it will become lukewarm. It is permitted to pour hot

water into cold water or cold water into hot water, provided [the hot water] is not in a vessel that was cooked on a fire, since this will raise the temperature [of the cold water] greatly.

Similarly, when a pot is boiling, one should not place spices in it, even after one has removed it from the fire. One may, however, salt it, since salt cooks only on a very large flame. If one poured the food from a pot to a bowl, one may place spices on it, even if it is boiling, since a vessel into which food has been poured does not [possess sufficient heat to] cook.

7 [On the Sabbath,] we may not place *chiltit* in hot water nor in cold water to soak. One may, however, soak it in vinegar. If one drank *chiltit* on Thursday and on Friday, one may soak it in cold water on the Sabbath, place it in the sun to warm, and drink it, lest ceasing to drink it cause one to become sick.

8 When food has been cooked before the Sabbath or soaked in hot water before the Sabbath, one is permitted to soak it in hot water on the Sabbath even though it is presently cold.

Although food is cold, and it had never been placed in hot water previously, it may be rinsed in hot water on the Sabbath, if this rinsing does not complete its preparation. One may not, however, soak it for the first time on the Sabbath.

9 Although it is forbidden to heat [food or water] using substances that derive their heat from the sun, it is permitted to heat [them] in the heat of the sun itself, for one will not err between the sun and fire. Therefore, it is

permitted to place water in the sun to warm.

Similarly, we may place [a bottle of] pleasant water into [a pool of] stagnant water so that it cool. Similarly, we may place a [dish of] cooked food into a cistern to preserve it.

10 A person may mix water, salt and oil, and dip his bread in the mixture or pour it onto cooked food. This is permitted provided one makes only a small amount. Making a large amount is forbidden, for it appears that one is performing one of the labors associated with cooking. Similarly, one may not make strong salt water - i.e., two thirds salt and one third water - for it would appear as if one is making fish-brine.

One may salt an egg, but not radishes and the like, because it would appear that one is pickling food on the Sabbath. Pickling is forbidden, because it is as though one is cooking. One may, however, dip radishes and the like into salt and eat them [directly afterwards].

11 One may mix wine, honey, and peppers together on the Sabbath to partake of them. Wine, water, and balsam oil are forbidden to be mixed, because this mixture is not fit to be eaten by healthy people.

12 When mustard has been mixed on Friday, one may blend it [on the Sabbath] by hand or with a utensil and add honey to it. One may not stir it forcefully, however; [all that is permitted is to] mix it.

Oil, vinegar, and spices may be added [on the Sabbath] to cressthat was stirred on Friday. One may not stir the mixture] forcefully, however; [all that is permitted is to] mix in [these ingredients]. Garlic that was crushed

on Friday may be placed into groats on the Sabbath. One may not grind [the mixture]; [all that is permitted is to] mix in [the garlic].

13 A person who removes hair from a person's body is liable for [performing a derivative of the forbidden labor of] shearing. Therefore, it is forbidden to wash one's hands with a substance that will without doubt remove hair - e.g., *ohaloh* and the like.

One may cleanse one's hands with frankincense powder, pepper powder, jasmine powder, and the like, without concern that one might remove the hair on one's hands, for this is not one's intent.

[The following rules apply when] one mixes a substance that will undoubtedly remove hair together with a substance that will not necessarily remove hair: If the majority [of the mixture] is composed of a substance that will undoubtedly remove hair, it is forbidden to clean one's hands with it. If not, it is permitted.

14 One may not look at oneself in a mirror of [polished] metal on the Sabbath. [This is] a decree [enacted] lest one use it to remove loose hanging strands of hair. This applies even if the mirror is affixed to the wall. One may, by contrast, look at oneself in a mirror that is not made of metal, even if it is not affixed [to a wall].

15 A person who launders is liable for [performing a derivative of the forbidden labor of] whitening, and one who wrings out a garment is liable because he is [performing one of the activities involved in] laundering. Therefore, it is forbidden to press a piece of cloth, unprocessed fabric, or

the like into the opening of a flask to plug it, lest one squeeze liquids from it.

One may not clean with a sponge unless it has a handle, lest one squeeze [water from it]. One may not cover a jug of water or the like with a cloth that is not set aside for this purpose. [This is] a decree [enacted] lest one squeeze [water from it].

16 When a cask [of liquids] breaks on the Sabbath, one may save what one needs for oneself and one's guests on the Sabbath, provided one does not sponge up wine with a sponge or scoop up oil with his hands. [These restrictions were instituted, because] were one allowed to follow one's ordinary weekday practice, there is the possibility that one would squeeze [the liquids from it].

How must he save [the liquid]? He should bring a container and place it under [the liquid]. He may not bring one container to catch [the liquid] in the air, and another into which to collect [the liquid]. This [restriction] is a decree, lest one carry a container through the public domain.

[An exception is made] if guests unexpectedly arrive. [In this instance,] he may bring one container to catch [the liquid] in the air, another into which to collect [the liquid], and then combine it with the first. He should not collect [the liquid] and then invite guests. Instead, he should invite guests and then collect [the liquid]. If one acts with guile in this matter, it is permitted.

17 [A person who has] mud on his garments may rub the inner [surface of the garment so that the mud falls], but not the outer surface. [This is] a

decree, [enacted] lest one launder it. One may, however, scrape it with one's nails, without concern that one might whiten it.
It is forbidden to rub clean a scarf, since this launders it. One may, however, rub a cloak, because one's intent is merely to soften it.

18 It is permitted to use water to rub clean a shoe or a sandal that has become soiled with mud or excrement. It is, however, forbidden to wash them. We may not scrape new sandals or shoes, but we may apply oil to them. [Similarly,] we may clean old [sandals and shoes].
A pillow or a blanket [soiled] with mud or excrement may be cleaned with a rag. If it is made of leather, one may pour water over it until the stain is removed.

19 A person whose hands have become soiled with mud may clean them with a horse's tail, a cow's tail, or a firm cloth used to hold thorns. [One may] not, [however, use a] cloth that is used to clean one's hands. [These restrictions were instituted] so that one will not follow one's weekday practice and come to launder the cloth.

20 A person who washes himself in water may dry himself with a towel and carry it by hand; we do not suspect that he might wring [water from it].
Similarly, a person whose clothes become soaked with water may continue walking in them; we do not suspect that he might wring [water from them]. [When he removes them,] he may not, however, hang them out to dry even within his home, lest an observer suppose that he laundered his garment on the Sabbath and hung it out to dry. Whenever the Sages

instituted a prohibition because of the impression it might create, the act is forbidden even in one's private chambers.

21 When two *mikvaot* are located one on top of the other, one may remove the plug between them and connect them. Afterwards, one may return the plug to its place. There is no concern that one might squeeze out water [in the process of doing so], since one's intent is that the water should flow out.

One may plug a drain with clothes or with any article that can be carried so that water will not inundate food and utensils. We may not, however, plug a drain so that water will descend into a cistern. The plug is resting in water and the possibility exists that one may squeeze [water from the plug] when one presses it into place.

22 It is forbidden to fix the sleeves of garments, adjusting them to form layers of cuffs as is one's ordinary practice during the week after washing clothes. Similarly, we may not fold clothes on the Sabbath in the same way as we fold clothes during the week after laundering them. If one does not possess a change of clothes, one may fold a garment, stretch it out, and wear it so that one will [be dressed] attractively on the Sabbath. The above [restrictions] apply only to a new white garment that may become wrinkled and soiled immediately.

Only one person may fold [a garment]; folding it by two people [together] is forbidden.

23 Dyeing is one of the categories of [forbidden] labor.Accordingly, it is

forbidden for a woman to apply rouge to her face, because this resembles dyeing.

Sewing is one of the categories of [forbidden] labor.Accordingly, it is forbidden to fill a new pillow or blanket with unprocessed fabric, lest one sew it closed. On the Sabbath one may, however, return fabric that has fallen out from a pillow or blanket.

24 Tearing is one of the categories of [forbidden] labor.Accordingly, a person whose garments catch onto thorns should separate them carefully and patiently, so that they do not tear. If they tear, he is not liable, for this is not his intent.

It is permitted to wear new clothes; if they tear, it is of no consequence. We may crack open a nut in a piece of cloth without concern that [the cloth] might tear.

25 A person who attaches [building materials to each other] is liable for performing a derivative [of the forbidden labor] of building. Therefore, all doors that are attached to the ground should not be removed, nor should they be returned to their place, lest one attach them.

The doors of a cabinet, chest, or closet, or the doors of other utensils may be removed, but they may not be returned to their place. If their bottom hinge slips [partially out of place], it may be pushed back into place. In the Temple, it may be returned to its place. If, however, the upper hinge slips [out of place], it is forbidden to return it. [This is] a decree [applying] in all places, [enacted] lest one attach it.

26 One may not braid one's hair, or set one's hair around one's forehead, for this would appear to resemble building.

A candelabrum made up of separate pieces may not be reassembled on the Sabbath, nor may a chair or a table made up of pieces be reconstructed, for this resembles building. If, however, one does reassemble these objects, one is not liable, since [the forbidden labors] of building and demolishing do not apply regarding utensils. If [the parts of such a utensil] remain loosely put together, one may [complete] its assembly.

We may not adjust the vertebra in a child's backbone [so that they are aligned] one above the other, since this resembles building.

27 A person who erects a permanent tent is liable for performing a derivative [of the forbidden labor] of building. Accordingly, at the outset, it is forbidden to erect or demolish a temporary tent, lest one erect or demolish a permanent tent. If, however, one erects or demolishes a temporary tent, he is not liable.

One may add to a temporary tent on the Sabbath. What is implied? If a cloth was spread over pillars or over walls and was rolled up before the Sabbath, [the following rule applies]: If there was a portion the size of a handbreadth extended before the Sabbath, one may extend it until its full width on the Sabbath, causing it to become a large tent. The same applies in other similar situations.

28 One may not hang a canopy over a bed, because a temporary tent is created beneath it. It is, by contrast, permissible to set down a bed, a chair, and a table even though a tent is created below them, since this is not the

way either a permanent or temporary tent is fashioned.

29 Any tent with a slanted roof whose roof is not a handbreadth wide, nor is the span three handbreadths below its roof a handbreadth wide, is considered to be a temporary tent. A person who erects it for the first time on the Sabbath is not liable.
A cloth that is hanging doubled over on Friday with cords from which its ends are suspended may be spread out and rolled up [on the Sabbath]. The same [rules] apply to a curtain.

30 [The following rules apply to a bed over which is hung] a bridal canopy whose roof is not a handbreadth wide, nor is the span three handbreadths below its roof a handbreadth wide: Since it was prepared to serve this purpose [before the commencement of the Sabbath], it may be spread out and rolled up [on the Sabbath]. [This leniency is granted,] provided it does not hang more than a handbreadth above the bed.
A curtain used to close a window may be employed for that purpose even though it was not attached [to the window] or hanging [from it, because] it was prepared to be used for this intent.

31 It is permitted to wear a hat with a brim that provides shade for the person wearing it. If, however, one extends the clothes one is wearing above one's head or in front of one's face like a tent and: a) [the clothes] are tightly fitted around one's head, and b) the brim that one extends is very firm like a roof, this is forbidden, because one is making a temporary tent.

32 A person who hangs a curtain or the like should take care not to create a tent while he is doing so. Therefore, a large curtain should be hung by two individuals and is forbidden to be hung by a single person.
[Moreover,] a canopy with a roof may not be extended even if ten people help in doing so. For it is impossible that it will not be lifted up slightly above the ground [in the process] and thus form a temporary tent.

33 [A person] who covers a jug with a cloth should not cover it entirely, for this is considered to be making a tent. Instead, he should cover [merely] a portion of its opening.
A person who filters using an Egyptian basket should not lift the bottom of the basket above the utensil on the Sabbath so that he will not be creating a temporary tent.

Chapter 23

1 A person who makes a hole that can be used as an entrance and as an exit - e.g., a hole in a chicken coop that is used to allow light to enter and to allow foul air to leave - is liable [for performing the forbidden labor] of dealing [the final] hammer blow.
Accordingly, [the Sages instituted] a decree [forbidding] the opening of any hole, even one intended to be used only as an outlet or only as an inlet, lest one open a hole for which one is liable. For this reason, it is forbidden to make a new hole in a cask or to widen an existing one. One may, however, open an existing hole [that has been plugged].
[The above leniency applies] provided the hole is not located below the

level of the dregs [in the cask], for a hole made below the level of the dregs is intended to hold fast. [Therefore,] it is forbidden to open it.

2 One may make a hole in the seal of a cask in order to pour out wine from it, provided one opens it from the top. It is, however, forbidden to open it from the side [of the seal], for this resembles making a utensil.
A person may break a barrel to eat dried figs contained in it, provided he does not intend to make a utensil. Similarly, a person may bring a cask of wine and slash its top off with a sword for his guests without any concern [about the above restrictions], for his intent is [not to make a utensil, but solely] to show his feelings of generosity.

3 Just as it is forbidden to open any hole, so too, is it forbidden to close any hole. Therefore, it is forbidden to close a hole in a barrel, even when one employs an article that need not be spread, or one that will not lead to squeezing - e.g., to plug it with a piece of wood or with a small stone.
One may, however, store food [by placing it the opening of the barrel]. This is permitted even though, in the process, the barrel is stopped up. It is permitted to act with guile in this matter.

4 [Performing] any action that completes the fashioning [of an object] causes one to be liable for [the forbidden labor of] dealing the final blow. For this reason, a person who files [the smallest amount of an object] or who repairs an article in any way is liable.
Accordingly, it is forbidden to sound musical tones on the Sabbath, whether using a musical instrument - e.g., a harp or a lyre - or using

another object. It is even forbidden to tap with one's fingers on the ground or on a board, to snap one's fingers rhythmically as singers do, to shake a nut [like a rattle] for a child, or to ring a bell to quiet [a child]. All of these [restrictions were instituted as] a decree, lest one repair a musical instrument.

5 We may not drum, nor dance, nor clap hands on the Sabbath. [These are] decrees, [instituted] lest one repair a musical instrument. One may, however, clap using the back of one's hands.

One may not swim in water. [This is] a decree, instituted lest one make a float. It is permitted to swim in a pool in one's courtyard, provided the pool has an edge jutting up so that the water does not flow out of it. This serves as a distinguishing factor between a pool and the sea.

6 One may not cut a reed, since this resembles preparing a utensil. If [a reed] is cut [before the commencement of the Sabbath], even though it has not been adjusted, it may be inserted into a hole in the barrel on the Sabbath. We are not concerned that one might adjust it.

It is forbidden to place a myrtle leaf or the like in the opening of a cask so that the wine will flow through it, since this resembles making a faucet on the Sabbath. We may not break a shard or tear a piece of paper, since this resembles preparing a utensil.

7 One may draw water using a branch that is tied to the cup [used to draw water from the well]. If it is not tied to the cup, we may not draw water with it. [This is] a decree, [instituted] lest one trim [the branch] and

adjust it.

It is forbidden to polish silverware with *greitikon*, because this makes it shine as if it had been treated by a craftsman. Thus, it appears as if one is repairing a utensil and completing one's work on the Sabbath. One may, however, polish it with sand and *neter*. Similarly, all [other] utensils may be polished with any substance.

It is forbidden to wash plates, cooking dishes, or the like, because it is as if one is improving them, unless one washes them for the sake of using them to eat another meal on this Sabbath. Utensils used for drinking, by contrast - e.g., glasses and pitchers - may be washed at any time, for there is no limit to [the number of times a person may desire to] drink.

One may not make beds on the Sabbath in order to sleep on them on Saturday night. One may, however, make the beds [after sleeping on them] Friday night in order to use them again on the Sabbath.

8 On the Sabbath, it is forbidden to immerse [in a *mikveh*] utensils that are ritually impure, because it resembles repairing the utensil. An impure person, by contrast, may immerse himself, because it appears [as if his intent] is to cool off. One may not sprinkle [ashes from the red heifer] on the Sabbath.

A person who immerses utensils on the Sabbath without knowing of the prohibition involved may use them [on the Sabbath]. If [by contrast,] he violates the prohibition intentionally, he should not use them until Saturday night.

It is permitted to immerse impure water on the Sabbath. What should be done? The water should be placed in a container that is not susceptible to

contracting ritual impurity - e.g., a container made of stone - and the container should be immersed until it is submerged in the waters of the *mikveh* and thus purified.

9 We may not separate *terumah* or tithes on the Sabbath, because it appears as if one is repairing an article that requires repair.

10 Processing leather is one of the categories of [forbidden] labor. A person who softens a hide with oil as the leather-workers do is liable for processing leather. Therefore, a person should not anoint his foot with oil while wearing a new shoe or sandal. He may, however, anoint his foot with oil and put on his shoes or sandals, even though they are new. Similarly, he may apply oil to his entire body and roll on a new bed cover without any concern.

When does the above apply? When only a small amount [of oil] is used, enough merely to polish the leather. If, however, he has a large quantity of oil on his skin that would soften the leather, this is forbidden, since this resembles processing it. All [the above restrictions] apply with regard only to new items. It is permitted to do so with old ones.

11 A person who spreads a plaster on the Sabbath is liable for [performing a derivative of the forbidden labor of] smoothing a hide. Therefore, it is forbidden to close a hole with wax and the like, lest one spread it. It is even forbidden to close a hole with fat. [This is] a decree, [enacted] lest [one use] wax.

12 Writing is one of the categories of [forbidden] labor. Accordingly, it is

forbidden to apply eye-paint with a brush and the like on the Sabbath, because this resembles writing.

[Similarly,] it is forbidden to give a loan or to take a loan. [These are] decrees, [instituted] lest one write. By the same token, it is forbidden to buy, to sell, to rent, or to rent out. [These are all] decrees, [instituted] lest one write.

A person should not hire workers on the Sabbath, nor should he tell a colleague to hire workers for him. One may, however, borrow and lend [objects]. A person may [even] borrow jugs of wine or jugs of oil from a colleague, provided he does not say "Give me... as a loan."

13 It is forbidden to make a sale with a verbal [agreement] or to transfer the article [to the purchaser], whether one weighs it or not. Just as it is forbidden to weigh, so too is it forbidden to count and to measure, whether using a measuring container, one's hands, or a rope.

14 Court is not convened on the Sabbath, nor are [the rites of] *chalitzah* or *yibbum* conducted, nor are women betrothed, lest one write.

[Property] may not be consecrated, nor may endowment evaluations be made, nor may [property] be set aside, because this resembles a sale.

Nor may *terumah* and the tithes be separated, for this resembles consecrating the produce one has separated, and also because, [through this ritual,] one makes [the produce] fit [for use] on the Sabbath.

One may not tithe one's animals. [This is] a decree, [instituted] lest one mark [the animal] with red paint. A person may consecrate his Paschal sacrifice on the Sabbath and his festive offering on a holiday, for this is the

mitzvah associated with that day.

Just as property may not be consecrated, so too, water may not be consecrated for use [in sprinkling the ashes of the red heifer].

15 When a person separates *terumot* and tithes on the Sabbath or on a holiday without intentionally desiring to transgress the prohibition involved, he may partake of the produce that he made fit to eat. If he intentionally desired to violate the prohibition, [the produce] is forbidden until Saturday night. The separation is, nevertheless, effective.

Similarly, when a person consecrates [an object], makes an endowment evaluation, or sets property aside on the Sabbath, with or without the intention to violate the prohibition, the act he performs is effective. Needless to say, this applies on a holiday. Similarly, a business transaction that a person makes with a colleague on the Sabbath is effective.

Between sunset and the appearance of the stars [on Friday], we may separate tithes from produce that is *d'mai*. [This leniency] is not, however, [granted] for produce from which one knows that the tithes have not been separated.

16 A person who designates [a portion of produce] that is *d'mai* as *terumat ma'aser,* or [who designates a portion of produce as] the tithe for the poor should not take these portions [and give them to the individuals entitled to receive them] on the Sabbath. [This restriction applies] despite the fact that the place [of these portions] is designated before the Sabbath and they are placed in a known location at the side of [the remainder of] the produce.

If, however, a priest or a poor person is accustomed to be hosted by this person, he may come and partake [of these designated portions,] provided the person informs the priest that he is feeding him from *terumat ma'aser*, or the poor person that he is feeding him from the tithe of the poor.

17 It is forbidden to draw lots or to play dice on the Sabbath, because this is equivalent to commercial activity. A person may draw lots with his children and the members of his household, [determining who will receive] large and small portions, for they will not take issue [among themselves].

18 On the Sabbath a person is forbidden to calculate accounts that he requires, whether concerning matters of the past or matters of the future. [This is] a decree, [enacted] lest one write.

Therefore, calculations that are of no practical benefit may be performed on the Sabbath. What is implied? [A person may calculate] how many *seah* of grain he possessed in a particular year, how many *dinarim* his son's wedding cost, or the like. [Since] these are insignificant matters with no usefulness, there is no difference between making these calculations on the Sabbath or during the week.

19 It is forbidden to read mundane documents on the Sabbath, lest one conduct oneself in an ordinary manner and be provoked to make an erasure.

A person may verbally count his guests and the desserts [he will serve them], but may not read a written list, lest he read a mundane document.

Therefore, if the names were engraved into a tablet or into the wall, one is allowed to read them, for [such writing] will not be interchanged with a [written] document.

It is forbidden to read the writing under a figure or an imageon the Sabbath. It is even forbidden to read the Sacred Writings during the time the House of Study is in session, lest this lead to the neglect of the House of Study - i.e., so that no one should stay home and read the Sacred Writings and thus be held back from attending the House of Study.

20 [When] a fire breaks out in a courtyard on the Sabbath, a person may not save all [his possessions] in the courtyard [by transferring them] to another courtyard in the same lane, despite the fact [that carrying is permitted because] of an *eruv*. [This is a] decree, [instituted] lest a person extinguish the fire in order to save his property. [This is necessary because] a person panics when his property [is in danger of] being lost.

For this reason, [our Sages] decreed that a person may save only the food he needs for that Sabbath, the utensils he needs to use on that Sabbath, and the clothes that he can wear. Thus, he will despair of saving his property and he will not be motivated to extinguish the fire.

If there is no *eruv*, one may not even save one's food and one's utensils.

21 What food may a person save? If a fire breaks out on Friday night, one may save enough food for three meals. Foodstuffs that are fit for human consumption may be saved for humans, and fodder that is fit for animals may be saved for animals.

If the fire breaks out in the morning, one may save enough for two meals;

in the afternoon, enough for one meal.

22 When does the [restriction] on taking only the food for one's needs apply? When one uses many containers to save [the food] or one uses a single container, removes it, empties it, and fills it again. If, however, one removes a single container at one time, it is permitted to remove it even though it contains enough food for many meals.

23 What is implied? One may save a basket filled with loaves of bread, even though it contains enough for several meals. [One also may save] a cake of dried figs and a cask of wine. Similarly, it is permitted to spread out a garment, collect all [the food] one can within it, and remove it at one time.

24 One may tell others, "Come and save for yourselves." Every individual is allowed to save enough food for his needs or a single container that holds a large amount. [The food that] these individuals save belongs to them.
If the person who saves it does not want to take it and returns it to its [original] owner, it is permitted for him to take payment for his efforts after [the conclusion of] the Sabbath. It is not considered a wage [paid for working on] the Sabbath,since no [forbidden] labor was [performed], nor was a prohibition [transgressed], for one [merely] removed the food into a place [enclosed in the same] *eruv*.

25 A person who saves a loaf of fine flour may not return and save a loaf of coarse flour. If, however, one saved a loaf of coarse flour, one may return and save a loaf of fine flour.

When Yom Kippur falls on Friday, a person may save [food] on Yom Kippur that he needs for the Sabbath. One may not, however, save [food] on the Sabbath for Yom Kippur. Needless to say, one may not [save food on the Sabbath] for a holiday, nor may one save on one Sabbath for the following Sabbath.

Which garments may one save? One may put on all the clothes one can wear and wrap oneself in all the cloaks one can and remove them. [Similarly,] one may tell others, "Come and save for yourselves." Every individual [who desires] may put on all the clothes he can wear and wrap himself in all the cloaks he can and remove them. The clothes he saves belong to him, like the food [described above], for he is acquiring an ownerless object.

26 It is permitted to save all sacred writings that are found in one courtyard [by transferring them] to another courtyard in the same lane, even though an *eruv* was not made, provided the lane has three walls and a pole [in the place of the fourth wall].

[The above leniencies apply] provided that the [sacred writings] are written in the Assyrian script and in Hebrew. If, by contrast, they are written in any other language or using any other script, we should not save them even if there is an *eruv*.[Indeed,] even during the week, we are forbidden to read from such texts. Rather, they should be left in an open place where they will become spoiled as a matter of course.

27 Even if [these sacred texts] are written with other tints or with red ink, or even if the writing is not permanent, since they are written in the Assyrian

script and in Hebrew, we should save them.

The blank portions of parchment for scrolls, whether above or below the writing, between one passage and another, between one column and another, or at the beginning and at the conclusion of a Torah scroll, should not be saved.

Tables of blessings and amulets, even if they contain the letters of [God's] name and many Torah verses, should not be saved from a fire.

28 We should save from fire a [worn] Torah scroll that has a total of 85 letters from complete words, even if this includes [words like] יגר שהדותא. Similarly, [we should save a scroll] that contains a passage that has fewer than 85 letters if it contains God's name - e.g., ויהי בנסוע הארון.

We may save the scroll's carrying case with the scroll and the carrying case of *tefillin* with *tefillin*, even if the carrying case contains money.

Chapter 24

1 There are activities that are forbidden on the Sabbath despite the fact that they do not resemble the [forbidden] labors, nor will they lead to [the performance of] the [forbidden] labors.

Why then are [these activities] forbidden? Because it is written [*Isaiah* 58:13], "If you restrain your feet, because of the Sabbath, and [refrain] from pursuing your desires on My holy day..." and it is written [*ibid.*], " And you shall honor it [by refraining] from following your [ordinary] ways, attending to your wants, and speaking about [mundane] matters."

Therefore, it is forbidden for a person to go and tend to his [mundane]

concerns on the Sabbath, or even to speak about them - e.g., to discuss with a partner which merchandise should be sold on the morrow or which should be bought, how this building should be constructed, or which merchandise should be taken to a particular place. Speaking about all matters of this like is included in the prohibition [against] "...speaking about [mundane] matters."

It is speaking that is forbidden. Thinking [about such matters] is permitted.

2 It is forbidden for a person to check his gardens and fields on the Sabbath to see what they require or to see how their fruit is growing, for this involves going to "pursue your desires."

Similarly, it is forbidden for a person to go to the end of the Sabbath boundary on the Sabbath and wait there until nightfall so that he will be closer to performing a task he desires to fulfill on Saturday night, for in this manner he is walking on the Sabbath in "pursuit of his desires."

3 When does the above apply? When one goes to the end of the Sabbath boundary to wait until nightfall to perform an activity that is forbidden on the Sabbath itself. It is, however, permitted to [go to the boundary and] wait until nightfall in order to perform a task that is permitted on the Sabbath.

What is implied? We may not go to the boundary and wait until nightfall in order to bring produce that is still attached to the ground or to hire workers. One may, however, go and wait until nightfall in order to guard one's produce, since it is permitted to guard [produce] on the Sabbath.

Similarly, one may go and wait until nightfall in order to bring an animal or fruit that has already been detached. For one calls to an animal and it will come even if it is outside the [Sabbath] boundary, and had there been enclosures, one would have been able to bring the detached produce on the Sabbath.

Similarly, a person may tell a colleague, "I am going to this or that city tomorrow," for if there were [a chain of] huts [located between the two places], one would be permitted to walk there on the Sabbath. The same applies in all similar situations.

4 It is permitted for a person to tell a worker whom he sees [on the Sabbath], "Stand near me in the evening." One may not, however, tell him, "Be prepared for me in the evening," since by doing so," the person is attending to his wants on the Sabbath.

It is forbidden to run and jump on the Sabbath, as [Isaiah, *loc. cit.*] states, "[Refraining] from following your [ordinary] ways" - i.e., the manner in which you walk on the Sabbath should not resemble the manner in which you walk during the week. A person may, however, descend to a cistern, pit, or cave, even if they are 100 cubits deep, climb down to drink and then climb up.

It is forbidden to speak extensively about idle matters, as it is written [*ibid.*], "...speaking about [mundane] matters" - i.e., the manner in which you speak on the Sabbath should not resemble the manner in which you speak during the week.

5 It is permitted to run on the Sabbath for matters involved with a mitzvah

- e.g., to run to the synagogue or the house of study.

We are permitted to calculate accounts associated with a mitzvah, to make measurements concerning a mitzvah - e.g., to measure a *mikveh* to see if it contains [the required] quantity, or a cloth to see if it is [large enough to] contract ritual impurity.

Charity may be pledged to the poor. We may go to synagogues and houses of study - and even to theaters and halls of gentiles - to take care of matters of public interest on the Sabbath.

One may speak about arranging a marriage for a girl, or arranging study - whether the study of Torah or the study of a profession - for a boy. We may visit the sick and comfort mourners. A person who goes to visit a sick person should say, "It is the Sabbath [when it is forbidden] to plead; healing will come soon."

One may go to the end of the Sabbath boundary to wait until nightfall to take care of the needs of a bride or to take care of the needs of a deceased person [- e.g.], to bring a coffin or shrouds.

[When involved in these matters,] one may tell [a colleague,] "Go to.... If you don't find [the required object] there, bring it from...." "If you can't find it at one hundred, bring it [even] at two hundred." [This is permitted] as long as one does not mention the [maximum] sum he is willing to pay.

[The rationale for] all these and similar [leniencies] is that [they concern] a mitzvah. And the [verse from which the prohibitions against mundane activity is derived] states, "pursuing your desires." "Your desires" are forbidden; God's desires are permitted.

6 One may set out on a ship on the Mediterranean Sea on Friday for the sake of the fulfillment of a mitzvah. One [must] make an agreement with [the captain] to halt [the journey] on the Sabbath. If, [however,] he does not halt [the journey, it is of no consequence].

We may nullify vows on the Sabbath, both vows that must be nullified for the sake of the Sabbath and vows whose nullification is not related to the Sabbath. One may ask a wise man to absolve [a person] of a vow if this is necessary for the sake of the Sabbath.This is possible despite the fact that the person had the opportunity to have [himself] absolved [of the vow] before the Sabbath. [This license is granted] because all of the above matters concern a mitzvah.

7 Punishments may not be administered [by the court] on the Sabbath. Although [administering] punishment fulfills a positive command [of the Torah], the observance of a positive commandment does not supersede [the observance of] the Sabbath [laws].

What is implied? A person who was sentenced to be lashed or executed by [the court] should not be lashed or executed on the Sabbath, as [**Exodus 35:3**] states: "Do not kindle a fire in all of your dwellings on the Sabbath." This [verse serves as] a warning to the court not to [execute a person by] burning on the Sabbath. The same principle applies regarding other punishments [administered by the court].

8 A person is permitted to guard his produce on the Sabbath regardless of whether it is detached from the earth or not. If another person comes to take it, or an animal or a wild beast comes to eat it, he may shout at them

and beat them to drive them away.

[One might ask:] This involves tending to one's own concerns. Why is it permitted? Because one is prohibited only against acquiring new property that one does not possess, earning a wage, making a profit, or seeking to accrue [new] benefits. It is, however, permitted for a person to protect the interests that he already possesses. To what can this be compared? To locking one's house [to prevent] thieves [from entering].

9 A person who protects his grains from birds or who protects his cucumbers and squash from beasts should not clap his hands and dance as he does during the week. [This is] a decree, [instituted] lest one pick up a pebble and throw it four cubits in the public domain.

10 All the actions that are forbidden as [part of the category of] *sh'vut* are not forbidden *beyn hash'mashot*,[between sunset and the appearance of the stars]. They are forbidden only on the Sabbath itself, and they are permitted during *beyn hash'mashot*, provided that [the activity] is necessary because of a mitzvah or a pressing matter.

What is implied? During *beyn hash'mashot* it is permitted to climb a tree or to swim across water to bring a lulav or a shofar. Similarly, one may take an *eruv* that one has made down from a tree or out from a *carmelit*.

Similarly, if one is concerned, anxious, and pressed concerning a matter, [an activity forbidden as] a *sh'vut* is permitted during *beyn hash'mashot*. If, however, the matter is not pressing, nor does it concern a mitzvah, it is forbidden. Therefore, one may not tithe produce that definitely has not been tithed, although the prohibition against tithing produce on the

Sabbath was instituted as a *sh'vut*. One may, however, tithe produce of which one is unsure whether or not it has been tithed.

11 When a minor performs an activity on the Sabbath that is forbidden as a *sh'vut* - e.g., he plucks from [a plant growing in] a flower pot that does not have a hole, or he carries in a *carmelit* - the court is not obligated to prevent him from doing so. Similarly, if his father allows him to act in this manner, [the father] need not be rebuked.

12 The Sages forbade the carrying of certain objects on the Sabbath in the same manner as [one carries] during the week. Why was this prohibition instituted? [Our Sages] said: If the prophets warned that the manner in which a person walks on the Sabbath should not resemble the manner in which he walks during the week, and similarly, one's conversation on the Sabbath should not resemble one's conversation during the week, as it is written, "[refraining from]... speaking about [mundane] matters," surely the manner in which one carries on the Sabbath should not resemble the manner in which one carries during the week.

In this manner, no one will regard [the Sabbath] as an ordinary weekday and lift up and repair articles, [carrying them] from room to room, or from house to house, or set aside stones and the like. [These restrictions are necessary] for since the person is idle and sitting at home, [it is likely that] he will seek something with which to occupy himself. Thus, he will not have ceased activity and will have negated the motivating principle for the Torah's commandment [**Deuteronomy 5:14**], "Thus... will rest."

13 Furthermore, when one searches for and carries articles that are used for a forbidden activity, it is possible that one will use them and thus be motivated to perform a [forbidden] labor.

[Another reason for this prohibition is] that there are some people who are not craftsmen and are always idle - e.g., tourists and those that stand on the street corners. These individuals never perform labor. Were they to be allowed to walk, talk, and carry as they do during the week, the result would be that their cessation of activity on [the Sabbath] would not be discernible. For this reason, [our Sages instituted] refraining from such activities, for the cessation of such activities is universally applicable.

These are the reasons for the restrictions against carrying [objects]. The Sages forbade a person from carrying on the Sabbath, with the exception of articles that he requires, as will be explained.

Chapter 25

1 There are utensils that are used for permitted purposes - i.e., a utensil that may be used on the Sabbath for the same purpose for which it is used during the week - e.g., a cup to drink from, a bowl to eat from, a knife to cut meat or bread, a hatchet to crack open nuts, and the like.

2 There are utensils that are used for forbidden purposes - i.e., a utensil that is forbidden to be used on the Sabbath for the same purpose that it is [ordinarily] used - e.g., a grinder, a mill, and the like - for it is forbidden to crush or grind on the Sabbath.

3 All utensils used for purposes that are permitted may be carried on the Sabbath, whether they are made of wood, earthenware, stone, or metal. [They may be moved] for the sake of the utensil, for the use of the place [it occupies], or to use it [for a purpose that is permitted].

All utensils used for purposes that are forbidden, whether they are made of wood, earthenware, stone, or metal may be moved [with certain restrictions]. [Such a utensil may be moved] for the use of the place [it occupies], or to use it [for a purpose that is permitted]. It is, however, forbidden [to move it] for its own sake.

4 What is implied? One may move a wooden bowl to eat from it, to sit in the place [where it is located], or so that it will not be stolen. The latter is [what is meant by the expression] "for the sake of [the utensil] itself."

Similarly, [a utensil] may be taken out of the sun so that it will not become parched and break. It may also be removed from the rain so that it will not become saturated with water and deteriorate. These are considered "for the sake of [the utensil] itself" and are permitted, since the tasks performed with this utensil are permitted.

5 Similarly, one may move a mill or a grinder in order to crack nuts open on it or to climb up to a couch on it. This is [what is meant by the expression] "to use it [for a purpose that is permitted]."

[Similarly, one may move it] to sit in the place where it is located. One may not, however, move it so that it will not break, so that it will not be stolen, or the like.

6 Any entity that is not a utensil - e.g., stones, money, rods, beams, and the like - is forbidden to be carried. [Nevertheless,] even a large stone or a large beam that requires ten people to carry it, if it is deemed a utensil it may be carried.

The doors of a house are considered to be utensils; they have not, however, been prepared for use. Therefore, if they are detached - even on the Sabbath - they may not be moved.

Earth, sand, and a corpse may not be moved from their place. Similarly, an infant born in the eighth month, [although] he is alive, is considered as a stone and it is forbidden to move him.

7 It is permitted to carry a utensil to perform tasks other than those for which it is intended to be used. What is implied? One may take a hammer to crack nuts, a hatchet to cut a dried fig, a saw to cut cheese, a rake to collect dried figs, a winnowing shovel or a pitchfork to feed a child, a spindle or a weaver's shuttle to pierce with, a sack-maker's needle to pick a lock, or a mill-stone to sit on. The same principle applies in other similar situations.

8 A person may carry a sewing needle that is whole to remove a splinter. If, however, its head or its point has been broken off, it may not be carried. If it is still in an incomplete state and its head has not been pierced, it may be carried.

9 Whenever a person is careful [not to use] a utensil lest its value depreciate - e.g., utensils that are set aside as merchandise, or very expensive utensils

of which one is extremely careful lest they spoil - carrying it is forbidden on the Sabbath. This [category] is referred to as *muktzeh* [lest] financial loss [be caused].

[Included in this category are] a large saw, the knife-like point of a plow, a butcher's knife, a leather-worker's knife, a carpenter's plane, a perfume-maker's mortar, and the like.

10 All utensils that were set aside because of [an association with] a prohibited [activity] are forbidden to be carried. For example, it is forbidden [to move] a lamp that was kindled for the Sabbath, a candelabra upon which a lamp was placed, or a table on which money was lying.

[Moreover,] even if the candle is extinguished or if the money falls, [the prohibition remains intact]. Whenever an article is forbidden to be carried *beyn hash'mashot* [on Friday], it remains forbidden to be carried throughout the entire Sabbath, even though the factor that caused it to become forbidden is no longer present.

11 In contrast, a utensil that is set aside because it is repulsive - e.g., a used kerosene lamp, a chamber pot, or the like - may be carried on the Sabbath if it is required.

12 The doors of any utensil that may be carried on the Sabbath - e.g., the doors of a box, a chest, or a cabinet - may themselves be carried [on the Sabbath], regardless of whether they were removed on the Sabbath or before the Sabbath.

Similarly, whenever a utensil that can be carried on the Sabbath breaks,

whether before the Sabbath or on the Sabbath, its broken pieces may be carried on the Sabbath, provided these pieces can be used for a purpose that resembles the purpose for which they could be used [originally].
What is implied? The broken pieces of a kneading trough can be used to cover the opening of a jug. Broken pieces of glass can be used to cover the opening of a flask. The same rules apply in other similar situations. If, by contrast, the broken pieces are unfit for any purposeful use, it is forbidden to carry them.

13 All the covers of utensils may be carried on the Sabbath, provided they, themselves, are considered to be utensils.
[The following rules apply regarding] utensils that are attached to the ground - e.g., a barrel imbedded in the earth: If its cover has a handle, it may be carried. If not, it may not be carried. Similarly, the coverings of cisterns and ditches should not be carried unless they have a handle. The covering of an oven [by contrast] may be carried, even though it does not have a handle.

14 [The following rules apply when] there are two entities, one permitted to be carried and one forbidden to be carried - one adjacent to the other, one on top of the other, or one within the other - and when one is moved the other will also be moved: If a person requires the article that is permitted [to be carried], he may move it, even though the forbidden article is drawn after it. If he requires to move the forbidden article, he should not move it by moving the permitted article.

15 What is implied? When a fig is buried in straw or a cake is lying upon coals, one may pierce them with a spindle or a weaver's shuttle and remove them, even though the straw or the coals will be moved on the Sabbath when one removes them.

Similarly, if a turnip or a radish is buried in [loose] earth and a portion of its leaves is protruding, one may pull out [the vegetables] on the Sabbath, even though the earth is dislodged. Conversely, however, if a loaf of bread or a child is [located] on a stone or beam, one may not carry the stone or beam because of the child or the loaf of bread. Similar rules apply in other analogous situations.

16 A person may pick up his son if [the son] yearns for [his father], despite the fact that the son is holding a stone.This, however, is not [permitted] if [the son] is holding a *dinar*, lest it fall and the father [pick it up and] carry it.

When a basket has a hole and a stone has been used to plug the hole, [the basket] may be carried, because the stone is considered as its wall.

[The following rules apply when] a basket is filled with fruit and a stone [is discovered] among the fruit: If the fruit is soft - e.g., grapes or berries - the basket may be carried as it is. If one spills out the fruit, it would be spoiled by the earth, and [our Sages] did not [apply] their decree in an instance where a loss would be caused.

17 When a person forgets a stone on the opening of a jug, he may tilt the jug to the side [so that the stone] falls. If the jug with the stone upon it is standing among other jugs, it should be lifted to another place, and then

tilted to the side [so that the stone] falls. Similarly, if one forgets money on a pillow that one needs, one may shake the pillow [so that the money] falls. If one needs [to use] the place where the pillow [is located], one may remove the pillow [although] the money is upon it.

When, by contrast, one [intentionally] places money on a pillow on Friday or places a stone on the opening of a jug, it is forbidden to carry them. [This applies even when later] the stone or the money is removed, for [the pillow or the jug] has become the base for a forbidden article.

18 [The following rule applies to] a stone that is placed in an earthenware bucket [as a weight]: If it does not fall out when one draws water [with the bucket], it is considered part of the bucket and one is permitted to draw water with it. If not, one may not draw water with it. A garment that is [hanging] on a reed may be slipped off the reed.

19 It is forbidden to carry produce that is forbidden to eat - e.g., produce that has not been tithed, even if the obligation to tithe is only Rabbinic, produce separated as the first tithe, from which *terumat [ma'aser]* has not been separated,*terumah* that has contracted ritual impurity, produce separated as the second tithe or produce that has been consecrated and has not been redeemed.

It is, by contrast, permitted to carry *d'mai*, for it is fit to be eaten by the poor, and produce separated as the second tithe or produce that has been consecrated and has been redeemed, but for which an additional fifth of its value has not been given.

20 An Israelite is allowed to carry *terumah*, even though it is not appropriate for him. One may carry *terumah* that has contracted ritual impurity together with *terumah* that is pure, or together with ordinary produce, if both of them are contained in a single receptacle.

When does the above apply? When the pure *terumah* is below [the impure], and the [*terumah* consists of] produce that would be soiled by the ground. Thus, if the container were overturned, it would be spoiled. If, by contrast, the produce is nuts, almonds, or the like, one must overturn the container, take the *terumah* and the ordinary produce, and leave the impure [*terumah*].

If one requires the place where the container is located, one may take all the produce at once, regardless of whether the pure [*terumah*] is located at the top or at the bottom.

21 [The following rules apply when] a person has in mind [to sit on] a row of stones before the commencement of the Sabbath: If he prepares them, he is permitted to sit on them on the morrow; if not, that is forbidden.

When a person gathers the branches of a date palm [to use as kindling] wood, but changes his mind on Friday and decides to use them to sit on [in place of mats], he is allowed to carry them. Similarly, if he actually sat upon them before the commencement of the Sabbath, it is permitted to carry them.

22 One may not move straw that is on a bed with one's hands;one may, however, move it with one's body. [Moreover,] if it is [useful as] animal fodder, one is permitted to carry it [by hand]. Similarly, if a pillow or a

sheet is placed upon it, it is considered as if one had sat on it before the commencement of the Sabbath, and one may move it by hand.

[The following rules apply when] a person has brought a container [filled] with earth into his home: If he sets aside a corner for it on Friday, he may carry it on the Sabbath, and use it for all his needs.

23 It is forbidden to negate the possibility of using a utensil, since this is comparable to destroying [it]. What is implied? A person should not place a receptacle below a lamp on the Sabbath to receive any oil that drips. For the oil in the lamp is forbidden to be carried, and when it falls into the receptacle it will cause the receptacle that had been permitted to become forbidden. The same applies in all analogous situations.

For this reason, a receptacle may not be placed below a chicken to receive the eggs it lays. One may, however, cover [the eggs] with an [overturned] utensil. Similarly, one may use an overturned utensil to cover any article that is forbidden to be carried, for by doing so one has not negated its use. Should one desire to take [the overturned article], one may.

24 One may place a receptacle under dripping water to collect it. If the receptacle becomes full, one may pour out the water and return [the receptacle to its place] without hesitation.

[The above applies] only when the dripping water is fit to use for bathing. If the water is not fit [for washing], one should not place a receptacle there. [Nevertheless, after the fact,] should one have placed a receptacle there, one may carry it together with the repulsive water it contains. [The reason for the restriction against placing the receptacle there is] that we do

not create a repulsive situation at the outset.

25 Should a barrel containing [wine or oil] that is *tevel*, be broken [on the Sabbath], one may bring a receptacle and place it under [the barrel]. [By doing so, one is not considered to have nullified the possibility of using the receptacle,] since were one to transgress and separate [the *terumah* and tithes as required], the produce would be permitted for use..

A receptacle may be placed below a candle to collect the sparks that fall, for [the sparks] have no substance. In such an instance, it is permissible to move the receptacle.

When a beam breaks, we should not support it with a bench or a bed post unless there is ample space [between the beams] and one can remove [the bench or the bed post] whenever one desires, so that one will not nullify a utensil from the possibility of being used.

One may spread a mat over stones or over a beehive on the Sabbath in the summer, [as protection] from the sun, and in the rainy season, [as protection] from the rain, provided that one has no intention of snaring [the bees]. [By doing so, one is not considered to have nullified the possibility of using the receptacle] because one may remove [the mat] whenever one desires.

On the Sabbath one may overturn a basket onto which chicks may climb and descend, since one is permitted to carry [the basket] after they descend. Similar rules apply in all analogous situations.

26 [The following rules apply when] an animal falls into a cistern or into a water conduit [from which it cannot ascend on its own]: If one can supply

it with its needs while it is there, one should do so until Saturday night. If not, one may bring cushions and blankets and place them beneath it. If this [enables the animal] to ascend, there is no difficulty. Although one is nullifying the possibility of using a utensil - for one is throwing it into a cistern [filled with] water - [our Sages did] not institute a decree [in this instance], because of the suffering [the] animal endures.

[Regardless of the circumstances,] it is forbidden to lift the animal up by hand. Similarly, one may not lift up an animal, beast, or fowl in a courtyard. One may, however, push them until they enter.

One may support calves and ponies as they walk. One may not, however, hold a chicken that fled [as one directs] it [to return to its coop]. [This prohibition was instituted] because [the chicken tries] to free itself from [the person's] hand, and [in the process, causes] its wings to be torn off. One may, however, push it until it enters [its coop].

Chapter 26

1 All the utensils used for weaving, including the cords and the reeds, may be carried [according to the rules governing] other utensils that are used for forbidden tasks. An exception is made regarding the upper weaver's beam and the lower weaver's beam. They may not be carried, because they are [usually] fixed [within the loom].

Similarly, the pillars [of the loam] may not be moved, lest one fill the hole [in the earth created when they are removed]. It is permitted to move the other utensils of a weaver.

2 Brooms made of date branches and the like, which are used to sweep the ground, are considered utensils that are used for a permitted purpose, since sweeping is permitted on the Sabbath.

Bricks that remain after a building [was completed] are considered utensils that are used for a permitted purpose, for they are fit to recline upon,, as is obvious from the fact that they are filed and adjusted for this purpose. If, however, one collects them, [it is evident] that they have been set aside [for building], and it is forbidden to carry them.

3 A small shard may be carried, even in the public domain.[This leniency is granted] because it is fit to be used in a courtyard to cover the opening of a small utensil. [When] the stopper of a barrel has been cut off, both it and its broken pieces are permitted to be carried. If one threw it into a garbage dump before the commencement of the Sabbath, carrying it is forbidden.

When a utensil has been broken [but not shattered into pieces], one should not remove a shard from it to use to cover [another utensil] or to use as a support.

4 It is permitted to bring three rounded stones into a lavatory to clean oneself. Of what size may they be? A fistful.A clod of earth, by contrast, which is likely to crumble, is forbidden to be taken to clean oneself.

It is permitted to take these stones up to a roof [so that one will be able] to clean oneself with them. When rain descends upon them and they sink in the mud, they may be taken if there is a distinct mark [showing their location].

[When] a stone has filth on it, one can be certain that it is used to clean oneself. Therefore, carrying it is permitted it even though it is large.

5 Should a person have a choice of [using] a stone or an earthenware shard [to clean himself], one should use the stone.If, however, the shard comes from the handle of a utensil, one should use the shard.

[The following rules apply when] a person has a choice of [using] a stone or grass: If the grass is soft, one should use it. If not, one should use the stone.

6 The remnants of mats that have become tattered are considered utensils that may be used for a permitted purpose, for they are fit to be used to cover filth. In contrast, the remnants of clothes that are less than three [thumbbreadths] by three [thumbbreadths], and have become tattered may not be carried, for they are not fit - neither for the poor nor for the rich.

The broken pieces of an oven are permitted to be carried; they are considered to be like all other utensils that are permitted to be carried. When, however, one leg of a range has slipped from its place, it may not be carried, lest one affix [it in its place].

7 A ladder leading to a loft is forbidden to be carried [on the Sabbath], since it is not considered to be a utensil. [A ladder leading] to a dovecote [by contrast, is not considered *muktzeh* and] is permitted to be tilted. One should not, however, carry it from one dovecote to another, lest one follow one's ordinary course of conduct and come to snare [the doves].

[The following rule governs the use of] a rod that is used to harvest olives: When it is categorized as a utensil, it is considered to be a utensil that is used for a forbidden purpose. [The following rule governs the use of] a reed that is adjusted by a homeowner to open and lock [his door]: When it is categorized as a utensil, it is considered to be a utensil that is used for a permitted purpose.

8 [The following rules apply to] a door that once had a hinge - though at present it does not have a hinge - which is prepared to close a yard, but which drags on the ground when it is opened and closed: If the door is attached to and hanging on the wall, it may be used to close the space and may be locked. If not, it may not be used to close the space. If the door is [suspended] above the ground, it may be used to close the space. The same rules apply to a [partition made from] brambles or a mat that drags on the floor.

9 [The following rules apply to] a door that is made from a single piece of wood and which is placed in [a doorway] to close it and removed [to open it]. If [the doorway] does not have a base at the bottom that resembles a doorstep that would indicate that [the door] is a utensil that is used for [opening and] closing, [the door] may not be used to close [the doorway]. If [the doorway] has a doorstep, one may use [the door].
Similarly, a bolt that has a bulb at its end that indicates that it is a utensil used to bolt a door, and is not merely an ordinary beam, may be used to bolt a door on the Sabbath.

10 [The following rules apply to] a bolt that does not have a bulb at its end: If it is tied to the door and suspended from it, we may use it to bolt the door on the Sabbath. [This ruling] also applies when it is carried together with the rope attaching it to the door.

If, by contrast, the rope attaching it is fixed permanently to the door and the bolt is removed like a beam, placed in a corner, and then reattached when one desires, its use as a bolt is forbidden [on the Sabbath]. This is forbidden because [the bolt] is not considered to be a utensil, nor is there any indication [that it is being used as a utensil], for it is not attached to the door, nor is it connected to a rope.

11 A candelabrum that is made of several separate parts may not be moved on the Sabbath. [This restriction applies] regardless of whether it is large or small. [Why was this prohibition instituted? As a safeguard] lest [it fall apart and] one reconstruct it on the Sabbath.

[The following rules apply when] a candelabrum has grooves and thus appears to resemble one that is made from several parts: If it is large and can be carried only with two hands, carrying it is forbidden because of its weight. If it is smaller than that, carrying it is permitted.

12 We may remove a shoe from a shoemaker's block on the Sabbath. We may release a clothes press belonging to an ordinary person on the Sabbath. We may not, however, set the press in place. A press belonging to a launderer should not be touched at all; it is set aside not to be used, because of the financial loss [that might be incurred through its improper use].

Similarly, unprocessed rolls of wool may not be carried, because [their

owner] objects [to their use for purposes other than spinning fabric]. Therefore, if they have been set aside for a particular purpose, it is permitted to use them. Unprocessed hides - regardless of whether they belong to a private person or to a [leather] craftsman - may be carried, because [their owner] does not object to their [use].

13 All filth - e.g., feces, vomit, excrement, and the like - that is located in a courtyard where [people] are dwelling may be removed to a dung heap or to a latrine. Such entities are referred to as a chamber pot. If it is located in another courtyard, it should be covered by a utensil so that a child will not become soiled by it.

One may step on spittle that is lying on the ground without taking any notice of it. One may carry a warming-pan because of its ash. [This leniency is granted] despite the fact that it contains chips of wood, because it is equivalent to a chamber pot.

At the outset, we may not bring about the creation of a repulsive entity on the Sabbath. If, however, [such an entity] comes about as a natural process, or one transgresses and creates it, it may be removed.

14 It is permitted to partake of oil that flows from beneath the beam of an olive press on the Sabbath and from dates and almonds that are prepared to be sold. One may even begin to take grain from a storehouse or from a grain pile on the Sabbath, for food never becomes *muktzeh* on the Sabbath at all. On the contrary, all [types of food] are [always] prepared for use.

[There is, however, one] exception: figs and raisins that have been set aside to dry. Since they pass through an intermediate stage when they become

repulsive and are unfit to eat, they are considered *muktzeh* and are forbidden [to be carried] on the Sabbath.

A barrel [of wine] or a watermelon that was opened may be carried and stored away, even though it is no longer fit to eat. Similarly, an amulet that has not proven its efficacy may be moved, although one is forbidden to go out [into the public domain] wearing it.

The oil that remains in a lamp or in a bowl that was kindled on a particular Sabbath may not be used on that Sabbath. It is *muktzeh* because of the forbidden [labor with which it was associated *beyn hash'mashot*].

15 Although taking [produce] from a storehouse of grain or of barrels of wine is permitted, it is forbidden to begin to empty [the storehouse] unless this is being done for a purpose associated with a mitzvah - e.g., emptying it to host guests or to establish a hall of study.

[In the latter situations,] how should the storehouse be emptied? Every person should take [out] four or five containers until it has been completely [cleared]. We may not sweep the floor of the storehouse, as has been explained.

[Even when one is forbidden to empty the storehouse,] one may enter and leave and create a path with one's feet by entering and leaving.

16 Any substance that is fit to be used as food for an animal, beast, or fowl that is commonly found may be carried on the Sabbath. What is implied? One may carry dry *turmos* beans because they are food for goats. Fresh [*turmos* beans,] by contrast, may not [be carried]. [One may carry] *chatzav* because it is food for deer, mustard seed because it is food for doves,and

bones because they are food for dogs.

Similarly, we may carry all the shells and seeds [of produce] that are fit to serve as animal fodder. Concerning those that are not fit to be eaten: One should eat the food and throw [the shells or seeds] behind one's back; carrying them is forbidden.

One may carry meat that has spoiled, for it is fit to be eaten by beasts. One may carry raw meat - whether salted or unsalted- because it is fit to be eaten by humans. This ruling applies to [raw] fish that has been salted. By contrast, carrying unsalted [raw] fish is forbidden.

17 We may not carry broken pieces of glass even though they are edible by ostriches, nor bundles of twigs from a vine even though they are edible by elephants, nor *luf*, even though it is edible by ravens. [These restrictions were instituted] because these and similar [species] are not commonly found among most people.

18 [The following rules apply to] bundles of straw, bundles of wood, and bundles of twigs: If they were prepared to be used as animal fodder, one may carry them. If not, one may not carry them.

If one brought in bundles of wild hyssop, madder, hyssop, or thyme to be used as kindling wood, one may not use them on the Sabbath. If one brought them in for use as animal fodder, one may use them. Similar rules apply to mint, rue, and other herbs.

19 We may not rake food that was placed before an ox that is being fattened for slaughter. [This applies regardless of whether the food has been placed]

in a feeding trough that is a [separate] utensil or in an earthen feeding trough. [Similarly,] one may not shift [the food] to the side so that [it does not become mixed with] feces. [These restrictions are] decrees, [instituted] lest one level grooves [in the floor].

One may take food that had been placed before a donkey and place it before an ox. One may not, by contrast, take food that had been placed before an ox and place it before a donkey. [This restriction was instituted] because the food that is before an ox becomes soiled by its spittle and is not fit to be eaten by another animal.

Leaves that produce a foul and repulsive odor and are not eaten by animals may not be carried. For similar reasons, carrying the hook on which fish are hung is forbidden. By contrast, the hook on which meat is hung is permitted to be carried. The same applies in all similar situations.

20 Although carrying a corpse on the Sabbath is forbidden, one may anoint it and wash it, provided one does not move any of its limbs. We may slip out a pillow from underneath it so that it will be lying on the ground to enable it to remain without decomposing.

We may bring a utensil that will cool [a corpse] or a metal utensil and place it on the belly [of the corpse] so that [the corpse] will not swell. We may stop up [the corpse's] orifices so that air will not enter them. We may tie its jaw - not so that it will close - but so that it will not [open] further. We may not close [a corpse's] eyes on the Sabbath.

21 When a corpse is lying in the sun, we may place a loaf of bread or a baby on it and carry it [into the shade]. Similarly, if a fire breaks out in a

courtyard where a corpse is lying, we may place a loaf of bread or a baby on it and carry it [out from the fire].

Indeed, even if a loaf of bread or a baby are not available, one may save a corpse from a fire. [This leniency is granted] lest one extinguish the fire out of apprehension that the corpse not be consumed [by the flames].

[The leniency of carrying an entity with] a loaf of bread or a baby upon it is granted only in the case of a corpse, because a person is distraught over the corpse [of his loved ones].

22 [The following procedure should be adhered to when] a corpse is lying in the sun and there is no place to carry it, or [the people] do not desire to move it from its place: Two people should come and sit, one on either side [of the corpse]. If it is [too] warm for them [to sit on the ground], they may both bring couches and sit on them. If it is [too] warm for them [to sit in the sun], they may both bring mats and spread them over the couches.

[Afterwards,] they both may [depart], overturn their couches, and remove them [leaving the mats suspended over the corpse]. In this manner, the covering is created on its own accord, [as it were], for the two mats are next to each other and their two ends are located on the ground on either side of the corpse.

23 When a corpse has decomposed in a house [to the extent that it produces a foul odor] and thus is being disgraced in the eyes of the living, and their honor is being compromised because of it, carrying it into a *carmelit is permitted*.

[This leniency was granted because] the honor of the creatures is great enough to supersede [the observance of] a negative commandment of the Torah, namely: "Do not swerve right or left from the words they tell you" [**Deuteronomy 17:11**].

If [the people in the home] have an alternative place to go, they may not remove the corpse. Instead, the corpse should be left in its place and they should depart.

Chapter 27

1 A person who goes beyond [his] city's Sabbath limit should be punished by lashes, as [**Exodus 16:29**] states: "No man should leave his place on the seventh day." [The term] "place" refers to the city's Sabbath limits.

The Torah did not [explicitly] state the measure of this limit. The Sages, however, transmitted the tradition that this measure was twelve *mil*, the length of the Jews' encampment [in the desert]. Thus, Moses our teacher was instructing them, "Do not go out beyond the camp."

Our Sages ruled that a person should go only two thousand cubits beyond the city. [Going] beyond two thousand cubits is forbidden. [The rationale for the choice of this figure is that] two thousand cubits represents the pasture land [given to] a city.

2 [From the above,] it follows that a person may walk throughout the expanse of [any] city, even if it is as large as Nineveh, whether or not it is surrounded by a wall.

Similarly, it is permitted for a person to walk two thousand cubits in all

directions outside the city. [When calculating these two thousand cubits, the entire area] is considered to be square, like a tablet, so that [the area in between] its furthest corners will also be included.

If a person goes beyond two thousand cubits up to a distance of twelve *mil*, he should be given "stripes for rebelliousness". If he goes even one cubit beyond twelve *mil*, he should be punished by lashing [as prescribed] by the Torah.

3 [There is a question whether] a person [is liable] if he goes beyond the Sabbath limit, [travelling] at a height of more than ten handbreadths above the ground - e.g., he jumps from one pillar to another - when none of the pillars has a surface area of four handbreadths by four handbreadths. For there remains an unresolved question [among the Sages] whether or not the Sabbath limits apply ten handbreadths above the ground..

[The matter is one of question only in an instance similar to the example given.] If, by contrast, a person walks on a surface that is four [handbreadths] by four [handbreadths], it is as if he is walking on the ground [even though the surface is ten handbreadths above the ground]. The Sabbath limits apply in such an instance.

4 A person who spends the Sabbath in a barn in the desert, in a corral, in a cave, or in a similar type of private domain may walk through its entire space and [may continue] to the limits of a square extending two thousand cubits in every direction [from that domain].

Similarly, a person who spends the Sabbath in an [open] valleymay walk

to the limits of a square extending two thousand cubits in every direction from the place [at which he is located at the commencement of the Sabbath]. [This applies] even when he was sleeping at the time of the commencement of the Sabbath and thus did not consciously acquire the place as his Sabbath base.

A person who is walking in an open valley and does not know how far his Sabbath limit extends may take two thousand ordinary steps. This is [his] Sabbath limit.

5 When a person walks the two thousand cubits that he is entitled to walk and his limit ends in a barn, in a corral, in a cave, or in a city, he is allowed to proceed only to the end of his limit. We do not say that since his limit ends within a private domain, he is entitled to walk throughout that domain.

When does the above apply? When his limit ends in the midst of the city or in the midst of the cave. If, however, that private domain is included within his two thousand cubits, that entire domain is considered to be only four cubits, and the remainder [of the two thousand cubits] is calculated accordingly.

6 What is implied? If there were one thousand cubits from the place a person established as his base for the Sabbath, or from the town [in which he spent the Sabbath], to a city or a cave that is a thousand cubits long or less, he may walk through the entire city or cave that he encounters and [continue] beyond it for 996 cubits.

7 If, however, [in the instance mentioned above,] the city or the cave that begins within his Sabbath limits extends one thousand and one cubits, the person may walk only one thousand cubits - i.e., he may proceed to the end of the two thousand cubits [granted] him, [but no further].

8 A person whose Sabbath limits end in the midst of a town may, nevertheless, move an article to any place within the town by throwing it. When a person spends the Sabbath in an open valley, and gentiles surround him with an enclosure on the Sabbath, he may still walk only two thousand cubits - even when this measure is included within the enclosure - in any direction. He may, nevertheless, move an article to any place within the enclosure by throwing it, provided it was enclosed for the sake of habitation.

9 [The following rule applies when] a person is in the midst of a journey - whether on sea or on dry land - and [intends] to enter a city: If he comes within two thousand cubits of the city before the commencement of the Sabbath, even though he did not arrive at the city until [after] the Sabbath [had commenced], he is permitted to enter, to walk throughout the entire city, and [continue] for two thousand cubits outside of it in all directions.

10 [The following rule applies when] a person [is in the midst of a journey and intends to enter] a city, but falls asleep on the way, and does not awake until [after] the Sabbath [has commenced]: If when he awakes, he finds himself within the city's [Sabbath] limits, he is permitted to enter, to walk throughout the entire city, and [continue] for two thousand cubits

outside of it in all directions.

[This is permitted] because his intent was to journey to this city. Therefore, he is considered to have established his "place" for the Sabbath together with the inhabitants of this city, since he entered into their limits.

11 A person who goes even a single cubit beyond [a city's] Sabbath limits should not reenter them. [The rationale is that] the four cubits that a person is granted in which to walk begin from the place where the person is standing. Therefore, since the person went a cubit or more beyond his Sabbath limit, he must remain in his place. He may not walk except in the four cubits that begin from the place in which he is standing, and continue in a forward direction.

Similarly, a person who is even one cubit outside a city's Sabbath limits when darkness falls should not enter the city. Instead, he may proceed only two thousand cubits from the place where he was standing when the Sabbath commenced. If a person's Sabbath limit ends in the midst of the city, he may proceed [no further] than the end of his Sabbath limit, as has been explained.

If one of a person's feet is inside [a city's] Sabbath limits and his other foot is outside the Sabbath limits [when the Sabbath commences], he may enter.

12 [The following rules apply to] a person who left the Sabbath limits unintentionally - e.g., gentiles took him outside [the limits], he was possessed by an undesirable temperament, or he inadvertently went beyond [the limit]: He may walk no more than four cubits.

If he returned [within his previous Sabbath limits] voluntarily, he may walk no more than four cubits. If [the forces that caused him to depart] returned him, it is as if he had never departed.

If [these forces] left him in a private domain - e.g., the gentiles placed him in a barn, a corral, a cave, or another city - he may walk throughout that domain. Similarly, if he inadvertently left his Sabbath limits [and entered] a domain of this nature, and became conscious of his actions while in this domain, he may walk throughout that domain.

13 When a person voluntarily left the Sabbath limits, he may walk only within four cubits, even when he was returned to his [original] Sabbath limits involuntarily - e.g., he was taken back by gentiles or because of an undesirable temperament.

Similarly, if he voluntarily left the Sabbath limits, he may walk only within four cubits even when he is within a private domain - e.g., a barn or a corral.

A person who sets out on the Mediterranean Sea may walk throughout the ship and carry throughout the ship, even though he is outside the Sabbath limits that he originally established as his Sabbath base.

14 Whenever a person leaves his Sabbath limits unintentionally, and is surrounded by an enclosure on the Sabbath, he may walk throughout [the area of] that enclosure, provided it does not exceed two thousand cubits.

When this enclosure that is created without his knowledge overlaps part of the Sabbath limit that he left [an additional leniency is granted]. Since he is allowed to walk throughout that enclosure, he may reenter his Sabbath

limits. Once he enters, [he may proceed freely,] as if he had never left.

15 [The following rules apply when] any of the individuals whose movement is restricted to four cubits must relieve himself: He may leave [these four cubits], move away [an appropriate distance], relieve himself, and then return to his place.

If when moving away to relieve himself, the person enters a portion of the Sabbath limits that he originally left: since he has entered, [his] entry [is accepted as fact], and it is as though he had never departed. [This leniency applies] provided he originally left unintentionally. If he left intentionally, he may walk only [within] four cubits, even if he reentered [his original limits].

16 [The following rules apply to] all individuals who are sanctioned by the court [to leave their Sabbath limits] - e.g., witnesses who are going to testify regarding their sighting of the moon, - and all others who are allowed to depart because of a mitzvah: When they reach their destination, they may proceed two thousand cubits in all directions. Should they become located in a city, they [are governed by] the same [rules as] the inhabitants of that city, and may proceed two thousand cubits beyond the city in all directions.

17 [The following rules apply when] a person was sanctioned to depart [from his Sabbath limits], but in the midst of his journey, he was informed that the mitzvah that he had intended to perform had already been completed: He may proceed two thousand cubits in all directions. If a portion of the

Sabbath limit from which he departed overlaps these two thousand cubits, he may return to his [original] place, and it is as though he had never departed.

All those who depart [from the Sabbath limits] to rescue Jewish lives from gentiles, from a [flooding] river, or from an avalanche, are granted two thousand cubits [in which to walk] from the place where they rescue them. [When Jews are rescued from gentiles, but] the gentiles' position is strong, and the rescuers fear spending [the remainder of] the Sabbath in the place where they rescue them, they may return to their [original] place, [carrying] their weapons.

Chapter 28

1 Whenever there is a home that is outside a city, but seventy and two thirds cubits - i.e., the length of one of the sides of [a square] 5000 square cubits in area - or less from the city, it is considered to be part of the city and joined to it. When two thousand cubits are measured in all directions from the city, this house [is considered to be on the extremity of the border and] the measurement [begins] from there.

2 If one house is within seventy cubits of a city, another house is within seventy cubits of the first, and a third within seventy cubits of the second [and so on], they are all considered to be one city, although the chain extends for a distance of several days walk. When [the Sabbath limits] are measured, they are measured from the last house, provided this house is a dwelling four cubits by four cubits or more [in area].

3 [The following are considered to be dwellings in the context mentioned above:] a synagogue that has a dwelling for its attendants, a temple of a false deity that has a dwelling for its priests, a storeroom that has a dwelling, a bridge or a grave that has a dwelling, a structure four cubits by four cubits that has three walls but no roof, watchtowers,, a house built [on an island] at sea, a structure with two walls and a roof, a cave with a building at its entrance that is used as a dwelling. All of these are included as part of the city, provided they are located within seventy and a fraction cubits of it.

From this house on the extremity [of the city], we consider it as if a line is extended along the length of the entire city, and we measure two thousand cubits outward from that line.

4 The following [structures] are not added [as the furthest extremities of a city's boundaries]: a structure with two walls and no roof - despite the fact that people dwell within it - a bridge, a grave, a synagogue, a temple to false deities, and a storehouse that do not have dwellings; a cistern, a trench, a cave, a dovecote, and a house on a ship. All of these are not added [to a city's boundaries].

5 [The following rule applies when] two towns are located next to each other: If the distance between them is 141 1/3 cubits [or less], so that [the distance between them] is seventy and a fraction [as measured] from one town and seventy and a fraction [as measured] from the other town, they are considered to be a single city. Accordingly, [the inhabitants of] each town can walk throughout the other town and two thousand cubits

outside of it.

[The following rules apply when] three villages are located in a triangle: If there are two thousand cubits or less between the village in the middle and both of the villages on the extremities, and there are 282 2/3 cubits [or less] between the villages on the extremities, so that if the middle village were placed on the line between them, there would be 141 1/3 cubits [or less] between it and both of them, they are all considered to be a single city. When [a Sabbath limit] is measured, it is measured two thousand cubits in all directions from [the single unit created from] these three [villages].

When the wall of a city was erected, and the city was settled afterwards, we measure [the Sabbath limit] from [the end of] the settled area [and not from the wall]. If it was settled and then surrounded [by a wall], we measure from the wall.

6 When a city is rectangular or square, since it has four angles that are equal, we leave it as it is, and measure two thousand cubits in each direction on all four sides.

If it is circular, we construct an [imaginary] square around it, considering it as the center of that square. We measure two thousand cubits from the sides of that square in all directions. Thus, [the inhabitants] gain [the area] at the corners.

7 Similarly, if a city is triangular in shape, or if it has many different sides, we construct a square around it, and afterwards measure two thousand

cubits from each side of that square.

When we construct a square around a city, we construct this square according to the compass directions, making each of its sides face one of the four directions and extend in a straight line vertically or horizontally.

8 When a city is [shaped like a trapezoid,] one side being shorter than the other, we consider both sides to be of the length of the longer side.

[The following rules apply when a city] is L-shaped or crescent-shaped: If there are less than four thousand cubits between the two points on the extremities, we measure [the Sabbath limit] from [the imaginary line that connects these points]. When there are more than four thousand cubits between the two points on the extremities, we measure [the Sabbath limit] from [the vertex of] the crescent.

9 [The following rules apply to] a city located at the edge of a river: If there is a dock four cubits wide at the river bank, so that one can stand on it and use the river, the river is considered to be part of the city. Thus, [the Sabbath limit of] two thousand cubits is measured from the other bank of the river, because the dock causes the river to be considered part of the city.

If there is no dock, the measurement begins from the edge of the houses, and [the width of] the river is included in the two thousand cubits.

10 [The following laws apply to] the dwellers of huts: [The Sabbath limits] should be measured from the entrance to their homes. If [in that area] there are three courtyards with two houses in each, [the entire area] is

established [as a unit]. A square is constructed around it, and two thousand cubits are measured [from its borders], as all other cities.

11 [The two thousand cubits of the Sabbath limits] should be measured only by using a rope of fifty cubits, but not a shorter or a longer one. The rope should be made of flax, so that it will not stretch beyond [that length]. When [the measurers] reach a crevice that is fifty cubits [or less] wide, so that [its width] can be spanned [by the length of] the measuring rope, this should be done, provided [the crevice] is less than four thousand cubits deep.

12 When does the above apply? When a plumb line descends directly [into the crevice], for then [the slopes of the crevice] cannot be used. If, however, the plumb line does not descend directly, one should not span [the crevice with the measuring rope], unless the crevice is two thousand cubits or less in depth.

13 With regard to a valley with a gradual descent, one should ascend and descend, measuring by approximation. If the valley is more than fifty cubits wide and thus cannot be spanned [by the measuring rope], [the measurers] should go to a place where they can span the gap, measure the span [there], see the parallels to [the place they are] measuring, and return to their task.

14 When [the measurers] reach a wall, we do not say that they must pierce the wall [to continue measuring]. Instead, it is sufficient to approximate its thickness and continue.

If the wall can be used [by the public], it must be measured in an exact manner. Similarly, if a plumb line will descend directly parallel [to the wall], its thickness should be measured exactly.

15 [The following rules apply when the measurers] reach a mountain: If the slope of the mountain ascends ten handbreadths within a length of five cubits, [the measurers should] measure the span [above the mountain], and return to their [ordinary] measurement.

If its height rises acutely, its slope ascending ten handbreadths within a length of four cubits, [all that is necessary is] to approximate [its length], and then one may proceed further.

If a mountain is so wide that [the measuring rope] cannot span it - i.e. it is more than fifty cubits wide - it should be measured by approximation, small portions at a time. This is the meaning of the expression, "In the mountains, they measured by approximation."

16 What is implied [by the directive to] measure mountains or valleys that cannot be spanned by approximation? Two people hold a rope four cubits long. The person above should hold the upper end at the level of his feet, while the person below should hold the lower end at the level of his heart. The person standing above then descends to the level of the person standing below, who, in turn, descends further to the extent of the rope. [The entire process should be repeated and] continued until the entire area has been measured.

When [the measurers] go to span a mountain or a valley, they should not depart from the Sabbath limits, lest passersby see them and say, "The

Sabbath limits passed by here."

17 We rely only on the measurement by an expert who is proficient in the measuring of land. If the Sabbath limits [of a city] had been established and an expert came and measured [them again], increasing them in some places and decreasing them in others, we accept his ruling regarding the limits that he increased.

Similarly, if two experts came and measured the Sabbath limits, one giving a larger measure and the other giving a smaller measure, we accept the ruling of the one who gives the larger measure, provided that the inconsistency is not greater than the difference between the diagonal [and the border of] a city.

18 What is implied? We can say that the reason the latter increased the measure was the following: The first erred and measured the two thousand [cubits] from the corner of the city diagonally. Therefore, he reduced its measurement, and the distance between the border of the Sabbath limits and the city will be less than two thousand [cubits]. [By contrast,] the second person [who measured] measured the two thousand [cubits] from the edge of the city [and therefore produced a larger figure]. We do not, however, consider the possibility of the first person's making any greater mistake.

Accordingly, if the latter measure is less than 580 cubits more than the original measure, it is accepted. A larger increase, however, is not accepted.

19 Even when a servant or a maidservant says, "The Sabbath limits reach

here," their statements are accepted. An adult's statement is accepted if he says, "We would proceed until this place when I was a child." His testimony is relied on in this instance, since our Sages stated that the lenient approach should be accepted in these rulings, and not the more stringent one, because the measure of two thousand cubits is a Rabbinic institution.

Chapter 29

1 It is a positive commandment from the Torah to sanctify the Sabbath day with a verbal statement, as [implied by **Exodus 20:8**]: "Remember the Sabbath day to sanctify it" - i.e., remember it with [words of] praise [that reflect its] holiness.

This remembrance must be made at the Sabbath's entrance and at its departure: at the [day's] entrance with the *kiddush* that sanctifies the day, and at its departure with *havdalah*.

2 This is the text of the *kiddush*, sanctifying the day:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and has desired us. He has given us the holy Sabbath with love and with favor as an inheritance and a commemoration of the work of creation.

It is the first of the convocations of holiness, a commemoration of the exodus from Egypt. For You have chosen us and sanctified us from among all the nations. With love and favor You have granted us Your holy Sabbath as an inheritance. Blessed are You, God, who sanctifies the

Sabbath.

3 This is the text of the *havdalah* prayer:
Blessed are You God, our Lord, King of the universe, who distinguishes between the holy and the mundane, between light and darkness, between Israel and the nations, and between the seventh day and the six days of activity. Blessed are You, God, who distinguishes between the holy and the mundane.

4 The essence [of the mitzvah] of sanctifying the Sabbath [is to do so] at night. If a person does not recite *kiddush* at night - whether consciously or inadvertently - he may recite *kiddush* throughout the entire [Sabbath] day.
A person who does not recite *havdalah* at night may recite [this blessing] on the following day, and [indeed] may recite [this blessing] until [nightfall] on Tuesday [if he does not fulfill his obligation beforehand].
[Although the *havdalah* blessing may be recited at a later time,] one should recite the blessing on a flame only on Saturday night.

5 A person is forbidden to eat or to drink wine from the commencement of the Sabbath onward until he recites *kiddush*. Similarly, after the conclusion of the day, a person is forbidden to begin to eat, drink, perform labor, or taste anything until he recites *havdalah*. Drinking water is, however, permitted.
Should a person forget or transgress and eat or drink before reciting *kiddush* or *havdalah*, he may nevertheless recite *kiddush* or *havdalah* afterwards.

6 It is a mitzvah [instituted by] our Sages to recite *kiddush* over [a cup of] wine and to recite *havdalah* over [a cup of] wine.

Although one recites *havdalah* in one's [evening] prayers, one is required to recite [this blessing] over a cup [of wine]. [Nevertheless,] once a person has said "[Blessed is He] who distinguishes between the holy and the mundane," he is permitted to perform labor even though he has not recited *havdalah* over a cup [of wine].

One should recite the blessing over the wine first, and then recite the *kiddush*. One should not wash one's hands until after the recitation of *kiddush*.

7 What is the procedure he should follow: He should take a cup that contains a *revi'it* or more, wash it thoroughly inside, and rinse its outside. He should fill it with wine, hold it in his right hand, lifting it above the ground more than a handbreadth, without supporting it with his left hand.

One recites the blessing [*borey pri] hagefen* and then the *kiddush*. It is, however, common custom among the Jewish people first to recite the passage *Vayechulu*, then the blessing [*borey pri] hagefen* and then the *kiddush*

One should drink [at least] a cheekful of wine and give all those joining in the meal to drink. Afterwards, one washes one's hands, recites the blessing *hamotzi*, and [begins] eating.

8 [The mitzvah of] *kiddush* [may be fulfilled] only in the place of one's meal. What is implied? A person should not recite the *kiddush* in one

house and eat his meal in another. One may, however, recite *kiddush* in one corner and eat one's meal in another.

[One might ask:] Why is *kiddush* recited in the synagogue? Because of the guests who eat and drink there.

9 A person who desires to partake of bread more than of wine, and similarly, a person who has no wine, should wash his hands, recite the blessing *hamotzi*, and then recite *kiddush*. Afterwards, he should break bread and eat.

Havdalah, by contrast, may not be recited over bread, but only over wine.

10 A person who had intended to recite *kiddush* over wine on Friday night, but forgot, and before he recited *kiddush* washed his hands [with the intention of partaking of bread], should recite *kiddush* over bread. He should not recite *kiddush* over wine after washing his hands [to partake of] a meal.

It is a mitzvah to recite a blessing over wine on the Sabbath day before partaking of the second [Sabbath] meal. This is called "the great *kiddush*." One recites only the blessing *borey pri hagefen*, partakes of the wine, washes one's hands, and begins the meal.

[On the Sabbath day as well,] a person is forbidden to taste any food before he recites *kiddush*. This *kiddush* may also be recited only in the place where one eats one's meal.

11 A person may recite *kiddush* over a cup [of wine] on Friday before sunset, even though the Sabbath has not commenced. Similarly, he may recite

havdalah over a cup [of wine] before sunset, even though it is still Sabbath. For the mitzvah of remembering the Sabbath involves making [a statement to this effect] at the entrance and the departure of the Sabbath, or slightly before these times.

12 A person who is in the midst of eating [a meal] on Friday when the Sabbath commences should spread a cloth over the table, recite *kiddush*, complete his meal, and recite grace.

A person who is in the midst of eating [a meal] on the Sabbath when the Sabbath departs should complete his meal, wash his hands, recite grace over a cup of wine, and afterwards recite *havdalah* over [this cup]. If he is sitting and drinking, he should interrupt his drinking,recite *havdalah*, and begin drinking again.

13 A person who is eating and completes his meal at the commencement of the Sabbath should recite grace first and then recite *kiddush* on a second cup of wine. He should not recite grace and *kiddush* on the same cup [of wine], because two mitzvot should not be performed with the same cup [of wine]. For both the mitzvah of *kiddush* and the mitzvah of grace are mitzvot that emanate from the Torah itself.

14 *Kiddush* may be recited only on wine that is fit to be offered as a libation on the altar. Therefore, if one mixed even a drop of honey or yeast the size of a mustard seed in a large barrel [of wine], *kiddush* may not be recited upon it.

This is the ruling that we follow universally in the west. There is, however,

an opinion that allows *kiddush* to be recited on such wine. [This view] explains that the term "wine that is fit to be offered as a libation on the altar" excludes only wine with an unpleasant fragrance, wine that was left uncovered,or wine that was cooked. *Kiddush* may not be recited on any of these wines.

15 Wine that tastes like vinegar may not be used for *kiddush* although its fragrance is that of wine. Similarly, we may not recite *kiddush* over [the beverage produced from] pouring water over the dregs of wine, although it tastes like wine.

When does the above apply? When the ratio between the water poured over the dregs and the beverage produced is less than three parts to four parts. If, however, the ratio is more than three parts to four parts, [the beverage produced is considered to be] diluted wine, and *kiddush* may be recited over it.

16 When a person drinks from a vessel containing wine, even if he drinks only a small amount from a vessel that contains many *revi'iot* [of wine], he has blemished the wine and invalidated it. We may not recite *kiddush* over the remainder, because it is regarded like the remnants left over in a cup.

17 Although the fragrance of wine resembles vinegar, if its flavor resembles wine, *kiddush* may be recited over it. Similarly, [*kiddush* may be recited over] diluted wine.

We may recite *kiddush* over raisin wine, provided it is made from raisins that [are not entirely dried out] - i.e., if one presses them, they will release

a concentrated syrup.

Similarly, a person may recite *kiddush* over wine fresh from the wine press, [i.e., grape juice]. Indeed, a person may squeeze a cluster of grapes and recite *kiddush* over the juice immediately thereafter.

Although the majority of a country uses beer instead of wine, [the beer] is not acceptable for *kiddush*. It may, nevertheless, be used for *havdalah*, for in that country it serves as a substitute for wine.

18 Just as we recite *kiddush* on Friday night and *havdalah* on Saturday night, so too, we recite *kiddush* on the night of a holiday's commencement and *havdalah* on the night following a holiday and on the night following Yom Kippur, for they are all "Sabbaths of God."

We recite *havdalah* on the night leading from a holiday to *chol hamo'ed*, and on the night leading from the Sabbath to a holiday, but not on the night leading from a holiday to the Sabbath.

19 [The following is] the text of the *kiddush* recited on festivals:

Blessed are You, God our Lord, King of the universe, who has chosen us from all the nations, and raised us above people of all tongues. He chose us and made us great; he showed us favor and glorified us.

And God our Lord gave us with love festivals for rejoicing, holidays and [unique] seasons for gladness, [including] this festive day of holy convocation, this festival of

- Matzot, Shavuot, [or] Sukkot -

the season of - our freedom, the giving of our Torah, [or] our happiness - in love, as a commemoration of the exodus from Egypt.

For You have chosen us and sanctified us from all the nations and given us as an inheritance Your holy seasons for rejoicing and gladness. Blessed are You, God, who sanctifies Israel and the seasons.

When [a holiday] occurs on the Sabbath, one should mention the Sabbath [in the midst of the passage], and conclude in the same manner as one concludes in prayer, "[Blessed...] who sanctifies the Sabbath, Israel and the seasons."

20 On Rosh HaShanah, one should say:

...And God our Lord gave us with love this day of holy convocation for remembrance, recalling the sounding [of the shofar], a holy convocation in love, as a commemoration of the exodus from Egypt.

For You have chosen us and sanctified us from all the nations, and Your words are true and everlasting. Blessed are You God, the King of the entire earth, who sanctifies Israel and the Day of Remembrance.

When [Rosh HaShanah] occurs on the Sabbath, one should conclude "[Blessed...] who sanctifies the Sabbath, Israel and the Day of Remembrance," as one concludes in prayer.

21 On the night of a holiday, one recites *kiddush* over wine as on the Sabbath. Should one lack wine or should one desire bread, one may recite *kiddush* over bread. Similarly, on [the day of a] holiday, one should recite "the great *kiddush*" as one does on the Sabbath.

22 What blessings should be recited on the night of a holiday that falls on a Sunday? At the outset, one recites the blessing [*borey pri] hagefen*.

Afterwards, one should recite the *kiddush* for the holiday. Then one should recite the blessing over fire, and after that *havdalah*. One should conclude *havdalah*, "...who distinguishes between the holy and the holy." [In conclusion,] one recites the blessing *Shehecheyanu*.

23 On the night of every holiday and on the night of Yom Kippur, we recite the blessing *Shehecheyanu*. We do not recite the blessing *Shehecheyanu* on the seventh day of Pesach, because it is not a holiday in its own right, and we have already recited the blessing *Shehecheyanu* at the beginning of the Pesach festival.

24 This is the order of *havdalah* on Saturday night: [First,] one recites the blessing over the wine; afterwards, one recites the blessing over the spices, and then over the flame.

Which blessing is recited over the flame? "[Blessed... King of the universe,] who creates the lights of fire." Afterwards, one recites *havdalah*.

25 We do not recite the blessing over the flame until we derive benefit from its light to the extent that one could differentiate between the coin of one country and that of another.

We may not recite the blessing over a flame belonging to gentiles, for it may be assumed that their gatherings are associated with the worship of false divinities. We may not recite the blessing on a flame [kindled for] the worship of false divinities or on a flame [kindled for the sake of] the deceased.

26 When a Jew lights a flame from a gentile's [flame], or a gentile from a

Jew's [flame], we may recite a blessing upon it. [If, however,] a gentile [lights a flame] from another gentile's [flame], we may not recite a blessing upon it.

[The following rules apply when a person] is walking outside a large city and sees light: If most of the city's inhabitants are gentiles, he may not recite this blessing. If most are Jewish, he may.

At the outset, one should not recite this blessing over the fire of a furnace, an oven, or a range. If coals [are glowing to the extent that] were one to put a sliver of wood between them, they would catch fire of their own accord, we may recite a blessing over them.

We may recite this blessing over the light of the House of Study if there is an important person there for whom the light is kindled. We may recite a blessing over the light of a synagogue if there is a *chazan* who lives there.

The most choice way of performing the mitzvah is to use a torch for the *havdalah* [light]. There is no need to seek light [for *havdalah*] as one seeks to fulfill all the other mitzvot. Instead, [the law is that] if one has a light, one should recite the blessing over it.

27 We may recite the blessing over a fire that is kindled on the Sabbath for the sake of a sick person or for a woman after childbirth.

On Saturday night, we may recite the blessing over light produced from wood or stone, for this was the manner in which fire was first created by man. We may not, by contrast, recite a blessing over such a flame on the night following Yom Kippur. For on the night following Yom Kippur, we recite the blessing only on a light that has rested. When, however, a fire is kindled on Yom Kippur for the sake of a sick person or for a woman after

childbirth, we may recite the blessing upon it, for it "rested from sin."

28 When a holiday falls in the middle of the week, one recites [the following passage] as *havdalah*:
[Blessed are You...] who distinguishes between the holy and the mundane, between darkness and light, between Israel and the gentiles, between the Sabbath and the six days of activity....
One uses the same text as one uses on Saturday night. [The fact that it is not the Sabbath does not present a difficulty, for] one is merely listing the types of distinctions [that God has created within our world].
[On the night following a holiday,] one need not recite the blessing over spices, nor the blessing over light. Similarly, we are not required to recite the blessing over spices on the night following Yom Kippur.

29 Why is the blessing recited over spices on Saturday night? Because the soul is forlorn by reason of the departure of the Sabbath. Therefore, we gladden it and settle it with a pleasant fragrance.

Chapter 30

1 There are four [dimensions] to the [observance of] the Sabbath: two originating in the Torah, and two originating in the words of our Sages, which are given exposition by the Prophets. [The two dimensions originating] in the Torah are the commandments "Remember [the Sabbath day]" and "Observe [the Sabbath day]."
[The two dimensions] given exposition by the Prophets are honor and

pleasure, as [**Isaiah 58:13**] states: "And you shall call the Sabbath 'A delight, sanctified unto God and honored.'

2 What is meant by honor? This refers to our Sages' statement that it is a mitzvah for a person to wash his face, his hands, and his feet in hot water on Friday in honor of the Sabbath. He should wrap himself in *tzitzit* and sit with proper respect, waiting to receive the Sabbath as one goes out to greet a king.

The Sages of the former generations would gather their students together on Friday, wrap themselves [in fine robes] and say, "Come, let us go out and greet the Sabbath, the king.

3 Among the ways of honoring the Sabbath is wearing a clean garment. One's Sabbath garments should not resemble one's weekday clothes. A person who does not have a different garment for the Sabbath should allow his robe to hang low, so that his [Sabbath] clothing will not resemble the clothes he wears during the week.

Ezra ordained that the people launder their clothes on Thursday as an expression of honor for the Sabbath.

4 In respect for the Sabbath, it is forbidden to plan a meal or a winefest for Friday.

[According to the letter of the law,] one may eat or drink until nightfall. Nevertheless, as an expression of honor for the Sabbath, a person should refrain from planning a meal for [mid]afternoon on, so that he will enter the Sabbath with an appetite.

5 A person should prepare his table on Friday, even if he is [to partake] only [of an amount of food] equivalent to the size of an olive. Similarly, a person should prepare his table on Saturday night, even if he is [to partake] only [of an amount of food] equivalent to the size of an olive. [In this manner,] he shows his respect for the Sabbath when it enters and when it departs.

One should prepare one's house while it is still day as an expression of respect for the Sabbath. There should be a lamp burning, a table prepared [with food] to eat, and a couch bedecked with spreads. All of these are expressions of honor for the Sabbath.

6 Even a very important person who is unaccustomed to buying items at the marketplace or to doing housework is required to perform tasks to prepare by himself for the Sabbath. This is an expression of his own personal honor.

The Sages of the former generations [would involve themselves in such activities]: There was one who would chop wood to cook with, one who would salt meat, one would braid wicks, and one who would kindle the lamps. Others would go out and purchase food and beverages for the Sabbath, even though this was not their ordinary practice. The more one involves oneself in such activities, the more praiseworthy it is.

7 What is meant by [Sabbath] delight? This refers to our Sages' statement that a person must prepare a particularly sumptuous dish and a pleasantly flavored beverage for the Sabbath. All of this must be done within the context of a person's financial status.

The more one spends [both financially,] in expenses undertaken for the Sabbath and [in effort,] in the preparation of many good foods, the more praiseworthy it is. If, however, this is not within one's [financial] capacity, even if one merely stews food or the like in honor of the Sabbath, this is considered to be Sabbath delight.

One is not obligated to strain oneself or to borrow from others in order to prepare more food for the Sabbath. The Sages of the former generations said, "Make your Sabbaths as weekdays, but do not depend on others."

8 A person who is indulgent and wealthy and conducts all his days as Sabbaths must also partake of different foods on the Sabbath from those of which he partakes during the week. If [his fare] cannot be changed, he should [at least] change the time at which he eats [his meals]. [For example,] if he usually eats early, he should eat later. If he usually eats late, he should eat earlier.

9 A person is obligated to eat three meals on the Sabbath: one in the evening, one in the morning, and one in the afternoon. One should be extremely careful regarding these three meals, not to eat any less. Even a poor man who derives his livelihood from charity should eat three meals [on the Sabbath].

[Nevertheless,] a person who is sick from overeating, or one who fasts constantly is not obligated to partake of three meals.

All these three meals must be significant [sittings] at which wine is served; at each, one must break bread on two full loaves.The same applies regarding the holidays.

10 Eating meat and drinking wine on the Sabbath is a form of pleasure for a person, provided this is within his [financial] capacity.

On the Sabbaths and holidays, a significant meal at which wine will be served is forbidden to be scheduled for the time the house of study is in session. Instead, the practice of the righteous of the former generations would be as follows: A person would recite the morning service and the additional service in the synagogue. Afterwards, he would return home and partake of the second [Sabbath] meal. He would then proceed to the house of study, to read [from the Written Law] and to study [the Oral Law] until the afternoon, at which time he would recite the afternoon service. He would then [partake of] the third [Sabbath] meal, a significant [sitting] at which wine is served, and continue eating and drinking until the Sabbath passed.

11 It is forbidden for a person to travel more than three *parsa'ot* from the beginning of the day on Friday. [This restriction was adopted] so that one will arrive home early in the day and prepare one's Sabbath meals. [One may not rely on] the members of one's household to prepare for him, [for they] do not know that one will arrive on this day.

Needless to say, [this restriction applies] when one is visiting others, since [by arriving unexpectedly,] one will embarrass them, for they will not have made the preparations appropriate for hosting guests.

12 It is forbidden to fast, to cry out [to God], to offer supplication, or to entreat [His] mercy on the Sabbath. Even when [a community is beset] by a distressing circumstance that would ordinarily require the community to

fast and sound the trumpets,we do not fast or sound the trumpets on the Sabbath or holidays.

[There are, however, exceptions. They include] a city surrounded by gentiles or a [flooding] river, and a ship sinking at sea. We may sound the trumpets on the Sabbath to summon help for them, offer supplications on their behalf, and ask for mercy for them.

13 We do not lay siege to gentile cities less than three days before the Sabbath, so that the minds of the warriors will become settled and they will not be agitated and preoccupied on the Sabbath.

For this reason, we may not set sail on a ship less than three days before the Sabbath, so that one's mind will be settled before the Sabbath and one will not suffer excessive discomfort. For the sake of a mitzvah, however, one may set out on a sea journey even on Friday. One should enter into an agreement that [the ship] interrupt [its journey] on the Sabbath. [If, however,] this agreement is not kept [it is not of consequence].

From Tyre to Sidon and the like, one may set out on Friday, even if the journey concerns one's personal affairs. In places where it is customary not to set out on a journey on Friday at all, one should refrain from travelling.

14 Sexual relations are considered a dimension of Sabbath pleasure. Therefore, Torah scholars who are healthy set aside Friday night as the night when they fulfill their conjugal duties.

At the outset, it is permitted to engage in sexual relations with a virgin on the Sabbath. It is not [forbidden because] one is creating a wound, nor because of the pain the woman [feels].

15 [The observance of] the Sabbath and [the prohibition against] worshiping false deities are each equivalent to [the observance] of all the mitzvot of the Torah. And the Sabbath is the eternal sign between the Holy One, blessed be He, and us.

For this reason, whoever transgresses the other mitzvot is considered to be one of the wicked of Israel, but a person who desecrates the Sabbath publicly is considered as an idolater. Both of them are considered to be equivalent to gentiles in all regards. Therefore, our prophets praise [Sabbath observance], saying [**Isaiah 56:2**]: "Happy is the man who does the following, and the mortal who holds fast to it, who keeps the Sabbath, without desecrating it...."

It is explicitly stated in our prophetic tradition that whoever observes the Sabbath according to law and honors it and delights in it according to his ability will receive reward in this world in addition to the reward that is preserved for the world to come, as [**Isaiah 58:14**] states: "'You will then delight in God. I will cause you to ride on the high places of the earth, and I will nourish you with the heritage of Jacob your ancestor'; thus has the mouth of God spoken."

Mishneh Torah, Eruvin

Chapter 1

1 According to Torah law, when there are several neighbors dwelling in a courtyard, each in his private home, they are all permitted to carry within the entire courtyard, from the homes to the courtyard, and from the courtyard to the homes, because the entire courtyard is a private domain and it is permitted to carry within it in its entirety.

Similarly, regarding a lane that has a pole [positioned at its entrance] or a beam positioned [above it], all the inhabitants of the lane are permitted to carry in the entire [lane], and from the courtyards to the lane, and from the lane to the courtyards, for the entire lane is a private domain.

Similarly, all [the area within] a city that is surrounded by a wall that is [at least] ten handbreadths high and has gates that are locked at night is a private domain. This is the law of the Torah.

2 Nevertheless, according to Rabbinic decree, it is forbidden for the neighbors to carry within a private domain that is divided into different dwellings, unless all the inhabitants join together in an *eruv* before the commencement of the Sabbath.

This [restriction] applies to courtyards, lanes, and cities. It was instituted by [King] Solomon and his court.

3 Similarly, people who dwell in tents, in booths, or in an encampment that is surrounded by a partition may not carry from tent to tent until they

make an *eruv*. In contrast, [the members of] a caravan [who surround their encampment] with a partition are not required to [join in] an *eruv*. They may transfer articles from tent to tent without an *eruv*, for [the very nature of their circumstance] is considered to be an *eruv*, since these are not long-lasting dwellings.

4 Why did [King] Solomon institute this [restriction]? So that the common people would not err and say, "Just as it is permitted to transfer articles from the courtyards to the streets of a city and its marketplaces, and to bring articles in [from these domains] to a courtyard, it is permitted to take articles from the city to the fields and from the fields to the city." [Moreover, they would operate under the mistaken] impression that the marketplaces and streets - since they are the public domain - are like fields and deserts. [This would lead them to a further error, causing them to] say that only a courtyard is a private domain, and they would think that there is no prohibition against the transfer of articles, and that it is permitted to transfer articles from a private domain to a public domain [and from a public domain to a private domain].

5 Therefore, [King Solomon] instituted [the following rules]: Whenever a private domain is divided into separate dwelling units that are considered the private property of the individuals, and an area remains that is the joint property of all individuals and all share in it equally - e.g., a courtyard with houses that open onto it - the area that is jointly owned is considered as a public domain. Similarly, every place that one of the neighbors owns as his private property and treats as his individual holding

shall be considered as a private domain.

It is thus forbidden to transfer an article from a person's private property to the area that is owned jointly, just as it is forbidden to transfer from a private domain into the public domain. Instead, every person should contain his activities within his own property, unless an *eruv* is established, although [according to the Torah] the entire area is one private domain.

6 What is meant by an *eruv*? That all the individuals will join together in one [collection of] food before the commencement of the Sabbath. This serves as a declaration that they have all joined together and share food as one; none of them has [totally] private property. Instead, just as the jointly-owned area is the property of all, so too, everyone shares in the property that is privately owned. They are all joined in one domain.

[Performing] this act will prevent them from erring and thinking that it is permitted to transfer articles between a private domain and the public domain.

7 The *eruv* that the inhabitants of a courtyard make among themselves is referred to as *eruvei chatzerot* [the joining of the areas of courtyards]. [The joining together of] the inhabitants of a lane or of a city is referred to as *shituf*, [partnership].

8 An *eruv* [joining together] the inhabitants of a courtyard may not be made with anything other than a whole loaf of bread. Even if a loaf of bread is a *se'ah* in size, but it is sliced, it may not be used for an *eruv*. If it is whole, even if it is as small as an *isar*, it may be used for an *eruv*.

Just as an *eruv* may be made using a loaf of bread made from grain, so too, may it be made with a loaf of bread made from rice or lentils. A loaf of bread made from millet, by contrast, may not be used.

The *shituf* [for a lane or for a city, by contrast, may be made using] either bread or other foods. For we may use any food for a *shituf*, with the exception of water and salt. Similarly, mushrooms and truffles may not be used for a *shituf*, because they are not considered to be foods.

[The restriction against using water and salt applies only] when they are set aside as separate entities. If one mixes water and salt, this is considered to be brine, and may be used for a *shituf*.

9 What quantity of food is necessary to establish a *shituf*? A measure equal to the size of a dried fig for every inhabitant of the lane or of the city, provided there are eighteen or less. If, however, there are more than [eighteen inhabitants], the minimum measure [of the *shituf*] is [an amount of] food [sufficient] for two meals - i.e., an amount equivalent to eighteen dried figs, which is equivalent to the measure of six medium-size eggs. Even if thousands and myriads of people desire to make use [of this *shituf*], [all that is necessary] is [an amount of] food [sufficient] for two meals.

10 When a *shituf* is made using any food that is eaten without further cooking - e.g., a loaf of bread, certain species of grain, or raw meat - the minimum measure is the [amount of] food [sufficient] for two meals.

When the food in question is a side dish - i.e., something that people customarily eat together with bread - e.g., cooked wine, roasted meat,

vinegar, fish brine, olives, and onion heads - the minimum measure is an amount sufficient to accompany two meals.

11 When fresh wine is used for a *shituf*, two *revi'iot* are required for every [participant]. Similarly, if beer is used, two *revi'iot* [are required].

If eggs are used, [the minimum measure] is two; they may be used for a *shituf* even when raw. [Other minimum measures are:] two pomegranates, one etrog, five nuts, five peaches, a Roman pound of vegetables - whether raw or cooked; if [the vegetables] are lightly, but not thoroughly, cooked, they may not be used; an *uchla* of spices, a *kav* of dates, a *kav* of dried figs, a *maneh* of crushed figs, a *kav* of apples, a handful of cuscuta, a handful of fresh beans, a Roman pound of lichen.

Beets are considered vegetables and may be used for an *eruv*. Onion leaves may not be used for an eruv unless they are already grown, and the length of each leaf is at least that of a spread-out hand. If they are not this long, they are not considered to be food.

All these types of food are considered to be side dishes; therefore, they have been given these measures. The same principles apply in other similar situations. All foods can be combined to reach the minimum measure required for a *shituf*.

12 Whenever the term Roman pound is mentioned, it refers to [a measure equal to] two full *revi'iot*. An *uchla* is half a *revi'it*; a *maneh*, one hundred *dinarim*; a *dinar*, six *ma'ah*; a *ma'ah*, the weight of sixteen barley corns; a *sela*, four *dinarim*.

A *revi'it* contains an amount of water or wine equivalent to approximately

seventeen and one half *dinarim*. Thus, a Roman pound is equivalent in weight to 35 *dinarim*, and an *uchla* is equivalent in weight to eight and three-quarter *dinarim*.

13 Whenever the term *se'ah* is mentioned, it refers to [a measure equal to] six *kabbim*. A *kav* is four *logim*, and a *log* is four *revi'iot*. We have already defined the measure and the weight of a *revi'it*. These measurements are necessary for a person to remember at all times.

14 [All] food that is permitted to be eaten, even if the person who uses it is forbidden to partake of it, may be used for an *eruv* or for a *shituf*.
What is implied? A nazirite may establish a *shituf* using wine, and an Israelite [may establish a *shituf* using] *terumah*. Similarly, a person who takes a vow or an oath not to partake of a particular food may use it for an *eruv* or a *shituf*. For if it is not fit for one person [to partake of], it is fit for another.

15 A forbidden [food] - e.g., *tevel*, even food that is considered *tevel* only by Rabbinic decree, the first tithe from which *terumah* was improperly taken, or the second tithe or consecrated articles that were not redeemed in the proper manner - by contrast, may not be used for an *eruv* or a *shituf*.
We may, however, use *d'mai* for an *eruv* or a *shituf*, since it is fit to be used by the poor. Similarly, we may use the first tithe after *terumah* was removed, and the second tithe or consecrated articles that were redeemed, even if the [additional] fifth of their value was not paid. For [failure to give] the [additional] fifth does not [void the redemption of these articles].

We may use the second tithe in Jerusalem, since it is fit to be eaten there, but [it may] not [be used] outside [that city].

16 How is an *eruv* [joining the entire area of] a courtyard together established? We collect a complete loaf of bread from every house and place all [the loaves] in a single container in one of the houses of the courtyard. Even a granary, a barn, or a storehouse [is acceptable for this purpose]. If, however, the *eruv* was placed in a gatehouse - even a gatehouse belonging to a private individual - an *exedra*, a porch, or a house that is not four cubits by four cubits, it is not considered an *eruv*.

When the *eruv* is gathered together, one recites the blessing: "Blessed be You, God, our Lord, King of the Universe, who has sanctified us with His commandments and commanded us concerning the mitzvah of the *eruv*." [Afterwards,] one says, "With this *eruv*, all the inhabitants of this courtyard will be permitted to bring objects in and out from one house to another."

A minor may collect [the bread for] the *eruv* [joining the entire area of] a courtyard together. The house in which the *eruv* is placed need not give a loaf of bread. If [the inhabitants of a courtyard] ordinarily place [the *eruv* in one house], as an expression of "the ways of peace" it is proper that they should not change [to another home].

17 How is a *shituf* established for a lane? We collect [an amount of food] equivalent to the size of a dried fig from each and every person - or less than this amount, if many people are involved. The entire amount is placed in a single container in one of the courtyards in the lane, or in one

of the homes. [It is even acceptable] to place it in a small home, in an *exedra*, or in a porch. If, however, one leaves it in the open space of the lane, it is not acceptable.

If one leaves the container in one of the courtyards, one must lift the container at least a handbreadth above the ground of the courtyard, so that it will be obvious. [When making the *shituf*,] one recites the blessing, "... concerning the mitzvah of the *eruv*," and says, "With this *shituf*, it will be permitted for all the inhabitants of this lane to bring objects in and out - from the lane to the courtyard and from the courtyard to the lane - on the Sabbath."

18 If one divides the *eruv* or the *shituf*, it is no longer effective. [This ruling applies] even if [all the portions of the *eruv*] are located in a single home. If, however, one fills a container with the *eruv* and there remains some food that one put in a second container, it is acceptable.

19 The participants in a *shituf* in a lane must, nevertheless, also make an *eruv* in their [respective] courtyards, so that their children will not forget the laws of an *eruv*.For this reason, if bread is used as a *shituf* in a lane, [the inhabitants] may rely on it, and are not required to make an *eruv* for the courtyards, for the children will take notice of the bread.

If a group of people were participating in a feast together, and the Sabbath commenced, they may rely on the bread on the table before them as an *eruv* for the courtyard. If they desire to rely on this bread as a *shituf* for a lane, they may, even though they are dining in a courtyard.

20 [A person may establish an *eruv* on behalf of others. For example,] if one of the inhabitants of a courtyard takes bread and says, "Behold, this is for all the inhabitants of the courtyard," or he took an amount of food equivalent to two meals, and says, "This is for all the inhabitants of the lane," he does not have to collect food from each individual. He must, however, [give their portion] to another person, who will acquire it on their behalf.

One's son or daughter who has reached majority, one's Hebrew servant, and one's wife may take possession on behalf of others. Neither a son nor a daughter below the age of majority, nor a Canaanite servant or maidservant has this prerogative, because they do not have independent financial status.

Similarly, a Hebrew maidservant may take possession on behalf of others, even though she is below the age of majority, for a minor may take possession on behalf of others regarding a matter of Rabbinic law.

A person need not inform the inhabitants of a lane or a courtyard that he has granted them [a portion of food] and established an *eruv* for them, for these deeds are to their benefit, and a person may grant a colleague benefit without the latter's knowledge.

21 Neither an *eruv* nor a *shituf* may be established on the Sabbath. Instead, they must be established before nightfall. One may, however, establish an *eruv* for a courtyard and a *shituf* for a lane *beyn hash'mashot*, even though there is a doubt whether that time period is considered to be part of the day or part of the night.

The *eruv* and the *shituf* must always be accessible, so that one may partake

of it throughout the time of *beyn hash'mashot*. For this reason, if, before nightfall, an avalanche fell upon it, it was lost or burned, or it was *terumah* and became impure, it is not considered to be an *eruv*. If the above took place after nightfall, the *eruv* is acceptable. If one is in doubt when this took place, the *eruv* is acceptable, because whenever a doubt arises whether an *eruv* is acceptable or not, it is considered acceptable.

22 [The following rules apply when] an *eruv* or a *shituf* was placed in a tower, [the tower] was locked, and the key was lost before nightfall: If it is impossible to remove the *eruv* without performing [a forbidden] labor *beyn hash'mashot*, it is considered as if it had been lost. Therefore, the *eruv* is not acceptable, for it is impossible for it to be eaten.

If a person separated *terumat ma'aser* or *terumah*, and made a stipulation that the sacred status not be conveyed [upon these entities] until nightfall, they may not be used for an *eruv*. [The reason is that] *beyn hash'mashot*, they are still *tevel*, and [the food used for an *eruv* must be fit to be eaten before nightfall.

Chapter 2

1 When all the inhabitants of a courtyard, with one exception, have established an *eruv*, this individual [causes carrying] to be forbidden. [This rule applies regardless of whether the person failed to join the *eruv*] because of a willful decision or because of an oversight. [In such a situation,] it is forbidden for all the inhabitants to transfer articles from their homes to the courtyard or from the courtyard to their homes.

Should the person who did not join in the *eruv* subordinate the ownership of merely [his share] of the courtyard [to the others], they are permitted to carry from their homes to the courtyard and from the courtyard to their homes. [They may not,] however, carry to the home [of this individual].

If he subordinates the ownership of his house and [of his share] of the courtyard [to the others], they are all permitted to carry. The others are permitted, because he subordinated the ownership of his house and [of his share] of the courtyard to them. He is also permitted to carry, because he no longer owns a domain. Therefore, he is considered to be [the others'] guest, and the presence of a guest does not [cause carrying] to be forbidden [in a courtyard].

2 When a person subordinates the ownership of his property without specifying his intent, it is presumed that he has subordinated the ownership [of his share] of the courtyard, but not the ownership of his house. When a person subordinates the ownership of his domain, he must make an explicit statement to that effect to every inhabitant of the courtyard, saying, "My domain is subordinated to you, and to you, and to you."

An heir may subordinate the ownership of a domain. Even when the testator dies on the Sabbath itself, the heir is empowered to act in place of the testator in all matters.

Ab initio, it is permitted to subordinate the ownership of one's domain on the Sabbath itself.

3 [If, conversely,] those who joined in the *eruv* subordinate the ownership of

their domain to the person who did not join, he is permitted [to carry] - for he remains the sole [owner of property] - but they are forbidden to carry, for they no longer own property. We do not say that they are considered to be his guests, because many people cannot become the guests of a single individual.

4 [The following rules apply when] there are two or more individuals who do not participate in the *eruv*: If they subordinate the ownership of their domain to those who participated in the *eruv*, those who participated in the *eruv* are permitted [to carry], and those who did not participate are not permitted [to carry]. Those who participated in the *eruv* are not able to subordinate the ownership of their domain to the two who did not participate, because each of them causes the other to be forbidden to carry.

Even if one of those who did not participate subordinates the ownership of his domain to the other person who did not participate, they are still forbidden to carry, since at the time when the others subordinated the ownership of their domain to him, he was forbidden to carry.

[When there are only two people sharing a courtyard,] and one makes an *eruv*, he may not subordinate the ownership of his domain to the other person who did not join in the *eruv*. Conversely, however, the person who did not join in the *eruv* can subordinate the ownership of his domain to the person who made the *eruv*.

5 Just as one homeowner can subordinate the ownership of his domain to another homeowner in a single courtyard, so too, [the inhabitants of] one

courtyard can subordinate the ownership of their domain to [the inhabitants of] another courtyard.

[After a person has subordinated his domain,] the recipient can, in turn, subordinate it [to its original owner]. What is implied? If two people are living together in a courtyard, and neither has made an *eruv*, the first may subordinate the ownership of his domain to his colleague, thus allowing the second colleague to carry within the domain that the first subordinated to him until he completes what he must do. Afterwards, the second colleague may subordinate ownership of the domain to the first. Indeed, this exchange may take place several times [on one Sabbath].

One may subordinate one's ownership of a ruin in the same manner in which one subordinates one's ownership of a courtyard.

6 [The following rules apply when] a person who subordinated the ownership of his domain transfers an article to or from the domain that he subordinated: If he willingly transfers the article, his act causes the others to be forbidden [to carry], for he did not maintain his commitment. If he transfers the article unknowingly, he does not cause the others to be forbidden [to carry], for he maintained his commitment.

When does the above apply? When the others did not make use of the privilege granted them first. If, however, the others made use of the privilege granted them first, his act does not cause the others to be forbidden [to carry], regardless of whether he transferred the article willingly or unknowingly.

7 When there are two houses on opposite sides of a public domain, and

gentiles have surrounded [the area] with a partition on the Sabbath, the owners of the homes may not subordinate the ownership of their domain to each other, because it was impossible to establish an *eruv* before [the commencement of] the Sabbath.

[The following rules apply when] one of the inhabitants of the courtyard dies and his estate is left to someone living elsewhere: If [the owner] died before the commencement of the Sabbath, since the heir is not an inhabitant of the courtyard, he causes carrying to be forbidden. If [the owner] dies after the commencement of the Sabbath, [the presence of] the heir who is not an inhabitant of the courtyard does not cause carrying to be forbidden.

[The following rules apply when] a person who lives outside the courtyard, [but who owns a house within the courtyard] dies and leaves his domain to one of the inhabitants of the courtyard: If [the owner] died before the commencement of the Sabbath, carrying is not forbidden, because all [the inhabitants of the courtyard] participate in the *eruv*. If [the owner] dies after the commencement of the Sabbath, carrying is forbidden until [the heir] subordinates the ownership of the domain that he inherited to the others.

8 [The following rule applies when] a Jew and an [heirless] convert are dwelling in a cave, and the convert dies before the commencement of the Sabbath: If another Jew takes possession of the convert's property - even if he does not take possession before nightfall - the person who takes possession causes carrying to be forbidden until he subordinates [the property of which he took possession], for he is considered to be an heir.

If the convert dies after nightfall, even if another Jew takes possession of his property, he does not cause carrying to be forbidden. Instead, the license initially granted continues.

9 When a Jew dwells together with a gentile or a resident alien in a courtyard, the presence of the non-Jew does not cause carrying to be forbidden, for [in a halachic sense] a dwelling of a non-Jew is insignificant. His presence is like the presence of animal.

When, however, two Jews share a courtyard with a gentile, his presence causes carrying to be forbidden. This is a decree so that they do not dwell together with a gentile, lest they emulate his conduct. Why was such a decree not issued regarding a single Jew and a single gentile? Because this is very uncommon, for the Jew will fear that the gentile will [find an opportunity] to be alone together [with him] and kill him. The Sages previously forbade being alone with a gentile.

10 When two Jews and a gentile live in [separate] homes in a single courtyard, and the Jews establish an *eruv*, their actions are of no consequence. Similarly, if they subordinate the ownership of their domain to the gentile, he subordinates the ownership of his domain to them, or one of the Jews subordinates the ownership of his domain to the other so that they are as a single aggregate [living together] with the gentile, their deeds are of no consequence.

For an *eruv* may not be established where a gentile is present, nor is the subordination of one's domain effective when a gentile is present. There is no alternative other than renting the gentile's domain, so that he becomes

[the Jews'] guest, as it were. Similarly, if many gentiles are present, they must rent their domains to the Jews, and afterwards the Jews establish an *eruv*. [Only then] may they carry.

When one Jew rents a gentile's domain, he may then establish an *eruv* with the other Jews, allowing them all to carry. It is not necessary for every individual to enter into a [separate] rental agreement with the gentile.

11 [The following rule applies when] there are two courtyards, one leading to the other: If a Jew and a gentile live in the inner courtyard and another Jew lives in the outer courtyard, or a Jew and a gentile live in the outer courtyard and another Jew lives in the inner courtyard, [the gentile's presence] causes carrying to be forbidden in the outer courtyard until [the Jews] rent his domain, since it is used by two Jews and a gentile. [The Jew who lives] in the inner courtyard, by contrast, may carry in the inner courtyard.

12 We may enter into a rental agreement with a gentile [for this purpose] on the Sabbath itself. For this rental arrangement is comparable to the subordination of a domain; [i.e.,] it is done to make a distinction and not as a [hard and fast] rental agreement. For this same reason, one may rent the gentile's domain for less than the value of a *prutah*.

A gentile's wife can rent out [his domain] without his knowledge. Similarly, [the gentile's] hired workers or his servants can rent out [his domain] without his knowledge. [This applies even when these] hired workers or servants are Jewish.

If a person asked a gentile permission to use a place in the gentile's

domain to store some of his possessions, and the gentile agreed, he is considered as being a partner in the gentile's domain. Accordingly, he may rent out [the gentile's domain on his behalf] without his knowledge. If a gentile has many workers, servants, or wives, it is sufficient if one rents out his domain from one of them.

13 When two Jews and a gentile are living in the same courtyard, and [only] one of the Jews rented the gentile's domain on the Sabbath, he may subordinate the ownership of his domain to the other. [This causes carrying] to be permitted. Similarly, if the gentile dies on the Sabbath, one Jew may subordinate the ownership of his domain to the other, and thus cause carrying to be permitted.

14 [The following rule applies when] one gentile rents his property to another: If it is impossible for the owner to evict the second gentile until the conclusion of his rental contract, we must rent [the domain] from the second gentile, for he takes the place of the owner.
When, in contrast, the owner can evict the renter whenever he desires - if the renter is not present, the Jews are permitted to carry if they rent the property from its original owner.

15 [The following rules apply when] there are several Jews and a gentile living in the same courtyard, and there are windows leading from one Jew's house to another Jew's house. If they have established an *eruv* via the windows, and thus they are permitted to transfer articles from house to house via the windows, the gentile's presence causes them to be forbidden

to transfer articles via the entrances unless they rent from him. For whenever a gentile is present, we do not consider a group of people who joined together through an *eruv* as a single individual.

16 When a Jew desecrates the Sabbath publicly or worships false gods, he is considered as a gentile regarding all things. We may not include him in an *eruv*, nor may he subordinate the ownership of his domain. Rather, we must rent his domain as [we rent the domain of] a gentile.

[Different rules apply with regard] to a non-believer, one who does not worship false gods or desecrate the Sabbath - e.g., the Sadducees, the Boethusists, and all those who deny the Oral Law. The general principle is that whoever does not acknowledge the mitzvah of an *eruv* may not participate in one, for he denies [its basis]. Nor may we rent his property, for he is not considered to be a gentile. The alternative is for him to subordinate the ownership of his domain to a Jew whose conduct is acceptable.

Similarly, if a Jew whose conduct is acceptable lives together with this Sadducee in a courtyard, the presence of the Sadducee causes carrying to be forbidden [in the courtyard] unless he subordinates the ownership of his domain to his colleague.

Chapter 3

1 [The following rules apply when] there is a window between two courtyards: If the window is four handbreadths by four handbreadths or larger and it is within ten handbreadths of the ground - whether it is

[almost] entirely above ten handbreadths and only a [small] portion is within ten handbreadths, or it is [almost] entirely within ten handbreadths and only a [small] portion is above ten handbreadths - [an option is granted to] the inhabitants of the courtyards.

If they desire to join in a single *eruv*, they may. This causes [the entire area] to be considered a single courtyard, and carrying is permitted from one [courtyard] to the other. If they desire, they may make two *eruvim*, each for [the inhabitants of their respective courtyards]. [It is then forbidden] to carry from one courtyard to the other.]

If the windows are smaller than four [handbreadths by four handbreadths] or the entire window is above ten handbreadths from the ground, they may make two *eruvim*, each for [the inhabitants of the respective courtyard].

2 When does the above apply? To a window between two courtyards. When, by contrast, the window lies between two houses, [they are permitted to make an *eruv*] even if the window is above ten handbreadths from the ground.

Similarly, when there is a window between a house and a loft, if the inhabitants desire to establish a single *eruv* they may, even if there is not a ladder [leading to the window], provided [the window] is four [handbreadths] by four [handbreadths]. If the window is round and it can circumscribe a square that is four [handbreadths] by four [handbreadths], it is considered as if it were square.

3 When there is a wall or a mound of hay that is less than ten handbreadths

high between two courtyards, they must make a single *eruv* and may not make two *eruvim*. If [the wall or the mound] is ten or more handbreadths high, they must make two *eruvim*, each for the respective courtyard.

If there is a ladder on either side of the wall, it is considered to be an entrance, and if they desire, they may establish a single *eruv*. Even if the ladder is standing upright, next to the wall, and it is impossible to ascend it without moving its lower portion away from the wall, it permits [them to participate in a single *eruv*]. [Moreover,] even if the top of the ladder does not reach the top of the wall, if there are less than three handbreadths between them, it permits them to participate in a single *eruv* if they desire.

4 If the wall is four [handbreadths] wide and a ladder is positioned on either side of the wall, they may make a single *eruv*, if they desire. If the wall is not four [handbreadths] wide, and there are less than three handbreadths between the [two] ladders, they may make a single *eruv*. If there are more than three handbreadths between [the ladders], they must make two *eruvim*.

5 [The following rules apply when] one builds a bench above a bench at the side of a wall [separating two courtyards]: If the lower bench is four handbreadths [high], [we consider it as if the height of the wall] were reduced. If the lower [bench] is not four handbreadths [high], but there are less than three handbreadths between it and the upper [bench], [we consider it as if the height of the wall] were reduced.

[In such situations,] if [the inhabitants of the courtyards] desire, they may make a single *eruv*. Similar [principles apply] regarding wooden steps

placed close to a wall.

6 [The following rules apply when] there is a high wall separating two courtyards, and a projection protrudes from the middle of the wall: If less than ten handbreadths remain from the projection to the top of the wall, one may lean a ladder in front of the projection, and [this grants the inhabitants] the option of making a single *eruv*. If, however, one stands the ladder [against the wall] at the side of the projection, [we do] not [consider it as if the height of the wall were] reduced.

If the wall is nineteen handbreadths high, [it is sufficient] to have a projection protrude for the inhabitants to have the option of making a single *eruv*. For there are less than ten handbreadths from the earth to the projection, and less than ten handbreadths from the projection to the top of the wall.

Were the wall to be twenty handbreadths high, two projections are required for the inhabitants to have the option of establishing a single *eruv*. [Moreover, the projections] may not be parallel to each other: [In this way,] there will be less than ten handbreadths between the lower projection and the ground, and less than ten handbreadths between the upper projection and the top of the wall.

7 If a date palm is chopped down and inclined from the earth to the top of a wall, the inhabitants have the option of establishing a single *eruv*. It is not necessary for them to make it a permanent part of the structure. Similarly, the [very] weight of a ladder causes it to be considered as having been placed permanently; it is not necessary to affix it to the structure.

If [the divider] separating two courtyards is made of straw, [the inhabitants] may not make a single *eruv* although there are ladders on either side. A person will not ascend the ladder, because nothing is supporting it. If the ladders are in the center, [leaning on a firm support,] and there is straw on either side, [the inhabitants] have the option of making two *eruvim*.

8 When there is a tree at the side of the wall, and it was used as a ladder for the wall, [the inhabitants] have the option of making a single *eruv*. [Although] it is forbidden to ascend a tree [on the Sabbath], since the prohibition is only a *sh'vut*, [this does not cause the option to be denied].
If an *asherah* has been made to serve as a ladder for a wall, [the inhabitants do] not [have the option of] making a single *eruv*. For ascending [the *asherah*] is forbidden by the Torah, since one is forbidden to derive any benefit from it.

9 [The following rules apply when] a wall is ten handbreadths high, and [the inhabitants] desire [to tear down a portion of the wall] to reduce itsheight so that they will be able to establish a single *eruv*. They have the option of establishing a single *eruv*, provided the portion whose height they reduce is [at least] four handbreadths long.
If [the inhabitants of one of the adjoining courtyards] tear down a portion [of their side] of the wall so that it is less than ten [handbreadths high], they are granted [permission to use] the shorter portion of the wall. The remainder of the wall that is high is divided between [the inhabitants of] both courtyards.

10 [The following rules apply when] a high wall between [two] courtyards is breached: If the breach is ten cubits [wide] or less, they [still may] establish two *eruvin*. They do, however, have the option of establishing a single *eruv*, because [the breach] can be considered to be an opening. If [the breach] is more than ten [cubits wide], their only option is to establish a single *eruv*; they may not establish two *eruvin*.

11 If the breach is less than ten [cubits wide], and one [desires to] make it more than ten cubits, it is necessary to hollow out a portion of the wall ten handbreadths high. [When this is done, the only option remaining is to] establish a single *eruv*.

At the outset, if one desires to open a breach larger than ten [cubits] in the wall, it is necessary that the height of the breach be equivalent to that of [an ordinary] person.

12 When there is a trench at least ten handbreadths deep and at least four handbreadths wide between two courtyards, it is necessary for [the inhabitants] to establish two *eruvin*. If its dimensions are less than this, [the inhabitants] must establish a single *eruv*; [they] do not [have the option of] establishing two *eruvin*.

If the depth of the trench is reduced by [adding] earth or pebbles, [the inhabitants] must establish a single *eruv*; [they] do not [have the option of] establishing two *eruvin*. For it can be assumed that the earth and the stones were intended to become a permanent part of the trench. If, by contrast, one reduced [the depth of the trench] by adding straw or hay, the reduction is not [significant] unless one intends that they become a

permanent part [of the trench].

13 Similarly, if one reduces the width [of the trench] with a board or with reeds by placing them across the entire length of the trench, [the inhabitants] must establish a single *eruv*; [they] do not [have the option of] establishing two *eruvin*.

Any entity that may be carried on the Sabbath - e.g., a basket or a cup - is not considered to reduce its depth, unless one affixes it to the earth [firmly], in such a manner that one must dig with a spade to dislodge it.

14 When one places a board that is [at least] four handbreadths wide across the trench, [the board is considered to be an entrance]. [Therefore, the inhabitants] may establish a single *eruv*. They also have the option of establishing two *eruvin*.

Similar [rules apply when] two balconies are positioned opposite each other [across the public domain], and a board is extended from one balcony to the other. [The inhabitants] may establish a single *eruv*. They also have the option of establishing two *eruvin*, each one for his own balcony.

If the two balconies are on the same side [of the public domain], but are not at the same height - instead, one is higher than the other [the following rules apply]: If they are within three handbreadths of each other, they are considered to be a single balcony and [the inhabitants] may establish only a single *eruv*. If they are more than three [handbreadths] apart, they must establish two *eruvin*, each one for his own balcony.

15 [The following rule applies when] between two courtyards, there is a wall four handbreadths wide, which is ten handbreadths high from one courtyard, and at ground level at the second courtyard: The width of the wall is granted to the inhabitants of the courtyard at which it is at ground level, and it is considered to be an extension of their courtyard. [The rationale is] that since it is easily accessible to the inhabitants [of this courtyard], and more difficult to use for [the inhabitants of the other], it is granted to those for whom it is easily accessible.

Similarly, if there is a trench between the two courtyards that is ten handbreadths deep for the courtyard on one side and at ground level for the courtyard on the other side, the width of the trench is granted to the inhabitants of the courtyard at which it is at ground level. [The rationale is] that since it is easily accessible to the inhabitants [of this courtyard], and more difficult to use for [the inhabitants of the other], it is granted to those for whom it is easily accessible.

16 [The following rules apply when] there is a wall between two courtyards that is lower than the upper courtyard, but higher than the lower courtyard: [During the week,] the inhabitants of the upper courtyard may make use of the breadth of the wall by lowering articles to it, and the inhabitants of the lower courtyard may make use of it by throwing articles onto it.

On the Sabbath, the inhabitants of both courtyards are forbidden to use the wall unless they establish a single *eruv.* If they do not establish an *eruv*, it is forbidden to bring articles that were left on the breadth of this wall into the homes, nor may one bring articles from the homes to the breadth

of the wall.

17 [The following rules apply when there is] a ruin that is a private domain between two houses: If [the inhabitants of] both houses can use the ruin by throwing objects into it, each one causes the other to be forbidden to use it [unless they establish an *eruv*].

If it is easy for [the inhabitants of] one [of the houses] to use [the ruin], while [the inhabitants of] the other may not throw articles into it [easily], because it is deeper than [their domain], it is granted to those who can use it [more] easily. They may use it by throwing articles into it.

18 All the following are considered to be [parts of] a single private domain: all the roofs of the city - despite the fact that some are high and some are low - all the courtyards, all the enclosures that were enclosed for purposes other than dwelling and are each less in area than that required to sow two *se'ah*, the breadths of all the walls, and all the lanes [in which one may carry because] either a post or a beam has been erected.

One may carry articles left in one [of these areas] at the commencement of the Sabbath to another without an *eruv*. One may not, however, transfer articles left in the homes to these areas unless an *eruv* is made.

19 What is implied? When an article was left in a courtyard at the commencement of the Sabbath, whether the inhabitants of the courtyards established an *eruv* for themselves or whether they failed to do so, it is permitted to take the article from the courtyard to the roof or to the top of the wall. Afterwards, it may be taken from the roof to another roof

adjacent to it, even if [the second roof] is higher or lower than it.

From the second roof, it may be taken to another courtyard, and from the other courtyard to a third roof in a third courtyard. From this courtyard, it may be taken to a lane, and from the lane to a fourth roof. Indeed, one may carry throughout the entire city through the courtyards and roofs, through the enclosed areas and roofs, or through the courtyards and the enclosed areas, or through [any combination] of these three types of areas, provided one does not bring this article into any of the houses [in the city]. [The latter is forbidden] unless all [the inhabitants of] these different areas join together in a single *eruv*.

20 [Conversely,] if an article was located in a house at the beginning of the Sabbath, and it was later taken out to a courtyard, it may not be taken to another courtyard, to another roof, to the top of a wall, or to an enclosed area unless the inhabitants of all the areas through which the article passes join together in a single *eruv*.

21 When a cistern is located between two courtyards, it is forbidden to draw water from it on the Sabbath unless a partition ten handbreadths high has been erected so that everyone would be drawing water from his own property.

Where should the partition be erected? If the partition is above the water, it is necessary that at least one handbreadth of the partition descend into the water. If the partition was constructed within the water, it must project a handbreadth outside the water, so that one domain will be distinct from the other.

22 Similarly, if a beam four handbreadths wide has been placed over the mouth of the cistern, one may fill [his bucket] from this side of the beam, and the other may fill [his bucket] from the other side of the beam. Although the water is not divided below [the beam], it is considered as if one portion [of the cistern] were separated from the other. This is a leniency enacted by the Sages with regard to water.

23 When a well lies in the midst of a path between the walls of two courtyards, [the inhabitants of] both courtyards may draw water from it; there is no necessity for them to extend projections to the well. [This ruling applies] even though the well is more than four handbreadths from each of the walls. [The rationale is] that [the presence of] a colleague's [domain] does not cause a person to be forbidden to carry [when he is lifting an entity] through the air.

24 [The following rules apply when the wall of] a small courtyard is broken down, opening [the courtyard] entirely to a large courtyard before the commencement of the Sabbath: The inhabitants of the large courtyard may establish an *eruv* for themselves and they are permitted to carry, for portions of their wall still remain [standing] on each side.

The inhabitants of the small courtyard, by contrast, are forbidden to remove articles from their homes to the courtyard until they establish a single *eruv* together with the inhabitants of the larger courtyard. [The governing principle is that] the dwellings of the larger courtyard are considered to be [part of] the smaller courtyard, while the dwellings of the smaller courtyard are not considered to be [part of] the larger courtyard.

25 When two courtyards have established a single *eruv* together through a shared opening or window, and that opening or window was closed on the Sabbath, [the inhabitants of] each of the courtyards may carry within [their own courtyard]. Since [carrying] was permitted for a portion of the Sabbath, it is permitted for the entire Sabbath.

Similarly, if [the inhabitants of] two courtyards have each established a separate *eruv* and the wall between them fell on the Sabbath, [the inhabitants of each courtyard] are still permitted [to carry] within their original area. They may each take articles from their homes and carry them to the point where they could originally.

[The rationale is that] since [carrying] was permitted for a portion of the Sabbath, it is permitted for the entire Sabbath. Although the number of people [within the courtyard] was increased, an increase of people on the Sabbath itself does not cause carrying to be forbidden.

[In the instance mentioned in the first clause, if after the opening or window was closed on the Sabbath,] the window was opened inadvertently, or an entrance was made, or gentiles made [an opening] on their own volition, it is again permitted [to carry from one to the other].

Similarly, if two ships were tied to each other and an *eruv* was established between them, it becomes forbidden to carry from one to the other if the connection between them is severed. [This ruling applies] even if they are surrounded by a partition. If the connection was reestablished inadvertently, it is again permitted [to carry from one to the other].

Chapter 4

1 When the inhabitants of a courtyard eat at the same table - even though they have their own individual dwellings - they are not required to establish an *eruv*; they are considered to be the inhabitants of a single household.

Just as the presence of a person's wife, the members of his household, or his servants does not cause him to be forbidden [to carry], nor does their presence make an *eruv* necessary, so too, these individuals are considered to be the members of a single household, for they all eat at the same table.

2 Similarly, if [the inhabitants of this courtyard] must establish an *eruv* together with the inhabitants of another courtyard, they are required to bring only one loaf to the place where the *eruv* is established.

Similarly, if the *eruv* is established in their [house], they do not have to contribute to the *eruv*, just as the house in which an *eruv* is placed does not have to contribute a loaf of bread. [The rationale for both these laws is] that all these dwellings are considered to be a single dwelling.

3 Similarly, the inhabitants of a courtyard who established an *eruv* together are considered to be [the members of] a single household. If it is necessary for them to establish an *eruv* together with the inhabitants of another courtyard, they are required to bring only one loaf to the place where the *eruv* is established. Similarly, if the *eruv* is established in their [house], they do not have to contribute a loaf of bread.

4 When five people collect an *eruv* [for one courtyard] with the intent of bringing it to the place where an *eruv* will be established [together with

the inhabitants of another courtyard], it is not necessary for all five to bring the bread there. Moreover, all th at is necessary is to bring a single loaf of bread. Since the *eruv* was collected, all [the inhabitants of the courtyard] are considered to be the members of a single household.

5 When a father and his son, or a teacher and his studentare dwelling in the same courtyard, it is not necessary for them to establish an *eruv*; they are considered to be a single household. Although at times they eat at a single table and at times they do not eat [together], they are considered to be a single household.

6 [The following rules apply to] brothers, each of whom has a house of his own, and who do not eat at their father's table, and to wives and servants who do not eat at their husband's or master's table at all times, but rather they [occasionally] eat at his table in payment for the work they do for him, or as an expression of his favor for a specific amount of time, such as a person who enjoys a colleague's hospitality for a week or a month.

If there are no other people dwelling together with them in the courtyard, they are not required to establish an *eruv*. If they establish an *eruv* with [the inhabitants of] another courtyard, a single *eruv* suffices for them. If the *eruv* is established in [one of] their [homes], they are not required to contribute a loaf of bread.

If there are other people living in the courtyard together with them, each of them is required to contribute a loaf of bread [for the *eruv*] like the other inhabitants of the courtyard. [The rationale is that] they do not eat at one table at all times.

7 [The following rules apply when] five groups spend the Sabbath together in a single large hall: If a partition that reaches the ceiling separates each of the groups [from the others], it is as if each group has a room of its own, or is in a loft of its own. In such an instance, every group must contribute a loaf of bread. If, however, the partition does not reach the ceiling, a single loafof bread is sufficient for all of them. For they are all considered to be the members of a single household.

8 When a person owns one [of the following] structures - a gatehouse that people frequently walk through, an *exedra*,a porch, a barn, a shed for straw, a shed for wood, or a storehouse - in a courtyard belonging to a colleague, he does not cause [his colleague] to be forbidden to carry. [Our Sages decreed that the presence of a person causes carrying] to be forbidden unless an *eruv* is established, only when the person possesses a dwelling in the courtyard in which he will [ordinarily] eat [a meal of] bread. The [possession of a] place to sleep, by contrast, does not cause carrying to be forbidden.

For this reason, even if a person decided to eat his meals consistently in a gatehouse or an *exedra*, his presence does not cause carrying to be forbidden, because this is not considered a dwelling.

9 [The following rules apply when] there are ten dwellings, one within the other: [The inhabitants of] the innermost dwelling and the one before it are required to provide the *eruv*. The eight outer dwellings, by contrast, are not required to contribute to the *eruv*. [The rationale is that] since many people walk through them, they are regarded as a gatehouse. [As

mentioned above,] a person who lives in a gatehouse [does not cause others to be forbidden to carry].

[The person living in] the ninth [house] does not have many people passing through his property - only one. Therefore, his presence causes [carrying] to be forbidden unless he contributes to the *eruv*.

10 [The following rulings apply in the situation to be described:] There are two courtyards [each containing several houses] and three houses [in between them]. The houses have entrances to each other, and [the outer two houses] have entrances to the courtyards.

The inhabitants of one courtyard brought their *eruv* through the house that had an entrance for them and placed it in the middle house. Similarly, the inhabitants of the other courtyard brought their *eruv* through the house that had an entrance for them and placed it in the middle house.

[The inhabitants of] these three houses do not have to contribute a loaf of bread [to the *eruv* [for the following reasons]: The middle house is the house in which the *eruv* was placed. The two houses on its side are each considered to be a gatehouse for the inhabitants of the courtyard.

11 [Different rules apply, however, if the situation changes. For example,] there are two courtyards [each containing several houses] and two houses [in between them] with entrances to each other. [The inhabitants of one courtyard] bring their *eruv* through the house that is open to them and place it in the second house, which is adjacent to the other courtyard.

[The inhabitants of the other courtyard also] bring their *eruv* through the

entrance that is open to them and place it in the other house [which is adjacent to the other courtyard]. In such a situation, [the inhabitants of] neither [of the courtyards are considered to have] established an *eruv*. For each of them has placed his *eruv* in the gatehouse of another courtyard.

12 Although one of the inhabitants of a courtyard is in the midst of his death throes, even when [it is obvious] that he will not survive the day, his presence causes the other inhabitants of the courtyard to be forbidden [to carry] until they grant him [by proxy] a share in a loaf of bread and include him in the *eruv*.

Similarly, when a minor [owns a house in the courtyard], although he is incapable of eating an amount of food the size of an olive, his presence causes [carrying] to be forbidden until [the inhabitants of the courtyard] include him in the *eruv*. [The presence of] a guest, by contrast, does not cause [carrying] to be forbidden, as explained above.

13 [The following rules apply when] one of the inhabitants of a courtyard leaves his home and spends the Sabbath in another courtyard, even in a courtyard adjacent [to the one in which his home is located]: If he had no thought of returning to his home on the Sabbath, he does not cause [carrying] to be forbidden.

When does the above apply? With regard to a Jew. With regard to a gentile, by contrast, he causes [carrying] to be forbidden even when he spends the Sabbath in another city, unless his domain is rented from him. [The rationale is] that it is possible for him to return on the Sabbath.

14 When the owner of a courtyard rents houses in the courtyard to others and [stipulates that] he may [continue] to leave articles or types of merchandise in each of these homes, [the presence of the renters] does not cause [carrying] to be forbidden. Since he still has authority in each of the houses, everyone is considered to be his guest.

When does the above apply? When he left an article that may not be carried on the Sabbath - e.g., *tevel* or slabs of metal, in these homes. When, by contrast, he leaves articles that may be carried in each of the homes, [the presence of the renters] causes [carrying] to be forbidden unless they establish an *eruv*. For it is possible that he will remove them [on the Sabbath], and then he will be left without any authority [in these dwellings].

15 [The following rules apply when] the inhabitants of a courtyard forgot and did not establish an *eruv*. They may not remove articles from their homes to the courtyard, nor from the courtyard to their homes. However, concerning articles that were left in the courtyard at the commencement of the Sabbath: [the inhabitants] may carry such articles throughout the courtyard and all its extensions.

[The following rules apply when] there is a porch or an upper storey [that opens out to a courtyard], and the inhabitants of the courtyard have established an *eruv* for themselves and the inhabitants of the porch have established an *eruv* for themselves: Regarding articles that were left in their homes at the beginning of the Sabbath, the inhabitants of the porch or the upper storey are permitted to carry them throughout the porch and all of its extensions or throughout the upper storey and all of its extensions. The

inhabitants of the courtyard may carry within the courtyard and all its extensions, [but they are forbidden to carry from the courtyard to the upper storey or the porch, or from the upper storey or the porch to the courtyard unless an *eruv* is established].

Similarly, if one person lives in the courtyard, and another person lives in the upper storey, and they forgot to establish an *eruv*, the owner of the upper storey may carry within the upper storey and all of its extensions, and the owner of the courtyard may carry within the courtyard and all of its extensions. [They may not, however, carry from one domain to the other without an *eruv*].

16 What is implied? When there is a rock or a mound within the courtyard that is less than ten handbreadths high, it is considered to be [important to] both the courtyard and the porch, and [the inhabitants of] both are forbidden to bring articles there from their homes.

If [the rock or the mound] is ten handbreadths high and is less than four handbreadths removed from the porch, it is considered to be an extension of the porch, for they are of similar [height]. Therefore, the inhabitants of the porch may carry on it.

If it is four or more handbreadths removed from the porch, even when it is ten [handbreadths high] it is considered to be an extension of both the courtyard and the porch, since both can use it by throwing [objects onto it]. Therefore, [the inhabitants of] both are forbidden to bring articles there from their homes until they establish an *eruv*.

When there is a pillar four [or more] handbreadths wide in front of the porch [it is considered to be a divider]. [Therefore, the presence of] the

porch does not cause [carrying] to be forbidden within the courtyard, for a separation has been made between [one domain and the other].

17 When projections protrude from the walls [of the courtyard], all those that are below ten handbreadths high are considered to be extensions of the courtyard, and may be used by the inhabitants of the courtyard. All those that are within ten handbreadths of the upper storey may be used by the inhabitants of the upper storey.

The remainder, those that are located more than ten handbreadths above the ground and more than ten handbreadths below the upper storey, are forbidden to them both. Neither may use them for articles from the homes unless an *eruv* is established.

18 [The following rules apply to] a cistern located in [such] a courtyard: If it is filled with produce that was *tevel* - and hence is forbidden to be carried on the Sabbath - or with objects of a similar kind, it and the enclosure around it, are regarded like a rock or a mound in a courtyard. If [the enclosure] is ten handbreadths high and close to the porch, it is considered to be an extension of the porch.

If, by contrast, it is filled with water, neither the inhabitants of the courtyard nor the inhabitants of the porch may bring [water] to their homes from it unless they establish an *eruv*.

19 [The following rules apply when] there are two courtyards, one lying behind the other, and the inhabitants of the inner courtyard enter and exit by passing through the outer courtyard: When [the inhabitants of] the

inner courtyard have established an *eruv*, but [the inhabitants of] the outer courtyard have not, [the inhabitants of] the inner courtyard may carry [within their domain], but [the inhabitants of] the outer courtyard may not.

When [the inhabitants of] the outer courtyard have established an *eruv*, but [the inhabitants of] the inner courtyard have not, [the inhabitants of] both are forbidden to carry; [the inhabitants of] the inner courtyard because they did not establish an *eruv*, and the inhabitants of the outer courtyard because the people who pass through [their domain] did not establish an *eruv* [even within their own domain].

If [the inhabitants of] both domains have established separate *eruvin*, they may each carry within their own domain; they may not carry from one [domain] to the other.

20 [If the inhabitants of both domains have established separate *eruvin*,] but one of the inhabitants of the outer courtyard forgot to join in the *eruv* [in his domain], the inhabitants of the inner courtyard are still permitted to carry.

When, by contrast, one of the inhabitants of the inner courtyard forgot to join in the *eruv* [in his domain], [not only are the inhabitants of the inner courtyard forbidden to carry, the inhabitants of] the outer courtyard are also forbidden to do so. [This restriction is instituted] because the inhabitants of the inner courtyard whose *eruv* is not acceptable pass through their [domain].

21 [The following rules apply when] both courtyards establish a single *eruv*:

If the *eruv* is placed in the outer courtyard, and one of the inhabitants - whether an inhabitant of the outer courtyard or of the inner courtyard - forgets to join in the *eruv*, [all] the inhabitants of both courtyards are forbidden [to carry] unless he subordinates [the ownership of] his domain to them. [This is possible for, as we explained, one may subordinate the ownership of a domain in one courtyard to [people dwelling in] another.

[Different rules apply when] the *eruv* is placed in the inner courtyard: If one of the inhabitants of the outer courtyard did not join in the *eruv*, [the inhabitants of] the outer courtyard are forbidden to carry. [The inhabitants of] the inner courtyard, by contrast, are permitted to carry within their own [domain]. If one of the inhabitants of the inner courtyard did not join in the *eruv*, [all the inhabitants of] both [courtyards] are forbidden [to carry] unless he subordinates [the ownership of] his domain to them.

22 If [only] one person was dwelling in one [of these] courtyards and [only] one person was dwelling in the other, there is no need for them to establish an *eruv*; each one is permitted to carry in his courtyard.

If, however, a gentile dwells in the inner courtyard, even though he is merely a single [household], he is considered as many individuals, and [his presence] causes [the inhabitants of] the outer courtyard to be forbidden to carry until his domain is rented.

23 [The following laws apply when there are] three courtyards with entrances to each other, and there are many people dwelling in each courtyard: When [the inhabitants of] the two outer courtyards have established an

eruv together with [the inhabitants of] the inner courtyard, [the inhabitants of] the inner courtyard are permitted to carry within the outer courtyards, and [the inhabitants of] the outer courtyards are permitted to carry within the inner courtyard, but the inhabitants of the two outer courtyards may not carry in the other outer courtyard unless all three join in a single *eruv*.

If a single individual dwells in each courtyard, there is no need for them to establish an *eruv*, although many individuals pass through the outer courtyard. [The rationale is that] each of these individuals is permitted to carry in his own domain. If, however, there are two individuals living in the inner courtyard [different rules apply]. Since [these individuals] are forbidden to carry in their own domain until they establish an *eruv*, they cause the single individuals in the middle and in the outer domains to be forbidden [to carry] unless the two inhabitants of the inner domain establish an *eruv*.

This is the governing principle: When a person who is forbidden to carry in his own domain passes through another domain, his passage causes carrying to be forbidden there. When, by contrast, the person may carry in his own domain, his passage through another domain does not cause carrying to be forbidden there.

24 [The following rules apply when] there are two balconies positioned over a body of water, and one is positioned above the other: Although [the inhabitants of] each of them have constructed a partition ten handbreadths high descending [to the water], if the two balconies are within ten handbreadths of each other, it is forbidden for [their

inhabitants] to draw water unless they establish a single *eruv*. [The rationale is that, because of their closeness] they are considered to be a single balcony.

If the distance between the upper balcony and the lower balcony is more than ten handbreadths, and [the inhabitants of] each have established separate *eruvin*, they are both permitted to draw [water].

25 If [the inhabitants of] the upper [balcony] did not make a partition, but the inhabitants of the lower [balcony] did, even [the inhabitants of] the lower balcony are forbidden to draw [water]. [The rationale is that] the buckets of the upper [balcony], which are forbidden, pass through their domain.

If [the inhabitants of] the upper [balcony] have made a partition, but [the inhabitants of] the lower [balcony] have not, [the inhabitants of] the upper balcony are permitted to draw water, but [the inhabitants of] the lower balcony are forbidden.

If the inhabitants of the lower [balcony] joined together with [the inhabitants of] the upper [balcony] in the construction of the partition, [the inhabitants of] both are forbidden to draw water until they establish a single *eruv*.

26 [The following rules apply to a building] with three storeys, one above the other; the upper and the lower storeys belong to one individual, and the middle storey belongs to another: One may not lower articles from the top storey to the bottom storey through the middle storey. For we may not pass articles from one domain to another domain via a third domain.

One may, however, lower articles from the top [storey] to the lower [storey] [if] they do not [pass] through the middle [storey].

27 [The following rules apply when] two buildings face each other and there is a courtyard below them into which water is poured. They should not pour water into the courtyard unless they join together in a single *eruv*.
If [the inhabitants of one building] dig a pit in the courtyard into which to pour water, while [the inhabitants of the other building] do not, those who dig the pit may pour water into it. The others are forbidden to pour water into the courtyard unless they join together in a single *eruv*.
If [the inhabitants of both buildings] each dig a pit, each may pour water into the pit they have dug, even though they did not establish an *eruv*.

Chapter 5

1 [The following rules apply when] the inhabitants of a lane join in a business partnership with regard to a particular food - i.e., they have bought wine, oil, honey, or the like [for sale]: They need not establish another *shituf* for the sake [of carrying on] the Sabbath. Instead, they may rely on the partnership they have established for business reasons.
[When does this leniency apply?] When their business partnership involves one type of produce, and [this produce] is stored in a single container. But if their partnership is such that one possesses wine and the other oil, or they both possess wine but hold it in two different containers, they are required to establish another *shituf* for the sake of the Sabbath.

2 If one of the inhabitants of a lane asks another for wine or oil before the Sabbath, and the latter refuses to give it to him, the *shituf* is nullified. [The rationale is that this individual] revealed that his intent was that they are not all to be considered partners who do not object to each other's [use of the combined resources].

When one of the inhabitants of a lane who usually participates in a *shituf* fails to do so, the inhabitants of the lane may enter his home and take [his share for] the *shituf* against his will. If one of the inhabitants of a lane refuses to join with the others in the *shituf*, he may be compelled to do so.

3 When one of the inhabitants of a lane owns a storeroom of wine, oil, or the like, he may grant a small share to all the inhabitants of the lane and establish a *shituf* on their behalf. The *shituf* is acceptable even though he did not separate or designate [the wine he granted them, but rather left it] mixed together [with the remainder] in the storeroom.

4 [When the inhabitants of] a courtyard that has two entrances, each leading to a different lane, establish a *shituf* with one of [the lanes] and not the other, [they] are forbidden to bring articles to and from the second lane.

Therefore, if a person [sets aside food for a *shituf*], grants a portion to all the inhabitants of the lane, and establishes a *shituf* on their behalf, he must notify the inhabitants of that courtyard. For they must make a conscious decision to join the *shituf*, since this is not [necessarily] to their benefit, because it is possible that they desire to join in a *shituf* with [the inhabitants of] the other lane, and not with this one.

5 A person's wife may participate in an *eruv* on his behalf without his knowledge, provided he does not [intend to cause] his neighbors to be forbidden [to carry]. If he does [intend to cause] them to be forbidden [to carry], however, she may not join an *eruv* on his behalf, nor may she join a *shituf* on his behalf unless he consents.

What is meant by "[intend to cause] them to be forbidden [to carry]"? That he says, "I will not join in an *eruv* or a *shituf* with them."

6 [The following rules apply when a courtyard opens up to two lanes and] the inhabitants of the courtyard have established a *shituf* with [the inhabitants of] one of the lanes: If they had originally established the *shituf* with one type of produce, even if the produce in the *shituf* was consumed entirely, one may establish a second *shituf* and grant them a portion; there is no need to inform them a second time.

If they have established the *shituf* with two types of produce, and the amount of food was reduced [from the minimum required], one may add to it and grant the others a share; there is no need to inform them. If [the produce] was consumed entirely, one may [establish a second *shituf* and] grant them a portion; it is, however, necessary to inform them.

If the number of inhabitants within the courtyard is increased, one may grant [the newcomers] a portion in the *shituf*, but one must notify them.

7 If the inhabitants of this courtyard have established a *shituf* with the inhabitants of this lane from one entrance, and have established another *shituf* with the inhabitants of the other lane from the other entrance, they are permitted [to carry to and from] both [of these lanes], and [the

inhabitants of] both [lanes] are permitted [to carry within the courtyard]. [The inhabitants of] both lanes are, however, forbidden [to carry] from one [lane] to the other.

If [the inhabitants of the courtyard] have not established a *shituf* with either of them, they cause [the inhabitants of] both to be forbidden [to carry].

8 [The following rules apply when the inhabitants of] this courtyard usually [pass] through one entrance [into one lane], but do not usually [pass] through a second entrance [into another lane]: They cause carrying to be forbidden [in the lane to which] the entrance through which they usually [pass opens]. They do not cause carrying to be forbidden [in the lane to which] the entrance through which they do not usually [pass opens].

If [the inhabitants of this courtyard] have established a *shituf* with [only] the lane through which they do not usually [pass], [the inhabitants of] the other lane are allowed [to carry]; they do not have to establish a *shituf* with [the inhabitants of this courtyard].

9 [A leniency is granted in the following situation.] The inhabitants of the lane [through] which [the inhabitants of] this courtyard usually pass established a *shituf* by themselves. [The inhabitants of the courtyard] did not join in this *shituf*, nor have they joined in a *shituf* with the inhabitants of the lane [through] which they do not usually pass. The inhabitants of the latter lane [also] did not establish a *shituf* for themselves.

Since [the inhabitants of the courtyard] have not joined in a *shituf* at all, they are considered part of the lane [through] which they do not usually

pass. Since both these groups of individuals have not established a *shituf*, they are classed together, so that they will not cause [the inhabitants of] the lane who established the *shituf* to be forbidden [to carry].

10 [The following rules apply when] a courtyard has an entrance to a lane and another entrance to a valley or to an area enclosed for purposes other than habitation, which is larger than the area [needed] to sow two *se'ah*: Since it is forbidden to transfer articles from the courtyard to that enclosed area, [the inhabitants of the courtyard] rely only on the entrance to the lane. Therefore, they cause the inhabitants of the lane to be forbidden [to carry] unless they join together with them in a *shituf*.

If, however, the enclosed area is the size of the area [needed] to sow two *se'ah* or less, its presence does not cause the inhabitants of the lane to be forbidden [to carry]. Since carrying is permitted within the entire enclosed area, [the inhabitants of the courtyard] rely on the entrance that is exclusively theirs.

11 When one of the inhabitants of a lane goes away and spends the Sabbath in another place, [the fact that he owns a domain in the lane] does not cause carrying to be forbidden.

Similarly, if one of the inhabitants of a lane builds a pillar that is four handbreadths wide [or more] before his entrance, [the fact that he owns a domain in the lane] does not cause carrying to be forbidden. For he has separated himself from [the other inhabitants], and has made his domain a distinct entity.

12 [The following rules apply when] the inhabitants of a lane have joined together in a *shituf*, but several of the inhabitants forgot and did not join: [Those who forgot] should subordinate the ownership of their domain to those who joined in the *shituf*. The laws governing the subordination of the ownership of their domain are the same as the laws governing the subordination of the ownership of a domain when one or more of the inhabitants of a courtyard forgot to join in an *eruv*.

We have already explained that a person and [all] the members of his household who are dependent on him for meals are considered to be a single entity with regard to the establishment of an *eruv* for a courtyard and a *shituf* for a lane.

13 [The following rules apply when the inhabitants of] all the courtyards established *eruvin* for each of the courtyards, and afterwards they all joined in a *shituf* for the lane: When one of the inhabitants of a lane forgot to join in the *eruv* with the other inhabitants of his courtyard, he does not lose any [privileges]. For all of them have joined together in a *shituf*, and it is on the *shituf* that they rely.

The only reason it was required to establish an *eruv* within the courtyards, together with the *shituf*, is so that the children will not forget the law of the *eruv*. [And in this instance, that requirement has been met,] for *eruvin* were established in the courtyards.

If, however, one of the inhabitants of the lane forgot to join in the *shituf*, carrying is forbidden in the lane. The inhabitants of the courtyards, however, may carry in their [respective] courtyards. [When a *shituf* is not established,] the relationship between courtyards and a lane is parallel to

that between homes and a courtyard.

14 [The following rules apply when the inhabitants of all the courtyards] have joined in a *shituf*, but all have forgotten to establish *eruvin* for their respective courtyards: If they do not stint on sharing their bread, they may rely on the *shituf* for one Sabbath alone. This leniency is granted, however, only because of the difficulty [of their immediate circumstance].

15 When *eruvin* have been established between the courtyards and the homes [of a lane], but a *shituf* has not been established, carrying [an article] more than four cubits [within the lane] is forbidden, as [would be the law] within a *carmelit*.

[The rationale is that] since *eruvin* were established between the courtyards and the homes, the lane is considered as though it opened only to homes, and not to courtyards. Therefore, we are not allowed to carry within its area at all.

If the inhabitants of the courtyards have not established *eruvin*, they may carry articles left in the [lane] at the commencement of the Sabbath throughout its entire area, as is the law regarding a courtyard in which an *eruv* was not established.

16 The laws that the inhabitants of a lane must follow with regard to a gentile or a Sadducee who dwells in one of the courtyards of a lane are the same as must be followed by the inhabitants of the courtyard. They must rent the gentile's domain within the courtyard from him or from one of the members of his household, and the Sadducee must subordinate the

ownership of his domain.

If [only] one Jew and a gentile were dwelling in the lane, a *shituf* is not necessary. The same laws apply when many individuals [are members of one household and] rely on that household for their substance [and these individuals share a lane with a gentile].

17 When a gentile living in a lane has an opening from his courtyard to a valley, his presence does not cause [carrying] to be forbidden within the lane [although his courtyard also opens to the lane]. Even if this entrance is small - merely four [handbreadths] by four [handbreadths] - and the gentile leads his camels and his wagons out through the other entrance, his presence does not cause [carrying] to be forbidden. For he is concerned only with the entrance that is distinctly his own - i.e., [the one leading to] the valley.

Similarly, if he has an entrance leading to an area that was enclosed for purposes other than habitation, [and that entrance] is larger than the area needed to sow two *se'ah* [of grain], it is regarded like an entrance to a valley, and his presence does not cause [carrying] to be forbidden. If, however, the enclosed area was the size needed to sow two *se'ah* of grain or less, [the gentile] is not concerned with [this area], and his presence causes [carrying] to be forbidden, unless [his domain] is rented from him.

18 [The following rule applies when] there is a lane that has gentiles living [in the courtyards] on one side and Jews living [in the courtyards] on the other side, and there are windows that open from each of the courtyards in which the Jews [live] to the other: Although they established *eruvin* via

the windows, and thus are joined together as the members of a single household - and are, therefore, permitted to transfer [articles] to and from [one courtyard to another] via the windows - they are, nevertheless, forbidden to use the lane via its entrances unless they rent the domains from the gentiles. For the principle that [because of an *eruv*] the many become considered a single entity does not apply when there are gentiles involved.

19 How is a *shituf* established in a city? Every courtyard should establish an *eruv* for itself, so that the children will not forget [the laws of *eruvin*]. Afterwards, all the inhabitants of the city join together in a *shituf* in the same way as a *shituf* is established in a lane.

If the city had once been the property of a single individual, even if later it became the property of many individuals, it is possible for all [the inhabitants] to join in a single *shituf* and [be permitted] to carry throughout the entire city. Similarly, although a city is owned by many, if it has only one entrance, all [the inhabitants] may join in a single *shituf*.

20 If, by contrast, [a city] was originally built as the property of many individuals, and it has two openings used for entrance and egress, the entire [city] may not be included in the *eruv*. [This applies even if the city later] becomes the private property of one individual. Instead, one area - even one house in one courtyard - is set aside, and a *shituf* is established in the remainder [of the city].

All the individuals who participate in the *shituf* are permitted [to carry] throughout the entire city with the exception of the place that was set

aside. If there are many people [living in] the place [that was set aside], they are permitted to carry in that place if they make a *shituf* for themselves. They are, however, forbidden to carry throughout the remainder of the city.

21 This was instituted to make a distinction, so that [the inhabitants know that the *eruv* made carrying possible in this large city through which many people pass. [For they will see] the place that was set aside, which did not join in the *shituf*, in which carrying is forbidden. [Each group of individuals, the inhabitants of the city and the inhabitants of the area that was set aside] will have their separate [area].

22 When a city belonging to many individuals has one entrance and has a ladder [that could be used to enter or depart] at another place [in its wall], it [is possible to include] the entire [city] in the *eruv*; no portion need be set aside. For a ladder in the wall is not considered to be an entrance.
The houses that are set aside [and are not included in the *shituf*] need not face the city. Even if they face the outside area, and their back is towards the city, they may be [designated as the houses that are] set aside, and then an *eruv* may be established throughout the remainder [of the city].

23 When a person grants a portion in the *shituf* to all the inhabitants of a city, if all the inhabitants join in the same *shituf* he is not required to inform them, for [being included] is to their advantage.
The laws that apply to a person who forgot and did not join in a *shituf* with the inhabitants of a city, to one who spent the Sabbath in another

city, or to a situation in which gentiles are present in the city are the same as those that apply in a courtyard and in a lane.

24 When all the inhabitants of a city with the exception of the inhabitants of a single lane join together in a *shituf*, [the presence of these individuals] causes [carrying] to be forbidden for all. [The inhabitants] should build a pillar at the entrance to the lane, so that [carrying] is not forbidden.
For this reason, a *shituf* is not established in half a city. Either the entire city joins in the *shituf* or [separate *shitufim* are made], each lane for itself. Each lane should build a pillar at its entrance to keep its domain distinct from the others, so that it will not cause [the inhabitants of] the other lanes to be forbidden [to carry].

Chapter 6

1 When a person leaves a city on Friday afternoon and deposits food for two meals at a distance from the city, but within its Sabbath limits, and by doing so establishes this as his place for the Sabbath, it is considered as if his base for the Sabbath is the place where he deposited the food for two meals, even if he returns to the city [before the commencement of the Sabbath] and spends the night in his home. This is called an *eruv t'chumin*.

2 On the following day, the person may walk two thousand cubits from [the place of] his *eruv* in all directions. Accordingly, when a person walks two thousand cubits from his *eruv* on the following day within his city, he may

walk only to the end of his limit. If, however, the entire city is included within his limit, the city is considered as if it were only four cubits, and he may continue to the end of his limit beyond the city.

3 What is implied? When a person places his *eruv* one thousand cubits to the east of his house in a city, he may walk two thousand cubits eastward from the place of his *eruv* on the following day. He may also walk two thousand cubits to the west, one thousand from the *eruv* to his house, and one thousand from his house westward. He may not walk to the end of the city [limits, if they are] beyond the thousand cubits.

If there are less than one thousand cubits from his house to the boundaries of the city - even if his Sabbath limits end one cubit outside the city - the entire city is considered to be four cubits, and he may proceed 996 cubits beyond it to complete [his Sabbath limits of] two thousand [cubits].

4 According [to this principle], if a person placed his *eruv* two thousand cubits [towards the east] of his house in a city, he would lose [the possibility of walking] throughout the entire [area of] the city [to the west]. Thus, he would be permitted [to walk] two thousand cubits from his house to his *eruv* and from his *eruv* two thousand cubits further. He may not walk even one cubit to the west of his house in the city.

When a person places his *eruv* in a private domain - even if it is a metropolis like Nineveh, the ruins of a city, or a cave that is fit to be used as a dwelling - he is permitted to walk throughout its entire area and two thousand cubits beyond it in all directions.

5 If a person deposits his *eruv* within the city in which he is spending the Sabbath, his actions are of no consequence and his [Sabbath limits] should not be measured from his *eruv*. Instead, he is like the other inhabitants of the city, and may proceed two thousand cubits in all directions outside the city.

If a person deposits his *eruv* in the outlying areas that are included within the city's boundaries, and the calculation of [the city's] Sabbath limits begins beyond these areas, it is as if he had deposited it within the city [proper].

If a person deposits his *eruv* beyond the city's Sabbath limits, it is not considered to be a [valid] *eruv*.

6 An *eruv t'chumin* should be established only for a purpose associated with a mitzvah - e.g., a person who desires to go to the house of a mourner, to a wedding feast, to greet his teacher or to greet a colleague returning from a journey, or the like.

[Similarly, one may establish an *eruv t'chumin*] out of fear - e.g., a person who seeks to flee from gentiles, from thieves or the like. If a person establishes an *eruv* for other reasons, his *eruv* is still valid.

7 All foods that may be used for a *shituf* may also be used for an *eruv t'chumin*. Similarly, all foods that may not be used for a *shituf* are also unacceptable for an *eruv t'chumin*.

What is the minimum measure of food acceptable for an *eruv t'chumin*? The [amount of] food [sufficient] for two meals for every individual. When the food in question is a side dish, the minimum measure is an

amount sufficient to accompany two meals - [i.e., it is governed by] the same [laws] as a *shituf*.

8 It is necessary for [the place where] a person [intends to spend the Sabbath] and his *eruv* to be in the same domain, so that it is possible for him to partake of it *beyn hash'mashot*.

Therefore, if the person intends to spend the Sabbath in a public domain and places his *eruv* in a private domain, or if he [intends to spend the Sabbath in a] private domain and places his *eruv* in a public domain, the *eruv* is not valid. For it is impossible to transfer articles from a private domain to a public domain without performing a transgression.

9 If, however, a person intends to spend the Sabbath in a private domain or in a public domain, and he places his *eruv* in a *carmelit*, or he intends to spend the Sabbath in a *carmelit,* and he places his *eruv* in a private domain or in a public domain, the *eruv* is acceptable. For during *beyn hash'mashot,* the time when the *eruv* is established, it is permitted to transfer articles from either of these domains to a *carmelit* for the sake of a mitzvah.

All the [prohibitions] instituted because of a Rabbinic decree were not applied *beyn hash'mashot* in a situation involving a mitzvah or in a case of urgent need.

10 [The following rule applies when a person] places his *eruv* in a closet, locks it, and then loses the key: If he can remove his *eruv* without performing a labor that is forbidden by the Torah, it is valid.

If a person places his *eruv* at the top of a reed or a shaft that grows from

the earth, it is not valid. This is a decree, lest he break off [the reed]. If [these articles] were already detached and were implanted [in the ground], the *eruv* is valid.

11 Whenever a person deposits an *eruv*, he is granted four cubits [in which to carry] at the place of the *eruv*. Thus, if a person places an *eruv t'chumin* at the end of the Sabbath limits, and then the *eruv* rolled two cubits beyond the Sabbath limits, the *eruv* is valid; it is not considered to have left its [original] place.

If, however, the *eruv* rolls more than two cubits [beyond the Sabbath limits], it is not valid, for it is beyond the Sabbath limits. And [as stated previously,] when an *eruv* is placed beyond a person's Sabbath limits, it is invalid, since the person is unable to reach his *eruv*.

12 The following rules apply when] an *eruv* rolled [more] than two cubits beyond the Sabbath limits, it became lost or burned, or it contained *terumah* and it became impure: If this occurred before the commencement of the Sabbath, the *eruv* is invalid. If it occurred after nightfall, it is valid. For an *eruv* is established *beyn hash'mashot*.

If one is in doubt [when the above occurred], the *eruv* is valid, for when there is a doubt [with regard to the validity of] an *eruv*, it is considered acceptable. Therefore, if the *eruv* was eaten *beyn hash'mashot*, it is acceptable.

13 [The above rules are relevant in the following situation:] Two individuals told a person, "Go and establish an *eruv* on our behalf." He established an

eruv for one before the commencement of the Sabbath, and for the other, *beyn hash'mashot*. The *eruv* that was established before the commencement of the Sabbath was eaten *beyn hash'mashot*, and the *eruv* that was established *beyn hash'mashot* was eaten after nightfall.

[The ruling is that] both *eruvin* are valid. For [the halachic status of] *beyn hash'mashot* is a matter of doubt, and when there is a doubt [with regard to the validity of] an *eruv*, it is considered acceptable. Nevertheless, if there is a question whether or not it is past nightfall, at the outset one should not proceed to establish an *eruv*. [After the fact,] if one established an *eruv*, it is valid.

14 Although an avalanche falls on an *eruv* before the commencement of the Sabbath, it remains acceptable provided it can be removed without performing a [forbidden] labor. For it is permissible to remove it *beyn hash'mashot*,, which is the time when the *eruv* is established.

If the avalanche fell on it after nightfall, it is also valid, even if it cannot be removed without performing a [forbidden] labor. If there is a doubt whether [the avalanche] fell before the commencement of the Sabbath or after nightfall, it is acceptable, because when there is a doubt [with regard to the validity of] an *eruv*, it is considered acceptable.

15 If, however, one established an *eruv* with *terumah* concerning which there was a doubt about its ritual purity, the *eruv* is invalid, for the meal is not fit to be eaten.

[Similarly, an *eruv* is invalid in the following situation]: A person possessed two loaves of bread that were *terumah*. One of them was pure

and one was impure, but he did not know which was pure and which was impure. Although he said, "The [loaf] that is pure, whichever it is, will serve as my *eruv*," the *eruv* is invalid, for the meal is not fit to be eaten.

16 If a person said: "This loaf of bread is not consecrated today, but it will be consecrated tomorrow," [and uses the loaf for an *eruv*,] the *eruv* is valid. For *beyn hash'mashot*, it had not as yet become definitely consecrated, and thus it was fit to be eaten before commencement of the Sabbath.

If, however, he said, "Today it is consecrated, and tomorrow it is not consecrated," it may not be used for an *eruv*, for it is fit [to be eaten] only after nightfall.

Similarly, if one set aside *terumah* and made a stipulation that it will not become *terumah* until nightfall, it may not be used for an *eruv*. For throughout *beyn hash'mashot* it is *tevel* [which may not be eaten], and it is necessary for the meal [set aside as the *eruv*] to be fit to be eaten before the commencement of the Sabbath.

17 When an *eruv* is placed in a cemetery, it is invalid. [The rationale is that] it is forbidden to derive benefit from a cemetery. Since the person desires that the *eruv* be preserved there after it was established, he is deriving benefit [from the cemetery].

If the *eruv* is placed in a *beit hap'ras*, it is valid. This applies even to a priest, for he can enter [the *beit hap'ras* in an elevated [closed] compartment, or he may sift through its earth [and proceed to his *eruv*].

18 [These rules should be followed when] many desire to join together in an

eruv t'chumin: They should each contribute enough food for two meals and place [the food] in a single container in [whichever] place they choose.

If one person desires to make an *eruv* on behalf of many others, he must grant them a share by means of another person and notify them. [This is necessary because] an *eruv t'chumin* may not be established on a person's behalf unless he consents, since it is possible that he will not desire to have the *eruv* made in the direction chosen by the other person.

If the person is notified before the commencement of the Sabbath, the *eruv* is acceptable even though he did not express his consent until after nightfall. If he was not notified of the *eruv* until after nightfall, he may not rely on it, for an *eruv* may not be established after nightfall.

19 All the individuals entitled to take possession of [a share in an *eruv* for another person] with regard to an *eruv chatzerot* are also entitled to take possession of [a share in an *eruv* for another person] with regard to an *eruv t'chumin*.

Conversely, all the individuals who are not entitled to take possession of [a share in an *eruv* for another person] with regard to an *eruv chatzerot* are also not entitled to take possession of [a share in an *eruv* for another person] with regard to an *eruv t'chumin*.

20 A person may give a *ma'ah* to a homeowner with the intent that [the latter] buy a loaf of bread for him and establish an *eruv t'chumin* on his behalf. [And we assume that the *eruv* has been established.] If, however, he gives [money] to a storekeeper or a baker, and tells him: "[Have someone]

acquire a share on my behalf," we [do not assume that] an *eruv* has been established.

[Even with regard to a storekeeper,] if he tells him: "Establish an *eruv* for me with this *ma'ah*," [we assume that the storekeeper] will buy bread or other foodstuffs with the money and establish an *eruv* on his behalf. If the person gave [a storekeeper] a utensil, and told him: "Give me food in exchange for this and establish an *eruv* [with that food] on my behalf," [we assume that he] will purchase the food and establish the *eruv* on his behalf.

21 A person may establish an *eruv t'chumin* on behalf of his sons and daughters who are below the age of majority and on behalf of his Canaanite servants and maidservants - with or without their knowledge. Therefore, if he has established an *eruv* for them and they have established an *eruv* on their own behalf, they should rely on [the *eruv*] established by their master.

A person may not, by contrast, establish an *eruv* for his sons and daughters who have passed majority, for his Hebrew servants and maidservants, or for his wife, without their consent. [This applies] even if they eat at his table.

If he established an *eruv* on their behalf, and they heard and remained silent without objecting, they may rely on the *eruv* that he established. If, however, he established an *eruv* for one of these people and [that person] established an *eruv* for himself, there can be no greater objection than this, and [that person] should rely on his own *eruv*.

A child of six years old or less may be taken out, relying on the *eruv*

established for his mother. There is no need to set aside a separate amount of food equivalent to two meals for him.

22 A person has the option of sending his *eruv* with an agent [whom he has instructed to] deposit it in the location that he desires to define as his place for the Sabbath. He should not, however, send [the *eruv*] with a deaf-mute, a mentally incompetent individual, or a child, nor with a person who does not accept the mitzvah of *eruv*. If he sends the *eruv* with one of these individuals, it is not acceptable.

If, however, he sent [the *eruv*] with one of these individuals [with instructions for them] to bring it to a person who is acceptable [to act as an agent], so that the latter would take it and deposit it in the [desired] location, [the *eruv*] is acceptable. Indeed, even if he sent [the *eruv*] via a monkey or an elephant [it would be acceptable]. [There is, however, one stipulation: the person sending the *eruv*] must watch from afar until he sees the person who is unfit [to serve as an agent or the animal] reach the person who is fit [to serve as an agent], whom he has instructed to deposit the *eruv*.

Similarly, many individuals who have joined together in an *eruv t'chumin* have the option of sending their *eruv* via an agent if they desire.

23 When one person or a group of people tell another person, "Go out and make an *eruv* on our behalf," and the person does so, choosing the direction in which to make the *eruv* himself, the *eruv* is acceptable. They may rely on it, for they did not specify the direction [they desired].

When a person says, "Establish an *eruv* for me with dates," and [his agent]

establishes with dried figs, or he mentions dried figs, and [the agent] uses dates, the *eruv* is not acceptable. Similarly, if the person asked that the *eruv* be placed in a closet and it was placed in a dovecote, or [he asked that it be placed] in a dovecote, and it was placed in a closet, or [he asked that it be placed] in a house, and it was placed in a loft, or [he asked that it be placed] in a loft, and it was placed in a house, the *eruv* is not acceptable.

If, however, the person told [the agent], "Establish an *eruv* for me," without making any specifications, the *eruv* is acceptable regardless of whether he used dried figs or dates, or deposited it in a house or in a loft.

24 Just as a blessing is recited [before] establishing an *eruv* in a courtyard or a *shituf* in a lane, so too, a blessing is recited [before establishing] an *eruv t'chumin*.

[After reciting the blessing,] one should say: "With this *eruv*, it will be permissible for me to proceed two thousand cubits in every direction from this location."

If he is establishing the *eruv* on behalf of many individuals, he should say, "With this *eruv*, it will be possible for 'so and so'..." or "for the people of this community..." or "for the inhabitants of this city to proceed two thousand cubits in every direction from this location."

Chapter 7

1 When a person left his city on Friday and stood in a specific place within the Sabbath limits, or at the end of the Sabbath limits, and said, "This is my place for the Sabbath," although he returns to his city and spends the

night there, on the following day he is permitted to walk two thousand cubits from that place in every direction.

This is the principal manner [of establishing] an *eruv t'chumin* - actually to go there by foot. [The Sages allowed] one to establish an *eruv* by depositing an amount of food sufficient for two meals in the place - although one did not actually go there and stand there - to expedite matters for a rich person, so that he will not have to travel by himself, and could instead send his *eruv* with an agent who will deposit it for him.

2 Similarly, when a person decides to establish his place for the Sabbath in a specific location - e.g., at a tree, a house, or a fence that he can identify, and at nightfall:

a) there are two thousand cubits or less between him and that place; and

b) he sets out to reach that place and establishes it to be his place for the Sabbath,

on the following day, he may proceed to that desired location and continue two thousand cubits in all directions. [Moreover, this law applies] even when he did not actually reach that place or stand there, but instead a friend had him turn back and spend the night at his home, or even if he himself decided to turn back, or was prevented [from going there by other factors].

[The rationale is that] since he made a resolve to establish [that location] as his place for the Sabbath, and set out for that purpose, it is considered as if he stood there or deposited his *eruv* there.

3 When does the above apply? To a poor person, for we do not burden him

[with the obligation of] depositing an *eruv*, or to a person who is in a distant place - e.g., a person on a journey who is afraid that soon night will fall. [This leniency is granted] provided there is enough time in the day for him to reach the designated place before nightfall - if he ran with all of his strength - and there are two thousand cubits or less between him and that place at nightfall.

If, however, he was not far from the place in question, nor was he a poor man, or

there was not enough time in the day for him to reach the designated place before nightfall if he ran with all of his strength, or

there were more than two thousand cubits between him and that place at nightfall, or

he did not specify the location he intended as his place for the Sabbath,

he is not able to designate a distant location as his place for the Sabbath. Instead, he is granted no more than two thousand cubits in all directions from the place at which he is standing at nightfall.

4 When a person stood in a private domain before the commencement of the Sabbath and designated it as his "place" for the Sabbath, or if he was traveling on a journey and had the intent of spending the Sabbath in a private domain that he knew and [thus] designated as his "place" for the Sabbath, he is entitled to walk throughout that domain and [continue] two thousand cubits in all directions.

If, however, this private domain was not enclosed for the purpose of habitation, or was a mound or a valley [different rules apply]: If it is the size of the area necessary to grow two *se'ah* [of grain] or less, one is entitled

to walk throughout that domain and two thousand cubits in all directions. If it is larger than the size of the area necessary to grow two *se'ah* [of grain], [one's "place"] is considered to be only four cubits in that domain, [and one may proceed only] two thousand cubits from [this place] in all directions.

The same [law applies] when one places one's *eruv* in a domain that was not enclosed for the purpose of habitation.

5 When a person [desires to] establish a distant location as his "place" for the Sabbath, but does not specify its exact location, he is not considered to have established it as his "place."

What is implied? A person was traveling on a journey and declared, "I will spend the Sabbath in such and such a place," "...in such and such a field," "...in such and such a valley," or "...a thousand cubits..." or "...two thousand cubits away from my present place," he has not established the distant location as his place for the Sabbath. [Instead,] he is entitled to proceed only two thousand cubits in all directions from the place where he is standing at nightfall.

6 [The following rule applies] when a person says, "I will spend the Sabbath under this and this tree," or "...under this and this rock." If there are eight cubits or more under the tree or the rock, the person has not established [the location] as his "place" for the Sabbath, because he did not specify an exact location. For were he to spend the Sabbath in a particular four cubits, [he could be in error,] lest the other four cubits be the ones defined as his "Sabbath place."

7 Therefore, it is necessary for a person to have the intent of establishing [a specific portion of the space - e.g.,] at [the tree's] base, its southern side, or its northern side, as his "Sabbath place."

If there are less than eight cubits under [the tree], and he intends to spend the Sabbath under it, he acquires it [as his "Sabbath place"]. [The rationale is that] there is no room [under the tree] for two places, and at least a portion of his [Sabbath] "place" has been defined.

[This is the course of action to follow when] two people were coming on a journey, and one is familiar with a tree, fence, or other place that he desires to establish as his place, and the other is not familiar with the place. The person who is unfamiliar [with the place] should entrust the right to establish his "Sabbath place" to the one who is familiar with the place, and the latter should have the intent that he and his colleague should spend the Sabbath in the place with which he is familiar.

8 [The following rules apply when] the inhabitants of a city have sent a person to deposit their *eruv* in a specific place, he set out on his way, but a colleague had him return, and he did not deposit the *eruv* [on behalf of the inhabitants]: Since their *eruv* was not deposited in the desired location, [that location] is not established as their "Sabbath place," and they are not allowed to walk more than two thousand cubits in all directions from [the boundary of] their city.

[The person who went to deposit the *eruv*], by contrast, is considered to have established that location as his "place" for the Sabbath, because he had set out on the way to that location with the intent of establishing it as his "Sabbath place." Therefore, on the following day, he is permitted to

proceed to the [desired] place and continue two thousand cubits from it in all directions.

9 The statement made previously, that a person who desires to establish a location as his Sabbath place from a distance need merely set out on the way, does not mean that he must depart and begin walking through the fields. Even if he merely descended from the loft with the intent of proceeding to [the desired] place, and before he left the entrance of his courtyard, a colleague prevailed on him to return, he is considered to have set out [on his way], and may establish his "Sabbath place" in that location.

When a person establishes a location as his "Sabbath place" from a distance, he need not make an explicit statement, "This and this location is my 'Sabbath place.' It is sufficient for him to make a resolve within his heart and to set out on the way [to] establish that location as his "Sabbath place."

Needless to say, a person who traveled by foot and actually stood at the location that [he desired to] establish as his "Sabbath place" need not make a statement. Making a resolve within his heart is sufficient to establish [the location as his "Sabbath place"].

10 When students who sleep in the house of study, but go and eat their Sabbath meals [in the homes of] people who live in the fields and the vineyards who show hospitality to wayfarers passing through, [the house of study is considered their "Sabbath place"] and not the place where they eat.

They may walk two thousand cubits from the house of study in all directions. [The rationale is] that were it possible for them to eat in the house of study, they would not go to the fields at all. They consider the house of study alone as their dwelling.

Chapter 8

1 One may not deposit two *eruvin* - one in the west and one in the east - so that one will be able to walk for a portion of the day [in the direction of] one of the *eruvin*, and to rely on the second *eruv* for the remainder of the day. [The rationale is that] one may not make two *eruvin* for a single day.
If a person erred, and established two *eruvin* in two different directions, because he thought that this was permitted, or he told two people to establish an *eruv* for him, and one established an *eruv* to the north and one established an *eruv* to the south, he may walk only in the area common to both of them.

2 What is meant [by the expression], "he may walk only in the area common to both of them"? That he may walk only in the area that is within [the Sabbath limits] of both of these locations. [For example,] if one [of his agents] deposited an *eruv* 1000 cubits to the east [of his city's periphery] and the other deposited an *eruv* 500 cubits to the west, the person for whom the *eruvin* were deposited may walk only 1000 cubits to the west, as would be permitted [the agent] who established the *eruv* in the east, and 1500 cubits to the east, as would be permitted [the agent] who established the *eruv* in the west.

Therefore, if one established an *eruv* 2000 cubits to the east and the other established an *eruv* 2000 cubits to the west, the person may not move from his place.

3 It is permissible for a person to establish two *eruvin* in two opposite directions and make the [following] stipulation: "If tomorrow there is a mitzvah or a necessity that arises and requires me to walk in this direction, then it is this *eruv* that I am relying upon, and the other *eruv* is of no consequence. If, by contrast, it is necessary that I go to the other direction, the *eruv* [in that direction] is the one on which I will rely, and the first *eruv* is of no significance.

"If I am required to go in both directions, I may rely on whichever of the *eruvin* I desire, and thus go in whichever direction I desire. If nothing [out of the ordinary] arises, and I am not required to go in either direction, neither of the *eruvin* is of consequence, nor do I rely on them. Instead, my situation is the same as that of any other inhabitant of my city, and I may proceed two thousand cubits in all directions from the city's wall."

4 Just as it is forbidden to proceed beyond a city's [Sabbath] limits on the Sabbath, so too, it is forbidden to proceed beyond those limits on the holidays and on Yom Kippur.

Just as a person who transfers an article from one domain to another on the Sabbath is liable, so too, a person who transfers an article from one domain to another on Yom Kippur is liable. On the holidays, by contrast, it is permitted to transfer articles from one domain to another.

Therefore, *eruvin* should be established in courtyards and *shitufim* should

be established in lanes for Yom Kippur, as they are established for the Sabbath. Similarly, *eruvei t'chumin* may be established for Yom Kippur and the holidays as they are established for the Sabbath.

5 [The following rules apply to] a holiday that occurs next to the Sabbath - whether before it or after it - or to the two days of a holiday as observed in the diaspora: A person may establish two *eruvin* in two opposite directions and rely on either for the first day, and the other for the second day. Similarly, he may establish a single *eruv* in one direction and rely on it for one of the two days, and on the other day consider himself like the other inhabitants of the city - i.e., it is as if he did not made an *eruv*, and thus he is entitled to proceed two thousand cubits in all directions [from the city's periphery].

When does this apply? To the two days observed as holidays in the diaspora. Regarding the two days of Rosh HaShanah [different rules apply]. They are considered to be a single [extended] day, and one may establish an *eruv* in one direction alone for both these days.

6 Similarly, a person who [deposits] an *eruv [t'chumin]* may make [any of the following] stipulations: "On this Sabbath, my *eruv* shall be in effect, but not on another Sabbath," or "On another Sabbath [my *eruv* shall be in effect], but not on this Sabbath."

[Similarly, he may stipulate that the *eruv* shall be in effect] on the Sabbaths but not on holidays, or on holidays and not on Sabbaths.

7 When a person tells five others, "I am establishing an *eruv* on behalf of

one of you, whom I will choose [later]. If I choose, that person will be able to go. If I do not choose, he will not be able to go." Even if this person chooses [a companion] after nightfall, he may go. For the principle of *b'reirah* appliesregarding a matter of Rabbinic law.

Similarly, a person may establish an *eruv* for all the Sabbaths of the year and stipulate, "If I desire [to rely on the *eruv*], I may go, and if I do not desire [to rely on it], I may not go - and I will be [governed by the same rules] as the other inhabitants of my city." He may go on whichever Sabbaths he desires, even if he does not make the decision to go until after nightfall.

8 [The following rule applies] when a person establishes an *eruv* for the two days of a holiday as observed in the diaspora or for a Sabbath and a holiday [that are celebrated consecutively]: Even when the person establishes a single *eruv* in one direction for both days, the *eruv* must be accessible in its [designated] location on both the first and second nights throughout [the period of] *beyn hash'mashot*.

What should he do? He should take [the *eruv* to the desired place] on the eve of the Sabbath or on the eve of the holiday, and wait until nightfall. He may then take it in his hand and carry it away, if it is a holiday. On the following day, he should take it to the same location, deposit it there until nightfall and eat it if it is Friday night, or take it with him if it is the night of a holiday.

[This is necessary, for] they are two different expressions of holiness, and are not considered to be a single [extended] day with regard to which it would be possible to say on the first night that one established the *eruv* for

both days.

9 [In the situation described in the previous halachah,] were the *eruv* to be eaten on the first day, it is effective for the first day, but the person [may not establish] an *eruv* [with food] for the second day.

If he established an *eruv* by walking [to the desired location] on the first day, he may establish an *eruv* for the second day only by walking to the same location and making the resolution that he is establishing this as his "place" for the day.

If he established an *eruv* with bread on the first day [he has two options]: If he desires to establish an *eruv* by walking [to the desired location] on the second day, the *eruv* is acceptable. If he desires to establish an *eruv* by depositing a loaf of bread, [he may,] provided he uses the same loaf of bread that he used the first day.

10 When Yom Kippur [would] fall on Friday or on Sunday during the era when the sanctification [of the moon] was dependent on its being sighted] by witnesses, it appears to me that [the two days] are considered to be one [extended] day and are considered to be one continuum of holiness.

11 The statement made previously that a person may establish two different *eruvin* in two directions for two days applies only when it is possible for the person to reach both of the *eruvin* on the first day [without departing from his Sabbath limits]. If, however, it is impossible on the first day for him to reach the *eruv* for the second day, the *eruv* for the second day is invalid.

[The rationale is that] the mitzvah of *eruv* [can be fulfilled only] with a meal that is fit to be eaten while it is still day. Since the person may not reach the *eruv* [intended for the second day] on the first day [because it is beyond his Sabbath limits], it is not considered to be a meal that is fit to be eaten while it is still day.

12 What is implied? If a person deposited an *eruv* two thousand cubits eastward of his home and relied on it for the first day [he is forbidden to walk westward at all]. [Therefore,] if he deposited an *eruv* one cubit, one hundred cubits, or one thousand cubits to the west and relied on it for the second day, the second *eruv* is invalid.

[The rationale is that] the second *eruv* is not fit for him on the first day, for he may not reach it, since he is not able to proceed toward the west at all.

13 If, however, he deposited his *eruv* one thousand five hundred cubits eastward of his home and relied on it for the first day, and deposited a second *eruv* within five hundred cubits to the west of his house and relied upon it for the second day, the *eruv* is valid. For it is possible for him to reach it on the first day.

14 When a holiday falls on a Friday, it is forbidden to establish an *eruv* [for the Sabbath] on the holiday: neither an *eruv chatzerot* nor an *eruv t'chumin*. Instead, one should establish the *eruv* on Thursday, the day prior to the holiday.

If the two days celebrated as a holiday in the diaspora fall on a Thursday

and a Friday, one should establish both an *eruv chatzerot* and an *eruv t'chumin* on Wednesday. If a person forgot, and did not establish an *eruv* beforehand, he may establish an *eruv chatzerot* in a conditional manner on Thursday and Friday. He may not, however, do this with regard to an *eruv t'chumin*.

15 What is implied? On Thursday, the person should make the following stipulation: "If today is a holiday, my statements are of no consequence. But if not, this should be [accepted as] an *eruv*."

On the following day, he should again establish the *eruv*and say, "If today is a holiday, I have established my *eruv* yesterday, and my statements today are of no consequence. If, however, yesterday was the holiday, this should be [accepted as] an *eruv*."

When does the above apply? To the two days observed as holidays in the diaspora. The two days of Rosh HaShanah, by contrast, are considered to be one [extended] day. Therefore, with regard to them, it is possible to establish an *eruv* only on the day prior to the holiday.

(Blessed be God who grants assistance.)

16 The End of the Laws of *eruv*s.

Mishneh Torah, Rest on the Tenth of Tishrei

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to refrain from all work on the tenth [day] of the seventh month, as [**Leviticus 23:32**] states: "It shall be a Sabbath of Sabbaths for you." Anyone who performs a [forbidden] labor negates the observance of [this] positive commandment and violates a negative commandment, as [**Numbers 29:7**] states, "You shall not perform any labor."

What liability does a person incur for performing a [forbidden] labor on this day? If he performs [the forbidden labor] willfully, as a conscious act of defiance, he is liable for *karet*.If he performs [the forbidden labor] inadvertently, he is liable to bring a sin offering whose nature is fixed.

2 All the [forbidden] labors for which one is liable to be executed by stoning for performing on the Sabbath cause one to be liable for *karet* if performed on the tenth [of Tishrei]. Any activity that incurs the obligation of a sin offering on the Sabbath incurs the obligation of a sin offering on Yom Kippur.

Any activity that is forbidden to be performed on the Sabbath- although it is not a forbidden labor - is forbidden to be performed on Yom Kippur. If one performs such an act, one is punished by stripes for rebellion, as one is punished [for performing the same act] on the Sabbath.

Whatever is forbidden to be carried on the Sabbath is forbidden to be

carried on Yom Kippur. Whatever is forbidden to be said or done at the outset on the Sabbath is likewise forbidden on Yom Kippur. The general principle is that there is no difference between the Sabbath and Yom Kippur in this regard, except that a person who willfully performs a forbidden labor on the Sabbath is liable for execution by being stoned to death, and on Yom Kippur [such an act warrants merely] *karet*.

3 It is permitted to trim a vegetable on the day of Yom Kippur from mid-afternoon onward. What is meant by trimming a vegetable? To remove the wilted leaves, and to cut the others to prepare them for consumption. Similarly, it is permitted to crack open nuts and to open pomegranates on Yom Kippur from mid-afternoon onward. [These leniencies were granted] so that one will not endure hardship.

When Yom Kippur falls on the Sabbath, it is forbidden to trim vegetables and open nuts and pomegranates the entire day. It has already become the universally accepted custom in Babylon and in North Africa not to perform these activities during the fast.Instead, [Yom Kippur is observed] as the Sabbath is with regard to all its particulars.

4 There is another positive commandment on Yom Kippur, to refrain from eating and drinking, as [**Leviticus 16:29**] states: "You shall afflict your souls." According to the Oral Tradition, it has been taught: What is meant by afflicting one's soul? Fasting.

Whoever fasts on this day fulfills a positive commandment. Whoever eats or drinks on this day negates the observance of [this] positive commandment and violates a negative commandment, as [*ibid.* 23:29]

states, "Any soul that does not afflict itself will be cut off." Since the Torah punishes a person who does not fast with *karet*, we can derive from this that we are forbidden to eat and drink on this day.

A person who eats or drinks inadvertently on this day is liable to bring a sin offering of a fixed nature.

5 Similarly, according to the Oral Tradition, it has been taught that it is forbidden to wash, anoint oneself, wear shoes, or engage in sexual relations on this day. It is a mitzvah to refrain from these activities in the same way one refrains from eating and drinking.

This is derived from [the exegesis of the expression,] "A Sabbath of Sabbaths." "A Sabbath" implies refraining from eating; "of Sabbaths," refraining from these activities.

One is liable, however, for *karet* or a sin offering only for eating and drinking. If one washes, anoints oneself, wears shoes, or engages in sexual relations, one receives stripes for rebelliousness.

6 Just as [the obligation to] refrain from work applies both during the day and at night, so too, [the obligation to] refrain from [these activities and thus to] afflict oneself applies both during the day and at night.

It is obligatory to add [time] from the mundane to the sacred at both the entrance and departure of the holiday, as [implied by *ibid.* 23:32]: "And you shall afflict your souls on the ninth of the month in the evening." [Since the date of the fast is the tenth,] the intent is [obviously] that one begin fasting and afflicting oneself in the afternoon of the ninth, which directly precedes the tenth.

Similarly, at the departure [of the holiday], one should prolong the affliction slightly, [entering] the night of the eleventh, which follows the tenth, as [implied by *ibid.*]: "From evening to evening, you shall keep this day of refraining."

7 When women eat and drink until nightfall, without knowing that we are obligated to add [time] from the weekday to the holiday, they should not be rebuked, lest they perform [the transgression] willfully. It is impossible for there to be a policeman in every person's house to warn his wives. Thus, it is preferable to let [the situation] remain [as it is], so that they will transgress unintentionally, instead of intentionally. The same [principle] applies in other similar instances.

Chapter 2

1 On Yom Kippur, a person is liable for eating [an amount of] food that is fit for humans to eat and is equivalent to the size of a large ripe date - i.e., slightly less than the size of an egg. All foods [that one eats] are combined to produce this measure.

Similarly, one who drinks a cheekful of liquid fit to be drunk by humans is liable. The size of a cheekful is [not a standard measure,] but rather dependent on the size of the cheek of every individual.

What is meant by a cheekful? Enough [liquid] for a person to swish to one side of his mouth and for his cheek to appear full. For an ordinary person, this measure is less than a *revi'it*.

All liquids [that one drinks] are combined to produce this measure. Foods

and liquids are not combined in a single measure.

2 One is liable for *karet* for eating on Yom Kippur if one eats food that is fit for human consumption, regardless of whether it is permitted or forbidden. [This includes] *piggul, notar, tevel*, the flesh of an animal that died without ritual slaughter, the flesh of an animal that is *trefah*, fat, or blood.

3 If a person eats or drinks less than the above-mentioned measures, he is not liable for *karet*. Although the Torah forbids partaking of less than the measure [for which punishment is given], one is not liable for *karet* unless [one partakes of] that measure.

A person who eats or drinks less than the minimal measure is given "stripes for rebellion."

4 [The following rules apply when] a person eats a small amount, [pauses,] and eats again: If the time from when he begins eating until he concludes eating is less than the time it takes to eat an amount of bread and relish equal in size to three eggs, [the food that he eats] is included in the same measure. If not, it is not included in the same measure.

[Similar rules apply when] a person drinks, [pauses,] and drinks again: If the time from when he begins drinking until he concludes drinking is less than the time it takes to drink a *revi'it*, [the liquid that he drinks] is included in the same measure. If not, it is not included in the same measure.

5 When a person eats foods that are not fit for human consumption - e.g.,

bitter herbs or foul-tasting syrups - or drinks liquids that are not fit to to be drunk - e.g., fish brine, pickle brine or undiluted vinegar - he is not liable for *karet* even if he eats or drinks a substantial amount. He should, however, be given "stripes for rebellion."

6 A person who drinks vinegar mixed with water is liable. One who chews dried pepper, dried ginger, or the like is not liable. [If, however, one chews] fresh ginger, one is liable.

A person who eats the leaves of the vine is not liable, but one who eats the buds of the vine is liable. What is meant by the buds of the vine? The buds that have sprouted in *Eretz Yisrael* from Rosh HaShanah until Yom Kippur. If they sprouted earlier, they are considered as wood, and the person is not liable. The same rules apply in all analogous situations.

7 When a person eats roast meat that has been salted, the salt is included in the mass of the meat. Similarly, brine on a vegetable is included, because condiments that make food fit to be eaten and are mixed together with the food are considered to be part of the food.

If a person was already sated [because he] had overeaten to the extent that he was jaded by food, and then ate more, he is not liable. It is comparable to a person who eats food that is not fit for consumption. Although this additional amount is fit to be eaten by a person who is hungry, it is not fit for a person who is sated to this extent.

8 When a person who is dangerously ill asks to eat on Yom Kippur, he should be fed because of his request until he says, "It is enough," even

though expert physicians say that it is unnecessary.

When the sick person says that it is unnecessary for him to eat, and a physician says that it is necessary, he should be fed according to [the physician's] instructions, provided the physician is an expert.

When one physician says that it is necessary [for a sick person to eat], and another physician says that it is unnecessary, the person should be fed. If several physicians say that it is necessary [for a sick person to eat], and other physicians say that it is unnecessary, [the ruling] follows the majority, or those with the most expertise. [This applies] provided the sick person does not himself say that it is necessary [for him to eat]. If, however, he makes such a statement, he should be fed.

If the sick person does not say that he must [eat], the physicians were divided on the issue, they were all experts, and an equal number took each side, he should be fed.

9 When a pregnant woman smells food, [and is overcome by desire for it,] we should whisper in her ear that today is Yom Kippur. If this reminder is sufficient to calm her senses, it is desirable; if not, she should be fed until her desire ceases.

Similarly, if a person is overcome by ravenous hunger, he should be fed until he sees clearly. He should be fed immediately, even if it necessitates giving him non-kosher meat or [meat from a] loathsome species. We do not require that he wait until permitted food becomes available.

10 [From the time] a child is nine or ten years old [onward], he should be trained [to fast] for several hours. What is implied? If he is used to eating

two hours after daybreak, he should be fed in the third hour. If he is used [to eating] after three hours, he should be fed in the fourth. According to the child's stamina, we should add hours to his anguish.

When a child is eleven years old, whether male or female, it is a Rabbinic ordinance that he complete his fast so that he be trained in [the observance of] the mitzvot.

11 A female who is twelve years old and one day and a male who is thirteen years old and one day, who manifest [signs of physical maturity - i.e.,] two [pubic] hairs, are considered to be adults with regard to [the observance of] all the mitzvot, and are obligated to complete their fast according to the Torah. If, however, they did not manifest [signs of physical maturity], they are still considered to be minors, and are obligated to complete their fast only by virtue of Rabbinic decree.

A child who is less than nine years old should not be afflicted at all on Yom Kippur, lest this lead to danger.

Chapter 3

1 It is forbidden to wash on Yom Kippur, whether using hot or cold water. One may not wash one's entire body [at one time], nor any individual limb. It is even forbidden to immerse one's small finger in water.

A king and a bride may wash their faces: a bride so that she will not appear unattractive to her husband, and a king so that he will appear splendorous, as [**Isaiah 33:17**] states: "Your eyes shall behold the king in his splendor." Until when is a wife considered to be a "bride"? For thirty

days.

2 When a person is soiled with filth or mud, he may wash off the dirt in an ordinary manner without reservation. [Similarly,] a woman may wash one hand in water and give a piece of bread to a child.

A person who is ill may wash in an ordinary manner even though he is not dangerously ill. Similarly, all those who are obligated to immerse themselves [for the sake of ritual purity] should immerse themselves in an ordinary manner. This applies both on Tish'ah B'Av and on Yom Kippur.

3 [The following rules apply] in the present age when a man has a seminal emission on Yom Kippur: If it is still moist, he should wipe it off with a cloth; this is sufficient. If it is dry, or he has become soiled, he may wash the soiled portions of his body and pray. It is, however, forbidden for him wash his entire body or to immerse himself.

For a person who immerses himself in the present age is not ritually pure - [he is impure regardless -] because of ritual impurity contracted from a human corpse. The practice of washing after a nocturnal emission before prayer in the present age is only a custom. And a custom may not nullify a prohibition; it may only prohibit that which is permitted.

The statement that a person who had a seminal emission on Yom Kippur should immerse himself was applicable only [in the era] when it was required to immerse oneself after a seminal emission and, as explained, this ordinance has already been nullified.

4 It is forbidden to sit on mud that is moist enough that if a person places

his hand on it, sufficient moisture will rise up with it so that if he joins this hand to his other hand, the other hand will also become moist.

A person should not fill an earthenware container with water and use it to cool himself, for the water permeates through its walls. It is even forbidden to use a metal container [for this purpose], lest water sprinkle on his flesh. It is permitted to cool off [by holding] fruit [against one's flesh].

5 On the day preceding Yom Kippur, a person may take a handkerchief and soak it in water, wring it out slightly, and place it under clothes [so that it will not be exposed to the heat of the sun]. On the following day, he may wipe his face with it without any reservation, despite the fact that it is very cold.

6 A person who is going to greet his teacher, his father, or someone who surpasses him in knowledge, and similarly, a person who is going to study in the House of Study, may pass through water that is neck-high without any reservation.

[Moreover, after] he performs the mitzvah that he intended to perform, he may return to his home via the water. For if we did not allow him to return, he would not go, [and with this restriction, we would] thwart [his observance of] the mitzvah.

Similarly, a person who goes to guard his produce may pass through water that is neck-high without any reservation. These leniencies are granted, provided one does not extend his hands out from under the fringes of the garments, as one would do during the week.

7 It is forbidden to wear a [leather] shoe or a sandal, even on one foot. It is, however, permitted to wear a sandal made of reeds, rushes,or the like. Similarly, a person may wind cloth over his feet or the like, for his feet remain sensitive to the hardness of the ground and he feels as if he is barefoot.

Although children are allowed to eat, drink, wash, and anoint themselves, they should be prevented [from wearing] shoes and sandals.

8 All people are allowed to wear sandals [to protect themselves] from being bitten by scorpions and the like.

A woman who has just given birth may wear sandals for thirty days, lest she be chilled. The same law applies to other people who are sick, even if their illness is not dangerous.

9 [Just as it is forbidden to anoint] one's entire body, so too, is it forbidden to anoint a portion of one's body. [This restriction applies] both to anointment that brings one pleasure and to anointment that does not bring one pleasure.

When a person is sick, however, or if he has sores on his scalp, he may anoint himself in an ordinary manner without any reservation.

10 There are communities where it is customary to light a candle on Yom Kippur, so that one will be modest with regard to one's wife and thus not be prompted to engage in sexual relations. There are, by contrast, other communities where it is customary not to light a candle, lest one see one's wife, be attracted to her, and be prompted to engage in sexual relations.

If Yom Kippur falls on the Sabbath, it is an obligation to light [a candle incumbent on the members] of all communities. For lighting a candle on the Sabbath is an obligation.

Blessed be God who grants assistance.

Mishneh Torah, Rest on a Holiday

Chapter 1

1 The six days on which the Torah forbade work are the first and seventh days of Pesach, the first and eighth days of the festival of Sukkot, the festival of Shavuot, and the first day of the seventh month. They are referred to as holidays.

The [obligation to] rest is the same on all these days; it is forbidden to perform all types of servile labor, with the exception of those labors necessary for [the preparation of] food, as [implied by **Exodus 12:16**]: "Only that [labor] from which all souls will eat [may you perform]."

2 Anyone who rests from "servile labor" on one of these days fulfills a positive commandment, for [the Torah] describes them as Sabbaths - i.e., days of rest.

Whoever performs a labor that is not for the sake of [the preparation of] food on one of these days - e.g., he builds, destroys, weaves, or the like - negates [the performance of] a positive commandment and violates a negative commandment, as [**Leviticus 23:7**] states: "You shall not perform any servile labor," and [**Exodus 12:6**] states: "You shall not perform any work on them."

If a person performs [a forbidden labor when observed] by witnesses and [after] receiving a warning, the Torah prescribes that he receive lashes [as punishment].

3 When a person performs several forbidden labors on a holiday after being warned once - e.g., he sows, builds, destroys, and weaves - after receiving a single warning, he receives only a single [set of] lashes. There is a distinction between the categories of forbidden labor on the Sabbath, but there is no such distinction on the holidays.

4 A person may be [punished by] lashes for performing on a holiday any labor for which he is liable on the Sabbath, if it is not necessary for the preparation of food, with the exception of the transfer of articles from one domain to another and the kindling of a fire.

[With regard to these two forbidden labors, an exception is made.] Since it is permitted to transfer articles for the sake of [the preparation of] food [on holidays], [this activity] was permitted even when it is not necessary for [the preparation of] food. Therefore, it is permitted to transfer an infant, a Torah scroll, a key, or the like from one domain to another. Similarly, it is permitted to kindle a fire, even though it is not for the purpose of [the preparation of] food.

With regard to the other forbidden labors, [the following principles apply:] Whenever the activity is necessary for [the preparation of] food - e.g., slaughter, baking, kneading, or the like - it is permitted. If it is not necessary for [the preparation of] food - e.g., writing, weaving, building, and the like - it is forbidden.

5 Whenever it is possible to perform a labor on the day prior to the holiday without causing any loss or inadequacy, our Sages forbade performing such a labor on the holiday itself, even if it is performed for the sake of

[the preparation of] food.

Why was this forbidden? This was a decree [instituted], lest a person leave for the holiday all the labors that he could have performed before the holiday, and thus spend the entire holiday performing those labors. Thus, he will be prevented from rejoicing on the holidays and will not have the opportunity to [take pleasure in] eating and drinking.

6 For this very reason, [our Sages] did not forbid transferring articles on a holiday, although the transfer of all [articles] is a task that could be performed before the holiday.

Why was this not forbidden? To increase our festive joy, so that a person can send and bring anything he desires, and thus fulfill his wants, and not feel like someone whose hands are tied. With regard to other labors that are possible to be performed on the day before the holiday, since they involve [prolonged] activity, they should not be performed on a holiday.

7 What is implied? On a holiday, we do not harvest, thresh, winnow, separate, or grind grain, nor do we sift [flour]. For all these and any similar activities can be performed on the day prior to the holiday without causing any loss or inadequacy.

8 We may, however, knead, bake, slaughter, and cook on a holiday, since if these activities had been performed on the previous day, the taste would be adversely affected. For warm bread or food that is cooked today does not [taste] the same as bread or food that was cooked the day before. Similarly, meat that is slaughtered today does not [taste] the same as meat

slaughtered on the previous day. The same rules apply in all analogous situations.

Similarly, when it would be detrimental for subsidiary activities [involved in the preparation] of food to be performed on the day [before the holiday] - e.g., grinding spices and the like - they may be performed on the holiday.

9 It is forbidden to bake or cook food on a holiday [that one intends] to eat during the week, because work necessary for [the preparation of] food was permitted solely so that pleasure could be derived from it on a holiday. If, however, one [cooks food] to be eaten on the holiday, and there is food left over, the remainder may be eaten during the week.

10 A woman may fill a pot with meat although she needs only one piece. A baker may fill an entire drum with water [to boil] although he needs only one jug. And a woman may bake an entire oven full of bread although she needs only a single loaf, for when there is a large quantity of bread in an an oven, it bakes better.

[Similarly,] a person may salt several pieces of meat although he only needs one piece. The same applies in all similar situations.

11 When a person cooks or bakes on a holiday with the intent of eating the food on that day, or he has invited guests and they did not come, and cooked food or bread remains, [the food] is permitted to be eaten on the following day, whether it is a weekday or the Sabbath, provided one does not act with guile.

If, however, one acts with guile, he is forbidden [to partake of the food], even on a Sabbath that follows the holiday. For greater stringency is shown with one who acts with guile than with one who violates the prohibition [against preparing food for the following day on a holiday] intentionally.

12 A person who has an animal that is dangerously ill should not slaughter it on a holiday unless he knows that he will be able to eat [at least] an olive-sized [portion] of roasted meat before the holiday is completed. [In this way,] he will not be slaughtering [an animal] on a holiday to partake of its meat on an ordinary day. The same principles apply in other similar situations.

13 We may not bake and cook on a holiday in order to feed gentiles or dogs, as [indicated by **Exodus 12:16**]: "This alone is permitted for you" - i.e., [the leniency is] "for you" and not for gentiles, "for you" and not for dogs. For this reason, it is permitted to invite a gentile [to share one's meal] on the Sabbath, but not on a holiday, lest one add [more food] for him. If, however, a gentile comes [to a Jewish household on a holiday] on his own initiative, he may eat [the food] they eat together with them, for it has already been prepared.

14 On a holiday, it is permissible to slaughter an animal that is owned partially by a Jew and partially by a gentile. [This is permitted although the gentile benefits,] because it is impossible [for the Jew] to partake of an olive-sized portion [of the meat belonging to him] without slaughtering the animal.

When, by contrast, dough is owned partially by a Jew and partially by a gentile, it is forbidden to bake it [on a holiday], because the dough can be divided.

[The following rule applies when] the soldiers [of a gentile army] give flour to a Jew and request that he bake them bread on a holiday: If they do not object to giving some of the bread to a baby, it is permitted for him to bake on the holiday. For every loaf of bread is fit to be given to the baby.

When the shepherds also eat from the loaves they give to the dogs, these loaves may be baked on a holiday.

15 A person who cooks on a holiday for gentiles, for an animal or to keep for a weekday should not be given lashes, because if guests came, the cooked food would be fit to serve them. If a person prepares [food] for himself and [food] remains, he is permitted to give it to a gentile or to an animal.

16 Bathing and anointing oneself are considered in the general category of eating and drinking. They are permitted on a holiday [as indicated by **Exodus 12:16**]: "Only that [labor] from which all souls will eat [may you perform]" - i.e., all the needs of the body [are permitted].

Therefore, one may heat water on a holiday and wash his hands and feet. It is, however, forbidden to wash one's entire body. This is a decree, [instituted to prevent the use of] bathhouses.

When water was heated before the commencement of a holiday, one may wash one's entire body with it on the holiday. This was prohibited only on the Sabbath.

17 All [activities] that are forbidden on the Sabbath, whether because they resemble a [forbidden] labor, might lead to a forbidden labor, or are placed in the category of *sh'vut*, are forbidden on a holiday unless they are necessary for the preparation of food and the like, or for other purposes that are permitted on a holiday, as will be explained in these laws.

Everything that is forbidden to be carried on the Sabbath, is forbidden to be carried on a holiday, except for the purpose [of the preparation] of food and the like. Whatever [activities] may be carried out on the Sabbath may be carried on the holidays. There is, however, [a category of prohibitions] that apply on the holidays, but do not apply on the Sabbath: the prohibitions against *muktzeh*.

Muktzeh is forbidden on a holiday, but permitted on the Sabbath. [The rationale is] since the [restrictions pertaining to] the holidays are more lenient than those of the Sabbath, [our Sages] forbade *muktzeh*, lest one come to treat the holidays with disrespect.

18 What is implied? When a chicken is set aside to lay eggs, an ox is set aside to plow, and doves in a dovecote or produce are set aside for sale, these and any similar articles are considered to be *muktzeh* and may not be eaten on a holiday.

[For them to be permitted,] it is necessary to prepare them on the previous day and have the intent that one will partake of them. On the Sabbath, by contrast, everything is considered to be prepared and there is no need for preparation.

Just as *muktzeh* is forbidden on a holiday, so too, an object that first came into existence on the holiday is forbidden.

19 [Food] may be prepared on a weekday for the Sabbath and [food] may be prepared on a weekday for a holiday, but [food] may not be prepared on a holiday for the Sabbath, nor may [food] be prepared on the Sabbath for a holiday.

Therefore, an egg that was laid on a holiday that follows the Sabbath is forbidden - even though the chicken is set aside to be eaten - since the egg was finished on the previous day and thus the Sabbath would be preparing for a holiday.

[Our Sages] forbade [eating] an egg that was laid on any holiday. [This is] a decree, [lest one eat an egg laid] on a holiday that follows the Sabbath. Similarly, [our Sages] forbade [eating] an egg that was laid on any Sabbath. [This is] a decree, lest one eat an egg laid] on a Sabbath that follows a holiday.

20 Just as it is forbidden to partake of this [egg], so too, is it forbidden to carry it. Even if it becomes mixed with a thousand [other eggs], they are all forbidden. For on the morrow, they will all be permitted, and [the existence of] any forbidden article that will ultimately become permitted is never considered inconsequential, even when mixed with thousands of thousands.

When a person slaughters a chicken on a holiday and within the chicken finds eggs that already have a shell, it is permitted [to partake of] them, for this is not a frequent circumstance. And [our Sages] did not institute decrees regarding infrequent circumstances that occur only incidentally.

21 Our celebration of every holiday for two days in the diaspora is merely a

custom. For the second day of the holiday is a Rabbinic institution, innovated during the exile. The inhabitants of *Eretz Yisrael* observe a holiday for two days only on Rosh HaShanah.

In *Hilchot Kiddush HaChodesh* in this volume the fundamental principles pertaining to this custom and the rationale why Rosh HaShanah is universally observed for two days will be explained.

22 Although the second day of a holiday is merely a Rabbinic institution, everything that is forbidden on the first day is forbidden on the second. Whoever desecrates the second day of a holiday, even the second day of Rosh HaShanah, whether with regard to a prohibition in the category of *sh'vut*, the performance of a forbidden labor, or by proceeding beyond the [2000-cubit city] limits should be punished by stripes for rebelliousness or should be placed under a ban of ostracism, unless [the violator] was a student [of the Torah].

Just as it is forbidden to deliver eulogies or to fast on the first day of a holiday and we are obligated to rejoice on that day, so too, [these same prohibitions and obligations apply] on the second day. There is no difference between them except with regard to [the care of] a corpse.

23 What is implied? On the first day of a holiday gentiles should be involved with the burial of a corpse, and on the second day these activities should be performed by a Jew.

Everything necessary [for the burial] may be performed - e.g., making a bier, sewing shrouds, picking herbs, and the like. With regard to a corpse, the second day of a holiday is considered to be an ordinary weekday. This

applies even to the second day of Rosh HaShanah.

24 The two days observed in the diaspora are considered two separate expressions of holiness and are not considered to be a single [extended] day. Therefore, an entity that was considered *muktzeh* on the first day, or first came into existence on the first day, is permitted on the second day if it was designated [for use on that day].

What is implied? An egg that was laid on the first day of a holiday may be eaten on the second. [Similarly,] beast or fowl that were trapped on the first day may be eaten on the second day. [Produce] that was attached to the ground on the first day and separated from it [on that day] may be eaten on the second day. Similarly, one may paint one's eyes on the second day, even though one does not feel infirmity.

When does the above apply? To the second days of holidays observed [only] in the diaspora. The two days of Rosh HaShanah are considered to be a single expression of holiness; they are considered to be one [long] day with regard to all matters, with the exception of [burying] the dead. An egg that is laid on the first day of Rosh HaShanah is forbidden on the second day. The same applies in all similar instances.

When either the Sabbath or a holiday follows directly after the other, an egg laid on one is forbidden on the other. The same applies with regard to all similar situations. Even if an egg was laid on the second day [of a holiday, and that second day] is followed by the Sabbath, the egg should not be eaten on the Sabbath.

Chapter 2

1 A chick that is hatched on a holiday is forbidden [to be handled], because it is *muktzeh*. [A different rule applies,] however, when a calf is born on a holiday: If its mother was designated to be eaten, the calf is also permitted, for it is considered to be designated, because of its mother. If its mother had been slaughtered [on a holiday], the calf in her womb would also have been permitted [to be eaten] on the holiday, even though it had not been born.

2 When animals graze beyond the [2000-cubit] limits granted to a city, but return and spend the night inside the city, they may be designated [for our use on the holiday]. We may take these [animals] and slaughter them on a holiday.

When, by contrast, they both graze and spend the night beyond the [2000-cubit] limits granted to a city, we may not slaughter them on a holiday if they come to the city on that day. They are *muktzeh*, and the attention of the inhabitants of the city is not focused on them.

3 Similarly, when a consecrated animal became blemished on a holiday, since one did not intend to eat the animal on the previous day, it may not be slaughtered on a holiday.

For this reason, it is forbidden to inspect the blemishes of a consecrated animal on a holiday. [This is] a decree, [instituted] lest the sage consider the blemish [permanent] and hence permit [the animal to be used for mundane purposes], and its owner will slaughter it immediately. When, however, a sage has inspected a blemish on the day prior to the holiday, he may [render a decision] on the holiday, permitting or forbidding [its use].

4 When [on the day of a holiday] a firstborn animal is born with a blemish, it is considered as if it were prepared [to be slaughtered]. Nevertheless, [the blemish] may not be inspected on the holiday. If, however, one transgressed and had the blemish checked, and [the sage ruled that] the animal is permitted to be slaughtered, one is permitted to slaughter it and partake of its meat.

When a firstborn animal falls into a cistern [on a holiday], one should give it the [necessary] nourishment while in the cistern. One is not allowed to pull it out, because it is not fit to be slaughtered on the holiday.

[The following rules apply when] a cow and its calf both fall into a cistern [on a holiday]: We may take one out with the intent of slaughtering it, and then refrain from slaughtering it. One may then act with guile, and take the other out with the intent of slaughtering it, and then slaughter either of them that one desires. We are permitted to act with guile, because of the suffering the animal endures.

An unconsecrated animal that fell from a roof and stood for an entire day requires inspection [before we are allowed to partake of it]. Nevertheless, it may be slaughtered on a holiday and then inspected, for the possibility exists that it is kosher, and then its [meat] could be eaten.

5 [All] ducks, chickens, and doves [kept] in one's home are considered to be prepared [to be slaughtered], and need not be designated. Doves [kept in] a dovecote, [wild] doves that nest in one's loft, and [other] fowl that nest in basins, on buildings, or in orchards, are considered *muktzeh*.

[To slaughter them on a holiday,] it is necessary on the previous day to designate them and say, "I will take these and these." There is no need

actually to shake [the nest or the doves].

6 [The following rules apply when] one designated both black and white doves, and on the following day found the white doves in the place of the black ones and the black ones in the place of the white ones. It is forbidden to take them, because it is possible that [the doves that were designated] flew away and these are others. [Therefore, we follow the principle:] Whenever there is a doubt whether [doves] have been designated or not, they are forbidden.

If he designated two and found three, they are all forbidden.If he designated three and found two, they are permitted. If he designated doves inside the nest, but found them in front of the nest, he is permitted to take them, provided that these were the only doves in the nest, and they are unable to fly. Although there is another nest within fifty cubits at a diagonal, these doves are permitted, for doves that waddle, waddle only in a straight line to their nests.

7 [The following rules apply to] fish in large ponds, beasts and fowl in large pens, and any other beast that has to be snared to the point where it is necessary to say, "Bring a net so that we can snare it": [Such a living creature] is considered *muktzeh* and may not be snared on a holiday. If it is snared, it may not be eaten.

[By contrast,] every [living creature that can be snared] without a net is considered to be designated. It may be snared on a holiday and we may partake of it.

Similarly, when a wild beast establishes its home in an orchard near a city,

its small offspring that do not require [effort to] capture need not be designated, because one has in mind [to take] them [for food for the holiday].

8 Although on the day before a holiday a [hunter] set snares for a beast, fowl, or for fish, on the holiday itself he should not take the living creatures that were captured unless he knows that they were captured before the holiday.

When a person makes a dam in a water conduit on the day before the holiday, and gets up early the next morning and finds fish there, they are permitted. They were already trapped before the commencement of the holiday. [Hence,] they are considered to be designated [to be eaten].

9 When a [closed] building was filled with produce that had been designated [for use] and was opened [by natural forces on a holiday], one is permitted to take [produce] from the opening.

A person who stands and surveys fruit set out to dry on the day prior to a holiday in the Sabbatical year, when all the produce is ownerless, must make a mark and say, "I will take [the produce] from here to here." If he did not make a mark, he may not take [the produce].

10 [The following rules apply] when a gentile brings a present [of food] for a Jew on a holiday: If some of the type of produce that he brings is still attached to the ground [in the fields], or if he brought an animal, fowl, or fish that could possibly have been snared on the day [of the holiday], they are forbidden until the evening. [Moreover, one must wait] enough time

for it to have been possible to perform [the forbidden activity after the conclusion of the holiday]. Even [if the gentile brings] a myrtle or the like, one should not smell its fragrance until the evening, after waiting the time necessary [to pick it].

If none of the type of produce that he brings remains attached to the ground, or it is clear from the form [of the produce] that it was picked on the previous day, or it is clear from the form [of the fish or the animal] that they were caught on the previous day, they are permitted, provided they were brought from within [the city's 2000-cubit] limit. If they were brought from outside [the city's 2000-cubit] limit, they are forbidden.

Food that was brought from outside [the city's 2000-cubit] limit for one Jew is permitted to be eaten by another.

11 When branches fall from a palm tree on a holiday, it is forbidden to use them as firewood, because of the prohibition of *nolad*. If, however, they fell [directly] into an oven, one may add a larger quantity of wood prepared [for kindling], and may kindle them.

One may not begin taking from a pile of straw or a storage pile of wood [on a holiday] unless one prepared to do so on the previous day, for they are *muktzeh*. If the straw is mixed with thorns it is permitted, for its only [possible] use is for kindling.

12 It is forbidden to chop wood that had been placed in a pile of beams, for it is *muktzeh*. Nor may one [chop wood] from a beam that broke on a holiday, because it is *nolad*.Similarly, utensils that broke on a holiday may not be used for kindling, because they are *nolad*.

However, one may use utensils that are intact or utensils that were broken before the commencement of a holiday for kindling, for they were prepared to be used for purposes [other than that for which they were originally suitable] before the holiday.

Similarly, when nuts or almonds were eaten before the commencement of a holiday, their shells may be used for kindling on the holiday. If, however, they were eaten on the holiday, their shells may not be used for kindling.

There are, however, versions [of the Talmud] that read: If they were eaten before nightfall, we may not use their shells for kindling, because they have become *muktzeh*. If, by contrast, they were eaten on the holiday, they may be used for kindling, because they are considered to be designated for use, because of the food [they contained].

13 A freshly-cut thorny [branch] is *muktzeh*, because it is not fit for kindling. Therefore, one may not use it as a spit for roasting meat. The same applies in all similar situations.

14 We may take wood that is placed next to the walls of a hut to use for kindling, but we may not bring it from the field, even if it had been collected there on the day before [the holiday]. One may, however, collect wood lying before him in the field and kindle it there.

One may also bring [wood] that was stored in a private domain, even one that was not enclosed for the purpose of human habitation, provided it has a fence with a gate, and is located within the Sabbath limits. If even one of these conditions is not met, [the wood] is *muktzeh*.

15 Although the leaves of reeds or vines have been collected in an enclosure, since they can be dispersed by the wind it is considered as if they have already been dispersed, and [using them] is forbidden. If, however, one placed a heavy utensil over them before the holiday, they are permitted [to be used].

16 [The following rules apply when] an animal dies on a holiday: If it was very ill on the day before the holiday, one may cut it up [and feed it] to the dogs. If not, since he had not had it in mind, it is *muktzeh* and should not be moved.

When a consecrated animal dies or *terumah* becomes impure [on a holiday], it may not be moved.

17 Fish, fowl, and beasts that are *muktzeh* may not be given water on a holiday, nor is it permitted to place food before them. [This is a safeguard instituted] lest one come and take them.

Any [objects or living creatures] that are forbidden to be eaten or used on a holiday because they are *muktzeh* are also forbidden to be carried.

18 When a person brings earth into his domain on the day before a holiday, it is considered to be prepared for use, provided that he designates a corner of his courtyard as its place. It may then be carried and used for all his needs.

Similarly, ash that [came from fuel] burned on the previous day is considered to be prepared for use. If it [came from fuel] burned on the holiday itself, it is permitted for use as long as it is warm enough to cook

an egg, for it is still considered to be fire. If it is not [that warm], carrying it is forbidden, because it is *nolad*.

[The following rules apply when] a person has an iron shaft implanted in the ground before the holiday, and he pulls it outon the holiday, uprooting earth: If the earth is powdery, it may be used to cover [any spills], and it may be carried for that purpose. If, however, the person raised up a clod of earth, it may not be crumbled on the holiday.

Chapter 3

1 A person who has earth that has been prepared or ash that has been prepared and that may be carried may slaughter a fowl or a beast and cover their blood [on a holiday]. If he does not have earth that is prepared or ash that may be carried, he should not slaughter [a fowl or a beast on a holiday]. If he transgresses and does in fact slaughter [a fowl or a beast on a holiday], he should not cover its blood until the evening.

Similarly, on a holiday one should not slaughter an animal concerning which there is a doubt whether it is a wild beast or a domestic animal. If a person does slaughter [such an animal on a holiday], he should not cover the blood until the evening. [This applies] even when one had earth that was prepared or ash [available], lest an observer conclude, "This animal is definitively categorized as a beast, and its blood was therefore covered on the holiday." The observer might then [err] and consider the fat of [this animal] to be permitted.

2 Similarly, if a person slaughtered a beast or a fowl before a holiday [and

did not cover the blood at that time], he may not cover it on the holiday.

If a person slaughtered both a domestic animal and a beast or a fowl on a holiday, and their blood became mixed, he should not cover it until the evening [following the holiday]. If he had earth that was prepared or ash, and it is possible for him to cover all [the blood] with one shovelful, he should do so.

3 A person who slaughters an animal on a holiday is permitted to pull off the wool by hand from the place where he wishes to slaughter it, provided he does not remove it from its place, but rather leaves it there tangled with the remainder of the wool of the animal's neck.

[When slaughtering] a fowl, by contrast, one may not pull out the feathers, for [doing so by hand] is the usual procedure. Thus, one would be performing [the forbidden labor of] pulling out [feathers] on a holiday.

4 When a person skins the hide of an animal on a holiday, he should not salt it. For [salting] is one of the leather-making processes, and thus one would be performing a forbidden labor that is not necessary for [the preparation of] food.

One may, however, deposit it in a place where people will tread on it, so that it will not spoil. This leniency was permitted only for the sake of the holiday celebrations, so that a person will not refrain from slaughtering [an animal].

It is permitted to salt meat to be roasted on this hide. One may act with guile regarding this matter. What is implied? One may salt a small portion of meat on this place, another small portion in another place, until the

entire hide has been salted.

5 When does the above apply? When one is salting the meat for roasting, and much salt is not required. If, however, one [is salting it for] cooking, [and much salt is required], it is forbidden to salt [the meat] on a hide.
Similarly, it is forbidden to salt fats, nor may one flip them or spread them on staves in the wind, because they are not fit to be eaten.

6 When a person skins an animal on a holiday, he should not employ the technique referred to as *regol*. What is meant by *regol*? The person removes all the meat from [a hole made] at one foot, leaving the entire hide intact, without being torn. [This is forbidden] because this means of skinning involves great effort, and it is not necessary for the holiday.
Similarly, it is forbidden to cut a handle into the meat. [The prohibition applies] only when the handle is made with a knife, thus restricting [the butcher] from following his ordinary practice. [A butcher] may, however, make a sign in the meat.

7 We may pour hot water over the head and the feet [of a slaughtered animal] and singe it with fire [to remove its hair]. We may not, however, apply lime, clay, or loam [for that purpose]. Nor may we trim it with scissors.
We may not pare a vegetable in a decorative fashion. We may, however, trim food that has thorns - e.g., artichokes or cardoon - in a decorative fashion.

8 It is permitted to knead a large dough on a holiday. If a person kneaded

dough on the day before a holiday, he may not separate *challah* from it on the holiday. If he kneaded it on the holiday, he may separate *challah* and give it to a priest.

If the dough is impure, or the *challah* became impure, the *challah* should not be baked, for we are allowed to bake on a holiday only for the sake of eating, and this [*challah*] must be burned.

We may not burn it on a holiday, because we do not burn sacred food that became impure on a holiday. For the burning of sacred food that became impure is a positive commandment, as [**Leviticus 7:19**] states: "And you shall burn it with fire"; and performing a [forbidden] labor [on a holiday] that is not necessary for the sake of [the preparation of] food and the like [nullifies] both a positive commandment and a negative commandment. And the fulfillment of a positive commandment does not override the fulfillment of both a positive commandment and a negative commandment.

9 What should one do with [this impure *challah*]? Leave it until the evening and burn it [then].

On the holiday of Pesach, when leaving [the *challah* unburned until the day after the holiday] will cause it to become leavened, one should not separate the *challah* [from] the dough. Instead, one should bake the entire impure loaf, and then separate the *challah* after it has already [been baked as matzah].

10 We may not bake in a new earthenware oven on a holiday. [This is] a decree [instituted] lest [the oven] crack open, spoiling the bread, and

tainting the person's festive joy.

We may not rake out [the coals and ash] of an oven or a range; we may, however, press them down. If baking or roasting in it is impossible unless we rake out [the coals and ash], it is permitted to do so.

We may seal the opening of an oven with mud or sediment from a river bank, provided it was made soft on the previous day. It is forbidden to mix mud on a holiday. We may, however, mix ashes with water [to form a clay-like mixture] to seal the opening of an oven.

11 We may not apply oil to a new range or oven on a holiday, nor may we rub it with a cloth, nor apply cold water to it [after heating it] to seal it. When it is necessary [to apply cold water to lower an oven's temperature] so that one can bake [within], it is permitted to do so.

We may not heat stones [with the intent] of roasting or baking upon them, because this seals them. We may heat or bake in an earthenware oven and heat water in a cauldron.

12 We may not make cheese on a holiday. For cheese will not lose its flavor if it is prepared on the day before the holiday. In contrast, one may crush spices in the ordinary manner [on a holiday], for if they were crushed before the holiday, they would lose flavor. Salt, however, may not be crushed on a holiday unless one tilts the pestle, crushes it in a bowl, or deviates from the norm in another way. [This restriction was instituted] because salt will not lose its flavor if crushed before the holiday.

We may not grind pepper in a pepper mill. Instead, we must crush it in a pestle like other spices.

13 We may not crush groats in a large grinder. We may, however, crush them in a small grinder, this being the [required] deviation from the norm. In *Eretz Yisrael*, it is forbidden to do so using even a small grinder, for the grain [that grows there] is of a higher quality, and will not lose [its flavor] if crushed before the holiday.

14 Although flour was sifted on the day prior to the holiday, and its bran removed, it may not be sifted again on a holiday unless a pebble, a sliver of wood, or the like fell into it. This is permitted, however, if one deviates from the norm by sifting with the back of the sifter, sifting over the table, or the like.

15 One may remove grain from husks, remove legumes from their pods, and blow air over them [to cause the husks to fall], using both hands with all one's power, and then partake of them. One may use a tray, or a pot with compartments, but not a sifter or a strainer.
Similarly, a person who separates [the pods of legumes from] the legumes [themselves] on a holiday may separate them in an ordinary way in his bosom, and in a pot. He may not, however, use a strainer, a tablet, or a sifter.

16 When does the above apply? When there is more food than waste. When, however, there is more waste than food, one should separate the food and leave the waste. If, however, more difficulty is involved in separating the waste from the food than in separating the food from the waste, one should separate the food from the waste even when there is more food

than waste.

17 We may not filter mustard using a filter designated for that purpose, since it appears that one is [performing the forbidden labor of] selecting. We may, however, [mix] a raw egg [with mustard] in a mustard strainer, and [the mustard] will undergo a process of refinement naturally.

If a filter was already hanging [over a container before the commencement of the holiday], it is permitted to filter wine through it on the holiday. By contrast, a person may not hang a filter on a holiday, so that he will not be following his weekday practice. One may, however, act with guile, and hang the filter to hold pomegranates, use it for that purpose, and then hang the dregs of wine in it [so that the wine will filter through].

Chapter 4

1 We may not ignite a flame from wood, from stone, or from metal - i.e., by rubbing these surfaces against each other or striking them against each other until a spark is created. Similarly, we may not shake combustible gas which resembles water and can be ignited by shaking it. [Similarly, we may not take] a clear but firm utensil or a glass filled with water and position it in the rays of the sun so that it will radiate light on flax or the like and ignite it. All these and [any] similar activities are forbidden on a holiday.

[Our Sages] permitted kindling a flame only from an existing flame. To ignite a fire is forbidden, because it is possible to ignite the fire before the holiday.

2 Although kindling a flame on a holiday is permitted even when there is no necessity, it is forbidden to extinguish a fire. [This applies] even to a fire that is necessary to be kindled for the sake of the preparation of food. For extinguishing [a flame] is a [forbidden] labor, and it is not at all necessary for the preparation of food.

Just as one may not extinguish a fire, one may not extinguish a candle. A person who extinguishes [on a holiday] should be [punished by] lashes just like one who weaves or builds.

3 It is forbidden to lift the opening of a lamp upward so that it will be extinguished, nor may one remove oil from it, nor may one cut off the top of the wick with a utensil. One may, however, flick the top of the wick with one's hand [to remove the charred portion].

When a bundle of wood has been lit in a fire, it is permitted to remove any piece of wood that did not catch fire. This does not resemble removing oil from a lamp.

4 It is forbidden to extinguish a fire to save one's money on a holiday, just as extinguishing it on the Sabbath is forbidden. Instead, one should abandon [the burning possessions].

We may not extinguish a candle [so that it will be permitted to engage in] sexual relations. Instead, one should cover it with a utensil, erect a partition, or carry it to another room. If none of these alternatives is feasible, it is forbidden to extinguish the candle and it is forbidden to engage in relations until the candle burns out.

5 One may carry a candle while it is burning. [Our Sages] did not impose a decree against this lest it become extinguished. It is forbidden to place a candle on a palm tree or the like on a holiday, lest one come to make use of an object that is still [growing in the ground] on a holiday.

6 We may not burn incense on a holiday, for by doing so one extinguishes. [This restriction applies even] when one desires to smell [its fragrance]. Surely this is true when one's intent is to impart a fragrance to one's house or one's clothes.

It is permitted to smoke produce so that it will be fit to eat, just as it is permitted to roast meat over a fire. One may sweeten mustard using a glowing piece of metal, but one may not use a piece of charred wood for that purpose, because in the process one extinguishes.

It is forbidden to extinguish a fire so that one's food or one's house will not become smoky.

7 We may not blow [on a fire] with a bellows on a holiday, so that we do not follow a craftsman's practice. One may, however, blow with a tube.

We may not make charcoal. Nor may we braid wicks, singe them, or cut them in two with a utensil. One may, however, squeeze [a wick until it becomes firmer] by hand. [Similarly, one may] soak it in oil, and one may place it between two lamps [with one end in each], and light it in the middle, thus causing the wick to be divided for each of the lamps.

8 It is forbidden to break an earthenware shard or cut a piece of papyrus over which to roast [fish]. One may not break a reed to use as a spit with

which to roast salted [meat or fish]. When a spit has become bent, fixing it is forbidden, even when one can straighten it with one's hands.
When two utensils have been attached from the time they were originally fashioned - e.g., two lamps or two cups - it is forbidden to break them into two, since by doing so one makes a utensil fit for use.

9 We may not sharpen a knife with a sharpener. One may, however, whet it on wood, on a shard, or on a stone. This law should not be publicized, lest [the indiscriminate] come to sharpen it using a sharpener.
When does the above apply? When one is able to [use the knife to] cut with difficulty, or if it was nicked. If, however, one is unable to use it to cut at all, one may not even whet it on wood, lest one come to sharpen it using a sharpener.
For this reason, it is forbidden to give a knife to a sage to inspect on a holiday, lest he detect a nick and therefore forbid the use of the knife for slaughtering, and as a result the person will sharpen the knife with a sharpener. If a sage has inspected his own knife, he may lend it to an unlearned person.

10 We may not chop trees on a holiday using an axe, a sickle, or a saw. [One may use] only a butcher's mace, employing its sharp side. One may not employ its wider side, because that is like an axe.
Why did the Sages forbid using an axe and the like? So that one will not follow one's weekday practice, for it is possible for a person to chop wood on the day prior to the holiday.
Why didn't the Sages forbid chopping wood entirely? Because it is

possible that a person will find a particularly thick log that will not catch fire, and therefore he will be prevented from cooking. Therefore, they permitted him to chop the wood in an atypical manner. In all similar instances, it was for such reasons that [the Sages] permitted whatever they permitted and forbade whatever they forbade.

11 A woman should not walk among piles of wood to look for a branch [appropriate to use as a spit] for roasting. One may not support a pot or a door with a block of wood, for carrying wood on a holiday was permitted solely for the purpose of kindling.

12 One may remove the shutters of [cabinets in] stores and return them on a holiday in order to take out spices that one needs from the store, so that one will not be prevented from [experiencing] festive joy.

When does the above apply? When the shutters have a hinge in the middle. If, however, the hinge is on the side, it is forbidden. [This is] a decree, [instituted] lest one attach it [firmly]. If the shutters do not have hinges at all, it is permitted to return them even at home.

13 Utensils made of detachable parts - e.g., candelabra made up of several pieces or a chair or table made up of pieces - may be constructed on a holiday provided one does not firmly attach the pieces. [This is permissible] because the forbidden labor of building does not apply to utensils.

It is permitted to stack stones to use as a toilet. [Stacking them creates] only a temporary structure, and because of respect for human dignity [the

Sages] did not institute any restrictions [regarding this matter].

14 When a person who makes a fire on a holiday sets up the wood, he should not place one log on top of the other in an orderly fashion, for this looks like building. Although this is merely a temporary structure, it is forbidden. Instead, he should either unload all the logs in disarray, or arrange them in order using an irregular manner.
What is implied? One should place a log on top and then place another below it, and then another even lower, until one reaches the ground.

15 Similarly, with regard to a pot, one should hold [the pot] and place the stones [to be used as a tripod] beneath it. One may not place the pot on the stones. Similarly, when erecting a bed one should hold the boards above, and place the legs under them. Even when stacking eggs, one should not stack one row above another row until one has erected a tower. Instead, one should depart from one's regular pattern and build from the top downward. Similarly, all other comparable situations require a departure from the norm.

16 We are permitted to remove fleas that attach themselves to the skin of an animal, although this causes a wound. We may not, however, deliver an animal on a holiday, but we may help [the mother] give birth.
What is implied? We may hold the calf so that it will not fall on the ground, blow into its nostrils, and place [its mother's] teat in its mouth. If it is a kosher animal and its mother has rejected it, we may pour her afterbirth over it and place a block of salt in her womb, so that she will

respond mercifully to it. It is forbidden to do this for a non-kosher animal [that has rejected the animal which it has borne], for the activity is of no avail.

17 When a utensil becomes impure on the day prior to the holiday, it is forbidden to immerse it on the holiday, lest [this leniency cause him] to leave it in a state of impurity [until the holiday]. If, however, it is necessary for the person to immerse the water in [an impure] vessel, he may immerse the vessel together with its water, without any qualms.

It is permitted to immerse a utensil that was ritually pure with regard to *terumah*, so that one could use it for sacrificial foods. The same applies with regard to other immersions, which are required to ascend to a higher level of ritual purity.

18 When a utensil becomes impure on a holiday, it may be immersed on the holiday. When a utensil becomes impure as a result of contact with liquids that are a secondary source of impurity, the utensil may be immersed on the holiday, because according to Scriptural law it is ritually pure, as will be explained in the appropriate place.

We may draw water [from a well] with a bucket that is ritually impure, although it becomes ritually pure in the process.

A woman who is impure because of menstrual bleeding and who has no pure clothes [into which] to change [after her immersion] may act with guile and immerse herself in her clothes.

19 Our Sages forbade many activities on a holiday as a decree, [instituted]

lest people become involved in commercial activity.

What is implied? At the outset, one should not set a price for an animal on a holiday. Instead, one should bring two animals of equal value, and slaughter one of them and divide the meat among [the interested parties]. On the following day, the price should be established by [evaluating] the second animal. Each of the parties should pay according to the portion they took.

When these parties divide [the meat] among themselves, they should not say, "I will take a *sela's* worth. Take two *selaim* worth yourselves," for it is forbidden to mention money at all. Instead, one should take a third of the animal, another a fourth, [dividing it in fractional portions].

20 When they divide [the meat], they should not weigh it on a scale, for a scale should not be used at all [on a holiday]. Indeed, when a scale is hanging, it is forbidden to place meat on it to protect [the meat] from [being taken by] mice, because it appears as if one were weighing meat on a scale.

An experienced butcher may not weigh meat by hand. Nor may one weigh [meat] using a container filled with water.

We may not cast lots for portions [of meat]. We may, however, cast lots for sacrificial meat on a holiday in order to encourage endearment for the mitzvot.

21 A person should not tell a butcher, "Give me a *dinar's* worth of meat." Instead, he should say, "Give me a portion" or "...half a portion." On the following day, they should reckon its worth.

Similarly, a person should not take a [specific] measure or weight [of goods] from a storekeeper. What should he do instead? He should tell the storekeeper, "Fill this container for me," and on the following day he should pay him for its value. Even if it is a container that is used for measuring, he may fill it, provided he does not mention any [specific] measure.

22 A chef may measure spices and add them to a dish so that the food will not spoil. A housewife, by contrast, should not measure [the quantity of] flour [to use] for dough, nor should a man measure the barley groats he places before his animal. Instead, he should approximate [the appropriate amount], and give that to it.

23 It is permitted to take a specific number of eggs and nuts from a storekeeper. The same is true for other similar products, provided one does not mention money or the sum of his account.

What is meant by "the sum of his account"? When a person owes [a storekeeper] for ten pomegranates or ten nuts, he should not tell him on a holiday, "Give me ten more so that I will owe you for twenty." Instead, he should take the [second ten] without any comment and make a reckoning on the following day.

24 A person may approach a storekeeper, a shepherd, or a person who raises animals and with whom he frequently does business and take an animal, fowl, or anything else that he requires. This is permitted provided one does not mention money or the sum of his account.

25 We may sue [for the payment of] a loan granted on a holiday in a court of law. For if no suit could be brought, no one would ever give [a borrower] anything, and he would be prevented from celebrating on the holiday.

26 Although it is forbidden to separate *terumah* or the tithes on a holiday, if a person has *terumah* or tithes that he had separated on the previous day, he is permitted to bring them to a priest on the holiday. Needless to say, [it is permitted] to bring challah, and the foreleg, the jaw, and the maw [of an animal that is slaughtered] to a priest on a holiday.

Collectors for a charitable fund may collect [food] from courtyards on holidays. They should not, however, announce [their presence] as they do during the week. Instead, they should make their appeal in a modest manner, [the donations] should be given them, and then they should distribute them to every neighborhood separately.

Chapter 5

1 Although the Torah allowed carrying on a holiday even when it is not necessary [for the preparation of food], one should not carry heavy loads as he is accustomed to do on a weekday; instead, he must depart [from his regular practice]. If, however, making such a departure is impossible, it is permitted.

What is implied? A person who brings jugs of wine from one place to another place should not bring them in a basket or in a container. Instead, he should carry them on his shoulder or in front of him. A person who is carrying hay should not sling the bale over his shoulder. Instead, he

should carry it in his hands.

2 Similarly, loads that a person might ordinarily carry with a pole should be carried on his back. Those that are ordinarily carried on one's back should be carried on one's shoulder. And those that one usually carries on one's shoulder should be carried in one's hands before him, or a cloth should be spread over them. Similarly, one should depart from one's ordinary practice with regard to carrying loads. If it is impossible to depart from one's ordinary practice, one may bring the load in the ordinary manner.
When does the above apply? When a person is carrying the burden. If, however, an animal is carrying the burden, one should not bring them at all, so that one does not follow one's weekday practice.

3 We may not direct an animal with a staff, nor may a blind man go out with a cane, nor may a shepherd carry his pack.
Neither a man nor a woman may be carried out in a chair, so that the ordinary weekday practice will not be followed. A person whose presence is required by many may be carried out on a chair on another person's back. Similarly, he may be carried out in a litter, even on people's shoulders.

4 We may not move a ladder used for a dovecote from one dovecote to another in the public domain, lest [an observer] say, "He is moving [the ladder] to fix his roof."
It is, however, permitted to move such a ladder in a private domain. Although all the restrictions instituted by the Sages because of the

impression that might be made on an onlooker normally apply even in the most private places, leniency was granted in this instance [to increase] rejoicing on the holiday.

5 A person who has [left] produce [to dry] on his roof and who must move it from one place to another should not pass it from one roof to another roof - even if both roofs are of the same height - nor should he lower it by a rope from a window or carry it down a ladder. [These restrictions were instituted] so that he will not follow his ordinary practice. He may, however, throw it down through an aperture, [thus moving it] from place to place on one roof.

If one slaughters an animal in a field, one should not carry it to the city [hanging from] a small or large pole. Instead, one should carry [its meat] limb by limb.

6 On a holiday it is permitted to send a colleague any article from which one could benefit on a weekday, even though one cannot benefit from it on a holiday - e.g., tefillin. Needless to say, one may send [a colleague] articles from which one may benefit on the holiday itself - e.g., wine, oil, and fine flour.

When, however, one could not derive benefit from an article on a weekday unless one performed a task whose performance is forbidden on a holiday, one may not send that article to a colleague on a holiday.

7 What is implied? One may not send grain, because one does not benefit from it on a weekday unless one grinds it, and it is forbidden to grind on

a holiday. We may, by contrast, send legumes, since one may cook them on a holiday or roast them, and eat them.

We may send a beast, a domestic animal, or a fowl on a holiday even when alive, because it is permitted to slaughter them on a holiday. The same rules apply in other similar situations.

8 When one sends a colleague as a present any article that is permitted to be sent on a holiday, one should not send it with a delegation. A delegation includes at least three people.

What is implied? When one sends a colleague animals or wines with a group of three people who walk together, or four who walk one after the other, and they all walk in a single line, this is forbidden, so that one does not follow one's weekday procedure.It is permitted, however, to send three different types [of articles] with three people who walk together.

9 When a person establishes an *eruv t'chumim* for a holiday, his animal, his articles, and his produce are bound by the same restrictions as he is. They also may not be taken beyond two thousand cubits in all directions from the place where the person established his *eruv*.

10 [The holiday limits] of ownerless articles follow the limits of those who acquire them. [The holiday limits] of articles belonging to a gentile are determined by their place [at the commencement of the holiday]. They are granted [only] two thousand cubits in all directions from this place. This is a decree. [Our Sages placed restrictions on articles] belonging to gentiles, because of articles belonging to Jews.

When produce was taken beyond [the holiday limits] and returned - even if this was done with a conscious intent to violate the prohibitions involved - there is no prohibition against moving it throughout [the holiday limits]. It is considered analogous to a person who was forcibly taken beyond [the holiday limits] and forcibly returned.

11 When a person entrusts an animal to his son, [the holiday limits] of the animal follow those of the father. If he entrusts [an animal] to a shepherd, even if he gives it to him on a holiday, its [holiday limits] follow those of the shepherd. If he entrusts it to two shepherds, its [holiday limits] follow those of the owner, since neither acquired [responsibility for it beforehand].

12 When a person invites guests on a holiday, [the guests] should not carry the portions [of food they were given] to a place where their host may not go himself. For the [holiday limits] of [the food served at] the feast depend on those of the host, and not on those of the guests. [These restrictions apply] unless [the host] granted [the guests] their portions [as presents via] another individual before the commencement of the holiday.

13 Similarly, when produce belonging to a person was left in another city for safekeeping, and the inhabitants of that city established an *eruv [t'chumim]* so that they could visit [the owner], they should not bring him his produce. For his produce [is governed by the same laws] as he is, even though it was [entrusted] to people who established an *eruv [t'chumim]*.
When does the above apply? When the people to whom the produce was

entrusted have designated a corner of their property for it. If, however, they did not designate [a place for the produce], its [holiday limits] follow those of the people to whom it was entrusted.

14 [The holiday limits of the water in] a cistern belonging to one person follow those of the owner. If a cistern is owned by a city, [the holiday limits of its water] follow those of the inhabitants of the city. [The holiday limits of the water in a cistern made] for the festive pilgrims coming from Babylon, which is donated to the public at large, follow those of the person who draws the water. Whoever draws water may carry it wherever he is allowed to proceed.

[The holiday limits of the water in] springs that flow freely follow those of all people. Even if [the water] flows from outside the [holiday] limits within those limits, we may draw water from [such springs] on the Sabbath. Needless to say, this is permitted on a holiday.

15 [The holiday limits of] an ox belonging to a herder follow those of the inhabitants of his city. [The holiday limits of] an ox fattened for slaughter follow those of the person who purchased it with the intention of slaughtering it on the holiday [even if he lives outside the city]. [This leniency was granted] because the fact that it was fattened for slaughter makes its reputation well known, and many come to purchase it [even from afar].

Similarly, if the owner slaughtered [such an ox] on a holiday and sold its meat [to many different people], each of the purchasers may bring the meat to any place where he is allowed to proceed himself. [The reason for

this leniency is] that on the day before the holiday, [the ox's] owner had the intent that people from [surrounding] villages would purchase [its meat]. Therefore, this ox is comparable to a well designated for festive pilgrims, [the water of] which is provided to the public at large.

16 [The holiday limits of] a coal follow those of its owners, and not those of a person who borrows it. [Those of] a flame, by contrast, follow those of the person carrying it. Therefore, a person who lights a lamp or a piece of wood [from] a colleague's [flame] may carry it to any place where he is permitted to proceed himself.

17 When on the day prior to a holiday, a person [secures] a colleague's [consent] to lend him a utensil, [on the holiday, the holiday limits of] the utensil follow those of the borrower, even when [the owner] did not give him the utensil until [after the commencement of] the holiday.
When a person borrows a utensil on the holiday, even if he always borrows this utensil from [its owner] on a holiday, [the holiday limits of the utensil] follow those of the owner.

18 When [before a holiday commences] two people both [arrange to] borrow the same cloak [from a person on the holiday], one [asks] to borrow it on the morning and the other [asks] to borrow it towards evening, [the holiday limits] of this [cloak] are dependent on those of both borrowers. They may not bring it to a place other than one to which they both may proceed.

19 What is implied? If the first established an *eruv [t'chumim]* that was one

thousand cubits to the east of the cloak, and the other established an *eruv* that was five hundred cubits to the west of the cloak, when the first person takes the cloak he may move it no more than one thousand five hundred cubits to the east of the cloak's present location. For this is the end of the holiday limits to which the person who established his *eruv* to the west may proceed.

When the second person takes the cloak, he may move it no more than one thousand cubits to the west of the cloak's present location. For this is the end of the holiday limits to which the person who established his *eruv* to the east may proceed.

Based on the above, if one person established his *eruv* two thousand cubits to the east of the cloak and the other established his *eruv* two thousand cubits to the west [of the cloak], they may not move it from its place.

20 Similarly, when a woman borrows water or salt from a friend to use in the kneading of dough or in the preparation of food, [the holiday limits of] the dough or the food are dependent on those of both women.

By the same token, if two people purchased an animal in partnership and slaughtered it on a holiday, [the holiday limits of] the meat are dependent on those of both [partners]. If, by contrast, they purchased a jug [of wine] in partnership, and divided it on the holiday, [the holiday limits of] each partner's portion follow those of [its owner].

[What is the difference between these two laws? In the latter instance,] since the [prohibition against going beyond the holiday] limits is Rabbinic in origin, the principle of *b'reirah* applies. Thus, it is considered as if the portion that is given to [either partner] were distinct and separated as his

in the jug before the holiday; [i.e.,] it is as if [the two portions of wine] were not mixed with [the other].

This cannot be said with regard to an animal. Even if the portion that was given to [either partner] were considered to be separated within the animal, and it is as if it were distinct [leniency cannot be shown in this instance]. For the portion derived nurture from the portion belonging to the other colleague while the animal was alive, since all of an animal's limbs derive nurture from each other. Thus, all the animal's limbs are considered as being intermingled with the portions belonging to both partners. Therefore, [the holiday limits of the animal] are dependent on both of them.

Chapter 6

1 When a holiday falls on Friday, on the holiday that precedes the Sabbath we may not bake or cook the food that will be eaten on the Sabbath. This prohibition is Rabbinic in origin, so that one will not prepare food on a holiday for a subsequent weekday. For a person will make the deduction: Since he is not [allowed to] cook for the Sabbath [on a holiday], surely, [he may not cook] for a weekday.

Therefore, a person who prepares a portion of food on the day prior to the holiday, and he relies on it, is permitted to cook and bake for the Sabbath on the holiday. The portion of food on which he relies is referred to as an *eruv tavshilin*.

2 Why is this called an *eruv*? [Because it creates a distinction.] The *eruv* that

is established in courtyards and lanes on the day before the Sabbath is intended to create a distinction - so that people will not think that it is permitted to transfer articles from one domain to another on the Sabbath. Similarly, this portion of food creates a distinction and a reminder, so that people do not think that it is permitted to bake food on a holiday that will not be eaten on that day. Therefore, the portion of food is referred to as an *eruv tavshilin*.

3 The [minimum] measure of an *eruv tavshilin* is a portion of food the size of an olive. This suffices both for a single person and for a thousand.
This *eruv* may not be established with bread, with cereal, or the like. Instead, a portion of cooked food that is served together with bread - e.g., meat, fish, eggs, and the like - must be used. [Nevertheless, one need not set aside a portion of choice food.] Even lentils [left] at the bottom of the pot [are sufficient]. Moreover, one may even rely on the fat that is left on the knife used to cut roast meat. If an amount the size of an olive is left when one scrapes it off, one may use it for an *eruv tavshilin*.

4 With regard to such an *eruv*, the term "cooked food" also includes food that was roasted, stewed, pickled, or smoked. Even small fish that are prepared to be eaten by pouring hot water over them can be relied upon [for an *eruv tavshilin*].

5 This *eruv* must be accessible until one has baked all that one must bake, cooked all that one must cook, and heated all the water one requires [for the Sabbath]. If the *eruv* is eaten, lost, or burned before one has cooked or

baked [for the Sabbath], one may no longer bake, cook, or heat water, except what one requires for the holiday.

If one has already begun [kneading] a dough or [preparing] a portion of food, and the *eruv* is eaten or lost, one may complete the preparation [of this loaf or portion].

6 When a person sets aside an *eruv tavshilin* so that he and others may rely on it, he must grant others a portion as one grants them a portion with regard to the *eruvin* employed on the Sabbath.

Whoever is allowed to acquire a portion [on behalf of others] with regard to the *eruvin* of the Sabbath, may acquire a portion [on their behalf] with regard to an *eruv tavshilin*. Conversely, whoever is not allowed to acquire a portion [for others] with regard to those *eruvin* may not acquire a portion [for them] with regard to this [*eruv*].

7 It is not necessary to notify the others whom one grants a portion [in the *eruv*] before the commencement of the holiday. However, they must know that someone has granted them a portion and established an *eruv* before they rely on it for cooking and baking. Even if they did not receive notification until the holiday itself, they are permitted [to rely on it].

A person may establish an *eruv* on behalf of all [the inhabitants of] a city, and all those within its [holiday] limits. On the following day, he may announce, "Whoever did not establish an *eruv tavshilin* may rely on my *eruv*."

8 A person who establishes an *eruv* is required to recite [the following]

blessing: "Blessed are You, God, our Lord, King of the Universe, who has sanctified us with His commandments and has commanded us concerning the mitzvah of *eruv*."

[At this time,] he should say: "With this *eruv*, I will be permitted to bake and to cook tomorrow on the holiday for the Sabbath." If he includes others in the *eruv*, he should say "...for me, and for so and so, and so and so...," or "for all the inhabitants of the city to bake and cook on the holiday for the Sabbath."

9 When a person did not establish an *eruv* himself, and others did not include him in [their *eruvin*], just as he is forbidden to cook and bake, his flour and his food are forbidden [to be used on the holiday]. It is thus forbidden for another person who himself established [an *eruv*] to cook or to bake for the person who did not establish [an *eruv*, using provisions belonging to the person who did not establish an *eruv*], unless he transfers ownership of his food [to the person who established an *eruv*].

[If this transfer is made, such an arrangement is permitted, because the person who established an *eruv*] is cooking and baking [with] his own [provisions], for their ownership was transferred [to him]. If, afterwards, the person [who established an *eruv*] desires, he may give [this food] as a present to the person who did not establish [an *eruv*].

10 When a person did not establish an *eruv tavshilin* and cooked and baked [food] to eat on [the holiday], and there was [food] left over, or he invited quests and they did not come, he may eat the remainder on the following day. If, however, he acted with guile[with regard to this matter], he is

forbidden to partake [of this food].

If the person transgressed and cooked and baked [on the holiday] for the Sabbath without establishing an *eruv tavshilin*], it is not forbidden [for him to partake of it]. Why did [our Sages] judge a person with guile more severely than a person who willfully transgresses, [imposing] prohibitions [on the former and not on the latter]? Because if leniency were granted to a person who acts with guile, everyone would act with guile, and the entire concept of *eruv tavshilin* would be forgotten. To violate [Torah law] consciously, by contrast, is a rare phenomenon, and the fact that a person transgresses once does not mean that he will transgress in the future.

11 When the two days of a holiday [celebrated in the diaspora] fall on Thursday and Friday, an *eruv tavshilin* should be established on Wednesday, the day before the holiday. If a person forgot and did not establish [an *eruv* before the holiday], he should deposit the *eruv* on the first day, and make a stipulation.

What is implied? He should deposit his *eruv tavshilin* on Thursday and say, "If today is a holiday, and tomorrow is a weekday, I will cook and bake for the Sabbath tomorrow, for there is no requirement. If today is a weekday, and tomorrow is a holiday, with this *eruv* I will be permitted to bake and to cook tomorrow, on the holiday, for the Sabbath."

12 To cite a similar example: when a person possesses two baskets of produce from which *terumah* was not separated, on the first day of the holiday he should say, "If today is a weekday, may this [basket] be considered *terumah* for [the other basket]. If today is a holiday, then may my words

be of no consequence." He should then designate [the basket as *terumah*] and leave it.

On the second day [of the holiday], he should return and say, "If today is a holiday, then may my words be of no consequence. If today is a weekday, may this [basket] be considered *terumah* for [the other basket]." He should then designate [the same basket as *terumah*] and leave it as he did on the first day. [After] depositing the basket that he designated as *terumah*, he may partake of the other one.

13 When does the above apply? With regard to the two days observed as holidays in the diaspora. Concerning the two days observed as the holiday of Rosh HaShanah, by contrast, a person who forgot and did not establish an *eruv* on Wednesday does not have another opportunity to establish [an *eruv*]. He should either rely on the *eruv* established by others on his behalf, transfer ownership of his flour to someone who established an *eruv*, or be forbidden to bake and cook for the Sabbath.

Similarly, a person who did not separate *terumah* on Wednesday may not separate it until Saturday night.

14 The above concepts applied only when the High Court of *Eretz Yisrael* would sanctify [the new moon] based on the observation [of witnesses], and the Jews in the diaspora would celebrate two days [as a holiday] to avoid the doubt, for they did not know the date on which the inhabitants of *Eretz Yisrael* sanctified [the new moon]. At present, however, the inhabitants of *Eretz Yisrael* follow a fixed calendar and sanctify [the months accordingly]. Therefore, the second day of a holiday is [observed],

not to avoid a doubt, but [to perpetuate] a custom.

15 I therefore maintain that a person may not establish on a conditional basis either an *eruv tavshilin*, an *eruv chatzerot*, or a *shituf* in a lane. Nor may he tithe untithed produce on a conditional basis. Instead, he must perform [all such activities] on the day prior to the holiday.

16 Just as it is a mitzvah to honor the Sabbath and to take delight in it, so too, do [these obligations apply to] all the holidays, as [implied by **Isaiah 58:13**], "...sanctified unto God and honored." [This applies to] all the holidays, for they are called, "holy convocations." We have explained the obligation implied by honor and delight in *Hilchot Shabbat*.

Similarly, it is proper for a person not to partake of a [significant] meal on the day before a holiday from mid-afternoon onward, as on Friday. For this is also an expression of honor.

Everyone who treats the holidays with disrespect is considered as if he became associated with idol worship.

17 It is forbidden to fast or recite eulogies on the seven days of Pesach, the eight days of Sukkot, and the other holidays. On these days, a person is obligated to be happy and in good spirits; he, his children, his wife, the members of his household, and all those who depend on him, as [**Deuteronomy 16:14**] states: "And you shall rejoice in your festivals."

The "rejoicing" mentioned in the verse refers to sacrificing peace offerings, as will be explained in *Hilchot Chaggigah*. Nevertheless, included in [this charge to] rejoice is that he, his children, and the members of his

household should rejoice, each one in a manner appropriate for him.

18 What is implied? Children should be given roasted seeds, nuts, and sweets. For women, one should buy attractive clothes and jewelry according to one's financial capacity. Men should eat meat and drink wine, for there is no happiness without partaking of meat,nor is there happiness without partaking of wine.

When a person eats and drinks [in celebration of a holiday], he is obligated to feed converts, orphans, widows, and others who are destitute and poor. In contrast, a person who locks the gates of his courtyard and eats and drinks with his children and his wife, without feeding the poor and the embittered, is [not indulging in] rejoicing associated with a mitzvah, but rather the rejoicing of his gut.

And with regard to such a person [the verse, **Hoshea 9:4**] is applied: "Their sacrifices will be like the bread of mourners, all that partake thereof shall become impure, for they [kept] their bread for themselves alone." This happiness is a disgrace for them, as [implied by **Malachi 2:3**]: "I will spread dung on your faces, the dung of your festival celebrations."

19 Although eating and drinking on the holidays are included in the positive commandment [to rejoice], one should not devote the entire day to food and drink. The following is the desired practice:

In the morning, the entire people should get up and attend the synagogues and the houses of study where they pray and read a portion of the Torah pertaining to the holiday. Afterwards, they should return home and eat. Then they should go to the house of study, where they read [from

the Written Law] and review [the Oral Law] until noon.
After noon, they should recite the afternoon service and return home to eat and drink for the remainder of the day until nightfall.

20 When a person eats, drinks, and celebrates on a festival, he should not let himself become overly drawn to drinking wine, mirth, and levity, saying, "whoever indulges in these activities more is increasing [his observance of] the mitzvah of rejoicing." For drunkenness, profuse mirth, and levity are not rejoicing; they are frivolity and foolishness.
And we were not commanded to indulge in frivolity or foolishness, but rather in rejoicing that involves the service of the Creator of all existence. Thus, [**Deuteronomy 28:47**] states, "Because you did not serve God, Your Lord, with happiness and a glad heart with an abundance of prosperity." This teaches us that service [of God] involves joy. And it is impossible to serve God while in the midst of levity, frivolity, or drunkenness.

21 The [Jewish] court is obligated to appoint officers who will circulate [among the people] on the festivals and check the gardens, orchards, and river banks to see that men and women do not gather there to eat or to drink, lest they [conduct themselves immodestly and come to] sin.
Similarly, they must warn the people that men and women should not mix at festive gatherings in homes, nor should they overindulge in wine, lest they be led to sin.

22 The days between the first and the seventh days of Pesach and [the days between] the first and the eighth days of Sukkot are called Chol HaMo'ed

and are also called *mo'ed*. In the diaspora, there are four days during Pesach and five days during Sukkot.

Although we are obligated to celebrate on these days, and it is forbidden to deliver a eulogy or to fast, it is permitted to deliver a eulogy before the corpse of a Torah sage. After he is buried, however, it is forbidden to deliver a eulogy on these days.

Needless to say that on Rosh Chodesh, on Chanukah, and on Purim we may deliver a eulogy before the corpse of a Torah sage, although it is forbidden to fast or deliver a eulogy on these days. After the burial, however, it is forbidden to deliver a eulogy on these days.

23 The bier of a corpse should not be left in the street during [Chol Ha]Mo'ed, so that [no one] will be prompted to deliver a eulogy. Instead, it should be taken from the home to the grave.

We do not observe the rites of mourning during [Chol Ha]Mo'ed. Nor does one rend his garments, partake of the meal of solace [served after the burial], or bare his shoulder because of a deceased during [Chol Ha]Mo'ed, with the exception of the relatives who are obligated to mourn because of him.

If the deceased was a sage or an upright man, or one was present at his death, one should rend one's clothes because of his [death] during [Chol Ha]Mo'ed even though one is not related [to the deceased]. We may not rend our garments on the second day of a holiday at all; this applies even to the relatives of the deceased.

24 During [Chol Ha]Mo'ed women lament, but they may not pound their

hands on each other in grief or mourn. Once the corpse is buried, they may not lament. On Rosh Chodesh, Chanukah and Purim, they may lament and pound their hands on each other in grief before the corpse is buried, but they may not mourn.

What is meant by lamenting? That they all lament in unison. What is meant by mourning? That one recites [a dirge] and the others respond in unison.

It is forbidden for a person to have a eulogy recited for a deceased person thirty days before the festival, so that the festival will not arrive when he is sad, and his heart is grieved and hurting, because of the memory of [his] agony. Instead, he should remove the grieving from his heart and direct his attention toward joy.

Chapter 7

1 Although Chol HaMo'ed is not referred to as a Sabbath, since it is referred to as "a holy convocation" and it was a time when the *Chagigah* sacrifices were brought in the Temple, it is forbidden to perform labor during this period, so that these days will not be regarded as ordinary weekdays that are not endowed with holiness at all. A person who performs forbidden labor on these days is given stripes for rebelliousness, for the prohibition is Rabbinic in origin.

Not all the types of "servile labor" forbidden on a holiday are forbidden on it, for the intent of the prohibition is that the day not be regarded as an ordinary weekday with regard to all matters. Therefore, some labors are permitted on it, and some are forbidden.

2 These are [the labors that are permitted]: Any labor may be performed if it would result in a great loss if not performed, provided it does not involve strenuous activity.

What is implied? We may irrigate parched land on [Chol Ha]Mo'ed,but not land that is well-irrigated. For if parched land is not irrigated, the trees on it will be ruined.

When a person irrigates [such land], he should not draw water and irrigate [the land, using water] from a pool or rain water, for this involves strenuous activity. He may, however, irrigate it [using water] from a spring: whether an existing spring, or a spring that must be uncovered anew. He may extend the spring and irrigate [his land using this water]. The same applies in all similar situations.

3 A person may turn over his olives during [Chol Ha]Mo'ed, grind them, press them, fill jugs up with oil, and seal them as he does on weekdays. Whenever the failure to perform a labor would lead to a loss, one may perform the labor in its ordinary way without deviating from one's regular practice.

Similarly, a person may bring in his produce [to protect it] from thieves, provided he does so discreetly. A person may remove his flax from soaking so that it will not be spoiled, and one may harvest a vineyard during [Chol Ha]Mo'ed if the time to harvest it has come.

4 It is forbidden for a person to delay the performance of these or similar labors intentionally so that he will be able to perform them during [Chol Ha]Mo'ed when he has free time. Whenever a person ignores his work,

leaving it for [Chol Ha]Mo'ed with the intention of performing it then, and actually [begins] to do so, the [Jewish] court must destroy [the fruits of this labor] and/or declare it ownerless, [free to be acquired] by anyone.

If a person [delayed] his work, with the intention [of performing it on Chol HaMo'ed] and died, we do not punish his son, and cause him a loss. [On the contrary,] we do not prevent the son from performing the labor on [Chol Ha]Mo'ed so that he will not suffer a loss.

5 [The following rules apply when] a person must sew a garment or build a structure during [Chol Ha]Mo'ed: If he is an ordinary person and not skilled in the performance of that labor, he may perform it in his ordinary manner. If, however, he is a skilled craftsman, he [must deviate from his ordinary practice, and] perform the labor as an ordinary person would.

What is implied? When sewing, he should sew stitches as a weaver would. When building, he should place the stones down, but should not put mortar upon them. One may smooth [plaster over] cracks [in a roof] with a roller, with one's hands and with one's feet as one would do with a trowel. The same applies in other similar situations.

6 [The following rule applies when] a person has grain that is still growing in the ground, and he has no other food to eat except this [grain]: Although he would not suffer a loss [if he did not harvest the grain], we do not require him to buy what he needs at the marketplace and [wait] until after the festival to harvest.

Instead, he may harvest [the grain] he needs, collect it in sheaves, thresh it, winnow it, separate it, and grind it, provided he does not thresh it with

oxen. For any labor performed [during Chol HaMo'ed] that does not involve a loss must be [performed] in a manner departing from the norm. The same applies in other similar situations.

7 [Food] that one desires to pickle that can be eaten during a festival may be pickled [during Chol HaMo'ed]. If, however, the pickled food will not be ready until after the festival, it is forbidden to pickle it [during Chol HaMo'ed].

One may catch as many fish as one can during [Chol Ha]Mo'ed and salt them all, for it is possible for him partake of them during the festival if he squeezes them many times by hand until they become soft.

8 One may set beer to ferment during [Chol Ha]Mo'ed for the sake of the festival. If it is not for the sake of the festival, it is forbidden. This applies both to beer made from dates and beer made from barley.

Even if a person has aged beer, he may act with guile and [prepare fresh beer to] drink, for the guile of this act would not be noticeable to an observer. The same applies in other similar situations.

9 Whenever labors that are necessary for the festival are performed [during Chol HaMo'ed] by professionals, they must be performed in a private manner. What is implied? Hunters, millers, and grape-harvesters, whose intent is to sell their products in the marketplace, must perform these activities in a private manner for the sake of the festival. If these activities are not performed for the sake of the festival, [the products] are forbidden. If they perform these activities for the sake of the festival and the products

remain afterwards, they may be used.

10 We may perform [any labors that are] necessary for the sake of the community at large during [Chol Ha]Mo'ed.
What is implied? We may fix breaches in waterworks in the public domain; we may fix the highways and the roads; we may dig cisterns, trenches, and grottos for the public; we may dig rivulets so that they will have water to drink; we may store water in cisterns and grottos belonging to the public and may fix the cracks [in their walls]; we may remove brambles from the roads; and we may measure *mikvaot*. When the amount of water in a *mikveh* is lacking, we may direct water to it to complete its measure.

11 The agents of the court may go out to declare ownerless fields that contain a mixture of species. We may redeem captives [taken by gentiles], endowment evaluations, entitlements, and consecrated articles.
We may have a woman suspected of adultery drink [the required mixture], we may burn a red heifer, we may break the neck of a calf, we may pierce the ear of a slave, and we may purify a leper. We may also designate the site of graves whose markings were washed away by rain, so that the priests will not walk there. All these are activities necessary for the community at large.

12 Similarly, we may judge monetary disputes, cases involving the punishment by lashing, and capital cases during [Chol Ha]Mo'ed. When a person does not accept a judgment, a ban of ostracism may be issued

against him during [Chol Ha]Mo'ed. Just as cases may be judged during [Chol Ha]Mo'ed, we may write court documents and any similar articles during [Chol Ha]Mo'ed.

What is implied? The judges may write an account of the evaluation of [a debtor's property] for his creditor, a statement of the property sold to feed a person's wife and daughters, and a bill of *chalitzah* and of *miyyun*. Similarly, we may write any legal document that the judges require to remind them - e.g., a record of the claims of the litigants, or a statement of the concessions they made - e.g., that so and so is acceptable [to testify regarding] my case, that so and so may serve as a judge.

When a person requires a loan and the lender will not grant him the loan on a verbal commitment alone, it is permitted to have a promissory note written. Similarly, a bill of divorce, a bill of marriage, a receipt [for payment of a debt], and a deed [recording a present may be written during Chol HaMo'ed], for all these resemble matters necessary for the community at large.

13 It is forbidden to write [professionally] during [Chol Ha]Mo'ed; this includes even Torah scrolls, *tefillin* and *mezuzot*. Nor may one check [the letters of a Torah scroll], not even a single letter in the scroll kept in the Temple courtyard, for this is not a labor that is necessary for the sake of the festival.

A person may, however, write *tefillin* or *mezuzot* for himself, or spin purple cloth for his garment. If he has nothing to eat, he may write and sell to others for his livelihood.

14 It is permitted to write social correspondence during [Chol Ha]Mo'ed. Similarly, one may make a reckoning of one's budget and costs. For a person does not take much care when writing these matters, and this is thus like the performance of a task by an ordinary person.

15 We may take care of all the needs of a corpse during [Chol Ha]Mo'ed. We may cut its hair, wash its shrouds, and make a coffin for it. If there are no boards available, we may bring beams and cut boards from them in a discreet manner inside a building. If [the coffin is intended for] an important person, it may be made in the marketplace.

We may not, however, cut down a tree from the forest to cut boards for a coffin, nor may we quarry out stones to build a grave.

16 We may not inspect leprous blotches during [Chol Ha]Mo'ed, lest the person be declared impure and his festival be transformed into a period of mourning.

We may neither marry, nor perform the act of *yibbum* during [Chol Ha]Mo'ed, so that the happiness of the festival will not be obscured by the happiness of the marriage. One may, however, remarry one's divorcee, and one may betroth a woman during [Chol Ha]Mo'ed, provided one does not make a feast for the betrothal or the wedding, so that no other rejoicing will be combined with the rejoicing of the festival.

17 We may not cut hair, nor may we launder clothes during [Chol Ha]Mo'ed. [This is] a decree, [instituted] lest a person wait until [Chol Ha]Mo'ed and enter the first day of the holiday unkempt. Therefore,

anyone who was unable to cut his hair or launder his clothes on the day before the commencement of the holiday may launder his clothes and cut his hair during [Chol Ha]Mo'ed.

18 What is implied? The [following] individuals are permitted to cut their hair and launder their clothes during [Chol Ha]Mo'ed: a mourner whose seventh day of mourning falls on [the first day of] a holiday- or even if [his seventh day] falls on the day before the holiday, but it is a Sabbath, when it is forbidden to cut hair, a person who returns from an overseas journey - provided he did not travel for pleasure, but rather for business purposes and the like - a person who is freed from captivity, or freed from prison, a person who was under a ban of ostracism that was not lifted until [Chol Ha]Mo'ed, a person who took an oath not to cut his hair, or not to launder his clothes and did not ask a wise man to abrogate his oath until [Chol Ha]Mo'ed.

19 In all the above situations, if any of the persons had the opportunity to cut their hair before the festival but failed to do so, they are forbidden from doing so [during Chol HaMo'ed].

In contrast, when the time for a nazarite or a leper to shave has already arrived, whether it arrived during the festival or before the festival, they may shave during [Chol Ha]Mo'ed, even if they had the opportunity [to shave their hair before the holiday], so that they will not delay the offering of their sacrifices. [Similarly,] anyone who terminates a state of ritual impurity and becomes pure is permitted to cut his hair during [Chol Ha]Mo'ed.

We may cut a child's hair during [Chol Ha]Mo'ed, whether he was born during [Chol Ha]Mo'ed or before [Chol Ha]Mo'ed.

The members of the priestly watch serving in the Temple who completed [their week of service] during [Chol Ha]Mo'ed may cut their hair. For the members of the priestly watch may not cut their hair during their week of service.

20 It is permitted to cut one's mustache during [Chol Ha]Mo'ed and to cut one's nails, even using a utensil.

A woman may remove the hair from her underarms and her pubic hair by hand, or with a utensil. Similarly, she may undergo all cosmetic treatments during [Chol Ha]Mo'ed: [e.g.,] she may paint her eyes, part her hair, apply rouge to her face, and apply lime to her skin and the like, provided she can remove it during [Chol Ha]Mo'ed.

21 A *zav*, a *zavah*, a *niddah*, a woman who gave birth, and all those who emerge from a state of ritual impurity during [Chol Ha]Mo'ed are permitted to launder their garments.

A person who has only one garment should wash it during [Chol Ha]Mo'ed. Hand towels, barber's towels, and bathing towels are permitted to be laundered. Similarly, undergarments are permitted to be laundered during [Chol Ha]Mo'ed, because they must continually be laundered, even if they were laundered on the day preceding the holiday.

22 One may not become involved in commercial enterprise during [Chol Ha]Mo'ed, whether one sells or purchases. If, however, the matter is one

that involves the loss [of an opportunity] that is not always available after the festival - e.g., ships or caravans that have arrived or that are preparing to depart and they are selling their wares cheaply or purchasing dearly - it is permissible to sell and to purchase from them [during Chol HaMo'ed].
We may not purchase buildings, servants, and animals that are not necessary during [Chol Ha]Mo'ed.

23 Merchants selling produce, garments, and utensils may sell them discreetly for the sake of the festival. What is implied? If [the merchant's] store opens to a corner or to a lane, he may operate it in his ordinary manner. If it opens into the public thoroughfare, he should open one door and close the other. On the day before Shemini Atzeret, one may take out one's produce and adorn the marketplace with it, as an expression of honor for the holiday.
Spice merchants may sell their wares in their ordinary manner, in public [during Chol HaMo'ed].

24 Whatever is forbidden to be done during [Chol Ha]Mo'ed, one may not instruct a gentile to do [on one's behalf].
If a person does not have food to eat, a person may perform any task that is forbidden during [Chol Ha]Mo'ed or involve himself in any commercial enterprise to earn his livelihood.
It is permissible for a rich man to hire a poor employee who does not have food to eat to perform tasks that are forbidden during [Chol Ha]Mo'ed, so that the worker will be paid a wage with which he can purchase his sustenance. Similarly, we may purchase articles that are not necessary for

the festival, because the seller is in need and lacks food.

25 We may hire a worker during [Chol Ha]Mo'ed to perform a task after the festival, provided he does not weigh, measure, or count [the amount of work he must perform] as he would on an ordinary day.
When a gentile has been contracted to perform a task for a Jew, [the Jew] should prevent him from performing it during [Chol Ha]Mo'ed. [This applies] even if the gentile [works] outside [the city's] Sabbath limits. For the people at large know that this task [is being performed] for the sake of a Jew and they will suspect that he hired the gentile to perform it for him during [Chol Ha]Mo'ed. For not all people are aware of the distinction between a hired laborer and a contractor. Therefore, [lest a mistaken impression arise,] it is forbidden.

Chapter 8

1 When streams flow from a pond, it is permitted to irrigate parched land from them during [Chol Ha]Mo'ed, provided they do not cease flowing. Similarly, it is permissible to irrigate [fields] from a pool through which an irrigation ditch flows.
Similarly, if a pool [was created from water] dripping from parched land, one may irrigate another portion of parched land from it, provided the stream that irrigated the first portion of parched land has not ceased flowing.

2 When half a row of crops is located on low land and half on higher land,

one should not draw water from the lower land to irrigate the higher land, for this involves very strenuous activity.

It is permitted to draw water to irrigate vegetables so that they will be fit to be eaten during [Chol Ha]Mo'ed. If, however, [one does not desire to use them until after Chol HaMo'ed, irrigating them] to improve their quality is forbidden.

3 One should not dig a pit at the roots of a grapevine to collect water. If such pits have already been dug, and they have become impaired, one may fix them during [Chol Ha]Mo'ed. Similarly, one may fix an irrigation ditch that has become impaired during [Chol Ha]Mo'ed.

What is implied? If the ditch was only one handbreadth deep, one may dig until it is six handbreadths deep. If it was two handbreadths deep, one may dig until it is seven.

One may cause water to flow from one tree to another, provided one does not irrigate the entire field. If the field has already been watered, it is permitted to irrigate the entire field. One may sprinkle a field during [Chol Ha]Mo'ed. For all these activities do not involve very strenuous effort.

4 When plants have not been watered before [the beginning of] the festival, they should not be watered during [Chol Ha]Mo'ed, for [in this situation] they require much water, and this will lead to strenuous effort.

It is permitted to change [the direction of] a river from one place to another and to open a river that has been dammed. [The following rules apply to] cisterns, trenches, and grottos that belong to a private

individual: If he needs them, they may be cleaned and their breaches sealed. One may not, however, dig new ones. One may cause water to flow into them, even when one has no [immediate] need for them. One may make a small pool [for soaking flax] during [Chol Ha]Mo'ed.

5 Mice which damage trees may be snared during [Chol Ha]Mo'ed. In an orchard, one may snare them in one's ordinary fashion. What is implied? One may dig a hole and hang a net.

If an unplowed field is located close to an orchard, one may snare the mice in the unplowed field using a technique that departs from one's ordinary practice, so that they do not enter the orchard and ruin it. What is meant by snaring them using a different technique? [Instead of digging a hole,] one should implant a shaft in the ground and strike it with a hatchet. Afterwards, one should remove it, leaving a hole in its place.

6 When the wall to a garden falls, one may build it as would an amateur, put up a divider of reeds, bullrushes, or the like. Similarly, if one erects a guardrail for one's roof, one should build it as would an amateur.

When, by contrast, the wall to a courtyard falls, one may rebuild it in an ordinary manner. If it is deteriorating [and likely to fall], one should tear it down because of the danger and rebuild it in an ordinary manner.

7 A person may build a bench to sit on or to sleep on. If a hinge, a drainpipe, a lintel, a lock, or a key becomes broken, one may fix it during [Chol Ha]Mo'ed in an ordinary manner. [This ruling applies] whether they are made of iron or of wood - [the rationale is that] this [could result

in] a great loss. For if a person leaves the entrance to his house open and the doors broken, he will lose everything within the house. As explained previously, whenever [the failure to perform a task will result] in a loss, one need not deviate from one's ordinary practice.

8 One may not dig a grave [during Chol HaMo'ed] so that it will be ready for a person should he die; nor may one build a structure for this purpose. If [a grave] is already prepared, one may modify it during [Chol Ha]Mo'ed. What is implied? One may increase or decrease its size, so that it will be ready when it is necessary to bury [the intended] in it.

9 We may not move a corpse or bones from one grave to another - neither from a more esteemed grave to one of lesser esteem, nor from one of lesser esteem to one of greater esteem. [Indeed,] it is always forbidden to do so, even on ordinary weekdays, unless one moves the corpse to an ancestral plot. [In such an instance,] on ordinary days, one may move the corpse [even] from an esteemed grave to one of lesser esteem.

10 We may not remove worms from trees, nor apply waste to saplings, nor may we prune trees. We may, however, apply oil to trees and their fruit.
We may dig flax, for it is fit to use as a cover [for produce] during [Chol Ha]Mo'ed. We may harvest hops, because they are fit for use in making beer during [Chol Ha]Mo'ed. The same laws apply to other similar situations.

11 We may not bring sheep to pasture [on a field] so that they will fertilize the land [with their manure], for in this way one is enriching one's field

during [Chol Ha]Mo'ed. If the sheep come to the field on their own accord, it is permitted [to allow them to remain].

We may not help them [enter the field], nor may we entrust them to a shepherd who will cause [the herd of] sheep to proceed [from place to place within the field]. If [a shepherd] is hired on a weekly basis, on a monthly basis, on a yearly basis, or on a seven-year basis [to fertilize one's fields by pasturing sheep within them], one may help them enter the field. One may also hire a shepherd [on such a basis during Chol HaMo'ed] to cause [the herd of] sheep to proceed from place to place.

One may move manure in a courtyard to the side. If [the manure accumulates to the extent that] the courtyard becomes like a barn, one may take the manure out to the waste heap.

12 [The following rules apply when a person] levels the surface of the earth [in his field]: If his intent is to prepare a place to store a mound of grain or to thresh there, it is permitted. If his intent is to till his land, it is forbidden.

Similarly, if a person gathers wood from his field because he needs the wood, it is permitted. If his purpose is to improve the land, it is forbidden. Similarly, when a person opens [a dam, letting] water into his garden, if his intent is that fish will enter, it is permitted. If [his intent is] to irrigate the land, it is forbidden.

By the same token, when one trims branches from a date palm, if one's intent is to feed them to an animal, it is permitted. If one's intent is to cultivate the tree, it is forbidden. From the person's deeds, the nature of his intent becomes obvious.

13 If it is possible that an oven or a range will dry and [food] can be baked within it during the festival, it may be fashioned [during Chol HaMo'ed]. If not, it may not be fashioned.

One may place an upper layer of mortar on an oven or a range whether or not [it will dry]. Similarly, one may tie the cords of a bed. One may clean a mill, open the hole made in its center, set it up, and build a water conduit for a mill.

14 We may seal a jug with tar so that the wine [it contains] will not spoil. Similarly, we may seal a bottle with tar, since this does not involve strenuous activity. We may seal the mouth of a jug of beer so that it will not spoil.

We may cover figs [that have been left to dry] with straw so that they will not deteriorate. One may soften a garment by hand [after laundering it], because this does not involve professional expertise. One may not tie the cuffs [of a garment], because this involves a professional activity. The same principles apply in all similar situations.

15 We may cut the nails of a donkey that works in a mill and we may build a feeding-trough for an animal. It is permitted to cut the nails of a horse upon which one rides and to comb its hair so that it will look attractive.

We may not mate animals during [Chol Ha]Mo'ed, but we may let their blood. We do not prevent them from receiving any medical treatment.

Any food or drink that is not usually eaten by healthy people and is taken only for therapeutic purposes may be eaten or drunk during [Chol Ha]Mo'ed.

16 We may not move from [a dwelling in] one courtyard to [one in] another courtyard during [Chol Ha]Mo'ed - neither from an unpleasant one to a pleasant one, nor from a pleasant one to an unpleasant one. We may, however, move from house to house within the same courtyard.

We may bring articles that will be used during [Chol Ha]Mo'ed from the premises of the craftsman [who made them] - e.g., pillows, blankets, and cups. But articles that are not necessary for the sake of the festival may not be brought [during Chol HaMo'ed] - e.g., [we may not bring] a plow from an ironmonger or wool from a dyer.

If the craftsman has nothing to eat, we may pay him and leave the articles in his care. If one does not trust him, we may deposit them in the house next to his. If we fear that they might be stolen, we may move them to another courtyard, but we should not bring them home unless [this can be done] in a discreet manner.

17 It is forbidden to perform labor on the day before a holiday from mid-afternoon onward, as this is forbidden on Friday [afternoons].

If a person ever performs work during this time, he will never see a sign of blessing from it. We should rebuke him, and force him to stop against his will. He should not, however, be punished with stripes for rebelliousness, nor should he placed under a ban of ostracism.

There is an exception: after midday on Pesach afternoon. A person who works at that time should be placed under a ban of ostracism. Needless to say, if he was not placed under a ban of ostracism, he should be given stripes for rebelliousness. For the fourteenth of Nisan differs from the day preceding other holidays, because at that time the festive offering is

brought and [the Paschal offering] is slaughtered.

18 Therefore, the performance of labor on the fourteenth of Nisan is forbidden by Rabbinical decree, as on Chol HaMo'ed. [The rulings pertaining to the fourteenth of Nisan] are, however, more lenient than [those pertaining to] Chol HaMo'ed.

Moreover, it is forbidden to perform labor on [the fourteenth of Nisan] only from midday onward, for this is the time when the sacrifice is offered. From sunrise until noon, [the practice] is dependent on [local] custom. In places where it is customary to perform labor, one may. In places where it is not customary to perform labor, one may not.

19 Even in a place where it is customary to perform labor, one should not begin the performance of a task on the fourteenth [of Nisan], even though one could complete it before noon.

There are, however, three exceptions to this principle: tailors, barbers, and launderers. With regard to other craftsmen, if they began before the fourteenth, they may finish before noon. [The rationale for this distinction is that] the people at large do not have a great need for other labors [for the sake of the holiday].

20 When a person journeys from a place where it is customary to perform [labor on the fourteenth] to a place where it is not customary to perform [labor], he should not perform [labor] in a settled region, lest [this cause] strife. He may, however, perform labor in the desert.

When a person journeys from a place where it is not customary to

perform [labor on the fourteenth] to a place where it is customary to perform [labor], he should not perform [labor at all]. To a person [who journeys], we apply the stringencies observed in the place that he left and those observed in the place where he arrives.

Even though [he is prohibited to perform work], he should not make it appear to [the local people] that he is idle because of a prohibition. For a person should never deviate [from local custom], lest strife arise.

Similarly, a person who intends to return to his place should follow the customs of the inhabitants of his place, whether stringent or lenient. He should not, however, be seen [conducting himself contrary to the local custom] by the inhabitants of the place where he is located, lest strife arise.

21 [In contrast to Chol HaMo'ed,] we may bring articles to and from the homes of craftsmen on the fourteenth of Nisan after midday, even though they are not needed for the festival. We may rake manure from under the feet of livestock and take it out to the dung heap.

We may make a nest for chickens. When a chicken that sat on eggs for three days or more dies, we may place another chicken on the eggs on the fourteenth [of Nisan], so that they will not spoil. During [Chol Ha]Mo'ed, by contrast, we may not place [a chicken on the eggs]. If [a chicken] leaves the eggs on which it is sitting during [Chol Ha]Mo'ed, one may return it to its place.

22 The End of the Laws of Rest on a Holiday.

Mishneh Torah, Leavened and Unleavened Bread

Rabbi Francis Nataf, 2019

Chapter 1

1 Anyone who intentionally eats an olive's size [כזית, or more] of chametz on Pesach from the beginning of the night of the fifteenth [of Nisan] until the conclusion of the day of the twenty-first [of Nisan] is liable for כרת, as [**Exodus 12:15**] states: "Whoever eats leaven... will have his soul cut off."
[Should one eat this amount of chametz] unintentionally, one is liable to bring a fixed sin offering [as atonement].
[The above applies] equally to one who eats chametz and one who converts it into a liquid and drinks it.

2 On Pesach, it is forbidden to derive any benefit from chametz, as [**Exodus 13:3**] states: "Do not eat (לא יאכל) chametz"; i.e., it is not permitted [to be used to derive benefit that leads to] eating.
A person who leaves chametz within his property on Pesach, even though he does not eat it, transgresses two prohibitions: [**Exodus 13:7**] states: "No leavening agent may be seen in all your territory" and [**Exodus 12:19**] states: "No leavening agent may be found in your homes."
[Though the prohibitions stated in these verses apply to שאור,] it is the same prohibition which forbids both חמץ (leaven) and שאור (a leavening agent).

3 [A violator] is not lashed for [transgressing the prohibitions] not to have [chametz] seen [in his possession] and not to have [chametz] found [in his

possession] unless he purchased chametz on Pesach or [caused flour] to become leavened, and thus committed a deed.

However, if he possessed chametz before Pesach, and when Pesach came he did not destroy it and left it in his possession, even though he transgresses two prohibitions, according to the Torah, he is not lashed, for he did not perform a deed. [Nevertheless,] he is given "stripes for being rebellious."

4 It is prohibited to ever benefit from chametz [that a Jew] possessed during Pesach. This prohibition is a penalty instituted by the Sages. Since the person transgressed [the prohibitions against chametz] being found and being seen [in his possession], they prohibited its use.

[The above applies] even if he inadvertently left [the chametz in his possession during Pesach] or was forced to do so. [These stringencies were instituted] lest a person leave chametz in his possession during Pesach in order to benefit from it after Pesach.

5 If, on Pesach, even the slightest amount of chametz becomes mixed together with another substance, either of its kind or not of its kind, [the entire mixture] is forbidden.

Though it is forbidden to benefit from chametz which a Jew possessed on Pesach, if it became mixed with another substance, whether of its kind or not of its kind, it is permitted to be eaten after Pesach. [The Sages] only penalized and forbade [the use of] chametz itself. A mixture [containing chametz possessed on Pesach] is permitted to be eaten after Pesach.

6 One is liable for כרת only for eating chametz itself. However, a person who eats a mixture containing chametz—for example, Babylonian *kotach*, Median beer, or similar mixtures which contain chametz--[is punished by] lashes and is not liable for כרת [for this involves the transgression of a different commandment], as [**Exodus 12:20**] states: "Do not eat any leaven."

When does the above apply? When the person consumed an olive size of chametz [while eating] from the mixture within the time it takes to eat three eggs or less. Then, he is obligated for lashes by the Torah. However, if he does not consume an olive size of chametz from the mixture in less time than it takes to eat three eggs, even though such eating is forbidden, he is not [punished by] lashing. Rather, he is given "stripes for being rebellious."

7 Eating even the slightest amount of chametz itself on Pesach is forbidden by the Torah as [**Exodus 13:3**] states: "Do not eat [leaven]." Nevertheless, [a person who eats chametz] is not liable for כרת, nor must he bring a sacrifice for anything less than the specified measure, which is the size of an olive.

A person who intentionally violates the prohibition and eats less than an olive size of chametz is given "stripes for being rebellious."

8 It is forbidden to eat chametz on the day of the fourteenth [of Nisan] from noon onward—i.e., from the beginning of the seventh hour of the day. Any person who eats chametz during this time is punished by lashes according to Torah law, as [**Deuteronomy 16:3**] states: "Do not eat any

leaven with it "; i.e., together with the Paschal sacrifice.

Based on the oral tradition, we received the interpretation of that statement as: Do not eat any chametz during the time which is fit to slaughter the Paschal sacrifice, that being the afternoon—i.e., after midday.

9 The Sages forbade the eating of chametz from the beginning of the sixth hour in order to prevent infringement upon a Torah commandment. Thus, from the beginning of the sixth hour, it is forbidden to eat or benefit from chametz, based on Rabbinic law. During the rest of the day, from the seventh hour on, eating chametz is forbidden because of the Torah law.

During the fifth hour of the day, we do not eat chametz, lest the day be cloudy and we err between the fifth and six hours. However, there is no prohibition against benefiting from chametz during the fifth hour.

Therefore, *Terumah* and the breads of the thanksgiving offering which are chametz are left in a tentative status because of their holiness. They are neither eaten nor burned until the beginning of the sixth hour. Then, the entire quantity [of chametz] is burned.

10 Thus, you have learned that it is permitted to eat chametz on the day of the fourteenth [of Nisan] until the end of the fourth hour. During the fifth hour, [chametz] is not eaten, but benefit may be derived from it. A person who eats chametz during the sixth hour is [punished by] "stripes for being rebellious." One who eats during the seventh hour is lashed.

Chapter 2

1 It is a positive commandment from the Torah to destroy chametz before the time it becomes forbidden to be eaten, as [**Exodus 12:15**] states: "On the first day, destroy leaven from your homes." On the basis of the oral tradition, it is derived that "the first day" refers to the day of the fourteenth.

Proof of this matter is the verse from the Torah [**Exodus 34:25**]: "Do not slaughter the blood of My sacrifice with chametz," i.e., Do not slaughter the Pesach sacrifice while chametz exists [in your possession]. The slaughter of the Pesach sacrifice was on the fourteenth after midday.

2 What is the destruction to which the Torah refers? to nullify chametz within his heart and to consider it as dust, and to resolve within his heart that he possesses no chametz at all: all the chametz in his possession being as dust and as a thing of no value whatsoever.

3 According to the Sages' decree, [the mitzvah involves] searching for chametz in hidden places and in any holes [within one's house], seeking it and removing it from all of one's domain.

Similarly, according to the Sages' decree, we must search [with the intent to] destroy chametz by candlelight, at night, at the beginning of the night of the fourteenth [of Nisan]. [They instituted the search at that time] because all people are at home at night, and the light of the candle is good for searching.

A study session should not be fixed for the end of the thirteenth of Nisan.

Similarly, a wise man should not begin to study at this time, lest he become involved, and thus be prevented from searching for chametz at the beginning of the time.

4 We do not search [for chametz] by the light of the moon, the light of the sun, or the light of a torch; only by the light of a candle. To what does this apply? to the holes and hidden places. However, for a porch which has much light, searching it by the light of the sun is sufficient.
The middle of a courtyard does not need to be searched, because birds are found there, and they eat all the chametz which falls there.

5 A hole in the middle of [the wall of] the house between a person and his colleague [should be searched by both individuals], each searching to the extent his hand reaches. [Afterwards,] each must nullify in his heart [any chametz in] the remaining portion.
[This applies to a hole in a wall separating two Jewish homes.] However, a hole between [the home of] a Jew and a gentile should not be searched at all, lest the gentile fear that the Jew is casting spells against him. All that is necessary for him to do is to nullify it within his heart.
Any place where chametz is not brought in does not need to be searched.

6 The upper and lower holes [in the wall] of a house, the roof of a balcony, a cow stall, chicken coop, hayloft, wine cellars or storage rooms for oil when supplies are not taken from them [in the midst of a meal], and storage rooms for large fish, need not be searched unless one brought chametz into them.

In contrast, storage rooms for beer, storage rooms for wine from which supplies are taken [in the midst of a meal], storage rooms for salt, candles, small fish, wood, and brine, the middle holes in a wall, and all similar places must be searched, for chametz is usually brought into them. However, if a person knows that he did not bring chametz into these places, they do not have to be searched.

When searching a wine cellar, [all that is necessary to] search are the two outer rows—i.e., the highest row and the one below it.

7 We do not suspect that a weasel dragged chametz into a place where it is not usually brought. Were we to suspect [that chametz would be taken] from house to house, we would also have to suspect [that chametz might be taken] from city to city. There is no end to the matter.

A person who checked on the night of the fourteenth and placed ten loaves of chametz [on the side] and [later] found [only] nine must suspect [that chametz is present in his home,] and [hence], must search a second time, for definitely it was taken by a weasel or mouse.

8 Similarly, a person who saw a mouse enter the house with chametz in its mouth after he searched [for chametz] must search a second time. [This applies] even if he found crumbs in the middle of the house; we do not necessarily presume that it already ate the bread in this place and that these are its crumbs. Rather, we suspect that it left the bread in a hole or window, and that these crumbs were [originally] located there. Hence, he must search again.

If he does not find anything, he must search through the entire house. If

he found the bread that the mouse took when he entered, he need not search [further].

9 [A person who] saw an infant enter an already checked house with bread in his hand, followed him inside and discovered crumbs, need not search [again]. We may confidently assume that he ate the bread and that these crumbs fell from him while eating. Infants generally crumble food while eating, though mice do not.

If he does not find any crumbs, he must check [again].

10 Nine piles of matzah and one of chametz were placed [aside]. A mouse came and took [something from one of the piles] and entered a house that had been checked. If we do not know whether it took either chametz or matzah, the house must be checked [again], for every instance where [a doubt arises and the presence of both the permitted and forbidden substances] is fixed, [is judged] as if they were present in equal amounts.

11 There were two piles: one of chametz and one of matzah, and two houses: one that had been searched and one that had not been searched. Two mice came; one took chametz and one took matzah [and they entered the houses] without our knowing which house the mouse holding the chametz entered...

Similarly, there were two houses which had been checked, with one pile of chametz before them. A mouse took [from the pile and entered a house]. However, we do not know which house he entered...

or we saw which one he entered, a person followed him, checked [for

chametz], and did not find anything...
or he checked and found bread...
Similarly, when there were nine piles of matzah and one of chametz, and a loaf became separated from the piles, and we do not know whether it was chametz or matzah: If a mouse took the loaf that became separated and entered the house that had been checked:
In all of these cases, there is no need to check a second time, because the presence of the forbidden substance is not fixed.

12 A person who placed chametz in one corner and discovered it in another...
or who put aside nine loaves and found ten...
or a mouse came and took the chametz, and there is a doubt whether he entered this house or not...
In all these cases, he must search [the house again].

13 A mouse entered a house with a loaf in its mouth. Afterwards, a mouse left there with a loaf in its mouth; we presume that the same mouse who entered originally was the one which ultimately left, and [the owner] need not search [again]. If the first mouse which entered was black and the one which left was white, he must search [again].
If a mouse entered with a loaf in its mouth and a weasel left there with a loaf in its mouth, he must search [again]. If a weasel left there with a mouse and a loaf in its mouth, he does not have to search [again]. [We may presume] that this is the loaf which was in the mouse's mouth.
If a snake enters a hole with a loaf in its mouth, there is no obligation to bring a snakecharmer to remove it.

14 When chametz is [discovered] on a very high beam, [the owner] is obligated to bring a ladder and remove it, for it might fall from the beam. If chametz is in a pit, [the owner] is not obligated to bring it up. All that is necessary is for him to nullify [ownership over it] in his heart.

15 A block of yeast which was designated to be used as a seat: If its surface was coated with mortar, it is [considered as] destroyed and we are permitted to keep it [on Pesach].

The dough in the cracks of a kneading trough: If a size of an olive [of dough] exists in one place, one is obligated to destroy [the dough under all circumstances]. Should there be less than that amount: If it serves to reinforce the broken pieces of the kneading trough or to plug a hole, it is [considered] negligible because of its minimal size. If not, one is obligated to destroy it.

Two [quantities of dough, each] half the size of an olive were found in separate places, and a string of dough connects them: We check whether the [pieces of] dough themselves are lifted up when the string of dough is picked up. If they are, one is obligated to destroy [them]. If not, one is not obligated to destroy [them].

16 To what does the above apply? to [pieces of dough stuck to] a kneading trough. However, [if a similar situation is discovered] within a house, one is obligated to destroy [the dough] even if, when the [connecting] thread [of dough] is lifted up, the pieces of dough are not raised up with it. [This stringency was instituted] because the [smaller portions] may sometimes be brought together.

If half of an olive size [of dough] was found in a house and another half in the second storey;
or if half of the size of an olive was found in a house and another half in [the adjoining] porch;
or if half of the size of an olive was found in a room and another half in an inner room;
Since these portions of dough which are less than the size of an olive are found stuck to the walls, beams, or floors [of the house], one is not obligated to destroy them. All that is necessary is to nullify them in one's heart.

17 A person who rents out a house on the fourteenth [of Nisan]: Behold, [the tenant may operate] under the presumption that it has been searched and he need not search.
[Furthermore,] even if we must assume that the person who rented out the house did not search [it], should a woman or a minor say: "We have searched it," they are believed, for everyone's statements are accepted with regard to the destruction of chametz.
Everyone is acceptable to search [for chametz], even women, slaves, and minors. The latter applies only when the minor has sufficient understanding to search.

18 A person who rents a house to a colleague: If the fourteenth [of Nisan] falls before [the landlord] gave the keys to [the tenant], the landlord is responsible for searching. If the fourteenth falls after the keys have been transferred, the tenant is responsible for checking.

When a person rents out a house under the presumption that it has been searched and [later, the tenant] discovers that it has not been searched, [the tenant] is responsible for searching it and [cannot nullify the transaction by claiming that it was carried out] under false premises. This applies even when it is customary to hire people to search, since, behold, he is performing a mitzvah.

19 A person who sets out to sea or one who leaves in a caravan within thirty days [of Pesach] is obligated to search [for chametz]. [If he leaves] before thirty days [prior to Pesach], he is not obligated to search. However, if he intends to return before Pesach, he must search before departing, lest he [be delayed and] return Pesach eve at nightfall, when he will have no opportunity to destroy [the chametz]. However, if he does not intend to return, he does not have to search.

Similarly, a person who makes his house a storage room: If he does so within thirty days [of Pesach], he is required to search and then bring in the goods he wants to store. Over thirty days before Pesach: If he intends to remove the goods before Pesach, he is required to search and then bring in the goods he wants to store; if he does not intend to remove the goods before Pesach, he does not have to search.

Chapter 3

1 When a person checks and searches on the night of the fourteenth [of Nisan], he should remove [all] chametz from holes, hidden places, and corners, and gather the entire amount together, putting it in one place

until the beginning of the sixth hour and [then,] destroy it. If he desires to destroy it on the night of the fourteenth, he may.

2 The chametz which was put aside on the night of the fourteenth, so that it can be eaten on the next day until [the end of] the fourth hour, should not be spread out and scattered in every place. Rather, it should be put away in a utensil or in a known corner, and care should be taken concerning it. Otherwise, should some be found lacking, he would have to search for it and check [the house] a second time, for mice might have dragged it away.

3 When the fourteenth falls on the Sabbath, we search for chametz on the night before Sabbath eve, the night of the thirteenth. We set aside [enough] chametz to eat until [the end of] the fourth hour on the Sabbath day. The remainder should be destroyed before the Sabbath.
If some of the chametz remains on the Sabbath day after the fourth hour, he should nullify it and cover it with a utensil until the conclusion of the first day of the festival, and then destroy it.

4 A person who has many loaves of bread that were *Terumah* and must burn them on the Sabbath eve; he should not mix the pure loaves together with the impure loaves and burn them. Rather, he should burn the pure loaves alone, the impure ones alone, and the ones [whose status is] left pending alone.
He should leave a sufficient quantity, but no more than necessary, of the pure loaves to eat until [the conclusion of] the fourth hour on the

Sabbath day.

5 A person who either inadvertently or intentionally did not search on the night of the fourteenth should search on the fourteenth in the morning. If he did not search on the fourteenth in the morning, he should search at the time for destroying [the chametz]. If he did not search at the time for destroying the chametz, he should search in the midst of the festival. If the festival passed without his having searched, he should search after the festival to destroy whatever chametz he might find which [he possessed] during Pesach, since we are prohibited against benefiting [from such chametz].

6 When a person checks for chametz on the night of the fourteenth, on the day of the fourteenth, and during the festival, he should recite the [following] blessing before he begins to search:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us concerning the destruction of chametz.

He must check and search in all the places where chametz is brought in, as was explained. If he searches after the holiday, he does not recite a blessing.

7 When he concludes searching, if he searched on the fourteenth at night, or on the fourteenth during the day before the sixth hour, he should nullify all the chametz that remains in his possession that he does not see.

He should say: "All chametz which is in my possession that I have not

seen, behold, it is nullified and must be considered as dust."
However, if he searched after the beginning of the sixth hour and onward, he can no longer nullify it, for it is not in his possession, since benefiting from it is forbidden.

8 Thus, a person who does not nullify [his chametz] before the sixth hour and discovers chametz which he:
considered important and [valued] in his heart,
then forgot at the time of the destruction of chametz,
and hence did not destroy,
transgresses [the prohibitions]: "[leaven] shall not be seen" and "[leaven] shall not be found."
Behold, he has neither destroyed nor nullified [his chametz], and nullification at this time would not be effective, for [the chametz] is no longer in his possession. Even so, the Torah considers it as if it were in his possession, to obligate him for [transgression of the commandments:] "[leaven] shall not be seen" and "[leaven] shall not be found."
[Therefore,] he is obligated to destroy it whenever he finds it. If he finds it on the day of a festival, he should cover it with a utensil until the evening, and then destroy it. [If the chametz] was consecrated property, there is no need to cover it with a utensil, for regardless, everyone shies away from its use.

9 A person who left his house before the time for destroying chametz in order to fulfill a mitzvah or in order to partake of a feast associated with a mitzvah - e.g., a feast associated with betrothal or marriage - and recalls

that he possesses chametz at home. If it is possible for him to go back, destroy it, and then return to the fulfillment of the mitzvah, he should return. If not, he should nullify [ownership over the chametz] in his heart. Should he go out to save from a troop of attackers, from a [flooding] river, from a fire, from [being buried] under fallen objects, all that is necessary is for him to nullify it in his heart. Should he go out for his own purposes and remember that he possesses chametz at home, he must return immediately.

How much [chametz] must be present [to require] him to return? the size of an egg. If there is less than the size of an egg, it is sufficient for him to nullify it in his heart.

10 A person who put aside a rolled dough at home, [forgot about it,] went out and remembered after he had left [home]: Should he be sitting before his teacher and fear that the dough will become leavened before he can come [home], behold, he may nullify [ownership over the dough] in his heart before it becomes leaven.

However, if [the dough] has already become leavened, his nullification is not at all effective, for he has already violated [the prohibitions]: "[leaven] shall not be seen" and "[leaven] shall not be found." He must destroy it immediately when he returns home.

11 How must chametz be destroyed? It may be burned; crumbled and tossed to the wind; or thrown into the sea. If the chametz is hard and the sea will not cause it to dissolve speedily, one should crumble it and then throw it into the sea.

If other substances fell upon chametz and it was covered by three handbreadths or more of earth, it is considered as having been destroyed. [Nevertheless,] one must nullify [ownership over] it in one's heart if the sixth hour has not arrived.

A person who gave it to a gentile before the sixth hour need not destroy it.

If one burns it before the sixth hour, he is permitted to benefit from the charcoal that remains during Pesach. However, if he burns it from [the beginning of] the sixth hour and onward, since benefit may not be derived from it, it should not be used as fuel for an oven or range. One may not bake or cook with it.

If one did bake or cook [using the chametz as fuel], it is forbidden to derive benefit from that loaf or that dish. Similarly, it is forbidden to derive benefit from the charcoal that remains from it, because it was burned after benefit from it became forbidden.

Chapter 4

1 The Torah (**Exodus 13:7**) states: "No chametz shall be seen for you." Perhaps, if it were buried or entrusted to a gentile, he would not transgress the commandment? The Torah (**Exodus 12:19**) states: "leaven should not be found in your homes," [implying] even if it is buried or entrusted.

Perhaps he would only transgress [the commandment] when chametz is [found] in his house, but if it were outside his house, in a field or in another city, he would not violate [the commandment]? The Torah states (**Exodus 13:7**): "[No leaven shall be seen for you] in all your territory" - i.e., in all your possessions.

Perhaps a person will be obligated to remove from his property chametz that belongs to a gentile or that was consecrated? The Torah states (ibid.): "No [leaven] shall be seen for you." [We may infer]: You may not see your own [leaven]. However, you may see [leaven] belonging to others or which was consecrated.

2 [From the above,] you can learn that chametz belonging to a Jew which was left in his possession, even though it is buried, is located in another city, or is entrusted to a gentile, causes him to violate [the commandments]: "[leaven] shall not be seen" and "[leaven] shall not be found."

Chametz that either was consecrated or belongs to a gentile, and is located within a Jew's property, even if it was with him at home—behold, this is permitted, for [the chametz] is not his. Even if it belonged to a resident alien under the authority of the Jewish people, we need not force him to remove the chametz from his property on Pesach.

Nevertheless, it is necessary to construct a partition at least ten handbreadths high in front of chametz belonging to a gentile, lest one come to use it. [With regard to chametz] that has been consecrated, this is unnecessary; everyone shies away from consecrated property, lest they infringe on [the prohibition of] מעילה.

3 A gentile who entrusted his chametz to a Jew: Should the Jew accept the responsibility of paying for the worth of the chametz if it is lost or stolen —behold, he is obligated to destroy it. Since he accepted responsibility for it, it is considered as though it were his.

If he did not accept responsibility for it, he may keep it in his domain and may eat from it after Pesach, for it was in the gentile's possession.

4 Should a gentile who forces his way upon people entrust his chametz to a Jew: If the Jew knows that if it is lost or stolen, [the gentile] will obligate him to pay for it—forcing and compelling him to pay even though he did not accept responsibility—he is obligated to destroy it. It is considered as though it were his, for the gentile holds him responsible for it.

5 A Jew who gives his chametz to a gentile as security for a loan and tells him: "If I do not bring the money between today and such and such a date, you acquire the chametz [retroactively] from the present moment," the chametz is considered as in the gentile's possession and is permitted to be used after Pesach. This applies if the date specified was before Pesach. However, if he did not tell him: "you acquire the chametz [retroactively] from the present moment," that chametz is considered as an article entrusted to the gentile, and it is forbidden to benefit from it after Pesach.

6 A Jew and a gentile are traveling together in a ship, and the Jew possesses chametz. When the fifth hour [on the fourteenth of Nisan] arrives—behold, he should sell it to the gentile or give it to him as a present. He may return and buy it back from him after Pesach, as long as he gives it to him as an outright present.

7 The Jew may tell the gentile: "Rather than buy a *manah's* worth [of chametz], come and buy two hundred [dinars'] worth [of chametz]... Rather than buy from a gentile, come and buy from a Jew. Perhaps I will

need [chametz] and will buy from you after Pesach."
However, he cannot sell or give [chametz] to him on condition. If he does so—behold, he transgresses [the prohibitions]: "[leaven] shall not be seen" and "[leaven] shall not be found."

8 [A person] who possesses a mixture of chametz transgresses [the prohibitions]: "[leaven] shall not be seen" and "[leaven] shall not be found" because of it; for example: pickle-brine, Babylonian *kotach*, and Median beer, which are made from flour.
[The same applies] to other similar substances which are eaten. However, a substance which contains a mixture of chametz, but is not fit to be eaten, may be kept on Pesach.

9 How is [the latter principle] applied? A tanner's trough into which one placed flour and animal hides: Even if this was done one hour before [the time chametz must be] destroyed, one may keep it. If one placed flour [in the trough] without animal hides three days before [the time chametz must be] destroyed, one may keep it, for the [chametz] has surely become spoiled and rotten. Within three days, one is obligated to destroy it.

10 Similarly, an eye salve, a compress, a plaster, or *Tiriac* into which chametz was placed may be kept on Pesach, for the nature of the chametz is spoiled.

11 Bread itself which has become moldy and is no longer fit for consumption by a dog, or a compress that has become spoiled, need not be destroyed.
Clothes which were washed with starch and, similarly, papers which were

stuck together with chametz, and other like cases, may be kept on Pesach. Their [possession] does not constitute a [violation of the prohibitions]: "[leaven] shall not be seen" and "[leaven] shall not be found," for they no longer have the form of chametz.

12 A substance which is not eaten by people or one which is generally not eaten by people, with which chametz has become mixed— e.g., *Tiriac* and the like, though one may keep it [during Pesach], eating it is prohibited until after Pesach. Even though it contains only the smallest amount of chametz, eating it is forbidden.

Chapter 5

1 The prohibition against chametz applies only to the five species of grain. They include two species of wheat: wheat and spelt; and three species of barley: barley, oats, and rye.
However, *kitniyot* - e.g., rice, millet, beans, lentils and the like - do not become leavened. Even if one kneads rice flour or the like with boiling water and covers it with fabric until it rises like dough that has become leavened, it is permitted to be eaten. This is not leavening, but rather the decay [of the flour].

2 With regard to these five species of grain: If [flour from these species] is kneaded with fruit juice alone without any water, it will never become leavened. Even if [flour] is placed in [these juices] the entire day until the dough rises, it is permitted to be eaten [on Pesach], for fruit juice does not

cause [dough] to become leavened. It merely causes [the flour] to decay.

The following are [included in the category] of fruit juice: wine, milk, honey, olive oil, apple juice, pomegranate juice and all other similar wines, oils, and beverages.

This applies so long as no water whatsoever is mixed with them. If any water is mixed with them, they cause [the flour] to become leavened.

3 [On Pesach,] we should not cook wheat in water - for example, cracked wheat - or flour [in water] - for example, dough balls. If one cooks [either of the above] - behold, it is absolutely chametz. This applies if [the kernels] crack open within the dish.

We may not fry dough in oil in a frying pan. However, we may cook a loaf [of matzah] or roasted flour. If one boiled a lot of water and, afterwards, placed flour into it - behold, it is permitted, because it is cooked immediately, before it could become leaven. [Nevertheless,] it is accepted custom in Babylonia, Spain, and the entire western [diaspora] to forbid this practice. This has been decreed lest one not boil the water well enough.

4 It is permissible to cook grain or flour in fruit juice. Thus, dough which was kneaded with fruit juice, cooked with fruit juice, or fried with oil in a frying pan is permitted, for fruit juice does not cause leavening.

5 Roasted grain which is singed in fire and then ground [into flour]: That flour should not be cooked with water, lest it has not been roasted well in the fire, and thus will become leavened when cooked.

Similarly, when preparing new pots, we should not cook in them anything other than matzah that was baked and then ground into flour. It is forbidden to do so with roasted flour, for perhaps it will not be roasted well, and thus may become leaven.

6 We do not stir barley in water on Pesach [to remove its husks], because [the kernels] are soft and become leavened rapidly. If one did stir [barley] in water and [the kernels] softened to the point that if they were placed at the opening to a roasting pan upon which loaves were usually baked, they would burst open - behold, they are forbidden. If they have not reached this degree of softness, they are permitted.

7 It is permissible to stir wheat [kernels] in water to remove the bran, and then immediately grind them, as is done when grinding fine flour. [Nevertheless,] all Jews in Babylonia, *Eretz Yisrael*, Spain, and the cities of the western [diaspora] have accepted the custom of not stirring wheat in water. This decree [was instituted] lest [the kernels] be left aside and become leavened.

8 A dish that was cooked, and barley or wheat was discovered inside it: If the grains have cracked open, the entire dish is forbidden, for chametz has become mixed together with it. If they have not cracked open, they must be removed and burned, but the remainder of the dish may be eaten. [This ruling was given] because grain that has been stirred in water without cracking open is not actual leaven as forbidden by the Torah. It is only a Rabbinic [ordinance].

9 [**Exodus 12:17**] states: "Keep watch over the matzot" - i.e., be careful of the matzot and protect them from any possibility of becoming chametz. Therefore, our Sages declared: A person must be careful regarding the grain which he eats on Pesach and [make sure] that no water has come in contact with it after it has been harvested, so that it will not have become chametz at all.

Grain which sunk in a river or came in contact with water, just as it is forbidden to eat from it [on Pesach], it is forbidden to keep [possession of] it. Rather, he should sell it to a Jew [before it becomes prohibited] and inform him [about its nature], so that he can eat it before Pesach. If he sells it to a gentile before Pesach, he should sell a small amount to a number of individuals, so that it will be finished before Pesach, lest the gentile go and sell it to [another] Jew.

10 Grain upon which [water] leaking [from the roof] has fallen: As long as [the leak] continues, drop after drop, it will not become chametz even if [the leak continues] the entire day. However, if [the leak] stops, if it remains [untouched] for the standard measure [of time] - behold, it becomes chametz.

11 We do not knead a large dough on Pesach, lest it become chametz. Rather, [the size of the dough] is confined to the measure for which one is obligated to separate Challah.

We do not knead with hot water, with water heated in the sun, or with water that was drawn on the present day, only with water that has rested for a day. A person who violates [this requirement] and kneads using one

of the above - behold, the [baked] loaf becomes forbidden.

12 A woman should not sit in the sun and knead, nor [should she knead] under the open sky on a cloudy day, even in a place where the sun is not shining. [She should not] leave the dough and become involved in another matter. If she both kneads and bakes, she must have two containers of water, one to smooth [the matzot] and one to cool off her hands.

If she violated [these instructions] and kneaded dough in the sun, or did not cool off her hands, or made a dough larger than the measure for which one is obligated to separate Challah, the loaf is permitted. What is the measure for which one is obligated to separate Challah? Forty-three and a fifth eggs of average size - by volume and not by weight.

13 As long as a person is busy with the dough, even for the entire day, it will not become chametz. If he lifts up his hand and allows the dough to rest so that [it rises to the extent that] a noise will resound when a person claps it with his hand, it has already become chametz and must be burned immediately. If a noise does not resound and the dough has lain at rest for the time it takes a man to walk a *mil*, it has become chametz and must be burned immediately.

Similarly, if its surface has become wrinkled [to the extent that it resembles] a person whose hair stands [on end in fright] - behold, it is forbidden to eat from it, but one is not liable for כרת [for eating it].

14 There were two doughs which people stopped kneading at the same time

and left unattended. From one, a sound [resounded when clapped]. From the other, no sound [resounded]. Both of them should be burned - behold, they are absolutely chametz.

15 We should not make thick loaves with designs on Pesach, because a woman takes time making them. Thus, [the dough] will become leavened during that time. Hence, professional bakers are allowed to make [such designs], because they are skilled in their craft and quick in its execution. [In contrast,] a private person is forbidden to make such a design, even if he does so using a [pre-cut] form. [This stringency was instituted] lest others attempt to make [the designs] without using the forms, delay in their work, and cause [the dough] to become chametz.

16 The water used to wash one's hands and the kneading trough after the kneading [is completed] and, similarly, the water used when kneading - behold, it should be poured out in a place which slopes downward, so it will not collect in one place and become leavened.

17 We should not soak bran in water and leave it in front of chickens, lest it become chametz. However, we can boil bran for them, and then place it before them. Nevertheless, the majority of people have already adopted the custom of not boiling [grain products], lest the water not be boiled thoroughly.

18 It is permitted to prepare bran or flour for chickens in water if they are fed immediately, or if one places [the feed] before them and stands over them to ensure that the food will not stand more than the time it takes a person

to walk a *mil*.

As long as they peck at it or one turns it over by hand, it will not become leavened. Once they finish eating, one should wash out the utensil in water and pour it out in a place which slopes downward.

19 A woman should not soak bran which she intends to take to the bathhouse in water [beforehand]. However, she may rub dry bran on her skin. A person should not chew wheat and then place it on his wound, for it will become chametz.

We should not place flour into charoset. If one did so, he should burn it immediately, because it will cause [the flour] to become leavened very fast. We should not place flour in mustard. If one did so, he should eat it immediately.

20 It is permissible to place spices, sesame seeds, poppy seeds, and the like into dough. Similarly, it is permissible to knead the dough with water and oil, honey or milk, or to baste with them.

On the first day, it is forbidden to knead or baste [the matzot] with any other substance besides water; not because of the prohibition against chametz, but rather so [the matzah] will be "poor man's bread." It is only on the first day that the "poor man's bread" must be commemorated.

21 All earthenware vessels that were used for chametz while cold may be used for matzah while cold, except for the utensils in which yeast and charoset were placed, for their leavening effect is powerful. Similarly, a kneading trough in which chametz is kneaded and left to become leavened is

considered as a place where yeast is soaked, and we do not use it on Pesach.

22 An earthenware roasting pan on which loaves of chametz are baked during the entire year should not be used to bake matzah on Pesach. If it was filled with coals and kindled on the place where chametz was cooked, matzah it is permitted to be cooked on it.

23 Metal and stone utensils in which chametz was boiled in water as a כלי ראשון - e.g., pots and stew pots - should be placed inside a large utensil. They should be covered with water, and the water should be boiled with them inside until they release [what they absorbed]. Afterwards, they should be washed off with cold water, and [then] one may use them for matzah.

Similarly, [with regard to] knives, the blade and the handle should be boiled in a כלי ראשון. Afterwards, one may use them for matzah.

24 Utensils of metal, stone, and wood which were used for chametz as a כלי שני - e.g., bowls or cups - should be placed in a large utensil, and boiling water poured over them. They should be left in [the large utensil] until they release [the chametz they absorbed]. Afterwards, they should be washed off. [Then,] they may be used for matzah.

25 All earthenware utensils that were used for chametz in hot water, whether as a כלי ראשון - for example, pots - or as a

כלי שני - for example, bowls - whether they were glazed and coated with lead so that they became like glass, or they were of simple earthenware: we

do not use them for matzah. Rather, we put them aside until after Pesach, and then we may cook with them.

26 [A person possesses a utensil which is] a כלי ראשון and desires to boil it [in order to prepare it for Passover use], however, he cannot find a larger utensil into which [to place it] to boil it: Behold, he may place a border of clay around its [top] edge from the outside and fill it with water until the water overflows its edge. [Then,] he may boil the water in it, and this is sufficient. Afterwards, he washes it off and may use it for matzah.

Chapter 6

1 It is a positive commandment of the Torah to eat matzah on the night of the fifteenth [of Nisan], as [**Exodus 12:18**] states: "In the evening, you shall eat matzot." This applies in every place and at every time. Eating [matzah] is not dependent on the Paschal sacrifice. Rather, it is a mitzvah in its own right. The mitzvah may be fulfilled throughout the entire night.
Throughout the other days of the festival, eating matzah is left to one's choice: If one desires, one may eat matzah. If one desires, one may eat rice, millet, roasted seeds, or fruit. Nevertheless, on the night of the fifteenth alone, [eating matzah] is an obligation. Once one eats the size of an olive, he has fulfilled his obligation.

2 A person who swallows matzah [without chewing it] fulfills his obligation. A person who swallows maror [without chewing it] does not fulfill his obligation. A person who swallows matzah and maror together fulfills the

obligation of matzah, but not that of maror, for the maror is secondary to the matzah. If he wrapped them in fibers or the like and swallowed them, he does not even fulfill the obligation of matzah.

3 A person who eats matzah without the intention [to fulfill the mitzvah] - e.g., gentiles or thieves force him to eat - fulfills his obligation.

A person who ate a כזית matzah in delirium, while possessed by an epileptic fit, and afterwards recovered, is obligated to eat another [כזית]. The consumption of [the first כזית] took place while he was free from the obligation to perform any mitzvot.

4 A person does not fulfill the obligation of eating matzah unless he partakes [of matzah made] from one of the five species [of grain], as [Deuteronomy 16:3] states: "Do not eat chametz upon it... eat matzot for seven days."

[From the verse's association of chametz and matzah, we may derive:] substances which can become leavened may be eaten as matzah to fulfill one's obligation. In contrast, other substances - e.g., rice, millet, and *kitniyot* - cannot be used to fulfill the obligation of matzah, for they can never become leavened.

5 A person who makes dough from wheat and rice: if it has the taste of grain, one may fulfill his obligation with it. Dough made as food for dogs: if the shepherds also eat from it, one may fulfill his obligation with it. If the shepherds do not eat from it, one cannot fulfill his obligation by eating it, for it is not watched for the sake of eating matzah.

Matzah that was kneaded with fruit juice, one may fulfill one's obligation with it on Pesach. However, [the dough] should not be kneaded with wine, oil, honey, or milk, because of the requirement for poor man's bread, as explained above. A person who kneaded [dough with one of these liquids] does not fulfill his obligation.

One cannot fulfill his obligation with matzah made from thin bran or coarse bran. However, one may knead flour together with its bran and make it into a loaf and fulfill one's obligation with it. Similarly, a loaf made with very fine flour is permitted, and a person may fulfill his obligation with it. We do not say: this is not poor man's bread.

6 [One may fulfill his obligation] with matzah baked in either an oven or a roasting pot. This applies whether the dough was stuck to the roasting pot and then the [pot] was heated, or whether the [pot] was heated and then the [dough] stuck to it. Even if the dough was baked in the ground, one may fulfill his obligation with it.

Similarly, even if the matzah was not thoroughly baked, one may fulfill his obligation with it, provided strands of dough will not extend from it when broken. A person may fulfill his obligation with a cake [of matzah] soaked [in other substances], so long as it has not dissolved. However, a person cannot fulfill his obligation with matzah that has been cooked, for it does not have the taste of bread.

7 A person cannot fulfill his obligation by eating matzah which is forbidden to him; for example, a person who ate [matzah made from] *tevel*, [matzah made from] the first tithe from which *terumat [ma'aser]* had not been

separated, or [matzah] that was stolen.

This is the governing principle: All [matzah] upon which the grace after meals is recited may be used to fulfill one's obligation. If the grace after meals may not be recited upon it, it may not be used to fulfill one's obligation.

8 The priests may fulfill their obligation with [matzot made from] Challah or *terumah* even though it is matzah which is not suited to be eaten by all people. Similarly, a person may fulfill his obligation with matzah [made] from *ma'aser sheni* [if he is] in Jerusalem. However, one may not fulfill his obligation with matzah made from *bikkurim* even [if he is] in Jerusalem. [The difference is] because there is no permissible way of eating *bikkurim* in all [Jewish] settlements. [In contrast,] *ma'aser sheni* can be redeemed and eaten in all [Jewish] settlements. [Our Sages interpreted **Exodus 12:20**,] which states: "Eat matzot in all of your settlements," [to imply that] only matzah that is fit to be eaten in all settlements may be used to fulfill one's obligation.

9 Loaves from the thanksgiving offering and cakes from the Nazirite offering, which an individual made for his personal use, may not be used to fulfill one's obligation, [as can be implied] from the statement [**Exodus 12:17**]: "And you shall watch the matzot." Matzah which is watched with the sole intention [that it be used to fulfill the mitzvah] of matzah may be used to fulfill one's obligation. However, this matzah is also watched with the intention of [being used for a] sacrifice. Those that were made to be sold in the marketplace, [the baker] has the intention that if they are not

sold, he will eat them. Therefore, while he was making them he [also] watched for the sake of matzah.

10 All are obligated to [fulfill the mitzvah to] eat matzah, even women and slaves. A minor [old enough to eat bread] should be trained in [the fulfillment of] mitzvot and be given an olive's size of matzah to eat. [For] a sick or elderly person who cannot eat, we can soak a cake [of matzah] in water and feed it to him, provided it does not dissolve.

11 It is a Rabbinic ordinance that nothing at all is eaten after the matzah, not even roasted seeds, nuts, or the like. Rather, even though one ate matzah and afterwards, ate other foods, fruit, and the like, one returns and eats a second olive's size of matzah at the end [of the meal] and ceases [eating].

12 The Sages forbade a person from eating matzah on Pesach eve, in order for there to be a distinction between [partaking of it as food] and eating it on the evening [of the fifteen as a mitzvah.] Whoever eats matzah on Pesach eve is given "stripes for rebellion" until his soul expires.

Similarly, it is forbidden to eat on Pesach evening from slightly before the time of *Minchah*, in order that one will approach eating matzah with appetite. However, one may eat some fruit or vegetables, but should not fill up on them.

The Sages of the former generations would starve themselves on Pesach eve so that they would eat matzah with appetite, and thus hold the mitzvot as dear. In contrast, on the eve of Sabbaths or other festivals, one may continue eating until darkness.

Chapter 7

1 It is a positive commandment of the Torah to relate the miracles and wonders wrought for our ancestors in Egypt on the night of the fifteenth of Nisan, as [**Exodus 13:3**] states: "Remember this day, on which you left Egypt," just as [**Exodus 20:8**] states: "Remember the Sabbath day."

From where [is it derived that this mitzvah is to be fulfilled on] the night of the fifteenth? The Torah teaches [**Exodus 13:8**]: "And you shall tell your son on that day, saying: 'It is because of this...' [implying that the mitzvah is to be fulfilled] when matzah and maror are placed before you.

[The mitzvah applies] even though one does not have a son. Even great Sages are obligated to tell about the Exodus from Egypt. Whoever elaborates concerning the events which occurred and took place is worthy of praise.

2 It is a mitzvah to inform one's sons even though they do not ask, as [**Exodus 13:8**] states: "You shall tell your son."

A father should teach his son according to the son's knowledge: How is this applied? If the son is young or foolish, he should tell him: "My son, in Egypt, we were all slaves like this maidservant or this slave. On this night, the Holy One, Blessed be He, redeemed us and took us out to freedom."

If the son is older and wise, he should inform him what happened to us in Egypt and the miracles wrought for us by Moses, our teacher; everything according to the son's knowledge.

3 He should make changes on this night so that the children will see and

will [be motivated to] ask: "Why is this night different from all other nights?" until he replies to them: "This and this occurred; this and this took place."

What changes should be made? He should give them roasted seeds and nuts; the table should be taken away before they eat; matzot should be snatched from each other and the like.

When a person does not have a son, his wife should ask him. If he does not have a wife, [he and a colleague] should ask each other: "Why is this night different?" This applies even if they are all wise. A person who is alone should ask himself: "Why is this night different?"

4 One must begin [the narrative describing our ancestors'] base [roots] and conclude with [their] praise. What does this imply? One begins relating how originally, in the age of Terach, our ancestors denied [God's existence] and strayed after vanity, pursuing idol worship. One concludes with the true faith: how the Omnipresent has drawn us close to Him, separated us from the gentiles, and drawn us near to His Oneness.

Similarly, one begins by stating that we were slaves to Pharaoh in Egypt and [describing] all the evil done to us, and concludes with the miracles and wonders that were wrought upon us, and our freedom.

This [implies] that one should extrapolate [the passage beginning] from [**Deuteronomy 26:5**]: "An Aramean sought to destroy my ancestor..." until one concludes the entire passage. Whoever adds and extends his extrapolation of this passage is praiseworthy.

5 Whoever does not mention these three matters on the night of the

fifteenth has not fulfilled his obligation. They are: the Paschal sacrifice, matzah, and maror.

The Paschal sacrifice: [It is eaten] because the Omnipresent passed over the houses of our ancestors in Egypt as [**Exodus 12:27**] states: "And you shall say: 'It is the Paschal sacrifice to God.'

The bitter herbs: [They are eaten] because the Egyptians embittered the lives of our ancestors in Egypt.

The matzah: [It is eaten] because of the redemption. These statements are all referred to as the Haggadah.

6 In each and every generation, a person must present himself as if he, himself, has now left the slavery of Egypt, as [**Deuteronomy 6:23**] states: "He took us out from there." Regarding this manner, God commanded in the Torah: "Remember that you were a slave [**Deuteronomy 5:15**]" - i.e., as if you, yourself, were a slave and went out to freedom and were redeemed.

7 Therefore, when a person feasts on this night, he must eat and drink while he is reclining in the manner of free men. Each and every one, both men and women, must drink four cups of wine on this night. [This number] should not be reduced. Even a poor person who is sustained by charity should not have fewer than four cups. The size of each of these cups should be a quarter [of a *log*].

8 Even one of Israel's poor should not eat until he [can] recline. A woman need not recline. If she is an important woman, she must recline. [Even] a son in the presence of his father or an attendant in the presence of his

master must recline. However, a student before his teacher should not recline unless his teacher grants him permission.

Reclining on one's right side is not considered reclining. Neither is reclining on one's back or forwards.

When must one recline? when eating the כזית of matzah and when drinking these four cups of wine. While eating and drinking at other times: if one reclines, it is praiseworthy; if not, there is no requirement.

9 These four cups [of wine] should be mixed with water so that drinking them will be pleasant. [The degree to which they are mixed] all depends on the wine and the preference of the person drinking. [Together,] these four [cups] should contain at least a quarter [of a *log*] of pure wine.

A person who drank these four cups from wine which was not mixed [with water] has fulfilled the obligation to drink four cups of wine, but has not fulfilled the obligation to do so in a manner expressive of freedom.

A person who drank these four cups of wine mixed [with water] at one time has fulfilled the obligation to drink wine in a manner expressive of freedom, but has not fulfilled the obligation of four cups of wine.

A person who drank the majority [of the cup] from each of these [four] cups has fulfilled his obligation.

10 On each of these four cups, one recites a blessing of its own. In addition:

On the first cup, one recites the *kiddush* pertaining to the day;

On the second cup, one reads the Haggadah;

On the third cup, one recites the grace after meals;

On the fourth cup, one concludes the Hallel and recites the blessing for

songs [of praise].

Between these cups, should one desire to drink, one may. Between the third and the fourth cup, one should not drink.

11 The *charoset* is a mitzvah ordained by the words of the Sages, to commemorate the clay with which [our forefathers] worked in Egypt. How is it made?

We take dates, dried figs, or raisins and the like, and crush them, add vinegar to them, and mix them with spices, as clay is mixed into straw. This is placed on the table on [the first two] nights of Pesach.

12 According to the Torah, the eating of bitter herbs is not a mitzvah in its own right, but rather is dependent on the consumption of the Paschal sacrifice. It is one positive commandment to eat the meat of the Paschal sacrifice together with matzah and bitter herbs. According to the words of the Sages, [it is a mitzvah] to eat the bitter herbs alone on this night even if there is no Paschal sacrifice.

13 The bitter herbs referred to by the Torah are Romaine lettuce, endives, horseradish, date ivy, wormwood. All of these five species of vegetable are called maror. If a person ate a כזית of any one of these [species] or of all five [species] combined, he has fulfilled his obligation.

This applies while they are still moist. One may fulfill one's obligation with their stem even if it is dry. One cannot fulfill one's obligation if they are boiled, pickled, or cooked.

Chapter 8

1 The order of the fulfillment of these mitzvot on the night of the fifteenth [of Nisan] is as follows: In the beginning, a cup [of wine] is mixed for each individual. They recite the blessing,

בורא פרי הגפן and the *kiddush* of the day on it, and the blessing, *shehecheyanu*. Then, they drink [it].

Afterwards, one recites the blessing, על נטילת ידים, and washes one's hands.

A set table is brought, on which are maror, another vegetable, matzah, *charoset*, the body of the Paschal lamb, and the meat of the festive offering of the fourteenth of Pesach. At present, we bring two types of meat on the table: one in commemoration of the Paschal sacrifice and one in commemoration of the festive offering.

2 He begins and recites the blessing, בורא פרי האדמה, takes the vegetable, dips it in *charoset*, and eats a כזית. He and all those eating together with him, each and every one, do not eat less than a כזית.

Afterwards, the table is taken away from the person reciting the Haggadah alone. The second cup [of wine] is mixed. Here is where the son asks, and the one reciting [the Haggadah] says:

Why is this night different from all other nights?

On all other nights, we are not required to dip even once. On this night, we dip twice?

On all other nights, we eat chametz (leaven) or matzah. On this night, only matzah?

On all other nights, we eat roasted, boiled, or cooked meat. On this night

we eat only roasted?

On all other nights, we eat any type of vegetables. On this night, we eat maror (bitter herbs)?

On all other nights, we eat either sitting upright or reclining. On this night, we all recline?

3 At present, one does not recite [the question], "on this night, only roasted," for we do not have a sacrifice.

One begins [describing our people's] base [origins] and recites until one concludes expounding on the entire passage that begins "An Aramean sought to destroy my father."

4 The table is returned before him and he says: This Paschal sacrifice which we eat [is] because the Omnipresent passed over the houses of our ancestors in Egypt, as [**Exodus 12:27**] states: "And you shall say: 'It is a Paschal sacrifice unto God.'"

He lifts up the maror in his hands and says: This maror that we eat [is] because the Egyptians made the lives of our forefathers bitter in Egypt, as [**Exodus 1:14**] states: "and they embittered their lives."

And he lifts up the matzah in his hand and says:

This matzah which we eat [is] because the dough of our ancestors was not able to leaven before the Holy One, blessed be He, was revealed to them and redeemed them immediately, as [**Exodus 12:39**] states: "And they baked the dough which they took out of Egypt [as cakes of matzah]."

At present, he says: "This Paschal sacrifice, which our ancestors would eat when the Temple was standing, [is] because the Holy One, blessed be He,

passed over the houses of our ancestors..."

5 And he says:

Therefore, we are obliged to thank, praise, laud, glorify, adore, exalt, magnify, and give eternal honor to the One who did all these miracles for us and took us out from slavery to freedom, from sorrow to joy, from deep darkness to great light. [Therefore,] let us recite before Him: Halleluyah!

[He continues, beginning the Hallel, reciting from] "Halleluyah! Servants of God - offer praise;" until "the flintstone into a stream of water." He concludes:

Blessed are You, God, our Lord, King of the universe, who redeemed us and redeemed our ancestors from Egypt and has enabled us to reach this night so that we may eat matzah and bitter herbs upon it."

At present, he adds:

So too, God, our Lord and Lord of our fathers, enable us to reach other festivals and holidays that will come to us in peace, celebrating in the rebuilding of Your city and rejoicing in Your service. Then, we shall eat of the sacrifices and of the Paschal offerings whose blood shall be sprinkled on the wall of Your altar to be graciously accepted. Then, we shall offer thanks to You [with] a new song for our redemption and for the deliverance of our souls. Blessed are You, God, who redeemed Israel.

He recites the blessing, בורא פרי הגפן, and drinks the second cup.

6 Afterwards, he recites the blessing, *al netilat yadayim*, and washes his hands a second time, for he diverted his attention [from his hands] during the time he was reciting the Haggadah.

He takes two cakes [of matzah], divides one of them, places the broken half inside the whole [cake] and recites the blessing, *hamotzi lechem min ha'aretz*.

Why does he not recite a blessing on two loaves, as on other festivals? because [**Deuteronomy 16:3**] states "the bread of poverty." Just as a poor man is accustomed to eating a broken [loaf], so, too, a broken loaf should be used.

Afterwards, he wraps matzah and maror together as one, dips it in *charoset* and recites the blessing:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us regarding the eating of matzah and bitter herbs

and eats them. If he eats matzah separately and maror separately, he recites a blessing for the former in its own right and the latter in its own right.

7 Afterwards, he recites the blessing:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us regarding the eating of the sacrifice

and first, partakes of the meat of the *Chaggigah* offering of the fourteenth [of Nisan].

[Then,] he recites the blessing:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us regarding the eating of the Paschal sacrifice

and eats from the body of the Paschal sacrifice. The blessing for the

Paschal sacrifice does not free one of [the obligation of the blessing for] the [*Chaggigah*] offering. [Conversely, the blessing for the *Chaggigah*] offering does not free one of [the obligation of the blessing for] the Paschal sacrifice.

8 At present, when there is no [Paschal] sacrifice, after one recites the blessing, *hamotzi lechem*, one then recites the blessing, *al achilat matzah*, dips the matzah in *charoset*, and eats it.

Afterwards, one recites the blessing, *al achilat maror,* dips the maror in *charoset* and eats it. One should not leave [the bitter herbs] in the *charoset* for a prolonged period, lest their taste be negated, since [eating the maror] is a mitzvah ordained by the Sages.

Afterwards, one should wrap matzah and maror together, dip them in the *charoset*, and eat them without reciting a blessing, to recall the Temple.

9 Afterwards, one continues the meal, eating whatever one desires to eat and drinking whatever one desires to drink. At its conclusion, one eats from the Paschal sacrifice, even [as small a portion as] a כזית, and does not taste anything afterwards.

At present, one eats a כזית of matzah and does not taste anything afterwards, so that, after the completion of the meal, the taste of the meat of the Paschal sacrifice or the matzah will [remain] in one's mouth, for eating them is the mitzvah.

10 Afterwards, he washes his hands and recites the grace after meals over a third cup [of wine] and drinks it.

Afterwards, he pours out a fourth cup and completes the Hallel over it, reciting upon it the blessing of song—i.e., "May all Your works praise You, God..." - recites the blessing, *borey pri hagefen*, [and drinks the wine]. Afterwards, he does not taste anything, with the exception of water, throughout the entire night.

It is permissible to mix a fifth cup and recite upon it "the great Hallel" - i.e., from "Give thanks to God, for He is good" until "By the rivers of Babylon." This cup is not an obligation like the other cups.

One may complete the Hallel wherever one desires, even though it is not the place where one ate.

11 In a place where it is customary to eat roasted meat on Pesach night, one may eat. [However,] in a place where it is customary not to eat [roasted meat], one should not eat it, lest it be said: "this is the meat of the Paschal sacrifice."

In all places, it is forbidden to eat a whole sheep that has been roasted in its entirety on this night, for it would appear as though one were eating sacrificial animals outside [the area prescribed for them]. If it has been cut in pieces, is lacking a limb, or one of the limbs attached to it has been boiled, it is permitted in a place where [roasted meat] is customarily [eaten].

12 A person who does not have any wine on the nights of Pesach recites the *kiddush* on bread, as he would do on the Sabbath. [Afterwards,] he carries out all the [above] matters according to this order.

A person who has no other vegetable besides bitter herbs: At the outset, he

recites two blessings over the bitter herbs: *borey pri ha'adamah* and *al achilat maror*, and partakes of them. When he concludes the Haggadah, he recites the blessing over the matzah and eats it. Afterwards, he eats from the bitter herbs without reciting a blessing.

13 A person who has only a single כזית of *shemurah* matzah: When he concludes [eating] his meal from matzah which was not watched, he recites the blessing, *al achilat matzah*, eats that כזית and does not taste anything afterward.

14 A person who slept in the midst of the meal and then woke up, does not begin to eat again. [However,] if some members of a company slept in the middle of a meal, they may eat again. If they all fell into a sound slumber and then awoke, they should not eat. If they all [merely] dozed, they may eat.

Chapter 9

1 The text of the Haggadah which Israel is accustomed [to use] at the time of the Exile is like this: He begins over the second cup and says:

2 We left Egypt in frenzy. This is the bread of poverty that our ancestors ate in the land of Egypt. Anyone who is famished should come and eat; anyone who is in need to have the Passover sacrifice should come and partake of the Passover sacrifice. Now we are here, next year we will be in the Land of Israel; this year we are slaves, the year that is coming we will be free people.

3 What differentiates this night from all [other] nights? On all other nights we don't dip even once; but tonight twice. On all other nights we eat chamets and matsa; but tonight it is all matsa. On all other nights we eat other vegetables; but tonight it is all bitter herbs. On all other nights we eat whether sitting or reclining; but tonight we are all reclining

4 We were slaves to Pharaoh in the Land of Egypt. And the Lord, our God, took us out from there with a strong hand and an outstretched forearm. And if the Holy One, blessed be He, had not taken our ancestors from Egypt, we and our children and our children's children would [all] be enslaved to Pharaoh in Egypt. And even if we were all sages, all discerning, all elders, all knowledgeable about the Torah, it would [still] be a commandment upon us to tell the story of the exodus from Egypt. And anyone who speaks at length about the exodus from Egypt, behold he is praiseworthy.

5 It happened once [on Passover] that Rabbi Eliezer, Rabbi Yehoshua, Rabbi Elazar ben Azariah, Rabbi Akiva and Rabbi Tarfon were reclining in Bnei Brak and were telling the story of the exodus from Egypt that whole night, until their students came and said to them, "The time of reciting the morning Shema has arrived."

6 Rabbi Elazar ben Azariah said to them, "Behold I am like a man of seventy years and I have not merited [to understand why] the exodus from Egypt should be said at night until Ben Zoma expounded it, as it is stated (**Deuteronomy 16:3**), 'In order that you remember the day of your going

out from the land of Egypt all the days of your life' - 'the days of your life' [indicates that the remembrance be invoked during] the days; 'all the days of your life' [indicates that the remembrance be invoked also during] the nights." But the Sages say, "'The days of your life' [indicates that the remembrance be invoked in] this world, 'all the days of your life' [indicates that the remembrance be invoked also in] the days of the Messiah."

7 Blessed be the Place [of all], Blessed be He; Blessed be the One who Gave the Torah to His people Israel, Blessed be He. Corresponding to four sons did the Torah speak; one [who is] wise, one [who is] evil, one who is innocent and one who doesn't know to ask.

8 What does the wise [son] say? "'What are these testimonies, statutes and judgments that the Lord our God commanded you?' (**Deuteronomy 6:20**)" And accordingly you will say to him, as per the laws of the Passover sacrifice, "We may not eat an *afikoman* (a dessert or other foods eaten after the meal) after [we are finished eating] the Pesach sacrifice (**Mishnah Pesachim 10:8**)."

9 What does the evil [son] say? "'What is this worship to you?' (**Exodus 12:26**)" 'To you' and not 'to him.' And since he excluded himself from the collective, he denied a principle [of the Jewish faith]. And accordingly, you will blunt his teeth and say to him, "'For the sake of this did the Lord do [this] for me in my going out of Egypt' (**Exodus 13:8**)." 'For me' and not 'for him.' And if he had been there, he would not have been saved.

10 What does the innocent [son] say? "What is this?" (**Exodus 13:14**) And you will say to him, "'With the strength of [His] hand did the Lord take us out from Egypt, from the house of slaves' (**Exodus 13:14**).'"

11 And [regarding] the one who doesn't know to ask, you will open [the conversation] for him. As it is stated (**Exodus 13:8**), "And you will speak to your son on that day saying, for the sake of this, did the Lord do [this] for me in my going out of Egypt." "And you will speak to your your son " - it could be from Rosh Chodesh [that one would have to discuss the Exodus. However] we learn [otherwise, since] it is stated, "on that day." If it is [written] "on that day," it could be from while it is still day [before the night of the fifteenth of Nissan. However] we learn [otherwise, since] it is stated, "for the sake of this." I didn't say [this] except [that it be observed] when [this] matsa and bitter herbs are resting in front of you [meaning, on the night of the fifteenth].

12 From the beginning, our ancestors were idol worshipers. And now, the Place [of all] has brought us close to His worship, as it is stated (**Joshua 24:2-4**), "Joshua said to the whole people, so said the Lord, God of Israel, 'Over the river did your ancestors dwell from always, Terach the father of Abraham and the father of Nachor, and they worshiped other gods. And I took your father, Abraham, from over the river and I made him walk in all the land of Canaan and I increased his seed and I gave him Isaac. And I gave to Isaac, Jacob and Esau; and I gave to Esau, Mount Seir [in order that he] inherit it; and Jacob and his sons went down to Egypt.'"

13 Blessed be the One who keeps His promise to Israel, blessed be He; since the Holy One, blessed be He, calculates the end [of the exile,] to do as He said to Abraham, our father, in the Covenant between the Pieces; as it is stated (**Genesis 15:13-14**), "And He said to Abram, 'you should surely know that your seed will be a stranger in a land that is not theirs, and they will enslave them and afflict them four hundred years. And also that nation for which they shall toil will I judge, and afterwards they will go out with much property.'"

14 And it is this that has stood for our ancestors and for us; since it is not [only] one [person or nation] that has stood [against] us to destroy us, but rather in each generation, they stand [against] us to destroy us, but the Holy One, blessed be He, rescues us from their hand. Go out and learn what Laban the Aramean sought to do to Jacob, our father; since Pharaoh only decreed [the death sentence] on the males, but Laban sought to uproot the whole [people]. As it is stated (**Deuteronomy 26:5**), "An Aramean was destroying my father; so he went down to Egypt and resided there" - [this] teaches that Ya'akov, our father, didn't go down to settle in Egypt, but rather [only] to reside there, as it is stated (**Genesis 47:4**), "And they said to Pharaoh, 'To reside in the land have we come, since there is not enough pasture for your servant's flocks, since the famine is heavy in the land of Canaan, and now please grant that your servants should dwell in the Land of Goshen.'"

15 "As a small number" - as it is stated (**Deuteronomy 10:22**), "With seventy souls did your ancestors come down to Egypt, and now the Lord, your

God, has made you as numerous as the stars of the sky."

16 "And he became there a nation" - [this] teaches that Israel [became] distinguishable there. "Great, powerful" - as it is stated (**Exodus 1:7**), "And the Children of Israel multiplied and swarmed and grew numerous and strong, most exceedingly and the land became full of them."

17 "And numerous" - as it is stated (**Ezekiel 16:7**), "I have given you to be numerous as the vegetation of the field, and you increased and grew and became highly ornamented, your breasts were set and your hair grew, but you were naked and barren;" "And I passed over you and I saw you wallowing in your blood, and I said to you, 'You shall live in your blood,' and I said to you, 'You shall live in your blood'" (**Ezekiel 16:6**).

18 "And the Egyptians did bad to us and afflicted us and put upon us hard work" (**Deuteronomy 26:6**). "And the Egyptians did bad to us" - as it is stated (**Exodus 1:10**), "Let us be wise towards him, lest he multiply and it will be that when war is called, he too will join with our enemies and fight against us and go up from the land."

19 "And afflicted us" - as is is stated (**Exodus 1:11**); "And they placed upon him leaders over the work-tax in order to afflict them with their burdens; and they built storage cities, Pitom and Ra'amses."

20 "And put upon us hard work" - as it is stated (**Exodus 1:11**), "And they enslaved the children of Israel with breaking work."

21 "And we cried out to the Lord, the God of our ancestors" - as it is stated (**Exodus 2:23**); "And it was in those great days that the king of Egypt died and the Children of Israel sighed from the work and yelled out; and their supplication went up to God from the work."

22 "And the Lord heard our voice" - as it is stated (**Exodus 2:24**); "And God heard their groans and God remembered His covenant with Abraham and with Isaac and with Jacob."

23 "And He saw our affliction" - this [refers to] the separation from the way of the world, as it is stated (**Exodus 2:25**); "And God saw the Children of Israel and God knew."

24 "And our toil" - this [refers to the killing of the] sons, as it is stated (**Exodus 1:24**); "Every boy that is born, throw him into the Nile; and every girl you shall keep alive."

25 "And our duress" - this [refers to] the pressure, as it is stated (**Exodus 3:9**); "And I also saw the duress that the Egyptians are applying on them."

26 "And the Lord took us out of Egypt" - not through an angel and not through a seraph and not through a messenger, but [directly by] the Holy One, blessed be He, in His glory, as it is stated (**Exodus 12:12**); "And I will pass through the Land of Egypt on that night and I will smite every firstborn in the Land of Egypt, from men to animals; and with all the gods of Egypt, I will make judgments, I am the Lord."

27 "With a strong hand" - this [refers to] the pestilence, as it is stated (**Exodus 9:3**); "Behold the hand of the Lord is upon your herds that are in the field, upon the horses, upon the donkeys, upon the camels, upon the cattle and upon the flocks, [there will be] a very heavy pestilence."

28 "And with an outstretched forearm" - this [refers to] the sword, as it is stated (**I Chronicles 21:16**); "And his sword was drawn in his hand, leaning over Jerusalem."

29 "And with great awe" - this [refers to the revelation of] the Divine Presence, as it is stated (**Deuteronomy 4:34**), "Or did God try to take for Himself a nation from within a nation with enigmas, with signs and with wonders and with war and with a strong hand and with an outstretched forearm and with great and awesome acts, like all that the Lord, your God, did for you in Egypt in front of your eyes?"

30 "And with signs" - this [refers to] the staff, as it is stated (**Exodus 4:17**); "And this staff you shall take in your hand, that with it you will preform signs."

31 "And with wonders" - this [refers to] the blood, as it is stated (**Joel 3:3**); "And I will place my wonders in the skies and in the earth; blood and fire and pillars of smoke."

32 Another explanation: "With a strong hand" [corresponds to] two [plagues]; "and with an outstretched forearm" [corresponds to] two [plagues]; "and with great awe" [corresponds to] two [plagues]; "and with

signs" [corresponds to] two [plagues]; "and with wonders" [corresponds to] two [plagues]. These are [the] ten plagues that the Holy One, blessed be He, brought on the Egyptians in Egypt and they are: Blood; Frogs; Lice; [The] Mixture [of Wild Animals]; Pestilence; Boils; Hail; Locusts; Darkness; Slaying of [the] Firstborn. Rabbi Yehuda was accustomed to giving [the plagues] mnemonics: *Detsakh* [the Hebrew initials of the first three plagues], *Adash* [the Hebrew initials of the second three plagues], *Beachav* [the Hebrew initials of the last four plagues].

33 Rabban Gamliel says, "Anyone who has not said these three things on Passover has not fulfilled his obligation - and these are them: the Passover sacrifice, matsa and bitter herbs."

34 The Passover sacrifice that our ancestors were accustomed to eating when the Temple existed, for the sake of what [was it]? For the sake [to commemorate] that the Holy One, blessed be He, passed over the homes of our ancestors in Egypt, as it is stated (**Exodus 12:27**); "And you shall say: 'It is the Passover sacrifice to the Lord, for that He passed over the homes of the Children of Israel in Egypt, when He smote the Egyptians, and our homes he saved.' And the people bowed the head and bowed."

35 This matsa that we are eating, for the sake of what [is it]? For the sake [to commemorate] that our ancestors' dough did not have time to become leavened before the King of the kings of kings, the Holy One, blessed be He, revealed [Himself] to them and redeemed them, as it is stated (**Exodus 12:39**); "And they baked the dough which they brought out of Egypt into

matsa cakes, since it did not rise; because they were expelled from Egypt, and could not tarry, neither had they made for themselves provisions."

36 These bitter herbs that we are eating, for the sake of what [is it]? For the sake [to commemorate] that the Egyptians embittered the lives of our ancestors in Egypt, as it is stated (**Exodus 1:14**); "And they made their lives bitter with hard service, in mortar and in brick, and in all manner of service in the field; in all their service, wherein they made them serve with rigor."

37 And in each and every generation, a person is obligated to show himself as if he left Egypt, as it is stated (**Exodus 13:8**); "For the sake of this, did the Lord do [this] for me in my going out of Egypt." Not only our ancestors did the Holy One, blessed be He, redeem, but rather also us [together] with them did He redeem, as it is stated (**Deuteronomy 6:23**); "And He took us out from there, in order to bring us in, to give us the land which He swore unto our fathers."

38 Therefore we are obligated to thank, praise, laud, glorify, exalt, aggrandize, lavish, and extol He who made all these miracles for our ancestors and for us: He brought us out from slavery to freedom, from sorrow to joy and from darkness to great light. And let us say before Him, Halleluyah!

39 Halleluyah. Servants of the Lord, praise, praise the name of the Lord! Let the name of the Lord be blessed... (**Psalms 113:1-2**) until "a rock to a spring of water' (**Psalms 114:8**)."

40 Blessed are You, Lord our God, King of the universe, who redeemed us and redeemed our ancestors from Egypt, and brought us to this night to eat matsa and bitter herbs. So too, Lord our God, and God of our ancestors, bring us to other appointed times and holidays that will come to greet us in peace, joyful in the building of Your city and happy in Your worship; and we shall eat there from the offerings and from the Passover sacrifices, the blood of which shall reach the wall of Your altar for favor, and we shall thank You with a new song upon our redemption and upon the restoration of our souls. Blessed are you, Lord, who redeemed Israel.

41 According to the order that we recite blessings and read the Haggadah on the night of the first holiday of Passover, so [too] do we recite blessings and read on the second night of the exiles. And likewise are we obligated about the four cups - and the other things that are done on the first night - on the second night.

Mishneh Torah, Shofar, Sukkah and Lulav

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment from the Torah to hear the sounding of the shofar on Rosh HaShanah, as [**Numbers 29:1**] states: "It shall be a day of sounding [the ram's horn] for you."

The shofar, which is sounded both on Rosh HaShanah and for the *yovel*, is a bent ram's horn. All shofarot other than that of a ram are unacceptable.

Even though the sounding of the shofar on Rosh HaShanah is not explicitly mentioned in the Torah [it was derived by our Sages in the following manner]. Concerning the *yovel*, [**Leviticus 25:9**] states: "You shall make a proclamation, sounding the shofar... you shall proclaim with the shofar." The oral tradition explains that just as the "sounding" required by the Torah in the *yovel* requires a shofar, so, too, the "sounding" on Rosh HaShanah requires a shofar.

2 In the Temple, on Rosh HaShanah, they would blow [the shofar in the following manner]: There was one shofar and two trumpets, [one on either] side. The sounding of the shofar was extended, while that of the trumpets was shortened, because the mitzvah of the day is performed with the shofar.

Why were the trumpets sounded together with it? Because [**Psalms 98:6**] states: "You shall sound trumpets and the voice of the shofar before God,

the King." However, in other places on Rosh Hashanah, only the shofar is blown.

3 At the outset, we should not blow a shofar of idol worship. However, if one sounded it, one has fulfilled his obligation. [In contrast,] should one sound a shofar belonging to an apostate city, one has not fulfilled one's obligation.

Concerning a stolen shofar: one who blows it fulfills his obligation, because the mitzvah is only to listen to the sound, even though the listener does not touch [the shofar] or lift it up. The laws of theft do not apply to sound alone.

Similarly, a shofar from an *olah* offering should not be sounded, but if one sounds it, he fulfills his obligation, because the laws of מעילה do not apply with regard to sound alone. If you ask: "Behold, he has derived benefit from hearing [the shofar's] sound?" - mitzvot were not given for our benefit.

Based on this concept, a person who vows not to derive benefit from a shofar may use it to blow the *teki'ot* required to fulfill the mitzvah.

4 Regarding a shofar to be used on Rosh HaShanah: It is forbidden to violate the festival laws to obtain it. This applies even when the forbidden practice is in the category of *sh'vut*.

How is the above exemplified? If there is a shofar in a treetop or across a river - and that is the only shofar available - one may not climb the tree or swim across the water to bring it. Needless to say, we may not cut the shofar [from the animal's head] or perform a forbidden labor [to prepare a

shofar so that we may blow it].

[The rationale for the above is:] Blowing the shofar fulfills a positive commandment, while [the observance of] the festivals fulfills both a positive and a negative commandment. The observance of a positive commandment does not negate the observance of both a positive and negative commandment.

It is permitted to rinse a shofar with water, wine, or vinegar in order to improve its tone. However, as an expression of deference, one should never use urine [for that purpose], lest one view the mitzvot in a deprecating manner.

5 The minimum size of a shofar is [a measure] sufficient that one may hold the shofar in one's hands [with the ends] visibly [protruding] on either side.

Should a shofar be cracked lengthwise, it is unacceptable. Should it be cracked along its width - if a measure equivalent to the minimum size of a shofar remains, it is kosher. It is considered as if it were cut off at the place of the crack.

[Regarding a shofar with] a hole: If it was plugged with another substance, it is unacceptable. If it was plugged with its own kind, it is kosher [under the following conditions]:

the majority of the shofar remained whole;

the plugging of the holes did not alter its sound.

If one [merely] perforated the insides of the horn, [but did not remove them,] it is kosher, because a substance of the same kind is not considered an intervening entity. Should one stick together fragments of *shofarot* until

one has constructed a shofar, it is unacceptable.

6 If one made any addition to a shofar - whether of its kind or from another substance - it is unacceptable.

Should one coat it with gold from the inside or at the mouthpiece, it is unacceptable. Should one coat it on the outside: If its sound is changed from what it was originally, it is not acceptable. If its sound did not change, it is kosher.

Should one place one shofar within another: If one hears the sound of the inner shofar, one has fulfilled one's obligation. If one hears the outer shofar, one has not fulfilled one's obligation.

Should one widen the narrow portion of the shofar and narrow its wider end, the shofar is unacceptable.

7 If a shofar was long and one shortened it, it is kosher. If one scraped away the horn - either from the inside or from the outside - even if one did so to the extent that all that remained was the thin external shell, it is kosher.

Regardless of whether [the shofar's] sound is heavy, thin, or raspy, it is kosher, because all the sounds produced by the shofar are kosher.

8 When a person sounds a shofar within a pit or within a cave, those standing within the pit or cave fulfill their obligation. Concerning those standing outside: If they hear the sound of the shofar, they fulfill their obligation. If they hear the sound of an echo, they do not fulfill their obligation.

Similar principles apply regarding one who blows into a giant barrel. If he

hears the sound of a shofar, he fulfills his obligation. If he hears an echo, he does not fulfill his obligation.

Chapter 2

1 Everyone is obligated to hear the sounding of the shofar: priests, levites, Israelites, converts, and freed slaves. However, women, slaves, and minors are free of the obligation.

A person who is half slave and half free, a *tumtum*, and an *androgynous* are obligated [to hear shofar].

2 Whoever is not [himself] obligated regarding this matter cannot facilitate the performance of the mitzvah for one who is obligated. Thus, if a woman or a minor blows the shofar, one who hears does not fulfill his obligation.

An *androgynous* can facilitate the performance of the mitzvah for one of his kind, but not for one who is not of his kind. A *tumtum* cannot facilitate the performance of the mitzvah [for anyone], whether of his kind or not of his kind, for if [the layer of skin covering] the *tumtum's* [genitalia] is cut open, it is possible that it will be discovered that the *tumtum* is a male, but it is possible that it will be discovered that the *tumtum* is a female.

3 A person who is half slave and half free cannot even facilitate the performance of the mitzvah for himself, because the aspect of himself which is a slave cannot facilitate the performance of the mitzvah for the

aspect of himself which is free.

How should he fulfill his obligation? He should hear a free man blow the shofar.

4 A person who occupies himself with blowing the shofar in order to learn does not fulfill his obligation. Similarly, one who hears the shofar from a person who blows it casually does not fulfill his obligation.

If the person hearing had the intention of fulfilling his obligation, but the person blowing did not have the intention of facilitating the latter's performance of the mitzvah, or the person blowing had the intention of facilitating his colleague's performance of the mitzvah, but the person hearing did not have the intention of fulfilling his obligation, [the person hearing] did not fulfill his obligation. Rather, both the person hearing and the one allowing him to hear must have the [proper] intention.

5 If a person blew the shofar with the intention of enabling all those hearing his blowing to perform the mitzvah, and a listener heard while having the intention to fulfill his obligation - even though the person blowing did not have a specific intention that this individual would hear his blowing, nor did he know about him - the listener has fulfilled his obligation, because the blower had in mind all those who heard him.

Accordingly, if a person was traveling on a journey or was sitting in his home and heard the *teki'ot* from the person leading the congregation, he has fulfilled his obligation if he had that intention, since the leader of the congregation had the intention of enabling the many to fulfill their obligation.

6 If the festival of Rosh Hashanah falls on the Sabbath, the shofar is not sounded in every place. [This law was enacted] even though blowing [the shofar] was forbidden only as *sh'vut*.

It would be appropriate for [the shofar] to be sounded, for a positive commandment of the Torah should supersede *sh'vut* instituted by the Sages. If so, why is the shofar not sounded?

Because of a decree [of the Sages] lest a person take it in his hands and carry it to a colleague so that the latter can blow for him, and [in the process,] carry it four cubits in the public domain or transfer it from one domain to another, and thus violate a prohibition punishable by being stoned to death. [This is necessary because] all are obligated in the mitzvah of blowing the shofar, but not all are skilled in it.

7 Children who have not reached an age at which they can be educated: We need not prevent them from blowing [the shofar] on a Sabbath which is not the festival of Rosh Hashanah, so that they will learn [to blow].

An adult is permitted to be involved in the instruction [of children in the blowing of shofar] on the festival. [This applies] concerning both children who have reached an age at which they can be educated and those who have not reached that age, for blowing [the shofar] is prohibited only as *sh'vut*.

8 When [the Sages] decreed not to sound [the shofar] on the Sabbath, they applied that decree only to places which lacked a court. However, while the Temple was standing and the Supreme Court was seated in Jerusalem, everyone would sound the shofar in Jerusalem throughout the entire

period the court held its sessions there.

[This did not apply] to the people of Jerusalem alone. Rather, every city that was within the outer limits of Jerusalem and [whose inhabitants] could:

see Jerusalem - i.e., excluding those within a wadi;

hear the shofar blown in Jerusalem - i.e., excluding those on the mountaintops; and

travel to Jerusalem - i.e., excluding those separated by a wadi from the city

the people of these cities would blow the shofar on the Sabbath as in Jerusalem. However, in the other cities of Israel, they would not sound [the shofar on the Sabbath].

9 At present, while the Temple is destroyed, wherever a court whose judges received *semichah* in *Eretz Yisrael* permanently holds sessions, the shofar is sounded on the Sabbath. Furthermore, the shofar is sounded on the Sabbath only in a court that has sanctified the new moon. However, the shofar will not be sounded in other courts, even though their judges have received *semichah*. Also, the shofar is sounded only in the presence of a high court.

It may be sounded during the entire time they are in session. Even after they have begun preparing to rise - as long as they have not risen - the shofar may be sounded before them. However, outside the court, the shofar may not be sounded.

Why is the shofar allowed to be sounded in the court? Because the court is scrupulous [in the observance of the mitzvot] and, in its presence, those who blow the shofar will not carry the shofar in the public domain, for

the court will warn the people and inform them.

10 In the present age, when we celebrate Rosh Hashanah in the exile for two days, the shofar is sounded on the second day just as it is sounded on the first.

If the first day falls on the Sabbath, those who were not in the presence of a court fit to blow the shofar on the Sabbath may blow the shofar on the second day alone.

Chapter 3

1 How many shofar blasts is a person required to hear on Rosh Hashanah? Nine.

[This figure is derived as follows]: The Torah mentions the word תרועה [sounding the shofar] three times in association with Rosh Hashanah and the *Yovel*. Every תרועה must be preceded and followed by a [single] long blast. According to the oral tradition, we learned that - whether on Rosh Hashanah or on Yom Kippur of the *Yovel* - all the soundings of the shofar of the seventh month are a single entity.

Thus, nine shofar blasts must be sounded on both of them: *teki'ah, teru'ah, teki'ah; teki'ah, teru'ah, teki'ah; teki'ah, teru'ah, teki'ah*.

2 Over the passage of the years and throughout the many exiles, doubt has been raised concerning the *teru'ah* which the Torah mentions, to the extent that we do not know what it is:

Does it resemble the wailing with which the women cry when they moan,

or the sighs which a person who is distressed about a major matter will release repeatedly? Perhaps a combination of the two - sighing and the crying which will follow it - is called *teru'ah*, because a distressed person will sigh and then cry? Therefore, we fulfill all [these possibilities].

3 The crying refers to what we call *teru'ah*. The repeated sighs refer to what we call three *shevarim*.

Thus, the order of blowing the shofar is as follows: First, one recites the blessing and sounds a *teki'ah*; afterwards, three *shevarim*; and afterwards, a *teru'ah*; and afterwards, a *teki'ah*. He repeats this pattern [until he completes] three series.

[Then,] he sounds a *teki'ah*; afterwards, three *shevarim*; and afterwards, a *teki'ah*. He repeats this pattern [until he completes] three series.

[Then,] he sounds a *teki'ah*; afterwards, a *teru'ah*; and afterwards, a *teki'ah*. He repeats this pattern [until he completes] three series.

Thus, there are a total of thirty shofar blasts, in order to remove any doubt.

4 The required length of a *teru'ah* is that of two *teki'ot*. The required length of the three *shevarim* is that of a *teru'ah*.

When a person sounds a *teki'ah* and a *teru'ah*, and afterwards sounds a long *teki'ah*, extending it twice the length of the original one, we do not say that it may be considered to be two *teki'ot* - thus allowing one [to complete the series merely by] sounding a *teru'ah* and another *teki'ah*. Rather, even if one extended a *teki'ah* the entire day, it is considered to be only a single *teki'ah* and one must sound another *teki'ah, teru'ah,* and

teki'ah [until he completes] three series.

5 If a person hears one shofar blast at one hour and a second one an hour later - even if he waits the entire day - the two may be considered to be a single unit and he may fulfill his obligation.

The above applies provided each series is heard in the proper order; i.e., one may not hear a *teru'ah* and afterwards two *teki'ot*, or two *teki'ot*, and afterwards a *teru'ah*, and the like.

6 If a person heard nine shofar blasts from nine men simultaneously, he has not fulfilled his obligation for a single blast. [If he heard] a *teki'ah* from one, a *teru'ah* from another, and another *teki'ah* from a third, in sequence, he has fulfilled his obligation.

The above applies even if one heard [the shofar blasts] with interruptions, even if [the blowing was extended] over the entire day. A person does not fulfill his obligation until he hears all nine shofar blasts, for they are all [only] one mitzvah. Thus, they are dependent one on the other.

7 The congregation is obligated to hear the shofar blasts together with the order of blessings.

How is this expressed? The *chazan* recites *Avot*, *Gevurot*, the sanctification of God's name, *Malchuyot* [- at this point,] the shofar is sounded three times; *Zichronot* - the shofar is sounded three times; *Shofarot* - the shofar is sounded three times - [and concludes the *Amidah* with] the *Avodah*, an acknowledgement [of God's wonders], and the priestly blessing.

8 These three intermediate blessings recited on Rosh Hashanah and Yom

Kippur of the *Yovel* - *Malchuyot, Zichronot*, and *Shofarot* - are each dependent on each other.

In each of these blessings, one is required to recite ten verses reflecting the content of the blessing - three verses from the Torah, three from the Book of Psalms, and three from [the words of] the prophets. One concludes with a verse from the Torah. Should a person conclude with a verse from the prophets, he fulfills his obligation.

Should a person recite only one verse from the Torah, one from the sacred writings, and one from the prophets, he fulfills his obligation. Even if he states: "In Your Torah, God, our Lord, it is written..." and recites one verse from the Torah and concludes, nothing further is necessary.

9 One should not recite [verses for] *Malchuyot, Zichronot*, and *Shofarot* which describe [Divine] retribution; for example, for *Zichronot*, [**Psalms 78:39**]: "And He remembered that they were mere flesh..."; for *Malchuyot*, [**Ezekiel 20:33**]: "With outpoured anger, I will reign over you..."; for *Shofarot*, [**Hoshea 5:8**]: "Blow the shofar in Givah..."

Similarly, *Zichronot* which are merely associated with an individual [should not be mentioned] even if they are of a positive nature - for example, [**Psalms 106:4**]: "Remember me, O God, amidst the favor of Your people," [**Nehemiah 5:19**]: "Remember me, my God, for good."

Verses using the verb פקד - for example, [**Exodus 3:16**]: "I have surely taken note..." - may not be included as *Zichronot*. One may mention verses that refer to retribution to be visited upon the gentile nations - for example, [**Psalms 99:1**]: "God is King, the nations will tremble..."; [**Psalms 137:7**]: "Remember, O God, against the Edomites, the day of Jerusalem";

or [**Zechariah 9:14**]: "God, the Lord, will sound the shofar and proceed in a southerly storm-wind."

All the following verses: [**Deuteronomy 6:4**]: "Hear Israel, God is our Lord, God is one"; [**Deuteronomy 4:35**]: "To you, it has been revealed that you may know..."; and [**Deuteronomy 4:39**]: "And you shall know today and draw it close to your heart..." express the concept of God's sovereignty. Even though [these verses] do not explicitly mention His kingship, they are equivalent to [**Exodus 16:18**]: "God will rule forever and ever"; and [**Deuteronomy 33:5**]: "When He became King in Jeshurun."

10 The following is the commonly accepted custom for blowing the shofar on Rosh Hashanah in the communal services:

After the Torah is read and returned to its place, the congregation is seated. One person stands and recites the blessing:

Blessed are You, God, Lord of the universe, who has sanctified us with His commandments and commanded us to hear the sounding of the shofar.

The entire congregation responds "Amen." He then recites the blessing *shehecheyanu*, and the entire congregation responds "Amen" to him. Thirty shofar blasts are sounded in the proper order.

Kaddish is recited. The congregation stands and recites the musaf service. After the chazan completes the fourth blessing - i.e., *Malchuyot* - a *teki'ah*, three *shevarim*, a [series of] *teru'ot*, and a *teki'ah* are sounded once.

He then recites the fifth blessing - i.e., *Zichronot*. After he completes the blessing, a *teki'ah*, three *shevarim*, and a *teki'ah* are sounded. He then recites the sixth blessing - i.e., *Shofarot*. After he completes the blessing, a *teki'ah*, a [series of] *teru'ot*, and a *teki'ah* are sounded once, and he

concludes the prayers.

11 The person who sounds the shofar while they are sitting also sounds the shofar according to the order of blessings while they stand. He should not speak between the shofar blasts while the congregation is seated and those sounded while they stand. If he did talk between them, even though it is a transgression, he does not repeat the blessing.

12 It is logical that each series of shofar blasts should be sounded three times for every blessing, as [the shofar] was sounded while [the congregation] was seated. However, since they satisfied every possible doubt [by hearing] the shofar while seated, there is no need for the congregation to repeat them in their entirety during the order of blessings. Rather, it is sufficient for them to hear one series for each blessing, and they will thus have heard the shofar during the order of blessings.

All of the above applies only to a congregation. However, there is no [set] custom regarding an individual. He fulfills his obligation whether or not he hears [the shofar blasts] during the order of blessings, whether seated or standing.

13 The blessings are not dependent on the *teki'ot*, nor are the *teki'ot* dependent on the blessings.

When there are two cities - in one it is known that there will definitely be someone to recite the nine blessings, but there is no one to blow the shofar - in the other, a doubt exists whether or not there will be someone to blow the shofar, one should go the latter, since the sounding of the

shofar is a requirement of the Torah, while the blessings are of Rabbinic origin.

Chapter 4

1 These are the required measurements of a sukkah: Its height should not be less than ten handbreadths nor more than twenty cubits. Its area should not be less than seven handbreadths by seven handbreadths. [There is no maximum limit to] its area, and one may increase it [to include] a number of *millim*.

A sukkah which is less than ten handbreadths high, smaller than seven handbreadths by seven handbreadths [in area], or taller than twenty cubits - even [if the increase or decrease] is of the slightest amount - is invalid.

2 A sukkah which does not possess three walls is invalid. However, if it has two complete walls perpendicular to each other in the shape of [the Greek letter] *gamma*, it is sufficient to construct a third wall that is [only] slightly more than a handbreadth wide and place it within three handbreadths of one of the two walls. Also, one must construct the likeness of an entrance, since it does not possess three complete walls.

We have already explained in *Hilchot Shabbat* that wherever the term "a likeness of an entrance" is used, it may be a rod on one side, another rod on the opposite side, and a third above, even though it does not touch them.

3 If the two walls were parallel to each other and there was an open space

between them, one should construct a wall slightly more than four handbreadths wide and place it within three handbreadths of one of the two walls; then, [the sukkah] is kosher. However, it is necessary to construct "the likeness of an entrance."

If the rods of the *s'chach* of the sukkah extend beyond the sukkah and one wall extends with them, they are considered to be [part of] the sukkah.

4 Walls which are connected to the roof of the sukkah, but do not reach the earth: If they are more than three handbreadths above the earth, they are invalid; if the distance is less than that, they are kosher.

[The following rules apply] should the walls be connected to the earth, without reaching the *s'chach*: If they are ten handbreadths high, they are kosher even though are removed several cubits from the roof, provided they are positioned below the end of the roof. If the roof was separated from the wall by more than three handbreadths, it is invalid; less than this amount is kosher.

If one suspended a partition which is slightly more than four handbreadths high at a distance of less than three handbreadths from the earth and a distance of less than three handbreadths from the roof, it is kosher.

5 When a person constructs his sukkah among the trees, using the trees as walls, it is kosher if:

a) they are strong enough - or he tied them and reinforced them so that they would be strong enough - that they would not be shaken by the wind at all times; and

b) he filled [the space] between the branches with hay and straw, tying them so that they will not be shaken by the wind.
[This is necessary,] for any partition that cannot stand before a normal land wind is not considered to be a partition.

6 If a person constructs his sukkah on top of a wagon or on the deck of a ship, it is kosher, and one may ascend to it on the festival. If one constructs it on the treetops or on a camel's back, it is kosher, but one may not ascend to it on the festival, because climbing on a tree or animal is forbidden on a festival.
If some of the walls were the result of human activity and some were trees, we consider [its structure]. We may ascend to any [sukkah] where, if the trees were taken away, it would be able to stand with the walls that were built by man alone.

7 A sukkah that does not possess a roof is invalid. To what does this refer? A sukkah whose walls are joined to each other like a hut; alternatively, when the side of the sukkah is placed against the wall. However, if it has a roof, even only a handbreadth in width, or if one lifted the side of the sukkah close to the wall a handbreadth above the ground, it is kosher.
A round sukkah - if its circumference is large enough to contain a square seven handbreadths by seven handbreadths, it is kosher even though it has no corners.

8 Should one place *s'chach* over an *exedrah* which has projections [extending from its pillars], it is kosher, regardless of whether the projections can be

seen from the inside - although they cannot be seen from the outside - or whether they can be seen from the outside - although they cannot be seen from the inside.

9 If it does not have projections [extending from its pillars] it is not valid, because it resembles a sukkah constructed in an alley, because it has [walls on] only the two sides of the *exedrah*. The middle of the *exedrah* does not have a wall and there are no projections opposite it.

10 Should a person place *s'chach* over an alleyway which possesses a *lechi* or a well which possesses *pasim*, it is considered a kosher sukkah only on the Sabbath of the festival. Since this *lechi* and these *pasim* are considered to be partitions with regard to the Sabbath laws, they are also considered to be partitions with regard to the laws of sukkah.

11 Should a person implant four poles in the four corners of the roof and place *s'chach* upon them, it is kosher. Since he placed the *s'chach* [above] the edge of the roof, we consider that the lower walls ascend to the edge of the *s'chach*.

12 A sukkah which has many entrances and many windows in its walls is kosher even though the open portion exceeds the closed portion, provided there is no opening larger than ten cubits.

If there is an opening larger than ten cubits, it is necessary that the closed portion exceed the open portion, even though [the opening] is constructed in the form of an entrance.

13 A sukkah whose inner space exceeds twenty cubits [is not acceptable]. Should one reduce it [by placing] pillows and coverings [on the floor], it is not considered to be reduced. [This applies even if] one considered them a permanent part of the sukkah. If one reduced the space using straw and considered it as a permanent part of the sukkah, [the space] is considered to be reduced.

Needless to say, the above applies if one used earth and considered it to be a permanent part of the sukkah. However, if one [merely brought in] earth with no specific intention, [its space] is not considered to be reduced.

If it was twenty cubits high, but branches [from the *s'chach* descend within the twenty cubits, [the following principle applies:] If its shade would be greater than its open portion because of these branches alone, it is considered as having thick *s'chach* and is kosher.

14 When [a sukkah is more than twenty cubits high, but] one builds a bench next to the middle wall extending across its entire span - if the width of the bench is equal to the minimum width of a sukkah, it is kosher.

Should one build the bench next to the middle wall along [one] side, if there are four cubits between the bench and the [opposite] wall, it is unacceptable. If there are fewer than four cubits, it is kosher.

Should one build the bench in the middle [of the sukkah], if there are more than four cubits from the edge of the bench to any of the sides [of the sukkah], it is not acceptable. If there are fewer than four cubits, it is kosher. It is considered as if the walls touch the bench, and the distance from the bench to the *s'chach* is less than twenty cubits.

If one constructs a pillar [within a sukkah whose *s'chach* is more than twenty cubits high, the following rule applies]: Even though it is of the minimum size required of a sukkah, it is unacceptable, because its walls are not discernible. Thus, it is as if there is kosher *s'chach* above the pillar without any walls.

15 [The following rule applies] when [the inner space of the sukkah] was less than ten [handbreadths high] and one dug [into the ground of the sukkah] to create an [inner space] of ten [handbreadths]: If there are three handbreadths from the edge of the pit until the wall [of the sukkah], it is not acceptable. If there is less than that [amount], it is kosher, because any [distance] less than three [handbreadths] is considered to be [insignificant, and the two entities are considered to be] adjacent [to each other], as explained in *Hilchot Shabbat*.

16 The walls of the sukkah are kosher [although made] from all [substances]. All that is necessary is a barrier of any kind. Even living beings [may serve that purpose. Thus,] a person can create a wall [of the sukkah] by using a colleague so that he can eat, drink, and sleep in the sukkah, for which his colleague is serving as a wall [even] on the holiday.

The above applies when one employs the person as a wall without his conscious knowledge. However, it is forbidden to create [a wall by using a person] when the latter is conscious of the fact on the holiday. Nevertheless, it is permitted during the other days of the festival.

Similarly, a person may create a fourth wall from utensils on the holiday. However, he should not create a third wall using utensils on the holiday,

because, [by doing so], he is making the sukkah fit for use, and it is forbidden to create [even] a temporary tent on the holiday.

Chapter 5

1 [There are requirements regarding] the *s'chach* of a sukkah, and not all substances are acceptable [to be used for this purpose]. For *s'chach*, we may use only a substance which grows from the ground, has been detached from the ground, is not subject to contracting ritual impurity, does not have an unpleasant odor, and does not have elements which fall off and wither constantly.

2 When a person uses as *s'chach* a substance which does not grow from the ground, is still connected to the ground, or is subject to contracting ritual impurity, [the sukkah] is not acceptable.

However, if he transgressed and used as *s'chach* a substance which has elements which fall off and wither, or which possesses an unpleasant odor, it is kosher. [Our Sages] said only that one should not use these as *s'chach* lest one leave one's sukkah and depart. One must take care that the branches and leaves should not descend within ten handbreadths of the ground, so that one will not be uncomfortable when using the sukkah.

If one used metals, bones, or hides as *s'chach*, it is unacceptable because these do not grow from the ground. If one suspended vines and the like over it until they made a sukkah, it is unacceptable, because they were not uprooted [from the ground].

Should one use wooden utensils, mats that were made to lie on, and the

like as *s'chach*, it is unacceptable, because they are subject to contracting ritual impurity. Similarly, using broken and worn out utensils as *s'chach* is unacceptable. Since these substances were subject to ritual impurity, [the latter law was instituted] lest one use broken pieces which have not yet attained a state of [unquestionable] purity.

3 If one used foods as *s'chach*, it is unacceptable, because they are subject to contracting ritual impurity. [When one uses] branches from a fig tree which contain figs, runners from a grape vine which contain grapes, branches of a date palm which contain dates and the like, [the following rules apply:] We see - if the waste is more than the food; then we may use them as *s'chach*. If not, we may not use them as *s'chach*.

If one uses as *s'chach* vegetables which, when they dry up, will wither, and none of their substance will remain, even though they are now fresh, their place is considered to be vacant, as though they did not exist.

4 If one used as *s'chach* branches of flax which were not crushed and combed, they are kosher, because they are still considered to be wood. After the flax has been crushed and combed, it may not be used as *s'chach*, since its form has changed and it is as though it is no longer a product of the earth.

One may use ropes made from palm bast or hemp and the like as *s'chach*, since their original form is unchanged and ropes are not considered to be utensils.

5 [The following rules apply] when one uses arrows as *s'chach*. Those which

are "male" are kosher; those which are "female" are not acceptable. Even though [ultimately,] they will be filled with iron, they have a receptacle. Hence, they are susceptible to contracting ritual impurity, as are all utensils with receptacles.

6 A mat of reeds, of raw rubber, or of hemp - if it is small, we may assume that it was made to lie on. Therefore, it may not be used for *s'chach* unless it was [explicitly] made for this purpose.

If it is large, we may assume that it was made for shade; therefore, it may be used for *s'chach* unless it was [explicitly] made to lie on.

If it has a border, even a large mat may not be used as *s'chach*, because it is considered to be a receptacle. Even if the border were removed, it may not be used as *s'chach*, because it would be considered to be a broken utensil.

7 Boards which are less than four handbreadths wide may be used for *s'chach* even though they have been planed. If they are more than four handbreadths wide, they should not be used as *s'chach*, even though they have not been planed. This is a decree [instituted] lest one sit under a roof and regard it as a sukkah.

If one placed a board which was more than four handbreadths wide over [a sukkah, the sukkah] is kosher. However, one should not sleep under the board. A person who did sleep under the board has not fulfilled his obligation.

There were boards that were four handbreadths wide, but less than four handbreadths thick. A person turned them on their side so that they would not be four handbreadths wide to use them as *s'chach*. This is not

acceptable, because a board is unacceptable for use as *s'chach* whether one uses its width or thickness.

8 A roof which is not covered by a ceiling - i.e., the plaster and the stones - but rather has only boards fixed in place, is not acceptable, since they were not placed there for the purpose of a sukkah, but to be part of the house.
Therefore, if one lifted up the boards and removed the nails with the intent [that they serve] as a sukkah, it is kosher. [This applies provided] that each board is not four handbreadths wide.
Similarly, it is kosher if one removed a board from between two others and replaced it with kosher *s'chach*, with the intention [that it serve] as a sukkah.

9 A sukkah that was made for any purpose whatsoever - even if it was not made for the purpose of [fulfilling] the mitzvah - if it was made according to law, it is kosher. However, it must be made for the purpose of shade. Examples of this are sukkot made for gentiles, sukkot made for animals, and the like.
In contrast, a sukkah that came about on its own accord is unacceptable, because it was not made for the purpose of shade. Similarly, when a person hollows out a place in a heap of produce and thus makes a sukkah, it is not considered to be a sukkah, because the produce was not piled there for this purpose. Accordingly, were one to create a space one handbreadth [high] and seven [handbreadths] in area for the purpose of a sukkah, and afterwards hollow it out till it reached ten [handbreadths], it is kosher, since its *s'chach* was placed for the purpose of shade.

10 We may not use bundles of straw, bundles of wood or bundles of reeds as *s'chach*. This decree [was instituted] lest one place those bundles on one's roof to dry out, and then change one's mind and sit under them with the intent [that they serve as] a sukkah. The person did not place the *s'chach* there originally for the purpose of shade. Thus, it resembles a sukkah that came about on its own accord.

If one untied [the bundles], they are acceptable [for use as *s'chach*]. A bundle is considered to be no fewer than twenty five units.

11 Small bundles that were tied together [to be sold] by number may be used as *s'chach*.

Similarly, if one cuts off the top of a date palm and the branches are bound to it, it may be used as *s'chach*, because elements that are bound naturally are not considered to be bundles. Furthermore, even if one tied the tops of the branches from one side, and they thus appear to be a single bundle with one of its two ends bound naturally and the other bound as a result of human activity, it may be used as *s'chach*. A single tree which is bound up is not considered to be a bundle, but rather a single piece of wood, since [the branches] are bound together naturally.

Similarly, any knot which is not strong enough to hold when carried is not considered a knot [and the resulting bundle may be used as *s'chach*].

12 A person who constructs his sukkah under a tree is considered as though he built it within his home.

If one draped the leaves and branches of trees [over the sukkah], and then placed *s'chach* over them, and only afterwards detached them, [the

following rules apply:]

If the amount of [kosher] *s'chach* exceeded [the branches], it is kosher. If the amount of *s'chach* which originally was kosher did not exceed [the branches], one must move them after detaching them, so that they will have been put in place for the purpose of a *sukkah*.

13 If one mixed a substance which may be used for *s'chach* with a substance that may not be used for *s'chach* and used the two as *s'chach*, even though the quantity of kosher *s'chach* exceeds that of the substance which was not acceptable as *s'chach*, [the mixture] is not acceptable.

If one covered the sukkah with the two substances and kept them separate, [the following rules apply:] If there are more than three handbreadths of the substance which is not acceptable as *s'chach* in one place, whether in the middle of the sukkah or at its side, it is not acceptable.

14 Where does the above apply? In a small sukkah. However, in a large sukkah, where there is a substance that is unacceptable as *s'chach* in the middle, it disqualifies the sukkah if there are four handbreadths of it. [If there is] less than that, the sukkah is kosher.

Where the substance that is unacceptable as *s'chach* is at the side, it disqualifies the sukkah if there are four cubits of it. [If there is] less than that, the sukkah is kosher.

For example,

a) [the roof of] a house which was opened in the center and *s'chach* placed over the opening

b) a courtyard surrounded by an *exedra* which was covered with *s'chach*

c) a large sukkah over which was placed a substance that was not acceptable as *s'chach* near the sides of its walls.

[In all these cases,] if there are four cubits [or more] from the edge of the kosher *s'chach* until the wall, it is not acceptable. If there is less than that amount, we view it as though the wall has been made crooked - i.e., the substance that is not acceptable as *s'chach* is considered part of the wall and it is kosher. This concept is a halachah received by Moses on Mount Sinai.

15 What is a small sukkah? Any [sukkah] whose area is no more than seven handbreadths by seven handbreadths.

[What is meant by] a large one? Any [sukkah] [whose area is large enough] that seven handbreadths by seven handbreadths of kosher *s'chach* will remain besides the *s'chach* which is not acceptable.

16 If one used as *s'chach* substances that were acceptable as *s'chach* and substances that were not acceptable as *s'chach*, and placed them alongside each other, leaving no place with non-kosher *s'chach* more than three handbreadths in area, [the following rules apply:]

If the total of the kosher *s'chach* exceeds that of the non-kosher *s'chach*, it is kosher. If there was an exactly equal amount of both substances, it is not acceptable even though there is not a single place which has three handbreadths [of non-kosher *s'chach*]. [This decision is rendered] because non-kosher *s'chach* is considered to be open space.

17 If one spread a cloth above [the *s'chach*] or spread one below it to catch [the leaves] which fall, it is unacceptable. If one spread it [under the *s'chach*] as a decoration, it is kosher. Similarly, if one covered the sukkah with *s'chach* as required by law and adorned it with various types of fruit, delicacies, and articles which hang from either the walls or the *s'chach* as a decoration, it is kosher.

18 Sukkah decorations do not reduce its height, but they do reduce its width. If the sukkah decorations are four handbreadths or more removed from the roof, it is unacceptable, because it is as though a person who sits there is not sitting under the *s'chach*, but rather under the decorations, which are foods and utensils that are not acceptable as *s'chach*.

19 The [following rules apply when the] *s'chach* has open spaces through which the sky can be seen: If the area of the open spaces is equivalent to that of the space covered by *s'chach*, it is not acceptable, because the portion exposed to the sun will be greater than the shaded portion. Whenever the portion exposed to the sun is greater than the shaded portion, it is not considered as *s'chach*.
If the *s'chach* exceeds the open space, it is kosher.

20 When does the above apply? When there is no one open space of three handbreadths. However, if there is an open space of three handbreadths - whether in the center or at the side - it is unacceptable until one reduces [the space] to less than three.
If one used substances that were not acceptable as *s'chach* - e.g., pillows

and blankets - to reduce the space, it is kosher if the sukkah is large. If it is a small sukkah, it is not acceptable unless [the space] was reduced with a substance that is acceptable as *s'chach*.

When the shaded portion of most of the sukkah exceeds the portion exposed to the sun, although in the lesser part of the sukkah the portion exposed to the sun exceeds the shaded portion, because as a whole the shaded portion exceeds the portion exposed to the sun, it is kosher.

21 The proper way is that *s'chach* should be thin, so that the large stars can be seen through it. However, even though it is thick - like [the roof of] a house - and stars cannot be seen through it, it is kosher.

If the *s'chach* is uneven - i.e., some of it high and some of it low - it is kosher, provided there is less than three handbreadths between the upper and lower [portions of the *s'chach*]. If the upper portion [of the *s'chach*] is a handbreadth or more wide, even though it is more than three handbreadths above [the lower portion], we consider it to be descending and touching the edge of the lower portion. [This applies] provided it is aligned opposite the edge of the lower portion.

22 When a person constructs one sukkah on top of another sukkah, the lower one is unacceptable. It is considered as though it had been constructed in a house. [However,] the upper one is kosher.

When do we say that the lower one is unacceptable? When the inner space of the upper sukkah is ten handbreadths or more [high] and the roof of the lower sukkah is strong enough to hold the pillows and covers of the upper sukkah, even if that is done with difficulty.

However, if the inner space of the upper sukkah is less than ten handbreadths [high], or the roof of the lower sukkah is not strong enough to hold the pillows and covers of the upper sukkah, even with difficulty, even the lower sukkah is kosher. This applies provided the height of both together does not exceed twenty cubits, since [use of] the lower sukkah is permitted because of the *s'chach* of the upper one.

23 A bed [with a canopy placed] inside a sukkah: If [the canopy] is more than ten handbreadths high, a person who sits under it does not fulfill his obligation, because it is considered to be a sukkah within a sukkah.
Similarly, a canopy with a roof - even as small as a handbreadth: If it is ten handbreadths high, one may not sleep under it in a sukkah. By the same token, if one sets up four pillars and spreads a sheet over them, if they are ten [handbreadths high], they are considered to be a sukkah within a sukkah.

24 In contrast, should one spread a sheet over two pillars or [use] a canopy that has a roof of less than a handbreadth - no matter how high they are - it is permitted to sleep under them within a sukkah. They are not considered to be a sukkah within a sukkah, because they do not have a roof.

25 A borrowed sukkah is fit [to be used on the holiday]. Similarly, a stolen sukkah is also fit [for use].
What does the latter imply? If a person attacked a colleague, forced him to leave his sukkah, stole it, and dwelled in it, the attacker has fulfilled his

obligation, because landed property cannot be stolen.

[Similarly,] if he stole wood and made a sukkah from it, he has fulfilled his obligation, because the Sages ordained that the owner of the wood is entitled only to the monetary worth of the wood. Even if one stole boards and merely put them in place without attaching them or changing anything about them, he has fulfilled his obligation.

If a person constructs his sukkah in the public domain, it is acceptable.

Chapter 6

1 Women, slaves, and minors are freed from [fulfilling the mitzvah of] sukkah. A *tumtum* and an *androgynous* are obligated because of the doubt [concerning their status]. Similarly, a person who is half slave and half free is obligated.

A minor who does not require his mother's [presence] - i.e., a child of five or six - is obligated [to fulfill the mitzvah] of sukkah according to Rabbinic decree, to train him in [the performance of] mitzvot.

2 The sick and their attendants are freed from [fulfilling the mitzvah] of sukkah. This applies not only to a person who is dangerously ill, but also to one with a headache or a sore eye.

A person who is uncomfortable [when dwelling in the sukkah] is freed from the obligation [to fulfill the mitzvah] of sukkah. This applies to the person himself, but not to his attendants.

Who is "a person who is uncomfortable [when dwelling in the sukkah]"? A person who cannot sleep in the sukkah because of the wind or because

of the flies, mites, or the like, or because of the smell.

3 A mourner is obligated [to fulfill the mitzvah] of sukkah.
A groom, his attendants, and all the members of the wedding party are freed from [fulfilling the mitzvah] of sukkah throughout the seven days of [the wedding] festivities.

4 Emissaries charged with a mission involving a mitzvah are freed from [fulfilling the mitzvah] of sukkah both during the day and at night. People who journey during the day are freed from [fulfilling the mitzvah] of sukkah during the day and are obligated at night. People who journey during the night are freed from [fulfilling the mitzvah] of sukkah at night and are obligated during the day.
A city's day watchmen are freed from [fulfilling the mitzvah] of sukkah during the day and are obligated at night. Its night watchmen are freed from [fulfilling the mitzvah] of sukkah at night and are obligated during the day. The watchmen of gardens and orchards are freed from [fulfilling the mitzvah] during the day and the night, because if the watchman constructs a sukkah, a thief will realize that the watchman has a fixed place and will go to steal from another place.

5 How must the mitzvah of dwelling in the sukkah be fulfilled? A person must eat, drink, and live in the sukkah throughout all seven days [of the festival], both during the day and at night, in the same manner as he dwells in his home throughout the year.
During these seven days, he must consider his house as a temporary

dwelling and the sukkah as his permanent home, as [**Leviticus 23:42**] states: "You shall dwell in sukkot for seven days."

What does this imply? His attractive utensils and attractive bedding [should be brought] to the sukkah. His drinking utensils - i.e., his cups and crystal pitchers - [should be brought] to the sukkah. However, utensils used for food - i.e., pans and plates - [may be left] outside the sukkah. A candelabra [should be brought] to the sukkah. However, if the sukkah is small, it should be left outside the sukkah.

6 We should eat, drink, and sleep in the sukkah through the entire seven days [of the festival], both during the day and at night. It is forbidden to eat a meal outside the sukkah for the entire seven [day period]. However, [there is no prohibition] if one eats a snack the measure of a *k'beitzah* or less, or even slightly more.

One may not sleep outside the sukkah at all, even a brief nap. It is permissible to drink water and eat fruit outside the sukkah. However, a person who follows the stringency of not drinking even water outside the sukkah is worthy of praise.

7 Eating in the sukkah on the first night of the festival is an obligation. If a person eats merely a *k'zayit* of bread, he fulfills his obligation. Afterwards, [the matter is left to one's] volition. If one desires to eat a meal, one must eat it in the sukkah. If one desires, throughout the seven [days of the festival], one may eat only fruit or roasted grain outside of the sukkah. The same laws apply as those regarding the eating of matzah on Pesach.

8 It is forbidden for a person to sit and eat with his head and the majority of his body inside a sukkah while his table is in his home or outside the sukkah. It is considered as if he did not eat inside the sukkah. [Rather,] the table must also be inside the sukkah. This was decreed lest one be drawn after one's table. This law applies even in a large sukkah.

9 Throughout the seven days [of the festival], a person should read in the sukkah. However, when he attempts to comprehend what he reads in depth and appreciate its details, he should do so outside the sukkah, so that his mind will be settled.

When a person prays, he may pray inside the sukkah or outside the sukkah, as he desires.

10 If rain descends, a person may enter his home. When is one permitted to leave [the sukkah]? When enough raindrops descend into the sukkah so that they would spoil a cooked dish - even a dish of beans - were they to fall into it.

If a person was eating in the sukkah and rain descended, and hence, he entered his home, if the rains stop we do not obligate him to return to his sukkah {that entire night} until he is finished eating.

If he was sleeping and rain descended, and hence, he entered his home, we do not obligate him to return to his sukkah that entire night should the rains cease. Rather, he may remain sleeping in his house that entire night until dawn.

11 A person should not take apart his sukkah after he finishes eating on the

seventh day [of Sukkot]. However, from the afternoon on, he may take down his utensils and remove them.

If he has no place to put the utensils, he should reduce its space by at least four handbreadths by four handbreadths.

If he has to eat later that day, he must eat in the sukkah, because the mitzvah extends throughout the seven days.

12 Whenever a person enters a sukkah with the intention of sitting down throughout the seven [days of Sukkot], he should recite the following blessing before sitting:

[Blessed are You...] who has sanctified us with His commandments and commanded us to dwell in the sukkah.

On the first night of the festival, one should first recite the blessing on the sukkah, and then the blessing for the occasion.

One should recite all the blessings over a cup of wine. Thus, one should recite *kiddush* while standing, recite the blessing *leishev basukkah*, sit, and then recite the blessing *shehecheyanu*.

This was the custom of my teachers and the Rabbis of Spain: to recite *kiddush* while standing on the first night of the Sukkot festival, as explained.

13 At present, when we celebrate holidays for two days, we dwell in the sukkah for eight days. On the eighth day, which is the first day of the holiday of Shemini Atzeret, we dwell in the sukkah, but do not recite the blessing *leishev basukkah*.

Similarly, a *tumtum* and an *androgynous* never recite the blessing *leishev*

basukkah, because their obligation [to perform the mitzvah is based] on doubt, and a blessing is never recited when one is doubtful [of one's obligation].

14 After a person finishes eating on the eighth day [of Sukkot], he should take down his utensils and remove them.

When a person has no place to put the utensils, [the following rules apply]: If it is a small [sukkah], he should bring his candelabra into it; if it is a large sukkah, he should bring in his pots, plates, and the like, to bring to mind that it is no longer acceptable and that its mitzvah is completed. Since the day is a holiday, one may not reduce its space and nullify it.

15 A person who did not construct a sukkah [before the holiday] - whether intentionally or unintentionally - should construct a sukkah on Chol Hamo'ed. One should even construct a sukkah on the final moments of the seventh day, because its mitzvah lasts throughout the seventh day.

The wood with which the sukkah was constructed is forbidden [to be used for other purposes] on all eight days of the festival. This applies to both the wood used for the walls and the wood used for the *s'chach*. Throughout [these] eight days, no benefit may be derived from it for other purposes.

[They are prohibited on the eighth day] because the sukkah is *muktzeh* the entire seventh day, including the period *beyn hash'mashot*. Since it was *muktzeh* during the period *beyn hash'mashot*, it is *muktzeh* on the entire day [that follows].

16 Similarly, it is forbidden to take from the food and beverages that were hung in the sukkah as decorations for all eight days [of the festival]. However, if at the time one hung [the decorations], he made the condition: "I will not refrain from using them during the entire period of *beyn hash'mashot*," he is entitled to use them whenever he desires, because he did not set them aside, nor did the sanctity of the sukkah encompass them, nor are they considered part of it.

Chapter 7

1 The term "the frond of the date palm" employed by the Torah refers to the branches of a date palm as they sprout, before their leaves separate and spread out in various directions. Rather, they should appear as a scepter. This is called a lulav.

2 The "fruit of the beautiful tree" mentioned in the Torah is the etrog.
The "boughs of covered trees" mentioned in the Torah refer to the [species of] myrtle whose leaves surround its branch; i.e., there will be three or more leaves in each ring. However, if there are two leaves on one level, with a third leaf slightly higher than them, that is not considered to be "covered." Rather, it is called a wild myrtle.

3 The term "willows of the brook" mentioned by the Torah does not include just any plant that grows by a brook, but rather a particular species, which is called the "willows of the brook."
Its leaf is extended as a brook, its edge is smooth, and its stem is red. It is

called a willow. The majority of this species grow near brooks. Therefore, it is called the "willows of the brook." Even if this species grew in the desert or on a mountain, it would be kosher.

4 There is another species which resembles the willow. However, its leaf is rounded, its edge resembles a saw, and its stem is not red. This is called a *tzaftzefah*. It is unfit [to be used for the mitzvah].

There is another type of willow, whose leaf does not have a smooth edge, but it is not like a saw. Rather, it has tiny juttings, like the edge of a small sickle. It is kosher.

All the above definitions were explained according to the oral tradition transmitted by Moses, our teacher.

5 These four species are considered to be one mitzvah, and each one is required for its performance. All of them [together] are called the mitzvah of lulav. One may not diminish them or add to them. If one of the species cannot be found, a similar species may not be substituted for it.

6 The most desirable way of performing the mitzvah is to bind the lulav, myrtle, and willow together, thus making a single, unified entity from the three of them.

Before one takes them to perform the mitzvah, he should recite the blessing on the mitzvah of taking the lulav, for all the others are dependent upon it.

Afterwards, he takes this bound entity in his right hand and the etrog in his left hand. He must take them as they grow - i.e., their roots below

towards the earth, and their heads upward towards the sky.

If a person did not bind them together, but rather took them one by one, he has fulfilled his obligation, provided he possesses all four species. However, if he has only one species or he is lacking one species, he should not take them until he acquires the remaining species.

7 How many does one take of each of them? One lulav, one etrog, two willow branches, and three myrtle branches. If one would like to add more myrtle branches so that the bundle will be larger, he may. Indeed, it is considered to be an adornment of the mitzvah. However, it is forbidden to add to or reduce the numbers of the other species. If one adds to or reduces their number, it is not acceptable.

8 What is the required length of each of these species? The lulav may not be less than four handbreadths. [Beyond that,] regardless of its length, it is kosher. Its length is measured only from its *shidrah* and not from the tips of the leaves.

The myrtle and the willow may not be less than three handbreadths. [Beyond that,] regardless of their length, they are kosher. Even if each branch has only three fresh leaves on it, they are kosher, provided the leaves are at the top of the branch.

If one has bound [the other species together with] the lulav, the *shidrah* of the lulav must extend beyond the myrtle and the willow a handbreadth or more.

The minimum size of an etrog is the size of an egg. [Beyond that,] regardless of its size, it is kosher.

9 Once a person lifts up these four species - whether he lifts them up together or one after the other - whether in his right hand or in his left hand - he has fulfilled his obligation. [This applies] only when he lifts them up as they grow. However, if he does not lift them up as they grow, he has not fulfilled his obligation.

The fulfillment of the mitzvah as the law [requires is as follows]: One should lift up the three species as they are bound together in one's right hand and the etrog in one's left hand. Then, one should pass them back and forth, up and down, and shake the lulav three times in each direction.

10 What does the above entail? One passes the lulav forward and shakes the top of the lulav three times, brings it back and shakes the top of the lulav three times. One follows this same pattern when lifting it up and down.

At what point [in prayer] does one pass the lulav back and forth? During the reading of the *Hallel*, at the first and final recitation of the verse [**Psalms 118:1**, 118:29]: *Hodu Lado-nai ki tov...* and at the verse [**Psalms 118:25**]: *Ana Ado-nai hoshi'ah na*.

It is acceptable to take the lulav throughout the entire day. However, it is not taken at night.

11 If one wraps a cord of silver or gold around [the three species] as they are bound together, or wraps a [decorative] cloth around them and takes them, one fulfills his obligation. Taking the lulav through another medium is still considered to be taking it, provided [that medium] is one which gives honor and beauty [to the mitzvah, because]: "any entity which makes a substance more attractive is not considered to be a

separation."

However, if one placed these species in a vase or a pot and took them, one has not fulfilled one's obligation.

12 If one binds the lulav together with the myrtle and the willow and separates between the lulav and the myrtle with a cloth or the like, it is considered to be a separation. If one separates between them with myrtle leaves, it is not considered to be a separation, because an entity does not separate between its own kind.

One may bind the together with a string, a cord, or with any substance one desires, since binding it together is not a required element of the mitzvah.

13 The mitzvah of taking the lulav in every place, during every age - even on the Sabbath - applies only on the first day of the festival, as [**Leviticus 23:40**] states: "And on the first day, you shall take..."

In the holy place alone, it is to be taken on each of the seven days of the festival, as [the above verse] continues: "and you shall rejoice before God, your Lord, [seven days]."

When the Sabbath falls during the [later] days, [the lulav] is not taken on the Sabbath. This is a decree lest one carry it four cubits in the public domain, as decreed regarding the shofar.

14 Why was this decree not put in effect on the first day of the festival? Because [taking the lulav on that day] is a mitzvah from the Torah even outside of Jerusalem. Thus, the laws applying to it are not the same as

those applying to the remaining days, because on the subsequent days of the festival a person is obligated to take the lulav only in the holy place.

15 When the Temple was destroyed, [the Sages] ordained that the lulav be taken everywhere for the entire seven days of the festival, as a remembrance of the Temple.

On each day, one recites the blessing on it:

[Baruch Attah Ado-nai...] asher kid'shanu b'mitzvotav v'tzivanu al netilat lulav.

because it a mitzvah ordained by the Rabbis.

This enactment, like the other enactments instituted by Rabbi Yochanan ben Zakkai when the Temple was destroyed [is only temporary]. When the Temple is rebuilt, these matters will return to their original status.

16 While the Temple was standing, the lulav would be taken [in the holy place even] when the first day of Sukkot fell on the Sabbath. The same applies in other places where they were certain that this day was celebrated as a holiday in *Eretz Yisrael*. However, the places which were distantly removed from Jerusalem would not take the lulav on this day because of the doubt involved.

17 When the Temple was destroyed, the Sages forbade even the inhabitants of *Eretz Yisrael* who had sanctified the new month to take the lulav on the Sabbath on the first day of Sukkot.

[This was instituted] because of the inhabitants of the distant settlements, who were not aware of when the new month had been declared. Thus, a

uniform guideline was established, rather than having some take the lulav on the Sabbath and some not. [The guiding principle was] that the obligation [of taking the lulav] on the first day applies in all places, and there is no longer a Temple to use as a point of distinction.

18 At present, when everyone follows a fixed calendar, the matter remains as it was, and the lulav is not taken on the Sabbath in the outlying territories or in *Eretz Yisrael* even on the first day [of the festival]. [This applies] even though everyone knows the actual day of the month.

As explained, the reason for the prohibition of taking the lulav on the Sabbath is a decree lest one carry it four cubits in the public domain.

19 Whoever is obligated to fulfill [the mitzvot of] shofar and sukkah is obligated to take the lulav. Whoever is not obligated regarding shofar and sukkah is not obligated to take the lulav.

A child who knows how to shake [the lulav] is obligated regarding the lulav by Rabbinic law, in order to train him in the performance of mitzvot.

20 It is a halachah conveyed by Moses from Mount Sinai that - in addition to the willow of the lulav - another willow branch was taken in the Temple. A person does not fulfill his obligation with the willow branch in the lulav.

The minimum requirement [to fulfill this mitzvah] is one branch with one leaf.

21 The Willow Branches Placed Around The Temple Altar

How was this mitzvah performed?

On each of the seven days [of the festival], branches of willows were brought and stood upright near the altar with their tops bent over the altar. When they would bring them and arrange them [near the altar,] a series of [shofar blasts] - *teki'ah, teru'ah,* and *teki'ah* - were sounded.

When the Sabbath fell in the midst of the festival, the willows would not be arranged [near the altar] unless the seventh day fell on the Sabbath. [On such an occasion,] the willows were arranged [near the altar], to publicize the fact that [taking] them is a mitzvah.

22 How would they fulfill [this mitzvah on the Sabbath]?

They would bring [the branches] to the Temple on the Sabbath eve and place them in golden containers, so their leaves would not dry out. On the following morning, they would be placed next to the altar and the people would take them in the same manner as they did each day.

Since the willow is not explicitly mentioned in the Torah, it is not taken on each of the seven days of the festival as a remembrance of the Temple. Rather, at present it is taken only on the seventh day.

What is done? One takes one branch or many branches in addition to the willow of the lulav, and hits the ground or a utensil with them two or three times. No blessing is recited, because this practice is a custom instituted by the prophets.

23 On each day of the festival, they would walk around the altar once, carrying their lulavim in their hands, reciting: "Please, God, save us. Please, God, grant us success" [**Psalms 118:25**]. On the seventh day, they

would walk around the altar seven times.

It has become universally accepted Jewish custom to place the ark in the center of the synagogue and walk around it each day, as they walked around the altar in remembrance of the Temple [service].

24 The following custom was observed in Jerusalem: A person would leave his house in the morning [carrying] his lulav in his hand. He would enter the synagogue with it in his hand; pray while it was in his hand; go to visit the sick and comfort the mourners with it in his hand. When he entered the House of Study, he would send it home with his son or servant.

25 During the time the lulav was taken on the Sabbath, a woman was allowed to receive the lulav from her son or her husband and return it to the water on the Sabbath. On the festival, a person might add to the water. On Chol Hamo'ed, one might change the water.

26 It is forbidden to smell the myrtle in the lulav. Since it is useful only for smelling and it has been set aside for the performance of the mitzvah, it is forbidden to smell it. However, it is permitted to smell an etrog, because setting it aside for the mitzvah [prohibits it from being] eaten.

27 It is forbidden to eat the etrog throughout the seventh day [of the festival]; since it was set aside for a portion of the day, it is set aside for the entire day. However, on the eighth day it is permitted to be eaten.

At present, when we celebrate [the festivals for] two days - even though the etrog is not taken on the eighth day - the etrog is forbidden on the eighth day, since it was forbidden on the eighth day during the time [the

festivals] were celebrated for two days because of the doubt whether [the eighth day] was, in fact, the seventh.

When a person sets aside seven etrogim, [one for each] of the seven days [of the festival], each one of them can be used for the mitzvah on its day and eaten on the morrow.

Chapter 8

1 [These are the rules governing] the four species: the lulav, the myrtle, the willow, and the etrog. If one of them was:

a) dried out,

b) taken by force or stolen, even after [the owner had] despaired of its recovery,

c) came from an *ashera* that has been worshiped, even though the worship of the *ashera* has already been nullified,

d) or it came from an apostate city

it is not acceptable.

If one of them belonged to an idolater: at the outset, it should not be taken. If it was taken, the person has fulfilled his obligation.

If [one of the species] was wilting, but had not dried out entirely, it is kosher. In extreme situations or in a time of danger, a dried out lulav is kosher. However, [this does not apply] to the other species.

2 An etrog of *orlah*, of impure *terumah*, and of *tevel* is unacceptable. [An etrog] of *d'mai* is permitted, for it is possible for a person to declare all of his property as ownerless. Thus, he will be a poor man who is permitted

to eat *d'mai*.

An etrog of pure *terumah* and of *ma'aser sheni* in Jerusalem should not be taken, lest one cause it to become susceptible to contracting ritual impurity. However, if it was taken, it is kosher.

3 A lulav whose tip becomes cut off is unacceptable. Should it become split to the extent that the two sides of the split become severed and appear to be two, it is unacceptable.

If it is bent forward so that its *shidrah* appears like a hunchback, it is unacceptable. If it is bent backwards, it is kosher, since that is its natural pattern of growth. If it is bent toward either side, it is unacceptable.

If its leaves have separated one from the other, but they have not begun to hang downward like the top of a date palm, it is kosher. However, if its leaves have burst open and they hang down from the *shidrah* as does the top of the date palm, it is unacceptable.

4 The natural pattern of growth of the leaves of the lulav is that two grow in pairs, connected at their back. The back of each pair of connected leaves is called the *tiyomet*. If the *tiyomet* is split, it unacceptable. Should a lulav's leaves grow individually from the beginning of its formation without having a *tiyomet*, it is unacceptable.

When a lulav's leaves do not grow on top of the other like all lulavim, but rather one below the other, [the following rules apply:] If the top [of the lower leaf] reaches the base of the one above it so that the entire *shidrah* of the lulav is covered with leaves, it is kosher. If the top [of the lower leaf] does not reach the base of the one above it, it is unacceptable.

5 A myrtle branch whose top is cut off is acceptable. Even though most of its leaves have fallen off, it is kosher, provided three leaves remain in one row.

When there are more berries than leaves, [the following rules apply:] If they are green, it is kosher. If they are red or black, it is not acceptable. If one reduced their number, it is acceptable.

We may not reduce their number on the holiday itself, because [by doing so, one] makes [the myrtle] fit for use. If one transgressed and removed them or removed them one by one to eat them, it is kosher.

6 A willow branch whose top is cut off is kosher. If its leaves have burst open, it is not acceptable.

7 If an etrog is perforated from side to side - no matter how small the hole is - it is not acceptable. When [the hole] does not go from side to side, if it is the size of an *isar* or more, [the etrog] is not acceptable. If [a hole was made in an etrog which caused] even the slightest amount [of the etrog] to be missing, [the etrog] is not acceptable.

If its *pitam* - i.e., the small protrusion from which its flower grows - was removed, it is not acceptable. [Similarly,] if the stem from which it hangs from the tree is removed from the etrog itself and a hole is left, it is not acceptable.

If it becomes covered with bumps in two or three places, it is not acceptable. Even if it is covered with bumps in only one place, if that place covers the majority of the etrog's surface area, it is not acceptable. [Similarly,] if a bump grows on even the slightest portion of the *pitam*, it

is not acceptable.

If its peel is removed without causing [the etrog] to lose any substance and it remains greenish yellow as in its natural state, [the following rules apply:] If the peel was entirely removed, it is not acceptable. If even the slightest portion of the original peel remains, it is kosher.

8 An etrog which is inflated, decaying, pickled, cooked, black, white, spotted, or green like a leek is unacceptable.

If it was grown in a mold and shaped into the form of another creation, it is unacceptable. If its natural form was preserved, even though it was shaped in different layers, it is kosher. Two etrogim that grow joined together, and an unripe etrog are kosher.

In places where the etrogim grow naturally with a slight black tinge, it is kosher. However, if [the etrogim] are very black - i.e., like a Kushite - they are unacceptable everywhere.

9 All the species which we categorized as unacceptable because of the blemishes we described or because they were stolen or taken by force are [disqualified for use] only on the first day of the festival. On the second day of the festival and on the other days, they are all kosher.

Those which are disqualified because of the association with idol worship or because the etrog is forbidden to be eaten are unacceptable both on the first day and on the later days.

10 On the first day of the festival, a person cannot fulfill his obligation by using a lulav that belongs to a colleague and was borrowed from him,

unless the latter gives it to him as a present.

If [the owner of the lulav] gives it to him as a present on the condition that he return it, he may fulfill his obligation with it and return it, because a present given on condition that it be returned is considered a present. If he does not return it, he does not fulfill his obligation, because it is as though it were stolen.

[On the first day,] a lulav should not be given to a minor, since, according to Torah law, a minor can acquire articles but cannot transfer them to others. Thus, [the minor's] return of the article is not considered to be a return [from a legal perspective].

The above applies to the lulav and to each of the other species of the four taken with it. If one of them was borrowed, the person does not fulfill his obligation on the first day of the festival.

11 When partners purchase a lulav or etrog together, neither is able to fulfill his obligation with it on the first [day of the festival] unless his colleague gives him his portion as a present.

Should brothers purchase etrogim from the funds [of their father's] estate, which they have not divided yet: If one of them takes an etrog with the intent of fulfilling his obligation, [the following rules apply:] If he could eat it without the other brothers objecting, he has fulfilled his obligation. If they would object, he does not fulfill his obligation until they give him their share [in the etrog] as a present.

If one brother bought an etrog and another a quince, or together they bought an etrog, a pomegranate, and a quince from the funds [of their father's] estate, which they have not divided yet, one cannot fulfill one's

obligation with the etrog until the others give him their share [in it] as a present, even though they would not object to his [use of it].

12 Even though it is a mitzvah to rejoice on all the festivals, there was an additional celebration in the Temple on the festival of Sukkot, as [**Leviticus 23:40**] commands: "And you shall rejoice before God, your Lord, for seven days."

What was done? On the eve of the first day of the festival, they would set up a place in the Temple where women [could watch] from above, and men from below, so they would not intermingle with each other.

The celebration would begin on the night after the first day of the festival. Similarly, on each day of Chol Hamo'ed, after offering the daily afternoon sacrifice, they would begin to celebrate for the rest of the day and throughout the night.

13 What was the nature of this celebration? The flute would be sounded and songs played on the harp, lute, and cymbals. [In addition,] each person would play on the instrument which he knew. Those who could sing, would sing. They would dance and clap their hands, letting loose and whistling, each individual in the manner which he knew. Words of song and praise were recited.

This celebration does not supersede either the Sabbath or the festival [prohibitions].

14 It is a great mitzvah to maximize this celebration. The common people and anyone who desired would not perform [in these celebrations]; only

the greatest of Israel's wise men: the *Rashei Yeshivot*, the members of the high court, the pious, the elders, and the men of stature. They were those who would dance, clap their hands, sing, and rejoice in the Temple on the days of the festival of Sukkot. However, the entire people - the men and the women - would come to see and hear.

15 The happiness with which a person should rejoice in the fulfillment of the mitzvot and the love of God who commanded them is a great service. Whoever holds himself back from this rejoicing is worthy of retribution, as [**Deuteronomy 28:47**] states: "...because you did not serve God, your Lord, with happiness and a glad heart."

Whoever holds himself proud, giving himself honor, and acts haughtily in such situations is a sinner and a fool. Concerning this, Solomon warned [**Proverbs 28:10**]: "Do not seek glory before the King."

[In contrast,] anyone who lowers himself and thinks lightly of his person in these situations is [truly] a great person, worthy of honor, who serves God out of love. Thus, David, King of Israel, declared [**II Samuel 6:22**]: "I will hold myself even more lightly esteemed than this and be humble in my eyes," because there is no greatness or honor other than celebrating before God, as [**II Samuel 6:16**] states: "King David was dancing wildly and whistling before God."

Mishneh Torah, Sheqel Dues

Chapter 1

1 It is a positive commandment from the Torah that every adult Jewish male give a half-shekel each and every year. Even a poor man who derives his livelihood from charity is obligated [to make this donation]. He should borrow from others or sell the clothes he is wearing so that he can give a half-shekel of silver, as [**Exodus 30:15**] states: "The rich shall not give more, nor should the poor give less."

[The half-shekel] should not be given in several partial payments - today a portion, tomorrow a portion. Instead, it is to be given all at once.

2 The sum of money mentioned in the Torah concerning [the fines paid by] a rapist, a seducer, a slanderer, or a slave killed [by an ox] is [calculated] in shekalim, a coin [of equal value] whenever mentioned in the Torah. Its weight is 320 barley corns [of pure silver].

The Sages increased its value and made it equivalent to the coin called a *sela*, [which was prevalent] during the Second Temple period. How much did a *sela* weigh? 384 average size barley corns [of pure silver].

3 A *sela* is four *dinarim*, a *dinar* is six *ma'ah* and a *ma'ah* was called a *gerah* in the time of Moses our teacher. A *ma'ah* equals two *poondionin*, and a *poondion* is equal to two *isarin*. A *prutah* is worth an eighth of an [Italian] *isar*.

Thus, the weight of a *ma'ah* - and a *gerah* - is sixteen barley corns [of

silver]; the weight of an *isar* is four barley corns; and the weight of a *prutah* is half a barley corn.

4 [At that time,] there was also another coin that was worth two *selaim*; it was called a *darcon*.

These coins whose weights we have listed and explained are used universally as standard measures. We have described them so that we will not have to describe their weight at all times.

5 The mitzvah of giving the half-shekel entails giving half of the coin that is [common] currency at the time in question, even if that coin is larger than the shekel used for the sanctuary. [The converse, however, does not apply.] Never should one give less than the half-shekel that was given in the time of Moses our teacher, which weighed 160 barley corns [of silver].

6 At the time when the common currency was a *darcon*, everyone would give a *sela* as a half-shekel. At the time when the common currency was a *sela*, everyone would give half a *sela,* the equivalent of two *dinarim*, as a half-shekel. At the time when the common currency was half a *sela,* everyone would give that coin, half of a *sela*, as a half-shekel. At no time did the Jews ever give less than the half-shekel mentioned in the Torah for the half-shekel.

7 Everyone is obligated to give a half-shekel: priests, Levites, Israelites, converts, and freed slaves. Women, slaves, and children are not obligated. Nevertheless, if they give [a half-shekel], it may be accepted. By contrast, if a Samaritan gives a half-shekel, it should not be accepted.

A father who began giving a half-shekel on behalf of a child should not stop. Instead, he should [continue to] give a half-shekel on the child's behalf every year until he comes of age and gives [the half-shekel] by himself.

8 [The mitzvah of giving a half-]shekel is observed only during the era that the Temple is standing. During the era that the Temple is standing, the [half-]shekel should be given both in *Eretz Yisrael* and in the diaspora. When, however, it is destroyed, even in *Eretz Yisrael* it is not necessary to give.

9 On the first of Adar, the court would announce [the collection of] the [half-]shekalim, so that every single individual would prepare his half-shekel and be ready to give.

On the fifteenth [of Adar], the money-changers would sit in every city and would gently prod [the people to give]. If people gave them, they would accept it. If someone did not give, they would not compel him to give.

On the twenty-fifth [of Adar], they would sit in the Temple to collect [the half-shekalim]. From this time onward, everyone who had not given [a half-shekel] as yet would be compelled to give. When a person did not give [voluntarily], his property would be taken by force as a pledge. Even his clothing was taken from him.

10 We do not take property as a pledge by force from those individuals who are not obligated to give a [half-]shekel, even though they are accustomed

to giving, or they will give in the future. Nor do we take the property of priests as a pledge by force, as a reflection of the ways of peace. Instead, when they give, we accept their donations. We do, however, [continue to] demand from them until they give.

Chapter 2

1 How would the moneychangers collect the shekalim? In each and every city, they positioned two chests before them. The bottoms of the chests were wide, and the tops narrow like a shofar, so that the money could be deposited in them, but could not be removed from them easily.
Why did they have two chests? One to deposit the [half-]shekalim of the present year, and one to deposit the [half-]shekalim of the previous year, for [the collectors] would demand payment from the people who did not give in the previous year.

2 In the Temple, there were always thirteen chests, each chest [shaped] like a shofar. The first chest was for the shekalim of the present year; the second for the shekalim of the previous year; the third was for all those who where obligated to bring an offering of two turtle doves or two common doves, one as a burnt offering and one as a sin offering. The funds [for these offerings] were deposited in this chest.
The fourth was for those who were obligated to bring [doves] as a burnt offering only. They would deposit the funds [for these offerings] in this chest. The fifth was for those who volunteered to buy wood for the altar; the sixth, for those who donated money [to purchase] frankincense; the

seventh, for those who donated gold for the covering [of the ark].

The eighth was for the [money that] remains after [purchasing] a sin-offering - i.e., a person set aside funds [to use to purchase] a sin-offering, and money remained after purchasing it. Those funds were deposited in this [chest].

The ninth was for the [money that] remains after [purchasing] a guilt-offering; the tenth, for the [money that] remains after [purchasing] the pairs [of doves necessary] for [the offerings of] *zavim, zavot*, and women after childbirth; the eleventh, for the [money that] remains after [purchasing] the offerings of a nazirite; the twelfth, for the [money that] remains after [purchasing] the guilt offering of a leper; the thirteenth, for a person who pledged money for an animal [to be brought] as a burnt offering.

3 The [purpose] for each category for which the funds in the chest were used was written on the outside of the chest. The court stipulated that all the monies that remained after the purchase of sacrifices for which they were designated should be used to offer animals as burnt offerings.

It thus follows that all the funds in the latter six chests were used [to purchase] animals for burnt offerings. Their hides belonged to the priests, as did the hides [of other burnt offerings]. All the funds in the third chest were to be used to purchase doves: half of them burnt offerings, and half of them sin offerings. All [the funds in] the fourth [chest] were to be used to purchase doves to be sacrificed as burnt offerings.

4 When the shekalim were collected from each and every city, they were

sent to the Temple with emissaries. They might be exchanged for golden *dinarim*, so that [they would not become a] burden on the journey. [All the funds] were amassed in the Temple.

They were placed in one of the chambers of the Temple. All the doors to the chamber were closed [under lock and] key, and then they were covered with seals. All the shekalim that were collected there [were stored] in three large baskets. Each of the baskets was large enough to contain nine *seah*. The remainder [of the money] was left in the chamber.

The money in the baskets was referred to as *terumat halishcah* ("[the funds of] the chamber that were set aside"). [The funds that] remained besides [the funds] stored in the baskets were referred to as *sheyarei halishcah* ("the remainder within the chamber").

5 On three occasions during the year funds were taken from this chamber: On Rosh Chodesh Nisan, on either the day before or the day after the festival of Rosh Chodesh Tishrei, and fifteen days before Shavuot.

How is the money set aside? One person enters the chamber, while the guards stand outside. He asks them: "Should I set aside the funds?" They answer him: "Set them aside; set them aside; set them aside," [repeating the answer] three times.

The person then filled three smaller baskets, each containing three *seah*, from [the funds in] the three large baskets. He then took the money outside to use it until it was depleted. Afterwards, he returned and refilled the three small baskets from the three large baskets a second time before Shavuot. The money was then used until it was depleted.

6 In Tishrei, he returned a third time, filled [the three small baskets] from the three large baskets, and used the funds until they were exhausted [or] until Rosh Chodesh Nisan. On Rosh Chodesh Nisan, [funds] were set aside from the new collection.

If the funds in the three large containers were insufficient and were exhausted before the month of Nisan, they would set aside other funds from the remainder within the chamber.

7 The three smaller baskets into which the funds were set aside and taken outside were labeled *alef, bet, gimmel*. [In this manner,] he would know to take [the funds] from the first until they were exhausted, and then to take from the second, and then to take from the third.

He should fill the first basket from the first large basket, and then cover the large basket with a handkerchief. Afterwards, he should fill the second basket from the second large basket and then cover the large basket with a handkerchief, and then the third basket from the third large basket.

He does not cover this large basket with a handkerchief, thus making it apparent that he concluded with it. And he would begin with it when he entered a second time before Shavuot. At that time, he would first set aside [the funds] from the large basket that was uncovered, and then he covered it. He then set aside from the large basket from which he had taken [the funds] first on the previous occasion, and covered it. He would then take funds from the large basket that is next to it.

He would not cover this basket, so that [he would know] to start from it in Tishrei, the third time he entered. Thus, he would have placed [funds] into the first, second, and third of the small baskets from each of the large

baskets.

8 When he placed the funds in these three [small] baskets, he placed the funds in the first basket on behalf of [the inhabitants of] *Eretz Yisrael*; in the second basket, on behalf of [the inhabitants of] the walled cities surrounding *Eretz Yisrael,* and on behalf of [the inhabitants of] the totality of *Eretz Yisrael*; and in the third basket, on behalf of [the inhabitants of] Babylonia, on behalf of [the inhabitants of] Media, on behalf of [the inhabitants of] other distant countries, and on behalf of the remainder of the Jewish people.

9 When he set aside the funds, he had the intention of including [all those whose shekalim] had been collected and were present in the chamber, [all those whose shekalim] had been collected and had not reached the chamber, and [all those whose shekalim] would be collected in the future. [In this manner,] the shekalim that he set aside to use [to purchase the sacrifices] would serve as atonement for the entire Jewish people. It is as if their shekalim had already reached the chamber, and were included in the money that was set aside.

10 When the person entered to set aside the funds, he should not enter wearing a garment in which he could hide money, nor wearing shoes or sandals, nor wearing tefillin or an amulet, lest the people suspect that he hid funds from the chamber underneath them when he set aside the funds. And they would talk to him [continuously] from the time he entered until the time he departed, so that he could not place [a coin] in

his mouth.

Even though all these safeguards were taken, a poor person or someone who craved money should not [be appointed to] set aside these funds. [In this way,] the matter will not arouse suspicion, thus [fulfilling the advice of **Numbers 32:22**]: "You shall be blameless before God and before Israel."

Chapter 3

1 Coins of a half-shekel were required by everyone so that each individual could give the half-shekel he was obligated to give. Therefore, when a person went to a money-changer to exchange a shekel for two half-shekalim, he would give the money changer an extra amount in addition to the shekel. This extra amount is referred to as a *kolbon*. Therefore, when two individuals give a shekel [to discharge the obligation incumbent] upon both of them, they are obligated to give a *kolbon*.

2 Any [two individuals] who are not obligated to give shekalim - e.g., two women or two slaves - and who gave a shekel are not obligated to give a *kolbon*. Similarly, if one person was obligated and another was not obligated, and the one who was obligated gave [a half-shekel] on behalf of the one who was not obligated - e.g., a man gave a [full] shekel on his own behalf, and on behalf of a woman, or on behalf of a slave - he is not obligated to give a *kolbon*.

Priests are also not obligated to give a *kolbon*, nor is a person who gives on behalf of a priest.

3 A person who gives a shekel on behalf of himself and a poor person, or his neighbor, or an inhabitant of his city, is not obligated to give a *kolbon*, if he gave [the half-shekel on behalf of his colleague] as a gift. [The rationale is] that he gave an [extra] half-shekel to increase the number of shekalim. If, however, he gave the half-shekel on behalf of his colleagues as a loan to be repaid when they have the means, he is obligated to give a *kolbon*.

4 Brothers who have not divided the estate left to them by their father - and similarly, partners who give one shekel on behalf of the two individuals - are not obligated to give a *kolbon*.

When does the above apply? When the partners have conducted business with the funds of the partnership, and [the initial funds are no longer present]. If, however, one individual brought funds and the other brought funds and they joined them together, but did not exchange or spend the funds, they are obligated to give a *kolbon*.

If they conducted business with the funds of the partnership, afterwards divided the assets, and then entered into a new partnership, they are obligated to give a *kolbon* until they conduct business under the new partnership agreement, and exchange the money [in the partnership's account].

5 When [by contrast] brothers or partners jointly own an animal and funds, and then they subsequently divide the funds, they are obligated to give a *kolbon* although they have not divided the animal. Conversely, however, if they divided the animal, but did not divide the funds, they are not obligated to give a *kolbon* until they divide the funds. We do not say that

the funds are about to be divided.

6 When a person gives a shekel to the Temple treasury so that it will be considered as if he gave the half-shekel he is obligated to give, and so that he should receive a half-shekel that was collected from others, he is obligated [to give] two *kolbonot*. In contrast, if his shekel were given entirely to [the Temple treasury], he would be obligated to give one *kolbon* [only].

7 What is the value of a *kolbon*? When two *dinarim* were given as a half-shekel, the value of a *kolbon* was half a *ma'ah* - i.e., one twelfth of a *dinar*. A *kolbon* of a lesser value was never given.

The *kolbonot* do not have the same status as the shekalim. The money-changers would gather them in a separate collection until they were required by the Temple treasury.

8 A person whose shekel is lost is responsible for it until it is given to the Temple treasury.

[The following rules apply when] the inhabitants of a city send their *shekalim* by means of an emissary and they are stolen or lost: If [the emissary] was an unpaid watchman, he should take an oath to them, and then he is freed of liability, as is any other unpaid watchman. [The people] then must give their half-shekalim a second time.

If the inhabitants of the city say, "Since we are giving our shekalim a second time [regardless], we do not desire for the emissary to be required to take an oath, for he is trusted by us," their request is denied. It is an

edict of the Sages that [nothing] consecrated should be released without an oath having been taken.

If the first shekalim were discovered after the emissary took the oath, both sets of shekalim are consecrated, but [the later shekalim] are not considered [as payment] for the following year. The first [shekalim] should be included among the shekalim of the present year, and the later [shekalim] should be included together with [the collection of shekalim] from the previous year.

9 [The following rules apply when] they sent their shekalim with a paid watchman, who is liable in the event of theft and loss, and [the shekalim] were lost because of forces beyond their control - e.g., they were taken by armed thieves. [The emissary] is not held liable.

[Whether or not the inhabitants of the city are required to pay a second time depends on whether or not the funds in the Temple treasury have been set aside.] If [the inhabitants' funds] were lost because of forces beyond [the emissary's] control after the funds [in the Temple treasury] were set aside, the emissary is required to take an oath to the Temple treasurer, and the inhabitants of the city are no longer liable. For the person who set aside the funds in the Temple treasury, did so on behalf of [those whose funds] have been collected, and on behalf of [those whose funds] have not yet been collected. Thus, the funds were already in the custody of the Temple treasury.

The inhabitants of the city [are freed of liability], because there was nothing more that they could have done. They gave [the funds] to a paid watchman, who is liable in the event of theft and loss, and [the loss of

property] due to forces beyond a person's control is an uncommon phenomenon.

If [the inhabitants' funds] were lost before the funds [in the Temple treasury] were set aside, they are considered as still being in the possession of the inhabitants of the city. The emissary is required to take an oath to the inhabitants of the city, and they are required to pay [their half-shekalim a second time].

If [the emissary] took [the required] oath, and they collected shekalim a second time, and then the thieves returned [the stolen funds], both sets of shekalim are consecrated, but [the later shekalim] are not considered [as payment] for the following year. Instead, [the later shekalim] should be included together with [the collection of shekalim] from the previous year. There is an opinion that states that the first shekalim, which will be included among the shekalim of the present year, are the shekalim that were originally stolen, lost, or taken by forces beyond the emissary's control and returned. Another opinion states that the first shekalim are the shekalim that come to the hands of the Temple treasurer first.

10 [The following rules apply when] a person gives a half-shekel to a colleague to give to the money-changer on behalf of the donor, and instead the agent gives it to him on his own behalf, so that he will not be compelled [to give his own half-shekel at this time]: If the funds [in the Temple treasury] were already set aside, the agent is considered to have misappropriated consecrated property. For the [half-]shekel was already considered to be the property of the Temple treasury, since [the funds] were set aside on behalf of all those who would give in the future. Thus,

[the agent] extricated himself [by using] consecrated funds and hence derived benefit from this [half-]shekel.

If the funds [in the Temple treasury] have not yet been set aside, the agent is not considered to have misappropriated consecrated property. He is, however, obligated to return the half-shekel to the colleague who gave it to him. Similarly, a person who robs [one of the money-changers of the Temple treasury] of a half-shekel, or steals it from him, and uses it for his half-shekel, is considered to have fulfilled his obligation [to give a half-shekel]. He must [reimburse] the [money-changer], [and] pay twice its value or add a fifth of its value [depending on the situation].

11 [The following rules apply when] a person gives his half-shekel from consecrated funds: After the funds from the Temple treasury are set aside, when the funds [from the Temple treasury] are used [to purchase a sacrifice], the person becomes obligated for the misappropriation of consecrated property. He has, however, fulfilled his obligation to give a half-shekel.

Should one give [a half-shekel] from funds that were designated as the second tithe, he should partake of a quantity of food that is of equivalent value in Jerusalem. Should one give [a half-shekel] from funds that were given in exchange for the produce of the Sabbatical year, he should partake of a quantity of food that is of equivalent value, and treat it with the sanctity of the produce of the Sabbatical year. Should one give [a half-shekel] from an apostate city, his act is of no consequence whatsoever.

12 When a person has set aside a [half-]shekel under the impression that he

was obligated to give it, and then discovers that he was not obligated, his [half-]shekel is not consecrated.

When a person gave two [half-]shekalim, and later discovered that he was obligated to give only one, [the following rules apply:] If he gave them one after another, the second [half-]shekel is not consecrated. If he gave them both at one time, one is a [half-]shekel, and one is considered as overpayment for a [half-]shekel. If a person set aside a [half-]shekel and died, the [half-shekel] should be designated as funds donated [for the purpose of purchasing burnt offerings].

13 [The following rules apply when a person] takes coins in his hands and says, "These are for my [half-]shekel," or when he collects *ma'ah* after *ma'ah* or *prutah* after *prutah*, and says, "I am collecting money for my [half-]shekel": Even if he collects an entire purse-full, [all that he is required] to give is the half-shekel that he is obligated to give, and the rest of the funds remain unconsecrated. For [any] overpayment given for the [half-]shekel remains unconsecrated.

14 [The following rules apply when] money is discovered [in the collection area in the Temple] between the chest of the [half-]shekalim and the chest designated for donations [for burnt offerings]: [If the funds are] closer to [the chest of] the shekalim, they should be considered as shekalim. If they are closer to [the chest designated for] donations [for burnt offerings], they should be used for that purpose. If the funds are equidistant between the two chests, they are designated as donations for burnt offerings. [The rationale is that] these donations [involve a more severe type of offering,

for they] are used entirely for burnt offerings. The shekalim, by contrast, are used for burnt offerings and for other purposes.

15 Similarly, all the funds that are found between chests should be designated for the purpose of the chest to which they are closest. If [funds] are [discovered] equidistant between chests - for example, if they are between the chest [whose contents are used to purchase] wood and the chest [whose contents are used to purchase] frankincense - they should be designated [for purchasing] frankincense. [If they are discovered] between the chest [whose contents are used to purchase] pairs of doves and the chest [whose contents are used to purchase] doves for burnt offerings, they should be designated [for purchasing] doves for burnt offerings.

This is the general principle: In all cases, we designate [the funds for the purposes of the chest] to which they are closest;if [the funds] are equidistant [from two chests], [we designate them] for the purposes that are governed by] more stringent requirements.

All the coins found on the Temple Mount are [considered] unconsecrated funds, because the Temple treasurer does not take money out of the Temple treasury until he transfers their consecrated dimension to the animals that he purchases for sacrifices.

Chapter 4

1 What [are the funds in] *terumat halishcah* used for? From [these funds] they would purchase the daily offerings sacrificed every day, the additional offerings [sacrificed on Sabbaths, Rashei Chodashim and festivals], all

other communal sacrifices, and the wine libations [that accompany them]. Similarly, [these funds were used to purchase] the salt that was placed on all the sacrifices, and similarly, the wood for the altar, if no wood was provided and it was necessary that it be purchased.

[They were used to pay for spices contained in] the incense offering and the wages of those who prepared it, the showbread and the wages of those who prepared it, the *omer* [of barley], the two loaves, a red heifer, the goat sent to Azazel and the scarlet thread tied between its horns.

2 In contrast, [the funds to purchase] a bull brought as a sin offering [for a transgression performed by the community due to] lack of awareness, and the goats [offered by the community for transgressing the prohibition against] the worship of false divinities should be collected [from communal donations], and should not be purchased [with the funds of] *terumat halishcah*.

The curtains before the Sanctuary replaced a [permanent] structure.Therefore, they should not be purchased [with the funds of] *terumat halishcah*, but rather [with funds that were] consecrated for *bedek habayit* ["the upkeep of the Temple"]. The curtains covering the gates, by contrast, should be purchased [with the funds of] *terumat halishcah*.

It is ordained that [the funds necessary to fashion] the *menorah* and the other sacred articles should come from [the funds stemming from] the remainder of the libations. In *Hilchot Klei HaMikdash V'Ha'ovdim Bo* (the "Laws Governing the Temple Vessels and Those Who Serve Within"), the term "the [funds stemming from] the remainder of the libations" will be explained. If, however, no such funds are available, [the funds necessary

for] these [sacred articles] should come from *terumat halishcah*.

[The funds necessary to fashion] the priestly garments, those of the High Priest and those of all the other priests who serve in the Temple should come from *terumat halishcah*.

3 All the animals that are found in Jerusalem or its outskirts should be sacrificed as burnt offerings, as stated in *[Hilchot] Pesulei HaMukdashim* [the "Laws Governing Consecrated Animals That are Unfit"]. The wine libations for these offerings should come from *terumat halishcah*.

Similarly, if a gentile sent a burnt offering from another land, and did not send with it the funds for a wine libation, the wine libation should come from *terumat halishcah*.

4 [The following laws apply when] a convert dies and leaves [animals designated as] offerings. If he also designated wine [or funds for] their wine libations, they should come from [what he designated]. If not, they should come from *terumat halishcah*.

When a High Priest dies, and a successor is not appointed [immediately], we should [pay] for the *chavitin* offering from *terumat halishcah*.

The [Rabbis who] inspect blemishes [on first-born animals]in Jerusalem, the Sages who teach the laws of ritual slaughter and the laws of taking a handful from the meal offering, and the women who raise their sons to take part in the offering of the red heifer all receive their wages from *terumat halishcah.*

What would their wages be? An amount decided by the court.

5 In a Sabbatical year, when [the produce of the fields] is ownerless, the court hires watchmen to protect some of the produce that grows on its own, so that it will be possible to offer the *omer* [of barley] and the two loaves of bread,for these offerings may come only from the new harvest. These watchmen receive their wages from *terumat halishcah*.

6 Should a person volunteer to watch the produce without charge, his offer is not accepted, lest men of force come and take it. [To prevent this,] the Sages ordained that the watchmen be paid from the funds of the Temple treasury. [This] will prompt everyone to avoid that place where the guards are posted.

7 Scribes who check Torah scrolls in Jerusalem and judges in Jerusalem who preside over cases of robbery receive their wages from *terumat halishcah*.
How much are they paid? Ninety *maneh* a year. If this is not sufficient for their [needs], they are given - even against their will - an additional amount sufficient to meet their needs, those of their wives, their children, and the other members of their household.

8 Both the ramp that was built from the Temple Mount to the Mount of Olives, on which the red heifer was led [to the Mount of Olives], and the ramp on which the goat sent to Azazel was led [outside the city were paid for] from *sheyarei halishcah*.
Similarly, [any improvements necessary for] the altar for the burnt offerings, the Temple building, or the Temple courtyards [were paid for] from the *sheyarei halishcah*. The water conduit, the walls of Jerusalem, its

towers, and all the needs of the city [were paid for] from the *sheyarei halishcah*.

Should a gentile, even a resident alien, offer to donate money for these purposes, or to labor in these projects without charge, [his offer] should be rejected, for [**Ezra 4:3**] states: "It is not for you, together with us, to build [the House of our Lord," and [Nechemiah 2:20] states "And you have no portion, right, or memorial in Jerusalem."

9 [The funds remaining from] *terumat halishcah* and *sheyarei halishcah* should be used to purchase male animals to be sacrificed as burnt offerings. For it is a condition made by the court that all the remaining funds be used for burnt offerings.

They are not, however, used to purchase doves for burnt offerings, for doves are never used for communal sacrifices. These burnt offerings that come from the funds remaining from the collection of the shekalim are referred to as "the dessert of the altar."

10 Should the [collection from the half-]shekalim not be sufficient [to purchase everything necessary] for all the communal sacrifices, the [funds for] whatever is necessary should be taken from [the articles] consecrated for *Bedek HaBayit*, the resources consecrated for the purpose of maintaining the Temple structure.

[The converse, however, does not apply. When improvements are necessary, but the resources of] *Bedek HaBayit* are lacking, [the improvements] should not [be paid for] from funds consecrated for [sacrifices for] the altar.

11 From Rosh Chodesh Nisan onward, the communal offerings should be brought from the new collection [of shekalim]. If, however, [the funds from] the new collection have not reached [the Temple treasury], [funds from] the collection of the previous year may be used.

Therefore, [the following rule should be applied] if there are animals designated for the daily offerings that were purchased from the collection of the previous year when Rosh Chodesh Nisan arrives: They should be redeemed and used for mundane purposes, despite the fact that they are unblemished. The proceeds should be placed in the collection of funds from the previous year that are used to provide "dessert" for the altar. [This is possible because the] court made a stipulation that should there be no need for any of the animals purchased for the daily offerings, it would be possible to [redeem the animals and] use them for mundane purposes.

12 After Rosh Chodesh Nisan arrived, the following [procedure] would be adhered to concerning the remainder of the incense offering: They would transfer the consecrated quality [of the incense] to [the funds designated] to be given to the artisans [who prepared it] as their wages. These funds were then used for "the dessert of the altar," and the artisans would take the remainder of the incense offering as their wages. Afterwards, they would buy back the incense from [the artisans] with money from the new collection [of shekalim]. If the funds from the new collection had not arrived, they would offer the incense [purchased with funds] from the collection of the previous year.

13 The End of the Laws of the Shekels

Mishneh Torah, Sanctification of the New Month

Chapter 1

1 The months of the year are lunar months, as [implied by **Numbers 28:14**]: "... the burnt offering of the month when it is renewed," and [**Exodus 12:2**]: "This month shall be for you the first of months." [Concerning this verse,] our Sages commented: The Holy One, blessed be He, showed Moses in the vision of prophecy an image of the moon and told him, "When you see the moon like this, sanctify it."

The years we follow are solar years, as [implied by **Deuteronomy 16:1**]: "Keep the month of spring."

2 How much longer is a solar year than a lunar year? Approximately eleven days. Therefore, [to correct the discrepancy between the lunar and the solar calendars,] when these additional days reach a sum of 30 - or slightly more, or slightly less - an additional month is added, causing the year to include thirteen months. This is called a full year.

[This is necessary,] because it is impossible to have a year with twelve months and an odd number of days, as [implied by **Numbers 28:14**]: "... of the months of the year." [On this verse, our Sages commented:] "You count the months of a year, but not the days of a year."

3 The moon becomes hidden and cannot be seen for approximately two days - or [slightly] less or slightly more - every month: approximately one day before its conjunction with the sun at the end of the month, and one

day after its conjunction with the sun, [before] it is sighted in the west in the evening.

The first night when the moon is sighted in the west after being hidden is the beginning of the month. Afterwards, 29 days are counted from that day. If the moon is sighted on the night of the thirtieth [day], the thirtieth day will be Rosh Chodesh [of the following month].

If it is not sighted, Rosh Chodesh will be on the thirty-first day, and the thirtieth day will be included in the previous month. There is no need [to sight] the moon on the thirty-first night; whether or not [the moon] is sighted [the new month begins that night]. For there are no lunar months longer than thirty days.

4 When there are twenty-nine days in a month, [because] the moon was sighted on the thirtieth night, the month is called *chaseir*, ["lacking"]. If the moon is not sighted and the previous month has thirty days, the month is called *me'ubar* ["pregnant"] or *malei* ["full"].

When the moon is sighted on the thirtieth night, the moon is said to have been sighted at the appropriate time. When the moon is sighted on the thirty-first night, but not on the thirtieth night, the moon is described as having been seen on the night of its fullness.

5 The [establishment of Rosh Chodesh] based on the sighting of the moon is not the province of every individual, as is the Sabbath [of the weekly cycle]. [In the latter instance,] everyone counts six days and rests on the seventh day.

[The sanctification of the new month,] by contrast, has been entrusted to

the court. [The new month does not begin] until it has been sanctified by the court, and it is the day that they establish as Rosh Chodesh that is Rosh Chodesh. [This is implied by the verse,] "This month will be **for you**...," - i.e., the testimony [concerning the new month] will be entrusted to you.

6 The [High] Court would make calculations in a manner resembling the calculations of the astronomers, who know the location of the stars and their paths [in their orbits]. They would perform careful research to determine whether or not they would be able to sight the moon at the appropriate time - i.e., the thirtieth night.

If [the judges] determined that it was possible to sight [the moon], they would sit waiting for witnesses [to come and testify] throughout the entire thirtieth day. If witnesses came, and [the court] examined their testimony according to law, and verified the truth [of their statements], the court would sanctify [the new month]. If [the moon] was not sighted, and witnesses did not come, they would complete the thirtieth day, thus making the month full.

If, according to their calculations, [the judges] knew that it was impossible for the moon to be sighted, they would not sit [in session] on the thirtieth day, nor would they await [the arrival] of witnesses. If witnesses came, they would know that they are false witnesses, or that clouds appeared to them in a form resembling the moon, but it was not the real moon.

7 It is a positive commandment of the Torah for the court to calculate and determine whether or not the moon will be sighted, to examine witnesses

until the moon can be sanctified, and to send forth [messengers] to inform the remainder of the people on which day Rosh Chodesh was observed, so that they will know the day [on which to celebrate] the festivals [as implied by **Leviticus 23:2**]: "that you will pronounce as days of holy convocation," and [as implied by **Exodus 13:10**]: "And you shall observe this statute in its appointed season."

8 The calculations and the establishment of the months and the leap years is carried out only in *Eretz Yisrael* [as implied by **Isaiah 2:3**]: "For out of Zion will emerge the law, and the word of God [will emerge] from Jerusalem."

If a great sage who received *semichah* in *Eretz Yisrael* left for the diaspora without leaving a colleague of equal stature in *Eretz Yisrael*, he may make calculations, establish the monthly calendar, and institute leap years in the diaspora.If, however, it becomes known to him that a sage of his stature has arisen in *Eretz Yisrael* - and surely, if a sage of greater stature has arisen in *Eretz Yisrael* - it is forbidden for him to establish [the monthly calendar] and [institute] leap years in the diaspora. If he transgresses, and [attempts to structure the calendar in this manner], his actions are of no consequence.

Chapter 2

1 The only testimony that is acceptable with regard to [the sighting of] the new [moon] is that of two adult males who are fit to testify regarding all matters. Women and slaves, by contrast, are like other unacceptable

witnesses and may not testify.

When a father and a son both see the new moon, they should both go the court to testify. Not because testimony regarding the [the sighting of] the new [moon] is acceptable [from witnesses who are] related, but because one of them may be disqualified because he is a thief or for other reasons, and the other will be able to join with another person and give testimony.

A person who is disqualified from serving as a witness by Rabbinical decree, although he is acceptable according to the law of the Torah itself, may not serve as a witness with regard to [the sighting of] the new [moon].

2 According to the law of the Torah, there is no need to be precise regarding testimony about [the sighting of] the new [moon]. For even if the new moon was sanctified on the basis of the testimony of witnesses, and later it was discovered that those witnesses had perjured themselves, [the new moon] remains sanctified.

Accordingly, in the early generations, testimony regarding [the sighting of] the new [moon] was accepted from any Jew [without further enquiry], for any Jew can be presumed to be an acceptable witness unless one knows with certainty that he is unacceptable. When the followers of Baithos began conducting themselves in a debased manner and would hire people to testify that they had seen the moon when in fact they had not, the court decreed that it would accept testimony regarding [the sighting of] the new [moon] only from witnesses whom the court knew to be acceptable. Moreover, they would examine and question their testimony.

3 Therefore, if the [High] Court did not know [the character of] the witnesses who sighted the moon, the inhabitants of the city where the moon was sighted would send other witnesses together with the witnesses who saw the moon to substantiate their character to the court, and inform [the judges] that they are acceptable [witnesses]. [Only] afterwards would the court accept their [testimony].

4 The court would make calculations in a manner resembling the calculations of the astronomers, and would know whether the position of the moon - when it would be sighted - would be to the north of the sun, or to its south, if its [crescent] would be wide or narrow, and the direction in which its corners would be pointed.

When the witnesses came to testify, they would ask them: "Where did you see [the moon]: to the north or to the south [of the sun]?", "In which direction were its corners pointed?", "How high and how wide did it appear to you?" If their replies were suitable, their testimony was accepted. If their replies were not suitable, their testimony was not accepted.

5 If the witnesses say, "We saw [the reflection of the moon] in water," or "...[its form] behind the clouds," or "...[its reflection] in a mirror," [what they] saw is of no [consequence], and this sighting cannot be used as the basis for sanctifying [the new moon]. [The same law applies if the witnesses say,] "We saw a portion [of the moon] in the heavens, and a portion of [its form] behind the clouds," "...a portion [reflected] in water," or "...a portion [reflected] in a mirror."

If one [potential witness says,] "I saw it and it appeared to me

approximately two storeys high," and another [potential witness] says, "It was three storeys high," their testimonies may be combined [and the moon sanctified on this basis]. If, however, one says "It was approximately three storeys high," and the other says, "It was approximately five storeys high," their testimonies may not be joined together. Either one of them, however, may join together with another witness who gives identical testimony, or [who gives testimony] involving a discrepancy of merely one storey.

6 If witnesses say, "We saw [the moon] without concentrating our attention, and, afterwards, when we concentrated our attention with the intent of sighting it so that we could testify, we did not see it," this is not considered [valid] testimony, and it cannot serve as the basis for sanctifying [the new moon]. Perhaps clouds came together, and appeared like the moon, and afterwards became dispersed.

If witnesses say, "We saw [the moon] on the twenty-ninth [day] in the morning in the east before sunrise, and [afterwards,] in the evening, we saw it in the west on the thirtieth night," their testimony is believed, and the moon can be sanctified on this basis. [The rationale is] that they saw [the moon] at its appropriate time. [Their testimony] about [what they thought] they saw in the morning is disregarded. We need not pay any attention to what they saw in the morning, for it is obvious that it was the conjunction of clouds that appeared to them as the moon.

Similarly, if [witnesses claim] to have seen the moon at its appropriate time, but it was not seen on the thirty-first night, their [testimony] is believed. For what is significant for us is only the sighting [of the moon]

on the thirtieth night.

7 What is the process through which the testimony regarding the sighting of the moon is accepted? Anyone who saw the moon and is fit to testify should come to the court. The [judges] should bring them all to a single place, and should make a large feast for them, so that people will come regularly. The pair [of witnesses] who arrive first are examined first according to the questions mentioned previously. The one of greater stature is invited [into a private chamber] first and asked these questions. If his testimony is accurate according to [the data that the court arrives at through] calculations, they invite his colleague in. If their statements are comparable, their testimony is substantiated.

[Afterwards,] the remaining pairs are asked questions of a broader nature. [In truth,] their testimony is not required at all, [and they are being asked] only so they will not depart disheartened, so that they will come frequently [in the future].

8 Afterwards - i.e., after [the witnesses'] testimony is substantiated - the head of the court declares, "It has been sanctified." And all the people respond, "It has been sanctified. It has been sanctified."

A minimum of three judges is required to sanctify the new moon. Similarly, the calculations [regarding the moon's position] must be made by three judges. The new moon is sanctified only when it is sighted at its appropriate time. Moreover, the moon is sanctified only during the day. If it was sanctified at night, the sanctification is of no consequence.

Furthermore, even if the court and the entire Jewish people saw the moon,

but the court did not declare that "It has been sanctified" before the nightfall beginning the thirty-first day, or if the witnesses were cross-examined, but afterwards the court was not able to declare that "It has been sanctified" before the nightfall beginning the thirty-first day, it should not be sanctified, and the month should be full. Despite the fact that the moon was sighted on the thirtieth night, it is the thirty- first day that will be Rosh Chodesh. For [the sanctification of the new month] is not established by the sighting of the moon, but by the court that declares, "It has been sanctified."

9 If the court themselves see [the new moon] at the conclusion of the twenty-ninth day, before a star has emerged on the thirtieth night, the court may declare, "It has been sanctified; it has been sanctified," for it is still day.

If [the judges] sight the moon on the night of the thirtieth day after two stars have appeared, [they should adhere to the following procedure]. On the morrow, two other judges join one of the three [to form a court]. The other two [judges] then testify before [this court] of three, who then [sanctify the new month].

10 Once the court sanctifies the new month, it remains sanctified regardless of whether they erred unwittingly, they were led astray [by false witnesses], or they were forced [to sanctify it]. We are required to calculate [the dates of] the festivals based on the day that they sanctified [as the beginning of the new month].

Even if [a person] knows that [the court] erred, he is obligated to rely on

them, for the matter is entrusted to them alone. The One who commanded us to observe the festivals is the One who commanded [us] to rely on them, as [implied by **Leviticus 23:2**]: "Which you will pronounce as days of holy convocation."

Chapter 3

1 When witnesses see the new [moon], and there is a journey of the night and a day or less between them and the place where the court holds sessions, they should undertake the journey and testify. If the distance between them is greater, they should not undertake the journey. For the testimony [that they will deliver] after the thirtieth day will be of no consequence, since the month will already have been made full.

2 The witnesses who see the new [moon] should journey to the court to testify even on the Sabbath, as [implied by **Leviticus 23:2**]: "[These are the festivals] you should proclaim in their season." Whenever [the Torah] uses the word "season," the Sabbath [prohibitions] may be overridden.
Therefore, [the Sabbath prohibitions] may be violated only for the sake of Rosh Chodesh Nisan and Rosh Chodesh Tishrei, to commemorate the festivals in their proper season. In the era of the Temple, [the Sabbath prohibitions] were violated for the sake of every Rosh Chodesh, because of the *musaf* offering sacrificed on Rosh Chodesh, since its [sacrifice] supersedes the Sabbath prohibitions.

3 Just as the witnesses who see the new [moon] should violate the Sabbath

[to testify], so too, the witnesses who substantiate their credibility should violate [the Sabbath to accompany] them, if the court is not familiar with the witnesses.

Even if only a single individual can testify regarding the witnesses, he should accompany them and violate the Sabbath, because of the possibility that they might encounter another individual who can [testify] together with him.

4 When a witness who sighted the moon on Friday night is sick, he may be mounted on a donkey [and transported to the High Court]. [Indeed,] even [if he is bedridden,] his bed [may be transported].

If an ambush awaits them on the way, the witnesses may carry weapons. If the distance [to the court] is long, they may carry food.

Even if the moon was sighted [with a] large [crescent], and [one is certain that] it was also sighted by many others as well, he should not say, "Just as we saw [the moon], so did others, and there is no necessity for us to violate the Sabbath laws." Instead, every person who saw the new moon, who is fit to serve as a witness, and who is within a distance of the night and a day or less is commanded to violate the Sabbath laws and go and testify.

5 Originally, [the High Court] would accept testimony regarding the new moon throughout the entire thirtieth day. Once the witnesses were delayed and did not come until the evening. This created confusion in the Temple, and [the priests] did not know what to do: If they would offer the afternoon sacrifice, [a difficulty would result] if witnesses [in fact] came,

for it is impossible to sacrifice the *musaf* offering [of Rosh Chodesh] after the daily afternoon sacrifice.

At that time, [the High] Court instituted the [following] edict: Testimony regarding the new moon would be accepted only until the time of *minchah*, so that there would be enough time in the daylight hours to offer the *musaf* sacrifices, the daily afternoon offering, and the wine libations [that accompany these sacrifices].

6 If the time of *minchah* arrives without witnesses having come, the daily afternoon offering should be sacrificed. If witnesses come after the time of *minchah*, this day should be observed as a holiday, and the following day should be observed as a holiday. The *musaf* offering, however, should be offered on the following day, because the new moon should not be sanctified after the time of *minchah*.

After the Temple was destroyed, Rabbi Yochanan ben Zakkai and his court instituted a decree [requiring the High Court] to accept testimony regarding the new moon throughout the entire day. Even if witnesses come at the end of the thirtieth day before sunset, their testimony should be accepted and the thirtieth day alone should be considered a holiday.

7 When the court would make a month full because the witnesses did not appear on the thirtieth day at all, they would ascend to a previously designated place and hold a feast on the thirty-first day, which would be Rosh Chodesh.

They would not ascend there during the [thirty-first] night, but rather at daybreak, before the sun rose. No fewer than ten men would ascend [to

participate] in this meal. They would not hold this meal without bread made from grain and legumes, of which they would partake during the meal. This is the intent of all the sources that refer to the feast associated with the mitzvah of the full month.

8 Originally, when the court would sanctify the new moon, they would light bonfires on the mountaintops to notify the people in distant places. When the Samaritans began conducting themselves in a debased manner and would light bonfires [at the wrong times] to confuse the people, [the Sages] instituted the practice of having messengers journey to notify the people.

These messengers may not violate [the sanctity of] the holidays, nor of Yom Kippur [by traveling on these days]. Needless to say, they may not violate [the sanctity of] the Sabbath. For one may not violate the Sabbath to uphold [the sanctification of] the new month, only to [actually] sanctify it.

9 Messengers are sent out [to inform the people] for six months: For Nisan, because of Pesach. For Av, because of the fast [of Tish'ah B'Av]. For Elul, because of Rosh HaShanah - i.e., so they could wait in readiness on the thirtieth day of Elul. If it became known to them that the High Court had sanctified the thirtieth day, they would observe only that day as a holiday. If it did not become known to them, they would observe both the thirtieth and the thirty-first days [as Rosh HaShanah] until the messengers of Tishrei arrived.

For Tishrei, because of the festivals. For Kislev, because of Chanukah. For

Adar, because of Purim. While the *Beit HaMikdash* was standing, [messengers] also would be sent out for the month of Iyar, because of the small Pesach.

10 [Even when the moon was clearly sighted on the previous night,] the messengers for the months of Nisan and Tishrei would not depart until the sun rose and they heard the court pronounce, "It has been sanctified." If, however, the court sanctified the moon at the conclusion of the twenty-ninth day, [which is possible,] as we have explained, and the messengers heard the court pronounce it sanctified, they might depart that evening. The messengers for the other months, by contrast, may depart in the evening after the moon has been sighted. Although the court has not sanctified the new month, since the new moon has been sighted, they may depart, for the court will surely sanctify the new month on the following day.

11 Wherever these messengers would arrive [before the celebration of the festivals], the holidays would be observed for [only] one day, as prescribed by the Torah. In the distant places, which the messengers would not reach [before the celebration of the festivals], the holidays would be observed for two days because of the doubt [involved]. For they would not know the day on which the High Court established the new month.

12 There are places where the messengers [sent out for] Nisan would arrive [in time for the celebration of Pesach], but the messengers [sent out for] Tishrei would not arrive [in time for the celebration of Sukkot].

According to [the letter of] the law, it would have been appropriate for them to observe Pesach for one day, since the messengers reached them and informed them when Rosh Chodesh had been established, and for them to observe Sukkot for two days, since the messengers had not reached them. Nevertheless, so that there would be no difference between the festivals, the Sages instituted the ruling that two days were celebrated [for all holidays] in all places that were not reached by the messengers for Tishrei. [This includes] even the festival of Shavuot.

13 [How many more] days do the messengers for Nisan journey than the messengers for Tishrei? Two. For the messengers for Tishrei do not travel on the first of Tishrei, because it is a holiday, nor on the tenth, because it is Yom Kippur.

14 There is no need for there to be two messengers. Even a single individual's [statements] are believed. Moreover, this does not apply to messengers alone. Even when a [traveling] merchant of no particular distinction passes through on his journey, and says: "I heard from the court that it sanctified the new month on such and such a date," his statements are believed, and the [celebration of] the festivals is arranged accordingly.
[The rationale is that] this is a matter that will [eventually] be revealed. Therefore, the testimony of a single acceptable witness is sufficient.

15 [The following rules apply when] the court held session throughout the entire thirtieth day, but witnesses did not arrive, [the judges] arose early in the morning and made the month full, as we stated previously in this

chapter, and after four or five days witnesses came from distant places and testified that they had sighted the moon at the appropriate time, the thirtieth night. [Indeed, the same principles apply if the witnesses] come at the end of the month.

We unnerve them in a very intimidating matter, and we seek to disorient them with queries. We cross-examine them very thoroughly and are extremely precise regarding their testimony. [For] the court endeavors not to sanctify this month, since it has already been declared full.

16 If the witnesses remain steadfast in their testimony, if it is compatible [according to the calculations of the court], if the witnesses are men whose character is well known, they are men of understanding, and if their testimony was scrutinized in a proper way - the moon is sanctified [retroactively]. We recalculate the dates of the month beginning from the thirtieth day [after the previous Rosh Chodesh], since the moon was sighted [on the appropriate] night.

17 If it was necessary for the court to leave the month full, as it was before the witnesses came, it is left as it is. This is what is meant by the statement, "The month is made full out of necessity." Some great Sages differ concerning this matter and maintain that the month is never made full out of necessity. Rather, if the witnesses come, the month is sanctified and they are not intimidated at all.

18 It appears to me that there is a difference of opinion among the Sages regarding this matter only in [the following circumstances]:

a) The other months besides Nisan and Tishrei, or

b) When witnesses come in Nisan and Tishrei after the holidays have passed, [all the festive practices] have already been observed, and the time to offer the sacrifices and observe the festivals has passed.

When, however, the witnesses come in Tishrei and in Nisan before the middle of the month, their testimony is accepted, and no attempt is made to intimidate them at all. For we do not attempt to intimidate witnesses who testify that they sighted at the appropriate time so that the month will be full.

19 We do, however, intimidate witnesses whose testimony has been disputed, and it appears that their testimony will not be upheld, and the month will be made full. We pressure them so that their testimony will be upheld and the month will be sanctified in its proper time. Similarly, when, before the new month has been sanctified, witnesses come to nullify the testimony of the witnesses who saw the moon at its appropriate time, [the court] intimidates the witnesses who want to nullify the original testimony, so that the challenge will not be accepted and the new month will be sanctified at its appropriate time.

Chapter 4

1 A leap year is a year that includes an additional month.The extra month that is added is always Adar, and thus the year contains two Adarin: the first Adar and the second Adar.

Why is this month added? Because of the season of spring, so that Pesach

will fall then, as [implied by **Deuteronomy 16:1**]: "Take heed the month of spring" [This command can be interpreted to mean, "Take heed] that this month falls in the spring season. Were the month [of Adar] not to be added [from time to time], there are times when Pesach would fall in the summer, and times [when it would fall] in the rainy season.

2 [An extra month is added,] making the year full, because of three factors: a) the vernal [spring] equinox; b) the ripening [of the barley crop], and c) the blooming of the fruit trees.

What is implied? When the court calculates and determines that the vernal equinox will fall on the sixteenth of Nisan or later, the year is made full. The month that would have been Nisan is made the second Adar, and thus Pesach will fall in the spring. This factor [alone] is sufficient for the court to make the year full; other factors need not be considered.

3 Similarly, if the court sees that [the barley crop] has not ripened, but that it is late in sprouting, or that the fruit trees that usually bloom at the time of the Pesach holiday have not bloomed, these two factors are sufficient, and the year is made full, even though the vernal equinox will fall before the sixteenth of Nisan.

[The reason the year is] made full [because of these factors] is so that there will be [an abundant quantity] of ripened [barley] accessible, so that the wave offering of the *omer* can be brought from it on the sixteenth of Nisan, and so that the fruits will bloom, as they always do in the spring.

4 There are three territories that are of consequence regarding the ripening

[of the barley]: Judea, Transjordan, and the Galilee. If [the barley] ripened in two of these lands, but not in the third, the year is not made full. If, however, [the barley] ripened in one of these lands, but not in the other two, the year is made full if the fruit trees have not bloomed.

These are the primary grounds for making the year full, so that the years will follow the solar calendar.

5 There are other factors for which the court makes [the year full] in the case of necessity. Among them: that the roads are not suitable, and it is impossible for the people to make the pilgrimage. [In such an instance,] the year is made full, [to allow time for] the rains to stop and the roads to be fixed.

That the bridges have been destroyed and there are rivers interrupting [the roads], and preventing the people [from continuing their journey]. The year is made full, so that the bridges can be fixed, lest the people endanger themselves and die.

That the ovens for the Paschal sacrifice were destroyed by the rains, and thus there will be no place for [the people] to roast their Paschal offerings. We therefore make the year full, so that the ovens can be built and can dry [in the sun].

That Jews from the diaspora who have left their homes have not arrived in Jerusalem. We make the year full, so that they will have the time to reach [Jerusalem].

6 We do not, however, make the year full because of snow, nor because of a cold climate, nor because of Jews from the diaspora who have not yet left

their homes.

[Similarly, the year is not made full] because of ritual impurity - e.g., when most of the people or most of the priests are impure. The year is not made full so that they will be able to purify themselves and offer [the Paschal sacrifice] in a state of ritual purity. Instead, they should offer [the sacrifice] while ritually impure. Nevertheless, if the year has been made full because of ritual impurity, it may be left full.

7 There are factors that, in and of themselves, are never sufficient cause to make the year full. They are, however, mentioned as contributing factors when a year must be made full so that [Pesach will fall after] the vernal equinox, because of [the barley that has not] ripened, or the fruit trees.

These factors are: That young goats or lambs have not been born, or are merely few in number, or that young doves have not [matured to the point where they can] fly.

We do not make the year full so that the goats and the lambs will be available for the Paschal sacrifices, and the doves will be available for the pilgrimage sacrifice, or for those individuals who are obligated to bring doves as a sacrifice. Nevertheless, these are mentioned as contributing factors [to make] the year [full].

8 What does mentioning them as contributing factors [to make] the year [full] imply? The court says: "This year must be made full because the equinox falls late, or because [the barley] has not ripened and the fruit trees have not bloomed, and also because the young goats are small and the doves are frail."

9 The year can be made full only by [judges] who were invited [to participate in the deliberations]. What is implied? The head of the High Court tells [several] members of the court, "Be present at a particular place, where we will make calculations and decide whether or not it is necessary to make the year full" It is only those who were invited who [have the authority to] make [the year] full.

How many [judges participate in the deliberations whether] to declare a leap year? We begin with three judges from the High Court who have received *semichah*. Should two [of these judges] say, "There is no need to sit to decide whether or not [the year] should be made full" [their opinion is accepted]. [Although] one [judge] says that they should continue their deliberations, his statements are of no consequence.

If two [of these judges] say, "There is a need to sit [further] to decide whether or not it is necessary to make [the year] full" and the other [judge] says that they should not continue their deliberations, we add two of the judges who had been invited previously, and the discussion of the matter [is continued].

10 Should two [judges] say that it is necessary to make [the year] full, and three say that there is no necessity, [the opinion of] the two is of no consequence. If three [judges] say that it is necessary to make [the year] full, and two say that there is no necessity, two more [judges] who were invited are added to the court, and the subject is debated.

These seven [judges should] arrive at a conclusion. If they all agree to make the year full, or not to make the year full, their decision is followed. If there is a difference of opinion among them, we follow the majority,

whether to make the year full, or not to make the year full.

It is necessary that the head of the High Court - i.e., the one who presides over the seventy-one [judges of the *Sanhedrin*] - be one of these seven. If [the three original judges] conclude that it is necessary for the year to be made full, it should be made full, provided the *nasi* is among the three, or consents [to their ruling].

Concerning the institution of a leap year, the opinions of the lesser judges should be offered first. Concerning the sanctification of the new month, we begin from the head of the court.

11 Neither a king nor a High Priest should be [included in the group entrusted with deciding] whether or not to institute a leap year. A king [should not be included, lest he be influenced] by consideration for his soldiers and his wars.

A High Priest should not be included because of the cold - i.e., he may choose not to institute a leap year so that Tishrei will not fall in the winter, and he would [thereby not] have to immerse himself five times on Yom Kippur [in such weather].

12 If the head of the High Court, the *nasi*, was on a distant journey, [the court] may institute a leap year only with the proviso that the *nasi* will consent. If the *nasi* comes and consents, the year is full. If he does not consent, it is not full.

A leap year may be instituted only in the territory of Judea, for the resting place of the Divine Presence is there, as [implied by **Deuteronomy 12:5**]: "And you shall seek out his dwelling" If a leap year is instituted in the

Galilee, the year remains full.

A year should be made full only during the day. If it is made full during the night, it is not full.

13 The court has the authority to calculate, institute, and decide which year(s) shall be full whenever it desires, even several years in advance. Nevertheless, a particular year is not declared a full year until after Rosh Hashanah, at which time a public statement [can be] made [to the effect that] the year has been made full.

[A leap year is announced at such an early date] only in a pressing situation. If the situation is not pressing, the announcement that a leap year has been instituted is not made until the month of Adar. [At that time, the court announces,] "This year is a leap year, and the following month is not Nisan, but rather the second Adar" If a court announces before Rosh HaShanah, "The year to come will be a leap year" this announcement does not make the year a leap year.

14 If the thirtieth day of Adar arrived without the year having been declared a leap year, it should never be made a leap year. For that date is fit to be Rosh Chodesh Nisan, and once Nisan begins without the year having been declared a leap year, [the court] no longer has that option. If, however, they declared a leap year on the thirtieth of Adar, their ruling is binding.

If witnesses came after the leap year had been declared and testified regarding [the sighting of] the moon, the court sanctifies the new month on the thirtieth day, and makes it the Rosh Chodesh of the second Adar.

If they had sanctified the new month on the thirtieth day before they declared a leap year, they would not have been able to declare the leap year. For a leap year may not be declared in Nisan.

15 A leap year may not be declared in a year of famine when everyone is hurrying to the granaries to partake [of the new year's harvest] and derive vitality. [In such a situation,] it is impossible to prolong the time when the prohibition against eating from the new harvest [is in effect].

We do not declare the Sabbatical year a leap year, because everyone is entitled to take the crops that grow on their own. Therefore, grain will not be available to offer the *omer* [of barley] and the two loaves of bread [offered on Shavuot]. It was customary to make the year preceding the Sabbatical year a leap year.

16 It appears to me that our Sages' statement that a leap year should not be declared in a year of famine and in the Sabbatical year means that a leap year should not be declared because of the condition of the roads or the bridges, or because of factors of this nature. If, however, it is appropriate to declare a leap year because [Pesach will fall before] the vernal equinox, because [the barley has not] ripened, or because the fruit trees [have not bloomed], a leap year is declared always.

17 When the court institutes a leap year, they write a letter to all [the people in] distant places, notifying them that a leap year has been instituted, and the reason for which it was instituted.

These letters were written in the name of the *nasi*. They would say, "Let it

be known that I and my colleagues have agreed to add to this year this many days" - for it was possible for them to declare a month of twenty-nine days or a month of thirty days.

[The intent is that] the court had the option of notifying the people in the outlying areas that the month would [probably] be either full or lacking. [In fact, however,] the determination of whether the month is full or lacking is dependent on the sighting of the moon.

Chapter 5

1 All the statements made previously regarding the [prerogative to] sanctify Rosh Chodesh because of the sighting of the moon, and [to] establish a leap year to reconcile the calendar or because of a necessity, apply to the *Sanhedrin* in *Eretz Yisrael*. [For it is they] alone, or a court of judges possessing *semichah* that holds sessions in *Eretz Yisrael* and that was granted authority by the *Sanhedrin*, [who may authorize these decisions].

[This concept is derived] from the command given Moses and Aaron [**Exodus 12:2**]: "This month shall be for you the first of months" The Oral Tradition as passed down, teacher to student, from Moses our teacher [throughout the generations, explains that] the verse is interpreted as follows: This testimony is entrusted to you and those [sages] who arise after you and who function in your position.

When, however, there is no *Sanhedrin* in *Eretz Yisrael*, we establish the monthly calendar and institute leap years solely according to the fixed calendar that is followed now.

2 This concept is a halachah communicated to Moses on [Mount] Sinai: When there is a *Sanhedrin*, the monthly calendar is established according to the sighting of the moon. When there is no *Sanhedrin*, the monthly calendar is established according to the fixed calendar that we follow now, and the sighting of the moon is of no consequence.

When the fixed calendar is followed, there are times when the day established [as Rosh Chodesh] will be the day on which the moon is sighted, and there are times when the sighting will either precede or follow it by a day. It is, however, an extremely extraordinary phenomenon for [the day established as Rosh Chodesh] to be a day after the sighting [of the moon], [and this is possible only] in the lands that are west of *Eretz Yisrael*.

3 When did the entire Jewish people begin using this calendar? At the conclusion of the Talmudic period, when *Eretz Yisrael* was in ruin, and an established court no longer remained there. In the era of the Sages of the Mishnah, and in the era of the Sages of the Gemara until the time of Abbaye and Ravvah, [the people] would rely on the establishment [of the calendar] in *Eretz Yisrael*.

4 When the *Sanhedrin* functioned and the calendar was established based on the sighting [of the moon], the inhabitants of *Eretz Yisrael* and, [similarly, the inhabitants of] all the places where the messengers of Tishrei would arrive, would celebrate the holidays for one day only.

The inhabitants of the distant places that were not reached by the messengers of Tishrei would celebrate two days because of the doubt

involved. For they did not know the day that the inhabitants of *Eretz Yisrael* established as [the beginning of] the new month.

5 In the present era, when the *Sanhedrin* no longer exists, and the court of *Eretz Yisrael* establishes [the months] according to the [fixed] calendar, according to law, it would be appropriate for [Jews] throughout the world to celebrate the holidays for one day alone. For [the inhabitants of] the distant regions of the diaspora and the inhabitants of *Eretz Yisrael* rely on the same [fixed] calendar and establish [the festivals] accordingly. Nevertheless, the Sages ordained [that the inhabitants of the diaspora] retain the custom of their ancestors.

6 Therefore, [the inhabitants of] all the places that the messengers of Tishrei would not reach in the era when the messengers were sent out should celebrate two days even in the present era, just as they did when the inhabitants of *Eretz Yisrael* established [the calendar] according to the sighting of the moon.

In the present era, the inhabitants of *Eretz Yisrael* continue their custom and celebrate one day; for they never celebrated two days. Thus, our celebration of the second day of the holidays in the diaspora at present is a Rabbinic institution.

7 [Even] when the calendar was established based on the sighting of the moon, the majority of the inhabitants of *Eretz Yisrael* would celebrate Rosh HaShanah for two days, because of the doubt involved. They would not know the day on which the court established the new month, because

the messengers would not depart on the holiday.

8 Moreover, even in Jerusalem, where the court would hold session, there were many times when the holiday of Rosh HaShanah was celebrated for two days. For if witnesses did not arrive on the thirtieth day [following Rosh Chodesh Elul], the day on which they had awaited [the arrival of] witnesses would be regarded as holy, and the following day would be regarded as holy.

Since [there were times when] they would observe [Rosh HaShanah for] two days even when they sanctified the months according to the sighting [of the moon], [our Sages] ordained that even the inhabitants of *Eretz Yisrael* should always celebrate [Rosh HaShanah] for two days in the present era, when [the holidays] are established based on the fixed calendar. Thus, even [the observance of] the second day of Rosh HaShanah in the present era is a Rabbinic ordinance.

9 The celebration of the holidays for one or two days is not dependent on geographic distance [alone]. What is implied?

If a place is located within a five-day - or less - journey from Jerusalem, and thus it was surely possible for the messengers to reach them, we do not postulate that the inhabitants celebrate only one day. For we have no way of knowing whether or not the messengers [of the High Court] would journey to this place. Perhaps the messengers did not journey to this place because it was not populated by Jews at that time. [And if] it became populated by Jews after it [had become customary] to establish [the festivals] according to the fixed calendar, they [would be] obligated to

celebrate two days.

Alternatively, [perhaps the messengers did not reach there,] because there was a blockade on the way, as existed between Jerusalem and the Galilee during the time of the Mishnah, or perhaps the Samaritans would prevent the messengers from passing through their [territory].

10 If the matter were dependent on geographic distance alone, all the inhabitants of Egypt would observe the holidays for only one day, for it is possible for the messengers of Tishrei to reach them. The distance between Jerusalem and Egypt via Ashkelon is a journey of eight days or less. Similar concepts apply regarding the majority of Syria. One thus can conclude that the matter is not dependent solely on geographic distance.

11 Thus, the principles governing this matter can be summarized as follows: Whenever the distance between Jerusalem and a particular place exceeds a ten-day journey, the inhabitants should observe [the holidays] for two days, as was their previous custom. For the messengers sent out for Tishrei [cannot be guaranteed] to reach places other than those within a ten-day journey from Jerusalem.

[The following rules apply when, by contrast,] places are a ten-day journey or less from Jerusalem, and thus it is possible that the messengers could have reached them: We see whether that place is [located in the portions of] *Eretz Yisrael* that were inhabited by Jews during the time the calendar was established on the basis of the sighting [of the moon] during the second conquest [of the land] - e.g., Usha, Shefaram, Luz, Yavneh, Nov, Tiberias, and the like. [The inhabitants of these places] should

celebrate only one day.

If the place is part of Syria - e.g., Tyre, Damascus, Ashkelon,and the like - they should follow the custom of their ancestors. If [the custom was to celebrate] one day, [they should celebrate] one day. [If the custom was] two days, [they should celebrate] two days.

12 When a place is located within a journey of ten days or less from Jerusalem, and it is part of Syria or the diaspora, and [its inhabitants] have no [established] custom conveyed [from previous generations], they should celebrate two days, as is customary in the world at large. [The same rules apply to] a city that was created in the desert of *Eretz Yisrael*, or a city first populated by Jews in the present era.

[At present,] the celebration of the second day of a holiday is always a Rabbinic institution. This applies even to the celebration of the second day of Rosh HaShanah, which is observed by all Jews in the present era.

13 The calculations that we follow in the present era, every individual in his community, to ascertain which day is Rosh Chodesh and which day is Rosh HaShanah, do not determine [the calendar], nor do we rely on these calculations. For we do not institute leap years or establish the monthly calendar in the diaspora. We rely on the calculations of the inhabitants of *Eretz Yisrael* and their establishment of the calendar.

The reason we make calculations is merely for the sake of information. For we know that the inhabitants of *Eretz Yisrael* rely on the same calendar. Thus, our calculations are intended to determine the day that the inhabitants of *Eretz Yisrael* establish as Rosh Chodesh or a festival. For

it is the establishment of the calendar by the inhabitants of *Eretz Yisrael* that establishes a day as Rosh Chodesh or a festival, not our calculations of the calendar.

Chapter 6

1 When [the new moon] was sanctified [based on the testimony of witnesses regarding] the sighting of the moon, the court would calculate the time of the conjunction of the sun and the moon in an exact manner, as the astronomers do. [This enabled them] to know whether or not the moon would be sighted.

The first level of these calculations represent approximations of the time of the conjunction, and their accuracy is not great. This approximation of the time of the conjunction is calculated according to the mean rates of movements. The time of the conjunction as calculated in this manner is referred to as the *molad*.

The essentials of the calculations that are used when a court to sanctify [the new moon based on the testimony of witnesses of] the sighting [of the moon] does not exist - i.e., the calculations we use today - are referred to as *ibbur*. To explain:

2 Day and night are constantly considered a twenty-four hour composite, [on the average:] twelve [hours] of daylight and twelve [hours] of night. An hour can be divided into 1080 units. This number was chosen because it can be divided in half, into fourths, eighths, thirds, sixths, ninths, and tenths. Each of these fractions contains many of these units.

3 According to this calculation, [the interval] between one conjunction of the moon and the sun and the subsequent conjunction according to their mean movement is twenty-nine full days, twelve hours of the thirtieth day, and 793 units of the thirteenth hour. This is the interval between one conjunction and the next, [and thus,] the length of a lunar month.

4 [Accordingly,] an [ordinary] lunar year, which includes twelve of these months, would include three hundred fifty-four days, eight hours, and eight hundred seventy-six units.

A leap year, which would include thirteen of these months, would include three hundred eighty-three days, twenty-one hours, and five hundred eighty-nine units.

A solar year is three hundred sixty-five days and six hours. Thus, a solar year exceeds an [ordinary] lunar year by ten days, twenty-one hours, and two hundred and four units.

5 When the days of a lunar month are counted in groups of seven, according to the weekly cycle, there is a remainder of one day, twelve hours, and 793 units (in numerical terms, 1 - 12 - 793). This is the remainder for a lunar month.

Similarly, when the days of a lunar year are counted in groups of seven, according to the weekly cycle, there is a remainder of four days, eight hours, and 876 units (in numerical terms, 4 - 8 - 876). This is the remainder for an ordinary lunar year. The remainder for a leap year will be five days, twenty-one hours, and 589 units (in numerical terms, 5 - 21 - 589).

6 When you know the time of the conjunction [of the sun and the moon] for any particular month, and add 1 - 12 - 793, you will arrive at the time of the conjunction of the following month. Thus, you will be able to determine on which day of the week and at which hour it will take place, and how many units of that hour will have passed.

7 What is implied? If the conjunction [of the moon and the sun] for the month of Nisan takes place on Sunday, five hours and 107 units after sunrise (in numerical terms 1 - 5 - 107), by adding the remainder for a lunar month, 1 - 12 - 793, you will be able to determine that the conjunction for the month of Iyar will take place on Tuesday night, five hours and 900 units after nightfall (in numerical terms, 3 - 5 - 900). One may follow this same method [of calculation] month after month for eternity.

8 Similarly, if you know the time of the conjunction for a particular year and you add its remainder - either the remainder of an ordinary year or the remainder of a leap year - to the time of the conjunction, you will determine the time of the conjunction of the following year. This method [of calculation] may be followed year after year for eternity.

The first conjunction from which we begin, the conjunction of the first year of creation, was on Monday night, 5 hours and 204 units after nightfall (in numerical terms, 2 - 5 - 204). This is the starting point for these calculations.

9 In all the calculations to determine the time of the conjunction, when the

remainder [of one period] should be added to another remainder, [the following principles should be adhered to:] When a sum of 1080 units is reached, it should be counted as an hour, and added to the number of the hours. When a sum of twenty-four hours is reached, it should be counted as a day, and added to the number of days. When the number of days is greater than seven, [all multiples of] seven should be subtracted from the sum, and the remainder be focused on.

For the purpose of our calculations is not to know the number of days, but rather to know on which day of the week, and at what hour and after how many units will the conjunction take place.

10 [The fixed calendar is structured in] a nineteen-year cycle, including seven leap years and twelve ordinary years. This is called a *machzor*.

Why was this [structure] chosen? Because when you total the number of days in twelve ordinary years and seven leap years together with their hours and their units, counting all [sums of] 1080 units as an hour, [all sums of] twenty-four hours as a day, and adding them to the number of days, the total will equal nineteen solar years, each of these years being 365 days and six hours.

The difference between the days of the solar calendar [and the lunar calendar] will be only one hour and 485 units (in numerical terms, 1 - 485).

11 Thus, in such a [nineteen-year] cycle, the months are lunar months, and the years are solar years. The seven leap years in each cycle should be the following: The third year of the cycle, the sixth year, the eighth year, the

eleventh year, the fourteenth year, the seventeenth year, the nineteenth year (in numbers, 3, 6, 8, 11, 14, 17, 19).

12 When you add the remainders of each of the twelve ordinary years, [the remainder of each year] being 4 - 8 - 876, and the remainders of the seven leap years, [the remainder of each year] being 5 - 21 - 589, and then divide the entire sum in groups of seven, there is a remainder of two days, sixteen hours, and 595 units (in numerical terms, 2 - 16 - 595). This is the remainder of a [nineteen-year] cycle.

13 When you know the time of the conjunction of the beginning of a [nineteen-year] cycle, by adding 2 - 16 - 595 to it you will be able to determine the beginning of the next [nineteen-year] cycle, and similarly all the [subsequent nineteen-year] cycles for eternity. As stated above, the conjunction [marking] the beginning of the first [nineteen-year] cycle took place on 2 - 5 - 204. [The expression,] the conjunction of a year refers to the conjunction of the month of Tishrei for that year.

14 Using the above method, it is possible to know the conjunction [marking] the beginning of any particular year, or any particular month, whether for the years that have passed or for the years to come.

What is implied? One should take the number of years that have passed until Tishrei of the [desired] year and group them in nineteen- year cycles. Thus, one will be able to determine the number of nineteen-year cycles that have passed and the number of years that have passed within the [nineteen-year] cycle that has not been completed [until the desired year].

One should add 2 - 16 - 595 for each cycle, 4 - 8 - 876 for every ordinary year of the cycle that has not been completed, and 5 - 21 - 589 for every leap year [of the cycle that has not been completed].

One should then add together the entire sum, calculating [the groups of 1080] units as hours, the [groups of 24] hours as days, and the groups of seven days [as weeks]. [By adding] the remainder of the days, hours, and units [to 2 - 5 - 204], one can determine the time of the conjunction of the desired year.

15 The time of the conjunction of a year determined through the above method is the conjunction of Rosh Chodesh Tishrei. By adding 1 - 12 - 793 to this figure, one can determine the conjunction of Marcheshvan, and by adding 1 - 12 - 793 to [the conjunction of] Marcheshvan, one can determine the conjunction of Kislev. Similarly, one can determine the conjunction of all subsequent months for eternity.

Chapter 7

1 [Rosh Chodesh is generally instituted on the day of the conjunction. Nevertheless,] Rosh Chodesh Tishrei should never be established on a Sunday, a Wednesday, or a Friday - in symbols, אד"ו - although, according to these calculations, [the conjunction for the month will occur on these days]. Instead, when the conjunction for the month of Tishrei occurs on any of these three days, Rosh Chodesh should be established on the following day.

What is implied? When the conjunction occurs on Sunday, Rosh Chodesh

Tishrei should be established on Monday. When the conjunction occurs on Wednesday, Rosh Chodesh Tishrei should be established on Thursday. When the conjunction occurs on Friday, Rosh Chodesh Tishrei should be established on the Sabbath.

2 Similarly, if the conjunction [for the month of Tishrei] takes place at noon or after noon, Rosh Chodesh should be established on the following day. What is implied? When the conjunction takes place on Monday, six hours after daybreak or later, Rosh Chodesh is established on Tuesday. If, however, the conjunction takes place before noon, even if only a single unit prior, Rosh Chodesh is established on the day of the conjunction, provided that day is neither Sunday, Wednesday, nor Friday.

3 When the conjunction takes place at noon or after noon, and [Rosh Chodesh Tishrei would be] postponed to the following day - if that following day is either Sunday, Wednesday, or Friday, Rosh Chodesh is postponed again, and is established on the third day after the conjunction. What is implied? If the conjunction takes place on the Sabbath after noon (in numbers, 7 - 18), in such a year Rosh Chodesh should be established on Monday. Similarly, if the conjunction takes place on Tuesday at noon or after noon, Rosh Chodesh should be established on Thursday.

4 In an ordinary year, when the conjunction [of the month] of Tishrei falls on the night of the third day, nine hours and 204 units (in numbers, 3 - 9 - 204) or more after nightfall, Rosh Chodesh is postponed, and instead of being established on Tuesday, it is established on Thursday.

5 A similar situation [may arise] in a year that follows a leap year: If the conjunction for Tishrei takes place on Monday, three hours and 589 units or more after daybreak (in numbers, 2 - 15 - 589), Rosh Chodesh is not established on Monday, but on Tuesday.

6 If, however, the conjunction of an ordinary year occurs [even] one unit earlier - i.e., were it to be 3 - 9 - 203 or earlier - [Rosh Chodesh] should be established on Tuesday, [rather than postponed until Thursday as mentioned above].

Similarly, if the conjunction of a year following a leap year occurs [even] one unit earlier - i.e., were it to be 2 - 15 - 588 or earlier - [Rosh Chodesh] should be established on Monday.

Thus, the way to determine [the day on which] Rosh Chodesh Tishrei will be established according to these calculations is as follows: One should first determine the day [of the week], the hour of the day - or night - and the number of units of the hour when the conjunction takes place. The day of the conjunction will be the day of Rosh Chodesh, except in the following instances:

a) [The conjunction] takes place on Sunday, Wednesday, or Friday;

b) The conjunction takes place at noon or after noon;

c) In an ordinary year, [the conjunction] takes place on the night of the third day, after 204 units of the tenth hour have passed, or later [that day];

d) In an ordinary year that follows a leap year, the conjunction takes place on Monday past 589 units of the fourth hour after daybreak has passed or later [that day].

If the conjunction occurs in one of these four instances, [Rosh Chodesh]

is not established on the day of the conjunction, but rather on the day that follows, or on the day following that, as explained.

7 Why is [Rosh HaShanah] not established [on the day of the conjunction] when it falls on Sunday, Wednesday, or Friday? Because these calculations determine the conjunction of the sun and the moon only according to their mean [rate of] progress, and do not [necessarily] reflect the true position [of the sun and the moon in the celestial sphere], as explained. Therefore, they instituted that [on] one day [Rosh Chodesh] would be established and on the following day it would be postponed, so that they would ascertain the day when the true conjunction takes place.

What is implied? [When according to our calculations, the conjunction occurs on] Tuesday, we establish [Rosh Chodesh]. [When it occurs] on Wednesday, we postpone it. [When it occurs] on Thursday, we establish [Rosh Chodesh]. [When it occurs] on Friday, we postpone it. [When it occurs] on the Sabbath, we establish [Rosh Chodesh]. [When it occurs] on Sunday, we postpone it. [When it occurs] on Monday, we establish [Rosh Chodesh].

8 This same principle, that the calculations are based on the mean rate of progress, is also the motivating factor for the other four reasons for the postponement [of Rosh Chodesh]. As proof of this, there are times when [according to the calculations] the conjunction takes place on Tuesday, and [Rosh Chodesh] is postponed until Thursday, and yet the moon will not be seen Thursday night, nor even Friday night. This indicates that the true conjunction of the sun and the moon did not take place until

Thursday.

Chapter 8

1 A lunar month is twenty-nine and one half days, and 793 units, as we have explained. It is impossible for Rosh Chodesh to begin in the middle of the day - i.e., that a portion of the day would be part of the previous month and a portion of the day would be part of the following month - as [implied by **Numbers 11:20**]: "For a month of days...." According to the Oral Tradition, this was interpreted [to mean], "You count the days of a month; you do not count the hours [of a month]."

2 Therefore, some lunar months are established as lacking [a day], and others as full. A month that is lacking has only twenty- nine days, even though a lunar month is several hours longer. A full month is thirty days, even though a lunar month is several hours shorter. In this manner, the months will be calculated according to complete days, not according to hours.

3 If a lunar month were exactly twenty-nine and a half days [long], the years [would be divided evenly] into full and lacking months, and there would be exactly 354 days to a lunar year. Thus, there would be six full months and six lacking months. It is the units that exist in every month that exceed the half day - which ultimately add up to hours and days - that cause certain years to have more lacking months than full months, and other years to have more full months than lacking months.

4 According to this reckoning, the thirtieth day of the month is always established as Rosh Chodesh. If the month is lacking, the thirtieth day will be Rosh Chodesh of the coming month.

If the month is full [the coming month will have two days that are Rosh Chodesh]. The thirtieth day will be Rosh Chodesh, since a portion of it is [fit to be] Rosh Chodesh. [Nevertheless,] it will be counted as the completion of the previous month, which was full. The thirty-first day also will be Rosh Chodesh, and the reckoning [of the days of the coming month] will start from it. It is the day established [as Rosh Chodesh].

Thus, according to this calculation, there are some months that have only one day Rosh Chodesh, and other months that have two days Rosh Chodesh.

5 The following is the order of the full and lacking months according to [our] fixed calendar: Tishrei is always full. Tevet is always lacking. From Tevet on, there is one full month and one lacking month in sequence.

What is implied? Tevet is lacking; Shevat is full; Adar is lacking; Nisan is full; Iyar, lacking; Sivan, full; Tammuz, lacking; Av, full; Elul, lacking. In a leap year, the first Adar is full, and the second Adar is lacking.

6 Two months remain: Marcheshvan and Kislev. Sometimes they are [both] full; sometimes they are [both] lacking; and sometimes Marcheshvan is lacking and Kislev is full.

A year in which both of these months are full is called a year of complete months. A year in which both these months are lacking is called a year of lacking months. And a year in which Marcheshvan is lacking and Kislev is

full is called a year whose months [proceed] in order.

7 The way to know whether the months of a year will be lacking, will be complete, or will [proceed] in order [can be explained] as follows: First, determine the day on which Rosh HaShanah will fall in the year about whose months you desire to know, as explained in Chapter 7. Then determine the day on which Rosh HaShanah will fall in the year that follows.

Afterwards, count the number of days between them without including the day on which Rosh HaShanah falls in either of these years. If there are only two days between them, the months of the year will be lacking. If there are three days between them, the months of the year will proceed in order. And if there are four days between them, the months of the year will be complete.

8 When does the above apply? When the year in question is an ordinary year. When, however, [the year in question] is a leap year [different rules apply]: If there are only four days between the day on which [Rosh HaShanah] is established [in the leap year] and the day on which it will be established in the following year, the months of the year will be lacking. If there are five days between these [two days], the months of the year will proceed in order. And if there are six days between them, the months of the year will be complete.

9 What is implied? If we desire to know the order of the months of the present year, and [we know the following]: Rosh HaShanah falls on

Thursday; it is an ordinary year; and in the following year Rosh HaShanah falls on Monday, there are three days between them and the months of the year proceed in order.

If Rosh HaShanah falls on Tuesday in the following year, the months of the year will be complete. If Rosh HaShanah falls on the Sabbath in the present year, and on Tuesday in the following year, the months of the year will be lacking. Similar concepts should be applied regarding the calculation [of the order of the months] of a leap year, as was explained.

10 There are certain indications upon which one can rely, so that one will not err regarding the calculation of the order of the months of a year. These principles are based on the fundamental principles of the fixed calendar and the determination of the days on which Rosh HaShanah will be established and those that will cause it to be postponed, as we explained previously.

Whenever Rosh HaShanah is celebrated on a Tuesday, [the months of] the year will [proceed] in order. [This applies regardless of whether the year] is an ordinary year or a leap year.

Whenever Rosh HaShanah is celebrated on the Sabbath or on a Monday, [the months of] the year will never [proceed] in order. [This applies regardless of whether the year] is an ordinary year or a leap year.

[The following rules apply when] Rosh HaShanah falls on a Thursday. If the year is an ordinary year, it is impossible for its months to be lacking. If it is a leap year, it is impossible for its months to proceed in order.

Chapter 9

1 [There is a difference of opinion among] the Sages of Israel concerning the length of a solar year. Some Sages maintain that it is 365 days and 1/4 of a day - i.e., six hours. Others maintain that it is slightly less than that figure. There is also a difference of opinion among the wise men of Greece and Persia concerning this matter.

2 According to the opinion that [a solar year] is [exactly] 365 and 1/4 days, there will be a remainder of one hour and 485 units after every nineteen-year cycle, as we mentioned.

Between the start of each of the successive seasons of the year, there will be ninety-one days and seven and one-half hours. When you know the date and the hour of the beginning of one season, you can calculate [the beginning of] the following season by [adding the above amount]. Similarly, you can calculate the beginning of the following season, and continue forever.

3 The equinox of Nisan (spring) [takes place] at the hour and the unit when the sun enters the beginning of the constellation of Aries. The solstice of Tammuz (summer) [takes place] when the sun is located in the beginning of the constellation of Cancer. The equinox of Tishrei (autumn) [takes place] at the hour and the unit when the sun enters the beginning of the constellation of Libra. The solstice of Tevet (winter) [takes place] when the sun is located in the beginning of the constellation of Capricorn.

According to this calculation, in the first year of creation the vernal (spring) equinox took place seven days, nine hours, and 642 units before the conjunction of the month of Nisan, in numbers, 7 -9 - 642.

4 The method of calculating [the beginning of] the seasons can be explained as follows. First, it is necessary to calculate the number of [nineteen-year] cycles that have passed until the [nineteen-year] cycle in question. Afterwards, add one hour and 485 units for every [nineteen-year] cycle. Afterwards, group all the units into hours, and all the hours into days. [Once a] total [has been reached], subtract seven days, nine hours, and 642 units [from it]. Add the remainder to [the time of] the conjunction of Nisan in the first year of the [nineteen-year] cycle in question, and you will be able to know the hour and the date of the the vernal equinox of the first year of this cycle. From this date, you can calculate [the beginnings of] all the subsequent seasons [by] adding ninety-one days and seven and one- half hours for every season.

If you desire to know [the time and the date of] the vernal equinox of a particular year within a given [nineteen-year] cycle, [the following procedure should be used:] Add one hour and 485 [units] for every [nineteen-year] cycle. For each complete year that has passed within the [nineteen-year] cycle [under discussion], add ten days, twenty-one hours, and 204 units,, and then group the entire sum [into days and hours].

Afterwards, subtract seven days, nine hours, and 642 units [from this sum] and divide the remainder into lunar months of 29 days, 12 hours, and 793 units. [The number of days, hours, and units that] remain [after all the complete] lunar months [have been calculated] should be added to [the day and the time of] the conjunction of Nisan in that year. [In this manner,] you will be able to determine the date and the time of the vernal equinox of the year desired.

According to this calculation, the vernal equinox will always take place

either at nightfall, at midnight, at daybreak, or at noon. The summer solstice will always take place at either 7:30 PM, 1:30 AM, 7:30 AM, or 1:30 PM. The autumnal equinox will always take place either at nine or at three o'clock, either in the day or the night. The winter solstice will always take place either at 10:30 PM, 4:30 AM, 10:30 AM, or 4:30 PM.

If you desire to know the day of the week and the hour of the equinox, [the following procedure should be used:] Count the number of complete years that have passed from the year of creation until the desired year, and divide them into groups of twenty- eight. Add one day and six hours for each year remaining. Total the sum [of the hours and the days], and then add three days. Afterwards, divide the days into groups of seven. The remainder of the days and the hours should be added to the time of nightfall on the first day of the week. The result will be [the day and the time] on which the vernal equinox will occur.

Why is it necessary to add three days? Because the first equinox of the year of creation took place at the beginning of the fourth day.

5 What is implied? If a person desires to know the day and the time of the vernal equinox of the year 4930 after creation, [the following procedure should be used:] [That number] should be divided by 28, leaving a remainder of one year, thus producing the figure of one day and six hours. By adding three days to this figure, it can be determined that the vernal equinox will take place on the night of the fifth day at midnight.

By adding seven and one-half hours to this figure, it can be determined that the summer solstice will take place on Thursday, an hour and one half after daybreak. By adding seven and one-half hours to this figure, it

can be determined that the autumnal equinox will take place on Friday, at nine hours after daybreak. By adding seven and one-half hours to this figure, it can be determined that the winter solstice will take place on the night of the sixth day, four and one half hours after nightfall.

Similarly, by adding seven and one-half hours to this figure, it can be determined that the vernal equinox of the following year will take place on Friday, at daybreak. In this manner, it is possible to calculate [the time of the beginning of all] the seasons forever.

6 [The following procedure should be used] if one desires to know the date of the month on which the vernal equinox will fall this year: First, determine the day of the week on which [the equinox] will fall. Then determine the day [of the week] on which Rosh Chodesh of Nisan will fall, and how many complete years have passed within the nineteen-year cycle. Add eleven days for every year, and then add seven days to this sum in the present time. Divide the sum by thirty, and begin counting the remainder of days from Rosh Chodesh Nisan.

If the date coincides with the day of the week on which the equinox falls, this is sufficient. If not, add one, two, or three days to this number until you reach the day [of the week] on which the equinox falls. If the year in question is a leap year, begin counting from Rosh Chodesh of the second Adar. When a day is determined through this calculation, the equinox will take place on that date.

7 What is implied? Should we desire to know the date of the vernal equinox of the year 4930, which is the ninth year of the two- hundred-sixtieth

[nineteen-year] cycle, [the following procedure should be used:] We have already determined that Rosh Chodesh Nisan will take place on Thursday, and that the equinox will take place on Thursday.

Since this is the ninth year of the [nineteen-year] cycle, there are eight complete years [to take into consideration]. When eleven days are added for every year, we reach a sum of 88. When seven is added, the total will be 95. When this number is divided by 30, there will be a remainder of five.

When we add five days to Rosh Chodesh Nisan, which is Thursday, we reach Monday. Since we know that the equinox will not fall on Monday, but rather on Thursday, we continue adding days until Thursday, the day of the equinox. Thus, we can determine that this year the vernal equinox will take place on the eighth of Nisan. A similar process can be followed [to determine the date of the equinox] every year.

8 Although we said that one should continue to add days until one reaches the day of the week on which the equinox takes place, one should never have to add more than one, two, or three days - or in a most unusual case - four days. If you find it necessary to add any more days than this, know that you have made an error in your calculations, and you should recalculate carefully.

Chapter 10

1 According to the opinion among the Sages of Israel that a solar year is less than [365 and] one-quarter [days], there is a view that [the length of the

solar year] is 365 days, 5 hours, 997 units, and 48 moments. A moment is a seventy-sixth portion of a unit.

According to this reckoning, the difference between a solar year and a lunar year will be 10 days, 21 hours, 121 units, and 48 moments (in numbers, 10 - 21 - 121 - 48). [According to this calculation,] there will be no remainder at all after a [nineteen-year] cycle. Instead, after every [nineteen-year] cycle, a perfect correspondence will be established between the solar years and the combination of ordinary and full lunar years.

2 According to this calculation, there are ninety-one days, seven hours, 519 units, and thirty-one moments (in numbers, 91 - 7 - 519 - 31). When you know the date and the time of the beginning of any particular season, you can calculate [the date and the time of the beginning of] the subsequent season according to the seasons of the year, in a way resembling the calculations [that follow the opinion that a solar year is 365 and] 1/4 days.

3 According to this calculation, the vernal equinox of the first year of creation was nine hours and 642 units (in numbers, 9 - 642) before the conjunction of the month of Nisan. Similarly, in every first year of a [nineteen-year] cycle, the vernal equinox is nine hours and 642 units before the conjunction of the month of Nisan.

4 When you know which is the first year of a [nineteen- year] cycle, [you will be able to calculate the beginning of every subsequent season] by adding 91 days, 7 hours, 519 units, and 31 moments for each and every season until the end of the [nineteen- year] cycle.

5 If you desire to know when the vernal equinox [of a given year] will fall according to this calculation, first determine how many complete years have passed within this [nineteen-year] cycle. For each year, add the remainder of a year 10 [days], 21 [hours], 121 [units], and 48 moments. [Afterwards,] group all the moments as units, all the units as hours, and all the hours as days, as done when calculating the conjunction. Subtract nine hours and 642 units from the entire sum, and divide the remainder by the length of a lunar month. The remainder that is less than the length of a lunar month should be added to the time of the conjunction of Nisan of the year in question. The vernal equinox of that year will take place on the moment arrived at according to these calculations.

6 It appears to me that [the Sages] relied on this calculation [of the length] of the seasons regarding the institution of a leap year, in the era when the High Court held sessions and would institute a leap year because of the time [when the equinox was scheduled to occur] or for other reasons. For this calculation is more accurate than the former one. It shares a greater resemblance to the data explained by the astronomers than the first opinion, which considered a solar year to be 365 and 1/4 days.

7 Both these calculations that we have explained are approximations, based on the mean rate of progress of the sun, and not on its actual position [in the celestial sphere]. When one considers the actual position of the sun at these times, the vernal equinox will take place approximately two days before the time determined by either of these calculations. [This applies both] according to the opinion that [a solar year is] exactly [365 and] 1/4

days, and according to the opinion that [a solar year is] less than [365 and] 1/4 days.

Chapter 11

1 As stated in the laws mentioned previously, the court made precise calculations and knew whether or not the [new] moon would be visible. Accordingly, we are assured that anyone with a proper spirit and heart, who desires words of wisdom and probes to grasp the mysteries, will wish to know the methods of calculation used to determine whether or not the [new] moon would be visible on a particular night.

2 There are many differences of opinion among the sages of the nations of the previous eras who studied astronomy and mathematics, with regard to these methods of calculation. Great wise men have blundered regarding these matters. Concepts were hidden from them and doubts arose [in their minds].

There are those who have made many calculations, but have not been able to find the correct approach to determine when the moon becomes visible. Rather, they plunged into the mighty waters, to return with merely a potsherd in their hands.

3 Over the course of history, through much research and investigation, several sages have discovered the proper methods of calculation. We also possess traditions regarding these principles that we have received from the sages, and proofs that were not written in texts that are of common

knowledge. For these reasons, I have considered it proper to explain a method of calculation that will be available for anyone whose heart spurs him to approach the task and perform it.

4 A person should not regard these calculations lightly, because they are not required in the present age, for these methods are indeed abstract and deep matters. They constitute the mystery of the calendar, which was known [only] to great sages, who would not convey these matters to [most] other people, but only to ordained and perceptive [sages].

The calendar that is employed in the era when there is no court to determine [the months according to the testimony of] witnesses, and which we use at present [is], by contrast, [a simple matter that] can be appreciated even by school children in three or four days.

5 A wise man of the gentile nations or a sage of Israel who studied Greek wisdom may meditate on the methods of calculation I have used to determine the appearance of the moon and may detect a slight approximation [and imprecision] with regard to certain matters. He should not presume that we have overlooked this point and were not aware that there was an approximation regarding that matter.

Instead, he should assume that whenever we were not exact, it was because our mathematical calculations proved that [this inaccuracy] did not affect the knowledge of the time when the moon would become visible, and thus it was not significant. Therefore, we were not precise regarding this matter.

6 Similarly, should a person see that [our use of] one of the methods leads to a minor inadequacy that is inappropriate for this method of computation, [he should realize] that this was intentional. For this method produced an advantage from another perspective that will produce a correct result - [albeit] through approximate calculations - without requiring lengthy computations. Thus, a person who is not practiced in such matters will not be flustered by complex computations that are of no avail with regard to the visibility of the moon.

7 The [following] fundamental principles must be known by a person as a prelude to all astronomical computations, whether for the purpose of determining the visibility [of the moon] or for other purposes:
The heavenly sphere is divided into 360 degrees [and twelve constellations]. Each constellation includes thirty degrees, beginning with the constellation of Aries the ram. Every degree contains sixty minutes, every minute sixty seconds, and every second sixty thirds. You may continue and divide into further fractions to the extent that you desire.

8 Therefore, were you to calculate that a particular star's position in the heavenly sphere is seventy degrees, thirty minutes and forty seconds, you would know that this star is located in the constellation of Gemini the twins, in the middle of the eleventh degree. For the constellation of Aries includes thirty degrees, and the constellation of Taurus the bull includes thirty degrees. Thus, there remain ten and one half degrees of the constellation of Gemini, plus forty seconds of the next degree.

9 Similarly, were you to calculate that a particular star's position in the heavenly sphere is 320 degrees, you would know that this star is located in the constellation of Aquarius the water bearer, in its twentieth degree. The same applies to all other calculations.

The order of the constellations is the following: Aries the ram, Taurus the bull, Gemini the twins, Cancer the crab, Leo the lion, Virgo the virgin, Libra the balance, Scorpio the scorpion, Sagittarius the archer, Capricorn the goat, Aquarius the water-bearer, Pisces the fishes.

10 In all calculations, when you collect fractions or add numbers, each integer should be added to its kind, the seconds to the seconds, the minutes to the minutes, and the degrees to the degrees. When calculating seconds, they should be grouped in sets of sixty [or less]. Whenever sixty seconds are reached, they should be considered a minute and added to the sum of the minutes.

When calculating minutes, they should be grouped in sets of sixty [or less]. Whenever sixty minutes are reached, they should be considered a degree and added to the sum of the degrees.

When calculating degrees, they should be grouped in sets of 360. If a sum above 360 is reached, the remainder after 360 has been subtracted is the figure that is of consequence.

11 In all computations, whenever you desire to subtract one number from another, should the second number be greater than the first number, even if it is merely one minute greater, it is necessary to add 360 degrees to the first number so that it is possible to subtract the [greater] number from it.

12 What is implied? When it is necessary to subtract two hundred degrees, fifty minutes and forty seconds - in symbols 200° 50' 40" - from one hundred degrees, twenty minutes and thirty seconds - in symbols 100° 20' 30" - [one should follow this procedure]:

[First,] one adds 360 to 100, producing a sum of 460. Afterwards, one begins to subtract the seconds. Since it is impossible to subtract 40 from 30, it is necessary to convert one of the 20 minutes into 60 seconds. When added to 30, this produces a sum of 90. [From the 90] subtract 40, producing a total of 50 seconds.

Afterwards, one must subtract 50 minutes from the 19 [remaining], for one of the minutes has already been converted into seconds. Since 50 cannot be subtracted from 19, one must convert a degree into 60 minutes. When this figure is added to 19, it produces a sum of 79. When 50 is subtracted [from 79], a total of 29 minutes remain.

Afterwards, one must subtract the 200 degrees from the 459 decrees, for one of the degrees has already been converted into minutes. Thus 259 degrees remain. In symbols [the remainder is] 259° 29' 50". All other subtractions should be performed following a similar method.

13 The sun, the moon, and the remainder of the seven stars, each proceeds at a uniform speed in its orbit. They are never inclined to heaviness, nor to lightness. Rather, the speed at which they proceed today is the same speed at which they proceeded yesterday. And tomorrow, and indeed on every other day, they will proceed at this speed.

Although the orbits in which they all travel encircle the earth, the earth is not at the center of [their orbits].

14 Therefore, if one measured the progress [of any of these stars] against the sphere that encompasses the world in which the earth is the center - i.e., the sphere of the constellations - its [rate of] progress [would appear to] change. Its rate of progress in the sphere of the constellations on one day could appear less or more than its progress on the previous day or on the following day.

15 The uniform speed at which a planet, the sun, or the moon progresses is referred to as its mean motion. The progress that [this celestial body appears to make] in the sphere of the constellations that is sometimes greater and sometimes less [than its actual rate of progress] is referred to as its true motion. This determines the true position of the sun or the true position of the moon.

16 We have already stated that the calculations that we explain in these laws are intended solely to determine the visibility of the [new] moon. Therefore, we have established the starting point from which we will always begin these calculations: the eve of Thursday, the third of Nisan, of the present year, the seventeenth year of the 260th [nineteen-year] cycle - i.e., the year 4938 since creation - which is the year 1489 with regard to contracts, and 1109 years after the destruction of the Second Temple. This is the year that will be referred to as the starting point in these calculations.

17 Since the sighting of the moon is significant only in *Eretz Yisrael* as explained, all our calculations are centered on the city of Jerusalem and

locations within six or seven days' journey [from it. [In these places,] the moon is frequently sighted, and the people come and give testimony in the court.

This location is situated approximately 32 degrees north of the equator, [and the surrounding areas extend] from 29° to 35° [north]. Similarly, in longitude, it is situated approximately 24 degrees west of the center of the populated area, [and the surrounding areas extend] from 21° to 27° [west].

Chapter 12

1 The mean distance traveled by the sun in one day - i.e., in twenty-four hours - is 59 minutes and 8 seconds; in symbols 59' 8". Thus, in ten days, it travels 9 degrees, 51 minutes and 23 seconds, in symbols 9° 51' 23". In one hundred days, it travels 98 degrees, 33 minutes and 53 seconds, in symbols 98° 33' 53".

The remainder [of the degrees] traveled [by the sun] over the course of one thousand days - after all the multiples of 360 have been subtracted, as explained - is 265 degrees, 38 minutes and 50 seconds, in symbols 265° 38' 50". The remainder [of the degrees] traveled [by the sun] over the course of ten thousand days is 136 degrees, 28 minutes and 20 seconds, in symbols 136° 28' 20".

In this manner, one can multiply [the mean distance of a day] and calculate the distance [traveled] by the sun over any number of days. Similarly, if one would like to make pre-calculated figures for the mean distance for two days, for three days, for four days, up to ten days, one may do so. Similarly, if one desires to make pre-calculated figures for the

mean distance for twenty days, for thirty days, for forty days, until one hundred days, one may do so. These figures become evident once one knows the mean distance for a single day.

It would be proper for one to know and have prepared the mean distances traveled by the sun in 29 days, and in 354 days, [the latter] being the number of days in a lunar year when the months follow a regular pattern. This is called a regular year.

When you have these figures prepared, it will be easy to calculate the visibility of the moon. For there are 29 full days from the night when the moon was sighted in one month to the night that it may be sighted in the following month. Similarly, each and every month, there will be a difference of 29 days [between the nights on which the moon may be sighted], no more and no less. [This is what concerns us,] for our sole desire in these calculations is to know [when the moon] will be sighted.

Similarly, [the difference in the sun's position] between the night when the moon will be sighted in a particular month one year and the night when it will be sighted [in that month] the following year will be that of a regular year, or that of a regular year plus one day.

The mean distance traveled by the sun in one month is 28 degrees, 35 minutes and one second, in symbols 28° 35' 1". The distance it travels over the course of a regular [lunar] year is 348 degrees, 55 minutes and 15 seconds, in symbols 348° 55' 15".

2 There is one point in the orbit of the sun around the Earth - and similarly, in the orbits of the remainder of the seven stars [around the Earth] - when [the sun or] that star will be furthest removed from the Earth. With the

exception of the moon, that point in the orbit of the sun and, similarly, in the orbit of the other planets rotates in a uniform pattern, traveling about one degree in seventy years. This point is referred to as the apogee.

Accordingly, in ten days, the apogee of the sun travels one and a half seconds - i.e., [a second and] thirty thirds. Thus, in one hundred days, [the apogee] travels fifteen seconds. In one thousand days, it travels two minutes and thirty seconds, and in ten thousand days, 25 minutes. In twenty-nine days, it travels four seconds and a fraction. In a regular year, it travels 53 seconds.

As mentioned, the starting point for all our calculations is the eve of Thursday, the third of Nisan, 4938 years after creation. The position of the sun in terms of its mean distance on this date was 7 degrees, 3 minutes and 32 seconds in the constellation of Aries, in symbols 7° 3' 32". The apogee of the sun at this starting point was 26 degrees, 45 minutes and 8 seconds in the constellation of Gemini, in symbols 26° 45' 8".

Accordingly, if you desire to know the position of the sun according to its mean distance at any given time, you should calculate the number of days from the starting point mentioned until the particular day you desire, and determine the mean distance it traveled during these days according to the figures given previously, add the entire sum together, accumulating each unit of measure separately. The result is the mean position of the sun on that particular day. For example, if we desired to determine the mean position of the sun at the beginning of the eve of the Sabbath on the fourteenth of the month of Tammuz of the present year, the starting point [for these calculations, we should do the following]: Calculate the number of days from the starting point until the date on which you desire to know

the position of the sun. [In this instance,] it is one hundred days. The mean distance the sun travels in one hundred days is 98° 33' 53". We then add that to the starting point, which is 7° 3' 32", and arrive at a total of 105 degrees, 37 minutes and 25 seconds, in symbols 105° 37' 25". Thus, the sun's mean position at the beginning of this night will be 15 degrees and 37 minutes of the sixteenth degree in the constellation of Cancer.

At times, the sun will be located in the mean [position] that can be determined using the above methods of calculation at the beginning of the night, and at times an hour before the setting of the sun, or an hour afterwards. This [lack of definition concerning] the sun's [position] will not be of consequence with regard to calculating the visibility [of the moon], for we will compensate for this approximation when calculating the mean position of the moon.

One should follow the same procedure at all times - for any date one desires, even if it is one thousand years in the future. When [the mean distance traveled by the sun] is calculated and the remainder [after all the multiples of 360 have been subtracted] is added to [the figures of] the starting point, you will arrive at the mean position.

The same principles apply regarding the mean position of the moon, or the mean position of any other planet. Once you know the distance it travels in a single day, and you know the starting point from which to begin [calculations], total up the distance it travels throughout as many years or days as you desire, add that to the starting point, and you will arrive at its position according to its mean distance.

The same concepts apply regarding the apogee of the sun. Add to the starting point the distance it travels over the course of days or years, and

you will know the position of the apogee of the sun for the day you desire. Similarly, if you desire to establish another date as the starting point instead of the date which [we have chosen] to begin in this year, [choosing] a year that will be the beginning of a particular nineteen-year cycle, or that will be the beginning of a new century, you may. Similarly, if you would like to use as a starting point a date in the past, before the date given above, or a date many years in the future, the path [to arrive at such a starting point] is well known.

How is this figure to be calculated? We have already established the mean distance traveled by the sun in a regular year, in twenty- nine days, and in a single day. It is known that a year whose months are full is one day longer than a regular year. Similarly, a year whose months are lacking is one day shorter than a regular year. With regard to a leap year, if its months are regular, it will be thirty days longer than a regular year. If its months are full, it will be thirty-one days longer than a regular year. If its months are lacking, it will be twenty-nine days longer than a regular year.

Since these principles are already established, it is possible to calculate the mean distance traveled by the sun for as many years or as many days as you desire, and add it to [the mean position of the sun on the date established previously as] the starting point, and you will be able to determine the mean [position of the sun] for any future date. Afterwards, you can use that date as a starting point.

[Conversely,] you may subtract the mean [distance traveled by the sun over the course of a particular period] from [the mean position of the sun on the date established previously as] the starting point, and you will be able to determine the mean [position of the sun] for any past date.

Afterwards, you can use that date as a starting point.

The same principles also apply with regard to the mean position of the moon or any of the other planets, if [their mean positions on any particular date] are known to you. It also should be apparent that just as it is possible to determine the mean position of the sun for any future date, so too, it is possible to determine its mean position for any previous date.

Chapter 13

1 [The following method should be used] if you wish to know the true position of the sun on any particular day you desire: First, it is necessary to calculate the mean position of the sun through the methods of calculation we have explained. Then calculate the position of the apogee of the sun. Afterwards, subtract the apogee of the sun from the mean position of the sun. The remainder is referred to as the course of the sun.

2 [The next step is] to calculate the angular distance of the course of the sun. If the angular distance of the course is less than 180 degrees, one should subtract the angle [determined by the] course from the sun's mean position. If the angular distance of the course is more than 180 degrees, one should add the angle [determined by the] course to the sun's mean position. The figure remaining after making this addition or subtraction represents [the sun's] true position.

3 If the course [of the sun] is an even 180 degrees or an even 360 degrees, there will be no angle [determined by the course to add or to subtract].

Instead, the [sun's] mean position is its true position.

4 What is the angle [determined by the] course? If the course is ten degrees, the [resulting] angle will be 20 minutes.
If the course is twenty degrees, the [resulting] angle will be 40 minutes.
If the course is thirty degrees, the [resulting] angle will be 58 minutes.
If the course is forty degrees, the [resulting] angle will be 1 degree and 15 minutes.
If the course is fifty degrees, the [resulting] angle will be 1 degree and 29 minutes.
If the course is sixty degrees, the [resulting] angle will be 1 degree and 41 minutes.
If the course is seventy degrees, the [resulting] angle will be 1 degree and 51 minutes.
If the course is eighty degrees, the [resulting] angle will be 1 degree and 57 minutes.
If the course is ninety degrees, the [resulting] angle will be 1 degree and 59 minutes.
If the course is one hundred degrees, the [resulting] angle will be 1 degree and 58 minutes.
If the course is one hundred ten degrees, the [resulting] angle will be 1 degree and 53 minutes.
If the course is one hundred twenty degrees, the [resulting] angle will be 1 degree and 45 minutes.
If the course is one hundred thirty degrees, the [resulting] angle will be 1 degree and 33 minutes.

If the course is one hundred forty degrees, the [resulting] angle will be 1 degree and 19 minutes.

If the course is one hundred fifty degrees, the [resulting] angle will be 1 degree and 1 minute.

If the course is one hundred sixty degrees, the [resulting] angle will be 42 minutes.

If the course is one hundred seventy degrees, the [resulting] angle will be 21 minutes.

If the course is an even one hundred eighty degrees, it has no measure. Instead, its mean position is its true position, as we explained.

5 [The following procedure should be used] if the course [of the sun] is greater than one hundred eighty degrees: One should subtract the course from three hundred sixty degrees and [calculate the resulting] angle accordingly.

What is implied? If the course is 200 degrees, that figure should be subtracted from 360 degrees, leaving a remainder of 160 degrees. Since you already know that the [resulting] angle of a course of 160 degrees is 42 minutes, that same figure will be the [resulting] angle of a course of 200 degrees.

6 Similarly, if the course was three hundred degrees, one should subtract that figure from three hundred sixty, leaving a remainder of sixty. Since you already know that the [resulting] angle of a course of 60 degrees is 1 degree and 41 minutes, that same figure will be the [resulting] angle of a course of 300 degrees. Similar procedures should be followed in

calculating other figures.

7 [How is the angle determined by the course calculated] when the course is [an intermediate figure - e.g.,] 65 degrees? You already know that the [resulting] angle of 60 degrees is 1 degree and 41 minutes. And you know that the [resulting] angle of 70 degrees is 1 degree and 51 minutes. Thus, there are ten minutes between these [two] measures. Thus, [an increase of] a degree [of the course] will bring an increase of a minute [in the resulting angle]. Thus, the [resulting] angle of a course of 65 degrees will be 1 degree and 46 minutes.

8 Similarly, if the course was 67 degrees, the [resulting] angle would be 1 degree and 48 minutes. A similar procedure should be followed regarding any course that has both units and tens, both for calculations regarding the sun and for calculations regarding the moon.

9 [To apply these principles]: Should we desire to know the true position of the sun at the beginning of Friday night, the fourteenth of Tammuz for this present year: First, we should calculate the mean position of the sun for this time, which is, as explained, 105° 37' 25". We should then calculate the apogee of the sun at this time, which is 86° 45' 23". When the apogee is subtracted from the mean position, the remainder, the course [of the sun], will be 18 degrees, 52 minutes and 2 seconds, in symbols 18° 52' 2 ".

With regard to the course [of the sun], the minutes are of no consequence. If they are less than thirty, they should be disregarded entirely. If they are

more than thirty, they should be considered an additional degree and added to the sum of the degrees. Accordingly, it should be considered as if there are 19 degrees in this course. The [resulting] angle of such a course can be calculated to be 38 minutes in the manner that we explained.

10 Since the course is less than 180 degrees, the [resulting] angle [of the course], 38 minutes, should be subtracted from the mean position of the sun, leaving a remainder of 104 degrees, 59 minutes and 25 seconds, in figures 104° 59' 25". Thus, the true position of the sun at the beginning of this night will be fifteen degrees less 35 seconds in the constellation of Cancer.

One need not pay attention to the seconds at all, neither with regard to the position of the sun, nor with regard to the position of the moon, nor in any other calculations regarding the sighting [of the moon]. Instead, if the number of seconds is approximately thirty [or more], they should be considered a minute, and added to the sum of the minutes.

11 Since you are able to calculate the location of the sun on any desired date, you will be able to calculate the true date of the equinox or solstice for any equinox or solstice you desire, whether for the equinoxes or solstices that will take place in the future, after the date we established as a starting point, or for the equinoxes or solstices that have taken place in previous years.

Chapter 14

1 There are two mean rates of progress [that are significant] with regard to the moon, for the moon revolves in a small orbit that does not encompass the earth. Its mean progress within this orbit is referred to as the mean within its path.

The small orbit [within which the moon revolves] itself rotates in a larger orbit that encompasses the earth. The mean progress of the small orbit within the large orbit that encompasses the earth is referred to as the moon's mean. The rate of progress for the moon's mean in one day is 13 degrees, 10 minutes and 35 seconds, in symbols 13° 10' 35".

2 Thus, its progress in ten days will be 131 degrees, 45 minutes and 50 seconds, in symbols 131° 45' 50". The remainder [of the sum]of its progress in one hundred days will be 237 degrees, 38 minutes and 23 seconds, in symbols 237° 38' 23".

The remainder [of the sum] of its progress in one thousand days is 216 degrees, 23 minutes and 50 seconds, in symbols 216° 23' 50". The remainder [of the sum] of its progress in ten thousand days is 3 degrees, 58 minutes and 20 seconds, in symbols 3° 58' 20".

The remainder [of the sum] of its progress in twenty-nine days is 22 degrees, 6 minutes and 56 seconds, in symbols 22° 6' 56".The remainder [of the sum] of its progress in a regular year is 344 degrees, 26 minutes and 43 seconds, in symbols 344° 26' 43". Following these guidelines, you can multiply these figures for any number of days or years you desire.

3 The distance travelled by the mean within its path in a single day is 13 degrees, 3 minutes and 54 seconds, in symbols 13° 3' 54". Thus, its

progress in ten days will be 130 degrees, 39 minutes and no seconds, in symbols 130° 39'. The remainder [of the sum] of its progress in one hundred days will be 226 degrees, 29 minutes and 53 seconds, in symbols 226° 29' 53".

The remainder [of the sum] of its progress in one thousand days is 104 degrees, 58 minutes and 50 seconds, in symbols 104° 58' 50". The remainder [of the sum] of its progress in ten thousand days is 329 degrees, 48 minutes and 20 seconds, in symbols 329° 48' 20".

The remainder [of the sum] of its progress in twenty-nine days is 18 degrees, 53 minutes and 4 seconds, in symbols 18° 53' 4".

4 The remainder [of the sum] of its progress in a regular year is 305 degrees, no minutes and 13 seconds, in symbols 305° 13".

The position of the moon's mean on Wednesday night, [the third of Nisan, 4938,] the starting point for these calculations, was 1 degree, 14 minutes and 43 seconds, in figures 1° 14' 43", in the constellation of Taurus. The mean within its path at this date was 84 degrees, 28 minutes and 42 seconds, in symbols 84° 28' 42".

Since you know the mean rate of progress for the moon's mean, and you know its position on the date of the starting point, you [will be able to calculate] the position of the moon's mean on any date that you desire, as you did with regard to the mean position of the sun.

After calculating [the position of] the moon's mean on the beginning of the night that you desire, [the next step in calculating where the moon can be sighted] is to focus on the sun and see the constellation in which it will be located [at that time].

5 If the sun is located between midway in the constellation of Pisces and midway in the constellation of Aries, the moon's mean should be left without emendation. If the sun is located between midway in the constellation of Aries and the beginning of the constellation of Gemini, 15 minutes should be added to the moon's mean. If the sun is located between the beginning of the constellation of Gemini and the beginning of the constellation of Leo, 30 minutes should be added to the moon's mean. If the sun is located between the beginning of the constellation of Leo and midway in the constellation of Virgo, 15 minutes should be added to the moon's mean.

If the sun is located between midway in the constellation of Virgo and midway in the constellation of Libra, the moon's mean should be left without emendation. If the sun is located between midway in the constellation of Libra and the beginning of the constellation of Sagittarius, 15 minutes should be subtracted from the moon's mean. If the sun is located between the beginning of the constellation of Sagittarius and the beginning of the constellation of Aquarius, 30 minutes should be subtracted from the moon's mean. If the sun is located between the beginning of the constellation of Aquarius and midway in the constellation of Pisces, 15 minutes should be subtracted from the moon's mean.

6 The figure that remains after these additions or subtractions have been made, or when the mean was left without emendation, is the mean of the moon approximately 20 minutes after the setting of the sun for the time when this mean was calculated. This is referred to as the mean of the

moon at the time of the sighting.

Chapter 15

1 If you desire to know the true position of the moon on any particular date, first calculate the mean of the moon at the time of the sighting for the desired date. Then calculate the mean of the [moon within its] path and the sun's mean [position] for that date. Subtract the sun's mean from the moon's mean and double the remainder. The resulting figure is referred to as the double elongation.

2 As mentioned previously, the intent of all the calculations in these chapters is to know how to sight the moon. [In this context, the size of this double elongation is significant.]
[To explain:] It is impossible for this double elongation to be less than five degrees or more than 62 degrees on the night the moon is to be sighted. Its measure will never exceed or fall short of these numbers.

3 Accordingly, it is necessary to contemplate [the length of] this double elongation. If the double elongation is five degrees or near that measure, there is no need to be concerned with an increase, and its measure need not be increased. If [the length of] the double elongation is between six and eleven degrees, one should add one degree to the mean of the [the moon] within its path.
If [the length of] the double elongation is between twelve and eighteen degrees, one should add two degrees to the mean of [the moon] within its

path. If [the length of] the double elongation is between nineteen and 24 degrees, one should add three degrees to the mean of [the moon] within its path. If [the length of] the double elongation is between 25 and 31 degrees, one should add four degrees to the mean of [the moon] within its path. If [the length of] the double elongation is between 32 and 38 degrees, one should add five degrees to the mean of [the moon] within its path.

If [the length of] the double elongation is between 39 and 45 degrees, one should add six degrees to the mean of [the moon] within its path. If [the length of] the double elongation is between 46 and 51 degrees, one should add seven degrees to the mean of [the moon] within its path. If [the length of] the double elongation is between 52 and 59 degrees, one should add eight degrees to the mean of [the moon] within its path. If [the length of] the double elongation is between 60 and 63 degrees, one should add nine degrees to the mean of [the moon] within its path.

The mean of [the moon] within its path that results after these additions have been made is referred to as the correct course.

4 After the angular distance of the correct course is calculated, [the following procedure should be carried out]: If [the result] is less than 180 degrees, the angle of the course should be subtracted from the mean of the moon at the time of the sighting. If [the result] is more than 180 degrees, the angle of the course should be added to the mean of the moon at the time of the sighting.

The figure that remains after this addition or subtraction is made is the true position of the moon at the time of sighting.

5 Know that if the correct course is an even 180 degrees or 360 degrees, there is no angle of the course. Instead, the mean position of the moon at the time of sighting is the true position of the moon at that time.

6 What is the angle of its course? If the correct course is ten degrees, its angle will be 50 minutes. If the correct course is twenty degrees, its angle will be 1 degree and 38 minutes. If it is 30, its angle will be 2 degrees and 24 minutes. If it is 40, its angle will be 3 degrees and 6 minutes. If it is 50, its angle will be 3 degrees and 44 minutes. If it is 60, its angle will be 4 degrees and 16 minutes.

If it is 70, its angle will be 4 degrees and 41 minutes. If it is 80, its angle will be 5 degrees. If it is 90, its angle will be 5 degrees and 5 minutes. If it is 100, its angle will be 5 degrees and 8 minutes. If it is 110, its angle will be 4 degrees and 59 minutes. If it is 120, its angle will be 4 degrees and 40 minutes.

If it is 130, its angle will be 4 degrees and 11 minutes. If it is 140, its angle will be 3 degrees and 33 minutes. If it is 150, its angle will be 2 degrees and 48 minutes. If it is 160, its angle will be 1 degree and 56 minutes. If it is 170, its angle will be 59 minutes. If it is an even 180 degrees, [the course] will not have an angle. Instead, as stated above, the moon's mean position will be identical with its true position.

7 If the correct course is more than 180 degrees, you should subtract it from 360 to obtain its angle, as you did for the course of the sun.

Similarly, if the correct course includes units as well as tens, you should [calculate the average increase per degree and add the proportionate

amount to the lower figure]. The procedure used to calculate the angle of the course for the course of the sun should be used to calculate the angle of the correct course [of the moon].

8 What is implied? Should we desire to know the true position of the moon on Friday night, the second of Iyar in the present year - the starting point for these calculations - the number of complete days that have passed from the date that is the starting point until the date on which we desire to know the true position of the moon is 29. One should [first] calculate the mean position of the sun for that night; this is 35 degrees, 38 minutes and 33 seconds, in symbols 35° 38' 33".

You should then calculate the mean of the moon at the time of the sighting, which is 53 degrees, 36 minutes and 39 seconds, in symbols 53° 36' 39". Afterwards, calculate the mean of [the moon] within its path for this time, which is 103 degrees, 21 minutes and 46 seconds, in symbols, 103° 21' 46". Then subtract the mean position of the sun from the moon's mean, producing a remainder of 17 degrees, 58 minutes and six seconds. This is the elongation. Doubling this figure produces a double elongation of 35 degrees, 56 minutes and 12 seconds, in symbols 35° 56' 12". Therefore, five degrees should be added to the course, as mentioned. Thus, the correct course will be 108 degrees and 21 minutes. As mentioned above with regard to the sun, the minutes are of no consequence in the calculation of the course.

9 When calculating the angle for a course of 108, the result is 5 degrees and one minute. Since the correct course is less than 180 degrees, this figure

should be subtracted from the moon's mean, leaving a remainder of 48 degrees, 35 minutes and 39 seconds.

The seconds should be rounded off and considered to be a minute. Accordingly, the true position of the moon at this time will be 18 degrees and 36 minutes of the nineteenth degree in the constellation of Taurus, in symbols 18° 36'.

In a similar manner, it is possible for you to calculate the true position of the moon at the time of sighting for any date that you desire from the beginning of this year that was chosen as the starting point until the end of all time.

Chapter 16

1 The orbit in which the moon revolves [intersects] the orbit in which the sun revolves at an angle, [so that] a portion of [the moon's orbit] is inclined to the north of the sun's orbit and a portion is inclined south of the sun's orbit. There are two points, one opposite the other, at which these orbits intersect.

When the moon is at one of these points, it is revolving in the same plane as the sun. As the moon departs from these points, it is proceeding either to the north or to the south of the sun.

The point in the moon's [orbit] at which it begins to be inclined to the north of [the plane of] the sun's [orbit] is referred to as the head, while the point [in its orbit] from which it begins to be inclined to the south of [the plane of] the sun's [orbit] is referred to as the tail.*

This head revolves at a uniform pace, [proceeding] in opposition to the

movement of the sphere of the constellations without increase or decrease - i.e., it moves from [the constellation of] Pisces to [the constellation of] Aquarius. It continuously follows [this pattern].

2 The mean movement of the head in one day is 3 minutes and 11 seconds. Thus, its movement in ten days is 31 minutes and 47 seconds; its movement in one hundred days is 5 degrees, 17 minutes, and 43 seconds, in symbols 5° 17' 43". In one thousand days, its movement is 52 degrees, 57 minutes and 10 seconds, in symbols 52° 57' 10". The remainder [of the sum] of its progress in ten thousand days is 169 degrees, 31 minutes and 40 seconds, in symbols 169° 31' 40".

Thus, the distance it travels in twenty-nine days is 1 degree, 32 minutes and 9 seconds, in symbols 1° 32' 9". Its progress in a regular year is 18 degrees, 44 minutes and 42 seconds, in symbols 18° 44' 42". The mean position of the head on Thursday night [of the present year,] the starting point for these calculations, is 180 degrees, 57 minutes, and 28 seconds, in symbols 180° 57' 28".

3 If you desire to calculate the position of the head at any given date, [you should follow this procedure:] First, calculate the mean progress of the head as you calculated the mean of the sun and the mean of the moon. [Afterwards,] subtract this mean from 360 degrees, and the remainder will be the location of the head at that time. The tail's position will always be the [place in the moon's orbit] directly opposite it.

4 What is implied? Let us suppose that we desired to know the location of

the head on Friday night, the second of Iyar of this year - the starting point for these calculations. There are 29 complete days between the night of the starting point and the date for which we desire to know the location of the head.

5 We should then calculate the mean of the head according to the familiar manner, adding its distance traveled in 29 days to the starting point. Thus, the mean of the head is 182 degrees, 29 minutes and 37 seconds, in symbols 182° 29' 37". This mean should be subtracted from 360, leaving a remainder of 177 degrees, 30 minutes and 23 seconds, in symbols 177° 30' 23".

This is the location of the head. The seconds are of no consequence. Thus, the position of the head will be 27 degrees and 30 minutes within the constellation of Virgo. The position of the tail will be [directly] opposite it: 27 degrees and 30 minutes within the constellation of Pisces.

6 There will always be an even half of the celestial sphere between the position of the head and the position of the tail. Therefore, whenever the head is in a particular constellation, the tail will be seven constellations further in the order of constellations, at the same position with regard to degrees and minutes. For example, if the head is ten degrees within a particular constellation, the tail will be ten degrees within the seventh constellation from it.

7 After having established the position of the head, the position of the tail, and the true position of the moon, consider [these three figures]: If the

position of the moon is the same, both in degrees and in minutes, as its head or tail, then the moon will not be inclined to the north or the south. If the position of the moon has passed the head and it is proceeding in the direction of the tail, know that the moon will be inclined to the north of the [plane] of the sun's [orbit]. If the position of the moon is before the tail and it is proceeding in the direction of the head, know that the moon will be inclined to the south of the [plane] of the sun's [orbit].

8 The inclination of the moon to the north or to the south is referred to as the moon's latitude. If the moon's incline is northerly, it is referred to as a northerly latitude. If the moon's incline is southerly, it is referred to as a southerly latitude. If the moon is positioned at either [the head or the tail], it has no latitude, as explained above.

9 The moon's latitude will never exceed five degrees, whether to the north or to the south. This is the pattern it follows. [The moon] begins at the head and diverges slightly [from the sun's orbit, as it proceeds on its own orbit]. [The size of] this divergence continues to increase until it reaches five degrees. At this point, [the moon] begins to come slightly closer [to the sun's orbit], until it has no latitude at all when it reaches its tail. [After it reaches the tail, the moon] will again begin to diverge slightly [from the sun's orbit], until this divergence reaches five degrees. It will then begin to approach [the sun's orbit], until ultimately it has no latitude at all.

10 [The following procedure should be applied] if you desire to determine

the latitude of the moon, and to [know] whether it is northerly or southerly: First, calculate the position of the head and the true position of the moon at the desired date. Then subtract the position of the head from the true position of the moon. The remainder is referred to as "the course of the latitude."

If the course of the latitude is between one degree and 180 degrees, the latitude of the moon is northerly. If course of the latitude is more than 180 degrees, the latitude of the moon is southerly. If [the course] is an even 180 degrees or an even 360 degrees, the moon does not have any latitude at all.

Afterwards, determine the size of the angle of the course of the latitude - i.e., the extent to which the moon is inclined to the north or to the south. This figure is referred to as the moon's southerly latitude or northerly [latitude], as we explained.

11 How large is the angle of the course of the latitude? If the course of the latitude is ten degrees, its angle will be 52 minutes. If the course is twenty degrees, its angle will be one degree and 43 minutes. If the course is thirty degrees, its angle will be 2 degrees and 30 minutes.

If the course is forty degrees, its angle will be 3 degrees and 13 minutes. If the course is fifty degrees, its angle will be 3 degrees and 50 minutes. If the course is sixty degrees, its angle will be 4 degrees and 20 minutes. If the course is seventy degrees, its angle will be 4 degrees and 42 minutes. If the course is eighty degrees, its angle will be 4 degrees and 55 minutes. If the course is ninety degrees, its angle will be 5 degrees.

12 If [the course of the latitude] has both units and tens, you should [calculate the average increase per degree and add the proportionate amount to the lower figure], as was done with regard to the course of the sun and the course of the moon.

What is implied? When the course of the latitude is 53 degrees, [the size of the angle should be determined as follows]. It has already been established that when the course is 50 degrees, its angle is 3 degrees and 50 minutes. When the course is 60 degrees, its angle is 4 degrees and 20 minutes. Therefore, there is a difference of 30 minutes between them, 3 minutes for each degree. Accordingly, [when] calculating the angle for a course of 53 degrees, [the result] will be 3 degrees and 59 minutes. A similar process should be followed with regard to all other figures.

13 Since you know the angles for all the values of the course of the latitude until ninety degrees, as was mentioned, you will be able to know the angle for all possible values of the course. For if the course is between 90 and 180 degrees, subtract the course from 180 and find the angle for the remainder.

14 Similarly, if the course is between 180 and 270 degrees, subtract 180 from [the course] and find the angle for the remainder.

15 Similarly, if the course is between 270 and 360 degrees, subtract [the course] from 360 and find the angle for the remainder.

16 What is implied? If the course is 150°, subtract 150 from 180, leaving 30. As mentioned previously, the angle [of a course] of 30 [degrees] will be 2

degrees and 30 minutes. Thus, the angle [of a course] of 150 [degrees] also will be 2 degrees and 30 minutes.

17 If the course is 200°, subtract 180 from 200, leaving 20. As mentioned previously, the angle [of a course] of 20 [degrees] will be 1 degree and 43 minutes. Thus, the angle [of a course] of 200 [degrees] also will be 1 degree and 43 minutes.

18 If the course is 300°, subtract 300 from 360, leaving 60. As mentioned previously, the angle [of a course] of 60 [degrees] will be 4 degrees and 20 minutes. Thus, the angle [of a course] of 300 [degrees] also will be 4 degrees and 20 minutes. A similar process should be followed with regard to all other values.

19 [The following procedure should be applied] if one desires to know the latitude of the moon and whether it is either northerly or southerly at the beginning of Friday night, the second of Iyar of this year: It has already been established that the true position of the moon on this night is 18 degrees and 36 minutes within the constellation of Taurus, in symbols 18° 36". [Similarly, it has been established that] the position of the head at that time is 27 degrees and 30 minutes within the constellation of Virgo, in symbols 27° 30'.

[To arrive at the latitude,] you must subtract the position of the head from the position of the moon, leaving a course of the latitude of 231 degrees and 6 minutes, in symbols 231° 6'. [As mentioned,] the minutes are of no consequence with regard to the course. Therefore, according to the

principles explained in this chapter, the angle of this course will be 3 degrees and 53 minutes. This is the latitude of the moon at the beginning of this night. It is southerly, for the course is larger than 180 degrees.

Chapter 17

1 All the principles we have explained above were intended so that you will be ready and prepared to know [how] to sight [the moon]. When you desire to know [how to sight the moon on a particular night], calculate the true position of the sun, the true position of the moon, and the position of the head [of the moon's orbit] for the time of the sighting [of the moon].

Afterwards, subtract the position of the sun from the position of the moon. The remainder is referred to as the first longitude.

2 After having determined the position of the head and the moon's position, you will be able to determine the moon's latitude and whether this latitude is northerly or southerly. This figure is referred to as the first latitude. Be careful with regard to [these two symbols,] the first longitude and the first latitude, and have them at hand [for later calculations].

3 Consider the first longitude: If the figure you arrive at is equal to nine degrees or less, know that it will definitely be impossible for the moon to be sighted on that night throughout *Eretz Yisrael*; no other calculation is necessary.

If the first longitude is more than fifteen degrees, know that the moon will

definitely be sighted throughout *Eretz Yisrael*; no other calculation is necessary.

If the first longitude is between nine and fifteen degrees, it will be necessary for you to make further calculations to know whether the moon will be sighted or not.

4 When does the above apply? When the true position of the moon is located [in the area] between the beginning of the constellation of Capricorn and the end of the constellation of Gemini. If, however, the position of the moon [is located in the range] between the beginning of the constellation of Cancer and the end of the constellation of Sagittarius, and the first longitude is ten degrees or less, know that it will definitely be impossible for the moon to be sighted on that night throughout *Eretz Yisrael*; no other calculation is necessary.

If the first longitude is more than twenty-four degrees, know that the moon will definitely be sighted throughout *Eretz Yisrael*; no other calculation is necessary.

If the first longitude is between ten and twenty-four degrees, it will be necessary to make further calculations to know whether or not the moon will be sighted.

5 These are the [further] calculations [necessary to determine] the sighting of the moon: Consider the constellation in which the moon is located. If it is the constellation of Aries, subtract 59 minutes from the first longitude. If it is the constellation of Taurus, subtract one degree from the longitude. If it is the constellation of Gemini, subtract 58 minutes from

the longitude. If it is the constellation of Cancer, subtract 52 minutes from the longitude.

If it is the constellation of Leo, subtract 43 minutes from the longitude. If it is the constellation of Virgo, subtract 37 minutes from the longitude. If it is the constellation of Libra, subtract 34 minutes from the longitude.

If it is the constellation of Scorpio, subtract 34 minutes from the longitude. If it is the constellation of Sagittarius, subtract 36 minutes from the longitude. If it is the constellation of Capricorn, subtract 44 minutes from the longitude. If it is the constellation of Aquarius, subtract 53 minutes from the longitude. If it is the constellation of Pisces, subtract 58 minutes from the longitude.The remainder after these minutes have been subtracted from the longitude is referred to as the second longitude.

6 Why are these minutes subtracted? Because the true position of the moon is not the place where the moon will actually be sighted [in the sky]. Instead, there is a [small] difference in both longitude and latitude. This [difference] is referred to as the sighting adjustment.

The sighting adjustment for the moon's longitude at the hour of the sighting of the moon should always be subtracted from the longitude, as we explained.

7 [The latter point is not necessarily true,] by contrast, with regard to the sighting adjustment for the moon's latitude.If the moon's latitude is northerly, we subtract the minutes of the sighting adjustment for the moon's latitude from the moon's first latitude. If, however, the moon's latitude is southerly, we add the minutes of the sighting adjustment for

the moon's latitude to the moon's first latitude. The result after the addition or subtraction of these minutes to or from the [moon's] first latitude is referred to as the second latitude.

8 How many minutes are added or subtracted? If the moon is in the constellation of Aries, 9 minutes. If it is in the constellation of Taurus, 10 minutes. If it is in the constellation of Gemini, 16 minutes. If it is in the constellation of Cancer, 27 minutes. If it is in the constellation of Leo, 38 minutes. If it is in the constellation of Virgo, 44 minutes.
If it is in the constellation of Libra, 46 minutes. If it is in the constellation of Scorpio, 45 minutes. If it is in the constellation of Sagittarius, 44 minutes. If it is in the constellation of Capricorn, 36 minutes. If it is in the constellation of Aquarius, 27 minutes. If it is in the constellation of Pisces, 12 minutes.

9 Since you know the [number of] minutes [for the adjustment] for each constellation, add or subtract them to or from the first latitude, as was explained, and arrive at the second latitude. You already know whether it will be northerly or southerly, and you will know the number of degrees and minutes of this second latitude. Prepare this figure and have it at hand.

10 Afterwards, you must set aside [for later use in subtracting or adding] a portion of this second latitude, because the moon fluctuates slightly in its orbit. What is the size of the portion you must separate? [This depends on the position of the moon in the celestial sphere.]

If the moon is located between the beginning of the constellation of Aries and its twentieth degree - and similarly, [when the moon is located] between the beginning of the constellation of Libra and its twentieth degree - separate two fifths of the second latitude.

If the moon is located between the twentieth degree of the constellation of Aries and the tenth degree of the constellation of Taurus - and similarly, [when the moon is located] between the twentieth degree of the constellation of Libra and the tenth degree of the constellation of Scorpio - separate one third from the second latitude.

If the moon is located between the tenth degree of the constellation of Taurus and its twentieth degree - and similarly, [when the moon is located] between the tenth degree of the constellation of Scorpio and its twentieth degree - separate one fourth from the second latitude.

If the moon is located between the twentieth degree of the constellation of Taurus and its end - and similarly, [if the moon is located] between the twentieth degree of the constellation of Scorpio and its end - separate one fifth from the second latitude.

If the moon is located between the beginning of the constellation of Gemini and its tenth degree - and similarly, [if the moon is located] between the beginning of the constellation of Sagittarius and its tenth degree - separate one sixth of the second latitude.

If the moon is located between the tenth degree of the constellation of Gemini and its twentieth degree - and similarly, [if the moon is located] between the tenth degree of the constellation of Sagittarius and its twentieth degree - separate one twelfth from the second latitude.

If the moon is located between the twentieth degree of the constellation of

Gemini and its twenty-fifth degree - and similarly, [if the moon is located] between the twentieth degree of the constellation of Sagittarius and its twenty-fifth degree - separate one twenty-fourth from the second latitude.
If the moon is located between the twenty-fifth degree of the constellation of Gemini and the fifth degree of the constellation of Cancer - and similarly, [if the moon is located] between the twenty-fifth degree of the constellation of Sagittarius and the fifth degree of the constellation of Capricorn - do not make any separation, because at this point the moon does not fluctuate at all from its orbit.
If the moon is located between the fifth degree of the constellation of Cancer and its tenth degree - and similarly, [if the moon is located] between the fifth degree of the constellation of Capricorn and its tenth degree - separate one twenty-fourth from the second latitude.
If the moon is located between the tenth degree of the constellation of Cancer and its twentieth degree - and similarly, [if the moon is located] between the tenth degree of the constellation of Capricorn and its twentieth degree - separate one twelfth from the second latitude.
If the moon is located between the twentieth degree of the constellation of Cancer and its end - and similarly, [if the moon is located] between the twentieth degree of the constellation of Capricorn and its end - separate one sixth from the second latitude.
If the moon is located between the beginning of the constellation of Leo and its tenth degree - and similarly, [if the moon is located] between the beginning of the constellation of the Aquarius and its tenth degree - separate one fifth of the second latitude.
If the moon is located between the tenth degree of the constellation of

Leo and its twentieth degree - and similarly, [if the moon is located] between the tenth degree of the constellation of Aquarius and its twentieth degree - separate one fourth from the second latitude.

If the moon is located between the twentieth degree of the constellation of Leo and the tenth degree of the constellation of Virgo, and similarly, [if the moon is located] between the twentieth degree of the constellation of Aquarius and tenth degree of the constellation of Pisces - separate one third from the second latitude.

If the moon is located between the tenth degree of the constellation of Virgo and its end - and similarly, [if the moon is located] between the tenth degree of the constellation of Pisces and its end - separate two fifths from the second latitude.

This portion that is separated from the second latitude is referred to as the circuit of the moon.

11 Afterwards, go back and consider whether the latitude of the moon is northerly or southerly. If it is northerly, subtract [the adjustment referred to as] the circuit of the moon from the second longitude. If the moon's longitude is southerly, add the circuit of the moon to the second longitude.

When does the above apply? When the moon's position is located between the beginning of the constellation of Capricorn and the end of the constellation of Gemini. If, however, the moon's position is located between the beginning of the constellation of Cancer and the end of the constellation of Sagittarius, the opposite is true: If the moon's latitude is northerly, the circuit should be added to the second longitude, and if the

moon's latitude is southerly, the circuit should be subtracted from the second longitude.

The remainder after the additions or subtractions have been made to the second longitude is referred to as the third longitude. Know that if there is no fluctuation within the circuit, and there is no figure to be separated from the second latitude, the second longitude also will serve as the third longitude, without any decrease or increase.

12 Afterwards, go back and see the constellation in which the third longitude - i.e., [the amended figure representing] the distance between the sun and the moon - is located: If it is located in the constellation of Pisces or Aries, add one sixth [of its length] to the third longitude. If the [third] longitude is located in the constellation of Aquarius or the constellation of Taurus, add one fifth [of its length] to the third longitude. If the [third] longitude is located in the constellation of Capricorn or the constellation of Gemini, add one sixth [of its length] to the third longitude.

If the [third] longitude is located in the constellation of Sagittarius or the constellation of Cancer, leave the third longitude as it is, without making any addition or subtraction. If the [third] longitude is located in the constellation of Scorpio or the constellation of Leo, subtract one fifth [of its length] from the third longitude. If the [third] longitude is located in the constellation of Libra or the constellation of Virgo, subtract one third [of its length] from the third longitude.

The figure resulting from these subtractions or additions to the third longitude, or from leaving it without adjustment, is referred to as the fourth longitude.

[Afterwards, a further correction is necessary:] Return to the first latitude, and set aside two thirds [of its length]. This is called the correction [resulting from geographic] latitude.

Consider whether the latitude of the moon is northerly. If so, add the correction [resulting from geographic] latitude to the fourth longitude. If the latitude of the moon is southerly, subtract the correction [resulting from geographic] latitude from the fourth longitude. The figure resulting from these subtractions or additions to the fourth longitude is referred to as the arc of sighting.

13 What is implied? For example, let us attempt to determine whether or not it will be possible to sight the moon on Friday night, the second of Iyar of this year: First, it is necessary to determine the true position of the sun, the true position of the moon, and the moon's latitude for this time according to the methods that were disclosed [in the previous chapters].

The result is that the true position of the sun is seven degrees and nine minutes in the constellation of Taurus, in symbols 7° 9'. The true position of the moon is eighteen degrees and thirty-six minutes in the constellation of Taurus, in symbols 18° 36'. The moon's latitude is three degrees and fifty-three minutes, in symbols 3° 53', and it is southerly. This is the first latitude.

Afterwards, you should subtract the position of the sun from the position of the moon, arriving at a remainder of eleven degrees and twenty-seven minutes, in symbols 11° 27'. This is the first longitude.

Since the moon is located in the constellation of Taurus, the sighting adjustment for the longitude will be one degree. This should be

subtracted from the first longitude, producing a second longitude of 10 degrees and twenty-seven minutes, in symbols 10° 27'. The sighting adjustment for the latitude is ten minutes. Since the moon's latitude is southerly, this sighting adjustment of ten minutes should be added to the moon's latitude, producing a second latitude of four degrees and three minutes, in symbols 4° 3'.

Since the moon is located in the eighteenth minute of the constellation of Taurus, it is proper to set aside one fourth of the second latitude as the circuit of the moon. Thus, at this time, the circuit of the moon will be one degree and one minute. We pay no attention to the seconds.

14 Since the latitude of the moon is southerly and the true position of the moon is located between the beginning [of the constellation] of Capricorn and the beginning [of the constellation] of Cancer, it is correct to add the circuit of the moon to the second longitude. Thus, the third longitude will be eleven degrees and twenty-eight minutes, in symbols 11° 28'.

Since this longitude is located in the constellation of Taurus, it is fitting to add one fifth to the third longitude - i.e., two degrees and eighteen minutes. Thus, the fourth longitude will be thirteen degrees and forty-six minutes, in symbols 13° 46'.

We then go back to the first latitude and separate two thirds of it. Thus, the correction [resulting from geographic] latitude is two degrees and thirty-five minutes. Since the latitude is southerly, the correction [resulting from geographic] latitude should be subtracted from the fourth longitude, leaving a remainder of eleven degrees and eleven minutes, in symbols 11° 11'. This is the arc of sighting on this night.

Following this process, you can determine the number of degrees and the number of minutes every night for the moon's sighting, which you desire for all time.

15 After you have determined this arc [of sighting], consider it. Know [these rules]: If the arc of sighting is nine degrees or less, it is impossible for the moon to be sighted anywhere in *Eretz Yisrael*. If the arc of sighting is more than fourteen degrees, it is impossible for it not to be seen and openly revealed throughout *Eretz Yisrael*.

16 If the arc of sighting is between the beginning of the tenth degree and the end of the fourteenth degree, [the following procedure should be followed:] One should consider the arc of sighting in relation to the first longitude and determine whether or not the moon will be seen from the limits prevalent [at that time]. They are referred to as the sighting limits.

17 The following are the sighting limits: If the arc of sighting is between nine and ten degrees, or more than ten [degrees], and the first longitude is thirteen degrees or more, [the moon] will surely be sighted. If the arc is less than this, or if the first longitude is less than this, it will not be sighted.

18 If the arc of sighting is between ten and eleven degrees, or more than eleven [degrees], and the first longitude is twelve degrees or more, [the moon] will surely be sighted. If the arc is less than this, or if the first longitude is less than this, it will not be sighted.

19 If the arc of sighting is between eleven and twelve degrees, or more than twelve [degrees], and the first longitude is eleven degrees or more, [the moon] will surely be sighted. If the arc is less than this, or if the first longitude is less than this, it will not be sighted.

20 If the arc of sighting is between twelve and thirteen degrees, or more than thirteen [degrees], and the first longitude is ten degrees or more, [the moon] will surely be sighted. If the arc is less than this, or if the first longitude is less than this, it will not be sighted.

21 If the arc of sighting is between thirteen and fourteen degrees, or more than fourteen [degrees], and the first longitude is nine degrees or more, [the moon] will surely be sighted. If the arc is less than this, or if the first longitude is less than this, it will not be sighted. This concludes the sighting limits.

22 What is implied? If we were to consider the arc of sighting for Friday night, the second of Iyar of this year, we would calculate the arc of sighting to be eleven degrees and eleven minutes, as you have already determined.

Since the arc of sighting is between ten and fourteen degrees, it is necessary to consider it in relation to the first longitude. It has already been established that on this night, the [first] longitude is ten degrees and twenty seven minutes. Since the first longitude is greater than eleven [degrees], we can be assured that the moon will be sighted on that night according to the limits established. Similar procedures should be followed

[on every occasion when it is necessary to consider] the arc of sighting in relation to its first longitude.

23 From all the above, you have seen the extent of the calculations, and the additions and the subtractions that required much effort to present a method that comes close [to being exact] without necessitating extremely complicated calculations. [This process is necessary] because the moon has major incongruities in its orbit.

In this vein, our Sages said, "'The sun knows the time of its setting'; the moon does not know the time of its setting." Similarly, our Sages said, "At times, its setting is prolonged, and at times, it is hastened." This is reflected in these calculations, where at times it is necessary to add, and at times it is necessary to subtract until we arrive at the arc of sighting. And as explained, at times the arc of sighting is great, and at times it is small.

24 The rationales for all these calculations, and the reasons why this number is added, and why that subtraction is made, and how all these concepts are known, and the proofs for each of these principles are [the subject] of the wisdom of astronomy and geometry, concerning which the Greeks wrote many books.

These texts are presently in the hands of the sages. The texts written by the Sages of Israel in the age of the prophets from the tribe of Yissachar have not been transmitted to us. Nevertheless, since these concepts can be proven in an unshakable manner, leaving no room for question, the identity of the author, be he a prophet or a gentile, is of no concern. For a matter whose rationale has been revealed and has proven truthful in an

unshakable manner, we do not rely on [the personal authority of] the individual who made these statements or taught these concepts, but on the proofs he presented and the reasons he made known.

Chapter 18

1 It is well-known and obvious that although the calculations indicate that the moon should be sighted on [a particular] night, its sighting is [only] probable. It is, however, also possible that it will not be sighted, because it is covered by clouds, because the place [from where it could be sighted] is in a valley, or because there is a tall mountain in the west, blocking [view of] the people in the place [from where it could be sighted], and it will be as if they are in a valley.

For the moon will not be able to be sighted by a person in a low place, even when [its crescent] is large. Conversely, it will be possible for a person on a high and lofty mountain to sight [the moon], even though [its crescent] is very small. Similarly, sighting it will be possible for a person dwelling on the seashore, or a person travelling on a ship in the Mediterranean Sea, even though [its crescent] is very small.

2 Similarly, in the rainy season, on a clear day, the visibility of the moon will be greater than it is in the summer. For on a clear day in the rainy season, the air is clear and the heavens appear more brilliant, because there is no dust clouding the air. In the summer, by contrast, the air is like smoke, because of the dust. Therefore, the moon will appear small.

3 When the two limits [mentioned] with regard to the arc of sighting and the first longitude are short, [the crescent of] the moon will be small, and sighting the moon will be possible only from a very high altitude. If the arc of sighting and the first longitude are long, and [several] degrees were added to their minimal limits, the moon will appear large. Its size and the extent of its visibility will increase according to the length of the arc [of sighting] and the first longitude.

4 Therefore, the court should always have its attention focused on the following two matters: a) the season when [the moon] was sighted, and b) the place [where the witnesses were located]. [The judges] should ask the witnesses, "Where were you when you saw the moon?" For if the arc of sighting was short, and according to the calculations there is only a limited opportunity to see the moon, [more care is taken regarding their testimony].

For example, the arc of sighting was nine degrees and five minutes, and the first longitude was exactly thirteen degrees, and witnesses came, [claiming] that they saw [the moon]: If this occurs in the summer, or if the [witnesses] were located in a low place, we suspect [the veracity of] their [testimony] and subject them to much cross-examination.

In the rainy season, or in a very high place, [under such circumstances, the moon] would surely be sighted unless clouds obscured it.

5 [Let us examine a hypothetical situation:] Witnesses saw the new moon at the appropriate time. They came [to the court], and gave testimony. The court accepted their [testimony] and sanctified this first month.

Afterwards, they counted twenty-nine days from the day that was sanctified. On the night of the thirtieth, the moon was not sighted, either because sighting it was impossible, or because it was covered by clouds. The court waited the entire thirtieth day, as we have explained, [but] witnesses did not arrive. [Therefore,] they added a day to the month, and thus, Rosh Chodesh of the second month was on the thirty-first day, as explained.

6 They began to count twenty-nine days from the day of Rosh Chodesh in the second [month], but the moon was not sighted. If you would say that [again] a day should be added to the month - i.e., the following day would be the thirtieth of the month, and the thirty-first day should be Rosh Chodesh of the third month [an undesirable situation would arise]. For it is possible that the moon would not be sighted on the night of the thirtieth of this month as well. Thus, [hypothetically, we could see an] ongoing [pattern, in which] a day is added and the new month begins after thirty days throughout the year. Thus, in the last month, it would be possible for the moon to be seen on the night of the twenty-fifth or the night of the twenty-sixth. There could be no more ludicrous and demeaning situation than this.

7 Nor can one say that the [hypothetical situation described] - that the moon is never sighted throughout the year - is an infrequent occurrence [that need not be considered]. The contrary [is true]; it is very likely [to take place]. This often occurs in countries that have long rainy seasons and cloudy [skies]. For the intent is not that the moon will never be seen

throughout the year, but that it will not be sighted at the beginning of the month, and will be sighted only afterwards.

[In certain months] it will not be sighted, because sighting it is impossible, and in the months when sighting it is possible, it possibly will not be sighted because of the clouds, or because its [crescent] was very small, and no one focused [his attention] on sighting it.

8 [These difficulties were avoided due to the following] tradition which existed among our Sages, [having been] transmitted from one to another in a chain extending back to Moses our teacher: When the moon was not sighted at the beginning of the months, month after month, the court establishes [the following sequence], one full month with thirty days, one lacking month with twenty-nine days. In this manner, they would calculate and establish one full month and one lacking month - establishing these months, but not sanctifying them. For the sanctification of the months is dependent solely on the sighting [of the moon]. At times they would have a full month follow another full month, or a lacking month follow another lacking month, depending on the results of their calculations.

9 The intent of their calculations is always that it is possible to sight the moon in the following month at its proper time, or on the night following the added day, but not to sight it beforehand - e.g., on the night of the twenty-eighth.

Through the sighting calculations mentioned above, it is possible for you to determine when it will be possible [for the moon to be] sighted, and

when it is possible that it will not be sighted. [The court] relies on [similar calculations] and [accordingly,] establishes two full months in succession, or two lacking months in succession.

Never should there be fewer than four full months in a year, nor should there ever be more than eight full months. When a full month is established according to calculations, a celebratory feast is also made in honor of the full month, as mentioned previously in Chapter 3.

10 Whenever you find statements in the Talmud according to which it appears that the court relies on computations [rather than the testimony of witnesses], or that there is [a chain of tradition extending] from Moses at Sinai that this matter has been entrusted to them, and it is their decision whether to make the month lacking or full, and similarly, the fact that, during one year, Rabbi [Yehudah HaNasi] declared nine months as lacking - these and all similar matters are dependent on this principle [and apply at] a time when the moon is not sighted at the appropriate time.

11 Similarly, the statements of our Sages that a day is added to the month when necessary, applies in an instance when a full month [is declared] according to the calculations, [so that] one month is made lacking, and another month full. They have the authority to declare full months in succession one after the other, and lacking months in succession.

[Only] when the moon is not seen at the appropriate time does [the court] declare full months when necessary. When, however, the moon is seen at the appropriate time - its first shining after its conjunction with the sun - it is always sanctified.

12 All the above concepts apply when there is a court that relies on the testimony of witnesses. In the present era, by contrast, we rely solely on the calculations based on the mean [motion of the sun and the moon] that are [simple and] widespread throughout Israel, as explained [previously] in these laws.

13 It is explained in the texts of astronomical and geometrical calculations that if the moon is sighted in *Eretz Yisrael*, it will be sighted in all the lands in the world that are located to the west of *Eretz Yisrael* and are at the same latitude. If the calculations indicate that the moon will not be sighted in *Eretz Yisrael*, sighting it is, nevertheless, possible in those lands that are west of *Eretz Yisrael* and at the same latitude. Therefore, the fact that the moon is sighted in a country that lies west of *Eretz Yisrael* is not an indication of whether [or not] the moon will be sighted in *Eretz Yisrael*.

14 If, however, the moon is not sighted on the mountains of the countries located west of *Eretz Yisrael* that are at the same latitude, the moon surely was not sighted in *Eretz Yisrael*.

15 Similarly, if the moon was not sighted in *Eretz Yisrael*, it certainly was not sighted in those countries that are east of *Eretz Yisrael*, and at the same latitude. If [the moon] was sighted in *Eretz Yisrael*, however, [there is no certainty whether it will be sighted] in these easterly lands; it may be sighted, and it may not be sighted.

Accordingly, if the moon was sighted in a country located to the east of

Eretz Yisrael at the same latitude, the moon was surely sighted in *Eretz Yisrael*. If, however, the moon was not sighted in a country that lies east [of *Eretz Yisrael*], that is not an indication that the moon will not be sighted in *Eretz Yisrael*. On the contrary, it is possible that it will be sighted in *Eretz Yisrael*.

16 All the above statements apply when the countries to the west and to the east [of *Eretz Yisrael*] are at the same latitude as *Eretz Yisrael* - i.e., they are 30 to 35 degrees north [of the equator]. If they are located in a more northerly position, or in a less northerly position, different principles apply, for they are not parallel to *Eretz Yisrael*.

In the cities that are located to the east and west [of *Eretz Yisrael*], the statements we made [concerning the sighting of the moon are of abstract interest only], to clarify all the laws regarding the sighting [of the moon] to make the Torah great and glorious. [The intent is not that] the people living in the east or the west should depend on [their] sighting of the moon, or that [their sighting] should be of any consequence whatsoever. Instead, we rely only on the sanctification of the moon [performed] by the court in *Eretz Yisrael*, as we have explained several times previously.

Chapter 19

1 Since our Sages said that among the questions posed to the witnesses [in order to verify their testimony] was "In which direction was [the crescent of] the moon inclined," I feel that it is appropriate to explain how this factor can be calculated. My statements will not be exact, because [this

knowledge] is of no consequence regarding the actual sighting of the moon.

The starting point of these calculations is to know the degree of inclination of the constellations' [position].

2 The orbit of the sun that passes through the center [of the sphere] of the constellations does not pass directly through the center of the earth from east to west. Instead, it is inclined above the equator which passes through the center of the earth, [slightly] to the north and to the south. Half of it is northerly in inclination and half is southerly in inclination.

3 There are two points at which the orbit of the sun intersects the equator, which passes through the center of the earth: The first point is the beginning of the constellation of Aries, and the second point, opposite to [the first], is the beginning of the constellation of Libra. Thus, there are six constellations [whose positions] are inclined to the north, those between the beginning of the constellation of Aries and the end of the constellation of Virgo. And there are six [whose positions] are inclined to the south, those between the beginning of the constellation of Libra and the end of the constellation of Pisces.

4 From the beginning of the constellation of Aries, the constellations' [positions] begin to be inclined slightly and diverge from the equator in a northerly direction until the beginning [of the constellation] of Cancer.

The beginning [of the constellation] of Cancer is approximately twenty-three and one half degrees north of the equator. [Afterwards,] the

constellations begin to proceed toward the equator slowly until the beginning [of the constellation] of Libra, which is positioned on the equator.

From the beginning of the constellation of Libra, the constellations' [positions] begin to be inclined slightly and diverge from the equator in a southerly direction until the beginning [of the constellation] of Sagittarius.

The beginning [of the constellation] of Sagittarius is approximately twenty-three and one half degrees south of the equator. [Afterwards,] the constellations begin to proceed toward the equator slowly until the beginning [of the constellation] of Aries.

5 Thus, [in their daily orbits,] the beginning [of the constellation] of Aries and the beginning [of the constellation] of Libra revolve on the equator. Therefore, when the sun is positioned in the beginning [of these constellations], it will not be inclined either to the north or to the south. It will rise due east and set due west, and the daytime and the nighttime [hours] will be equal throughout the world.

6 Thus, it should be clear to you that each of the degrees [in the sphere] of the constellations is inclined to the north or to the south, and that there is a specific measure to their inclination. The greatest inclination will be no more than approximately twenty-three and half degrees.

7 The following represent the extent of inclination from the equator *vis-a-vis* the number of degrees [in the sphere of the constellations]. Beginning

with the constellation of Aries: [A point located at] 10 degrees [in the celestial sphere] will be inclined 4 degrees [from the equator]. [A point located at] 20 degrees will be inclined 8 degrees. [A point located at] 30 degrees will be inclined 11 1/2 degrees.

[A point located at] 40 degrees will be inclined 15 degrees. [A point located at] 50 degrees will be inclined 18 degrees. [A point located at] 60 degrees will be inclined 20 degrees. [A point located at] 70 degrees will be inclined 22 degrees. [A point located at] 80 degrees will be inclined 23 degrees. [A point located at] 90 degrees will be inclined 23 1/2 degrees.

8 If the number [of degrees] also includes units, you should calculate [their degree of inclination] by taking an average between the two figures, as was explained with regard to [the determination of the position of] the sun and the moon.

What is implied? Five degrees will be inclined 2 degrees. If the number of degrees [in the celestial sphere] is twenty-three, the inclination [from the equator] will be nine degrees. This same pattern should be followed whenever calculating a number that has both units and tens.

9 Since you know the extent of the inclination of all the degrees from one until ninety, you will be able to calculate the degree of inclination [of the entire celestial sphere] according to the method of calculation explained with regard to the moon's latitude. For if the number is between 90 and 180, the number should be subtracted from 180.

If the number is between 180 and 270, 180 should be subtracted from the number. If the number is between 270 and 360, the number should be

subtracted from 360. [After these subtractions have been made], you will know the degree of inclination of the remainder, for it is the degree of inclination of the numbers mentioned previously without any addition or subtraction.

10 If you desire to know the number of degrees by which the moon's position deviates from the equator to the north or to the south, [you should follow this procedure]: Calculate the inclination of the degree [in the celestial sphere] that will be the true position, and see if its inclination is northerly or southerly. Afterwards, calculate the moon's first latitude and see whether it is northerly or southerly.

If the moon's latitude and the inclination of the degree [in the celestial sphere where it is located] have the same direction, then they should be added together. If they are in different directions - i.e., one is southerly and one is northerly - the smaller figure should be subtracted from the larger one. The remainder is the [angular] distance of the moon from the equator to the direction in which the larger figure was inclined.

11 What is implied? Let us say that we are trying to calculate the degree of inclination of the moon from the equator on the night of sighting, the second day of the month of Iyar of this year. You have already established that the angle [in the celestial sphere] at which the moon was located is the nineteenth degree of the constellation of Taurus. Thus, its inclination to the north will be approximately 18 degrees.

The latitude of the moon is approximately four degrees to the south. After you subtract the lesser figure from the larger one, the position of the

moon will be fourteen degrees to the north of the equator, for the largest figure is the eighteen degrees north [at which the moon's true position was located]. All [of the phases] of this calculation are approximations and are not exact, because they are of no consequence regarding the sighting.

12 If you desire to know the direction to which the moon will appear to be inclined [when sighted, it is governed by the following principles]: Calculate [the moon's angular] distance from the equator. If it is located on the equator or within two or three degrees to the north or to the south, it will appear due west and its crescent will appear to be pointed due east.

13 If [the moon] is inclined to the north of the equator, it will appear in the northwest, and its crescent will appear to be pointed southeast.

14 If [the moon] is inclined to the south of the equator, it will appear in the southwest, and its crescent will appear to be pointed northeast. To the extent of [the moon's] distance [from the equator], its inclination will increase.

15 Among the other dimensions of the examination of the witnesses is the question: "How high [in the sky did the moon] appear?" This factor can be determined by the arc of sighting. If the arc is short, the moon will appear close to the earth, and when it is long, it will appear high above the earth. The length of the arc of sighting [will determine] the height at which [the moon] will appear above the earth to the witnesses.

16 Thus, we have explained all the calculations necessary for the sighting [of

the moon] and the examination of the witnesses, so that everything will be comprehensible to men of understanding, and they will not lack awareness of any of the Torah's paths. [Therefore,] they will not venture forth in search of it in other texts. "Seek out of the book of God, read it. None of these will be lacking" [**Isaiah 34:16**].

17 The End of the Laws of the Sanctification of the Month.

Mishneh Torah, Fasts

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive Torah commandment to cry out and to sound trumpets in the event of any difficulty that arises which affects the community, as [**Numbers 10:9**] states: "[When you go out to war... against] an enemy who attacks you and you sound the trumpets...."

[This commandment is not restricted to such a limited scope; rather] the intent is: Whenever you are distressed by difficulties - e.g., famine, plague, locusts, or the like - cry out [to God] because of them and sound the trumpets.

2 This practice is one of the paths of repentance, for when a difficulty arises, and the people cry out [to God] and sound the trumpets, everyone will realize that [the difficulty] occurred because of their evil conduct, as [**Jeremiah 5:25**] states: "Your sins have turned away [the rains and the harvest climate]." This [realization] will cause the removal of this difficulty.

3 Conversely, should the people fail to cry out [to God] and sound the trumpets, and instead say, "What has happened to us is merely a natural phenomenon and this difficulty is merely a chance occurrence," this is a cruel conception of things, which causes them to remain attached to their wicked deeds. Thus, this time of distress will lead to further distresses.

This is implied by the Torah's statement [**Leviticus 26:27-28**]: "If you

remain indifferent to Me, I will be indifferent to you with a vengeance." The implication of the verse is: When I bring difficulties upon you so that you shall repent and you say it is a chance occurrence, I will add to your [punishment] an expression of vengeance for that indifference [to Divine Providence].

4 In addition, it is a Rabbinic ordinance to fast whenever there is a difficulty that affects the community until there is a manifestation of Divine mercy. On these fast days, we cry out in prayer, offer supplications, and sound the trumpets only. In the Temple, we sound both the trumpets and the shofar. The shofar blasts should be shortened and the trumpet blasts extended, for the mitzvah of the day is with the trumpets. The trumpets are sounded together with the shofar only in the Temple, as [can be inferred from **Psalms 98:6**]: "Sound trumpets and shofar blasts before God, the King."

5 These fasts ordained for the community because of difficulties should not be consecutive, for the community would not be able to observe such a practice.

A communal fast should be ordained only on a Monday, on the subsequent Thursday, and on the subsequent Monday. This pattern - Monday, Thursday, Monday - should be followed until [God manifests His] mercies.

6 A communal fast should not be decreed on a Sabbath, nor on a festival. On these days, neither a shofar nor a trumpet should be sounded, nor do

we cry out [to God] or offer supplications in prayer.

The [only] exceptions are a city surrounded by gentiles or a [flooding] river and a ship that is sinking at sea. [In these instances, and indeed,] even when a single individual is being pursued by gentiles, by thieves, or by an evil spirit (we may fast because of them on the Sabbath), cry out [to God], and offer supplications on their behalf in prayer. [The trumpets] should not be sounded for them, however, unless they are being sounded to gather together the people to help them and [try to] save them.

7 Similarly, at the outset, a fast should not be ordained on Rosh Chodesh, Chanukah, Purim, or Chol HaMo'ed. If, however, the community has begun to fast because of a distressing situation for even a single day, and the schedule of fasts requires that a fast be held on one of the days mentioned above, we should fast, and [indeed,] fast for the entire day.

8 Pregnant women, nursing women, and children need not fast on communal fasts that are instituted because of difficulties of this nature.

[With regard to these fasts,] even though we are required to fast during the day, we are allowed to eat on [the preceding] night, with the exception of the fasts instituted for [a lack of] rain, as will be explained. Whenever we are allowed to eat on the night of a fast, whether a communal fast or an individual fast, a person is allowed to eat until dawn, provided he does not sleep. If he goes to sleep, he may not eat after arising.

9 Just as the community should fast because of distress, so too, each individual should fast [when confronted by] distress. What is implied?

When an individual to whom a person [feels close] is sick, lost in the desert, or imprisoned, one should fast for his sake, ask for mercy for him in prayer, and say [the passage] *Anenu* in all the *Shemoneh Esreh* prayers recited [that day]. One should not fast on the Sabbath, on festivals, on Rosh Chodesh, on Chanukah, or on Purim.

10 Whenever an individual did not accept a fast [on the previous day] before sunset, it is not considered to be a fast.

How does one accept a fast? After reciting the afternoon prayers, one states, "Tomorrow I will fast," and resolves to do so. Although one eats at night, this does not detract from one's commitment to fast.

Similarly, if one resolved to fast for three or four days consecutively and accepts such a fast upon oneself, the fact that one eats each night does not detract from his fast. It is unnecessary for him to state his intent on the afternoon before each succeeding day.

11 When a person accepted a resolution to fast on the following day, and indeed, did fast, and on the night [following his fast], changed his mind and decided to [continue his] fast on the following day, it is not considered a fast, because he did not accept [this commitment] while it was still day. [This applies] even if he continued his fast overnight. Needless to say, if he ate and drank at night and woke up in the morning and desired to fast, it is not considered a fast at all.

12 A person who has a disturbing dream must fast on the following day, so that he will be motivated to improve his conduct, inspect his deeds, and

turn [to God] in repentance.

He should undertake such a fast even on the Sabbath, reciting the passage *Anenu* in each of the prayer services. [This applies] even though he did not resolve on the previous day to fast.

When a person fasts on the Sabbath, he must fast on another day as well, [to atone for] nullifying [the mitzvah of indulging in] pleasurable activities on the Sabbath.

13 A person may fast for several hours - i.e., that he not eat anything for the remainder of a day. What is implied? A person was involved with his affairs and tended to his concerns without eating until noon or until three in the afternoon. Should he make a decision to fast for the remaining hours of the day, he should fast for that time and recite [the passage] *Anenu*, because he accepted the fast before the hours of the fast. Similarly, if a person ate or drank and then began to fast for the entire day, it is considered to be a fast for several hours.

14 Whenever a person is fasting, whether he is fasting because of an individual distress, a disturbing dream, or distress of a communal nature, he should not indulge in pleasures, act frivolously, or be happy and of good spirits. Instead, [his conduct] should be characterized by serious concern, [as if he were] in mourning, as [implied by **Eichah 3:39**]: "Over what should a living man be concerned? [Each] man over his sins."

It is permitted for [a person who is fasting] to taste even a *revi'it* of food, provided he spits it out without swallowing it. If [a person who is fasting] forgets and eats, he should complete his fast.

15 When an individual was fasting for a sick person, and the latter recovered, or because of a distressing situation, and the difficulty passed - he should complete his fast.

A person who travels from a place where [the community] is fasting to a place where [the community] is not fasting should complete his fast. One who travels from a place where [the community] is not fasting to a place where [the community] is fasting should fast together with them. If he forgets and eats and drinks, he should not let himself be seen, nor should he indulge in pleasures.

16 When a community is fasting for the sake of rain, and it begins to rain before noon, the people should not complete their fast. Instead, they should eat, drink, and gather together to read the Great *Hallel*, for the Great *Hallel* is recited only when one's spirit is satisfied and one's belly is full.

If [the rains descended] after noon, since the majority of the day had passed in holiness, they should complete their fast. Similar [rules apply] if [a community] was fasting because of a distressing situation and the distress passed, or because of a harsh decree and the decree was nullified: [If this occurred] before noon, they need not complete their fast; after noon, they should complete their fast.

17 Whenever there is a communal fast that was instituted for a distressing circumstance, the [community's] court and [its] elders sit in the synagogue and review the conduct of the city's [inhabitants] from the time the morning prayers were concluded until noon. They remove the

stumbling blocks that lead to sin. They give warnings, enquire, and investigate all those who pursue violence and sin, and [encourage them] to depart [from these ways]. Similarly, [they investigate] people who coerce others and humble them. They also occupy themselves with other similar matters.

[This is what would happen] from noon until the evening: During the [third] quarter of the day, they would read the blessings and the curses in the Torah [as implied by **Proverbs 3:11**]: "My son, do not despise the instruction of the Lord, and do not reject His rebuke." As the *haftarah*, they would read a portion from the prophets appropriate to the distress [for which they are fasting].

During the [fourth] quarter of the day, the afternoon service is recited, supplications are made, [the people] cry out [to God] and confess according to their capability.

Chapter 2

1 We should fast and sound the trumpets in the [following] situations of communal distress: because of the distress that the enemies of the Jews cause the Jews, because of [the passage of] an armed [force], because of a plague, because of a wild animal [on a rampage], because of various species of locusts, because of the black blight and the yellow blight, because of falling buildings, because of an epidemic, because of [the loss of our source of] sustenance, and because of rain [or a lack of it].

2 A city afflicted by any of these difficulties should fast and sound the

trumpets until the difficulty passes. The inhabitants of the surrounding area should fast, but should not sound the trumpets. They should, however, ask for mercy on [their brethren's] behalf. We do not cry out [to God] or sound the trumpets on the Sabbath, as was explained, except in the case of distress over [the loss of our source of] sustenance. In this instance, we cry out [to God] even on the Sabbath, but we do not sound the trumpets for this reason on the Sabbath.

3 What is meant by "the distress that the enemies of the Jews cause the Jews"? When gentiles come to wage war against the Jews, to impose a tax upon them, to take land away from them, or to pass a decree [restricting the observance of our faith,] even concerning merely a slight mitzvah, we should fast and sound the trumpets until [God shows] mercy.
All the surrounding cities should fast, but they should not sound the trumpets unless they are doing so to gather the people together to come to their aid.

4 What is meant by "[the passage of] an armed [force]"? This applies even to an armed [force] that has peaceful intentions. For example, gentiles were waging war against other gentiles and they passed a Jewish settlement. Although they are not at war with the Jews, this is still considered a time of distress for which we should fast, as [implied by the blessing, **Leviticus 26:6**] "A sword will not pass through your land." From this, it can be understood that seeing war is itself a sign of distress.

5 "Because of plague." What constitutes a plague? When three people die

on three consecutive days in a city that has 500 male inhabitants, this is considered to be a plague. If [this many people] die on one day or on four days, it is not considered a plague.

If a city has 1000 male inhabitants and six people die on three consecutive days, it is considered to be a plague. If [this many people] die on one day or on four days, it is not considered a plague. Similarly, this ratio should be followed [with regard to all cities, regardless of their size].

Women, children, and older men who no longer work are not included in the census in this context.

6 If there is a plague in *Eretz Yisrael*, [the Jews in] the diaspora should fast on [its inhabitants'] behalf. If there was a plague in one country and caravans frequently travel from it to another country, they should both fast, even if they are distant from each other.

7 We do not fast because of a wild animal unless it is on a rampage. What is implied? If it is seen in a city during the day, it is on a rampage. Should it be seen in a field during the day, encounter two men and not flee from them, it is on a rampage. If the field was close to a swamp, and it saw two men and pursued them, it is on a rampage; if it did not pursue them, it is not on a rampage.

If it was in a swamp, even if it pursued them, it is not considered to be on a rampage unless it slew both of them and ate [only] one. If, however, it ate both of them in a swamp, it is not considered to be on a rampage, for this is its place, and it slew them because it was hungry, not because it was on a rampage.

8 When houses are constructed in deserts or in other abandoned areas, since this is a natural place for bands of wild animals, [it is only when] an animal climbs to the top of a roof and takes a baby from a cradle that it is considered to be "on a rampage." Otherwise, it is not considered to be "on a rampage." [The fault lies rather] with these people who endangered their lives and came to a place where wild animals live.

9 When there is a rampage of swarming animals - e.g., snakes or scorpions - or swarming birds that cause injury, we do not fast or sound the trumpets because of them. We do, however, call out [to God] without trumpet blasts. Needless to say, [this applies to swarms of] hornets, mosquitoes, and the like.

10 "Because of various species of locusts." Even if only one fleet is seen in all of *Eretz Yisrael*, [the entire country] should fast and sound the trumpets because of them. [The same applies if] even the slightest amount of *govai* appear. For *chagav*, however, we do not fast or sound the trumpets; nevertheless, we do call out [to God] without sounding the trumpets.

11 "Because of the black blight and the yellow blight." As soon as these affect the crops, even if they affect only a small amount of grain, [an area the size of] the opening of an oven, a fast is called and the trumpets are sounded.

12 What is meant by "because of falling buildings"? When many strong walls that are not located on the banks of a river begin to fall in a city, this is a difficulty [that warrants] fasting and the sounding of the trumpets.

Similarly, we should fast and sound the trumpets because of earthquakes and strong winds that destroy buildings and kill people.

13 What is meant by "because of an epidemic"? When one illness - e.g., a throat infection or polio - affects many people in a city and people die because of this illness, this is considered to be a matter of communal distress. A fast is called and the trumpets are sounded.

Similarly, if running sores affect the majority of the community, it is considered like boils, and they should fast and sound the trumpets. For a dry itch [which affects the entire community], we merely cry out [to God].

14 What is meant by "because of [the loss of our source of] sustenance"? That the price of the articles on which the livelihood of most of the inhabitants of a city depend - e.g., linen goods in Babylon and wine and oil in *Eretz Yisrael* - has fallen, and the trade in these articles has decreased to the extent that a merchant must offer them for sale at only 60% of their real value in order to be able to find a purchaser. This is considered a communal distress [that warrants] us to raise a clamor and cry out to God, even on the Sabbath.

15 What is meant by "because of rain"? When the rainfall is so abundant that it causes difficulty, prayers should be recited. There is no greater difficulty than this, that homes should fall and become the graves [of their inhabitants].

In *Eretz Yisrael*, we do not pray [for the cessation of the rains] when there

is an abundant rainfall. It is a mountainous land, and its houses are made of stone. An abundance of rain is of benefit, and we should not fast to cause a benefit to pass.

16 If, after grain has already sprouted, the rains cease and the produce begins to dry, the people should fast and cry out [to God] until rain descends or the produce dries out entirely.
Similarly, if the Pesach season, which is the time when the trees flower in *Eretz Yisrael*, arrives and there is no rainfall, the people should fast and cry out [to God] until rain that is fit for trees descends or until the season passes.

17 Similarly, if the festival of Sukkot arrived and a sufficient amount of rain had not descended to fill the storage vats, the irrigation ditches, and the caverns, the people should fast until sufficient rain descends for the storage vats.
If the people have no water to drink, they should fast for rain at all times whenever there is no water to drink, even in the summer.

18 When the rains ceased for more than forty days in the rainy season, it is a drought, and the people should fast and cry out [to God] until the rains descend or until the rainy season passes.

Chapter 3

1 [We should adhere to the following procedure when] no rain at all has descended from the beginning of the rainy season onward: If the

seventeenth of Marcheshvan arrives and no rains have descended, the Torah scholars should begin to fast, [starting on] a Monday [and continuing on] the [following] Thursday, and the [following] Monday. All students [of the Torah] are fit to accept these [fasts] upon themselves.

2 If Rosh Chodesh Kislev arrives without the rains having descended, the court should decree three communal fasts, [starting on] a Monday, [and continuing on] the [following] Thursday, and the [following] Monday. It is permitted to eat and drink at night. The men serving in the [weekly] priestly watch should not fast with them because they are involved in the Temple service.

On these days, the entire people should enter the synagogue, pray, cry out [to God], and make supplications as is customary on all fasts.

3 If these [fasts] pass without [their prayers] being answered, the court should decree an additional three communal fasts. On these fasts, we eat and drink while it is still day [on the day before the fast], as on the fast of Yom Kippur.

The men serving in the [weekly] priestly watch should fast for part of the day, but should not complete the fast. The men of the *beit av* - those individuals who are involved in the Temple service that day - should not fast at all.

On a fast for which we are required to cease eating while it is still day, once a person has ceased eating and decided not to eat any more, he may not change his mind and eat, even though there is still time during the day.

4 On these three fasts, all people are forbidden to perform work during the day, but they are permitted during the [previous] night. It is forbidden for a person to wash his entire body in hot water, but one may wash one's face, hands, and feet. For this reason, the bathhouses are closed.
It is forbidden to anoint oneself. One may, however, do so to remove filth. Sexual relations are forbidden, as is wearing shoes in a city. One may, however, wear shoes on a journey. We pray in the synagogues, cry out [to God], and make supplications as is customary on all fasts.

5 If these [fasts] pass without [their prayers] being answered, the court decrees another seven communal fasts, [beginning on the next] Monday, [and continuing as follows]: Thursday, Monday, Thursday, Monday, Thursday, and Monday.
It is only on these seven fasts that pregnant and nursing women are required to fast. [On the other fast days,] although they are not obligated to fast, they should not indulge in delicacies. Instead, they should eat only what is necessary to maintain their babies.

6 On these seven fasts the men serving in the [weekly] priestly watch should fast for the entire day. The men of the *beit av* should fast for a portion of the day, but should not complete their fast. All the prohibitions in force during the second set of fasts are also in force during these last seven fasts.

7 There are additional dimensions [of severity] to these [fasts]: it is on these alone that we sound the trumpets, pray in the street of the city, call on an elder to admonish the people [and motivate] them to repent from their

[evil] ways, add six blessings in the morning and afternoon prayers - thus, we recite twenty-four blessings, and close the stores.

On Mondays, the doors of the stores are left slightly ajar towards evening and they may be opened [for business]. On Thursdays, [the stores] may be opened the entire day [to allow people to purchase food] in honor of the Sabbath. If a store has two entrances, one entrance should be opened and the other closed. If the store has a display area in front of it, it may be opened in the normal manner on a Thursday without concern [for the above restriction].

8 If these [fasts] pass without [their prayers] being answered, we should minimize our commercial activity, construction projects associated with joy - e.g., those involving decorative patterns on the ceilings and walls, plantings associated with joy - e.g., that of myrtle trees, and the erection of tents.

We also minimize betrothals and marriages, unless one has not fulfilled the mitzvah of being fruitful and multiplying. Whoever has fulfilled this mitzvah is forbidden to engage in sexual relations in a year of famine.

We also reduce the exchange of greetings, and the Torah sages should not exchange greetings at all. Rather, [they should conduct themselves as people] who have been rebuffed and ostracized by God. When a common person greets them, they may return the greeting in a weak and concerned tone.

9 The Torah scholars alone continue to fast, [beginning on the next] Monday, [and continuing on the following] Thursday and Monday [in

this manner] until the month of Nisan - as determined in relation to the spring season - passes. This is not, however, required of the community. No more than these thirteen communal fasts are decreed because of a lack of rainfall.

When these individuals fast until Nisan passes, they are allowed to eat at night and are allowed to perform work, to wash, to anoint themselves, to engage in sexual relations, and to wear shoes as on other fast days. They do not fast on Rashei Chodashim, nor on Purim.

After the month of Nisan, as determined in relation to the spring season, passes - i.e., when the sun enters the sign of the bull - they should cease fasting. Since no rain has descended from the beginning of the year, rain in this season would be a sign of a curse.

10 Where does the above apply? In *Eretz Yisrael* and in similar lands. In contrast, in places where the rainy season begins before or after the seventeenth of Marcheshvan, when the time [for the rains] arrives and no rain descends, individuals should [begin a series of three] fasts, [starting on] Monday [and continuing on the following] Thursday and Monday. They should not fast on Rashei Chodashim, Chanukah, or Purim.

Afterwards, they should wait approximately seven days. If rain does not descend, the court should decree thirteen communal fasts, according to the order described above.

11 [The following laws apply to] all the communal fasts decreed in the diaspora: It is permitted to eat during the night, and they are governed by the same laws as other fasts. A communal fast resembling Yom Kippur is

decreed only in *Eretz Yisrael,* and only because of [a lack of] rain. This refers to the latter ten fasts - i.e., the middle series of three fasts and the final series of seven fasts.

Chapter 4

1 On each and every day of the final seven fasts for lack of rain, we pray in the [following] manner. The ark is taken out to the street of the city, and all the people gather together, while dressed in sackcloth.
Ashes are placed on the ark and on the Torah scroll to heighten the grief and humble [the people's] hearts. One of the people should take some ashes and place them on the head of the *Nasi* and on the head of the chief justice, so that they will be ashamed and repent. [The ashes] are placed on the place where one puts on *tefillin*. Everyone else should take ashes and place them on his [own] head.

2 Afterwards, one of the wise elders [of the community] stands before them while they are sitting. If there is no wise elder, a man of wisdom should be chosen. If there is no man of wisdom, a man of stature should be chosen.
He should speak words of rebuke to them, telling them: "Brethren, it is not sackcloth and fasting that will have an effect, but rather repentance and good deeds. This is evident from [the story of] Nineveh. It is not stated with regard to the people of Nineveh, 'And God saw their sackcloth and their fasting,' but rather, 'And God saw their deeds' [**Jonah 3:10**]. Similarly, in the words of the prophetic tradition, it is written, 'Rend your hearts and not your garments' [**Joel 2:13**]." He should continue in this

vein according to his ability until they are humbled and turn [to God] in complete repentance.

3 After this person has completed his words of rebuke, the community stands up to pray. They should choose a person suitable to serve as a leader of prayer on such fast days. If the person who spoke the words of rebuke is suitable to [lead the congregation in] prayer, he should. If not, another person should be chosen.

4 Who is fit to [lead the congregation in] prayer on these fasts? A person who leads the prayers frequently and who frequently reads the Torah, the Prophets, and the Sacred Writings. He should have children, but lack means and have work in the field.

None of his children, nor any member of his household, nor any of his relatives who are dependent upon him, should be transgressors; rather, his house should be empty of sin; nor should any unfavorable report have been made concerning him during his childhood.

He should be humble, appreciated by the community, and have a voice that is appealing and sweet. If he possesses all these virtues and is also an elder, this is most desirable. [Nevertheless, even when he] is not an elder, since he does possess these virtues, he is fit to [lead the congregation in] prayer.

5 The *chazan* should begin and recite the *Shemoneh Esreh* [in the usual fashion] until the blessing *Go'el Yisrael*. He then recites *Zichronot* and *Shofarot* that relate to the difficulty [facing the people]. He should also

recite the psalms, "I called to God in my distress and He answered me" (**Psalm 120**), "I lift up my eyes to the mountains" (**Psalm 121**), "Out of the depths, I called to You, O God" (**Psalm 130**), "A prayer of the afflicted, when he becomes faint" (**Psalm 102**).

6 [In this blessing,] he recites supplicatory prayers according to his ability. He says, "Please, behold our affliction and wage our battle; speed our redemption." He then recites supplications and states at the conclusion of these supplications, "He who answered Abraham our patriarch at Mount Moriah, will answer you and will hear the sound of your outcry on this day. Blessed are You, God, Redeemer of Israel."

7 He then begins to add six blessings; these are added one after the other. In each of them, he recites supplicatory prayers which include pleas [for mercy] and verses from the Prophets and the Holy Writings with which he is familiar. He concludes each of these blessings with the concluding phrases mentioned below.

8 For the first of these blessings, he concludes: "He who answered Moses and our ancestors at the Red Sea will answer you and will hear the sound of your outcry on this day. Blessed are You God, who remembers the forgotten."

9 For the second of these blessings, he concludes: "He who answered Joshua at Gilgal will answer you and will hear the sound of your outcry on this day. Blessed are You, God, who hears the sounding [of the trumpets]."

10 For the third of these blessings, he concludes: "He who answered Samuel at Mitzpeh will answer you and will hear the sound of your outcry on this day. Blessed are You, God, who hears an outcry."

11 For the fourth of these blessings, he concludes: "He who answered Elijah at Mount Carmel will answer you and will hear the sound of your outcry on this day. Blessed are You, God, who hears prayer."

12 For the fifth of these blessings, he concludes: "He who answered Jonah in the belly of the fish will answer you and will hear the sound of your outcry on this day. Blessed are You, God, who answers in a time of distress."

13 For the sixth of these blessings, he concludes: "He who answered David and Solomon, his son, in Jerusalem will answer you and will hear the sound of your outcry on this day. Blessed are You God, who has mercy on the land."

The people all answer *Amen* after each of these blessings in the same manner as *Amen* is recited after all blessings.

14 For the seventh of these blessings, he begins, "Heal us, O God, and we will be healed," and concludes the *Shemoneh Esreh* in its usual order. The trumpets are sounded. This is the order of prayer [on these fasts] in all places.

15 When [the people] would pray according to this order in Jerusalem, they would gather on the Temple Mount, before the eastern gate, and pray in

this manner. When the *chazan* reached the passage, "He who answered Abraham,..." he would say, "Blessed are You God, our Lord, the Lord of Israel, for all eternity. Blessed are You God, Redeemer of Israel." They would respond to him, "Blessed be His name and the glory of His kingdom for ever and ever."

The attendant to the synagogue would tell those who blow [the trumpets]: "Sound a *teki'ah*, priests. Sound a *teki'ah*." The person reciting the prayers then repeats, "He who answered Abraham our patriarch at Mount Moriah, will answer you and will hear the sound of your outcry on this day." Afterwards, the priests [blow the trumpets,] sounding a *teki'ah*, a series of *teru'ot*, and a *teki'ah*.

16 Similarly, in the second of these blessings, which is the first of the six [blessings] that are added, the *chazan* concludes the blessing, "Blessed are You, God, our Lord, the Lord of Israel, for all eternity. Blessed are You, God, who remembers the forgotten." [The people] would respond to him, "Blessed be His name and the glory of His kingdom for ever and ever."

The attendant to the synagogue would tell those who blow [the trumpets]: "Sound a *teru'ah*, sons of Aaron. Sound a *teru'ah*." The person reciting the prayers then repeats, "He who answered Moses and our ancestors at the Red Sea, will answer you and will hear the sound of your outcry on this day." Afterwards, the priests [blow the trumpets,] sounding a series of *teru'ot*, a *teki'ah*, and a series of *teru'ot*.

17 Similarly for each [of these] blessings: for one, he announces "Sound a *teki'ah*," and for the other, he announces "Sound a *teru'ah*," until all seven

blessings are concluded. Thus, at times, the priests blow a series, *teki'ah, teru'ah, teki'ah*, and at times, they blow a series, *teru'ah, teki'ah, teru'ah*. Seven series are blown.

This order is followed only on the Temple Mount. When they blow *teki'ot* and *teru'ot* there, they sound the trumpets and the shofar together, as explained.

18 In all places where these seven fasts are decreed, all the people go out to the cemetery after praying and weep and offer supplications, as if to say, "Unless you return from your [sinful] ways, you are like these deceased people."

In each of the communal fast days that are decreed because of distressing circumstances, the *Ne'ilah* service is recited in all places.

19 When the rains descend [in response to] their [prayers] - to what extent is it necessary for them to descend in order for the community to cease fasting? When they descend a handbreadth into parched earth, two handbreadths into ordinary earth, and three handbreadths into cultivated earth.

Chapter 5

1 There are days when the entire Jewish people fast because of the calamities that occurred to them then, to arouse [their] hearts and initiate [them in] the paths of repentance. This will serve as a reminder of our wicked conduct and that of our ancestors, which resembles our present conduct

and therefore brought these calamities upon them and upon us. By reminding ourselves of these matters, we will repent and improve [our conduct], as [**Leviticus 26:40**] states: "And they will confess their sin and the sin of their ancestors."

2 These days are the following:

The Third of Tishrei. This is the day on which Gedaliah ben Achikam was slain and the ember of Israel that remained was extinguished, causing their exile to become complete.

The Tenth of Tevet. This is the day Nebuchadnezzar, the wicked, the King of Babylon, camped against Jerusalem and placed the city under siege.

The Seventeenth of Tammuz. Five tragedies took place on this day:

a) The Tablets were broken;

b) In the First Temple, the offering of the daily sacrifices was nullified;

c) [The walls of] Jerusalem were breached in [the war leading to] the destruction of the Second Temple;

d) Apostmos, the wicked, burned a Torah scroll; and

e) He erected an idol in the Temple.

3 On the Ninth of Av, five tragedies occurred:

It was decreed that the Jews in the desert would not enter *Eretz Yisrael*;

The First and the Second Temples were destroyed;

A large city named Betar was captured. Thousands and myriads of Jews inhabited it. They were ruled by a great king whom the entire Jewish people and the leading Sages considered to be the Messianic king. The

city fell to the Romans and they were all slain, causing a national catastrophe equivalent to that of the Temple's destruction.

On that day designated for retribution, the wicked Tineius Rufus plowed the site of the Temple and its surroundings, thereby fulfilling the prophecy [**Micah 3:12**], "Zion will be plowed like a field."

4 These four fasts are explicitly mentioned in the prophetic tradition [**Zechariah 8:19**]: "The fast of the fourth [month], the fast of the fifth [month]...." "The fast of the fourth [month]" refers to the Seventeenth of Tammuz, which is in the fourth month; "the fast of the fifth [month]," to Tish'ah B'Av, which is in the fifth month; "the fast of the seventh [month]," to the Third of Tishrei which is in the seventh month; "the fast of the tenth [month]," to the Tenth of Tevet, which is in the tenth month.

5 And the entire Jewish people follow the custom of fasting at these times and on the Thirteenth of Adar, in commemoration of the fasts that [the people] took upon themselves in the time of Haman, as mentioned [in **Esther 9:31**]: "the matter of the fasts and the outcries."

If the Thirteenth of Adar falls on the Sabbath, the fast is pushed forward and held on Thursday, which is the eleventh of Adar. If, however, any of the [dates of] other fasts fall on the Sabbath, the fasts are postponed until after the Sabbath. If [the dates of] these fasts fall on Friday, we should fast on Friday.

On all these fasts, the trumpets are not sounded, nor is the *Ne'ilah* service recited. The passage *Vay'chal* is read from the Torah, however, in both the morning and the afternoon services.

On all these [fasts], with the exception of Tish'ah B'Av, we may eat and drink at night.

6 When the month of Av enters, we reduce our joy. During the week of Tish'ah B'Av, it is forbidden to cut one's hair, to do laundry, or to wear a pressed garment - even one of linen - until after the fast.
It has already been accepted as a Jewish custom not to eat meat or enter a bathhouse during this week until after the fast. There are places that follow the custom of refraining from slaughtering from Rosh Chodesh Av until after the fast.

7 All [the restrictions of] Tish'ah B'Av apply at night as well as during the day. One may not eat after sunset [of the previous day]; [it is forbidden to eat] between sunset and the appearance of the stars, as on Yom Kippur.
One should not eat meat or drink wine at the meal before the fast. One may, however, drink grape juice that has not been left [to ferment] for three days. One may eat salted meat that was slaughtered more than three days previously. One should not eat two cooked dishes.

8 When does the above apply? When one ate [this meal] in the afternoon on the day preceding Tish'ah B'Av. If, however, one eats a meal before noon, although this is the last meal one eats before the fast, one may eat all that one desires.
When the day before Tish'ah B'Av falls on the Sabbath, one may eat and drink to the full extent of one's needs, and one may serve even a meal resembling Solomon's feasts at one's table.

Similarly, when Tish'ah B'Av falls on the Sabbath, one need not withhold anything at all.

9 This is the rite observed by the people as a whole who cannot endure more. In contrast, the rite observed by the pious of the earlier generations was as follows: A person would sit alone between the oven and the cooking range. Others would bring him dried bread and salt. He would dip it in water and drink a pitcher of water while worried, forlorn, and in tears, as one whose dead was lying before him.

The scholars should act in this or a similar manner. We never ate cooked food, even lentils, on the day before Tish'ah B'Av, except on the Sabbath.

10 Pregnant women and those who are nursing must complete their fasts on Tish'ah B'Av.

[On this day,] it is forbidden to wash in either hot or cold water; it is even forbidden to place one's finger in water. Similarly, anointing oneself for the sake of pleasure, wearing shoes, and sexual relations are forbidden, as on Yom Kippur.

In places where it is customary to do work, one may work. In places where it is not customary to work, one should not. Torah scholars everywhere should remain idle on this day. Our Sages said, "Whoever performs work on this day will never see a sign of blessing forever."

11 Torah scholars should not exchange greetings on Tish'ah B'Av. Instead, they should sit in agony and frustration like mourners. If a common person greets them, they should reply to him weakly, in a somber tone.

On Tish'ah B'Av, it is forbidden to read from the Torah, the Prophets, or the Sacred Writings [or to study] the Mishnah, Torah law, the Talmud, or the Aggadic works. One may study only Job, Eichah, and the prophecies of retribution in Jeremiah. Children should not study in school on this day.

There are some sages who do not wear the head *tefillin*.

12 After the Temple was destroyed, the Sages of that generation ordained that one should never build a building whose walls are decorated with ornate designs like the palaces of kings. Instead, one should cover the walls of one's home with mortar and paint over them with lime, leaving a space one cubit square opposite the doorway that is unpainted. If, however, a person buys a dwelling whose walls have been decorated, it may remain as is; he is not obligated to scrape [the designs] from the walls.

13 Similarly, they ordained that a person who sets a table for guests should serve slightly less [than usual] and should leave a place empty, [so that it obviously] lacks one of the dishes that would ordinarily be placed there.

When a woman has a set of jewelry made for her, she should refrain from having one of the pieces appropriate for the set made, so that her jewelry is not perfect.

Similarly, when a groom marries, he should place ashes on his forehead on the place where one wears *tefillin*. All of these practices were instituted to recall Jerusalem, as [**Psalms 137:5-6**] states: "If I forget you, O Jerusalem, may my right hand lose its dexterity. Let my tongue cleave to my palate if I do not remember you, if I do not recall Jerusalem during my greatest

joy."

14 Similarly, they ordained that one should not play melodies with any sort of musical instrument. It is forbidden to celebrate with such instruments or to listen to them being played [as an expression of mourning] for the destruction.

Even songs [without musical accompaniment] that are recited over wine are forbidden, as [**Isaiah 24:9**] states: "Do not drink wine with song." It has, however, become accepted custom among the entire Jewish people to recite words of praise, songs of thanksgiving, and the like to God over wine.

15 Afterwards, they ordained that grooms should not wear crowns at all, nor should they wear any diadems at all, as [implied by **Ezekiel 21:31**]: "Remove the miter and lift up the crown." Similarly, they ordained that brides should not wear crowns of silver or gold; a garland made from twisted cords is, however, permitted for a bride.

16 When a person sees the cities of Judah in a state of destruction, he should recite [**Isaiah 64:9**]: "Your holy cities have become like the desert," and rend his garments. When one sees Jerusalem in a state of destruction, one should recite [the continuation of the verse,] "Zion is a desert...." When one sees the Temple in a state of destruction, one should recite [*ibid.*:10]: "Our holy and beautiful House [...has been burned with fire]" and rend one's garments.

From which point is one obligated to rend one's garments? From Tzofim.

Afterwards, when one reaches the Temple, one should rend them a second time. If one encountered the Temple first, because one came from the desert, one should rend one's garments because of the Temple, and add to the tear because of Jerusalem.

17 In all these situations, one must rend one's garments with one's hands and not with a utensil. While standing, the person should rend all the garments he is wearing until he reveals his heart. He should never mend these tears at all. He may, however, have them stitched, hemmed, gathered closed, or sewn with a ladder pattern.

18 [The following rules apply when a person] comes to Jerusalem frequently in his travels: If he comes within thirty days of his last visit, he is not required to rend his garments. If he comes after thirty days, he is.

19 All these [commemorative] fasts will be nullified in the Messianic era and, indeed ultimately, they will be transformed into holidays and days of rejoicing and celebration, as [**Zechariah 8:19**] states: "Thus declares the Lord of Hosts, 'The fast of the fourth [month], the fast of the fifth [month], the fast of the seventh [month], and the fast of the tenth [month] will be [times of] happiness and celebration and festivals for the House of Judah. And they shall love truth and peace.'

Mishneh Torah, Scroll of Esther and Hanukkah

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive mitzvah ordained by the Rabbis to read the Megillah at the appointed time. It is well-known that this was ordained by the Prophets.

Everyone is obligated in this reading: men, women, converts, and freed slaves. Children should also be trained to read it. Even the priests should neglect their service in the Temple and come to hear the reading of the Megillah.

Similarly, Torah study should be neglected to hear the reading of the Megillah. Surely, this applies to the other mitzvot of the Torah: the observance of all of them is superseded by the reading of the Megillah. There is nothing that takes priority over the reading of the Megillah except the burial of a *meit mitzvah* - a corpse that has no one to take care of it. A person who encounters such a corpse should bury it and then read the Megillah.

2 One can fulfill one's obligation by reading or by listening to another person's reading, provided one listens to a person who is obligated to hear the reading. For this reason, if the reader was a minor or mentally incompetent, one who hears his reading does not fulfill his obligation.

3 It is a mitzvah to read the entire Megillah and to read it both at night and during the day. The entire night is an appropriate time for the night reading, and the entire day is appropriate for the day reading.

Before the reading at night, one should recite three blessings. They are:
Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and commanded us to read the Megillah.
Blessed are You, God, our Lord, King of the universe, who wrought miracles for our ancestors in previous days at this season.
Blessed are You, God, our Lord, King of the universe, who has granted us life, sustained us, and enabled us to reach this occasion.
During the day, one should not recite the final blessing.
In places where it is customary to recite a blessing after the reading, the following blessing should be recited:
Blessed are You, God, our Lord, King of the universe, who wages our battles and executes judgment on our behalf, who avenges the vengeance wrought against us, who exacts retribution from our enemies on our behalf, and who acquits justly all our mortal enemies. Blessed are You, God, the Almighty, who exacts payment on behalf of His nation Israel from all their oppressors, the God of salvation.

4 What is the appropriate time for the Megillah to be read? The Sages ordained many different times for its reading, as implied by **Esther 9:31**: "To confirm these days of Purim in their appointed times." The following are the days on which the Megillah is read:
Every city, whether in *Eretz Yisrael* or in the diaspora, that was surrounded by a wall at the time of Joshua bin Nun should read the Megillah on the fifteenth of Adar. This applies even when a wall does not surround the city at present. Such a city is called a כרך.
Every city that was not surrounded by a wall at the time of Joshua bin

Nun should read the Megillah on the fourteenth of Adar. This applies even when there is a wall surrounding the city at present. Such a city is called an עיר.

5 In the capital of Shushan, the Megillah is read on the fifteenth of Adar although it was not surrounded by a wall at the time of Joshua bin Nun, because the miracle occurred within it and at that time, the Jews celebrated on that day, as **Esther 9:18** states, "And they rested on the fifteenth."

Why was the matter made dependent on the time of Joshua bin Nun? To give honor to the cities of *Eretz Yisrael* that were in ruin at the time of the Purim miracle. Although they are in ruin at present, this would allow them to read the Megillah on the fifteenth as do the inhabitants of Shushan, since they were surrounded by a wall at the time of Joshua. Thus the commemoration of the miracle would include a remembrance of *Eretz Yisrael*.

6 The Sages ordained that the inhabitants of the villages who gather in the synagogues only on Mondays and Thursdays could read the Megillah earlier, on the day when they gather in the synagogues.

What is implied? If the fourteenth of Adar falls on either Monday or Thursday, the Megillah is read on that day. If it falls on a day other than Monday or Thursday, we read on an earlier date, on the Monday or Thursday that is closest to the fourteenth of Adar.

7 What is implied? If the fourteenth of Adar falls on Sunday, the Megillah is

read on the previous Thursday, the eleventh of Adar. If the fourteenth falls on Tuesday, the Megillah is read earlier, on Monday, the thirteenth. If the fourteenth falls on Wednesday, the Megillah is read earlier, on Monday, the twelfth.

Whenever license is granted to read the Megillah before the fourteenth, it should not be read unless ten are present.

8 In a village where the Jews do not gather together to read the Torah on Mondays and Thursdays, the Megillah should be read only on the fourteenth of Adar. When a city does not have ten people who have no other occupation but to attend the synagogue for communal purposes, it is considered to be a village, and the Megillah is read earlier, on the day when people gather in the synagogue.

If a city lacks ten adult men, the very difficulty leads to its solution, and they are considered to be like the inhabitants of a large city and read the Megillah only on the fourteenth.

9 When does the above leniency - that it is possible to read the Megillah earlier, on the day people gather in the synagogue - apply? When Israel rules itself. In the present era, however, the Megillah is read only at its appropriate times, the fourteenth of Adar and the fifteenth. The inhabitants of villages and cities read on the fourteenth, and the inhabitants of walled cities read on the fifteenth.

10 The following rules apply when an inhabitant of an unwalled city travels to a walled city, or an inhabitant of a walled city travels to an unwalled

city:

If his intent was to return home for the day of the Megillah reading, but he was prevented from returning, he should read the Megillah on the day when it is read in his home. If his intent was not to return home until after the day of the Megillah reading, he should read the Megillah together with the people in the place where he is visiting.

The following rule applies to all those homes adjacent to a walled city which are seen together with it: If there are not more than two thousand cubits between them, they are considered to be part of the walled city, and their inhabitants should read the Megillah on the fifteenth.

11 When a doubt exists and it is unknown whether a city had been surrounded by a wall at the time of Joshua bin Nun or whether it was surrounded afterwards, its inhabitants should read the Megillah on the day and the night of both the fourteenth and the fifteenth of Adar. They should recite the blessing only when reading on the fourteenth, since this is the time when the Megillah is read in most places in the world.

12 When the Megillah was read in the first month of Adar and, afterwards, the court proclaimed a leap year, the Megillah should be read again in the second month of Adar at its appropriate time.

13 The Megillah should not be read on the Sabbath. This is a decree, enacted so that one should not take it in one's hands and bring it to a person who knows how to read it, thus carrying it four cubits in the public domain. Everyone is obligated to read the Megillah, but everyone is not capable of

reading it. Thus, there is the possibility for such an error to occur.

For this reason, if the appropriate time for the Megillah to be read falls on the Sabbath, we read it earlier, on the day prior to the Sabbath. We discuss the laws of Purim on that Sabbath to commemorate the fact that it is Purim.

14 What is implied? When the fourteenth of Adar falls on the Sabbath, the inhabitants of the unwalled cities should read the Megillah earlier, on Friday. The inhabitants of the walled cities should read it at their appropriate time, on Sunday.

When the fifteenth falls on the Sabbath, the inhabitants of the walled cities read the Megillah earlier, on Friday the fourteenth. The inhabitants of the unwalled cities also read on that day, for this is the appropriate time for them to read. Thus in such an instance, everyone reads on the fourteenth.

Chapter 2

1 When a person reads the Megillah in improper sequence, he does not fulfill his obligation. If a person was reading, forgot a verse and read the following verse, went back and read the verse he forgot, and then read a third verse, he does not fulfill his obligation, because he read a verse in improper sequence. What should he do instead? He should begin from the second verse, the verse he forgot, and continue reading the Megillah in its proper order.

2 Should one encounter a congregation that has already read half of the Megillah, one should not say, "I will read the latter half together with this congregation, and then go back and read the first half," for this is reading in improper sequence. Instead, one should read the entire Megillah from beginning to end in order.

When a person reads a portion and pauses and then goes back and continues reading, since he read in order, he fulfills his obligation, even though the entire Megillah could have been read while he had paused.

3 A person who reads the Megillah by heart does not fulfill his obligation. A person who speaks a language other than Hebrew and hears the Megillah read in Hebrew written in the holy script fulfills his obligation, although he does not understand what is being read. Similarly, if the Megillah was written in Greek, a person who hears it, even one who speaks Hebrew, fulfills his obligation although he does not understand what is being read.

4 If, however, it was written in Aramaic or in another language of gentile origin, one who listens to this reading fulfills his obligation only when he understands that language and only when the Megillah is written in that language.

In contrast, if the Megillah was written in Hebrew and one read in Aramaic for a person who understood that tongue, one does not fulfill one's obligation, for one is reading by heart. And since the reader cannot fulfill his obligation, the person hearing it read by him also cannot.

5 A person who was reading the Megillah without the desired intent does

not fulfill his obligation. What is implied? That he was writing a Megillah, explaining it, or checking it: If he had the intent to fulfill his obligation with this reading, his obligation is fulfilled. If he did not have this intent, he did not fulfill his obligation. Should one read while dozing off, he fulfills his obligation, since he is not sound asleep.

6 When does the statement that a person can fulfill his obligation by reading when writing a Megillah apply? When he intends to fulfill his obligation to read it by reading from the scroll which he is copying. If, however, he intends to fulfill his obligation by reading the scroll that he is writing at present, he does not fulfill his obligation, for one can fulfill one's obligation only by reading from a scroll that was completely written at the time of the reading.

7 A person who errs while reading the Megillah and reads in an inexact manner fulfills his obligation, for we are not required to read in a precise manner.

A person fulfills his obligation whether he reads it standing or sitting. This applies even when reading for a congregation. Nevertheless, at the outset, out of respect for the congregation, one should not read for the congregation while sitting.

If two, and even if ten, people read the Megillah in unison, both the readers and those who listen to the readers fulfill their obligation. An adult and a child can read the Megillah together, even for the community.

8 We should not read the Megillah for a congregation from a scroll that

contains the other Sacred Writings. Should one read for the congregation from such a scroll, no one fulfills their obligation, unless the portions of parchment on which it is written are larger or smaller than those of the remainder for the scroll, so that it will be distinct.

An individual reading for himself, by contrast, may read from such a scroll even though the portion containing the Megillah is not larger or smaller than the remainder of the scroll, and thus fulfill his obligation.

9 A Megillah may be written only with ink on *g'vil* or on *k'laf*, like a Torah scroll. If it was written with gall-nut juice or vitriol it is acceptable, but if it was written with other tints it is not acceptable.

It must be written on ruled parchment like a Torah scroll. The parchment need not, however, be processed with the intent that it be used for the mitzvah. If it was written on paper or on an animal hide that was not processed or if it was written by a gentile or by a non-believer, it is not acceptable.

10 The following rules apply when the letters of a Megillah are rubbed out or torn: If a trace of the letters is discernible, the scroll is acceptable, even if most of the letters have been rubbed out. If no trace of the letters is discernible, the scroll is acceptable if the majority of its letters are intact. If not, it is not acceptable.

If the scribe left out certain letters or verses and the reader reads them by heart, he fulfills his obligation.

11 A Megillah must be sewn together - i.e., all the parchments on which it is

written must be joined as a single scroll. It should be sewn only with animal sinews, as a Torah scroll is. If it is sewn with other thread, it is unacceptable.

It is not necessary, however, to sew the entire length of the parchment with animal sinews, as a Torah scroll is sewn. As long as one sews three stitches at one end of the parchment, three stitches in the middle, and three stitches at the other end, it is acceptable. This leniency is taken, because the Megillah is referred to as an "epistle" **Esther 9:29**.

12 The reader should read the names of Haman's ten sons and the word which follows, *asseret* **Esther 9:7-10**, in one breath, to show the entire people that they were all hung and slain together.

It is a universally accepted Jewish custom that as the reader of the Megillah reads, he spreads the text out as an epistle (to show the miracle). When he concludes, he goes back, rolls up the entire text, and recites the concluding blessing.

13 On these two days, the fourteenth and the fifteenth of Adar, it is forbidden to eulogize and to fast. This prohibition applies to all people in all places, to the inhabitants of the walled cities who celebrate only the fifteenth and to the inhabitants of the unwalled cities who celebrate only the fourteenth.

In a leap year, it is forbidden to eulogize and to fast on these two dates in the first Adar as well as in the second Adar. When the inhabitants of the villages read the Megillah earlier, on the Monday or Thursday before Purim, they are permitted to eulogize and to fast on the day they read the

Megillah, and are forbidden to eulogize and to fast on these two dates, even though they do not read the Megillah on them.

14 It is a mitzvah for the inhabitants of the villages and unwalled cities to consider the fourteenth of Adar - and for the inhabitants of the walled cities to consider the fifteenth of Adar - as a day of happiness and festivity, when portions of food are sent to one's friends and presents are given to the poor.

It is permitted to work on these days. It is not, however, proper to do so. Our Sages declared, "Whoever works on Purim will never see a sign of blessing."

Should the inhabitants of the villages read the Megillah earlier, on a Monday or a Thursday, and give monetary gifts to the poor on the day on which they read, they fulfill their obligation. The rejoicing and festivities of the Purim holiday, by contrast, should be held only on the day of the fourteenth. If they are held earlier, the participants do not fulfill their obligation. A person who conducts the Purim feast at night does not fulfill his obligation.

15 What is the nature of our obligation for this feast? A person should eat meat and prepare as attractive a feast as his means permit. He should drink wine until he becomes intoxicated and falls asleep in a stupor.

Similarly, a person is obligated to send two portions of meat, two other cooked dishes, or two other foods to a friend, as implied by **Esther 9:22**, "sending portions of food one to another" - i.e., two portions to one friend. Whoever sends portions to many friends is praiseworthy. If one

does not have the means to send presents of food to a friend, one should exchange one's meal with him, each one sending the other what they had prepared for the Purim feast and in this way fulfill the mitzvah of sending presents of food to one's friends.

16 One is obligated to distribute charity to the poor on the day of Purim. At the very least, to give each of two poor people one present, be it money, cooked dishes, or other foods, as implied by **Esther 9:22** "gifts to the poor" - i.e., two gifts to two poor people.

We should not be discriminating in selecting the recipients of these Purim gifts. Instead, one should give to whomever stretches out his hand. Money given to be distributed on Purim should not be used for other charitable purposes.

17 It is preferable for a person to be more liberal with his donations to the poor than to be lavish in his preparation of the Purim feast or in sending portions to his friends. For there is no greater and more splendid happiness than to gladden the hearts of the poor, the orphans, the widows, and the converts.

One who brings happiness to the hearts of these unfortunate individuals resembles the Divine Presence, which **Isaiah 57:15** describes as having the tendency "to revive the spirit of the lowly and to revive those with broken hearts."

18 All the books of the Prophets and all the Holy Writings will be nullified in the Messianic era, with the exception of the Book of Esther. It will

continue to exist, as will the five books of the Torah and the *halachot* of the Oral Law, which will never be nullified.

Although all memories of the difficulties endured by our people will be nullified, as **Isaiah 65:16** states: "For the former difficulties will be forgotten and for they will be hidden from My eye," the celebration of the days of Purim will not be nullified, as **Esther 9:28** states: "And these days of Purim will not pass from among the Jews, nor will their remembrance cease from their seed."

Chapter 3

1 In [the era of] the Second Temple, the Greek kingdom issued decrees against the Jewish people, [attempting to] nullify their faith and refusing to allow them to observe the Torah and its commandments. They extended their hands against their property and their daughters; they entered the Sanctuary, wrought havoc within, and made the sacraments impure.

The Jews suffered great difficulties from them, for they oppressed them greatly until the God of our ancestors had mercy upon them, delivered them from their hand, and saved them. The sons of the Hasmoneans, the High Priests, overcame [them], slew them, and saved the Jews from their hand.

They appointed a king from the priests, and sovereignty returned to Israel for more than 200 years, until the destruction of the Second Temple.

2 When the Jews overcame their enemies and destroyed them, they entered

the Sanctuary; this was on the twenty-fifth of Kislev. They could not find any pure oil in the Sanctuary, with the exception of a single cruse. It contained enough oil to burn for merely one day. They lit the arrangement of candles from it for eight days until they could crush olives and produce pure oil.

3 Accordingly, the Sages of that generation ordained that these eight days, which begin from the twenty-fifth of Kislev, should be commemorated to be days of happiness and praise [of God]. Candles should be lit in the evening at the entrance to the houses on each and every one of these eight nights to publicize and reveal the miracle.

These days are called Chanukah. It is forbidden to eulogize and fast on them, as on the days of Purim. Lighting the candles on these days is a Rabbinic mitzvah, like the reading of the Megillah.

4 Whoever is obligated to read the Megillah is also obligated to kindle the Chanukah lamp. On the first night, a person lighting [the lamp] recites three blessings. They are:

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His commandments and has commanded us to light the Chanukah lamp.

"...who wrought miracles for our ancestors...."

"...who has granted us life, sustained us...."

When a person who did not recite a blessing [on his own Chanukah lamp] sees a lamp, he should recite the latter two blessings. On subsequent nights, a person who kindles the lamp should recite two blessings and one

who sees a lamp should recite one, for the blessing *Shehecheyanu* is recited only on the first night.

5 On each and every one of these eight days, the entire *Hallel* is recited. Before [its recitation], one should recite the blessing "...who has sanctified us with His commandments and commanded us to complete the *Hallel*." This applies whether the recitation is individual or communal.

Even though the reading of the *Hallel* is a mitzvah ordained by the Sages, one may recite the blessing [stating] "who sanctified us with His commandments and commanded us," as one recites a blessing for the reading of the Megillah and for the erection of an *eruv*. A blessing should be recited for every definite obligation established by our Sages.

In contrast, if an obligation was established by the Sages because of a doubt - e.g., tithing *d'mai*, - a blessing is not recited. [This principle invites a question:] Why is a blessing recited over the second day of a festival; its observance was ordained only because of doubt? [This was ordained] lest it be treated with disdain.

6 It is not the recitation of *Hallel* on Chanukah alone that is a Rabbinic ordinance, but rather, at all times - i.e., on all the days that the complete *Hallel* is recited, [the obligation to do so] is a Rabbinic ordinance.

There are eighteen days during the year when it is a mitzvah to recite the entire *Hallel*. They are: the eight days of Sukkot, the eight days of Chanukah, the first day of Pesach, and the holiday of Shavuot. *Hallel* is not recited on Rosh HaShanah and Yom Kippur, since they are days of repentance, awe, and fear, and are not days of extra celebration. The

[Sages] did not ordain the recitation of *Hallel* on Purim, because the reading of the Megillah [serves the purpose of *Hallel*].

7 In places where the festivals are celebrated for two days, *Hallel* is recited on 21 days: On the nine days of Sukkot, the eight days of Chanukah, the [first] two days of Pesach, and the two days of Shavuot.

[In contrast,] the recitation of *Hallel* on Rosh Chodesh is a custom and not a mitzvah. It is observed [only] communally. [To emphasize that it is a custom,] passages are skipped when it is read. A blessing should not be recited over [this reading], since a blessing is not recited over a custom.

A person [praying] alone should not recite [the *Hallel*] at all [on Rosh Chodesh]. If, however, he began its recitation, he should complete it, skipping the passages the community would skip as he reads it.

Similarly, on the other days of Pesach, [the *Hallel*] is read while skipping passages.

8 And how should one skip? One recites from the beginning of the *Hallel* until the phrase *chalamish lema'y'no mayim*. One then skips and [begins] reciting *A-donai z'charanu y'varech*, [continuing] until *Halleluyah*. One then skips and [begins] reciting *Mah ashiv lA-donai*, [continuing] until *Halleluyah*. Afterwards, one skips and [begins] reciting *Min hametzar karati Yah*, [continuing] until the conclusion of the *Hallel*.

This is the common custom. Others skip [passages] according to a different pattern.

9 It is appropriate to recite *Hallel* throughout the entire day. A person who

reads *Hallel* in improper sequence does not fulfill his obligation. If a person reads and pauses, reads and pauses, even if he pauses for a time long enough to complete the entire [*Hallel*], he fulfills his obligation.

On the days when the entire *Hallel* is recited, one may make an interruption between chapters. Within a [single] chapter, however, one may not make an interruption. On the days when *Hallel* is read while skipping portions, one may make an interruption even within a chapter.

10 On all the days when the complete *Hallel* is recited, a blessing should be recited before *Hallel*. In places where it is customary to recite a blessing afterwards, a blessing should be recited [on these days].

What blessing is recited?

God our Lord, all Your works will praise You, and the righteous and Your pious ones, who carry out Your will, and Your nation, the House of Israel, will joyously praise Your name. For it is good to praise You, O God, and it is is pleasant to sing to Your name. From the [spiritual] worlds to the [physical] world, You are the Almighty. Blessed are You, God, the King who is extolled and praised, who is glorified, living and enduring. May He reign at all times and for eternity.

11 There are places which follow the custom of repeating each verse from *od'cha ki anitani* (**Psalms 118:21** until the conclusion of the *Hallel*. Each verse is read a second time. In places where this repetition is customary, the verses should be repeated. In places where it it is customary not to repeat, they should not be repeated.

12 This is the custom according to which *Hallel* was recited in the days of the early Sages: After reciting the blessing, an adult begins reciting the *Hallel* and says, *Halleluyah*. All the people respond *Halleluyah*.

He then reads, *Hallelu avdei A-donai*, and all the people respond, *Halleluyah*. He then reads, *Hallelu et shem A-donai* and all the people respond, *Halleluyah*. He then reads, *Yehi shem A-donai mevorach me'atah v'ad olam*, and all the people respond, *Halleluyah*.

Similarly, after every bar [of the *Hallel*, the people respond *Halleluyah*]. Thus, they respond *Halleluyah* 123 times throughout the entire *Hallel*; a sign to remember this: the years of Aaron's life.

13 [It is] also [customary that] when the reader reaches the beginning of each and every chapter, the people repeat the line he recited. What is implied? When he recites the line *B'tzeit Yisrael miMitzrayim*, the people repeat the line *B'tzeit Yisrael miMitzrayim*.

The reader then recites *beit Yaakov me'am lo'ez* and all the people respond, *Halleluyah*. [They continue to respond *Halleluyah* after each bar] until the reader reads, *Ahavti ki yishma A-donai et koli tachanunai,* to which the people all respond, *Ahavti ki yishma A-donai....* Similarly, when the reader reads *Hallelu et A-donai kol goyim*, the people all respond, *Hallelu et A-donai kol goyim*.

14 The reader should read, *Anna A-donai hoshi'ah na*, and [the people] should repeat *Anna A-donai hoshi'ah na*, although it is not the beginning of a chapter. He [then] reads *Anna A-donai hatzlichah na*, and they repeat *Anna A-donai hatzlichah na*. He reads *Baruch haba...* and they respond

Baruch haba....

If the person reading the *Hallel* was a minor, a slave, or a woman, [the people] should repeat the entire *Hallel* after them word by word. The above represents the custom followed in the early ages and it is fitting to adhere to it. At present, however, I have seen different customs in all places with regard to the reading of [the *Hallel*] and the responses of the people, not one of them resembling another.

Chapter 4

1 How many candles should one light on Chanukah? The mitzvah is that a single candle should be lit in each and every house, regardless of whether there are many members of the household, or merely one person [lives] there.

A person who performs the mitzvah in a beautiful and conscientious manner should light candles for every member of the household, whether male or female.

A person who is even more conscientious in his performance of the mitzvah than this and observes the mitzvah in the most desirable manner should light candles for every member of his household, a candle for each individual, whether male or female, on the first night. On each subsequent night, he should add a candle [for each of the members of the household].

2 What does the above imply? When there are ten members of a household, on the first night one lights ten candles, on the second night - twenty, on

the third night - thirty, until on the eighth night, one lights eighty candles.

3 It is common custom in all of our cities in Spain that a single candle is lit for all the members of the household on the first night. We proceed to add a new candle on each and every night, until on the eighth night eight candles are lit. [This practice is followed] regardless of whether there are many members of the household or only one man [is lighting candles].

4 When a candleholder has two openings, it can be counted for two individuals.

[The following rules apply when] one fills a bowl with oil and surrounds it with wicks: If one covers it with a utensil, each of the wicks is considered to be a separate candle. If one does not cover it with a utensil, it is considered to be a large fire, and is not counted even as a single candle.

5 The Chanukah candles should not be kindled before sunset. Instead, [they should be kindled] at sunset. One should not light later or earlier.

Should one forget, or even if one purposely did not light at sunset, one may light afterwards until there are no longer any passersby in the marketplace.

How long a duration of time is this? Approximately half an hour or slightly more than that. Should this time pass, one should not kindle the lights.

One should place enough oil in the lamp so that it will continue burning

until there are no longer any passersby in the marketplace. If one lit it and it became extinguished, one need not light it a second time. If it remained burning until there are no longer passersby in the marketplace, one may extinguish it or remove it if one desires.

6 All oils and all wicks are acceptable for use in the Chanukah lamps, even those oils that are not drawn after the wick and even those wicks that do not hold the light well. Even on the Sabbath nights of Chanukah, it is permitted to light with oils and wicks that are forbidden to be used for the Sabbath lights.

[The reason for this leniency is that] it is forbidden to use the Chanukah candles [for one's own purposes] whether on the Sabbath or on a weekday. It is even forbidden to use their light to inspect or count coins.

7 It is a mitzvah to place the Chanukah lamp at the outside of the entrance to one's home, within the handbreadth that is closest to the doorway on the left side as one enters the home, so that the mezuzah will be on the right side and the Chanukah lamp on the left side.

When a person lives in a second storey apartment, he should place [the Chanukah lamp] in a window close to the public domain. If [a person] places a Chanukah lamp more than twenty cubits [above the ground], his actions are of no consequence, because [the lamp] does not attract attention [at that height].

8 In a time of danger, a person may place a Chanukah lamp inside his house; even if he lit it on his table, it is sufficient.

[Therefore,] another lamp must be burning in the house to provide light for one's [mundane] activities. If a fire is burning in the house, an additional candle is not necessary. For a prestigious person who does not normally use the light of a fire, an additional candle is required.

9 A Chanukah lamp that was kindled by a deaf-mute, a mentally incapable person, a minor, or a gentile is of no consequence. It must be kindled by a person who is obligated to light it.

Should the [Chanukah lamp] be kindled inside and then taken and placed at the entrance of one's home while it is still burning, it is of no consequence. One must light it in its place.

If one held a candle and stood in one place, it is of no consequence, since an observer will say, "He is standing there for his own purposes."

When a lamp was burning through the entire [Sabbath] day, one may extinguish the light, recite the blessings [for the mitzvah], and relight the lamp. Kindling the lamp fulfills the mitzvah and not placing it down.

It is permissible to light one Chanukah candle from another Chanukah candle.

10 When a courtyard has two entrances from two different directions, it requires two [Chanukah] lamps. [Were one to light at only one entrance,] the passersby from the other direction might say, "A Chanukah light had not been placed down." If, however, [two entrances to a courtyard] are located on the same side, [it is sufficient] to light at only one of them.

11 A guest [at another person's home, whose family] kindles [the Chanukah

lights] for him at his home need not kindle [Chanukah lights] in the home where he is [temporarily] lodging. If, however, he has no home in which [Chanukah lights] are being kindled, he is required to light in the place where he is lodging. He should share in the oil [used by the owner of his lodgings].

If he is staying in a private dwelling, he is required to light in the place where he is staying, even though [Chanukah lights] are being kindled for him at home, because [of the impression created in the minds] of the passersby.

12 The mitzvah of kindling Chanukah lamps is very dear. A person should be very careful in its observance to publicize the miracle and thus increase our praise of God and our expression of thanks for the miracles which He wrought on our behalf. Even if a person has no resources for food except [what he receives] from charity, he should pawn or sell his garments and purchase oil and lamps to kindle them [in fulfillment of the mitzvah].

13 When a person has only a single *prutah* and he [is required to fulfill both the mitzvot of] sanctifying the [Sabbath] day and lighting the Chanukah lamp, he should give precedence to purchasing oil to kindle the Chanukah lamp over [purchasing] wine to recite *kiddush*. Since both [of these mitzvot] are Rabbinic in origin, it is preferable to give precedence to the kindling of the Chanukah lamp, for it commemorates the miracle.

14 If [a person has the opportunity to fulfill only one of two mitzvot,] lighting a lamp for one's home [i.e., Sabbath candles] or lighting a

Chanukah lamp - or, alternatively, lighting a lamp for one's home or reciting *kiddush* - the lamp for one's home receives priority, since it generates peace within the home.

[Peace is of primary importance, as reflected by the mitzvah requiring] God's name to be blotted out to create peace between a husband and his wife. Peace is great, for the entire Torah was given to bring about peace within the world, as [**Proverbs 3:17**] states: "Its ways are pleasant ways and all its paths are peace."

Blessed be the Merciful One who grants assistance. This concludes the third book.

Mishneh Torah, Marriage

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Before the Torah was given, when a man would meet a woman in the marketplace and he and she decided to marry, he would bring her home, conduct relations in private and thus make her his wife. Once the Torah was given, the Jews were commanded that when a man desires to marry a woman, he must acquire her as a wife in the presence of witnesses. [Only] after this, does she become his wife. This is [alluded to in **Deuteronomy 22:13**]: "When a man takes a wife and has relations with her...."

2 This process of acquisition fulfills [one of] the Torah's positive commandments. The process of acquiring a wife is formalized in three ways: through [the transfer of] money, through [the transfer of a] formal document and through sexual relations.

[The effectiveness of] sexual relations and [the transfer of a] formal document have their origin in the Torah [itself], while [the effectiveness of transfer of] money is Rabbinic in origin.

This process of acquisition is universally referred to as *erusin* ("betrothal") or *kiddushin* ("consecration"). And a woman who is acquired in any of these three ways is referred to as *mekudeshet* or *me'ureset*.

3 Once this process of acquisition has been formalized and a woman has become *mekudeshet*, she is considered to be married even though the marriage bond has not been consummated and she has not entered her

husband's home. Should anyone other than her husband engage in sexual relations with her, he is liable to be executed by the court. If her husband desires to divorce her, he must compose a *get* [a formal bill of divorce].

4 Before the Torah was given, when a man would meet a woman in the marketplace, and he and she desired, he could give her payment, engage in relations with her wherever they desired, and then depart. Such a woman is referred to as a harlot.

When the Torah was given, [relations with] a harlot became forbidden, as [**Deuteronomy 23:18**] states: "There shall not be a harlot among the children of Israel." Therefore, a person who has relations with a woman for the sake of lust, without *kiddushin*, receives lashes as prescribed by the Torah, because he had relations with a harlot.

5 Whenever it is forbidden to engage in relations from the Torah, and engaging in relations makes one liable for *karet* - i.e., the [forbidden relationships] mentioned in *Parashat Acharei Mot*, such as a person's mother, his sister, his daughter and the like - these relations are called *arayot,* and each particular forbidden relationship is called an *ervah*.

6 There are other women with whom relations are forbidden according to the Oral Tradition; these prohibitions are Rabbinic in origin. These women are called *shniyot* (prohibitions of a secondary nature). There are twenty such women, including:

a) one's maternal grandmother; this prohibition continues upward without interruption: a person's maternal grandmother's maternal

grandmother - and also those further removed - are also forbidden;
b) the mother of a person's maternal grandfather; this prohibition applies to her alone [and not her forbears];
c) a person's paternal grandmother; this prohibition continues upward without interruption: a person's paternal grandmother's maternal grandmother - and also those further removed - are also forbidden;
d) the mother of his paternal grandfather; this prohibition applies to her alone [and not her forbears];
e) the wife of his paternal grandfather; this prohibition continues upward without interruption; the wife of our Patriarch Jacob is forbidden to any one of us;
f) the wife of his maternal grandfather; this prohibition applies to her alone;
g) the wife of his father's maternal brother;
h) the wife of his mother's brother, whether a paternal or a maternal brother;
i) his son's daughter-in-law; this prohibition continues downward without interruption; any one of our wives is forbidden to our Patriarch Jacob;
j) the daughter-in-law of one's daughter; this prohibition applies to her alone;
k) the daughter of one's son's daughter; this prohibition applies to her alone;
l) the daughter of one's son's son; this prohibition applies to her alone;
m) the daughter of one's daughter's daughter; this prohibition applies to her alone;
n) the daughter of one's daughter's son; this prohibition applies to her

alone;

o) the daughter of the son of one's wife's son; this prohibition applies to her alone;

p) the daughter of the daughter of one's wife's daughter; this prohibition applies to her alone;

q) the maternal grandmother of one's wife's father; this prohibition applies to her alone;

r) the paternal grandmother of one's wife's mother; this prohibition applies to her alone;

s) the maternal grandmother of one's wife's mother; this prohibition applies to her alone;

t) the paternal grandmother of one's wife's father; this prohibition applies to her alone.

Thus, the categories of *shniyot* that continue without interruption are four: one's maternal grandmother - this continues upward without interruption; one's paternal grandmother - this continues upward without interruption; the wife of one's paternal grandfather - this continues upward without interruption; and the wife of one's son's son - this continues downward without interruption.

7 All relations with women that are forbidden by the Torah, but that are not punishable by *karet*, are referred to as *issurei lavin* (prohibitions forbidden by negative commandments); they are also referred to as *issurei kedushah* (prohibitions [that encourage] holiness).

They are nine: relations between a widow and a High Priest; those between a divorcee, a *zonah*, or a *chalalah* and either a High Priest or an

ordinary priest, those between a bastard and a native-born Jewish male or female, those between a native-born Jewish woman and a Moabite or Ammonite convert, those between a man and his divorcee after she has been married to another person, those between a native-born Jewish woman and a man with crushed testicles or a cut member, and those between a *yevamah* and a man other than [one of her deceased husband's brothers] while she is still obligated to them.

According to Rabbinic decree, an equation is established between a divorcee and a woman who undergoes *chalitzah*, and the latter is also forbidden [to engage in relations] with a priest. The Rabbis also placed *netinim* in the same status as bastards. In *Hilchot Issurei Bi'ah*, we will explain who the *netinim* are.

8 There are certain relationships for which there is a prohibition resulting from a positive commandment [*issurei aseh*], but they are not prohibited by a negative commandment. There are three such prohibitions: the first and second generations of Egyptian or Edomite converts, both men and women [to all native-born Jews and Jewish women], and a woman who is not a virgin to a High Priest.

In these instances, there are no verses that state "He shall not enter [the congregation of God]..." or "he may not take...." The prohibition [against the marriage of the Edomite and Egyptian converts] is instead derived [from **Deuteronomy 23:9**], which states that "in the third generation they may enter the congregation of God." This implies that the first and second generations may not enter [this marriage group].

Similarly, from [the positive commandment, **Leviticus 21:13**]: "He [the

High Priest] shall marry a virgin," we can derive that he is forbidden to marry a woman who is not a virgin. A prohibition that is derived from a positive commandment has the status of a positive commandment.

Chapter 2

1 From the day of a girl's birth until she becomes twelve years old, she is called a *k'tanah* (minor) and/or a *tinoket* (baby). Even if several [pubic] hairs grow [on her body] during this time, they are [not significant according to Jewish law and are] considered to be merely hairs growing from a mole. If, however, two hairs grow in the pubic area after she becomes twelve years old [her status changes, and] she is considered a *na'arah* (maiden).

2 Growing two pubic hairs at this age is referred to as the lower sign [of physical maturity]. Once a girl manifests this sign [of physical maturity], she is referred to as a maiden for six months. From the last day of these six months and onward, she is referred to as a *bogeret* (mature woman). The difference between the stages of maidenhood and maturity is only six months.

3 From the time a girl reaches the age of twelve years and one day until the age of twenty, if she does not grow two pubic hairs, she is still considered to be a child, even if she manifests the physical signs of barrenness.
If [during this period], she grows two pubic hairs, even if [this occurs] in her twentieth year, she is considered to be a maiden for six months. Only

afterwards is she considered to be a mature woman.

4 Should a woman be less than thirty days below the age of twenty, not have grown two pubic hairs, and have manifested [all] the physical signs of barrenness, she is deemed an *aylonit* (a barren woman).
If she does not manifest all the sign of barrenness, she is still considered to be a child until she grows two pubic hairs or until she reaches the age of 35 years and one day.

5 Should a woman reach this age without growing two pubic hairs, she is deemed barren even though she does not manifest physical signs of barrenness. A barren woman does not [go through the six-month] period of maidenhood. Instead, directly after having been considered a child, she is considered to be a mature woman.

6 The following are the physical signs of barrenness: a) she lacks [protruding] breasts; b) she stiffens during sexual relations; c) her lower abdomen does not resemble a woman's, d) her voice is deep and cannot be differentiated from that of a man.
All three, a maiden, a mature woman and a barren woman, are referred to by the term *gedolah* [adult woman]. [Unlike children, they are held responsible for their conduct.]

7 [In addition to growing pubic hairs,] a woman has signs of physical maturity that are manifest in her upper body. They are referred to as "upper signs." Among them are:
a) when the woman stretches her hand backward, a crease forms in the

place of her breast; b) the color of the tip of the breast becomes darker; c) when a person places his hand on the end of the breast and it remains depressed slightly before rising; d) creases form at the end of the breast, and a nipple takes shape; my teachers taught that the formation of creases is sufficient; e) the breasts protrude; f) they become erect; g) the mound of Venus forms above the woman's genitals, below her stomach; h) the flesh of this mound becomes soft and not hard. These are eight signs.

8 If one or even all of these signs of maturity appear in a woman before she becomes twelve years of age, no attention is paid to it. When she becomes twelve years old and one day, and she manifests the lower sign of physical maturity, no attention is paid to [the presence or lack of] these [upper] signs of physical maturity [and she is considered to be a maiden].

If she does not manifest the lower sign of physical maturity, but she does manifest one of these [upper] signs, there is doubt whether she should be considered a child or a maiden, and the more stringent perspective is followed [with regard to all halachic questions] concerning her. If she manifests all these [upper] signs, she is definitely considered to be an adult. For it is impossible for her to manifest all these signs [and yet not have had two pubic hairs grow]. We assume these hairs have grown, but they have dropped off.

9 When a woman gives birth after reaching the age of twelve years, she is deemed an adult, even though she did not manifest either upper or lower signs of maturity. [Giving birth to] children is a sign of maturity.

10 A male, from birth until the age of thirteen, is called a *katan* (minor) and/or a *tinok* (baby). Even if several [pubic] hairs grow [on his body] during this time, they are [not significant according to Jewish law] and are considered to be merely hairs growing from a mole. If, however, two hairs grow in the pubic area after he attains the age of thirteen years and one day, [his status changes, and] he is considered a *gadol* (adult male) and/or an *ish* (man).

11 Should a child reach this age without growing two pubic hairs, he is still considered a minor until he reaches the age of twenty years less thirty days, even though he manifests signs of impotency. Should he reach the age [of twenty years less thirty days] and not have grown either pubic hairs or hairs of the beard [the following rules apply]. If he manifests one of the physical signs of impotency, he is considered impotent (a *saris*), and he is considered to be an adult with regard to all matters.

If he does not manifest any of the signs of impotency, he is still considered to be a minor until he grows two pubic hairs or until he reaches the age of thirty five years and one day.

12 If he reaches this age, he is considered impotent, although he did not manifest any of the signs of impotency. If he reached the age of twenty years less thirty days without growing two pubic hairs, but did grow two hairs on his beard, he is not considered to be impotent, even if he manifests one sign of impotency, until he either manifests all the signs of impotency or reaches the age of thirty five years and one day.

13 These are the signs of impotency: a) One lacks a beard, b) his hair grows inadequately, c) his flesh is hairless, d) his urine does not produce vapor, e) his urine does not flow in an arc, f) his semen is off color, g) his urine does not ferment, h) when he washes in the winter, his flesh does not produce steam, and i) his voice is high pitched and cannot be differentiated from that of a woman.

14 An impotent person of this type is referred to as a *s'ris chamah* [one who became impotent because of fever]. When, however, the genitals of a male have been cut, severed or crushed, as the gentiles do, the person is called a *s'ris adam* [one who became impotent as a result of human activity]. When such a person reaches the age of thirteen and one day, he is considered to be an adult, for he will never manifest signs of maturity.

15 When a male reaches the age of thirteen and one day and does not grow any pubic hairs, but manifests the upper signs of physical maturity, doubt exists whether he is considered to be an adult or a minor. If, however, his pubic area was not inspected, but he manifests signs of physical maturity in his upper body, he is presumed to be an adult.

16 Whenever the term "two pubic hairs" is mentioned with regard to a male or a female, the intent is that the hairs are long enough to be bent in half, with their point touching their base. If they grow to the extent that they can be cut by scissors, but are not [long enough] that they can be bent in half with their point touching their base, [there is doubt regarding the decision], and the more stringent ruling is always followed.

Therefore, when a boy's or girl's pubic hairs have grown to the point that they can be cut by scissors, the individual is considered to be an adult with regard to those matters concerning which the ruling would be more stringent if he or she were so classified. And with regard to those matters concerning which the ruling would be more stringent if he [or she] were classified as a minor, the individual is so classified because the pubic hairs are not long enough to be bent in half with their point touching their base.

17 These two hairs must be located in the pubic area. The entire pubic area is appropriate for the signs to be located. There is no difference whether they are located in the upper area, the lower area or on the sexual organ itself.

The two hairs must be located in a single place, and there must be a follicle at their base. If both of them stem from the same follicle, it is acceptable. If two follicles are located next to each other without hairs growing from them, they are, nevertheless, considered a sign. We follow the presumption that a follicle will not exist without hair. [Surely,] there were hairs [that grew from the follicle], and they fell.

18 As we have explained, when a girl grows two pubic hairs before she is twelve, or a boy grows two pubic hairs before he is thirteen, they are considered to be merely hairs growing from a mole. Even if these hairs remain in their place after the boy reaches the age of thirteen, or the girl reaches the age of twelve, they are not considered signs of physical maturity.

19 When does the above apply? When the child was inspected [before attaining the age of majority], and the hairs were deemed to be hairs growing from a mole. If, however, no such inspection was made until they reached the age of majority, and afterwards an inspection was made and two hairs were discovered, they are considered acceptable signs of physical maturity. We do not say that perhaps the hairs grew before the child reached majority, and they are merely hairs growing from a mole.

20 Whenever a girl is inspected for [signs of physical maturity] - whether during her twelfth year, after she became twelve or when she is older - the inspection is carried out by trustworthy, ethical women. Even when an inspection has been conducted by one woman, her word is accepted with regard to whether or not [the girl has manifested signs of physical maturity].

21 Whenever the term "years" is mentioned with regard to [the age of] a male or a female, endowment evaluations, or any other matter, the intent is not lunar years, nor solar years, but rather the years as reckoned by the Jewish court to [juxtapose the solar and lunar calendars], whether ordinary years or leap years, as established by the [Jewish] court, as explained in *Hilchot Kiddush HaChodesh*. This is the intent whenever the subject of years is mentioned with regard to religious matters.

22 We do not rely on the testimony of women regarding a child's age, nor on that of relatives. Instead, the matter is determined by the testimony of two men who are fit to testify in court.

23 When a father says, "My son is nine years and one day old," or "My daughter is three years and one day old," his word is accepted with regard to the obligation of bringing a sacrifice [if sexual relations were carried out without knowledge of the sin involved], but not with regard to administering stripes [for rebellion] or other punishments.

If the father says, "My son is thirteen years and one day old," or "My daughter is twelve years and one day old," his word is accepted with regard to vows, endowment evaluations, property forsworn [and transferred to the priests], or the consecration of property, but not with regard to administering lashes or other punishments.

24 A person who possesses both a male sexual organ and a female sexual organ is called an *androgynous*. There is doubt whether such a person should be classified as a male or as a female; there is no physical sign that can ever enable such a distinction to be made.

25 A person who possesses neither a male sexual organ nor a female sexual organ, but instead, his genital area is a solid mass, is called a *tumtum*. There is also doubt with regard [to this person's status]. If an operation is carried out and a male [organ is revealed], he is definitely considered to be a male. If a female [organ is revealed], she is definitely considered to be a female.

When a *tumtum* or an *androgynous* reaches the age of twelve years and one day, they are assumed to be adults. Whenever these terms are mentioned, the intent is individuals of this age.

26 Whenever the terms *cheresh* and *chereshet* are used, they refer to a male or female deaf mute, respectively. If, however, a person can speak but cannot hear, or can hear but cannot speak, he is considered to be an ordinary person. A male or a female who is intellectually competent, being neither a deaf mute nor emotionally disturbed, is referred to as a *pike'ach* or a *pikachat*, respectively.

27 We have thus defined twenty terms in these two chapters: *kiddushin, ervah, sh'niyah, issurei lavin, issurei aseh, k'tanah, na'arah, bogeret, aylonit, gedolah,* lower sign of maturity, upper sign of maturity, *katan, s'ris chamah, s'ris adam, gadol, androgynous, tumtum, chershim, pik'chim*. Keep these terms in mind at all times; do not forget their meaning, so that their intent will not have to be explained whenever they are mentioned.

Chapter 3

1 How is the bond of *kiddushin* established with a woman? If the man [desires to establish] the *kiddushin* by [the transfer of] money, [he must give] a *p'rutah*, either in coin or its worth.

[Before giving it], he tells her, "You are consecrated unto me...," "You are betrothed to me...," or "You become my wife through this." He must give her [the money or the item] in the presence of witnesses.

It is the man who makes the statement that implies that he acquires the woman as his wife, and it is he who gives her the money.

2 If she gave him [money] and told him: "Behold, I am consecrated to you,"

"Behold, I am betrothed to you," "I am your wife," or [she used] any other expression that implied acquisition, the marriage bond is not established. Similarly, if she gave [him money] and he made the statement, the marriage bond is not established. If he gave [her money] and she made the statement [the matter is unresolved,] and the status of the *kiddushin* is in doubt.

3 If the man establishes the marriage bond with [the transfer of] a legal document, [the following rules apply:] He should write on paper, on a shard, on a leaf or on any other article he desires: "You are consecrated unto me...," "You are betrothed to me...," or any similar expression. He must then give her the document in the presence of witnesses.

4 The document must be written for the sake of the woman who is being married, as must a bill of divorce, and it must be written with her consent. If it was not written for her sake, or if it was written for her sake, but was written without her consent, the marriage bond is not established. [This applies] even when he gives her [the document] with her consent in the presence of witnesses.

5 If the man consecrates through sexual relations, he should tell the woman, "You are consecrated unto me...," "You are betrothed to me...," or "You become my wife through these relations," or choose a similar statement. He must enter into privacy with her in the presence of witnesses and engage in relations.

When a person consecrates through sexual relations, one may assume that

his intent is on the conclusion of the relations; when the relations are concluded, the marriage bond is established. Regardless of whether the couple engage in vaginal or anal intercourse, the marriage bond is established.

6 The statements that the man makes when he consecrates [his wife] must imply that he acquires her as a wife, and not that he gives himself to her. What is implied?

Should he tell her, or write in the document he gives her: "I am your husband," "I am your betrothed," "I am your man," or the like, the marriage bond is not established at all. If he tells her or writes to her: "Behold, you are my wife," "Behold, you are my betrothed," "Behold, you are acquired by me," "Behold, you are mine," "Behold, you are my possession," "Behold, you are my designated one," "Behold, you are within my property," "Behold, you are bound to me," or the like, the marriage bond is established.

7 Should he tell her, or write to her: "You are set aside for me," "You are earmarked for me," "You are my helper," "You are my counterpart," "You are my rib," "You are closed off for me," "You are below me," "You are my captive," "You have been taken by me," [the matter is unresolved, and] the status of the *kiddushin* is in doubt.

The above applies only when the man was [previously] speaking to the woman about establishing a marriage bond. If he was not speaking to the woman about such a matter, these words are of no consequence.

8 A man may consecrate a woman by making statements in any language that she understands, provided that, in that language, his statements mean that he is acquiring her, as explained.

If a man was speaking to a woman about consecrating her and she consented, and he immediately gave her [something] in her hand to consecrate her or engaged in sexual relations [with that intent], without [making a statement] clarifying [his purpose], it is sufficient. Since they were speaking about this matter, it is not necessary for him to be explicit.

Similarly, a man need not tell witnesses who observe *kiddushin* or divorce, "You are my witnesses." As long as he has divorced or consecrated a woman in their presence, she is consecrated or divorced.

9 When a man tells a woman, "Become consecrated to my half," she is consecrated. To what can this be compared? To his saying, "May you become my wife, and also another woman." And so, she has only half a man.

If, however, he said: "Half of you is consecrated to me," she is not consecrated. For a woman cannot be consecrated to two men. Similarly, if he says, "Behold, you are consecrated to me and to him," the woman is not consecrated.

10 If he told her: "Behold, half of you is consecrated to me with a *p'rutah*, and half of you [is consecrated to me with another] *p'rutah*," or if he told her: "Behold, half of you is consecrated to me with half a *p'rutah*, and your other half [is consecrated to me with another] half a *p'rutah*," she is consecrated.

If he told her: "Behold, half of you is consecrated to me with a *p'rutah* today, and half of you [is consecrated to me with another] *p'rutah* tomorrow," or if he told her: "Your two halves are consecrated to me with a *p'rutah*," "Your two daughters are consecrated to my two sons with this *p'rutah*," "Your daughter is consecrated to me, and your cow is sold to me with this *p'rutah*," or "Your daughter... and your land... with a *p'rutah*" - in all of these circumstances, [the matter is unresolved, and] the status of the *kiddushin* is in doubt.

11 A father may consecrate his daughter without her knowledge while she is a minor. Even when she is a *na'arah*, he still possesses this right, as [implied by **Deuteronomy 22:16**]: "I gave my daughter to this man."

[The money received as] *kiddushin* belongs to her father. Similarly, he has the right to [any ownerless property] she finds, [the wages she receives for] her labor, and [the money she receives as stipulated in] her *ketubah* if she is divorced or widowed before the marriage bond is consummated. He is entitled to all these until she becomes a *bogeret*.

Therefore, a father is entitled to receive *kiddushin* on behalf of his daughter from the day she was born until she becomes a *bogeret*. Even if she is a deaf mute or intellectually incompetent, if her father consecrates her [to another man], she is his wife.

If a girl is older than three years and one day, she can be consecrated through sexual relations with her father's consent. Should she be below this age, if her father has her consecrated through sexual relations, the marriage bond is not established.

12 After a daughter becomes a *bogeret*, her father has no rights over her; she is like all other women, and she can be consecrated only with her own consent.

Similarly, if her father had her married, the marriage bond was consummated [*nisu'in*], and then she was widowed or divorced, [even] in her father's lifetime, she is considered to be independent, despite the fact that she is still a minor. Once a woman enters *nisu'in*, her father no longer has any authority over her.

13 When a girl receives *kiddushin* without her father's knowledge before she reaches the age of majority, the marriage bond is not established. [This applies] even when the father consents subsequently. Moreover, if she is widowed or divorced after these *kiddushin*, she is not forbidden [to marry] a priest.

Both she and her father can prevent [the marriage bonds from taking effect]. Regardless of whether she was consecrated in the presence of her father or not, she is not consecrated.

14 [The following rules apply when] there is doubt whether or not the girl is a *bogeret*: Whether her father consecrated her without her consent, or she consecrated herself without her father's consent, the status of the *kiddushin* is in doubt. Therefore, [to marry another man,] she must receive a *get* given because of the doubt.

A man may appoint an agent to consecrate a wife for him. [This applies] if he specifies a particular woman, or gives the agent the authority to consecrate any woman. Similarly, a woman past the age of majority may

appoint an agent to receive *kiddushin* for her. [This applies] if she specifies [that they be given by] a particular man, or gives the agent the authority to receive them from any man. Similarly, a father may appoint an agent to accept the *kiddushin* of his daughter as long as she is under his authority.
A man may tell his daughter who is below the age of majority, "Go out and receive your *kiddushin*."

15 When an agent is appointed to receive *kiddushin*, he must be appointed in the presence of two witnesses. When, by contrast, a man appoints an agent to consecrate a woman, there is no need for the appointment to be made in the presence of witnesses. For the only purpose witnesses would serve with regard to the agency of the man is to make known the truth of the matter. Therefore, if the agent and the principal acknowledge the appointment, there is no need for witnesses, [as in parallel cases, such as] an agent appointed to bring a *get* or an agent appointed to separate *terumah*.
In all matters, a principal's agent is regarded as the principal himself, and there is no need to appoint witnesses.

16 An agent may serve as a witness. Therefore, if a person appointed two men as agents to consecrate a woman, and they did so, they serve both as agents and as witnesses. Hence, there is no need for them to consecrate her in the presence of two other witnesses.

17 All are fit to serve as agents [in this capacity] except a deaf mute, a mentally incompetent individual and a minor - for they are not

responsible - and a gentile, because he is not a member of the covenant. [The latter exclusion is based on **Numbers 18:28**, which] states: "And so shall you set aside, and you...." [This is interpreted as] including an agent. [Our Sages commented:] Just as you are members of the covenant, your agents must be members of the covenant, thus excluding a gentile.

A [Canaanite] servant, although he is acceptable as an agent with regard to financial matters, is not acceptable as an agent with regard to *kiddushin* and *gittin*, because the laws of marriage and divorce do not apply to him.

18 An agent appointed by a man to consecrate a woman should tell her: "Behold, you are consecrated to so and so by virtue of this money" or "...by virtue of this legal document."

If an agent of the woman receives the *kiddushin*, the [man consecrating her] should tell [the agent]: "So and so who appointed you is consecrated to me," and the agent should reply, "I have consecrated her to you," "I have betrothed her to you," "I have given her to you as a wife," or the like.

Similarly, when a man consecrates a girl by [giving *kiddushin* to] her father, he should tell him, "Behold, your daughter so and so is consecrated to me," and the father should reply: "I have consecrated her to you." If the father or the agent says "yes," or even if he remains silent, it is sufficient. If they were discussing the matter, and the man gave the *kiddushin* to the father or to the agent without making any statement, it is sufficient, and the *kiddushin* are effective.

If the *kiddushin* are established by virtue of [the transfer of] a legal document, he must have the document written with the consent of the father or of the agent. In all matters pertaining to *kiddushin*, the same laws

that apply to the man and the woman, apply when [the *kiddushin* are established by] the [man's] agent and [the woman's] agent or [her] father.

19 It is a mitzvah for a man to consecrate his wife by himself, rather than to charge an agent [with this matter]. Similarly, it is a mitzvah for a woman to [receive] *kiddushin* herself rather than to charge an agent with receiving them for her.

Although a father has the option of consecrating his daughter to anyone he desires while she is a minor or while she is a maiden, it is not proper for him to act in this manner. Instead, our Sages enjoined that a person should not consecrate his daughter while she is a minor until she matures and says, "I would like [to marry] so and so."

Similarly, it is not proper for a man to consecrate a girl below the age of majority. Nor should one consecrate a woman until one sees her and deems her fitting, lest she not find favor in his eyes, and he divorce her, or sleep with her while hating her.

20 *Kiddushin* established by virtue of sexual relations are effective according to Scriptural law. Similarly, *kiddushin* established by virtue [of the transfer] of a legal document are effective according to Scriptural law. Just as [the transfer of a legal document] concludes a divorce, as [**Deuteronomy 24**;1] states: "And he shall write her a scroll of divorce," so too, [the transfer of a legal document] concludes [the establishment of the marriage bond].

[The effectiveness of the transfer of] money stems from Scriptural law, but its interpretation is based on Rabbinic law. [Deuteronomy, *ibid.*,]

states "When a man takes a wife," and our Sages explained: This [process of] acquisition involves [the transfer of] money, as implied by [**Genesis 23:13**]: "I have given the money for the field; take it from me."

21 Although this is the essence of the principle, it has already become universal Jewish custom to consecrate [a marriage bond] through [the transfer of] money or objects that are worth money. If one desires to consecrate [a woman] by [giving her] a legal document, one may, but at the outset one should not consecrate [a woman] through sexual relations.
If a man consecrates [a woman] through sexual relations, he is given stripes for rebelliousness, so that the Jewish people will not extend beyond the limits of modesty in this manner. Nevertheless, the *kiddushin* are binding.

22 Similarly, a man who consecrates a woman without establishing an engagement previously, or a man who consecrates a woman in the marketplace, is given stripes for rebelliousness, although his *kiddushin* are binding. [This was instituted] lest such a practice accustom people to licentious conduct and invite a comparison to a harlot, as existed before the giving of the Torah.

23 Whenever a man consecrates a woman, whether by himself or via an agent, either he or his agent should recite a blessing before the consecration, as one recites a blessing before performing any of the mitzvot. [After reciting the blessing,] he should consecrate [the woman].
If he consecrates a woman without reciting a blessing, he should not recite

the blessing afterwards. It would be a blessing in vain, for the activity has already been performed.

24 Which blessing is recited?

Blessed are You, God, our Lord, King of the universe, who has sanctified us with His mitzvot and separated us from illicit relationships, who has forbidden the *arusot* to us, and permitted to us those who are married by [the rites of] *chuppah* and *kiddushin*. Blessed are You, God, who sanctifies Israel.

This is the blessing of *erusin*. The people have established the custom of reciting this blessing over wine or beer. If there is wine available, one should recite the blessing over the wine, recite the blessing of consecration afterwards, and then consecrate the woman. If there is no wine or beer available, one should recite [the blessing of consecration] by itself.

Chapter 4

1 A woman may be consecrated only voluntarily. If one forces a woman to be consecrated, she is not consecrated. When a man, by contrast, is forced to consecrate [a woman], she is consecrated.

A man may consecrate many women at one time, provided that he does so by [transferring] money, and there is enough money to give each one a *p'rutah*. One of these [women] or another person may accept the money on behalf of them all, [provided] they consent.

2 When a person [desires to] consecrate a woman, and with her consent

gives the *kiddushin* to another woman, and tells the latter "And you as well," or uses another similar expression, they are both consecrated.

When, however, the man places [the *kiddushin*] in the hand [of the second woman] and says, "And you," there is doubt whether or not the *kiddushin* are valid. Perhaps his intent was only to clarify her feelings. It was as if he asked her, "What would you say about this?" Therefore, she accepted the *kiddushin*, for she thought he was still asking her about her intent. For this reason, [the question is unresolved,] and the status of the *kiddushin* is in doubt.

3 If he told her, "Become consecrated to me with this *dinar*," and she took it and threw it in front of him or to the sea, into a fire or into anything that will cause it to be destroyed, she is not consecrated.

If she told him, "Give it to my father," "...to your father" or "...to so and so," she is not consecrated. If she told him, "Give it to him, so that he will accept it on my behalf," she is consecrated.

4 [In the above instance, if] the woman told the man, "Place [the *kiddushin*] on [this] rock," she is not consecrated. If the rock belonged to her, she is consecrated. If the rock belonged to both of them, [the question is unresolved, and] the status of the *kiddushin* is in doubt.

If he told her, "Be consecrated to me with this loaf of bread," and she told him, "Give it to a poor person," she is not consecrated. [This applies] even if she supports the poor person in question.

[If she told him,] "Give it to a dog," she is not consecrated. If the dog belonged to her, she is consecrated. If [the dog] was chasing after her and

she told him, "Give it to this dog," [the question is unresolved, and] the status of the *kiddushin* is in doubt.

5 [The following laws apply when a man] was selling produce, utensils or the like, and a woman came and asked him: "Give me some of these." If he asked her, "If I give them to you, will you be consecrated to me?" and she said, "Yes," she is consecrated when he gives [the items] to her. If, however, she replied to him: "[Just] give them to me," "Heave them over," or another reply that means "Don't fool around with me regarding such matters, just give me [what I asked for]," she is not consecrated although he gave her [what she asked for].

A similar [decision is rendered] if [a man] was drinking wine and [a woman] asked him, "Give me a cup," and he asks her, "If I do, will you be consecrated to me with it?" If she replies, "[Just] let me drink," "Give me," "Serve me drink," or "Dish it out," she is not consecrated. Her words imply: "Just give me a drink, and don't fool around with me regarding such matters."

6 When [a man] consecrates [a woman] in the presence of a single witness, his *kiddushin*] are of no consequence. [This applies] even when both [the man and the woman] acknowledge [that the *kiddushin* were given]. Surely this applies when [a man] consecrates [a woman] without any witnesses at all [observing the act].

When [a man] consecrates [a woman] in the presence of individuals who are disqualified from serving as witnesses by Scriptural law, she is not consecrated. [When he consecrates her in the presence of] individuals

who are disqualified from serving as witnesses by Rabbinic law, or in the presence of witnesses regarding whom there is doubt whether or not they are acceptable according to Scriptural law, [the following rules apply:] If he desires to consummate the marriage, he should consecrate the woman again in the presence of acceptable witnesses. If he does not desire to consummate the marriage, the woman must receive a *get* from him [to enable her to marry others], because of the doubt. [This ruling applies] even when the woman denies [the matter], contradicting the witnesses and saying that she was never consecrated.

This ruling applies with regard to all situations in which the status of the *kiddushin* is in doubt. If [the man] desires to consummate the marriage, he should consecrate the woman again in a manner that is unequivocally acceptable. If he does not desire to consummate the marriage, the woman must receive a *get* from him, because of the doubt.

7 When a minor consecrates [a woman], his *kiddushin* are of no consequence. When, by contrast, a male past the age of majority consecrates a girl below the age of majority who is an orphan, or who has left her father's authority, [different rules apply]: If she is below the age of six, even if she is one who shows deep understanding of secret matters, and can differentiate and discern, she is not married, and there is no need for *mi'un*.

If she is more than ten years old, even when she is very foolish, since she willingly accepted the *kiddushin*, she is consecrated [according to Rabbinic law] and [must perform] *mi'un* [should she desire to nullify the marriage]. If she is between the ages of six and ten, [the rabbis] must evaluate her

ability to discern. If she is able to differentiate and discern with regard to matters of marriage and *kiddushin*, [the marriage is binding according to Rabbinic law] and *mi'un* is necessary. If she lacks [this degree of discernment], she is not consecrated [at all], and need not perform *mi'un* [to nullify the marriage].

8 What is meant by the statement that she is consecrated [according to Rabbinic law], and [must perform] *mi'un* [should she desire to nullify the marriage]? If she was consecrated but no longer desires to remain with her husband, she must perform *mi'un* in the presence of two witnesses. She should say: "I no longer desire him." Afterwards, she leaves [the relationship] without a divorce, as will be explained in *Hilchot Gerushin*.
Why does she leave [the relationship] without a divorce? Because the consecration is not absolutely binding according to Scriptural law; it is merely a Rabbinic institution. [According to Scriptural law, the outcome] is tentative. If she continues living with her husband until she reaches the age of majority, the *kiddushin* are finalized, and she becomes a married woman in the complete sense of the term. There is no need for [her husband] to consecrate her again after she attains majority. If she does not want [to continue] living with him, she must perform *mi'un*; she then leaves [the relationship] without a divorce.

9 When a male deaf mute marries a mentally competent woman, or a female deaf mute marries a mentally competent man, the marriage bond is not absolutely binding according to Scriptural law; it is merely a Rabbinic institution. Therefore, if a mentally competent man consecrates the wife

of a deaf mute man who is herself mentally competent, she is considered to be consecrated to the mentally competent man. He must give her a *get*, and she is permitted to remain married to her deaf mute husband.
When, by contrast, a mentally incompetent man consecrates a mentally competent woman, or a mentally competent man consecrates a mentally incompetent woman, the marriage bond is not at all binding - neither according to Scriptural law nor according to Rabbinic law.

10 When a sexually impotent male - whether a *s'ris chamah* or a *s'ris adam* - consecrates [a woman], and similarly, when [a man] consecrates an *aylonit*, the *kiddushin* are absolutely binding.

11 When a *tumtum* or an *androgynous* consecrates a woman, or when either of these individuals has been consecrated by a man, there is doubt whether these *kiddushin* are binding, and because of the doubt, a *get* is required.

12 When a person consecrates one of the women forbidden as *arayot*, his act is of no consequence. For *kiddushin* are not binding with regard to these forbidden relationships, with the exception of [*kiddushin* given] a *niddah*. When a man consecrates a *niddah*, the *kiddushin* are binding absolutely. It is, nevertheless, improper to do so.

13 When a married woman accepts *kiddushin* from another man in the presence of her husband, she is considered to be consecrated to the second man. For a woman's word is accepted when she tells her husband to his face that he had divorced her. We assume it axiomatically that a woman

would not act so brazenly in her husband's presence [unless it were true].

If, however, the other person consecrates her outside her husband's presence, these *kiddushin* are not considered to be binding unless she brings proof that she was divorced before she was consecrated. As long as she is outside her husband's presence, it is possible that she will act brazenly.

14 When a man consecrates one of the *shniyot* or a woman forbidden because of a negative commandment [not associated with *karet*] or because of a positive commandment, the *kiddushin* are binding absolutely. [The same ruling applies when] a *yavam* consecrates a woman who was married to the same man as his *yevamah*.

There is one exception to the above principle: when a person other than [the *yavam*] consecrates a *yevamah*, [the question is unresolved, and] the status of the *kiddushin* is in doubt. For our Sages were unsure whether the *kiddushin* of a *yevamah* are valid, like those of others in which the relationship is forbidden by merely a negative commandment, or whether the *kiddushin* are of no consequence, as in the case of an incestuous relationship.

In all the situations mentioned above, although the man who gave the *kiddushin* is forbidden to consummate the marriage, he must terminate it by giving a *get*.

15 [When] a man consecrates a gentile woman or a [Canaanite] maidservant, the *kiddushin* are of no consequence; the woman's status is the same after receiving the *kiddushin* as beforehand. Similarly, when a gentile or a

[Canaanite] servant consecrates a Jewish woman, the *kiddushin* are of no consequence.

When an apostate Jew consecrates [a woman], his *kiddushin* are absolutely valid, despite the fact that he willingly worships a false deity. The woman must receive a *get* from him.

16 When a man consecrates a woman who is half a maidservant and half a free woman, she is not completely consecrated until she becomes [totally] free. Once she becomes free, the *kiddushin* are [automatically] completed, like the *kiddushin* of a minor who comes of age. There is no need for her to be consecrated again.

If another man consecrates such a woman after she was granted her freedom [before the person who consecrated her originally consummates their marriage], there is doubt regarding the matter, and the status of both their *kiddushin* is in doubt.

17 What then is a *shifchah charufah* [a betrothed maidservant] as described by the Torah [**Leviticus 19:20**]? A woman who is half a maidservant and half a free woman, who was consecrated by a Hebrew servant.

When a male who is half a servant and half a free man consecrates a woman, [the matter is unresolved, and] the status of the *kiddushin* is in doubt.

18 When a drunk gives [a woman] *kiddushin*, they are valid, even if he is very drunk. If he reaches a state of drunkenness comparable to that of Lot, the *kiddushin* are of no consequence. This matter requires ample deliberation.

19 When a man gives money worth less than a *p'rutah* as *kiddushin*, the *kiddushin* are not valid. When a man consecrates a woman with food or with a utensil worth less than a *p'rutah*, the status of the *kiddushin* is in doubt; perhaps the *kiddushin* are worth a *p'rutah* in another place.

From this one can deduce that whenever a person consecrates a woman with an article worth money, if it is worth a *p'rutah* in that country the *kiddushin* are definitely binding. If it is not worth a *p'rutah* [there], the status of the *kiddushin* is in doubt [as above].

It appears to me that if [a man] consecrated [a woman] with cooked food, a vegetable that will not be preserved or the like, and the item is not worth a *p'rutah* in that place, the *kiddushin* are not binding at all. For by the time this item reaches another place, it will spoil and be worthless. This is a reasonable inference; one may rely on it.

20 When [a man] consecrates a woman with less than a *p'rutah's* worth, or he consecrates two women with a *p'rutah*, the women are not consecrated. [This applies] even when he sends wedding presents [worth more than a *p'rutah*] afterwards. Similarly, when a minor consecrates a woman, the *kiddushin* are not valid, despite the fact that he sent marriage presents after he had attained majority. [This ruling was delivered because the presents] were sent because of the original *kiddushin*, which were invalid [and therefore are not considered to be significant in their own right].

21 When [a man] consecrates a woman by [giving her] money or a legal document, he does not have to place the *kiddushin* in her hand. Instead, if she consents that he throw them to her and he does so, she is consecrated,

whether he throws them into her hand, her bosom, her courtyard or her field.

If she is standing in a domain belonging to her [prospective] husband, he must place them in her hand or in her bosom. If she is standing in a domain that belongs to both of them, and he threw *kiddushin* to her with her consent, but they did not reach her hand or her bosom, the status of the *kiddushin* is in doubt. Even when she tells him, "Put the *kiddushin* down in this place," if the place belongs to both of them the status of the *kiddushin* is in doubt.

22 [The following rules apply when the two] are standing in the public domain or in a domain that does not belong to either of them, and he throws *kiddushin* to her: If they are closer to him, she is not consecrated. If they are closer to her, she is consecrated. If they are halfway between the two of them, or if there is doubt whether they were closer to him or to her, and they were lost before they reached her hand, there is doubt regarding the status of the *kiddushin*.

What is meant by "closer to him," or "closer to her"? A situation in which he can guard [the *kiddushin*] and she cannot is considered as "closer to him." One in which she can guard them and he cannot is considered to be "closer to her." One in which they can both guard them or neither can guard them is considered to be "halfway between the two of them."

Chapter 5

1 When a man consecrates a woman with an object from which it is

forbidden to derive benefit - e.g., a mixture of milk and meat, *chametz* on Pesach, or other similar objects from which it is prohibited to derive benefit - she is not consecrated. [This ruling applies] even if the prohibition against deriving benefit from the object is merely Rabbinic in origin - e.g., *chametz* during the sixth hour on the fourteenth of Nisan.

2 If a man transgresses and sells an article from which it is forbidden to derive benefit, and consecrates [a woman] with the money [he receives] for it, the *kiddushin* are valid. [There is one] exception. If a person consecrates a woman with the money [received] for a false deity, the *kiddushin* are not valid. For it is forbidden to derive benefit from the money received for a false deity, just as [it is forbidden to derive benefit from] the false deity itself.

When [a man] consecrates [a woman] with the dung of cows [consecrated to] a false deity, the *kiddushin* are not valid. For it is forbidden to derive benefit from anything produced by entities [consecrated to] a false deity, as [**Deuteronomy 13:18**] states: "Let nothing that is condemned cling to your hand."

If, by contrast, [a man] consecrates [a woman] with the dung of an ox condemned to be stoned, the *kiddushin* are binding. Although it is forbidden to derive benefit from an ox condemned to be stoned, this prohibition does not apply to its dung. For the dung is considered of negligible importance when compared to the ox.

3 When [a man] consecrates [a woman] with the produce of the Sabbatical year, with the ashes of the Red Heifer, or with water that was drawn for

the purpose of sprinkling [the ashes of the Red Heifer], the *kiddushin* are valid.

[The following rules apply when a man] consecrates [a woman] with property dedicated to the Temple. If he was unaware [that the property had been dedicated], the *kiddushin* are valid. He must give the value [of the dedicated property] and an [additional fifth] to the Temple treasury and bring a guilt offering, as is required of all those who unwittingly make mundane use of property dedicated to the Temple. If he consecrated the woman knowing [that the property was dedicated], she is not consecrated.

4 When [a man] consecrates [a woman] with the produce of the second tithe - whether unknowingly or knowingly - the *kiddushin* are not valid. For unless a person redeems [this produce], it does not belong to him to use for his other purposes, since with regard to [this] tithe, [**Leviticus 27:30**] states: "It is God's."

5 When a priest consecrates [a woman] with his share of offerings of the most sacred nature or [his share of] offerings of lesser sanctity, she is not consecrated. For one was permitted merely to eat these sacrifices.

When, by contrast, a priest consecrates [a woman] with the great *terumah*, the *terumah* taken from the tithe or with the first fruits, the *kiddushin* are binding. [This same ruling applies] when a Levite consecrates [a woman] with [produce from] the first tithe, or an Israelite consecrates [a woman] with [produce from] the tithe of the poor.

6 The gifts [required to be separated from produce] that have not been

separated are considered as if they have already been separated. Therefore, when an Israelite inherited produce from his maternal grandfather who was a priest, and none of the required gifts had been separated from that produce, he may separate the *terumah* and the tithes [and keep the portions to be given to the priests as his own]. It is as if he inherited the *terumah* and the tithes from his maternal grandfather. Therefore, if he consecrates a woman with them, she is consecrated. Although they are not fit for [the Israelite] to eat, he has the right to sell them to someone for whom they are fit.

When, by contrast, an Israelite consecrates [a woman] with *terumah* that he separates from his grain heap, the *kiddushin* are not effective. For he does not have the right to sell this *terumah*; he possesses merely the privilege of giving it to the priest of his choice. This privilege is not considered to be money.

7 [The following rules apply when] a person consecrates a woman [with property that] he robbed, stole or took against its owner's will. If the owner has despaired of the return of the article, and it is known that [the man] acquired it through the owner's despair, the consecration is effective. If not, it is not valid.

8 When a person enters a colleague's home and takes an object, food or the like, and consecrates a woman, she is not consecrated. [This ruling applies] even when the owner comes and says, "Why did you not give her a more valuable article than the one you gave her?" He is making this statement only to prevent the person from being shamed [and it does not

reflect his true intent]. Since the man consecrated [a woman] with property belonging to a colleague without the colleague's knowledge, this is robbery, and the woman is not consecrated.

If [the man] consecrated [the woman] with an article that the owner would not object [to its being taken] - e.g., a date or a nut - the status of the *kiddushin* is in doubt.

9 When a person owns merchandise in partnership with a colleague and divides the merchandise without his colleague's knowledge, using it to consecrate [a woman], the *kiddushin* are not valid. [The rationale is that for the division of a partnership's assets to be effective,] an evaluation by the court is necessary. One [partner] may not take what he wants as his own and leave [the remainder for his colleague].

10 [The following rules apply when] a person robbed or stole an article from a woman or took it without her consent, and afterwards consecrated her with the article that he took from her, saying: "Behold, you are consecrated to me with this." If the two were already engaged, and she took the article in silence, she is consecrated. If, however, there was never an engagement between them, she is not consecrated, even if she remained silent when he gave her [the stolen articles] as *kiddushin*. If, however, she explicitly agreed [to the *kiddushin*], she is consecrated.

11 Similar [concepts apply when a man] entrusts an article to [a woman] for safekeeping and tells her: "Take care of this article," and afterwards tells her: "Behold, you are consecrated with it." If he told her this before she

took [possession of] the article, and she took it in silence, she is consecrated. If, however, he made his second statement after she had accepted the article for the purpose of safekeeping, and she remained silent, [the *kiddushin*] are not valid. For whenever [a woman] remains silent after money has been given, [the *kiddushin*] are not valid. If, however, she explicitly agreed, she is consecrated, even though she made the statement after accepting the article.

12 [The following rules apply when a man] pays a debt that he owed [a woman] and [upon paying it,] says: "You are consecrated with it." If the two were engaged, [the man made the statement] before she accepted the money, and she accepted it in silence, she is consecrated. If they were not engaged, she is not consecrated unless she explicitly agrees.

If he states [his desire to consecrate her] after she accepted payment of the debt, she is not consecrated, even if she explicitly agrees. For nothing has been given her; she merely took what was rightfully hers. The debt he owed was repaid when she took the money, and she cannot demand repayment again.

13 When [a man] consecrates [a woman] with a debt, even with [a debt that is recorded] in a promissory note, she is not consecrated.

What is implied? [The woman] owed [the man] a *dinar*; if he tells her, "Behold, you are consecrated to me with the *dinar* that you owe me," she is not consecrated. [The rationale is that] a loan is given to be spent, and there is nothing that presently exists for her to derive benefit from [and to accept as *kiddushin*]. For she has [- or it is as if she has -] already spent

that *dinar* and has derived benefit from it already.

14 [A different rule applies when] he has given her a loan [and received] collateral for it. If he consecrates her with the loan and returns the collateral, she is consecrated. For she derives benefit from the collateral from that time onward, and thus, [as a result of the *kiddushin*,] she has derived benefit.

15 When [a man] consecrates [a woman] with the benefit [derived from] a loan, the consecration is valid.

What is implied? The consecration is binding if he lends her 200 *zuz* [at the time of the *kiddushin*] and tells her: "Behold, you are consecrated to me through the benefit [you receive] by my extending the length of this loan for you. It may be in your possession for so many days, and I will not demand payment until this date." For she is receiving benefit now [from the opportunity] to use the loan until the end of the time period fixed.

It is forbidden to make [such a condition], because it is like taking interest. My teachers interpreted the expression "the benefit [derived from] a loan," in a way that is not worthy of mention.

16 If [the man] tells [the woman]: "Behold, you are consecrated to me with this *p'rutah* and with the debt that you owe me," she is consecrated. Similarly, if he tells her, "[Behold, you are consecrated...] with the debt that you owe me and with this *p'rutah*, the consecration is binding.

17 When [a man] is owed a debt by a third party, and he tells [a woman] in the presence of the third party: "Behold, you are consecrated to me by

virtue of the debt that I am owed by this person," the consecration is binding.

18 [The following rule applies when a man] consecrates [a woman] with an object that he has entrusted to her for safekeeping or with an article that he has lent her: If the entrusted object or borrowed article is worth a *p'rutah* and it exists within her property, she is consecrated.

19 [The following rule applies when a man] tells [a woman]: "Behold, you are consecrated to me in consideration of my speaking to the ruling authorities on your behalf." Although [the man] indeed spoke to the ruling authorities on her behalf - [and his words had an effect,] causing them to refrain from prosecuting her, she is not consecrated unless he gives her a *p'rutah* of his own.

[The rationale is that] the benefit that she received from his speaking [on her behalf] is regarded as a loan, and when one consecrates [a woman] with a loan, the *kiddushin* are not binding.

20 [The following rule applies when a man] tells [a woman]: "Behold, you are consecrated to me [in return] for the work that I will perform on your behalf." Although [the man] indeed performs [the work he promised], she is not consecrated unless he gives her a *p'rutah* of his own.

[The rationale is that] a worker earns his wages [continuously] from [the time he] begins [working] until the end. As he performs a portion of the work, he earns an [equivalent] portion of his wages. Thus, [in the above situation, the man's] wages are considered to be a debt that she [owes

him]. And when one consecrates [a woman] with a loan, the *kiddushin* are not binding.

21 [The following rule applies when a woman] tells [a man]: "Give so and so a present, and I will be consecrated to you." If he tells her, "Behold, you are consecrated to me for the sake of the present I gave upon your request," the *kiddushin* are binding. Although she [personally] did not receive anything, she derived benefit from the fact that her will was carried out, and the other derived benefit because of her.

Similarly, if she told him, "Give a *dinar* to so and so as a present, and I will be consecrated to him," the *kiddushin* are binding provided the person who receives the present tells [the woman]: "Behold, you are consecrated to me by virtue of the pleasure [you derived] from the present that I received at your request."

22 [To cite a similar instance: A man] tells [a woman]: "Take this *dinar* as a present and become consecrated to so and so"; the *kiddushin* are binding provided that the other person tells her: "Behold, you are consecrated to me by virtue of the benefit you received on my behalf," despite the fact that he himself did not give her anything.

[The following rule applies when a woman] tells [a man]: "Take this *dinar* as a present and I will become consecrated to you"; he receives the present and tells her "Behold, you are consecrated to me by virtue of the pleasure [you received] in my accepting a present from you." If he is an important person, she is consecrated. For she derives satisfaction from the fact that he has benefited from her, and for the sake of this satisfaction, she

consecrates herself to him.

23 When [a man] tells a woman: "Become consecrated to me with a *dinar*. [Take this article] as security until I give you the *dinar*," she is not consecrated to him. For she did not receive the *dinar*, and the security was not given to her for it to be her own.

If the man has in his possession security that he was given for a debt that a third party owes him, and he gives a woman the security as *kiddushin*, the consecration is binding although [the security] does not belong to him. For a creditor has certain rights with regard to the ownership of security.

24 When [a man] tells a woman: "Behold, you are consecrated to me with this *dinar* on condition that you return it to me," she is not consecrated, regardless of whether or not she returns it. For if she does not return it, his condition will not be met. And if she returns it, she will not have derived any benefit, for she will not have received anything.

25 [These rulings were issued with regard to the following instances:] [A man] gave [a woman] a wreath of myrtle or the like and told her: "Behold, you are consecrated to me with this." She accepted it, but [protested,] saying: "But it is not worth a *p'rutah*." He responded, "Become consecrated with the four *zuz* that are hidden in the wreath."

If she said yes, she is consecrated. If she remained silent, she is not consecrated with this money, for remaining silent after money has been given is of no consequence. There is nonetheless a doubt: perhaps the *kiddushin* are valid, lest the wreath be worth a *p'rutah* in another place.

26 [The following rules apply when a man] tells a woman: "Become consecrated to me with this date. Become consecrated to me with this one. Become consecrated to me with this one." If one of them is worth a *p'rutah*, she is consecrated. If not, the *kiddushin* are merely of doubtful status, [their viability stemming only from] the possibility that one of the dates would be considered to be worth a *p'rutah* in another place.

27 [Different rules apply if] he told her: "Become consecrated to me with this one, with this one and with this one." If together, they are all worth a *p'rutah*, she is consecrated. If not, the status of the *kiddushin* is doubtful. [Different rules apply if] she eats [the dates] one after another as he gives them to her: If the last date is worth a *p'rutah*, she is consecrated. If not, the status of the *kiddushin* is doubtful. For the dates that she ate are considered to be a loan, and when [a man] consecrates [a woman] with a loan, the *kiddushin* are not valid. Thus, the status of the *kiddushin* [depends] solely on [the worth of] the final date.

28 If he tells her: "Behold, you are consecrated with these," the *kiddushin* are binding if all the dates together are worth a *p'rutah*. [This applies] even when she eats [the dates] one after another as he gives them to her. She is consecrated, for she is eating her own property.

29 [The following rules apply when a man] tells a woman: "Behold, you are consecrated to me with this cup." If it is filled with water, the consecration [depends on the combined value of] the cup itself and its contents. If it is filled with wine, the consecration [depends on the value of] the cup itself,

but not its contents. If it is filled with oil, the consecration [depends on the value of] the contents, but not of the cup itself.
Therefore, if the oil was not worth a *p'rutah*, the status of the *kiddushin* is doubtful. If the oil is worth a *p'rutah*, she is definitely consecrated; no attention is paid to [the value of] the cup.

Chapter 6

1 [The following rules apply when a man] consecrates [a woman] based on a conditional agreement: If the condition is met, the *kiddushin* are binding. If not, they are of no consequence. This applies regardless of whether the condition was stipulated by the man or by the woman.
Every [valid] conditional agreement whatsoever - whether with regard to *kiddushin*, divorce, commercial transactions or other questions of business law - must conform to the following four rules.

2 These are the four rules governing all conditional agreements:
a) the stipulation must be twofold [with both a positive and negative statement];
b) the positive aspect must be stated before the negative aspect;
c) the stipulation should be mentioned before the completion of the deed that one desires to make conditional;
d) the stipulation must be something that is possible to comply with.
If one of these rules was not kept when a conditional agreement was made, the stipulation is nullified; it is as if there is no condition at all. Thus, [the woman] is either consecrated or divorced immediately, and the

commercial agreement is completed as if no condition had ever been made, for one of the four rules of conditional agreements was not met.

3 What is implied? [When a man] tells a woman: "If you give me 200 *zuz*, you are consecrated to me with this *dinar*. And if you do not give me [that sum], you are not consecrated," and after making this stipulation gives her the *dinar*, the condition is valid, and the *kiddushin* are subject to its terms. If she gives him 200 *zuz*, she is consecrated. If she does not give him, she is not consecrated.

4 If, however, [the man] told [the woman]: "Behold, you are consecrated to me with this *dinar*," gave her the *dinar* in her hand and then made a stipulation, saying: "If you give me 200 *zuz* you are consecrated," and if you do not give me [that sum] you are not consecrated," the stipulation is of no consequence, because he performed the deed first by giving it to her, and then making the stipulation.

[The above applies] even if everything occurred within a brief span of time; she is consecrated immediately and does not have to give [her husband] anything at all.

5 Similarly, when [a man] tells [a woman]: "If you give me 200 *zuz* you are consecrated to me with this *dinar*," and then places the *dinar* in her hand, the stipulation is of no consequence, because the condition was not stated in a twofold manner. He did not tell her: "If you do not give me, you will not be consecrated." [Therefore] she is consecrated immediately without having to give him anything.

6 Similarly, when [a man] tells [a woman]: "If you do not give me 200 *zuz*, you will not be consecrated to me. But if you give me 200 *zuz*, you are consecrated to me with this *dinar*," and then places the *dinar* in her hand, the stipulation is of no consequence, because the negative dimension of the stipulation was stated before the positive one. [Therefore,] she is consecrated immediately without having to give him anything.

7 Similarly, when [a man] tells [a woman]: "If you ascend to the heavens or descend to the depths, you are consecrated to me with this *dinar*. But if you do not ascend to the heavens or descend to the depths, you are not consecrated." If he places the *dinar* in her hand afterwards, the stipulation is of no consequence, and the *kiddushin* are effective immediately. For it is well known that she cannot keep this stipulation; he is merely speaking facetiously in a jesting and teasing manner.

8 [The following rules apply when a man] makes a condition with regard to a deed that is possible to be performed, but that is forbidden by the Torah - e.g., he told a woman: "If you eat fat or blood, you are consecrated to me with this *dinar*. But if you do not eat fat or blood, you are not consecrated," or [a man tells his wife]: "If you eat the meat of pigs, this is your *get*. But if you do not eat it, the *get* is not effective." If, after making this stipulation, he placed the *dinar* or the *get* in her hand, the stipulation is valid. If the woman transgresses and eats [the forbidden article as stipulated], she will be either consecrated or divorced [accordingly]. It is not with regard to such a situation that it is said, "the person made a stipulation that contradicts what is written in the Torah." For the woman

has the option not to eat and not to be consecrated or divorced.

9 With regard [to which situations] did in fact our Sages say: "Whenever a person makes a stipulation that contradicts what is written in the Torah, his stipulation is nullified, except with regard to financial matters, in which instances his stipulation is binding"?

When a person consecrates, divorces, gives or sells, dependent on a stipulation through which he wants to acquire a right that the Torah did not grant him, but rather prevented him from obtaining, or to use this stipulation to free himself from an obligation for which the Torah made him liable. In such an instance, he is told, "Your stipulation is of no consequence. The deed you have performed is binding. You are not freed from any responsibility for which the Torah obligates you, nor can you acquire any privilege that the Torah does not grant you."

10 What is implied? For example, when a man consecrates a woman on condition that he is not obligated to provide her with her provisions or garments, nor grant her conjugal rights, he is told: "With regard to provisions and garments, your stipulation is binding, for these are financial obligations. With regard to conjugal rights, however, your condition is not binding, for the Torah has obligated you to grant these [to a woman]. Therefore, she is consecrated and you are obligated to grant her conjugal rights. You do not have the potential to free yourself of this responsibility with this stipulation." The same applies in all similar situations.

Similarly, if a man consecrates a woman whom he took as a captive for

sexual relations on condition that he may have her perform servile tasks, she is consecrated and he is forbidden to have her perform these tasks, for after he had relations with her this was prohibited by the Torah. His stipulation does not empower him to a privilege that the Torah held back from him. The same applies in all similar situations.

11 If a man established a condition with a woman at the time of *kiddushin* or divorce requiring her to engage in sexual relations with her father, her brother, her son or the like, it is as if he made a stipulation that she ascend to the heavens or descend to the depths, and his condition is of no consequence. For it is not within the woman's capacity to cause others to transgress and to engage in a forbidden sexual relationship. Thus, he has made a stipulation that she is incapable of fulfilling. The same applies with regard to all similar instances.

12 If, however, the man made a stipulation that she [influence] so and so to "give me his courtyard or to have his daughter marry my son," the stipulation is binding. For it is in her capacity to fulfill it, she can give so and so a large amount of money so that he will [consent to] give the man [making the condition] his courtyard or have his daughter marry that man's son. For in this instance, there is no sin involved. The same applies with regard to all similar instances.

13 Have in mind at all times all these guidelines that have been mentioned with regard to conditional agreements. Whenever you hear the expression "A man consecrated [a woman] on the basis of these and these

conditions," "gave a divorce on the basis of these and these conditions," or made a sale or gave a present conditionally, you will know that the condition must fit the four rules mentioned. Thus, it will not be necessary to repeat them on every occasion. If one of these rules is not kept, the stipulation is of no consequence.

14 Some of the later *geonim* maintain that a person is required to make a conditional statement twofold only with regard to *kiddushin* and divorce. With regard to financial matters, by contrast, a twofold statement need not be made.

It is not proper to rely on this ruling, for our Sages derived the need to make a twofold statement of the condition, and the other four rules, from the condition made [with] the members [of the tribes] of Gad and Reuven, as [Numbers 38:29-30] states: "If the members [of the tribes] of Gad... cross over. But if they do not cross over...." And this condition involved neither *kiddushin* nor divorce. [My ruling echoes] the decisions of the great *geonim* of the previous eras, and it is fitting to follow it.

15 When a man consecrates a woman conditionally, the *kiddushin* become effective at the time the stipulation is fulfilled, and not at the time of the [original] *kiddushin*.

What is implied? [For example, a man] tells a woman: "If I give you 200 *zuz* this year, you are consecrated to me with this *dinar*. But if I do not give you, you are not consecrated." If he [made these statements and] gave her the *dinar* in Nisan, but gave her the 200 *zuz* that he stipulated only in Elul, it is in Elul that the consecration takes effect. Therefore, if another

person consecrates her before the first completes carrying out his stipulation, she is consecrated to the second.

Similar laws apply with regard to divorce and monetary law. When the stipulation is fulfilled, the divorce is effective or the sale or gift is completed.

16 When does the above apply? When a stipulation was made, and [the person making it did not state that the agreement took effect] from this time onward. If, however, [a man] told [a woman]: "Behold, you are consecrated to me from this time onward with this *dinar* if I give you 200 *zuz*," when at a later date he gives her the 200 *zuz* she is consecrated. Retroactively, the *kiddushin* are considered to have taken effect at the time they were given, despite the fact that the stipulation was not fulfilled until after much time had passed. Therefore, if a second person consecrates her before the stipulation has been fulfilled, she is not consecrated to that [second] person. Similar laws apply with regard to divorce and monetary law.

17 Whenever a person makes a stipulation and states [that it is effective] "from this time onward," it is not necessary for him to make a twofold statement of the stipulation, nor is it necessary to state the stipulation before performing the deed involved. Even when he performs the deed first, his stipulation is effective. He must, however, make a stipulation that is possible to fulfill. A person who makes a stipulation that is impossible to fulfill is merely speaking facetiously; there is no [intent to make] a [binding] stipulation.

When a person appends a stipulation to an agreement using the wording *al menat* ("on condition that"), the rules that apply when the person states "from this time onward" also apply. It is not necessary for him to make a twofold statement of the stipulation, nor is it necessary to state the stipulation before performing the deed involved.

18 What is implied? When [a man] tells a woman: "Behold, you are consecrated to me on condition that you give me 200 *zuz*," "here is your *get* on condition that you give me 200 *zuz*," or "this courtyard is given to you as a present on condition that you give me 200 *zuz*," the stipulation is binding. She is consecrated or divorced, or she acquires the field, but she must give the 200 *zuz*. If she does not give [the money], she will not be consecrated or divorced, nor will she acquire the field.

[The above applies] even when the man did not make a twofold condition, and even though he performed the deed before stating the condition - i.e., he placed the *kiddushin* or the *get* in her hand or let her take possession of the courtyard, and then completed [the statement of] his stipulation. [The rationale for these leniencies is that] when the stipulation is fulfilled, she retroactively either acquires the field or is consecrated or divorced from the time the deed was performed, as if a stipulation had never been made at all.

Chapter 7

1 [The following rules apply when a man] tells a woman: "Behold, you are consecrated to me on condition that my father will consent." If his father

consents, she is consecrated. If he does not consent, if he remained silent, or if he died before he heard of the matter, she is not consecrated.

[If the man tells her: "Behold, you are consecrated to me] on condition that my father does not object." If he hears and objects, she is not consecrated. If he does not object or he dies, she is consecrated. If the son dies, and the father hears afterwards, we instruct the father to say: "I do not consent," so the *kiddushin* will not be effective, and the woman will not be obligated to undergo the rites of *yibbum*.

2 [The following rules apply when a man] tells a woman: "Behold, you are consecrated to me with this [item] on condition that I possess 200 *zuz* or land on which it is fit to grow a *kor* of grain." If there are witnesses who say that he possesses these entities, the *kiddushin* are binding. If there are no witnesses, [the *kiddushin* are not nullified entirely; instead,] their status is doubtful. Perhaps he possesses these entities and says he does not own them in order to cause the woman difficulties.

3 [The following rules apply when he tells her:] "Behold, you are consecrated to me with this [item] on condition that I possess 200 *zuz* or land on which it is fit to grow a *kor* of grain in a particular place." If he possesses these entities in that place, the *kiddushin* are binding. If he does not possess these entities in the place he specified, [the *kiddushin* are not nullified entirely; instead,] their status is doubtful. Perhaps he possesses these entities in that place [and says he does not own them] in order to cause the woman difficulties.

4 [The following rules apply when he tells her:] "Behold, you are consecrated to me with this [item] on condition that I show you 200 *zuz* or land on which it is fit to grow a *kor* of grain." When he shows her these entities, she is consecrated. If he shows her money that is possessed by someone else or land on which it is fit to grow a *kor* of grain in a field belonging to someone else, she is not consecrated; he [must] show her what belongs to him.

If he borrowed the money, rented a field or took it on a sharecropping arrangement and showed it to her, she is not consecrated; he [must] show her what belongs to him. For when he says "I will show you," that implies that "I will show you the entity I mentioned that belongs to me and is in my possession."

5 [The following rules apply when] the man owns land on which it is fit to grow a *kor* of grain, but it contains clefts ten handbreadths deep or rocks ten handbreadths high. If the clefts are filled with water, they are considered to be rocks and are not included in the total measure, because they are not fit to be sown. If they are not filled with water, they are included in the total measure, because they are fit to be sown.

6 [The following rules apply when a man] tells a woman: "Behold, you are consecrated to me with this [item] on condition that you are not bound by vows." The *kiddushin* are not binding if she is bound by any of the following three vows: that she may not eat meat, that she may not drink wine, or that she may not wear colored ornaments. If she is bound by any vow other than these, she is consecrated, even when [the husband] states:

"I object even with regard to these."

If he told her, "[Behold, you are consecrated...] on condition that you are not bound by **any** vow," even if she has made a vow [as insignificant as] not to eat carobs, she is not consecrated.

7 [The following rules apply when a man tells a woman:] "Behold, you are consecrated to me with this [item] on condition that you do not have any physical blemishes." If she has one of the physical blemishes that cause a woman to be deemed unfit [as a wife], she is not consecrated. If she has a physical blemish other than these, she is consecrated, even though he states, "I object even with regard to these."

What are the physical blemishes that cause a woman to be deemed unfit [as a wife]: All the physical blemishes that cause a priest to be deemed unfit [for service in the Temple] cause a woman to be deemed unfit. In *Hilchot Bi'at HaMikdash*, all the blemishes affecting the priests are explained. In addition, [there are other blemishes that cause] women [to be deemed unfit]. They include: foul body odor, [excessive] sweating, foul breath, deep voice, breasts of abnormal size, being more than a handbreadth larger than those of other women, a distance of more than a handbreadth between one breast and the other, a scar in the place where she was bit by a dog, and a birthmark on her forehead.

This includes even a birthmark that is very small, even if it is close to her hairline, and even if there are no hairs growing from it. This is the birthmark that is mentioned as a disqualifying factor for a woman and not for a priest. If, however, a birthmark has facial hair growing from it, or if it is as large as an *isar* even when no hair grows from it, it is a disqualifying

blemish, both for priests and for women.

8 When a man consecrates a woman without making any specific stipulations, and it is discovered that she has one of the physical blemishes that cause a woman to be deemed unfit, or [it is discovered that] she is bound by one of the three vows mentioned above, the status of the *kiddushin* is in doubt.

If [a man] consecrates [a woman] on condition that she is not bound by vows, and she was bound by vows, but [afterwards,] she went to a wise man who nullified them for her, she is consecrated.

9 If [a man] consecrates [a woman] on condition that she does not have physical blemishes, and she does have blemishes, she is not consecrated, even if [afterwards,] she goes to a physician who heals these blemishes.

When, by contrast, a man enters into a marriage contract on condition that he is not bound by any vows, and that he does not have any physical blemishes, although he is indeed bound by vows and has physical blemishes, if he goes to a wise man who nullifies the vows, and if he goes to a physician who heals the blemishes, the marriage is valid. [The rationale is that] there is no shame for a man to have had physical blemishes once they have been healed. A woman will not object because of such a thing.

10 [The following rules apply when a man tells a woman:] "Behold, you are consecrated to me with this [item] on condition that I give you 200 *zuz* within 30 days." If he gives her [the money] within 30 days, she is

consecrated. If 30 days pass without him giving it to her, she is not consecrated.

[If a man tells a woman,] "Behold, you are consecrated to me with these *zuz* after 30 days," she is consecrated after 30 days, even though she used the money within the 30 days. If either he or she change their minds [and decide to nullify the marriage] within these 30 days, she is not consecrated.

11 If another man comes and consecrates her within these 30 days, she is consecrated to the second man forever. [The rationale is] that at the time the second man consecrated her, she was not consecrated. Therefore, the second man's *kiddushin* are binding and make her a married woman. Thus, after the 30 days pass and the first man's *kiddushin* are fit to take effect, she is already a married woman. It is thus as if the first man consecrated a married woman, in which case the *kiddushin* are not binding.

12 [The following rules apply when a man] tells a woman: "Behold, you are consecrated to me with this *dinar* from this time onward, and after 30 days," and another person consecrates her within the 30 days. [There is doubt regarding the matter, and] both [men] are considered as having established *kiddushin* that may possibly be binding. Therefore, both are required to divorce her. The divorce may be given within the [original] 30 days or afterwards.

[Should one man tell a woman,] "Behold, you are consecrated to me from this time onward, and after 30 days"; and another man comes and tells

her, "Behold, you are consecrated to me from this time onward, and after 20 days," and another man comes and tells her, "Behold, you are consecrated to me from this time onward, and after 10 days," [there is doubt regarding the matter, and] all [the men] are considered as having established *kiddushin* [that may possibly] be binding, and every one must divorce her. [Indeed, these rules apply] even when a hundred men consecrate her in this manner.

13 When [a man] tells a woman, "Behold, you are consecrated to me [and these *kiddushin* apply to everyone] with the exception of so and so" - i.e., that she should not be forbidden to have relations with him - with regard to everyone else she should be considered a married woman, but with regard to him she should be considered to be single - there is doubt regarding the status of the *kiddushin*.

If, however, he tells her, "Behold, you are consecrated to me on condition that you are permitted to so and so," she is consecrated, and she is forbidden to that person as she is forbidden to all others. [The rationale is that] he has made a condition that is impossible to fulfill.

14 When [a man] gives two *p'rutot* to a woman and tells her: "Behold, you are consecrated to me with one today, and with the other after I divorce you," she is consecrated. When he divorces her, she becomes consecrated to him again until he divorces her a second time, because of the *kiddushin* established by the second *p'rutah*.

If, however, [a man] tells a woman: "Behold, you are consecrated to me with this [item] after I convert," "...after you convert," "...after I become

freed [from servitude]," "...after you become freed [from servitude]," "...after your husband dies," or "...after your sister dies," she is not consecrated. [The rationale is] that he cannot consecrate her now.

15 When [a man] tells a *yevamah*: "Behold, you are consecrated to me with this [item] after your *yavam* performs *chalitzah* for you," she is consecrated. [The rationale is] that even if he consecrated her at present, the *kiddushin* would be [at least] of a doubtful status.

16 When a man tells a friend, "If your wife gives birth to a girl, [the girl] is consecrated to me with this [item]," his statements are of no consequence. If the friend's wife is pregnant, and the existence of a fetus has been recognized, [the girl] is consecrated. [Nevertheless,] it appears to me that [the man] must consecrate [his bride] again via her father after she is born, so that she will enter a marriage bond about which there are no questions.

17 When [a man] tells a woman: "Behold, you are consecrated to me with 100 *dinarim*," and gives her at least one *dinar*, she is consecrated, provided he gives her the entire sum. It is as if he told her, "Behold, you are consecrated to me with this *dinar* on condition that I give you 100 *dinarim*." [In such an instance,] the *kiddushin* take effect from [the time he gave her the first *dinar*].

When does the above apply? When he told her "with 100 *dinarim*" without specifying [any particular *dinarim*]. If, however, he is more explicit and tells her, "Behold, you are consecrated to me with these 100 *dinarim*," and begins counting them out into her hand, she is not

consecrated until he gives her [all 100]. Either of them may retract their consent until the very last *dinar* is given.

Similarly, if one of the *dinarim* was found lacking the standard weight, or one was a *dinar* of brass, she is not consecrated. [The following rules apply when] one of the *dinarim* was inferior: If it would be accepted with difficulty, [the *kiddushin* are valid, provided] he exchanges it. If it would not [be accepted], the *kiddushin* are of no consequence.

18 [The following rules apply when a man] tells [a woman]: "Behold, you are consecrated to me with these clothes that are worth 50 *dinarim*." When they are silk or of similar fabrics that a woman would desire, and they are worth 50 [*dinarim*], the woman is consecrated from the time she took them onward. There is no need that they be evaluated in the market, and only afterwards, when the woman is assured [of their value], will she be consecrated. Instead, since they are worth the amount he states, she is consecrated from the time of the initial [exchange]. If they are not worth [that amount], she is not consecrated.

19 A man and a woman were discussing the subject of their consecration, he saying: "I will consecrate you with 100 *dinarim*," and she saying: "I will not be consecrated for less than 200 [*dinarim*]." [Since they did not agree,] they both went home.

[The following rules apply when] afterwards, [either the man or the woman requested the other [to reconsider], and the man consecrated her without specifying a sum. If the man made the request of the woman, the sum [originally] quoted by the woman is accepted. If the woman made

the request of the man, the sum [originally] quoted by the man is accepted.

20 When a man appoints an agent to consecrate a woman, and the agent consecrates her on the basis of a conditional agreement, the *kiddushin* are not valid. Similarly, if [the principal] instructed the agent to consecrate the woman on the basis of a conditional agreement, and he consecrated her without making any stipulation whatsoever, or made another stipulation or changed the stipulation stated by the principal, the *kiddushin* are not valid.

21 When [the principal] tells the agent: "Consecrate her in this and this place," and the agent consecrated her in another place, the *kiddushin* are not valid. [If the principal tells the agent:] "Consecrate her for me. She is in this and this place," and the agent goes and consecrates her in another place, she is consecrated; he is merely suggesting to him the place [where she might be found].

Similarly, if [the woman] tells her agent, "Receive *kiddushin* for me in this and this place," and the agent received them for her in another place, the *kiddushin* are not valid. [If she told her agent: "Receive *kiddushin* for me. My prospective] husband is in this and this place," and [the agent] receives the *kiddushin* in another place, she is consecrated; she is merely suggesting to him the place [where he might be found].

22 When [a man] consecrates a woman, but he or she desires to retract immediately - even if the retraction is made within a very short amount of

time - the retraction is of no consequence and the woman is consecrated.

23 When [a man] consecrates [a woman] and attaches a condition [to the *kiddushin*], and after several days changes his mind and nullifies the condition, the condition is of no consequence and it is as if the woman had been consecrated without any condition ever having been made. [This law applies] even when he nullifies the condition in the presence of his intended bride alone, without this being observed by witnesses. Similarly, if the woman was the one who attached a condition to the *kiddushin*, and afterwards nullified it in the presence of her prospective husband alone, the condition is of no consequence.

Therefore, if [a man] consecrated [a woman] and attached a condition [to the *kiddushin*], and afterwards, brought her [to the *chuppah*] without mentioning the condition, or engaged in sexual relations with her without mentioning the condition, she must receive a divorce [before she marries another man] even though the condition was never fulfilled. [The rationale is that] perhaps [the man] nullified the condition when he brought her [to the *chuppah*] or when he engaged in sexual relations with her.

Similarly, when [a man] consecrates a woman with [an article] worth less than a *p'rutah* or with a loan, and then engages in sexual relations [with this woman] in the presence of witnesses, without making a statement of intent, the woman must receive a divorce [before she marries another man]. [The rationale is that] perhaps [the man intended to consecrate her through these relations] and relied on them, rather than on the *kiddushin* that are inadequate.

[The principle on which these rulings depend is:] It is an accepted presumption that no virtuous Jewish man will enter into sexual relations that are wanton when he has the potential to engage in these relations in a way that is a mitzvah.

Chapter 8

1 When [a man] tells a woman: "Behold, you are consecrated to me with this cup of wine," and the cup is discovered to contain honey [she is not consecrated]. [Similarly, if he tells her: "...Behold, you are consecrated to me with this cup] of honey," and the cup is discovered to contain wine; "...with this *dinar* of silver," and it is discovered to be gold; "...[with this *dinar*] of gold," and it is discovered to be silver; "...on condition that I am a priest," and he was discovered to be a Levite; "[on condition that I am] a Levite," and he was discovered to be a priest; "...[on condition that I am] a Givonite," and he was discovered to be a bastard; "...[on condition that I am] a bastard," and he was discovered to be a Givonite; "...[on condition that I am] an inhabitant of a town," and he was discovered to be an inhabitant of a metropolis; "...[on condition that I am] an inhabitant of a metropolis," and he was discovered to be an inhabitant of a town; "...on condition that I am poor," and he was discovered to be rich; "...[on condition that I am] rich," and he was discovered to be poor; "...on condition that my house is close to the bathhouse," and it is discovered to be distant from it; "...[on condition that my house is] distant from the bathhouse," and it is discovered to be close to it; "...on condition that I have a maid," "...a daughter who knows how to braid hair," or "...who

bakes," and [it is discovered that] he does not have one; "...on condition that he does not have [one of the above,] and [it is discovered that] he does; "...on condition that he has a wife and children," and [it is discovered that] he does not; "...on condition that he does not have [the above,] and [it is discovered that] he does - in all these and in any similar instance, the woman is not consecrated. The same rule applies if she [makes a condition based on] false information.

2 In all the above instances, she is not consecrated even though she says: "In my heart, I was willing to be consecrated to him even though he deceived me and gave me wrong information." Similarly, [if she gave him false information,] she is not consecrated even though he says: "In my heart, I was willing to consecrate her even though she deceived me." [The rationale is that] feelings in one's heart are not [the same as explicit] statements.

3 [When a man tells a woman:] "Behold, you are consecrated to me on condition that I am a perfumer," and it is discovered that he is both a perfumer and a leather craftsman; "...on condition that I am an inhabitant of a town," and he was discovered to be an inhabitant of both a town and a metropolis; or "...on condition that my name is Yosef," and it was discovered that his name was Yosef and Shimon; she is consecrated.

If, however, he told her: "[Behold, you are consecrated to me] on condition that my name is only Yosef," and it was discovered that his name was Yosef and Shimon; "...on condition that I am solely a perfumer," and it is discovered that he is both a perfumer and a leather

craftsman; or "...on condition that I am solely an inhabitant of a town," and he was discovered to be an inhabitant of both a town and a metropolis; she is not consecrated.

4 When [a man] tells a woman: "Behold, you are consecrated to me on condition that I know how to read," [for the stipulation to be fulfilled] it is necessary that he know how to read from the Torah and translate what he reads according to the translation of Onkelos the convert.

If he tells her: "...on condition that I am a reader," he must know how to read the Torah, the works of the Prophets and the Holy Writings with proper grammatical precision. [If he tells her:] "...on condition that I know how to study the Mishnah," he must know how to read the Mishnah. "...On condition that I am a sage of the Mishnah," he must know how to read the Mishnah, the *Sifra*, the *Sifre*, and the *Tosefta* of Rabbi Chiyya.

5 [When a man tells a woman: "Behold, you are consecrated to me] on condition that I am a student [of the Torah]," we do not say that [he must be a student] of the caliber of ben Azzai and ben Zoma. Instead, it is sufficient that when one asks him a question regarding his studies, he is able to answer. [This includes] even the laws of the festivals that are studied in public; these are easy matters that are studied close to the festival, so that people at large will be familiar with them.

[When a man tells a woman: "Behold, you are consecrated to me] on condition that I am a wise man," we do not say that [he must be] like Rabbi Akiva and his colleagues. Instead, it is sufficient that when one asks

him a point of logic with regard to any subject, he is able to answer. "...On condition that I am mighty," we do not say that [he must be] like Avner ben Ner or Yoav. Rather, it is sufficient that his colleagues fear him because of his might. "...On condition that I am rich," we do not say that [he must be as wealthy] as Rabbi Eleazar ben Azariah. Rather, it is sufficient that the inhabitants of his city honor him because of his wealth.

[When a man tells a woman: "Behold, you are consecrated to me] on condition that I am righteous," even if the person is known to be thoroughly wicked, there is doubt [regarding the status of the *kiddushin*, and] the woman is considered as consecrated. For it is possible that he had thoughts of repentance in his heart at that time.

"...On condition that I am wicked," even if the person is known to be thoroughly righteous, there is doubt [regarding the status of the *kiddushin*, and] the woman is considered as consecrated, since it is possible that he had thoughts of idol worship in his heart at that time. For the sin of idol worship is so great that even when a person thinks of serving [idols] in his heart, he is considered wicked, as [implied by **Deuteronomy 11:16**, which] states: "lest your hearts be tempted [and you go astray and serve other gods]," and [**Ezekiel 14:5**, which] states: "that I may detect the House of Israel in their hearts [for they are all estranged from Me because of their idols]."

6 [When a man] consecrates a woman and says, "I thought she was from a priestly family, and instead she is from a family of Levites," "...from a family of Levites, and instead she is from a priestly family," "...poor, and instead she is rich," or "...rich, and instead she is poor," she is consecrated,

for she did not cause him to err.

Similarly, if she says, "I thought he was a priest, and instead he is a Levite," "...a Levite, and instead he is a priest," "...poor, and instead he is rich," or "...rich, and instead he is poor," she is consecrated, for he did not cause her to err.

Chapter 9

1 [When a man] consecrates two women whom he is forbidden to marry at the same time, because it creates a prohibited relationship, neither is consecrated. What is implied? When a man consecrates a woman and her daughter or two sisters at the same time, neither of them is consecrated.

2 [The following rule applies when a man] consecrates many women at the same time and says: "Behold, all of you are consecrated to me." If among [these women] were two sisters, a woman and her daughter or the like, none of the women is consecrated.

If [the man] told [the women]: "Those of you who are fit to engage in marital relations with me are consecrated to me," they are all consecrated to him, except the sisters, the mother and her daughter or the like.

Similarly, if [a man] told [a group of women], "Behold, all of you are consecrated to me," and among [these women] was a Canaanite maidservant, a non-Jewish woman or a woman who is forbidden to this man as an *ervah* - e.g., a married woman, his daughter, his sister or the like - none of them is consecrated to him. If he says: "Those of you who are fit to engage in marital relations with me are consecrated to me," they

are all consecrated to him, except the women with whom he cannot establish *kiddushin*.

3 [The following rule applies when] a man tells two sisters: "Behold, one of you is consecrated to me with this [article]," and gives them both a *p'rutah*, or one accepts it on behalf [of herself and] her sister. They both require a divorce from him, and it is forbidden for him to engage in marital relations with either of them, for the *kiddushin* are viable even though he is forbidden to engage in relations with either of them. The same [rule applies] when [a man] tells a father: "One of your daughters is consecrated to me," and the father accepts the *kiddushin*.

4 [The following rule applies when a man] appoints an agent to consecrate a particular woman, the agent went and consecrated her, the principal himself consecrated the woman's mother, daughter or sister, and it is not known which of them was consecrated first: They both require a divorce, and they both are forbidden [to have relations] with him.

A similar [rule applies] if a woman appointed an agent to consecrate her, he [fulfilled her charge], she herself consecrated herself to another man, and it is not known which consecration took place first. Both men are required to divorce her. If they so desire, one may divorce her and one may marry her.

5 When does the above apply? When [the two men who consecrated her] were not related. If, however, they were related, the agent consecrated the woman to a father, and she consecrated herself to his son, to his brother or

the like: they both must divorce her, and they both are forbidden [to have relations] with her.

6 [The following rules apply when a man] tells an agent: "Go out and consecrate a woman for me," the agent dies, and it is not known whether or not he consecrated a woman on behalf of the principal. We accept the presumption that he consecrated [on his behalf], for it is an accepted presumption that the agent will carry out the mission with which he was charged.

[Accordingly,] since it is not known which woman he consecrated, the principal is forbidden to marry any woman who has a relative who might be forbidden because of the laws of *ervah* - i.e., a woman who has an [unmarried] daughter, mother, sister or the like.

[The rationale is] that if you say: "Let him marry this one," perhaps the agent had consecrated the woman's mother, sister or daughter. He is permitted [to marry] a woman who does not have relatives like these.

If [the woman the man desires to marry] has a relative like this - e.g., a sister - and that relative was married at the time the agent was appointed, [the man] is permitted to marry her. [This applies] even if this relative was divorced before the agent died. We do not say that perhaps the agent consecrated her relative after she was divorced. For she was not fit to [marry him] at the time the agent was appointed, and a person does not appoint an agent to consecrate a wife for him if [the intended] is not fit to be consecrated at the time the agent is appointed.

7 [The following rules apply when] a person has five sons, they each appoint

their father as an agent to consecrate a wife for them, and the father tells a colleague who has five daughters: "[Each] one of your daughters is consecrated to one of my sons." Should the father [of the girls] accept the *kiddushin*, each of the girls must be divorced by each of the five brothers. For they all gave their father the prerogative of consecrating a wife for them [and he did not specify which woman would be the wife for which of his sons].

If one of [the sons] dies, each of the women must be divorced by the four [remaining brothers] and must perform the rite of *chalitzah* with one of them.

8 [There is, by contrast, no doubt in the following situation:] A father had [two daughters]: one a minor or a *na'arah* whom he has the privilege [of consecrating], and one a *bogeret*. Even if the *bogeret* gives her father the privilege of consecrating her, when he consecrates one of his daughters without specifying which one, it is assumed that the *bogeret* is not the one intended unless he specifically states [that the *kiddushin* are for] "my older daughter, who is a *bogeret*, who appointed me as [her] agent." Therefore, [in such a situation,] the *bogeret* is not consecrated, and her sister is consecrated.

9 [The following rules apply with regard to a father] who has two pairs of daughters from two different wives, and he has the prerogative [of consecrating all of them]. If he consecrated one daughter, and at the time of the *kiddushin* told the husband: "I consecrated my oldest daughter" [there is no confusion with regard to his intent]. Although it is possible to

say that perhaps he consecrated the older daughter in the older pair to him, or the older daughter in the younger pair or the younger daughter in the older pair - for she is older than the older daughter in the younger pair [- we do not entertain such doubts.] All [the daughters] are permitted [to marry other men] except the older daughter in the older pair; she alone is considered to be consecrated.

Similarly, if [the father says that] he consecrated his youngest daughter: Although it is possible to say that perhaps [he consecrated] the younger daughter in the younger pair to him, or the younger daughter in the older pair or the older daughter in the younger pair - for she is younger than the younger daughter in the older pair [- we do not entertain such doubts]. All [the daughters] are permitted [to marry other men] except the younger daughter in the younger pair; she alone is considered to be consecrated. For the phrase "my oldest daughter" implies the daughter whom none is elder than, and the phrase "my youngest daughter" implies the daughter whom none is younger than.

10 A father's word is accepted with regard to [the status of] his daughter below the age of *bagrut*. [If] he states that she has been consecrated, she is forbidden to marry at all.

11 When a father says, "I consecrated my daughter, but I do not know to whom I consecrated her," she is forbidden [to marry] any man forever unless the father says, "I became aware of the fact that I consecrated her to so and so." He alone must divorce her [before she can marry another person]. [Her father's word is accepted with regard to the identity of the

person who consecrated her] even if he becomes aware after she reaches the age of *bagrut*.

12 If a father says, "I don't know to whom I consecrated [my daughter]," and a person comes and says, "I am the one who consecrated her," his word is accepted. [Moreover, he is granted the prerogative of] consummating the marriage. He need not consecrate her a second time.

13 [In the above situation,] if two people come and both claim that they were the ones who consecrated her, they are both required to divorce her. If they desire, one may divorce her, and one may consummate the marriage.
[If the latter option was taken, and] one consummated the marriage, and afterwards a third person came and claimed that he was the one who had consecrated her [originally], his word is not accepted and he does not cause her to be forbidden to her husband.

14 [The following rules apply when] a woman states: "I was consecrated, but I do not know to whom I was consecrated," and a man comes and claims: "I was the one who consecrated her." His word is accepted and he may divorce her [so that] she is permitted to marry others, but not him. He is forbidden to consummate the marriage.
[This restriction was instituted out of suspicion that] perhaps the man's natural inclination overcame him [and he made his statement out of desire for her]. [And we fear that the woman] will encourage [his false statements] so that she will be permitted [to marry].

15 [The following rules apply when a man] tells a woman: "I consecrated

you," and the woman denies the matter. He is forbidden [to marry] her close relatives, but she is permitted [to marry] his close relatives. If she says, "You consecrated me," and he denies the matter, he is permitted [to marry] her close relatives, but she is forbidden [to marry] his close relatives.

If he says: "I consecrated you," and the woman says: "It was my daughter, not me, whom you consecrated," he is forbidden [to marry] the close relatives of the mother; the mother is permitted [to marry] his close relatives; he is permitted [to marry] the close relatives of the daughter; and the daughter is permitted [to marry] the man's close relatives.

[The following rules apply when the man says:] "I consecrated your daughter," and the woman says: "It was myself [not my daughter] whom you consecrated." He is forbidden [to marry] the daughter's close relatives; the daughter is permitted [to marry] his close relatives; he is permitted [to marry] the mother's close relatives; and the mother is forbidden [to marry] the man's close relatives.

16 All the claims of *kiddushin* [mentioned in the previous halachah] refer to a situation in which the person making the claim states that the *kiddushin* were given in the presence of witnesses, and the witnesses either journeyed overseas or died. If, however, they acknowledge that the *kiddushin* were given without witnesses observing, the *kiddushin* are of no consequence, as we have explained.

Whenever a woman tells a man, "You consecrated me," and he denies the matter, we ask him to compose a bill of divorce so that she will be permitted to marry others, for [doing this] does not involve any loss to

him. If he gives her a divorce on his own volition, we compel him to give her [the monetary settlement, as stated in] the *ketubah*.

17 When a man appoints an agent to consecrate a woman for him, and the agent goes and consecrates her for himself, the woman is consecrated to the agent. It is, however, forbidden to do such a thing. Whoever does this or performs a similar act with regard to business matters is considered to be wicked.

18 [The following rules apply when a man] appoints an agent to consecrate a woman for him, the agent consecrates her [but a doubt arises whether the agent consecrated her for himself or for the principal]. When the agent says, "I consecrated [the woman] for myself," and the woman says, "I was consecrated to the principal," [the ruling depends on whether or not the appointment of the agent was made in the presence of witnesses].
If the agent was not appointed in the presence of witnesses, the agent is forbidden to marry the woman's close relatives, and she is permitted to marry [the agent's] close relatives. The woman is forbidden to marry the principal's close relatives, but the principal is permitted to marry her close relatives. If the agent was appointed in the presence of witnesses, she is consecrated to the principal.

19 [The following rules apply when] the woman says, "I do not know to whom I was consecrated, whether to the agent or to the principal." If the agent was not appointed in the presence of witnesses, she is consecrated to the agent. If he was appointed as his agent [in the presence of witnesses],

they both are required to divorce her. If they desire, one may divorce her and one may consummate the marriage.

20 [The following rule applies when] a woman appoints an agent to consecrate her, he went and fulfilled his mission, but while he was in the process of doing so, she nullified his agency and rescinded his appointment, and it is not known whether she nullified his agency before he received the *kiddushin* or afterwards. The status of the *kiddushin* is doubtful. [She cannot marry another man without receiving a divorce, nor may the marriage be consummated unless she receives *kiddushin* again.] Similar rules apply when a man appoints an agent and retracts his appointment.

21 [The following rules apply when a man] consecrates one of five women but does not know which of them he has consecrated, and each of them says, "He consecrated me." He is forbidden to marry the [close] relatives of all these women and must divorce each of them. [With regard to the payment of the money due because of the marriage contract,] he should leave [the sum due because of] one marriage contract among all the women and depart.

If, however, [the man] had consecrated [his intended] through sexual relations, our Sages penalized him [and required him] to give [the sum due because of] the marriage contract to each of the women.

[When could such a situation apply?] When it is known that he wrote a marriage contract for one of the women, and the marriage contract was lost, and each of the women claims: "I was the one who was consecrated.

He wrote the marriage contract for me and it was lost."

22 When a report is circulated that a woman has been consecrated to a particular man, we operate under the presumption that [the woman] is consecrated although there is no binding evidence to that effect. Whenever a report is not substantiated by a court, no attention is paid to it.

What type of report when substantiated will cause a woman to be considered to be consecrated? Two [men] came [to court] and testified that they saw candles lit, couches spread, people coming in and out of the house, and women celebrating with her, saying "So and so was consecrated today." If the women are heard saying: "So and so will be consecrated today," no attention is paid [to the report]; perhaps they assembled for the purpose of *kiddushin*, but the *kiddushin* were not given. It is only when [the report says that the woman] was [actually] consecrated [that the court considers her as such].

Similarly, if two [men] come and say, "We saw what looked like an *erusin* celebration and we heard sounds [of joy], and we heard from so and so who heard from so and so that this woman was consecrated in the presence of [two witnesses] and the witnesses went to another country or died" - this is a report that could cause a woman to be considered consecrated.

23 When does the above apply? When there is no rationale that offsets the report. If, however, there is a rationale that offsets the report, and that rationale is heard when [the report that] she was consecrated is heard, [the

woman] is not considered to be consecrated.

What is [an example] of a rationale that offsets a report? "So and so was consecrated with a stipulation attached," or "[So and so was given] *kiddushin* whose status is in doubt." [In such instances,] the woman is not considered [consecrated]. Instead, we ask her [for an account of the circumstances] and rely on her word, since there is no clear evidence nor firm report.

24 [The following rules apply when at first] a report spreads that [a woman] was consecrated to a particular man, and after a few days a rationale that offsets the report is stated. If it appears to the court that the rationale is true, they rely on it, and [the woman] is not considered to be consecrated. If not, since the rationale was not heard at the time the report of the *kiddushin* was heard, we do not take it into consideration.

25 An incident once occurred involving a report that a particular woman was consecrated to the son of so and so. After time passed, they asked [the husband's] father, who said, "There was a stipulation attached when she was consecrated to him, and the stipulation was not fulfilled." The Sages did not rely on his words. Instead, they ruled that the status of the *kiddushin* was in doubt, as if there were no rationale that offsets [the original report].

26 [The following rules apply when] a report is spread that [a woman] was consecrated to a particular man, and a second man came and consecrated her in our presence. We attempt to verify the report of the *kiddushin* of

the first man. If witnesses come and give clear testimony that [the woman] was consecrated to the first man, the *kiddushin* given by the second are of no consequence.

If not, the first man, for whom there is merely a report of his *kiddushin*, must divorce the woman, and the second man, who definitely consecrated her, is allowed to consummate the marriage. If the second man divorces her, the first should not consummate the marriage, lest people at large say, "He remarried the woman he divorced after consecrating her, after she had been consecrated by another man."

27 When a report is spread that a woman was consecrated to one man, and a second report is later spread that she was consecrated to another, one of the men should write her a bill of divorce, and the other - either the first or the last - may consummate the marriage.

28 In a place where it is customary for [a prospective groom] to send gifts to his [prospective] bride after consecrating her, and witnesses who had seen presents being brought to [a woman] come [and testify to that effect], we suspect that she has been consecrated. [Because of this] suspicion, she must be divorced. [This ruling applies] even when the majority of the men in the city send presents before consecrating [their prospective brides].

In a place where it is customary for all the men [of the locale] to send presents first and then consecrate, [the fact that witnesses] saw presents [being sent] is not a cause for suspicion.

29 [The following rules apply when] it was established that a marriage contract had been composed [for a specific woman]: If it is common for some of the people in that place to consecrate and then have [a marriage contract] composed, we suspect [that the woman was consecrated]. [This law applies] even when there is no scribe in the locale. We do not say that because a scribe happened to be found [in the locale], [the man had the marriage contract] written before [he consecrated the woman].

If all the men in a locale have marriage contracts composed before consecrating [their wives], [the existence of a marriage contract] is not a cause for suspicion [that a woman has been consecrated].

30 [The following rule applies when there is a dispute between two pairs of witnesses:] two [witnesses] say: "We saw [a woman] consecrated on this particular day," and two [witnesses] say: "We did not see [this happen]." Although they are all neighbors, living in the same courtyard, [the woman] is considered to be consecrated; the claim "We did not see [this happen]" is of no consequence, for it is common for [a man] to consecrate [a woman] in private.

31 When one witness says, "This [woman] has been consecrated," and [the woman] herself says, "I have not been consecrated," she is permitted [to marry without restriction].

When one [witness] says, "[This woman] has been consecrated," and another [witness] says, "she has not been consecrated," she should not marry [anyone other than the person to whom the witness says she has been consecrated]. If she, nevertheless, marries another person, [there is

no necessity to] terminate [the marriage], for she says, "I was not consecrated."

[The following rules apply when a woman herself] says, "I have been consecrated," and afterwards she accepts *kiddushin* [a second time]. If she can offer a rationale that explains her previous statements, explaining why she said she was consecrated, and the reason appears substantial [to the court], she is permitted to [marry] the second man. If she cannot offer an explanation, or she offers one but it does not appear substantial, she is forbidden [to marry]. [Nevertheless, we also give certain consideration to] the *kiddushin* given by the second man, and [require] him to divorce her. She is forbidden to [marry] him or anyone else until the person who first consecrated her comes.

Similar [rules apply with regard to] a woman who comes [to a new community] and says that she is a married woman, and afterwards says that she is unmarried. If she gives a rationale that explains her statements, and it [appears] substantial, her word is accepted.

Chapter 10

1 According to Rabbinic law, a woman who has been consecrated (i.e., an *arusah*) is forbidden to engage in sexual relations with her husband as long as she is living in her father's home. A man who has relations with his *arusah* in his father-in-law's home is punished with "stripes for rebelliousness."

Even when [the husband] consecrated [his *arusah*] by having sexual relations with her, he is forbidden to engage in sexual relations with her

again until he brings her to his home, enters into privacy with her, and thus singles her out as his [wife].

[Their entry into] privacy is referred to as entry into the *chuppah*, and it is universally referred to as *nisu'in*.

When a man has relations with his *arusah* for the sake of [establishing] *nisu'in* after he has consecrated her, the relationship is established at the beginning of sexual relations. This causes her to be considered his wife with regard to all matters.

2 Once an *arusah* has entered the *chuppah*, her husband is allowed to have relations with her at any time he desires, and she is considered to be his wife with regard to all matters. Once she enters the *chuppah*, she is called a *nesu'ah*, although [the couple] has not engaged in sexual relations.

[The above applies when] it is fitting to engage in relations with the woman. If, however, the woman is in the *niddah* state [when relations are forbidden], the marriage bond is not completed and she is still considered to be an *arusah* although she entered the *chuppah* and remained in privacy [with her husband].

3 The marriage blessings must be recited in the groom's home before the marriage takes place. There are six blessings; they are:

Blessed are You, God, our Lord, King of the universe, who has created all things for His glory.

Blessed are You, God, our Lord, King of the universe, Creator of man.

Blessed are You, God, our Lord, King of the universe, who created man in His image, in an image reflecting His likeness; [He brought forth] his

form and prepared for him from His own Self a structure that will last for all time. Blessed are You, God, Creator of man.

May the barren one rejoice and exult as her children are gathered to her with joy. Blessed are You, God, who makes Zion rejoice in her children.

Grant joy to these loving companions, as You granted joy to Your creation in the Garden of Eden long ago. Blessed are You, God, who grants joy to the groom and the bride.

Blessed are You, God, our Lord, King of the universe, who created joy and happiness, bride and groom, gladness, song, cheer and delight, love and harmony, peace and friendship. Soon, God, our Lord, may there be heard in the cities of Judah and the outskirts of Jerusalem, a voice of joy and a voice of happiness, a voice of a groom and a voice of a bride, a voice of grooms rejoicing from their wedding canopies and youths from their songfests. Blessed are You, God, who grants joy to the groom together with the bride.

4 If wine is available, a cup of wine should be brought, and the blessing over wine recited first. Afterwards, all the above blessings should be recited over the cup of wine; thus, one recites seven blessings.

In certain places, it is customary to bring a myrtle [branch] together with the wine. The blessing over the myrtle is recited after [the blessing over] the wine, and then the six blessings [mentioned above] are recited.

5 The wedding blessings are recited only in the presence of a quorum of ten adult free men. The groom is counted as part of the quorum.

6 When a man consecrates a woman, recites the wedding blessings, but does not enter into privacy with her in his home, she is still considered to be [merely] an *arusah*. For *nisu'in* are not established by the recitation of the wedding blessings, but rather by [the couple's] entry into the *chuppah*.

When [a man] consecrates [a woman] and [the two] enter a *chuppah*, but do not have the wedding blessings recited, the woman is considered to be married with regard to all matters. The wedding blessings may be recited even after several days have passed.

A woman in the *niddah* state should not marry until she is purified. The marriage blessings are not recited for her until she is purified. If a person transgresses, marries [a woman in this state] and has the blessings recited, they should not be recited again afterwards.

7 [A man] must write a marriage contract (a *ketubah*) [for his wife] before their entry into the *chuppah*; only afterwards is he permitted to live with his wife. The groom pays the scribe's fee.

How much does [the marriage contract require him to promise to have paid to her in the event of his death or his divorcing her]? If the bride is a virgin, no less than 200 *dinarim*. If she is not a virgin, no less than 100 *dinarim*. This amount is called the fundamental requirement of the *ketubah*.

If the groom desires to add to this amount he may, [promising any sum,] even a talent of gold. The laws pertaining to this addition and to the fundamental requirement of the *ketubah* are the same with regard to most matters. Therefore, every time the term *ketubah* is used without any additional explanation, it should be understood to include the

fundamental requirement of the *ketubah* together with the additional amount [promised by the groom].

It was our Sages who ordained the requirement of [writing] a *ketubah* for a woman. [They instituted this obligation] so that it would not be a casual matter for [her husband] to divorce her.

8 [Our Sages] did not require that these *dinarim* be of pure silver. Instead, [their intent was] the coin [commonly used] in the [Talmudic] period, which was seven parts copper and one part silver. Thus, a *sela* (a coin worth four *dinarim*) contained half a *zuz* of [pure] silver. And the 200 *dinarim* to be paid a virgin were equivalent to 25 *zuz* of pure silver, while the 100 *zuz* to be paid to a woman who had previously engaged in sexual relations was 12 and a half *zuz* [of pure silver].

The weight of each *zuz* is 96 barley corns, as explained at the beginning of *[Hilchot] Eruvin*. A *dinar* is universally referred to as a *zuz*, regardless of whether it was of pure silver or of the coins used in the [Talmudic] period.

9 [A marriage contract] for a virgin may not be less than 200 [*zuz*], nor less than 100 [*zuz*] for a woman who is not a virgin. Whenever anyone [composes a marriage contract for] a lesser sum, the sexual relations [he conducts with his wife] are considered promiscuous.

[Marital relations] are permitted whether the husband composes a legal document [recording] the *ketubah*, or whether he has witnesses observe him making a commitment for either 100 or 200 *[zuz]* and [reaffirms that] commitment with a contractual act. Similarly, if [a man] gives his wife possessions equivalent to the value of her *ketubah* [as security], he is

permitted to engage in relations with her until he has the opportunity to [have the document] composed.

10 When a man brings a woman [into a *chuppah*] without writing a *ketubah* for her, or he has written her a *ketubah* but it was lost, or the woman waived the *ketubah* in favor of her husband, or she sold her *ketubah* to him, he must compose a document [obligating himself] for [at least] the fundamental requirement of the *ketubah* if he desires to continue living with his wife. For it is forbidden for a man to continue living with his wife for even a single moment without [her having] a *ketubah*.

When, however, a woman sells her *ketubah* to others for the possible benefit, [her husband] does not have to write another *ketubah* for her. For the *ketubah* was instituted solely so that it would not be a casual matter for [a man] to divorce [his wife]. In this instance, if [the woman's husband] divorces her, he must pay her *ketubah* to the purchaser in the same way that he would pay her if she had not sold it.

11 When [a man] consecrates a woman and writes her a *ketubah*, but does not enter into a *chuppah* with her, her status is that of an *arusah* and not that of a *nesu'ah*. For a *ketubah* does not bring about *nisu'in*. If [the husband] dies or divorces her, she may collect the fundamental requirement of the *ketubah* from property possessed by the man or his estate. She does not collect the additional sum [that he attached to the *ketubah*] at all, for they did not enter [a *chuppah*].

If, by contrast, a man consecrates a woman and does not write a *ketubah* for her, and he dies or divorces her while she is still an *arusah*, she has no

claim against him, not even for the fundamental [requirement of the *ketubah*]. For our Sages did not grant [a woman] the fundamental requirement of the *ketubah* until the marriage is consummated or until the husband writes a document for her.

When a man consecrates his daughter, and [her intended husband] writes her a *ketubah* and dies or divorces her while she is a *na'arah*, her father receives [payment for] her *ketubah*, as explained in Chapter Three above.

12 Similarly, our Sages ordained that whoever weds a virgin should celebrate with her for seven days. He should not pursue his occupation, nor should he involve himself in commercial dealings; he should eat, drink and celebrate. [This ruling applies] regardless of whether the groom had been married before or not.

If the bride is not a virgin, [he should celebrate with her] for no less than three days. For it is an ordinance of our Sages that a husband - regardless of whether he was married before or not - should celebrate with a non-virgin bride for three days.

13 A man may wed several women at one time on one day and recite the marriage blessings for all of them at the same time. With regard to the celebrations, however, he must rejoice with each bride the time allotted to her: seven days for a virgin, three days for a non-virgin. One celebration should not be allowed to overlap with another.

14 It is permitted to consecrate a woman on any weekday, even on Tish'ah B'Av, whether during the day or during the night. With regard to

weddings, by contrast, a wedding is not conducted on a Friday or a Sunday. [This is] a decree, [ordained] lest conducting the wedding feast lead to the desecration of the Sabbath, for a groom is preoccupied with the wedding feast. Needless to say, a wedding is not conducted on the Sabbath.

Even on Chol HaMo'ed weddings are not held, as we have explained, for one celebration should not be mixed with another, as [implied by **Genesis 29:27**]: "Complete the week [of celebration] of this one and then I will give you this other one."

On other days, it is permitted to wed a woman on any day one desires, provided one spends three days preparing for the wedding feast.

15 In a locale where the court holds session only on Monday and Thursday, a virgin bride should be wed on Wednesday. Thus, if her husband has a claim with regard to her virginity, he can take it to the court early the next morning.

It is the custom of the Sages that a man who weds a non-virgin bride should wed her on Thursday, so that he will celebrate with her on Thursday, Friday and the Sabbath. On Sunday, he will go back to work.

16 When a man consecrates his daughter while she is below the age of majority, both she and her father may object and delay the wedding until she comes of age and becomes a *na'arah*. If [the husband] desires to wed her, he may. It is not proper, however, to do so.

17 If a man consecrated [a girl], delayed several years, and seeks to wed her

while she is a *na'arah*, the girl is given twelve months from the day he makes his request, to outfit herself and prepare what she needs for him. Only afterwards, must she wed.

If he makes his request after she becomes a *bogeret*, she is given twelve months from the day she becomes a *bogeret*. Similarly, if he consecrates her on the day on which she becomes a *bogeret*, she is given twelve months from the day of the *kiddushin* - i.e., the day on which she became a *bogeret*.

When he consecrates her after she has become a *bogeret*, if more than twelve months have passed from the time she became a *bogeret* until he consecrates her, she is given only 30 days from the day he requests to wed her [to prepare]. Similarly, when a man consecrates a non-virgin bride, she is given 30 days [to prepare] from the day he requests to wed her.

18 Just as a woman is given time to outfit herself after her groom requests to wed her and then the wedding is held, so too, time is granted to the man to prepare himself if the woman requests the wedding to be held.

How much time is granted him? The same as is granted her. If [she would be granted] twelve months, [he is granted] twelve months. If [she would be granted] thirty days, [he is granted] thirty days.

19 When the time allotted to the man passes and he still has not wed his *arusah*, he is obligated to provide her livelihood, although they have not wed. [Nevertheless,] if [the final day in] the time allotted him falls on Sunday or Friday, he is not liable for her livelihood on that day, for the wedding cannot be held then. Similarly, if he or she falls ill or she enters

the *niddah* state at the conclusion of the time allotted him, he is not obligated to provide her with her livelihood. For she is not fit to wed until she purifies herself, or until she becomes healthy. Similarly, he is not able to wed a woman until he regains his health.

Chapter 11

1 [The following laws apply when a man] weds a virgin who was widowed or divorced or who underwent the rite of *chalitzah*. If she was widowed or divorced or underwent the rite of *chalitzah* after *erusin* alone, the *ketubah* [to which she is entitled from her second husband] is 200 *zuz*. If, however, she had been wed, the *ketubah* [to which she is entitled from her second husband] is 100 *zuz*. Once she is wed, she is considered to be a non-virgin.

Similar [rules apply when a man] weds a virgin [bride] who is [a Canaanite maidservant] who has been freed, who is a convert, or who was held captive [by gentiles and freed]. If the maidservant had been freed, the convert had converted, or the women held captive had been redeemed before they reached the age of three years and one day, they are entitled to a *ketubah* of 200 *zuz*. If [this took place after they reached that age, their *ketubah* is [only] 100 [*zuz*].

2 Why did our Sages ordain that these women receive a *ketubah* of [only] 100 [*zuz*] even though they are virgins? Because it is a presumption that can be accepted as fact that a woman who is wed will engage in marital relations, and similarly, that a maidservant, a gentile woman and a woman

held captive by gentiles will have engaged in relations. Hence, they ordained that such women would be entitled to [only] 100 [*zuz*],whether they engaged in relations or not. With regard to all matters, they are considered to be non-virgins.

3 A *mukat etz* [is granted] a *ketubah* of 100 [*zuz*]. Even if [her husband] wed her under the presumption that she was a virgin and then he discovered that she was a *mukat etz*, she is entitled to a *ketubah* of 100 [*zuz*].

When a girl of less than three years of age engages in sexual relations, even when her partner is an adult male, she [is entitled to] a *ketubah* of 200 [*zuz*]. Ultimately, she will heal and be a virgin like all others.

Similarly, when a boy below the age of nine engages in sexual relations with an adult woman, she [is entitled to] a *ketubah* of 200 [*zuz*], as if she had never engaged in relations. For it is only after a boy reaches the age of nine years and one day that relations with him are of consequence. Before that age, they are of no consequence.

4 Whether a virgin is a *bogeret*,, blind, or an *aylonit,* she [is entitled to] a *ketubah* of 200 [*zuz*]. By contrast, no provision was made for a *ketubah* for a woman who is a deaf mute or mentally incompetent. [The rationale is] that no provision has been made for the marriage of a mentally incompetent woman at all.

With regard to a woman who is a deaf mute, although our Sages made provision for her marriage, they did not entitle her to a *ketubah*, so that a man would not refrain from marrying her. Just as she is not entitled to a *ketubah*, so too, [her husband] is not [obligated to provide] her with her

livelihood or grant her any other [of the ordinary] conditions of the marriage contract.

If one wed a woman who was a deaf mute and her difficulty was remedied, she is entitled to a *ketubah* and to the other conditions of the marriage contract. [The amount of] her *ketubah* is 100 *zuz*.

5 When a man marries a woman who is a deaf mute or mentally incompetent and writes her a *ketubah* for 10,000 [*zuz*], the obligation is binding; it was he who desired to diminish his assets.

6 [The following rules apply when] a deaf mute or a mentally incompetent man married a woman who was mentally competent. Even if afterwards the deaf mute's disability disappears and the mentally incompetent person gains stability, they are under no obligation to their wives. If, however, [the men] desire to remain [married] to [the women] after their own wellbeing has been restored, [the wives] are entitled to a *ketubah*, and its value should be 100 *zuz*.

If the deaf mute's marriage was made by the court, and they write [his wife] a *ketubah* against his assets, she is entitled to everything that the court has prescribed for her. A court will not arrange a marriage for a mentally incompetent person at all. Since the sages' injunction will not be maintained in his instance, they did not ordain marriage for him at all.

Similarly, our Sages did not ordain marriage for a male below the age of majority; [the rationale is that] ultimately he will gain the potential to enter into a comprehensive marriage bond.

Why then did they ordain marriage for a girl below the age of majority

although she too will ultimately gain the potential for a comprehensive marriage bond? So that she will not be treated in a wanton manner.
A youth should not be [allowed to] marry until he has been examined, and it has been determined that he has manifested signs of physical maturity.

7 When a male below the age of majority marries a woman, she is not entitled to a *ketubah*, even if he is already nine years and one day old. If he attains majority and remains [married] to her, she is entitled to the fundamental requirement of the *ketubah*.
Similarly, when a man converts together with his wife, she is entitled to a *ketubah* [of 100 *zuz*]. It was with this intent that he maintained their marriage.

8 Whenever a virgin bride is entitled to a *ketubah* of 200 [*zuz*], there is [the possibility of issuing] a claim against her, [denying] her virginity. Whenever, by contrast, a bride is entitled to a *ketubah* of [only] 100 [*zuz*], or the Sages did not entitle her to a *ketubah* at all, there is no [possibility of issuing] a claim against her [denying] her virginity. [Similarly,] if [a groom] enters into privacy with his *arusah* before their wedding, there is no [possibility of issuing] a claim against her [denying] her virginity.

9 What is meant by a claim [denying a woman's] virginity? [A man] married a woman on the assumption that she was a virgin, and [after the wedding] claims that he did not find signs of virginity. For there are two signs of virginity: a) [hymenal] bleeding at the conclusion of her first

sexual experience; b) tightness that is felt during sexual relations at that time.

10 When [a man] weds a virgin who is granted a *ketubah* of 200 [*zuz*], and claims that he did not discover signs of her virginity, the woman is questioned [regarding the matter]. If she says, "It is true that he did not find me a virgin, but this is because I fell, and I was struck by a piece of wood or the ground, and my hymen was damaged," her word is accepted and she is entitled to a *ketubah* of [100 *zuz*].

Although [her husband] claims: "Perhaps you engaged in intercourse, and I am under no obligation to you," his claim is not accepted, for his claim is not absolute. He may, however, have a ban of ostracism issued, conditional on her having engaged in relations with another man.

11 If [the woman] says, "It is true that he did not find me a virgin, for another man raped me after I had been consecrated by him," her word is accepted, and she is entitled to a *ketubah* of 200 [*zuz*] as before.

If [her husband] claims: "Perhaps you were raped before you were consecrated, and the agreement I entered was based on false premises. Or perhaps you willingly engaged in relations after you were consecrated" [his claim is not accepted]. He may, however, have a ban of ostracism issued conditionally against anyone who makes a false claim to have him incur a financial obligation for which he is not liable.

12 If he claims, "I did not find her a virgin," and she claims, "He has not had intercourse with me and I am still a virgin," she should be examined.

Alternatively, he should have relations with her under the surveillance of witnesses [and the truth will be clarified].

If she claims, "He had relations with me and he found me a virgin like all others, and his claim is false," he is questioned [and asked to clarify his statements]. We ask him: "Why do you say that she was not a virgin?" If he answers: "Because she did not have hymenal bleeding," we check her family [history]. Perhaps [the women of] this [family] are known not to have [vaginal] bleeding at all: neither menstrual bleeding nor hymenal bleeding. If this was found to be true, we presume [that she was a virgin, and she is entitled to a *ketubah* of 200 *zuz*].

If the women in her family are not known to have such a condition, we check her [physical state]; perhaps she is afflicted by a serious infirmity that has parched her body's natural fluids, or [perhaps] she was afflicted by hunger. Therefore, we have her bathe, eat and drink until she becomes healthy. At which point, [the couple] engage in relations again to see if she manifests hymenal bleeding or not.

If she is not hampered by sickness, hunger or the like, the [husband's] claim that she was not a virgin [is accepted]. [This applies] even if he felt tightness during relations. Since there was no hymenal bleeding, her hymen was not intact. For every virgin will manifest hymenal bleeding, whether she is a minor or above the age of majority, whether a *na'arah* or a *bogeret*, unless [this is prevented by an external factor,] illness or the like, as explained.

If [the husband] said: "[I claim that she was not a virgin,] because I did not feel tightness [during intercourse]. Instead, I found an open passageway," we inquire with regard to [the woman's] age. Perhaps she is a

bogeret, and most *bogrot* do not have tightness that can be felt substantially [during intercourse], for as she grew older [the adhesion of] her limbs lessened, and the virginal [tightness] disappeared.

If she had not become a *bogeret* yet, we ask him: "Perhaps you leaned on the side or [entered] gently during intercourse, and therefore you did not feel any tightness?" If he replies: "No. I found an open passageway," [his] claim that she was not a virgin [is accepted] with regard to any woman who has not reached the age of *bagrut*, regardless of whether she was a minor or a *na'arah*, or whether she was healthy or sick. For the vaginal channel of every virgin is closed. Even if she manifests hymenal bleeding, she is not considered to be a virgin, because the vaginal channel was open.

13 There are *geonim* who rule that for a *bogeret*, the claim that she did not have hymenal bleeding is not valid, but the claim that her vaginal channel was open is valid. This does not appear [to be based on the proper text of] the Talmud. They had inaccurate versions of the text. I have investigated many texts, including those of an early era, and I have discovered the version to be as I ruled. For a *bogeret*, the only valid claim is [that she did not manifest] hymenal bleeding.

14 Our Sages were those who instituted the fundamental requirement of a marriage contract for a woman and they also instituted [the following consideration]: Whenever [a man] makes a claim that his wife was not a virgin, and the woman disputes his claim, [the husband's claim] is accepted. It is the woman's responsibility to bring support for her claim, not the man's. [The rationale is] that we assume that a man will not labor

to prepare a [wedding] feast and then mar it, turning his celebration into mourning.

15 Until when may a husband issue a claim denying his wife's virginity? If [the couple] went into privacy, only immediately [thereafter]. If they did not enter into privacy, he has this option even after 30 days.

16 All the *geonim* have ruled that our Sages' statement that the husband's statements are accepted even though his wife disputes his claim applies only with regard to nullifying the obligation for the fundamental requirement of the marriage contract. Nevertheless, the woman is entitled to the additional amount [to which her husband committed himself] unless there is clear proof that she was not a virgin, or she admitted that she was not a virgin before she was consecrated and that she deceived him. Therefore, [the husband] may require her to take an oath while holding a sacred article, as must be done by all others who must take oaths before they collect [the money due them]. Afterwards, she may collect the additional sum.

She, by contrast, does not have the option of requiring him to take an oath that he did not discover her to be a virgin, before she must forfeit the fundamental requirement of the marriage contract, for it is a presumption accepted as fact that a person will not labor to prepare a [wedding] feast and then mar it. She may, however, have a ban of ostracism issued conditionally, applying to anyone who lodges false claims against her.

17 If [the husband] desires to remain married to [his wife] after causing her

to forfeit the fundamental requirement of the marriage contract, he must write her [a new *ketubah* for] 100 [*zuz*]. For it is forbidden for a man to live with his wife for even one moment without a *ketubah*, as we have explained.

Chapter 12

1 When a man marries a woman, whether she is a virgin or a non-virgin, whether she is above the age of majority or a minor, and whether she was born Jewish, is a convert or a freed slave, he incurs ten responsibilities toward her and receives four privileges.

2 With regard to his ten responsibilities: three stem from the Torah. They include *sha'arah, kesutah v'onatah. Sha'arah* means providing her with subsistence. *Kesutah* means supplying her with garments, and *onatah* refers to conjugal rights.

The seven responsibilities ordained by the Rabbis are all conditions [of the marriage contract] established by the court. The first is the fundamental requirement of the marriage contract. The others are referred to as *t'na'ei ketubah*, the conditions of the marriage contract. They are:

a) to provide medical treatment if she becomes sick;

b) to redeem her if she is held captive:

c) to bury her if she dies;

d) to provide for her from his possessions;

e) the right for her to continue living in his home after his death as long as she remains a widow;

f) the right for her daughters to receive their subsistence from his estate after his death until they become consecrated;
g) the right for her sons to inherit her *ketubah* in addition to their share in her husband's estate together with their brothers [borne by other wives, if she dies before her husband does].

3 The four privileges that the husband is granted are all Rabbinic in origin. They are:
a) the right to the fruits of her labor;
b) the right to any ownerless object she discovers;
c) the right to benefit from the profits of her property during her lifetime;
d) the right to inherit her [property] if she dies during his lifetime. His rights to her property supersede [the rights of] all others.

4 Our Sages also ordained that the fruits of a wife's labor should parallel her subsistence, [the obligation to] redeem her should parallel [the right to] the benefit from her property, and [the obligation to] bury her should parallel [the right to] inherit [the property mentioned in] her *ketubah*.
Therefore, if a woman says: "I will not [hold you obligated for] my subsistence, but I will not work," she is given this option, and she cannot be compelled to work. If, however, her husband says: "I will not provide for your subsistence, and I will not receive the right to the fruits of your labor," he is not given this option, lest the woman be unable to earn her subsistence. Because of this institution, [the obligation to provide for a woman's] subsistence is considered to be one of the *t'na'ei ketubah*.

5 Whether or not these matters were written in the marriage contract - indeed, even if a marriage contract was not written and the couple merely married - once they marry, the husband is granted the four privileges mentioned, and the woman is granted the ten rights mentioned. There is no need to state them explicitly.

6 If the husband made a stipulation that he would not be responsible for one of these obligations - or the wife made a stipulation that [her husband] would not be granted one of these privileges - [and the other party agreed,] the stipulation is binding, with the exception of three matters with regard to which it is impossible for a stipulation to be made. Indeed, if a stipulation is made with regard to these three matters, it is of no consequence. These [three] are: [the woman's] conjugal rights, the fundamental requirement of the marriage contract and [the husband's right] to inherit [his wife's property].

7 What is implied? If [the groom] made a stipulation with his bride that he is not obligated to give her conjugal rights, his stipulation is of no substance. For he has made a stipulation against what is written in the Torah, and the stipulation does not concern financial matters.

8 When a man makes a stipulation to reduce the amount of the fundamental requirement of the marriage contract - or he writes a *ketubah* for either 200 or 100 [*zuz*], but she writes that she has already received a portion of the sum, when in fact she did not - his stipulation is of no substance. For whenever a person establishes a marriage contract with a

virgin for less than 200 [*zuz*] or with a non-virgin for less than 100 [*zuz*], the sexual relations [he conducts with his wife] are considered promiscuous.

9 If he makes a stipulation after he weds her that he will not inherit her property, his stipulation is of no consequence. Although the husband's [right to] inherit [his wife's property] is a rabbinic institution, [our Sages] reinforced their edict, [giving it the power of a statute of] the Torah.

With regard to [the Torah's statutes of] inheritance, all stipulations that are made are of no consequence, despite the fact that financial matters are concerned, as [derived from **Numbers 27:11**]: "the statutes of judgment."

With regard to other [aspects of the marriage contract], a stipulation [made by the husband and accepted by his wife] is binding. For example, if he made a stipulation that he is not obligated to supply her with her subsistence or with clothing, or that he would not receive the benefits from her property, his stipulation is binding.

10 What is the amount that is designated for a woman's subsistence? We allot her bread for two meals every day, according to the norm of the people of her town, for a person who is neither sick nor a glutton.

The allotment is also made according to the type of bread eaten as a staple in that locale, be it wheat or barley, or rice, millet, or other grains, as is customary [in that locale]. Similarly, she is allotted other foods that are eaten together with bread - i.e., legumes, vegetables and the like. [She is also allotted] oil for food and to light a lamp and also fruit. She is also [allotted] a small amount of wine, if it is the local custom for women to

drink wine.

On the Sabbath, she is allotted three meals, and meat or fish according to the local custom. And she is given a *me'ah* of silver for her private needs - e.g., a *p'rutah* for laundry, or for the bath and the like.

11 To whom does the above apply? To a poor Jewish man. But if the husband is wealthy, [the support he is required to provide his wife is apportioned] according to his wealth. If he is wealthy enough to provide her with several dishes of meat each day, he is compelled to do so, and she is allotted [subsistence] commensurate with his wealth.

If he is extremely poor and is unable to provide his wife with even the bread that she requires, he is compelled to divorce her. He remains indebted for her *ketubah* until he finds the means to provide payment for it.

12 When a husband desires to provide his wife with subsistence as befits her, on condition that she should eat and drink alone, and that he should eat and drink alone, he is given this prerogative, provided he eats together with her on Friday night.

13 When a woman has been allotted subsistence, and [the entire allotment was not used], the remainder belongs to her husband.

If her husband is a priest, he is not entitled to provide her with all her provisions from *terumah*. [He is not given this option] because it is very difficult for her to protect [the *terumah*] from contacting ritual impurity, and to eat it while ritually pure [herself]. Instead, he should give her half

her provisions from ordinary [food] and half from *terumah*.

14 Just as a man is required to provide his wife with her subsistence, he is required to provide for the maintenance of his children, both male and female, until they reach the age of six. Afterwards, he should continue to provide for their maintenance until they reach majority, as ordained by our Sages.

If, however, he does not, he should be rebuked and embarrassed publicly, and appeals should be made to him. If he [persists in his] refusal, a public announcement is made with regard to him: "So and so is cruel and does not desire to provide for the maintenance of his children. He is worse than an impure bird, which does provide for its chicks." Nevertheless, he should not be compelled to provide for the maintenance [of children] six and older.

15 To what does the above apply? To a person who is not known to have resources, and it is not known whether or not he is capable of giving charity. If, however, he has resources and he possesses the means to give an amount to charity that would provide for [his children's] needs, his property is expropriated against his will for the purposes of charity, and [his children's] needs are provided for until they reach majority.

16 When a person travels to another country [and leaves his wife behind], [the following rules apply] should his wife come to court to place a claim [against her husband] for her subsistence. For the first three months from the day her husband departed, she is not given an allotment for her

subsistence. [The rationale is that] it is an accepted assumption that a person does not depart without leaving provisions for his household.

Afterwards, an allotment is made for her subsistence. If her husband owns property, the court expropriates his property and sells it to provide for his wife's subsistence. [When doing so,] no account is made for his wife's earnings until her husband comes. If it is discovered that she earned [money during the time that he was away], he is granted that sum.

Moreover, even if the matter is not taken to court, and instead the woman sells [her husband's property] on her own in order to pay for her subsistence, the sale is binding. There is no need for a public announcement [regarding the sale of the property]. Similarly, the woman is not required to take an oath [that her husband did not leave her money] until her husband comes and lodges a claim [against her], or until she comes to claim [the money due her, as stated in her] *ketubah* in the event of her husband's death. [In the latter instance, together with the oaths she is required to take to collect her *ketubah*,] on the basis of the principle of *gilgul shevu'ah*, [she is also required to take an oath] that she did not sell [any more of her husband's property than] was necessary for her subsistence.

17 Just as the court [expropriates and] sells [the property of] a husband who travelled [to another country to provide for] the subsistence of [his] wife, so too, it [expropriates and] sells property to provide for the subsistence of his sons and daughters who are six years old or less. If, however, they are more than six [years old], [the court] does not provide for their subsistence from his property when he is not present, even when he is

reputed to have means.

Similarly, when a person loses his mental faculties, the court expropriates his property and sells it to provide subsistence and other necessities for his wife and his children below the age of six.

18 Some *geonim* ruled that an assessment should not be made for the subsistence of a woman whose husband journeyed overseas, or who died, unless she evinces possession of her *ketubah* document. If she does not evince possession of her *ketubah*, she is not entitled to subsistence. Perhaps she has already received payment for her *ketubah* from her husband, or perhaps she forfeited her *ketubah* in his favor, as will be explained. Others maintain that an assessment is made on her behalf for her subsistence, for we accept it as a presumption that she neither received payment for nor forfeited [her *ketubah*]. Hence, she is not required to show her *ketubah* [when presenting her claim].

I favor [the latter view] with regard to [a woman] whose husband has departed, since her claim to her subsistence stems from the Torah itself. With regard to a woman whose husband died, however, she is not entitled to her subsistence until she brings her *ketubah*, for she [derives her subsistence] by virtue of a rabbinic enactment. Furthermore, her subsistence is paid from property belonging to [her husband's] heirs, and [the court] always advances claims in support of the interests of an heir.

19 If [a woman's] husband departed on a journey, and she borrowed money for her subsistence, [her husband] is required to pay [the debt] when he returns.

If a person voluntarily took the initiative of providing for her subsistence, when [her husband] returns the husband is not required to pay [that person]. The other person forfeited his money, [the rationale being] that [the husband] did not instruct him to provide for her, nor did she [request the assistance] as a loan.

20 When a husband [who plans to] depart on a journey tells his wife: "Use your earnings to purchase your subsistence," she has no [right to demand] her subsistence [from him afterwards]. For if she had not accepted this agreement, and she had not felt confident, she could have issued a claim against him, or told him, "My earnings are not sufficient for me."

21 [The following rule applies if] the woman took the matter to court and was awarded an assessment for her subsistence, the court sold [her husband's landed property] and gave her [the proceeds] - or she sold [the property] herself - and afterwards, the husband came and claimed that he left provisions for her. She is required to take an oath, while holding a sacred article, that he did not make provisions for her [and then she is not held liable].

[The following rule applies when a husband departed on a journey, and the woman] did not take the matter to court, nor sell his property, but instead waited until he returned. [If upon his return there is a dispute,] he claims: "I made [provisions for you]," while she claims, "You did not make provisions. Instead, I borrowed money from this person to provide for myself," he is required to take a rabbinic oath that he left provisions for her, and then he is not held liable. She remains responsible for the

debt.

22 [In the above instance,] if she sold movable property, claiming that she sold it to provide for her subsistence, and her husband claimed that he had left provisions for her, she is required to take a rabbinic oath that he did not leave her any provisions.

If she did not issue a claim against him, did not borrow money, and she did not sell his property, but instead strained herself during the day and during the night and earned her livelihood, she is not entitled to any recompense.

23 [The following rules apply when] a man takes a vow that his wife should not derive any benefit from him [or his property]. Whether he specified the span of the vow or did not specify the span of the vow, we grant him an interval of thirty days. If the span of his vow is concluded, or even though it is not concluded, but he has his vow annulled, this is acceptable. If not, he must divorce his wife, and pay her [the money due her because of] her *ketubah*.

During those thirty days, she should work and [attempt to] sustain herself [through her labor]. One of [her husband's] friends should provide her with those things she needs that she cannot purchase through the fruits of her labor, if the fruits of her labor are not sufficient for her.

24 When a person makes a vow [preventing] his wife from tasting one of the species of produce, he should be given an interval of thirty days. [If he prolongs the situation] beyond this time, he is required to divorce [his

wife] and pay [her the money due her by virtue of her] *ketubah*. [This ruling applies] even when his vow prevents her from eating undesirable food, or a species that she has never tasted in her life.

[The following rules apply when a woman] took a vow not to partake of a particular species of produce, and [her husband] allowed the vow to stand, or she took a Nazarite vow and he did not annul it. If he desires to remain married to her and for her not to partake of this species or to be a Nazarite, he may. If, however, he says: "I do not desire a woman with vows," he may divorce her, but he is required to pay her the money due her because of her *ketubah*. [The rationale is that] he had the option to nullify [her vow], and instead, he willingly allowed the vow to stand.

Chapter 13

1 To what extent is he required to provide her with garments? Annually, he must purchase for her clothes that were worth 50 *zuz* in the coinage prevalent [in the Talmudic period], these being worth six and one fourth *dinarim* of pure silver.

He should provide her with new [garments] during the rainy season. After these garments become worn, she should wear them in the summer. Frayed garments - that which remains from her garments from the previous year - belong to her; she should wear them while she is in the *niddah* state.

She is granted a belt for her loins, a cap for her head and new shoes on each festival.

2 When does the above apply? In [the Talmudic period,] and in *Eretz Yisrael*, but in other ages or in other countries, there is no fixed amount of money [determined for this purpose]. For there are some places where garments are very expensive, and others where they are inexpensive.
The fundamental principle is that he is obligated to provide her with appropriate clothes for the winter and the summer, the minimal that are worn by a married woman in that country.

3 Included in the [obligation to provide her with] garments is the requirement to provide her with household goods and a dwelling place.
With which household goods is he obligated to provide her? With a bed and its spreads, a reed or woven rug to sit on, and utensils with which to eat and drink - e.g., a pot, a plate, a cup, a bottle and the like.
With regard to her dwelling? He must rent a dwelling at least four cubits by four cubits. It must have a yard outside for her use and a latrine [nearby].

4 Similarly, he is obligated to provide her with ornaments - e.g., colored cloths to wrap her head and forehead, eye-makeup, rouge and the like - so that she will not appear unattractive to him.

5 When does the above apply? With regard to a poor Jewish man. Concerning a rich man, by contrast, all [of his obligations are judged] according to the extent of his wealth. If it would be appropriate for him to buy her silk and embroidered clothing and golden articles, he is compelled to provide her with these.

Similarly, the dwelling [he is required to give her] is judged according to his wealth, as are the ornaments and the household goods. If he does not have the means to provide her with the minimum required of a poor Jewish man, he is compelled to divorce her. The money due her by virtue of her *ketubah* is considered to be a debt that he is required to pay when he gains the means.

6 [A man] is obligated to provide the necessary clothing, dwelling and household goods, not only for his wife, but also for his sons and daughters who are six years old or less. He is not, however, required to provide for them according to his wealth; all that is necessary is that he provide for their needs.

This is the governing principle: whenever a husband [or his estate] is required to provide for a person's subsistence - whether the husband is alive or deceased - the husband [or his estate] is also obligated to provide for the person's clothing, household goods and dwelling. Whenever a court must sell [a person's property] to provide for [a dependent's] subsistence, they also sell [his property] to provide [the dependent] with clothing, household goods and a dwelling.

7 When a woman's husband has departed on a journey, and the court allots [money from his property] for her subsistence, her clothes, her household goods and the renting of a dwelling, they do not allot her money for ornaments. For she does not have a husband [present] for whom to make herself attractive. If, by contrast, a woman's husband loses his mental faculties or becomes a deaf mute, she is granted an allotment for

ornaments.

The laws that apply to the claims and counterclaims between a woman and her husband with regard to garments, clothing and the rental of a dwelling [in the event of the husband's departure on an extended journey] are the same as those that apply with regard to her subsistence. If he claims to have provided for her and she denies [his claim], the same rulings apply to all claims.

8 [The following rules apply if a husband] takes a vow that prevents his wife from wearing any type of ornament. If the couple are poor, they may remain married for a year while the vow is in effect. If [it remains in effect] for a longer period, he must either absolve himself of the vow, or divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*.

If the couple are wealthy, they may remain married for a month while the vow is in effect. If [it remains in effect] for a longer period, he must either absolve himself of the vow or divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*.

9 [The following rules apply if a husband] takes a vow that prevents his wife from going to the bathhouse. [The couple may remain married for only] one week in a large city and two weeks in a village [if the vow remains in effect]. If he takes a vow that prevents his wife from wearing shoes [the couple may remain married for only] three days in a village and one day in a large city. If [the vow remains in effect] for a longer period, he must either absolve himself of the vow or divorce [his wife] and pay her [the

money due her by virtue of her] *ketubah*.

10 If [a husband] takes a vow that prevents his wife from borrowing or lending household goods that are frequently lent and borrowed between neighbors - e.g., a sifter, a sieve, a mill, an oven or the like - he must either absolve himself of the vow, or divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*. [The rationale is that his vow] causes her to have a bad reputation among her neighbors.

Similarly, if she takes an oath not to borrow or lend [neighbors] a sifter, a sieve, a mill, an oven or the like, or not to weave attractive garments for her sons in places where it is customary to do so, he may divorce her without paying her [the money due her by virtue of her] *ketubah*. [The rationale is that her vow] causes him to have a reputation as a miser among his neighbors.

11 In a place where it is customary for a woman not to go out to the market place wearing merely a cap on her head, but also a veil that covers her entire body like a cloak, her husband must provide at least the least expensive type of veil for her. If he is wealthy, [he must provide her with a veil whose quality] is commensurate with his wealth.

[He must give her this veil] so that she can visit her father's home, a house of mourning or a wedding celebration. For every woman should be given the opportunity to visit her father and to go to a house of mourning or a wedding celebration as an expression of kindness to her friends and relatives, for [this will have a reciprocal effect], and they will return the visits. For a woman [at home] is not confined in a jail, from which she

cannot come and go.

Nevertheless, it is uncouth for a woman always to leave home - this time to go out and another time to go on the street. Indeed, a husband should prevent a wife from doing this and not allow her to go out more than once or twice a month, as is necessary. For there is nothing more attractive for a woman than to sit in the corner of her home, as [implied by **Psalms 45:14**]: "All the glory of the king's daughter is within."

12 [The following rules apply when a husband] takes a vow that prevents his wife from going to her father's home. If he lives in the same city, [the husband] is granted a respite of one month. [If he desires to maintain his vow at the beginning of] the second month, he must divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*. If [the wife's father lives] in another city, [the husband] is granted respite until the first festival. [If he desires to maintain his vow until] the second [festival], he must divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*.

13 [The following rules apply when a husband] takes a vow that prevents his wife from going to a house of mourning or to wedding celebrations. He must either absolve himself of the vow or divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*. For this is like placing her in jail and locking her in.

If [the husband] claims: "[I forbade her from going] because of indecent people who were present at that house of mourning or wedding," and it was discovered that indeed, indecent people were present, he is given the

prerogative [of making that vow].

14 When a person tells his wife, "I do not desire that your father, your mother, your brothers and your sisters come into my domain," he is given that prerogative. Instead, she should visit them when an [unusual] event occurs to them. And she should visit her father's house once a month and on each festival. They, by contrast, should visit her only when an unusual event of great import occurs - e.g., sickness or birth. For a person should not be forced to have others enter his domain.

Similarly, if [the wife] says: "I do not want your mother and your sisters to visit, nor will I live together with them in one courtyard, because they cause me difficulties and distress," she is given that prerogative. For a person should not be forced to have others dwell with him in his domain.

15 When a husband says: "I will not dwell in this home, because there are wicked or indecent people or gentiles in this neighborhood, and I fear them," he is given that prerogative. This applies even if it has not been established that there are indecent people living there. For our Sages ordained: "Keep away from a bad neighbor." Even if the dwelling belongs to the woman, she is forced to leave it, and they should establish their dwelling among worthy people.

The same law applies if the woman makes such a demand. Although [the husband] says, "I do not object to them," her will is followed. [The rationale is that] she can say, "I do not want to get a bad reputation in these neighborhoods."

16 All of the earth is divided into different lands - e.g., the Land of Canaan, the Land of Egypt, the Land of Yemen, the Land of Ethiopia, the Land of Babylonia and the like. Every land is subdivided into large cities and villages. With regard to the subject of marriage, the cities of *Eretz Yisrael* are considered to be divided into three different lands: Judea, Transjordan and the Galilee.

17 When a man from one of these lands marries a woman in another land, she is compelled to follow him to his land, or to accept a divorce without receiving [the money due her by virtue of her] *ketubah*. [The rationale is that,] although it was not specifically stated, [it can be assumed] that he married her on this condition.

When, however, a person marries a woman in a particular land and he is from that land, he does not have the right to [compel] her to move to another land. He may, nevertheless, [compel] her to move from city to city and from village to village within that land.

He may not, however, [compel] her to move from a city to a village, or from a village to a city. For there are certain advantages to living in a city, and other advantages to living in a village.

18 When he [compels] her to move from one city to another, or from one village to another within a particular land, he may not compel her to move from pleasant surroundings to unpleasant surroundings, nor from unpleasant [surroundings] to pleasant ones. [Although the latter move would seemingly be to her benefit, she still must consent,] because she must care for and check herself in the pleasant surroundings, so that she

will not be considered inferior and unattractive.

Similarly, [her husband] may not [compel] her to move from an area inhabited primarily by Jews to an area inhabited primarily by gentiles. Wherever [the couple lives], they should move from an area inhabited primarily by gentiles to an area inhabited primarily by Jews.

19 When does the above apply? When moving from one place in the diaspora to another, or from one place in *Eretz Yisrael* to another. But if [the husband desires to move] from the diaspora to *Eretz Yisrael*, the woman should be compelled to move. [This applies even when moving involves leaving] pleasant surroundings for unpleasant ones. Even [when it is necessary to leave] an area inhabited primarily by Jews for an area inhabited primarily by gentiles, one should [move to *Eretz Yisrael*].

One should not leave *Eretz Yisrael* for the diaspora, even if the move enables one to relocate from unpleasant [surroundings] to pleasant ones, and even when it enables one to move from an area inhabited primarily by gentiles to an area inhabited primarily by Jews.

20 When a husband desires to move to *Eretz Yisrael* and [his wife] does not desire to do so, he may divorce her without paying her [the money due her by virtue of her] *ketubah*. If she desires to move [to *Eretz Yisrael*] and he does not desire to do so, he must divorce her and pay her [the money due her by virtue of her] *ketubah*.

The same laws apply with regard to moving from other places in *Eretz Yisrael* to Jerusalem. [Just as] everyone should move to *Eretz Yisrael*, and no one should leave there, [so too,] everyone should move to Jerusalem,

and no one should leave there.

Chapter 14

1 The [obligation of] conjugal rights as prescribed by the Torah [is individual in nature], depending on the strength of each particular man and the [type of] work that he performs.

What is implied? Healthy men who are pampered and indulged, and who are not employed in labor that weakens their strength - but rather eat, drink and spend [the majority of their day] at home - should fulfill their conjugal duties every night.

[The following rules apply to] workers - e.g., tailors, weavers, construction workers and the like. If they work in the city [in which they live], they should fulfill their conjugal duties twice a week. If they work in another city, they should fulfill their conjugal duties once a week.

Donkey-drivers should fulfill their conjugal duties once a week. Camel-drivers should fulfill their conjugal duties once every thirty days. Seamen should fulfill their conjugal duties once every six months.

Students of the Torah should fulfill their conjugal duties once a week. [Their obligation is limited,] because the Torah weakens their strength. It is the practice of Torah scholars to engage in marital relations on Friday night.

2 A wife has the right to prevent her husband from making business trips except to close places, so that he will not be prevented from fulfilling his conjugal duties. He may make such journeys only with her permission.

Similarly, she has the prerogative of preventing him from changing from a profession that grants her more frequent conjugal rights to one that grants her less frequent rights - e.g., a donkey-driver who wishes to become a camel-driver, or a camel-driver who wishes to become a seaman.

Students of the Torah may, however, depart for Torah study for two or three years without their wives' permission. Similarly, a wife cannot prevent a husband who is pampered and indulged from becoming a student of the Torah.

3 A man [has the prerogative of] marrying several wives - even 100, whether at one time or one after the other. His wife may not object to this, provided he has the means to provide each [wife] with her subsistence, clothing and conjugal rights as befits her. He may not, however, compel his wives to live in the same courtyard. Instead, each one is entitled to her own household.

4 What are [his obligations with regard to his wives'] conjugal rights? [They are determined according to] the number [of wives he has.]

What is implied? If a worker has two wives, he is obligated to fulfill his duties towards each one once a week. If he has four wives, he is obligated to fulfill his duties towards each one once every two weeks. Similarly, a seaman who has four wives is obligated to fulfill his duties towards each one once every two years.

Therefore, our Sages commanded that a person should not marry more than four wives, although he has ample financial resources, so that he will be able to fulfill his conjugal obligations towards each one once a month.

5 When a man makes a vow requiring his wife to tell other people what he told her - or what she told him - of the jests and frivolities that a man and his wife will [occasionally] speak [in preparation for] marital relations, he must divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*. For a woman may not [be compelled] to speak brazenly and tell others lascivious things.

Similarly, if a man makes a vow requiring his wife to take actions during marital relations to prevent conception, or if he makes a vow requiring her to act foolishly, [performing] acts that have no meaning and are merely foolishness, he must divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*.

6 When a man makes a vow causing marital relations with his wife to be forbidden, he is given a respite of one week. After that time, he must divorce [his wife] and pay her [the money due her by virtue of her] *ketubah*, or absolve his vow. [This ruling applies even if the man] is a seaman whose obligation towards conjugal duties is once every six months. [The rationale is that] since he took a vow, he has caused his wife distress, and she despairs [of ever resuming intimacy].

How can such a vow be effective? If he tells her: "Marital relations with me are forbidden for you," or he takes an oath not to engage in marital relations, his vow is of no consequence, and by taking an oath he violates the prohibition against taking a false oath, for he is obligated [by the Torah to engage in relations with her]. If, however, he tells her, "The satisfaction of engaging in relations with you is forbidden to me," it is a [binding] vow, and he is forbidden to engage in relations with her. For a

person should not be fed food that is forbidden to him.

7 It is forbidden for a man to deprive his wife of her conjugal rights. If he transgresses and deprives her of these rights in order to cause her distress, he violates one of the Torah's negative commandments, as [**Exodus 21:10**] states: "Do not deprive [her] of her sustenance, garments or conjugal rights."

If he becomes sick or his virility is weakened, and he is unable to engage in sexual relations, he is given a period of six months- for [a woman is never required to wait] longer for her conjugal rights than this - in the hope that he recovers. Afterwards, the prerogative is hers [whether to remain married] or whether he must divorce her and pay her [the money due her by virtue of her] *ketubah*.

8 A woman who withholds marital intimacy from her husband is called a *moredet* ("a rebel"). She is asked why she has rebelled. If she answers: "Because I am repulsed by him and I cannot voluntarily engage in relations with him," her husband should be compelled to divorce her immediately. For she is not like a captive, [to be forced] to engage in relations with one she loathes.

[In such an instance, as part of] the divorce [settlement], she does not receive any of the money promised her in her *ketubah*. She is entitled to whatever remains of the possessions she brought into the marriage arrangement, both those for which her husband assumed responsibility and those for which he did not assume responsibility - i.e., *nichsei m'log*.

She is not entitled to anything that belongs to her husband. She should

remove even the shoe on her foot and her head-covering that he gave her and return them to him. [Similarly,] she should return to him any presents that he gave her. For he did not give them to her with the intent that she take them and [leave his home].

9 [Different rules apply, however,] if she rebelled against her husband with the intent of causing him distress, saying: "I intend to cause him distress this way, because he did this or this to me," "...because he cursed me," "...because he has caused me strife," or the like, she is sent a messenger from the court, [who] tells her: "Take note. If you continue your rebellious conduct, you will forfeit your *ketubah*, even if it is worth one hundred *maneh*."

Afterwards, announcements are made concerning her in the synagogues and the houses of study each day for four consecutive weeks, saying: "So and so has rebelled against her husband."

10 After the announcement has been made, the court sends her a messenger a second time. He tells her: "If you continue your rebellious conduct, you have forfeited your *ketubah*." If, nevertheless, she continues this conduct and does not retract, she is consulted by the court. [If she does not change her mind,] she then forfeits her *ketubah* and has no rights to a *ketubah* at all.

She is not given a divorce until twelve months pass. During these twelve months, [her husband is] not [required] to provide for her subsistence. If she dies before being divorced, her husband inherits her [property].

11 This is the sequence followed with regard to a woman who rebels [against her husband] in order to cause him distress. These laws apply even when the woman is in the *niddah* state or when she is ill and is not fit to engage in sexual relations. Similarly, they apply even when her husband is a seaman whose conjugal duties are only once in six months, and even when [her husband] has another wife.

12 Similarly, when the time comes for an *arusah* to enter *nisu'in*, and she refuses to do so, rebelling in order to cause [her husband] distress, she is considered to be one who rebels [and refuses to engage] in marital relations. Similarly, the above sequence is followed when a *yevamah* refuses to undergo *yibbum* in order to cause [her *yavam*] distress.

13 When this woman who rebels is divorced after twelve months without receiving [any of the money due her because of] her *ketubah*, she must also return everything that belongs to her husband.

With regard to the property that she brought to [the marriage arrangement] and what remains [of her trousseau, different rules apply]. If she takes physical possession of these articles, they are not taken from her, but if her husband takes physical possession of them, they are not taken from him. Similarly, her husband is not held liable for anything that has been lost from her possessions for which he accepted responsibility. This is the law prescribed by the Talmud with regard to a woman who rebels [against her husband].

14 There are *geonim* who say that in Babylonia different customs were

followed with regard to a woman who rebels [against her husband]. These customs have not, however, spread throughout the majority of the Jewish community, and in most places within the Jewish community, there are many sages of stature who differ with them. [Therefore,] it is proper to follow the laws prescribed by the Talmud.

15 [The following ruling applies when] a man rebels against his wife and says, "I will support her and provide her with her subsistence, but I will not be intimate with her, because she has become loathsome to me." He must increase her *ketubah* by the equivalent of 36 barleycorns worth of [pure] silver each week. They may remain married without engaging in relations for as long as she desires.

Although her *ketubah* continues to increase, [her husband] also transgresses a negative commandment, for [**Exodus 21:10**] states: "Do not deprive [her of her... conjugal rights]." If the husband hates her, let him divorce her; causing her anguish, however, is forbidden.

Why is he not punished by lashes for [violating] this negative commandment? Because its [violation] does not involve a deed.

16 [The following rules apply when] a man and his wife come to court and he claims that his wife refuses to engage in marital relations, and she replies: "I follow the way of the world with him," or if she claims that he deprives her of her conjugal rights, and he replies that he "follows the way of the world with her." At first, a ban of ostracism is issued against anyone who denies his or her spouse marital intimacy and refuses to acknowledge the matter before the court.

Afterwards, if acknowledgement is [still] not made, the couple are asked to enter into privacy in the presence of witnesses. If they do this, and yet the claims continue as before, a request is made of the defendant, and a compromise is made [as just] as the judge can make. It is, however, forbidden to engage in relations in the presence of others. For it is forbidden to engage in relations in the presence of any living being.

17 When a woman becomes ill, [her husband] is obligated [to provide] medical treatment for her until she recovers. If the husband sees that her illness is prolonged, and he will be forced to spend much money treating her, he may tell her: "Here is the money due you by virtue of your *ketubah*. Either pay for your treatment from this money, or I will divorce you and pay you what is due you and abandon you." [Although] he is given this prerogative, it is not ethical to act in this manner.

18 [When a man's wife] is taken captive, he is obligated to redeem her. If he is a priest, [although] she has become forbidden to him, he must redeem her and have her returned to her father's home. If he was in another city, he must still provide for her until she is returned to her native locale. [Then] he must divorce her and pay her [the money due her by virtue of her] *ketubah*.

If her husband was an Israelite - who is permitted to remain married to a woman who was held captive - he must return her to her station as his wife, as she was previously. Afterwards, if he desires, he may divorce her, [provided] he pays her [the money due her by virtue of her] *ketubah*.

19 A husband is not obligated to redeem his wife for more than her worth. Instead, [the laws applying] to her [redemption] are the same as with regard to others held captive.

When her ransom exceeds [the money due her by virtue of] her *ketubah*, her husband is not given the prerogative of saying: "I will divorce her. Here is [the money due her by virtue of] her *ketubah*. Let her redeem herself." Instead, [if necessary,] he should be compelled to redeem her, even if her ransom is ten times [the value of] her *ketubah* - even if it is equivalent to all of his assets.

When does the above apply? On the first occasion [that she is held captive]. If, however, he redeems her and she is taken captive again, if he desires to divorce her he may divorce her, pay [her the money due her by virtue of] her *ketubah*, and [then] she must redeem herself.

20 When a man's wife is taken captive and he is abroad, the court expropriates his assets and sells them after announcements have been made, and redeems his wife as he would be required to.

21 When a person causes his wife to be bound by a vow that requires him to divorce her and pay her [the money due her by virtue of] her *ketubah*, and she is taken captive after he causes her to be bound by this vow, he is not required to redeem her. For from the time he caused her to be bound by the vow, he was obligated to divorce her and pay her [the money due her by virtue of her] *ketubah*.

22 When a woman who is forbidden to [engage in relations] with her

husband because of one of the Torah's prohibitions is taken captive, he is not obligated to redeem her. Instead, he must provide her with [the money due her by virtue of] her *ketubah*, and she must redeem herself.
[One might ask: Why is this instance different from the wife of a priest who is taken captive?] A woman who has been taken captive is forbidden to a priest, and yet he is obligated to redeem [his wife in such an instance]. [There is, however, a difference between the two instances. The priest's wife] was not forbidden to him beforehand. It is the prohibition stemming from her being taken captive that causes [their relationship to be forbidden].

23 When a man's wife dies, he is obligated to bury her and to have eulogies and lamentations performed as is the local custom. Even a poor Jewish man should provide at least two flutes and one woman to lament. If [her husband] is rich, [the funeral should be carried out] in a manner appropriate to his wealth.
If the social standing of [a man's wife] exceeded his own, he must have her buried in a manner appropriate to her social standing. For [when she marries,] a woman ascends to her husband's social standing [if his is higher than hers], but does not descend [to his, if her social standing surpasses his]. [This principle applies] even after death.

24 If a husband does not desire [to pay for] the burial of his wife, and another person voluntarily takes the initiative and has her buried, [the costs of the burial] should be expropriated from her husband against his will and given to the person [who arranged the burial]. [The rationale is

to prevent the body of a Jew] from being thrown to the dogs.

If a man is in another city when his wife dies, the court should expropriate his property and sell it without an announcement. The woman should be buried as appropriate to her husband's financial resources and his social standing or her social standing.

Chapter 15

1 It is permissible for a woman to authorize her husband to ignore her conjugal rights. When does this apply? When he has children already and has fulfilled the mitzvah to be fruitful and multiply. If, however, he has not fulfilled the mitzvah of being fruitful and multiplying, he is obligated to engage in sexual relations whenever his conjugal duties require, until he fathers children. For this is a positive commandment of the Torah, as [**Genesis 1:28**] states: "Be fruitful and multiply."

2 The mitzvah of being fruitful and multiplying is incumbent on the husband and not on his wife. When does a man become obligated to fulfill this mitzvah? From the time he reaches seventeen. If he reaches twenty and has not married, he is considered to have transgressed and negated the observance of this positive commandment. If, however, he is occupied with the study of Torah and absorbed in this endeavor and is hesitant of marrying, lest he be forced to work to support his wife and thus be prevented from studying Torah, he is permitted to delay marriage. For a person who is occupied in the performance of one mitzvah is freed from the obligation to perform another. Surely this applies with regard to

the study of Torah.

3 When a person's soul desires [to study] Torah at all times and is obsessed with its [study] as was ben Azzai, and clings to it throughout his life, without marrying, he is not considered to have transgressed.
[This applies] provided a man's natural inclination does not overcome him. If, however, his natural inclination overcomes him, he is obligated to marry, even if he has already fathered children, lest he be prompted to [sexual] thoughts.

4 How many children is it necessary for a man to have fathered to be considered to have fulfilled this mitzvah? One boy and one girl, as [implied by **Genesis 5:2**]: "He created them, a male and a female." If the son was a *saris* or the daughter an *aylonit*, he is not considered to have fulfilled this mitzvah.

5 A man is considered to have fulfilled the mitzvah of being fruitful and multiplying [even when] he fathers [children] and they die, so long as [his children] have left behind children [of their own]. For grandchildren are considered to be children.
When does the above apply? When the person's grandchildren are both male and female, and they are descended from a male and a female, even though the male grandchild is the son of the man's daughter, and the female grandchild is the daughter of the man's son. Since they come from two of his children, he is considered to have fulfilled the mitzvah of being fruitful and multiplying. If, however, he had a son and a daughter who

both died, and [one did not leave any children, while] one left a son and a daughter, the grandfather is not considered to have fulfilled this mitzvah.

6 When [a convert] had fathered children as a gentile, and both he and they convert, he is considered to have fulfilled this mitzvah. By contrast, a freed slave who had fathered children as a slave is not considered to have fulfilled this mitzvah, although his children were also freed. Instead, he must father children after he has been freed. [The rationale is that] a slave is not considered to have any paternal lineage.

7 A man should not marry a barren women, an elderly woman, an *aylonit* or a minor who is not fit to bear a child unless he has already fulfilled the mitzvah of being fruitful and multiplying, or he has another wife with whom he can father children.

When a man has married a woman and remained married to her for ten years without her bearing children, he must divorce her and pay her [the money due her by virtue of her] *ketubah*, or marry a woman who is fit to bear children.

If he does not desire to divorce her, he should be compelled to do so; he should be beaten with a rod until he divorces her. Even when he says, "I will not engage in marital relations with her. Instead, we will dwell together with witnesses so that we will not ever be in private," regardless of whether it is he or she who offers this proposition, it is not accepted. Rather, he is required to divorce [his wife] or marry another woman who is fit to bear children.

8 When a man has lived [together with his wife] for ten years without her bearing children, and he releases semen as one shoots an arrow, it can be assumed that the affliction comes from her. Therefore, he should divorce her without paying her [the essential requirement of] the *ketubah*. She is, however, entitled to the additional sum [by which the *ketubah* was increased]. [The rationale is that] such a woman should not be judged more severely than an *aylonit* whose husband did not recognize her condition, who is granted the additional amount, as will be explained.

If [the husband] does not [release semen] as one shoots an arrow, it can be assumed that the affliction comes from him alone. When he divorces her, he must pay her [the entire sum due her by virtue of her] *ketubah*: the essential requirement and the additional sum.

9 [The following rules apply when there is a dispute with regard to which of the couple it is whose affliction prevents the couple from having children. The husband] claims: "It is she who cannot bear children," and she claims "He cannot conceive children, for he does not [release semen] as one shoots an arrow." Her word is accepted. He may, however, have a ban of ostracism issued conditionally against anyone who makes a claim that she does not definitely know to be true. Afterwards, he must pay her [the money due her by virtue of her] *ketubah*.

If she says, "I do not know if the difficulty stems from me or from him," she is not entitled to the essential requirement of the *ketubah*, as explained. [The rationale is that] the money should stay in the possession of its owner until she makes a definite claim that he does not [release semen] as one shoots an arrow.

Why is the woman's word accepted when she makes such a claim? Because she can feel whether or not he [releases semen] as one shoots an arrow, and he cannot make such a distinction.

10 When a woman demands of her husband to divorce her after ten years [of marriage], because she has not given birth, and she claims that he does not [release semen] as one shoots an arrow, her request is accepted. Although she is not commanded to fulfill the mitzvah of being fruitful and multiplying, she needs sons [to assist] her in her old age. [Therefore,] he should be compelled to divorce her.

He is required to give her only the essential requirement of the *ketubah*. [He is not required to give her the additional amount,] because he did not promise her this additional amount with the intent that she leave him at her will and take this money.

11 If [a husband] travels on an [extended] business trip during these ten years, or either the husband or the wife were ill or confined in prison, [the time that the couple did not share together] is not included in the calculation [of the ten years].

12 If a woman miscarries, [the ten years are] recalculated from the day of the miscarriage.

If a woman has three successive miscarriages, we can presume that she will continue to miscarry, and there is the possibility that [her husband] will not merit to have children from her. Therefore, he should divorce her, and pay her [the money due her by virtue of her] *ketubah*.

13 [The following rules apply when there is a difference between the information stemming from the claims of a husband and his wife.] He claims that she has miscarried within the ten years so that they can continue [their marriage], and she denies the miscarriage. [Her claim] is believed; [if it were not true,] she would not cause herself to be considered barren.

If he claims that she has miscarried twice, and she claims to have miscarried three times, [her claim] is believed. [If it were not true,] she would not cause herself to be considered a woman who [continually] miscarries.

[Therefore, in both instances,] he should divorce her and pay her [the money due her by virtue of her] *ketubah*. With regard to the above situations, he may require her to take a Rabbinic oath that she did not miscarry or that she miscarried three times. For this claim obligates him to pay her [the money due her by virtue of her] *ketubah*.

14 [When a woman] marries one man, remains married to him for ten years without bearing a child and is divorced [for that reason], she is permitted to marry a second husband. If she remained married to the second husband for ten years without bearing a child, she should not marry a third husband.

If she marries a third husband, she should be divorced; [he is] not [required to pay her the money due her by virtue of] her *ketubah*. [This applies] unless he has another wife, or he has already fulfilled the mitzvah of being fruitful and multiplying.

15 [The following laws apply when] a woman comes to court and claims that her husband cannot perform sexually in an ordinary way that will lead to the conception of children, or that he does not [release semen] as one shoots an arrow. The judges should try to arrange a compromise, telling the woman: "It is proper for you to conduct yourself with your husband [as follows]: Remain [married] for ten years. [If] you do not give birth, come to him with a claim at that time."

We protract the negotiations of this matter with her; we do not require her to continue living with him, nor do we judge her as a woman who rebels against her husband. Instead, the dealings are prolonged until the two parties reach a compromise.

16 Although a man has fulfilled the mitzvah of being fruitful and multiplying, he is bound by a Rabbinic commandment not to refrain from being fruitful and multiplying as long as he is physically potent. For anyone who adds a soul to the Jewish people is considered as if he built an entire world.

Similarly, it is a mitzvah of our Sages that a man should not live without a wife, so that he will not be prompted to [sexual] thoughts. Similarly, a woman should not live without a man, so that she will not be suspected [of immoral conduct].

17 It is an obligation for a man to admonish his wife. Our Sages declared: "A man will not admonish his wife unless a spirit of purity enters his being." [Nevertheless,] he should not admonish her more than necessary.

[A man] should never compel [his wife] to engage in sexual relations

against her will. Instead, [relations] should be with her agreement, [preceded by] conversation and a spirit of joy.

18 Similarly, our Sages commanded a woman to conduct herself modestly at home, not to proliferate levity or frivolity before her husband, not to request intimacy verbally, nor to speak about this matter.

She should not deny her husband [intimacy] to cause him anguish, so that he should increase his love for her. Instead, she should oblige him whenever he desires. She should keep her distance from his relatives and the members of his household so that he will not be provoked by jealousy and should avoid scandalous situations - indeed, any trace of scandal.

19 Similarly, our Sages commanded that a man honor his wife more than his own person, and love her as he loves his own person. If he has financial resources, he should offer her benefits in accordance with his resources. He should not cast a superfluous measure of fear over her. He should talk with her gently, being neither sad nor angry.

20 And similarly, they commanded a woman to honor her husband exceedingly and to be in awe of him. She should carry out all her deeds according to his directives, considering him to be an officer or a king. She should follow the desires of his heart and shun everything that he disdains.

This is the custom of holy and pure Jewish women and men in their marriages. And these ways will make their marriage pleasant and praiseworthy.

Chapter 16

1 The property that a woman brings to her husband's [resources] - be it landed property, movable property or servants - is not referred to with the term *ketubah*, but rather with the term *nedunyah*.

[More particularly, there are two subdivisions within this category.] When the husband accepts responsibility for the *nedunyah* and it is considered to be his property - i.e., if it decreases in value he suffers the loss, and if it increases in value the gain is his - the property is referred to as *nichsei tzon barzel*.

If the husband did not accept responsibility for the *nedunyah*, and it instead remained the property of the woman - if it decreases in value she suffers the loss, and if it increases in value the gain is hers - the property is referred to as *nichsei m'log*.

2 Similarly, all the property that a woman owns that she did not bring to her husband's household, nor had written in her *ketubah*, but rather left as her own, or property that came to her as an inheritance, or that was given to her as a present - all of this is referred to as *nichsei m'log*, for it is all in her possession.

The term *ketubah*, by contrast, refers only to the fundamental requirement of the marriage contract - i.e., 100 [*zuz* for a non-virgin] or 200 [*zuz* for a virgin] and the additional amount that [the husband promised].

3 We have already explained that our Sages established the fundamental

requirement of the marriage contract, and that the laws governing the additional amount [promised by the husband] are the same as those governing the fundamental requirement.

[Our Sages] did not grant a woman the option of collecting [the money due her by virtue of] her *ketubah* whenever she desired. Instead, it is like a debt, which is not payable until a given date. For a *ketubah*, the time when payment is due is not until after the woman's husband dies or divorces her.

Similarly, our Sages ordained that if a husband has fields [of varying quality] - good, bad and intermediate - when the woman comes to collect [the money due her by virtue of] her *ketubah* from this property, she is entitled to collect only from the inferior fields. They are referred to as *ziboorit*.

4 Similarly, our Sages ordained that when a woman comes to collect [the money due her by virtue of] her *ketubah* after her husband's death, she may not collect [this sum] until she takes an oath while holding a sacred article, that her husband did not leave any property in her possession, that she had not sold her *ketubah* to him, nor waived payment of it. [Her wardrobe, even] the garments she is wearing should be evaluated and the sum deducted from [the money due her by virtue of] her *ketubah*.

If, however, he voluntarily divorces her, she may collect [the money due her] without taking an oath, nor should [her wardrobe] be evaluated. [The rationale is that] he bought them for her, she acquired them, and it is he who desires to divorce her, and not the reverse.

5 Similarly, [our Sages] ordained that a widow should collect [the money due her by virtue of] her *ketubah* from landed property only. [Moreover,] she may not collect [her due] from the increment in the value of that property after the husband died. Similarly, after their father's death, [the woman's] daughters do not receive their subsistence from the increment in the value of that property after his death.

Similarly, a woman may not collect [the money due her by virtue of] her *ketubah* from the increment in the value of [landed] property accomplished through the efforts of a purchaser, although other creditors are entitled to collect their due from that increment. These rulings are among the leniencies [granted with regard to the the payment of the money due a woman by virtue] of her *ketubah*.

6 Similarly, among the leniencies [granted with regard to the payment of the money due a woman by virtue] of her *ketubah* is that a woman will collect the money due her from the coinage that is of least value.

What is implied? A man married a woman in one country and divorced her in another. If the coinage of the country in which the couple married is more valuable than the coinage of the country in which they divorced, he may pay her with the coinage of the country in which they divorced. If, by contrast, the coinage of the country in which the couple divorced is more valuable than the coinage of the country in which they married, he may pay her with the coinage of the country in which they married.

When does the above apply? When her *ketubah* states a sum of coins without specification. If, however, a specific type of coin is explicitly mentioned, whether with regard to the fundamental requirement of the

ketubah, or with regard to the extra amount added by the husband, the law is the same as when a person lends a colleague a specific type of coin - he must return the loan in the coinage that he took, as will be explained in *Hilchot Halva'ah*.

7 The *geonim* of all the *yeshivot* ordained that after the death of a man, a woman should be able to collect her [money due her by virtue of her] *ketubah* from movable property, just as they ordained that a creditor can collect the debt owed him from movable property. This mandate spread throughout the majority of the Jewish people.

Similarly, the other conditions of a woman's *ketubah* are governed by the same rules as [the fundamental requirement of] the *ketubah*, and they are binding on the movable property of the deceased's estate, as well as on the landed property. There is, however, one exception - the right of the sons to inherit their mother's *ketubah*. Since the custom of granting them this inheritance was not universally accepted by all the *yeshivot*, I maintain that the law of the Talmud should be applied in this instance, and they should inherit the money due their mother by virtue of her *ketubah* only from the landed property [within the estate].

8 In all the [Jewish] communities of which I know and have heard reports from, it has already become the custom to write the *ketubah* so that [its obligations are binding] on both the landed property and the movable property [in the estate].

[Making] this addition is a great asset; it was ordained by learned men of great stature. For it is a monetary stipulation, and thus a widow is entitled

to collect [the money due her] from the movable property [in her husband's] estate by virtue of this stipulation, and not by virtue of the mandate of the later sages.

9 [The following rules apply when] this stipulation was not included in the text of the *ketubah*, but instead [the couple] married without making an explicit statement [in this regard]. If the husband knew of this ordinance established by the *geonim*, the woman may collect [the money due her from the movable property in his estate].

If, however, he was not [aware of this ordinance], or we are unsure whether he knew of it, we deliberate at length concerning this matter. For an ordinance of the *geonim* does not have the power to be applied and to have money expropriated from the heirs because of it, when it was not explicitly stated, as is the law regarding the conditions of the *ketubah*. [The distinction between the two is that the conditions of the *ketubah*] are ordinances instituted by the Great *Sanhedrin*.

10 Our Sages also ordained that all of a husband's property should be on lien for the woman's *ketubah*. Even if the woman's *ketubah* is [only 100 *zuz*] and [her husband] owns property worth several thousand gold pieces, it is all under lien to her *ketubah*.

[Her husband] is entitled to sell all his property if he desires, and his sale is binding. Nevertheless, all the property that he sells after his marriage can be expropriated [from the purchaser] by his widow [in lieu of payment for] her *ketubah* when he divorces her or when he dies, if he does not possess property that has not been sold.

When a woman expropriates property [from a purchaser], she must take an oath holding a sacred article, as is taken by any of [a person's] creditors [who seek to expropriate property from its purchasers]. This provision was instituted so that he should not view [the obligation of] the *ketubah* lightly.

11 When the court or the heirs require a widow to take an oath when she comes to collect [the money due her by virtue of] her *ketubah*, the oath should be taken only outside the court. For the court would refrain from administering the oath, lest she not be precise with herself when making it.

If the heirs desired that she make a vow [instead of an oath], she may make a vow linked to any object they desire. This vow may be administered in a court. Afterwards, she should collect [the money due her by virtue of] her *ketubah*.

12 If a widow dies before taking this oath, her heirs should not inherit her *ketubah* at all, for she does not have any rights to her *ketubah* until she takes an oath.

If the woman marries [a second time] before taking an oath [with regard to [the money due her by virtue of] her *ketubah* from her previous husband's estate], she may take an oath after her remarriage and collect her due whenever she desires. She does not, however, have the option of making a vow, lest her [second] husband annul it.

13 If [a woman's husband] designated a plot of land for her in her *ketubah*,

whether he specified [only] one of its borders or all four of its borders, she may collect her *ketubah* from this plot of land without taking an oath.
Similarly, if he specified movable property [in the *ketubah*] and this movable property exists, she may take it without taking an oath. [Moreover,] if the [movable property that was specified] was sold and other movable property purchased with the proceeds, it being known that these goods were purchased with the proceeds of [the movable property specified in the *ketubah*], she may take them without taking an oath.

14 A woman who diminishes [the amount of money due her by virtue of] her *ketubah* may collect her due only after taking an oath.
What is implied? A woman produces a *ketubah* that states [that she is due] 1000 *zuz*. Her husband claims that she received the entire amount, while she claims to have received only a portion of the amount. Even if there are witnesses who testify that she received the amount that she admits to having received, and even if she is extremely precise in accounting what she took, mentioning even [the last] half-*p'rutah*, she may collect the remainder only after taking an oath.

15 [An oath is also required in the following instance.] The husband claims that [his wife] received all [the money due her by virtue of] her *ketubah*], while the woman claims not to have received the money, and one witness testifies that she received either the entire sum or a portion of it. [The woman] may collect the entire [sum mentioned in] the *ketubah*, but only after taking an oath.

16 [When a divorcee collects [the money due her by virtue of] her *ketubah*] outside the presence of her husband, she must take an oath before doing so.

What is implied? A man divorced his wife and departed. After his wife takes an oath, the court should expropriate his property and give [the woman the money due her by virtue of] her *ketubah*.

The above applies when the husband is in a distant place, where there is difficulty in notifying him. If, however, he is in a nearby place [where it is possible] to notify him, a message should be sent to notify him [of the court's impending action]. If he does not come, the woman should take the oath and collect [her due].

17 A woman who reduces the value of her *ketubah* is not required to take an oath before collecting [her due].

What is implied? A woman produces a *ketubah* that states [that she is due] 1000 *zuz*. Her husband claims that she received the entire amount, while she claims not to have received anything at all, but she admits: "I am owed only 500 *zuz*. Although he wrote 1000 for me [in the *ketubah*], there was an understanding between me and him [concerning this]." In this instance, she is not required to take an oath before collecting [her due].

If, however, [in the above situation,] the woman says: "My *ketubah* states only 500 *zuz*," she may not collect with this document that says [she is due] 1000 *zuz*, for she has negated it. It is as if she has admitted that it is false. Therefore, [the husband] may take a rabbinic oath [to support his claim]; he is then freed [of all obligations].

18 Whenever we have stated that a woman may not collect [her due] unless she takes an oath, the court tells her: "Take the oath and collect [your due]." Whenever we said that she may collect her due without an oath, [the court] tells the husband: "Give her [what is due her]. Your claim is not acceptable until you bring proof to support it."

19 If [in the latter instances], on his own initiative, the husband asks that [the woman] take an oath [denying] his claim, [the court] tells her: "Take the oath and collect [your due]." She must take this oath holding a sacred article.

If, [originally,] she made a stipulation with [her husband] enabling her to collect [the money due her by virtue of] her *ketubah* without taking an oath, or that her word would be accepted regardless of what she claims, she may collect [her due] from him [in the event of a divorce] without taking any oath at all. [In the event of his death,] however, she must take an oath before collecting [her due] from his heirs.

20 If, [originally,] she made a stipulation with [her husband] enabling her to collect [the money due her by virtue of] her *ketubah* from his heirs without taking an oath, or that her word would be accepted by his heirs regardless of what she claims, she may collect [her due] from the heirs without taking any oath at all.

If, however, she comes to collect [her due] from property that has been sold, she must take an oath before collecting. Although her husband was willing to accept her word, the stipulation he made is binding only on himself and [the estate he left to] his heirs. It does not have the power to

cause others to incur a financial loss.

21 A widow who is in possession of her [the document recording her] *ketubah* may collect her due, after taking an oath, even though 100 years have passed since her husband's death. This applies regardless of whether she resides in her [deceased] husband's home or in her father's home.
If, however, she does not have possession of her *ketubah*, she is not entitled to anything, even if she makes her claim on the day her husband dies. Similarly, a divorcee is not entitled even to the fundamental requirement of the *ketubah* until she produces her *ketubah*.

22 When does the above apply? In a place where it is customary to compose a document [recording] the *ketubah*. [Different rules apply,] however, in a place where it is not customary to compose a document [recording] the *ketubah*, and instead, [the couple] rely on the conditions established by the Jewish court.
[In such a situation, the woman is entitled to] collect the essential requirement of the *ketubah* even when she is not in possession of a document recording the *ketubah*, regardless of whether she was widowed or divorced, or whether she [continues to] reside in her husband's home or [has returned to] her father's home. She is not, however, given [anything she claims her husband promised her] in addition unless she has definite proof [of such an obligation].

23 Until when is a widow entitled to collect the essential requirement of the *ketubah* in a place where it is not customary to compose a *ketubah*? If she

[continues to reside] in her husband's home, there is no limit on the time she is granted. If she [resides] in her father's home, [she has this prerogative] for twenty-five years.

If, [however,] she comes to collect [the money due her because of her *ketubah*] after twenty-five years, she is not entitled to anything. [The rationale is that] had she not foregone [the money due her], she would not have remained silent for this long. Nor is she living together with the heirs, so that she could [excuse her silence,] explaining that she was embarrassed to sue them while she was living together with them in [one] home.

24 For this reason, if [one of] the heirs was in the habit of bringing her subsistence while she was residing in her father's home and caring for her needs, she has the prerogative of demanding [her due] even after twenty-five years have passed. The reason why she remained silent and did not present her claim is that she was ashamed [to sue] the heir.

25 [The following rules apply when there is a difference between the claims of a husband - or his heirs - and his wife regarding the size of the essential requirement of her *ketubah*.] She says, "I was a virgin when I married, and the essential requirement of my *ketubah* is 200 [*zuz*]." Her husband or his heirs claim, "She was not a virgin, and she is due only 100."

If there are witnesses who saw that the customs that people in that locale carry out when virgins are wed were carried out on her behalf - e.g., there were different types of celebrations, [she wore a] crown or a particular garment [designated for this purpose], or other rites that are performed

only for the sake of virgins were performed [for her] - she is entitled to 200 [*zuz*]. If there are no witnesses to this, she is entitled to only 100 [*zuz*].

[In the latter instance,] if her husband is alive, she can require him to take an oath required by the Torah, for he has acknowledged a portion of a claim.

[In cases of this nature,] testimony is accepted [from a person] once he became an adult, who says: "I remember that when I was a child, the rites performed for virgin brides were performed on behalf of such and such."

As mentioned, all the above applies [only] in places where it is customary not to compose a document recording the *ketubah*.

26 When a woman tells her husband, "You divorced me," her word is accepted. [The rationale is that if this were not the truth,] she would not speak so boldly to her husband.

Accordingly, when a woman produces her *ketubah*, [even] without having a bill of divorce, and tells her husband: "You divorced me. I lost my bill of divorce. Give me [the money due me by virtue of] my *ketubah*," [her claim is accepted, and her husband] is obligated to pay her the essential requirement of the marriage contract, even though he claims that he never divorced her. He is not, however, [obligated to] give her the additional amount he promised, unless she brings proof that she has been divorced, or she manifests possession of both the bill of divorce and her *ketubah*.

27 [In the above situation,] if [the woman's] husband said: "This is what happened. I divorced her and paid her all [the money due her by virtue

of] her *ketubah*, both the essential requirement and the additional amount. She wrote me a receipt, but I lost it" [the following rules apply]. He requires her to take an oath while holding a sacred article [that he is liable to pay her] the essential requirement [of the *ketubah*], and then he must give her [that sum].

With regard to the additional amount, his word is accepted. [The rationale is that] he could have claimed that he never divorced her, and in such an instance he would not be held liable for the additional amount. [We assume that had he desired to lie, he would have used that alternative.] He is, however, required to take a rabbinic oath with regard to the additional amount.

28 [The following rules apply when] a woman produces a bill of divorce, but does not have her *ketubah* in her possession. If the local custom is not to compose a *ketubah*, she is entitled to collect the essential requirement of her *ketubah* by [virtue of] the bill of divorce she is holding. If, however, it is the local custom to compose a *ketubah*, she is not entitled even to the fundamental requirement of the *ketubah* until she produces her *ketubah*, as was explained. Her husband must take a rabbinic oath denying her claim, and he is freed of liability.

29 [When] a woman produces two bills of divorce and two *ketubot*, she is entitled to collect the amount due her by virtue of both *ketubot*. If she produces two *ketubot* and one bill of divorce, she is entitled to collect only [the money due her for] one *ketubah*.

Which *ketubah* should she collect? If they are both for the same amount,

the later *ketubah* negates the earlier one, and she is entitled to collect [property that was sold to others] from the date of the later [*ketubah*]. If one of them is for a greater sum than the other, she may collect whichever she desires, and the other one is voided.

30 [When] a woman produces two bills of divorce and one *ketubah*, she has [the right to collect] only [the amount due her by virtue of] one *ketubah*. For when a man divorces his wife and remarries her without specifying any conditions, [it can be assumed] that he remarried her with the intent that her original *ketubah* [become binding again].

[The following rules apply when] a woman produces a bill of divorce and a *ketubah* after the death of her husband: If the bill of divorce is dated prior to the *ketubah*, [in a place where] it is not customary to compose a *ketubah*, she is entitled to collect the essential requirement of her *ketubah* by [virtue of this] bill of divorce, and she is entitled to collect the entire sum [mentioned] in the second *ketubah*, for she acquires this sum by virtue of [her husband's] death.

If her *ketubah* is dated prior to the bill of divorce, she is entitled to collect [the money due her by virtue of] the *ketubah* only once. [We assume] that when he remarried her, his intent was that her original *ketubah* [become binding again].

31 A woman's word is accepted if she says: "My husband died," so that she [be granted permission to] remarry, as will be explained in *Hilchot Gerushin*. One of the conditions of the *ketubah* is that if a woman remarries after the death of her husband, she is entitled to collect the

entire sum written in her *ketubah*.

Therefore, if she came to the court and said: "My husband died. Grant me permission to remarry," without mentioning [the collection of the money due her by virtue of] her *ketubah* at all, she is granted permission to remarry. [Afterwards,] she is required to take an oath, and then she is given [the money due her by virtue of] her *ketubah*.

If she says, "My husband died. Give me the money due me by virtue of my *ketubah*," [not only is she not granted this money,] she is not even permitted to remarry. [We assume that] she came [only] because of the matter of the *ketubah*. Our presumption is that her husband has not died. Her intent is not to remarry, but merely to collect [the money due her by virtue of] the *ketubah* during [her husband's] lifetime.

If she came and said: "My husband died. Grant me permission to remarry and give me [the money due me by virtue of] my *ketubah*," she is permitted to remarry and is granted [the money due her by virtue of] her *ketubah*. The rationale is that her primary intent is remarriage. If, however, she comes and says: "My husband died. Give me [the money due me by virtue of] my *ketubah*, and grant me permission to remarry," she is permitted to remarry, but she is not granted [the money due her by virtue of] her *ketubah*. If, however, she seizes possession [of this sum], the court should not expropriate it from her possession.

Chapter 17

1 [The following laws apply when] a person dies after having been married to several wives. Whichever of his wives was married first has the right to

collect [the money due her by virtue of] her *ketubah* [before the others]. None may collect [her due] without taking an oath.

The [wives who married] last are entitled to [collect their due] only from what remains after [those who married previously collect theirs]. Even the last wife [to collect] must take an oath [before] she collects what remains.

Similarly, when there is [also] a promissory note [owed by the husband's estate], if the promissory note was dated before [the *ketubot*], the promissory note should be collected first. If the *ketubot* were each dated before [the promissory note], the woman should collect [her due] first, and the person owed the promissory note [should collect from] the remainder.

2 When does the above apply? When the land from which [the wives and the creditor] desire to collect was owned by [the deceased] at the time he married the women and took the loan. For [in such a situation], the law is that whoever's document is dated first takes precedence.

If, however, a man married several women in succession, and borrowed money - whether before marrying the women or afterwards - and [then - i.e.,] after marrying and borrowing he purchased land - it should be divided among all of them equally, for all their liens took effect at the same time. At the time he purchased the land, each one established a lien on it. None has precedence over the others.

3 Similarly, if all the *ketubot* and promissory notes were dated on one day - or at a specific time, in a place where it is customary to [include] the time [of a legal document] - it should be divided among all of them equally;

none has precedence over the others.

Under all circumstances, [if one of the creditors or one of the wives] took possession of movable property [belonging to the estate as payment for] the loan or *ketubah*, the property that they took should not be expropriated from him or her. For no creditor has precedence over another with regard to movable property.

4 [The following rules apply when] a person divorces his wife at the time he has an outstanding promissory note, and his creditor and his divorcee come to collect [their due]. If the husband owns [enough] money and land to settle the debt and the obligations stemming from the *ketubah*, the creditor should be awarded the money, and his divorcee should collect [the money due her by virtue of] her *ketubah* from the landed property.

If all [the husband] possesses is land that is not of sufficient value to settle both debts, and neither [his divorcee nor his creditor] has a prior claim to this land, it should be given [toward the payment of the debt owed to] the creditor. If any [land] remains [after the settlement of the debt], it should be given to the divorcee. If nothing remains, the divorcee must yield to the creditor. [The rationale is that] the creditor suffered a loss; he [lent] money [to the husband]. The woman, by contrast,did not lose anything. For more than a man desires to marry, a woman desires to be married.

5 Similarly, if a man dies leaving a widow and a creditor, and land to which neither of them has a prior claim, the widow must yield to the creditor, and he collects the debt owed him first.

6 Since the *geonim* ordained that a woman and a creditor may collect their due from movable property, and as is well known, no creditors are given precedence with regard to movable property [the following rules apply]. If the husband did not leave enough movable property to settle both accounts, the creditor is allowed to collect the entire debt [owed him] first. If anything remains [after the settlement of the debt] for the wife to receive [by virtue of] her *ketubah*, it should be given to her. If nothing remains, the wife must yield.

7 [The following rule applies when] *nichsei tzon barzel* were recorded in a woman's *ketubah* and she claims that they were lost or taken by her husband. With regard to *nichsei tzon barzel*, a woman is regarded like any other creditor.

Therefore, she is required to take an oath that she did not take possession of them, give them away or forego the obligation [to her husband]. Afterwards, she receives a share in the estate together with the other creditors.

8 When a person who has many wives and who dies or divorces them when none of them has a claim of higher priority to his property than the others, and his holdings are not of sufficient value to pay them each the money due them by virtue of their *ketubot*, how are his holdings divided? If his holdings are sufficiently valuable to provide only the wife with the *ketubah* of the least value, or if they are less valuable than that, all of his wives divide [his holdings] equally.

If his holdings are more valuable than that, they should be divided equally

to provide the wife with [the money due her by virtue of] the *ketubah* of the least value. Afterwards, the remainder is divided among the remaining wives according to the same pattern.

What is implied? [To explain by example:] A man was married to four wives. The *ketubah* of the first was for 400 [*zuz*], that of the second for 300, that of the third for 200, and that of the forth for 100. The total sum is thus 1000 [*zuz*]. [The following rules apply] if he divorces all of them or dies. If his holdings are worth 400 [*zuz*] or less, they divide his holdings equally, and each receives 100 or less. If his holdings are worth 800 [it would be improper to divide them equally]. For if they were divided equally, the fourth wife would receive 200 [*zuz*], and [the money due her by virtue of] her *ketubah* is only 100.

What is done instead? 400 [*zuz*] are set aside and divided equally, each receiving 100. Thus, the fourth wife has received [the full amount due her by virtue of] her *ketubah* and she withdraws [from the suit]. Thus, 400 [*zuz*] are left for three wives, each of whom has already received 100 *zuz*]. If the 400 were divided equally among the three of them [it would be unfair]. For the third wife would receive 233 and [the amount due her by virtue of] her *ketubah* was only 200. Therefore, 300 [*zuz*] are separated from the 400, and these are divided equally among the three. Thus, the third wife receives her 200 and withdraws [from the suit]. There remain two wives and 100 *[zuz]*. This sum is divided equally between the first and second wife. Thus, the first and second wife each received 250 *zuz*; the third wife received 200; and the fourth wife, 100. This pattern of allocation is followed even when there are 100 [wives].

9 A person who guarantees the value of a woman's *ketubah* is not obligated to pay [her the money due her in the event that her husband's holdings are not sufficient if he dies or divorces her]. [This applies] even when he affirmed his commitment with a contractual act. [The rationale is that] his [intent is to] perform a mitzvah, and he did not cause the woman to lose anything.

If, however, a person guarantees the *ketubah* of his son and affirms his commitment with a contractual act, he is obligated to pay. For a father will make a binding commitment on behalf of his son and decide to obligate himself.

A person who underwrites a *ketubah*, by contrast, is obligated to pay, even though he did not affirm his commitment with a contractual act. What is meant by a person who underwrites a *ketubah*? One who tells a woman: "Marry this man. I will give [the money for] this *ketubah*." If, however, he says: "I will guarantee this *ketubah*," "I will pay this *ketubah*," "I am obligated for it" or the like, he is not liable unless he is the father [of the groom].

When a person divorces a wife [whose *ketubah* has been underwritten in the above fashion], he must first take a vow that she is forbidden to derive benefit from him. Only then may she collect her *ketubah* from the underwriter or the [husband's] father, if he guaranteed it. [This precaution was instituted,] lest the husband remarry her, and thus the two will [have acquired] the property of [the underwriter] through subterfuge.

10 Similarly, a person who consecrates his property and then divorces his wife must take a vow that she is forbidden to derive benefit from him. Only

then may she collect [the money due her by virtue of her *ketubah*] from the person who redeems the property from the Temple treasury. [This precaution was instituted,] lest the two attempt to deceive the Temple treasury.

When, however, a person divorces his wife, and she comes to collect [the money due her by virtue of her *ketubah*] from the [property that was sold to] purchasers, he is not required to take a vow that she is forbidden to derive benefit from him. Instead, she must take the oath required of her, and then she [is entitled to] collect [her due]. If afterwards she desires, she may return to her husband. For the purchasers know that the property was under lien to the *ketubah* of a woman, and they caused themselves the loss by taking property that was under such a lien.

11 When a husband sold his property, and afterwards the woman agreed to [her husband's] act and wrote the purchaser: "I have no claim against you," she may, nevertheless, collect [the money due her by virtue of her *ketubah* by expropriating this property]. [This applies] even when she affirmed [her commitment] with a contractual act. [The rationale is] that she wrote this [statement to the purchaser] only so that there will not be strife between her and her husband. She can [therefore excuse herself,] saying: "I was [merely intending] to please my husband."

[A different rule applies, however, when the purchaser] enters into an agreement with the woman that she foregoes her lien on this property [before purchasing it from her husband]. If this agreement is affirmed with a contractual act, and afterwards the husband sells the property [to him], [the woman is not entitled to] expropriate this property.

Similarly, [a woman is not entitled to expropriate property sold by her husband in the following circumstance]. Her husband sold a property [on a previous occasion, and at that time] asked his wife to write the purchaser, "I have no claim to this property," and the woman refused, causing the sale to be nullified. [If,] afterwards, the husband sells [property] - whether the same field he had sold previously or another field - to another person, and after the husband's sale the woman agreed, [made a commitment] that she has no claim to this field and affirmed it with a contractual act, she may not expropriate it. For she cannot say, "I did this [merely] to please my husband," since on the previous occasion, when she did not want [to waive her rights], she did not follow her husband's desires.

12 [The above ruling is also relevant in the following situation.] A man had two wives. He sold a field, and the purchaser had entered into a contractual act with one of [the husband's] wives, waiving her lien to this field in a manner in which the agreement was effective and the woman no longer had the privilege of claiming, "I did this [merely] to please my husband." Afterwards, the husband died or divorced both his wives.

The second wife may expropriate the property from the purchaser, for she did not enter into any agreement with him. The first wife may then expropriate [the property] from the second wife, for she had a prior claim to it, and she waived her lien only with regard to the purchaser [and not with regard to anyone else]. When the property comes into the possession of the first [wife], the purchaser may expropriate it from her, since she made an agreement with him. [The second wife can then expropriate it

from the purchaser,] and the cycle continues until they reach a compromise among themselves.

13 [In the event of her husband's death,] a widow - regardless of whether she was widowed from *erusin* or *nisu'in* - may take the oath [required of her], sell land belonging to her husband and collect [the money due her by virtue of] her *ketubah*. [The sale may be carried out] in a court of expert judges, or in a court whose judges are not expert, provided it consists of three trustworthy men who are knowledgeable with regard to the evaluation of land. The responsibility for the sale falls on the estate belonging to the heirs. A divorcee, by contrast, may sell [her ex-husband's property] only in a court of expert judges.

Whenever a woman has property sold in court, she must have it sold after a public announcement has been made. In the laws of loans, the guidelines for the sale [of property] will be explained. When, by contrast, a woman sells property without the participation of the court, a public announcement [of the sale] need not be made. It is, nevertheless, necessary [to consult] with three trustworthy men who are knowledgeable with regard to the evaluation [of property].

14 [The following rules apply when] a widow sells [her husband's] landed property privately in order to collect the money due her by virtue of her *ketubah*: If she sold the property at its proper value, the sale is binding. [All that is necessary is for] her to take the oath required of widows after the sale.

The above applies when she sells the property to another individual. If she

takes it as her own after evaluating it, her act is of no significance. [This applies even when] she had announced the sale of the property [and received no better offer].

15 [In the above situation,] if the woman's *ketubah* was for 200 [*zuz*], and she sold [property] that was worth 100 [*zuz*] for 200, or property that was worth 200 for 100, she has received the value of her *ketubah* and is no longer owed anything. She must, however, take the oath required of a widow.

If her *ketubah* was for 100 [*zuz*] and she sold [property] worth 101 [*zuz*] for 100, the sale is nullified. [This applies] even if she says, "I will [accept the loss and] return the [outstanding] *dinar* to the heirs."

16 If her *ketubah* was for 400 *zuz* and she sold [four pieces of property], three that were each worth 100 [*zuz*] for 100 [*zuz*] each, and one that was worth 101 *zuz* for 100 [*zuz* - the final sale is nullified, but the [first three] are all binding.

17 A woman has the privilege of selling [the rights to] her *ketubah* or giving [them] as a present. If her husband dies or divorces her, [the purchaser or the recipient] is entitled to come and collect [the money due her by virtue of her *ketubah*]. If she dies in the lifetime of her husband or [after his death, but] before she takes the oath [required of widows], he is not entitled to anything.

18 Although a woman sold [the rights to] a portion of her *ketubah*, used them as security [for a loan] or gave them as a present, she may sell landed

property belonging to her husband and collect the remainder of [the money due her by virtue of] her *ketubah*. [This sale may be carried out] in a court of three expert judges or through three trustworthy men.

[A woman] may sell [portions of her husband's property] many times. [These sales may be carried out] in a court of three expert judges or through three trustworthy men who are knowledgeable with regard to the evaluation of property.

19 When a woman sells [the rights to] her *ketubah* - whether to another person or to her husband - she does not forfeit the other privileges of her *ketubah*. [As such,] if she has a son, [and she dies before her husband does,] he inherits the worth of her *ketubah* - [although it] was sold from his father's estate - in addition to his share [in the estate, as will be explained].

If, by contrast, a woman waives her *ketubah* in favor of her husband, she forfeits all the privileges associated with her *ketubah*. [Her husband] is not required to provide her even with her subsistence.

The waiver of a *ketubah* [in favor of the woman's husband] need not [be affirmed by] a contractual act nor [be observed by] witnesses, just as the forfeiture [of any obligations] does not require affirmation by] a contractual act nor [the observation of] witnesses. Through one's words alone [the forfeiture is binding], provided the statement is made seriously, [in a manner that] can be relied upon, rather than facetiously, as a joke, or rhetorically.

Chapter 18

1 A widow is entitled to receive support from the estate [inherited by her husband's] heirs as long as she remains a widow, unless she collects [the money due her by virtue of] her *ketubah*. From the time she demands payment for her *ketubah* in court, however, she is no longer entitled to receive her subsistence.

Similarly, if she sold [the rights to] her entire *ketubah*, gave them as security [for a loan] or made her *ketubah* an *ipotiki* for another person - i.e., she told him "Collect your debt from here" - she is not entitled to receive her subsistence from the heirs. [The above applies] whether these exchanges were made in a court of expert judges or outside a court, or whether they were made in her husband's lifetime or after his death.

If, however, she sold [the rights to] only a portion of her *ketubah*, she is entitled to receive her subsistence. When a widow becomes consecrated [to a new husband], she forfeits [her rights to receive] subsistence [from her deceased husband's estate].

2 Just as the woman receives her subsistence from her husband's estate after his death, so, too, is she granted a wardrobe, household utensils and [the right to continue] living in the dwelling she lived in during her husband's lifetime. She may continue to make use of the pillows, spreads, servants and maidservants that she made use of during her husband's lifetime.

If the dwelling falls, the heirs are not required to rebuild it. [Even] if the widow asked, "Allow me to rebuild it at my own expense," she is not granted this option. Similarly, she may not repair it, nor have the walls sealed [and painted].

She must [continue to] dwell in it in the condition it [was in her

husband's passing], or she must leave [and find other accommodations]. Should the heirs sell the dwelling in which a widow is living, their deed is of no consequence.

3 If the dwelling [in which she was living fell] or her husband had been renting a dwelling, [the estate must] provide her with a dwelling appropriate to her social standing. Similarly, her subsistence and the wardrobe given her are granted according to her social standing.

If her husband's social standing exceeded her own, she is granted the above according to his social standing. For a woman's [social standing] ascends according to [her husband's] social standing, but does not descend [according to his]. [This applies] even after his death.

4 [The widow is given her subsistence as a member of] the household at large. What is the intent of [the latter term]? When five people who would each require a *kav* of food when they eat alone [live] in the same house and eat together [their needs are reduced]. Four *kabbim* will be sufficient for them. The same applies with regard to other necessary household [supplies].

Therefore, if a widow says: "I will not leave my father's house. Ascertain the amount of support I deserve for my subsistence and give it to me there," the heirs have the right to tell her: "If you desire to dwell with us, you will receive [a full measure of] support. If not, we will give you only your share as a member of the household at large."

If she explains [that she desires not to live with them] because she is young, and they are young [and the situation would be immodest, her

claim is accepted]. [The heirs are required] to provide her with support sufficient for her as she lives alone, while she lives in her father's home.

[Any money] remaining from [the funds granted for] the support of a widow or from her wardrobe belongs to the heirs.

5 [The following laws apply when] a widow becomes sick. If she requires medical treatment that is of an undefined nature, it is considered as support for her subsistence, and the heirs must provide her with it. If, however, she requires medical treatment of a limited nature, the treatment [should be paid for by deducting it] from [the money due her by virtue of] her *ketubah*.

If she is taken captive, the heirs are not required to redeem her. [This applies] even if she is a *yevamah* [and it is a mitzvah for her late husband's brother to marry her]. [Indeed,] even when she was taken captive during her husband's lifetime [and he was thus obligated to redeem her], if he dies while she is in captivity, there is no obligation to redeem her from his estate. Instead, she must be redeemed from her private funds, or she must collect [the money due her by virtue of] her *ketubah* and redeem herself.

6 When a widow dies, her late husband's heirs are responsible for her burial. If, however, she had already taken the oath required of a widow [before collecting the money due her by virtue of her *ketubah*], her heirs inherit her *ketubah*, and they are required to bury her, and not her late husband's heirs.

[Her late husband's] heirs are entitled to the income [from the work] of the widow. If the heirs tell the widow, "Take the income you generate in

exchange for [receiving] your subsistence," their words are of no substance. If, however, she desires such an arrangement, she is given this prerogative.

7 All the household tasks that a wife performs on behalf of her husband, a widow must perform on behalf of his heirs, with the exception of pouring them drinks, making their beds and washing their face, hands and feet.

8 An ownerless article discovered by a widow and the benefit that accrues from the property that the woman brought to her husband's household belong to the woman herself; the heirs [to her husband's estate] have no right to them at all.

9 The property that [a woman brought to the household as] her *nedunyah* may be taken by the woman without her having to take an oath. The heirs to her husband's estate have no claim with regard to it, except if the *nichsei tzon barzel* have increased in value during her husband's lifetime. [In this instance,] the increase belongs to the husband [and is given to his heirs].

[Even] if a widow dies without taking the oath [required of her], her heirs inherit her *nedunyah*, even if it is *nichsei tzon barzel*. If, however, it has increased in value, the increase must go to her husband's heirs.

10 When a woman seizes movable property [belonging to her husband's estate, so that she can sell it and use the money] for her subsistence, the property should not be removed from her possession. [This applies regardless of] whether she took possession of the movable property during

her husband's lifetime or afterwards. Even if she takes possession of a talent of gold [it is not removed from her possession].

Instead, the court documents what she has taken into her possession and defines the amount she should be given for her subsistence. Calculations are made, and she is allowed to derive her subsistence from [the property] in her possession until she dies or until she is no longer entitled to support for her subsistence. [At that time,] the heirs are granted the remainder.

11 Similarly, if she took possession of movable property during her husband's lifetime [to provide] for [the money due her by virtue of] her *ketubah*, she may collect [the money due her] from this [property after he dies]. If, however, she took possession of it after her husband's death [to provide] for [the money due her by virtue of] her *ketubah*, she may not collect [her due] from it.

12 The *geonim* ordained that a woman may collect [the money due her by virtue of] her *ketubah* and every obligation due her as a stipulation of her *ketubah* from the movable property [in her husband's estate]. Based on this [provision], a woman may receive her subsistence from [the sale of] movable property [from her husband's estate].

Nevertheless, if her husband left movable property and she did not take possession of it, the heirs take possession of it, and they must provide her with her subsistence. She has no right to prevent them from taking possession, by saying: "Have the movable property held in the court [so that] I can derive my subsistence from it, lest it become depleted, and I will have no means of support." Even if an explicit stipulation was made

[by her husband at the time her *ketubah* was composed] that she could derive her subsistence from this movable property, she cannot prevent [the heirs] from taking possession of it. This is the ruling that is universally followed in all courts.

13 If, however, her husband left landed property, she has the right to prevent the heirs from selling it. If they do sell it, however, she does not have the right to expropriate [the property] from the purchasers. A widow and a man's daughters may derive their subsistence only from the property that remains in his estate. [In this regard, they have no claim to property that was sold.]

14 If the deceased left many wives, they all have equal rights to receive their subsistence. [This applies] even when he married them one after the other. For the concept of a prior claim does not exist with regard to a claim for support.

15 [The following rules apply with regard to] a widow who has an obligation to marry a *yavam*. During the first three months, she derives her subsistence from her deceased husband's estate. If it can be determined that she is pregnant, or if it was known that she was pregnant when her husband died, she continues to derive her support [from his estate] until she gives birth. If she bears a viable child, she may continue to derive her subsistence throughout her widowhood as other women do.

If after three months have passed, it is [either] not evident that she is pregnant or she miscarries, she is not entitled to support from either her

husband's estate or from her *yavam*. Instead, she must file a suit against her *yavam* either to marry her or [to free her of her obligation through] *chalitzah*.

16 If she filed a suit against her *yavam* either to marry her or [to free her of her obligation through] *chalitzah*, he appeared in court and then fled or became ill, or if the *yavam* lives overseas, the woman is entitled to derive her support from the property of the *yavam* without taking any oath at all.

17 If the *yavam* she was obligated to marry is a minor, she is not entitled to receive her support from him until he comes of age and resembles other *yevamim*.

18 Should a person designate a portion of land to be used for support of his wife after his death, by saying: "This particular place will be for [my wife's] support," he has granted her additional rights with regard to her support.

If the income [from this land] is less than the support due her, she is entitled [to collect] the remainder from the other portions of his estate. If the income [from those portions of land] is more than the support due her, she is entitled to the entire amount.

If, however, he told her, "Your support will come from this particular place," and she remained silent, her sole source of support is the income from that particular place. [Her husband] has specificied [the source for] her support.

19 There are those who have ruled that when a widow comes to the court to

ask for support she should be allotted support without requiring her to take an oath. This ruling should not be followed; they have misunderstood [the situation, erroneously associating it with that of] a woman whose husband left on an overseas journey.

My teachers ruled that she should not be allotted support until she takes an oath in court. For she is coming to collect from property in the possession of heirs, and anyone who collects property in the possession of heirs may do so only after an oath has been taken. My own conception [also] follows [this approach], and it is proper to rule accordingly.

20 When a woman comes to the court to collect support for her subsistence, an oath is administered to her at the outset. The property is then sold without being publicized, and an allotment is made for her subsistence.

Similarly, she is entitled to sell property for her subsistence without involving a court of expert judges; three trustworthy individuals are sufficient, and the sale need not be publicized. Similarly, if she sells property by herself for its appropriate value to provide for her subsistence, the sale is binding. When the heirs come and require her to take an oath, she must take the oath.

21 How much property is sold to provide for her subsistence? Enough to provide for her support for six months, but not for longer than that. The sale is made on the condition that the purchaser give the widow an allotment for food every thirty days. Afterwards, another parcel of property is sold for another six months.

The property should continue to be sold in this manner until all that

remains from the estate is [the money due her by virtue of] her *ketubah*. She should collect this sum and complete her dealings with the court.

22 When the court allots a widow support for her subsistence, they do not reckon the money she earns until the heirs come and demand it. [If such a demand is made,] and the woman has earned money, they are entitled to it. If not, they have no further claim against her.

I maintain [however] that if the heirs are below majority, the court should make a reckoning with the widow with regard to [her income]. Just as she is allotted a subsistence, the court declares that her income [should be given to the orphans].

23 When a widow does not manifest possession of her *ketubah*, she is not granted money for her subsistence. [The rationale is that] perhaps she waived her *ketubah* [in favor of her husband] or sold it or gave it as security [for a loan].

Even when the heir[s] do not issue such a claim against her, the court makes this claim on their behalf and tells her: "Bring your *ketubah*, take the required oath and collect [the money for] your subsistence." [This law applies] unless it is not customary [in a particular locale] to compose a document recording the *ketubah*.

24 [The following laws apply when] a woman and her husband traveled overseas, and she returned, claiming [her husband] died. If she desires, she is entitled to receive her subsistence from her husband's estate, as are other widows. If she desires, she may collect [the money due her by virtue of]

her *ketubah*.

If she claims, "My husband divorced me," her word is not accepted. She is, however, entitled to derive her subsistence from his estate until she receives a sum equal to [the money due her by virtue of] her *ketubah*. [The rationale is] that if she is still his wife, she is entitled to receive her subsistence [from his holdings]. If he divorced her, she is entitled to receive [the money due her by virtue of] her *ketubah*, [provided] she manifests possession of her *ketubah*. Therefore, she may collect the support for her subsistence until she receives [the money due her by virtue of] her *ketubah*. [From this point on,] she has completed her dealings with the court.

25 [The following laws apply when] there is doubt whether a woman was divorced, and her husband died [afterwards]. She is not entitled to receive her subsistence from his estate, for property cannot be expropriated from an heir on the basis of a doubtful claim. During her husband's lifetime, by contrast, she is entitled to her subsistence until she is divorced in a complete and binding manner.

26 If a poor widow waits two years before she sues for support - or if a rich widow waits three years - it can be assumed that she has waived her claim to support for the previous years. Therefore, she is not granted support for that period. From the time she issues a claim onward, however, she is entitled to support.

If, however, she waited even one day less [before presenting her claim], she is not considered to have waived her claim, and she may collect her

support for the previous years.

27 [The following rules apply when] a widow demands support for her subsistence from the heirs, and they claim to have paid her, while she claims that she did not receive payment. Until she remarries, the burden of proof is on the orphans. [If they do not support their claim], the widow is entitled to take a rabbinical oath and collect the money due her. If she has already remarried, the burden of proof is upon her. [If she does not support her claim,] the heirs are entitled to take a rabbinic oath that they paid her [and are freed of obligation].

28 The laws governing the extra sum added by the husband to the *ketubah* are the same as those governing the fundamental requirement of the *ketubah*. Therefore, if a widow demands payment of this additional amount - or sells it, waives payment of it [in favor of her husband] or gives it as security - together with the fundamental requirement of the *ketubah*, she is not entitled to support for her subsistence.

If she demanded payment for a portion and left a portion uncollected, it is as if she demanded payment for a portion of the fundamental requirement of the *ketubah* and left a portion uncollected.

Whenever a woman sells or waives payment of her *ketubah* without making any further specification, she is considered to have sold or waived this additional amount together with the fundamental requirement of the *ketubah*. For the term *ketubah* is universally used to refer to both these items.

Chapter 19

1 One of the provisions of [a woman's] *ketubah* is that her male offspring will inherit the money due their mother by virtue of her *ketubah* and the *nedunyah* she brought to the household as *nichsei tzon barzel*. Afterwards, these children divide the remainder of the estate with their brothers equally.

2 What is implied? A man married a woman whose *ketubah* and *nedunyah* were together valued at 1000 [*zuz*]. She bore a son, and then she died within [her husband's] lifetime. Afterwards, the man married another woman whose *ketubah* and *nedunyah* were together valued at 200 [*zuz*]. She bore a son, and then she died within [her husband's] lifetime. Afterwards, the man died, leaving an estate worth 2000 [*zuz*].

His first wife's son should inherit 1000 [*zuz*] by virtue of his mother's *ketubah*, and his second wife's son should inherit 200 [*zuz*] by virtue of his mother's *ketubah*, and the remainder they should [both] inherit and [divide] equally. Thus, the first wife's son will receive 1400 [*zuz*], and the second wife's son will receive 600 [*zuz*].

3 When does the above apply? When [the estate] is worth at least one *dinar* more than the amount [due the children by virtue of their mothers'] *ketubot*. If, however, there is not a *dinar* or more remaining [in the estate], the entire estate should be divided equally [without applying the provision mentioned above].

[The rationale is that] if [the children of one of the mothers] will inherit

[what is due them by virtue of] their mother's *ketubah*, [the other mother's children] will inherit [what is due them by virtue of] their mother's *ketubah*, and at least one *dinar* will not remain to be divided among the heirs, then this provision [which is of Rabbinic origin] will supersede [entirely] the equal division of the estate among the children that is required by Scriptural law.

4 The same law applies to a man who married many wives, whether one after the other or several at one time. If they have all died in his lifetime, and they have all borne male children from this man, if his estate contains at least a *dinar* more than the *ketubot* of all his wives, each of the [sets of] sons inherits the money due their mother by virtue of her *ketubah*. The remainder [of the estate] is divided equally.

5 [Should the estate not be large enough to satisfy the obligations of both *ketubot* and the additional *dinar*,] and the heirs say: "We will increase the value of our father's estate so that there will be more than a *dinar* [in addition to the value of the *ketubot*]," so that they can collect [the money due their mother by virtue of] her *ketubah*, their request is not accepted. Instead, the estate should be evaluated in court according to its value at the time of their father's death [and the decision rendered on the basis of this figure].

Even if the value of the estate increases or decreases [in the time between] the death of their father and the actual division of the property, [the decision whether to grant the heirs their mothers' *ketubot*] depends only on the value of the estate at the time of their father's death.

6 If the value of the estate was a *dinar* or more than the sum of the two *ketubot*, each of the sons inherits the money due his mother by virtue of her *ketubah*. Even if there is a promissory note due against the estate for the amount that exceeds the value of the *ketubot*, it is not considered to have reduced [the value of the estate].

7 [The following rules apply when a man] was married to two wives. One died within his lifetime and one died afterwards, and he has sons from both wives. Although the value of the estate he left does not exceed the value of the two *ketubot*, the sons of the [wife who died after her husband's death] have the right to inherit the money due their mother by virtue of her *ketubah* first, [provided] she took the oath required of a widow before she died.

[The rationale is] that they do not inherit their mother's *ketubah* by virtue of this provision, but rather through the Torah's laws of inheritance. Afterwards, the sons of the wife [who died during her husband's lifetime] inherit [the money due their mother by virtue of her] *ketubah* on the basis of this provision. If anything remains in the estate afterwards, it should be divided equally.

If [the woman who died after her husband] died before she was able to take the oath [required of her], only the sons of [the woman who died in her husband's lifetime] are entitled to inherit [the money due their mother by virtue of] her *ketubah*. The remainder is divided equally.

8 [The following rules apply when a man] was married to two wives, fathered sons with both of them and then died. If the wives died after the

father did, but after taking the oath [required of widows], each of their sons is entitled to inherit [the money due his mother by virtue of] her *ketubah* according to the Torah's laws of inheritance, and not by virtue of this provision. Therefore, in this instance it is not significant whether the estate is more valuable than the sum of the two *ketubot* or not. [The claim of] the heirs of the wife married first takes precedence over the claim of the wife married afterwards.

If neither of the wives took [the required] oath, the sons [of both women] divide the entire estate equally. Neither has the right to inherit [his mother's] *ketubah*, for a widow is not entitled to her *ketubah* until she takes the [required] oath.

9 [In the above instance,] if one of the widows took the [required] oath and one did not, the sons of the one who took the oath inherit [the money due their mother by virtue of] her *ketubah* first, and then the remainder of the estate is divided equally [among all the heirs].

Whenever [a son] inherits [the money due his mother by virtue of] her *ketubah* after she died in his father's lifetime, he does not have the right to expropriate property that was sold to others; [he inherits] only property in the possession of the estate.

10 Among the provisions of the *ketubah* is that after the death of their father, [his wife's] daughters have the right to receive support for their sustenance from their father's estate until they become consecrated or until they reach the age of *bagrut*.

If a daughter reaches the age of *bagrut* but has not been consecrated, or if

she is consecrated before she reaches the age of *bagrut*, she is not entitled to receive her sustenance.

When a daughter receives her sustenance from her father's estate after his death, her earnings and the ownerless objects she discovers belong to her, not to her brothers.

11 An allotment of support, garments and living quarters should be made for a man's daughters from his estate, just as it is made for his widow. His [landed property] may be sold to provide his daughters with their sustenance and garments without a public announcement, just as it is sold to provide for his widow's sustenance and garments.

[There is, however, one difference between the two.] The allotment to the widow is made according to her social standing and that of her husband, while his daughters are given only their necessities. The daughters are not, however, required to take an oath.

12 A man's sons are not entitled to inherit [the money due their mother by virtue of] her *ketubah*, nor are his daughters entitled to receive their sustenance according to the provisions mentioned above unless they manifest possession of the document [recording their mother's] *ketubah*. If, however, they do not manifest possession of the document, they are not entitled to anything, for it is possible that their mother waived her *ketubah* [in favor of her husband]. In a locale where it is not customary to record the *ketubah* in a document, however, the children are entitled to [the benefits stemming from] these provisions.

13 When, shortly before his passing, a man orders that one of the provisions of [his wife's] *ketubah* be ignored - e.g., he said: "My daughters should not derive their sustenance from my estate," "My widow should not derive her sustenance from my estate," or "My sons should not inherit the money due their mother by virtue of her *ketubah*" - his words are of no consequence.

[Although] a person gives his entire estate to others through an oral will [all the provisions of his wife's *ketubah* must be met]. [The rationale is] that the transfer of property through an oral will does not take effect until after death, as will be explained. Thus, the mandate of the will and the obligations of the estate due to the provisions [of the *ketubah*] take effect simultaneously. Therefore, the widow and [the deceased's] daughters receive support for their sustenance from the estate, and [the deceased's] sons inherit the money due their mother by virtue of her *ketubah* if she dies during her husband's lifetime.

14 A daughter of a girl who nullifies her marriage through *mi'un* is considered like any other daughter, and she is entitled to support for her sustenance [after her father's death]. Nevertheless, the daughter of a *yevamah*, the daughter of a *sh'niyah*, the daughter of one's *arusah,* and the daughter of a woman who has been raped are not entitled to support for their sustenance after their father's death by virtue of this provision. During their father's lifetime, however, he is obligated to support them like any of his other sons and daughters.

15 A man who consecrates a girl who is receiving her sustenance from her

brothers is obligated to provide her with support from the time of consecration onward. [Although a husband is ordinarily required to support his wife only after *nisu'in*, an exception is made in this instance, because] the girl is not entitled to support from her brothers after she becomes consecrated. Nor is she past the age of majority, when she is capable of providing for her own sustenance, but rather she is a minor, or a *na'arah*. [Hence, her husband is obligated to support her, because] a man would not desire that the woman he consecrated be put to shame [by having to] wander and beg [for her support].

16 Should a daughter marry and then leave her husband through the rite of *mi'un*, or be divorced, or be widowed - even if she is obligated to marry a *yavam* - since she returns to her father's home and has not reached the age of *bagrut*, she is entitled to support from her father's estate until she reaches the age of *bagrut* or until she becomes consecrated.

17 When a man dies leaving both sons and daughters, the sons inherit his estate, and it is their responsibility to provide their sisters with support until they reach the age of *bagrut*, or until they become consecrated.

When does this apply? When the estate is large enough to provide both the sons and the daughters with their sustenance until the daughters reach the age of *bagrut*. This is called an ample estate.

If, however, the estate contains only a lesser amount, the funds necessary to support the daughters until they reach the age of *bagrut* are set aside, and the remainder is given to the sons. If the estate contains only enough to provide for the support of the daughters, the daughters are entitled to

their sustenance until they reach *bagrut* or until they become consecrated, and the sons should beg for their support.

18 When does the above apply? When the estate contains landed property. If, however, the estate contains movable property, since it is only by virtue of the ordinance of the *geonim* that the daughters are entitled to derive their support from the movable property, the sons and the daughters should receive their support equally from this meager estate. For with regard to movable property, [the daughters] were given the right to be considered like the sons, but not superior to them. The *geonim* have ruled in this manner.

19 If [a man] left an ample estate of landed property, and afterwards [the value of the estate decreased until] it became meager, the heirs have already acquired [the property].

If [the estate was deemed] meager [in value] at the time of the man's death, and [the value increased afterwards] to the point that it is considered ample, the heirs are given the right to inherit it. Even if the value did not increase, if the sons sold an estate that was considered meager, the sale is binding.

20 If the estate was ample but a debt was owed, or [the man] had made a provision with his wife, [promising] to support her daughter [from a previous marriage], the debt or [the obligation to] support the widow's daughter does not prevent the estate from being considered ample. Instead, the sons inherit the entire estate. [It is their responsibility] to pay

the creditor his debt, to support the widow's daughter for the time stipulated and to support their sisters until they reach majority, or until they become consecrated and leave their domain.

21 [The following rules apply when a man] left a widow and a daughter, either from her or from another wife, and his estate is not large enough to provide support for both of them. The widow should derive her support from the estate, and the daughter should beg [for alms].

Similarly, I maintain that support for [a man's] daughter takes precedence over [his] sons' inheritance of their mother's *ketubah* if she died in her husband's lifetime, although both [rights] are provisions of the *ketubah*. [This can be derived by making] an inference from a more serious responsibility to a less serious one: If the inheritance [of a man's estate to which the sons are entitled] by virtue of Scriptural law is superseded by [the obligation to provide] the daughter with her support, how much more so should [the sons'] inheritance of [their mother's] *ketubah*, which is only a Rabbinic ordinance, be superseded by [the obligation to provide] the daughter with her support.

22 When a man dies and leaves older daughters and younger daughters, without leaving a son, we do not say that the younger daughters should be granted their sustenance until they reach the age of *bagrut*, and then the entire estate should be divided equally. Instead, the entire estate should be divided equally [immediately].

Chapter 20

1 Our Sages decreed that a man give a certain portion of his holdings to his daughter as a dowry. This is referred to as *parnasah*. When [a man] marries off his daughter, he should provide her with at least the wardrobe that is given to the wife of a poor Jewish man, as we have explained.

When does the above apply? When [the bride's] father is poor. If he is wealthy, he should provide for his daughter according to his standards.

2 If a father explicitly tells the prospective husband that his daughter does not possess anything, and that [his intent is that] he marry her although she does not possess a wardrobe, [the bride] is not entitled to anything of her father's.

[In such a situation, the prospective] husband should not say: "When she comes to my home, I will provide her with a wardrobe." Instead, he should provide her with a wardrobe while she is living in her father's home.

3 When a father dies and leaves [at least one son and] a daughter [she is provided with a dowry from his estate]. We estimate what the father would have desired to give the daughter as a dowry, and she is given [that sum].

How is it possible to arrive at such an estimate? [We survey the habits of] his friends and acquaintances, his business affairs and his standard of living. If he married off a daughter during his lifetime, we base our estimate [on what she was given]. If the court is unable to determine what he would have desired [to give his daughter], she is given a tenth of his estate as a dowry.

4 When a man leaves [a son and] many daughters, the first [daughter] who desires to marry is given a tenth of the estate. The second [daughter to marry] receives a tenth of what was left after providing the first [daughter with her dowry]. And the third daughter receives a tenth of what was left after providing the second [daughter].

If all [a man's] daughters come to marry at the same time, [money is set aside for them according to the above pattern,] even if there are ten daughters [or more]. Afterwards, [all the allotments are pooled], and then divided equally among the daughters. The remainder of the estate is given to the sons.

5 The allotment of a tenth [of the estate] as a dowry is not one of the provisions of the *ketubah*. Therefore, even according to the enactment of the later Sages, it is only to be collected from landed property. It may, however, be collected from rent due for landed property. If, however, [a girl's] brothers desire to give her money in lieu of a tenth of the landed property, they have that right.

6 With regard to this allotment of a tenth [of the estate], the daughter is considered to be a creditor of her brothers. Therefore, she is entitled to collect it from property of intermediate quality. An oath is not required of her.

If her brothers die, she is entitled to collect it from their sons, [expropriating] property of inferior quality, and an oath is required of her. For she is collecting property from heirs, and [it is an accepted principle that] a person who comes to collect property from heirs may collect only

from that of inferior quality and is required to take an oath [before doing so], as will be explained in the laws of loans.

7 Should her brothers have sold the landed property of their father's estate, or given it as collateral, the daughter may collect her dowry from the purchasers, just as other creditors are entitled to collect from the purchasers, as will be explained in the laws of loans.

8 When a man has [several daughters, but] no sons, [his estate] is divided equally [among his daughters at the time of his death]. Although he married off the older daughters during his lifetime [and provided them with dowries], we do not grant dowries to the younger daughters and then divide the estate.

9 [The following rules apply when a man] has died, leaving two daughters and a son. The older daughter received a tenth of the estate as a dowry, but before the younger daughter had collected her dowry, the son died [without leaving any heirs], and [the two sisters] inherited the entire estate. [In this situation,] the younger sister is not entitled to her tenth of the estate. Instead, the entire estate is divided equally, but the older sister is granted the tenth [she had received previously].

10 When a man gives an order at the time of his death: "Do not give my daughters a dowry from my estate," his words are heeded. [The rationale is that a dowry] is not one of the provisions of a *ketubah*.

11 [The following rules apply when] a man dies, leaving a widow and a

daughter. It has already been explained that the support of a man's widow takes precedence over the support of his daughter. Similarly, if the daughter marries, she is not entitled to collect her tenth [of the estate], because of [the obligation to] support the widow.

Even if the daughter dies after she marries, her husband is not entitled to inherit the dowry that should have been given her. For the entire estate is considered to be in the possession of the widow so that she can derive her sustenance.

12 When an orphan girl is married off by her brothers or her mother as a child with her consent, and she is given 50 or 100 *zuz* as a dowry, she is entitled to collect the dowry that is due her - according to the estimation of her father's desires or one tenth of the landed property [of his estate] - from them after she attains the age of majority.

[This applies] even if her brothers did not provide her with sustenance, and even if she did not object at the time of the wedding. For a minor is not capable of making an objection [in court].

13 When a daughter marries after she reaches majority - whether as a *na'arah* or as a *bogeret* - and does not demand her dowry, she forfeits her dowry. If, however, she protested at the time of her marriage, she may collect her due whenever she desires.

[A further point must be considered when] she reaches the age of *bagrut* and remains in her father's house - regardless of whether she reaches *bagrut* after his death, or [he died] when she had already reached the age of *bagrut*. If her brothers have already ceased providing her with her

sustenance, which is their prerogative, as we have explained, and [the girl] remained silent and did not demand her dowry, she forfeits her dowry. If she protests, she does not forfeit her dowry.

If, however, her brothers had not ceased providing her with her sustenance [although] she reached *bagrut*, she is not considered to have forfeited her dowry as long as they continue to provide her with her sustenance, even though she did not protest. For she can claim that she did not demand her dowry because [her brothers] are supporting her although they are not obligated to do so, and she has not yet married.

14 [The following rules apply when a man] stated - whether while making an oral will before death or while healthy - that his daughter should be given a specific sum of money as a dowry, and that this sum should be used to purchase landed property, and [then] died [afterwards].

When the money is in the possession of a third party and the daughter states: "Give the money to my husband and let him do with it as he desires," [the third party should do as follows]. If [the daughter] has reached the age of majority and has married, she is granted this prerogative. If she is [past majority, but merely] consecrated, the third party should follow the instructions he was given. And if she is a minor, even if she is already married, her request is not heeded. Instead, the third party should carry out her father's instructions.

Chapter 21

1 A husband is entitled to [any ownerless objects] discovered by [his] wife,

and the proceeds of her labor. What [type of work] must she perform on his behalf? Everything follows the custom of the country. In a place where it is customary for women to weave, she should weave. [In a place where they] embroider, she should embroider. [In a place where they] spin wool or flax, she should spin.

If it is not customary for women in that place to perform these labors, he may compel her only to spin wool; [wool, but not flax,] because flax damages [a woman's] mouth and lips. [This occupation is chosen because] spinning is a task designated for women, as [implied by **Exodus 35:25**]: "And all the skilled women put their hands to spinning...."

2 If a woman exerts herself and produces more than would be expected of her, her husband is entitled to the extra amount.

Even when her husband is very wealthy and even when the woman has several maids, she may not sit idle, without work. For idleness leads to lewdness. [Her husband] may not, however, compel her to work for the entire day. Instead, according to the extent of his wealth, her obligation to work is minimized.

3 When a man takes a vow that prevents his wife from doing any work at all, he is obligated to divorce her and pay her [the money due her by virtue of her] *ketubah*. [The rationale is that] idleness leads to lewdness.

Every wife is obligated [to perform the following household tasks] on behalf of her husband: to wash his face, feet and hands, to pour him beverages, to make his bed, and to do his bidding - e.g., to bring him water or a utensil, to remove an article from his presence, or to perform

similar tasks. She is not, however, required to do the bidding of his father or his son.

4 These tasks should be performed only by a man's wife alone. Even if she possesses several maids, these tasks are performed for a man only by his wife.

5 There are other tasks that a woman performs for her husband when they are poor; they are: to bake bread in an oven - Ezra ordained that a woman get up early and bake bread so that there will be bread available to give the poor.

She should cook food, wash clothes, nurse her child, place straw before her husband's beast - but not before his cattle - and grind [flour].

What does grinding [flour] involve? [Not that the woman actually operates the mill herself,] but that she stays at the mill, sifts the flour and prods the animal [who turns the mill], so that [the operation of] the mill will not be hampered. If it is the [local] custom, for women to grind [flour] using a hand mill, [a woman] should grind [flour in this manner].

6 When does the above apply? With regard to a poor [couple]. If, however, a woman brings a maid to [the household] or property with which a maid could be purchased, or if the man possesses a maid or funds with which a maid could be purchased, the wife is not required to grind [flour], to bake, to do laundry or to place straw before her husband's beast.

If the wife brings two maids to [the household] or property with which two maids could be purchased, or if the man possesses two maids or is

[wealthy] enough to purchase two maids, the wife is not required to cook or to nurse her child. Instead, she gives him to a maid to nurse.

7 Thus, there are five tasks that every woman must perform on behalf of her husband: to spin [thread], to wash his face, hands and feet, to pour beverages for him, to make his bed and to do his bidding. And there are six tasks that some women perform and some women do not perform. They are: to grind [flour], to cook, to bake, to do laundry, to nurse, and to place straw before her husband's beast.

8 All the tasks that a woman must perform on behalf of her husband must also be performed by a woman while she is in the *niddah* state, with the exception of pouring beverages, making his bed and washing his face, hands and feet. [The rationale for the exceptions is that] this is a decree, [enacted] lest [sexual] thoughts arise, and the husband be prompted to engage in relations.

Therefore, when she is in the *niddah* state, she should make his bed when he is not present. When pouring a beverage for him, she should not place it in his hand as is her usual practice, but rather leave it on the ground, on a utensil or on a table, and he will take it.

9 When a woman breaks utensils while performing household tasks, she is not held liable. This ruling does not reflect the dictates of the law, but is instead an enactment [of our Sages]. For if this were not the case, there would never be peace in a household. For a woman would be overly cautious and would refrain from performing many tasks, and there would

thus be strife between [the couple].

10 Whenever a woman refrains from performing any of the tasks that she is obligated to perform, she may be compelled to do so, even with a rod. When a husband complains that [his wife] does not perform [her required tasks], and [the wife] claims that she does, [the dispute should be clarified by having] a [neutral] woman dwell with them or [by asking] the neighbors. The judges should clarify the matter in the best way they see fit.

11 During the time a woman nurses her child, she is not compelled to perform as many tasks [as usual], and wine and foods that are beneficial to nursing are added to her support.

If, despite the fact that she was allotted the foods appropriate for her, she desires to eat more or desires to eat other foods, because of the craving in her stomach, she is entitled to eat everything she desires [provided she pays for the additional food] from her own funds. The husband cannot prevent her, saying: "Perhaps she will overeat or eat harmful foods and the child will die." [The rationale is] that the physical pain the woman feels takes priority.

12 When a woman bears twins, she cannot be compelled to nurse both of them. Instead, she is required to nurse one, while the husband is required to hire a nursemaid for the second child.

If a woman desires to nurse another woman's child together with her own, her husband may object and restrict her to nursing only her own child.

13 Although a woman takes a vow not to nurse her child, she may be compelled to do so until the child - whether a boy or a girl - is 24 months old.

If a woman desires to nurse her child, but her husband objects, claiming that this will mar her beauty, she is given this prerogative, for it is painful for her to part from her child. [This law applies] even if she owns several maids.

14 If she is poor and would thus be obligated to nurse her child, but her husband is rich, and it is appropriate that his wife not be obligated to nurse his child - if his wife does not desire to nurse, he must hire a nursemaid or buy a maid, even if he did not possess any maidservants beforehand. [The rationale is] that the woman's social standing rises together with that of her husband and does not descend with his.

15 If a woman claims that [her husband] is of [a social standing that] requires him to hire or purchase a maid, and he claims that he is not, the burden of proof is on the woman. [The husband] is not [required] to take an oath.

16 When a woman is divorced, she cannot be compelled to nurse [her child]. If she desires to nurse the child, [her ex-husband] must pay her a wage. If she does not desire [to nurse], she should give the son to his father, and he should care for him.

When does the above apply? When she did not nurse the child long enough for him to recognize her. If, however, [the child is able] to

recognize his mother, even if [the child] is blind, he should not be separated from his mother because of the [possible] danger [the separation will cause] the child. Instead, the woman is compelled to nurse the child for a wage until he reaches the age of 24 months.

17 [A husband] is not [obligated to] support his divorcee, even when she is nursing his child. In addition to the wage she receives [as a nursemaid], he must, however, provide her with those things that the child needs for clothing, food, drink, salves and the like. A woman who is pregnant is not entitled to any [payment] at all [from her ex-husband].

[The following rules apply after the 24] months have been completed, and the child has been weaned. If the divorcee desires that her son remain in her custody, he is not separated from her until he completes his sixth year [of life]. Instead, his father is compelled to provide him with his sustenance while he lives with his mother.

After the child completes his sixth year, the father has the right to say: "If [my son] is in my custody, I will support him. If, however, he continues to live with his mother, I will not give him anything."

A mother, by contrast, is given custody of her daughter forever, even after [she passes] the age of six.

18 What is implied? If the father is [wealthy enough] to be obligated to give charity, the money necessary for his daughter's support should be expropriated from him and used to support the daughter, while she is in her mother's custody.

Even if the mother marries another [man], her daughter remains in her

custody, and the father is obligated to provide for her sustenance until his death, as an act of charity. [Moreover, even if the girl's] father dies, she is entitled to receive her sustenance from his estate, as a provision of [her mother's] *ketubah*, although she remains in her mother's custody.

If a mother does not want her children - either males or females - to remain in her custody after she weans them, she has this prerogative, and she can give their father their custody, or make them wards of the community if there is no father, and [the community] must care for them.

Chapter 22

1 The husband takes precedence over any other person with regard to the inheritance of his wife's estate.

When does the husband acquire this right? When his wife leaves her father's domain, even though she has not entered the *chuppah*. Since the woman has entered her husband's domain, he [has the right] to inherit [her estate].

2 What is implied? When a woman has been consecrated and her father hands her over to her husband or to his agents, or the agents of the woman's father hand her over to her husband or to his agents, and the woman dies on the way, before she enters the *chuppah*, her husband inherits her estate, even though her dowry is still in her father's home.

Similarly, if the father or his agents went together with the husband, and the husband entered into privacy in a courtyard together with [his bride] with the intent of marriage, and afterwards she dies, her husband inherits

[her estate].

If, however, [the woman and] her husband or his agents are still accompanied by her father or his agents on their journey to the husband's house, her father inherits [her estate] if she dies, even if her dowry is already in her husband's home. [This law applies even if the woman] and her husband entered a courtyard together to spend the night, as travelers lodge together in one inn. [The rationale is that] she is accompanied by her father or his agents, and [her husband] has not entered into privacy with her for the sake of marriage.

3 Similarly, when a *bogeret*, an orphan, or a widow goes from her father's house to her husband's home on her own initiative without being accompanied by her husband or his agents, and dies on the way, her husband does not inherit [her estate].

4 Although a man marries a woman with whom he is forbidden [to have relations], if she dies [during his lifetime], he inherits her estate when his consecration of her is binding. Similarly, a man who marries a *k'tanah* [after her father's death] inherits her estate if she dies in his lifetime, even though his consecration of her is not binding entirely.

When, by contrast, a mentally capable man marries a deaf mute, he is not entitled to inherit her estate when she dies. When, however, a deaf mute marries a mentally capable woman and dies, he should inherit her estate. For she is capable of understanding and married him voluntarily. [In doing so,] she gave him a right to her property.

5 When a *k'tanah* was consecrated with her father's consent, but married without his consent - whether in his presence or outside his presence - her father has a right to object, as we have explained. [In such a situation,] if the girl dies, her husband should not inherit her estate, even if the father remains silent, unless he expressed his consent to her marriage.

6 The *geonim* ruled that when a woman falls sick and asks her husband to divorce her so that he will not inherit her estate, her words are of no consequence, [even if] she [agrees to] forfeit her *ketubah*. Even if she says: "I hate him and no longer desire to live with him," her words are not heeded, and she is not judged as a woman who rebels against her husband. This is a desirable ruling.

7 During a woman's lifetime, her husband enjoys the benefits of all the property she owns, regardless of whether it is classified as *nichsei tzon barzel* or *nichsei m'log*. If she dies in her husband's lifetime, her husband inherits everything.

Therefore, if the woman sold property classified as *nichsei m'log* after she married, even if she became the owner of that property before she became consecrated, her husband may expropriate the income from that property from the purchasers throughout his wife's lifetime. He may not, however, expropriate the land itself, for he has no right to the land itself, if it is classified as *nichsei m'log*, until his wife dies.

If she dies in his lifetime, he may expropriate the land from the purchasers without paying them for it. If the actual money that [the woman] took from the purchasers still exists, however, it must be returned to the

purchasers. The husband cannot say: "Perhaps this money was found [by my wife]" [and on that basis take it as his own].

8 When does the above apply? With regard to property about which the husband knew. When, however, a woman inherits property in another country without her husband's knowledge and sells it, the sale is binding. Similarly, if a woman sells [property] between her consecration and the consummation of the marriage bond, the sale is binding. For the husband has no right to his wife's property until their marriage is consummated.

9 When a woman signs over all of her property to another person - regardless of whether or not that person is a relative - before she marries, even when there is a provision that if she is divorced or if she becomes a widow, this present is nullified - as will be explained in *Hilchot Matanah* - her husband is not entitled to benefit from the income of this property. And if she dies in his lifetime, he does not inherit it.

[The rationale is] that she gave this property away before she married. When she dies during her husband's lifetime, the recipient of the present acquires full title to it.

Moreover, [the same laws apply] even if she gave away a portion of her property - or all her holdings - before she married and wrote [in the deed of transfer] to the recipient: "Acquire the property from this time onward, [dependent] on my consent." [Although] the recipient does not acquire complete ownership until the woman expresses her consent, her husband is not entitled to benefit from the income of this property. And if she dies in his lifetime, he does not inherit it.

10 While a woman is waiting for her *yavam* [to marry her according to the rite of *yibbum*], she may sell or give as a present property that she acquires during the time she is in this status. Until he marries the *yevamah*, the *yavam* has no right to benefit from the property, even the *nichsei tzon barzel*, that she brought to his [deceased] brother's household.
If the *yevamah* dies in this status, her heirs from her father's household inherit her *nichsei m'log* and half of her *nichsei tzon barzel*. Her husband's heirs inherit [the money due her by virtue of] her *ketubah* and the remaining half of her *nichsei tzon barzel*, and they are responsible for her burial.

11 The money due a *yevamah* by virtue of her *ketubah* is considered to be a lien on her [late] husband's estate. Therefore, a *yavam* is not entitled to sell any of his brother's property - neither before *yibbum* nor after *yibbum*. If he sells the deceased's property, gives it away as a present, divides it with his brothers - whether before *yibbum* or after *yibbum* - his actions are of no consequence. For it is already obligatory to make this property available to the widow so that she can collect [the money due her by virtue of] her *ketubah* from it.

12 When a man marries his *yevamah* at a time when there is produce growing on the land left by her husband, this produce should be sold, and the proceeds used to purchase land from which the *yavam* will derive the benefit that accrues.

13 When, [by contrast, the deceased] left produce that was already harvested,

money or movable property, it becomes the property of the *yavam*. He may use it as he sees fit, and [the *yevamah's*] objections are of no consequence.

[The rationale is that the woman's right] to collect [the money due her by virtue of] her *ketubah* from movable property stems only from an enactment of the *geonim*, and this enactment does not have the power to prevent [the *yavam* from taking possession] of his brother's property, and cause him to be restrained from dealing with them because of this lien.

14 [The following rules apply when] a *yevamah's* [first husband was not obligated to] grant her a *ketubah* or [when] she waived her *ketubah* in his favor. The *yavam* acquires his brother's estate and may sell [portions of it] or give them away as he desires. When he marries his *yevamah*, he is obligated to compose a *ketubah* for 100 [*zuz*]. All of his property will be considered as being on lien for the *ketubah*, [i.e., the same laws apply to her] as apply to other women who have a *ketubah*.

15 When a woman sells *nichsei tzon barzel* - whether to her husband or to others - after she marries, her act is of no consequence.

Similarly, if her husband sells landed property belonging to his wife - whether it be *nichsei tzon barzel* or *nichsei m'log* - his act is of no consequence.

16 [Should the husband] sell movable property that is classified as *nichsei tzon barzel* - although he is not allowed to make such a sale - the sale is binding.

If both [the husband and the wife] sell *nichsei m'log*, the sale is binding, regardless of whether the purchaser purchased the property from the husband first and then from the wife, or if he first purchased it from the wife and then from the husband.

17 Similarly, when a woman sells her *nichsei m'log* to her husband or gives them to him as a present, the sale or the gift is binding. She cannot rationalize her actions by saying, "[This was not my true intent.] I did it [only] to appease my husband." With regard to other property, however, she may offer such a rationalization.

18 What is implied? When a woman sells her *nichsei tzon barzel* to her husband or gives them to him as a present, her husband does not acquire this property. [This applies to] landed property and movable property [in this category], to a field that was designated for her from which [she could collect the money due her by virtue of] her *ketubah*, a field belonging to her that was specifically mentioned in her *ketubah* or a field that [her husband mentioned in her *ketubah*] as his present to her [to be included in her dowry].

[In all the above instances,] even though [the husband] formalized the transaction with his wife through an act of contract that she voluntarily agreed to, she has the prerogative of recanting whenever she desires. [We assume that] she gave the present or made the sale only for the sake of maintaining peace in her home.

Accordingly, a husband has no way of substantiating his claim to his wife's property except with regard to *nichsei m'log*, as explained [in the previous

halachah].

19 It appears to me that a woman is not entitled [to nullify her statements, based on the rationale]: "I did it [only] to appease my husband," when her *nichsei tzon barzel* were lost or stolen, and she waived the debt in favor of her husband. [This applies even when the commitment] is formalized in the presence of witnesses.

To what can this be compared? To a man and a woman who formalized an agreement in which she forgoes the responsibility [he had taken for property that had been classified as *nichsei tzon barzel*] and considers it instead *nichsei m'log*. For the husband is not bringing a proof for the sake of taking possession or maintaining possession of property, merely to free himself of the obligation to pay a claim [his wife will issue].

If, by contrast, she gives him movable property that exists and was considered to be *nichsei tzon barzel*, the husband does not acquire it. For the wife may rationalize her conduct saying: "I did this to appease my husband."

20 When a husband sells [the right to] the benefits from landed property [that belongs to his wife, to another person, while the legal owner of the property remains his wife, the sale] is of no consequence. [The rationale is that] the reason our Sages granted a man [the right to] the benefit that accrues from his wife's property is [to afford him additional income] so that he will spend more generously on the household expenses.

[Based on that rationale,] if he sells the benefit to be derived [from the landed property to another person] and takes the money and invests it in

a business [which offers profit], he is given that prerogative.

21 [The following laws apply if] the woman possesses financial resources [that she brings to the household]. If they are *nichsei tzon barzel*, her husband may use them for commercial enterprises.

If they are *nichsei m'log* - regardless of whether she brought them to the household at the time of marriage or she inherited them or received them as a present [- landed property should be purchased with them, from which her husband is entitled to the benefit that accrues]. [Similarly,] if she inherited or was given movable property, it should be sold, and the proceeds of the sale should be used to purchase landed property, from which her husband is entitled to the benefit that accrues.

22 Similarly, if a woman was injured by others, all the money that is ordained to be given to her should be used to purchase land, from which her husband is entitled to the benefit that accrues, as stated in *Hilchot Chovel*.

23 [The following law applies when] a woman inherits servants [while she is married]. Even if they are old, they should not be sold, because they bring honor to her family's household.

[The following law applies when] she inherits olive trees or vines, but did not [inherit] the land on which these trees were planted. If they produce enough to pay for their upkeep, they should not be sold, because they bring honor to her family's household. If they do not, they should be sold as firewood, land should be purchased with the proceeds, from which the husband is entitled to the benefit that accrues.

24 When [a married woman] inherits produce that is still attached to the land [on which it is growing], it becomes her husband's [property]. When the produce has been uprooted from the land, it should be sold and used to purchase landed property, from which her husband is entitled to the benefit that accrues.

When, however, a husband divorces his wife, and there was produce that was still attached to the ground, it belongs to the woman. If it has already been reaped, it belongs to the man.

25 A husband is obligated to provide for the sustenance and all the needs of the servants and livestock that belong to his wife and are classified as *nichsei m'log*. They must work for him, and he is entitled to the benefit that accrues. Therefore, a baby born to a maid classified as *nichsei m'log* belongs to the husband. And a calf born to a cow that is classified as *nichsei m'log* belongs to the husband.

If, however, the husband divorces his wife and she desires to pay the worth of a child born from a maidservant who is classified as *nichsei m'log* and take the child as her property because this brings honor to her family's household, she is given that prerogative.

26 [The following laws apply when] a woman brings two utensils or two maidservants to the household and has them classified as *nichsei tzon barzel*. They were [originally] evaluated at 1000 *zuz*; afterwards, their value increased and they were evaluated at 2000 *zuz*. If the woman's husband divorces her, she is entitled to one [utensil or maidservant] for the 1000 *zuz* that she is owed. With regard to the other - if she desires to

pay its value and take it because of the honor it brings to her father's household, she has that prerogative.

27 When a man gives a present to his wife - regardless of whether he gave her landed property, or he gave her money and she bought landed property - her husband is not entitled to the benefits that accrue from the present [that was given].

Similarly, when a man gives a woman a present on the condition that her husband not be entitled to derive the benefits from it, but rather the benefits that accrue will belong to the wife to be used for whatever she desires, [the provision is binding, and] the husband is not entitled to the benefits that accrue from this present.

Similarly, if a woman sells the rights to her *ketubah* [in the event of her divorce or her husband's death], the money she receives belongs to her, and her husband is not entitled to derive the benefit that accrues from it.

28 When a calf born from cattle that was classified as *nichsei m'log* is stolen, and the thief is apprehended and forced to pay twice the amount, the woman receives the extra payment. [The rationale is that] this is not the benefit that our Sages granted [the husband].

When a man injures his wife, the entire [amount he must pay] - the damages and the restitution for the pain and the embarrassment - belongs to the woman, and the husband is not entitled to the benefits that accrue from [property purchased with this money], as explained in *Hilchot Chovel*.

29 [The following rules apply when] a husband sells landed property [that he owns] to his wife. If the husband knew about the funds with which she purchased the land previously, the sale is binding, and the husband is entitled to the benefit that accrues from that land.

If, however, [the existence of] these funds was concealed, she does not acquire the land. For the husband may [explain that he did not really intend to complete the sale]. [His intent was] to reveal the existence of funds that his wife had hidden. The funds that were revealed should be used to purchase landed property, from which the husband is entitled to the benefits that accrue.

30 When funds or movable property are discovered in a woman's possession, and she claims that they were given her as a present, while her husband claims that they stem from the fruits of her labor and hence belong to him, it is the woman's claim that is accepted. [The husband] may, however, have a ban of ostracism [conditionally] issued against anyone who makes false statements. [The funds should be used] to purchase landed property, from which [the husband] is entitled to the benefit that accrues.

If the woman claims that the funds were given to her with the provision that her husband have no control over them, but rather that they be used for whatever purpose she desires, she must bring proof [that such a provision was made]. [The rationale is that] the prevailing assumption is that a husband has the right to the benefits from all the funds found in a woman's possession, unless she brings proof otherwise.

31 If [a wife] tells [her husband]: "You gave me [these funds] as a present," she is required to take a Rabbinic oath that her husband gave her [the funds]. [After she takes that oath,] her husband is not entitled to the benefit [from the property purchased with these funds].

32 One should not accept an article for safekeeping that was given by a wife, a servant or a minor. If one transgressed and accepted [an article given by] a woman, one should return it to the woman. If she dies, one should return it to her husband.

If one accepted [an article given by] a servant, one should return it to the servant. If he dies, one should return it to his master. If one accepted [an article given by] a minor, one should purchase a Torah scroll with the proceeds or an article that will provide [the minor] with benefit.

[The following rules apply] with regard to all [the abovementioned individuals], if at the time of their death, they say: "The article I gave for safekeeping belongs to so and so." If the person caring for the article operates under the presumption that the person who entrusted it to him is true to his word, he should carry out the command he was given. If not, he should give [the article] to the person's heirs.

33 [The following rules apply when] a woman has financial resources sufficient [to purchase property] from which the husband would derive the benefits [but they disagree with regard to the property fit to purchase]; he suggests that this type of property be purchased, and she desires that another type be purchased. A property should be purchased that brings a large revenue and requires little upkeep, regardless of whether this is the

article desired by [the husband] or by [the wife]. We do not purchase any article that does not renew itself, lest the entire property be used and the principal lost.

34 [The following rule applies when] a woman brings to her husband's household a goat [that she is entitled] to milk, a sheep [that she is entitled] to shear or a date palm whose fruit [she is entitled to take], although she is entitled only to these benefits [and not to the principal]. [Her husband] is entitled to [these benefits] although the principal is dwindling.

Similarly, if she brought utensils or articles of clothing to his household that were classified as *nichsei m'log*, he may use them, wearing them or using them as spreads or as covers until the articles themselves are destroyed. If he divorces [his wife], he is not required to pay for any *nichsei m'log* that became worn out.

35 The *geonim* [issued the following] ruling. A husband takes responsibility for the diminished value of *nichsei tzon barzel*. Nevertheless, if [such property] exists [at the time a woman's *ketubah* is due for payment,] and still serves its initial purpose, the woman must take it regardless of its condition at that time.

If they are no longer fit to serve their initial purpose, it is as if they were stolen or lost, and the husband is obligated to pay the value appraised originally at the time of the marriage.

This is the common custom. Whenever a man marries, he accepts responsibility for [the woman's] dowry as contingent on this custom. On

the basis of this custom, just as the husband does not pay for the depreciation of the article, so too, he does not take the appreciation of the property if it increases in value.

A husband has the right to compel some of the servants and maidservants who belong to his wife to serve him in the home of another woman he has married. [This applies] regardless of whether the servants are classified as *nichsei m'log* or *nichsei tzon barzel*. The husband may not, however, take these servants to another city without his wife's consent.

Chapter 23

1 [The following rules apply when] a woman makes a provision with her husband in which he agrees to forgo one of the privileges that a husband is granted. If he wrote down [this provision] for her after she was consecrated, but before *nisu'in*, there is no need to formalize the matter with an act of contract; everything he wrote to her is binding. If he wrote down [this provision] for her after *nisu'in*, he must formalize the matter with an act of contract.

2 If, [after *nisu'in*,] the husband stipulates that he will have no say with regard to [his wife's] property, and she sells it or gives it away as a present, the sale or the present is binding. Nevertheless, [the husband] is entitled to the benefits [that accrue from the property] during the time it is in her possession.

If he affirmed these statements with an act of contract between consecration [and *nisu'in*], he is considered to have waived his rights to

the land itself, and he no longer has any rights to the benefits that accrue from her property.

His words are not heeded if he protests this action, saying: "I did not realize that this act of contract formalized my waiver of all rights to benefit from the property. [I thought that it only entitled my wife] to make a binding sale. [This interpretation is justified,] for no one will marry a woman without property." Instead, he is considered to have waived [all] rights to the land itself.

3 If [the husband] made a provision with [his wife] not to receive the benefit that accrues from her property, he is not entitled to this benefit. Nevertheless, the benefit that accrues should be converted to financial resources, landed property should be purchased, and [the husband] is entitled to the benefits from that property. For he waived only the rights to the property [she owned originally].

4 If [the husband] made a provision with [his wife] not to receive the benefit that accrues from her property, nor to receive the benefit that results from property purchased with the income from her original property, the proceeds from that property should be used to purchase other property, from which [the husband] is entitled to the benefits that accrue. These are called "the fruit of the fruit's fruit."

This pattern continues until the husband makes a provision that he has no right to any by-product of the proceeds from [his wife's property]. [If he makes such a provision,] he has no right to any benefit during her lifetime, but if she dies, he inherits her entire estate.

5 If he makes a provision that he will not inherit [his wife's] property, the provision is binding. He is, however, entitled to receive the benefits that accrue [from this property] during her lifetime.
Similarly, [his word] is binding if he stipulates that he will inherit [only] a portion of her estate, or if he stipulates that if she dies without bearing children, her estate will return to her father's household.

6 When does the above apply? When he made this provision before *nisu'in*. For a man has the prerogative to forgo an inheritance that comes to him from a source outside his family before he acquires the rights to it. If, however, he made the provision after *nisu'in*, his provision is not binding, and he inherits her estate as we explained.

7 When, after *nisu'in*, [a husband] stipulates that he has no say with regard to his wife's property - not with regard to the benefits from that property nor any eventual byproducts from them during her lifetime - then after her death he is not entitled to any benefit from this property at all. If she dies, however, he inherits her estate, as explained [above].

8 [The following rules apply] when a husband spends money [to improve property belonging to his wife that is classified as] *nichsei m'log*. Whether he spent a small amount and derived much benefit, or spent a large amount and derived little benefit [he is not required to pay anything, nor may he collect anything]; what he spent, he spent, and the benefit that he enjoyed, he enjoyed.
[The above applies] even if he ate only one dried fig in a respectful

manner, if he ate a *dinar's* worth of produce in a haphazard manner, or if he did not even take produce [from the field on which he spent money] and took merely a bundle of twigs.

9 Similar [laws apply] if a woman inherited funds in a distant place, and the husband undertook expenses in order to bring them [to their home], or [expenses were required] to take them from the person who was holding them. If [the husband] purchased land [with these funds] and ate the measure of fruit [mentioned above, he is not required to pay anything, nor may he collect anything]; what he spent, he spent, and the benefit that he enjoyed, he enjoyed.

[The following procedure is adhered to if] a husband incurred expenses [on behalf of his wife's property] and did not derive any benefit or derived less benefit than the above measure. We evaluate the increment to the property, and we ask him the extent of his expenses.

If the increment is greater than the expenses, the husband must take an oath holding a sacred object, stating how much he spent. He is then reimbursed for those expenses. If the increment is less than the expenses, he receives only the amount of the expenses that is justified by the increment, and he must take an oath [with regard to the extent of those expenses].

10 When does the above apply? When a husband divorces his wife [under ordinary circumstances]. [Different rules apply regarding] a woman who rebels against her husband [and denies him intimacy]. Even if he derived much benefit, the benefit that he derives should be evaluated and

subtracted from the amount fit to be given him for the expenses he undertook. After he takes an oath [affirming his claim], he is entitled to collect it. For he did not [incur these expenses on behalf of his wife] so that she would take them and leave him on her own accord.

Similarly, [different rules apply when] a man undertakes expenses [to develop] property belonging to his wife who is below the age of majority, and she dissolves the marriage through the right of *mi'un*. We evaluate the amount of benefit he received, the amount of his expenses, the extent of the property's increment - and then he is given the share usually allocated to a sharecropper.[This consideration is taken] because he had permission to work [his wife's property].

11 There are various customs regarding [a woman's] dowry. In certain places it is customary to [state a higher figure] in the *ketubah* [with regard to the value of the dowry], increasing by a third, a fifth or a half. For example, if the dowry was 100 [zuz], it is written [in the *ketubah*] that the woman brought 150 [to the household], in order to appear more generous in the eyes of the people. [Therefore,] when the woman comes to collect her dowry, she collects only 100.

Conversely, there are places where it is customary to write a lesser amount. If it is agreed that she will bring utensils worth 100 [zuz to the household], she must bring a value of 120 or 150, and yet, [in the *ketubah*,] it is written that she brought only [a value of] 100. And there are other places where it is customary to write a value of 100 [zuz] as 100.

There are places where it is customary for a man to give a set amount of money proportionate to the dowry, for the bride to adorn herself and

purchase perfume and the like. There are places where [it is customary for] the man to add an additional sum of his own for his wife and add it to her dowry, for her to appear attractive.

12 When a man marries a woman without specifying any conditions, he should write her a *ketubah*, giving her a sum that is customarily given in that locale. Similarly, if she makes a commitment to bring [utensils to the household], she must bring what is customarily brought in that locale. And when she comes to collect [the money due her by virtue of] her *ketubah*, she collects as is customary in that locale.

In this and in all similar matters, local custom is a fundamental principle, and it is used as a basis for judgment, provided that the custom is commonly accepted in the locale.

13 [The following rules apply when a man and a woman were engaged to each other. When he asks her, "What is the value [of the utensils] you are bringing [to the household]?", and she answers him with an amount, and she asks him, "How much will you give me [for my *ketubah*]?", and he answers with an amount, and afterwards he arises and consecrates her, the commitments are binding even though they were not formalized with an act of contract.

Similarly, a commitment made by a father on behalf of his son or daughter [is binding]. For example, if he is asked, "How much will you give on behalf of your son?", and he specifies an amount, or he is asked "How much will you give on behalf of your daughter?", and he specifies an amount, [his commitment is binding].

These are commitments that are established through speech alone.

14 When does the above apply? When a father made a commitment on behalf of his daughter, whether she is a minor or past majority, or on behalf of his son, for their first marriage. For a man feels an inner connection to his son, and because of his happiness at his first marriage, he makes a definite commitment, and designates [the sum] for him with a verbal statement [alone].

[Different rules apply when], by contrast, a brother makes a commitment on behalf of his sister, a woman makes a commitment on behalf of her daughter, [when a commitment is made by] other relatives, and similarly, when a father makes a commitment on behalf of his son or daughter for a second marriage. The commitment is not binding until the person making it formalizes it with an act of contract and states the amount he will give.

15 When a father makes a commitment for his daughter, the daughter does not acquire that present until her husband consummates the marriage with her. Similarly, a son does not acquire [the present that he was promised] until he consummates his marriage. For whenever one makes [such] a commitment, his intent is that [it be fulfilled when] the marriage is consummated.

Therefore, when a man makes a commitment to his [prospective] son-in-law, but the son-in-law dies [after *erusin*, but] before the marriage is consummated, and the woman is bound to his brother, [if he desires to perform the rite of] *yibbum*, [the woman's] father may [retract his

commitment], saying: "I desired to give your brother; I do not desire to give you." [This applies] even if the first husband was an unlearned man and the second is a Torah scholar, and even if the woman desires [to marry] the second man.

16 When a man makes a financial commitment to his son-in-law and then moves to another country [without fulfilling his commitment], the woman has the prerogative of telling her [prospective] husband: "I did not make this commitment myself. What can I do? Either consummate the marriage without a dowry or divorce me."

If, however, she made such a commitment herself, and she was not able to muster the funds, she must remain [in this intermediate state] until she accumulates the sum to which she committed herself or until she dies.

Why does she not release herself from her obligation by becoming a *moredet* against her husband? [Because there is a difference between these two instances.] With regard to a *moredet* who has [merely] been consecrated, the husband desires to consummate the marriage; it is she who does not desire. In this instance, by contrast, the husband does not want [to consummate his marriage with] her until she gives the dowry to which she committed herself. She, however, desires him, [as reflected by] her request: "Either consummate [the marriage] or divorce me."

When does the above apply? To a woman past majority. If, however, a woman makes a financial commitment while she is still a minor, we compel [her prospective husband] either to divorce her or to consummate the marriage without a dowry.

17 When a man marries a woman and makes a commitment to support her daughter for [an explicit number of] years, he is obligated to support her for [all] the years to which he committed himself, provided he made this commitment at the time of the woman's consecration.

If, however, he made the commitment [after] the *kiddushin* [were given], the commitment is not binding until he affirms it with an act of contract or composes a document to that effect, as will be explained in the laws of business transactions.

[The following rules apply when] a woman is divorced within the time that her husband committed himself to support her daughter, and she married another man who also committed himself to support her daughter for a particular number of years. The first husband does not have the prerogative to say: "If she comes to my house, I will support her." Instead, he must bring her support to the place where she is staying together with her mother. Similarly, both husbands do not have the prerogative of saying: "We will together provide for her support." Instead, one of the husbands must provide for her support, and the other must give her the financial value of her support.

18 [The following rules apply when the woman's] daughter marries during the time [in which her mother's husbands] obligated themselves to supply her with her sustenance. Her own husband is obligated to provide her with her sustenance, and both of her mother's husbands are obligated to give her the financial value of her support.

[Even when the men] who obligated themselves to support her die, if they affirmed their commitment to her mother with an act of contract or they

composed a formal document recording their obligation, [the daughter] is considered to be a creditor whose claim is supported by a deed, and she has the prerogative of collecting her due from property that has been sold until the conclusion of the time period for which he committed himself.
If the commitment was made at the time of the *kiddushin*, and was not affirmed by an act of contract, it is a commitment that was not to be recorded in a contract, and [the daughter] does not have the prerogative of expropriating property [from purchasers] for her support.

Chapter 24

1 When a man who marries an *aylonit* is childless and does not have another wife with whom he will father children, he is compelled to divorce her. Nevertheless, [during and after the marriage], the financial arrangements that [govern] other women [govern] her. She is entitled to the fundamental requirement of the *ketubah* and [all] the provisions of the *ketubah*. Similarly, her husband acquires the same financial privileges with regard to her as he would with regard to another woman.

2 If, however, a man married a woman without recognizing her condition, and later it was discovered that she was an *aylonit*, or forbidden to him by virtue of a negative commandment [for which he is not liable to death - neither by the hand of God nor by an earthly court] she is not entitled to the fundamental requirement of the *ketubah,* nor to any of the provisions of the *ketubah*. She is, however, entitled to the extra amount that the husband added to the fundamental requirement of the *ketubah.* She is not

entitled to receive her sustenance, [neither during her husband's lifetime,] nor even after his death.

The couple [should be] forced to separate. When that is done, the value of the produce of which the husband partook is not expropriated from him.

The same laws apply when a man marries a *sh'niyah,* regardless of whether or not [the husband] was aware of the prohibition.

3 Why are these women not granted the essential requirement of the *ketubah*, when they are granted the extra sum added [by the husband]? The fundamental requirement of the *ketubah* was instituted by our Sages so that [a man] should not think that the divorce [of his wife] is a light matter. Since he was not aware [of the prohibition or of his wife's condition], she is not granted the essential requirement of the *ketubah*.

With regard to the extra amount for which he obligated himself: as long as she desired to maintain their relationship, she kept her part of the agreement. She granted him [marital] satisfaction, and is willing to continue their relationship; it is the Torah that deems her to be forbidden. What then can she do? Therefore, she is granted this extra amount, for it is not her deeds that cause her to be forbidden after marriage; she was forbidden beforehand.

4 Why did [our Sages] not distinguish between a *sh'niyah* [whom her husband] recognized, and one that he did not recognize, but rather said that in all instances she is not entitled to the fundamental requirement of the *ketubah*? Because [the prohibition involving these relations] is Rabbinic [in origin], they reinforced it.

If, by contrast, a man married a woman [whom he was forbidden to marry because of] a negative prohibition of the Torah [that was not punishable by death, neither by the hand of God nor by an earthly court] and he was aware of the prohibition, [his wife] is entitled to [the money due her by virtue of her] *ketubah*.[Similarly, if he marries] a woman whom he was forbidden to marry because of a positive commandment, whether he was aware of the prohibition or not, [his wife is entitled to a *ketubah*]. [The rationale is] that if he recognized that a woman was forbidden by a negative prohibition, he willingly undertook to damage his resources. And with regard to [relations which are forbidden] because of a positive commandment, the prohibition is light.

In both these instances, the women are entitled to support [from their husband's estate] after his death. Similarly, if [during his absence,] they borrowed money for their sustenance, [the husband] is liable to pay. And when the husband is forced to divorce [a woman in either of these situations], he is forced to reimburse her for all the benefit that he received from her property.

5 A woman who dissolves a marriage through the rite of *mi'un* is not entitled to a *ketubah*. She is, however, entitled to the extra amount [added by the husband to the *ketubah*]. The husband is not required to reimburse her for the benefit that he received from her property. If she borrowed money for her sustenance while she was still his wife, and afterwards terminated the marriage through the rite of *mi'un*, that money is not expropriated from the husband.

6 When a woman commits adultery [her husband is obligated to divorce her]. She is not entitled to a *ketubah* - neither the fundamental requirement nor the additional amount. Nor is she entitled to any of the conditions of the *ketubah*. [The rationale is that] it is her own deeds that cause her to become forbidden to her husband.

7 What is the law with regard to the rights these women have to their dowries? Whenever a woman's dowry endures, she is entitled to take her property when she leaves [her husband's household after divorce]. This applies even when she commits adultery.

[If the property is not intact, the following laws apply.] If the woman was a *sh'niyah* or forbidden as a result of a positive commandment - whether or not her husband was aware of the prohibition - the same laws that apply to other women with regard to their dowries apply to her. Similarly, if the woman was an *aylonit* or was forbidden because of a negative prohibition of the Torah [that was not punishable by death - neither by the hand of God nor by an earthly court], the same laws that apply to other women with regard to their dowries apply to her.

[What are those laws?] The husband is liable for *nichsei tzon barzel*. With regard to *nichsei m'log*, if anything was lost or stolen, she suffers the loss. [The husband] is not liable to pay.

8 [Different rules apply when] a woman is either an *aylonit* or prohibited because of a negative commandment, and [the husband] did not recognize her status. Whatever was lost, stolen, destroyed or damaged from *nichsei tzon barzel*, her husband is not liable to pay. For she gave him permission

to use them.

With regard to *nichsei m'log*, by contrast, whatever was lost or stolen, he is liable to pay. This is the opposite of all other women. Since the marriage bond is not of a binding nature, he did not acquire [rights to use] the *nichsei m'log*.

9 A woman who dissolves a marriage through the rite of *mi'un* is not entitled to any compensation at all for property that was destroyed. Nothing is expropriated from her husband in payment for what was lost or stolen, with regard to both *nichsei m'log* and *nichsei tzon barzel*. Instead, she takes whatever property is intact and departs.

10 A woman who committed adultery is not entitled to a *ketubah* - neither the fundamental requirement nor the extra amount. Nor is the husband held responsible for any of her *nichsei tzon barzel* that were lost or stolen. Needless to say, this ruling also applies with regard to her *nichsei m'log*.

[The above does not apply] only to an adulteress, but also to a woman who violates the faith of Moses, one who violates the Jewish faith, or one who is divorced because of a scandalous report. These women are not entitled to a *ketubah* - neither the fundamental requirement nor the extra amount - nor are they granted any of the conditions of the *ketubah*.

When these [women are divorced], each one should take what remains from her dowry and depart. Her husband is not liable to pay anything, neither what was reduced in value nor what was lost.

11 The following are the actions for which a woman is considered to have

"violated the faith of Moses":

a) going out to the marketplace with her hair uncovered;

b) taking vows or oaths that she does not keep;

c) engaging in sexual relations [with her husband] while in the *niddah* state;

d) failing to separate *challah* or feeding her husband food that is forbidden to eat - needless to say, this applies to forbidden crawling animals and animals that were not ritually slaughtered; it applies even to produce that was not tithed.

How can the latter [two] matters be known? For example, she said: "So and so, the priest, [separated tithes] from this produce for me," "So and so separated *challah* [from this dough]," "So and so, the Sage, said this stain does not render me a *niddah*" - and after eating the food or engaging in sexual relations with her, the husband asked the person whose name was mentioned and he denied the occurrence of the incident. Another example: a woman's [conduct caused] it to be established in her neighborhood that she was in the *niddah* state, but she told her husband that she was ritually pure. He engaged in relations with her [and afterwards discovered the truth].

12 What is meant by "the Jewish faith"? The customs of modesty that Jewish women practice. When a woman performs any of the following acts, she is considered to have violated the Jewish faith:

a) she goes to the marketplace or a lane with openings at both ends without having her head [fully] covered - i.e., her hair is covered by a handkerchief, but not with a veil like all other women,

b) she spins [flax or wool] with a rose on her face - on her forehead or on her cheek - like immodest gentile women,
c) she spins in the marketplace and shows her forearms to men;
d) she plays frivolously with young lads,
e) she demands sexual intimacy from her husband in a loud voice until her neighbors hear her talking about their intimate affairs, or
f) she curses her husband's father in her husband's presence.

13 Ezra ordained that a woman should wear a belt in her home at all times, as an expression of modesty. If a woman does not wear [such a belt], however, she is not considered to have violated the faith of Moses, nor does she forfeit her *ketubah*.
Similarly, if she goes from courtyard to courtyard without having her hair [fully] covered - as long as it is covered with a handkerchief, she is not considered to have violated the [Jewish] faith.

14 A woman who violates the faith must have had a warning issued to her [prior to her having performed the act] and [the warning and her improper conduct must be observed by] witnesses before she forfeits her *ketubah*.
[The following rule applies when a woman] transgresses privately, her husband knows that she violated the faith and [therefore] gives her a warning, [but the warning] was not observed by witnesses, and then she transgresses again. Should the husband claim that she violated [the faith] after receiving a warning, and the woman claims not to have transgressed, or not to have received a warning, the husband must pay her [the money

due her by virtue of her] *ketubah* if he desires to divorce her, after she takes an oath that she has not transgressed. [This oath is required because] she would not be entitled to any payment if she admitted to having transgressed after having received this warning.

15 What is meant by "a woman who is divorced because of a scandalous report"? For example, there were witnesses that she performed a very indecent act that indicates that a sin was committed, but there is no definitive testimony [that she committed adultery].

What is implied? She was alone in her courtyard, and they saw a perfume salesman leaving. They entered immediately afterwards and saw her getting up from bed and putting on her underwear or tying her belt, or they found wet spittle on the canopy above the bed. Alternatively, they saw them coming out of a dark place [together], or one helping the other up from a trench or the like, or they saw him kissing the opening of her cloak, or saw them kissing each other, or embracing each other, or they entered a room one after the other and locked the doors, or any similar act [that would arouse suspicion].

[In all these instances,] if her husband desires to divorce her, she is not entitled to receive [the money due her by virtue of] her *ketubah*. There is no necessity for a warning [in this instance].

16 [When a woman] violates the faith of Moses or the Jewish faith, and similarly, one about whom is issued a scandalous report, her husband is not compelled to divorce her. If he desires [to remain married], he need not divorce her.

Nevertheless, even when her husband does not divorce her, she is not entitled to a *ketubah*. [The rationale is that] a *ketubah* was ordained by our Sages so that a husband should not consider the divorce [of his wife as] a light matter. Our Sages were concerned only with modest Jewish women. This institution was not enacted for women [who act] wantonly. On the contrary, let their husbands think that divorcing them is a light matter.

17 When a man sees his wife commit adultery, or he was informed of this by one of his relatives or her relatives - whether male or female - whom he trusts and whose statements he believes, he is obligated to divorce her and is forbidden to engage in relations with her, for he relies on their word as true.

He must [however] pay her [the money due her by virtue of her] *ketubah*, [unless] she admits that she has committed adultery, in which case she should be divorced without receiving her *ketubah*. Therefore, if [her husband saw her commit adultery himself], he can require her to take an oath, while she holds a sacred object, that she did not commit adultery while married to him. [Only afterwards] can she collect the money [due her by virtue of] her *ketubah*. With regard to other matters, he cannot require her to take an oath, except through the convention of *gilgul [sh'vuah]*.

18 When a woman tells her husband that she willingly committed adultery, no attention is paid to her words. [We suspect] that she is attracted to another man [and wants to be released from marriage to her husband so that she can marry him]. She does, however, lose the rights to her *ketubah*

- both the fundamental requirement and any extra amount - and [her right to any of her property] that was destroyed, for she admitted that she has committed adultery. If he believes her and considers her word to be true, he is obligated to divorce her.

A court, however, does not obligate a man to divorce his wife through any means, unless two witnesses come forth and testify that the person's wife willingly committed adultery in their presence. [In such a situation,] he is compelled to divorce her.

19 A woman who committed adultery unknowingly or who was raped is permitted to [continue marital relations with] her husband, as [implied the **Numbers 5:13**, which describes adultery:] "and she was not raped," indicating that if she was raped, she is permitted. [This applies whether] she was raped by a gentile or by a Jew.

Whenever [a woman] was forced into relations at the outset, she is permitted [to her husband], even if she ultimately consented - even if she says: "Let him continue, if he had not raped me, I would have hired him." For [her] natural inclination has overcome her; originally, she was forced against her will.

20 When women have been abducted by robbers, they are considered as though they have been taken captive and were raped; they are permitted to their husbands. If, however, they were left alone and they went to the robbers on their own initiative, they are considered to have acted willingly and they are forbidden to their husbands.

The laws applying to a woman who acted unwittingly and to one who was

raped are the same. For acting unwittingly is comparable to a deed committed under coercion.

21 When does the above apply? When the woman's husband was an Israelite. If, however, a priest's wife [committed adultery] unwittingly or under duress, she is forbidden to her husband. For these relations cause her to be deemed a *zonah* at all times, and he is forbidden to have relations with a *zonah*, as will be explained in *Hilchot Issurei Bi'ah*.

22 With regard to both an Israelite's wife and a priest's wife who have been raped, they are entitled to their *ketubah* - both the fundamental requirement and the additional amount. She does not lose anything in this regard. We compel the priest to pay [her the money due her by virtue of] her *ketubah* and then to divorce her.

23 When a priest's wife tells her husband: "I was raped," or "I unwittingly had relations with another man," he should not pay any attention to her words. [We suspect that perhaps] she was attracted to another man.
If he believes her, or he was told about it by a person upon whose word he relies, he should divorce her and pay her [the money due her by virtue of her] *ketubah*.

24 [The following rules apply when] a man tells his wife in the presence of witnesses: "Do not enter into privacy with so and so." If two witnesses observed her entering into privacy with the said person, and she and he remained there sufficient time for relations to have taken place, she is forbidden to engage in relations with her husband until he causes her to

drink "the bitter waters", as will be explained in *Hilchot Sotah*.

If he dies before he has caused her to drink [these waters], she is not entitled to her *ketubah*. Although witnesses did not see any [blatant] wanton act, there is no more wanton behavior than [disobeying her husband's words in] this [manner].

In the present age, when the waters [to test a] *sotah* are not available to us, the woman becomes forbidden to her husband forever. She must be divorced without receiving [the money due her by virtue of] her *ketubah*, neither the fundamental requirement nor the additional amount, for it is her evil deeds that caused her to become forbidden.

25 [The following laws apply when a husband] tells [his wife] in private: "Do not enter into seclusion with so and so." If he observed her enter into seclusion with the said person, and she and he remained there sufficient time for relations to have taken place - in the present age, when the waters [to test a] *sotah* are not available to us - the woman becomes forbidden to her husband. He is obligated to divorce her and pay [her the money due her by virtue of] her *ketubah*.

If she admits entering into seclusion with the said person after having received the warning, she must be divorced without receiving [the money due her by virtue of] her *ketubah*. Therefore, she is required to take an oath in this regard. Only afterwards must he pay [her the money due her by virtue of] her *ketubah*.

Chapter 25

1 When a man marries a woman without having made any specifications about that matter, and it is discovered that she is bound by vows, he [may] divorce her without having to pay [her the money due her by virtue of] her *ketubah* - neither the fundamental requirement nor the additional amount.

With regard to which vows does this rule apply? [I.e., a vow] not to eat meat, not to drink wine, or not to adorn herself with colored garments or with other objects with which women of her locale customarily adorn themselves. If, however, she is bound by other vows, she does not forfeit anything.

2 Similar [rules apply when] a man marries a woman without having made any specifications about the matter, and it is discovered that she has one of the blemishes [that mar] a woman's [appeal to her husband], as outlined above. If the husband neither knew nor heard about this blemish, and did not willingly accept it, he [may] divorce [his wife] without having to pay [her the money due her by virtue of] her *ketubah* - neither the fundamental requirement nor the additional amount.

What is implied? If there is a bathhouse in the city, and he has relatives [in the town], he does not have the prerogative of saying: "I did not know about these blemishes." [This applies even if] the blemishes were located in hidden places. For we assume that he checks with his relatives [and asks them about his wife's condition]. [If he marries her nonetheless,] we can assume that he heard [about the blemishes] and accepted them.

If the town does not possess a bathhouse, or if he does not have relatives, he may issue a claim with regard to blemishes that are usually unseen.

Regular fits of epilepsy are considered to be a blemish that is unseen.

By contrast, with regard to physical blemishes that are openly seen, the husband cannot claim [not to have known about the blemish]. For they can be seen by everyone, and it may be assumed that he heard about them and accepted [the matter]. This law applies only in those places where it is customary for women to walk in the marketplace with their faces uncovered, and everyone recognizes each other and will say: "This is so and so's daughter," and "This is so and so's sister," as in the European cities of the present era.

In places where, by contrast, women do not go out to the marketplace at all, and if a girl goes out to the bathhouse in the evening she goes out veiled, and no one will see her except her relatives, a claim may be issued with regard to blemishes that can be openly seen as well.

[Such a claim may be issued] when there is no bathhouse in the city, or [the husband] does not have a relative with whom he can check. If, however, there is a bathhouse in the city, [even] when it is not customary for women to go out with their faces uncovered, if [the husband] has a relative in the city he may not issue such a claim, for everyone sees her naked in the bathhouse.

If the woman's habit is to cover herself and to hide even in the bathhouse, or she washes at night, or in a small private room in the bathhouse, so she will not be seen, and no one will know of her, [her husband] may issue a claim, even with regard to blemishes that can be seen openly.

These matters are concepts that reason dictates; they are not decrees of the Torah [to be accepted on faith].

3 Some of the *geonim* have ruled that our Sages' statement that a husband can check [concerning his wife's appearance] with his relatives does not apply only to his relatives, but also to his friends. [According to their thesis,] even if a man lives in a city in which he does not have any relatives at all, if there is a bathhouse in the city he does not have the right to issue a claim, for it is impossible that he will not have friends, and he can tell one of his friends to have his wife or sister check the appearance of so and so [i.e., the woman he thinks of marrying]. Therefore, we assume that he had heard of [any blemishes she had] and accepted them.

I do not agree with this conclusion. For a man will not reveal all the concerns he has regarding matters such as these to anyone other than his relatives. Moreover, he will rely only on the word of his relatives.

4 What is meant by a claim issued because of physical blemishes? If the blemishes that were found were such that it is certain that they existed before she was consecrated - e.g., an extra finger or the like - the burden of proof is on the father. He must prove that the husband knew about them and accepted them, or that they were such that we may assume that he knew. If he cannot bring proof, the woman may be divorced without receiving any [of the money due her by virtue] of her *ketubah* at all.

[The following rules apply when] the blemishes were such that they could have come about after she was consecrated. If the blemishes were discovered after the woman entered her husband's home, the burden of proof is on the husband. He must show that she possessed these blemishes before she was consecrated, and that he entered into the relationship under false premises. If the blemishes were discovered while she still was in

her father's home, the burden of proof is on [the father]. He must show that the blemishes came about after the consecration, and the husband suffered the loss.

5 If the husband brought proof that [the woman] had [the blemishes] before she was consecrated, or she admitted that fact, and the father brought proof that the husband had seen the blemishes and accepted them in silence, or that one could assume that he knew about them and accepted them, [the husband] is obligated with regard to the *ketubah*.

6 If [a husband] had relations with his wife and waited several days, and [afterwards,] claimed that he discovered a blemish only then, his words are disregarded. [This applies] even if [the blemish] is in the folds [of the woman's skin] or on the sole of her foot. [The rationale is that] we presume that a man will not drink from a cup unless he checks it well first. [Therefore,] we assume that he knew [of the blemish] and accepted it.

7 [The following rules apply when a man] marries a woman and it is discovered that she does not have a fixed time for the onset of her menstrual period, but rather she does not feel anything until she begins to menstruate. She may engage in sexual relations only if she uses two cloths with which she checks herself, one before relations and one afterwards. In addition, her husband must also check himself with a cloth, as will be explained in *Hilchot Issurei Bi'ah*.

8 Even though this is a great blemish, it does not cause the woman to forfeit

anything [with regard to her *ketubah*], for she can inspect herself and engage in relations.

[The following rules apply if] she inspected herself and then engaged in relations, and when she and her husband cleaned themselves afterwards, blood was found on either his cloth or her cloth. If this phenomenon recurred on three consecutive occasions, she is forbidden to remain married to her husband. Instead, she must be divorced, and she is not entitled to the money due [her by virtue of] her *ketubah* - neither the fundamental requirement nor the additional amount. Nor do any of the provisions of the *ketubah* apply to her. [She suffers these losses] because she is not fit to engage in sexual relations.

When he divorces her, he may never remarry her. [This restriction was instituted,] lest her condition heal, in which instance his decision to divorce her would not have been final.

She is permitted to marry another man,, as will be explained with regard to [the laws of] *niddah*.

9 When does the above apply? When the woman had this condition from the beginning of her marriage, and on the first occasion that she engaged in relations she menstruated.

If, however, this ailment occurred after she married, it is the husband who suffers the loss. Therefore, if [the couple] engaged in relations once and the woman did not menstruate, and afterwards she began to menstruate whenever they engaged in relations, he must divorce her and pay her all [the money due her by virtue of] her *ketubah*. He may never remarry her, as explained above.

10 Similarly, if a woman suffers blemishes after marriage, even if she becomes a leper [the loss is her husband's]. If he desires to remain married to her, he may. If he desires to divorce her, he must pay [her the money due her by virtue of] her *ketubah*.

11 [The following rules apply when] a husband suffers blemishes after he marries. Even if his hand or foot is cut off, or he becomes blinded in one eye, and his wife no longer desires to live with him, he is not forced to divorce her and pay [her the money due her by virtue of] her *ketubah*. Instead, if she desires to remain married, she may. If she does not desire this, she may obtain a divorce without receiving [the money due her by virtue of] her *ketubah*, as is the law concerning any woman who rebels against her husband.

If, however, he becomes afflicted by [constant] bad breath or a smell from his nose, or becomes a collector of dog feces, a miner of copper, or a tanner, he is forced to divorce his wife and pay [her the money due her by virtue of] her *ketubah* [if she desires to terminate the marriage]. If she desires, she may remained married to her husband.

12 If a man becomes a leper, he is compelled to divorce his wife and pay [her the money due her by virtue of] her *ketubah*. Even if she desires to remain married to him, her request is not heeded. Instead, they are compelled to separate, because [having relations with] her will cause his flesh to be consumed. If she says: "I will remain married to him, [and we will live in the presence of] witnesses, so that we will not engage in relations," her request is heeded.

13 [The following rules apply when] a woman's husband had [constant] bad breath or a smell from his nose, or he was a collector of dog feces, or the like, and he died [childless, causing his wife to be obligated to fulfill the mitzvah of either *yibbum* or *chalitzah*]. If [the *yavam*] possesses the same difficulty that his brother, [the late husband,] had, she has the right to say: "I was willing to accept this difficulty with regard to your brother. I am not willing to accept it with regard to you." He should perform the rite of *chalitzah* and pay [her the money due her by virtue of] her *ketubah*.

"May you see your children [father] children, and may there be peace over Israel."

Mishneh Torah, Divorce

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 A woman may be divorced only by receiving a bill [of divorce]. This bill is called a *get*.

The Torah establishes ten principles as fundamental [for a divorce to be effective]. They are:

a) That a man must voluntarily initiate the divorce;

b) That he must effect the divorce by means of a written document and through no other means;

c) That this document must communicate that he is divorcing [his wife] and releasing her from his domain;

d) That it should utterly sever the connection between the husband and his wife;

e) That [the *get*] should be written for the sake [of the woman being divorced];

f) That once [the *get*] is written, there should be no action [necessary] except its transfer to the woman;

g) That he should actually transfer [the *get*] to her;

h) That he should transfer [the *get*] to her in the presence of witnesses;

i) That he should actually transfer it to her for the sake of divorce;

j) That the husband or his agent should be the one who gives it to her.

The other requirements of a *get* - e.g., dating it, having it signed by witnesses and the like - are all Rabbinic institutions.

2 What are the sources that indicate that these ten requirements stem from Scripture itself? [They are derived from **Deuteronomy 24:1**, which] states: "And if it comes to pass that she does not find favor in his eyes, and he will write a bill of divorce for her, place it in her hand and send her from his home."

"If... she does not find favor in his eyes" - this indicates that he divorces her only on his own initiative. If a woman is divorced against her husband's will, the divorce is invalid. A woman may, however, be divorced either voluntarily or against her will.

3 "And he will write" - this teaches that a woman can be divorced only by means of a written document.

"For her" - that it should be written for her sake.

"A bill of divorce" - i.e., a deed that severs the relationship between [the husband and his wife], without leaving him any jurisdiction over her. If [the relationship] between them is not entirely severed, the divorce is not effective, as will be explained.

"He will... place it in her hand" - this teaches that she is not divorced until the bill of divorce is placed in her hand, in the hand of her agent - which is considered to be her hand - or in her domain - which is considered to be her hand - as will be explained.

"And he will... send her" - [the wording of] the *get* should indicate that he is sending her away and not that he is sending himself away from her.

4 What is implied? If he writes to her: "Behold you are sent away," "Behold you are divorced," "You are [now] independent," "You are now permitted

[to marry] any man," or the like, the divorce is effective. The essence [of the text] of a *get* is the statement: "You are now permitted to [marry] any man."

If, by contrast, he writes to her: "I am no longer your husband," "I am no longer the one who consecrates you," or "I am no longer your man," the divorce is not effective. For "and he will... send her" implies that he should not send himself away from her.

Similarly, if a man writes to his wife: "Behold you are free," the divorce is not effective.

5 The Torah's expression, "And he will... send her from his home," does not mean that the divorce does not become effective until she leaves his home. Instead, the divorce becomes effective when the *get* reaches [a woman's] hand, even though she still is in her husband's home, as will be explained. "And he will... send her" teaches that if he divorces her, but does not send her away from his home, it is as if he divorced her and then remarried [her]. Therefore, she requires another *get*, as will be explained.

6 What is the source that teaches that once [the *get*] is written, there should be no action [necessary] except its transfer? The [sequence of the verbs] "And he will write..., [and] place," indicating that a *get* is acceptable only when [the only things] lacking are writing and transfer. This excludes an article that must be detached after it has been written.

Therefore, if a man writes a *get* on the horn of a cow, he must give [his wife] the cow [for the divorce to be effective]. If he cut off the horn after he wrote [the *get*] on it, it is not effective. Similarly, if he wrote [a *get*] on a

plant that was still attached to its source of nurture, the divorce is not effective. [This applies] even if the witnesses signed after it was detached.

7 We may not even write the standard text of [a *get*] on an article that is attached to its source of nurture.

If [a scribe] writes the standard text of [a *get*] on an article that is attached to its source of nurture, and detaches it and afterwards writes the names of the husband and the wife, the date and the words, "Behold, you are permitted [to marry] any man," and the witnesses signed and it was given to her, it is acceptable.

8 If the husband writes the *get* on a leaf growing in a flowerpot with a hole at the bottom, the *get* is unacceptable, even if he gives her the entire flowerpot. [This is] a decree, [lest] one detach [the leaf]. He may, however, write [the *get*] on the pottery of the flowerpot and give it to her.

9 What is the source that teaches that [the *get*] must be given to her for the sake of divorce? It is written: "... a bill of divorce for her, place it in her hand," [implying that] he must place [it in her hand] for the sake of divorce. If, however, he gave it to her as a promissory note or as a *mezuzah*, or he placed it in her hand while she was sleeping, and she awoke and [discovered] it in her hand, the *get* is void. If, however, he told her afterwards, "Behold this is your *get*, the divorce is effective.

10 [The above principle must be clarified in the context of the following law.] A man tells witnesses, "See the *get* I am giving her," and then he tells [his wife]: "Take this promissory note," [the *get*] is effective. For he has

told the witnesses that he was giving it to her for the sake of divorce. He told her that it was a promissory note only because he was embarrassed [to face] her.

11 At the time he gives the *get*, [a man who] divorces [his wife] must tell her: "Behold, your *get*," or "This is your *get*," or the like. If he places the *get* in her hand without saying anything, the *get* is not acceptable.

When does the above apply? When the husband was not speaking to her about divorce [immediately beforehand]. If, however, he had been speaking to her about divorce [at the time], and he takes the *get* and places it in her hand without saying anything, the divorce is acceptable.

12 [The following rules apply when] a *get* has been placed on the ground, and [the husband] tells [his wife], "Pick your *get* up from the ground," or it was tied to his hand or to his thigh, and she takes it from him. Even if after it reaches her possession, he tells her, "Behold this is your *get*," it is void.

[The rationale is] that it is written: "And he will... place it in her hand," [implying] that she may not take it on her own accord. And [in these instances,] neither [the husband] nor his agent gave it to her.

If, however, he bends his body toward her, or tilts his hand until she takes the *get* from him and says, "Behold this is your *get*," the *get* is [effective].

13 What is the source that teaches that [a *get*] must be given in the presence of witnesses? [**Deuteronomy 19:15**] states: "According to the words of two witnesses or those of three witnesses will the matter be established."

It is impossible that on one day a woman will be considered to be forbidden and sexual relations with her punishable by execution, and on the next day she should be permitted [to any man] unless [the divorce is observed by] witnesses.

Therefore, if [a husband] gives [his wife] a *get* in private, or even if the exchange is observed by one witness, the divorce is utterly void.

14 When does the above apply? When the *get* is written by a scribe. When, however, the husband writes the *get* himself, one witness signs it, and [the husband] gives it to her, the *get* is unacceptable [only by Rabbinic decree,] {and the woman is forbidden to marry a priest}.

15 It is an ordinance [enacted] by our Sages that witnesses should sign a *get*, lest a [husband] give [his wife] a *get* in the presence of two [witnesses], and they die. [In such an instance,] the *get* she possesses is no more than a shard, for there are no witnesses [to testify to its authenticity]. [To prevent such a situation, our Sages] ordained that the testimony [regarding the authenticity of the *get* should be contained] within it.

Although witnesses [have signed] within, [the husband] must give [the *get*] to [his wife] in the presence of two [witnesses] - whether the same witnesses who signed it or two others. For in essence, divorce is established by virtue of the witnesses [who observe] the transfer [of the *get*].

16 When two witnesses sign [the *get*], and [the husband] transgresses and gives [the *get*] to [his wife] in private, or if it is discovered that the

witnesses [who observed] the transfer [of the *get*] were unsuitable, the divorce is effected. For the witnesses [who signed the *get*] are acceptable, and the *get* exists in the woman's possession. Some of the *geonim* have ruled that [the *get*] is unacceptable.

17 If the witnesses [who signed the *get*] are unsuitable - or even if one was unsuitable and one was acceptable - and [the husband] gave it to her in the presence of two acceptable witnesses, [the *get*] is unacceptable. It is as if it were a forgery.

18 If the witnesses signed [the *get* at a position] more than two lines away from the text [of the *get*], it is unacceptable.

How far may the witnesses sign away from the text? Less than two lines, so that their [names] will be read together with [the text].

When does the [disqualification] mentioned above apply? When the *get* is in the woman's possession, and there are no witnesses [who observed its] transfer. If, however, [the husband] gave [his wife the *get*] in the presence of witnesses, [the *get*] is acceptable even if the witnesses'[signatures] are far removed from the text. [Moreover, this ruling applies] even when there were not any witnesses who signed [the *get*]. For in essence, divorce is effected by virtue of the witnesses [who observe] the transfer [of the *get*].

19 It is required to read the *get* [aloud] in the presence of the witnesses who observe its transfer. Afterwards, it should be given to her. If it was given to her in their presence first, it should be taken from her and read [aloud] after it was given to her.

[The following rule applies when the witnesses] read [the *get*] while it is the possession of the husband or his agent, and they return it to him. If he encloses it within his hand, [obscuring it from the witnesses' view] and then gives it to her, they should read it again.

20 [In the latter instance,] if they did not read it, and it is taken and thrown into the sea or into a fire, the divorce is effective. Since [the witnesses] read it first, we do not suspect that it was exchanged [for another document]. Moreover, even if the husband said, "It was another document [that I gave her] and not the *get* that you read," his word is not accepted and the divorce is effective.

21 [If, however,] they did not read the *get* beforehand, the husband gives it to [his wife] in their presence, and then it is thrown into a fire or into the sea, the status of the divorce is doubtful. [This applies] even if the husband says that it was an acceptable *get*.

22 If he threw the *get* into [the woman's] courtyard, among barrels in the presence of witnesses, and when they looked for it they found a *mezuzah* or another document, we do not suspect that she [has been divorced]. [We assume that] the article that was found was the one that was thrown. If two or three *mezuzot* or documents were discovered there, and we suspect that perhaps he threw a *get* and it was dragged away by mice, the status of the woman's divorce is in doubt.

23 The witnesses who sign the *get* must know how to read and sign [their names]. If they do not know how to read, we read [the *get*] in their

presence, and they sign, provided they understand the wording of the *get*.

If they do not know how to sign [their names], we write out their signatures for them on the paper with spittle or with other substances that will not leave a permanent mark, and they sign [their names] over these markings.

This practice is not followed with regard to other legal documents. It is a leniency adopted with regard to bills of divorce, so that Jewish women will not be forced to live without a marriage partner. [This leniency is granted] because the signature of witnesses on a bill of divorce is a Rabbinic institution, as we have explained.

24 Although the signature of witnesses on a bill of divorce is a Rabbinic institution, our Sages ordained that the witnesses state their names in the *get*.

Similarly, they ordained that the witnesses to the *get* must sign in the presence of each other. If either signed without the other, [the *get*] is unacceptable.

Similarly, our Sages ordained that the date of a *get* and the place where it was written be recorded [within it], as is required with regard to other legal documents. [This was required] lest one's wife also be one's relative and she commit adultery. [Because of the husband's feelings for his wife,] he [might conceivably] write her a *get* after she had committed adultery and give it to her. If the *get* was not dated, she could say: "I was divorced before I committed adultery." [To prevent this from happening, our Sages] ordained that *gittin* be dated.

25 In all the following instances, [the *get*] is unacceptable: a) a *get* signed by witnesses that is not dated, b) one that is predated, or postdated, c) one that was written during the day and signed on the following night; this applies even if they remained involved with the matter [of the divorce until the *get* was signed], d) the *get* was written in Jerusalem and [the scribe] erred and wrote [that it was written] in Lod.

[For a *get* to be acceptable,] it is necessary that it be signed at the time it was written and in the place where it was written.

26 A *get* is acceptable if [the husband] cut off [the portion of the *get* that contained] the date and gave it to her, or did not write the date, merely [the week - i.e.,] the first or the second week of a given month, or he specified merely the month or [merely] the year without mentioning the month, or even if he specified merely the seven-year cycle [in which the *get* was composed].

Similarly, a *get* is acceptable if [the husband] writes within it: "Today I divorced her." This implies the day on which the *get* was released.

27 Similarly, [our Sages] ordained that the year of the ruling kingdom of that time should be mentioned in a *get* to gain the favor of the ruling authorities.

[The following rules apply if] a person writes a *get* and dated it according to the years of a kingdom other [than that of his locale] or according to the years beginning from the Temple's construction or destruction. If it is customary for people in that locale to date [their documents] in this manner, it is acceptable. If this is not the local custom, it is unacceptable.

It has already become the universal Jewish custom to date *gittin* from the time of creation, or from the crowning of Alexander the Great, which is [the accepted means of dating] for legal documents. If one dates [a *get*] according to the years of a contemporary kingdom, it is acceptable only in the country over which that kingdom rules.

28 [The following rules apply when] a person tells two [colleagues]: "Write a *get* for my wife, sign it and give it to her," and the matter was delayed several days or years, or the *get* was [discovered to contain an imperfection causing it] to be [considered] void, and it was necessary to write a new *get* that was acceptable, as will be explained. In such an instance, the date and the place when and where the *get* was written are recorded, and not the date and place when and where the husband told them to compose the *get*.

What is implied? If the husband told them [to write the *get*] in Jerusalem, in [the month of] Tishrei, and [the agents] delayed and did not write it until Nisan, at which time they were located in Lod, the *get* should be dated in Nisan, and Lod [should be recorded as its place], for this is where the *get* was written. [This is also the practice] with regard to other legal documents.

Chapter 2

1 The Torah's statement [**Deuteronomy 24:1**], "And he will write a bill of divorce for her and place it in her hand," refers both to [a husband] who writes [the *get*] with his own hand and to one who tells [another person]

to write it for him. Similarly, [the husband] may place it in her hand or tell an agent to give it to her.

The verse states, "And he will write," only to teach that divorce is effective only through the medium of a written document. "And [he will] place it" teaches that the woman may not take [the *get*] herself.

2 When [a husband] tells two [colleagues]: "Write a *get*, sign it, and give it to my wife," the two may write it, sign it, and give it to her. They are [the husband's] agents [for the divorce], and they are the witnesses [to it].

Similarly, if [the husband] tells a scribe: "Write a *get* for my wife for me," and he tells the witnesses to sign, the *get* may be written, signed and given to [the husband]. He may use it to divorce his wife whenever he desires.

3 We may write a *get* for a man even when he is not accompanied by his wife, provided the witnesses and the scribe who wrote and signed [the *get*] know the identity of the man and his wife.

If there are two men in a city whose names are the same and whose wives' names are the same, one may divorce his wife only in the presence of the other. [This safeguard was enacted] lest one [of the men] have a *get* written and give it to the wife of the other man, causing her to [be considered] to be divorced from [her husband].

4 In a time of danger, we may write a *get* [on behalf of a husband] and give it [to his wife], even though we are not aware of [their identities].

It is the woman who always pays the scribe's fee.

5 The husband himself must tell the scribe to write [the *get*] and the

witnesses to sign [it]. When a court of law or two [colleagues] ask a man: "Shall we write a *get* for your wife?" and he tells them to write [it and sign it], it is acceptable if they themselves write [the *get*] and sign it.

If, however, they tell a scribe [to write] and he does, and they tell witnesses [to sign] and they do, the *get* is void, because it was written by someone who was not told to write it by the husband himself. [This ruling applies] even when they give [the *get*] to the husband, who in turn gives it to his wife in the presence of witnesses.

6 When [a man] tells two or three [colleagues]: "Tell a scribe to write a *get* for my wife and tell the witnesses to sign," and they convey these instructions, the *get* is unacceptable. [The same ruling applies if the husband] tells two [colleagues] to tell a scribe to write a *get* and tells them to sign it.

This matter should be deliberated upon at length, because the *get* is close to being considered void.

7 What is the difference between the terms "unacceptable" (*pasul*) and "void" (*bateil*)? Whenever this text refers to a *get* as "void," that means that according to Scriptural law it is void. Whenever the term "unacceptable" is used, it refers to a *get* deemed unacceptable by Rabbinic decree.

8 When a husband brings a *get* that has been signed in his hand and tells [two colleagues]: "Give this *get* to my wife," they should give it to her [and it is acceptable].

If he tells others to write a *get*, sign it and give to his wife, and they write it, sign it and give it to her, and then it is discovered that the *get* is void or unacceptable, they may write another *get* - or even 100 other *gittin* - until the woman receives an acceptable *get*.

9 If the husband tells [two colleagues]: Write and sign [a *get*] and give it to an agent to bring to her, and they do as they were charged, but it was discovered that the *get* was void or unacceptable, they may not write another [*get*] until they consult the husband.

[The rationale is] that [the husband] did not charge them with [effecting the divorce]. Perhaps he wanted merely that they write [the *get*] and give it to the agent. [If so, their agency was completed,] and nothing remains for them to do, for they have written it and given it [to the agent]. Therefore, they should not write another [*get*].

If they do write another *get* that is acceptable and give it to the agent - who in turn gives it to the wife - the status of the divorce is in doubt.

10 When a person tells two or more [colleagues]: "Write a *get* and give to my wife," "Divorce her," "Send her away," "Release her," "Discharge her," or "Write a letter and give it to her," [the colleagues] should write an acceptable *get* and give it to her.

If, however, he tells them: "Dismiss her," "Give her what she needs," "Do as our faith requires to her," "Do as the law requires to her," "Do unto her as she deserves," his statements are of no consequence. If [these individuals] write a *get* and give it to the woman, the *get* is void.

11 If he tells them: "Get her out," "Let her go," "Permit her [to remarry]," "Let her be," "Assist her," there is doubt whether or not these terms imply that she should be divorced or whether they have another meaning. Therefore, [these individuals] should not write [a *get*] for her. If they write a *get* and give it to her, the status of the divorce is in doubt.

12 When [a man] says: "Write a *get* for my wife," [the people he addresses] should write the *get*, sign it and give it to him. They should not give it to the woman unless he tells them to. If they do give it to the woman, the *get* is not [effective].

When does the above apply? With regard to a healthy man. If, however, a man is dangerously ill - i.e., he suddenly falls sick and his illness rapidly becomes very severe - or if he is being led away in chains, even for financial matters, or he departs on an ocean journey, or he departs with a caravan [on a desert journey] and he says, "Write a *get* for my wife," they should write it, sign it and give it to her. For it is clear that his intent was that they should write the *get* and give it to her.

13 [The following rules apply when] a healthy person says: "Compose a *get* for my wife," and [his listeners] write a *get*, sign it and give it to her. If he commits suicide immediately thereafter - e.g., he throws himself down from a roof or jumps into the sea - the *get* is acceptable.

If, however, he climbs up onto a [high] roof, and he is buffeted by the wind until he falls and dies, the *get* is void. If there is doubt whether he threw himself down [from the roof] or was buffeted by the wind, the *get* is valid unless it becomes known with certainty that he was buffeted by the

wind.

Similarly, if a man was cast into a pit and he said, "Whoever hears my voice should write a *get* for my wife," [his listeners] should write a *get* and give it to her, provided they recognize his identity. Even if [afterwards,] they took him out of the pit and could not identify him, [the divorce] is acceptable. For in time of danger, [a *get*] can be written and given to [a man's wife] even if they do not know his identity.

Similarly, when a person suffers many severe blows, to the extent that it is impossible for him to survive - or even if the majority of [his windpipe and gullet] have been cut - and he makes motions and says: "Write a *get* for my wife," [his listeners] should write [a *get*] and give it [to her]. Although he will eventually die, he is alive at this time.

14 [The following rules apply when] a person is troubled by an evil spirit, and at the time when his infirmity begins to take hold of him says: "Write a *get* for my wife." His statements are of no consequence, because his thoughts are not organized and settled. The same ruling applies to a person who has become as drunk as Lot. If a drunkard has not reached that level [of incapacity], [the status of the divorce] is in doubt.

15 [The following rules apply when a] healthy [man] says: "Write a *get* for my wife and give it to her," and afterwards he becomes mentally disturbed. We wait until he becomes healthy again, and then we write the *get* and give it to her. There is no need to consult with him about the matter again when he regains his heath.

If a *get* is written and given before he regains his health, it is unacceptable.

16 [The following rules apply when] a person loses his ability to speak, but is of sound mind. We ask him: "Should we write a *get* for your wife?" If he nods his head affirmatively, we test him with three [questions with different answers]. If he answers those [questions] to be answered affirmatively in the affirmative and those to be answered negatively in the negative, they should write [a *get*] and give it [to her]. His mental state must be checked thoroughly, lest he not be of sound mind.

Similarly, if he writes by hand: "Write a *get* and give it to my wife," they should write it and give it to her, if [it appears] that he is of sound mind. For the laws governing a person who loses his ability to speak differ from those governing a deaf-mute.

17 When a person married while sound of mind and became a deaf-mute, he cannot divorce his wife until he regains his mental health. Needless to say, this applies to a person who loses his mental stability. We do not rely on the motions of a deaf-mute or on his writing, even if he is of sound mind.

If, however, a deaf-mute married a woman while he was in that state, he may divorce her by making motions, for his consecration of her is not valid according to Scriptural law, as has been explained. Just as he married her by making motions, he may divorce her by making motions.

18 When a man consecrates a minor via her father's agency and [seeks to] divorce her while she is a minor, her father should accept her *get*. When the *get* reaches her father's possession, she is divorced.

If [the husband seeks to] divorce [his *arusah*] when she is a *na'arah*, the divorce is effective when the *get* reaches her possession or her father's

possession. A *na'arah* who is consecrated may not appoint an agent to receive her *get* from her husband during her father's lifetime. A father, by contrast, may appoint an agent to receive a *get* for his daughter who has been consecrated, whether she is a minor or a *na'arah*.

19 [The following rules apply when] a girl's father consecrates her when she is a minor and then [the father] dies. If [the girl] can differentiate between a *get* and another object, the divorce is effective after the *get* reaches her possession. If [she is] incapable [of making such a distinction], she cannot be divorced until she becomes capable of making such distinctions. If such a divorce is carried out, it is of no consequence.

20 When a man whom the law requires to be compelled to divorce his wife does not desire to divorce her, the court should have him beaten until he consents, at which time they should have a *get* written. The *get* is acceptable. This applies at all times and in all places.

Similarly, if gentiles beat him while telling him: "Do what the Jews are telling you to do," and the Jews have the gentiles apply pressure on him until [he consents] to divorce his wife, the divorce is acceptable. If, however, the gentiles compel him to write [a *get*] on their own initiative, the *get* is [merely] unacceptable. The rationale is that the law requires him to give a divorce.

Why is this *get* not void? For he is being compelled - either by Jews or by gentiles - [to divorce] against his will [and a *get* must be given voluntarily]. Because the concept of being compelled against one's will applies only when speaking about a person who is being compelled and forced to do

something that the Torah does not obligate him to do - e.g., a person who was beaten until he consented to a sale, or to give a present. If, however, a person's evil inclination presses him to negate [the observance of] a mitzvah or to commit a transgression, and he was beaten until he performed the action he was obligated to perform, or he dissociated himself from the forbidden action, he is not considered to have been forced against his will. On the contrary, it is he himself who is forcing [his own conduct to become debased].

With regard to this person who [outwardly] refuses to divorce [his wife] - he wants to be part of the Jewish people, and he wants to perform all the mitzvot and eschew all the transgressions; it is only his evil inclination that presses him. Therefore, when he is beaten until his [evil] inclination has been weakened, and he consents [to the divorce], he is considered to have performed the divorce willfully.

[Different laws apply when] the law does not require him to divorce his wife, and a Jewish court or simple people compel him to divorce her. This *get* is deemed unacceptable. Since, however, it was Jews who compelled him, he [is advised] to complete the divorce [in a proper manner]. If, by contrast, gentiles compel him to divorce when it was not required, the divorce is void. Even though he tells the gentiles that he consented and tells the Jews to write and sign [a *get*], since the law does not require him to divorce, and he was compelled to do so by gentiles, the *get* is void.

Chapter 3

1 A *get* that is not written for the sake of the man [initiating] the divorce

and for the sake of the woman who is being divorced is not valid.

What is implied? A scribe wrote a *get* to learn [scribal arts] or to teach them, and a husband came and discovered that the *get* was written with his name; the name of the woman was the same as his wife's name; and the name of the city the same as the name of his city. If he took [this *get*] and used it to divorce [his wife], the divorce is void.

2 Furthermore, [a *get* is also void in the following instance:] [A man] had a *get* written so that he could divorce his wife and changed his mind. An inhabitant of his city discovered it and told him: "My name is the same as yours, and my wife's name is the same as your wife's." Although [the second man] took it and used it to divorce his wife, it is invalid, despite the fact that it was written in order to effect a divorce.

3 Furthermore, [a *get* is also void in the following instance:] [A man] had two wives with the same name, and he wrote a *get* with the intent of divorcing the older one, and changed his mind and used it to divorce the younger one. The divorce is invalid. Although it was written for the sake of the man [initiating] the divorce, it was not written for the sake of the woman who is being divorced.

4 Moreover, [in the above situation,] if he tells the scribe: "Write the *get*, and I will use it to divorce whichever one I desire," and the scribe wrote the *get* with that intent, and the husband divorced one of his wives, the status of the divorce is a matter of doubt.

Whenever a *get* was not written with the proper intent, it remains void,

even if the scribe rewrites the letters with the proper intent.

5 When a man writes a *get* [with the intent of] divorcing his wife, but he changes his mind and does not divorce her, he may not divorce her with this same *get* another time should he so desire, if he entered into privacy with her after [the *get*] was written.

If, however, he did divorce her with this old *get*, the divorce is effective, and she may remarry on this basis without any qualms. For [the *get*] was written for her sake and was given to her now in the presence of witnesses, as the law requires.

Why at the outset should it not be used for divorce? [This is] a Rabbinic decree, lest [people] say: "Her *get* preceded [the birth of] her son."

6 [The following rules apply when a man] tells a scribe, "Write a *get* for the sake of so and so, and it will remain in my possession. When I marry her, I will divorce her with it." If [the scribe] writes [such a *get*], and the man marries her and then he divorces her with it, the divorce is void. [The rationale is] that the woman could not be divorced when the *get* was written. Thus, it is considered not to have been written for the sake of divorce.

If, however, [the man] tells [the scribe]: "Write [a *get*] for the woman who is consecrated to me. After I consummate the marriage, I will divorce her," should he consummate the marriage and divorce her with such [a *get*], the divorce is binding.

If a man had [a *get*] written for his *yevamah*, and he divorced her with it after he performed the rite of *yibbum*, the status of the divorce is doubtful,

for she was not his wife in an absolute sense when [the *get*] was written.

7 In order to assist scribes, our Sages permitted them to write the standard texts of *gittin* [beforehand] and leave empty the place for the man's [name], the woman's [name], the time and the place for [the sentence]: "Behold, you are permitted [to marry] any man." Thus, he can write [these parts of the *get*] for the sake of the man who gives the *get* and for the sake of the woman who receives it. Afterwards, he should have the witnesses sign for the sake of [the husband and the wife].

8 [The following rule applies if] a scribe wrote a *get* for the sake of the husband and the wife as required, and the witnesses signed without having that intent. Since [the husband] gives it to [his wife] in the presence of witnesses who observe the transfer, the *get* is valid [according to Scriptural law]. It is, however, {unacceptable [by Rabbinic decree].

Why is [it merely unacceptable and] not void?} Because the requirement for witnesses to sign the *get* [was instituted] only as a measure to aid society.

There is an opinion that states that if the witnesses signed without the proper intent, since it as if it were a forgery, the *get* is void. Similarly, they maintain that if one of the witnesses was unacceptable, or if it was signed by one acceptable witness only, it is void even though it was transferred in the presence of witnesses.

This ruling does not appear [correct] to me. For although [the *get*] resembles a forgery, it is not an absolute forgery. [Hence,] since it was transferred in the presence of acceptable witnesses, it is [merely] deemed

unacceptable by Rabbinic decree.

9 [The following rule applies when a person] bringing a *get* loses it, and then it is discovered. If he lost it in a place not frequented by caravans - even if he found it after a long time had passed - we presume that the *get* that he lost is the *get* that was found and [the woman] may be divorced with it.

[However, different rules apply if a *get*] was lost in a place frequented by caravans. If it was discovered immediately, before any of the passersby had tarried there, or if it was found in the container in which it was [originally] placed, and the agent can recognize the length and the width of the *get* that was rolled up within, we can presume that [it is the same *get*], and [the woman] may be divorced with it.

10 When it was established that there was another man in that place whose name was the same as the name written in the *get*, if another man passes by the place [the *get* was lost] - even if he did not tarry there - we suspect that the *get* that was found belongs to the other person.

If the woman is divorced with this *get*, the status of the divorce is doubtful. If, however, another person has not passed by this place, we presume that [the *get* that was discovered was the one that was lost], even though there are two people with the same name.

11 If the witnesses knew of a clearly distinctive sign by means of which they could recognize the *get* - e.g., they said it had a hole next to a particular letter, or they said: "We signed only one *get* with these names" - we

presume that [the *get* that was discovered was the one that was lost], and [the woman] may be divorced with it.

[This ruling applies] even when [the *get*] was discovered after a long time had passed, [it was lost in] a place frequented by caravans, and it was established that there were two [men] with the same names.

12 [The following rules apply when] two men [with the same names] sent *gittin* together, and they were interchanged [and it is no longer known who sent which *get*]. Both *gittin* should be given to each of the women in the presence of witnesses who observe the transfer. [In this manner, both divorces are acceptable.]

Therefore, if one of the *gittin* was lost, the second *get* is void.

13 [The following rules apply when] a man has two names and a woman has two names. When a divorce is initiated, [the husband] should write the names that he and his wife use most frequently and that they are most popularly known by. [The *get*] should say: "So and so, or by whatever names that he is called, divorces so and so or by whatever names she is called."

If he writes [the husband's] or [the wife's] nickname, [the *get*] is acceptable.

14 If the name that was less popularly known was written [in the *get*], and it was also written: "or by whatever names he is called," the *get* is not acceptable.

If the name of [the husband] or [the wife,] or the city in which either of

them lives is written incorrectly, the *get* is void, despite the fact that the phrase "or by whatever names he is called" was also written in the *get*.

15 All are fit to write a *get*, with the exception of five: a gentile, a servant, a deaf-mute, a mentally incompetent person and a minor. A woman may even write her *get* herself.
When a Jew becomes an apostate to false gods, or he desecrates the Sabbath in public, he is regarded like a gentile with respect to all matters [and is not fit to write a *get*].

16 Why are these five individuals [prevented] from writing *gittin*? Because a *get* must be written for the sake of the man initiating the divorce and the woman receiving the divorce, and a gentile writes with his own intent. A deaf-mute, a mentally incompetent person and a minor are not of [sufficient] mental capacity. And the laws of divorce and marriage do not apply to a servant; therefore, [in this area] he is disqualified; he is like a gentile in all respects.
If one of these five individuals writes a *get*, it is void, even if it was signed by acceptable witnesses and given in the presence of acceptable witnesses.

17 When one of these five individuals writes the standard portion of the *get* and leaves the essential portions - i.e., the place for the man's [name], the woman's [name], the date and the sentence: "Behold, you are permitted [to marry] any man" - unwritten, and these were written by an adult mentally competent Jew with the proper intent, the *get* is acceptable.

18 At the outset, one may allow a deaf-mute, a mentally incompetent person

or a minor to write the standard portions of a *get*, provided they are supervised by a mentally competent adult.

A gentile or a servant, by contrast, should not be allowed to write the standard portions of a *get* at the outset, even when supervised by a Jew. For permission to write the standard portions of a *get* at the outset was granted only as assistance to scribes, as we have explained.

19 When a man writes a *get* on the Sabbath or on Yom Kippur, without knowing of the transgression, and gives it to [his wife], the divorce is effective. If it was written and signed on that day as a willful transgression and given to her, the divorce is not effective. For the witnesses [who signed] are disqualified by Scriptural law.

If it was written on a holiday as a willful transgression and given to her in the presence of acceptable witnesses on the holiday, the *get* is unacceptable [by virtue of Rabbinic decree].

Chapter 4

1 A *get* may be written only with a substance that leaves a permanent impression - e.g., ink, *sikra, kumus, kankantum* or the like. If, however, [a *get*] is written with a substance that does not leave a permanent impression - e.g., beverages, fruit juices or the like - the *get* is void.

If [a *get*] is written with lead, a stylus or charcoal, it is acceptable. At the outset, however, these substances should not be used.

2 *A priori*, we may write with gallnut juice on paper, on a hide or the like.

We may not use it to write on parchment that has been treated with gallnut juice, for it will not be distinct. If such a *get* is written, it is void. The same applies in all similar situations.

A *get* may be written on any substance, even a substance from which one is forbidden to benefit. We may write [a *get*] on a substance on which an erasure would not be noticed, provided it is given [to the woman] in the presence of witnesses who observe the transfer.

3 What is implied? If a *get* is written on paper with erasures, on parchment that has not been fully processed, on a shard, on leaves, on the arm of a servant or on the horn of a cow, [it is acceptable, provided the husband] gives [his wife] the servant, the cow, the paper, the parchment or the like in the presence of witnesses.

4 When the *get* is tattooed on the hand of a servant, the signature of the witnesses is also tattooed there, and he is in the possession of [the wife], the divorce is effective, even though there are no witnesses to [the servant's] transfer, for [the tattoo] cannot be forged.

Even when it is known to us that the servant [previously] belonged to the husband, the *get* is tattooed on his hand, and he is in the possession of the woman, and she says: "He was given to me in the presence of witnesses," the status of the divorce is in doubt. For the possession of living beings that can move independently is not considered proof of their ownership.

5 If a *get* is engraved on a tablet [with a stylus], and it is signed by witnesses, and [the tablet] is in [the woman's] possession, the divorce is effective.

[This applies] even when it is known to us that the tablet [had previously] belonged to [the wife]. For a woman is allowed to write her *get* herself. The verification of a *get* is dependent on [the witnesses who] signed it, if there are no witnesses to its transfer.

6 [The following laws apply when] a *get* is engraved on a board, on a stone or on a metal plate: If the scribe engraved the form of the letters, it is acceptable. This is considered writing, as [reflected by] the verse, [**Jeremiah 17:1**]: "Written with a pen of iron" - i.e., hewed out. Similarly, if one engraved the letters from the back of the plate until they projected from the front of the plate [the *get* is acceptable].

If, however, one hewed out the inside of the letter, [and the area around it,] until the form of the letter protruded on both sides, like the protruding writing on golden *dinarim*, the *get* is void, because this is not considered writing.

7 If one etches out the shape of letters on a hide, or one sketches the form of letters on a hide [the *get* is acceptable].

A *get* may be written with any letters and in any language. A *get* that is written with the letters of one language and whose witnesses sign with the letters of another language is acceptable, provided the witnesses comprehend the language and the letters used.

8 If one of the witnesses signed the *get* with letters [from one language], and the other signed with letters of another language, the *get* is acceptable.

If, however, a portion of the *get* is written in one language, and another

portion is written in another language, it is unacceptable.

9 Regardless of the language in which a *get* is written, the scribe must be careful that the wording of the *get* does not allow for two meanings. It should not [leave] the reader [in doubt, wondering]: "Perhaps this was his intention" - i.e., something other than divorce - "or perhaps this was his intention" - i.e., divorce. Instead, [whatever] the language [of the *get*], the wording should unequivocally state one concept: that so and so divorces so and so.

10 Similarly, regardless of the letters used, the penmanship [of the scribe] must be clear, so that children who know those letters would be able to read it. [The intent is] children who are not overly bright, nor those who are overly slow, but rather those of average intelligence.
The writing should not be crooked, nor incoherent, lest one letter be confused with another, changing the meaning of the text.

11 If [the wording of a *get*] has two implications, or its writing is crooked or incoherent to the extent that it is possible to understand a different concept from it, it is unacceptable. [It is not void,] because it may be read as referring to a divorce and its meaning involves divorce.
Although *a priori* it is permissible to write a *get* in any language, it has already become universal Jewish practice to write *gittin* in Aramaic, using the following text.

12 This is the text of the *get*:
On this day of the week, on this day of the month, in this year from

creation - or according to the chronology employed for legal documents - according to the reckoning that we keep here in [the name of the place where the *get* is being given], in the following way, I [the husband's name,] the son of [his father's name], from [the name of his city] or by whatever names or nicknames by which I, my father, my place or his place are called, desire out of independent will without anyone forcing me, to dismiss, to release, to divorce you, [the woman's name,] the daughter of [her father's name], from [the name of her city] or by whatever names or nicknames you, your father, your place or his place is known.

[Although] previously, you were my wife, now I am dismissing, releasing and divorcing you, so that you have the license and the authority to go and marry any man whom you desire. No one will protest [your actions] from the present day onward. You are free [to marry] any man. This will serve you as a bill of divorce, a *get* dismissing you, and a letter releasing you, from me, according to the faith of Moses and Israel.

The witnesses sign below, as we explained: [The witness's name] the son of [his father's name], a witness, [the witness's name] the son of [his father's name], a witness.

13 When a *get* is written using the above text and wording, [the following rules should be adhered to:] The word ודן should not be written with a *yud*, so that it might be read as ודין, which might be interpreted as meaning: "There will be a judgment between me and you."

The word ואגרת should not be written with a *yud*, lest it be read as ואי גרת, meaning "If you commit adultery."

The word למהך should not be written with a *yud*, lest it be read as לי מהך -

i.e., that it is a joke for me.

The words תהויין and תצביין should not be written with only two *yuddin*, lest a reader get the impression that the man is speaking with two women, and rather than divorce the one, he is divorcing two others.

Similarly, he should elongate the [latter] *vav* in the word וכדו lest it resemble a *yud*, which would cause the word to be read as *uch'dei*, in which instance, it would mean that "I am divorcing you on this condition." By the same token, he should elongate the *vav* in the words תרוכין and שבוקין, lest they resemble *yuddin*, in which instance it would mean that he is telling her that she is releasing and divorcing him.

In a similar fashion, care must be taken in every language and with every form of lettering to make certain that [the wording of the *get*] does not leave the possibility for two implications.

14 If [a scribe] wrote [a *get*] using this text and did not elongate the *vavin* mentioned, did not write the extra *yuddin*, or wrote the *yuddin* that we said should not be written, the *get* is unacceptable. Similarly, [if a *get* is written] in another language, and imprecise wording or writing is used, it is unacceptable.

15 [The following rules apply if] a letter or a word of a *get* was rubbed out or written between the lines. If it is from the standard portion of the *get*, it is acceptable. If it is from the portions of the *get* that are of fundamental importance, the *get* is void. If, however, at the conclusion of the *get*, it is stated that the particular letter has been written between the lines or has been rubbed out, the *get* is acceptable, as other legal documents would be,

even if [the difficulty] concerns the portions of the *get* that are of fundamental importance.

Similarly, if a *get* was discovered to be torn [both] horizontally and vertically, as is customary for a court [to tear a legal document], the *get* is void, as would be other legal documents. If, however, it is torn in a way other than the manner customary for a court [to tear a legal document], it is acceptable.

16 If [the *get*] has faded, rotted or become [filled with holes like] a sieve, it is acceptable. [The following rules apply if] it has been rubbed out or the letters have become blurred, but their form remains. If it can be read, it is acceptable; if not, it is void.

17 When does the above apply? When the woman is in possession of a *get* that has been signed by witnesses, and there are no witnesses to its transfer. If, however, there are witnesses who testify that the *get* was transferred in their presence, and at that time it was acceptable, the divorce is binding.

[This applies] even if the fundamental portions of the *get* were written on erased parchment or between the lines, or [the *get*] was torn [both] horizontally and vertically when it was given to [the woman] in their presence.

18 [The following rules apply when] five men write a single *get* to divorce their five wives. The *get* is acceptable if the wording they use is inclusive - i.e., they wrote "On the day of the week, so and so divorced so and so,

and so and so divorced so and so..." - every husband making a statement to his wife. Similarly, each of them told his wife: "so that you have the license to...," including the entire standard portion of the *get*. Two witnesses must sign below.

[This *get*] must be given to each of the women in the presence of witnesses who observe its transfer. If no witnesses observe its transfer at all, the woman who is in possession of the get is considered to be divorced.

[Different rules apply if,] by contrast, [the scribe] wrote: "On the day of the week, so and so divorced so and so...," completing the entire text of the *get* and then began writing a second *get* directly under it in the same scroll. [He continued] writing: "On the day of the week, so and so divorced so and so...," and so completed the entire text of the second *get* and similarly completed all the *gittin* in this manner [on the same scroll], and the witnesses signed below [the final *get*].

If this scroll was given to each of the women in the presence of witnesses who observed the transfer, all their divorces are effective. [More stringent rules apply] if there are no witnesses who observed the transfer, and the scroll is in the possession of one of the women: If hers was the last *get* written on the scroll and the signatures of the witnesses are read together with [that statement], her divorce is effective. If the scroll is in the possession of one of the women whose *gittin* precede the last one, the status of her divorce is in doubt.

19 If [the scribe] writes: "We, so and so and so and so, divorce our wives, so and so and so and so,..." and then completes the *get*, the *get* is void, even though it was given to each one of them in the presence of witnesses who

observed its transfer. [The rationale:] two women cannot be divorced with the same *get*, as [we can infer from **Deuteronomy 24:1**]: "And he shall write for her," [implied is:] for her and not for her and her colleague.

If after [writing the text as above], he continued and wrote individual statements for each one within the *get*, stating, "So and so is divorcing so and so, and so and so is divorcing so and so on this date," the divorces are acceptable.

20 [The following rules apply when a scribe] wrote two *gittin* in two columns on one scroll side by side. If there are two witnesses [whose signatures] are read [as a continuation of] one *get*, and two witnesses [whose signatures] are read [as a continuation of] the other *get*, the *get* is acceptable. Whichever woman is in possession of the *get* is divorced.

21 [In the above instance, if the *gittin*] were signed by only two witnesses, who signed across the width of both *gittin*, the divorce is valid only when the scroll is in the possession of the woman under whose *get* the signatures appear.

If the *scroll* is in the possession of the woman under whose *get* the signatures of the witnesses do not appear, the *get* is not acceptable unless it is given to her in the presence of witnesses [who observe the transfer].

22 [The following rules apply if a scribe] writes two *gittin*, one above the other, and the witnesses sign between the two *gittin* - their signatures thus being below the first *get* and above the second *get*. If the scroll is in the possession of the woman under whose *get* the signatures appear, her

divorce is valid, and the woman above whose *get* the signatures appear is not divorced.

If the witnesses signed at the top of a *get*, at its side or on its overside, it is not a *get*. If it was given to [the woman] in the presence of witnesses, it is acceptable.

23 If two *gittin* [were written in an arc,] with the beginning of one *get* facing the beginning of the other *get*, and the signature of the witnesses is located between the tops of both *gittin*, both are void. If they are transferred in the presence of witnesses, both are acceptable.

24 [The following rules apply if the scribe did not complete the text of the *get* in one column,] left a portion unwritten and wrote it at the top of a second column. If the witnesses signed below, at the end of the second column, it is acceptable, provided it is obvious that the scroll was not cut off, and it was the scribe's intent to complete the *get* in the second column.

If, however, this is not apparent, the status of the divorce is in doubt, even if the *get* was given in the presence of witnesses. [The rationale is that] perhaps there were two *gittin*, and the portion below the *get* in the first column and a portion above the *get* in the second column were cut off.

25 If, after writing the *get* and completing it, [the scribe] wrote: "Give regards to so and so," "Greetings to you, so and so, my friend," or the like, and afterwards the witnesses signed beneath the greeting, the status of the divorce is doubtful, despite the fact that the woman is in possession of the

get. [The rationale is] perhaps the witnesses signed only for the greeting [without paying attention to the *get*].

If, however, the scribe wrote: "And give regards to so and so," "And greetings to you, so and so, my friend," or the like, the *get* is acceptable. Since [the greeting] accompanies the *get*, [we presume that the witnesses] signed with both these thoughts in mind.

If [the *get*] was given to her in the presence of witnesses, it is acceptable in either instance.

Chapter 5

1 The Torah's expression, [**Deuteronomy 24:1**]: "He will... place it in her hand," need not be interpreted only [according to its strict literal meaning], that the *get* must be placed in her hand. Regardless of whether the *get* is placed in her hand, her bosom or her courtyard, or is given to her agent whom she charged that his hand would be as her hand, the same law applies.

The same laws apply to a courtyard that she acquired, one that she rented or one that is lent to her. They are all considered to be her property, and once the *get* reaches her property, the divorce is effective.

2 [The following laws apply when a man] throws a *get* for his wife into her courtyard. If she is standing next to her courtyard, the divorce is effective. If she is not standing next to her courtyard, the divorce is not effective until she stands next to her courtyard.

[These principles apply] even when the *get* will be guarded in the

courtyard in which [it is placed]. [The rationale is that] divorce is considered to be a liability [and not an advantage] for [a woman]. And a liability may not be invoked against [a person] outside his [or her] presence.

3 [These rules apply when a *get* is given in the following situation. A woman] is standing on her roof, and [her husband] is standing in his courtyard that is located below it. He throws a *get* upwards to her.
Once the *get* reaches the space of the guardrail [to her roof] or comes within three handbreadths of the roof [when her roof does not have a guardrail], the divorce is effective. [This applies provided the *get* ultimately] comes to rest on her roof.
If, however, [the writing of the *get*] is erased or [the *get*] is consumed by fire before it reaches her, the divorce is not effective. [This applies] even if the *get* is erased or consumed by fire after it passes the barriers of the woman's property or after it reaches within three handbreadths of her roof. [The rationale is that] since the *get* will never come to rest [in a complete state], it is void.

4 [Different rules apply when] the roof belongs to the husband and he stands on it, while his wife stands below in a courtyard that belongs to her, and he throws her a *get*. Once the *get* passes the boundaries of his property and enters the boundaries of her property, where she is standing, the divorce is binding.

5 If, however, he throws a get into a fire located on the woman's property

and it is consumed by the flames, or into water and it is erased or lost, the *get* is void. If, however, it enters her property (and comes to rest), and afterwards fire comes and consumes it, the divorce is effective.

6 When the husband tosses the *get* on top of a reed or a spear implanted in her domain, the divorce is not effective until [the *get*] comes to rest in a place that is protected by her.

[The following rule applies when] there are two courtyards, the inner courtyard belongs to the woman, the outer courtyard belongs to the man, and the walls of the outer courtyard are taller than those of the inner courtyard. If [the husband] throws the *get* into the space [of the inner courtyard, above its walls, but lower than the walls] of the outer courtyard, the divorce is effective. [The rationale is] the inner [courtyard] is protected by the walls of the outer [courtyard]. This concept does not apply with regard to containers.

7 What is implied? There are two containers, located one inside the other [and both are located in the husband's domain]. The inner container belongs to her and the outer container belongs to him. If [the husband] throws the *get* to [his wife] toward the containers, the divorce is not effective - even when the *get* reaches the space of the inner container - until it comes to rest on the side of the inner container.

[Moreover,] the above applies only when [the woman's container] is lying on its side and does not have a bottom. If it has a bottom, even if [the *get*] comes to rest on that bottom, the divorce is not effective. For when a container belonging to a woman is located in the domain of the husband,

the woman may not acquire a *get* by means of it unless the husband is not concerned about the place it occupies.

8 When [a husband] throws a *get* to his wife while she is located in his house or in his courtyard, the divorce is not effective until the *get* reaches the woman's hand or a container that belongs to her, to whose presence within his domain the husband does not object - e.g., a small bottle or basket or the like.

Similarly, if the *get* reaches a couch belonging to her on which she is sitting that is ten handbreadths high, the divorce is effective. For [the couch] is considered to be a separate domain, and the husband does not object to the place taken by its legs.

9 [The following rules apply when] the husband lends his wife a place in his courtyard [for the purpose of receiving her *get*], without defining its borders. If he throws her the *get* and it reaches within four cubits of where she is standing, the divorce is effective.

When [in the above instance, the *get*] rolled away [from the place where the woman is standing,] and fell on a beam or on a rock further removed from her, [the following rules apply]. If the place where [the *get*] fell is not four cubits by four cubits, nor is it ten [handbreadths] high, nor does it have a separate name of its own, it is not considered to be a distinct entity, and it is as if [the *get*] and [the woman] were in the same place. [Therefore, the divorce is effective.]

If the place is characterized by any of these three factors, it is considered to be a distinct entity. [Since] the husband lent the woman one place, but

not two places, the divorce is not effective until the *get* reaches her hand.

10 If [the husband] throws the *get* to her [while she is in her domain], and [the *get*] passes through the domain and falls outside her domain [the divorce is not effective]. Even if the *get* passes within three [handbreadths] of the ground, the divorce is not effective until [the *get*] comes to rest in her domain.

11 [The following rule applies when a woman] is standing on her roof, [her husband] throws her [a *get*], and [instead of reaching her,] it falls on a roof [belonging to another person]. If the woman can stretch out her hand and take it, the divorce is effective.

[The rationale is that] although the domains are divided above as they are divided below, [and thus the *get* is located on a domain that does not belong to the woman, this is not significant,] for people are not concerned with [a neighbor's making use of] their property in such a manner.

12 [The following rules apply if a woman holds] her hand at an incline, [her husband] throws a *get* to her hand, and it falls to the earth. If it falls within four cubits of where she is standing and comes to rest there, the divorce is effective.

When, [however, the *get*] falls into the sea or into a fire, the divorce is not effective, if she is standing next to the water or the fire [when the *get* is thrown to her]. [The rationale is] that, at the outset, it would be destroyed as it fell.

13 [The following rules apply when a husband] throws a *get* to [his wife] in

the public domain or in a domain that does not belong to either of them. If [the *get*] is "close to him," the divorce is not effective. If [the *get*] is partially "close to him," and partially "close to her," the status of the divorce is in doubt unless it is definitely close to her. If [the *get*] is close enough to her that she can bend down and pick it up, the divorce is unacceptable [according to Rabbinic decree]. [Only when] the *get* reaches her hand may she remarry on this basis *a priori*.

14 What is meant by "close to him"? That he could protect the *get* while she could not. If both are able to protect [the *get*], or both are unable to protect it, it is considered to be partially "close to him," and partially "close to her."

15 [If a husband] comes to a place first and stands there, and then [his wife] comes and stands opposite him, the divorce is not effective if he throws her [a *get*] and [it falls] within his four cubits, even if she can bend down and pick it up.

If she comes to the place first and stands, and then he comes and stands opposite her and throws it to her, even when [the *get*] is partially "close to him" and partially "close to her," the *get* is [merely] deemed unacceptable [by virtue of Rabbinic decree] because it is within her four cubits. [Only when] the *get* reaches her hand [is the divorce effective *a priori*].

16 [The following rules apply when a husband] throws a *get* that is tied with a string into [his wife's] hand and he remains holding the other end of the string. If he can pull [the *get* from her hand] and bring it back to him, the

divorce is not effective until he snaps the string. If he cannot pull [the *get* from her], the divorce is effective.

17 [The following rules apply when a husband] gives [a woman's] *get* to a servant belonging to her. If he is awake, he is bound and she is guarding him, the divorce is effective. It is considered to be as if [the *get*] were placed in a courtyard belonging to her and she is standing at its side. If [the servant] is not bound, the divorce is not effective.
If [the husband] places [the *get*] in the servant's hand while he is sleeping, and [the woman] is guarding him, the *get* is unacceptable [by virtue of Rabbinic decree]. If [the servant] is bound, the divorce is acceptable.

18 [The following rules apply if a husband] writes a *get*, places it in the hand of a servant belonging to him and writes a deed for the woman, giving her the servant as a present. If the servant is bound, the divorce is effective, for when she acquires the servant she also acquires the *get*. If the servant is unbound and awake, [the woman] acquires the servant; the divorce, however, is not effective until the *get* reaches her hand.
Similarly, if [a man] placed a *get* in a courtyard belonging to him and sold or gave the courtyard to [his wife], the divorce is effective once she acquires the courtyard by virtue of the transfer of a deed or money, or by manifesting her ownership over it.

Chapter 6

1 An agent who is appointed by a woman to receive her *get* from her

husband is called a receiving agent (*sh'liach kabbalah*). When the *get* reaches this agent's hand, the divorce is completed, as if it has reached the hands of the woman herself.

[The agent] must be appointed in the presence of two witnesses, and two witnesses must be present when the *get* is conveyed to the agent. Even if the second pair of witnesses is the same as the first pair, or one of them is from the first pair, they are acceptable as witnesses.

2 When does the above apply? When the *get* is lost or torn. If, however, the *get* is in the possession of the *sh'liach kabbalah*, there is no need for witnesses. This applies whether the *get* was given by the husband in private, or it was given in the presence of witnesses. The presence of the *get* in the possession of the agent is equivalent to its presence in the possession of the woman. Nevertheless, *a priori*, the *get* should be given only in the presence of witnesses who observe its transfer, as is the case with regard to [a *get* given to] the woman herself.

3 A husband may not appoint an agent to receive a *get* for his wife. He may, however, appoint an agent to deliver a *get* to his wife. Such an agent is referred to as a delivery agent (*sh'liach holachah*).

4 Similarly, a woman may appoint an agent to fetch her *get* for her from her husband. Such an agent is referred to as an agent who fetches (*sh'liach hava'ah*). Neither a *sh'liach holachah* nor a *sh'liach hava'ah* need [be appointed in the presence of] witnesses.

5 A woman is not divorced through the medium of a *get* sent by her

husband or brought by a *sh'liach hava'ah* [whom she appointed] until the *get* reaches her hand.

Whenever the term agent is used with regard to a *get* without any further explanation, the intent is a *sh'liach holachah* or a *sh'liach hava'ah*.

6 Anyone is acceptable to act as an agent with regard to a divorce, whether as a *sh'liach kabbalah*, a *sh'liach holachah* or a *sh'liach hava'ah*, with the exception of five individuals: a gentile, a servant, a deaf mute, a mentally incompetent individual and a minor. If one of these individuals brings or receives [a *get*], the divorce is not effective.

7 Even women, relatives and individuals who are disqualified [from serving as witnesses] because of the violation of Rabbinic law are acceptable to serve as agents for a divorce. Individuals who are disqualified because of the violation of Scriptural law, by contrast, are not acceptable [to serve as agents] to deliver a *get*. If they bring it, the divorce is unacceptable.

When does the above apply? When the signatures on the *get* have been verified. If, however, we must rely only on the words of an individual who is disqualified because of the violation of Scriptural law, the divorce is void entirely.

8 If the agent was a minor when he was given the *get*, and he attained majority when he brought it [to the woman], [or he was a] deaf mute and gained the ability to hear and speak, [or he was] mentally incompetent and gained competence, [or he was] a gentile and converted, or a servant and was freed, the divorce is void.

If, however, the husband gives [an agent] a *get* while [the agent] is able to hear and speak, [or the agent then] becomes a deaf mute and afterwards regains his ability to hear and speak, or [the agent] was mentally competent, he lost his competence and then regained it when he brought it to the woman, the *get* is acceptable, for at the outset and at the conclusion, [the agent] was of sound mind.

9 When a woman appoints an agent in the presence of witnesses and tells him: "Take my *get* and keep it for me in your possession," the person is a *sh'liach kabbalah*. It is as if she told him: "Receive my *get* for me."

A woman may appoint a *sh'liach kabbalah* to receive her *get* for her from an agent appointed by her husband.

A girl below the age of majority may not appoint a *sh'liach kabbalah*. Although she may acquire property by virtue of her courtyard in the same manner as an adult woman [she does not have the privilege of appointing an agent]. The rationale is that [the appointment of] a *sh'liach kabbalah* requires witnesses, and witnesses may not testify with regard to a minor, because she is not of complete mental competence.

10 [The following laws apply] when a woman has appointed a *sh'liach kabbalah* and her husband told him: "I do not want you to receive the *get* for her. Instead, here is her *get*. Bring it to her." The husband has this prerogative, and the person becomes a *sh'liach holachah*, rather than a *sh'liach kabbalah*.

If, however, the husband tells [the woman's agent]: "Receive the *get* for her," "Here it is," or "Acquire it for her," he has not revoked the agency

[with which] the *sh'liach kabbalah* [was charged]. But if [the husband] tells [the agent]: "Bring it to her," he has revoked the agency [with which] the *sh'liach kabbalah* [was charged] and has made him the agent of the husband. Similarly, if the husband said: "Bring it and give it to her," he has revoked the agency [with which] the *sh'liach kabbalah* [was charged].

11 [In the following situation, although the *get* reaches the woman's hand, the divorce is not effective because of the confusion in the delegation of agency.] An agent appointed by a woman came to receive her *get* from her husband. The agent told the husband: "I am a *sh'liach kabbalah*."

The husband responded: "Bring the *get* [in the capacity] in which she appointed you" - i.e., he did not revoke his agency. Instead, it is as if he had said: "Whether she appointed you to be a *sh'liach kabbalah* or a *sh'liach hava'ah*, you remain in that capacity."

The agent brought [the woman] the *get*, but she told him: "I did not appoint you to be a *sh'liach kabbalah*, but rather to be a *sh'liach hava'ah*."

Even if the agent gives her the *get*, the divorce is not effective, for in speaking to the husband, the agent revoked the agency that he was granted. It is as if he had told him: "I was never appointed a *sh'liach hava'ah* on her behalf."

12 [A different ruling applies in the following instance.] The agent told the husband, "I am a *sh'liach hava'ah*," and the husband told him, "Bring [the *get* in the capacity] in which she appointed you."

The agent brought [the woman] the *get*, but she told him: "I appointed you to be a *sh'liach kabbalah*." When the *get* is delivered to the woman,

the divorce is effective, for he did not revoke the agency that he was granted. He merely reduced [her dependence on him]. For she appointed him [as an agent] to receive [the *get*], and he said: "I will merely bring it."

13 [The following rules apply when] a husband sends a *get* to his wife, and when the agent attempts to give it to her, she refuses to take it and tells him in the presence of witnesses, "Hold the *get* in safekeeping," or "You are an agent to receive it for me." Until the *get* is given to the woman, the status of the divorce is in doubt. Once it reaches her possession, the divorce is definitely binding.

14 When an agent brings a *get*, he must give it to the woman in the presence of two [witnesses]. These two [witnesses] must read [the *get*] and then have it given in their presence. For the laws applying to the exchange between the agent and the woman are the same as those applying to her exchange with her husband, for the agent is taking his place.
Accordingly, if the agent gave [the *get*] to her without having it read by the witnesses who observed its transfer, and the woman took it and threw it into the ocean, the status of the divorce is in doubt.

15 When an agent transgresses and gives [a woman her] *get* in private, he should take it back from her and give it to her in the presence of two [witnesses]. If he dies [and thus this is no longer possible], and the signatures of the witnesses on the *get* that the woman possesses have been verified, the divorce is acceptable.

16 Even when a *get* is delivered to the woman [for whom it is intended], it

can be nullified [in the following instances]: The agent took the *get*, but the husband changed his mind before it reached the woman and told him or her: "The *get* that I sent you is void," he sent another agent to nullify [the *get*], or he told others, "The *get* that I sent to my wife is void."

When [a husband] nullifies the *get* in the presence of other people, there must be at least two people present. If the *get* has already been delivered to the woman or to a *sh'liach kabbalah*, the husband can no longer nullify it. [This applies] even if he nullifies the *get* within a very brief time [after appointing the agent]; since [the *get*] was nullified after being delivered to the woman, to [her] *sh'liach kabbalah* or to her courtyard, it is not void, and the divorce is effective.

17 Although [a husband] was seeking to appoint an agent to nullify [a *get*], or he was seeking two individuals so that he could nullify [the *get*] in their presence, and during the time he was searching for these individuals the *get* reached the woman's hand, and afterwards he nullified it, it is not void. Despite the fact that he was trying to nullify it before it reached her hand [the divorce is effective].

18 If [the husband] told ten men: "Write a *get* and give it to my wife," he may nullify [the *get*] in the presence of one of the ten, although the others are not present. And he may nullify it in the presence of two other people [who were not involved originally].

If he sent the *get* via two [agents], he may negate one of the agents although the other is not present. Even when there are ten agents, when he negates [the agency] in the presence of one of them, the *get* is void.

19 Similarly, when a person tells two [witnesses], "The *get* that I [am intending to] write for my wife is nullified," although he has a *get* written afterwards and gives it to her in the presence of two other [witnesses], the divorce is void. This is referred to as lodging an objection with regard to a *get*.

Similarly, if [the husband] were to tell two [witnesses]: "Any *get* that so and so will write for me is nullified," "Any *get* that I will have written in the court of so and so is nullified," or "Any *get* that I will have written in the next twenty years is nullified," the *get* is nullified.

Similarly, if he told two [witnesses]: "Any *get* that I write for so and so, my wife, is nullified. And any statements that I make to nullify this objection are nullified," the *get* is void, although he had it written and given to her, despite the fact that he nullified his objection before having the *get* written.

20 How can the latter situation be corrected? The witnesses should tell [the husband] before the composition of the *get*: "Affirm in our presence that any statements that you have made that when verified would cause [this] *get* to be nullified, are themselves nullified." [The husband] must answer "Yes."

Afterwards, he should instruct them to write the *get*, sign it and give it to his wife. We do not let [the husband] leave until the *get* is delivered [to his wife], lest he go out and nullify [the *get*].

Neither a person who lodges an objection [to a *get*], nor one who seeks to nullify such an objection needs [to have his statements affirmed by] an act of contract.

21 When a person has sent a *get* via an agent and [later] nullifies [the giving of] the *get*, he may divorce the woman with [this *get*] whenever he desires. He did not nullify the *get* as a *get*; he merely nullified the agency.

Therefore, if the *get* was in the possession of the husband and he nullified it - e.g., he said: "This *get* is nullified" - he may never use it for a divorce. It is like a broken shard, and if it is used for a divorce, the divorce is not effective.

Similarly, if the *get* was entrusted to the agent, but the husband made an explicit statement, saying: "The *get* that I sent is nullified [and may not] serve as a *get*," he may never use it to effect a divorce.

22 Which wording can be used to nullify a *get*? [The husband] says: "It is nullified," "I cannot abide by it," "May this *get* not be effective," "[May it] not permit [her]," "[May it] not release [her], "[May it] not send [her] forth," "[May it] not divorce [her]," "May it be a shard," "May it be like a shard," or "Behold it is like a shard" - If he used any of these expressions or a similar one, he has negated it.

23 If, however, [the husband] says: "This *get* is not a *get*," "It is unacceptable," "It is not effective," "It does not permit [her]," "It does not release [her], "It does not send [her] forth," "It does not divorce [her]," "It is a shard," his statements are not effective. This wording does not [indicate his desire to] nullify [the *get*]. Instead, they are statements of fact, and in this instance, statements of incorrect fact. It is as if someone said that a forbidden entity were permitted or that an impure object were pure.

24 If he says, "This *get* is nullified," [it is possible that] the implication is the use of the past tense, as in the phrase [**Song of Songs 5:6**]: "He turned away and was gone." Thus, there is a question concerning the matter. Therefore, if [a woman] has been divorced with this *get* [after such statements were made], the status of the divorce is in doubt.

25 [As reflected in the following instance, an explicit statement must be made to nullify the *get*: A man] sent a *get* to his wife [via an agent]. The agent returned to him and said: "I could not find her," or "She did not want to receive it." Although the husband answered: "Blessed be He who is good and does good," or made other statements that imply that he no longer wants to divorce her, and that he is happy that the *get* was not delivered, the *get* is not nullified. Instead, he may give it to her and the divorce will be effective. [For the *get* to be nullified,] he must explicitly say "Do not give it to her," or he should explicitly nullify it [using one of the above expressions].

26 A person who sent a *get* to his wife [via an agent] and then nullified [the *get*] in the presence of two other people, and similarly, a person who issued an objection [nullifying] a *get*, should be given stripes for rebelliousness, because he makes it possible for illegitimate children to be conceived.

Since a *get* reached [the woman], [it is possible that] she will marry on this basis. [Only] afterwards, when the witnesses in whose presence the husband nullified the *get* or issued an objection before the *get* was written appear [will she realize the difficulty]. Thus, a child [conceived in her

second marriage] will be illegitimate.

27 When an agent brings a *get* and gives it to a woman, we do not suspect that the husband nullified it. Instead, he should give it to the woman under the presumption that it is acceptable, and the woman may marry on this basis. If it is discovered afterwards that [the husband] negated it, [the woman] must leave [her second husband], and any children conceived are illegitimate.

Similarly, when [a husband] has a *get* written and gives it to his wife, we do not suspect that perhaps he lodged an objection regarding this *get*. Instead, we operate under the conception that the *get* is acceptable, and the woman is allowed to marry on this basis.

28 Similarly, when an agent brings a *get* [that was sent by] a man who was sick or elderly, he may give it to the woman under the presumption that the husband is still alive. If, however, the husband was in his death throes when [the agent left], even when he gives the *get* to the woman the status of the divorce is in doubt. For the majority of those in their death throes will die, and a *get* given after death is not effective.

Similarly, when a city is surrounded by an army and held under siege, a ship is in distress at sea, or a person is taken out to be judged [with regard to a capital case], we presume that any person in such a situation is alive. If a person in such a situation has sent a *get* [to his wife] via an agent, he may give it to her, and the presumption will be that the divorce is effective.

29 When, by contrast, a city has been conquered by an attacking army and [its wall] broken, a ship is lost at sea, a person is being taken out to be executed by a gentile court, or he is being dragged by a beast of prey, swept away by a river or an avalanche has fallen upon him, the stringencies applying to both the living and the dead, are followed.
If [a person in one of these situations gave] a *get* to an agent, the agent should not give it to the husband's wife. If, however, he gives it to her, the status of the divorce is in doubt. If it is known that the husband died before the *get* reached his wife, the divorce is void.

30 When a husband sends his wife a *get*, he is obligated to provide her with support and fulfill the other stipulations of the marriage contract, until the *get* reaches [his wife] or a *sh'liach kabbalah* she has appointed.

Chapter 7

1 [The following rules apply when] an agent brings a *get* from one place to another in *Eretz Yisrael*. Although [the agent] did not witness the writing of the *get* and does not know who the witnesses are, but rather the *get* was given to him by the husband, who instructed him to give it to his wife, [the agent] may give [the woman the *get*] in the presence of witnesses. Although the identity of the witnesses [who signed the *get*] is unknown to us, [the woman] is considered divorced, and she may remarry on this basis.

2 If the husband came and protested, saying: "I never divorced her. The *get*

she was given is a forgery," the signatures [of the witnesses] should be verified. If this is impossible, and the witnesses are not known at all, she must leave [her second husband], and [any children born to them] are considered illegitimate, for [we assume that] she has not been divorced. If the *get* has been lost, the status of the divorce is in doubt.

For this reason, women who we presume hate each other are not trusted to bring a *get* to one another in *Eretz Yisrael*. [We suspect that] it might be a forgery, because one desires that the other remarry and be forbidden to her husband[s].

3 These are the women who we presume hate each other: A mother-in-law, the daughter of a mother-in-law, another woman married to the same man - this applies even if this woman has since remarried - her *yevamah* - this applies even if she was her sister - and her husband's daughter [from another marriage]. All other women are acceptable [to act in this capacity].

4 When a man brings a *get* from one place to another place in *Eretz Yisrael* and becomes sick or is prevented from fulfilling his agency because of factors beyond his control, he may send the *get* via a second agent. Similarly, if the second agent becomes sick, he may send it via another agent. Indeed, even 100 agents [may be appointed in this manner].

There is no need for the agent to appoint the second agent in the presence of witnesses. The final agent to whom the *get* is given should give it to the woman in the presence of two witnesses, and the divorce is effective. [This applies] even when the first agent dies [before the divorce takes effect].

5 [The following rules apply when] an agent brings a *get* from one place to another in the diaspora, from *Eretz Yisrael* to the diaspora or from the diaspora to *Eretz Yisrael*. If the agent was present at the time of the composition and signature of the *get*, he should say, in the presence of two witnesses, "It was written in my presence and it was signed in my presence."

Afterwards, it should be given in her presence, and the divorce takes effect, even though the identity of the witnesses is not known to us. Even if the witnesses' names resemble the names of gentiles, we do not suspect [that there is any difficulty].

6 If [afterwards,] the husband came and protested [that the *get* is a forgery], his words are of no consequence. Therefore, even women who we presume hate each other are relied upon to bring a *get* in such a situation and state that it was written and signed in their presence.

7 Similarly, when an agent who brings a *get* in *Eretz Yisrael* says: "It was written and signed in my presence," although he is not required to do so, if the husband comes and protests [that the *get* was forged], [the husband's] words are of no consequence.

[With regard to a *get* sent to or from the diaspora,] if the agent was not present at the time of the writing or signing of the *get*, it may not be given to the woman unless the signatures [of the witnesses] were verified. The agent himself may serve as [one of] the three [judges] who verify the signatures of the witnesses.

If [the signatures] were not verified, and the *get* was given to the woman,

the divorce is unacceptable until [the signatures] are verified. If the husband comes and protests, and the signatures are not verified, we consider her not to be divorced. If the *get* has been lost, the status of the divorce is in doubt.

8 Why did [our Sages] require [the agent] to say: "It was written and signed in my presence" in the diaspora? So that the woman would not have to have [the signatures] verified if the husband comes and protests. [Our Sages did not desire that she be faced with such a predicament,] because witnesses are often not available to verify signatures [on a document that has been taken] from one place to another in the diaspora.

9 When a husband brought explicit proof that a *get* concerning which [an agent] said: "It was written and signed in my presence" is a forgery, [the *get*] is void. For [our Sages] accepted the statements of one person only in the face of a protest raised by a husband that was not accompanied by substantial proof. When, however, this person's statements are contradicted by witnesses, [his statements] are not accepted.

10 The rivers in *Eretz Yisrael* and the islands in the Mediterranean Sea that are within the boundaries of *Eretz Yisrael* are bound by the rules pertaining to *Eretz Yisrael*. [The islands] that are outside these boundaries are bound by the rules pertaining to the diaspora. The boundaries of *Eretz Yisrael* are described in *Hilchot Terumot*.

With regard to *gittin*, [the rules pertaining to] *Eretz Yisrael* also pertain to Babylonia.

11 When a *get* was written in *Eretz Yisrael* and signed in the diaspora, [the agent] is required to say: "It was written and signed in my presence." If it was written in the diaspora and signed in *Eretz Yisrael*, [the agent] is not required to say: "It was written and signed in my presence."

12 When a portion of the *get* is written in [the agent's] presence, and all the signatures were executed in his presence, he may say: "It was written and signed in my presence," provided it was the initial portion - even one line - [that was written in his presence].

[Moreover,] even if he merely heard the noise [made by the scribe's] pen [writing], and the witnesses signed in his presence, he may say: "It was written and signed in my presence." Similarly, even if the scribe went out to the marketplace and then returned and completed the *get*, [the agent] does not fear that another [man] found [the scribe] and told him [to write a *get* for him], and he [completed] writing the *get* for another person. Instead, [the agent] may say: "It was written and signed in my presence."

13 If [the agent] said: "It was written in my presence," but did not say, "It was signed in my presence," [if he said,] "It was signed in my presence," but did not say, "It was written in my presence," or [if he said,] "The entire [*get*] was written in my presence, and one witness signed [in my presence], but not the other witness," even if he himself was the other witness, the signature of the witnesses must be verified. Only then, may [the *get*] be given to her.

If he and another person testify with regard to [the signature of] the second witness, who did not sign in his presence, [the *get*] is acceptable

and may be given to her. Needless to say, if two other [witnesses] testify with regard to [the signature of] the second witness, [the *get*] is acceptable.

14 When two agents bring a *get* from the diaspora, they may give it to [the woman], causing the divorce to be effective, even though it was not written and signed in their presence. Since the husband gave it to them to give to his wife, his protests regarding this *get* are of no consequence. Although [the signatures of the witnesses] have not been verified, the agents he [appointed] serve as witnesses [to its authenticity]. For if these witnesses said, "She was divorced in our presence," the divorce would be effective, even though there is no *get* present.

15 When does the above apply? When the *get* is in the possession of both of them. If, however, the *get* is not in the possession of both of them, they must say: "It was written and signed in our presence."
Accordingly, if one agent says, "It was written in my presence," and the second says, "It was signed in my presence," or they both say, "It was written in our presence," and one says: "It was signed in my presence," since it is not in the possession of both of them, it should not be given to the woman unless the authenticity of the signatures has been verified.

16 If one person said: "It was written in my presence," and two people say: "It was signed in our presence," [the *get*] is acceptable. [This applies] even when they are not in possession [of the *get*], because the signatures [of the witnesses] have been verified.

17 [The following rules apply when] an agent brings a *get* in the diaspora and

gives it to the woman in private, or gives it to her in the presence of two witnesses, but does not tell her: "It was written and signed in my presence." Even if she has married, he should take the *get* back from her and then give it to her in the presence of two witnesses and say: "It was written and signed in my presence." If he does not take it back from her, the divorce is unacceptable until the signatures [of the witnesses] are verified.

18 If [the agent] gave a woman a *get* and did not suffice to say: "It was written and signed in my presence," before he lost the power of speech, the signatures [of the witnesses] should be verified. Afterwards, he may give it to her.

19 A blind person may not bring a *get* from the diaspora, because he is unable to say: "It was written and signed in my presence." Accordingly, if [the *get*] was written and signed in his presence while he possessed the power of sight, and he became blind afterwards, he may say in the presence of three [men]: "It was written and signed in my presence," and give [the *get*] to her.

Similarly, when a woman brings a *get* from the diaspora, she must say: "It was written and signed in my presence," in the presence of three [men]. The provision to make these statements in the presence of two men applies only when the agent is acceptable to serve as a witness. In such an instance, he joins the other two and serves as one of the three who verify the *get*, based on his statements. For a witness may serve as a judge in matters of Rabbinic law.

20 When an agent becomes ill or is prevented from carrying out his agency by forces beyond his control, he should approach a Jewish court and tell them: "This *get* was written and signed in my presence." [The court, then, appoints] another agent and sends [the *get* to the woman] with him.
The second agent does not have to say: "It was written and signed in my presence." Instead, he says: "I am an agent of the court," and then he gives [the *get* to the woman] in the presence of witnesses.

21 If the second agent becomes ill or is prevented from carrying out his agency by forces beyond his control, he should appoint another agent in the presence of the court. [Indeed,] even 100 [agents can be appointed in this manner].
[Before transferring the *get*,] the final agent says: "I am an agent of the court." He should then give the woman [the *get*]. [The *get* can be given] even if the first agent died.
Why must [the appointment be made] in court? Because [the first agent] must say: "It was written and signed in my presence." If, however, the signatures [of the witnesses] were verified, although one agent gives it to another in private - even if 100 agents are appointed in this way - the *get* is acceptable when it reaches the woman.
Although the husband did not explicitly tell the agent: "Send [the *get*] via another person if you are hindered by forces beyond your control," the agent may [appoint another agent] if he becomes ill or is hindered by forces beyond his control.

22 Whenever a person appoints an agent, the agent does not have to be

present in court with him. Even if the agent is not present, he may tell [the court]: "So and so is my agent." Similarly, an agent may appoint an agent when the latter is not present. [Indeed,] even 100 [agents can be appointed in this manner].

23 A husband [may appoint] his wife [as an agent to transport her *get* to another place]. After having it written and signed in her presence, he gives her the *get* and tells her: "You are an agent to bring it to the court of so and so. They will appoint an agent, who will give you this *get* and thus effect the divorce."

Should the woman say: "It was written and signed in my presence," [when delivering the *get* to the court], her statements are accepted. [The court] should take the *get* from her and give it to the agent so that he can give it to her as the husband instructed.

24 When does the above apply? When the husband [explicitly] made this stipulation. But if this stipulation is not made, but instead the husband [merely] gave her the *get* and it is in her possession, she is not required to make any statements [to the court]. We assume that she is divorced, for she is in possession of a *get* that is written according to law and that is signed by witnesses.

Although we do not recognize the signatures of the witnesses, and [their authenticity] has not been verified, we do not suspect that [the woman] forged them, for she would not cause her own ruin.

Moreover, it is considered as if the witnesses who signed the *get* had testified in court, until a protest is raised. Therefore, we assume that the

get was written according to law and [grant the woman permission to] marry, as we assume that a *get* brought by an agent [in *Eretz Yisrael*] is acceptable until the husband raises a protest or until he brings proof that it is a forgery or that it is void.

For if we had suspicions concerning these matters and the like, we would have to suspect that perhaps when a husband gave a *get* in our presence, he nullified it before he gave it; perhaps the witnesses who sign it are unacceptable, causing it to be regarded as a forgery; or perhaps it was not written for the sake [of the man or the woman being divorced]. Just as we do not entertain suspicions concerning these factors and assume that the *get* [is acceptable] until it is discovered that it is void, so too, we do not entertain suspicions concerning an agent or a woman when a *get* is in their possession. [The rationale is] that the laws governing prohibitions differ from those governing financial transactions.

Chapter 8

1 When [a man] divorces [his wife] according to a conditional arrangement, and the condition is fulfilled, the divorce is effective. If the condition is not fulfilled, the divorce is not effective. All the laws governing conditional agreements have been explained in *Hilchot Ishut*, Chapter 6.

There it is explained that when [a man] divorces [his wife] according to a conditional arrangement, and the condition is fulfilled, the divorce is effective from the time the condition is fulfilled, and not from the time the *get* is given to her.

As such, a husband may nullify a *get*, add to his conditions or add a

further condition, until the original condition is fulfilled although [the woman] has already been given the *get*.

If the husband dies [before the condition is fulfilled], or the *get* is lost or consumed by fire before the condition is fulfilled, the divorce is not effective. *A priori*, [the woman] should not remarry until the condition is fulfilled. If, however, she has already married, she need not leave [her second husband], unless she is no longer able to fulfill [the condition]. [For since] the condition is nullified [the divorce is void.]

There it is explained that if [the husband] tells [his wife]: "You are divorced from the present time - or from today - on the following condition," or "You are divorced on the condition that this and this be done," when the condition is fulfilled the divorce becomes effective retroactively from the time the *get* reaches the woman.

Therefore, once the *get* reaches the woman's possession, [the husband] can no longer nullify the *get*, add to his conditions or add a further condition. If the *get* is lost or consumed by fire, or even if the husband dies before the condition is fulfilled, she should fulfill the condition after his death, and the divorce is considered effective from the time the *get* was given to her.

A priori, [the woman] may remarry even before the condition is fulfilled. We do not suspect that she will not fulfill the condition, because it was stated using the wording "From this time" or "On the condition that...."

2 Whenever [a man] divorces [his wife] conditionally - whether he states, "from this time onward," or makes [a repeated statement of the condition, as required] - he should not enter into privacy with his wife throughout the entire time the condition remains unfulfilled.

Instead, [all his dealings with her should be] in the presence of [at least one] witness. Even a servant or a maid-servant can serve this purpose, with the exception of her [private] maid-servant or her young son. For she is not embarrassed to enter into marital relations in the presence of these people.

It is well known that if [the husband] enters into privacy [with his wife] in the presence of two witnesses at the same time, the status of the divorce is doubtful, even if the condition was fulfilled. [We suspect] that he engaged in marital relations [with her], and nullified the *get*, as will be explained in these laws.

3 How should a man divorce [his wife] conditionally? He should not say: "Write a *get* for my wife on this condition," or "Write a *get* and give it to her on this condition." Needless to say, he should not write in the *get*: "So and so divorces so and so on the [following] condition."

What procedure should instead be followed? He should instruct the scribe to write [a *get*] and the witnesses to sign. They should write an acceptable *get* that does not mention any condition at all. Afterwards, he should give her the *get* and tell her: "This is your *get*..." or "Behold you are divorced on the following condition." Or he should tell [the witnesses] or his agent: "Give her this *get* on the following condition."

4 If [a husband] had a condition written in the *get* after the essential portion of the *get* was written, the *get* is acceptable, regardless of whether [the condition] was written before the signature of the witnesses or after their signature.

If, however, [the condition] was written before the essential portion of the *get* - even if he used the wording, "on the following condition" - the status of the divorce is doubtful, for the husband retains rights in the essential matter of the *get*. Similarly, if he verbally stated a condition before the essential portion of the *get* was written, the status of the divorce is doubtful.

5 [These rules apply when a man] divorces his wife and [makes the following conditions] whether verbally or in writing, after the essential portion [of the *get*] has been written,. If he tells her: "Behold, you are permitted [to marry] any man aside from so and so," or "...with the exception of so and so," [the ruling would depend on the identity of the individual specified].

If that individual is a gentile, a servant or a person with whom the woman is forbidden to engage in marital relations - e.g., her father, her brother, his father or his brother - the *get* is acceptable. If, however, the individual is one who could consecrate her [as a wife], the *get* is void, even if there is a negative prohibition [that is not punishable by death - neither at the hand of God nor the court - involved in such relations] or that individual is a minor. [The rationale is that by making such a condition,] the husband retained certain rights with regard to the divorce, and [the bond between the couple] is not [entirely] severed.

If [the individual mentioned] is the husband of the wife's sister, the status of the divorce is in doubt. For although at present relations between the wife and that man are forbidden, if her sister dies, she will become permitted to marry him.

6 The status of the divorce is in doubt when [a husband divorces his wife and] tells her: "Behold, you are permitted [to marry] any man, aside from a man who will be born in the future, who does not exist at present," "...aside from promiscuous relationships" - i.e., it is as if he said: "Behold, you are permitted to marry any man, but with regard to promiscuous relations, it is as if you remain forbidden like a married woman."

[This ruling also applies if he tells her:] "You are permitted to any man who will engage in relations with you in the ordinary manner, but with regard to anal intercourse, you remain prohibited," "You are permitted [to marry] any man, aside from one who consecrates you with a legal document" - i.e, the woman may be consecrated by [a gift of] money or via sexual relations, but if one consecrates her with a legal document, she is forbidden like a married woman - or "You are permitted [to marry] any man, with the exception of [the right to] nullify your vows" - i.e., [I] retain none of the rights of the marriage relationship except [the right to] nullify your vows; in that regard, it is as if you remained my wife.

[Similarly, if the husband desires that the woman be considered as if she were married with regard to her right] to partake of *terumah*, or with regard to his right to inherit her property if she dies [in his lifetime, the status of the divorce is in doubt].

7 [If a husband] tells [his wife]: "You are permitted [to marry] any man aside from Reuven and Shimon," and then tells her: "You are permitted [to marry] Reuven or Shimon," the divorce is acceptable. For he has nullified his condition, permitting his wife [to marry] the men [concerning whom] the condition was made.

8 [If, after telling his wife that she is permitted to marry any man aside from Reuven and Shimon, the husband] tells her: "You are permitted [to marry] Reuven," the divorce is void, because he has not nullified the condition [preventing her from marrying] Shimon.

If he tells her: "You are permitted to [marry] Shimon," or "You are even permitted to [marry] Shimon," the status of the divorce is in doubt. We suspect that perhaps he permitted her only to Shimon, and she is still forbidden to Reuven. By saying "even to Shimon," he meant "to everyone, even to Shimon." [Nevertheless, the divorce is not void, for] perhaps he permitted her to everyone, and by saying "even to Shimon," he meant "to Shimon and also to Reuven." [This is plausible,] for Shimon was mentioned after Reuven in his condition.

9 If [a husband] makes a condition, saying; "Today you are not my wife, but tomorrow you will be my wife," the divorce is not effective. Although the connection between the couple is severed on the day [of the *get*, it is renewed afterwards]. For this reason, in the wording of the *get*, is written the phrase: "from the present day onward."

10 [If a husband tells his wife:] "This is your *get* on the condition that you never drink wine for the rest of your life," the divorce is not effective, for [the relationship between them] has not been severed.

If the condition states "for as long as I live" or "for as long as so and so lives," the divorce is effective, for the relationship between the couple is severed. When that person dies, [the woman] will no longer have any connection with [her previous husband].

11 [If a husband tells his wife:] "This is your *get* on the condition that you do not go to your father's house for 30 days, the divorce is effective. "...That you never go to your father's house," the divorce is not effective, for [the relationship between them] has not been severed.

[Similarly, if a husband] tells [his wife:] "This is your *get* on the condition that you never eat meat," or "...that you never drink wine," the divorce is not effective, for [the relationship between them] has not been severed. "... [that you not eat meat or drink wine] for 30 days, the divorce is effective.

12 [If a husband tells his wife:] "This is your *get* on the condition that you never marry so and so," the divorce is not effective. To what can this be compared? to his telling her: "This is your *get* on the condition that you never drink wine," "...that you never go to your father's home," or "[that you not go to your father's home] for the rest of your life."

If, however, he tells her: "[This is your *get*] on the condition that you do not marry so and so for fifty years," the divorce is effective; she may not marry the person during the time specified. If she marries him, the divorce is nullified retroactively.

If [the woman] engages in promiscuous sexual relations with the man specified, any child born to her is legitimate, and the divorce remains acceptable. For [the husband's] condition mentioned only marriage.

13 [If a husband tells his wife:] "This is your *get* on the condition that you marry so and so," if she marries him [the divorce is effective], as it would be if other conditions were involved. Nevertheless, our Sages said that she should not marry either the man specified or any other man.

She should not marry the man specified, lest the people say: "They are giving their wives as presents to each other." Nor should she marry anyone else, for the *get* is effective only when the condition is fulfilled.
If she transgresses and marries the man specified, she need not be divorced. If she marries another person before she marries the man specified, the *get* is nullified, and she must leave her second husband. Any child she bears [the second husband] is illegitimate. He must, however, divorce her with a *get*.

14 [If a husband tells his wife:] "Behold, this is your *get*, but the paper belongs to me," the divorce is not effective, for [the relationship between them] has not been severed. "...On the condition that you give me the paper," the divorce is effective, [provided] she gives [him the paper].

15 If he engraved a *get* on a plate of gold and gave it to her, telling her: "This is [both] your *get* and [the money due you by virtue of] your *ketubah*, [the divorce is] acceptable and she is considered to have received the money due her by virtue of her *ketubah*, provided the plate is worth the value of her *ketubah*. If it is not, he should compensate [for the difference].

16 [The following rules apply when a man] divorces [his wife] conditionally, including a stipulation that causes the divorce to be considered void - e.g., that she never eat meat or drink wine for the rest of her life, or that she be free to marry any man with the exception of a particular individual, or that he mentioned other conditions before the essential portion of the *get* was written: If the condition was written in the *get*, and he rubbed it out

and gave it to her, the status of the divorce is in doubt. If the condition was stated verbally, he should take the *get* from her and give it to her again without mentioning a condition, or mention a condition that is acceptable.

17 What is implied? [A man] gave a *get* to his wife and told her, "Behold, you are divorced with this [*get*] and are free [to marry] any man aside from so and so." If he took [the *get*] from her and gave it to her and said: "Behold you are free [to marry] any man," or "This is your *get*," the divorce is effective. The same applies in other similar situations.

18 When [a man] gives a *get* to his wife on the condition that she give him two hundred *zuz*, and afterwards establishes a second condition in the presence of witnesses that she serve his father for two years, his latter statement did not nullify his original one. Instead, it is as if he told her: "Fulfill one of the two conditions." If she desires, she may serve his father, or if she desires, she may give [him the money]. One of the witnesses to the first condition cannot join with one of the witnesses to the second condition [to testify that the *get* was given on a conditional basis].

If, however, [the husband] made a condition that the woman must give him 200 *zuz*, and afterwards made a condition in the presence of two [witnesses] that she must give him 300 *zuz*, the condition of 200 has been nullified, and she must give [him] 300 *zuz*. The same principle applies in all similar situations.

19 If [a husband] makes a condition that his wife must perform a specific

activity without stating a duration of time, it is considered as if he stated that she should perform this activity for one day. For he did not specify any amount of time.

What is implied? If he told her: "This is your *get* on condition that you perform work for me," "...on condition that you serve my father," or "...on condition that you nurse my son," if she performs work for him or serves his father for one day or nurses his son for one day during the time when a child [usually] nurses - i.e., within his first 24 months [of life] - the *get* is effective.If the son or the father dies before she nurses him or serves him, the *get* is not effective.

20 If [the husband] tells her: "[This is your *get*] on condition that you nurse my son..." or "...serve my father for two years," [for the divorce to be effective] she must complete the time specified. If the son or the father dies within this period, or the father says: "I don't want you to serve me," the *get* is not effective, for the condition has not been fulfilled. The same principles apply in all similar situations.

21 [The following rules apply when a husband] tells [his wife]: "[This is your *get*] on condition that you give me 200 *zuz* within 30 days." If she gives him [the money] within 30 days with his consent, the divorce is effective. If she gives [it] after 30 days, the divorce is not effective. If she gives it to him against his will, and he refuses to accept it, the divorce is unacceptable until he willingly accepts it.

If he tells her within the 30 days, "I am willing to forego [the money on your behalf," the divorce is not effective, because the condition was not

fulfilled. If he dies within the 30 days, since the 30 days are completed without her giving [him the money], the divorce is not effective.

22 If he tells her, "[This is your *get*] on condition that you give me 200 *zuz*," without specifying a time period, and he dies before she gives [him the money], she cannot give [the sum] to his heirs; the condition was that it be given to him. [In this instance, however,] the *get* is not nullified [by the husband's death], since a definite time period was not specified. Therefore, even if the *get* was lost or ripped before he died, [the woman] should not marry another man until she performs the rite of *chalitzah*.

23 [If the husband tells her:] "This is your *get* on condition that you give me this particular utensil," or "...this particular garment," and that utensil or garment is lost or stolen, even if she gives him 1000 *zuz* in compensation for [the desired object], the divorce is not effective until she gives him the specified utensil or garment, or until he nullifies the condition.

24 [The following rules apply when a woman] is divorced conditionally, and another man consecrates her before the condition is fulfilled. If the condition is fulfilled [afterwards], she is consecrated. If, however, the condition is not fulfilled and the *get* is nullified, she does not require a *get* from the second husband, for [in this situation] she cannot be consecrated. If, however, she marries [a second husband], the condition is not fulfilled, and the *get* is nullified, she must also be divorced by the second [husband], as explained above.

Chapter 9

1 [When a man] divorces his wife and [asserts that the divorce] will not take effect until a specific time passes, the divorce takes effect when that time arrives. Thus, this resembles [a *get* given on] a conditional basis, and yet it is not a conditional *get*.

It resembles [a *get* given on] a conditional basis because the divorce takes effect when the specified time arrives [as in the case of a conditional *get*, which is completed when the condition is fulfilled]. Nevertheless, it is not considered a conditional *get* because a person who divorces [his wife] conditionally has already performed the divorce, and in this instance, the man has not divorced her until the time arrives.

For this reason, a person who gives a conditional *get* must restate the condition [in both a positive and negative form], while this person does not have to restate his words. Nor must he comply with the other requirements of conditional agreements that we have explained..

2 What is implied? [When a husband] tells his wife: "This is your *get*, but the divorce does not take effect until 30 days pass," she is not divorced until after the passage of 30 days. If her husband dies, or the *get* is lost or consumed by fire in the interim, she is not divorced.

3 [When the woman] went and placed [the *get*] in [a place] at the side of the public domain, and after 30 days passed it was stolen or lost, the divorce is effective. Since the *get* existed on the day when it took effect, and it was set aside in a designated place that is not public domain [it can

serve as the medium for the divorce]. [The governing principle is that the area at] the sides of the public domain is not the same as the public domain itself.

4 Similarly, if the husband makes the divorce dependent on an action, the same rules that govern a *get* that takes effect after a specific time apply. For example, [a husband] said to [his] wife: "This is your *get*, but the divorce does not take effect until you give me 200 *zuz*." After [the woman] gives [the money], the divorce takes effect.

In this instance [as well], there is no need to restate the condition [in both a positive and negative form], nor to comply with the other requirements of conditional agreements that we have explained. For this person has not divorced [his wife] conditionally - he has not yet divorced her at all. Instead, he made the divorce dependent on a specific action, and after [that action is completed], the divorce will take effect.

5 What is the difference between a conditional divorce and a divorce that will take effect only after a fixed time, or a divorce dependent on an action? With regard to a conditional divorce, the divorce is a fact; it is, however, not completed until the condition is fulfilled. Therefore, when the condition is fulfilled, the divorce takes effect as long as the *get* exists, even if it is not in the woman's possession. When the condition is fulfilled, there is no need for [the woman] to pick up [the *get*] or take possession, for it was given to her for the purpose of divorce. If she married before the condition was fulfilled, she need not leave [her second husband], as explained.

With regard to a divorce that will take effect only after a fixed time or a divorce dependent on an action, by contrast, she was not given the *get* for the [immediate] purpose of divorce. Instead, it is considered to be an entrusted object until the specified time arrives or she performs the action. Therefore, it is necessary that the *get* be in her possession at that time, that she take [possession of it], or that it be in a place that she designated for it even though it is not in her domain, as we have explained. Only then, is she divorced by virtue [of this *get*].

If she marries before the specified time arrives, or before she performs the action on which the divorce is dependent, she must leave her second husband, and any child [born of their union] is considered illegitimate. For she is a married woman, and the divorce is not [yet] effective.

6 When [a man] gives his wife a *get* and tells her: "If you do not give me 200 *zuz*, this *get* is not effective," or "...you are not divorced," he is not considered to have performed a divorce at all. For the *get* was not given on a conditional basis, nor was it made dependent on an action. The same [ruling applies] in all similar situations.

7 When a person would like to give a conditional divorce, with the condition being that the divorce not take effect until a particular time, he should express the concept in a conditional statement, making the condition dependent on his departure or return at a specific time.

What is implied? He tells her: "If I do not return between the present time and 30 days, this *get* is effective. If I do return within 30 days, this *get* is not effective." He [then] gives her the *get*. Alternatively, he should tell

her: "This is your *get* on condition that I do not return to this country within 30 days." The same [ruling applies] in all similar situations.

8 When a person divorces [his wife] on the condition that he not return to this country within 30 days, and he set out to return within 30 days, but became ill or was prevented [from returning by a flooding] river and did not return until after 30 days, the *get* is effective. Even if he protests, "I am being held back by forces beyond my control" [the *get* is effective].
[The rationale is that the claim,] "I was prevented by forces beyond my control," is not accepted with regard to *gittin*, even if the husband makes it evident that he does not desire that the divorce take effect.

9 [The following rules apply when a man gives a] divorce on the condition that it become effective if 30 days pass without [his seeing his wife's] face. If he repeatedly came [and appeared before her], but never entered into privacy with her, and then 30 days [passed without his seeing her], the *get* is effective. Although he came [and appeared before her] within 30 days [after the *get* was given], since he did not enter into privacy with her, [once the condition was fulfilled,] the *get* is effective.
When does the above apply? When he made the condition and said: "I accept her word with regard to [whether or] not I appeased her." If, however, he did not accept her word, we suspect that perhaps he placated her when he came and visited her, she was willing to forego [her desire to be with him], and he nullified the *get*. For this reason, the *get* is unacceptable [even] after 30 days [pass without the husband seeing her].
Similarly, when a man tells a woman: "This is your *get* and [it becomes

effective] after twelve months pass," if he lives in the same city as she does, we suspect that he appeased her, unless he said: "I accept her word that I did not appease her."

10 A similar [principle applies with regard to] all conditions that are dependent on her will, and the *get* would be nullified if she was willing to forego these conditions in favor of her husband. We suspect that perhaps he appeased her, unless he said: "I accept her word...."
When does the above apply? When the woman is divorced after *nisu'in*, for he is familiar with her. When, however, [a husband] divorces [his wife] after [merely] consecrating her, we do not suspect that he appeased her.

11 [When a man gives his wife a *get* and tells her:] "This is your *get* [and it is effective] from the present time onward if I do not return within twelve months," we do not suspect that perhaps he returned in secrecy, for people do not generally come in secrecy. [Therefore,] if the time period he specified passes without his coming, the divorce is effective.
If he dies within the twelve months, although the divorce [will become] effective, for there is no way that he can come, if she would have been obligated to perform the rite of *yibbum*, she should not marry until the twelve months pass and the condition is fulfilled.

12 When a healthy person [divorces his wife] on the condition that the *get* take effect if he dies, and when a sick person [divorces his wife] on the condition that the *get* take effect if he dies from the illness afflicting him, their statements are of no consequence. The expression "if I die" implies

[that it takes effect] after his death. [Alternatively,] the intent is that [it take effect] retroactively [if he dies]. [Because of the doubt involved,] if [a man] uses the expression "If I die...," it is considered as if he said "after my death." [The *get* is therefore void, because] there is no concept of divorce after a person's death.

13 If, [however, the husband] tells her: "This is your *get*. If I die, [it is effective retroactively] from the present time," or "...If I die, [it is effective retroactively] from the present day," the *get* is valid. When he dies, [his wife] is divorced.

14 [If a husband] says: "This is your *get*. If I die, [it is effective retroactively] from the present time - or from the present day - after my death," when [the husband] dies, the status of his wife's divorce is in doubt. [We suspect that] perhaps, after saying "from the present time," he changed his mind and [did not desire that the *get* become effective] from the present time, and instead take effect after his death. And there is no concept of divorce after a person's death.

15 [If a husband] says: "This is your *get*. [It becomes effective] when the sun emerges from its shield," it is not effective if he dies that night. [If he gave the *get*] on the condition that the sun shine and he dies that night, the *get* is effective, for when the sun shines [on the following day], the condition that he established becomes fulfilled.

If [the husband gives a *get* and] establishes a condition: "If the sun shines, the *get* is effective. But if it does not shine, it is not effective," [the *get*] is

not effective if he dies at night. For the condition was not fulfilled until after he died, and there is no concept of divorce after a person's death.

16 When a person who is mortally ill has a *get* written for his wife and divorces her and then recovers, he cannot retract the divorce. A divorce [performed by a person in such a state] is not [governed by] the same laws as a present he gives. [The rationale for this distinction is] that if he were given the prerogative of retracting, the divorce would appear to take effect after death, in the same way that a present he gives is not legally transferred until after death.

17 [If a husband says:] "This is your *get*. [It is effective retroactively] from the present day if I die from this illness," and his house collapses upon him, he is bit by a snake, devoured by a lion or dies because of other similar causes, the divorce is not effective.

18 [If, by contrast,] he tells her: "...if I do not arise from this sickness," and his house collapses upon him, he is bit by a snake or devoured by a lion, the status of the divorce is in doubt.

[The following rules apply when a husband tells his wife:] "Here is your *get*. [It is effective retroactively] from the present day if I die from this illness," and then rises [from his sickbed], walks in the marketplace, and afterwards falls ill and dies. We make an assessment. If he died from the first illness, the divorce is effective. If not, it is not effective. If he progresses from one illness to another illness, and does not arise [and walk] in the marketplace, the divorce is effective. There is no need to

make an assessment.

19 With regard to all the conditions [mentioned above], during the days between the giving of the *get* and his death [with its consequent] fulfillment of the condition, she is considered to be a divorced woman with regard to all matters, provided he does not enter into privacy with her, as explained.

20 [The following rules apply when] a sick person desires to divorce his wife conditionally, so that if he dies she will not be obligated to perform the rite of *yibbum*, but if he recovers, the divorce will not be effective; he does not desire that the *get* take effect [retroactively] from the time he gives it, lest the matter be overly disturbing for him.

He should write the following in the *get* after writing the essential portion; alternatively, he should make these statements when he gives [his wife] the *get*: "If I do not die, this *get* will not be effective. If I die, this *get* will be effective. If I do not die, this *get* will not be effective." In this manner, the conditional factor is repeated. The positive factor is stated before the negative factor, and the person's opening remarks do not speak of misfortune.

[If a *get* is given with such a condition,] the divorce will take effect when [the husband] dies, provided that the *get* reaches the woman before his death.

21 When a husband tells a colleague: "Acquire this *get* on behalf of my wife, so that she will not be required to fulfill the rite of *yibbum*," and gives him

the *get*, but the husband dies before the *get* reaches [the woman], the status of the divorce is in doubt. [Although there are times when a woman would be willing to marry the *yavam*,] it is to the advantage of most women not to be required to fulfill the rite of *yibbum*. Therefore, even though the *get* did not reach the woman, since another person acquired it on her behalf, the status of the divorce is in doubt.

22 When [a man] tells witnesses: "Write a *get* for my wife after twelve months," or "Write a *get* for my wife and give it to her after twelve months," they should write [the *get*] and give it to her after the time he specified. If they write it within the time he specified, it is void, even if they do not give it to the woman until afterwards.

If they write it after the time he specified, but [the husband] dies before they give it to her, it is void. If it is not known whether he died before the *get* was given, or the *get* was given before he died, the status of the divorce is in doubt.

23 [If a husband] instructs [agents]: "Write a *get* for my wife and give it to her after the Sabbatical cycle," they must write it within the first year after the conclusion of the Sabbatical cycle. If he told them: "...after a year," they must write it during the first month of the coming year.

If he told them: "...after a month," they must write it during the first week of the coming month. If he told them: "...after the Sabbath," they must write it before the end of Tuesday. If he told them: "...before the Sabbath," they must write it between Wednesday and the end of Friday.

24 If they delayed and did not write and give the *get* at the time he specified - e.g., he told them "after a month," and they wrote the *get* and gave it to her after two weeks had passed in the second month, the *get* is unacceptable.

25 If [the husband] entered into privacy with [his wife] after he told [agents] to write [a *get*], sign it and give it to her, they should not write it. One can make an [obvious] inference. If a *get* that he gave her is disqualified when he enters into privacy with her, lest they have engaged in marital relations, how much more so should a *get* that was not yet written [be left unwritten]. If [the agents] wrote the *get* and gave it to her after he entered into privacy with her, the *get* is void.

26 [If a man] tells ten people: "Write a *get* for my wife," one of them should write it on behalf of all of them. [If he tells them:] "All of you, write it," one should write it in the presence of all of them.
[If he tells them:] "Bring this *get* to my wife," one of them should bring it to her on behalf of all of them. [If he tells them:] "All of you, bring this *get* to my wife," one should bring it [to her] in the presence of all of them.

27 [If a man] tells ten people: "Write a *get*, sign it and give it to my wife," one of them should write it, two should sign it, and one should give it to her. It is acceptable even if one person writes it, he serves as one of the two witnesses who signs it, and he serves as the agent who gives it to her.
If [the husband] tells them: "All of you sign it," they must all sign it. If the husband counted the people - whether he counted all of them or merely

some of them - and told them to sign it, it is considered as if he told all of them to sign it. The two who sign it at the outset act as witnesses, while the others [should sign it to complete] the stipulation [the husband] made.

Accordingly, if the remaining witnesses were unacceptable, or one signed it on the day the *get* was written and the others on subsequent days - even several days after [the *get* was written], the *get* is acceptable.

If one of them died before signing it, the *get* is void. If one of the first witnesses who signed it was unacceptable, the *get* is unacceptable, lest it be said that an unacceptable witness may sign other legal documents when many witnesses sign. The only reason [our Sages] accepted [such signatures] with regard to a *get* signed by many witnesses is that the witnesses who observe the transfer are of fundamental importance.

28 Our Sages established the [following] rules with regard to a person who tells many people to write, sign, or bring a *get* for his wife. With regard to writing, he should tell them: "Any one of you may write a *get* for my wife." Similarly, with regard to bringing [the *get*], [he should say]: "Any one of you may bring...." With regard to signing, he should tell them: "Any pair of you should sign this *get* and give it to my wife."

29 Why did our Sages state that the witnesses to a *get* should sign only in each other's presence? [This is] a decree, [instituted] lest a person tell many others: "All of you sign [as witnesses]." If it were possible for witnesses to sign outside the presence of the other witnesses, two witnesses might sign the *get*, and the woman might take it and think that it does

not require any more witnesses, [when in fact] the condition that [the husband made] was not fulfilled.

30 If [a man] tells three people, including a father and a son, "Two of you should write a *get* for my wife, sign it and give it to her," the *get* is acceptable whether the son signs with the other person or the father signs with the other person. [The son may serve in this capacity] because a person may appoint a son as an agent instead of his father.

31 When [a man] tells two [colleagues]: "Write [a *get*], sign it and give it to so and so to bring to my wife," or "...give it to [my] agent to bring to her," one of them should write it, and they should both sign it and give it to the agent. If they bring it to the woman themselves, the divorce is not effective, for they were not appointed as agents to effect the divorce.

What should they do [if in error they gave it to the woman]? They should take it back from her and give it to the agent, who should in turn give it back to the woman in their presence or in the presence of other [witnesses].

My teachers issued a ruling with regard to such a *get* that does not appear to be appropriate, because of a flaw that existed in the versions [of the Talmud] that they possessed.

32 [Our Sages ruled that] the status of a divorce is in doubt [in the following situation: A husband] tells a scribe: "Write me a *get* for my wife." [The scribe] wrote it and gave it to the husband, without this being observed by witnesses. The husband took it, gave it to an agent, and told him: "Give

this *get* to my wife in the presence of witnesses." The agent [carried out the instructions] and gave it to [the woman] in the presence of witnesses.
[The rationale is] that since he is only a single witness, an agent's statements would not be accepted [as grounds] to permit a woman who was [previously] forbidden to marry, except for the fact [that his statements are supported by] the written statements of the witnesses who signed the *get*. [For the witnesses' statements] are considered as if they were testimony given in court until [the husband] lodges a protest, as we have explained. If there are two witnesses who observed the husband giving the *get* to the agent and instructing him to use it for the divorce, the divorce is binding.

33 [When a husband] tells an agent: "Give this *get* to my wife in this and this place," the divorce is not effective if he gives it to her in another place. "...She is in this and this place," and the agent gave it to her in another place, [the *get*] is binding; he is merely pointing out the place.
Similarly, if he tells [the agent]: "Do not give it to her [anywhere] except in the house," and he gives it to her in the loft; "Do not give it to her except with your right hand," and he gives it to her with his left; "Give it to her on this and this day," and he gives it to her before that date; the divorce is not effective. "Do not give it to her except on this and this day," the divorce is not effective if he gives it to the woman before or afterwards, for he indicated that he wanted the *get* to be given on that date. Similar rulings apply in all analogous situations.

34 Similarly, when a woman tells her agent: "Receive my *get* for me in this

and this place," and he receives it for her in another place, the divorce is not effective. [When she tells him:] "Bring me my *get* in this and this place," the *get* is acceptable if he brings it to her in another place.

35 When [a man] tells an agent: "Bring this *get* to my wife," the agent may send the *get* with another person if he becomes ill or is otherwise prevented [from bringing it to her] by forces beyond his control. [This applies] regardless of whether he told him: "Bring it [to her]," or "You bring it [to her]."

If, however, [the husband] told [the agent]: "Take the following article from her and give her this *get*," the agent should not send the *get* via another individual. If [the agent] did send [the *get*] via another individual, and the woman came out to greet the agent and she gave him the article, and afterwards he gave her the *get*, the divorce is binding.

36 If the agent - i.e., [either] the first [or the second] agent - gave the woman the *get* first and then she gave him the article, the divorce is not effective. [The rationale is] that [the agent] violated the husband's instructions with regard to a matter which, in general, would cause people to object. For the husband told him: "Take the article first and then give her the *get*," and he gave [the *get*] first and then took [the article].

37 [If the husband] told the agent: "Give her the *get* and take this and this article from her," [the agent] should not send the *get* via another person, for [the principal] would not desire that his article be entrusted to a person [other than the one he appointed].

If, however, the agent sent it with another person, the divorce is binding. [This applies] regardless of whether she gave the article before [receiving the *get*] or afterwards.

38 [If the husband] gives an agent a *get* and tells him: "No one other than you should give it to her," the divorce is not effective, if the agent gives [the *get*] to another person who gives it to the woman.
Similarly, [if the husband] told the agent: "Do not give it to her yourself. Give it to so and so, and he will give it to her," the divorce is not effective if the first agent gives it to the woman. For he was not appointed as an agent to effect the divorce.

39 [A husband] gave [an agent] a *get* and told him: "Bring this *get* to my wife."
The agent told him: "I do not know who she is."
The husband replied: "Give it to so and so. He knows who she is."
The [first] agent has not been appointed as an agent to effect the divorce. All he can do is give the *get* to the person whom the husband designated. That person is the agent appointed to effect the divorce. He must bring [the *get* to the woman] or send it via another agent if he becomes ill or is prevented from doing so by forces beyond his control.

40 When [a husband] gives an agent a *get* and tells him: "Do not give this *get* to my wife until after 30 days," [the agent] may send it to her via a second agent [whom he appoints] within the 30 days, if he becomes ill or is prevented from giving it to her by forces beyond his control.

[The rationale is that] even though at the time [he appoints the second agent] he is not charged with effecting the divorce, since he will function in that capacity after 30 days pass, he has the authority to appoint a second agent within the 30 days.

41 When does the above apply? When the husband was not in the same city as his wife, or he was divorcing her after consecration,[but before the marriage bond has been consummated].

If, however, the marriage bond has been consummated, we suspect that perhaps the husband appeased her. Therefore, the agent should not appoint another agent within the 30 days unless the husband said: "I accept the word of my wife if she says that I did not appease her." After 30 days pass, [the agent] should give her the *get*. However, we suspect [that perhaps it was nullified], as explained, unless [the husband] said, "I accept the word of my wife if she says that I did not appease her."

Chapter 10

1 Whenever in this text we have used the terms "the *get* is void," or "the divorce is not effective," the intent is that the *get* is void according to Scriptural law. The woman is married in the full sense of the term. If she remarries, she must leave [her second husband]; any child she bears him is illegitimate.

If the husband [of a woman who receives such a *get*] is a priest, she is not forbidden to him as a divorced woman, with one exception: a person who divorces his wife and tells her: "You are divorced from me, but you are not

permitted to marry anyone else." Although such a divorce is not binding, according to Rabbinic law such a woman is forbidden to marry a priest, as [implied by **Leviticus 21:7**]: "[They may not take] a woman divorced from her husband." Our Sages interpreted this to mean: "Even if she is divorced only from her husband and not permitted to marry any one else, she is forbidden to the priesthood. This is the "wisp of a *get*" that disqualifies [a woman] from [marrying a member of] the priesthood by Rabbinic decree.

2 Whenever, in this text, we have used the term "the *get* is unacceptable," the intent is that the *get* is unacceptable merely according to Rabbinic decree. Thus, according to Scriptural law, the woman is forbidden to the priesthood.

A priori, she should not remarry. If, however, she has remarried, she need not leave [her second husband]. Children born [from her second marriage] are legitimate. A second *get* that is acceptable should be given to her, while she remains married to her [second] husband.

Should it be impossible to have a second [*get*] composed, if her second husband is scrupulous and voluntarily divorces her this is praiseworthy, provided she has not borne [him] children. If, however, she has borne him children, he should not divorce her because of [our Sages'] disqualification of her *get*, lest this cause his sons' reputation to be sullied.

3 Whenever, in this text, we have used the term "the status of the divorce is in doubt," the woman should not remarry. If she has remarried, she must leave her second husband, and there is a doubt regarding the legimitacy of any children that she bears [her second husband], for her own status is in

doubt, and she may be forbidden to engage in marital relations.

If [a man] divorces his wife with an unacceptable *get*, or the status of [their] divorce is in doubt, and he desires to remarry her, she is permitted to her husband. He does not have to renew the marriage, recite the seven marriage blessings, or write her a new marriage contract, unless she has been divorced in a manner that is binding.

4 Our Sages ordained that whenever [a woman] who was given a *get* that is void remarries, she must be divorced by her second husband, lest people say: "A married woman has been allowed to remarry without [receiving] a *get*." And she must receive a [second] *get* from her first husband, so that she be permitted to marry anyone else.

She is forbidden to remarry both her first and second husband forever. [This applies] even if she entered into marital relations [with her second husband] without knowing of the prohibition involved. [This prohibition was instituted] lest people say: "The man remarried his divorcee after she was married [to another man]." If one of the two transgressed and remarried her, he should be compelled to send her away.

5 A similar law applies when a woman remarries [after] witnesses testified that her [first] husband died, and later her first husband returns. [This applies] regardless of whether her [first] husband was a mentally sound individual or a deaf-mute, or whether she remarried a mentally sound person or a deaf-mute, who cannot establish a marriage bond in a complete sense. She must be divorced by both of them; both must give her a *get*, and she is forbidden to engage in marital relations with either of

them again.

6 If [after witnesses testified that a woman's husband died or that she was given a *get*], she was consecrated [but the marriage bond was not yet consummated], and then her first husband returned, or it was discovered that the *get* was void, she is permitted to her first husband. Nor must she be divorced by the second husband, for a marriage bond cannot be established with a woman who is forbidden because of a severe prohibition.

[In this instance, we do not require a divorce out of fear that] someone say: "A married woman is being released without a *get*." Since the marriage was not consummated, the person will rationalize: "The consecration was made on condition, and that condition was not fulfilled."

7 [The following laws apply when] a woman married, and afterwards it was discovered that her *get* was void, or [it had been reported that her first husband died,] and he returned. Neither her first nor her second husband is entitled to an ownerless object that she discovers nor to the profits from her work. Neither can he annul her vows. None of the benefits that either of them received after she married [her second husband] should be expropriated from them. Neither of them is obligated to pay her the money due her by virtue of her marriage contract, nor to fulfill any of the stipulations of the marriage contract.

Neither of them is required to pay for her sustenance. If she took [money or property for this purpose] from either of them, she must return it.

Neither of them is held responsible for any of the property she brought to the marriage that became worn out or was lost, even *nichsei tzon barzel*.

A child born to [the second husband] is illegitimate. If the first husband engages in relations with her before she is divorced by the second husband, a child born of this union is illegitimate by virtue of Rabbinic decree.

If the second [husband] divorced her and she received the money due her by virtue of her marriage contract, and afterwards her [first] husband came or it was discovered that the divorce was void, we do not expropriate the money she received for her sustenance or by virtue of her marriage contract.

8 Similar laws apply when one of two brothers consecrated a woman. The brother who consecrated the woman departed, and afterwards it was reported that he died. The other brother performed the rite of *yibbum*, marrying his brother's wife, and then the brother returned.

The woman must be divorced by both husbands, receiving a *get* from both of them, and all the stringencies mentioned above apply to her. Similarly, if a man consecrated a woman, she journeyed to another country, the husband heard that she died and married her sister, and afterwards it was discovered that she had not died: he must divorce both women, and all the stringencies mentioned above apply to both of them.

9 [Different rules apply, however, if a man] married a woman who journeyed to another country, he heard that she died, he married her sister, and then it was discovered that his [first] wife was alive. The sister

does not require a *get*, and his [first] wife is permitted to him.

Similar laws apply with regard to other women forbidden by severe prohibitions who were married under the assumption that the marriage was permitted, and it is discovered that the prohibition still applied. They do not require a divorce, for a marriage bond cannot be established with a woman forbidden by such a severe prohibition.

10 Why did they require that the sister of the woman whom the man consecrated be given a *get*? Lest people say that the [first] *kiddushin* were given conditionally, [the condition was not fulfilled,] and thus the law would allow marriage to her sister. Since the [first] woman's sister was divorced with a *get*, she - i.e., the man's first *arusah* - is forbidden [to him], lest people think that he married his divorcee's sister.

11 A scribe composed [a *get*], but erred and gave the *get* to the husband and the receipt [for the woman's marriage contract] to the woman, or the man and wife erred, and the husband took the *get* and the wife the receipt, and thus they thought they were divorced.

[The following rules apply] if afterwards the *get* is discovered in the possession of the man. If the woman has not remarried, she is considered as if she has not been divorced; it [appears to] have been revealed that the divorce did not ever take place. The husband should give her the *get* in the presence [of witnesses], and the divorce takes effect from the time the *get* is given.

If, however, she had [already] remarried, and afterwards the husband produces the *get*, claiming that she has not been divorced, for he is in

possession of the *get* and it never reached her, we do not accept his claim. She is not forbidden to her [second] husband. Instead, we operate under the presumption that she has been divorced, the *get* fell from her hand and was found by [her first husband], who desires to cause her to be forbidden to her second husband.

12 When a person divorces his wife because of unsavory reports, or because she is indiscriminate with regard to vows, he is told: "Inform her that you are divorcing her to chastise her, and know that you will never be able to remarry her."

Why is [a man forbidden] to remarry such a woman? This is a decree, [instituted] lest she marry another man, repent and live chastely with him. Her first [husband] may then say: "If I had known that this would be the case, I would not have divorced her." Thus, it resembles a divorce given on a condition that was not fulfilled, in which case, retroactively, the *get* would be void. Therefore, we tell him: "Make a firm resolve to divorce her, knowing that you will never remarry her."

If, however, he transgresses and remarries her before she is consecrated to another man, he need not divorce her.

13 Similarly, if [a man] divorces his wife because she is an *aylonit* or because she always experiences menstrual bleeding in the midst of sexual relations, he should never remarry her.

[This is a decree, instituted] lest she marry another man and have children if she was an *aylonit*, or her condition be healed if she suffered from menstrual bleeding. [Her first husband] may then say: "If I had known

that this would be the case, I would not have divorced her." Thus, [it would appear] that her *get* is void and her children illegitimate. If, however, he transgresses and remarries her [before she is consecrated to another man], he need not divorce her.

14 When an agent brings a *get* from the diaspora and says, "It was written and signed in my presence" [to validate the signatures to the *get*], he should not marry her. We fear that perhaps he was attracted to her and therefore testified on her behalf.

[For this same reason,] when one witness testifies that a woman's husband died, and she [is given license to] marry on the basis of his testimony, he should not marry her. Similarly, a sage who ruled that a woman is forbidden to her husband because of a vow should not marry her.

Similarly, when a man is reputed to have had relations with a maid-servant, and afterwards she was granted her freedom, or when [a man is reputed to have had relations] with a gentile woman, and afterwards she converted, he should not marry her. Similarly, if a gentile or a servant had relations with a Jewish woman, and afterwards the gentile converted or the servant was freed, he should not marry this woman. In all these instances, if a couple transgress and marry, they should not be forced to separate.

15 In all the above instances, if these men had wives and their wives died, or they divorced their wives at their wives' initiative, they are permitted to marry [the women mentioned above]; there is no need for hesitation.

Similarly if these women married other men and became widowed or were

divorced, they are permitted to marry [the men mentioned above]; there is no need for hesitation.

16 All these women are permitted to marry [any relatives of the men involved]. [A woman may marry] the son of the witness who testified on her behalf, the son of the sage who declared that she was forbidden to her husband, the son of the man with whom she was reputed to have had relations, or any other relative of theirs. [The rationale for this leniency is that] a person will not commit a sin so that another person will benefit.

A woman is permitted to marry one of [the two witnesses] to her divorce or to her *mi'un*, or to marry one of the judges in whose presence she performed the rite of *chalitzah*. Our suspicions are aroused only when [the woman's license to marry depends on] the testimony of one witness.

A person should always shy away from serving as a witness to *mi'un*, and make himself available [as a witness to enable] the rite of *chalitzah* [to be performed].

17 When a man divorces his wife and then engages in relations with her in the the presence of witnesses before she marries another man, we assume that since she was [originally] his wife, he remarried her and engaged in relations with the intent of consecrating her, and not as a licentious act.

[The above rule applies] regardless of whether they were divorced after marriage, or only after consecration. And this applies even if we saw that he paid her money. For it is an accepted presumption that a person will not enter into sexual relations with his wife with a licentious intent, when he has the possibility of having these relations considered to be a mitzvah.

For this reason, this woman is definitely considered to be consecrated, and requires a second divorce [in order to marry another man].

18 [There is an extension to the above principle.] If a man entered into privacy with his divorcee in the presence of witnesses, the two witnesses observed [their conduct] simultaneously, and [the couple] had been married previously, we suspect that they engaged in sexual relations.

The witnesses to their entrance into privacy are thus considered to be witnesses to sexual relations. For a person who consecrates his wife via sexual relations need not engage in relations in the presence of witnesses. [All that] is necessary that [the couple] enter into privacy in the presence of witnesses and engage in relations in privacy, as explained.

Since [it is possible that the couple engaged in relations], the status of the woman is in doubt, because we suspect that she has been consecrated. Because of this suspicion, she requires a [second] *get*. If, however, the woman had merely been consecrated and was divorced [before she was married], we do not suspect [that they engaged in sexual relations], because they did not share such familiarity.

19 Several of the *geonim* have ruled that any woman with whom a man engaged in sexual relations in the presence of witnesses requires a *get*, [the rationale for their ruling being that] a person will not carry out sexual relations with a licentious intent.

[Moreover,] they extended [the application of] this principle, until they decided to rule that when a man's maidservant bore him a son, we take the matter into account, and the man's wife is not [allowed to perform]

the rite of *yibbum* [if he dies without children], lest he have freed his maidservant and afterwards engaged in relations with her [with the intent of consecrating her]. And there are those who ruled that we can definitely assume that he freed her [and consecrated her], for a man will not carry out sexual relations with a licentious intent.

I considered these opinions to be far from the paths of the Torah judgment, and it is not fit for one to rely on them. Our Sages made such statements only with regard to [a man's] wife whom he divorced, or to a person who consecrated a woman conditionally and then entered into sexual relations without clarifying his intent. For in these instances the woman is the man's wife, and with regard to a man's wife we assume that he will not enter into sexual relations with a licentious intent unless he explicitly states that this is his intent, or that he is entering into these relations with a condition in mind.

With regard to other women, however, [we do not follow this assumption]. Instead, whenever [a man enters into relations with] a wanton woman, we assume that he had a licentious intent, unless he explicitly states that he intends to consecrate her. Needless to say, this applies with regard to a maidservant or to a gentile woman, for our marriage laws do not apply with regard to them at all, and we have no suspicions [with regard to marriage] at all. A son born by them is assumed to be a gentile or a servant until it is definitively substantiated that his mother was freed or converted.

20 When it has been assumed that a woman is either married or consecrated, and a rumor is spread in [her] city that she has been divorced, [the rumor]

is not given credence, and we continue to operate under the assumption [that there was no change in her status]. [This applies] even if the majority, or even the entire city spread this rumor.

[Different rules apply, however, in the following instance.] A rumor was spread through the city that a woman was consecrated, and that rumor was reported in court, in which case we suspect that the woman was consecrated, as explained. Afterwards, a rumor was spread that she was divorced from those *kiddushin*; we consider her to be divorced. [Since] she was forbidden on the basis of a rumor, she is permitted on the basis of a rumor.

21 [A man] should not marry a woman if he intends to divorce her. Nor should he maintain her as a wife and live with her, if he intends to divorce her.

A man should not divorce his first wife unless he discovers an incident of sexual misconduct,, as [**Deuteronomy 24:1**] states: "When he finds evidence of sexual misconduct...." One should not hurry to divorce one's first wife. With regard to a second wife, by contrast, if one hates her, one may send her away.

22 It is a mitzvah to divorce a woman who possesses unsavory character traits and does not conduct herself modestly, as is the practice of proper daughters of Israel, as [implied by **Proverbs 22:10**]: "Drive away the scoffer, and contention will depart."

When a woman has been divorced for loose moral conduct, it is not fitting for a proper man to marry her, lest people say: "This one sent away

this wicked woman, and this one brought her home."

23 When a man's wife becomes a deaf-mute, he may divorce her, [by giving her] a *get*, and the divorce is effective. If, however, [his wife] loses control of her mental or emotional faculties, he may not divorce her until she regains stability.

This is a prescript ordained by our Sages so that she will not [be divorced and left] unattended, [and be violated] by immoral people, for she is unable to care for herself. Therefore, [her husband] should provide a place for her, provide her with food and drink from her own resources, and marry another woman. He is not obligated to provide her with her sustenance, garments and conjugal rights. [For although our Sages compelled the husband to remain married to such a woman, they did not compel him to live with her as man and wife,] because a mentally sound individual cannot endure living with a mentally incapable person in one dwelling.

[The husband] is not obligated to provide her with medical treatment, nor to redeem her if she is taken captive. If he divorces her, the divorce is binding. He should remove her from his home, and he is not obligated to care for her.

Chapter 11

1 One should not marry a girl below the age of majority. When a man marries an orphan girl below the age of majority, and [before she attains majority] she [decides that] she does not desire [to remain married to] this

husband, she rejects [the marriage] and departs; a *get* is not required, because a consecration effected by a minor does not establish a marriage bond in the full sense, as explained. [The annulment of a marriage in this manner is referred to as *mi'un*.]

Similarly, when a girl below majority was married at her father's initiative, but was then widowed or divorced while still a minor, she is considered to be an orphan, although her father is alive. If she marries again while she is below the age of majority, she may annul her marriage through *mi'un*.

2 Although the marriage of a woman who is a deaf-mute is a Rabbinic institution like that of a minor, our Sages did not give her the right to annul it through *mi'un*, so that men would not refrain from marrying her.

3 A minor can annul her marriage via *mi'un* whether she has been merely consecrated or [even if] the marriage has been consummated. [She can exercise this privilege] in her husband's presence, or outside his presence. Just as she can annul her marriage to her husband, she can annul her relationship to a *yavam*.

Just as she can annul one marriage through *mi'un*, so too, she can annul a second marriage or a third marriage. Indeed, [she can exercise this privilege] any number of times.

As long as she is a minor, she has the right to annul her marriage through *mi'un*. When a minor does not exercise the right of *mi'un* and becomes consecrated to another man despite the fact that she was married, [the consecration is binding]. Becoming consecrated is [obviously] a rejection [- and thus an annulment - of her previous marriage].

4 Until when may a girl annul her marriage through *mi'un*? Throughout the entire time she is a minor, until she becomes a *na'arah*, or until it is known that she becomes classified as an *aylonit*.

When does the above apply? When her husband did not engage in marital relations with her after she became twelve years and one day old. If, however, the couple engaged in relations after she reached this age, since these relations consecrate her according to Scriptural law, as explained, she no longer has the right to annul her marriage through *mi'un*.

Similarly, [when the woman reaches this age, we assume that she has lost her right to annul her marriage through *mi'un*]. She need not be checked for signs of physical maturity, for it is assumed that she has manifested them.

5 If she has undergone a physical inspection, and no signs of maturity were discovered, but she engaged in marital relations after the age when she could have manifested signs of maturity, we suspect that pubic hairs had grown and later fell off. Because of the doubt, the marriage must be dissolved with a *get*.

If a woman [who engaged in marital relations with her husband after reaching the age of twelve attempts to] annul her marriage through *mi'un* after undergoing a physical examination, and then is consecrated by another person, [her second husband also] must dissolve their relationship with a *get*, because of the doubt involved. If she married [the second husband], she must be divorced by both husbands and there is a doubt concerning the legitimacy of a child born to either of them [after her consecration to her second husband].

6 When a minor does not exercise her right to *mi'un* and attains majority, she no longer has this privilege. [This applies] even when she did not engage in marital relations with her husband after reaching the age of twelve years and one day. Since she has attained majority, it is a Rabbinic decree that a divorce is required [if the marriage must be dissolved].

[The rationale for this ruling is as follows:] The couple did not engage in marital relations after she reached the age of *na'arut*, in which instance it would be necessary to suspect that she manifested signs of physical maturity, and accordingly, there would be a doubt whether or not a marriage bond had been established. Nor did they engage in relations after she attained majority, in which instance she would become a married woman in all regards. Accordingly, the only reason she requires a *get* is the fact of her marriage as a minor, which is a Rabbinic institution.

Based on the above, if another man consecrated her after she attained majority, [when she had not engaged in marital relations with her first husband from the age of twelve onward,] the second man's consecration is binding. As such, if her first husband divorces her, her second husband may consummate the marriage. If, however, her second husband divorces her, her first husband may not continue his marriage with her. [This is a decree, instituted] lest people say: "He remarried his divorcee after she was consecrated."

If her second husband engaged in marital relations with her before her first husband divorced her, she must be divorced by both men. [This is a decree instituted] because [the situation] resembles an instance in which a woman heard that her husband died, she married, and then her first husband returned. [The laws governing the two situations are not entirely

analogous. In this instance,] a child fathered by the second husband is not illegitimate. But if her first husband engages in relations with her before her second husband divorces her, any child born is illegitimate.

7 In which instances must a minor perform the rite of *mi'un* [to nullify her marriage]? [Our Sages established the following guidelines.] If she was between six and ten [when she was consecrated], we investigate the extent of her sagacity.

If she knows to guard [the money given to her to effect] the *kiddushin,* appreciates that it was given for that purpose and will guard it differently from the way in which she would guard a nut, a date or the like, she must perform the rite of *mi'un* [to nullify her marriage].

If she does not know to guard [the money given to her to effect] the *kiddushin*, she need not perform the rite of *mi'un* [to nullify her marriage]. Instead, she returns to her mother's home as if she had never been consecrated. If she is less than six, even if she knows [how to guard the money given her,] she need not perform the rite of *mi'un*. If she is more than ten, even if she is very inept, she must perform the rite of *mi'un*.

Whenever a girl's brother, mother or relatives arranged for her marriage without telling her of the identity of the groom, she need not perform the rite of *mi'un* [to nullify her marriage].

8 What does the rite of *mi'un* entail? She tells two witnesses: "I no longer desire my husband so and so," "I no longer desire to be consecrated [to the man] to whom my mother - or my brother - consecrated me," or the

like.

[The above applies] even if the two individuals are guests dining in her husband's home and she is serving them. If she tells them, "I no longer desire my husband so and so," she has performed *mi'un*.

9 The two individuals in whose presence the minor performs the rite of *mi'un* should write the following for her: "On this and this day, _____the daughter of _____ rejected her husband." They sign the document and give it to her. This is the essential portion of a deed of *mi'un*.

A deed of *mi'un* does not resemble a bill of divorce, in which the giving of the bill effects the divorce. It need not be written with the proper intent, nor must it be transferred, nor do any of the laws required for a bill of divorce apply with regard to it. The wording used for a *get* is not used for it, lest it appear to be a *get*. It is merely a legal record.

10 The two individuals before whom a girl makes a statement of *mi'un* must know the identity of the girl and her husband. Therefore, whoever sees [a girl] make a statement of *mi'un* [in the presence of two other people] and hears that statement, is entitled to write a legal record of this statement, even though he was not aware of [the girl's] identity beforehand.

It has become customary for the Jewish people to write a legal record of a statement of *mi'un*, employing the following text.

11 A legal record of a statement of *mi'un*:

On this day of the week, and on this day of the month, in this year

according to the following reckoning, so and so, the daughter of so and so (her father's name) issued a protest in our presence, saying: "My mother or my brother misled me and had me married - or consecrated - to so and so, the son of so and so (his father's name) while I was a minor. I am now making a statement in your presence that I do not desire him, nor can I live with him." We have had so and so undergo a physical examination, and it has been established that she is still a minor. [Hence,] we have written and signed this [legal document] and have given it to her to serve as support and clear evidence.

So and so, the son of so and so (his father's name), a witness;

So and so, the son of so and so (his father's name), a witness.

12 When a man divorces his wife, and she becomes consecrated to another man, she is forbidden to her first [husband], even though she has not engaged in marital relations [with her second husband]. If her first [husband] remarries her and engages in sexual relations with her, he [transgresses a negative commandment, and] is punished by lashes. He is forced to divorce her, as [implied by **Deuteronomy 24:4**]: "Her first husband, who sent her away, may not [return and remarry her]."

13 If she engaged in promiscuous relations with another man while she was divorced, she is permitted to remarry her husband, for it is written [**Deuteronomy 24:2**]: "And she departed from his home and went and became another man's [wife]." It is "becom[ing] another man's [wife]" - i.e., being consecrated - which causes her to become forbidden to remarry her [first] husband.

14 Included in this prohibition is that every woman who engaged in adulterous relations becomes forbidden to her husband. He is punished by lashes [for engaging in marital relations with her],as [implied by the inclusion of the phrase] "after she has become tainted" in [**Deuteronomy 24:4**]: "And [an adulterous woman] has been tainted." There is one exception: the wife of an Israelite who was raped.

Therefore, whenever a woman becomes forbidden to her husband, because she violated his warning against entering into privacy with another man, and he engages in relations with her, he is punished by stripes of rebellion. If after divorcing his wife [for such reasons], the husband transgresses and remarries her, he must divorce her.

15 A deaf-mute may divorce his wife with signals, as explained. [If such a woman] went and became consecrated to another deaf-mute [and is then divorced], she is forbidden to be remarried to her first husband. Needless to say, [this applies if her second husband] was a mentally competent individual.

If, however, a woman who had been married to a mentally competent individual and was divorced, married a deaf-mute and was divorced, she is permitted to remarry her first husband.

16 A girl who leaves her husband by virtue of the rite of *mi'un* is not considered to be divorced by him. The laws applying to her relations with her husband whom she rejected are the same as those applying to a man who has never consecrated her. She is permitted to marry his relatives. He is permitted to marry her relatives. Nor is she disqualified from marrying

into the priesthood.

If she married another man and was divorced or widowed, or she nullified her relationship with him through *mi'un*, she is permitted to remarry him. Moreover, even if her first husband divorced her [while she was still a minor], remarried her, she then nullified their relationship via *mi'un* and married another man and was divorced by him, she may remarry her first husband.

[The rationale is that] whenever a girl leaves a marriage via the rite of *mi'un*, it is considered as if she had never been divorced via a *get*, and she may remarry her first husband. [This applies] even if she was once divorced [by this man] before *mi'un*.

When, by contrast, a man divorces his wife - who is a minor - with a *get*, she marries another man and then nullifies the marriage through *mi'un*, she may not remarry her first husband, because although her final marriage was terminated by *mi'un*, her marriage [to her first husband] was terminated by a divorce. Needless to say, this applies if the second husband divorced her or he died.

Similarly, she is forbidden to the father of her first husband, his son and his brothers, as are other divorced women. [This applies despite the fact that] she terminates her marriage to her second husband via *mi'un*.

17 When a girl nullifies her connection to a *yavam* through *mi'un*, she remains forbidden to his father, for she appears to be his daughter-in-law, since [that was her status] when his son died. She is, however, permitted to marry [her late husband's] other relatives. Thus, although she rejected a potential *yavam* with *mi'un*, she is permitted to marry his brother.

18 Whenever a woman is divorced or widowed, she should neither marry nor be consecrated until 90 days pass between the day she was divorced or her husband died and the day on which she became consecrated. [This interval was required] to see whether or not she is pregnant, and thus to differentiate between the seed of the first husband and the seed of the second husband.

19 We count [these 90 days] from the day the *get* is written; [this applies] even when it was written on a conditional basis, or it did not reach the woman until years afterwards. [The rationale is] that from the time [a *get*] is written, [a woman's husband] no longer enters into privacy with her.

20 [Included] in this decree of our Sages is that even a woman who is not fit to give birth, and even one who was divorced or widowed after merely being consecrated, must wait 90 days. I.e., even a minor, an elderly woman, a barren woman or an *aylonit*, even a woman whose husband was overseas, sick or imprisoned, and indeed, even a woman who is a virgin despite being consecrated, must wait 90 days.

21 A maidservant who was freed and a non-Jewish woman who was converted are required to wait 90 days [before they marry]. Even a gentile and his wife who convert together are required to separate for 90 days to differentiate between seed that was conceived in holiness and seed that was not conceived in holiness.

Similarly, although the Torah prescribed only [an interim of] 30 days for her own sake, a *yefat to'ar* must wait 90 days [to marry her captor] for the

sake of the definition of her child's [status]. The 30 [days mentioned by the Torah] are included in the 90-day interim.

22 A girl who annuls her marriage through *mi'un* need not wait [before remarrying]; our Sages' decree applied only to a divorcee. Similarly, a woman who has promiscuous relations need not wait, for she guards herself against becoming pregnant. Similarly, a woman who was raped or seduced need not wait.

23 [The following rule applies when] a girl below the age of majority who is not fit to give birth was married under a mistaken conception, discovered that she is forbidden to remain married to her husband and was forced to separate by the court. She need not wait, for this is an unlikely occurrence, and our Sages did not apply their decrees to situations that are out of the ordinary.

24 When, within this 90-day period, [a man] consecrates [a woman who is required to wait], he is placed under a ban of ostracism. If he consecrates the woman and then temporarily flees [to a distant country], he is not placed under a ban of ostracism. If he consummates the marriage within the 90-day period, the couple are forced to separate until the conclusion of the interval, at which time they are allowed to live together as man and wife.

25 Similarly, our Sages decreed that a man should not marry a woman who is pregnant with a child conceived by another man, or a woman who is nursing a child conceived by another man, even though the parentage of

the fetus is known.

[The restriction concerning] a pregnant woman [was instituted,] lest [the other man] harm the fetus during sexual relations, for he is not concerned about his colleague's child. [And the decree concerning] a nursing mother [was instituted], lest the woman's milk spoil and her second husband fail to show concern for restoring her ability to nurse, by providing her with a diet that will remedy her difficulty.

26 For how long is the woman considered to be a nursing mother? For twenty-four months. This does not include the day the child was born, nor the day the woman becomes consecrated.

27 Just as it is forbidden to marry such a woman, it is forbidden to consecrate her until this time period passes. Even if [a woman] gives her child to a nursemaid or weans him during these 24 months, she should not marry. If her son dies, she is permitted to marry. We do not fear that perhaps she will kill [her son for this reason].

28 If a man transgresses and marries a pregnant or nursing woman during this period, he should divorce her, even if he is a priest. If the man is an Israelite, he may remarry her after the 24 months of nursing pass.

If [a man] marries [such a woman] and then flees and returns after [the prescribed] period and lives together with his wife, there is no difficulty.

[A man who] consecrates a pregnant or nursing woman is not forced to divorce her. He may not, however, consummate the marriage until the nursing period passes or until the child dies.

Chapter 12

1 When a woman comes and says, "I was married, and now I am divorced," her word is accepted, because the source for the statements [on which basis the woman was] forbidden [states that she is] permitted.
If the prevailing assumption is that a woman was married, and she comes and says, "My husband divorced me," her word is not accepted [as a basis] for her to be allowed to be remarried. She has, however, disqualified herself [from marrying into] the priesthood forever. If her husband dies [childless], we suspect that there might have been truth to her words, and she performs the rite of *chalitzah*, rather than the rite of *yibbum*.

2 When a woman has two witnesses who state that she has been divorced, she is permitted to marry *a priori*, although she does not possess her *get*. If she produces a *get* that was in her possession and says: "My husband divorced me with this," her word is accepted, and she is permitted to marry, even though [the signatures of the witnesses to the *get*] have not been verified as we have explained.

3 [The following laws apply] when the husband comes and protests. If he states, "I never gave it to her. It fell from me and she found it," his statements are not accepted, because he admits that he wrote it for her sake, and it is now in her possession. If, however, the husband says: "[The *get*] was given conditionally," "It was entrusted to her for safekeeping," or "I never wrote such [a document]; it is a forgery," [the woman] must have the signatures of the witnesses verified or have the witnesses to its transfer

testify, as explained.

If the signatures of the witnesses are not verified, she is not considered to be divorced with regard to the right to marry others. She has, however, disqualified herself [from marrying into] the priesthood, as stated. For she has disqualified herself by virtue of her own statements and caused herself to be considered as a forbidden object.

4 If she comes together with her husband and says, "My husband divorced me, but I lost my *get*," and the husband says, "I did not divorce her," her word is accepted, even though it has been assumed that she is his wife. [The rationale is:] it can be assumed that a woman would not make such brazen statements in the presence of her husband [if they were not true].

5 If a husband says: "I divorced my wife," his word is not accepted. Nevertheless, we suspect that it might be true, and therefore, the woman is considered to be one whose divorce is of doubtful status. Even when the woman also admits that she was divorced, his word is not accepted.

We fear that he is seeking to create difficulties for her, or that he divorced her with a *get* that was void, and she is not aware of the fact, or perhaps she will brazenly [state that she has been divorced, although that is not the case,] because he accepts her word, or because she is not aware of the seriousness of the prohibition. Therefore, we tell the husband: "If it is true [that you divorced her,] you are both here, divorce her again in our presence."

6 When two [individuals] say [that a woman] was divorced, and two others

say [that] she was not divorced, she is still presumed to be married. [This ruling applies] even if her husband is present, and she tells him, "You divorced me." Since the witnesses support her, it is possible that she will speak brazenly [to her husband]. Therefore, if she remarries [in such a situation], she is compelled to leave [her second husband], and a child [born to them] is considered illegitimate.

7 When does the above apply? When the witnesses say: "She was divorced in the immediate past." For in such a situation, we tell her, "If it is true that you were divorced, produce your *get*."

If, however, the witnesses say: "She was divorced several days ago," there is the possibility that the *get* was lost. [Therefore, different laws apply.] Since she claims that she was definitely divorced, and two witnesses support her claim, although there are two witnesses who deny it, if she marries one of the witnesses, she is not compelled to leave [her second husband]. [The rationale is] that she and her husband, [the witness,] certainly know whether she is permitted [or not], and we assume that they would not create difficulties for themselves.

Accordingly, [different rules apply] if she marries another person. Since he cannot be certain concerning the matter - and similarly, if she herself is uncertain about the matter, even if she marries one of her witnesses - she should be compelled to leave [her second husband]. The legitimacy of a child born to them is a matter of question.

8 [The following rules apply when] two [individuals] say, "We saw that she was divorced," and two others say, "We did not see this." If they all lived

in a single courtyard, she should not marry. If, however, she marries, she need not leave [her second husband], and we do not doubt the legitimacy of a child born to them. [The rationale is that] people often divorce in privacy.

9 [The following rule applies when] we there is no existing presumption that a woman was married, one witness comes and says, "She was married, but divorced," and another witness states, "She was not divorced." Since they both are testifying that she was married, and [only] one witness says she was divorced, she should not marry [a second man]. [The rationale is that] the statements of one [witness] are of no consequence [when they must counteract a definition of status established] on the basis of the testimony of two [witnesses]. If she remarries, she should be compelled to leave [her second husband].

10 [The following ruling is rendered when] a woman and two men come from another country. One [of the men] says: "This is my wife, and this is my servant," the other says: "This is my wife, and this is my servant," and the woman says: "They are both my servants." The woman is free to marry anyone. For although two witnesses testified to her being married, since each one of them gave testimony that concerns himself, their statements are not accepted.

11 When an agent charged by the woman with receiving her *get* takes out a *get* that was in his possession, and the husband states that the *get* is a forgery, the authenticity of the *get* should be verified via the signatures of

the witnesses, or via the witnesses who observed the transfer, as we have explained.

If the husband says: "I gave him [the *get*] for safekeeping," and the agent says, "He gave it to me for the sake of divorce," the agent's word is accepted. A similar rule applies if the woman is in possession of the *get* and she says, "This agent gave it to me," the agent corroborates her statements and says that it was given to him by the husband for the purpose of divorce. The agent's word is accepted, even if the husband protests that he gave it to him for safekeeping, and the woman is considered to be divorced.

12 When the *get* is lost, [more stringent rules apply]. Even if the husband says that he gave it to an agent for the sake of divorce, and the agent says that he gave it to the woman, the status of the divorce is a matter of question. For our prevailing assumption is that the woman is married, and it is only [the statements of] one witness and her husband [who are contradicting that].

Even if the woman herself says, "In my presence, [my husband] gave the *get* to the agent for the purpose of divorce, and he divorced me," [the ruling remains unchanged]. Since her husband and the agent support her, it is possible that she will speak brazenly and in fact, she was not divorced.

13 [The following rule applies when] an agent appointed by the woman to receive her *get* receives it from [her husband] and sends it to her, [giving it to an agent to give to her] in the presence of two witnesses. Although the woman does not know whether [the *get*] was sent to her by her husband,

her agent or her husband's agent, she is divorced, as has been explained.

14 [In the above situation,] if the husband comes and protests that he did not write [the *get*], or that the *get* is void, the signatures [of the witnesses] should be verified. [This is sufficient to counter the husband's protest, the rationale being that] there are witnesses that [the *get*] was in the possession of the agent of the woman, and his aegis is considered to be equivalent to her own. Although she did not know [the purpose for which the *get* was given to the original agent], the witnesses knew.

If, however, the signatures [of the witnesses] cannot be verified, the divorce is not effective.

15 [The following rules apply when] the prevailing presumption is that a woman is married, and she and her husband travel overseas at a time when their relationship is peaceful, and peace abides in the world at large. If she comes and says, "My husband died," her word is accepted and she is granted permission to marry or to perform the rite of *yibbum* on this basis.

[The rationale is that] we assume that a woman will not bring difficulties upon herself, causing herself to be forbidden to both her first and her second husbands, causing herself to lose the right to collect the money due her by virtue of her *ketubah* from both husbands and causing her children to be deemed illegitimate when the matter is likely to become openly revealed, and when she will not be able to deny the matter or offer any argument in her defense. For if her husband is alive, he will ultimately return, or [at least,] it will become known that he is alive.

Similarly, if one witness comes and testifies that the woman's husband died, she is granted permission to marry by virtue of his testimony, because [the truth of] the matter will ultimately be revealed. Similarly, the testimony of a servant, a woman, a maid-servant or a witness testifying on the basis of statements he heard from others is accepted regarding a person's death. On the basis of such testimony, the man's wife is granted permission to remarry or perform the rite of *yibbum*.

16 Any person who offers testimony is believed with regard to matters of this nature, with the exception of five women, who are presumed to hate each other. Their testimony is not [accepted] with regard to the death of the other's husband, lest they intend to cause her to be forbidden to him, although he is still alive.They are the woman's mother-in-law, the daughter of her mother-in-law,[her husband's] other wife, her *yevamah*, her husband's daughter [from another marriage].

[Indeed, with regard to such testimony,] a gentile's statements delivered in the course of conversation are accepted and can serve as the basis for a woman to remarry, as will be explained. If the gentile makes his statements with the intent that they serve as testimony, his word is not accepted.

17 Similar laws apply to a person who is disqualified [from serving as a witness] by Scriptural law, because of the commission of a sin. If he comes to give testimony on behalf of a woman, [saying] that her husband died, his word is not accepted. If he makes these statements in the course of conversation, his word is accepted, for he is not regarded as less than a

gentile.

A person who is disqualified [from serving as a witness] by Rabbinic law, by contrast, may give testimony regarding [the death of] a woman's [husband].

18 [The following rules apply if] one witness came and testified that a woman's husband has died, and she was granted permission to remarry on the basis of his testimony, and afterwards another witness came and contradicted the testimony of the first, saying that he did not die. The woman's status is not changed, and she is still permitted to remarry.

[The rationale is that] the testimony of one witness is accepted with regard to [the death of] a woman's [husband] in the same way as is the testimony of two witnesses with regard to other matters. [This testimony is being challenged by the testimony of one witness,] and the words of one witness are not considered when there is [testimony from] two [witnesses].

19 If two [witnesses] come at the same time, one saying "he died," and the other saying, "he did not die," or a woman says, "he died," and another woman says, "he did not die," she should not marry. And if she marries, she should leave her second husband, for the matter is one of doubt.

If, however, she marries the witness who testified on her behalf, and she herself says, "I am certain that he died," she need not leave her second husband. If two witnesses come and say that her first husband did not die, [a more stringent ruling is delivered]. Even though she married, she must leave her second husband.

20 When does the above apply? When the one witness upon whose testimony [the woman was granted permission to] marry was equivalent to the two witnesses who contradicted his testimony. For example, she married based on the testimony of one man, and two men came and said that her husband did not die. Or she married based on the testimony of one woman or on the basis of her own testimony, and two women or two men who were disqualified from serving as witnesses by Rabbinic law testified that her husband did not die.

If, however, one acceptable witness says that her husband died, and many women or men who were disqualified from serving as witnesses by Rabbinic law testify that her husband did not die, the situation is considered to be equally balanced. Thus, if she marries one of the witnesses who testified on her behalf, and she herself says, "I am certain that he died," she need not leave her second husband.

21 When one woman testifies that [her husband] died, or she herself says that [her husband] died, and afterwards, one acceptable witness comes and says that he did not die, [the woman] should not remarry; and if she remarried, she should leave her second husband.

22 When one woman says that [a man] did not die, and two women say that he did die, [his wife] may remarry. Similarly, if ten women say that [a man] did not die, and eleven women say that he did die, [his wife] may remarry. For we say, "two [witnesses] are considered as 100," only with regard to acceptable witnesses. With regard to witnesses whose testimony would ordinarily be disqualified, by contrast, [the law is that we] follow

the majority, whether this leads to a more lenient ruling or a more stringent ruling.

23 When two [witnesses] say that [a man] died, and two other witnesses say that he did not die, [his wife] may not remarry. If she has remarried, she should leave [her second husband], because the matter is one of doubt.
If she marries one of the witnesses who testified on her behalf, and she herself says, "I am certain that he died," she need not leave her second husband.

24 [The following laws apply when] a person has two wives and one of them comes and says, "My husband died." She may marry on the basis of her own testimony, as we have explained. Her husband's other wife is forbidden to marry, for one of a man's wives may not testify on behalf of the other.
Even if the woman [who said that her husband died] married first, [the other wife is still forbidden to marry]. We do not say that if her husband had not actually died, she would not cause herself to be forbidden to him. [Instead, we suspect that] perhaps her hatred for the other wife is so great that she desires for them both to become forbidden to him.
If one says, "My husband died," and her husband's other wife denies this, saying that he did not die, [the wife who testifies that he has died] may remarry. Just as the other wife's testimony does not cause her to be permitted, it does not cause her to be forbidden.
If one says, "[My husband] died," and the other says, "He was killed," they both are granted permission to remarry, for they both are testifying

that he is no longer alive.

Chapter 13

1 [The following rules apply with regard to] a woman who told her husband: "You divorced me in the presence of so and so and so and so," and those witnesses came and denied her statements. If afterwards, she and her husband departed [for a far-removed country] while peace prevails in the world at large, and then she returns and says, "My husband died," her word is not accepted.

[The rationale is] that she is considered to be a liar, who desires to free herself from her ties to her husband. If one witness comes and testifies on her behalf that her husband died, she should not [be granted permission to] marry; we fear that perhaps she hired him. If, however, she marries, nevertheless, she need not leave [her second husband], for there is a witness who supports her.

2 Similarly, when there is a state of war in the world at large, if [a woman] comes and says, "My husband died in the war," her word is not accepted, even where the couple's relationship is peaceful.

[The rationale is that we fear that] she will rely on a situation in which the likelihood is that he will die - e.g., the people in the front and at the rear were killed, and her husband is in the center. She might think, "Since these were killed, and those were killed, he was killed surely together with them."

For this reason, her word is not accepted, even if she says, "He died in the

war, and I buried him." If, however, she says that he died in bed, her word is accepted.

3 If we are not aware of a war raging in the world, and a woman comes and says: "There was a war in a particular county and [my husband] died in that war," *a priori*, she should not marry. If, however, she marries, she need not leave [her second husband].

4 Similarly, if a woman says, "My husband died in a landslide," her word is not accepted. In the same vein, if an area was overrun by swarms of snakes and scorpions, and she says, "He was bitten by a snake - or a scorpion - and died," her word is not accepted. [The rationale is] that she might rely on the fact that most men die because they were bitten in this manner, [and make a statement without knowing for certain whether or not her husband died].

5 If [a woman] says, "They filled the house - or the cave - [in which we were hiding] with smoke; he died, but I was saved," her word is not accepted. [It is possible that] just as she [was saved] by a miracle, he could have been [saved by a miracle].

If it is a year of famine, and she says: "My husband died," her word is not accepted. [If she says,] "He died and I buried him," her word is accepted.

6 If [a woman] says, "Gentiles - or thieves - attacked us. He was slain, and I was saved," her word is accepted, because it is not common for attackers to kill women. Thus, [it is not fitting] to say: Just as she was saved, he was saved.

7 If an epidemic was raging throughout the world, and [a woman] says, "My husband died," her word is accepted. For [there is no widely accepted likelihood] with regard to a plague; everyone knows that in a time of plague some die and some live. And it is possible that strong young men will die from the plague, and elderly infirm people will be saved. And therefore, we do not suspect that she relied on the likelihood that most people died.

8 It has already been stated that a witness who [did not see evidence of the person's death himself, but who] testifies after hearing the statements of another person is acceptable with regard to [the verification of the death of] a woman's [husband].

When does this apply? When the person heard a mentally competent adult - even a servant or a maid -servant - say that so and so died. If, however, a person heard from a mentally incompetent person or from a minor that an individual died, he may not testify [to that effect], nor do we rely on their statements.

9 [There is an exception to the above principle.] If a person heard children saying: "We just came from so and so's funeral. These and these many people recited eulogies. The sage so and so and these and these others followed the bier. And this and this is what happened to the bier," the person may offer this as testimony [regarding a man's death], and on this basis permission is granted for [the deceased's] wife to remarry.

10 When a Jew says, "I killed so and so," [the man's wife] is allowed to

remarry on the basis of his testimony. [The rationale is] a person's own testimony cannot be used to incriminate him. [Therefore, he is not disqualified, and] he did testify that [the husband] died.

11 It has already been stated that statements made by a gentile in the course of conversation can be used as a basis to grant [a woman] permission to remarry.

What is implied? If a gentile exclaimed: "How terrible is it that so and so died! He was so nice! He did so much for me!" Or if the gentile was talking and said, "We were traveling on our way, and to our amazement, so and so who was traveling with us fell down and died. We all were amazed that he died so suddenly." If he makes statements of this nature that indicate that he has no intention of giving testimony, his word is accepted.

12 When a Jew hears a gentile [say] in the course of conversation [that a man died], he may testify that he heard these statements, and the man's wife may be granted permission to remarry on this basis.

When does the above apply? When there is no rationale to explain [why the gentile would make these statements if they were not true]. If, however, there could be a reason for the gentile's statements, and he is making them with another intent in mind [his word is not accepted].

For example, [a gentile] told a Jew, "Do such and such for me, or else I will kill you, as I killed so and so," he is not making these statements in the course of conversation, for his intent is to cast fear upon his listener.

13 Similarly, if a person heard the gentile legal authorities say, "We executed so and so," their word is not accepted. For they will use falsehood to reinforce their position and to cast fear [among the populace]. The same applies in all similar instances.

14 When, at first, a gentile made statements in the course of conversation, and afterwards was asked questions [by Jews] until all the details [of the person's death] were disclosed, his statements are accepted, and the woman is granted permission to remarry on this basis.

15 It has already been stated that a witness who testifies: "I heard that so and so died," is acceptable with regard to testimony [concerning] a woman's [husband], and the woman may remarry on this basis. [This applies even when] he heard the statements from a woman or from a servant.

If, however, a witness, a woman or a servant says: "So and so died; I saw that he died," the witness should be asked: "What did you see? How do you know that he died? " If the witness responds with clear [testimony], his word is accepted. If the witness replies, describing a situation in which it is highly likely that the person would have died, we do not grant his wife license to remarry. For testimony concerning a man's death [can be accepted] only when [the witness can say] with certainty that he saw the man die, and there is no doubt concerning the matter.

16 What is implied? If a man was seen falling into the sea, even if he fell into the ocean, testimony should not be offered that the man died, because it is possible that he was cast away or escaped [from the sea] from an [unseen]

place.

If he fell into a body of water with definite boundaries - e.g., a cistern or a cavern in which a person standing [at the edge] could see the entire periphery - testimony that the man died may be offered, and license may be granted for his wife to remarry, provided [the witnesses] remained there for a period of time beyond which it was impossible for the man to live, and saw that he did not ascend [from the body of water].

Similarly, if he was cast into the sea and a net was cast in after him, and a limb that a person would not be able to live without was raised up, testimony may be offered that he died, and his wife may [be granted license] to remarry.

17 If [a man] fell into a lair of lions, leopards or the like, testimony that he died may not be offered, for it is possible that they will not eat him. If he fell into a pit of snakes and scorpions, into a furnace, or into a boiling caldron filled with wine or oil, or his esophagus and windpipe were slit - either in their majority or in their entirety - testimony may be offered that he died, even if he arose and fled. For [in these situations], he ultimately will die.

Similar laws apply in all situations in which it is impossible that the person will live, but rather will die shortly afterwards. Testimony may be offered that he [died].

18 If we see a man hanging and a vulture eating from his body, testimony may not be offered that he died. [This applies] even if he was stabbed with a lance, or arrows were shot at him.

If, however, we see the vulture eating from a place that would cause him to die - e.g., his brain, his heart or his intestines, one may offer testimony that he died.

19 [The following laws apply when] one witness testifies, "I saw that he died in a war or in a landslide, or that he drowned in the ocean and died," or mentioned other causes that would probably lead to death. If he says, "I buried him," his statements are accepted, and she may be granted permission to remarry. If he did not say, "I buried him," she should not be granted permission to remarry. If, however, she remarries, she need not leave [her second husband].

20 Similarly, if one witness testifies that a woman's husband drowned in the sea or in a body of water that does not have a defined periphery, he did not emerge [from the water], all traces of him have disappeared, and his existence has been forgotten, the woman should not [be granted license to] remarry on this basis, as we have explained.

If, however, she remarries, she need not be forced to leave her second husband. Even if a gentile said in the course of conversation, "So and so drowned at sea," and on this basis [the man's wife] remarried, she need not be forced to leave her second husband. Nevertheless, [in the above instances,] the sage who gave permission for her to remarry should be placed under a ban of ostracism.

21 [The following rules apply when the body of a man who was] slain or died of natural causes is discovered. If his forehead, his nose and his facial

features are intact, and his identity can be established based on them, testimony concerning his death may be offered.

If, however, any of these identifying factors is missing, even if there are signs [through which he can be identified] on his body and on his personal artifacts, even if one of those signs is a mole, testimony concerning his death should not be offered.

When does [the leniency mentioned in the first clause] apply? When the corpse was seen within three days of his murder or death. After three days have passed, testimony concerning his death should not be offered, because his facial features [may have] become distorted.

22 [The following rules apply when a man] drowned at sea and was cast out onto dry land. Although several days have passed, if his facial features and his nose can be identified, testimony may be offered with regard to his [death], for in water the features of a corpse do not become distorted until an extremely long period of time has passed.

If the corpse lay on dry land for twelve hours after being cast out of the sea and the corpse became bloated, testimony may not be offered because [his features] have been distorted. When we look at the form [of a corpse] in order to identify [a man] to offer testimony with regard to his [death], [it is acceptable if] we look at [the corpse] even by candlelight or by moonlight.

23 [The following rule applies when] we see a person at a distance and he says that he is so and so, the son of so and so, or so and so from a particular place, and that he has been bitten by a snake and is dying. Even

if we go [to the place where he was standing], find [the corpse and discover] that its features have changed to the extent that it is no longer distinguishable, we may, nevertheless, [grant license for] his wife [to] remarry.

24 [A person's testimony is effective in the following instance.] A person came and said: "A court - or people - told me, when you arrive at this and this place, tell them that Yitzchak, the son of Michael, died." When this person came to that place and delivered the message - although he is not aware of the identity [of the deceased] - since [the people at that place] do know his identity, [the deceased's] wife [may be granted] permission [to remarry]. We do not presume that perhaps it was another person named Yitzchak, the son of Michael, who died.

25 When a Jew and a gentile left from our [location] for a different destination, and the gentile came and said in the course of conversation: "The man who left [this city] with me died," [the deceased's] wife [may be granted license to] remarry. [This applies] even when the gentile does not know the identity of the man, provided he says: "I buried him."

26 Similarly, when ten men were taken together while shackled in chains or tied by heavy ropes used to lead camels or the like, from one place to another, and a gentile came and said in the course of conversation that all ten men who went out while tied died, and he buried them, their wives [may be granted license to] remarry.

27 If a Jew says: "A Jewish man died in our company in this and this place.

These and these were his facial features. These and these were signs of identification," we do not make a guess and say that it was probably so and so. Rather [the person is not considered to have died] until a witness mentions his name and the name of his city.

If, however, [a person] says: "One of the inhabitants of the city of so and so journeyed out in our company and died," we check in that city. If only one man left the city, his wife [may be given permission to] marry.

28 [The following rule applies if] a document was found saying: "So and so, the son of so and so, died," or "So and so, the son of so and so, was killed": If it can be determined that this was written by a Jew, [the man's] wife [may be given permission to] marry.

Similarly, when a person has lost the power of speech, and he was tested, as he would be tested with regard to a *get*, and it is proven that he is mentally sound, if he writes that so and so died, we may rely on his writing, and [the deceased's] wife [may be given permission to] marry.

We do not follow the standard process of interrogation with regard to witnesses who testify [concerning the death of] a woman's [husband]. For our Sages did not speak about establishing stringencies regarding such matters. [Indeed, their approach was characterized by] leniency in order to permit a woman without a husband [to remarry].

29 Do not wonder at the fact that our Sages discharged the prohibition [against a married woman], which is considered a very severe matter, on the basis of the testimony of a woman, a servant or a maidservant, statements made by a gentile in the course of conversation, a written

statement or [testimony] that was not investigated by the ordinary process of interrogation, as we have explained.

[These leniencies were instituted] because the Torah requires only testimony of two witnesses, and all the other details of the laws of witnesses with regard to matters that cannot be verified definitively except via witnesses and their testimony - e.g., that one person killed another, or that one person lent money to another. When, by contrast, the matter may be verified definitively without the testimony of a witness, and the witness cannot justify [his statements] if they are not true - e.g, when one testifies that a person died, the Torah did not necessitate [that the requirements of formal testimony be met in these instances]. For it is unlikely that a witness will testify falsely.

For this reason, our Sages [extended] the leniency with regard to this matter and accepted the testimony of a single witness that is based on the testimony of a maidservant, [testimony] from a written document, and [testimony] that was not investigated by the ordinary process of interrogation. [These leniencies were accepted] so that the daughters of Israel will not be forced to remain unmarried.

Blessed be the Merciful One, who grants assistance.

Mishneh Torah, Levirate Marriage and Release

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment of Scriptural law for a man to marry the widow of his paternal brother if he died without leaving children, as [**Deuteronomy 25:5**] states: "[And one of them dies] childless,... her husband's brother should cohabit with her." [This applies to a widow] from *nisu'in*, or from *erusin*.

[The childless widow is referred to as a *yevamah*; the rite through which they marry, *yibbum*.]

Scriptural law does not require a man to consecrate his *yevamah*, for she is his wife that heaven acquired for him. [All that is necessary] is that he cohabit with her. Her deceased husband's estate is responsible for her marriage contract.

2 If the *yavam* does not want to perform the rite of *yibbum*, or if the woman does not consent, he should [free her from this obligation through the rite of] *chalitzah*. [Only] afterwards is she permitted to marry another man.

It is a positive commandment of Scriptural law for [a brother] to perform *chalitzah* for [the deceased's widow], if he does not want to perform the rite of *yibbum*, as [**Deuteronomy 25:9**] states: "She shall... remove his shoe."

The mitzvah of *yibbum* takes precedence over the mitzvah of *chalitzah*.

3 The Torah's words [**Deuteronomy 25:5**], "When one of them dies

childless" [should not be interpreted narrowly]. [When the deceased] has a son, a daughter, a descendant of a son, or a descendant of a daughter, as long as he has left progeny - whether from the woman [to whom he is presently married] or from another woman, his wife is free from the obligation of *chalitzah* or *yibbum*.

Even if he has a descendant who is illegitimate or an idolater, [that descendant] frees [the deceased's] wife from the obligation of *chalitzah* or *yibbum*.

4 [The above applies to children born from a Jewish woman.] If, however, [a deceased man] has a child born from a maidservant or a gentile woman, his wife is not free of these obligations. For the offspring of a maidservant are servants. And the offspring of a gentile woman are gentiles, and considered as if they have no connection to him.

[These concepts are derived as follows:] With regard to a maidservant, [**Exodus 21:4**] states: "The woman and her children will belong to her master," teaching that her offspring have the same status as she. And with regard to a gentile woman, [**Deuteronomy 7:4**] states: "They will lead your son away from Me" - i.e., prevent him from being considered part of the congregation.

Even when a man's son born from a maidservant is freed, or his son born from a gentile woman converts, he is regarded in the same way as other converts or freed slaves and does not cause [the deceased's] wife to be freed [from the obligation of *yibbum*]. [Even when a man] fathered a son with a maidservant, freed the son and the mother, and married her - if he dies without fathering any other children, his wife should perform the rite

of *yibbum* with his brother, although the son [whom the deceased] fathered is alive and has been freed.

5 [The following rules apply when a man] dies and leaves his wife pregnant: If she miscarries after he dies, his wife [is obligated to] perform the rite of *yibbum*. If she bore the child, and the fetus emerged into the world alive, the mother is free of the obligation to perform the rite of *chalitzah* or *yibbum*. This applies even when the child dies immediately after being born.

According to Rabbinic decree, however, [this does not apply] unless it is known that the child was carried for a full term pregnancy and was born after nine full months had passed. If, however, the term of the pregnancy is unknown [the following rules apply]: If the child lives 30 days, the child is considered viable, and he frees his father's wives from the obligation of *yibbum* or *chalitzah*.

If the child dies within 30 days [of his birth], even on the thirtieth day, there is a doubt whether the child is viable or non-viable. This applies regardless of [the cause of the infant's death], whether he died as a result of illness, fell from a roof or was eaten by a lion. According to Rabbinic law, [the deceased's wives] must perform the rite of *chalitzah*; they may not perform the rite of *yibbum*.

6 Whenever a man has a brother, even if the brother is illegitimate or an idolater, whether he is above the age of majority or below the age of majority, as long as his head and the majority [of his body] emerged into the world before his brother's death, his existence causes [his brother's

wife] to be obligated to perform the rite of *yibbum*.

If [the deceased] had a brother who was born to a maidservant or to a gentile woman, he is not considered to be his brother in any [halachic] context. [His existence] does not cause [his brother's wife] to be obligated to perform the rite of *yibbum*. Even when [the brother] was born as a member of the Jewish people, since his mother was not Jewish when he was conceived, he is not considered to be [the deceased's] brother.

7 Maternal brothers are considered to be brothers only with regard to the laws of mourning and the laws of witnesses.

With regard to the laws of inheritance, and the laws of *yibbum* and *chalitzah*, [maternal brothers] are considered as if they did not exist. For fraternity is derived from the father alone.

8 There is no concept of fraternity among converts and freed slaves. [Thus, even two converts or two freed slaves born from the same father] are considered unrelated. Even if one of them was conceived before his parents were converted and born after they were converted, and the other was conceived and born after the parents were converted, they are not considered to have any family connection.

Even if they are twins who were born after their parents were converted, they are not considered to be brothers unless they were also conceived after their parents converted.

9 When a man who has many wives dies, [a brother who] engages in relations or performes the rite of *chalitzah* with one of them frees the

others from all obligations. [The deceased's brother] may not marry two [of the deceased's wives], as [implied by **Deuteronomy 25:9**]: "...who did not build his brother's house." [This is interpreted as an exclusion:] he may build one house, but not two houses.

Similarly, if [the deceased had many brothers, one of them should perform either the rite of *chalitzah* or *yibbum* with one of the widows. This frees the others of all obligations.

10 [The following rules apply if] the widows include some who are fit to marry into the priesthood, and some who are not fit to marry into the priesthood: If [the brother] desires to perform the rite of *yibbum*, he may choose any of the widows that he desires. If he desires to perform the rite of *chalitzah*, he should perform this rite with one of the wives who is already forbidden to the priesthood, so that he will not disqualify one of the women who may marry into the priesthood through the rite of *chalitzah*.

11 [The following rules apply if] many [of a man's] brothers die and he [becomes obligated to perform the rite of *yibbum* or *chalitzah*] to [all] their wives: If it is possible for him to perform the rite of *yibbum* with all of them, he should. If not, he may perform *chalitzah* with all of them, or perform *chalitzah* with whomever he desires, or perform *yibbum* with whomever he desires, [choosing one of the widows] from each [of his deceased brother's] households.

12 When [a *yavam*] marries a *yevamah*, all the other widows from that

household become forbidden to him and to his other brothers. If he or his other brothers have relations with one of the other widows, they transgress a positive commandment, for [**Deuteronomy 25:9**] states: "Her *yavam* will engage in relations with her." [This is interpreted to mean:] With her, and not with another woman from that household. A prohibition stemming from a positive commandment is considered to be a positive commandment.

Similarly, when [one of the brothers] performs *chalitzah* with his *yevamah*, the woman with whom *chalitzah* was performed and all the other widows from that household become forbidden to [the brother who] performed *chalitzah* and to the other brothers. They are all forbidden to the brothers by Rabbinic decree, sharing the status of *sh'niyot*. [This is the only prohibition involved,] for since their brother died childless, the severe prohibition against sexual relations (*issur ervah*) is removed. Therefore, [if one of the brothers consecrates such a woman,] the consecration is binding, as it would be if he consecrated one of the *sh'niyot*.

13 When a person performs the rite of *chalitzah* with his *yevamah*, not only does she become forbidden to him, but her relatives - e.g., her mother and her daughter - also become forbidden. Similarly, she is forbidden to marry his son and his brother. Even the *sh'niyot* - e.g., her daughter's granddaughter - related to her are forbidden to him, and she is forbidden to his son's grandson. To summarize: Her status is like that of a divorced wife.

Similarly, if his *yevamah* dies while she is still under obligation to him, he is forbidden to marry these relatives of hers, as if she were his wife and she

died in his lifetime. All these prohibitions are of Rabbinic origin.
[If the deceased had two wives, his brother] may marry the sister of the wife with whom he did not perform the rite of *chalitzah*, or any other of her relatives.

14 It is forbidden for a man to marry a close relative of a woman with whom he is obligated to perform either *yibbum* or *chalitzah* - e.g., her mother or her daughter - until one of his brothers performs *yibbum* with the woman who is obligated, or performs *chalitzah* with her to free her of her obligation.
Afterwards, [the other brother] may marry the woman's mother, daughter, or any of her other relatives, despite the fact that these relatives are all forbidden to the brother who performed either *yibbum* or *chalitzah*, as explained [in the previous halachah].

15 When a man marries his *yevamah* and then divorces her, he may remarry her if he so desires. She is considered to be his wife with regard to all matters. There remains no trace of the prohibition [that existed when she was] his brother's [wife], neither from Scriptural law nor from Rabbinic law.

16 As explained in *Hilchot Ishut*, the sexual relations in which a boy of nine years and one day engages are halachically significant. This is a law received through the Oral Tradition.
Accordingly, when a *yavam* who is below the age of majority, but over the age of nine, engages in sexual relations with his *yevamah*, he should

maintain [his bond with her]. He may not, however, perform the rite of *chalitzah* until he attains the age of majority and is inspected [for signs of physical maturity]. For with regard to *chalitzah*, the term *ish* ("man") is specifically mentioned in the Torah.

If [a *yavam*] is below this age, sexual relations in which he engages are of no halachic significance. [Moreover,] even the sexual relations in which a nine-year-old engages do not acquire [the *yevamah* for him in a manner that is] binding [entirely]. Therefore, his *yevamah* is not permitted to marry another man until he engages in relations with her after he attains majority [and divorces her], or performs the rite of *chalitzah* [at that age], as will be explained.

17 Similarly, with regard to a *yevamah* who is below the age of majority: If her *yavam* desires to perform the rite of *yibbum* with her, he may. He may not, however, perform the rite of *chalitzah* with her until she attains the age of majority and is inspected [for physical signs of maturity]. Even if she engaged in sexual relations after she became twelve years old, she may not perform the rite of *chalitzah* until she undergoes an inspection and manifests signs of physical maturity.

18 Just as a *yavam* may not perform *chalitzah* until he attains manhood, so too, a *yevamah* may not perform *chalitzah* until she attains womanhood.

When a *yavam* who is below the age of majority engages in sexual relations with a *yevamah* who is also below the age of majority, they should grow up together.

19 As all other women, a *yevamah* should not perform either *yibbum* or *chalitzah* until she waits a 90-day interval. [These 90 days] do not include the day of her previous husband's death or the day of *yibbum* or *chalitzah*. Why may she not perform *chalitzah* within these 90 days? Because she is not fit to perform *yibbum* [at that time]. [**Deuteronomy 25:7-9**] states: "And if the man does not desire to take his *yevamah*,... she should remove his shoe" [establishing an equivalence between these two rites]. [Thus,] when she is fit to perform *yibbum*, she is fit to perform *chalitzah*. And when she is not fit to perform *yibbum*, she is not fit to perform *chalitzah*. Should [a brother] perform *yibbum* or *chalitzah* with her within these three months, since she is not pregnant, she has discharged her obligation and need not perform any further activity.

20 [The following rules apply when a brother] performs *chalitzah* with his *yevamah*, and afterwards it is discovered that she is pregnant: If she gives birth and the child is viable, it is considered as if she had never performed *chalitzah*. She is permitted to [marry into the] priesthood, and [the brother who performed *chalitzah* with her] is permitted [to marry] her relatives.

If the woman miscarries, or if the child who is born does not live for 30 days after being born, this - or another - brother should perform *chalitzah* with her again. For *chalitzah* performed with a pregnant woman is not considered *chalitzah*, nor are relations with a pregnant woman considered *yibbum*.

21 Therefore, when [a man] marries or performs *chalitzah* with his *yevamah*

who is pregnant, another woman who was married to the deceased husband should not remarry until this woman gives birth. For a child does not remove [the obligation of *yibbum*] until it emerges into the world.

22 [The following laws apply when a *yavam*] marries his *yevamah*, and then she is discovered to be pregnant. They should be separated [immediately], and we wait [to see the results of] her pregnancy. If she miscarries, he should maintain her as his wife.

If she gives birth [different rules apply]: If the child dies, even on the day it was born, the *yavam* should divorce her, [give her] a *get* and perform *chalitzah* with her. [Only] then, is she permitted to marry another man. If the child lives for 30 days after its birth, [the child] is considered to be viable, and there is no need for a divorce, for [relations between the two are forbidden by] a severe prohibition].

23 If she gives birth to a viable child six months after she performed *yibbum*, there is a doubt whether this child is the son of her first husband and was born after a nine-month pregnancy, or is the son of her [*yavam*] and was born after a six-month pregnancy. Therefore, [the *yavam*] should divorce his wife, giving her a *get*. The child is not, however, considered illegitimate.

If [the *yavam*] has relations with her after she gives birth, the children that are born afterwards are considered to be of doubtful legitimacy.

Chapter 2

1 It is a Rabbinic ordinance that a *yavam* should not enter into marital relations with his *yevamah* until he consecrates her in the presence of two witnesses, with a *p'rutah* or an article worth a *p'rutah*. This [act] is called a *ma'amar*.

A *ma'amar* does not complete the acquisition of a *yevamah*, as will be explained.

When [a *yavam*] performs a *ma'amar* with his *yevamah* without her knowledge, his deed is of no consequence. For a woman can be consecrated only willingly. When a minor is widowed after being merely consecrated, a *ma'amar* can be performed only with the consent of her father.

2 Just as [the *yavam*] must consecrate his *yevamah*, so too, he should recite the marriage blessings in the presence of ten men and compose a *ketubah* ("marriage contract"), as is required of any man who marries a woman.

When [a *yavam*] enters into marital relations with his *yevamah* without previously performing a *ma'amar* with her, he acquires her in a binding manner; he does not have to consecrate her after engaging in marital relations with her. He should be given stripes for rebellious conduct and should write a *ketubah* for her.

3 When [a *yavam*] engages in marital relations with his *yevamah*, he acquires her [as his wife]. [This applies] regardless of whether he entered into these relations unintentionally or with a licentious intent, under duress or willingly, whether he acted with a licentious intent and she acted unintentionally or under duress, or she acted with a licentious intent and

he acted unintentionally or under duress, whether she was asleep or awake, whether he performed vaginal or anal intercourse, whether he inserted merely the head of his penis or the entire organ.

4 When does the above apply? When [the *yavam*] intends to perform a sexual act. If, however, he fell from the roof [with an erection] and [accidentally] inserted his organ into his *yevamah*, had relations with her when he was so intoxicated that he was not conscious of anything, or when he was asleep, he does not acquire her [as his wife].

If he intended to masturbate in a hole in the wall and unintentionally inserted his organ into his *yevamah*, he does not acquire her [as his wife].

If he intended to sodomize an animal and unintentionally inserted his organ into his *yevamah*, he does acquire her [as his wife].

5 [The following rules apply when a *yavam* takes] his *yevamah* [home to] perform *yibbum*, and within 30 days she claims that they did not engage in sexual relations. [The *yavam*] claims that they did engage in relations and then divorces her. Since he already took the initiative and divorced her, we compel him to perform *chalitzah* with her.

If he did not divorce her, we compel him to engage in relations with her, or to perform *chalitzah* and also to divorce her, giving her a *get*.

If he divorced her after thirty days had passed, and she claims that they did not engage in sexual relations, we request that he perform *chalitzah* with her. If, however, he admits that he had not entered into relations with her, we compel him to perform *chalitzah* with her.

If she claims that they engaged in sexual relations, and he denies engaging

in relations, she is not required to engage in *chalitzah*, for his word is not accepted [when he desires] to cause her to be forbidden to all other men, once he brings her to his home as his wife.

6 When a man dies [childless], and he is survived by many brothers, the mitzvah is incumbent on the eldest brother to perform either *yibbum* or *chalitzah*, as [implied by **Deuteronomy 25:6**]: "The firstborn son whom she bears [will perpetuate the name of the deceased brother]." The Oral Tradition interprets the verse as referring to the eldest of the surviving brothers, causing the verse to be rendered: "The eldest brother will perpetuate the name of the deceased brother." The subject of the phrase "whom she bears" is the mother of the brothers and not the *yevamah*.

7 If the eldest brother does not desire to perform *yibbum*, all the other brothers are given that option. If they also do not desire, we return to the eldest brother and tell him: "The mitzvah is incumbent on you. Perform either *yibbum* or *chalitzah*." We do not compel the *yavam* to perform *yibbum*; we do, however, compel him to perform *chalitzah*.

8 If the eldest brother says: "Give me a respite until [a brother] who is a minor attains majority," "... until [a brother] who is on a journey returns," or "... until [a brother] who has [temporarily] lost his powers of speech and hearing recovers; if he refuses, I will perform *yibbum* or *chalitzah*" - his request is not accepted. He is told: "The mitzvah is incumbent on you. Perform either *yibbum* or *chalitzah*."

9 Similarly, if the eldest brother is in another country, [the obligation is

transferred to his younger brother]. The younger brother does not have the option of saying: "The mitzvah is incumbent on my older brother. Wait until he comes." Instead, we tell the brother that is present: "Perform either *yibbum* or *chalitzah*."

10 The laws pertaining to a *yevamah* who is fit to perform *yibbum* and refuses to do so are the same as those governing a woman who rebels against her husband. We compel her *yavam* to perform *chalitzah* with her, and she forfeits [the money due her by virtue of her] marriage contract.
When the deceased is survived by many wives, the one that the *yavam* asks to perform *yibbum* and refuses is considered to have "rebelled." He should perform *chalitzah* with her, and she forfeits [the money due her by virtue of her] marriage contract. The other wives who were not asked [to perform *yibbum*] receive [the money due them by virtue of their] marriage contracts, as other widows do.

11 If [the deceased was survived by] many [brothers], and the eldest brother states that he wants to perform *yibbum* with [one of the deceased's wives], [she is under obligation to him]. Even if she does not desire [to marry] him, but is willing to marry one of his brothers, her desire is not considered. For the mitzvah is that the eldest brother perform *yibbum*.

12 [The following rules apply when] the eldest brother says: "I do not want to perform either *yibbum* or *chalitzah*. Behold, my brother is present." If one of the brothers asks her to perform *yibbum*, and she does not desire [to marry] him, but she does desire [to marry] another brother, and he

desires [to marry] her, she is not considered to have "rebelled." Once the eldest brother upon whom the mitzvah is incumbent demurs, all the brothers are equal. Since she desires [to marry] one of [the brothers], and he desires [to marry] her, she is not considered to have "rebelled."

Moreover, if one of the brothers was in another country, and the woman says: "I would prefer to wait for him to come and perform *yibbum* with me. I do not want [to marry] this one," she is not considered to have "rebelled." [Since] the brother who asks [to marry her] is not the eldest, we tell him: "If you desire to perform *chalitzah* and pay her [the money due her by virtue of her] marriage contract, you may. If not, she wants to wait until your brother comes. Since you do not have a prior claim, [she is granted that prerogative].

13 If the brother [whom the *yevamah* desired to marry] returned and did not desire [to marry] her, we turn again to the brother who desired to perform *yibbum*, but was not desired by the woman. We tell the woman: "There is no one who desires to perform *yibbum* with you except this one, and the mitzvah of *yibbum* is given priority. Either perform *yibbum* with this one, or leave without receiving [the money due because of your] marriage contract, as is the law with regard to all women who rebel."

14 Whenever the law is that a woman should perform *chalitzah* and not *yibbum*, as we have mentioned, if she is entitled to receive [the money due her by virtue of] her marriage contract, she may collect that money in the same way as other widows.

Similarly, if the *yavam* was a leper or he has other blemishes [for which]

men [are required to divorce], he must perform *chalitzah* for her, and she is entitled to receive [the money due her by virtue of] her marriage contract.

If a *yevamah* suffered blemishes while she was waiting for *yibbum*, it is the *yavam's* lack of fortune. If he does not desire to perform *yibbum*, he must perform *chalitzah* and give her [the money due her by virtue of] her marriage contract.

15 When, during her [first] husband's lifetime, a *yevamah* takes a vow prohibiting her from deriving benefit from her *yavam,* or from all Jews, [her *yavam*] should be compelled to perform *chalitzah* for her, and she is entitled to collect [the money due by virtue of] her marriage contract.

If she takes such a vow after her [first] husband's death, we request [her *yavam*] to perform *chalitzah* for her. If he does not desire to do so, she is considered to have "rebelled." Similarly, even if she took such a vow in her husband's lifetime, if her intent was that he should not perform *yibbum* with her, he is not compelled to perform *chalitzah*, unless she [accepts the status of] one who rebels and forfeits [payment of] her marriage contract.

16 No heed is paid to the words of a *yevamah*, when her *yavam* asks her to perform *chalitzah*, and she says: "I do not want to perform *chalitzah*, nor do I want to collect [the money due me by virtue of my] marriage contract. Instead, I will remain in my husband's house like other widows." For she was given over to [the *yavam*] from heaven, and the choice [is his whether] to perform *yibbum* or to perform *chalitzah* and pay her [the money due her by virtue of her] marriage contract.

Moreover, even if she says "I will provide for my sustenance from my own means, and I will remain without a husband for the rest of my life," her words are not heeded. For the *yavam* will tell her: "As long as you are under obligation to me, no one else will want to marry me." Even if he is already married [this argument still holds weight], for it is possible for him [to desire] to marry another wife, or that [his obligation to] the *yevamah* will cause strife within his marriage.

17 [The following rules apply when] a *yevamah* had no right to the privileges of a marriage contract from her [deceased] husband, because she was forbidden to him, but she is permitted to marry the *yavam*, as will be explained. If the *yavam* desires to perform *yibbum*, he may. He is not obligated to the woman [for the privileges of her] marriage contract, just as her [previous] husband was not. The laws regarding the *yavam's* obligation for the additional amount to be paid the woman are the same as those that applied with regard to her husband.

If, however, a husband did not write his wife a marriage contract, or she sold him or waived to him the rights to her marriage contract, the *yavam* is obligated to write a new marriage contract for her as he would be required for another widow.

18 Before the *yavam* performs *yibbum* or *chalitzah* with the *yevamah*, she is forbidden to marry another man, as [**Deuteronomy 25:5**] states: "the wife of the deceased should not be allowed to [marry] an outsider."

If she marries another person, and they engage in sexual relations, they are both punished by lashes, and he must divorce her with a *get*. [This

applies] even if she has borne him several children. She is forbidden to him and to her *yavam*. Her *yavam* should perform *chalitzah* with her; this causes her to be permitted to marry other men.

19 If she was consecrated by another man, she does not become forbidden to her *yavam*. Instead, the man who consecrated her should divorce her, and her *yavam* may perform either *yibbum* or *chalitzah*.
If her *yavam* was a priest who is forbidden to marry a divorcee, she should be divorced by the man who consecrated her, so that the sinner should not benefit, and her *yavam* should perform *chalitzah* with her.

20 If the man who consecrated [the *yevamah*] and then divorced her, marries her [after] her *yavam* performs *chalitzah* with her, they are not forced to separate. If, by contrast, a man divorced [a *yevamah*] after being married to her and then remarried her again, the couple are forced to separate. For this resembles the case of a married woman who [thought that her husband had died and] remarried, who is forbidden to both her first and second husbands, as has been explained.
A *yevamah* who engages in licentious sexual relations does not become forbidden to her *yavam*. If he desires, he may perform *chalitzah*; if he desires, he may perform *yibbum*.

21 [The following rules apply to] any *yevamah* concerning whom there is a question according to Rabbinic law whether or not she is under obligation to a *yavam* - e.g., a *yevamah* bore a child who died within thirty days, after a pregnancy that was not full term. In this instance, she is required by

Rabbinic law to perform *chalitzah*, because of the doubt [that exists whether the birth was viable], as explained above. If such a woman was consecrated by another man before performing *chalitzah*, her *yavam* should perform *chalitzah* with her, and she may remain married to her husband.

If she was consecrated by a priest - who is forbidden to be married to a woman who performed *chalitzah* - [her *yavam*] should not perform *chalitzah* for her. [This leniency was instituted] since we do not cause a man's wife to be forbidden because of a Rabbinic decree instituted on account of doubt.

If the priest divorces [the woman] or dies, she should perform *chalitzah*. Afterwards, she is permitted, *a priori*, to marry other men.

Chapter 3

1 When a man says: "This is my son," or "I have sons," his word is accepted, and he frees his wife from [the obligation of] *yibbum* or *chalitzah*.

2 When a man says: "This is my brother," or "I have brothers," his word is not accepted, and his wife does not become forbidden [to others because] she is required to perform *yibbum*. [We assume that] his intent was to cause his wife to be forbidden [to other men] after his death.

3 When the prevailing presumption is that [a man] has brothers and he says at the time of his death, "I do not have brothers," his word is not

accepted. Similarly, if he says that a person presumed to be his brother is not his brother, his word is not accepted.

If there was no prevailing presumption that he has brothers, but a rumor becomes circulated that there are witnesses who will testify that he has brothers, but these witnesses are overseas, the woman must take this factor into consideration and wait until the witnesses who were mentioned come, and are asked [concerning the matter]. [This ruling applies] even when the husband says, "I do not have a brother" at the time of his death.

4 [The following rules apply when] a man engaged in licentious relations with either a single woman or a married woman, she became pregnant, and he claims that he fathered the child. Even if [the mother] acknowledges his statements, and thus the son is considered his with regard to the laws of inheritance, the matter is considered to be one of doubt with regard to the laws of *yibbum*. For just as the woman engaged in relations with him, she could have engaged in relations with another man. How is it possible to know with certainty that this is his son? There is no prevailing presumption to that effect.

The matter thus remains one of doubt, and the more stringent perspective should be taken. Hence, his wife [is obligated to] perform *chalitzah*, and she [is forbidden] to perform *yibbum*.

5 The testimony of one witness is accepted with regard to the death of a woman's husband, and she may perform *yibbum* on this basis. [Similarly, such testimony is acceptable if he states that] her *yavam* died, or that her husband fathered a son, on which basis she would be granted permission

to marry another person [without *chalitzah*].

Even the testimony of a servant or a woman, or statements of a gentile made in the midst of conversation are acceptable with regard to the death of a *yavam*, as they are acceptable with regard to a married woman whose husband has died, to enable her to be permitted to remarry, as mentioned in *Hilchot Gerushin*.

6 Just as the statements of five [specific] women are not accepted with regard to testimony regarding the death of a woman's husband, so too, the statements of these five women are not accepted with regard to the death of her *yavam*.

The laws of the testimony governing the death of a *yavam* are the same as the testimony [governing the death of the woman's husband] with regard to disparities between the statements of the witnesses and all other matters.

7 [The following rule applies when] two widows, [each one married to one of two brothers,] come from an overseas country, this one says: "My husband died," and this one says: "My husband died." Each one is forbidden [to remarry] because of her obligation to the husband of the other one. For the testimony of a *yevamah* is not acceptable with regard to the death of the woman's *yavam*, as stated [in the previous halachah].

8 If one of these women has a witness who can testify that her husband died, she is still forbidden to remarry - for she is not forbidden to remarry because of [an apprehension that] her own husband [is alive], but rather

because of [the apprehension that] her *yavam* [is alive].

The woman who does not have a witness supporting her, by contrast, is permitted [to remarry], for a witness has testified that her *yavam* died, and her own testimony is accepted with regard to the death of her husband.

9 If one of the above-mentioned women has children, and the other is childless, the one who is childless is forbidden [to remarry], and the one who has children is permitted.

If there is another living brother to perform *yibbum*, he should perform *yibbum* with both of them.

10 If [in the latter instance], the *yavam* who married them died, they are forbidden to marry another man as they were originally. If, however, the *yavam* married them and then divorced them, they are free to marry other men.

11 A woman's testimony is accepted with regard to the death of her husband, and she may marry [another man] or perform *yibbum* [on this basis]. Nevertheless, the testimony of a *yevamah* is not accepted with regard to the death of her *yavam*, and it is not considered to be sufficient basis for her to marry another man. The rationale is that the prohibition [against marrying another man when under obligation to a *yavam*] involves merely a negative commandment. And therefore the woman may regard it casually.

Similarly, the testimony of a *yavam* is not accepted with regard to the death of his brother, and it is not considered to be sufficient basis for him

to marry his brother's wife. [We fear that] perhaps he desired her.

Similarly, a woman's testimony is not accepted with regard to the death of her sister, and it is not considered to be sufficient basis for her to be permitted to marry her sister's husband. [By the same token,] a man's testimony that his wife has died is not accepted as sufficient basis for him to marry her sister. In this instance, it is necessary that two witnesses testify that one sister has died before the other sister can enter her household. For the testimony of one witness was accepted only so that license to marry could be granted to a woman who would otherwise be forced to remain unmarried, as we have explained.

12 Accordingly, when a woman, her husband and her *yavam* journey overseas, and she comes and says: "My husband died, and afterwards my *yavam* died," or "My *yavam* died, and then my husband died," her word is not accepted.

If, however, she and her husband depart alone, and she returns and says: "A *yavam* was born for me overseas, but he died," her word is accepted, regardless of whether she says "My *yavam* died, and then my husband died," or "My husband died, and afterwards the *yavam* who was born for me died." [The rationale is] the source for the statements [on which basis the woman was] forbidden [states that she is] permitted.

13 [The following rules apply when] a woman journeys overseas together with her husband and her son: If she returns and says: "My husband died and then my son died," her word is accepted, for at the time she departed the prevailing presumption was that she was permitted to marry another

man.

If she says: "My son died, and afterwards my husband died," her word is not accepted as the basis for *yibbum*. Nevertheless, we grant a certain degree of credence to her words, and she should perform *chalitzah*, but not *yibbum*.

14 [The following rules apply when] a woman journeys overseas together with her husband alone: If she says, "I "bore a son overseas, he died, and then my husband died," her word is accepted and permitted her to perform *yibbum*. [The rationale is that] the prevailing presumption when she departed was that she was permitted to perform *yibbum*.

If she says: "My husband died, and then the son who was born to me died," her statements are not accepted as grounds to free her of the obligation for *yibbum* or *chalitzah*. Nevertheless, we grant a certain degree of credence to her words, and she should perform *chalitzah*, but not *yibbum*.

15 When does the above apply? When she was forbidden to the priesthood at the outset - e.g., she had been divorced or a *chalalah* beforehand, - or she said: "We were [alone] in a cave when he died."

If this is not the situation, she may not perform *chalitzah*, lest she perform *chalitzah* and then witnesses come and confirm her statements that her husband died first. Thus, it will be evident that this *chalitzah* was unnecessary, and she [is permitted to] marry a priest. An observer may see that she performs *chalitzah* and then marries a priest, and he would think that a priest is permitted to marry a woman who performed *chalitzah*, for

he is unaware that witnesses came. Therefore, she should not perform *chalitzah*, nor should she perform *yibbum*. Instead, she should remain under the obligation to perform *yibbum* as she was when she departed, until witnesses come [and clarify the situation].

16 Similar laws apply when a woman's husband and a second wife journeyed overseas, and two witnesses came and told [the first wife], "Your husband died." She should not perform *chalitzah*, nor should she perform *yibbum* until she knows whether or not her husband's second wife bore a child.

Why should she not perform *chalitzah* nine months after the death of her husband, in which case she would be permitted to marry another man from any standpoint? If the other woman bore a child, that frees her of all obligations. And if the other woman did not bear a child, she [should be permitted, because] she performed *chalitzah*.

[Our Sages prohibited this] as a decree, lest after the woman performed *chalitzah*, it become known that her husband's other wife bore a viable child. This woman will then not be [bound by the prohibitions of] a woman who performed *chalitzah*, and she may marry a priest despite performing *chalitzah*. An observer - who did not know about the witnesses [who informed her of the birth of her husband's child] - might conclude that a priest is permitted to marry a woman who performed *chalitzah*, and he will testify that a Rabbinic court gave her license to marry a priest. Therefore, if she was forbidden to the priesthood at the outset, she may perform *chalitzah* nine [months after the death of her husband and] she may marry another man.

The wife who accompanied her husband when he died should wait 90

days, as other *yevamot*. Thus, she may perform *chalitzah* or *yibbum*. She need not worry about [the possibility of] the wife in the country [giving birth], for that woman was not in the same country as her husband.

17 When a woman's husband dies, and her mother-in- law is living overseas, she need not suspect that her mother-in-law bore a child [before her husband's death], and that there is a *yavam* for her living in another country. Our Sages did not institute a decree of this nature. Instead, they allowed the prevailing presumption [regarding her status to continue], and she is permitted to remarry.

The same concept applies when a woman's husband dies, and her son is living overseas - she need not suspect that her son died [before her husband's death]. Instead, we allow the prevailing presumption [regarding her status to continue].

18 If, however, the mother-in-law departed [overseas] while she was pregnant, the daughter-in-law must bear that fact in mind. She may not marry another man until she knows the fate of her mother-in-law's pregnancy. Perhaps a *yavam* for her was born before her husband died.

19 [The following laws apply when] a woman's husband and son went overseas, and [witnesses] came and told her: "Your husband died and then your son died." If she married, and later discovered that they died in the opposite order, she must leave her second husband. None of the children she bore him is considered illegitimate, however.

[More stringent rules apply if she was told: "Your son died and then your

husband died," and on that basis she performed the rite of *yibbum* and then discovered that they died in the opposite order. She is obligated to leave her second husband. All the children she bore him - both those born before she received this notice and those born afterwards - are considered illegitimate.

Chapter 4

1 What does the mitzvah of *chalitzah* entail? The *yevamah* goes to the *yavam's* place of residence and approaches the judges. They call the *yavam* and give him advice that is appropriate for him and for her.
If the appropriate advice is for them to perform *yibbum*, they advise him to perform *yibbum*. If the appropriate advice is for them to perform *chalitzah* - e.g., she is young and he is older, or she is older and he is young - they advise him to perform *chalitzah*.

2 The judges should first establish the place where they will hold session, and then she should perform *chalitzah* there in their presence, as [**Deuteronomy 25:7**] states: "And his *yevamah* shall ascend to the gate, [where] the elders [hold court]...."
If [the judges] did not speak about the matter, nor did they establish a place, and [the *yevamah*] and [the *yavam*] chanced upon them and performed *chalitzah*, the *chalitzah* is acceptable.

3 Both [the *yevamah*] and the *yavam* should be taught to read until they are familiar [with the words they must recite].

The *yevamah* should be trained to say *lo avah* in one breath, [pause,] and say *yabmi*, so that her words cannot be interpreted to mean *avah yabmi*.

4 If the *yevamah* is familiar [with the phrase] she must recite, we are not fastidious about her reading [the above phrase] in one breath. If, however, she is unable [to read], we should train her until she does so [properly].

5 *Chalitzah* must be performed during the day and not at night. [The rite] must be performed in the presence of [at least] three individuals who know how to read.

If one of the three individuals is a convert, [the *chalitzah*] is unacceptable. Even a man whose father is a convert, and his mother a native-born Jewess, should not participate in the *chalitzah* ceremony. [Instead, it is necessary,] that both his father and his mother be native-born Jews.

It is a mitzvah for five men [to observe the rite], so that the matter will be publicized. The other two may even be common people.

6 How is the rite of *chalitzah* performed? A leather shoe with a heel, that is not sewn with linen threads, is brought to [the *yavam*]. He places it on his right foot and ties its straps around his foot.

Both [the *yavam*] and [the *yevamah*] stand before the court. The phrase [**Deuteronomy 25:7**], *Me'ein yevami....* ("My *yavam* refuses....") is read in Hebrew for the *yevamah* to repeat. Afterwards, the phrase [*ibid.*:8], *Lo chafatzti lekachtah* ("I do not desire to take her") is read for the *yavam* to repeat.

He then presses his foot to the ground. She sits [on the ground], extends

her hand before the court, loosens the straps of his shoe, removes it, and throws it to the ground. At the moment she removes the majority of the heel [of the shoe from his foot], she becomes free to marry another man.

7 Afterwards, she stands and spits on the earth before his face, in a manner that the spittle can be seen by the judges. For the mitzvah of *chalitzah* requires that both [the *yevamah* and the *yavam*] should stand when they recite [the phrases they must say] and when she spits. The judges must see the spittle that emerges from her mouth.

Afterwards, the phrase *Kachah ye'aseh...*, "This is what should be done to a man who does not build his brother's household. And his [family] shall be called within Israel 'the household of the one whose shoe was removed' [**Deuteronomy 25:9-10**] is read for the *yevamah* to repeat.

8 All [the statements mentioned] above should be made in Hebrew. This is derived from the phrase "This is what" [in the above verse, which is interpreted] to mean "with these words."

All those seated in attendance recite *chalutz hana'al*, "the one whose shoe was removed," three times.

The *yevamah* must remove his shoe with willful intent, and [the *yavam*] must have the intent that he performs this rite on her behalf. They must perform these acts with the intent of enabling her to marry other men.

A blind man should not perform *chalitzah*, for [**Deuteronomy 25:9**] states: "[She] shall spit before his face," and he cannot see her spittle.

9 Thus, the order of *chalitzah* should be as follows: First she recites: "My

yavam refuses to perpetuate his brother's name within Israel. My *yavam* did not desire [to marry me].

Afterwards, [the *yavam*] says: "I do not desire to take her." At which point, she removes his shoe and then spits. Afterwards, she recites: "This is what should be done to a man who does not build his brother's household. And his [family] shall be called within Israel 'the household of the one whose shoe was removed.'

10 This order is not, however, an absolute requirement. Instead, even though neither [the *yevamah*], nor [the *yavam*] recited [the required phrases], she spit and then removed his shoe, or she recited [the phrases] and then spit, the *chalitzah* is acceptable.

11 Why, [in the above instance,] should she not spit [again], [so that all the required activities] will be performed in the proper order? Lest people [mistakenly] think that spitting alone is of no consequence, and [they err and think] that it does not prevent [the *yavam's*] other brothers [from performing *yibbum* with the *yevamah*].

12 [Even if] she merely removed his shoe, did not recite [the required phrases], and did not spit, the *chalitzah* is acceptable. Needless to say, if she removed his shoe and recited the required phrases, but did not spit, or if she removed his shoe and spat, but did not recite the required phrases, the *chalitzah* is acceptable.

13 When does the above apply? When [the *yevamah* and the *yavam*] are able to speak, for then they are able to recite [the appropriate phrases]. When,

however, [the *yevamah*] or [the *yavam*] is dumb, they may not perform *chalitzah*, and if they do perform *chalitzah*, the *chalitzah* is not acceptable. [Their deeds are, nevertheless, effective to a certain degree.] They are not comparable to a *chalitzah* performed by [a *yevamah*] or [a *yavam*] who was a deaf-mute, in which case their deeds are of no consequence whatsoever, for a deaf-mute is not of sufficient mental capacity to take responsibility for his [or her] actions.

14 If [the *yevamah*] only spits, without removing [the *yavam's* shoe] or reciting [the appropriate phrases], or spits and recites [the appropriate phrases], without removing [the *yavam's* shoe], it is as if she has performed an unacceptable *chalitzah*.

If both [the *yevamah* and the *yavam*] recite [the appropriate phrases], but the *yevamah* does not remove [the *yavam's* shoe] or spit, they have not accomplished anything. [This is implied by the verse:] "This is what should be done to a man" - i.e., a deed removing the shoe or spitting has an effect. The recitation of the verses, by contrast, is not an absolute requirement, nor does it have any effect [on its own].

15 If [the *yevamah*] removes [the *yavam's* shoe], spits and recites [the appropriate phrases] while they are sitting, or lying on their sides, if the straps of the [*yavam's*] shoe are tied on his leg below the knee, or if she performed *chalitzah* in the presence of three common people who are not able to read the verses [which the two recite], the *chalitzah* is acceptable. Similarly, if [a *yavam* who is] blind performs *chalitzah*, [the *chalitzah* is acceptable].

16 *Chalitzah* is unacceptable [in the following instances]:

a) a woman performed *chalitzah* at night,

b) she performed *chalitzah* in the presence of two judges or in the presence of three judges, and one of them was a relative or [otherwise] disqualified [from serving in this capacity,

c) the shoe was tied above his knee,

d) he untied the shoe and she removed it, or she untied the shoe and he removed it,

e) she had the intent of performing [these acts to release herself from her obligation to her *yavam*] but he did not, or he had the intent of performing [these acts to release her from her obligation to her *yavam*] but she did not,

f) or a girl below the age of majority removed the shoe of an adult.

Similarly, if a woman performs *chalitzah* in the presence of one judge, or even if *chalitzah* is performed at night by [the *yevamah* and the *yavam*] while they are alone, the *chalitzah* is unacceptable. When, however, *chalitzah* is performed by a deaf-mute, a mentally incapable person, or a minor, and similarly, when a man performs *chalitzah* with a woman who is not obligated to perform *chalitzah* or *yibbum*, the *chalitzah* is of no consequence.

17 When a *yavam's* right leg is cut off, he should not perform *chalitzah* with his left leg. If he performs *chalitzah* with his left leg, the *chalitzah* is unacceptable.

If [the *yavam*] is bowlegged, his foot turns to his side, or he always walks on the tips of his toes, she should not perform *chalitzah*, for the man

performing *chalitzah* must press his heel to the ground, and such a person is incapable of this. If a person with such a disability in his legs performs *chalitzah*, the *chalitzah* is unacceptable.

18 A *yevamah* whose hands are cut off may perform *chalitzah*. *A priori*, [it is acceptable,] even if [she must remove the shoe] with her teeth, for the verse does not say that she will remove it with her hands.
If she removes a shoe made from cloth, she has not performed *chalitzah*. If, however, she removes a shoe that does not have a heel, [a shoe] that was sewn with linen threads, a shoe made from goats' hair, the inner bark of a palm tree, cork or wood, the *chalitzah* is unacceptable.
[This same ruling applies if] the shoe is so large that [the *yavam*] could not walk in it, if it is so small that it does not cover the majority of his foot, it is torn to the extent that it does not cover the majority of his foot, or the sole is opened to the extent that it does not cover the majority of his foot.

19 *Chalitzah* is acceptable, however, in the following instances:
a) a sandal was made of wood and covered with leather, or its soles were leather, and its sides were made from goats' hair,
b) [the *yevamah*] removed a left shoe from [the *yavam's*] right foot,
c) the shoe did not belong to the [the *yavam*],
d) it was oversized, but he could still walk while wearing it,
e) it was small, but it covered the majority of his foot,
f) it was torn, but it covered the majority of his foot, or
g) the sole was opened, but it covered the majority of his foot.

20 When it is questionable that a sandal is affected by *tzara'at*, or it has definitely been established that this is the case, and a sandal belonging to a false deity - i.e., one placed on the feet of an image - should not be used for *chalitzah*. If, however, it is used for that purpose, the *chalitzah* is acceptable, despite the fact that deriving benefit from [the sandal] is forbidden.

[Different rules apply with regard to a sandal that was made from an animal] offered to a false deity, one from an apostate city, or one that was made to be worn by a corpse when it is buried. If [such a sandal] is used for *chalitzah*, the *chalitzah* is unacceptable. [The rationale is] that such a sandal was not made for a person to wear while walking.

21 If [the *yevamah*] tears the shoe off [the *yavam's*] foot or burns it, the *chalitzah* is unacceptable. [The same ruling applies if the *yavam*] is wearing two shoes [on his right foot, one on top of the other,] and the *yevamah* removes [only] the upper one [in the ordinary manner]. Even if she tears off the lower one so that his foot is revealed, the *chalitzah* is unacceptable.

22 When a *yevamah* eats garlic, mustard, or other similar condiments that increase a person's spittle, and spittle was dripping from her mouth, [the spitting] is of no consequence. [Instead,] the spittle must be produced without any external cause.

23 If [a *yevamah*] spits blood, or if blood is dripping from her mouth, [the spitting] is of no consequence. If she sucks [the wound] and then spits, it

is acceptable, for it is impossible that there will be blood that was sucked out without some drops of spittle.

If she spits, and the wind blows away the spittle before it passed before his face - e.g., she is tall and he is short - [the spitting] is of no consequence. If [the wind blows] the spittle [away] after it passes before his face, but before it lands on the ground, it is acceptable.

If the judges do not see the spittle emerge from [the *yevamah's*] mouth, it is acceptable.

24 *Chalitzah* performed under mistaken premises is unacceptable.

What is implied? For example, [if the *yavam*] was told: "Perform *chalitzah* for her; this is the manner in which you acquire her as a wife," "Perform *chalitzah* for her. It is a mitzvah, and you do not lose any rights. If you later desire to perform *yibbum*, you may," or the like, [the *chalitzah*] is unacceptable.

If, however, he was deceived and was told: "Perform *chalitzah* for her on the condition the she give you 200 *zuz*" - or "...under any other condition" - the *chalitzah* is acceptable, even though she did not give [him the money] or fulfill the condition. [The rationale is that] he had the intent [of releasing her from her obligation] when he performed *chalitzah*.

25 When [a man] issues a protest with regard to *chalitzah*, the *chalitzah* is not acceptable. Therefore, it is proper for the judges to tell [the *yavam*] to nullify all protests [before he performs *chalitzah*], as they do with regard to a *get*.

[The following rules apply when] Jews compel [a *yavam*] and beat him

until he performs *chalitzah*: If they act according to law, the *chalitzah* is acceptable. If they do not act according to law - e.g., they were commoners or they erred [in judgment] - the *chalitzah* is not acceptable.
If gentiles force [a *yavam* to perform *chalitzah*] on their own initiative, but the law would require that *chalitzah* be performed, the *chalitzah* is unacceptable. If they do not act according to law, the *chalitzah* is of no substance.

26 Whenever we have used the terms, "the *chalitzah* is of no substance," "his actions are of no consequence," or "nothing has been accomplished," the intent is that it is as if the *chalitzah* had not been performed at all. He does not become forbidden to her relatives, nor is she forbidden to the priesthood, and she is permitted to perform *yibbum*.
Whenever we have used the term, "the *chalitzah* is unacceptable," he becomes forbidden to her relatives, and she becomes forbidden to the priesthood. She also becomes forbidden to all the brothers, and she may not perform *yibbum*. She may not marry another man, however, until she performs an acceptable *chalitzah*.

27 If she transgresses and marries [another man], [the *yavam*] should perform an acceptable *chalitzah* with her. She is allowed to remain married to her husband; she is not sent away from him.

28 When a *yevamah* grows up together with [her deceased husband's] brothers, she is permitted to perform *yibbum*. We do not suspect that she performed *chalitzah* with one of them alone and thus became forbidden

to them.

If, however, we see that she removed the shoe of one [of the brothers], she is disqualified [from *yibbum*], lest she have intended to perform *chalitzah*. An acceptable *chalitzah* must, however, be performed to enable her to marry another man.

29 The document recording the *chalitzah* that we compose is merely a legal record, so that a woman will have at hand proof that she performed *chalitzah*.

Judges do not preside over *chalitzah* unless they know the identity [of the *yevamah* and the *yavam*]. Therefore, a person who observes *chalitzah* can write a document recording the *chalitzah* although he does not know that the woman is so and so's daughter, that her deceased husband was so and so, and that the person who performed *chalitzah* with her was [her husband's] brother. [He can assume] that the judges who presided over the *chalitzah* clarified these matters and afterwards had the *chalitzah* performed.

30 **This is the formal text of the document recording the chalitzah that is employed at present:**

On this day of the week and on this day of the month, in this year from the time of creation, according to the reckoning that is followed in this and this place, we, the judges, of whom several have signed below, sat in a session of three in court. So and so, the widow of so and so, the daughter of so and so, approached us, as did a man named so and so, the son of so and so.

And this woman told us: "So and so, the son of so and so, [is] the paternal brother of so and so, my husband. [My husband,] to whom I was married, died, leaving life to the Sages and to the entire Jewish people. He did not leave a son or a daughter to inherit him and to perpetuate his name within Israel. So and so, his brother is fit to perform *yibbum* with me.

"Rabbis, tell that man: 'If you desire to perform *yibbum*, do so.' If not, let him place his right foot before me, and I will remove his shoe from his foot and spit before him."

We clarified the identity of so and so and that he is the paternal brother of so and so, and we told him: "If you desire to perform *yibbum*, do so. If not, place your right foot before us, so that she can remove your shoe from your foot and spit before you." He answered us: "I do not desire to perform *yibbum*."

Immediately, we had this woman recite after us: "My *yavam* refuses to raise a name for his brother within Israel. My *yavam* does not desire [to perform *yibbum*]."

And then, we had the man recite after us: "I do not desire to take her." He then placed his right foot forward. She removed his shoe from his foot and spit before him, emitting spittle that could be seen by us from her mouth to the ground.

We then had her recite after us: "This is what should be done to a man who does not build his brother's household. And his [family] shall be called within Israel 'the household of the one whose shoe was removed.'

And we the judges, and all those sitting before us, answered after her: "the one whose shoe was removed," "the one whose shoe was removed," "the one whose shoe was removed," three times.

When this act was performed before us, we granted license for so and so to marry whomever she desires; no man has the right to raise a protest from this day onward.

So and so made a request for a legal record of this *chalitzah*. [Hence,] we wrote it up, signed it and gave to her as proof according to the faith of Moses and Israel.

Signed so and so the son of so and so, a witness;
so and so the son of so and so, a witness.

31 The three judges, two of the three judges, or two other individuals who witnessed the *chalitzah*, but who did not serve as the judges presiding over the *chalitzah*, may testify concerning the matter, as we have explained.

Even [the testimony of] a woman, a servant or a minor who is perceptive and understanding is accepted if they say that "This is so and so, the brother of so and so, and this is his *yevamah*." We may then perform *chalitzah* on this basis. This does not apply with regard to other forms of testimony required by the Torah - neither testimony required in questions of monetary law nor testimony required with regard to prohibitions.

[The rationale for this distinction is that this is a matter that will likely be revealed, and it is possible to know the truth of the matter without relying on their testimony, as we have explained at the conclusion of *Hilchot Gittin*.

If the *yavam* desires to perform *yibbum*, he should consecrate her, perform *yibbum* and write her a *ketubah*, as we have explained.

32 On this day of the week and on this day of the month, in this year

according to the reckoning that is followed in this and this place, [we the undersigned testify] that so and so, the son of so and so, appeared before us and told us: "My paternal brother died, leaving life to the Sages and to all of Israel. He did not leave a son or a daughter to inherit him and to perpetuate his name within Israel. He did, however, leave a woman so and so, the daughter of so and so. According to the Torah, she is fit to perform *yibbum* with me, as it is written in the Torah scroll of Moses: 'A *yavam* will engage in relations with her.' This woman consented and performed *yibbum* with so and so, the son of so and so, her *yavam*, to perpetuate [her deceased husband's] name within Israel, as it is written: "The first-born that she bears will arise in the name of his brother who is deceased."

So and so, the *yavam*, has written [a marriage contract for] two hundred silver *zuzim*, as befits her, as was written in the marriage contract written to her by her first husband, and he adds to this pledge from his own resources this and this amount. This is the dowry with which she entered the household... [continuing as in] the ordinary text of a *ketubah*.

33 33

On this day of the week..., [we the undersigned testify] that so and so, the son of so and so, told so and so, the daughter of so and so, a virgin bride: "Become my wife according to the faith of Moses and the Jewish people. And I, with the help of God, will work to honor you, sustain you, nourish you, provide for you and clothe you according to the custom of Jewish men who faithfully honor, sustain, nurture, provide for and clothe their wives.

"And as a dowry fit for a virgin, I will give you 200 silver *zuzim*, which are

equivalent to 25 *zuzim* of [pure] silver, which are fit for you according to the Torah, your sustenance, your clothing and your other needs, and I will give you conjugal rights."

So and so agreed and became the wife of so and so. He consented and added to the essential requirement of the marriage contract, reaching a total sum of such and such. This is the sum of the value of the dowry that she brought to the household, such and such. The groom received this entire amount. It entered his domain and came under his jurisdiction, and he accepted responsibility for the entire amount as a loan and a debt.

Similarly, the groom has told us, "I accept responsibility for the entire [sum mentioned in] this marriage contract: the essential requirement of the marriage contract, the dowry, the additional amount, and all the stipulations of the marriage contract.

"[This responsibility I accept upon myself,] my heirs and on all the valuable and desirable property and assets that I own beneath the heavens. [This includes] those that I already own and those that I will acquire and includes landed property and movable property that is acquired via the acquisition of landed property. All of them will be liable and accountable for the entire sum of this marriage contract: the essential requirement of the marriage contract, the dowry and the additions that payment be made from them in my lifetime and after my death, including even the cloak I wear on my shoulders."

We have formalized all that is written and explicitly stated above with a comprehensive *kinyan*. It should not be considered as an *asmachta* or as a sample text for legal documents that is not binding. Instead, it is binding with all the power and rigor of marriage contracts that are customarily

accepted among the Jewish people, as ordained by our Rabbis of blessed memory. We signed this marriage contract on the date mentioned above. Everything is clear, forceful and viable.

34 If the marriage contract is written for a widow, it should mention [the woman's name as] "so and so, the widow." If the marriage contract is written for a divorcee, it should mention [the woman's name as] "so and so, the divorcee." Similarly, if she had been taken captive [by gentiles], one should write "so and so, who was taken captive," so that a priest will not err [and marry] her.

[In these instances,] it is written: "And as a dowry, I will give you 100 silver *zuzim*, which are equivalent to 12 1/2 *zuzim* of [pure] silver, which are fit for you...."

35 When a legal record of the *chalitzah* or a *ketubah* for a *yevamah* is written, the place where the verses [from the Torah] are written should be ruled with a stylus, for it is forbidden to write three words [from the Torah] without ruling [the surface on which one writes].

A *yevamah* who performs *chalitzah* is permitted to marry on the same day on which she performed *chalitzah*, for she should not perform *chalitzah* until 90 days have passed [since her husband's death].

Chapter 5

1 When a *yavam* gives a *yevamah* a bill of divorce (a *get*), he disqualifies her and all of [his deceased brother's] other wives [from performing *yibbum*]

with him or with any of the other brothers. It is considered as if he has performed *chalitzah* with her.

The power of a *get* to affect a *yevamah* is Rabbinic in origin. [They instituted this decree based on the following rationale:] Since a *get* has the power to bring about the divorce of a married woman, and every *get* causes a woman to be disqualified from the priesthood, [they decreed] that it should also disqualify a *yevamah* from performing *yibbum*. [The *yevamah*] is not permitted to marry another man, however, until she performs *chalitzah*.

2 A statement of intent to marry (*ma'amar*) does not fully effect the establishment of a marriage bond for a *yevamah*, and it does not cause her to become a married woman in the full sense. Nevertheless, [if the *yavam* desires to nullify the *ma'amar*,] he must give [the *yevamah*] a *get*. For her to marry another man, however, *chalitzah* must be performed.

3 What is implied? When [a *yavam*] gives a *ma'amar* to his *yevamah*, but does not desire to engage in sexual relations with her, he must write a *get* for her, since she was consecrated unto him, and he must perform *chalitzah* with her to cause her to be permitted to others.

For a *yevamah* is not permitted to marry another man unless she enters into sexual relations with her *yavam* [and then is divorced or widowed], or if she performs *chalitzah*. A *get* disqualifies her for *yibbum*, but does not permit her to marry another man. A *ma'amar* does not effect a marriage bond in a complete sense, as sexual relations do.

4 When [a *yavam*] gives a *ma'amar* to his *yevamah* and then gives her a *get* [to nullify his *ma'amar*], he has negated what he brought about, and [the *yevamah*] is free [to perform *yibbum*]. It appears to me that she is free only [to perform *yibbum*] with his brothers, but she is forbidden to him.

5 When [a *yavam*] gives a *get* [to his *yevamah*] [to nullify] his connection to her and not {to nullify his *ma'amar*}, he disqualifies her [from performing *yibbum*] with him and his other brothers, as stated above.

He must give her [another] *get* [to negate] his *ma'amar* and perform *chalitzah* with her to permit her to marry another man.

6 When a *ma'amar* is given to a *yevamah* at the outset, without its having been preceded by any other activity and without its having been followed by any activity other than the sexual relations between [the *yavam*] who gave the *ma'amar* and the *yevamah*, the *ma'amar* is referred to as "an acceptable *ma'amar*."

By contrast, a *ma'amar* is referred to as "an unacceptable *ma'amar*" when:

a) before the *ma'amar* either this *yavam* or one of his brothers gave a *get* to this *yevamah* or one of the deceased brother's other wives or performed *chalitzah* with her,

b) either he or one of his brothers engaged in sexual relations with one of the deceased brother's other wives beforehand,

c) after the *ma'amar*, either this *yavam* or one of his brothers gave a *get* to this *yevamah* or one of the deceased brother's other wives or performed *chalitzah* with her,

d) he or one of his brothers engaged in sexual relations with one of the

deceased brother's other wives or gave a *ma'amar* to one of them, or
e) one of his brothers gave a *ma'amar* or engaged in sexual relations [with the *yevamah* to whom he gave the *ma'amar*].
[This term applies to] both a *ma'amar* that preceded these deeds as well as to a *ma'amar* that was given afterwards.

7 What is implied? If [a *yavam*] a) gave a *get* or performed *chalitzah* with his *yevamah* and afterwards he or one of his brothers gave her or another of his deceased brother's wives a *ma'amar*, or b) he entered into relations with his *yevamah* or gave her a *ma'amar*, and then he or one of his brothers gave another of his deceased brother's wives a *ma'amar* or entered into relations with her, the *ma'amar* is unacceptable. This applies both to the first *ma'amar* and the second *ma'amar*.

8 Thus, we may conclude that whether a *ma'amar* was preceded by another *ma'amar*, a *get*, a *chalitzah*, or sexual relations, or whether any of these acts preceded a *ma'amar*, the *ma'amar* is unacceptable. The only exception is when [a *yavam*] gives a *ma'amar* and enters into sexual relations [with the *yevamah*] after the *ma'amar*; this follows the dictates of the law.

9 When a *yavam* enters into sexual relations with his *yevamah* at the outset or after giving her a *ma'amar*, and nothing else preceded [their relations], [their] relations are referred to as "acceptable."
If a) a *ma'amar* from one of his brothers [was given to this *yevamah*],
b) a *get* was given [to this *yevamah*] or to one of [the deceased brother's] other wives, or

c) a *ma'amar* [was given by this *yavam*] or one of his brothers to one of [the deceased brother's] other wives, before [the *yavam* and the *yevamah* entered into relations], the relations are referred to as unacceptable.

10 When a *yavam* performs *chalitzah* with his *yevamah* at the outset without any other activity preceding it, the act is referred to as "a superior *chalitzah*."

If [the *chalitzah*] was preceded by a *get* or a *ma'amar*, whether from this *yavam* or from his brothers, [which was given] either to this *yevamah* or to one of [the deceased brother's] other wives, the act is referred to as an "inferior *chalitzah*."

11 When there are many *yevamot* coming from one household, after one of them has entered into "acceptable relations" or performed a "superior *chalitzah*," all are permitted [to marry other men], and their obligation to the *yavam* is removed.

If one of them entered into "unacceptable relations" or was given an "unacceptable *ma'amar*," all the wives are forbidden to perform *yibbum*. The woman who entered into relations or who received the *ma'amar* must be divorced with a *get*. [In addition,] {each} one of them is required to perform *chalitzah* to be permitted to marry another man. For "unacceptable relations" do not remove [a *yevamah's*] obligation to her *yavam*.

12 If one of [a deceased man's wives] performs an "inferior *chalitzah*," she is permitted to marry another man, but [the deceased's] other wives remain

forbidden [to marry] unless they perform *chalitzah* or unless all the brothers perform *chalitzah* with [the *yevamah*] who performed the "inferior *chalitzah*." For an "inferior *chalitzah*" does not remove the obligation of *yibbum* from this household until [the *yevamah* who performed the "inferior *chalitzah*" performs *chalitzah*] with all the brothers, or all [the deceased's wives] perform *chalitzah*.

13 Whenever a *yevamah* engages in sexual relations with her *yavam*, [a *get* is required to terminate the relationship], regardless of whether or not the relations are acceptable. [This applies] even if [the *yavam*] engaged in relations with [the *yevamah*] after performing *chalitzah* with her.

[Similarly, this ruling applies] regardless of whether [a *yavam*] or his brothers engaged in the relations for the sake of establishing a marriage bond or for the sake of *yibbum*. Even if [a *yavam*] or his brother engages in relations with another [one of the deceased's] wives after [the *yavam*] engages in "acceptable relations" with [his *yevamah*], he must divorce the woman with a *get*, for these relations effect the establishment of a marriage bond.

Similarly, whenever a *yevamah* is given a *ma'amar* - whether an "acceptable *ma'amar*" or an "unacceptable *ma'amar*" - a *get* is required because of the *ma'amar*, as explained. Only then is the prohibition brought about by the *ma'amar* removed.

14 As mentioned, a *get* does not dissolve [a *yavam's* connection with] his *yevamah* entirely. Similarly, a *ma'amar* does not acquire her [as a wife for the *yavam*] in a complete way. It is [only] sexual relations that establish the

marriage bond in a complete manner, and it is [only] *chalitzah* that dissolves the connection entirely.

Therefore, when a *yevamah* is given one *get* after another, or one *ma'amar* after another, there is an effect. When, however, [another brother] engages in relations with [a *yevamah* with whom a *yavam*] engaged in relations, or performs *chalitzah* with [a *yevamah* with whom a *yavam*] performed *chalitzah*, the second relations or the second *chalitzah* are of no consequence. Similarly, a *get* or *chalitzah* that follows relations is of no consequence.

15 What is implied? When a *yavam* gives a *get* to a *yevamah*, and afterwards gives a *get* to another one of [the deceased's] wives, he is forbidden to marry the relatives of both women.

Similarly, when two *yevamim* give two *gittin* to one *yevamah*, one after the other, she is considered to have been divorced by both of them. They are both forbidden to marry her relatives; one of them should perform *chalitzah* [with her].

Similarly, if [a *yavam*] gives a *get* to his *yevamah*, and then his brother gives a *get* to another one of [the deceased's] wives, each brother is forbidden to marry the relatives of the woman to whom he gave the *get*. Similarly, if [two brothers each] give a *ma'amar*, one after the other, [each must give a *get*], as explained.

When, however, a *yavam* performs *chalitzah* with his *yevamah*, and afterwards either he or his brother perform *chalitzah* with another of [the deceased's] wives, or two *yevamim* perform *chalitzah* with the same *yevamah*, the second *chalitzah* is of no consequence, and the brother who

performed it is not forbidden to marry the woman's relatives. It is just as if he performed *chalitzah* with another woman who is not under obligation to him.

16 Similarly, when a man engages in relations with his *yevamah*, and then he or one of his brothers performs *chalitzah* with her or with one of the other wives [of his deceased brother], this *chalitzah* is of no consequence.

Similarly, if his brother gave a *get* to [this *yevamah* or] any of the other wives [of his deceased brother], it is of no consequence. Nor is it of consequence if one of his brothers gives the woman a *ma'amar* or engages in relations with her. Once the brother engaged in relations with her, he acquired her [as his wife] in a complete manner, and a married woman cannot be consecrated by another man. If, however, one of the brothers gave a *ma'amar* to one of the other wives [of his deceased brother], or engaged in relations with her, he must release her with a *get*, as we have explained.

17 [The following rules apply when] two *yevamim* perform *yibbum* with two *yevamot* coming from the same household, and it is not known who performed *yibbum* first. Both should divorce [the women] with *gittin*. The women are then permitted to marry other men, but are forbidden to the *yevamim*.

Consequently, when Reuven lived in Jerusalem and he had two wives, one living in Akko and one living in Tyre, [and two brothers:] Shimon who lived in Akko and Levi who lived in Tyre, if there is a report that Reuven died, according to law it would be proper for neither brother to perform

yibbum until he knows what his other brother did. For perhaps he performed *yibbum* first.

If one of the brothers does perform *yibbum*, he is not forced to divorce his wife until it is determined that his other brother performed *yibbum* first. If one brother desired to perform *chalitzah* without waiting to see what his other brother did, he is not prevented from doing so.

18 When a *yavam* who is below the age of majority, [but more than] nine years and one day old, enters into relations [with a *yevamah*], [the consequence] is equivalent to [that of] a *ma'amar* given by an adult; [the *yevamah*] is not acquired as a wife in a complete manner.

When [a *yavam* who is below the age of majority, but more than] nine years and one day old, gives a *ma'amar* at the outset, it is effective and causes [the *yevamah*] to be forbidden to [his brothers] who are past majority. If, however, he gives [the *ma'amar* after a *ma'amar* has been given by his brothers who are past majority, his *ma'amar*] is of no consequence.

[Similarly,] a *get* that he gives or *chalitzah* that he performs is always of no consequence, whether it precedes [his brothers' actions] or follows them.

19 What is implied? When a [*yavam* who is below the age of majority, but more than] nine years and one day old, engages in relations with his *yevamah*, or gives her a *ma'amar* at the outset, he disqualifies her [from performing *yibbum*] with his other brothers. If, however, [one of the brothers] past majority gave his *yevamah* a *ma'amar*, and then [the brother who is below the age of majority, but more than] nine years and one day

old, gives her or another one of the wives [of the deceased brother] a *ma'amar*, his actions are of no consequence, and he does not cause [the *yevamah*] to be forbidden to his elder brother.

If, however, [the brother who is below the age of majority, but more than] nine years and one day old engages in relations with her or with another one of the wives of [the deceased brother], he causes [the *yevamah*] to be forbidden to his elder brother, as would be the case when two [brothers] past majority each gave a *ma'amar* one after the other, as we have explained.

20 When a [*yavam* who is below the age of majority, but more than] nine years and one day old, has engaged in relations with his *yevamah*, and then one of his brothers past majority entered into relations with her, performed *chalitzah* with her, gave her a *get*, or performed one of these activities with another [one of the deceased brother's] wives, he disqualified the minor [from marrying his *yevamah*].

Similarly, if the minor has engaged in relations with another [one of the deceased brother's] wives, or another brother who is also [below the age of majority, but more than] nine years and one day old, has engaged in relations with this woman, or with another [one of the deceased brother's] wives, [the woman with whom the first brother originally engaged in relations] is disqualified [from marrying him], as is the ruling whenever two *ma'amarim* are given one after the other.

21 When a [*yavam* who is below the age of majority, but more than] nine years and one day old, engages in relations with his *yevamah* and then

does not engage in relations with her again after he attains majority, [he is] required [to give her] a *get* and perform *chalitzah*. The *get* [is necessary] because the relations in which he engaged are considered equivalent to a *ma'amar*. The *chalitzah* [is necessary] in order to permit the woman to marry another man, for she did not engage in relations that established a complete marriage bond.

If [her *yavam*] engaged in relations with her after he attained majority, all that is required [to enable her to marry another man] is a *get*.

22 [The same laws that apply to a *yavam* who is below the age of majority, but more than] nine years and one day old [apply to a *yavam* who] is twenty years old and has not manifested signs of physical maturity, but has also not manifested physical signs of impotency, as explained in the beginning of this book.

23 As explained, both the consecration of a girl below the age of majority who is fit to leave her husband through the rite of *mi'un*, and [the consecration of a girl who is] a deaf-mute are Rabbinic institutions. Nevertheless, they are two different types of ordinances. [For] the consecration of a minor was ordained so that [men] will not relate to her in an unrestrained manner. Her consecration is thus tentative until she comes of age. Consecration was ordained for a deaf-mute [for a different reason,] so that she will not remain unmarried forever.

Accordingly, if all the *yevamot* coming from one household are below majority or all are deaf mutes, entering into relations with one of them frees them all from their obligation.

24 If [by contrast, the deceased was married to] a deaf-mute and a minor, engaging in relations with one does not free the other of her obligation.
What is the alternative? The minor should be instructed to [nullify her marriage through] *mi'un*, and [a *yavam*] should marry the deaf-mute. If he desires to divorce her, he may write a *get* for her after they engage in relations. She is then permitted [to marry] another man.

25 If one [of the deceased's wives] was mentally competent, and one was a deaf-mute, engaging in relations with the mentally competent woman, or performing *chalitzah* with her frees the deaf-mute of her obligation. Engaging in relations with the deaf-mute, by contrast, does not free the mentally competent woman [from her obligation]. For the consecration of the deaf-mute is merely a Rabbinic institution.
Similar [laws apply when one of the deceased wives was] above majority, and one was a minor. Engaging in relations with the woman past majority, or performing *chalitzah* with her frees the minor of her obligation. Engaging in relations with the minor, by contrast, does not free the woman past majority [from her obligation].

26 [The following rules apply if] both [the deceased's wives] were minors who are entitled to absolve their marriages through *mi'un*. If the *yavam* engages in relations with one of them, and then he or one of his brothers engages in relations with the other, this does not disqualify the marriage to the first. Nevertheless, we should instruct [the second one] to dissolve her marriage through] *mi'un*. He should then maintain [his marriage] with the minor *yevamah* with whom he engaged in relations first.

27 Similar laws apply if [the deceased was married to] a minor and a deaf-mute. If the *yavam* first enters into relations with the minor, and then he or one of his brothers engages in relations with the deaf-mute, this does not disqualify the marriage to the minor. The deaf-mute, however, must be divorced via a *get*.

[The rationale is that] the relations with the minor are considered superior to relations with the deaf-mute, for ultimately the minor will be fit [to enter into a marriage bond that is binding according to Scriptural law]. Therefore, he should maintain his relationship with the minor with whom he engaged in relations first.

28 [In the above situation,] if the *yavam* first enters into relations with the deaf-mute, and then he or one of his brothers engages in relations with the minor, this disqualifies the marriage to the deaf-mute. We should instruct the minor to dissolve her marriage through] *mi'un*; the deaf-mute must be divorced with a *get*.

29 [The following rules apply if the deceased was married to] a mentally competent woman and a deaf-mute. If the *yavam* engaged in relations with the mentally competent woman, and then he or one of his brothers engages in relations with the deaf-mute, this does not disqualify the marriage to the mentally competent woman. The deaf-mute, however, must be divorced via a *get*.

If the *yavam* first enters into relations with the deaf-mute, and then he or one of his brothers engages in relations with the mentally competent woman, this disqualifies the marriage to the deaf-mute. The deaf-mute

must be divorced with a *get*, and the mentally competent woman should receive both a *get* and *chalitzah*.

30 [The following rules apply if the deceased was married to] a woman past the age of majority and one below the age of majority. [If the *yavam*] first enters into relations with the woman past majority, and then he or one of his brothers engages in relations with the minor, this does not disqualify the marriage to the woman past majority. We should, however, instruct the minor to dissolve her marriage through *mi'un*.

If he first enters into relations with the minor, and then he or one of his brothers engages in relations with the woman past majority, we should instruct the minor to dissolve her marriage through *mi'un*, and he should remain married to the woman past majority. [The rationale is that] relations with her establish a fully binding marriage bond.

Chapter 6

1 There are brothers who are fit to perform either the rite of *yibbum* or the rite of *chalitzah*. There are brothers who are not fit to perform either the rite of *yibbum* or the rite of *chalitzah*. [The deceased's wives] are under no obligation to them at all; they may marry another man. There are brothers who are fit to perform the rite of *chalitzah* but not the rite of *yibbum*, and there are brothers who are fit to perform the rite of *yibbum* but not the rite of *chalitzah*.

2 With regard to the following, [the deceased's wives] have no obligation at

all: a *saris chamah* and an *androgynous*, for they are not fit to father children, nor had they been at any time.

3 These are [the brothers] who are fit to perform the rite of *yibbum*, but not the rite of *chalitzah*: a deaf-mute, a mentally incompetent man and a minor. [The rationale is that] they lack the mental competence to perform *chalitzah*.

When a deaf-mute performs *yibbum*, he may never divorce [his *yevamah*]. For by entering into relations with her, he establishes a marriage bond that is completely binding, and he is incapable of divorcing a woman in a completely effective manner.

[When a *yavam* who is below the age of majority but more than] nine years and one day old performs *yibbum*, [he acquires his *yevamah* as a wife]. He may not, however, divorce [her] until he attains majority, as we have explained.

4 These are [the brothers] who are fit to perform the rite of *chalitzah*, but not the rite of *yibbum*: those whose status is in doubt - e.g., there is a doubt whether a *yevamah* is forbidden to [the deceased's] brother, a man with crushed testicles, or a crushed member, or who has been castrated in any other way, and an elderly man whose virility has been weakened and he is incapable.

If [a *yavam*] who has been castrated enters into relations [with his *yevamah*], he acquires [her as a wife], for there was a time when he was sexually potent. He must, however, divorce her with a *get*, because he is forbidden to marry [a native-born Jewess].

A *tumtum* should perform *chalitzah*, but not *yibbum*, because his status is one of doubt. If an operation is performed, and it is revealed that he is a male, he may perform either *chalitzah* or *yibbum*, as he desires.

Brothers [of the deceased who are not in any of the categories listed above] may perform either *chalitzah* or *yibbum*.

5 There are *yevamot* who are fit to perform either the rite of *chalitzah* or the rite of *yibbum*. There are *yevamot* who are not fit to perform either the rite of *yibbum* or the rite of *chalitzah*. They are under no obligation to [the deceased's brothers] at all, and they may marry another man. There are *yevamot* who are fit to perform the rite of *chalitzah*, but not the rite of *yibbum*, and there are *yevamot* who are fit to perform the rite of *yibbum* but not the rite of *chalitzah*.

6 These are [the *yevamot*] who may perform the rite of *yibbum*, but not the rite of *chalitzah*: a deaf-mute, a mentally incompetent woman and a minor.

[The rationale why they cannot perform *chalitzah* is that] they lack the mental competence to read and to understand. If the *yavam* desires to divorce the deaf-mute with a *get* after he engages in relations with her, he may.

7 These are [the *yevamot*] who may perform the rite of *chalitzah*, but not the rite of *yibbum*: [Women who are] forbidden [to the *yavam*] because of a negative commandment, [because of a Rabbinic ordinance - i.e.,] *sh'niyot*, or because of a positive commandment, as will be explained.

Whenever there is a doubt whether or not a woman was divorced [by the deceased], she should perform *chalitzah* and not *yibbum*, lest the *yavam* violate a prohibition. For a brother's wife who was divorced is forbidden as an *ervah*. If, however, there was a doubt regarding whether a woman was consecrated to one's [deceased] brother, her status is like that of another *yevamah*, and she may perform either *chalitzah* or *yibbum*. For there is no possibility of [a prohibition being involved].

Similarly, the wife of a deaf-mute, an elderly woman or a woman who has become barren are like other *yevamot*. The *yavam* may perform either *chalitzah* or *yibbum*, as he desires. [The rationale is that] the elderly woman and the woman who has become barren were once fit [to bear children].

8 The following are not obligated to perform either *chalitzah* or *yibbum*: the wife of a *saris chamah* or the wife of an *androgynous*, the wife of a mentally incompetent person or the wife of a minor, an *aylonit*, or a woman forbidden [to her *yavam*] as one of the *arayot*.

[The rationale for these laws is as follows. **Deuteronomy 25:6** states that *yibbum* was instituted:] "So that the name of [the deceased] not be obliterated within Israel." This excludes the wife of a *saris chamah* or the wife of an *androgynous*, for their names are "obliterated" by nature. Since they are inherently unfit to father children, they are considered to be a separate category.

[The verse continues:] "And the firstborn that she bears." This excludes an *aylonit*, who is, by nature, incapable of bearing a child.

It is written [*ibid*:5]: "The wife of the deceased...." This excludes the wife

of a mentally incompetent person or the wife of a minor - for with regard to them, there is no concept of marriage at all.

[The verse continues:] "And he will take her as a wife." This excludes a woman forbidden [to her *yavam*] as one of the *arayot*, for she cannot be taken as a wife.

9 How is it possible for a woman to be forbidden [to her *yavam*] as one of the *arayot*? For example, [the *yevamah*] was the sister, the mother, or the daughter of [the *yavam's*] wife. Such a woman is not obligated to perform either *chalitzah* or *yibbum* at all and is under no obligation to [the *yavam*], as implied by the verse: "And he shall take her as a wife, thus performing *yibbum*." Only a woman who is fit to be married, and whose consecration [by the *yavam*] is binding is obligated to perform *yibbum*.

10 If the *yevamah* was forbidden to her *yavam* because of a negative commandment or a positive commandment, or she was one of the *sh'niyot*, she should perform *chalitzah*, but not *yibbum*.

Why is she obligated to perform *chalitzah*? Because she is fit to be married, and her consecration [by the *yavam*] would be binding. Therefore, she is under obligation to the *yavam*. And according to law, she should perform *yibbum*, for *yibbum* is a positive commandment, and whenever the observance of a positive commandment conflicts with the observance of a negative commandment, the positive commandment takes precedence. Nevertheless, our Sages decreed that neither woman with whom relations are prohibited by a negative commandment, nor *sh'niyot* should perform *yibbum*, lest [the *yavam*] engage in relations with her a

second time. [At that time,] relations with her are forbidden, and there is no mitzvah, for the positive commandment [of *yibbum*] applies only with regard to the first time [the couple] engage in relations.

Therefore, if [the *yavam*] transgresses and engages in relations with a *yevamah* who is forbidden to him because of a negative commandment or because of a positive commandment, he acquires her [as his wife] in definitive manner and must divorce her with a *get*. Needless to say, [this ruling applies] with regard to a *sh'niyah*. [After the divorce, the *yevamah*] and all the other wives [of the deceased] are permitted to marry other men, for they have been released of their obligation.

11 When a *yevamah* has been widowed after her marriage [to the deceased] had been consummated, and a High Priest performs *yibbum* with her, the other wives [of the deceased] are not released from their obligation. [The rationale is that a positive commandment does not supersede a negative commandment and a positive commandment. [Therefore,] he does not acquire [the *yevamah* as a wife] in a definitive manner, and as such, another wife [of the deceased] is not permitted to marry another man until she performs *chalitzah* [herself].

12 [The following principle applies when] a *yevamah* was forbidden to her [deceased] husband as one of the *arayot* - e.g., he transgressed or he erred and married his paternal sister, and she is now under obligation to his brother. She is not considered to be [the deceased's] wife, for his consecration of her is not binding. [As such,] she is neither obligated to perform *yibbum* nor *chalitzah*.

If [the deceased] had another wife, the other wife must perform either *chalitzah* or *yibbum*. If the woman who was forbidden to her [deceased] husband as one of the *arayot* is permitted to the *yavam*, and the *yavam* desires to marry her and also to perform *yibbum* with another wife [of the deceased], he has that option.

13 When a *yevamah* is forbidden to her husband because of a negative commandment or a positive commandment, or she is a *sh'niyah* with regard to him, but is not forbidden to the *yavam* for these reasons, she is permitted to perform *yibbum*. There is one exception - when the deceased remarried his divorcee after she had married another man. She should perform *chalitzah* and not *yibbum*.

Similarly, when there is a doubt whether a *yevamah* was forbidden to her [deceased] husband as one of the *arayot*, or there is a doubt whether she is forbidden to her *yavam* for that reason, she should perform *chalitzah* and not *yibbum*.

On this basis, [the following rules apply when] a man [attempted to] consecrate a woman, but there was a doubt regarding the status of the *kiddushin*, and afterwards, his brother, who had been married to the sister [of the woman he intended to consecrate], died. He should perform *chalitzah* and not *yibbum* with the wife [of the deceased]. And because of the doubt, he must divorce his wife with a *get*.

Both women are forbidden to him: his *yevamah* because there is a doubt whether she is an *ervah*, and the woman he consecrated because there is a doubt whether her status is that of one related to a woman with whom he performed *chalitzah*, who is forbidden as a *sh'niyah* is, as explained above.

14 [The following principle applies when a man's] brother dies [childless] leaving two wives: one forbidden to [the *yavam*] as an *ervah*, and one who is not forbidden in this manner. Just as the woman who is forbidden is not under the obligation to perform *chalitzah* or *yibbum*, so too, [the deceased's] other wives are not obligated.

This household is not under any obligation [to the *yavam*], as our Sages derived from [**Deuteronomy 25:9**]: "...Who did not build his brother's house": [Women from] a household from which he can take [any wife] he desires is under obligation [to the *yavam*]. But if he cannot "build" a portion of the household - i.e., he is forbidden to marry the woman - he should not "build" even the portion that is permitted to him.

Thus, [when one of the wives of the deceased] is forbidden to [the *yavam*] as an *ervah*, the other wife also remains forbidden to him as an *ervah*. [She is still forbidden as] his brother's wife, for she is not under any obligation at all to him.

15 Accordingly, [the following rules apply when] Reuven dies [childless], leaving two wives, one of whom is forbidden as an *ervah* to [his brother] Shimon, and both are fit to marry [his brother] Levi. [The wives of] this household are under no obligation at all to Shimon, and both are under obligation to Levi.

[The following rule applies if] Levi performed *yibbum* with the woman who was married [to Reuven] but who was not an *ervah* to Shimon, [Levi] had another wife, and then he died [childless], and both women fell before to Shimon. They are both free of the obligation to perform either *chalitzah* or *yibbum* with Shimon. [Levi's *yevamah*] is forbidden because

she was married to the same man as was a woman forbidden [to Shimon] as an *ervah*, and the other wife is forbidden because she was married to the same man [as the *yevamah*].

This principle applies whenever a woman is married to the same man as a woman who was the other wife [of a woman forbidden to the *yavam*] and to any further extension of this principle. As long as a woman is under no obligation [to her *yavam*], she remains forbidden to him as his brother's wife.

16 Similarly, the wife of a brother who died before [his younger brother was born is forbidden to him]. She is under no obligation to him, as implied by [**Deuteronomy 25:5**]: "When brothers dwell together," interpreted to mean: when they live at the same time. She remains forbidden to him forever, and she frees all of her husband's other wives from an obligation to him.

17 What is implied? Reuven died [childless], leaving a wife who fell before Shimon [his brother]. After Reuven died, whether before Shimon performed *yibbum* with Reuven's wife or afterwards, Levi [another brother] was born.

Reuven's wife remains forbidden to Levi as an *ervah* forever. Therefore, if Shimon dies [childless], and this woman and another woman [who was married to Shimon] fall before Levi, neither are obligated to perform *chalitzah* or *yibbum*.

18 [Moreover,] if Shimon [merely] gave a *ma'amar* to his *yevamah*, Reuven's

wife, and died before he consummated his relationship with her, Levi should perform *chalitzah* with [Shimon's] other wife, but not *yibbum*. [The rationale is] that a *ma'amar* does not establish a completely binding relationship with a *yevamah*, as we have explained.

19 When a woman willingly commits adultery while married to her husband, and [her act is observed by] witnesses [he is required to divorce her]. If he died [childless] before he divorced her, and she fell before a *yavam*, she is not obligated to perform *chalitzah* or *yibbum*. Moreover, [her deceased husband's] other wives are also [not obligated to perform *chalitzah* or *yibbum*], as if she were forbidden to the *yavam* as an *ervah*. For just as impurity is mentioned with regard to the *arayot*, so too, that term is mentioned with regard to such a woman, as [**Numbers 5:13**] states: "And she became impure."

When, however, the husband of a *sotah* dies [childless] before he has caused her to her drink the bitter waters, or if the woman must be divorced instead of drinking the bitter waters, she should perform *chalitzah*, but not *yibbum*. Similarly, if [her deceased husband] had another wife, that woman is permitted [to the *yavam*] and may perform *chalitzah* or *yibbum*.

20 Similar rules [apply] if two *yevamot* come from one household and one of them was a *sh'niyah* to the *yavam*, [forbidden to him because of] a negative commandment or a positive commandment, or an *aylonit* - another wife of [her deceased husband] is permitted [to the *yavam*] and may perform *chalitzah* or *yibbum*.

[Different rules apply, however, when a *yavam*] performed *chalitzah* with his *yevamah*, and then the sister, the mother, or another [close relative] of the woman with whom he performed *chalitzah* married another one of his brothers, that brother has another wife, and [the brother] dies [childless]. Just as the close relative of the woman with whom he performed *chalitzah* is forbidden to him, so too, is the other wife forbidden to him. Their status is like *sh'niyot*, and they should perform *chalitzah*, but not *yibbum*. Why did the Sages forbid [marriage] to a close relative of a woman with whom one performed *chalitzah*? Because it is difficult to distinguish her from a woman married to the same man as a woman with whom one performed *chalitzah*.

21 When two *yevamot* come from one household and one of them was forbidden to the *yavam* as an *ervah*, but she was also an *aylonit*, the other wife of [the deceased husband] is permitted [to the *yavam*] and may perform *chalitzah* or *yibbum*. [The rationale is that] since the laws of *yibbum* and *chalitzah* do not apply with regard to an *aylonit*, it is as if she did not exist, and the obligation [of *yibbum*] falls on the other wife alone. Similarly, if [the deceased] brother divorced the woman forbidden as an *ervah* or she dissolved their marriage through] *mi'un* before he died, or she died during the lifetime of the deceased brother, and then he died, his other wife is permitted and should perform either *chalitzah* or *yibbum*. We do not say that since she was married to the same man as an *ervah* once, she remains forbidden forever. For a woman married to the same man as an *ervah* does not become forbidden [to the *yavam*] unless they were [both married to the same man at the time of his death, when] the obligation of

yibbum takes effect.

22 [In the situation mentioned in Halachah 14,] if there was a doubt regarding the status of the *kiddushin* of [the woman] who was forbidden to the *yavam* as an *ervah* or there was a doubt that she was divorced, the other wife [of the deceased brother] should perform *chalitzah*, but not *yibbum*.

[The same ruling applies if the woman who was forbidden] was a minor who is fit to absolve her marriage through *mi'un*, if she did not dissolve her marriage [to the deceased] brother during his lifetime, even though she did dissolve her obligation to] the *yavam* through *mi'un*, another woman married to her husband must perform *chalitzah*; she may not perform *yibbum*.

23 [In the situation mentioned in Halachah 14,] if the other woman [married to the deceased brother] married another man, and then it was discovered that [the woman forbidden to the *yavam* as] an *ervah* was an *aylonit*, the woman who married must be released by both her [second] husband and her *yavam*. Her [second] husband must divorce her with a *get*, while her *yavam* must perform *chalitzah* with her. [In this way,] she is permitted to marry another man.

24 [In the above situation], if the *yavam* performed *yibbum* with the other wife of the deceased, because he thought that the woman forbidden to him as an *ervah* was an *aylonit*, and it was discovered that she was not an *aylonit*, the *yavam* must divorce [the woman with whom he performed

yibbum] with a *get*. Any child [she bears him] is illegitimate.

25 [In the following situation, *chalitzah* and not *yibbum* is required.] There were three brothers. Two were married to two sisters, and one was married to a woman who did not share a family connection. If the brother married to the woman who was not related died [childless], and then one of the brothers married to one of the sisters died [childless], [the remaining brother] should perform *chalitzah* but not *yibbum*, with the woman who did not share a family connection. [The rationale is that] she was obligated to the second brother, and his other wife was the sister [of the surviving *yavam's*] wife.

Moreover, even if one of the brothers who married one of the sisters divorced his wife after the brother married to the woman who was not related died [childless], and then he himself dies [childless], [the remaining brother] should perform *chalitzah*, but not *yibbum, with the woman who did not share a family connection*. Since there was even one moment when this woman was obligated to the second brother while his other wife was the sister [of the surviving *yavam's*] wife [this prohibition was enforced]. For if [he] were [allowed to] perform *yibbum* with her, it is possible that [in such a situation, a brother] might perform *yibbum* with such a woman even when the second brother who died did not divorce his wife.

26 Why was this decree not applied when a marriage was involved? For example, if [a brother is married to two women,] one of them is forbidden [to his brother] as an *ervah* and one is not. If he divorces the wife who is

forbidden and then dies childless, [the surviving brother] may perform *yibbum* with the wife [of the deceased brother], as we have explained.

[The distinction is that] the prohibition against [performing *yibbum*] with a wife [of one's deceased brother] when one of his wives is forbidden [to the *yavam*] as *ervah* is known by all. Thus, if [the deceased brother] did not divorce the woman forbidden [to the *yavam*], no one would allow him [to perform *yibbum* with his brother's] other wife. The prohibition against [performing *yibbum* with] a woman who was obligated to [a man whose] other wife is forbidden [to the *yavam*] is not known to all, and it is possible that [in such a situation, a brother] might be allowed to [perform *yibbum* with] such a woman even when [the second brother who died] did not divorce the forbidden woman.

27 [In the following situation, *chalitzah* and not *yibbum* is required.] There were three brothers, all married to women who did not share any family connection. One of the brothers died [childless]. Another gave his *yevamah* a *ma'amar*, but died [childless] before he consummated his marriage to her. Thus, this woman and the wife of the second brother fell before the third brother.

These women should perform *chalitzah*, but not *yibbum*, because the woman who was given the *ma'amar* has two obligations for *yibbum* incumbent on her. As such, it is as if she had been married to two men. Our Sages interpreted the phrase [**Deuteronomy 25:5**] "the wife of the deceased," as a restriction. [One may perform *yibbum* with the wife of one deceased man,] but not [the wife of] two deceased men.

Therefore, whenever a woman has two obligations for *yibbum* incumbent

on her, she should perform *chalitzah*, but not *yibbum*. The same applies to the woman married to [the second brother who died]. The prohibition [against performing *yibbum* with these women] is Rabbinic in origin.

28 Why does [the *yavam*] not merely perform *chalitzah* with the woman who was given the *ma'amar* and is thus obligated to perform *yibbum* because of two men, and then perform *yibbum* with the [first] wife of [the deceased brother]? This is a decree instituted so that people will not say that when there are two *yevamot* coming from one household, one should perform *chalitzah* and the other *yibbum*. For this reason, [the Sages] forbade [performing *yibbum* with the deceased's first] wife.

29 [In the above instance, if the second brother] gave his *yevamah* a *ma'amar* and then gave her a *get* [to nullify] the *ma'amar*, [different rules apply] if he dies. [The woman] becomes permitted [to the third brother], for the *ma'amar* that caused her to be forbidden was nullified. He may perform either *chalitzah* or *yibbum* with her.

30 [In the following situation, *chalitzah* and not *yibbum* is required. A *yavam*] who is below the age of majority, [but more than] nine years and one day old, enters into relations with his *yevamah* and dies before he attains majority. She then becomes obligated for *yibbum* to the minor's older brother for a second time. She should perform *chalitzah*, but not *yibbum*. As we have explained, relations in which a minor engages are considered equivalent to a *ma'amar* given by [a brother] past majority. Hence, the woman has two obligations for *yibbum* incumbent on her.

31 [The following rule applies when] a woman who was half [a Canaanite] maid-servant and half a freed woman was consecrated by Reuven. She was then given her freedom and was consecrated by [Reuven's brother,] Shimon. Afterwards, both [brothers] died. Levi, [a third brother, may] perform *yibbum* with [this woman]; she is not considered to be "the wife of two deceased men." For if her consecration by Reuven is effective, her consecration by Shimon is of no consequence. And if her consecration by Shimon is effective, her consecration by Reuven is of no consequence.

Chapter 7

1 When two brothers were married to two sisters, [the brothers] both died, and it is impossible to know who died first, [a third brother who remains alive] may not perform *yibbum* with both of them. Since they are both obligated to him, they both must perform *chalitzah* and not *yibbum*.
[The above ruling applies even] when one [of the *yevamot*] was forbidden to the *yavam* as a *sh'niyah*, or because of a positive commandment or a negative commandment. If, however, one [of the *yevamot*] was forbidden to the *yavam* as an *ervah* - e.g., she was his wife's mother or daughter - the sister is permitted [to the *yavam*]; he may perform either *yibbum* or *chalitzah*, as he desires. For both of the sisters were not obligated to him, since an *ervah* is not bound by this obligation.

2 When in the above situation there were four brothers,] and one [of the *yevamot*] was forbidden to one of the *yevamim* as an *ervah*, and the other *yevamah* was forbidden to the other *yavam* as an *ervah*, [the *yevamah*] who

is forbidden to one [*yavam*] is permitted to his brother, and [the *yevamah*] who is forbidden to the other [*yavam*] is permitted to his brother. For [in both instances] only [the *yevamah*] who is permitted to him is obligated [to each brother]. [Each one] may perform either *yibbum* or *chalitzah* with [the *yevamah*] permitted to him, as he desires.

3 [In the above situation,] if one of the brothers died [and his identity was known], and his wife became obligated to perform *yibbum*, and then the other brother died, his wife - the sister of the first wife - became obligated to perform *yibbum*; [as long as] both remain alive, they both must perform *chalitzah* and not *yibbum*, as we have explained.

4 If [the wife of] the second [brother] dies, the [wife of the] first becomes permitted again. She may perform either *chalitzah* or *yibbum*.
If [the wife of] the first [brother] dies, the [wife of the] second remains forbidden. She must perform *chalitzah* and may not perform *yibbum*. [The rationale is that she was not fit to perform *yibbum* at the time she came before [her *yavam*].
Similarly, if one of the brothers performed *chalitzah* with the [wife of the] second [brother] first, the [wife of the] first becomes permitted to the other brothers. For the obligation that caused her to become forbidden was removed by his brother by performing *chalitzah*.

5 Similarly, if [the wife of] the first [brother] was forbidden to one of the brothers as an *ervah*, and he performed *yibbum* with [the wife of] the second [brother] who was permitted to him, the [wife of the] first

becomes permitted to the other brothers. For the woman who caused her to be forbidden to them performed *yibbum* with a brother to whom she was permitted.

If, however, [the wife of] the second [brother] was forbidden to one of the brothers as an *ervah*, he should perform *yibbum* with [the wife of] the first [brother], but the other brothers are forbidden to perform *yibbum* with both of them. They must perform *chalitzah* instead, as we have explained.

If [in the situation mentioned in the final clause of Halachah 3] each one of the brothers marries one of the sisters [without asking Rabbinical guidance first], they must be forced to separate.

6 [Our Sages delivered these rulings in the following situation:] There were three brothers. Two were married to two sisters. One of the brothers married to the sisters died [childless]. The third [brother] gave a *ma'amar* to his *yevamah*, and then the husband of the second sister died, and the second sister also became obligated to the third brother. The third brother should divorce with a *get* [the sister] to whom he gave a *ma'amar*, and perform *chalitzah* with her. And he should perform *chalitzah* with the other sister, to enable her to marry another man.

7 [In the above situation,] if the brother who gave the *ma'amar* [to the first brother's wife] died [childless], and he had another wife, both she and [the wife of the first brother] fall before [the brother] married to the sister of [the wife of the first brother]. The woman who was given the *ma'amar* is free from the obligations of *chalitzah* and *yibbum*, for she is the sister of [her *yavam's*] wife. The other woman should perform *chalitzah* and not

yibbum, because the *ma'amar* does not fully acquire a woman [as a wife] to the extent that another wife would be freed of the obligations [of *yibbum*].

8 When a brother consecrates the sister of his *yevamah*, we tell him: "Wait; do not divorce her and do not marry her until your brother performs *yibbum* or *chalitzah* with the woman who is under obligation."

If his brother performs *yibbum* or *chalitzah* with the *yevamah*, or if she dies, the brother may marry the woman he has consecrated. If all his brothers die, he must divorce with a *get* the woman he has consecrated, and perform *chalitzah* with his *yevamah*.

If the woman he has consecrated died, regardless of whether she died before the brothers died or after the brothers died, the *yevamah* becomes permitted. He may perform either *yibbum* or *chalitzah*.

9 [The above laws become even more complicated if the brothers have more than one wife. For example,] there were three brothers. Two were married to two sisters, and each also had another wife. [The brothers] married to the sisters died [childless], and the sisters and the other wives fell before the *yavam*.

If he performs *chalitzah* with the other wives, the sisters are also freed of their obligation. If, however, he performs *chalitzah* with the sisters, the other wives are not freed of their obligations until they themselves perform *chalitzah*. [The rationale is that] the *chalitzah* performed by the sisters is not "superior," and, as we have explained, a *chalitzah* that is not "superior" does not free another wife [of the deceased] from her

obligation.

10 It appears to me that this law also applies with regard to two *yevamot* coming from one household, when one is forbidden to her *yavam* as a *sh'niyah*, or because of a positive or negative prohibition. If the *yavam* performs *chalitzah* with the woman who is prohibited, [the deceased's] other wife is not freed of her obligation. If he performs *chalitzah* with the other wife, the woman who is prohibited is freed of her obligation.

11 [There is no need for *yibbum* or *chalitzah* in the following situation:] There were three brothers. Two were married to two sisters, and the third was married to a woman who did not share a family connection with them. One of the brothers married to the sisters died [childless] and the brother married to the other woman performed *yibbum* with [the brother's] wife. Afterwards, the wife of the second brother, [i.e., the sister of the *yevamah*] died, and then the third brother [the one who performed *yibbum*, died childless]. Thus, his two wives fall before the second brother, who is [now] unmarried.

These women are free of the obligation to perform either *chalitzah* or *yibbum*. One, the sister of [the *yavam's* deceased] wife [is forbidden], because she was the sister of his wife at the time his brother died. [At that time,] she became forbidden to him forever, as the wife of a brother who was not alive at the time of his [older] brother's [death]. The other woman [is forbidden], because she is the other wife [of her deceased husband].

12 Similarly, when two brothers are married to two sisters and one of [the brothers] dies [childless], and then the wife of the other brother dies, [the wife of the first brother] remains forbidden [to the second brother] forever, since she was forbidden to him at the time [the obligation of *yibbum* first takes effect].

When, however, a man divorces his wife, remarries her and then dies [childless], she is permitted to the *yavam*. Although she was forbidden to him during his brother's lifetime at the time he divorced her, she became permitted [when he remarried her]. And at the time his brother died, she was permitted.

13 [The following rules apply when] a girl below the age of majority was given in marriage by her father, and her husband divorced her, remarried her and then died [childless] while she was still below the age of majority.

She is forbidden to her *yavam*, for the divorce was a fully binding divorce, since she was married off by her father. The remarriage, by contrast, is not fully binding, because the consecration of a minor is not a completely binding consecration, as explained.

14 The same law applies when a man divorces a woman who is mentally competent, she becomes a deaf-mute, he remarries her and dies [childless] while she is a deaf-mute. She is forbidden to the *yavam* and should not perform either *chalitzah* or *yibbum*.

Another woman married [to the deceased husband of] the minor or the deaf-mute may perform *chalitzah*, or *yibbum*.

If [the deceased] remarried her while she was a minor or a deaf-mute, but

she attained majority or regained her control of her faculties while married to him, and then he died [childless], she is permitted to her *yavam*.

15 When two brothers were married to two sisters, who were both below the age of majority and fit to dissolve their marriages through *mi'un*, or they were deaf-mutes, and one [of the brothers] dies [childless], his wife is not obligated to perform either *chalitzah* or *yibbum*, because she is the sister [of the *yavam's*] wife.

If one [of the sisters] was above the age of majority and one was below, and the husband of the younger one died [childless], his wife is not obligated to perform either *chalitzah* or *yibbum*, because she is the sister [of the *yavam's*] wife. If the husband of the older [sister] died [childless], we instruct the younger one to absolve [her marriage to] her husband through *mi'un*, allowing the older [sister] to perform *yibbum*.

16 [The following law applies when two brothers who are both deaf-mutes are married to two sisters, and one [of the brothers] dies [childless]. His wife is not obligated to perform either *chalitzah* or *yibbum*, because she is the sister [of the *yavam's*] wife. [This law applies] regardless of whether both of the sisters were deaf-mutes, both were mentally competent, or one was a deaf-mute and one was mentally competent.

Similarly, [the same law applies when] two sisters are both deaf-mutes and are married to two brothers, regardless of whether both of the brothers were deaf-mutes, both were mentally competent, or one was a deaf-mute and one was mentally competent.

[These rulings were given] because none of the marriages is fully binding.

17 [The following law applies when two brothers - one mentally competent and one a deaf-mute - are married to two sisters, either both mentally competent or one mentally competent and one a deaf-mute, and the mentally competent [sister] is married to the mentally competent [brother]. If the deaf-mute [brother] dies [childless], his wife is not obligated to perform either *chalitzah* or *yibbum*, because she is the sister [of the *yavam's*] wife.

If the mentally competent [brother] dies [childless], the deaf-mute should divorce his wife with a *get*, because her sister is obligated to him. [The rationale for this ruling is] that the marriage of the deceased mentally competent brother was fully binding, [and thus] the obligation to the deaf-mute is also fully binding. [In contrast,] the marriage of the deaf-mute is not fully binding.

The wife of the mentally competent brother is forbidden [to marry again] forever. For the deaf-mute cannot marry her because of her sister, nor can he perform *chalitzah*, because he is a deaf-mute.

18 Why did our Sages decree that a deaf-mute man must divorce his deaf-mute wife [in the above situation]? They are not obligated to observe the mitzvot; their situation resembles that of a child who eats non-kosher meat - in which instance, the court is not obligated to prevent them.

Our Sages said: If the [deaf-mute's] wife will remain married to him, her sister will marry another man, [and this will be excused, for people] will say: "She was freed [from the obligations of *yibbum* and *chalitzah*] because she was the sister of [the *yavam's*] wife." [To prevent this impression from arising,] the deaf-mute must divorce his wife with a *get*, and her sister will

be forbidden [to him] forever.

19 Similarly, when two brothers who are mentally competent are married to two sisters, one mentally competent and one a deaf-mute, and the husband of the deaf-mute dies, [his wife] is free [of the obligation of *yibbum*], because she is the sister of [the *yavam's*] wife.
If the husband of the mentally competent [sister] dies, [his brother] should divorce his wife [the deaf-mute] with a *get*, and should perform *chalitzah* to free the wife of his [deceased] brother [to marry]. Since he is mentally competent, he can perform *chalitzah*.

20 [Neither *yibbum* nor *chalitzah* is required in the following situation.] There were two brothers, one mentally competent and one a deaf-mute. The deaf-mute was married to two mentally competent women, one of whom was forbidden to the mentally competent brother as an *ervah*.
If the deaf-mute brother dies [childless], both his wives are free from the obligations [of *yibbum* and *chalitzah*, based on the following rationale]. If the marriage of the woman forbidden [to the *yavam*] as an *ervah* is considered a marriage, the second woman is considered to be the other wife [of her husband] and is also freed of obligation. If the marriage of the woman forbidden [to the *yavam*] as an *ervah* is not considered a marriage, the marriage of the other woman is also not considered a marriage.

21 If a man's daughter or the like was a deaf-mute, and she was married to his brother who was mentally competent [and the mentally competent brother dies childless], his other wife must perform *chalitzah*, but not

yibbum. [The rationale is that] the marriage of the deaf-mute is not a fully binding marriage.

22 Whenever we have mentioned "two sisters" in these laws, the intent is also a woman and her daughter, or her granddaughter and the like; i.e., two woman [for whom marriage to one causes] the other to be considered an *ervah*.

Similarly, whenever we have mentioned "the sister of [the *yavam's*] wife" or "the sister of his *yevamah*," the intent is also her mother or her daughter - i.e., any close relative who becomes forbidden [to the *yavam*] because of her [marriage].

Chapter 8

1 [The following rules apply when a man] consecrates one of two sisters, but does not know which one he has consecrated and then dies [childless]. If he has one brother, [the brother] should perform *chalitzah* with both of them to enable them to marry other men.

If he has two brothers, one of them should first perform *chalitzah* with one of [the sisters], and the other should perform *yibbum* with the other one [because of the following rationale]: If this was the woman consecrated by his brother, he performed *yibbum* with her. If she is not his brother's wife, he has married a woman [permitted to him] like any other woman, and *chalitzah* has already been performed for her sister, his brother's wife.

One should not perform *yibbum* with one of the women first, for perhaps

the other was in fact his brother's wife, and he will have married a relative of the woman who is obligated [to perform *yibbum* with] him. If, without asking Rabbinic advice, each of the brothers married one of the sisters, they are not forced to dissolve the marriage.

2 [The following rule applies when] two [men who are not related,] each having one brother, consecrate two sisters, neither of the men knows which [sister] he consecrated, and they both die [childless]. Each [brother] should perform *chalitzah* with each of the sisters.

[In the above situation, if] one of the deceased has one brother, and the other has two brothers, the one brother should perform *chalitzah* with both women first, and then one of the two brothers should perform *chalitzah* [with one woman] first, and the second one [should perform *yibbum* with the other]. If, [without asking Rabbinic advice, each of the brothers] married [one of the sisters], they are not forced to dissolve the marriage.

[The above applies] even if the brothers were priests. [Although] there is a Rabbinic prohibition against a priest marrying a woman who performed *chalitzah*, the *chalitzah* performed by this woman was performed because of doubt, and [our Sages] did not enforce a decree with regard to a *chalitzah* performed because of doubt.

3 In the above instance,] if both of the deceased had two brothers, one of one pair of brothers should perform *chalitzah* with one of the sisters, and one of the other pair of brothers should perform *chalitzah* with the other sister. Afterwards, the other brother from the first pair should perform

yibbum with the sister with whom the brother from the other pair performed *chalitzah*, and the other brother from the second pair should perform *yibbum* with the sister with whom the brother from the first pair performed *chalitzah*.

If both [brothers from one pair each] performed *chalitzah* with [one of the sisters] first, the brothers from the other pair should not both perform *yibbum*. Instead, one should perform *chalitzah* [with one of the sisters] first, and then his brother should perform *yibbum* with the other. If, without asking Rabbinic advice, each of the brothers married one of the sisters, they are not forced to dissolve the marriage.

4 [The following situation gives rise to several halachic questions:] A woman had sons, and one of her daughters-in-law also had sons. Both the woman and her daughter-in-law became pregnant and they gave birth in the same hiding place. [There was a disturbance] and the identity of the two children became confused [and it was not known who was the son of the mother, and who, the son of the daughter-in-law].

The two sons grew up and married and then died [childless]. How are their wives freed to marry others?

First, [one of] the sons of the daughter-in-law should perform *chalitzah* with [both women]; he should not perform *yibbum*. [The rationale is that] there is a doubt regarding the identity of each of the women. It is possible that she is the wife of his brother and thus permitted to him, but it is also possible that she is the wife of his father's brother and thus forbidden to him as an *ervah*.

Afterwards,] the sons of the elder woman may perform either *chalitzah* or

yibbum. [With regard to each of the women, the same question applies:] If she is his brother's wife, he is performing *yibbum*. And if she is the wife of his brother's son, she is permitted to marry him, because she has already performed *chalitzah*.

5 [In the above situation, the following procedure should be carried out if] the sons of the elder woman and her daughter-in-law whose identities had been established died [childless], and the two sons whose identities were confused were alive.

The sons whose identities were confused should perform *chalitzah* with the wives of the elder woman's sons; they may not perform *yibbum*. [The rationale is that] there is a doubt whether [each woman] is the wife of his father's brother and thus forbidden to him as an *ervah*, or the wife of his brother and thus permitted to her *yavam*.

With regard to the wives of the sons of the daughter-in-law: First, one should perform *chalitzah* and the other should perform *yibbum*. The rationale is that if the son of the daughter-in-law was the one who performed *chalitzah* first, he performed *chalitzah* with his brother's wife. The second one of those whose identities were confused was the son of the elder woman. He is permitted to marry the wife of his brother's son after her *yavam* performed *chalitzah* with her.

If it was the son of the elder woman who performed *chalitzah* first, he performed *chalitzah* with the wife of his brother's son, and his deed is of no consequence. The second one of those whose identities were confused was the son of the daughter-in-law, and he performed *yibbum* with his brother's wife.

6 [The following rules apply with regard to] a woman who did not wait three months after the death of her husband [before] remarrying]. She remarried and gave birth, and it is not known whether the child she bore was fathered by the first husband and was born after a full term pregnancy, or whether it was fathered by the second husband and was born after a seven-month pregnancy.

If the woman bore other children to both her first and second husbands, and then this son whose [father's identity] is in doubt dies [childless], both the sons of the first husband and the sons of the second husband should perform *chalitzah* with [the deceased's] wife, but they should not perform *yibbum*.

[The rationale is that the obligation for] each of them to perform *yibbum* is doubtful, for perhaps he is not the paternal brother [of the deceased]. And he is definitely a maternal brother [of the deceased], and the wife of a maternal brother is always forbidden as an *ervah*. For this same [reason], the son whose [father's identity] is in doubt should perform *chalitzah* with any of the wives of [his other brothers], but should not perform *yibbum*.

7 If both this woman's first and second husbands had fathered another son with another wife, and one of these other sons died [childless], the son whose [father's identity] is in doubt may perform either *chalitzah* or *yibbum* with the wife of the deceased. [The rationale is] that if [the deceased] was his paternal brother, then he has performed *yibbum*. And if he was not his paternal brother, then they have no family connection at all, and he is permitted to marry [the deceased's] wife.

8 [In the above situation,] if the son whose [father's identity] is in doubt dies [childless], one of the two sons whose [father's identity] is known should first perform *chalitzah* with his wife, and afterwards the second should perform *yibbum*.

[The rationale is that if the deceased] was his brother, then he has performed *yibbum*. And if he is not his brother, but rather the son of the other father, his wife has already performed *chalitzah* with her husband's brother [and is permitted to remarry].

9 [The following rules apply when] a woman's husband traveled to another country, his wife heard that he died and [on this basis] married another man, and then her first husband returned. If both husbands die [childless], and they both have brothers, one of each husband's brothers should perform *chalitzah*, but not *yibbum*.

10 [The following rules apply when there were] five women who each had a son whose identity had been established, and then the five women all gave birth together in a hiding place to five other sons, and the identities of the second group of sons became confused to the extent that it was not known who gave birth to whom. The sons whose identity became confused matured and married, and then these five men died [childless] and their five wives fell before the wives of the sons whose identity was known, but none of these sons knows who is the wife of his brother.

What must be done [so that these women can remarry]? Four [of the sons whose identity was known] perform *chalitzah* for one of the wives first, and the fifth son should marry her after she has performed *chalitzah* four

times.

11 What is implied? If the woman was his brother's wife, he has performed *yibbum*. And if she is not his brother's wife, she is the wife of the brother of one of the other four, and they all performed *chalitzah* with her first.
Similarly, the second woman should have four [of the sons whose identity was known] - including the one who married the first [of the widows] - perform *chalitzah* with her, and the fifth one should marry her. [This process should be continued] until the five sons have married the five [widows] after each one performed *chalitzah* four times earlier.

12 When dealing with questionable situations of this nature, one should always have these principles at hand: When there is a doubt whether a woman is required to perform *chalitzah* with a particular man or not, she is not permitted to marry another man until that [first] man performs *chalitzah* with her.
Whenever there is a doubt whether a woman is forbidden to engage in relations with a man - whether because of a Scriptural prohibition or a Rabbinic prohibition - she should not perform *yibbum* with him.
Whenever a woman has performed a "superior *chalitzah*" or "acceptable relations," another woman who was married to the same husband is permitted to marry another man.

13 Following the above patterns, you will be able to understand and rule with regard to any questionable situations that will arise with regard to *yibbum* and *chalitzah*. For we have explained all the fundamental principles on

which one should rely. You will know who should perform *chalitzah*, who should perform *yibbum*, who is not obligated to perform *chalitzah* or *yibbum* and who is fit to perform *yibbum*.

With God's help, this concludes "The Laws of *Yibbum* and *Chalitzah*."

Mishneh Torah, Virgin Maiden

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a man seduces a virgin, he is fined 50 *sela'im* of pure silver. This is called a *k'nas* ("fine"). The same law applies if he rapes her.

Payment of this fine is one of the Torah's positive commandments,, as [**Deuteronomy 22:29**] states: "The man who raped her must give the maiden's father 50 silver pieces."

2 What is meant by a seducer, and what is meant by a rapist? A seducer is one who enters into relations with a girl with her consent; a rapist is one who takes her by force.

Whenever a man entered into relations with a woman in a field, we operate under the presumption that he raped her, and apply those laws unless witnesses testify that she entered into relations with him willingly. Whenever a man enters into relations with a woman in a city, we operate under the presumption that she consented, because she did not cry out, unless witnesses testify that she was raped - e.g., he pulled out a sword and told her, "If you cry out, I will kill you."

3 When a girl who was seduced does not want to marry the seducer, or her father does not want to give her in marriage to him, or if [the seducer] does not want to marry her, he may pay the fine and depart. We do not force him to marry her.

If they do desire [to wed], and he marries her, he does not pay a fine.

Instead, he writes her a *ketubah*, as is written for other maidens.

When, however, a woman who is raped or her father do not desire that she marry the rapist, they have that prerogative. [In such an instance,] he must pay the fine and depart. If she and her father desire [that the marriage take place], but he does not desire, we force him to marry her, aside from paying the fine, as [**Deuteronomy 22:29**] states: "He must take [the maiden] as his wife"; this is a positive commandment.

Even if the girl is lame, blind, or afflicted with leprosy, he is forced to marry her and he may never take the initiative in divorcing her, as [the above verse continues]: "He may not send her away as long as he lives." This is a negative commandment.

4 [This girl] is not granted a *ketubah*. For our Sages instituted the requirement of a *ketubah* so that [a husband] will not consider divorce a frivolous matter. [In this instance this is unnecessary, because] the man cannot divorce [his wife].

5 If the girl he raped was forbidden to him, even if the prohibition stems from a positive commandment, or she was a *sh'niyah* [or forbidden by other Rabbinic prohibitions], he should not marry her. Similarly, if he discovers adulterous behavior on her part after he marries her, he should divorce her. [These concepts are implied by the phrase: "He must take [the girl] as his wife" [which our Sages interpreted to mean]: "She must be fit to be his wife."

6 When a High Priest rapes or seduces a virgin maiden, he should not

marry her, because he is commanded to marry a virgin, and at the time he marries this girl she is not a virgin. If he marries [this girl], he must divorce her.

7 Although it is said with regard to a rapist: "He may not send her away as long as he lives," since [this prohibition] is preceded by a positive commandment, as it is said, "He must take [the girl] as his wife," the Torah made the prohibition [rectifiable] by the observance of the positive commandment. Thus, this is a negative commandment [whose violation] can be rectified by [the observance of] a positive commandment. Lashes are not given [as punishment for the violation of such a commandment] unless one does not fulfill the positive commandment, as will be explained in *Hilchot Sanhedrin*.

Therefore, when a rapist violates [this prohibition] and divorces [his wife], he is compelled to remarry her and is not punished by lashes. If, however, his divorcee dies or is consecrated by another man before he remarries her, or if he is a priest, who is forbidden to marry a divorcee, he should be punished by lashes. For he transgressed the negative commandment, and is unable to fulfill the positive commandment associated with it.

8 Neither a rapist nor a seducer is liable to pay the fine unless he engages in relations in the ordinary fashion, and the relations are observed by witnesses. A warning is not necessary.

At what age is a girl fit to be paid a fine? From the age of three until she reaches the age of *bagrut*. If a man engages in relations with a girl less than three years old, the relations are not significant. If he engages in relations

with her after she reaches the age of *bagrut*, he is not fined. For [**Deuteronomy 22:28**] states: "A virgin maiden," thus excluding a girl who has reached maturity.

9 Whether or not [a girl's] father is alive, a fine must be paid.
A fine need not be paid [because of relations] with the following women: a *bogeret*, a girl who has dissolved a marriage through *mi'un*, an *aylonit*, a mentally incompetent girl, a deaf mute, a girl who was reputed to have conducted herself immodestly while young, concerning whom two witnesses testify that she sought sexual relations with them, a girl who was married and divorced, but is still a virgin maiden.
When, by contrast, [a girl] is divorced after merely being consecrated, a fine must be paid - and she is entitled to it - if she is raped. If she is seduced, she is not entitled to a fine.

10 [The following rules apply with regard to] a convert, a girl who was taken captive, and a [Canaanite] maidservant who was freed: If she was converted, redeemed or freed before she reached the age of three, she is entitled to a fine.
If she was three years old [or older] when she was converted, redeemed or freed, she is not entitled to a fine. Since relations that she engages in at this time are significant, she is placed into the category of non-virgins.

11 [The following rules apply when] the virgin [who was raped or seduced] was forbidden to the rapist or the seducer. If the prohibition was punishable by *karet* - e.g., she was his sister, his aunt, in the *niddah* state

or the like - or she was forbidden by virtue of a negative commandment [that does not involve either *karet* or execution], he is not liable for a fine if he was given a warning. [Instead,] he should be lashed. [The rationale is that] a person is never punished [for the same transgression] by both lashes and a monetary assessment.

If he was not warned, since he is not to be given lashes, he should pay the fine.

12 [When the girl raped] was forbidden because of a positive commandment, or she was a *sh'niyah* or forbidden because of another Rabbinic commandment, [the rapist] is obligated to pay the fine whether he was warned against the transgression or not, because he is not punished by lashes.

13 [When the girl raped] was forbidden because of a prohibition punishable by execution by the court - e.g., she was his daughter, daughter-in-law, or the like - he is not liable for the fine, regardless of whether or not he received a warning.

[This is derived from **Exodus 21:22**, which] states: "If there will not be a [fatal] accident, he should be punished." Implied is that if there is a [fatal] accident, no punishment should be levied. [This applies] although the woman was killed unintentionally, [i.e.,] the man did not intend to strike her, as it is written [*Ibid.*]: "If men strive and a woman receives a blow...." This teaches that with regard to a [fatal] accident, Scripture did not differentiate between an intentional and unintentional act to free him from monetary obligation.

And [**Leviticus 24:18-21**] says: "A person who [fatally] strikes an animal shall reimburse [its owner] for it, and one who [fatally] strikes a man must die." Just as Scripture did not distinguish between intentional and unintentional action for killing an animal to make him liable for payment, so too, it did not distinguish between intentional and unintentional action for killing a person to free him from financial obligation.

14 This law applies with regard to every transgression that is punishable by execution by the court. There is no financial obligation.

15 If [a girl] dies after she [was seduced or raped], [the seducer or the rapist] is not liable for the fine, [as implied by **Deuteronomy 22:29**]: "the man who raped her must give the maiden's father...." [The verse states] "the father of the maiden," and not "the father of the dead maiden." [This applies] when she dies before the case came to court.

Chapter 2

1 The fine of 50 silver pieces represents merely the payment for the pleasure of sexual relations. In addition, a seducer is obligated to pay for embarrassment and damages in addition to the fixed amount mentioned by the Torah.

A rapist, moreover, also pays for the pain [he caused the girl]. [A seducer is not required to make this payment,] because a girl who willingly engages in relations does not [suffer] pain. A girl who is raped does, as reflected by [**Deuteronomy 22:29**]: "because he violated her."

2 Thus, a seducer makes three payments: the fine, and compensation for embarrassment and damages. A rapist makes four payments: the fine, and compensation for embarrassment, pain and damages.

3 The fine is the same in all instances. Whether one has relations with the daughter of the High Priest, or the daughter of a convert or a bastard, the fine is 50 silver pieces. The amount paid for embarrassment, damages and pain is not uniform, however. Instead, the amount must be evaluated [by the court].

4 How is this evaluation made? With regard to embarrassment, everything is dependent on the identity of the person who is embarrassed, and the identity of the person who embarrasses her. The embarrassment suffered by a girl of high repute from a family of known lineage cannot be compared to the embarrassment suffered by a poor, ignoble maiden. And the embarrassment suffered at the hands of an important person of great stature cannot be compared to that suffered at the hands of a base and empty fellow.

5 On this basis, the judges consider the stature of [the rapist or the seducer] and his victim. They evaluate how much a father and the girl's family would give to prevent [these relations] from taking place with this individual. This is the amount [the man] is obligated to pay.

6 Damages [are evaluated] according to [the girl's] beauty. We look at her as if she were a maid-servant being sold in the marketplace: what price would she fetch as a virgin, and what price would she fetch as a non-

virgin. For a man would like to buy a virgin maid-servant to give him to his servant, whose welfare and satisfaction he desires. [The rapist or the seducer] should pay the difference in the price.

The compensation for pain is evaluated based on her youth and the size of her body, and his age and the size of his body. We evaluate how much a father would be willing to pay so that such [a daughter] would not suffer pain from such [a man], and [the rapist is obligated to] pay [this amount].

7 A seducer must compensate [the girl's father] for the embarrassment and damages immediately. He is not, however, required to pay the fine unless he does not marry [the girl], as [**Exodus 22:16**] states: "If her father refuses to allow him to marry her, then he must pay...."

A rapist, by contrast, must make all four payments and marry her immediately. Therefore, whenever the woman desires to divorce or when she becomes widowed, she does not receive anything.

8 [The following laws apply when] two men entered into relations with her, one through vaginal intercourse and one through anal intercourse. If the man who had anal intercourse with her was first, he is liable for embarrassment and for damages. If he was second, he is liable only for embarrassment, because she has already suffered damages.

The one who engaged in vaginal intercourse, whether first or last, is liable for the fine and all other payments. Nevertheless, the embarrassment and damages to a girl who had never engaged in relations at all cannot be compared to the embarrassment and damages to a girl who has engaged in anal intercourse.

9 We have already mentioned the girls for whom a fine need not be paid: They are ten: A *bogeret*, a girl who dissolved her marriage via *mi'un*, one who was divorced, an *aylonit*, a mentally incompetent girl, a deaf mute, a convert, a girl who had been taken captive, a freed slave, and one who has a tarnished reputation. A fine must be paid for all other girls.

10 Whenever a fine is required to be paid for a girl, compensation is also required for embarrassment and damages, and if she was raped she must also be compensated for the pain.

Conversely, whenever a fine is not required to be paid for her, she is not entitled to compensation for embarrassment and damages if she is seduced or raped. Exceptions to this are a *bogeret*, a girl who had dissolved her marriage via *mi'un*, a mentally incompetent girl and a deaf mute. [If they are seduced, no payment is required at all.]

11 What is implied? If a man rapes a *bogeret* or a girl who had dissolved her marriage via *mi'un*, although a fine is not required to be paid, compensation is also required for embarrassment damages and pain. And a man who rapes a mentally incompetent girl or a deaf mute is required to make compensation for pain. One who seduces any of these girls is not liable at all.

12 A person is not ever liable to pay a fine because of his own admission. Instead, he is made liable by the testimony of witnesses. Therefore, [if a man] says: "I raped or seduced the daughter of so and so," he is not liable to pay a fine. He must, however, make restitution for the embarrassment

and the damages [he caused].

Similarly, when a maiden files a legal claim against a man, saying "You raped me," or "You seduced me," and he denies the matter entirely, he is required to take a Rabbinic oath to support his claim, for if he admits his culpability, he would be liable for the embarrassment, the damages and the pain.

13 If a girl claims, "You raped me," and the man claims, "No, I seduced you," he is required to take an oath mandated by Scriptural law with regard to [the compensation for] the pain, and he must pay the damages and the embarrassment. [The oath is required] because he admitted a portion of the claim [made against him], as will be explained in [the section dealing with that subject].

14 The three payments made because of seduction, and the four payments made because of rape are made to the girl's father, for all the monetary benefit that accrues during a girl's youth belongs to her father.

If her father is no longer alive [at the time of the rape or the seduction], [these payments are made] to her.

15 When a girl who was raped or seduced does not file a claim until [either] she reaches *bagrut*, she marries, or her father dies, she herself is entitled to the three or four payments [mentioned above].

If she appeared in court and filed a claim for payment, and then she reached *bagrut* or she married, the father is entitled to the payments. If the father dies after she files a claim for payment in court, the payments

belong to her brothers, for they are her father's heirs. [The rationale is that] once she files a claim for payment in court, her father is considered to have acquired the payments.

16 When a girl was consecrated and then divorced, she is entitled to the fine, but only that. If she was raped or seduced, and afterwards, she becomes consecrated to another [man], her father is entitled to the fine and the damages, for consecration does not take a girl out of her father's domain [and nullify his rights over her].

17 I maintain that [the intent of] the Torah's statement [**Leviticus 19:29**], "Do not defile your daughter to have her play the harlot," is that a father should not say: "Since the obligation of the Torah for a seducer or a rapist was solely that he should give the father money, I will hire my virgin daughter to someone to have relations with her for whatever price I desire, or I will allow him to have relations for her without charge. For a man has the right to forgo monetary rights to him to any person he desires." To counter such thoughts, it is written: "Do not defile your daughter."

The Torah obligates a rapist and a seducer to pay money rather than be punished by lashes when the matter happened by chance, without the knowledge of [the girl's] father, and she did not ready herself for [the relations]. For this is an extraordinary and uncommon matter.

If, however, a person leaves his virgin daughter accessible for anyone to engage in relations with her, this will cause the entire earth to be filled with sexual immorality. For [ultimately], a father will marry his daughter and a brother his sister, [for in a sexually permissive society] a [girl] may

become pregnant and give birth without knowing who the child's father is.

When a person has his daughter act in this manner, she is considered to be a harlot, and both the man and the girl who engage in relations should be punished by lashes, as [**Deuteronomy 23:18**] states: "There shall not be a harlot."

[In such an instance,] the man is not required to pay a fine, for the Torah prescribed a fine only in the instance of seduction or rape. When a girl prepares herself [for relations] either on her initiative or on that of her father, she is a harlot. And the prohibition against harlotry applies both with regard to a virgin and a non-virgin.

For this reason our Sages stated that a girl who was reputed to have conducted herself immodestly while young is not entitled to a fine, as we have explained, for we can assume that she willingly opened herself to this experience.

Chapter 3

1 When a person issues a slanderous report concerning a Jewish maiden, and the matter is discovered to be false, he should be punished by lashing, as [**Deuteronomy 22:18**] states: "And he shall be flogged." The warning [for this negative commandment] is derived from [**Leviticus 19:16**]: "Do not go about as a slanderer among your people."

He must also give her father 100 *sela'im* of pure silver. If the girl is an orphan, the money is given to her.

2 When a person issues a slanderous report on a girl below majority, or on a *bogeret*, he is not liable for the fine or for lashes. He is not liable unless he issues a slanderous report regarding a *na'arah*. [This is derived from **Deuteronomy 22:15**]: "[They will] present signs of the maiden's virginity." The word נערה, "maiden" is written in a full form.

3 Cases pertaining to this law may be brought only in the time of the Temple, and in the presence of a court of 23 [judges], because there is the possibility that capital punishment will be involved. For if the accusation [brought by the husband] is discovered to be true, the girl must be executed.

Cases involving rape or seduction, by contrast, are judged at all times in the presence of three [judges], as will be explained in *Hilchot Sanhedrin*.

4 It is one of the Torah's positive commandments for the wife of a man who issued a slanderous report about her to remain married to him forever, as [**Deuteronomy 21:19**] states: "She must remain his wife." This applies even if she is blind or a leper.

If he divorces her, he transgresses a negative commandment, as the verse continues: "He may never send her away as long as he lives."

[If he divorces her,] we compel him to remarry her, and he is not lashed, as explained with regard to a rapist. If, however, another man takes the initiative and consecrates her first, she dies, or he is a priest, who is forbidden to marry a divorcee, he should be punished by lashes for divorcing her.

5 If immodest behavior [on the woman's part is discovered], or it is discovered that she is forbidden to him as a result of a negative commandment, a positive commandment, or even [a Rabbinic commandment, such as the prohibition against] a *sh'niyah*, he should divorce her with a *get*.

Why should the positive commandment [of remaining married to the woman] not supersede the negative commandment [of engaging in relations with an adulterous wife, or any other negative commandment] with regard to this man who issues a slanderous report or a rapist, and thus he should marry [or remain married to] this woman who is forbidden to him? For it is possible that she will not desire to remain married to him, and thus, both the positive and negative commandments will be observed.

6 What is implied by the term "issuing a slanderous report"? That a person should come to court and say: "I engaged in marital relations with this maiden, and I discovered that she was not a virgin. I investigated the matter and determined that she committed adultery after I had consecrated her. These are the witnesses in whose presence she committed adultery."

The court then listens to the words of the witnesses and examines their testimony. If the truth of the claim is substantiated, the girl is executed by stoning.

If the [girl's] father brings witnesses who nullify [the testimony] of the witnesses, and it is determined that they testified falsely, [the witnesses] should be executed by stoning, [the husband] should be flogged, and he

should pay 100 *sela'im*.

This is what is meant by [**Deuteronomy 22:17**]: "This is [evidence of] my daughter's virginity" - i.e., these are the witnesses who nullify [the testimony] of the husband's witnesses.

If the husband brings other witnesses who nullify [the testimony] of the father's witnesses, the maiden and the father's witness should be executed by stoning. This is what is meant by [**Deuteronomy 22:20**]: "If the [accusation] is true." According to the Oral Tradition, the passage speaks of witnesses who nullify the testimony of other witnesses, and a third pair who nullify the testimony of the second pair.

7 When a man issues a slanderous report about his wife after she becomes a *bogeret*, he is free of liability for the lashes and for the fine, even though his witnesses testify that she committed adultery when she was a *na'arah*.

If the accusations are proven true, [the girl] should be executed by stoning, even though she is a *bogeret*. [The rationale is] that she was a *na'arah* when she committed adultery.

8 Whenever a *na'arah* is not entitled to a fine if she was raped or seduced, [her husband] is not punished by flogging or by a fine if he issues a slanderous report about her.

In addition, when a non-Jewish girl was converted below the age of three or a maidservant was freed below the age of three, [her husband] is not punished by flogging or by a fine if he issues a slanderous report about her. This applies even if a girl was conceived before her mother was converted and born after she was converted. [The rationale is based on

Deuteronomy 22:19]: "Because [the husband] defamed the virtue of an Israelite maiden." [Implied is that] she must be conceived and born as an Israelite.

9 A man is not held liable when [his] witnesses are discovered to have lied [in the following situation]. He consecrates a maiden and divorces her, consecrates her again and then issues a slanderous report about her, bringing witnesses who say that she committed adultery during the first time she had been consecrated.

Similarly, a man is not held liable to be flogged or for a fine when [his] witnesses are discovered to have lied [in the following situation]. He issues a slanderous report about his *yevamah*, bringing witnesses who say that she committed adultery during the time she had been consecrated to his brother.

Whenever a man is not liable [to be flogged and fined], he may divorce his wife if he desires to.

10 A man is not liable [for these penalties] unless he engages in relations with his wife in the ordinary manner and issues a slanderous report about her, saying that she engaged in relations [previously] in the ordinary manner.

If he engaged in anal intercourse with his wife, and said that he discovered that she was not a virgin, he is not liable [for these penalties]. He is, however, given stripes for rebellious conduct.

11 Similarly, if he says, "I discovered that she was not a virgin," but does not say that she committed adultery after he had consecrated her, or if he

claims that she committed adultery but did not bring witnesses, but rather the witnesses came on their own initiative, he is not liable [for these penalties]. Nevertheless, the witnesses are executed if their testimony is nullified.

12 The Torah's statement [**Deuteronomy 22:17**]: "They will then spread the garment" is a euphemism. The intent is that they debate the private aspects of this matter.

Similarly, [other expressions in the passage are to be understood non-literally. [For example,] "This is [evidence of] my daughter's virginity" means "these are the witnesses who nullify the testimony of the husband's witnesses."

The death penalty issued "if the [accusation] is true" is issued only when she has committed adultery after being consecrated [and is observed by] witnesses, as implied by [**Deuteronomy 22:21**]: "acting immorally [in] her father's house." Before she is consecrated, the Torah does not hold her liable at all, and a person who engages in relations with her is liable only for a financial penalty, whether he seduced her or raped her.

Mishneh Torah, Woman Suspected of Infidelity

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The admonition of jealousy stated in the Torah [**Numbers 5:14**], "And he will adjure his wife," means the following. He tells her in the presence of witnesses: "Do not enter into privacy with this and this man."
This applies even if the man [under suspicion] is her father, her brother, a gentile, a servant or a man who is impotent and incapable of having an erection or fathering a child.

2 The term "enter into privacy" mentioned in the Torah [*Ibid.*:13] refers to entering into privacy with the man concerning whom she was warned, in the presence of two witnesses, not to enter into privacy.
If she remains with him long enough to engage in relations - i.e., the amount of time necessary to roast an egg and swallow it, she is forbidden to her husband until she drinks the bitter water, and [her faithfulness] is checked. In an era when [the probe of] the waters of the *sotah* is unavailable, she is forbidden to her husband forever and is divorced without receiving the [money due her by virtue of] her *ketubah*.

3 If [a husband] warns his wife with regard to two men at the same time, telling her: "Do not enter into privacy with so and so, and so and so," she is forbidden [to her husband] until she drinks [the waters] if she enters into privacy with the two men at the same time, and remains there long enough to engage in relations. [This applies] even if [the two men] are her

two brothers or her father and her brother.

4 If he told her in the presence of two [men]: "Do not speak to so and so," this is not considered to be a warning. Even if she enters into privacy with him in the presence of witnesses and remains there long enough to engage in relations, she is not forbidden to [her husband], nor can she be required to drink [the bitter water] because of such a warning.

5 Similarly, if he told her, "Do not enter into privacy with him," and witnesses saw her speaking with him, she is not considered to be having entered into privacy. She is not forbidden to [her husband], nor can she be required to drink [the bitter water].

Similarly, if she was not warned at all, and two witnesses came and testified that she entered into privacy with a man and remained long enough to engage in relations, she is not forbidden to [her husband], nor can she be required to drink [the bitter water].

6 If he told her: "Do not enter into privacy with so and so," and named a boy below the age of nine," or he told her: "Do not enter into privacy with this animal," this is not a [binding] warning.

[These laws are derived as follows:] The Torah [*ibid.*] states: "And a man had relations with her." This excludes a minor and an animal. She is not forbidden to her husband because of them.

7 When a husband forgoes a warning before his wife enters into privacy with [the man in question], the warning is nullified, and it is as if he had never issued a warning to her [regarding him]. If, however, he forgoes the

warning after she enters into privacy with him, the warning cannot be nullified.

If he divorces his wife, it is as if he has nullified the warning. If he remarries her, he must issue a second warning [for her to be bound by it].

8 If [the husband] issued a warning to [his wife] in the presence of two [witnesses] and then saw her enter into privacy with the man concerning whom she was warned, and she remained long enough to engage in relations, she becomes forbidden to him. He must divorce her and pay her [the money due her by virtue of her] *ketubah*.

Similarly, if he hears people gossiping about her after she has been warned, that she entered into privacy with the man in question, to the extent that the women who weave at night by the moonlight chatter about her, saying that she committed adultery with the man concerning whom she has been warned, her husband is forbidden to remain married to her and must instead divorce her and pay her [the money due her by virtue of] her *ketubah*.

9 [The following rules apply when] one witness comes and testifies that, after a warning was issued, she entered into privacy with the man concerning whom she was warned and remained long enough to engage in relations. If [the husband] considers [the witness] to be faithful, and he relies on him, he must divorce her and pay her [the money due her by virtue of] her *ketubah*. If [he does] not [rely on that person], his wife remains permitted to him.

10 The court should issue a warning to the following women [who are suspected of immodest behavior]: a woman whose husband has become a deaf-mute or has lost control of his mental faculties, one whose husband is overseas or one whose husband is imprisoned. The intent is not to have [such a woman] drink [the bitter water], but rather to disqualify her from receiving [the money due her by virtue of] her *ketubah*.

11 What is implied? If the court hears that people are gossiping about [a particular woman], they call her and tell her: "Do not enter into privacy with so and so." If witnesses come afterwards and testify that she entered into privacy with the man concerning whom she was warned, and remained long enough to engage in relations, the court prohibits her [from engaging in relations] with her husband forever and tears up her marriage contract.

When her husband returns, regains his health or is released from prison, he must give her a *get*. He cannot require her to drink [the bitter water], because he did not administer the warning himself.

12 [The following rules apply if a woman was required to] drink the bitter water [because of her husband's suspicion of a particular man] and did not die as a result of it, and afterwards, her husband gave her a warning with regard to that same man. If she enters into privacy with him, he cannot make her drink because of him a second time. Instead, she becomes forbidden to her husband forever and must be divorced without receiving [the money due her by virtue of] her *ketubah*.

If, however, her husband issued a warning to her regarding another man,

and she entered into privacy with him in the presence of witnesses, she can be forced to drink the waters again. Indeed, this can happen several times, provided each time her husband has her drink because of another man.

13 If a woman's husband had her drink [the bitter water] because of a specific man and then divorced her and she remarried, her second husband can issue a warning to her with regard to the same man. If she enters into privacy with him, her husband can make her drink [the bitter water], because he is her second husband. Even if a hundred men married this woman one after the other, they can all have her drink [the bitter water] because of this same man.

14 [The following laws apply if] a woman was warned by her husband and then entered into privacy [with the man in question] after the warning, thus causing her to be required to drink [the bitter water]. If [even] one witness comes and states that she engaged in sexual relations with the man regarding whom she was warned in his presence, the woman is forbidden to her husband forever. She may not drink [the bitter water], and must be divorced without receiving [the money due her by virtue of] her *ketubah*. This applies even if the witness who testifies concerning her adultery is also one of the witnesses who testifies that she entered into privacy with [the man regarding whom she was warned].

[This ruling is derived from **Numbers 5:13**]: "There is no witness against her."

15 Even a woman, a servant, a maid-servant or someone disqualified from testifying because of [the transgression of] a Rabbinic prohibition, and even a relative, may testify with regard to a woman suspected of infidelity, saying that she committed adultery. This causes her to be forbidden to her husband forever, to be prevented from drinking [the bitter water] and to be divorced without receiving [the money due her by virtue of] her *ketubah*.

[The rationale is] that since the Torah accepts the testimony of one witness with regard to [the woman's] adultery [we see that the formal laws of testimony do not apply]. Therefore, anyone's testimony is accepted with regard to this matter.

Even the five women who we assume hate each other can offer testimony regarding each other, saying that they committed adultery [in these circumstances]. Their testimony is accepted with regard to causing her to be forbidden to her husband and not [to compel her] to drink [the bitter water]. It is not a sufficient basis to cause her to forfeit [the money due her by virtue of] her *ketubah*. Instead, she collects [the money due her by virtue of] her *ketubah* and leaves [his household].

16 If one acceptable witness comes and says that the woman committed adultery, she is not required to drink [the bitter water], as we stated. If another witness comes and contradicts his testimony, saying: "She did not commit adultery," the statements [of the second witness] are disregarded.

[The rationale is] with regard to a *sotah*, [the testimony of] one witness is considered equivalent to [that of] two [witnesses in ordinary matters]. Thus, the testimony of the second witness cannot nullify the testimony of

the first witness, which is considered to be equivalent to [that of] two witnesses.

17 If, however, both come at the same time and one says: "She committed adultery," and the other says, "She did not commit adultery," or one says: "She committed adultery," and two others say, "She did not commit adultery," she must drink [the bitter water].

18 When one acceptable witness and many women or unacceptable witnesses come at the same time, and the acceptable witness says that the woman committed adultery, while the women or the unacceptable witnesses say that she did not, she is required to drink [the bitter water]. [The rationale is that the testimony of] one acceptable witness and [that of] many unacceptable witnesses are considered to be of equal weight.

19 If all the witnesses are unacceptable, the ruling depends on the majority. What is implied? If two women say she committed adultery, and three say she did not, she must drink [the bitter water]. If three say she did not commit adultery and four say that she did, she is not required to drink. If an equal number of women espouse each position, she must drink [the waters].

20 In all instances that we said that a *sotah* should not drink [the waters] because of testimony that she committed adultery, she is forbidden to her husband forever and must be divorced without receiving [the money due her by virtue of] her *ketubah*, for she was forbidden because [she received a] warning and entered into privacy [with the said man]. And she is

prevented from drinking the waters, [which could] cause her [to be] permitted, because of the presence of the witness, as we explained.

Chapter 2

1 When a woman is given a warning and enters into privacy [with the man in question], she is not compelled to drink the bitter water. Instead, if she says, "I committed adultery," she is not required to drink the waters, but she must be divorced without receiving [the money due her by virtue of] her *ketubah*, and she is forbidden to her husband forever.

Similarly, if she says: "I did not commit adultery, but I will not drink the waters," she is not forced to drink, but she must be divorced without receiving [the money due her by virtue of] her *ketubah*.

And if her husband says, "I don't want to have her drink," or if he engaged in relations with her after she entered into privacy [with the man in question], she should not drink [the bitter water]. Instead, she is given [the money due her by virtue of] her *ketubah* and departs; she is forbidden to him forever.

2 The following women are not fit to drink [the bitter water] even though they desire to drink, and their husbands desire to have them drink. Instead, once witnesses testify that [such women] entered into privacy with the men in question after witnesses testify that a warning was granted, they are forbidden to their husbands and must be divorced without receiving [the money due them by virtue of] their *ketubah*. There are fifteen such women; they are:

a woman who was consecrated but the marriage bond was not consummated,
a *yevamah* who is waiting for her husband's brother to perform *yibbum*,
a minor married to a man past the age of majority,
a woman who is past majority who is married to a minor,
the wife of an *androgynous*,
the wife of a blind man,
the wife of a man who limps,
who cannot speak, who is deaf, or whose hand has been cut off, and
similarly, a woman who limps, who cannot speak, who is blind, whose hand has been cut off, or who is deaf.
All the above are not fit to drink [the bitter water].

3 What are the sources that exclude these women from drinking [the bitter water]? [**Numbers 5:29**] states: "When a woman deviates [from the paths of modesty] while married to her husband...."
"While married" excludes a woman who was consecrated, but the marriage bond was not consummated, and a *yevamah* who is waiting for her husband's brother to perform *yibbum*. "Her husband" excludes a minor married to a man past the age of majority. "While married to her husband" excludes a woman who is past majority who is married to a minor, and the wife of an *androgynous*, for he is not a man.
[**Numbers 5:13** states:] "And it was hidden from the eyes of her husband" - This excludes the wife of a blind man. "And the priest shall have the woman stand" [*Ibid.*:18] - This excludes a woman who limps. "And he shall place on her palm" [*Ibid.*] - This excludes a woman who does not

have a hand or whose hand is crooked or shrunk to the extent that she cannot hold [the meal offering]. This applies even if only one hand is in this condition, for the verse uses the plural form of the word palm, [indicating that both hands must be fit to perform this act].

"And the woman shall say" [*Ibid.*:22] - This excludes a woman who cannot speak. "And he shall say to the woman" [*Ibid.*:19] - This excludes a woman who cannot hear. And [the passage continues, *Ibid.*:20:] "When a woman deviates [from the path of modesty] while married to her husband..." - This indicates that she must be of sound body, possessing all the physical characteristics [mentioned previously] that he possesses, and he [must possess the characteristics mentioned that she possesses].

This teaches that any physical factor that prevents her from drinking [the bitter water] prevents her husband from compelling her to drink. And any factor that prevents her husband from compelling her to drink prevents her from drinking.

4 When a minor is married off by her father, she is forbidden to her husband if she willingly commits adultery. Therefore, she is given a warning, not to compel her to drink [the bitter water], but so that she will be denied [the money due her by virtue of] her *ketubah*, as stated above.

With regard to a minor who is entitled to nullify her marriage through *mi'un*, by contrast, no warning is given, for she has no desire to be forbidden to her husband. [Even if she commits adultery,] she is not forbidden to her husband, even if he is a priest.

5 When a man issues a warning to a woman he consecrated or to his

yevamah, and she entered into privacy [with the man in question] after [the husband] consummated their marriage, she must drink [the bitter water] like any other [married] woman.

When a husband issued a warning to his wife and she enters into privacy [with the man in question] before her husband engaged in sexual relations with her, she does not drink [the bitter water]. Instead, she is divorced without receiving [the money due her by virtue of] her *ketubah* and is forbidden to her husband forever. [This is alluded to by **Numbers 5:20**, which] states: "And another man has lain with you other than your husband," [implied is] that relations with the husband preceded relations with the man in question.

6 [The following women are judged] like all other married women - who are permitted to remain married - and are required to drink [the bitter water if they violated a husband's warning]: a convert, a freed maidservant, the wife of a convert, the wife of a freed servant, a woman who is of illegitimate parenthood, the wife of a man of illegitimate parenthood and the wife of an impotent man - whether he became impotent naturally or through an act of man.

7 A pregnant woman and a nursing woman are required to drink [the bitter water] in their present state. When a woman is required to drink [the bitter water], but her husband dies before she has the opportunity of doing so, she should neither drink nor collect [the money due her by virtue of] her *ketubah*.

8 Whenever a man has engaged in forbidden relations from the time he attained majority onward, the curse-bearing waters do not test [the fidelity of] his wife. Even if he engaged in relations with the woman he consecrated while she was living in her father's house - which is a Rabbinic prohibition - the waters do not test [the fidelity of] his wife. [This is derived from **Numbers 5:31**, which] states: "The man will then be free of sin, and the woman will bear [the burden of] her sin." [Implied is that] when the man is "free of sin," "the woman will bear [the burden of] her sin."

9 Therefore, if a man's wife is forbidden to him because of a negative commandment, a positive commandment, or even [a Rabbinic prohibition - e.g.,] a *sh'niyah*, and he warned her and she entered into privacy [with the man in question], she should not drink [the bitter water]. Instead, she should be divorced and should not receive [the money due her by virtue of] her *ketubah*. She becomes forbidden to him for this reason as well.

When a man transgresses and marries a woman who was made pregnant by another man, or who is nursing a child she bore by another man, she may [be compelled to] drink [the bitter water], since there is no transgression involved [in their relationship].

10 When a man is not married to a woman capable of bearing children, nor has he [fathered] children in [a previous marriage], and he marries a barren woman, a woman past the age of child-bearing or an *aylonit*, [the marriage is not considered desirable in the eyes of the Sages]. [Therefore,]

such a woman may not drink [the bitter water], nor does she receive [the money due her by virtue of] her *ketubah* [if the husband divorces her for violating his warning].

If, however, [the husband] has [already fathered] children, or he has another wife capable of bearing children, he may compel [his other wife] to drink [the bitter water] even if she is past the age of child-bearing, barren or an *aylonit*, and thus incapable of giving birth. For the Torah's statement, [**Numbers 5:28**] "And she will be cleared and she will conceive" applies solely to a woman capable of giving birth, [implying] that if previously she would give birth in pain, she will give birth comfortably; if previously she would give birth to daughters, she will give birth to sons.

11 If [a husband] had [another] wife [capable of bearing children] or had children, but they died between the time when the warning was issued and the time the woman entered into privacy [with the man in question], the woman was already fit to drink the bitter water, and she should be compelled to drink.

If [a husband] did not have children or [another] wife capable of bearing children aside from an *aylonit* or another woman [incapable of bearing children], and his divorcee bore him a son between the time when the warning was issued and the time the woman entered into privacy [with the man in question], the *aylonit* was already excluded from drinking [and that ruling remains].

12 Whenever a warning was administered to a woman and she entered into privacy [with the man in question], but did not drink the bitter water -

whether her husband did not desire to compel her to drink, she did not want to drink, a witness testified that she committed adultery, she was one of the women who are unfit to drink [the bitter water], or the warning was administered by the court [and not by her husband] - since she becomes forbidden to her husband, she also becomes forbidden to the man with whom she entered into privacy just as she is forbidden to her husband.

If this other man transgresses and marries her, he is compelled to divorce her even if she has borne him many children. Based on the Oral Tradition our Sages taught: Just as she is forbidden to her husband, she is forbidden to the man with whom she engaged in relations.

13 [Different rules apply when,] however, a woman was not warned and witnesses came and testified that she entered into privacy with a man, and then they discovered unsavory behavior: e.g., they entered [her room] after [the man in question did] and saw her tying her belt, they found wet spittle on the bed's canopy, or the like. If her husband divorces her because of this unsavory behavior, she should not marry the man with whom she is suspected [of having relations]; instead, she should be forbidden to him.

If she transgresses and marries [this man] and children are born to them, she need not be divorced. If she has not borne [this man] children, he must divorce her.

14 When does the above apply? When [the inhabitants of] a city gossiped about the man and woman in question for a day and a half or more,

saying: "So and so committed adultery with so and so," and this rumor did not cease. [Moreover, this applies] only when neither [the man nor the woman in question] have enemies who spread this rumor.
If, however, the rumor was not widespread throughout the city, or the rumor ceased for reasons other than fear [different rules apply]. If she marries [the man in question], she need not be divorced although she has not borne him any children. Even when one witness comes and testifies that she committed adultery with him, she need not be divorced.

15 If a woman who was divorced by her [first] husband for unsavory behavior marries another man and is later divorced by him, she is forbidden to marry the man because of whom she was divorced by her first husband. If, however, she marries him, he is not compelled to divorce her even though she has not borne him children.

16 Whenever two witnesses testify that, while she was married to another man, a woman committed adultery with the man to whom she is presently married, she must be divorced by her present husband even though she has borne him several children.
In all the instances where we said that a woman must be divorced, she is not entitled to receive [the money due her by virtue of] her *ketubah*.

Chapter 3

1 What is the process through which a *sotah* is compelled to drink the bitter water? First the husband comes to the court in his city and tells them: "I

warned my wife [not to enter into privacy] with so and so, and she entered into privacy with him. These are the witnesses who will confirm my statements. She claims not to have committed adultery. I desire to have her drink the bitter water to verify this matter."

The court then listens to the testimony of the witnesses. [If it is substantial,] they provide [the husband] with two sages to watch over him, lest he engage in relations with her before she drinks the bitter water, for she is prohibited to him until that time, and he is sent to Jerusalem. For a *sotah* is compelled to drink [the bitter water] only by the Supreme Court of 70 elders, who [hold session] in the Temple.

2 When they arrive in Jerusalem, the High Court has her sit in its presence while her husband is not present, and they alarm her, frighten her and bring upon her great dread so that she will not [desire to] drink [the bitter water.

They tell her: "My daughter, [we know] that wine has a powerful influence, frivolity has a powerful influence, immaturity has a powerful influence, bad neighbors have a powerful influence. Do not cause [God's] great name, which is written in holiness, to be blotted out in the water."

And they tell her: "There are many who preceded you and were swept away [from the world]. Men of greater and more honorable stature have been overcome by their natural inclination and have faltered." [To emphasize this,] they tell her the story of Judah and Tamar, his daughter-in-law, the simple meaning of the episode concerning Reuben and [Bilhah], his father's concubine, and the story of Amnon and his sister, to make it easier for her to admit [her guilt].

If she says: "I committed adultery," or "I will not drink [the water]," she is to be divorced without receiving [the money due her by virtue of] her *ketubah*, and the matter is dismissed.

3 If she persists in he claim of innocence, she is brought to the eastern gate of the Temple Courtyard, which faces the Holy of Holies. She should be taken from place to place [in the Temple Courtyard] and made to walk around it so that she will become tired and her spirits will sap [with the intent that perhaps] she will admit [her guilt].

4 If she persists in her claim, she is brought outside the eastern gate and made to stand there. If she usually dresses in white, she should dress in black. If black garments make her look attractive, she should dress in clothes that do not make her attractive. All silver and gold jewelry should be removed from her.

5 Many women are gathered [to see] her, for all the women present [on the Temple Mount] are obligated to observe her, [as implied by **Ezekiel 23:48**]: "So that all women will be taught not to follow their lewdness." Any man who wants to observe her may do so.
She stands among [the women] without a cloak or a veil, wearing only her clothes and a cap, as a woman dresses within her home.

6 Neither her servants nor her maidservants are allowed to be there, because [when] she recognizes them, her spirits will be fortified.

7 Afterwards, the priest administers an oath to her in a language that she

understands. He tells her in her language that [she is being subjected to this test] because of the warning that her husband gave her, [which she violated by] entering into privacy [with the man in question].

He repeats for her in a language that she understands [the Biblical passage, **Numbers 5:19-23**]: "If a man has not lain with you, and you have not committed adultery, so as to be defiled to your husband, you shall be unharmed by this curse-bearing bitter water. But if you have committed adultery and you have become defiled, because a man other than your husband has lain with you... God will make you into a curse and into an oath among your people, causing your thigh to rupture and your belly to swell. This curse-bearing water will enter your body, causing your belly to swell and your thigh to rupture." [This serves as an oath]. She responds: "Amen, Amen," in a language she understands.

He tells her that her belly will be affected first and afterwards, her thigh so as not to tarnish the reputation of the water.

8 Afterwards, a scroll of parchment from a kosher animal, like the parchment used for a Torah scroll, is brought. On it is written, word for word, letter for letter, the entire passage that [the priest] administered to the woman as an oath.

[The passage must be] written in Biblical Hebrew, with ink that does not contain *kankantum,* for the sake of the woman, as a *get* must be written with that intent. God's name should be written in the proper manner. The words "Amen, Amen" should not be written.

9 Afterwards, an earthenware vessel that was never used for any task

previously and that does not look aged is brought. If one takes an aged vessel and returns it to a kiln so that it looks new, it is acceptable.

A half a *log* of water from the basin [from which the priests wash] is placed in it. There was a measuring vessel of that size in the Temple. Afterwards, the water is taken into the Sanctuary.

10 [In the Sanctuary,] there was a place, one cubit by one cubit, at the right as one entered, [covered by] a marble tile with a ring affixed to it. [The priest] would lift the tile and take "from the dust... on the earth of the Tabernacle" [**Numbers 5:17**] and place it in the water, so that it could be seen [floating] on the water.

Into this mixture is also placed a bitter substance, wormwood or the like, as implied by [*ibid.*:18], which refers to "the bitter water."

He [then] dissolves [the writing of] the scroll in [the water], doing this for the sake of [the woman being tested]. He must dissolve [the writing] carefully, so that no trace of it remains on the scroll.

11 Afterwards, one of the priests [serving] in the Temple courtyard would approach her. He would take hold of her clothes from the front and rip them until he revealed her heart. Similarly, he would reveal her hair, undoing the plaits of her hair, to make her look unattractive.

He would then bring an Egyptian rope to allude to the conduct of the Egyptians - which she emulated - and tie it above her breasts so that her clothes would not fall, for they were torn, and she be left standing naked. If an Egyptian [rope] is not available, he should bring any rope.

12 Afterwards, he would bring an *isaron* of barley meal purchased by the husband and place it in an Egyptian basket.
The rope and the basket should be purchased from the funds remaining in the Temple treasury. [The basket with the meal] should be placed in her hand to weary her.

13 Afterwards, the meal offering is taken from the basket and placed in a sacred vessel. Neither oil nor frankincense should be placed upon it. If [these substances] are placed upon it, [the priest] should be lashed for [placing] both the oil and the frankincense individually, as [implied by **Numbers 5:15**]: "He shall not pour oil on it, nor place frankincense on it."

14 Throughout the time the priest uncovers the woman's hair and places the *isaron* [of meal] on her hand, the priest should hold the vessel containing the water in his hand and show it to the woman, as [implied by **Numbers 5:18**]: "The bitter, curse-bearing waters shall be in the hand of the priest."

15 Afterwards, he gives her [the water] to drink. After she drinks, he takes the sacred vessel containing the meal offering and places it on her hand. The priest then places his hand below her [hand] and waves the offering in [the portion of the Temple courtyard to] the east [of the altar], as is done with all other meal offerings.
He should bring it to [each of the four compass directions] and up and down. Afterwards, he brings the meal offering to the horn at the southwestern corner of the altar, as is done with other meal offerings brought by private individuals.

He should take a fistful of the meal and offer it on the fire. The remainder [of the meal] should be eaten by the priests.

16 If the woman is guiltless, she may depart; she is permitted to her husband. If she committed adultery, her face will immediately turn pale yellow, her eyes will bulge forth, and her veins will surface.
Everyone immediately shouts, "Take her out [of the Women's Courtyard]! Take her out!" so that she does not have a menstrual emission [there], for women who are in a menstrual state make the Women's Courtyard impure.
They take her out of the Women's Courtyard, where she was standing. Her belly swells first and then her thigh ruptures and she dies.

17 When she dies, the adulterer because of whom she was compelled to drink will also die, wherever he is located. The same phenomena, the swelling of the belly and the rupture of the thigh, will also occur to him.
All the above applies provided her husband never engaged in forbidden sexual relations in his life. If, however, her husband ever engaged in forbidden relations, the [bitter] waters do not check [the fidelity of] his wife.

18 If [a husband] transgressed and compelled his wife to drink [the bitter water], although he previously entered into a forbidden relationship, he adds further transgression to his sin. For he causes God's name [which is not] pronounced to be blotted out on the waters for no reason and defames the reputation of the waters [used to test] a *sotah*. For his wife will

tell others that she committed adultery and that the [bitter] waters did not harm her, without knowing that it was her husband's deeds that prevented the waters from checking her [fidelity].

19 Therefore, when the number of people who openly committed adultery increased in the Second Temple era, the *Sanhedrin* nullified the use of the bitter water, relying on the verse in the [prophetic] tradition, [**Hoshea 4:14**]: "I will not punish your daughters when they commit harlotry."

20 When a *sotah* has merit because of Torah study - although she herself is not obligated to study the Torah - her merit prolongs [her life] and she does not die immediately. Instead, she continues to be weakened, and suffers severe illness until she dies after a year, two years or three years, according to her merit. [When she dies,] she dies with a swollen belly and ruptured limbs.

21 When a *sotah* drinks the bitter water and does not die immediately, she is permitted to her husband, even if he is a priest. Even if illness begins to set in and her limbs become afflicted, as long as her belly does not swell or her thigh rupture, she is permitted.

When, however, her belly begins to expand and her thigh begins to rupture, she is forbidden.

22 When a *sotah* who was innocent drinks [the bitter water], she becomes stronger and her face glows. If she was afflicted by sickness [that prevented her from conceiving], it will disappear; she will conceive and give birth to a male. If she previously had difficulty giving birth, she will give birth

speedily. If she would give birth to girls, she will give birth to males.

23 If witnesses who say that she committed adultery come after she drinks the bitter water, she should be divorced without receiving [the money due her by virtue of] her *ketubah*, and she is forbidden to her husband.
This applies even when none [of the negative consequences] mentioned above occur to her. For the [bitter] waters will check only [the fidelity of a woman] concerning whom there are no witnesses who will testify to her sexual misconduct. Moreover, it is possible that her husband is not guiltless, and it is because of him that the waters did not check his wife.
If, however, one witness comes and testifies that a woman committed adultery, she is not forbidden [to] her husband and can remain married to him. For she drank [the bitter water].

24 When a woman was compelled to engage in adulterous relationships or did so unintentionally, or lay naked in the embrace of the man regarding whom she was warned, but did not engage in vaginal relations, [her fidelity] will not be checked by the [bitter] waters, as [implied by the following verses]. [**Numbers 5:13** states:] "And she was not taken against her will," thus excluding a woman who was raped. [*Ibid.*:27 states:] "And she was unfaithful to her husband," excluding a woman who acted unintentionally." And [*ibid.*:13 states]: "And a man laid with her, [imparting] his seed," excluding an embrace without intercourse.

Chapter 4

1 On the fifteenth of Adar, the court attends to the needs of the community at large. [At that time,] they check which women should be compelled to drink, so that they can compel them to drink, and to which should be given a warning so that they are divorced without receiving [the money due them by virtue of] their *ketubah*.
A *sotah* can, [however,] be compelled to drink at any time of the year.

2 A *sotah* is compelled to drink the bitter water only during the daytime. The entire day is fit for this purpose.
Two *sotot* should not be compelled to drink at the same time, as implied by [the verse]: "And the priest shall have her stand."

3 When a *sotah* says, "I will not drink [the bitter water]," because she is overcome by fear, she has the option of retracting and saying that she will drink the waters. If, however, she says that she will not drink when she is healthy and not affected by fear, she may not change her mind and say that she will drink [the bitter water].

4 If she says, "I will not drink," before the scroll [with God's name] written for her is blotted out, the scroll is entombed. It is not fit to be used for another *sotah*. Her meal offering is scattered on the ash heap.
If she says, "I will not drink [the water]," after the scroll has been blotted out, we take hold of her and force her to drink the water.

5 We intimidate her so that she will drink, and we tell her: "My daughter. If you are certain that you are innocent, stand firm. Drink [the water] without fear. For the water can be compared to the powder of a drug

placed on the skin. If there is a wound, it will penetrate and descend. If there is no wound, it will have no effect."

6 If she says, "I committed adultery," although the scroll has been blotted out, the waters should be poured out, for they are not of a sacred nature, and her meal offering is scattered on the ash heap.

7 When the scroll for a *sotah* is written at night, it is unacceptable, as [implied by **Numbers 5:22-25**], which states: "[The priest] shall write,... he shall give to drink,... and he shall offer," [establishing an equivalence between these different activities]. Just as the sacrifice must be offered during the daytime, so too the writing of the scroll and making the woman drink must be performed during the day.

If [the scroll] is written in non-sequential order, it is not acceptable, [as implied by **Numbers 5:23**, which] states: "[The priest shall write] these [curses]" - i.e., in sequence.

If he wrote the scroll before she accepted the oath, it is unacceptable, [as implied by *ibid.*:21-23, which] state: "And he will administer the oath... and he will write."

8 If he wrote it as a letter, it is unacceptable, for the verse states "on a scroll." If he writes it on two sheets [of parchment], it is unacceptable, for the verse states "on a scroll" - i.e., one and not two or three.

It may not be written on paper or on untreated parchment, but rather on a parchment scroll, [as implied by] the use of the term: "on a scroll." If it is written on paper or on untreated parchment, it is unacceptable.

9 If the scroll is written by an Israelite, or a priest who is a minor, it is unacceptable, for [**Numbers 5:23**] states: "And the priest shall write...."
He should not write it with *kumos*, *kankantum*, or with any other substance that leaves a permanent mark. Instead, he should use ink without *kankantum*, for the verse states: "And he will write and he will blot out." [Implied is that one must] write [with a substance] that can be blotted out. If one writes with a substance that leaves a permanent impression, it is unacceptable.

10 If [when the writing of the scroll is being blotted out] any trace of the writing remains, it is unacceptable until it is thoroughly blotted out.
If [the priest] writes one letter and then blots it out, and then writes another letter and blots it out, completing [the writing of the entire scroll in this manner], it is unacceptable. It must be written out completely [at one time to be acceptable].

11 If the scroll was not written for the sake of the woman, or it was not blotted out for the sake of the woman, it is unacceptable.
If [a priest] wrote two scrolls, [one for each of] two *sotot* and blotted them out into the same cup or blotted them out into two cups, but [afterwards] mixed them together in one cup and gave the two women to drink from it, it is unacceptable. Neither of the women drank [only the water in which] her scroll [was blotted out].
If [two scrolls] were blotted out in two different cups, mixed together and then separated again into two different cups, the women should not be given the water to drink. If, however, they were forced to drink [this

water], it is acceptable.

If [the water prepared for a *sotah*] is spilled, [the priest] should write another scroll and bring other water. If [the water] spills, but some remains, the woman should not be forced to drink it. If she drinks [the remaining water], it is acceptable.

12 If the water for a *sotah* is kept overnight, it becomes unacceptable. If one placed the dust [in the cup] before the water, it is unacceptable.

If there is no dust in the Sanctuary, one should bring dust from outside the Sanctuary, leave it in the Sanctuary and then take some of it and place it on the water. He should not use ash; he may, however, use rotten produce, for it is considered to be dust.

13 [The priest] should not dig with a hatchet [under the floor of] the Sanctuary to remove dust, as [implied by **Numbers 5:17**]: "the dust that is on the earth of the Sanctuary." If one did dig and remove dust, it is acceptable.

14 If [the priest] first brought her meal offering and then had her drink the water, it is acceptable.

If her meal offering became impure before it was placed in a sacred vessel, it should be redeemed like any other meal offering that became impure before being consecrated in a sacred vessel, and she should bring another meal offering. If the meal offering became impure after being consecrated in a sacred vessel, it should be burned.

Similarly, if a woman admitted to committing adultery before the fistful

of meal was taken from the meal offering, she refused to drink [the water], her husband was unwilling to have her drink [the water], witnesses came [and testified that she] committed adultery, [her husband] died, or she died, the entire meal offering should be burned. If any of these things happened after the fistful of meal was offered, the remainder of the meal offering should not be eaten.

15 If [the *sotah's*] husband was a priest, the remainder of her meal offering should not be eaten, because he has a portion in it. It should not, however, be burned on the altar in its entirety, as are other meal offerings brought by male priests, because the woman also has a portion in it. Therefore, the fistful [of meal] is offered as a distinct entity, and the remainder is scattered on the ash heap.

If the witnesses are discovered to have lied, the meal offering is considered to be a non-sacred entity.

16 If a man warns his wife against [entering into privacy with] several men, and she entered into privacy with each of the men in question, she is required to bring one meal offering that includes them all when her husband requires her to drink [the bitter water].

[This is implied by **Numbers 5:15**, which uses a plural term when referring to] "the meal offering [brought because of] the warnings" - i.e., one offering can requite several warnings.

17 [Based on the principle of] *gilgul [sh'vuah*], the husband may have the woman include in her oath that she did not commit adultery with the

man concerning whom she was given a warning or with any other man, that she did not commit adultery during the time between her consecration and the consummation of the marriage, nor after the consummation.

He may not, however, have her include that she did not engage in relations [with another man] before she was consecrated or between the time she was divorced [and remarried], if she was in fact divorced and remarried. The rationale is that even if she engaged in relations [with other men at that time], she would not be forbidden [to her husband]. And whenever she is not forbidden to him, he cannot make any stipulations regarding her conduct.

For this reason, if a man married his *yevamah*, he cannot compel her to include in her oath that she did not engage in relations with others while she was waiting for him to perform *yibbum*. He may, however, compel her to include in her oath that she did not commit adultery when married to his brother. For if she committed adultery when married to his brother, she is forbidden to him.

Similarly, if [the husband] divorced his wife and remarried her, he may compel her to include in her oath that she did not commit adultery when married to him originally. Similarly, he may have her include in her oath that she will not commit adultery in the future or that she will not commit adultery if he divorces her and remarries her. [In such an instance,] if she commits adultery in the future, the waters will check her [fidelity], and [if she is guilty,] the physical phenomena [described above] will be visited upon her.

All the above is implied by [the woman's response to the oath, **Numbers**

5:22]: "Amen, Amen." [This can be interpreted as meaning] Amen with regard to this man; Amen with regard to others. Amen with regard to the time when I was married; Amen with regard to the time when I was consecrated. Amen with regard to the past; Amen with regard to the future.

18 It is a mitzvah for Israelites to issue warnings to their wives, [as implied by **Numbers 5:14**] "And he shall warn his wife." [Our Sages said that] whoever issues a warning to his wife has become possessed by a spirit of purity.

A warning should not be issued in a spirit of levity, nor in the midst of conversation, nor with frivolity, nor in the midst of an argument, nor with the purpose of instilling fear.

If, however, a man transgressed and issued a warning to his wife under such circumstances, the warning is binding.

19 It is not proper for a man to rush and at the outset issue a warning in the presence of witnesses. Instead, he should [first speak to his wife] privately and gently, in a spirit of purity and caution, in order to guide her to the proper path and remove obstacles.

Whenever a person is not careful regarding [the conduct of] his wife, his sons and the members of his household, warning them, and scrutinizing their ways at all times so that he knows that they are perfect without sin or transgression, he is himself a sinner, as [implied by **Job 5:24**]: "And you shall know that your tent is at peace and scrutinize your dwelling, and you shall not sin."

Mishneh Torah, Forbidden Intercourse

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person voluntarily engages in sexual relations with one of the *arayot* mentioned in the Torah, he is liable for *kerait*, as [**Leviticus 18:29**] states: "Whenever anyone performs any of these abominations, the souls will be cut off...." [The plural is used, referring to] the man and the woman. If they transgressed unknowingly, they are liable to bring a fixed sin offering. There are some *arayot* with whom relations are punishable by execution in addition to *kerait* which is applicable in all cases.

2 With regard to the *arayot* that are punishable by execution by the court. If there were witnesses, they delivered a warning, and the transgressors did not cease their actions, they are executed through the means prescribed for them.

3 Even if a transgressor was a Torah scholar neither execution or lashes is administered unless a warning was given. For [the obligation for] a warning was instituted universally only to make a distinction between a person who transgresses inadvertently and one who transgresses intentionally.

4 Among the *arayot* punishable through execution by the court are those for [which the violators are] executed by stoning, those for which they are executed by burning, and those for which they are executed by

strangulation.

The following transgressions are punishable by stoning: one who has relations with his mother, with his father's wife, his son's wife; she is called his daughter-in-law, one who sodomizes a male, a male who has relations with an animal, and a woman who has relations with an animal.

5 The following *arayot* are punishable by burning: a person who has relations with his wife's daughter during his wife's lifetime, with the daughter of her daughter, with the daughter of her son, with her mother, with the mother of her mother, with the mother of her father, with his own daughter, with the daughter of his daughter, or with the daughter of his son.

6 The only instance in which forbidden sexual relations are punishable by execution by strangulation is adultery, as [derived from **Leviticus 20:10**]: "The adulterer and the adulteress shall surely be put to death." Whenever the Torah mentions "putting to death" without further description, the intent is strangulation.

If [the adulteress] is the daughter of a priest, she should be executed by burning and the adulterer by strangulation, as [*ibid.* 21:9] states: "The daughter of a priest, when she begins to act promiscuously, she shall be burnt with fire." If the adulteress is a consecrated maiden, both she and the adulterer should be stoned, as [**Deuteronomy 22:23-24**] states: "When a virgin maiden.... they shall be stoned with rocks...." Whenever the Torah uses the phrase "They shall surely be put to death, they are responsible for their own blood" [**Leviticus 20:11**] - they are executed by stoning.

7 All of the other *arayot* are punishable by *kerait* alone and are not punishable by execution by the court. Therefore if there were witnesses and a warning was administered, the court punishes them with lashes, for all those who are obligated for *kerait* are lashed.

8 When a person enters into relations with women who are forbidden by merely a negative commandment, both he and she are lashed. If they do so unknowingly, they are not liable for punishment. When a person enters into relations with one of the *shniyot*, Rabbinic Law ordains that he be given "stripes for rebellious conduct." When, however, a person enters into relations with a woman who is forbidden merely by a positive commandment, he need not be punished. If, however, the court [wishes to] administer stripes for rebellious conduct to him to distance him from sin, they have that option.

9 A person compelled [to engage in forbidden relations] is not liable at all, not for lashes nor for a sacrifice. Needless to say, there is no obligation for capital punishment, as [reflected by **Deuteronomy 22:26**]: "And to the maiden, do not do anything."

To whom does the above apply? To the victim of rape. When, by contrast, a man engages in relations, there is no concept of being compelled against his will. For an erection is always a willful act.

When a woman is compelled into relations at the outset and afterwards, she consents, she is not liable. Once [a man] compels her to engage in relations, it is beyond her control whether to desire [or] not. For man's natural tendency and inclination is compelling her to desire.

10 A person who inserts the corona into [the woman's vaginal channel] is referred to as one who "uncovers" as [**Leviticus 20:18**] states: "He uncovered her source." A person who inserts the entire organ is referred to as one who completes [intercourse]. With regard to all the forbidden relations [mentioned] by the Torah, one who "uncovers" and one who "completes [intercourse] are [equally] liable for execution by the court, *kerait*, lashes, or stripes for rebellious conduct. Even though the man did not ejaculate and even if he withdrew and did not complete relations, [the man and the woman] both become liable. Whether a person engages in vaginal or anal intercourse, when he "uncovers" [the woman], they both become liable for execution, *kerait*, lashes, or stripes for rebellious conduct. Whether they were lying or standing, liability is established by the insertion of the corona.

11 [There is never any liability when] a man engages in forbidden relations without an erection, instead his organ was hanging loosely like the organ of the dead, e.g., one who was sick or a person with a congenital malady, i.e., he was born sexually inadequate. Even though he inserts his organ with his hand, he is not liable for *kerait* or lashes. Needless to say, he is not liable for execution. For this is not considered sexual intercourse. Nevertheless, [such an act] disqualifies a woman from partaking of *terumah*. And the court subjects both of them to stripes for rebellious conduct.

12 When a person enters into sexual relations with one of the *arayot* as a casual act, although he did not intend to do so, he is liable.Similar

concepts apply with regard to one who enters into relations with women forbidden by a negative commandment alone or with one of the *shniyot*.

When, however, a man has relations with one of the *arayot* after she died, he is not liable at all. Needless to say, this applies with regard to those women with whom relations are forbidden by a negative commandment alone. When, by contrast, one has relations with a person who is *trefe* or who has relations with an animal which is *trefe*, he is liable. [The person or the animal] is [now] alive even though he will ultimately die from this illness. Even when the two signs which validate ritual slaughter were slit but [the woman or the animal] is making its last movements, if one enters into relations with [her or it] he is liable until she or it dies or is decapitated.

13 When an adult male enters into relations with any of the women forbidden in connection with the above transgressions who is three years and one day old or more, he is liable for execution, *kerait*, or lashes and she is not liable unless she is past majority. If she is younger than this, both participants are not liable, for the act is not considered as sexual relations.

Similarly, when an adult woman enters into sexual relations with a minor, if he is nine years and one day old, she is liable for execution, *kerait*, or lashes and he is not liable. If he is younger than nine years old, they are both free of liability.

14 When a man enters into relations with a male or has a male enter into relations with him, once the corona is inserted [into the anus] they should

both be stoned if they are both adults. As [**Leviticus 18:22**] states: "Do not lie with a man," [holding one liable for the act, whether] he is the active or passive partner.

If a minor of nine years and a day or more is involved, the man who enters into relations or has the minor enter into relations with him should be stoned and the minor is not liable. If the male [minor] was less than nine years old, they are both free of liability. It is, however, appropriate for the court to subject the adult to stripes for rebellious conduct for homosexual relations although his companion was less than nine years old.

15 One is liable for anal intercourse with an *androgynus* just as one is liable for relations with another male. One who engages in vaginal intercourse with [an *androgynus*] is not liable.

There is a doubt concerning the gender of a *tumtum*. Therefore a person who has relations with a *tumtum* or vaginal intercourse with an *androgynus* should be given stripes for rebellious conduct.

An *androgynus* may marry a woman.

16 When a person sodomizes an animal or has an animal insert its organ in him, both the person and the animal should be stoned to death, as [**Leviticus 18:23**] states: "Do not lie down with any animal," prohibiting [such relations] whether he sodomizes the animal or has the animal enter him. All [living creatures] animals, beasts, and fowl should be stoned to death. The Torah did not make any distinction with regard to the age of an animal whether it is young or old. "Any animal" implies a prohibition

on the day of its birth. Whether the person enters into vaginal or anal intercourse with the animal, when he inserts the corona or the animal inserts the corona within him, they are liable.

17 When a boy nine years old sodomizes an animal or has an animal engage in relations with him, the animal should be stoned, but he is not liable. If the boy was less than nine years old, the animal is not stoned. Similarly, when a girl three years old or more causes an animal or a beast to have relations with her, whether it is an older animal or a younger animal, once the corona of the animal is inserted into her vagina or anus, the animal is stoned to death and she is not liable. If she was past majority, they both should be stoned to death. If she was less than three years old, the animal should not be stoned.

18 When a person lies with an animal inadvertently or a woman causes an animal to have relations with her inadvertently, the animal is not stoned to death even though they are past majority. With regard to [relations with] all the *arayot*, when one is an adult and the other a minor, the minor is not liable and the adult is liable, as explained. If one is awake and one is sleeping, the one who is sleeping is not liable. If one [transgresses] intentionally and the other inadvertently, the one who [transgresses] intentionally is liable and the one who transgresses inadvertently must bring a sacrifice. If one acted under duress and one acted willingly, the one who acted under duress is not liable as stated above.

19 The witnesses are not required to see [the precise details] of couple's

intimate relations, the man inserting [his organ]as one inserts a piston into a pipe. Instead, once they see them clinging together as is the way of all who engage in relations, they may be executed on the basis of this evidence. We do not say: Maybe he did not insert the corona, because we can assume that in this position, the corona was inserted.

20 When an established presumption that people are close relatives has been established, we judge accordingly even though there is no clear proof that they were relatives. We give lashes and execute by burning, stoning, and strangulation based on such a presumption.

What is implied? If it is an accepted presumption that a particular woman is a man's sister, daughter, or mother and he had relations with her in the presence of witnesses, he is given lashes or executed by burning or stoning even though there is no clear-cut evidence that the woman is his sister, mother, or daughter, only the accepted presumption.

An incident occurred with a woman who came to Jerusalem carrying an infant on her shoulders and she raised it, [establishing] the assumption that he was her son. [After he grew older,] he had relations with her and they brought her to the court who executed her by stoning.

A proof of this law can be drawn from the fact that the Torah speaks of the judgment of execution for one who curses his father and strikes his father How can we find clear proof that he is his father? Instead, we operate according to the existing presumption. So, too, with regard to other relatives, we operate according to the existing presumption.

21 [The following rules apply when] a man and a woman come from

overseas, he says: "This is my wife," and she says: "This is my husband." If in [their new] city, he establishes the presumption that she is his wife for 30 days, we execute [an adulterer who has relations] with her. Within 30 days, however, we do not execute anyone on the presumption that she is a married woman.

22 When a woman is presumed to be a *niddah* among her neighbors, her husband is given lashes for [engaging in relations] with her in the *niddah* state.

[The following rule applies when] a person issues a warning [not to enter into seclusion with a specific man] to his wife and she enters into seclusion with him. If one witness comes and testifies that she was unfaithful, her husband was a priest, and he engaged in relations with her afterwards, he receives lashes because of her because he had relations with a *zonah*. Although the fundamental element of this testimony is established by one witness, [her conduct caused] her identity to be established as a *zonah*.

23 When a father says: "My daughter is consecrated to this person," his word is accepted and she must marry him. [Nevertheless,] if she acts unfaithfully while [consecrated] to him, she is not stoned to death because of her father's statements unless there are witnesses [who testify] that she was consecrated in their presence.

Similarly, when a woman states: "I have been consecrated," [if it is discovered that she engaged in relations with another man,] she is not executed on the basis of her own statements. Instead, there must be

witnesses [that she was consecrated] or she must have established a common conception [that this was the case].

Chapter 2

1 The [following] four women: the wife of a man's father, the wife of his son, the wife of his brother, and the wife of the brother of his father, are considered an *ervah* for him forever, whether after consecration or after marriage, in the lifetime of their husbands or after their deaths, [even] if they were divorced - with the exception of the wife of one's brother who did not leave a son.

If a man engages in relations with one of these woman during the lifetime of their husbands, he is liable for two [sin-offerings]: for incestuous relations and adulterous relations, for both of these prohibitions take effect at the same time.

2 Therefore a person who engages in relations with his mother who is his father's wife is liable for two [sin-offerings], one because [the woman is] his mother and one because she is his father's wife. [This applies] both during his father's lifetime and after his father's death.

The wives of both a person's paternal brother and his maternal brother are considered an *ervah* for him. [This applies regardless if he and/or his brother were conceived] in marriage or in a promiscuous relationship. The wife of the maternal brother of a man's father is, however, forbidden [only] as a *shniyah*, as explained. Both a person's paternal sister and his maternal sister are considered an *ervah* for him. [This applies regardless if

he and/or his sister were conceived] in marriage or in a promiscuous relationship, e.g., his mother or his father acted promiscuously with others and his sister was conceived promiscuously, as [implied by **Leviticus 18:9**]: "one born at home or one born beyond [marriage]."

3 The daughter of his father's wife who is his paternal sister is an *ervah* for him, [as *ibid.*:11] states: "the nakedness of the daughter of your father's wife, your father's offspring." If, however, a man's father marries a woman and she has a daughter from another man, that daughter is permitted to him. She is not "your father's offspring." Behold one is already liable for [relations] with her because she is a sister, why then [does the Torah mention]: "the daughter of your father's wife"? So that one should be liable for this prohibition as well.

4 Therefore a man who engages in relations with his sister who was born to his father's wife in marriage is liable for two [sin offerings]: one because of "the nakedness of your sister" and one because of "the nakedness of the daughter of your father's wife." If, however, one's father raped or seduced a woman and conceived a daughter, one is liable only for having relations with one's sister. For the daughter of the woman who was raped is not the daughter of the wife of one's father.

5 The sister of his mother is considered an *ervah* for him. [This applies to both her paternal and maternal sister and applies regardless whether she [was conceived] in marriage or in a promiscuous relationship. Similarly, his father's sister - both his paternal and maternal sister, whether she [was

conceived] in marriage or in a promiscuous relationship - is considered an *ervah* for him.

6 When a person has promiscuous relations with a woman and conceives a daughter with her, that daughter is considered an *ervah* for him. Although the Torah does not state: "Do not reveal the nakedness of your daughter," the prohibition is of Scriptural origin. Since [the Torah] forbade [relations] with the daughter of one's daughter, it did not mention [the prohibition against] one's daughter. This is not from the words of our Sages. Therefore a person who has relations with a daughter born of his wife is liable for two [sin offerings], for [relations with] his daughter and for relations with a woman and her daughter.

7 When a person consecrates a woman, her close relatives - six women - become forbidden to him as an *ervah* forever. This applies whether he consummates [the bond through *nisuin*] or divorces her, in the lifetime of his wife and after her death. They are: a) her mother, b) her mother's mother, c) her father's mother, d) her daughter, e) her daughter's daughter, and f) her son's daughter. If he has relations with one of these women during the lifetime of his wife, both [he and she] are executed by burning.

8 If he has relations with one of these women after his wife's death, they are liable for *kerait*, but they are not executed by the court, as [derived from **Leviticus 20:14**]: "In fire, he and they shall be burnt." [This implies that only] when both women - his wife and the woman with whom he had

relations - are alive, he and the *ervah* are executed by burning. When both [women] are not alive, there is no execution by burning.

9 Similarly, the sister of his wife is considered an *ervah* for him until his wife dies. Both her maternal sister and her paternal sister, whether conceived in marriage or promiscuously, are considered as an *ervah* for him.

10 If a man transgressed and engaged in relations with one of these seven women, whether intentionally or inadvertently, although he and the woman are liable for execution by the court or *kerait*, he is not forbidden to engage in relations with his wife. The only exception is [when he engages in relations with] the sister of the woman he consecrated. In this instance, his wife is forbidden to him, as explained in *Hilchot Gerushin*.

11 When a man engages in promiscuous relations with a woman, the seven relatives mentioned above are not forbidden to him [according to Scriptural Law]. Nevertheless, our Sages prohibited anyone who had promiscuous relations with a woman from marrying one of these seven relatives during the promiscuous woman's lifetime. [The rationale is that] the promiscuous woman will come to visit her relatives. He will thus enter into solitude with her. [Since] he is familiar with her, we fear that they will transgress and thus he will engage in relations with an *ervah*.

Even if a man is merely suspected of relations with a woman, he should not marry one of her relatives until the woman with whom he was suspected of having relations died. If, however, he married the relative of the woman with whom he was suspected of having relations, he should

not divorce her.

12 When a person was suspected of having relations with an *ervah* or a rumor to that effect was circulated, he should not dwell together with her in the same lane or appear in the same neighborhood. An incident occurred concerning a man who was rumored [to have engaged in relations] with his mother-in-law and our Sages had him beaten because he passed by the entrance to her home.

13 When a person has promiscuous relations with a woman and her daughter or a woman and her sister or the like, it is as if he had relations with two unrelated woman. One is considered an *ervah* because of the other only in the instance of marriage, not in an instance of promiscuity. Similarly, if a man's father, son, brother, or father's brother raped a woman or seduced her, she is permitted to him and he may marry her. [The prohibition involving these individuals] mentions "the wife of" and here there is no context of marriage.

14 When a man's father or son marries a woman, that man may marry her daughter or her mother as we explained. A person may marry the wife of his brother's son. A man may marry a woman and her sister's daughter or her brother's daughter at the same time. It is a mitzvah from the Sages for a man to marry his sister's daughter, as [alluded to by **Isaiah 58:7**]: "Do not turn away from your own flesh." This law also applies to his brother's daughter.

Chapter 3

1 When a person has relations with the wife of a minor, he is not liable. [This applies] even to a *yevamah* with whom a nine year old [brother] had relations. Similar [laws apply when] a person has relations with the wife of a deaf-mute, the wife of a mentally or emotionally unstable individual, the wife of a *tumtum* or an *androgynus*, a female deaf-mute or a woman who is mentally or emotionally unstable married to a mentally capable individual, or a woman whose consecration is of doubtful status or whose divorce is of doubtful status. In all of the above situations, one is not liable. If they willfully transgress, they are given stripes for rebellious conduct.

2 [The following rules apply if a man] engages in relations with a female minor, the wife of an adult male. If she was consecrated by her father, [the adulterer] is executed by strangulation. She is not liable for anything, [but] she is forbidden to her husband, as explained in *Hilchot Sotah*.
If she has the right to perform *mi'un*, he is given stripes for rebellious conduct and she is permitted to [remain married] to her husband, even if he is a priest.

3 When the daughter of a priest commits adultery while married, she is executed by burning, as [**Leviticus 21:9**] states: "When the daughter of a man who is a priest will begin to commit adultery, [she will be burnt by fire]." [This applies] whether she is married to a priest or an Israelite. [Indeed,] even if her husband was a *mamzer* or a *nitin* or another whom it

is forbidden to marry because of a negative commandment, [she is given this punishment].

The man who engages in adultery with her is executed by strangulation. Similarly, the daughter of an Israelite who is married to a priest is [executed] by strangulation [if she commits adultery] as is the law with regard to any other married woman.

4 When a man has relations with a consecrated maiden, they are both executed by stoning. They are not liable to be stoned to death until the maiden is a virgin, consecrated, and in her father's home. If she came of age or she entered the *chupah* even if the marriage was not consummated, they are executed by strangulation. [The lesser punishment is given] even if the father gave her to the emissaries of the husband and she committed adultery on the way.

5 When a man has relations with a girl who is a minor and is consecrated while she is living in her father's house, he is executed by stoning and she is not liable. When a consecrated maiden who is the daughter of a priest commits adultery, she is stoned to death.

6 When ten men enter into relations with her one after the other while she is a virgin in her father's home, the first is executed by stoning and the remainder, by strangulation.

When does the above apply? When they had vaginal intercourse. If, however, they had anal intercourse, she is still a virgin and they are all executed by stoning.

7 When a consecrated maiden was a freed slave or a convert, even if she was freed or converted before she reached the age of three, [the adulterer] is executed by strangulation, as is the law with regard to all married women.

8 There is a new law that applies to a person who spreads a malicious report [about his wife]. What is this new [law]? That if the gossip is discovered to be true and witnesses come [and testify] that she committed adultery when she was a consecrated maiden, even if she committed adultery after she left her father's house and even if she committed adultery after she entered the marriage canopy before she had relations with her husband, she is stoned to death at the entrance to her father's house. Other consecrated maidens concerning whom a malicious report was not spread are executed by strangulation if they committed adultery after they left their father's home, as we explained.

Thus there are three types of execution for adultery with a married women: strangulation, burning to death, and stoning to death.

9 Where is a consecrated maiden who committed adultery stoned to death? If she committed adultery while in her father's house, even though the witnesses did not testify until she went to her father-in-law's house and married, she is stoned to death at the entrance to her father's house. If she committed adultery in her father-in-law's house before her father conveyed her [to her husband], she is stoned to death at the entrance to the gate of the city. [This applies] even if [the witnesses] testified concerning her after she returned to her father's house.

10 If witnesses come [and testify] after she comes of age or after her husband has relations with her, she is stoned to death in the place for stoning.[This applies] even if they testify that she committed adultery in her father's home when she was a maiden.

11 If [a woman] was conceived before her mother converted and born after her mother converted, she is stoned at the entrance to the gate of the city.
[The following rule applies to] every woman who is obligated to be stoned at the entrance to the gate of the city. If the city is predominantly populated by gentiles, we stone her at the entrance to the court.
[The following rule applies to] every woman who is obligated to be stoned at the entrance to her father's house, if she does not have a father or she has a father, but he does not have a house, she is stoned at the place for stoning. The "entrance to her father's house" was mentioned only as a mitzvah.

12 When a person engages in relations many times with one of the *arayot*, he is liable for *kerait* or execution by the court for every time he engages in relations. Although the court can only execute the person only once, the different times he engages in relations are considered as different transgressions.
Similarly, if a person is liable for several different transgressions for engaging in relations once, if he transgressed inadvertently, he must bring a sacrifice for every transgression he performed even though he engaged in relations only once, as will be explained in *Hilchot Shegagot* If he transgressed intentionally, it is considered as if he violated many

transgressions. Similarly, there is a situation where a person engages in relations once and incurs liability for lashes many times as will be explained.

13 The term *shifchah charufah* employed by the Torah refers to [a woman] who is half a Canaanite maidservant and half a freed woman who has been consecrated by a Hebrew servant. [Concerning the infidelity of such a woman, **Leviticus 19:20**] states: "They shall not die, because she was not freed." If she was freed entirely, one is liable for execution by the court, for she becomes a married woman in a complete sense, as explained in *Hilchot Ishut*.

14 [The laws regarding] relations with this maidservant are different than [those regarding] all other forbidden relations in the Torah. For she is lashed, as [*ibid.*] states: "There shall be an inquiry." He is liable to bring a guilt offering, as [*ibid.*:21] states: "And he shall bring his guilt offering." Whether he transgresses intentionally or inadvertently with a *shifchah charufah*, he must bring a guilt offering.

When he enters into relations with her many times, whether intentionally or unintentionally, he is required to bring only one sacrifice. She, however, is liable for lashes for every act of relations if she acted intentionally, as is the law with regard to other instances [where relations are forbidden] by merely a negative commandment.

15 When a person just inserts his corona into the female organ of the *shifchah charufah*, but does not insert the entire organ, he is not liable. [Liability is

incurred only when] he inserts the entire organ.

He is only liable when she is above majority, had engaged in relations previously and acts intentionally and willfully. If, however, she is a minor, she had never engaged in relations, or she transgressed inadvertently, was raped, or was sleeping, he is not liable. Similarly, if he had anal intercourse with her, he is not liable, for with regard to a *shifchah charufah* an equation was not established between vaginal intercourse and anal intercourse, for [**Leviticus 19:20**] speaks of: "ly[ing] while emitting seed." With regard to other [forbidden] relations, the Torah did not distinguish between one type of relations and the other, for [*ibid.* 18:22] speaks of "the ways [in which a man] lies with a woman." Implied is that the Torah recognizes two ways of lying with a woman.

16 In every instance concerning a maidservant where we said there was no liability, he is not liable for a sacrifice and she is not liable for lashes. He, however, is given "stripes for rebellious conduct" according to Rabbinic Law if they were both adults who acted intentionally.

17 When a youth nine years old engages in relations with a *shifchah charufah*, she is given lashes and he is required to bring a sacrifice, provided that she is an adult, not a virgin, and acts willfully, as we explained. For a man is not liable to bring a sacrifice until she is liable for lashes, as [implied by] the verse: "There shall be an inquiry.... And he shall bring his guilt offering."

Chapter 4

1 [A woman in] the *niddah* state is like all of the other *arayot*. A person who inserts his corona into her vaginal or anal orifice is liable for *kerait*. [This applies] even if she is a minor who is three years old, as applies with regard to other *arayot*.

For a woman can become impure as a *niddah* even on the day she is born. And a girl who is ten days becomes impure because of *zivah*. This concept was communicated through the Oral Tradition. There is no difference between an adult and a minor with regard to the impurity associated with *nidah* and *zivah*.

2 [The prohibitions that apply] to one who has relations with a *nidah* apply throughout the seven days, even if blood was sighted only on the first day. [These same prohibitions] apply to one who has relations with a woman who gave birth to a male throughout the seven days [following birth], to one who has relations with a woman who gave birth to a female throughout the fourteen days [following birth], to one who has relations with a *zavah* through the time she bleeds and then counts [seven "clean" days]. This applies also to a Canaanite maidservant and one who has been freed. All [of these relations] are punishable by *kerait*.

[The association is derived as follows:] With regard to a *nidah*, [**Leviticus 15:19**] states: "She will be in her *niddah* state for seven days." With regard to a *zavah*, [*ibid.*:25] states: "All the days of the flow of her impurity will be like the days of her *niddah* state." With regard to a woman who gave birth to a male, [*ibid.* 12:2] states: "She will become impure as in the days of her *nidah* affliction." And with regard to a woman who gave birth to a female, [*ibid.* 12:5] states: "She will be impure as in her *niddah* state for

two weeks."

3 When does the above - that the impurity is dependent on [the passage of] days - apply? When the woman immersed herself in the waters of a *mikveh* after these specifically mentioned days. If, however, a *niddah*, a *zavah* or a woman who gave birth did not immerse in a *mikveh*, a person is liable for *kerait* for having relations with one of them even several years afterwards. For the Torah made the matter dependent on [the passage of] days and immersion, as [**Leviticus 15:18**] states: "And they shall immerse themselves [in the water]...." This teaches a general principle with regard to any impure person: he is in a state of impurity until he [or she] immerses.

4 The prohibitions against relations with a *niddah*, a *zavah*, and a woman after childbirth do not apply with regard to relations with gentile women. Our Sages decreed that all gentiles, male and female, would be considered like *zavim* at all times, whether or not they experienced such discharges, with regard to matters of purity and impurity.

5 All blood manifest by a woman after childbirth during the 33 days associated with the birth of a male and the 66 days associated with the birth of a female is called blood of purity. It does not prevent a woman from [relations with] her husband. Instead, she immerses herself after seven days [of impurity] for a male and fourteen for a female. She may then engage in relations with her husband even though her blood flows.

6 All of those who must immerse themselves are required to immerse themselves during the day with the exception of a *niddah* and a woman

after childbirth. For with regard to a *niddah*, [**Leviticus 15:19**] states: "She will be in her *niddah* state for seven days." Her *niddah* state prevails for all of the seven days. She immerses on the evening of the eighth day. Similarly, a woman who gives birth to a male child immerses on the evening of the eighth day, and one who gives birth to a female immerses on the evening of the fifteenth day, for a woman who gives birth is comparable to one in the *niddah* state, as we explained.

7 If she delayed the matter for many days and did not immerse herself, when she immerses herself, she should immerse only at night. For if she immerses during the day, an error [may be] made and another *niddah* may come and immerse herself on the seventh day.

8 If a woman was sick or the place for immersion was far away and women could not reach there and return at night because of thieves, because of cold, or because they close the gates of the city at night, she may immerse during the day on the eighth - or subsequent - days.

9 Whenever a woman has a *veset*, her husband can assume that she is [ritually pure and] permitted until she tells him "I am impure" or she is established as a *niddah* in her neighborhood.

If a woman's husband went overseas and left her ritually pure, when he comes he does not have to ask her [concerning her state]. Even if he finds her asleep, he may enter into relations with her as long as it is not the time when she is expected to menstruate. He need not suspect that perhaps she is a *niddah*. If he left her a *niddah*, she is forbidden to him until she tells

him: "I am ritually pure."

10 When a woman tells her husband: "I am ritually impure," and afterwards she tells him: "I am ritually pure. Before I was just speaking facetiously with you," her word is not accepted. If she provides a rationale for her original statements, her word is accepted.

What is implied? Her husband asked her to engage in relations and his sister or his mother was together with her in the courtyard. She originally said she was impure. Afterwards, she said: "I am pure. I told you that I am impure only because of your sister or your mother; lest they see us." [In this instance,] her statement is accepted. Similar laws apply in all analogous situations.

11 When a man was in the midst of relations with a woman who had been ritually pure and she said: "I became impure," he should not separate himself immediately while he is erect. For withdrawing is as pleasurable for him as entry. If he withdraws while he is still erect, he is liable for *kerait*, like one who enters into relations with a *niddah*. This law also applies with regard to other *arayot*.

What should he do? Implant his toenails in the ground and wait without moving until he loses his erection. Afterwards, he should withdraw.

12 It is forbidden for a person to engage in relations with his wife near the time she can expect menstruation to begin, lest she menstruate in the midst of relations. [This is alluded to by **Leviticus 15:31**]: "And you shall warn the children of Israel concerning their impurity."

For how long [is it necessary to refrain from relations]? If [the woman] would ordinarily begin menstruating during the day, she is forbidden to enter into relations from the beginning of the day. If she would ordinarily begin menstruating during the night, she is forbidden to enter into relations from the beginning of the night.

13 If the time when menstruation could be expected to come passes and she did not begin menstruating, she is permitted to engage in relations after the time when menstruation was expected to begin passes.

What is implied? If she was accustomed to begin menstruating after six hours of the day passed. She is forbidden to engage in relations from the beginning of the day. If six hours pass without her beginning to menstruate, she is forbidden to engage in relations until the evening. Similarly, if she was accustomed to begin menstruating after six hours of the night and that time passed without her beginning to menstruate, she is forbidden to engage in relations until sunrise.

14 It is the habit of Jewish men and women to carry out a personal inspection after relations. What is implied? The man should clean himself with a cloth prepared for [this purpose] and the woman should clean herself with a cloth prepared for [this purpose]. [The purpose of these inspections is] to see whether the woman menstruated in the midst of relations. The man may allow the woman to check with his cloth. Since her word is accepted with regard to her [cloth], it is also accepted with regard to his.

15 The cloths used to clean oneself must be from worn-out, white linen. They are called *eidim*, "witnesses," in this context. The cloth with which the man cleans himself is called his *ed* and the cloth with which the woman cleans himself is called her *ed*.

16 Modest women do not engage in relations until they carry out an inspection beforehand. A woman who does not have a [fixed] *veset* is forbidden to engage in relations until she carries out an inspection. Therefore, she engages in relation with two *edim*, one for before relations and one for afterwards. When, however, a woman has a [fixed] *veset*, she need not use an *ed* before relations except as a measure of modesty.

After relations, however, everyone needs two witnesses: one for him and one for her, even a pregnant woman, one who is nursing, an elderly woman, or a minor A virgin or a woman whose blood is pure does not require *edim*, because blood is flowing from her.

17 When a man engages in intercourse several times [in one night], [he and his wife] do not have to check their two *edim* after each time they engage in intercourse. Instead, he should clean himself with his *ed*, she should clean herself with her *ed* after each time they have relations that entire night. In the morning, they should check the *edim*. If blood is discovered on her *ed* or on his *ed*, she is impure.

If a women engaged in relations, cleaned herself, and then the *ed* was lost, she should not engage in relations again until she makes an internal inspection with another *ed* first. [We fear that] perhaps there was blood on the *ed* that was lost.

18 [The following rules apply if] she placed the *ed* under a pillow or a bolster and blood was discovered upon it. If [the stain] is extended, she is impure. For we can assume that [the stain] came from the cleaning. If it is rounded, she is pure. [We assume that the stain] came only from the blood of a louse which was killed under the pillow.

19 [When a woman] cleaned herself with an *ed* that has been checked, then touched it to her thigh, and on the next day discovered blood upon it, she is impure. We do not say: Maybe a louse was killed when she touched it to her thigh.

[The following rules apply if] she cleaned herself with an *ed* that was not checked and she did not know whether it had blood on it before she cleaned herself with it or not. If there was more than a *gris* of blood [on it], she is [considered] a *niddah*. If the stain was less than that, she is pure. [We assume that the stain] came from a louse.

20 When a woman suffers vaginal bleeding in the midst of relations, she is permitted to engage in relations again a second time once she becomes pure. If she suffers vaginal bleeding [in the midst of relations] a second time, she is permitted to engage in relations a third time. If she suffers vaginal bleeding [in the midst of relations] a third time, she is forbidden to ever enter into relations again with this husband.

When does the above apply? When there was no other factor that [the bleeding] could be attributed to. If, however, they entered into relations close to the time when she was expected to menstruate, we attribute [the bleeding] to her ordinary pattern. If she had a wound [in her vaginal area],

we attribute [the bleeding] to the wound. If, however, the blood that comes from the wound is a different shade than the blood which she sees in the midst of relations, she may not attribute [the bleeding] to the wound.

We accept the word of a woman when she says: "I have a wound in the uterus which bleeds." On this basis, she is permitted to her husband even though the uterus bleeds in the midst of relations.

21 When a woman bled in the midst of relations on three [successive] occasions and there was no outside factor to which to attribute [the bleeding], she is required to divorce. She may, however, marry a second husband. If she married a second time and bled in the midst of relations on three [successive] occasions, she is required to divorce, but she may marry a third man. If, however, she married a third time and bled in the midst of relations on three [successive] occasions, she is required to divorce and she may not marry again until she is healed from this sickness.

22 How does a woman check herself to see whether she has been healed from this sickness? She brings a lead tube with its edge doubled over inside of it. She inserts the tube into her vagina until the place it can reach. She then places a shaft within the tube with a cotton swab placed at its top. She pushes [the shaft] until the swab reaches the opening of the uterus and then takes out the swab. If blood is found on the top of swab, it can be assumed that the blood discovered in the midst of relations comes from the uterus. If there was no blood on the swab, it can be assumed that the blood discovered [in the midst of relations] comes from pressure on the

sides of the vaginal channel. She is pure and may marry another man, as stated in *Hilchot Ishut*.

Chapter 5

1 A woman becomes impure due to factors beyond her control, whether for *niddah* or for *zivah*.

What is implied? For example, she jumped from place to place; she saw animals, beasts, or fowl copulating, was aroused, and began bleeding. In these and in other analogous instances, regardless of the situation, since she experienced bleeding, she becomes impure.

She becomes impure from even the smallest amount of bleeding. Even a drop of blood the size of a mustard seed [makes her impure as if] much blood had drained from her.

2 All women become impure [when blood is discovered in] the outer chamber [of the vagina]. Even though the blood did not emerge outside [her body], but instead, was discharged from the womb without flowing further, since it emerged from the upper portion of the vaginal channel, she is impure, even though the blood is still within her flesh. [This is alluded to by **Leviticus 15:19**:] "A discharge of blood within her flesh."

Until where does the upper portion of the vaginal channel extend? Until the place that the male organ reaches when inserted entirely during relations. The upper portion of the vaginal channel itself is like the uterus.

3 Our Sages spoke in metaphoric terms with regard to a woman. The uterus

where a fetus is formed is called "the source." It is the place where the blood that renders a woman a *niddah* or a *zavah* emanates from. It is called "the room," for it is found deep within her body. The entire uterine channel, i.e., the lengthy place whose entrance contracts severely at the time of pregnancy so that the fetus will not fall, but opens very wide at birth is called "the antechamber," i.e., it is like a gateway to the uterus.

4 When the male organ is inserted entirely during relations, it enters the "antechamber" but does not reach its end. Instead, it is slightly removed according to the size of the organs. Above the "room" and the "antechamber" - but located between the "room" and the "antechamber" - is the place where the woman's two ovaries and the ducts in which her ova become mature are located. This place is called "the loft." There is an opening from the "loft" to the top of the "antechamber." This opening is called the "passageway." When the male organ is inserted entirely during relations it goes beyond the "passageway."

5 Blood which comes from the "room" is always impure with the exception of "the blood of purity" which the Torah deemed pure and bleeding which occurs before birth, as will be explained. Blood from the "loft" is entirely pure. It is like the blood from a wound in the intestines, the liver, or a kidney and the like.

[The following laws apply when blood] is discovered in the "antechamber." If it is discovered between the "passageway" [and the uterus], she is impure, for the assumption is that it came from "the room." She is liable for entering the Temple and we burn *terumah* and sacrificial

foods because of this. We do not say that perhaps it descended from the "loft" through the opening, for most of the blood found in such a place is from the "room."

When blood is found in the "antechamber" between the opening [and the entrance to the vagina], she is impure, because of a doubt. Perhaps [the blood] came from the "room" or [perhaps it] flowed from the loft through the passageway. Therefore we do not burn *terumah* and sacrificial foods because of this, nor is she liable for entering the Temple.

6 Not every liquid that comes from the "room" renders a woman impure, only blood, as [*ibid.*] states: "A discharge of blood." Therefore if a white or a green liquid flows from the uterus, even if it is viscous like blood, she is pure since it does not appear as blood.

7 There are five [colors of] blood that [render] a woman impure. They are: red, black, bright saffron, muddy water, and diluted wine. All other colors are pure.

8 What is meant by red? The color of blood that comes from the blood which flows initially when people let blood. This blood is placed in a cup, the stain is placed next to it, and [the two] are compared. The black is like dried ink.

What is meant by bright saffron? Fresh saffron should be brought together with the clod of earth from which it is growing. From the better stalks, one should take the middle stalk that is entirely a stem. In each one, there are three stalks and each stalk has three leaves. One should bring the stain

next to the middle leaf on the middle stalk and compare it.

What is meant by "like muddy water"? We take earth from the valley of Sichnei or the like which is red and pour water over it until the water level is the thickness of a garlic peel above the earth. There is no required amount of water or earth that must be brought. One should stir them in the container and compare [the color to that of the stain] at that time while [the water] is murky. If [the water] becomes clear, one should stir it again and make it murky.

9 If the color of the stain matched the color of any of these four shades or was deeper than them, [the woman] is impure. If it is lighter than they are, she is pure.

What is implied? If a black stain was darker than dried ink, [the woman] is impure. If it was lighter than it, i.e., it was like a black olive, tar, or a raven, she is pure. Similar principles apply with regard to the other three colors.

10 What is meant by like diluted wine? Like one portion of fresh, undiluted wine like the wine of the Sharon in *Eretz Yisrael* mixed with two portions of water. If the appearance of the stain was darker or lighter than this, [the woman] is pure. [The stain must be] the exact color of this mixture.

A woman's word is accepted if she says: "I had a stain of this-and-this color and I lost it." The wise man rules whether she is pure or impure [based on her statement].

11 How does a person bring the two close and compare? He takes the portion

of the cloth that has the stain in his hand and looks at it and at the ink, the saffron leaf, the blood that was let [contained] in a cup, the muddy water, or the diluted wine [contained] in a cup. He compares them according to his perception and rules whether she is impure or pure.
He should not look at the cup from the outside. Instead, he should look at the liquid in the cup. The cup should be wide, weigh a *maneh*, and contain two *luggin*, so that light will enter it and it will not be shadowy.

12 A stain should be checked only on a white cloth and in sunlight. One makes a shadow with his hand over the stain while standing in the sun so that he will be able to see it as it is.
It is not necessary for every person checking a stain to do all the above whenever he checks [a stain]. Instead, a sage develops a sensitive eye [to the colors of stains]. When he sees it, he will immediately rule whether it is impure or pure. If he has doubts regarding the appearance of a particular stain, he should bring it close and compare it to ink, to blood that has been let, or to the other [impure] colors.

13 [The following rules apply when] a woman discharges a piece [of flesh from the vagina]. Even if it is red, she is impure [only] when it is accompanied by blood. If not, she is pure. Even if [when the piece of flesh] is cut open, it is filled with blood, she is ritually pure. For this is not the blood of *niddah*, but rather blood from the piece [of flesh].

14 When the woman discharges a piece [of flesh] which is torn and there is blood collected within it, she is impure.

[The following rules apply when a woman] discharges something like a shell, something like a hair, something like earth, or something like mosquitoes. If these entities have a red appearance, they should be placed in lukewarm water. If they dissolve, she is impure. For it was blood that congealed. And whenever [a woman] discovers dried blood, she is impure. If the entities remained in lukewarm water for more than a day and then dissolved, there is a doubt whether the woman is impure. If they did not dissolve after an entire day, they are from a wound and she is pure.

15 [The following rules apply if a woman] discharges something resembling a locust, a fish, a teeming animal, or a crawling animal. If it is accompanied by blood, it is impure. If not, it is pure.

16 When a woman places a tube in her "antechamber" and expels blood through the tube, she is pure. For [**Leviticus 15:19**] speaks of "A discharge of blood within her flesh." [Implied is that] the discharge must be within her flesh as is the ordinary way in which women menstruate. For it is not ordinary for a woman to discharge blood through a tube.

17 When a woman urinated and excreted blood together with the urine, she is pure. [This applies] whether she was standing or sitting while urinating. Even if she has physical sensations and her body shudders, she need not suspect [that the blood originated in the uterus]. Instead, the sensation is associated with her urination [and] urine does not originate in the uterus. Instead, this blood [stems from] a wound in the colon or in the kidney.

18 Hymeneal bleeding is pure. It is neither the blood of *niddah* or the blood

of *zivah*, for it is not from the uterus. Instead, it is blood from a wound.

What are the laws applying to virgins [who suffer] hymeneal bleeding? If she married when she was a minor, whether she never menstruated or whether she menstruated while in her father's home, she is permitted to her husband until the wound heals. For any bleeding that she discovers stems from the wound. If she discovers other blood after the wound heals, she is considered as a *niddah*.

19 [The following rules apply when a woman] marries when she is a *na'arah*. If she never menstruated beforehand, she is permitted to her husband for four days, by day and by night, even though blood is flowing, provided the wound did not heal.

If she had already menstruated in her father's home and then married, her husband should not [continue] to engage in relations with her. After the first time, he should separate. The hymeneal bleeding is considered as if it is the beginning of menstruation.

When a girl who has reached majority, but has not menstruated, she is given the entire first night.

20 The [first] four nights that are granted to a *na'arah* who has not menstruated need not be consecutive. [Instead,] the couple may engage in relations the first night and wait even two or three months and engage in relations for a second night, provided the wound has not healed.

21 Similarly, with regard to a minor who is allowed to continue engaging in relations until the wound heals, even if it does not heal for an entire year,

they may engage in relations either non-consecutively or day after day.

22 [The following rules apply when a girl] married while she was a minor and became a *na'arah* while married to her husband. [If] the blood is still flowing because of the wound, all of the times she engaged in relations while a minor are considered as one night and she is given license to complete the four days granted to her during the period of *na'arut*.
Even if the three days she is granted during the period of *na'arut* are all non-consecutive, [e.g.,] they engaged in relations one night every two months, this is permitted, provided the wound has not healed.

23 How do we know whether or not the wound has healed? If [the woman] would discover blood when she stands but not when she sits; if she would discover [blood] when she sits on the earth, but not when she sits on pillows or blankets, the wound has not healed. If, however, the bleeding ceases and she does not discover [blood], whether she stands or whether she sits on a pillow, the wound has healed. Similarly, even if her bleeding has not ceased, but she continues to discover blood even when she is sitting on pillows and blankets, we assume that this is not blood from the wound, but rather menstrual bleeding.

24 If she would discover blood in the midst of relations, [we assume] that it comes as a result of the wound. If she engaged in relations and did not discover blood and afterwards, discovered blood out of the context of relations, [we assume] that it is menstrual bleeding.

25 When a man engages in relations with a virgin and she does not bleed and

then, he engages in relations with her again and she does bleed, [we assume] that this is menstrual bleeding, even if she is a minor. [The rationale is that] if it were hymeneal bleeding, it would have appeared the first time.

When a man has relations with a girl below the age of three and she bleeds, this is hymeneal bleeding.

Chapter 6

1 The bleeding of *niddah*, the bleeding of *zivah*, the bleeding before childbirth, the pure blood that follows childbirth, are all one type of bleeding. They [all] come from the uterus, from the same source. The laws applying [to this bleeding], however, change according to the time [and circumstance], causing the woman who discovers the bleeding to be considered as pure, a *niddah*, or a *zavah*.

2 What is implied? When a woman menstruates for the first time or when she menstruates at the fixed time at which it has been established that she will menstruate, she is a *niddah* for seven full days. [This applies] whether she continues to bleed throughout the seven days or she only discovered one drop of blood. If she discovers blood on the eighth day, this is the blood of *zivah*, because it comes "outside the time for *niddah*" [**Leviticus 15:25**].

3 Any blood that is discovered between one fixed time that a woman can be expected to menstruate and the next fixed time that she can be expected

to menstruate is the blood of *zivah*. It is a *halachah* transmitted to Moses on Sinai that there are no more than eleven days between one menstrual bleeding and an another.

4 All of the seven days beginning with the day on which a fixed time that a woman can be expected to menstruate was established are called "the days of *niddah*." [This applies] whether the woman menstruates or not. Why are they called "the days of *niddah*"? Because they are fit [for a woman to be considered] a *niddah*? Any blood discovered during these days is considered as the blood of *niddah*.

5 The eleven days that follow these seven are called "the days of *zivah*." [This applies] whether the woman discovers bleeding or not. Why are they called "the days of *zivah*"? Because they are fit [for a woman to be considered] a *zivah*? Any blood discovered during these days is considered as the blood of *zivah*. Take care with regard to these names: "the days of *niddah*" and "the days of *zivah*."

6 Throughout her entire life, from the time she establishes a time when she can be expected to menstruate until she dies or until she transfers the time she can be expected to menstruate to another date, she should count seven days from the beginning of the day when she could be expected to menstruate and eleven days after them. Afterwards, [she counts] another seven days and another eleven days.

Take care of this reckoning so that you will know [a woman's status] if she discovers blood. Was it in the days of *niddah* or the days of *zivah*? For

throughout a woman's entire life, she [follows the same pattern]: seven days of *niddah* and eleven days of *zivah* unless the pattern was interrupted by a birth, as will be explained.

7 When a woman discovers uterine bleeding during the days of *zivah* for only one day or for two consecutive days, she is called a minor *zavah*, and she is called one who watches a day for a day. If she discovered [uterine bleeding] for three consecutive days, she is a *zavah* in the complete sense of the term. She is called a major *zavah* or merely referred to as a *zavah* without any further description. [This is derived from **Leviticus 15:25**]: "When a woman will have a flow of blood for many days...." The minimum implied by the plural form, "days," is two. "Many" indicates [at least] three.

8 There is no difference between a major *zavah* and a minor *zavah* except the counting of seven ["spotless" days] and the necessity to bring a sacrifice. For a major *zavah* must count seven "spotless" days [before immersing to regain ritual purity] and a minor *zavah* need only count one day. And a major *zavah* must bring a sacrifice when she purifies herself and a minor *zavah* need not. They are both impure and the prohibition against relations applies to both of them equally.

9 What is implied? If she discovered blood in the days of *zivah* - whether she discovered it in the beginning of the night or she discovered it at the end of the day - that entire day, she is impure. It is as if the bleeding did not cease from the time she discovered it until the sun sets. She should

watch herself throughout the night. If there are no signs of bleeding at night, she should arise in the morning and immerse herself after sunrise. She should watch herself for the entire day. If there are no signs of bleeding, there is then a pure day to compensate for the impure day and she is permitted to her husband at night.

10 If she discovered [uterine] bleeding also on the second day, whether at night or whether during the day, after she immersed herself, that second day is also impure and she must watch herself for the entire third night. If there are no signs of bleeding at night, she should arise in the morning and immerse herself after sunrise. She should watch herself for the entire day. If there are no signs of bleeding, there is then a pure day to compensate for the two impure days and she is permitted to her husband at night.

11 If she discovered [uterine] bleeding on the third day, whether during the day or at night, she is a major *zavah* and she must count seven pure days when there is no uterine bleeding [at all], as [**Leviticus 15:28**] states: "She must count seven days for herself." She immerses herself on the seventh day after sunrise and is permitted to her husband at night. On the eighth day, she brings her sacrifice, two turtle doves or two doves.

12 When a minor *zavah* immerses herself at night during the day she is watching or a major *zavah* immerses herself on the seventh night, it is as if she did not immerse herself. She is like a *niddah* who immerses herself within the seven days.

13 When a person has relations with a major *zavah* after she immersed herself on the seventh day of her counting [of "spotless" days] or with a minor *zavah* after she immersed herself on the day on which she must watch herself, he is not liable for *kerait*, because she immersed herself at the time she was fit to immerse herself when regaining ritual purity. This woman, however, possessed improper culture, for relations with her and things she touches are tenative.

14 What is meant by their being "tentative"? If the day on which she immersed herself is completed without her discovering any uterine bleeding, everything which she touched after she immersed herself is ritually pure and there is no liability for relations with her. If, however, she discovers blood on this day after immersing herself, she is considered as a *zavah* retroactively. Anything which she touched is retroactively considered as impure and she and the man who engaged in relations with her are obligated to bring a sacrifice. Therefore she is forbidden to her husband until the evening, lest she bring herself to a situation involving doubt.

15 When a *zavah* counts six "spotless" days and discovers uterine bleeding on the seventh day, even if it is close to sunset, all of the days counted previously are invalidated and she begins a new reckoning of seven "spotless" days after the impure day.

16 If [a woman] discharges semen during the days she is counting, she invalidates one day. She is like a *zav* who has a seminal emission who

invalidates one day [in his counting].

If she discovered uterine bleeding on the tenth, eleventh, and twelfth days of her "days of *zivah*," she is not considered a major *zavah*. Instead, from the state of a minor *zavah*, she becomes a *niddah*. For the twelfth day is the beginning of her days of *niddah* and a woman who discovers bleeding in her days of *niddah* does not become a *zavah*, as we explained.

17 What is the intent of the Torah's wording [**Leviticus 15:25**]: "After the time for *niddah*"? That if she discovered bleeding on the three days that follow her *niddah* [bleeding], she is a *zavah*, i.e., she discovered bleeding on the eighth day after the onset of the days of *niddah*, the ninth day, and the tenth day, i.e., the first three of the eleven days of *zivah*.

[The following laws apply if a woman] discovers bleeding on the eleventh day of *zivah* and she immersed herself in the evening on the night of the twelfth day and engaged in relations. Although she is impure and the man who engaged in relations with her becomes impure and the laws regarding the impurity of the places where they both sit and lie apply, the couple are not liable for *kerait*. [The rationale is that] the twelfth day is not joined with the eleventh day for her to be considered a *zavah*. Her immersion that night is effective in saving her from [being liable to bring] a sacrifice.

18 If she immerses herself on the twelfth day after sunrise, she is forbidden to her husband until the evening as is the law with regard to any minor *zavah*. If [her husband] transgresses and engages in relations with her, neither of them are liable at all. Even if she discovers blood on the twelfth day after they engaged in relations it is of no significance. For this is the

blood of *niddah* and it is not associated with [the bleeding of] the previous day.

19 If she discovers bleeding at the conclusion of her seventh day of *niddah* during *bein hashamashot*, and then discovers bleeding on the ninth day and the tenth day, there is an unresolved doubt if she is considered a [major] *zavah*. For perhaps the [blood] discovered at first was on the eighth night and thus it is as if she discovered blood on three consecutive days at the beginning of her days of *zivah*.

Similarly, if she discovered bleeding on the ninth and tenth days of her days of *zivah* and discovered bleeding again at the conclusion of the eleventh day during *bein hashamashot*, there is an unresolved doubt if she is considered a [major] *zavah*. For perhaps the final discovery [of bleeding] was on the eleventh day and she will have discovered [bleeding] on three consecutive days during her days of *zivah*.

20 When a *niddah* inspects herself in the midst of her days of *niddah* and discovers that her bleeding has ceased, even if it ceased on the second day of her menstrual period, and either, inadvertently or intentionally, did not inspect herself again until many days after her [days of] *niddah* and discovers impurity, we do not say that she was impure for all those days and [hence,] she is a *zavah*. Instead, throughout the entire time that she did not inspect herself, we operate under the presumption that she is pure. If she inspected herself and found impurity, even if she checked herself on the seventh of her days of *niddah*, if she did not inspect herself again [before] *bein hashamashot* to separate herself from the impurity of *niddah*,

but instead waited [several] days and afterwards inspected herself and found that she was pure, there is an unresolved doubt if she is considered a [major] *zavah*.

If she discovered impurity, she is definitely a *zavah*. [The rationale is that since] at the beginning she discovered impurity and at the end, she discovered impurity, we operate under the presumption that she did not stop bleeding.

On the first day of menstruation, even though a woman [conducted an inspection and] found that she was pure, it is as if she discovered impurity. For on the first day of menstruation, we operate under the presumption that a woman's flow will continue.

21 When a *zavah* inspects herself on the first day of [the seven days] she must count and finds herself pure and then did not inspect herself until the seventh day and found that she was pure, she can be assumed to be pure. It is as if she inspected herself for all of the seven days and discovered herself to be pure.

22 Similarly, if she inspects herself on the first day of [the seven days] she must count and finds herself pure and [inspects herself] on the eighth day and found that she was pure, she can be assumed to be pure.

If she checked herself on the third day of *zivah* and discovered that the bleeding had ceased, but did not check herself on the first day of counting and then checked herself on the seventh day, she can be assumed to be pure.

The same laws apply to a *zav* with regard to all these inspections if he

finds himself pure and it is considered as if he counted these days.

23 Whenever there is a doubt whether a woman is *niddah* or a *zavah*, she must count seven "spotless" days because of the doubt. She immerses herself on the night preceding the eighth day Afterwards, she is permitted to her husband. She must bring the sacrifice of a *zavah*, but it is not eaten as will be explained in the appropriate place.

Chapter 7

1 When a pregnant woman begins to feel pain, the labor pains take hold of her, and there is a flow of blood before she gives birth, that bleeding called "the blood of the throes."

What are the laws that govern it? If it comes during her days of *niddah*, it is considered as *niddah* bleeding and she is impure as a *niddah*. If it comes in her days of *zivah*, she is pure. [This is derived from **Leviticus 15:19**]: "When blood flows within her flesh." According to the Oral Tradition , we learn that the bleeding must come from herself, and not because of a child.

[The above applies] provided she gives birth to a living child. If, however, she miscarries, [the laws of "the blood of] the throes" do not apply.

Even if the blood is flowing together with contractions and pain for fourteen days before she gives birth, this is considered as "the blood of the throes" and she is pure. If, however, the bleeding began fifteen days or more before birth, the bleeding is considered as "the blood of *zivah*" and the laws that apply to a woman who gives birth while in the state of *zivah*

apply to her.

2 When does the above apply? When the contractions, throes, and pain did not cease, but instead, she continued having difficulty until she gave birth. If, however, she discovered bleeding for three days or more during her "days of *zivah*" amid pain and throes, but the pains cease and the throes ease after three days and she is able to remain comfortable for 24 hours or more, she is a *zavah*. For if the bleeding was coming as a result of the child, the pain and the throes would not cease [for that long]. If she gives birth afterwards, the laws that apply to a woman who gives birth while in the state of *zivah* apply to her.

3 When she discovers bleeding for one day without pain and then for two days with difficulty and then gives birth, [discovers bleeding] for two days without pain and then for one day with difficulty and gives birth, or [discovers bleeding] for one day with difficulty, then for one day without pain, and then for one day with difficulty and gives birth, the laws that apply to a woman who gives birth while in the state of *zivah* do not apply to her.

If, however, she discovers bleeding for one day with difficulty and then for two days without pain and then gives birth, [discovers bleeding] for two days with difficulty and then for one day without pain and gives birth, or [discovers bleeding] for one day without pain, then for one day with difficulty, and then for one day without pain and gives birth, the laws that apply to a woman who gives birth while in the state of *zivah* apply to her.

This is the general principle: When there are throes in proximity to birth,

the laws that apply to a woman who gives birth while in the state of *zivah* do not apply to her. When there is ease in proximity to birth, the laws that apply to a woman who gives birth while in the state of *zivah* apply to her.

4 When the third day of her sighting blood is the day on which she gives birth, even if the entire day is characterized by ease, the laws that apply to a woman who gives birth while in the state of *zivah* do not apply to her. [The rationale is that] the day she gave birth is close to difficulty.

If she discovered bleeding for two days and miscarried on the third day, but did not identify what emerged in the miscarriage, her status is doubtful. There is a question if the laws of *zivah* or the laws of a woman who gave birth apply to her.

5 What are the laws that apply to a woman who gives birth while in the state of *zivah*? She must abide seven spotless days. Afterwards, she immerses herself at night and is permitted to her husband. Only then do the laws of "the blood of purity" apply to her. She must bring an offering of a *zavah* and the offering of childbirth. Accordingly, if she gives birth to a male, even if her bleeding ceases on the day she gives birth, she should count seven "spotless" days and immerse herself. If she gives birth to a female and counts seven "spotless" days which conclude with the fourteen days [she is impure because of] birth or after them, she can immerse herself and she is permitted to her husband. If the days of her counting conclude within the fourteen days, she is forbidden to her husband until the fifteenth night.

6 What is implied? If she discovered bleeding for three days and then counted seven "spotless" days, there are [only] ten days and she remains forbidden to her husband until the fifteenth night. For the entire fourteen days, she is like a *niddah*.

Why do we not require a woman who gives birth while in the state of *zivah* to count seven "spotless" days after the seven days [of impurity that follow] the birth of a male or the fourteen days [of impurity that follow] the birth of a female? Because the days following birth and the days of *niddah* in which blood is not sighted are counted as part of the seven "spotless" days, as will be explained.

7 When a woman who gives birth while in the state of *zivah* does not cease bleeding, [the laws of] "the blood of purity" do not apply to her. Instead, any uterine bleeding is considered as the bleeding of *zivah*. If, however, she counted seven "spotless" days, completed the fourteen days [following the birth of] a female, and then immersed herself, [the laws of] "the blood of purity" apply to her [should] she sight bleeding during the 40 days following the birth of a male and the 80 days following the birth of a female.

8 If she counted seven "spotless" days, but did not immerse herself immediately and afterwards discovered bleeding, she may [nevertheless] immerse herself. She is permitted to her husband immediately, for all of the days of purity are not fit neither for *niddah*, nor for *zivah*. Nevertheless, until she immerses herself, the blood itself is impure and renders others impure like the blood of *niddah*.

9 [The following laws apply when a woman] gives birth to a female and after the fourteen days of impurity, she becomes pregnant again. She then [begins to miscarry and] the blood of childbirth begins to flow with the 80 days [of blood of purity]. This is also considered as "pure" blood. Although generally, we do not consider bleeding which precedes miscarriage as bleeding which precedes childbirth, [an exception is made in this instance]. For any blood that she sights during the days of purity is pure until she [actually] miscarries. When she miscarries, she becomes impure because of the birth. If [the fetus] she miscarries was male, she is impure as if she gave birth to a male. If [the fetus] she miscarries was female, she is impure as if she gave birth to a female. She counts the days of impurity and then the days of purity from the second "birth."

Even if she was pregnant with twins and miscarried one on one day and miscarried the other after several days passed, she counts days of impurity and days of purity from the second [miscarriage].

10 When the flow of a *zavah* ceases, she begins to count her seven "spotless" days, and then the blood of the throes of childbirth comes in the midst of the "spotless" days, it does not nullify her counting. [On the contrary,] the days of bleeding are counted as part of the seven days.

Similarly, if she gave birth in the midst of the seven "spotless" days, the birth does not nullify her counting. Indeed, the days of birth can be counted in the seven ["spotless"] days even though she is impure. [This is indicated by **Leviticus 15:28**]: "If she has become pure from her *zivah*." Implied is that since she has become pure from her *zivah* - even though she is impure for other reasons, e.g., the impurity of childbirth, the

impurity of *niddah*, or the impurity of *tzara'at* - she may count on them. These types of impurity and the like do not nullify her counting.

11 When a woman does not discover bleeding in her *niddah* days and the days following childbirth, they may be counted as part of her seven "spotless" days. If she does discover bleeding during these days, these days are not counted, nor do they nullify her previous reckoning. Instead, she completes her counting, adding to the days counted previously, when her bleeding ceases. For the only bleeding that nullifies a woman's counting is *zivah* bleeding. These types of bleeding invalidate only that very day.

12 After you have understood all the fundamental principles which we have explained, you will be able to comprehend our Sages' statement that a woman may discover uterine bleeding for 114 consecutive days without becoming a [major] *zavah*.

What is implied? [The first days are] the last two days before her days of *niddah*. [They are followed by] the seven days of *niddah*, two days [of *zivah*] which follow the days of *niddah*, 14 days of [pre-birth] difficulty, the 80 days associated with the birth of a female, the seven days of *niddah*, and two days [of *zivah*] which follow the days of *niddah*.

From this, one learns that any bleeding that a woman discovers after the completion of the days associated with childbirth marks the beginning of her days of *niddah*. We do not pay attention to the previously existing times when she would be expected to menstruate.

Accordingly, there is a doubt whether a woman who discovers bleeding *bein hashamashot* is a *niddah*. For perhaps it is considered as if she

discovered the bleeding at night, when her days of *niddah* could begin.

13 We have already explained that when a woman continues her *niddah* bleeding for seven days, she is permitted to engage in relations on the night of the eighth day after she immerses herself. A minor *zavah* who watches herself for one pure day and immerses herself is permitted to engage in relations in the evening. A major *zavah* must count seven "spotless" days. Then she immerses herself and is permitted to engage in relations on the night of the eighth day. There are only eleven days between [one set of] the "days of *niddah*" and a second set. During these eleven days, [a woman who discovers uterine bleeding will be either a minor *zavah* or a major *zavah*.

14 When you will remember all of these fundamental points, you will understand our Sages' statement that a woman who has established a fixed [continuous] pattern in which she discovers bleeding on one day and does not discover it on the following day. At the outset, she may engage in relations on the night and day of the eighth day, i.e., the first day after her "days of *niddah*." [On the whole,] she may engage in relations only four nights during eighteen days. She may not engage in relations during the days which are pure, because the days must be watched because of the [previous] impure day. Accordingly, if on the impure days, she always discovers bleeding at the beginning of the night, she may only engage in relations on the eighth day which is the first day after her "days of *niddah*."

15 If [a woman's established pattern] is to discover bleeding for two impure days and then to experience two pure days, she may engage in relations on the eighth, the twelfth, the sixteenth, and the twentieth.

16 If [a woman's established pattern] is to discover bleeding for three impure days and then to experience three pure days, she may engage in relations on two of the three pure days that follow her "days of *niddah*." For the first of them must be watched because of the two impure days that follow her "days of *niddah*." Afterwards, she may never engage in relations again. For she will be established as a major *zavah*, but will never count seven "spotless" days [to purify herself].

17 If [a woman's established pattern] is to discover bleeding for four impure days and then to experience four pure days, she may engage in relations on one day after her ["days of] *niddah*." Afterwards, she may never engage in relations again.

18 13If [a woman's established pattern] is to discover bleeding for five impure days and then to experience five pure days, she may engage in relations on three days after her ["days of] *niddah*." Afterwards, she may never engage in relations again.

19 13If [a woman's established pattern] is to discover bleeding for six impure days and then to experience six pure days, she may engage in relations on five days after her ["days of] *niddah*." Afterwards, she may never engage in relations again.

20 If [a woman's established pattern] is to discover bleeding for seven impure days and then to experience seven pure days, she may engage in relations during the first pure week that follows her ["days of] *niddah*." That is followed by an impure week which establishes her as a *zavah*. The week which follows is required to count [seven "spotless" days] and it is forbidden to engage in relations during it. Thus in four weeks she is allowed to engage in relations for only one week. Throughout her entire life, she may engage in relations for eighteen days in eighteen weeks.

What is implied? During the fifth week, she is a *zavah*. The sixth week in which she is pure is required to count [seven "spotless" days]. During the seventh week, she is a *zavah*. During the eighth week, she must count. During the ninth week, when she discovers bleeding, five of these days are [during her] "days of *niddah*" and two are [during] the beginning of her "days of *zivah*." [Hence,] she must watch one day of the tenth week and may engage in relations for six [days]. During the eleventh week when she discovers bleeding, two are the conclusion of the days of *zivah* and five are during "the days of *niddah*." During the twelfth pure week, she may engage in relations for five days. During the thirteenth week, she is a *zavah*. During the fourteenth week, she must count. During the fifteenth week, she is a *zavah*. During the sixteenth week, she must count. During the seventeenth week, she is a *zavah*. During the eighteenth week, she must count.

She continues to count in this manner forever. Thus she will be able to engage in relations on eighteen days in eighteen weeks. If she did not have such a physical difficulty, and she would be a *niddah* for a week and be pure for eleven days, she would be able to engage in relations for eleven

weeks, i.e., 77 days, out of the eighteen weeks.

21 When she discovers bleeding for one impure week and then is pure for a week, and thus can engage in relations for eighteen days, this is approximately one fourth of the days [on which she would ordinarily be allowed to engage in relations]. This is what our Sages [implied when] saying: "She may engage in relations for a fourth of her days."

22 If [a woman's established pattern] is to discover bleeding for eight impure days and then to experience eight pure days, she may engage in relations for fifteen days amid 48 days.

What is implied? Of the first eight days, seven are her "days of *niddah*" and one is the first of the "days of *zivah*" that follow the "days of *niddah*." She must watch one of the eight pure days and can engage in relations on seven of them. Afterwards, come seven impure days. Two of them are the final days of her "days of *zivah*" and six are in her days of *niddah*. Then come eight pure days. The first of them is the conclusion of her "days of *niddah*." She may engage in relations on the remaining seven.

Then come eight impure days. Four of them are the final days of her "days of *zivah*" and four are in her "days of *niddah*." Thus she is a major *zavah* and must count seven "spotless" days. Afterwards, come seven pure days. She counts for seven of them and may engage in relations for one day. Thus she may engage in relations for fifteen days in each 48.

23 If [a woman's established pattern] is to discover bleeding for nine impure days and then to experience nine pure days, she may engage in relations

for eight days in every eighteen days forever.

What is implied? Of the nine impure [days]: Seven of them are her "days of *niddah*" and two are "days of *zivah*" that follow her "days of *niddah*." She must watch one day of the nine pure days and may engage in relations on the remaining eight. This pattern continues forever.

24 If [a woman's established pattern] is to discover bleeding for ten impure days and then to experience ten pure days - and the same rules prevail for more than ten, indeed even 1000 days, if the same number of days are pure as impure - the number of days when she may engage in relations will equal the number of days [from when she began bleeding] as a *zavah*.

What is implied? If there are ten impure days, seven of them are days of *niddah* and three days of *zivah*. [Therefore on] her ten pure days, she must count seven and may engage in relations on three. Thus there will be three days when she may engage in relations and three days of *zivah*. Similarly, when she is impure for 100 days and pure for 100 days. The first seven are days of *niddah* and the following 93 [start on] her "days of *zivah*." Hence, of her 100 pure days, seven must be counted and she may engage in relations on 93 of them. Similar principles apply with regard to 1000 days or any other number of days.

Chapter 8

1 There are women who have *vesetot*, established times [when they menstruate] and other women who do not have *vesetot*. Instead, they feel nothing until the blood is actually released and they do not have a fixed

day on which they menstruate.

[The intent when speaking of] a woman who has a *veset* is that there is a specific day - [e.g.,] from the twentieth [day of the month] to the twentieth or from the twenty-fourth to the twenty-fourth, or more or less - [on which she begins to menstruate].

2 Before the onset of menstruation, she will demonstrate physical symptoms, [e.g.,] she yawns, sneezes, feels anxiety at the opening to her stomach and lower intestinal area, the hairs of her flesh will stand up, her flesh will become warm, or any similar physical symptoms. She will experience these - or at least one of these - symptoms at the fixed time when she [will menstruate] on the established day.

3 We have already explained that any woman who does not have a [fixed] *veset* is forbidden to engage in relations until she makes an internal examination first. If she has a [fixed] *veset*, she is forbidden to engage in relations through the entire time of the *veset*. If her *veset* is during the day, she is forbidden to engage in relations throughout the entire day. If her *veset* is during the night, she is forbidden to engage in relations throughout the entire night. She should begin counting her "days of *niddah*" and her "days of *zivah*" from the day of the *veset* at all times.

4 Therefore women must be careful with regard to *vesetot* until they know the day and the hour when a *veset* is established. If her pattern was to begin menstruation on the twentieth day and the twentieth day came and she did not menstruate and she did menstruate on the twenty-third, she is

forbidden [to engage in relations on] the twentieth and twenty-third.

Similarly, if a second time she did not menstruate on the twentieth and [instead,] began to menstruate on the twenty-third day, both days remain forbidden. If for a third time, she did not menstruate on the twentieth and [instead,] began to menstruate on the twenty-third day, the twentieth day is purified and the *veset* is transferred to the twenty-third day. For a woman does not establish a *veset* until she establishes it three times, nor does she uproot a *veset* until she bypasses it three times.

5 When a *veset* is established because of outside factors, even if recurs several times, it is not a *veset*, because [menstruation] came as a result of an outside factor.

If a woman jumped and menstruated and [again] jumped and menstruated, she establishes a *veset* for the specific day without considering whether she jumped. What is implied? She jumped on Sunday and menstruated. After an interval of 20 days, she again jumped on Sunday and menstruated. Then after an interval of 19 days, she jumped on the Sabbath and did not menstruate, but menstruated after the Sabbath without jumping, she establishes [a fixed *veset*] for Sunday after a twenty day interval. For it is clear that the interval causes her to menstruate and not jumping, and the interval has been established as the onset of menstruation on three occasions. Similar laws apply in all analogous situations.

6 When a woman begins menstruating on the fifteenth of one month, and menstruates on the sixteenth of the following month, the seventeenth of

the month which follows that, and the eighteen of the month which follows that, she establishes a *veset* which advances.

If during the fourth month, she begins menstruating on the seventeenth, the *veset* is not established. Instead, [in the following month,] she suspects that she will menstruate on the day on which she menstruated during the previous month. If that day arrives and she does not menstruate, that day becomes pure and is no longer suspected. For only a date that has been established by three [consecutive onsets] need be uprooted by three consecutive occasions when menstruation does not occur.

7 If her pattern had been to begin menstruation on the fifteenth and she changed to the sixteenth, [relations] are forbidden on both. If, [in the following month,] she changed to the seventeenth, the sixteenth is released and the seventeenth becomes prohibited. The fifteenth remains prohibited. If, [in the following month,] she changed to the eighteenth, the eighteenth becomes prohibited and all the other dates are released.

8 If her pattern had been to begin menstruation on the twentieth day and she changed to the twenty-second, they are both forbidden. If, [in the following month,] the twentieth arrives and she does not menstruate, but she does menstruate on the twenty-second, they both remain forbidden. If, [in the following month,] the twentieth arrived and she began menstruating, she is considered to have returned to her fixed pattern. The twenty-second is released, because it was not established through three [onsets of menstruation].

9 A woman does not establish a *veset* in the midst of her "days of *niddah*" during which she has menstruated. Since she menstruates on one of these days, she cannot establish a *veset* in any of the seven. Similarly, a woman does not establish a *veset* in her eleven "days of *zivah*." She may, however, establish a fixed *veset* in her "days of *niddah*" when she has not menstruated.

If she established a *veset* in her "days of *zivah*," she must show concern over that *veset*. Whenever a *veset* is established in [a woman's] "days of *zivah*," it is uprooted if it is bypassed even once. It does not have to be bypassed three times. [The rationale is that] it is an accepted presumption that a woman's [menstrual] blood is withdrawn on these days.

10 What is meant by "she must show concern over that *veset*"? If she sighted bleeding on this *veset* for even one day, she must wait as a *niddah* because of the doubt. [In the following month,] she is forbidden to engage in relations on that day even if she did not sight bleeding as on the other days of the *vesetot. If she discovers bleeding for three successive days, she is a zavah*.

11 When a woman frequently inspects herself at all times, her conduct is praiseworthy. [This applies] even if she has established a fixed *veset*. For bleeding may come at times other than her *veset*.

During the eleven days of *zivah*, we assume that she is pure. [Hence,] she need not inspect herself. After her days of *zivah*, however, she should inspect herself.

12 When a woman remains passive and does not inspect herself, either because of forces beyond her control or intentionally, she is assumed to be pure until she inspects herself and discovers [that she is] impure.

13 [The following laws apply when] a woman did not inspect herself at the time of her *veset* and inspected herself a few days afterwards and discovered that she was impure. Retroactively, she is considered impure from the time of her *veset* with regard to matters of ritual purity and impurity, as will be explained. Nevertheless, she does not render a man who engaged in relations with her impure retroactively and she may not count [the days of *niddah*] except from the time she discovered the bleeding. If [in the inspection], she discovered that she is pure, we operate under the assumption that she is pure.

14 Similarly, when a woman discovers bleeding due to a wound that she has in her uterus, she is pure, even if she discovers the bleeding at the time of her *veset*. The blood is also pure. [The rationale is that the obligation to show concern for] *vesetot* is Rabbinic in origin, as will be explained in *Hilchot Mitamei Mishkav UMoshav*.

15 A blind woman should conduct an internal examination herself and show [the *ed*] to her friends. A deaf-mute and a mentally or emotionally incapacitated woman must be inspected by intellectually capable women so that their *vesetot* can be established. [Afterwards,] they are permitted to their husbands.

16 Should a woman err and be unaware of the day when her "days of *niddah*"

begins, if she menstruates, she must be concerned that she is a *zavah*. Therefore if she menstruated for one day or two days, she must nevertheless wait a full seven lest the blood have come in her "days of *niddah*." And if she discovers bleeding for three days, she must count seven "spotless" days, lest she be in the midst of her "days of *zivah*."

17 What must she do to redefine when her "days of *niddah*" begin, to know if she is definitely a *zavah* or that if there is a question concerning that, and to know when her "days of *zivah*" begin? Everything is dependent on [the number of days] during which she discovers [bleeding].
If she discovered bleeding for one day or for two days, she counts the remainder of the seven and begins counting the eleven days after these seven.

18 If she discovered bleeding for three days, there is a doubt whether she is a *zavah*. For perhaps one of these days preceded her "days of *niddah*" and two were at the beginning of her "days of *niddah*." Similarly, if she discovered bleeding for four days, [there is a doubt whether she is a *zavah*]. For perhaps two of these days preceded her "days of *niddah*" and two were at the beginning of her "days of *niddah*." She must observe the five as the remainder of the seven and [count] the eleven days after these five.

19 Similarly, if she discovered bleeding for nine days, there is a doubt whether she is a *zavah*. Perhaps two of the days preceded her days of *niddah*" and seven are her "days of *niddah*." She begins counting the

eleven days after the ninth day [on which] the bleeding stopped. Similarly, if she discovered bleeding for eleven days, there is a doubt whether she is a *zavah*. Perhaps two of the days preceded her days of *niddah*," seven are her "days of *niddah*," and two days followed her "days of *niddah*." Thus there remain nine days within her "days of *zivah*."

20 If she discovered bleeding for twelve days, she is definitely a *zavah*. For even if two of the days preceded her days of *niddah*" and seven are her "days of *niddah*," there are three days following her "days of *niddah*. Thus there remain eight days within her "days of *zivah*." The same laws apply if she discovered bleeding for thirteen days. There remain seven days within her "days of *zivah*" and they are the days on which she counts [seven "spotless" days].

21 Even if a women's menstruation continues for even 1000 days, as soon as the bleeding stops, she should count seven "spotless" days. After these seven days, a woman who erred begins anew her "days of *niddah*."

22 Thus we learn: Whenever a woman errs, she never counts less than seven days from the time which her bleeding stops. Nor does she count more than seventeen. Afterwards, come her "days of *niddah*."

What is implied? If she discovered bleeding for one day and then it stopped, she should count seventeen days. Six to complete her "days of *niddah*" and eleven as her "days of *zivah*." If she discovers bleeding for thirteen days or more she counts seven "spotless" days after the bleeding ceases. Afterwards, her "days of *niddah*" begin as explained [above].

Chapter 9

1 According to Scriptural Law, a woman does not become impure as a *niddah* or a *zavah* until she experiences a physical sensation, menstruates, and discovers blood which emerges within her flesh as we explained. She becomes impure from the time she menstruates and onward only.

If she does not experience a physical sensation, but conducts an internal examination, and discovers bleeding within the vaginal channel, we operate under the presumption that it was accompanied by a physical sensation, as explained previously.

2 According to Rabbinic Law, whenever a woman discovers a bloodstain on her flesh or on her clothes, she is impure, as if she discovered bleeding within [the vaginal channel] on her flesh. [This applies] even if she did not experience a physical sensation [and] even if she conducted an internal examination and did not discover bleeding. This impurity is [because of our] doubt; perhaps the stain came from uterine bleeding.

3 Similarly, according to Rabbinic Law: Whenever a woman discovers bleeding at a time other than her *veset* and whenever she discovers a bloodstain, she is impure retroactively for 24 hours. If she conducted an internal examination within this time and discovered that she was pure, she is impure retroactively until the time of the inspection.

Although she is impure retroactively, she does not cause a man who engages in relations with her to become impure, as we explained. Nor may she begin counting her "days of *niddah*" or counting because of the stain

except from the time she discovered the bleeding or the stain.

Whenever a woman discovers a stain, her reckoning [of her *veset*] is confused. For it is possible that the bleeding came from the uterus and her *veset* must be recalculated.

4 When a woman discovers bleeding at the time of her *veset*, she does not become impure retroactively. Instead, [the impurity begins] at the time [of discovery]. Similarly, a woman who is pregnant, nursing, a virgin, or elderly do not become impure retroactively.

What is meant by a pregnant woman? A woman whose pregnancy has become obvious, i.e., she is three months pregnant. What is meant by a woman who is nursing? A woman within 24 months of childbirth, even if her child died, she weaned him, or gave him to a nursemaid.

5 [The term] "virgin" refers to a girl who has never menstruated even through she experienced uterine bleeding because of marriage or because of birth.

The term "elderly woman" refers to a woman who did not menstruate for 90 days near her old age. When is she considered elderly? When she is called an old woman [by others] and she does not protest.

[The laws that apply when] a pregnant, nursing, or elderly woman [discovers] a stain are the same as when she discovers bleeding. She does not become impure retroactively. With regard to a virgin who has never menstruated and who is still a minor, a stain that is discovered is pure until she menstruates on three successive months.

6 What is the difference between a stain which is found on a woman's flesh and one found on her clothing? There is no minimum measure for a stain found on a woman's flesh. A stain on a garment, by contrast, does not render a woman impure unless it is the size of half a Cilikean bean (a *gris*) which is equivalent to a square large enough to contain nine lentils, i.e., three rows of three. If it is smaller than this, she is pure.
If [a stain] is composed of small spots, they are not considered as a single entity. If it is extended, it is considered as a single entity.

7 [When] a stain is discovered on an article that is not susceptible to ritual impurity, the woman is pure and she need not be concerned about it.
What is implied? If a woman sat on a utensil made of stone, earth, animal dung, on fish skin, on the outside of an earthenware utensil, or on a cloth that is smaller than three fingerbreadths by three fingerbreadths and blood was discovered on the above, she is pure. Even if she inspected earth, then sat on it, and when she arose, a stain was discovered, she is pure. For our Sages did not decree that a woman would be impure when a stain was discovered on an article that is not susceptible to ritual impurity. Nor did they decree [that a stain discovered on an article susceptible to ritual impurity renders a woman] impure unless that article is white. If, however an article is colored, we are not concerned with a stain. For this reason, our Sages ordained that a woman should wear colored garments so that she be protected from problems arising due to stains.

8 [A woman] does not become impure because of a bloodstain found on every place on her body, only due to those found opposite her genital area.

What is implied? If a stain is found on her heel, she is impure. For perhaps she touched her genital area when she sat. Similarly, she is impure if a stain was found on her calves or on the inner side of her ankles, [the portions of her legs] that will touch each other when she stands with her feet and calves together. If it is found on the tip of her toe, she is impure. Perhaps [blood] dripped from the uterus to her foot when she walked. Similarly, if blood is found in any place where her menstrual blood could have spattered when she walked, she is impure. Similarly, if blood is found on her hands, even on the backs of her fingers, she is impure. For the hands are active. If, however, blood is found on the outer or side portions of her calves and, needless to say, if it is found from her thighs upward, she is pure. For this is certainly blood that was spattered on her from another place.

9 When a bloodstain that is found on a woman's body is long like a strand or round, or made up of small drops, the length of the stain was across the width of her thigh, it looks like it came from below upward, since it is opposite her genital area, she is impure. We do not say: Had it dripped from her body, it would not be found in such a form. Instead, we are stringent with regard to all blood that is found in these places, even though there is a doubt concerning it.

10 A stain that is found below the belt on a woman's garment renders her impure. If it is above the belt, she is pure. If it is found on her sleeve, if it could reach her genital area, she is impure. If not, she is pure.

11 If she would remove her garment and cover herself with it at night, she is impure wherever blood is found. Similarly, if blood is found anywhere on her girdle, she is impure.

12 If a woman wears one tunic for three days or more during a time that is not part of her "days of *niddah*" and inspected it and discovered three stains or one stain that contains the measure of three stains, there is a doubt whether she is a [major] *zavah*. For it is possible that each day, she stained the garment.

Similarly, if she wore three garments that had been inspected for three days in her "days of *zivah*" and discovered a stain in each of them, there is a doubt whether she is a [major] *zavah*. [This applies] even if the stains are one opposite the other.

13 [The following rules apply if] she found one stain that did not contain the measure of three stains. If she inspected herself throughout *bein hashamashot* of the first day and found that she was pure, but did not inspect her clothes and on the third day, discovered this stain which is not the measure of three stains, she need not worry about being a *zavah*.

If she did not inspect herself throughout *bein hashamashot*, she must suspect that she is a *zavah*. [The rationale is that] she did not inspect her garment and continued wearing it for three days during her "days of *zivah*."

14 If she discovered a stain on her garment on one day and then experienced bleeding for two successive days or experienced bleeding for two

[successive] days and discovered a stain on the third day, there is a doubt whether she is a [major] *zavah*.

15 When a woman discovers a stain and then discovers bleeding, she associates the stain with the bleeding for a 24-hour period. [This applies] whether she inspected herself at the time she discovered the stain and found herself to be pure or whether she did not inspect herself. If, however, she discovers one stain after another stain within 24 hours, she does not associate one stain with the other unless she carried out an inspection in the interim. If, however, she carried out an inspection and found herself to be pure between [the discovery of the first] stain and the second, they should not be associated with regard to the counting of *zivut*.

16 What is implied? She discovered a stain on Friday during the first hour of the day and then she discovered menstrual bleeding at any time until the first hour of the day on the Sabbath, she does not count [her impurity] from [the time she discovered] the stain. Instead, she associates the stain with the bleeding. [This applies] even if she did not inspect herself [after discovering the stain] and did not know whether she was impure or not. Thus if she discovers bleeding on Sunday and on Monday, she is a [major] *zavah*.

If, however, she discovered bleeding during the second hour on the Sabbath, she is considered as if she was impure for two days: Friday because of the stain she discovered and the Sabbath because of the bleeding, because there are more than 24 hours between them. Hence, if she discovers bleeding on Sunday, she must suspect that she is a *zavah*.

17 [The following rules apply if] she did not experience bleeding on the Sabbath, but instead discovered a stain during the first hour on the Sabbath. If she inspected herself on Friday and discovered that she was pure, she only counts from [the time of] the later stain [that was discovered] on the Sabbath, because they both were discovered within the same 24 hour period. If she did not inspect herself and did not know whether or not she was in fact pure between the two, she begins counting from Friday. Thus if she discovers bleeding on Sunday, she must suspect that she is a *zavah*.

18 If she discovered the second stain during the second hour of the Sabbath day, she is considered as impure for two days, for the two are not within the same 24 hour period. [This applies] whether she inspected herself or did not inspect herself. [In such a situation,] if she discovers bleeding on Sunday after 24 hours have passed, she must suspect that she is a *zavah*.
[The following laws apply if] she discovered a third stain during the first hour on Sunday. If she inspected herself and discovered that she was pure, they are not considered as coming in succession and she need not suspect that she is a *zavah*. If she does not carry out such an inspection, she must suspect that she is a *zavah*.

19 [The following rules apply] whenever there is a stain that causes a woman to be considered impure and there is a factor to which she could attribute the stain, saying: "The stain came because of this factor." If [the stain] is found on a garment, she is pure. For our Sages did not say that one should rule stringently regarding these matters, only leniently. If the stain is

found on her flesh, she is impure because of the doubt and she may not attribute the stain to the external factor. If she has a greater reason to attribute a stain on her flesh [t an outside factor] than one on her clothes, she may attribute even a stain on her flesh [to the factor] and she is pure despite the doubt.

20 What is implied? If she slaughtered an animal, a beast, or a fowl, became occupied with stains, sat next to people who were, or passed through a marketplace of butchers and blood was found on her outer garment, she is pure. She may attribute the stain to these factors for it is [likely] to have come from them.

21 [The following rules apply if] the stain was found on her flesh alone. If the stain is at her belt or lower, she is impure. If she turned upside down and flipped, even [a stain] from her belt and above renders her impure. For if the blood had come from slaughtering or from the market, it would also have been found on her garments. Since it was found on her flesh and not on her garments, she is impure.

22 If she has a wound, even if it is covered by a scab, if it could be opened and discharge blood and blood was found on her flesh, she may attribute the stain to her wound. Similar laws apply in all analogous situations.

23 When a stain is found on both her garments and her flesh, she may attribute it with all [the external factors] possible. And she may explain that [the stain was caused by] a louse, for perhaps when she sat down, a louse was killed and this blood came from the louse.

Until when [does the above apply]? [When the stain is no larger than] a *gris*. If, however, the stain is larger than a *gris*, she may not attribute it to a louse. [This applies] even if there is a crushed louse on the stain. Since the stain is larger than a *gris*, she may not attribute it to a louse.

24 Similarly, she may attribute the stain to her son or her husband.If they were occupied with blood, their hands were soiled, or they had a wound, she may attribute the stain to them saying that they touched her without her knowing it and the blood came from them.

25 We do not consider the possibility that blood was [transferred] from one place to another to attribute a stain to it. What is implied? If a woman had a wound on her shoulder and a stain was discovered on her calf, we do not say: Maybe she touched the wound with her hand and then touched this other portion of her body. Similar laws apply in all analogous situations. We attribute neither stains on her body, nor those on her garment [to such wounds].

26 [The following laws apply when] two women were occupied with [slaughtering] one fowl and it contained only an amount of blood equal in size to a *sela*. If a stain the size of a *sela* is found on both of them, they are both impure.

If a woman was occupied with blood that could produce a stain no larger than a *gris* and a stain the size of two *grisim* was found on her, she may attribute a *gris* to the blood with which she was occupied with and a *gris* to a louse. If, however, the stain was larger than two *grisim*, she is impure.

27 If she was occupied with red [blood], she may not attribute a black [stain] to it. If she was occupied with a fowl that had many different colors of blood and one of them was found on her, she may attribute [the stain] to [the fowl].

If she was wearing three outer garments, if there is an external factor to which she could attribute [a stain], she may attribute even [a stain] on the bottom garment to it. If she [knows of] no external factor to attribute it to, she may not attribute it to any factor, even if it is found only on the upper one.

What is implied? If she passed through a butcher's market place, even if the stain is found only on the bottom garment, she may attribute it to the blood of the butcher's. If she did not pass through a butcher's market or the like, even if the stain is only on the upper garment, she is impure. If she is in doubt whether or not she passed through [such a place] or whether or not she was occupied [with an object that could produce a stain], she may not attribute it [to an external factor].

28 When a city has pigs [that roam freely] or [such animals] enter it at all times, [a woman] need not be concerned with stains that are found on her outer garment.

29 When a woman lent her garment to a *niddah*, whether a Jewess or a gentile woman, and then put it on before checking it, she can attribute a stain she finds upon it to the *niddah* who wore it.

[Similarly,] if she lent [a garment] to a minor *zavah* on a day that she is impure, one who is experiencing [the post-birth] blood of purity, or to [a

woman who was] a virgin and is experiencing [hymeneal] bleeding [which is] pure, she may attribute the stain to them.

[A different ruling applies,] however, if she lent [a garment] to a minor *zavah* on the day she is watching or a major *zavah* during her seven "spotless" days, put it on before checking it and then discovered a stain. [In such an instance,] the halachic status of both is impaired., the lender and the borrower. For perhaps this one caused the stain or perhaps the other did.

If she lent [the garment] to a woman who is watching herself because of the discovery of a stain, she may not attribute the stain to her. [The rationale is that] we do not attribute one stain to another.

30 [The following law applies when a woman] inspected her outer garment and then inspected herself and discovered that she was pure and afterwards, lent that garment to a colleague. If the borrower wore the garment and then a stain was discovered upon it when she returned it, the borrower is impure. She cannot attribute the stain to the owner, because the owner inspected it before she lent it to her.

31 [The following laws apply when] a tall woman wears an outer garment belonging to a short woman and a stain is discovered upon it. If [the place where the stain is located] reaches her genital area, she is impure. If it does not, she is pure, because [it is probable] that the stain came from the short woman.

32 When three woman wore one garment in succession and afterwards, a

stain was found upon it, [they are all impure]. Similarly, if they slept in one bed together and a blood [stain] was found under one, they are all impure.

If one of them inspected herself immediately and found herself impure, the [other] two are pure.

33 [The following principle applies when, in the above situation, the women] all inspected themselves and discovered that they were pure. A woman who is not likely to discover bleeding may attribute the stain to one who is likely to discover bleeding. Thus the one who is unlikely [to discover bleeding] will be pure and the one who is likely will be impure.

What is implied? If one of the woman is pregnant and another is not pregnant, the pregnant woman is pure and the one who is not pregnant is impure. If one was nursing and one was not nursing, the one who is nursing is pure. If one is an elderly woman, and one is not elderly, the elder woman is pure. If one has not experienced menstrual bleeding and one has, the one who has no experience is pure. If they are all pregnant, all elderly, all nursing, or all have not experienced menstrual bleeding, they are all impure.

34 [The following laws apply when] three women ascended from the foot of a bed, and went to sleep. If a blood[stain] was discovered under the middle one, all three are impure. If [a stain] was discovered under the innermost one, she and the woman to her side are impure and the outermost one is pure. If [the stain] was under the outermost, she and the woman to her side are impure and the innermost is pure. If, however, they

did not ascend from the foot of the bed, and thus they have no order, if a blood[stain] is discovered under any one of them, they are all impure.

35 When does the above apply? When the woman all inspected themselves and found themselves to be pure. Thus none of them could attribute [the stain] to the other as we explained. If, however, one of them inspected herself and discovered that she was pure, the woman who is pure can attribute the stain to the one who did not check, and that woman is impure.

36 Whenever a stain is found on a garment and there is no external source to attribute it to, it, [nevertheless,] does not cause a woman to be considered impure until it is proven to be blood. If a doubt arises for [the experts] whether [a stain] was blood or [simply] red dye, they [wash the stain] with [the following] seven cleaning agents in order. If it is washed away or its color becomes weaker, it is a bloodstain and [the woman] is considered impure. If the stain remains the same color, it is a dye and [she] is pure.

37 These are the seven cleaning agents in the order [in which they should be used]: the saliva of a person who has not eaten, beans that have been chewed, urine that has become sour, lye, natron, cumin powder, and bleach. [The garment] must be rubbed three times with each cleansing agent and it must be passed back and forth while being rubbed.

If a person did not use these cleansing agents in the above order or used them all at once, his deeds are of no consequence. If he used the last substances before the first ones, the fact that he used the last ones - i.e.,

the first ones in the proper order - is significant. He may then use [merely] the last ones - which he used first - so that he will have used all seven in order.

38 What is meant by "the saliva of a person who has not eaten"? [Saliva taken from a person who did not eat from the beginning of the night and slept the second half of the night and gave this saliva before he ate the next morning. [Moreover,] he must not have spoken excessively for the first three hours of the day. If, however, a person arose and repeated his studies before three hours of the day passed, his saliva is not placed in this category. For speaking nullifies the power of the saliva and causes it to be like water.

What is meant by beans that have been chewed? Beans that have been chewed thoroughly until a large quantity of saliva has been mixed with them. What is meant by urine that has soured? Urine that is three days old or more.

39 [The following laws apply to] any woman who becomes impure because of a stain. If she discovers the stain during her "days of *niddah*," she must consider herself a *niddah* because of the doubt. She must remain [impure] for seven days and immerses herself on the eighth night. Afterwards, she is permitted to her husband.

If she discovered [the stain] during her "days of *zivah*," because of the doubt, she must consider herself as a minor *zavah* or a major *zavah* as clarified in this chapter. She must remain [impure] for one day if she is a minor *zavah* or count seven "spotless" days if there is a doubt whether she

is a major *zavah*.

All this stems from Rabbinic decree as we explained. Therefore if a man engages in relations with such a woman in conscious violation, he is given stripes for rebellious conduct and he is not obligated to bring a sacrifice.

Chapter 10

1 Every woman who gives birth is impure like a *niddah*, even if she did not suffer uterine bleeding. [This applies whether] a woman gives birth to a living child or one which is still born, and even is she miscarries [and discharges a fetus]. If [the fetus is] male, she remains impure [for seven days as is required after giving birth to] a male. If it is female, she remains impure [for fourteen days as is required after giving birth to] a female.

[The above applies,] provided the form [of the fetus] is complete. And the form of a fetus will never become complete in less than forty days. [This applies] to both a male and a female.

2 If a woman miscarries within forty days, she is not impure because of birth. [This applies] even on the fortieth day.

If a woman miscarried on the forty-first day after relations, there is a doubt whether she is considered as having miscarried. [Hence,] she is governed by the laws that apply to the birth of a male and a female and those applying to a *niddah*. If the human form could be barely detected in the fetus without it being clear and obvious, she is governed by the laws that apply to the birth of a male and a female. This is called a developed embryo.

3 What is meant by a developed embryo? At the beginning of the formation of the human body, it is the size of a lentil. His two eyes are like the two eyes of a fly, [slightly] separate from each other. His two nostrils are like two eyes of a fly that are close to each other. Its mouth is a hairsbreadth open and its hands and feet are not distinct.

If its form becomes more defined than this, but it still cannot be distinguished as either male or female, we do not check it in water, but in oil. For the oil will burnish it. One should bring a wood chip with a smooth edge and use it to probe the genital area [of the fetus] from above downward. If there is an obstruction, it can be determined as male. If the genital area appears like a split barley corn, it is a female and need not be checked. A woman is not granted the leniency of "the blood of purity" for such underdeveloped embryos; the fetus must have hair on its head.

4 When a woman discharges a white mass and when cut open a bone is found within, she is impure, because of birth. If she discharges an embryo filled with water, blood, worms, or flesh, since it is not developed, the woman need not suspect [that she is impure] because of birth.

5 When a child is born through Cesarean section, the mother is not impure because of birth. She [need] not [observe] the days of impurity, [nor is she granted] days of purity. [This is derived from **Leviticus 12:2**]: "When a woman will conceive and give birth to a male...." [The laws of that passage apply] only when she gives birth from the place she conceives.

When a woman has difficulties in giving birth and [ultimately,] gives birth through Cesarean section, the blood from the birth throes which emerges

from the womb is considered as the blood of *zivah* or the blood of *niddah*. The blood that emerges from the operation is itself impure. If no blood emerged from the womb, the woman is pure. Although the blood that emerges from the operation is impure, the woman does not become impure unless she suffers bleeding from her vagina.

6 When a fetus is cut up inside a woman's womb, whether it emerged according to the order of the limbs, e.g., first a foot emerged, then a calf, and then a thigh, or it emerged in an abnormal order, the woman is not considered impure until the majority of the body emerges. If its entire head comes out intact, it is as if the majority [of the body] emerged. If it was not cut up and it emerged in the ordinary manner, it is considered as having been born when its forehead emerges, even though it was cut up afterwards.

7 If a fetus sticks out its hand [from the womb] and then returns it, its mother is impure due to birth as a result of Rabbinic decree. The woman does not receive "days of purity" until the entire fetus - or [at least] the majority - emerges as we stated.

8 [The following laws apply when] a woman miscarries and discharges something resembling an animal, beast, or fowl. If its face resembles that of a human, it is considered as a birth even though the remainder of the body resembles an animal, beast, or fowl. If it is male, she is governed by the laws that apply to the birth of a male. If it is female, she is governed by the laws that apply to the birth of a female. If it cannot be determined

whether it is male or female, she is governed by the laws that apply to the birth of a male and a female.

If its face does not resemble that of a human, it is not considered as a fetus and its mother is not impure due to birth. [This applies] even though the remainder of the body resembles that of a human, its hands and feet resemble those of a human, and it is male or female.

9 What is meant by the human form of a face? That the forehead, eyebrows, eyes, cheeks, and the contour of the jaw share the human form. Even if the mouth, the ears, and the nose resemble that of an animal or a beast, [the fetus] is considered as a birth.

10 When a woman miscarries and discharges something resembling a snake, the mother is impure due to birth. [The rationale is that] the form of its eye is round like that of a human. When a woman miscarries and discharges a human form that has wings of flesh, the mother is impure due to birth.

[The following rules apply when a fetus] is created with one eye and one thigh. If they are on the side, it is considered as half a human and the mother is impure due to birth. If they are in the center, the mother is pure, because this is another creature.

11 [The following laws apply when a fetus] is created with its windpipe closed, its body lacking [form] from the navel downward, but instead is a mass of flesh, its skull being merely a mass of flesh, its face was amorphous and its features could not be distinguished, it has two backs and two

backbones, the contours of the head of the fetus she discharged could not be distinguished, or the contours of its hand could not be distinguished, the mother is not impure due to birth.

If, however, she miscarried and discharged a hand or a foot that was cut off, we operate under the assumption that it came from a complete fetus and it is included in the sum of the majority of its limbs.

12 There are times when from the remainder of the blood from which a fetus is formed will coagulate and form a mass that resembles the tongue of an ox. It is wound around a portion of the fetus and is called a *sandal*. A *sandal* will never be formed without a fetus. If a similar mass is formed without a fetus, it is not called a *sandal*. Most fetuses will not have a *sandal* with them.

There are times when a pregnant woman will receive a blow on her stomach and the fetus will be damaged and will become like this *sandal*. There are time when the [resulting *sandal*] will retain its facial features and there are times when the fetus will dry up and change its appearance and blood from elsewhere will coagulate upon it to the extent that its facial features cannot be recognized.

Accordingly, when a woman miscarries and discharges a male fetus together with a *sandal*, she is governed by the laws that apply to the birth of a male and a female. For perhaps this *sandal* was a female fetus. [The Sages] ruled stringency and considered her impure due to a [female] fetus even though it did not possess any facial features. [The rationale is that] she is impure due to birth regardless because of the fetus [discharged] with it.

13 The thick membrane that is like a goatskin in which the fetus is formed and which surrounds the fetus and the *sandal* - if there is a *sandal* with it - is called the placenta. When the time comes for the fetus to emerge, it tears it and emerges. At the beginning of its creation, it resembles a thread of the woof that is hollow like a trumpet and thick like the craw of a chicken. A placenta must be at least a handbreadth in size.

14 When [a woman] miscarries and discharges a placenta, she is governed by the laws that apply to the birth of a male and a female. [The intent is] not that a placenta is a fetus, but there will not be a placenta without a fetus.
If she discharged a fetus and then discharged a placenta, we show concern about the placenta and it is considered as a fetus. We do not say: "This is the placenta of the fetus that miscarried." For we associate the discharge of the placenta only with a viable birth.
Accordingly, if the woman gave birth to a viable child and then discharged a placenta - even after 23 days - we assume that [the placenta] came as a result of the child. We do not suspect that there was a second fetus. [Instead, we assume] that the child tore through the placenta and emerged.

15 [When a woman] discharges a placenta and afterwards bears a viable child, we suspect that the placenta came as the result of another fetus. We do not associate it with the child that was born afterwards, for it is not usual for the placenta to emerge before the fetus.
If a portion of the placenta emerges on Sunday and a portion emerges on Monday, we count [her days of impurity] from the first day and we count

her days of purity only from the second day as a stringency.

16 If [a woman] miscarries and discharges something resembling an animal, beast, or fowl and a placenta is connected to it, we do not suspect that there is [another] fetus. If they are not connected to [the placenta], we treat it with severity as if there were two fetuses. For we say that maybe the fetus that was carried in this placenta became effaced, and maybe the placenta of this fetus that appears like an animal or beast became effaced.

17 In all instances when we are concerned that [the emergence of] a placenta [indicates that a fetus emerged previously], a woman is not given days of purity.

[The following laws apply to] every [woman] who miscarries and discharges something that does not resemble a human fetus or a fetus that is within 40 days of conception whose form has thus not been completed. If [the emergence of] the fetus was accompanied by bleeding, the woman is either a *niddah* or a *zavah*. If it emerged dry, without any bleeding, she is pure.

18 When a woman gives birth to twins - a boy and a girl - she is governed by the laws that apply to the birth of a female. If she gives birth to a *tumtum* or an *androgynus*, she is governed by the laws that apply to the birth of a male and a female. If she gives birth to twins, one that is male and one that is a *tumtum* or an *androgynus*, she is governed by the laws that apply to the birth of a male and a female. If one [of the twins] is female and one is a *tumtum* or an *androgynus*, she is governed by the laws that apply to the

birth of a female. For the gender of a *tumtum* and an *androgynus* is a matter of doubt: Maybe they are male or maybe female.

19 When a woman is known to be pregnant miscarries and it is not known what she miscarried, e.g., she passed a river and miscarried there, miscarried into a pit, or miscarried and a beast dragged away the fetus, we assume that she discharged a human fetus. Hence, she is governed by the laws that apply to the birth of a male and a female. If, however, she was not known to be pregnant, miscarried, and did not know what she miscarried, she is governed by the laws that apply to the birth of a male and a female and those applying to a *niddah*.

20 What are the laws that apply wherever we said: "She is governed by the laws that apply to the birth of a male and a female"? She is forbidden to her husband for fourteen days like a woman who gives birth to a female. The status of the first seven is definite; that of the latter seven is doubtful. We do not grant her any "days of purity" beyond the fortieth day [from the birth] as is the law with regard to one who gives birth to a male. If she discovers menstrual bleeding between the fortieth and eightieth days from birth, it is not "pure blood." Instead, because of the doubt, we consider it as *niddah* bleeding, or *zivah* bleeding if it comes in the "days of *zivah*," as we explained.

Similarly, if she discovers [uterine bleeding] on the eighty-first day alone, she is considered as a *niddah* because of the doubt. She must observe the seven days of *niddah*. [The rationale is that] perhaps she gave birth to a female and her "days of *niddah*" do not begin until after the conclusion

[of the days of purity], as we explained.

21 What are the laws that apply wherever we said: "She is governed by the laws that apply to the birth of a male and a female and those applying to a *niddah*"? She is forbidden to her husband for fourteen days like a woman who gives birth to a female. If she discovers blood on the eighty-first day, there is a doubt whether she is a *niddah*.

Similarly, if she discovered uterine bleeding on the seventy-fourth day and the eighty-first day, there is a doubt whether she is a *niddah*. Similarly, if she discovered [uterine bleeding] on the forty-first day, there is a doubt whether she is a *niddah* even though she discovered bleeding on the thirty-fourth day. She is forbidden to her husband until the forty-eighth day, as is the law for a woman who gives birth to a male.

We do not grant her any "pure days" at all, like a *niddah*. [The following rules apply with regard to] any bleeding that she discovers from the day on which she miscarried until the eightieth day beginning from seven days after she miscarried. If it is discovered in her "days of *niddah*, she is a *niddah*, because of the doubt. And if it is discovered in her "days of *zivah*," she is a *zavah*, because of the doubt. For throughout the days after birth, [the previous patterns concerning] the expected times of menstruation do not apply.

Similarly, if she discovers uterine bleeding on the eighty-first day, her situation is still problematic and she must consider herself a *niddah* because of the doubt as explained [above]. [This applies] even if she discovers bleeding for only one day. When she establishes a pattern of menstruation after eighty days, her difficulties will cease and she will be

either definitely a *niddah* or definitely a *zavah*. Similarly, from the time she miscarried for seven days, she will be definitely impure [like] a *niddah* if she miscarried in the midst of her days of *niddah*, as we explained.

Chapter 11

1 All of what was said with regard to [the laws of] *niddah*, *zivah*, and childbirth applies with regard to Scriptural Law. [The Jews] would follow these laws when the Supreme *Sanhedrin* held sessions and it included great sages who were familiar with [the types of] blood. If a doubt arose [for the lesser judges] with regard to the discovery of blood or the days of *niddah* and *zivah*, they could ascend to the Supreme *Sanhedrin* and ask them. As the Torah promised concerning them [**Deuteronomy 17:8**]: "If a matter of judgment is unknown to you concerning one type of blood or another, or one judgment and another [you shall ascend to the place that God shall choose]."

["Concerning one type of blood or another"] means "between the blood of *niddah* and the blood of *zivah*. In that era, Jewish women would be careful concerning this matter and would pay attention to their monthly patterns and would always count the "days of *niddah*" and the "days of *zivah*."

2 It is very difficult to keep track of the counting of the dates. Many times doubts will arise. For even if a woman discovered bleeding on the day she was born, she must begin counting the "days of *niddah*" and the "days of *zivah*," as we explained. Therefore a girl cannot become impure as a *zavah*

until she is ten days old. For if she discovered bleeding on the day that she was born, she would be a *niddah* for seven days. [Then to be a *zavah*, she would have to discover bleeding] on the three days directly following the "days of *niddah*." Thus [she would be] ten days [old].

Thus we learned that she begins counting the "days of *niddah*" and the "days of *zivah*" from the first time she discovers uterine bleeding throughout her entire life. [This applies] even if [the first time] she discovers bleeding is when she is a minor.

3 During the era of the Sages of the Gemara, many doubts arose with regard to the appearance of blood and the reckoning of the pattern of menstruation. For it was not within the potential of all women to calculate the "days of *niddah*" and the "days of *zivah*." Therefore our Sages ruled stringently concerning this matter and decreed that a woman should consider all her days as "days of *zivah*" and consider any bleeding that she discovers as *zivah* bleeding because of the doubt.

4 In addition, Jewish women accepted a further stringency upon themselves. They accepted the custom that wherever Jews live, whenever a Jewish woman discovers [uterine] bleeding, even if she does not discover more than a drop the size of a mustard seed and the bleeding ceases immediately, she must count seven "spotless" days. [This stringency applies] even if she discovered the bleeding during her "days of *niddah*."

Whether the bleeding continued for one day, two days, an entire seven days, or longer, when the bleeding ceases, she counts seven "spotless" days as is required of a major *zavah* and immerses on the night of the eighth

day despite the fact that there is a doubt whether she is a *zavah*. Or she may immerse during the day on the eighth day in a pressing situation, as explained. Afterwards, she is permitted to her husband.

5 Similarly, every women who gives birth in the present age is considered as one who gives birth while a *zavah* and she must count seven "spotless" days, as we explained.

It is the commonly accepted custom in Babylon, in "the cherished land," Spain, and the West, that if a woman discovers bleeding in the days after childbirth, she must count seven "spotless" days after the bleeding stopped. [This applies] even if she first counted seven "spotless" days and immersed [after giving birth].

We do not grant her any pure days at all. Instead, whenever a woman discovers bleeding whether it is bleeding associated with childbirth or "pure blood," it is all impure. She must count seven "spotless" days after the bleeding ceases.

6 This law was instituted in the era of the *Geonim*. They decreed that there be no concept of "pure" blood. For the stringency that women accepted upon themselves in the era of the Sages of the Talmud applies only to a woman who discovers bleeding that would render them impure. [In this instance, they accepted the custom of] waiting seven days. Blood which she discovers during her "days of purity" after counting [seven "spotless" days], by contrast, is not a matter of concern [according to Scriptural Law]. For the days of purity are not subject [to concern] with regard to *niddah* or *zivah* as we explained.

7 We have heard that in France, even today, relations are allowed [despite] "pure" bleeding as was the law in the Talmudic era after [the woman] counts [seven "spotless" days] and immerses herself because of the impurity resulting from giving birth in the *zivah* state. This matter is dependent on local custom.

8 Similarly, [stringencies were adopted] with regard to the laws of hymeneal bleeding in the present age. Even if a minor is below the age when she could be expected to menstruate and never discovered uterine bleeding, [her husband] must separate after engaging in the relations which are a mitzvah.

Whenever she discovers hymeneal bleeding, she is impure. When the bleeding ceases, she must count seven "spotless" days [before immersing herself].

9 Moreover, whenever a girl is asked to marry and consents, she must count seven "spotless" days after she consents to marry. Afterwards, [she immerses and] becomes permitted to her husband. [The rationale is that] she might have desired a man and released a drop [of blood] without being aware of it. Whether she is a mature woman or a minor, she must wait seven "spotless" days after she consents to marry. Afterwards, she immerses and may engage in relations.

10 All of these matters are additional stringencies that have been practiced by Jewish women from the era of the Sages of the Talmud [onward]. One should never deviate from it. Therefore every women who consents when

asked to marry should not marry until she counts [these days] and immerses herself. If she marries a Torah scholar, she may marry immediately and then count after marriage and immerse. [The rationale is that] a Torah scholar will know that she is forbidden and observe [the restriction]. He will not approach her until she immerses.

11 The laws applying to [the discovery of] stains in the present era [follow the principles] we explained. There is no innovation in this regard, nor are there any [new] customs. Instead, any stain which we ruled was pure, is considered pure. And when [a woman discovers] any of the stains which we ruled were impure - [even] if the stain was not of the size that would generate concern for *zivut* - she must count seven ["spotless"] days, after the day of the discovery of the stain. For the discovery of a stain is not identical with the discovery of bleeding.

12 All the statements we made concerning a woman who miscarried [and discharged a creature that does not resemble a human fetus] and [hence] is pure also apply in the present age.

Similarly, when a woman discovers a white or green blood-like secretion or if she discharges a red mass of flesh that is not accompanied by bleeding, she is pure even in the present age. For the stringency involves only one who discovers impure bleeding and the above are not considered as impure bleeding.

13 Similarly, if she had a wound from which blood was flowing or blood was released with her urine, she is pure. Innovations [in practice] were made

only with regard to all women who discover impure bleeding as explained [above] and also that all different shades of blood are considered impure.

14 In certain places, the practice is that a woman must consider herself a *niddah* for seven days even though her bleeding lasted only one day. [Then] after these seven, she must count seven "spotless" days. This is not a [proper] custom. Instead, it is an error on the part of the one who ruled in this manner and is not worthy of being given any consideration. Instead, [the law is that if a woman experiences] one day of menstrual bleeding, she should count seven "spotless" days afterwards and immerse on the night [following] the eighth day, which is the second day after her ["days of] *niddah*." She is [then] permitted to her husband.

15 Similarly, in certain places, the practice is - and support for this is found in the responsa of some of the *Geonim* - for a woman who gives birth to a male not to engage in relations until the conclusion of forty days and for one who gives birth to a female [to refrain] until after eighty days even though they discovered bleeding only during the [first] seven days. This is not a [proper] custom. Instead, these responsa are in error and indeed [the observance of this practice] in these places is of a heretical nature. They learned this interpretation from the Sadducees. It is a mitzvah to compel [these people] to remove [this improper custom] from their hearts and to return them to [the observance of] the words of the Sages who require only the counting of seven "spotless" days as explained.

16 A woman does not ascend from her state of ritual impurity and cease

being considered as an *ervah* until she immerses herself in a mikveh that is halachicly acceptable while there are no substances intervening between her flesh and the water. In *Hilchot Mikveot*, we will explain what defines a *mikveh* as acceptable and what disqualifies it, the manner in which one should immerse, and the laws concerning intervening substances.

If, by contrast, she washes in a bath - even if all the water in the world passes over her - her state is the same after washing as before washing [and a man who engages in relations with her is liable] for *kereit*. For there is no way of ascending from a state of ritual impurity to one of purity except through immersing in the waters of a *mikveh*, a spring, or a sea which is like a spring, as will be explained in *Hilchot Mikveot*.

17 In the present age, although the seven "spotless" days [are observed only because of] doubt, if a woman immerses herself during them, it is as if she did not immerse herself. If she immerses herself on the seventh day, the immersion is valid even though it is forbidden to do so at the outset, lest one engage in relations on the seventh day after the immersion. [The rationale is that] she immersed in the appropriate time even were she to have definitely been a *zavah*.

18 It is forbidden to a person to embrace his wife during these seven "spotless" days. [This applies] even if she is clothed and he is clothed. He should not draw close to her, nor touch her, not even with his pinky. He may not eat together with her from the same plate. The general principle is he must conduct himself with her during the days she is counting as he does in her "days of *niddah*." For [relations with her] are still punishable

by *kereit* until she immerses herself, as we explained.

19 A *niddah* may perform any task which a wife would perform for her husband except washing his face, hands, and feet, pouring him a drink, and spreading out his bed in his presence. [These were forbidden as] decrees, lest they come to sin.

For this reason, she should not eat with him from the same plate, nor should he touch her flesh, lest this lead to sin. Similarly, she should not perform these three tasks for him during her seven "spotless" days. It is permitted for a woman to adorn herself during her "days of *niddah*," so that she does not become unattractive to her husband.

Chapter 12

1 When a Jew engages in relations with a woman from other nations, [taking her] as his spouse or a Jewess engages in relations with a non-Jew as his spouse, they are punished by lashes, according to Scriptural Law. As [**Deuteronomy 7:3**] states: "You shall not intermarry with them. Do not give your daughter to his son, and do not take his daughter for your son."

This prohibition applies equally to [individuals from] the seven [Canaanite] nations and all other gentiles. This was explicitly stated in Ezra [Nechemiah 10:31]: "That we will not give our daughters to the gentiles in the land and that we will not take their daughters for our sons."

2 The Scriptural prohibition applies only to marital relations. When, by contrast, one engages in relations with a gentile woman with a licentious

intent, he is given "stripes for rebellious conduct" according to Rabbinic Law. [This is a] decree, lest this lead to marriage.

If [a Jew] designates [a gentile woman] for licentious relations, he is liable for relations with a *niddah*, a maid-servant, a gentile woman, and a licentious woman. If he did not designate her for himself, but instead, [engage in relations with her] spontaneously, he is only liable for relations with a gentile woman. All of these liabilities are Rabbinic in origin.

3 When does the above apply? When the man who engaged in relations was an Israelite. If, however, a priest engages in relations with a gentile woman, he is liable for lashes according to Scriptural Law, because of the prohibition against relations with a *zonah*. [This prohibition applies] both to a non-Jewish *zonah* and a Jewish one. He receives lashes for relations alone, for he cannot consecrate her.

4 Whenever a man has relations with a gentile woman in public, i.e., the relations are carried out in the presence of ten or more Jews, if a zealous person strikes him and kills him, he is considered praiseworthy and ardent. [This applies whether the relations were] in the context of marriage or licentious in nature. This matter is a halachah conveyed to Moshe at Sinai. Support for this can be derived from Pinchas' slaying of Zimri.

5 The zealous person can strike [the fornicators] only at the time of relations, as was the case with regard to Zimri, as [**Numbers 25:8**] states: "[He pierced] the woman into her stomach." If, however, [the

transgressor] withdraws, he should not be slain. Indeed, if [the zealous person] slays him, he may be executed [as a murderer].

If the zealous person comes to ask permission from the court to slay him, they do not instruct him [to], even if this takes place at the time [of relations]. Not only that, if the zealous person comes to kill the transgressor and he withdraws and kills the zealous person in order to save himself, the transgressor is not executed for killing him.

When a Jew has relations with the daughter of a resident alien, the zealot may not strike him. [The transgressor] should, however, be given stripes for rebellious conduct.

6 If the zealot did not strike him, nor did he receive stripes from the court, his punishment is explicitly stated in the words of the prophetic tradition. He is liable for *karet*, as [**Malachi 2:11-12**] states: "Judah desecrated that which is sacred to God, [by] loving and engaging in relations with the daughter of a foreign god. May God cut off from a man who does this any progeny and descendant." [Implied is] that if he is an Israelite, he will not have progeny among the wise who will raise issues, nor a descendant among the scholars who will respond. If he is a priest, he will not have [a descendant] who "presents an offering to the Lord of Hosts." Thus you have learned that a person who shares intimacy with a gentile woman is considered as if he married a false deity, as the verse states: "engaging in relations with the daughter of a foreign god." And he is called one who "desecrated that which is sacred to God."

7 Although this transgression is not punishable by execution by the court, it

should not be regarded lightly, for it leads to a detriment that has no parallel among all the other forbidden sexual relations. For a child conceived from any other forbidden sexual union, is [the father's] son with regard to all matters and is considered a member of the Jewish people, even if he is a *mamzer*. A son conceived by a gentile woman, by contrast, is not considered his son. [This is derived from **Deuteronomy 7:4**:] "For he shall sway your son away from following Me." She turns him away from being one of those who follow God.

8 This matter causes one to cling to the gentile nations from whom the Holy One, blessed be He, has separated us, and to turn away from following God and to betray Him.

9 When a gentile engages in relations with a Jewish woman, if she is married, he should be executed. If she is single, he is not executed.

10 If, by contrast, a Jewish male enters into relations with a gentile woman, when he does so intentionally, she should be executed. She is executed because she caused a Jew to be involved in an unseemly transgression, as [is the law with regard to] an animal. [This applies regardless of] whether the gentile women was a minor of three years of age, or an adult, whether she was single or married. And it applies even if [the Jew] was a minor of nine years old, [she is executed].

This [punishment] is explicitly mentioned in the Torah, as [**Numbers 31:16-17**] states: "Behold they were [involved] with the children of Israel according to the advice of Balaam. Execute any woman fit to know a man

through lying with a male."

11 Servants that have been immersed for the sake of servitude and accepted the mitzvot in which servants are obligated, have departed from the category of gentiles, but have yet to enter the category of Jews. For this reason, a maidservant is forbidden to a free Jew. [This applies to] both one's own maid-servant and a maid-servant belonging to a colleague.
When a person enters into relations with a maid-servant, he should be given stripes for rebellious conduct as prescribed by the Rabbis. [It is obvious that a Scriptural prohibition is not involved,] for it is explicitly stated in the Torah that a master may give a Hebrew servant a Canaanite maid-servant [for the sake of relations] and that she is permitted to him, as [**Exodus 21:4**] states: "If his master will give him a wife."

12 The Sages did not issue a decree with regard to this matter, nor did the Torah require that lashes be given for [relations with] a maid-servant unless she was designated for a [Jewish] man, as we explained.

13 This transgression should not be light in one's eyes, because it does not involve lashes according to Scriptural Law. For this [act] also causes the son to be turned away from following God. For a son born of a maid-servant is a servant and is not a [full] member of Israel. Thus he causes [Israel's] holy seed to be profaned and produce servants. Behold Onkelos the translator included relations with a servant and a maid-servant in [the prohibitions, **Deuteronomy 23:18**]: "There shall not be a promiscuous man and there shall not be a promiscuous woman."

14 When a person engages in relations with a maid-servant, even in public, a zealous person may not strike him, not even at the time of the transgression. Similarly, if one marries a maid-servant, he does not receive lashes according to Scriptural Law. For from the time she immersed and accepted the mitzvot, she departed from the category of gentiles.

15 If [the identity of] a Jewish child becomes confused with that of the child of a maid-servant, the status of both [children] is doubtful. Each of them is considered as possibly a servant. [Hence] we compel the owner of the maid-servant to free them both. If [the owner died and] the son [whose identity was confused] is the [only] son of the servant's master, when they come of age, they should free each other. Then they will be permitted to marry within the Jewish people.

16 If the children whose identities were confused were female, they are both considered as possibly a maid-servant. If a person enters into relations with either of them, the offspring is considered as a servant because of the doubt.

Similarly, if the identity of a gentile child becomes confused with that of a Jewish child, we immerse both of them as converts and they are both considered as possibly a convert.

17 Whenever any of the gentiles convert and accept all of the mitzvot in the Torah or a servant is freed, they are considered as Jews with regard to all matters, as [**Numbers 15:15**] states: "For the community: there will be one law [for you and the convert]." A convert may marry within the Jewish

community immediately, i.e., a male convert or freed servant may marry a native-born Jewess and an Israelite may marry a female convert or a freed maid-servant.

There are four nations from which [converts] are exceptions: Ammon, Moab, Egypt, and Edom. When a person from one of these nations converts, he is like an Israelite with regard to all matters with the exception of marriage within the Jewish community.

18 What are the laws that apply to them [in that context]? It is forbidden to marry an Ammonite and a Moabite forever. This applies to the males and not the females, as [**Deuteronomy 23:4**] states: "An Ammonite and a Moabite shall not enter the congregation of God." It is a halachah transmitted to Moses at Sinai that it is a male Ammonite and a male Moabite who are forbidden to marry a native-born Israelite forever, [including] even their son's grandson forever. An Ammonite woman and a Moabite woman are, by contrast, permitted immediately as are [converts] from other nations.

19 An Egyptian and an Edomite convert - both a male and a female - are forbidden to marry among the Jewish people for the first and second generations. The third generation, however, is permitted, as [*ibid.*:9] states: "Children who are born to them [may enter the congregation of God in the third generation]."

20 When a female Egyptian converts while she is pregnant, her son is considered a second [generation Egyptian convert]. When a second

[generation] Egyptian male [convert] marries a first [generation] Egyptian female [convert] or a first [generation] Egyptian male [convert] marries a second [generation] Egyptian female [convert], the child is considered a second generation [convert]. [This is derived from the phrase]: "Children who are born to them." The verse made the matter dependent on birth.

21 When a male Ammonite convert marries a female Egyptian, the offspring are considered as Ammonites. When a male Egyptian convert marries a female Ammonite, the offspring are considered as Egyptians. This is the general principle: Among gentiles, the identity [of the offspring] is determined by the male. Once they convert, [the offspring] is given the identity that is of the lowest status.

22 A person from the seven [Canaanite] nations who converts is not forbidden to marry among the Jewish people according to Scriptural Law. It is known that of them, only the Gibeonites converted. Joshua decreed that they be forbidden to marry among the Jewish people, both males and females.

He instituted this prohibition only during the time a Sanctuary is standing, as [**Joshua 9:23**] states: "[You shall be] wood-choppers and water-drawers for the house of my God." He made their ban dependent on the Sanctuary.

23 They are called *Netinim*, "the designated ones," for they were designated for the service in the Sanctuary. David came and decreed that they should never be allowed to marry among the Jewish people, even at a time when

the Sanctuary is no longer standing. This is explicitly stated in **Ezra [8:20]**: "From the Netinim whom David and the officers designated for the service of the Levites." From this, we see that he did not make the matter dependent on the Sanctuary.

24 Why did David and his court pass this decree against them? Because he saw that they were characterized by brazenness and cruelty. For they asked to kill and hang the seven sons of Saul, God's chosen one, and they did not have mercy upon them.

25 When Sannecherib, King of Assyria, arose, he confused the identity of all the nations, mixing them together, and exiling them from their place. The Egyptians that live in the land of Egypt at present are of other nationalities. This also applies with regard to the Edomites in the field of Edom.

Since these four forbidden nations became intermingled with all the nations of the world [with] whom it is permitted [to marry once they convert], all [converts] are permitted. For when anyone of them separates himself [from them by] converting, we operate under the presumption that he became separate from the majority. Therefore in the present age, in all places, whenever a convert converts, whether he be an Edomite, an Egyptian, an Ammonite, a Moabite, a Kushite, or from any of the other nations, whether male or female, he or she is permitted to marry among the Jewish people immediately.

Chapter 13

1 Israel entered the covenant [with God] with three acts: circumcision, immersion, and offering a sacrifice.

2 Circumcision took place in Egypt, [before the Paschal sacrifice, of which **Exodus 12:48**] says: "No uncircumcised person shall partake of it." Moses our teacher circumcised [the people]. For with the exception of the tribe of Levi, the entire [people] neglected the covenant of circumcision in Egypt. Regarding this, [**Deuteronomy 33:9** praises the Levites,] saying: "They upheld Your covenant."

3 Immersion was performed in the desert before the Giving of the Torah, as [**Exodus 19:10**] states: "Sanctify them today and tomorrow, and have them wash their garments." Sacrifices [were also offered then], as [*ibid.* 24:5] states: "And he sent out the youth of the children of Israel and they brought burnt offerings." They offered them as agents of the entire Jewish people.

4 Similarly, for [all] future generations, when a gentile desires to enter into the covenant, take shelter under the wings of the Divine presence, and accept the yoke of the Torah, he must undergo circumcision, immersion, and the offering of a sacrifice. A woman [who converts] must undergo immersion and bring a sacrifice, as [**Numbers 15:15**] states: "As it is for you, so shall it be for the convert." Just as you [entered the covenant] with circumcision, immersion, and the offering of a sacrifice; so, too, for future generations, a convert must undergo circumcision, immersion, and must bring a sacrifice.

5 What is the sacrifice that a convert [is required to bring]? A burnt offering of an animal or two turtle-doves or two fledging doves. Both of [the doves] must be brought as burnt offerings. In the present age, when there are no sacrifices, [a convert] must undergo circumcision and immersion. When the Temple is rebuilt, he must bring a sacrifice.

6 When a convert is circumcised, but does not immerse himself, or immerses himself, but was not circumcised, he is not considered a convert until he perform both of these activities. He must immerse himself in the presence of three men. Since a court is required, he may not immerse on the Sabbath or on festivals, or during the night. If, however, they had him immerse [at night], he is a convert.

7 We immerse a minor who seeks to convert based upon the guidance of the court. For it is an advantage for a person [to convert]. When a pregnant woman converts and immerses herself, her child does not require immersion.

When [a convert] immerses himself alone and converts alone - or even if he does this in the presence of two persons - his conversion is not valid. If he comes and says: "I converted in the court of so-and-so and they had me immerse," his word is not accepted with regard to license to marry among the Jewish people unless he brings witnesses [who testify to the truth of his statements].

8 [The following rules apply if] he was married to a native-born Jewess or a convert and he already fathered children. If he says: "I converted alone,"

his word is accepted with regard to the disqualification of his self, but not with regard to the disqualification of his children. He must immerse himself again in the presence of a court.

9 [The following laws apply with regard to] a female convert who we see conduct herself according to the ways of Israel at all times, for example, she immerses herself after being a *niddah*, she separates *terumah* from dough, or the like, and to a male convert who follows the paths of Israel, for example, he immerses himself after a seminal emission, and performs all the mitzvot. These are considered as righteous converts even though there are no witnesses to testify before whom they converted. Nevertheless, if they come to marry among the Jewish people, we do not allow them unless they bring witnesses or they immerse themselves in our presence. The rationale is that their identity was originally established as gentiles.

10 If, however, a person comes and says that he was a gentile, but that he was converted by a court, his word is accepted. [The rationale is that] the mouth that forbade him was the same that permitted him.

When does the above apply? In *Eretz Yisrael* in the Talmudic era. For [at that time,] all the people there could be assumed to be Jewish. In the Diaspora, however, he must bring proof of his conversion. [Only] afterwards may he marry a Jewess. I say that this is an additional stringency adopted to protect the purity of our lineage.

11 Just as we circumcise and immerse converts; so, too, we circumcise and

immerse servants which are acquired from the gentiles for the sake of servitude.

When a person acquires a servant from the gentiles and the gentile takes the initiative and immerses with the intent of becoming a free man, he acquires his own person, provided he says while immersing: "Behold I am immersing before you for the sake of conversion." If he immerses himself in the presence of his master, he does not have to make an explicit statement. Instead, since he immersed himself, he attains his freedom.

For this reason, [when having the servant immerse,] the master must push him into the water until he arises at which time he is in his servitude. He must tell him that he is having him immerse for the sake of servitude in the presence of the judges. A servant must also immerse only in the presence of three judges and during the day as a convert, for it is a partial conversion.

12 When a servant is freed, he must immerse himself a second time in the presence of three men during the day, for through this act, his conversion is completed and [his status] becomes that of a Jew. It is not necessary for him to accept the mitzvot and [for the judges] to inform him of the fundamentals of the faith, for they already informed him when he immersed himself for the sake of servitude.

13 Converts, servants, and freed servants must be immersed in a *mikveh* that is acceptable for a *niddah* to immerse in. All of the substances that [disqualify her immersion because] they intervene [between the water and her flesh] disqualify the immersions, of converts, servants, and freed

servants.

14 One should not think that Samson who saved the Jewish people, and Solomon King of Israel, who is called "the friend of God," married gentile woman who did not convert. Instead, the matter can be explained as follows: The proper way of performing the mitzvah is when a male or a female prospective convert comes, we inspect his motives for conversion. Perhaps he is coming for the sake of financial gain, in order to receive a position of authority, or he desires to enter our faith because of fear. For a man, we check whether he focused his attention on a Jewish woman. For a woman, we check whether she focused her attention on a Jewish youth. If we find no ulterior motive, we inform them of the heaviness of the yoke of the Torah and the difficulty the common people have in observing it so that they will abandon [their desire]. If they accept [this introduction] and do not abandon their resolve and thus we see that they are motivated by love, we accept them, as [indicated by **Ruth 1:18**]: "And she saw that she was exerting herself to continue with her and she ceased speaking with her."

15 For this reason, the court did not accept converts throughout the reign of David and Solomon. In David's time, [they feared] that they sought to convert because of fear and in Solomon's time, [they feared] that they were motivated by the sovereignty, prosperity, and eminence which Israel enjoyed. [They refrained from accepting such converts, because] a gentile who seeks to convert because of the vanities of this [material] world is not a righteous convert.

Nevertheless, there were many people who converted in the presence of ordinary people during the era of David and Solomon. The Supreme *Sanhedrin* would view them with skepticism. Since they immersed themselves, they would not reject them, but they would not draw them close until they saw what the outcome would be.

16 Solomon converted women and married them and similarly, Samson converted [women] and married [them]. It is well known that they converted only because of an ulterior motive and that their conversion was not under the guidance of the court. Hence the Tanach considered it as if they were gentiles and remained forbidden. Moreover, their conduct ultimately revealed their initial intent. For they would worship their false deities and build platforms for them. Therefore the Scriptures considered it as if [Solomon] built them, as [**I Kings 11:7**] states: "And then, Solomon built a platform."

17 When a court did not check a [potential] converts background and did not inform him of the mitzvot and the punishment for [the failure to observe] the mitzvot and he circumcised himself and immersed in the presence of three ordinary people, he is a convert. Even if it is discovered that he converted for an ulterior motive, since he circumcised himself and converted, he has departed from the category of gentiles and we view him with skepticism until his righteousness is revealed.

Even if afterwards, [the convert] worships false deities, he is like an apostate Jew. [If he] consecrates [a woman,] the consecration is valid, and it is a mitzvah to return his lost object. For since he immersed himself he

became a Jew. For this reason, Samson and Solomon maintained their wives even though their inner feelings were revealed.

18 For this reason, our Sages said: "Converts are as difficult for the Jewish people to bear as a leprous blemish." For most converts convert for an ulterior motive and [later] cause Jews to stray. It is difficult to separate from them once they have converted. Look at what happened in the desert at the worship of the Golden Calf and *Kivrot HaTa'avah*. Similarly, most of [the complaints in the instances when] our people tried God were instigated by the mixed multitude.

Chapter 14

1 What is the procedure when accepting a righteous convert? When one of the gentiles comes to convert, we inspect his background. If an ulterior motive for conversion is not found, we ask him: "Why did you choose to convert? Don't you know that in the present era, the Jews are afflicted, crushed, subjugated, strained, and suffering comes upon them?" If he answers: "I know. Would it be that I be able to be part of them," we accept him immediately.

2 We inform him of the fundamentals of the faith, i.e., the unity of God and the prohibition against the worship of false deities. We elaborate on this matter. We inform him about some of the easy mitzvot and some of the more severe ones. We do not elaborate on this matter. We inform him of the transgression of [not leaving] *leket, shichachah, pe'ah,* and the

second tithe. And we inform him of the punishment given for [violating] the mitzvot.

What is implied? We tell him: "Before you came to our faith, if you partook of fat, you were not liable for your soul to be cut off. If you desecrated the Sabbath, you were not liable to be stoned to death. Now, after you convert, if you partake of fat, you are liable for your soul to be cut off. If you desecrate the Sabbath, you are liable to be stoned to death."

We do not teach him all the particulars lest this cause him concern and turn him away from a good path to a bad path. For at the outset, we draw a person forth with soft and appealing words, as [**Hoshea 11:4**] states: "With cords of man, I drew them forth," and then continues: "with bonds of love."

3 Just as he is informed of the punishment [for disobeying] the commandments; so, too, he is informed about the reward for [their observance]. We tell him that by observing these mitzvot, he will merit the life of the World to Come. For there is no completely righteous man other than a master of wisdom who observes these mitzvot and knows them.

4 We tell him: "Know that the World to Come is hidden away only for the righteous; they are the Jews. The fact that you see Israel suffering difficulty in this world [reflects] the good that is hidden away for them. For they cannot receive an abundance of good in this world as the gentiles do. For they hearts may become uplifted and they will err and lose the reward of the World to Come, as [**Deuteronomy 32:15**] states: "Jeshuron became fat

and rebelled."

5 The Holy One, blessed be He, does not bring upon them an abundance of retribution solely so that they will not perish. For all the other nations will perish and they will prevail. We elaborate on this concept to make them feel cherished. If [the prospective convert] retracts and does not want to accept [the mitzvot], he goes on his way. If he accepts [their observance], we do not have him wait, but instead circumcise him immediately. If he was circumcised, we draw the blood of circumcision from him. We wait until he heals entirely and then immerse him.

6 Three [judges] stand over him and inform him about some of the easy mitzvot and some of the more severe ones a second time while he stands in the water. If the convert was female, women position her in the water until her neck while the judges are outside. They inform her about some of the easy mitzvot and some of the more severe ones while she is sitting in the water. Then she immerses herself in their presence. Afterwards, they turn their faces away and depart so that they will not see her when she ascends from the water.

7 What is meant by a resident alien? A gentile who makes a commitment not to worship false deities and to observe the other [six] universal laws commanded to Noah's descendants. He does not circumcise himself or immerse. We accept this commitment and he is considered one of the pious gentiles.

Why is he called a resident? Because we are permitted to allow him to

dwell among us in *Eretz Yisrael*, as explained in *Hilchot Avodah Zarah*.

8 We accept resident aliens only during the era when the Jubilee year is observed. In the present era, even if a gentile makes a commitment to observe the entire Torah with the exception of one minor point, he is not accepted.

9 When a servant is purchased from the gentiles, we do not say: "Why did you choose to convert?" Instead, we say to him: "Do you desire to enter the category of Jewish servants and become one of the observant of them?" If he agrees, he is informed about the fundamentals of the faith, about some of the easy mitzvot and some of the more severe ones, and the punishments and rewards [associated with them] as we notify a convert. [Then] we immerse him as we immerse a convert and inform him [of the mitzvot] while he is in the water.

If he does not desire to accept [the status of a servant], we are patient with him for twelve months. Afterwards, we sell him to a gentile. It is forbidden to maintain him for a longer period. If at the outset, he established a condition that he would not be circumcised or immersed, but instead would be a resident alien, it is permissible to maintain him in that status. A servant may be maintained in this status only during the era when the Jubilee is observed.

10 The only sexual relations forbidden to a gentile are: his mother, his father's wife, his maternal sister, a married woman, a male, and an animal, as will be explained in *Hilchot Melachim UMilchomoteihem*. Other

relations forbidden the Jews are permitted to them.

11 When a gentile converts or a servant is freed, he is like a newborn baby. Any relatives whom he had as a gentile or a servant are no longer considered his relatives. If both he and they convert, he is not obligated for relations with any of them.

12 According to Scriptural Law, a convert may marry his mother or his maternal sister after they convert. Nevertheless, our Sages forbade this so that [the converts] will not say: "We came from a more severe level of holiness to a less severe one. Yesterday, this [relationship] was forbidden and today, it is permitted."

Similarly, when a convert engages in relations with his mother or his sister when they have not converted, it is considered as if he had relations with a woman with whom he was not related.

13 What is the law that applies to converts with regard to relations with their relatives. As we explained, if one was married while a gentile to his mother or his sister and they converted, we separate them as explained [above]. If he was married to any one of the other forbidden relations and he and his wife converted, they are not forced to separate.

A convert is forbidden to marry his maternal relatives after they convert according to Rabbinic Law. He may, however, marry his paternal relatives. [This applies] even when he certainly knows that these persons are his paternal relatives, for example, twins, in which instance it is clear that the father of one is the father of the other. Nevertheless, our Sages did not

enforce a decree with regard to one's paternal relatives.

Accordingly, a convert may marry the wife of his paternal brother, the wife of his father's brother, his father's wife, and his son's wife. [This applies] even if they married his brother, his father, his father's brother, or his son after they converted. Similarly, his mother's paternal sister, his paternal sister, and his daughter who converted are permitted to him. He may not, however, marry his maternal sister, his mother's maternal sister, nor a woman who married his maternal brother after he converted. If, however, a woman married his brother while he was a gentile, she is permitted to him.

14 When two twin brothers were not conceived in a state of holiness, but they were born in a state of holiness, each are liable [for relations with the other's wife] because of the prohibition against relations with a brother's wife.

15 When a man marries a female convert and her daughter who converted or two maternal sisters [who converted], he should remain married to one of them and divorce the other. If he married a female convert and she died, he is permitted to marry her mother or her daughter. For our Sages ordained their decree only during [the woman's] lifetime.

It is permissible for a man to marry two paternal sisters who converted, for our Sages did not ordain any decrees with regard to paternal relations, as explained.

16 [Our Sages] did not ordain any decrees with regard to *shniot* who convert.

Therefore a convert may marry his maternal grandmother. Similarly, a person may marry a convert and the mother of her maternal grandmother or her and the daughter of her daughter's daughter. Similar laws apply with regard to the remainder of the *shniot*.

17 A servant is permitted to marry his mother while he is a servant. Needless to say, this applies with regard to his daughter, his sister, or the like. [Since] he has already departed from the category of gentiles, the intimate relations forbidden to the gentiles are not forbidden to him. And [since] he has not entered the category of the Jewish people, the intimate relations that are forbidden to the converts are not yet forbidden to him.

18 It appears to me that if a servant engages in homosexual or Sodomite relations, they should be executed. For these two prohibitions are universally applicable.

19 Servants who are freed are like converts. All of the relationships forbidden to converts are forbidden to them and all those permitted to converts are permitted to them.

A person may give his maid-servant to his own servant or to a servant belonging to his colleague. At the outset, he may give one maid-servant to two servants. Nor must they follow any restrictions. Instead, they are like animals. There is no difference whether a maid-servant is set aside for a servant or not, for there is no concept of marriage except within the Jewish people or among gentiles themselves, but not among servants themselves or between servants and the Jewish people.

Chapter 15

1 What is meant by the Torah's prohibition against relations with a *mamzer*? [The term refers to a person conceived from] a forbidden sexual relationship. A *niddah* is an exception. A son conceived from such relationships is blemished, but is not a *mamzer*. When, however, a man enters into any other forbidden sexual relationships, whether through rape, or willingly, whether conscious of the prohibition or not, the offspring produced is a *mamzer*. Both male and female [*mamzerim*] are forbidden forever, as [**Deuteronomy 23:3**] states: "[A *mamzer* shall not enter God's congregation.] Also the tenth generation...," i.e., [the prohibition is] everlasting.

2 When a *mamzer* marries a Jewish women or a Jewish man marries a female *mamzer*, once they enter into relations after consecration, they are punished by lashes. If the man consecrates the woman, but does not enter into relations, he does not receive lashes. If they enter into relations without consecration, they do not receive lashes because of relations with a *mamzer*. For the only instance where relations that involve a negative prohibition incur the punishment of lashes without the woman being consecrated is relations between a High Priest and a widow, as will be explained.

When a man remarries his divorcee after she married another person, the offspring are acceptable. For she is not considered an *ervah*.

3 When a gentile or a servant enter into relations with a Jewish woman, the

child is acceptable. [This applies] whether the woman is unmarried or married, whether she was raped or engaged in relations willingly. When a gentile or a servant enter into relations with a female *mamzer*, the offspring is a *mamzer*. When a *mamzer* enters into relations with a female gentile, the offspring is a gentile. If [the child] converts, he is fit to marry within the Jewish people like other converts. If [a *mamzer*] enters into relations with a maid-servant, the offspring is a servant. If he is freed, the offspring is acceptable like other freed servants. He may marry a Jewish woman.

4 This is the general principle: When a child is born from a servant, a gentile, a maid-servant, or a female gentile, he is like his mother. We are not concerned with the father. For this reason, [the Sages] permitted a *mamzer* to marry a maid-servant to purify the lineage of his descendants. For he can free them and they will be free men. [Our Sages] did not ordain a decree forbidding a maid-servant to a *mamzer*, so that he can legitimize his sons.

5 When a person who is half a servant and half a freed man engages in relations with a married woman, a son born of that relationship has no way of legitimizing [his marriage relationships], because the dimension of him which is a *mamzer* and the dimension of him which is an acceptable Jew are intermingled. Therefore he is forbidden to engage in relations with a maid-servant. and his offspring share his status forever.

6 When a gentile engages in relations with a maid-servant who immersed

herself, the offspring are servants. When a servant who immersed himself engages in relations with a female gentile, the offspring are gentile. He is given his mother's status. When, however, a gentile engages relations with a gentile maid-servant or a gentile servant engages relations with a gentile woman, the status of the offspring follows that of the father.

7 A *mamzer* may marry a female convert and a female *mamzer* may marry a male convert, the offspring of both relationships are *mamzerim*. For the status of the offspring follows that of the blemished one. [The license for such a marriage is derived from] the verse: "[A *mamzer* shall not enter] God's congregation." The congregation of converts is not considered as "God's congregation."

8 When a female convert marries a male convert and gives birth to a son, he is permitted to marry a female *mamzer* even though he was both conceived and born in holiness. This also applies to the son of his grandson [- or any other descendant -] until his connection with conversion is forgotten and it is not known that he [descends from] converts. Afterwards, he will be forbidden to marry a female *mamzer*. Converts and freed servants are bound by the same laws.

9 When a convert marries a native-born Jewess or a native-born Jew marries a convert, the son is a Jew in all contexts and is forbidden to marry a female *mamzer*.

10 There are three categories of *mamzerim*: one that is definitely a *mamzer*, a *mamzer* whose status is a matter of doubt, and a *mamzer* by Rabbinic

decree. What is meant by one who is definitely a *mamzer*? The offspring of a relationship that is definitely incestuous or adulterous, as we explained.

A *mamzer* whose status is a matter of doubt is the offspring of a relationship that we are unsure whether it is adulterous or incestuous. For example, a man engaged in relations with a woman who was consecrated, but we are unsure if the consecration was effective, or who was divorced, but we are unsure whether the divorce was effective, or a similar situation.

A *mamzer* by Rabbinic decree: for example, a woman who heard that her husband died and remarried and then discovered that her husband was alive. Afterwards, her [first] husband engaged in relations with her while she was still married with her second husband, the offspring is a *mamzer* by Rabbinic decree.

11 When an unmarried woman becomes pregnant through a promiscuous relationship, we ask her: "What is [the status of] this fetus" or "...this child"? If she replies: "It is the child of a man of acceptable lineage; I entered into relations with an Israelite," her word is accepted and the son is acceptable. [This applies] even if most of the inhabitants of the city in which she engaged in relations are of unacceptable lineage.

12 If the child's mother was not questioned until she died, or she was a deaf-mute, mute, or intellectually or emotionally unstable, we consider the child as a *mamzer* whose status is questionable. [This ruling applies even] if she said: "I engaged in relations with so-and-so, the *mamzer*" or "...with so-and-so, the *netin*." Even if that person agrees with her statement, [the

child's status is only doubtful. The rationale is:] Just as she engaged in relations with the person who admitted to her statement; so, too, she engaged in relations with others.

This [child] is called a *shituki*. He knows the identity of his mother, but does not definitely know the identity of his father.

13 Similarly, a child that is found in the marketplace - he is called an *asufi* - is considered as a *mamzer* whose status is questionable. for we do not know his [lineage].

14 [The following rules apply when] an unmarried woman engages in promiscuous relations says: "This child is the son of so-and-so." If that person is of acceptable lineage, the son is considered acceptable. Nevertheless, her word is not accepted for the child to be considered as the man's son. It appears to me, however, that we give consideration to her words and because of the doubt, that child is forbidden to marry the relatives of the [named] person.

If the [named] person is a *mamzer*, we do not accept her word to definitely deem the offspring as a *mamzer* on this basis, as we explained. Instead, we consider the child as a *mamzer* whose status is questionable.

15 [Different laws apply with regard to] a father who [makes statements with regard to] a child who is presumed to be his son. If he says: "This son of mine is a *mamzer*," his word is accepted. If the son himself has children, his word is not accepted. For the Torah accepted his word with regard to his son alone. [This is derived from **Deuteronomy 21:17**:] "He will

recognize the firstborn, the son of the hated." [Implied is that] he makes his identity known to others.

16 Just as a father's word is accepted when he says: "This son of mine is my firstborn," so, too, his word is accepted if he says: "This son of mine is a *mamzer*," or "...the son of a divorced woman" or "...the son of a woman who performed *chalitzah*." Similarly, if his wife was pregnant, his word is accepted if he says: "This fetus is not my child. It is a *mamzer*." The child is definitely deemed as a *mamzer*.

If a person says that he himself is a *mamzer*, his word is accepted with regard to the prohibition against him marrying a native-born Jewess. He is, however, forbidden to marry a female *mamzer* until it is definitely known that he is a *mamzer*. The same laws apply to his son. If he has grandchildren, his word is not accepted with regard to the disqualification of his grandchildren. He can disqualify only himself.

17 [The following laws apply when] a woman who was consecrated becomes pregnant in her father's home. The offspring is assumed to be a *mamzer*. He is forbidden to marry both a native-born Jewess and a female *mamzer*.

If his mother was questioned and said: "I became pregnant from the man who consecrated me," her word is accepted and the child is considered acceptable. If, however, that man contravenes her and says: "I never engaged in relations with her," the child is considered a *mamzer*. For even if the child was assumed to be his son, his word is accepted if he says: "My son is a *mamzer*."

[Even in the latter situation,] the woman is not assumed to be a *zonah*.

Instead, her word is accepted if she says: "I engaged in relations with the man who consecrated me." [Since] she is not a *zonah*, if she married a priest, she need not be divorced and offspring which she bears him are acceptable [as priests].

18 If people at large gossip about her while she is consecrated, [saying that] she was promiscuous with the man to whom she was consecrated and with others, the child is a *mamzer* whose status is questionable. [This applies] even if the man to whom she was consecrated was intimate with her in her father's home. For just as she acted loosely with the man to whom she was consecrated, she could have acted loosely with others. If she was questioned and said: "This fetus was conceived by the man to whom I am consecrated," the child is acceptable as explained [above].

19 When a married woman is pregnant and says: "This fetus is not my husband's," her word is not accepted to render the child illegitimate. [Instead,] we assume that the child is acceptable. For the Torah accepted only the word of the father. If the father says that it is not his son or he is overseas, we assume that the son is a *mamzer*.

If the woman said: "I was impregnated by a gentile," or "...by a servant," the child is acceptable. For the husband cannot deny her words. A fetus will not remain in its mother's womb for more than twelve months.

20 Although there is a rumor circulating to the fact that a woman has committed adultery and everyone is gossiping about her, we do not suspect that her children are *mamzerim*. [The rationale is that] the person

who most frequently has relations with her is her husband. It is permitted to marry her daughter, even as an initial and preferred option. With regard to her own status, we suspect that she is a *zonah*. If her conduct was very lewd, we also suspect the lineage of her children.

21 According to Scriptural Law, a person suspected of being a *mamzer* is permitted to marry among the Jewish people. [**Deuteronomy 23:3**] states: "A *mamzer* shall not enter God's congregation." [Implied is that] one who is definitively a *mamzer* may not marry among the Jewish people, not one whose status is questionable. Nevertheless, our Sages raised the level [of purity required] with regard to lineage and forbade those of questionable status from marrying among the Jewish people.
Accordingly, a male and a female who are definitely *mamzerim* may marry. A *mamzer* whose status is a matter of doubt, a *shituki*, or an *asufi* are forbidden to marry native-born Jewesses.

22 [A man of the latter status] is forbidden to marry a female *mamzer*. Even a female *mamzer* whose status is questionable is forbidden to him. For perhaps one of them is not a *mamzer*, but the other is definitely a *mamzer*. A *mamzer* by Rabbinic decree may marry a female *mamzer* by Rabbinic decree. Similarly, in any other instances [where a person is forbidden to marry] because of a doubt, one person of this status may not marry another.

23 What is implied? *Shitukim, asufim*, and those whose status as *mamzerim* is indefinite are forbidden to marry each other. If they married, the union

may not be maintained. Instead, they must divorce with a formal bill of divorce. The offspring of such relationships are [*mamzerim* of] indefinite status like their parents.

Individuals of indefinite status like this have no option except to marry converts. The status of their offspring follows their blemish.

24 What is implied? When a *shituki* or an *asufi* marries a female convert or a freed maid-servant, a convert, or a freed servant marries a female *shituki* or *asufi*, the offspring are *shitukim* or *asufim*.

25 When an *asufi* is found in a city inhabited by gentiles, whether the majority are gentiles or the majority are Jews, the child is considered as a gentile of indefinite status with regard to his lineage. If he consecrates a woman, she needs a bill of divorce because of the doubt. If someone kills him, he is not executed for doing so.

26 If the court had him immersed for the sake of conversion or he immersed on his own initiative after he attained majority, his status is the same as any *asufi* that is found in Jewish cities.

If the majority of the inhabitants of the city are gentile, it is permitted to feed him meat from animals that were not ritually slaughtered. If the majority were Jewish, we return his lost articles as is the law with regard to Jews. If the populations are equally balanced, it is a mitzvah to maintain his life and we remove an avalanche from him on the Sabbath. With regard to damages, we follow the same principle that applies in all cases of doubt in financial law: When a person who seeks to expropriate [money]

from a colleague, the burden of proof is upon him.

27 It appears to me that whenever there is a gentile woman or a maid-servant who is fit to give birth in a city, since an *asufi* that is discovered there is considered to possibly have the status of a gentile or a servant, if he marries a female convert as we stated, there is a doubt whether his wife is a married woman. One who enters into relations with her is not liable, because we do not execute individuals when there is a doubt involved.
Similarly, it appears to me that when a *shituki* marries a woman who could be forbidden to him as an *ervah*, there is a doubt whether she is a married woman, for consecration is not effective with regard to the *ariot*.

28 What is meant by "a woman who could be forbidden to him as an *ervah*"? Any woman whose father or brother was alive when his mother became pregnant or any woman who was divorced or widowed. For it is possible that she is his father's wife or the wife of his father's brother.

29 What is the source on which I rely to say that a *shituki* or an *asufi* are not forbidden to marry any woman who could be forbidden to him as an *ervah*? For an acceptable child whose mother was questioned is not forbidden to marry any woman who could be forbidden to him as an *ervah*. And it is written in the Torah [**Leviticus 19:29**]: "Do not desecrate your daughter to have her act promiscuously." [Commenting on this verse,] our Sages state: If this would happen, a father will marry his daughter and a brother will marry his sister.
If the law was that anyone who does not definitely know the identity of

his father would be forbidden to marry any woman who could be forbidden to him as an *ervah*, this situation could not arise and the earth would never become filled with incestuous relations. From this, we learn that we do not forbid *ariot* and consider them as relatives because of the doubt unless we definitely know that she is forbidden to him as an *ervah*. For were we to say this, all of the orphans in the world who did not know their fathers would be forbidden to marry in all situations lest they encounter a forbidden relationship.

30 When a child was abandoned on the road and afterwards, one came and said: "He is my son and I abandoned him," his word is accepted. Similarly, the mother's word is accepted. If the child was taken in from the marketplace and afterwards, his father and mother came and said: "This is our son," their word is not accepted. [The rationale is that] he has already been categorized as an *asufi*.

In the years of famine, their word is accepted. It is because of the famine that they abandoned him, for they desire that others sustain them. Therefore they remained silent until the child was gathered in.

31 If the child was found circumcised, bundled, salted, blue eye-paint was applied to his eyes, an amulet was placed around his neck, it was placed under a interwoven tree that a wild beast could not enter and was close to the city, or it was found in a synagogue near the public domain or at the side of the public domain, the laws pertaining to an *asufi* do not apply. Since [the parents] are protecting the child so that it does not die, we can assume that it is acceptable.

If, however, it is abandoned in the midst of the road or far away from a city, even under a tree, or in a synagogue, or it is found hanging in a place accessible by a wild beast, it is considered as an *asufi*.

32 A mid-wife's word is accepted if she states: "This child is a priest," "...a Levite," "...a *netin*," or "...a *mamzer*," because the child's lineage has not been established and is not known.

When does the above apply? When her faithfulness has been established and an objection is not raised against her. If, however, an objection was raised against her and one person said: "She is testifying falsely," her word is not accepted. The child is considered as acceptable, but is not considered as [a priest or Levite].

33 It is a clear matter that a *shituki* is forbidden to marry a *shituki* and an *asufi* is forbidden to marry an *asufi*, because their status is doubtful. Nevertheless, even *mamzerim* of a definite status and *netinim* may intermarry. The offspring is a *mamzer*. A *shituki* or an *asufi* are permitted to marry *netinim* and other converts. The offspring is considered as [a *mamzer*] of doubtful status.

Chapter 16

1 A man with maimed testicles or a severed member who married a native-born Jewess and engaged in sexual relations is punished by lashes, as [**Deuteronomy 23:2**] states: "A person with maimed testicles or a severed member may not enter the congregation of God."

Such a man may marry a female convert or a freed maid-servant. Even a priest with maimed testicles may marry a female convert or a freed maid-servant, because the holiness [of the priesthood] does not rest upon him. He is permitted to marry even a female *netin* or a woman whose status is in doubt.

2 Since a man with a maimed organ is forbidden to marry among the Jewish people, [our Sages] did not decree against his marrying a female *netin* or a woman whose status is in doubt. A man with maimed testicles or a severed member is, however, forbidden to [marry] a female *mamzer* whose status is definite, because this prohibition is of Scriptural origin.

3 What is meant by maimed testicles? Anyone whose testicles have been wounded. What is meant by a severed member? Anyone whose shaft has been cut off.

There are three organs to which wounds can disqualify a male: the shaft, the testicles, and the tract in which the semen develops. If one of these three was wounded or crushed, the man is disqualifed.

4 What is implied? If the shaft is wounded, crushed, or cut off from the corona or above the corona, he is disqualified. If a portion at the top of the corona is cut off, but even a hairsbreadth [of the corona] remains which surrounds the entire shaft, he is acceptable. If the shaft was cut like a pen is sharpened or like a funnel above the corona, he is acceptable.

5 If the shaft is perforated below the corona, he is acceptable. [The following rules apply if] the corona itself is perforated. If when the person

ejaculates, semen emerges from the hole, he is unacceptable. If the hole becomes closed, he returns to acceptable status. If the shaft is perforated below the corona when the portion above is in the midst of corona, he is disqualified. For the entire corona must be intact [for the person to be acceptable].

6 If the seminal tract becomes obstructed and the semen emerges from the urinary tract, he is unacceptable.

7 If both or one of the testicles were severed, wounded, or crushed or one was lacking or pierced by a hole, he is unacceptable. If both or one of the seminal tracts are severed, crushed, or wounded, he is unacceptable.

8 If one of the seminal tracts was perforated into the urinary tract and the person urinates from two sources - the seminal tract and the urinary tract - he is acceptable.

9 Whenever we have used the term "unacceptable" in this context, the implication is that [the malady] was not caused by the hand of heaven, e.g., [his testicles] were severed by a man or a dog, he was struck by a sharp end, or the like. If, however, he was born with maimed testicles or a severed member, or without testicles, he became ill because of a bodily ailment and these organs ceased to function, or an ulcer arose in them that caused them to waste away or be severed, he is permitted to marry among the Jewish people. For all of these blemishes are caused by the hand of heaven.

10 It is forbidden to destroy a male's reproductive organs. This applies to humans and also to animals, beasts, and fowl, both from a kosher species and from a non-kosher species, in *Eretz Yisrael* and in the Diaspora. Although [**Leviticus 22:24**] states: "And you shall not do this in your land," According to the Oral Tradition, we learned that this [prohibition] is applicable in every place. The verse teaches that one should not act in this manner among the Jewish people, not with their own bodies, nor with the bodies of others.

Whoever castrates [a person or an animal] should be lashed according to Scriptural Law everywhere. Even a person who castrates a person who has been castrated should be lashed.

11 What is implied? One came and severed a person's member, another cut off or pulled away his testicles and a third cut his seminal tract; all receive lashes. Similarly, if one crushed a person's member, another pulled it away, and a third cut it off, all receive lashes. [This applies] although the last person castrated a person - or an animal, beast, or fowl - who had already been castrated.

A person who castrates a female - whether a human or other species - is not liable.

12 It is forbidden to have a man or a male of another species drink a potion that causes him to lose his sexual potency. Lashes are not given, however. A woman is permitted to drink a potion to cause her to lose her sexual potency so that she will not conceive.

If a person bound a man and set a dog or other animal upon him until his

sexual organs were maimed or he made him sit in water or snow until his sexual organs lost their potency, he is not given lashes unless he castrates him by hand. It is, however, fitting to subject him to stripes for rebellious conduct.

13 It is forbidden to tell a gentile to castrate one of our animals. If the gentile took the animal and castrated it on his own initiative, it is permitted. If a Jew acts deceitfully in this context, he should be punished and required to sell the animal to another Jew. He may [sell it] to his son who is past majority, but not to his son who is below majority, nor may he give it to him.

Chapter 17

1 There are three women who are forbidden to all priests [by Scriptural Law]: a divorcee, a *zonah*, and a *challalah*. There are four [forbidden to] a High Priest. These three and a widow.

Bound by [the prohibitions applying to a High Priest] are one anointed with the oil of anointment or one who assumed his position by wearing the additional garments, one serving in that capacity, a High Priest who was appointed and then removed from the office, and a priest anointed to lead a war. All of these are commanded [to marry] a virgin and are forbidden to marry a widow.

2 Any priest who marries one of these three women - whether a High Priest or an ordinary priest - and engages in relations is punished by lashes. If he

enters into promiscuous relations with her, he does not receive lashes for [violating the prohibitions against] a *zonah*, a divorcee, and a *challalah*. [This is derived from the fact that **Leviticus 21:7** states the prohibition using the term:] "They shall not take." [Implied is that the prohibition does not apply] unless he takes - marries - [the woman] and enters into relations with her.

3 When, by contrast, a High Priest enters into relations with a widow, he receives lashes even though he did not consecrate her. [This is derived from *ibid.*:15 which states]: "And he shall not desecrate...." As soon as he engages in relations with her, he desecrates her and disqualifies her from the priesthood. A *zonah*, *challalah*, and divorcee, by contrast, are disqualified from the priesthood before one enters into relations with them. Therefore a High Priest alone receives lashes for merely entering into relations with a widow even though she was not consecrated. For he desecrates her and he is warned against desecrating people of acceptable lineage, [other] women and his offspring.

4 When a High Priest consecrates a widow and enters into relations with her, he receives two sets of lashes: one because of the prohibition: "He shall not take a widow," and one because of the prohibition: "He shall not desecrate." Whether a High Priest or an ordinary priest marries one of these four, but does not engage in relations, he does not receive lashes.

5 Whenever [the priest] receives lashes, the woman [with whom he engages in relations] is given lashes. Whenever he does not receive lashes, she does

not receive lashes. For there is no difference between a man and a woman with regard to punishments with the exception of a designated maidservant as explained.

6 Any priest - whether a High Priest or an ordinary priest - who enters into relations with a gentile woman receives lashes for relations with a *zonah*. [There is a difference between her and a Jewish woman,] because she cannot be consecrated. He is forbidden to enter into relations with any *zonah*, whether a Jewess or a gentile.

7 A woman who has undergone the rite of *chalitzah* (a *chalutzah*) is forbidden to a priest according to the Rabbinic tradition, for she resembles a divorcee. [If he engages in relations with such a woman,] he is given "stripes for rebellious conduct."

When a priest marries a woman whose status as a *chalutzah* is doubtful, he is not compelled to divorce her. She is acceptable and her child is acceptable. For our Sages did not decree against a woman whose status as a *chalutzah* is doubtful, only against one who is definitely in that category. When it is questionable if a woman is a divorcee, a widow, a *zonah*, or a *challalah*, [a priest who marries her] is given "stripes for rebellious conduct" and required to divorce her with a *get*.

8 There is a major general principle that applies with regard to all of the Torah's prohibitions. One prohibition does not take effect when another prohibition is in effect unless:

a) both of the prohibitions take effect at the same time;

b) the latter prohibition forbids additional entities besides [the entity that was originally] prohibited;
c) when the scope of the [latter] prohibition encompasses other entities together with [the entity that was originally] prohibited.

9 Accordingly, When a woman was a widow and then she became a divorcee, and then she became a *challalah*, and then she became a *zonah*, should a High Priest engage in relations with her afterwards, he receives four sets of lashes for engaging in relations once. For a widow is forbidden to a High Priest, but permitted to an ordinary priest.

10 When she becomes a divorcee, she becomes forbidden by an additional prohibition [for] she is also forbidden to an ordinary priest. Therefore, [even for the High Priest,] another prohibition aside from that against relations with a widow is added to her. She is, nevertheless, still permitted to partake of *terumah*. If she becomes a *challalah*, another prohibition is added to her, for she is forbidden to partake of *terumah*. She is, nevertheless, still permitted to marry an Israelite.
If she becomes a *zonah*, another prohibition is added to her, since there is a type of promiscuous relations that would cause her to be forbidden to an Israelite, e.g., a married woman engaged in adultery voluntarily.
The same principle applies to an ordinary priest who engaged in relations with a divorcee who became a *challalah* and then a *zonah*. He receives three sets of lashes for engaging in relations once. If this order is altered, she only receives one set of lashes.

11 When a woman is widowed from several men or divorced from several men, [a High Priest or a priest] receive only one set of lashes for each time they engage in relations. A woman is forbidden as a widow whether she was widowed after [only] consecration or after marriage.

12 When the brother of a High Priest dies, even if the deceased had [merely] consecrated his wife, [the High Priest] should not perform the rite of *yibbum*. Instead, he should perform *chalitzah*.

If a woman became his *yevamah* while he was an ordinary priest and he was then appointed as the High Priest, he should not perform *yibbum* once he has been appointed. [This applies] even if he already gave his word [that he would marry] her while he was an ordinary priest. If, however, he consecrated a widow and was then appointed as a High Priest, he should marry her.

If she was consecrated, but the status of the consecration was questionable and then the person who consecrated her died, she is considered a widow of questionable status.

13 It is a positive commandment for a High Priest to marry a virgin maiden. When she reaches the age of maturity, she becomes forbidden to him, as [**Leviticus 21:13**] states: "He shall marry a virgin woman." "Woman" implies that she is not a minor. "Virgin" implies that she has not reached maturity. What is implied? She has departed from the category of a minor, but has not fully reached maturity, i.e., a maiden. He may never be married to two women at the same time. [This is derived from the singular form of the term] "woman," i.e., one, but not two.

14 A High Priest may not marry a woman who has lost her virginity even if she never engaged in relations. If she engaged in anal intercourse, it is as if she engaged in vaginal intercourse. If she engaged in [anal] intercourse with an animal, she is permitted.

15 A High Priest who married a woman who had engaged in relations previously is not punished by lashes. He must, however, divorce her with a *get*. If he married a woman past the age of maturity or one who lost her virginity for reasons other than relations, he may remain married to her.
If he consecrated a woman who had previously engaged in relations and then he was appointed as the High Priest, he may marry her after his appointment.

16 If he raped or seduced a virgin maiden, he may not marry her. [This applies] even if he raped or seduced her while he was an ordinary priest and was appointed as the High Priest before he married her. If he married her, he must divorce her.

17 If he consecrates a girl while she was a minor and she reaches full maturity while [consecrated] to him before he marries her, he should not marry her. [The rationale is that] her body underwent a change. If he married her, he need not divorce her.

18 [The prohibition against marrying a divorcee applies] whether she was divorced after consecration or after marriage. If, however, a girl is released from marriage through the rite of *mi'un*, she is permitted to a priest, as we explained in *Hilchot Gerushin*. [This applies even if] her husband first

divorced her with a *get*, then remarried her, and then she was released through *mi'un*.

Any woman who is not fit to perform the rite of *chalitzah*, but nevertheless performs it is not disqualified from [marrying] a priest.

19 [The following rules apply if] a rumor begins to circulate: "So-and-so, the priest wrote..." or "...gave a *get* for his wife," and she lives with him and serves him. She is not forced to be divorced from her husband. If she married another priest, she should be forced to be divorced.

20 If a rumor circulated in a city that a woman was consecrated and then divorced after consecration, her [status] becomes suspect, as explained in *Hilchot Gerushin*. If, however, a rumor is circulated that she is a *chalutzah*, her [status] does not become suspect.

21 If a rumor is circulated that a virgin has engaged in relation, her [status] does not become suspect and she may marry a High Priest. If a rumor is circulated that she is a maid-servant, her [status] does not become suspect and she may marry a priest.

If a rumor circulates in a city that she is acting promiscuously, her [status] does not become suspect. Even if her husband separated from her because she violated [the practices of modesty required by] the Jewish faith or because [of the testimony] of witnesses [concerning] unseemly conduct, but he died before giving her a *get*, she is permitted [to marry] a priest. For a woman like the above should not be forbidden [to a priest] unless there is definite testimony [that she acted promiscuously] or she admits

[doing so] herself.

Chapter 18

1 Based on the Oral Tradition, we learned that the term *zonah* used by the Torah refers to one who is not a nativeborn Jewess, a Jewish woman who engaged in relations with a man she was forbidden to marry, violating a prohibition that is universally applicable, or a woman who engaged in relations with a *challal* even though she is permitted to marry him.
Accordingly, a woman who engages in relations with an animal, even though she is liable for execution by stoning is not deemed as a *zonah*, nor is she disqualified from marrying into the priesthood, for she did not engage in relations with a man. [Similarly, when] a man engages in relations with a woman in the *niddah* state even though she is liable for *kerait*, she is not deemed as a *zonah*, nor is she disqualified from marrying into the priesthood, for she is not forbidden to marry him.

2 Whenever a person has relations with an unmarried woman, even if she is a harlot who wantonly makes herself available to everyone, although she is liable for lashes, she is not deemed as a *zonah*, nor is she disqualified from [marrying] into the priesthood. For she is not forbidden to marry [the people with whom she engaged in relations].
[When, by contrast, a woman] engages in relations with a man with whom relations are forbidden by a negative commandment that is universally applicable - the transgression is not specific to priests - or with whom they are forbidden by a positive commandment, she is forbidden to

marry him, she is a *zonah*. Needless to say, [this applies if she engages in relations with a man] who is forbidden to her as an *ervah*, a gentile, or a servant.

3 Similarly, a female convert or a freed [maid-servant] - even if she was converted or freed when she was less than three years old - since she is not a native-born Jewess, she is deemed a *zonah* and is forbidden to [marry] a priest.

On this basis, [our Sages said: A woman who has relations with] a gentile, a *netin*, a *mamzer*, an Ammonite or Moabite convert, a first- or second-generation Egyptian or Edomite convert, a man with maimed testicles or a severed member, or a *challal* who has relations with a [nativeborn] Jewess causes her to be considered as a *zonah* and to be forbidden to [marry into] the priesthood. If she was a priest's daughter, she is disqualified from [partaking of] *terumah*. Similarly, a *yevamah* who engaged relations with a man other than her *yevam* becomes a *zonah*.

An *aylonit* is permitted to [marry] a priest. She is not a *zonah*.

4 When a man engages in relations with one of the *shniot* or the like, e.g., a man who engages in relations with a relative of the woman with whom he performed *chalitzah* or with the woman with whom he performed *chalitzah*, he does not cause her to be deemed a *zonah*. For she is not forbidden to him according to Scriptural Law, as we explained in *Hilchot Yibbum*.

5 We thus learned that a woman's being deemed as a *zonah* is not

dependent on her engaging in forbidden relations, for when a man engages in relations with a *niddah* or a harlot or when a woman engages in relations with an animal, the woman has engaged in forbidden relations and yet she is not deemed a *zonah*. When, by contrast, [a woman] marries a *challal*, she engages in relations that are permitted, as will be explained, and yet she is deemed a *zonah*. Thus the matter is dependent on the spiritual blemish alone. According to the Oral Tradition, we learned that the spiritual blemish comes only from a man who is forbidden to her or a *challal*, as we explained.

6 Whenever a woman engages in relations that cause her to be deemed a *zonah*, she becomes disqualified as soon as the man's organ enters her whether she engages in relations against her will or willingly, whether in conscious violation or inadvertently, whether through vaginal or anal intercourse. [This applies] provided she is at least three years old and the man with whom she engages in relations is nine years old or more. Therefore when a married woman engages in adultery, whether against her will or willingly, she is disqualified from [marrying into] the priesthood.

7 When the wife of a priest is raped, [if her husband engages in relations with her afterwards,] he is punished by lashes because of her defilement. [This is derived from **Deuteronomy 24:4**]: "Her first husband who sent her away cannot return and take her as a wife after she has been defiled." All [women] were governed by the general principle: If they engaged in [adulterous] relations, they are forbidden to their husbands. The Torah

singles out an exception: the wife of an Israelite who was raped. She is permitted to her husband, as [implied by **Numbers 5:13**]: "And she was not seized." The wife of a priest remains forbidden, because she is a *zonah*.

8 When the wife of an Israelite is raped, although she is permitted to her husband, she is forbidden to [marry into] the prietshood.

When the wife of a priest tells her husband: "I was raped or inadvertently, I engaged in relations with another man," or one witness testifies against her that she committed adultery whether willingly or unwillingly, she is not forbidden to him. [The rationale is that we suspect] that perhaps she set her eyes on another [man]. If he considers her as trustworthy, or he considers the witness as trustworthy and he accepts his word, he should divorce her so that there is no doubt regarding the matter.

9 Although the wife of a priest who tells her husband: "I was raped," is permitted to her husband as explained, she is forbidden to any other priest after her husband dies. For she has acknowledged that she is a *zonah* and caused herself to be forbidden, making herself a prohibited entity.

10 When a priest consecrates a woman, whether a minor or past majority, and afterwards engages in relations with her and claims that she had engaged in relations previously, she is forbidden to him because of the doubt involved: perhaps she engaged in relations before she was consecrated or perhaps it was afterwards. When, by contrast, an Israelite makes such a claim, there are two doubts involved: Maybe [the forbidden relations] preceded the consecration or maybe they came afterwards. Even

if we say that they came afterwards, maybe she was raped or maybe she participated willingly. For a raped woman is permitted to an Israelite, as we explained.

11 Therefore if a girl's father consecrated her to an Israelite when she was less than three years old and [when they married, the Israelite] claimed that he discovered that she had engaged in relations previously, she is forbidden to him because of the doubt. For there is only one doubt involved: Maybe the relations were against her will or maybe she engaged willingly. When there is a doubt concerning a Scriptural prohibition involved, [we rule] stringently.

12 Any woman who was given [a *sotah*] warning by her husband, entered into privacy [with the man she was warned against], but did not drink the *sotah* waters is forbidden to [marry] a priest, because there is an unresolved question whether or not she is a *zonah*. [This applies] whether she did not wish to drink [the waters], her husband did not wish to compel her to drink the waters, there was testimony that prevented her from drinking, the warning was delivered by the court, or she was one of the woman who is not fit to drink. Whatever the reason that she did not drink, she is forbidden to [marry into] the priesthood because of the doubt [that has been created].

13 [The following rules apply if we] saw that an unmarried woman engaged in relations with a man who then departed. She is asked: "Who is the man with whom you engaged in relations?" If she says, "He is an acceptable

man," her word is accepted. Moreover, even if we see that she is pregnant and we ask her: "From whom did you conceive?" and she says, "From an acceptable man," her word is accepted and she is permitted [to marry] a priest.

14 When does the above apply? When the place where she engaged in relations was on a thoroughfare or in a carriage in the fields where everyone passes by, and most of the passersby are acceptable and most of the inhabitants of the city from which these passersby departed are acceptable. [The rationale for this stringency is that] our Sages elevated the standards required with regard to lineage and required two majorities. If, by contrast, most of the people passing by would disqualify her, e.g., they were gentiles, *mamzerim*, or the like, even if most of the inhabitants of the city from which they came were acceptable, we are suspect regarding her [status]. Perhaps she engaged in relations with a person who would disqualify her. Hence, the initial and preferred option is for her not to marry a priest. If she marries one, she need not divorce. [This ruling also applies] if most of the inhabitants of the locale were unacceptable even though most of the passersby were acceptable.

15 If we saw that she engaged in relations in a city or she became pregnant in a city, [more stringent rules apply]. Even if there was only one gentile, *challal*, servant, or the like dwelling in the city, the initial and preferred option is that she not marry a priest. [The rationale is that] whenever entities are in their permanent locale, [probability is not taken into consideration. Instead, all doubts] are considered as equally balanced. If

she already married [a priest], she need not be divorced because she says: "I engaged in relations with an acceptable man."

16 When a woman is dumb, deaf, she says: "I don't know the identity of the man with whom I engaged in relations," or she was a minor that cannot differentiate between a man who is acceptable and one who is not, she is considered as a *zonah* of questionable status. [After the fact,] if she married a priest, she must be divorced unless there is a twofold majority of men with whom she could have engaged in relations that are acceptable.

17 When a woman taken captive is redeemed and she is three years old or more, she is forbidden to [marry] a priest, because there is a question whether she is a *zonah*. Perhaps a gentile engaged in relations with her.
If there is a witness that a gentile did not enter into seclusion with her, she is acceptable to the priesthood. Even a servant, a maid-servant, or a relative is acceptable with regard to this testimony. [Moreover,] when two women who were taken captive give testimony on behalf of each other, their word is accepted. [The rationale is] that all the prohibitions involving questionable situations are of Rabbinic origin. Therefore they ruled leniently with regard to a woman taken captive.

18 Similarly, a minor who states [that a woman was not touched by her captors] in the course of conversation. An incident occurred with regard to a child who was captured together with his mother. In the course of conversation, he said: "My mother and I were captured by the gentiles. When I went out to draw water from the well, I was thinking about my

mother. [When I went] to gather wood, I was thinking about my mother." Our Sages [permitted] her to marry a priest because of his words.

19 A husband's word is not accepted if he testifies that his wife who was taken captive was not defiled. Similarly, her maid-servant may not testify on her behalf. A maid-servant belonging to her husband, however, may testify on her behalf. And statements made by her maid-servant in the midst of conversation are accepted.

20 When a priest testifies that a woman who had been taken captive is pure, he may not marry her. [We suspect that] he focused his attention on her. If he redeemed her and testified on her behalf, he may marry her, for if he did not know that she was pure, he would not have paid money on her behalf.

21 When a woman says: "I was taken captive, but I am pure," her word is accepted. [The rationale is] that the mouth that forbid her granted her license. [This applies] even if there is one witness who testifies that she was taken captive. If, however, there are two witnesses who testify that she was taken captive, her word is not accepted unless one person testifies that she is pure.

If there were two witnesses who testified that she was taken captive, one witness who testifies that she was defiled and another who contradicts his statements and testifies that she is pure and that a gentile did not enter into seclusion with her until she was redeemed, she is permitted. [This

applies] even if the one who testifies that she is pure is a woman or a maid-servant.

22 When a woman stated: "I was taken captive, but I am pure," and a court granted her license to marry [a priest], she may marry [one] as an initial and preferred option. Her license is not revoked [even if] afterwards two witnesses come and testify that she was taken captive. Even if her captor enters afterwards and we see that she is a captive under his dominion, her license [to marry a priest] is not revoked. We provide her with protection until she is redeemed.

23 If two witnesses came and stated that [a woman] was defiled, even if she had married and even if she bore children [to her husband, the priest], she must be divorced. If one witness came and testified [that she was defiled], his testimony is of no consequence.

If the woman says, "I was taken captive, but I am pure, and I have witnesses that I am pure," we do not say: "Let us wait until the witnesses come." Instead, we grant her license [to marry into the priesthood] immediately. Moreover, even if a rumor is circulated that there are witnesses that she was defiled, we grant her license [to marry into the priesthood] until the witnesses come. [The rationale is that] we are lenient with regard to a woman taken captive.

24 When a father states: "I consecrated my daughter and I had her divorced," [as long as] she is a minor," his word is accepted. "I consecrated my daughter and I had her divorced while she was a minor," when she is past

majority, his word is not accepted with regard to her being considered as a divorcee.

[When he says,] "She was held captive and I redeemed her," his word is not accepted whether she is a minor or past majority. For the Torah deems him trustworthy only with regard to having her forbidden because of marriage, for it is written [**Deuteronomy 22:16**]: "I gave my daughter to this man," but not to have her disqualified as a *zonah*.

25 When the wife of a priest is forbidden to him because she was taken captive, [we grant a leniency]. Since [the prohibition was instituted because] of a doubt, she is permitted to dwell together with him in the same courtyard, provided his children and the members of his household will always be there to watch him.

26 [The following laws apply when] a city was held under siege and conquered. If the gentiles surrounded the city from all sides so that it was impossible for [even] one woman to escape without being seen and placed under their dominion, all of the women in [the city] are forbidden [to marry into] the priesthood. They are considered as if they were held captive for perhaps they were raped by gentiles. [The only exception] are those less than three years old as explained.

27 If it was possible for one of the woman to escape without being detected or there was one hiding place in the city - even if it could hold only one woman - it saves all [the women from being deemed forbidden].

28 How does it save [the women from being deemed forbidden]? The word

of every woman who claims "I am pure" is accepted. Since she could have said: "I escaped when the city was conquered," or "I was in a hiding place and I was saved," her word is accepted if she says: "I did not escape, nor did I hide, but I was not defiled."

29 When does the above apply? With regard to a battalion from that country who settle in the city and are not afraid. Therefore we fear that they raped the women. With regard to a battalion from another country, which swept through the city, pillaged and passed on, the women are not forbidden. [The rationale is that] they do not have time to rape, because they are busy gathering spoil and fleeing. If, however, they took the women captive and they were under their dominion, they are forbidden [to the priesthood] even though Jews pursue [the battalion] and rescued [the women] from them.

30 When a woman was imprisoned because of financial matters, she is permitted [to marry into the priesthood]. When she is imprisoned with regard to matters involving capital punishment, she is forbidden to the priesthood. Therefore if her husband is a priest, she is forbidden to him.
When does the above apply? When the Jews have power over the gentiles and they are afraid of them. When, by contrast, the gentiles are in power, even when a woman is imprisoned because of financial matters, she is forbidden since she was taken under the dominion of the gentiles unless there is a witness who testifies on her behalf as is the law regarding a woman taken captive, as explained above.

Chapter 19

1 What is meant by a *challalah*? [A woman] born from [relations] forbidden to the priesthood. Similarly, any woman who is forbidden to the priesthood who engaged in relations with a priest becomes a *challalah*. A priest who commits a transgression himself, however, is not deemed a *challal*.

2 [The above applies] whether she engaged in relations by coercion or inadvertently or whether it was vaginal or anal intercourse, as soon as the male organ enters her, she becomes a *challalah*. [This applies] provided the priest is nine years of age or older and the woman forbidden him is three years of age or older.

3 What is implied? When a priest who is nine years old engages in relations with a divorcee or with a *zonah* or a High Priest enters into relations with such women or with a widow, or marries a non-virgin and enters into relations with her, these women become *challalot* for all time. If they conceive a child from such relations, whether from relations with the priest who caused them to be deemed a *challalah* or whether with another priest, the offspring are *challalim*.

When, however, a priest consecrates a woman who is forbidden to the priesthood and she is widowed or divorced from the consecration, she does not become a *challalah*. If she marries, even if she does not engage in relations, she becomes a *challalah* even if it is discovered that she is a virgin.

4 When a High Priest marries a woman past majority or one who lost her signs of virginity through means other than intercourse, she does not become a *challalah*. Similarly, if he enters into relations with a non-virgin outside the context of marriage, she does not become a *challalah*.

5 When a priest engages in relations with one of the women forbidden as an *ervah* with the exception of a woman in the *niddah* state or with one of the woman who is forbidden because of a negative commandment that is universally applicable, he causes her to be deemed a *zonah*, as explained. If he - or another priest - engage in relations with her a second time, she becomes a *challalah* and her offspring from [a priest] are *challalim*.
Accordingly, if a priest engages in relations with a woman who is obligated to undergo *yibbum* and she conceived from their first relations, the offspring is acceptable to marry into the priesthood. [The rationale is that] the prohibition [against relations with such a woman] is not restricted to the priesthood. She becomes a *zonah* as we explained. If he engaged in relations with her a second time and she conceived and gave birth, she becomes a *challalah* and her offspring are *challalim*, for [these relations] are forbidden exclusively to the priesthood.

6 Similarly, when a priest engages in relations with a convert or a freed maid-servant, he causes her to become a *challalah* and his offspring from her are *challalim*. When a priest engages in relations with a woman in the *niddah* state, the offspring are acceptable and are not *challalim*. For the prohibition [against relations with] a woman in the *niddah* state is universally applicable and is not exclusive to the priesthood.

7 When a priest marries a divorcee who is pregnant - whether with his child or that of another man - and she gives birth after she became a *challalah*, the child is acceptable, for it was not conceived from forbidden seed.

8 We have already explained, that a woman who has undergone *chalitzah* is forbidden to a priest by Rabbinic decree. Therefore, when a priest engages in relations with such a woman, she becomes a *challalah* and her offspring, *challalim*. All of this is based on Rabbinic decree. When, by contrast, a priest engages in relations with one of the *shniot*, she is acceptable and his descendants from her are acceptable, for these prohibitions are universally applicable and are not exclusive to the priesthood.

9 When a priest engages in relations with a woman whose status as a *zonah* is questionable, e.g., a woman concerning whose status as a convert or as a freed maid-servant is questionable, when he engages in relations with a woman whose status as a divorcee is questionable, or a High Priest engages in relations with a woman whose status as a widow is questionable, the woman is deemed as a *challalah* of questionable status and her offspring are considered *challalim* of questionable status.

10 Thus there are three categories of *challalim*: a *challal* according to Scriptural Law, a *challal* according to Rabbinic decree, a person whose status as a *challal* is a matter of question.

Anyone whose status as a *challal* is a matter of question must observe the severities incumbent on the priesthood and those incumbent on ordinary Israelites. He may not partake of *terumah*. He may not become impure

due to contact with the dead and he must marry a woman fit to marry a priest. If he partakes of *terumah*, becomes impure, or marries a divorcee, he is given stripes for rebellious conduct. The same laws apply to a *challal* by Rabbinic decree.

When, however, a person is definitely a *challal* according to Scriptural Law, he is like [any other] non-priest. He may marry a divorcee and become impure due to contact with a corpse. [This is derived from **Leviticus 21:1** which] states: "Speak to the priests, the descendants of Aaron." [Implied is that the prohibition that follows does not apply] even to the descendants of Aaron unless they are priests.

11 A male priest who is forbidden to marry a *zonah* and a *challalah* is forbidden to marry a female convert and freed maid-servant for they are equivalent to *zonot* as we explained. A woman of the priestly family, however, is permitted to marry a *challal*, a convert, or a freed servant. For women of acceptable lineage were not forbidden against marrying men of unacceptable lineage. [This is derived from the phrase "the descendants" [- literally, the sons -] of Aaron," i.e., sons and not daughters. Thus a convert is permitted to marry a female *mamzer* and also, the daughter of a priest.

12 When converts and/or freed servants marry among themselves and give birth to a daughter - even after several generations - this daughter is forbidden to marry a priest, for the seed of a native-born Jew has not intermingled with them. If one married such a woman, she need not be divorced since she was both conceived and born in holiness. When,

however, a convert or a freed servant marries a native-born Jewess or a native-born Jew marries a female convert or a freed slave, their daughter is acceptable to marry into the priesthood at the outset.

13 When an Ammonite convert or a second generation Egyptian convert marry a native-born Jewess, the intimate relations they share involve a transgression and the women become *zonot* as we explained. Nevertheless, their daughters may marry into the priesthood as an initial and preferred option.

14 When a *challal* marries an acceptable woman, his descendants from her are *challalim*. This also applies to the son of his son's son and indeed, even for 1000 generations. For the male son of a *challal* is a *challal* for all time. If the offspring is female, she is forbidden to marry into the priesthood, because she is a *challalah*.

When, however, an Israelite marries a *challalah*, the offspring are acceptable. Therefore if one of the offspring is female, she may marry into the priesthood at the outset.

15 Priests, Levites, and Israelites are permitted to marry among each other. The status of the child is determined by that of the father. [Similarly,] Levites, Israelites, and *challalim* are permitted to marry among each other and the status of the child is determined by that of the father. [This is derived from **Numbers 1:18**]: "And they established the lineage of their families, according to their father's household." [Implied is that] the household of one's father is one's family and not the household of one's

mother.

16 Levites, Israelites, *challalim*, converts, and freed servants are permitted to marry among each other. When a convert or a freed servant marries the daughter of a Levite, the daughter of an Israelite, or a *challalah*, the offspring is an Israelite. When an Israelite, a Levite, or a *challal* marry a female convert or a freed maid-servant, the status of the child is determined by that of the father.

17 We operate under the presumption that all families are of acceptable lineage and it is permitted to marry their descendants as an initial and preferred option. Nevertheless, if you see two families continuously quarreling with each other, you see one family that is always involved with strife and controversy, or you see a person who frequently quarrels with people at large and is very insolent, we suspect [their lineage]. It is fitting to distance oneself from such people for these are disqualifying characteristics.

Similarly, a person who always slurs the lineage of others, casting aspersions on the ancestry of families or individuals, claiming that they are *mamzerim*, we are suspicious that he himself is a *mamzer*. Similarly, if he calls others servants, we suspect that he is a servant. For whoever denigrates others, denigrates them with a blemish that he himself possesses.

Similarly, whenever a person is characterized by insolence and cruelty, hating people and not showing kindness to them, we seriously suspect that he is a Gibeonite. For the distinguishing signs of the holy nation of

Israel is that they are meek, merciful, and kind. With regard to the Gibeonites, [**II Samuel 21:2**] states: "The Gibeonites are not of the Jewish people." For they acted extremely brazenly and would not be appeased. They did not show mercy to the sons of [King] Saul, nor did they show kindness to the Jews to forgive the descendants of their king, while [the Jews] had shown them kindness and allowed them to live.

18 When [the purity of] a family's [lineage] has been disputed, i.e., two individuals testify that a *mamzer* or a *challal* has intermingled with that family or there are servants among them, the matter is questionable. If the family are priests, one should not marry a woman from them until he investigates the lineage of four - actually eight- of her maternal ancestors: her mother, her maternal grandmother, the mother of her maternal grandfather, the maternal grandmother of her maternal grandfather. Similarly, he must investigate the lineage of her paternal grandmother, the mother of her paternal grandmother, the mother of her paternal grandfather, and the mother of the mother of her paternal grandfather.

19 If the family whose lineage was disputed were Levites or Israelites, it is necessary to check [the lineage of] another pair of women. Thus one must check ten maternal ancestors. [The rationale is that unacceptable people] intermarry among Levites and Israelites more frequently than among priests.

20 Why is it necessary to check the lineage only of the woman's maternal [ancestors]? Because whenever men argue with each other, one will malign

the other with a blemish that exists in his lineage. Thus if he was unacceptable, the matter would have been made known. Women, by contrast, do not malign [each other] with regard to blemishes in their lineage.

21 Why must a man make an investigation when he desires to marry a woman from a family concerning whom the presumption of acceptable lineage has been impaired and yet a woman who desires to marry into this family is not required to make an investigation? Because woman of acceptable lineage were not warned against marrying [men of] unacceptable lineage.

22 Whenever a person is called a *mamzer*, a *netin* a *challal*, or a servant and he remains silent, we suspect [the lineage of] him and his family and do not marry women from this [family] unless an investigation was made as we explained.

23 When there is a suspicion that a person concerning whom there is a question whether he is a *challal* married into a family, every widow from that family is forbidden to a priest at the outset. [After the fact,] if she married [a priest], she need not be divorced because there are two questions involved: Maybe this is the widow of that *challal* or maybe it is not? Even if you say that she was his widow, maybe he was a *challal* or maybe he was not?

If, however, a person who was definitely a *challal* married into a family, every woman from that family is forbidden to a priest until he conducts

an investigation. If he marries [such a woman without an investigation], she must be divorced. The same laws apply if a person regarding whom there is a question whether he is a *mamzer* or a person who is definitely *mamzer* became intermingled in the family. For the same prohibition applies to the priesthood with regard to the wife of a *challal* and the wife of a *mamzer*, as we explained.

Chapter 20

1 [The status of] all of the priests of the present era is accepted on the basis of a prevailing assumption. They may only eat sacred food that is eaten [within] the boundaries [of *Eretz Yisrael*], provided it is *terumah* mandated by virtue of Rabbinic decree [alone]. [Even] *terumah* mandated by Scriptural Law and *challah* mandated by Scriptural Law, by contrast, may be eaten only by a priest whose lineage is established.

2 What is meant by a priest whose lineage is established? Anyone concerning whom two witnesses testify that he is a priest, the son of so-and-so the priest, and the descendant of so-and-so the priest, extending back until we reach a person whose lineage need not be checked, i.e., a priest who served at the altar. [Such a person's lineage need not be verified, because] were the High Court not to have made investigations about him, they would not have allowed him to perform service [in the Temple].

Accordingly, we do not investigate the lineage of anyone who served at the altar or who served on the *Sanhedrin*. For only priests, Levites, and

Israelites of acceptable lineage are appointed to the *Sanhedrin*.

3 In the present era, even in *Eretz Yisrael*, *challah* does not have the status of a Scriptural commandment. [This is derived from **Numbers 15:18**:] "When you come into the land...." [Implied is when] all of you enter and not when only a portion enter. When Ezra ascended [to *Eretz Yisrael*], the entire people did not ascend.

Similarly, in the present era, *terumah* is a Rabbinic commandment. Therefore it is eaten by the priests of our era [whose lineage is established merely] by presumption.

4 When two witnesses testify that they saw a person partaking of *terumah* mandated by Scriptural Law, his lineage is established. We do not elevate a person [to the level that his priestly] lineage is [considered as] established based on the fact that he delivers the Priestly Blessing [to the people], reads the Torah first, or is given *terumah* in the granaries, or because of the testimony of one witness.

5 When a priest whose lineage was established says: "This son of mine is a priest," we do not consider [the son as a priest whose] lineage is established on the basis of his statement unless he brings witnesses who testify that the child is his son.

6 [The following laws apply when] a priest whose lineage has been established departs to another country together with his wife whom we know to be of acceptable lineage. If he comes together with her and children who relate to them as parents and says: "This is the woman who

departed together with me and these are her children," he does not have to bring witnesses to testify about the woman or the children.
[If he says:] "She died and these are her children," he must bring witnesses who testify that these are his children. He need not bring witnesses that his wife was of acceptable lineage, for her status as being acceptable was already established when she departed from us.

7 When a priest whose lineage was established goes out to another country and comes together with his wife and his sons, saying: "I married this woman and these are her sons," he must bring proof that the woman is acceptable. He does not have to bring witnesses that these are her sons, provided the children relate to her as a mother.
If he comes together with two wives and brings proof regarding one, he is required to bring proof about the sons, even though the children are young and relate to her as a mother. For perhaps they are the sons of the other women, but relate to the woman whose lineage is established as a mother.

8 If he comes together with sons and says: "I married a woman and she died. These are her sons," he must bring witnesses that the woman was acceptable and that these are her sons." These laws also apply with regard to an Israelite of established lineage and a Levite of established lineage. Afterwards, we can testify with regard to this son so that he will be fit for the *Sanhedrin*.

9 We do not elevate a person's lineage [based on mention in] a document to

the priesthood. What is implied? If it is stated in a document: "So-and-so, the priest, borrowed from so-and-so this-and-this amount," and witnesses sign below, we do not operate under the assumption that this priest is of acceptable lineage. For perhaps, they signed only with regard to the loan.

With regard to what does the above apply? With regard to considering the person as a priest of acceptable lineage. [Different principles apply] with regard to the presumption that he is a priest like the other priests of the present age and license to partake of *terumah* and *challah* mandated by Rabbinic decree and to be given other sacred articles [granted priests within] the boundaries [of *Eretz Yisrael*]. [These privileges are granted on the basis of] mention in a legal document, the testimony of one witness, or the fact that a person recites the priestly blessing or reads the Torah first.

10 Similarly, whenever a priest says: "My son is a priest," his word is accepted with regard to feeding him *terumah* and having him accepted as a priest. He need not bring proof regarding his sons or his wife.

11 When two people come to a particular city, one says: "I and my colleague are priests," and the other says, "I and my colleague are priests," their word is accepted and they are both considered as priests even though it appears that they are in collusion.

Similarly, if one witness says: "I saw this person recite the Priestly Blessing," "...eat *terumah*, "...received *terumah* in the granary," or "...read first from the Torah and a Levi read after him," he is considered a priest on the basis of this statement. Similarly, if one testified that a person read

second from the Torah after a priest, he is considered as a Levite.

12 If one delivers testimony in court saying that he saw a person and his brothers divide *terumah* left to them by their father the priest, we do not consider him a priest because of this testimony. Perhaps he is a *challal* and took his portion of the inheritance of *terumah* in order to sell it.

13 In the present era, when a person comes and says: "I am a priest," his word is not accepted and we do not consider him a priest on the basis of his own statements. He should not read from the Torah first, recite the Priestly Blessing, or partake of sacred food that is eaten [within] the boundaries [of *Eretz Yisrael*] unless there is one witness who corroborates his statements.

He does, however, cause himself to be forbidden [to marry] a divorcee, a *zonah*, and a *challalah*; nor may he become impure because of contact with a corpse. If he marries such a woman or becomes impure, he receives lashes. A woman [who may not marry into the priesthood] who engages in relations with him is deemed a *challalah* of questionable status.

14 If the person makes these statements in the course of conversation, his word is accepted.

What is implied? An incident once took place with regard to a person who was speaking in the midst of conversation, saying: "I remember that when I was an infant and was being carried on my shoulders by father, they took me out of school, removed my outer garment, and had me immerse in the *mikveh* to partake of *terumah* in the evening. My colleagues separated

themselves from me and called me: 'Yochanan, who eats *challot*.' Our holy teacher had him considered a priest on the basis of these statements.

15 An adult's word is accepted if he says: "I remember when I was a child and I saw so-and-so immerse himself in a *mikveh* and partake of *terumah* in the evening." He is considered a priest on the basis of this statement.
In the present era, when a person comes and says: "I am a priest," and a witness testifies on his behalf, saying: "I know that his father is a priest," we do not consider him as a priest on the basis of this testimony. [We fear that] perhaps he is a *challal*. Instead, [the witness] must testify that the person himself is a priest. If, however, the father's identity as a priest is an established fact or two witnesses come and testify that the person's father is a priest, because of his father, we assume [that he is a priest].

16 When the identity of a person's father as a priest has been established, but there is a rumor that he is the son of a divorcee or the son of a woman who performed *chalitzah*, we entertain suspicions and do not treat him as a priest. If one witness comes and testifies that he is acceptable, we treat him as a priest because of his statements. If two witnesses come afterwards and testify that he is a *challal*, we remove him from the priesthood.
If another witness comes and testifies that he is acceptable, we treat him as a priest, because the last witness is joined together with the first. Thus there are two witnesses testifying that he is acceptable and two testifying that he is unacceptable. Both pairs of witness and the rumor are voided, for two witnesses have the same legal power as 100. And the person remains a priest based on the status of his father.

17 [The following law applies] when a woman [remarried] without waiting three months after [the death of] her [first] husband and gave birth. If it is not known whether the child was conceived by the first - and born after nine months - or conceived by the second - and born after seven - and one of them was a priest and the other, an Israelite, the child is a priest of questionable status.

Similarly, if a son of a priest became intermingled with a child of an Israelite and they grow to maturity, they are both considered priests of questionable status. They must observe the stringencies incumbent on Israelites and the stringencies incumbent on priests: They may only marry women fit to marry into the priesthood. They may not become impure through contact with the dead, nor may they partake of *terumah*. If they marry a divorcee, they are forced to divorce and they do not receive lashes.

18 [The following rules apply] if the sons of two priests become intermingled or the wife of a priest married a second priest without waiting three months after the death of her first husband and it is not known whether the child was conceived by the first - and born after nine months - or conceived by the second - and born after seven. The stringencies that would apply as if he was the son of both men must be observed: He must observe the rites of *aninut* because of [both of] them and they [both] observe the rights of *aninut* because of him. He may not become impure because of them, nor may they become impure because of him. He may serve in the priestly watch of both of them, but does not receive a portion. If they are both from the same priestly watch and the same *beit av*, he receives one portion.

19 When does the above apply? When the relationships with both [priests] involve marriage. If, however, one is a licentious relationship, our Sages decreed that [the son's] priestly privileges are suppressed entirely, because he does not have definitive knowledge of the identity of his father. [This is supported by **Numbers 25:13**]: "He and his descendants who follow him will possess [the covenant of priesthood]." [Implied is that] his descendants will be able to trace their identity to him.

20 What is implied? There were ten priests. One of them departed and engaged in relations [with a woman without revealing his identity]. The son is definitely a priest. Nevertheless, since he does not know his father's identity and cannot trace his lineage to him, his priestly privileges are suppressed entirely. He may not serve [in the Temple], partake [of sacrificial foods], or receive an allotment [from the sacrifices]. If, however, he becomes impure because of contact with a corpse or he marries a divorcee, he receives lashes, for there is no question of leniency.

Chapter 21

1 Whoever shares physical intimacy with one of the *ariyot* without actually becoming involved in sexual relations or embraces and kisses [one of them] out of desire and derives pleasure from the physical contact should be lashed according to Scriptural Law. [This is derived from **Leviticus 18:30** which] states: "To refrain from performing any of these abominable practices," and [*ibid.*:6 which] states: "Do not draw close to reveal nakedness." Implied is that we are forbidden to draw close to acts that

lead to revealing nakedness.

2 A person who engages in any of the abovementioned practices is considered likely to engage in forbidden sexual relations.

It is forbidden for a person to make motions with his hands or feet or wink with his eyes to one of the *ariyot*, to share mirth with her or to act frivolously with her. It is even forbidden to smell her perfume or gaze at her beauty. A person who performs any of these actions intentionally should be given stripes for rebellious conduct.

A person who looks at even a small finger of a woman with the intent of deriving pleasure is considered as if he looked at her genitalia. It is even forbidden to hear the voice of a woman forbidden as an *ervah* or to look at her hair.

3 These matters are [also] forbidden with regard to women with whom relations are forbidden on the basis of [merely] a negative commandment.

It is permitted to look at the face of an unmarried woman and examine [her features] whether she is a virgin or has engaged in relations previously to see whether she is attractive in his eyes so that he may marry her. There is no prohibition in doing this. On the contrary, it is proper to do this. One should not, however, look in a licentious manner. Behold [**Job 31:1**] states: "I established a covenant with my eyes; I would not gaze at a maiden."

4 It is permitted for a person to gaze at his wife when she is in the *niddah* state although she is an *ervah* [at that time]. Although his heart derives

satisfaction from seeing her, since she will be permitted to him afterwards, he will not suffer a lapse. He should not, however, share mirth with her or act frivolously with her lest this lead to sin.

5 It is forbidden for a man to have any woman - whether a minor or an adult, whether a servant or a freed woman - perform personal tasks for him, lest he come to lewd thoughts.

Which tasks are referred to? Washing his face, his hands, or his feet, spreading his bed in his presence, and pouring him a cup. For these tasks are performed for a man only by his wife.

[A man] should not send greetings to a woman at all, not even via a messenger.

6 When a man embraces or kisses any of the women forbidden to him as *ariyot* despite the fact that his heart does not disturb him concerning the matter, e.g., his adult sister, his mother's sister, or the like, it is very shameful. It is forbidden and it is foolish conduct. [This applies] even if he has no desire or pleasure at all. For one should not show closeness to a woman forbidden as an *ervah* at all, whether an adult or a minor, except a woman to her son and a father to his daughter.

7 What is implied? A father is permitted to embrace his daughter, kiss her, and sleep with her with their bodies touching and a mother may do the same with her son as long as they are young. When they grow and become mature with the girl's body becoming developed, they should each sleep in clothing.

If the daughter is embarrassed to stand before her father naked or she married, and similarly, if the mother was embarrassed to stand before her son naked, even if [the children] are minors, when one reaches the point when one is ashamed [of being naked] in their presence, they should sleep together only when clothed.

8 Lesbian relations are forbidden. This is "the conduct of Egypt" which we were warned against, as [**Leviticus 18:3**] states: "Do not follow the conduct of Egypt." Our Sages said: What would they do? A man would marry a man, a woman would marry a woman, and a woman would marry two men.

Although this conduct is forbidden, lashes are not given for it, for it is not a specific prohibition and there is no intercourse at all. Therefore such women are not forbidden to marry into the priesthood as *zonot*, nor does a woman become prohibited to her husband because of this, for this is not considered harlotry. It is, however, appropriate to give them stripes for rebellious conduct because they performed a transgression. A man should take precautions with his wife with regard to this matter and should prevent women who are known to engage in such practices from visiting her and her from visiting them.

9 A man's wife is permitted to him. Therefore a man may do whatever he desires with his wife. He may engage in relations whenever he desires, kiss any organ he desires, engage in vaginal or anal intercourse or engage in physical intimacy without relations, provided he does not release seed in vain.

Nevertheless, it is pious conduct for a person not to act frivolously concerning such matters and to sanctify himself at the time of relations, as explained in *Hilchot Deot*. He should not depart from the ordinary pattern of the world. For this act was [given to us] solely for the sake of procreation.

10 A man is forbidden to engage in relations by candlelight. If, on the Sabbath, he did not have another room and there is a light burning, he should not engage in relations at all.

Similarly, it is forbidden for a Jew to engage in relations during the day, for this is brazen conduct. If he is a Torah scholar, who will not be drawn after this, he may create darkness with his garment and engage in relations. One should not, however, adopt this measure unless there is a great need. It is the course of holy conduct to engage in relations in the middle of the night

11 Our Sages do not derive satisfaction from a person who engages in sexual relations excessively and frequents his wife like a rooster. This reflects a very blemished [character]; it is the way underdeveloped people conduct themselves. Instead, everyone who minimizes his sexual conduct is praiseworthy, provided he does not neglect his conjugal duties without the consent of his wife. The sole reason while originally it was ordained that a person who had a seminal emission should not read from the Torah until they immerse themselves was to minimize sexual conduct.

12 Similarly, our Sages forbade a person from engaging in relations with his

wife while his heart is focused on another woman. He should not engage in relations while intoxicated, nor while quarreling, nor out of hatred. He should not engage in relations with her against her will when she is afraid of him. Nor when one of them is placed under a ban of ostracism. He should not engage in relations [with his wife] after he made the decision to divorce her. If he does so, the children will not be of proper character. There will be those who are brazen and others who are rebellious and sinful.

13 Similarly, our Sages said that whenever an audacious woman demands relations verbally, a man seduces a woman for the sake of marriage, he had the intent of having relations with his wife Rachel and instead, engages in relations with his wife Leah, or a woman does not wait three months after the death of her husband and gives birth to a son whose identity is questionable, all of the children born in these situations will be rebellious and sinful who will be purified by the sufferings of exile.

14 It is forbidden for a man to engage in relations with his wife in the marketplaces, streets, gardens, or orchards. Instead, [a couple should be physically intimate] only in a home, so that they will not appear as licentious relations and will not habituate themselves to licentious relations. When a man engages in relations with his wife in such places, he should be given stripes for rebellious conduct. Similarly, when a man consecrates a woman via sexual relations, consecrates her in the market place or consecrates her without there being an engagement beforehand, he is given stripes for rebellious conduct.

15 A visitor is forbidden to engage in relations until he returns home. Our Sages forbade a man from dwelling in his father-in-law's home, for this is brazen conduct. Nor should he enter a bathhouse with him.

16 A person should not enter a bathhouse with his father, his sister's husband, nor with his student. If he needs his student [to assist him], it is permitted. There are places where people followed the custom that two brothers would not enter a bathhouse at the same time.

17 Jewish women should not walk in the marketplace with uncovered hair. [This applies to] both unmarried and married women. Similarly, a woman should not walk in the street with her son following her. [This is] a decree, [enacted so that] her son not be abducted and she follow after him to bring him back and she be molested by wicked people who took hold of him as a caprice.

18 It is forbidden to release sperm wastefully. Therefore a person should not enter his wife and ejaculate outside of her. A man should not marry a minor who is not fit to give birth.

Those who, however, release sperm with their hands, beyond the fact that they commit a great transgression, a person who does this will abide under a ban of ostracism. Concerning them, it is said: "Your hands are filled with blood." It is as if they killed a person.

19 It is forbidden for a person to intentionally cause himself to have an erection or to bring himself to [sexual] thoughts. If a [sexual] thought comes to his mind, he should divert his heart from profligate and

destructive matters to the words of Torah which are "a beloved hind, arousing favor." For this reason, it is forbidden for a person to sleep on his back with his face upward, Instead, he should turn to the side slightly so that he will not develop an erection.

20 One should not look at animals, beasts, and fowls at the time the males and females are coupling. It is, however, permitted for a breeder of livestock to insert a male animal's organ in a female's. Since he is working in his profession, he will not be motivated to [sexual] thoughts.

21 Similarly, it is forbidden for a man to look at woman while they do laundry. It is even forbidden to look at the colored garments of a woman one knows, lest one be motivated to [sexual] thoughts.

22 When a person encounters a woman in the street, it is forbidden for him to walk behind her. Instead, he should hurry and [position himself so that] she is at his side or behind him. Whoever walks behind a woman in the marketplace is one of the frivolous of the common people.
It is forbidden to pass the entrance of a harlot without distancing oneself four cubits, as [**Proverbs 5:8**] states: "Do not come close to the entrance of her home."

23 It is forbidden for an unmarried man to extend his hand to his testicles, lest he be stimulated to [sexual] thoughts. Indeed, he should not extend his hand below his navel, lest he be stimulated to [sexual] thoughts. If he urinates, he should not hold the shaft of his organ while urinating. If he is married, this is permitted. Whether he is married or not, he should not

extend his hand to his organ at all, except when he has to urinate.

24 One of the pious men of the early eras and the wise men of stature prided himself in that he never looked at his male organ. Another said with pride that he had never contemplated his wife's physical form. For their hearts would be diverted from profligate matters to the words of truth which take hold of the hearts of the holy.

25 Among our Sages' commands is that a person should marry off his sons and daughters close to the time they reach physical maturity. For were he to leave them [unmarried], they may be motivated to promiscuity or sexual thoughts. Concerning this was applied the verse [**Job 5:24**]: "Scrutinize your dwelling and you shall not sin."

It is forbidden to marry a woman to a minor, for this is comparable to promiscuity.

26 A man is not permitted to abide without a wife. He should not marry a barren woman or an elderly woman who is not fit to bear children.

A woman is permitted not to marry at all or to marry a eunuch. A young man should not marry an elderly woman, nor an elderly man, a young woman, for such conduct leads to promiscuity.

27 Similarly, a person who divorced his wife after they were married should not live in the same courtyard as she, lest this lead to promiscuity. If he was a priest, he should not dwell in the same lane as she. A small village is considered as a lane.

If he owes her a debt, she should appoint an agent to demand payment

from him. When a divorcee and her ex-husband come [to court] for a judgment, we place them under a ban of ostracism or subject them to stripes for rebellious conduct.

If, however, a woman was divorced [merely] after consecration, she may summon him to court and dwell near him. If they shared extensive familiarity, this is forbidden even if [they were divorced merely] after consecration.

Who is forced to move? She is forced to move because of him. If the courtyard belongs to her, he is forced to move because of her.

28 A person should not marry a woman with the intent to divorce her, [as alluded to by **Proverbs 3:29**]: "Do not devise evil against your loved one, one who dwells securely with you." If he notifies her at the outset that he is marrying her only for a limited time, it is permitted.

29 A person should not marry one woman in one country and another woman in another country, lest this situation continue for a long time and [ultimately,] a brother may marry his sister, the sister of his mother, or the sister of his father and the like without knowing. If [the man with two wives] is a person of stature whose name is known and whose descendants are well known and celebrated, it is permitted.

30 A man should not marry a woman from a family of lepers, nor from a family of epileptics, i.e., that it has been established on three occasions that the descendants of this family have this malady.

31 When a woman was married to two husbands and they both died, she

should not marry a third [man]. If she did marry, she need not be divorced. Indeed, even if he merely consecrated her, he may consummate the marriage.

An unlearned Israelite should not marry the daughter of a priest. For this is comparable to the desecration of Aaron's seed. If they marry, our Sages said that their marriage will not be propitious. Instead, they will die without children, either he or she will die in the near future, or there will be strife between them. When, by contrast, a Torah scholar marries the daughter of a priest, this is attractive and praiseworthy, [joining] the Torah and the priesthood as one.

32 A person should not marry the daughter of an unlearned person. For if he dies or is exiled, his children will grow up unlearned, since their mother is not knowledgeable regarding the crown of Torah. Nor should he give his daughter to an unlearned person in marriage. For anyone who gives his daughter to an unlearned person is like one who bound her and placed her before a lion. He will strike her and engage in relations and has no shame.

A person should sell everything that he has [so that] he can marry the daughter of a Torah scholar. For if he dies or is exiled, his children will grow up as Torah scholars. And he should marry his daughter to a Torah scholar for there is no shameful conduct or strife in the home of a Torah scholar.

Chapter 22

1 It is forbidden to enter into privacy with any of the woman forbidden as *ariot*, even if she is elderly or a young girl, for this leads to forbidden relations. [The only] exceptions are a woman and her son, a father and his daughter, and a husband with his wife who is in the *niddah* state.

When a bridegroom's wife menstruates before he engages in relations with her, it is forbidden for him to enter into privacy with her. Instead, she should sleep among [other] women and he should sleep among [other] men. If they engaged in relations once and afterwards, she became impure, he is permitted to enter into privacy with her.

2 Jewish men were not suspected of engaging in relations with men or with animals. Hence, there is no prohibition against entering into privacy with them. If, however, a person distances himself from entering into privacy even with a male or an animal, it is praiseworthy. Sages of great stature would distance themselves from animals so that they would not be alone with them.

The prohibition against entering into privacy with woman forbidden as *ariot* has been transmitted by the Oral Tradition.

3 When the incident concerning Amnon and Tamar occurred, David and his court decreed a prohibition against entering into privacy with an unmarried woman. Although an unmarried woman is not an *ervah*, such an act is considered as entering into privacy with an *ervah*. Shammai and Hillel decreed a prohibition against entering into privacy with gentiles.

Thus when anyone enters into privacy with a woman, whether Jew or gentile, with whom such an act is forbidden, both the man and the

woman are given stripes for rebellious conduct and an announcement is made concerning them. An exception is made with regard to a married woman. Although it is forbidden to enter into privacy with her, if one does enter into privacy with her, corporal punishment is not administered lest a rumor be initiated that she committed adultery. Thus a rumor might spread that her children are *mamzerim*.

4 Whenever a man is forbidden to enter into privacy with a woman, this act is permitted if he is accompanied by his wife, for his wife will guard him [against transgression]. A Jewish woman should not enter into privacy with a gentile man even if his wife is with him. For a gentile's wife will not guard him [against transgression] and they have no shame.

5 Similarly, a Jewish child should not be entrusted to a gentile with the intent that he teach him to read or teach him a craft, for all gentiles are suspect to engage in homosexual relations. Similarly, we do not house an animal in an inn belonging to gentiles, not even a male in an inn with males and a female in an inn with females.

6 We do not entrust an animal, beast, or fowl to a gentile shepherd, not even a male animal to a male shepherd and a female animal to a female shepherd, because they are all suspect to sodomize animals. We have already explained that [gentiles] are forbidden to engage in homosexuality or sodomy. And [**Leviticus 19:14**] states: "Do not place a stumbling block before the blind."

7 Why do we not entrust a female animal to a female gentile? For [all

gentiles] are assumed to be promiscuous and when a gentile man will come to sleep with this gentile woman, it is possible that he will not find her and instead, sodomize the animal. Or even if he does find her, he may sodomize the animal.

8 One woman should not enter into privacy even with many men unless the wife of one of them is present. Similarly, one man should not enter into privacy even with many women, But when there are many women together with many men, we do not show concern for the prohibition against entering into privacy.

If the men were outside and the women were inside or if the men were inside and the women were outside, and one woman - or one man - separated themselves and joined the group of the other sex, the prohibition against entering into privacy applies.

Even a man whose business and profession [brings him into contact] with women is forbidden to enter into privacy with them. What should he do? He should involve himself with them while accompanied by his wife or turn to another profession.

9 It is permitted to enter into privacy with two *yevamot*, two wives of the same man, a woman and her mother-in-law, or a woman and her husband's daughter, a woman and her husband's daughter, or a woman and her mother-in-law's daughter. [The rationale is that] these women hate each other and will not conceal the other's [misdeeds]. Similarly, it is permitted to enter into privacy with a woman who is accompanied by a young child old enough to understand what sexual relations are, but who

would not engage in relations herself. [The rationale is that the woman] would not act promiscuously in the presence of this child, for she will reveal her secret.

10 It is permitted to enter into privacy with a female child less than three years old and a male child less than nine years old. For [our Sages] only issued decrees concerning entering into privacy with a woman fit to engage in relations and a male fit to engage in relations.

11 An *androgynus* may not enter into privacy with women. If he does, he is not given physical punishment, because his status is doubtful. A man may enter into privacy with an *androgynus* or a *tumtum*.

12 When a married woman's husband is in the [same] city, she need not be concerned about [the prohibition against] entering into privacy with another man, because she will be impressed by the fear of her husband. If a man is overly familiar with her, e.g., they grew up together or she is his relative, she should not enter into privacy with him even if her husband is in the same city.

Whenever a man enters into a room with a woman, but there is a door open to the public thoroughfare, we are not concerned about [the prohibition against] entering into privacy.

13 An unmarried man should not teach young children, because the mothers come to the school because of their sons and thus he will be tempted by women. Similarly, a woman should not teach young boys, because their fathers come because of their sons and thus they will enter into privacy

with her. A teacher does not have to have his wife together with him in school, It is sufficient that she be at home, while he teaches in his place.

14 Our Sages ordained that women speak to each other while in a lavatory, so that a man will not enter there and thus be alone with them.

15 We do not appoint even a faithful and observant person to be a guard of a courtyard where women live. [This applies] even if he stands outside, for there is no guardian against promiscuity.
It is forbidden for a person to appoint a supervisor over his home so that he does not lead his wife to sin.

16 It is forbidden for a Torah scholar to dwell in a courtyard where a widow lives even though he does not enter into privacy with her lest suspicions arise unless his wife is with him. Similarly, a widow should not raise a dog because of the suspicions that might arise. Nor should a woman purchase male servants - even minors - because of the suspicions that may arise.

17 We do not relate the hidden matters concerning forbidden sexual conduct to three students. [The rationale is that] one will be absorbed in questioning the teacher, the other two will be debating the matter back and forth and will not be free to listen. Since a person's mind is aroused by sexual matters, if a doubt arises concerning something he heard, he may [in error] rule leniently. Therefore, we teach only to two. In this manner, the one listening will focus his attention and recall what he will hear from the teacher.

18 There is nothing in the entire Torah that is more difficult for the majority of people to separate themselves from than sexual misconduct and forbidden relationships. Our Sages said: When the Jews were commanded regarding forbidden sexual relations, they wept and accepted this mitzvah with complaints and moaning, as implied by the phrase: "Crying among their families," [which is interpreted as meaning]: "Crying about family matters."

19 Our Sages said: A person's soul desires and craves theft and forbidden sexual relations. You will never find a community that does not have some people who are promiscuous regarding forbidden relationships and prohibited sexual conduct. Moreover, our Sages said: Most people trespass with regard to theft; a minority with regard to forbidden sexual conduct, and all with regard to the shade of undesirable gossip.

20 Therefore it is proper for a person to subjugate his natural inclination with regard to this matter and train himself in extra holiness, pure thought, and proper character traits so that he will be guarded against them.

He should be very careful with regard to entering into privacy with a woman, for this is a great cause [of transgression]. Our great Sages would tell their students: "Watch me because of my daughter," "Watch me because of my daughter-in-law," so that they would teach their students not to be embarrassed about such matters and distance themselves from entering into privacy with women.

21 Similarly, a person should distance himself from levity, intoxication, and flirtation, for they are great precipitators and steps [leading] to forbidden relations.

A man should not live without a wife, for this practice leads to great purity. And [our Sages gave] even greater [advice], saying: "A person should always turn himself and his thoughts to the words of the Torah and expand his knowledge in wisdom, for the thoughts of forbidden relations grow strong solely in a heart which is empty of wisdom." And in [Solomon's words of] wisdom [**Proverbs 5:19**], it is written: "It is a beloved hind, arousing favor. Her breasts will satisfy you at all times. You shall be obsessed with her love."

Mishneh Torah, Forbidden Foods

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to know the signs that distinguish between domesticated animals, beasts, fowl, fish, and locusts that are permitted to be eaten and those which are not permitted to be eaten, as [**Leviticus 20:25**] states: "And you shall distinguish between a kosher animal and a non-kosher one, between a non-kosher fowl and a kosher one." And [**Leviticus 11:47**] states: "To distinguish between the kosher and the non-kosher, between a beast which may be eaten and one which may not be eaten."

2 The signs of a [kosher] domesticated animal and beast are explicitly mentioned in the Torah. There are two signs: a split hoof and chewing the cud. Both are necessary.

Any domesticated animal and beast that chews the cud does not have teeth on its upper jaw-bone. Every animal that chews the cud has split hoofs except a camel. Every animal that has split hoofs chews the cud except a pig.

3 Therefore if a person finds an animal whose hoofs are cut off in the desert and he cannot identify its species, he should check its mouth. If it does not have teeth on its upper jaw, it can be identified as kosher, provided one can recognize a camel. If a person finds an animal whose mouth is cut off, he should check its hooves, if they are split, it is kosher, provided he

can recognize a pig.

When both its mouth and its hoofs are cut off, he should inspect the end of its tail after he slaughters it. If he discovers that [the strings of] its meat extend both lengthwise and widthwise, it is kosher, provided he can recognize a wild donkey. For [the strings of] its meat also extend both lengthwise and widthwise.

4 When a kosher animal gives birth to an offspring resembling a non-kosher animal, it is permitted to be eaten even though it does not have split hoofs or chew the cud, but instead, resembles a horse or a donkey in all matters.

When does the above apply? When he sees it give birth. If, however, he left a pregnant cow in his herd and found an animal resembling a pig dependent on it, the matter is doubtful and [the young animal] is forbidden to be eaten. [This applies] even if it nurses from [the cow], for perhaps it was born from a non-kosher species, but became dependent on the kosher animal.

5 When a non-kosher animal gives birth to an offspring resembling a kosher animal, it is forbidden to be eaten. [This applies] even if it has split hoofs and chews its cud and resembles an ox or a sheep in all matters. [The rationale is that offspring] produced by a non-kosher animal are not kosher and those produced by a kosher animal are kosher.

For this reason, a non-kosher fish found in the belly of a kosher fish is forbidden, and a kosher fish found in the belly of a non-kosher fish is permitted, for they did not produce the fish, but instead, swallowed it.

6 When a kosher animal gives birth to an offspring that has two backs and two backbones or such a creature is discovered within [an animal that was slaughtered], it is forbidden to be eaten. This is what is meant by the term *hashisuah* which is forbidden by the Torah, as [**Deuteronomy 14:7**] states: "These may not be eaten from those which chew the cud and have split hoofs, the *shisuah*...", i.e., an animal that was born divided into two animals.

7 Similarly, when [a fetus] resembling a fowl is found within a [slaughtered] animal, it is forbidden to be eaten. [This applies] even if it resembles a kosher fowl. [For when a fetus] is discovered in an animal, only one which has a hoof is permitted.

8 There are no other domesticated animals or wild beasts in the world that are permitted to be eaten except the ten species mentioned in the Torah. They are three types of domesticated animals: an ox, a sheep, and a goat, and seven types of wild beasts: a gazelle, a deer, an antelope, an ibex, a chamois, a bison, and a giraffe. [This includes the species] itself and its subspecies, e.g., the wild ox and the buffalo are subspecies of the ox.
All of these ten species and their subspecies chew the cud and have split hoofs. Therefore, a person who recognizes these species need not check neither their mouths, nor their feet.

9 Although all these species are permitted to be eaten, we must make a distinction between a kosher domesticated animal and a kosher wild beast. For the fat of a wild beast is permitted to be eaten and its blood must be

covered. With regard to a kosher domesticated animal, by contrast, one is liable for *kerais* for partaking of its fat and its blood need not be covered.

10 According to the Oral Tradition, these are the distinguishing signs of a [kosher] wild beast: Any species that has split hoofs, chews its cud, and has horns which branch off like those of a gazelle are certainly kosher wild beasts. [The following laws apply with regard to] all those whose horns do not branch off: If they are curved, like the horns of an ox, notched, like the horns of a goat, but the notch should be embedded within them, and spiraled, like the horns of a deer, it is a kosher wild beast. Its horns, however, must have these three signs: They must be curved, notched, and spiraled.

11 When does the above apply? With regard to a species that he does not recognize. [Different rules apply with regard to] the seven species mentioned in the Torah. If he recognizes this species, he may partake of its fat and is obligated to cover its blood, even one does not find any horns on it at all.

12 A wild ox is a species of domesticated animal. A unicorn is considered a wild beast even though it has only one horn.
Whenever we have a doubt whether an animal is a domesticated animal or a wild beast, its fat is forbidden, but lashes are not given for partaking of it, and we must cover its blood.

13 A mixed species that comes from the mating of a kosher domesticated animal and a kosher wild beast is called a *koi*. Its fat is forbidden, but

lashes are not given for partaking of it, and we must cover its blood. A non-kosher species will never be impregnated by a kosher species.

14 The distinguishing signs of a kosher [species of] fowl are not mentioned explicitly by the Torah. Instead, the Torah mentions only the non-kosher species. The remainder of the species of fowl are kosher. There are 24 forbidden species. They are:

a) the eagle,

b) the ossifrage,

c) the osprey;

d) the kite, this is identical with the *rayah* mentioned in Deuteronomy,

e) the vulture, this is identical with the *dayah* mentioned in Deuteronomy,

f) members of the vulture family; for the Torah states "according to its family," implying that two species [are forbidden],

g) the raven,

h) the starling; since the Torah states "according to its family" with regard to the raven, the starling is included,

i) the ostrich,

j) the owl,

k) the gull,

l) the hawk,

m) the gosshawk, for this is among the hawk family; and the verse says "according to its family,"

n) the falcon,

o) the cormorant,

p) the ibis,

q) the swan,

r) the pelican,

s) the magpie,

t) the stork,

u) the heron,

v) members of the heron family; for the Torah states "according to its family,"

w) the hoopie, and

x) the bat.

15 Whoever is knowledgeable with regard to these species and their names may partake of any fowl from other species. A kosher species of fowl may be eaten based on tradition, i.e., that it is accepted simply in that place that the species of fowl is kosher. A hunter's word is accepted if he says: "The hunter who taught me told me that this fowl is permitted," provided that [teacher] has an established reputation as being knowledgeable with regard to these species and their names.

16 Whoever does not recognize these species and does not know their names must check according to the following signs given by our Sages: Any fowl that attacks with its claws and eats is known to be among these species and is unkosher. If [a fowl] does not attack with its claws and eat, it is kosher if it possesses one of the following signs: a) it has an extra claw, b) a crop; this is also referred to as a *mur'ah*, c) [the membrane of] its craw can be peeled by hand.

17 [The rationale is that] there are none of the forbidden species that do not attack with its claws and eat and possesses one of these three signs with the exception of the ossifrage and the osprey. And the ossifrage and the osprey are not found in settled areas, but rather in the deserts of the distant islands that are very far removed to the extent that are located at the ends of the settled portions of the world.

18 If its craw can be peeled with a knife, but cannot be peeled by hand and it does not possess any other sign even though it is not a bird of prey, there is an unresolved doubt regarding the matter. If the membrane was firm and tightly attached, but [the craw] was left in the sun and it became looser [to the extent that] it could be peeled by hand, [the species] is permitted.

19 The *Geonim* said that they have an existing tradition that one should not rule to permit a fowl that possesses only one of these signs unless that sign is that its craw can be peeled by hand. If, however, it cannot be peeled by hand, it was never permitted [to be eaten] even if it possesses a crop or an extra claw.

20 Whenever a bird divides its claws when a line is extended for it, placing two on one side and two on the other or it seizes an object in the air and eats while in the air, it is a bird of prey and non-kosher. Any species that lives together with non-kosher species and resembles them, is itself non-kosher.

21 There are eight species of locusts which the Torah permitted:

a) a white locust, b) a member of the white locust family, the *razbenit*, c) the spotted grey locust, d) a member of the spotted grey locust family, the *artzubiya*, e) the red locust, d) a member of the red locust family, the bird of the vineyards, f) the yellow locust, g) a member of the yellow locust family, the *yochanah* of Jerusalem.

22 Whoever is knowledgeable with regard to these species and their names may partake of them. A hunter's word is accepted as [stated with regard] to a fowl. A person who is not familiar with them should check their identifying signs. [The kosher species] have three signs. Whenever a species has four legs, four wings that cover the majority of the length and the majority of the width of its body, and it has two longer legs to hop, it is a kosher species. Even if its head is elongated and it has a tail, if it is referred to as a locust, it is a kosher species.

23 When [a locust] does not have wings or extended legs at present, or its wings do not cover the majority [of its body], but it will grow them later when it grows larger, it is permitted [to be eaten] at present.

24 There are two signs of [kosher] fish: fins and scales. Fins are used by the fish to swim and scales are those which cling to its entire body. Any fish that possesses scales will have fins. If it does not have them at present, but when it grows, it will have them or if it has scales while in the sea, but when it emerges it sheds its scales, it is permitted.

When a fish does not have scales that cover its entire body, it is permitted. Even if it has only one fin and one scale, it is permitted.

Chapter 2

1 Since it is written [**Deuteronomy 14:6**]: "Any animal that has split hooves, [whose foot] is divided into two hoofs and chews the cud, [this may you eat]," one may derive that any animal that does not chew its cud and have split hoofs is forbidden. A negative commandment that comes as a result of a positive commandment is considered as a positive commandment.

With regard to the camel, the pig, the rabbit, and the hare, [**Leviticus 11:4**] states: "These you may not eat from those which chew the cud and have split hoofs." From this, you see that they are forbidden by a negative commandment, even though they possess one sign of kashrut. Certainly, this applies to other non-kosher domesticated animals and wild beasts that do not have any signs of kashrut. The prohibition against eating them involves a negative commandment in addition to the positive commandment that is derived from "This may you eat."

2 Therefore anyone who eats an olive sized portion of the meat of a non-kosher domesticated animal or wild beasts is liable for lashes according to Scriptural Law. This applies whether he partook of the meat or the fat. For the Torah did not distinguish between the meat and fat of non-kosher animals.

3 With regard to humans: Although [**Genesis 2:7**] states: "And the man became a beast with a soul," he is not included in the category of hoofed animals. Therefore, he is not included in the [above] prohibition. Accordingly, one who partakes of meat or fat from a man - whether alive

or deceased - is not liable for lashes. It is, however, forbidden [to partake of human meat] because of the positive commandment [mentioned above]. For the Torah [**Leviticus 11:2**] lists the seven species of kosher wild beasts and says: "These are the beasts of which you may partake." Implied is that any other than they may not be eaten. And a negative commandment that comes as a result of a positive commandment is considered as a positive commandment.

4 When one partakes of an olive-sized portion of a non-kosher fowl, he is liable for lashes according to Scriptural Law, as [**Leviticus 11:13**] states: "These shall you detest from the fowl. You shall not partake of them." And he violates a positive commandment, as [**Deuteronomy 14:11**] states: "You may partake of all kosher fowl." Implied is that the non-kosher may not be eaten.

Anyone who partakes of an olive-sized portion of a non-kosher fish is liable for lashes according to Scriptural Law, as [**Leviticus 11:11**] states: "They shall be detestable for you. Do not partake of their meat." And he violates a positive commandment, as [**Deuteronomy 14:9**] states: "All that possess fins and scales, you may eat." Implied is that those that do not possess fins and scales may not be eaten. We thus learn that anyone who partakes of a non-kosher fish, domesticated animal, wild beast, or fowl nullified a positive commandment and violated a negative commandment.

5 A non-kosher locust is included among [the category of] flying teeming animals. One who partakes of an olive-sized portion of flying teeming animals is liable for lashes according to Scriptural Law, as [**Deuteronomy**

14:19] states: "All flying teeming animals are non-kosher for you. They may not be eaten."

What is meant by a flying teeming animal? For example, a fly, a mosquito, a hornet, a bee, or the like.

6 When one partakes of an olive-sized portion of a teeming animal of the land, he is liable for lashes, as [**Leviticus 11:41**] states: "Any teeming animal that swarms on the ground is detestable to you. It should not be eaten."

What is meant by a teeming animal of the land? Snakes, scorpions, beetles, centipedes, and the like.

7 The eight teeming animals that are mentioned in the Torah are: the weasel, the mouse, the ferret, the hedgehog, the chameleon, the lizard, the snail, and the mole. A person who eats a lentil-sized portion of their meat is liable for lashes. The minimum measure that one is prohibited to partake of their meat is the same as the minimum measure that conveys ritual impurity. They all may be combined together to reach the measure of a lentil.

8 When does the above apply? When one partakes of them after they have died. If, however, one cuts off a limb from a living creature from one of these species and eats it, he does not receive lashes unless he [partakes of] an olive-sized portion of meat. They all may be combined together to reach the measure of an olive.

One who eats an entire limb of a teeming animal after it dies does not

receive lashes unless it contains a lentil-sized amount of meat.

9 The blood of these eight teeming animals and their flesh can be combined to reach the minimum measure of a lentil, provided the blood is still attached to their flesh. Similarly, the blood of a snake is combined with its flesh to reach the measure of an olive and one receives lashes for it. The rationale is that its flesh is not separate from its blood, even though it does not impart ritual impurity. Similar concepts apply with regard to other teeming animals that do not convey ritual impurity.

10 When a person collects the blood of teeming animals that has been separated [from their bodies] and partakes of it, he receives lashes if he partakes of a portion the size of an olive. [This applies] provided he was warned against partaking of it because [of the prohibition against partaking of] a teeming animal. If, however, he is warned against partaking of it because [of the prohibition against partaking of] blood, he is not liable. For we are liable only for the blood of domesticated animals, wild beasts, and fowl.

11 All these measures - and the distinctions between them - are halachot received by Moses at Sinai [and transmitted via the Oral Tradition].

12 One who partakes of an olive-sized portion of an aquatic teeming animal is liable for lashes according to Scriptural Law, as [**Leviticus 11:43**] states: "Do not make your souls detestable [by partaking] of any teeming animal that swarms... and do not become impure because of them." Included in this prohibition are teeming animals of the land, that fly, and of the water.

What is meant by a aquatic teeming animal? Both small creatures like worms and leeches that inhabit the water and larger creatures that are beasts of the sea. To state a general principle: Any aquatic creature that does not have the characteristics of a fish, neither a non-kosher fish or a kosher fish, e.g., a seal, a dolphin, a frog, or the like.

13 The species that come into existence in garbage heaps and the carcasses of dead animals, e.g., maggots, worms, and the like which are not brought into being from male-female [relations], but from filth that decays and the like are called "those which creep on the earth." A person who partakes of an olive-sized portion [of these creations] is liable for lashes, as [**Leviticus 11:44**] states: "Do not make your souls impure with any teeming animal that creeps on the earth," even thought they do not reproduce. Teeming animals that swarm on the earth, by contrast, are those that reproduce from male-female [relations].

14 [The following laws apply with regard to] species that come into being from fruits and other foods. Should they depart from [the source from where they came into being] and go to the earth, a person who partakes of an olive-sized portion of them is liable for lashes, as [**Leviticus 11:42**] states: "With regard to any teeming animal that swarms on the earth, [do not eat them]." This forbids those that departed to the earth, even though they returned to the food. If, however, they did not depart, it is permitted to eat the fruit together with the worm in it.

15 When does the above apply? When the food became worm-ridden after it

was uprooted from the earth. If, however, it became worm-ridden while it was connected [to its source of nurture], that worm is forbidden as if it became departed to the earth. For it was created on the earth. One is liable for lashes [for partaking of it]. If there is a doubt, it is forbidden.

Therefore all fruits that commonly become worm-ridden when connected [to their source of nurture] should not be eaten until one checks the fruit from its inside, for perhaps it contains a worm. If the fruit remains twelve months after being severed [from its source], it may be eaten without being inspected. For a worm inside of it will not endure for twelve months.

16 If [the worm] departed to the atmosphere, but did not reach the earth, or only a portion of it reached the earth, it departed after it died, the worm was found on the seed on the inside, or it departed from one food to another, [in] all these [situations, the worm] is forbidden because of the doubt, but lashes are not administered [if one partakes of it].

17 A worm found in the stomach of a fish, in the brain within the head of an animal, and one found in meat are forbidden. When, however, salted fish becomes worm-ridden, the worms in it are permitted. This is comparable to fruit which has become worm-ridden after it has been separated from the earth. It is permitted to eat them together with the worm that is in them.

Similarly, if water in a utensil produces teeming animals, those teeming animals are permitted to be drunk together with the water, as [can be inferred from **Leviticus 11:9**]: "All that possess fins and scales in the water,

seas, and rivers, they you may eat." Implied is that you may eat those that possess [fins and scales] in the water, seas, and rivers and those that do not possess them, you may not eat. But those creatures [that come into existences] in utensils are permitted whether they possess [fins and scales] or not.

18 [Since the water found] in cisterns, trenches and caves is not flowing water, but instead is collected there, it is comparable to water found in containers. [Hence], aquatic teeming animals that are created [in these places] are permitted. A person may bend down and drink without holding back even though he swallows these flimsy teeming animals when drinking.

19 When does the above apply? When the teeming animals did not depart from the place where they came into being. If they did, even though they later return to the container or the cistern, they are forbidden. If they went out to the walls of the barrel and then fell back into the water or the beer, they are permitted. Similarly, if they went out to the walls of the cistern and the cave and returned to the water, they are permitted.

20 When a person strains wine, vinegar, or beer and eats the insects, bugs, and worms that he strains, he is liable for lashes for partaking of an aquatic teeming animal or [for partaking of] a flying teeming animal and an aquatic teeming animal. [This applies] even if they returned to the container after they were strained, for they departed from the place where they came into existence. If, however, they did not depart, one may drink

without holding back, as we explained.

21 When, in this chapter, we have spoken about partaking of an olive-sized portion, [the intent is that] one ate an olive-sized portion of a large creature or one collected some from one species and some from another similar species until one partakes of an olive sized portion. If, however, one eats an entire forbidden creature by itself, one is liable for lashes according to Scriptural Law even if it is smaller than a mustard seed.
[This applies] whether one partook of it after it died or while it was alive. Even if the creature decayed and lost its form, one is liable for lashes since one consumed it in its entirety.

22 When an ant has lost even one of its legs, one is not liable for lashes for partaking of it unless one eats an olive-sized portion. For this reason, one who eats an entire fly or an entire mosquito whether alive or dead is worthy of lashes for partaking of a flying teeming animal.

23 [The following laws apply if] a particular creature is [included in the categories of] a flying teeming animal, an aquatic teeming animal, and a teeming animal of the earth, e.g., it has wings, it walks on the earth like other [earthbound] teeming animals, and it reproduces in the water. If one partakes of it, he is liable for three [sets of] lashes.
If, in addition to the above, it is one of the species which are brought into being in the earth in fruit, he is liable for a fourth [set of] lashes. If it is one of the species that reproduce, he is liable for a fifth [set of] lashes. If it also can be considered as a non-kosher fowl in addition to being

considered a flying teeming animal, he is liable for six [sets of] lashes: [for partaking of] a non-kosher fowl, a flying teeming animal, a teeming animal of the earth, an aquatic teeming animal, an animal that swarms on the earth, and a worm from fruit.
[This applies whether] he partook of the entire creature or he partook of an olive-sized portion of it. Therefore one who eats an ant that flies that breeds in the water is liable for five [sets of] lashes.

24 When one crushed ants, added another complete ant to those that were crushed so that the entire quantity was equal to an olive-sized portion, and partook of it, he is liable for six [sets of] lashes: five [for partaking of] the one ant and an additional one, because he partook of an olive-sized portion of dead non-kosher animals.

Chapter 3

1 Any food that is produced from forbidden species for which lashes are given for partaking of is forbidden to be eaten according to Scriptural Law, e.g., milk from a forbidden species of domesticated animal or wild beast or the eggs of a forbidden species of birds or fish. [This is derived from **Leviticus 11:16** which mentions]: "the *bat* of the ostrich." [Our Sages commented:] "This refers to its egg." The same law applies to all species that are forbidden like an ostrich and all entities [that are produce] like eggs.

2 Human milk is permitted to be eaten, although the meat of a human is

forbidden to be eaten. We have already explained that it is forbidden by virtue of a positive commandment.

3 Honey produced by bees and hornets is permitted. [The rationale is that] it is not a product of their bodies. Instead, it is collected in their mouths from herbs and then expelled in their hive so that they will be able to partake of it in the rainy season.

4 Although human milk is permitted, our Sages prohibited an adult to nurse from [a woman's] breasts. Instead, the woman should express it into a container and the adult should partake of it. An adult who nurses from [a woman's] breast is like one who nurses from a teeming animal. He is given stripes for rebellious conduct.

5 An infant may continue to nurse for even four or five years. If, however, he was weaned for three days or more in a state of health and not because of sickness, he should not be allowed to nurse again. [The above applies] provided he was weaned after 24 months. If he was weaned within that time, even if he was weaned for a month or two, it is permitted to have him nurse again until the conclusion of 24 months.

6 Although the milk of a non-kosher animal and the egg of a non-kosher fowl are forbidden according to Scriptural Law, [one is] not [liable for] lashes [for partaking of them. [This is derived from **Leviticus 11:8**] which states: "You may not eat from their flesh." [Implied is that] one is liable for lashes for [partaking of] their flesh, but is not liable for lashes for [partaking of] their eggs and milk. One who partakes [of these

substances] is like one who eats half the minimum measure [of a forbidden substance]. This is forbidden according to Scriptural Law, but one is not liable for lashes. Instead, he receives stripes for rebellious conduct.

7 It appears to me that eating the eggs of non-kosher species of fish that are found in their bellies is comparable to eating the insides of the forbidden fish themselves and one is liable for lashes according to Scriptural Law. Similarly, when a person partakes of the eggs of a non-kosher fowl that are hanging in a cluster without being separated from the mother's body or completed, he is liable for lashes as if he ate the insides of [the fowl itself].

8 When one partakes of the egg of a non-kosher fowl inside of which an embryo has begun to take form, he is liable for eating a flying teeming animal. If, however, one partakes of the egg of a kosher fowl inside of which an embryo has begun to take form, he is liable for stripes for rebellious conduct.

9 [The following laws apply if] a blood spot is found on an egg. If it is found on the white, one should discard the blood and eat the remainder of the egg. If it is found on the yolk, the entire egg is forbidden. Unfertilized eggs - a refined person partakes of them.

10 When a chick is hatched, even if its eyes have not opened, it is permitted [to slaughter it and] eat it.

When a kosher animal became *trefe*, its milk is forbidden like the milk of a non-kosher animal. Similarly, the egg of a kosher fowl that became *trefe*

is comparable to the egg of a non-kosher fowl and is forbidden.

11 When a chick is hatched from an egg from a *trefe* fowl, it is permitted, for it is not from a non-kosher species. When there is an unresolved question whether a fowl is *trefe* or not, we retain all the eggs it lays in its first batch. If it grows another batch and begins laying them, the first ones are permitted. For if it was *trefe*, it would no longer lay eggs. If it does not lay eggs, [the first batch] are forbidden.

12 The milk of a non-kosher animal will not congeal and solidify as the milk of a kosher animal does. If the milk of a non-kosher animal is mixed together with the milk of a kosher animal, when the mixture is [set aside for cheese to be made], the kosher milk will solidify and the non-kosher milk will be expelled together with the whey of the cheese.

13 Accordingly, logic would dictate that any milk found in the possession of a gentile is forbidden, lest the gentile have mixed the milk of a non-kosher animal with it. And the cheese of the gentiles should be permitted, for the milk of a non-kosher animal will not form cheese. Nevertheless, during the age of the Sages of the Mishnah, they issued a decree against gentile cheese and forbade it, lest they use the skin of the stomach of an animal they slaughtered - which is forbidden as a *nevelah* - to cause it to solidify.
If one would say: The stomach skin is a very small entity when compared to the milk that it is used to solidify. Why is it not nullified because of its insignificant size? Because it is used as the catalyst to cause the cheese to curdle. Since the catalyst which causes it to curdle is forbidden, everything

is forbidden, as will be explained.

14 [The following laws apply when] cheese is left to solidify with herbs or fruit juice, e.g., fig syrup, and it is apparent [that these substances were used for] the cheese. There are some of the *Geonim* who have ruled that it is forbidden, for [our Sages] already decreed that all the cheeses of gentiles are forbidden, whether they caused them to solidify with a forbidden entity or with a permitted entity. This is a decree, [instituted] because they cause them to solidify using forbidden entities.

15 When a person partakes of cheese from gentiles or milk that was milked by a gentile without a Jew observing him, he is given stripes for rebellious conduct. With regard to butter produced by gentiles, some of the *Geonim* permit it, for [our Sages] did not decree against butter and some of the *Geonim* forbid it, because of the drops of milk that remain in it. For the whey in the butter is not mixed with the butter so that it will be nullified because of its minimal quantity. And we suspect that any milk [from gentiles] is mixed with the milk of a non-kosher animal.

16 It appears to me that if one purchased butter from gentiles and cooked it until the drops of milk in it disappeared, it is permitted. For if one will say that [drops of non-kosher milk] were mixed with the butter and it was all cooked together, they became insignificant because of the small quantity [involved]. When, however, the butter is cooked by gentiles themselves, it is forbidden because of the effusion of gentile [foods], as will be explained.

17 When a Jew sits near a herd belonging to a gentile and the gentile brings

him milk from the herd, it is permitted [for him to partake of it] even though there are non-kosher animals in the herd. [This applies] even though he did not see him milk the animal, provided he could have seen him were he to stand. [The rationale is that] the gentile is afraid to milk the non-kosher animal lest [the Jew] stand and see him.

18 When both of the ends of an egg are rounded, both are pointed, or the yolk is on the outside and the white is on the inside, it is certainly from a non-kosher species. If one end is pointed, the other rounded, and the white is on the outside and the yolk is on the inside, it is possible that it is the egg of a non-kosher species and it is possible that it is the egg of a kosher species. Accordingly, the Jew should inquire of the Jewish hunter who sells them. If he tells him that they are from such-and-such a fowl and that this fowl is kosher, he may rely on him. If, however, he tells him that they are from a kosher fowl, but does not mention its name, he may not rely on him.

19 For this reason, we do not purchase eggs from gentiles unless one recognizes the eggs and can identify them as being from a particular kosher species of fowl. We do not suspect that they came from a fowl that was *trefe* or *nevelah*. And we do not purchase an [unshelled and] stirred egg from a gentile at all.

20 The distinguishing signs of fish eggs are the same as those for fowl. When both of the ends of an egg are rounded or both are pointed, it is non-kosher. If one end is pointed and the other rounded, he should inquire of

the Jew who sells them. If he tells him that he salted them and removed them from a kosher species, he may partake of them on the basis of his statements. If he tells him that they are kosher, he may not rely on him unless he is a person who has an established reputation for observance.

21 Similarly, we may not purchase cheese and pieces of fish that do not have distinguishing signs except from a Jew who has an established reputation for observance. In *Eretz Yisrael*, at the time it was populated primarily by [observant] Jews, one could purchase these items from any Jew located there. And it is permitted to purchase milk from any Jew, anywhere.

22 When a person pickles non-kosher fish, the brine produced is forbidden. The brine produced by non-kosher locusts, by contrast, is permitted, because they do not possess any moisture. Accordingly, we do not purchase brine from gentiles unless there is a kosher fish floating in it. Even one fish is sufficient.

23 When a gentile brings a trough filled with open barrels of brine and there is a kosher fish in one of them, they are all permitted. If they are closed, one opens one and finds a kosher fish and one opens a second and finds a kosher fish, they are all permitted. [This applies] provided the head of the fish and its backbone are present so that it is recognizable that they are from a kosher species of fish.

For this reason, we do not purchased crushed, salted fish from gentiles which are called *terit terufah*. If, however, the head and the backbone of a fish is recognizable, even though it is crushed, it is permitted to purchase

it from a gentile.

24 When a gentile brings a keg of pieces of evenly cut up fish and it is obvious that they are from one fish, they are all permitted if he finds scales on one of the pieces.

Chapter 4

1 A person who partakes of an olive-sized portion of a domesticated animal, wild beast, or fowl which dies is liable for lashes, as [**Deuteronomy 14:21**] states: "Do not partake of any *nevelah*." All animals that were not slaughtered in the appropriate manner are considered as if they died. In the Laws of *Shechitah*, we will explain which types of slaughter are appropriate and which are not.

2 Only animals from kosher species are forbidden as a *nevelah*, for they are the species that are fit to be ritually slaughtered and if they are slaughtered in a kosher manner, it is permitted to partake of them. [When,] by contrast, one partakes of [meat from] a non-kosher species, [since] ritual slaughter is of no consequence with regard to them, whether they are slaughtered in a kosher manner, whether they died in a natural manner, or whether one cut meat from a living animal and ate it, one does not receive lashes for partaking of a *nevelah* or partaking of *trefe* meat, only because one ate the meat of a non-kosher animal.

3 When a person eats an [entire] kosher fowl of any size, he is liable for lashes for partaking of a *nevelah*, even though he ate less than an olive-

sized portion. [The rationale is that] he consumed it in its entirety. If he ate it after it died, it must be the size of an olive [for him to be liable]. Even though it does not have an olive-sized portion of meat on it, since as a whole, it is the size of an olive, he is liable for [partaking of] a *nevelah*.

4 When a person partakes of an olive-sized portion of a stillborn fetus of a kosher animal, he is liable for lashes for partaking of a *nevelah*.

It is forbidden to partake of a newborn animal until the night of the eighth day [of its life]. For whenever an animal has not lived for eight days, we consider it as stillborn, but lashes are not administered [for partaking] of it. [Moreover,] if it is known that the animal was born after a full term period of gestation, i.e., nine months for a large domesticated animal and five months for a small domesticated animal, it is permitted on the day that it was born.

5 The placenta that is expelled together with the newborn is forbidden to be eaten. A person who eats it, however, is not liable, because it is not [considered] meat.

6 When a person eats an olive-sized portion of a kosher domesticated animal, wild beast, or fowl that was mortally wounded is liable for lashes, as [**Exodus 22:30**] states: "Do not eat meat [from an animal that was] mortally wounded (*trefe*) in the field. Cast it to the dogs."

The term *trefe* employed by the Torah refers to [an animal] mortally wounded by a wild beast, e.g., a lion, a tiger, or the like, or a fowl mortally wounded by a bird of prey, e.g., a hawk or the like. We cannot say that the

term *trefe* refers to an animal that was attacked and killed, for if it died, it is a *nevelah*. What difference does it make if it died naturally, was struck by a sword or died, or was battered by a lion and died? Thus [the term *trefe*] must refer to an instance when it was mortally wounded, but did not die.

7 If an animal that is mortally wounded is forbidden, shall we say that if a wolf or a lion comes and drags a kid by its foot, its tail, or its ear, and a man pursues [the beast] and saves [the kid], it will be forbidden, because it was attacked? The Torah states: "Do not eat meat [from an animal that was] mortally wounded (*trefe*) in the field. Cast it to the dogs." [An animal is not considered *trefe*] unless it was brought to a state that its meat is fit [only] for the dogs. Thus we have learned that the term *trefe* employed by the Torah refers to [an animal] that was attacked by a wild beast and battered by it that has not died yet. Even if the person hurries and slaughters it before it dies, it is forbidden as *trefe*. For it is impossible that it will live after suffering such wounds.

8 Thus we have learned that the Torah forbade [an animal] that died, a *nevelah*, and it forbade one that was on the verge of death because of its wounds even though it has not died yet, i.e., a *trefe*.

Now we do not make a distinction with regard to an animal that has died regardless of whether it died naturally, it fell and died, it was strangled until it died, or it was attacked by a wild beast who killed it. Similarly, we do not make a distinction between an animal that is on the verge of death, regardless of whether it was attacked by an animal and battered, fell from

the roof and broke the majority of its ribs, fell and crushed its limbs, it was shot with an arrow and its heart or lung pierced, it developed an illness that caused its heart or lung to be perforated, one broke the majority of its ribs, or the like. Since it is on the verge of death regardless of the cause, it is a *trefe*. [This applies] whether [its wound] was caused by flesh and blood or by God's hand.

If so, why does the Torah use the term *trefe*? For Scripture speaks with regard to prevalent situations. [We are forced] to say this. If not, only an animal that was mortally wounded in the field would be forbidden. One that is mortally wounded in a courtyard would not be forbidden. Thus we learn that Scripture [is employing this example,] only because it speaks with regard to prevalent situations.

9 The intent of the verse is that [an animal] that is mortally wounded and will not live because of these wounds is forbidden. On this basis, our Sages said: "This is the general principle: Whenever [an animal] in this condition will not live, it is *trefe*." In *Hilchot Shechitah*, we will explain which conditions cause an animal to be deemed *trefe* and which do not cause it to be deemed *trefe*.

10 Similarly, when one cuts meat from a living kosher animal, one receives lashes for partaking of a *trefe*. For this meat comes from an animal that has not been ritually slaughtered and has not died. [Hence it is comparable to a *trefe*.] What difference does it make to me if it was attacked by an animal or cut by a knife? And what difference does it make if [the animal] was [wounded] in its totality or only a portion of it was wounded? For the

verse states: "Do not eat meat [from an animal that was] *trefe* in the field." Since [a portion of] the animal was made meat in the field, it is *trefe*.

11 When an animal is sick because it is weakened and is on the verge of death, it is permitted, because it did not suffer a wound in any one of the limbs and organs that will cause it to die. For the Torah forbade only those situations resembling an animal mortally wounded by a preying wild beast. In that situation, the animal wounded it with a blow that caused it to die.

12 Although it is permitted, the great sages would not partake [of the meat] of an animal which people were hurrying to slaughter before it died. [This applies] even if it makes convulsive movements after being slaughtered. This is a matter that does not involve a prohibition. Nevertheless, whoever desires to accept this stringency upon himself is praiseworthy.

13 When a person slaughters a domesticated animal, wild beast, or fowl and blood does not flow out from them, they are permitted. We do not say: perhaps they were dead already. Similarly, when one slaughters a healthy animal and it does not make convulsive movements, it is permitted.
Different [rules apply with regard to an animal that] is dangerously ill, i.e., one which cannot maintain itself when others cause it to stand it up. [It is placed in this category] even if it eats the food of healthy animals. If [such an animal] is slaughtered and does not make any convulsive movements at all, it is a *nevelah* and one is liable for lashes [for partaking] of it. If it makes convulsive movements, it is permitted.

The convulsive movements must be made at the end of the slaughter. If they are made at the beginning, they are of no consequence.

14 What is meant by convulsive movements? For a small domesticated animal and for both a small and a large wild beast, the intent is that it extended its foreleg and returned it, extended its hind leg even though it did not return it, or merely bent its hind leg. This is considered a convulsive movement and [the animal] is permitted. If, however, it merely extended its foreleg and did not return it, it is forbidden. [This movement is] merely a result of the expiration of the soul.

With regard to a large domesticated animal, [more lenient laws apply]. If it either extended its foreleg or its hind leg without bending it or bent its foreleg or hind leg without extending it, it is considered as a convulsive movement and it is permitted. If, however, it neither extended or bent its foreleg or its hind leg at all, it is considered as a *nevelah*.

With regard to a fowl, even if it only blinked its eyelid or swatted its tail, it is considered a convulsive movement.

15 When one slaughters an animal that is dangerously ill at night and does not know whether or not it made convulsive movements, it is forbidden, because of the possibility that it is a *nevelah*.

16 None of the substances prohibited by the Torah can be combined with each other [to reach the minimum measure for which one is liable for lashes] with the exception of the prohibitions that apply to a nazarite, as explained in that source. Therefore when a person takes a small amount of

fat, a small amount of blood, a small amount of the meat of a non-kosher animal, a small amount of the meat of a *nevelah*, a small amount of the meat of a non-kosher fish, a small amount of the meat of a non-kosher fowl, or the like from other prohibited substances, although he collects an olive-sized portion from the entire mixture and partakes of it, he is not liable for lashes. He is bound by the laws that apply when one eats half the minimum measure [of a forbidden] substance.

17 All [types of] *nevelot* may be combined together. A *nevelah* may be combined with a *trefe*. All the non-kosher animals and wild beasts may be combined with each other. But the meat of a *nevelah* and the meat of a non-kosher animal may not be combined.

What is implied? When one takes [some meat] from a *nevelah* of an ox, some from the *nevelah* of a deer, some from the *nevelah* of a chicken and combined it so that he has an olive-sized portion of meat, he is liable for lashes if he eats it. Similarly, if he collected half of an olive-sized portion from the *nevelah* of a kosher animal and half of an olive-sized portion from a *trefe*, or half of an olive-sized portion from the meat of a *nevelah* and half from meat taken from a living kosher animal, he is liable if he eats it. Similarly, if he collects an olive-sized portion [by combining] the meat of a camel, a pig, and a hare, he is liable if he eats it.

If, by contrast, he takes half of an olive-sized portion of a *nevelah* of an ox and half an olive-sized portion of a camel [an eats it], they are not combined. Similar principles apply in all analogous situations. Similarly, the meat of a non-kosher animal, fowl, or fish are not combined for they involve different prohibitions. For each one is forbidden by a separate

negative commandment, as we explained. Nevertheless, all the forbidden species of fowl can be combined as may all the forbidden species of domesticated animals and wild beasts.

This is the general principle: Whenever substances are included in the same prohibition, they may be combined. [If they are included] in two [separate] prohibitions, they are not combined. The [only] exceptions are a *nevelah* and a *trefe*. [The rationale is that] a *trefe* is the beginning of [an animal] becoming a *nevelah*.

18 When a person eats the skin, the bones, the sinews, the horns, or the hoofs of a *nevelah*, a *trefe*, or a non-kosher domesticated animal or wild beast, from the nails of a non-kosher fowl in the places where blood would spurt through when they are cut off, or from their placenta, although this is forbidden, he is not liable. [The rationale is that] they are not fit to be eaten. They cannot be combined with meat [in the measure of] an olive-sized portion.

19 [Milk found in] the stomach of a *nevelah* and the stomach of a non-kosher animal is permitted, for it is like other waste products of the body. Therefore, it is permitted to use [milk found in] the stomach of an animal slaughtered by a gentile or the stomach of a non-kosher domesticated animal or wild beast to cause cheese to solidify. The skin of the stomach, by contrast, is like the other digestive organs and is forbidden.

20 The placenta of a donkey is permitted to be eaten because it is like dung and urine which is permitted. There is skin which is considered like meat

and one who partakes of an olive-sized portion is considered like one who eats an olive-sized portion of meat, provided one partakes of it when it is soft.

21 The following [types of] skins are considered like meat: the skin of a human, the skin of a domesticated pig, the skin of a camel's hump upon which a burden has never been loaded, [because] it has not reached the age [to serve as a beast] of burden, for then it is still soft, the skin of genital area, the skin that is below the tail, the skin of a fetus, the skin of the hedgehog, the chameleon, the lizard, the snail. When all of these skins are soft, they are considered like meat with regard to all matters, whether with regard to [liability for] the prohibition against partaking of them or with regard to the laws of ritual purity.

22 With regard to an ox condemned to be stoned, [**Exodus 21:28**] states: "Its meat shall not be eaten." Now, how could one think that it would be eaten after it was stoned to death, for it is a *nevelah*? Instead, the Torah is coming to teach you that once it has been sentenced to execution by stoning, it becomes forbidden; it becomes like a non-kosher animal. [Even] if one hurried and slaughtered it in an acceptable manner [before it was executed], it is forbidden to benefit from it. If one eats an olive-sized portion of its meat, he is liable for lashes. And when it is executed by stoning, its [meat] should not be sold or given to the dogs or to a gentile, [as implied by the phrase]: "shall not be eaten." It is permitted [to benefit from] the dung of an ox condemned to be stoned.

If it is discovered that [a condemned ox] is not liable to be stoned after it

was sentenced, e.g., the witnesses who testified against it were disqualified, it may be sent out to pasture with the herd. If this was discovered after it was executed, it is permitted to benefit from [its meat].

Chapter 5

1 According to the Oral Tradition, we learnt that [the intent of] the Torah's statement "Do not partake of the soul together with the meat" [is to] forbid a limb cut off from a living animal. With regard to a limb cut off from a living animal, it was said to Noah [**Genesis 9:4**]: "But flesh, together with its soul, its blood, you may not eat."

The prohibition against [partaking of] a limb from a living animal applies to kosher domesticated animals, wild beasts, and fowl, but not to non-kosher species.

2 The term *ever* [translated as "limb"] applies both to a limb that has flesh, sinews, and bones, e.g., a hand or a foot, and to an organ that does not have a bone, e.g., the tongue, the testicles, the spleen, the kidneys, the heart, and the like. [There is, however, one difference.] When an organ does not possess a bone, the prohibition [against partaking of] a limb from a living animal applies whether one cut off the entire organ or only part of it. When, by contrast, a limb possesses a bone, a person is not liable [for violating the prohibition against] a limb from a living animal unless he separates it in its complete state, with its flesh, sinews, and bones. If, however, he only removes flesh from the living animal, he is liable for [the prohibition against partaking of] a *trefe* [animal] as

explained, and not because of a limb from a living animal.

3 One is liable for lashes only for partaking of an olive-sized portion of a limb from a living animal. Even if one eats an entire limb or organ, if it is the size of an olive, one is liable; if not he is exempt.
If one cut off a olive-sized portion of flesh, sinews, and bones from the limb according to its natural form and ate it, one is liable, even if it possessed only the smallest amount of meat. If, however, one separated a limb which he tore off from a living animal and detached the flesh from the sinews and the meat, he is not liable for lashes unless he eats an olive-sized portion of the meat alone. The bones and the sinews are not included in the olive-sized portion since he changed [the limb's] natural form.

4 When one divides this organ and eats it bit by bit, he is liable if there is an olive-sized portion of meat in what he ate. If not, he is exempt. If he took an olive-sized portion of a limb with flesh, sinews, and bones according to its natural form and ate it, he is liable, even though it became divided inside his mouth before he swallows it.

5 When a person rips a limb from a living animal and causes it to become *trefe* when doing so, he is doubly liable for partaking of it: once for [partaking of] a limb from a living animal and once for [partaking of] a *trefe*. Both of these prohibitions take effect at the same time. Similarly, if one rips fat from a living animal and partakes of it, he is doubly liable: for [partaking of] a limb from a living animal and for [partaking of] fat. If he

rips fat from a *trefe* [animal], he is liable for [the violation of] three [negative commandments].

6 [The following rules apply when] meat is disjoined from an animal and an organ is hanging from it. If it is impossible that this meat will again become a living part of the body, it is forbidden, but one is not liable for lashes for it. [This applies] even though it was not separated [from the animal] until after it was slaughtered. If the animal dies, we consider [the limb] as if it fell off while [the animal] was alive. Therefore one receives lashes for [partaking] of it, because of the prohibition against [partaking of] a limb from a living animal. If, however, the limb could again become a living part of the body and the animal is ritually slaughtered, it is permitted.

7 If one pulled an organ [from its natural position], crushed it, ground it, e.g., one crushed testicles or pulled them from their place [and then slaughtered the animal, the organ] is not forbidden according to Scriptural Law. [The rationale is] that it possesses a trace of life - as evidenced by the fact that it does not decay. Nevertheless, it is forbidden to partake of it as a result of a custom followed by the entire Jewish people from previous generations. For it resembles a limb separated from a living animal.

8 [The following laws apply when an animal's] bone was broken: If the flesh or the skin covers the majority of the thickness of the broken bone and the majority of the circumference of the fracture, it is permitted. If the bone emerged outside [the skin], the limb is forbidden. When the animal

or the fowl is slaughtered, one should cut off [the limb] at the place where it is broken and discard it. The remainder of the limb is permitted.

We rule that [the limb] is forbidden until the flesh is healed [in all the following situations]: the bone broke, the flesh covers the bone, but that flesh was crushed or decayed like flesh which a doctor would remove, it is scattered in many different places, there were many perforations within the flesh, the flesh was cracked or pierced like a ring, the flesh was rubbed off from above until only a [thin] peel remained, or the flesh decayed from below around the broken bone to the extent that the flesh surrounding the bone does not touch it. If a person partook [of the limb] in any of these [circumstances], he is liable for stripes for rebellious conduct.

9 When a person inserts his hand into the inside of an animal, cuts off the spleen, one of the kidneys, or the like, but leaves [the severed organ] inside the animal, and then slaughters it, the pieces cut off are forbidden as organs from a living animal although they remained within the animal's womb. If, however, he cut away [a portion of] a fetus within the womb, but did not remove it, and then slaughtered [the mother], the pieces or limbs of the fetus are permitted because they did not emerge [outside the mother].

When a fetus sticks its foreleg or hind leg out of the womb, that limb is forbidden forever, whether one cuts off [the limb] before he slaughters the mother or afterwards. Even if it returns the limb to the womb of the mother and afterwards, [the mother] was slaughtered or the fetus was born and lived for several years, that limb is forbidden as a *trefe*. [The

rationale is that] all meat that emerged from its natural position is forbidden as flesh that was separated from a living animal.
[This is derived from the phrase (**Exodus 22:30** :] "Meat [from an animal that was] mortally wounded (*trefe*) in the field." [Our Rabbis extrapolated:] When meat comes out to a place that is like a field for it, it becomes *trefe*, as we explained.

10 [When the fetus] sticks out a portion of a limb and a portion remains within, even if it is only the minority of it, the portion which emerged is forbidden and that which remained within is permitted.
If he cuts off the portion of the limb that emerged after it was returned within the animal and the animal was slaughtered, only that portion is forbidden, the remainder of the limb is permitted. If he did not return it to the womb and it remained outside and he cut it off there, the place where he cut it off - i.e., the place on the limb open to the air after the limb was cut off - is forbidden. He must afterwards cut off this portion as well. [This applies] whether he [originally] cut off the portion of the limb before [the mother] was slaughtered or afterwards.

11 Whenever a limb emerges and is cut off before the animal is slaughtered while it is outside, it is considered as a limb from a living animal and one is worthy of lashes for partaking of it. [This applies] even if the fetus dies before [the mother] is slaughtered. If it is cut off after ritual slaughter, one who partakes of it is not liable for lashes, even if it dies. If [the mother] dies and then one cuts off this limb, one who partakes of it is liable for lashes for the prohibition against partaking of a limb from a living animal.

12 [The following rule applies when] a fetus sticks out a limb and that limb becomes forbidden and then the fetus is born. If it is female, we are forbidden to drink its milk because of an unresolved halachic question. For the milk comes from all of the animal's limbs and it has a limb which is forbidden. Hence, it is comparable to milk from a *trefe* animal that becomes mixed with milk from a kosher animal.

13 When a person slaughters a kosher animal that is pregnant and discovers a fetus - whether live or dead - within it, the fetus is permitted to be eaten. Even the placenta is permitted to be eaten.

[The following rules apply if] a portion of the placenta emerged and then one slaughtered the mother. If the placenta was attached to the fetus, the portion which emerged is forbidden and the remainder is permitted. If it is not attached to the fetus, it is forbidden in its entirety, for perhaps the fetus that was in this placenta disappeared and maybe the placenta of the fetus that is found in the womb disappeared. Needless to say, if a fetus is not found in the womb at all, the placenta is forbidden in its entirety.

14 If one finds a living fetus [in the womb of a slaughtered animal] - even though it has been carried for nine months, and it is possible that it will live, it does not require ritual slaughter. Instead, it is acceptable because of the slaughter of its mother. If it steps on the ground, it requires ritual slaughter.

15 If a person ripped open an animal or slaughtered an animal that was *trefe* and found a live fetus that had been carried for nine months, [that fetus]

must be ritually slaughtered to be permitted. The slaughter of its mother is not effective.

If the period [of gestation] was not completed, it is forbidden even though it is alive in the womb of the *trefe* animal. [The rationale is that] it is considered as one of the mother's limbs. Whenever an animal thrust its head [out of the womb] and then returned it and [only] afterwards its mother was slaughtered, the slaughter of its mother has no bearing on it, it is considered as if it was born and it must be ritual slaughtered [to be permitted].

Chapter 6

1 When a person partakes of an olive-sized portion of blood intentionally, he is liable for *karet*. If he does so inadvertently, he is liable to bring a fixed sin-offering.

It is explicitly stated in the Torah that he is liable for partaking of blood from all domesticated animals, wild beasts, and fowl alone. This applies whether they are from a non-kosher or kosher species, as [**Leviticus 7:26**] states: "You may not partake of any blood from a fowl or an animal in all your dwellings." A wild beast is considered as an animal as [**Deuteronomy 14:4-5**] states: "These are the animals that you may eat: an ox... a gazelle and a deer...."

One is not, [by contrast,] liable for transgressing of the prohibition against partaking of blood for partaking of the blood of fish, locusts, creeping animals, teeming animals, or humans. Therefore it is permitted to partake of the blood of kosher fish and locusts. Even if one collects it in a

container and drinks it, it is permitted. The blood of non-kosher fish and locusts is forbidden because it comes from their bodies like the milk of a non-kosher animal. The blood of creeping animals is comparable to their bodies, as we explained.

2 The blood of a human is forbidden according to Rabbinic law if it departed [from the person's body]. One is liable for stripes for rebellious conduct for [partaking] of it. When, by contrast, one's teeth bleed, he may swallow it; he need not hold himself back. If one bit into bread and found blood upon it, he must scrape away the blood before partaking of it, for the blood has departed [from the body].

3 One is liable for *karet* only for blood that flows out [from the animal] when it is slaughtered, killed, or decapitated as long as it is tinted red, blood that is collected within the heart, and blood that is let, i.e., blood that flows forcefully [from the body]. One is not, however, liable for blood that drips at the beginning of bloodletting before it begins to flow forcefully or blood that drips at the ending of bloodletting when the bleeding begins to cease. It is like "blood within the limbs." [The reason for the distinction is that] blood that flows forcefully is bleeding through which the soul may expire.

4 One is not liable for *karet* for concentrated blood or the blood within the limbs, i.e., the blood of the spleen, the kidneys, the testicles, the blood that collects in the heart at the time the animal is slaughtered, and the blood found in the liver. A person who partakes of an olive-sized portion

of it, however, is liable for lashes, as it is written: "You may not partake of any blood." With regard to one's liability for *karet* [**Leviticus 17:11**] states: "For the soul of the flesh is in the blood." [Implied is that] one is liable for *karet* only for blood that causes the soul to expire.

5 When a fetus is found in an animal's womb, its blood is like the blood of an animal that has been born. Therefore one is liable for the blood that is collected in its heart. The remainder of its blood, by contrast, is considered as the blood of the limbs.

6 Whether one [desires to] roast or cook a heart, one must cut it open, remove its blood, and then salt it. If one cooks a heart without cutting it open, one may cut it open after it was cooked. It is then permitted. If one did not cut it open and partook of it, one is not liable for *karet*.
When does the above apply? With regard to the heart of a fowl, because it does not contain an olive-sized portion of blood. If, by contrast, one [partakes] of the heart of an animal, one is liable for *karet*. For there is an olive-sized portion of blood within the heart and therefore one is liable for *karet*.

7 If one cuts open the liver and casts it into vinegar or boiling water until it turns white, it is permitted to cook it afterwards. It has already become universal Jewish custom to singe it over a fire and then cook it. [This applies] whether one cooks it alone or one cooks it with other meat.
Similarly, it is a common custom that the brains are not cooked nor roasted until they are singed over a fire.

8 When a liver was cooked without being singed over a fire or cast into vinegar or hot water, the pot in which it was cooked is forbidden entirely: the liver and everything cooked with it.

It is permitted to roast a liver together with other meat on one spit, provided the liver is positioned below [the other meat]. If one transgressed and roasted it while it was positioned above the meat, [after the fact,] one may eat it.

9 It is permitted to cook a spleen together with meat, because it is not blood, but meat that resembles blood.

When one breaks the neck of an animal before its soul expires, the blood is absorbed into the limbs. It is forbidden to eat raw meat from it even if one causes the blood to be sealed. What should be done? One should cut open the piece and salt it thoroughly and afterwards, cook it or roast it.

We have already explained that when a person slaughters a domesticated animal, wild beast, or fowl and no blood emerges, they are permitted.

10 Meat does not release [all] the blood it contains unless it is salted thoroughly and washed thoroughly. What should one do? One should wash the meat first and afterwards, salt it thoroughly. One should leave it in the salt for the time it takes to walk a *mil* and then wash it thoroughly, [continuing] until clean water emerges. Immediately afterwards, one should cast it into boiling water - warm water is not [sufficient] - so that it will become white immediately and [no further] blood will be released.

11 When we salt meat, we salt it only in a utensil that has holes.

We salt it only with thick salt that resembles coarse sand. [The rationale is that] salt that is thin like flour will be absorbed by the meat and will not extract the blood.

One must shake the salt from the meat before washing it.

12 All of the above procedures apply with regard to meat that one must cook. For roasting, by contrast, one may salt the meat and roast it immediately.

When a person desires to eat raw meat, he should salt it thoroughly and wash it thoroughly. If he causes the blood to be sealed [by casting the meat into] vinegar, it is permitted to eat the meat while raw. And it is permitted to drink the vinegar which sealed it, for vinegar does not extract blood.

13 Vinegar in which meat was sealed should not be used to seal meat a second time. When a piece of meat turns red within vinegar, it and the vinegar are forbidden. [It can be permitted by] salting it thoroughly and roasting it.

When meat turns red, similarly, the testicles of an animal or beast and their membranes, and similarly the neck which contains large blood vessels that are filled with blood, it is permitted to cook them if they are cut open and salted as required. If one did not cut them open and instead roasted them on a spit, they are permitted if he roasted the neck with its opening facing downward or he roasted all of them on the coals themselves.

14 [The following rules apply when one] roasts the head of an animal in an

oven or a furnace. If one hangs the head with the opening to its neck hanging downward, it is permitted, for the blood will emerge and flow outward. If the opening to the neck is positioned to the side, the brain is forbidden, because the blood collects in it. The remainder of the meat on the external surface of the bones is permitted.

Should he [roast it] with its nose positioned downward, if he places a straw or a reed in its nose so that it will remain open and the blood can flow out through it, [the brain] is permitted. If not, it is forbidden.

15 One should not place a utensil beneath meat that is being roasted to collect the juice [dripping from it] until no red color remains in the juice. What should be done? One places a small amount of salt in the utensil and leaves the utensil there until the meat roasts. He then removes the fat resting on top. The liquid below the fat is forbidden.

16 When roasted meat is sliced over a piece of bread, it is permitted to eat the bread, for [the liquid] which exudes is only fat.

When fish and fowl are salted together, even in a utensil with holes, the fish are forbidden. [The rationale is that] the fish is soft and will absorb the blood which is being exuded by the fowl. Needless to say, [this law applies] if one salted fish together with the meat of an animal or beast.

17 When one leaves fowl whole, stuffs their cavity with meat and eggs, and cooks them, they are forbidden, for the blood flows into them. This applies even if one salted them thoroughly, and even if the meat inside them was cooked or roasted. If one roasted [the fowl], they are permitted.

[This applies] even if the meat inside them was raw and even if their opening was pointed upward.

18 When one filled intestines [that were not salted] with roasted or cooked meat in this manner or with eggs and cooked them or roasted them, they are permitted. [The rationale is that] we do not presume that there is blood in the intestines. The *Geonim* ruled in this manner.

19 [The following rules apply when] one coated fowl with flour and roasted them, whether whole or cut in portions. If they were coated with coarse flour, one may partake of the coating, even if it became reddish. [The rationale is that] coarse flour will crumble and the blood will flow outward. When they are coated with wheat flour that was moistened [before being ground], it is permitted to eat from the coating if it is white like silver. Otherwise, it is forbidden. If they were coated with other flours, they are forbidden if they turn red. Otherwise, they are permitted.

20 It is forbidden to use a knife that was used for ritual slaughter to cut hot meat unless the knife was exposed to fire until it turned white, sharpened in a sharpener or inserted into hard earth ten times. [After the fact,] if one cut hot meat with it, it is permitted.

Similarly, one should not cut radishes or other sharp foods with it at the outset. If one washed the knife or cleaned it with a utensil, it is permitted to cut radish and the like with it, but not hot meat.

21 When meat has been salted in a bowl, one is forbidden to eat hot food in it for all time, for the blood has already been absorbed in its clay. [This

applies] even if [the utensil] is coated with lead.

Chapter 7

1 When a person willfully eats an olive-sized portion of forbidden fat, he is liable for *kerat*. If he partakes of it inadvertently, he must bring a fixed sin-offering.

It is explicitly stated in the Torah that he is liable for partaking [of the fat] of the three species of kosher domesticated animals alone, as [**Leviticus 7:23**] states: "Do not partake of any fat from an ox, lamb, or goat." [This applies] whether one partakes of fat from an animal that is ritually slaughtered or one partakes of fat from a *nevelah* or a *trefe* [from a kosher species]. With regard to other domesticated animals and wild beasts, whether non-kosher or kosher, their fat is comparable to their meat. Similarly, the fat of a stillborn fetus of the three species of kosher animals is comparable to its flesh. When one partakes of an olive-sized portion of it, one is liable for lashes for partaking of a *nevelah*.

2 When a person partakes of the fat of a *nevelah* or a *trefe*, he is liable for partaking of fat and for partaking of a *nevelah* or a *trefe*. [The rationale] is that since a prohibition is added to its meat - for it was permitted beforehand - it is also added to its fat. Hence one is liable for two sets of lashes.

3 When a person slaughters an animal and finds a fetus in its womb, all of its fat is permitted. [This applies] even if the fetus is alive, because it is

considered as a limb of [the mother]. If it was carried for the full period of gestation and discovered to be alive, its fat is forbidden and one is liable for *kerat* for partaking of it. [This applies] even if [the fetus] never stepped on the ground and does not require ritual slaughter. [Instead,] we must remove all the forbidden strands of tissue and membranes from it as [is required] with regard to other animals.

4 When a person inserts his hand into an animal's womb and cuts off and takes out the fat of a fetus that has undergone a full period of gestation, he is liable for it in the same way as if he cut off the fat of the animal itself. [The rationale is that the fulfillment of the gestation period] is what causes the prohibition against fat.

5 There are three types of forbidden fat for which one is liable for *kerat*: the fat on the digestive organs, on both kidneys, and on the flanks. The fat-tail, by contrast, is permitted to be eaten. It is called fat only with regard to the sacrifices, just as the kidneys and the large lobe of the liver are referred to as "fat" with regard to the sacrifices. Similarly, we find the expressions "the fat of the land," and "wheat as fat as kidneys" [where the intent is not "fat,"] but "choice."

Since these entities are being raised up from the sacrifice to be consumed with fire for God, they are called "the fat," i.e., the choice portion, for there is nothing more choice than the portion consumed with fire for God. For this reason, with regard to *terumat ma'aser* [**Numbers 18:30**] states: "When you raise up its *fat* from it."

6 The fat on the abdomen and on the gut is what is meant by the term "the fat on the digestive organs." One is liable for the fat at the joints of the thighs on the inside. This is what is meant by the term "the fat on the flanks." There is also fat on the maw which is bent like an arch; it is forbidden. There is a ligament that extends like a lobe; it is permitted. The strands [stemming from] the fat are forbidden, but one is not liable for *kerat* for them.

7 Fat which is covered by meat is permitted. Scripture forbids "fat on the flanks," but not within the flanks. Similarly, "fat on the kidneys" is forbidden, but not fat within the kidneys. Nevertheless, a person should remove the white matter within the kidney and only then, partake of it. It is not necessary, however, to remove all traces of it.

8 There are two cords of fat in the primary loin area, near the top of the thigh. While an animal is alive, this fat can be seen on the intestines. When, however, it dies, one portion of meat will cling to another and cover this fat. It will not be visible until the portions of meat will be separated from each other. Nevertheless, it is forbidden, because this is not fat that is covered by meat.

[In contrast,] wherever you find fat under meat, with the meat covering it and surrounding it in its entirety [so that] it will not be seen until the meat is cut away, it is permitted.

9 The fat of the heart and the fat of all of the small intestines are permitted. They are considered like *shuman* which is permitted fat with the exception

of the top of the intestine that is next to the maw and is the beginning of the small intestines. The fat must be scraped off it. This is the fat of the small intestines that is forbidden. There are some of the *Geonim* who say that the top of the intestine from which the fat must be scraped off is the large intestine, i.e., the colon from which feces are excreted which is the last of the digestive organs.

10 In the body of an animal, there are strands of tissue and membranes that are forbidden. Some are forbidden because of the prohibition against partaking of fat and others because of that against blood. Whenever a strand of tissue or a membrane is forbidden because of the prohibition [**Leviticus 3:17**]: "Do not partake of any blood," one must remove it, and only then salt the meat as we explained. If one cut [the forbidden blood vessel], it does not have to be removed. Similarly, if one roasts [the meat], it does not have to be removed.

Whenever a strand of tissue or membrane is forbidden because of the prohibition, "Do not partake of any fat," it must be removed from the animal whether one's intent is to cut it or roast it.

11 There are five strands of tissue in the flanks: three on the right and two on the left. Each of the three on the right splits into two and each of the two on the left splits into three. All are [forbidden] as fat.

The strands of tissue from the spleen and from the kidneys are forbidden as fat. Similarly, the membrane on the spleen, the membrane above the flanks, and the membrane on the kidneys are forbidden as fat. One is liable for *kerat* for the membrane on the thick side of the spleen. The

remainder of the membrane is forbidden, but one is not liable for it.

12 The kidney has two membranes. One is liable for *kerat* for [partaking of] the upper one as one is for [partaking of] the fat of the kidney itself. The lower one is like other membranes. The strands of tissue in them are forbidden, but one is not liable for *kerat* for them.

13 The strands of tissue of the heart, of the foreleg, of the end of the spinal cord, of the lower jaw, those at either side of the tongue, and those within the fat of the small intestines which are interwoven like spiderwebs, and the membrane above the brain in the cranium and the membrane on the testicles are all forbidden because [of the prohibition against partaking] of blood.

14 When a kid or a lamb is less than 30 days old, it is permissible to cook its testicles without peeling [the membranes from them]. After 30 days, if thin red lines can be seen within them, it is recognizable that blood has circulated through them and one should not cook [the testicles] until their outer membrane has been removed or until they have been cut open and salted, as we explained. If thin red lines have not yet been seen within them, they are permitted.

15 We do not assume that there is blood in any of the digestive organs through which the food passes.

16 It appears to me that all of these strands of tissue and membranes are forbidden according to Rabbinic Law. [Even] if one would say that they

are forbidden according to Scriptural Law, and are included in the prohibitions against partaking against any fat or any blood, one is not liable for lashes for them, only stripes for rebellious conduct. [Partaking of] them is comparable to partaking of half the measure of a forbidden substance. This is forbidden by Scriptural Law, yet one is not liable for lashes for it.

17 We do not salt or wash fat together with meat. One should not use a knife used to cut fat to cut meat, nor a container in which fats were washed to wash meat.

Therefore a butcher should prepare three knives: one with which to slaughter, one to cut the meat, and one to cut fat.

18 If it is local custom for the butcher to wash the meat in his store, he should prepare two containers of water, one in which to wash meat and one in which to wash fat.

19 It is forbidden for a butcher to spread the fat of the flanks over the meat to make it appear attractive. [The rationale is that] the membrane over the fat is thin. It may become crushed by the butcher's hand and the fat will ooze out and saturate through the meat.

[Although] it is forbidden to perform all of these acts, if they are performed, the meat is not forbidden. Nor is the person who performs them given corporal punishment. Instead, he is taught not to act in this manner.

20 Meat should not be salted before the forbidden membranes and strands of

tissue are removed. If the meat was salted with them, they must be removed after the salting. Even if the *gid hanesheh* was among them, one may remove them after salting and cook [the meat].

21 When a butcher follows the practice of cleaning meat [from forbidden strands of tissue and membranes and] such a strand or membrane is found after he [alleged to have cleaned the meat], we teach him and warn him not to act negligently with regard to prohibitions. [More stringent rules apply] if forbidden fat is found after he [alleged to have cleaned the meat]. If it is a barley corn in size, he is removed [from his position]. If an olive-sized portion of forbidden fat is found - even in several places - after he [alleged to have cleaned the meat], he is given stripes for rebellious conduct and he is removed from his position. The rationale is that a butcher's word is relied upon with regard to fat.

Chapter 8

1 [The prohibition against partaking of] the *gid hanesheh* applies with regard to kosher domesticated animals and wild beasts, even *nevelot* and *trefot*. It applies to a fetus and to animals that have been consecrated, both those consecrated [for sacrifices] of which we partake and for sacrifices of which we do not partake. It applies to [the *gid*] on the right thigh and that on the left thigh.

According to Scriptural Law, only [the *gid*] on the hip socket is forbidden, as [**Genesis 32:33**] states: "which is on the hip-socket." The remainder of the *gid* which is above the socket or below the socket - and similarly, the

fat which is on the *gid* - are forbidden only according to Rabbinic decree. There are two *giddim*. The inner one next to the bone is forbidden according to Scriptural Law. The entire outer one is forbidden by Rabbinic decree.

2 When a person partakes of the inner *gid hanesheh* on the socket, he is liable for lashes. If he partakes of the fat [of the *gid*], the remainder of the inner *gid*, or the entire outer one, he is liable for stripes for rebellious conduct.

What is the measure of which one must partake to be liable? An olive-sized portion. If one ate the entire *gid* on the socket, one is liable, even though it is less than an olive in size. The rationale is that it is considered as a self-contained entity.

3 When a person eats an olive-sized portion of the *gid* on the right side and an olive-sized portion of the *gid* on the left side, or he ate two entire *giddim* even if they are not the size of an olive, he receives 80 lashes. He is given lashes for every *gid* independently.

4 The prohibition against *gid hanesheh* does not apply with regard to a fowl, because it does not have a [round] hip-socket. Instead, its thigh is long [and flat]. If there is a fowl whose thigh is shaped like that of the thigh of an animal, i.e., it has a hip-socket, its *gid hanesheh* is forbidden, but one is not liable for lashes, because of it. Similarly, when there is an animal whose thigh is long like that of a fowl, its *gid hanesheh* is forbidden, but one is not liable for lashes for it.

5 When a person eats the *gid hanesheh* from a non-kosher domesticated animal or wild beast, he is not liable. [The rationale is that this prohibition] does not apply with regard to a non-kosher animal, only with regard to an animal that is entirely permitted. Nor is he considered as one who partook of the remainder of its body, for the *gid* is not included as meat, as we explained. If, however, one partakes of the fat on the *gid* [of a non-kosher] animal, it is considered as if one ate from its meat.

6 When a person partakes of a *gid hanesheh* from a *nevelah*, a *trefe*, or an animal consecrated as a burnt offering, he is liable for two [sets of lashes]. Since [the prohibition] includes the remainder of its body which was permitted, it also includes the *gid* and causes another prohibition to be added to it.

7 One who removes the *gid hanesheh* must ferret out all traces of it until nothing remains. A butcher's word is accepted with regard to the *gid hanesheh*, just as it is accepted with regard to forbidden fat. [Accordingly,] we do not purchase meat from every butcher, [only from] an upright man who has established a reputation for observance. If he slaughters meat himself and sells it, his word is accepted.

8 Where does the above apply? In the Diaspora. In *Eretz Yisrael*, by contrast, when it is populated entirely by [Torah-observant] Jews, meat may be purchased from anyone.

9 [The following rules apply when] a butcher is considered as trustworthy to sell meat, but it is discovered that he sold meat that was *nevelah* or *trefe*.

He must return the money to its owners. He is placed under a ban of ostracism and is removed from his position.

There is no way that he can correct [his act] so that people [will be allowed] to purchase meat from him until he goes to a place where his identity is unknownand returns a lost object of significant worth or slaughters an animal for his own self and has it declared *trefe* although it involves a significant financial loss. For these actions indicate that he certainly repented without any [intent to] deceive.

10 When a person purchases meat and sends it via a common person, [the latter's] word is accepted with regard to it. Although he has not established a reputation for Torah observance, we do not suspect that he will exchange [the meat for a non-kosher cut]. Even the servants and maidservants of the Jews are trusted with regard to such a matter. A gentile, by contrast, is not [trusted], for we fear that he will exchange [the meat].

11 [The following rule applies when there are] ten stores, nine sell kosher meat and one sells *nevelot*. If one purchased meat from one of these stores and did not know which one he purchased from, [the meat] is forbidden. [The rationale is that] whenever [the presence of a forbidden entity] is firmly established, the situation is considered as half and half.

If, however, meat is found cast away in the street, [it is judged] according to the majority. For [we follow the assumption:] Anything that was separated, separated from the majority. If the majority of sellers were gentile, [the meat] is forbidden. If the majority were Jewish, it is

permitted.

12 Similarly, when meat is found in the hand of a gentile and it is not known from where he purchased it, if [the majority of] the sellers of meat were Jewish, it is permitted.

This reflects the ruling according to Scriptural Law. [Nevertheless,] our Sages have already forbidden any meat found in the marketplace or in the possession of a gentile even though all the slaughterers and all the sellers are Jewish. Moreover, even if one purchased meat, left it in his house, and it disappeared from one's sight, it is forbidden unless it had a distinguishing mark, he was familiar with it and could recognize it definitely as [the piece of meat lost], or it was bound and sealed.

13 [The following rule applies when] one hung a container filled with pieces of meat, the container broke, and the pieces fell to the earth. If there is no distinguishing mark [on the meat] and he was not able to recognize it, it is forbidden. [The rationale is that] it is possible to say that the meat that was in the container was dragged away by a wild beast or creeping animal and this is other meat.

14 It is permitted to derive benefit from a *gid hanesheh*. Therefore it is permissible for a person to send a thigh which contains a *gid hanesheh* to a gentile. He may give him the entire thigh intact in the presence of a Jew. We do not suspect that [the other] Jew will partake of this meat before the *gid* is removed, because its place is recognizable. Accordingly, if the thigh was cut into pieces, he should not give it to a gentile in the presence of a

Jew, lest the other Jew partake of it.

15 Wherever the Torah states: "Do not eat," "You shall not eat," "They shall not eat," or "It shall not be eaten," the intent is that it is forbidden both to partake of or benefit from the forbidden entity unless:

a) a verse explicitly states otherwise, as it does with regard to a *nevelah* [**Deuteronomy 14:21**]: "Give it to the stranger in your gate and he shall partake of it," or with regard to forbidden fat [**Leviticus 7:24**]: "You may use it for any task"; or

b) the Oral Law states explicitly that it is permitted to benefit from it, as is the case with regarding to teeming animals, swarming animals, blood, a limb from a living animal, and the *gid hanesheh*. For according to the Oral Tradition, it is permitted to benefit from all these prohibited entities, even though it is forbidden to partake of them.

16 Whenever it is forbidden to benefit from a substance, if a person derives benefit without partaking of it, e.g., he sold or gave to a gentile or gave it to dogs, he is not liable for lashes. He should, however, be given stripes for rebellious conduct. The money [he received] is permitted.

Whenever it is forbidden to partake of a substance, but it is permitted to benefit from it, even though it is permitted to benefit from it, it is forbidden do business with such articles or establish oneself in a profession that involves forbidden entities. [There is] an exception, forbidden fat, for concerning it, it is written: "You may use it for any task." For this reason, we do not do business with *nevelot, trefot*, teeming animals, and swarming animals.

17 When a trapper happens upon a non-kosher wild animal, fowl, or fish, and he snares them or he traps both kosher and non-kosher animals, he may sell them. He may not, however, intend to have his profession concern non-kosher species.

It is, however, permitted to do business with milk that was milked by a gentile without being observed by a Jew, cheeses made by gentiles, and the like.

18 This is the general principle: Whenever a prohibition is forbidden by Scriptural Law, it is forbidden to do business with it. Whenever the prohibition is Rabbinic in origin, it is permitted do business with it, whether we are certain of the existence of the prohibition or it is a matter of question.

Chapter 9

1 It is forbidden to cook meat and milk together and to partake of them according to Scriptural Law. It is forbidden to benefit from [such a mixture]. It must be buried. Its ashes are forbidden like the ashes of all substances that must be buried.

Whenever a person cooks an olive-sized portion of the two substances together, he is worthy of lashes, as [**Exodus 23:19**] states: "Do not cook a kid in its mother's milk." Similarly, a person who partakes of an olive-sized portion of the meat and milk that were cooked together is worthy of lashes even though he was not the one who cooked them.

2 The Torah remained silent concerning the prohibition against partaking [of meat and milk] only because it forbade cooking them. This is as if to say: Even cooking it is forbidden, how much more so partaking of it. [To cite a parallel:] The Torah did not mention the prohibition against relations with one's daughter, because it forbade those with the daughter of one's daughter.

3 According to Scriptural Law, the prohibition involves only [a mixture of] meat from a kosher domesticated animal and milk from a kosher domesticated animal, as implied by the verse: "Do not cook a kid in its mother's milk." The term "a kid" includes the offspring of an ox, the offspring of a sheep, and the offspring of a goat unless the verse states explicitly, a goat-kid. The term "a kid in its mother's milk" [does not exclude all other situations]. Instead, the Torah is speaking regarding the commonplace circumstance.

With regard to the meat of a kosher animal which was cooked in the milk of a non-kosher animal or the meat of a non-kosher animal which was cooked in the milk of a kosher animal, by contrast, cooking is permitted, and deriving benefit is permitted. One is not liable for [transgressing the prohibition against partaking of] meat and milk if one partakes of it.

4 Similarly, the meat of a wild beast and the meat of a fowl together with the milk of a wild beast or the milk of a domesticated animal is not forbidden according to Scriptural Law. Therefore it is permitted to cook it and it is permitted to benefit from it. It is forbidden to partake of it according to Rabbinic Law so that people at large will not be negligent

and come to violate the Scriptural prohibition against milk and meat and partake of the meat of a kosher domesticated animal [cooked] in the milk of a kosher domesticated animal. For the literal meaning of the verse implies only the meat of a kid in the milk of its actual mother. Therefore, they forbade all meat in milk.

5 It is permitted to partake of fish and locusts [cooked] in milk.
When a person slaughters a fowl and finds eggs that are completed within it, it is permitted to partake of them together with milk.

6 When [milk and meat] are smoked, cooked in the hot springs of Tiberias, or the like, one is not liable for lashes. Similarly, when meat is cooked in whey, milk from a dead animal, or milk from a male, or if blood is cooked with milk, one is absolved and is not liable for partaking [of the mixture] because of [the prohibition against partaking of] milk and meat.
When, however, a person cooks the meat of a dead animal, forbidden fat, or the like in milk, he is liable for lashes for cooking. He is not liable for lashes for partaking [of the mixture] because of the prohibition against meat and milk. For the prohibition against [mixtures of] meat and milk does not take effect with regard to [entities] prohibited as *nevelah* or forbidden fat, because we are not speaking about a more encompassing prohibition, a prohibition which adds a new dimension, or [two] prohibitions that take effect at the same time.

7 When a person cooks a fetus in milk, he is liable. Similarly, one who partakes of it is liable. When, however, one cooks a placenta, skin, sinews,

bones, the roots of the horns, or the soft portion of the hoofs [cooked] in milk, he is not liable. Similarly, one who partakes [of such a mixture] is not liable.

8 When meat falls into milk or milk falls into meat and they are cooked together, the minimum measure [for which one is liable is] enough for one substance to impart its flavor to the other.

What is implied? When a piece of meat falls into a bubbling pot full of milk, a gentile should taste [the contents of] the pot. If it has the flavor of meat, it is forbidden. If not, it is permitted, but the piece of meat is forbidden.

When does the above apply? When he hurried and removed the piece of meat before it discharged the milk that it absorbed. If he did not remove it [that quickly], we require 60 times its volume, because the milk that it absorbed became forbidden. It was discharged and then mixed together with the remainder of the milk.

9 When milk falls [onto a piece of] meat [being cooked] in a pot, we taste the piece on which the milk fell. If it does not have the flavor of milk, everything is permitted. [More stringent rules apply] if the piece of meat has the flavor of milk. Even though if the piece of meat was pressed to remove [the absorbed liquid], the flavor [of milk] would not remain, since it has the flavor of milk now, it is forbidden and we must measure its entire volume. If everything in the pot - the other meat, the vegetables, the sauce, and the spices - is great enough so that the piece is one sixtieth of the entire [volume], that piece of meat is forbidden and the remainder

is permitted.

10 When does the above apply? When he did not stir the pot at the outset when the milk fell into it. [He did so] only at the end and did not cover the pot.

If, however, he stirred the pot from the beginning until the end or covered [the pot] from the time [the milk] fell until the end, [the question of whether a prohibition exists depends] on whether [the milk] imparted its flavor.

Similarly, if the milk fell into the sauce or onto all the pieces and it was not known on which piece [the milk] fell, he should stir the entire pot so that all its contents will be mixed [thoroughly]. If the flavor of milk [can be detected] in the entire pot, it is forbidden. If not, it is permitted. If a gentile to taste [the pot] whom we can rely on cannot be found, we require a measure of sixty whether for meat in milk or milk in meat. If there is one measure in sixty, it is permitted. If there is less than sixty, it is forbidden.

11 When meat has been cooked in a pot, milk should not be cooked in it. If one cooked [milk] in it, [it is forbidden] if it imparted its flavor.

12 The udders [of an animal] are forbidden according to Rabbinic Law. [The prohibition is not of Scriptural origin, because] meat that was cooked in milk from an animal that was slaughtered is not forbidden according to Scriptural Law, as we explained.

Therefore if one cut it open and discharged the milk it contained, it is

permitted to roast it and eat it. If one cut it both horizontally and vertically and then pressed it into a wall until none of the moisture of the milk remained, it may be cooked with other meat.

When an udder has not been cut open, when from a young animal that never nursed or from an older one, it is forbidden to cook it. If one transgressed and cooked it alone, it is permitted to partake of it. If one cooked it with other meat, we require 60 times its volume. The udder itself is calculated in the 60.

13 What is implied? If the entire mixture together with the udder was sixty times the volume of the udder, the udder is forbidden, and the remainder is permitted. If there was less than 60 times its volume, the entire mixture is forbidden. Regardless of [the ruling applying to the entire mixture], if the udder fell into another pot, it can cause it to be forbidden. We require 60 times its volume as in the original instance. [The rationale is that] the udder which is cooked becomes considered as a forbidden piece of meat.

We measure [the volume of] the udder at the time that it was cooked, not according to its state when it fell [into the mixture].

14 We do not roast an udder that has been cut above meat on a spit. If, however, one roasted it [in that manner], everything is permitted.

15 A stomach that is cooked with milk inside it is permitted. [The rationale is that] it is no longer considered as milk. Instead, it is considered as a waste product, because it undergoes a change in the digestive system.

16 It is forbidden to place the skin of a kosher animal's stomach [in milk] to

serve as a catalyst for it to harden into cheese. If one used it as a catalyst, [a gentile] should taste the cheese. If it has a taste of meat, it is forbidden. If not, it is permitted. [The rationale is that] the catalyst is itself a permitted entity, for it comes from the stomach of a kosher animal. [The only question] is [whether] the prohibition against meat and milk [was violated] and that is dependent on whether the flavor was imparted.

[Different laws apply, however, when] one uses the skin of the stomach of a *nevelah*, a *trefe*, or a non-kosher animal. [The rationale is that] since the catalyst is forbidden in its own right, the cheese becomes forbidden, not because of the prohibition of meat and milk, but because of the prohibition against a *nevelah*. For this reason, [our Sages] forbade cheeses made by gentiles, as we explained.

17 Meat alone is permitted and milk alone is permitted. It is [only] when the two become mixed together through cooking that they both become forbidden.

When does the above apply? When they were cooked together, when a hot object fell into a hot object, or when a cold object fell into a hot object. If, however, [milk or meat] that is hot fell into the other when it is cold, [all that is necessary is to] remove the surface of the meat which touched the milk; the remainder may be eaten.

If cold [meat] fell into cold [milk or the opposite], one must wash the piece of meat thoroughly. [Afterwards,] it may be eaten. For this reason, it is permitted to [carry] meat and milk bound together in a single handkerchief, provided they do not touch each other. If they do touch each other, one must wash the meat and wash the cheese. [Afterwards,] he

may partake of them.

18 When a substance is salted to the extent that it cannot be eaten because of its salt, is considered as if it is boiling. If it can be eaten in its present state like *kutach*, it is not considered as if it is boiling.

19 [The following rules apply when] a fowl that has been slaughtered falls into milk or *kutach* that contains milk: If it is raw, it need only be washed thoroughly and it is permitted. If it was roasted, one should remove its surface. If it has portions where it is open or it is spiced and it falls into milk or *kutach*, it is forbidden.

20 It is forbidden to serve fowl together with milk on the table upon which one is eating. This is a decree [enacted] because habit [might lead] to sin. We fear that one will eat one with the other. [This applies] even though fowl with milk is forbidden only because of Rabbinic decree.

21 When two guests who are not familiar with each other are eating at the same table, one may eat the meat of an animal and one may eat cheese. [The rationale is] that they are not well-acquainted with each other to the extent that they will eat together.

22 We do not knead a loaf with milk. If one kneaded it [with milk], the loaf is forbidden, because habit [might lead] to sin, lest he eat it together with meat. We do not dab an oven with animal fat. If in fact one dabbed an oven [with fat], any loaf is forbidden until one fires the oven, lest one eat milk with [that loaf]. If one altered the appearance of the bread so that it

will be evident that one should not eat meat or milk with it, it is permitted.

23 When a loaf has been baked together with roasted meat, or fish were roasted together with meat, it is forbidden to eat them together with milk. When meat was eaten in a dish and then fish were cooked in it, it is permitted to eat those fish together with *kutach*.

24 When a knife was used to cut roasted meat and then was used to cut radish or other sharp foods, it is forbidden to eat them together with *kutach*. If, however, one cut meat [with a knife] and afterwards cut zucchini or watermelon, one should scrape away the place where the cut was made and the remainder may be eaten with milk.

25 We do not place a jar of salt near a jar of *kutach*, because it will draw out its flavor. Thus one will cook meat with this salt that has the flavor of milk. One may, however, place a jar of vinegar near a jar of *kutach*, because the vinegar will not draw out its flavor.

26 When a person eats cheese or milk first, it is permitted for him to eat meat directly afterwards. He must, however, wash his hands and clean his mouth between the cheese and the meat.

With what should he clean his mouth? With bread or with fruit that [require him] to chew and then swallow or spit them out. One may clean his mouth with all substances with the exception of dates, flour, and vegetables, because they do not clean effectively.

27 When does the above apply? With regard to the meat of a domesticated animal or a wild beast. If, however, one [desires to] eat the meat of a fowl after eating cheese or milk, it is not necessary for him to clean his mouth or wash his hands.

28 When a person ate meat first - whether the meat of an animal or the meat of a fowl - he should not partake of milk afterwards unless he waits the time for another meal, approximately six hours. This stringency is required because meat that becomes stuck between teeth and is not removed by cleaning.

Chapter 10

1 All the prohibitions we mentioned involve living beings. There are also other Scriptural prohibitions that involve the produce of the earth. They include: *chadash, kilai hakerem, tevel,* and *orlah*.

2 What is meant by *chadash*? It is forbidden to partake of any of the five species of grain alone before the *omer* is offered on the sixteenth of Nisan, as [**Leviticus 23:14**] states: "You may not partake of bread, roasted kernels, or fresh kernels."

Anyone who partakes of an olive-sized portion of fresh grain before the offering of the *omer* is liable for lashes. [This applies] in every place and at all times, whether in *Eretz [Yisrael*] or in the Diaspora, whether at the time of the Temple or when the Temple is no longer standing.

[The only difference in observance is that] while the Temple is standing,

once the *omer* has been offered, it is permitted [to partake of] new grain in Jerusalem. Distant places are permitted [to partake of new grain] after midday. For the court will not be indolent with regard to [the offering of *omer*] beyond midday. [Now] when the Temple is no longer standing, the entire day is forbidden according to Scriptural Law. In the present age, in the places where the festivals are observed for two days, *chadash* is forbidden on the entire day of the seventeenth of Nisan until the evening according to Rabbinic Law.

3 When a person partakes of an olive-sized portion of bread from each of roasted kernels, or fresh kernels [from *chadash*], he is liable for three sets of lashes, as [implied by the verse]: "You may not partake of bread, roasted kernels, or fresh kernels." According to the Oral Tradition, we learned that all three involve separate prohibitions.

4 Whenever grain took root before the offering of the *omer*, it is permitted to be eaten after the offering of the *omer* despite the fact that it did not reach maturity until after that offering. Grain that took root after the offering of the *omer* is forbidden until the offering of that sacrifice the following year even though it was planted before that offering was brought. This law applies in every place and in every era according to Scriptural Law.

5 [There is an unresolved halachic difficulty in the following situations:] Grain took root after the *omer*. One harvested it and sowed this wheat in the ground. Afterwards, the *omer* of the following year was offered, while

these kernels of wheat were still in the ground. There is a doubt whether [the offering of] the *omer* caused [these kernels] to be permitted as if they had been stored in a jar or it did not cause them to be permitted, because they have been nullified in the ground. Therefore if a person collected them and partook of them, he is not liable for lashes, but [instead] is given stripes for rebellious conduct.

Similarly, when a stalk reached a third of its growth before the offering of the *omer*, one uprooted it and then replanted it after the offering of the *omer,* and it increased in size. There is a doubt whether it is forbidden because of the increase in size until the offering of the *omer* the following year or it is not forbidden because it took root before the offering of the *omer*.

6 What is meant by *kilai hakerem*? Sowing a species of grain or a type of vegetable together with a vine. [This applies] whether they were sown by a Jew or a non-Jew, whether they grew on their own, or whether one planted a vine among vegetables, we are prohibited against partaking and benefiting from both of them, as [**Deuteronomy 22:9**] states: "Lest the fullness of the seed which you sowed and the produce of the vineyard become hallowed." ["Becom[ing] hallowed"] means being set apart and forbidden.

7 One who eats an olive-sized portion from *kilai hakerem*, whether from the vegetables or from the grapes is liable for lashes according to Scriptural Law. The two can be combined to reach this measure.

8 When does the above apply? When they were sown in *Eretz Yisrael*. In the Diaspora, by contrast, *kilai hakerem* are forbidden by Rabbinic decree.
In *Hilchot Kelayim*, it will be explained which species are forbidden as *kilai hakerem* and which are not forbidden, how they become forbidden, when they become forbidden, in which situations, produce causes vines to become "hallowed," and when they do not cause them to become "hallowed."

9 What is meant by *orlah*? Whenever anyone plants a fruit tree, it is forbidden to partake of or benefit from all of the fruit the tree produces for three years after being planted, as [**Leviticus 19:23**] states: "For three years, they shall be closed off for you, they may not be eaten." Whoever eats an olive-sized portion of such fruit is liable for lashes according to Scriptural Law.

10 When does this apply? When one plants in *Eretz Yisrael*, as [the above] verse states: "When you enter the land...." With regard to the prohibition against *orlah* in the Diaspora, it is a *halachah* transmitted to Moses at Sinai that fruit that is definitely *orlah* is forbidden. If there is a doubt regarding the matter, it is permitted. In *Hilchot Ma'aaser Sheni*, it will be explained which [growths] are forbidden as *orlah* and which are permitted.

11 When there is a doubt whether produce is *orlah* or *kilai hakerem* in *Eretz Yisrael*, it is forbidden. In Syria, i.e., the lands that David conquered, it is permitted.
What is implied? If there was a vineyard [containing] *orlah* and grapes

were being sold outside it, or there were vegetables sown inside it and vegetables were being sold outside it, [in which instance,] there is a doubt whether [the grapes or the vegetables] came from it or from another place, in Syria, they are permitted. In the Diaspora, even if one sees grapes being taken out from a vineyard that is *orlah* or vegetables being taken out from a vineyard, one may purchase them provided one does not actually see *orlah* being reaped or the vegetables being harvested [from the vineyard].

12 When there is a doubt whether a vineyard [contains] *orlah* or *kilai hakerem*, in *Eretz Yisrael*, it is forbidden. In Syria, it is permitted. Needless to say, that ruling prevails in the Diaspora.

13 It is forbidden to drink a jug of wine that is found hidden in an orchard [whose produce is] *orlah*. It is permitted to benefit from it. [The rationale is] that a thief will not steal from a place and hide [what he stole] there. Grapes that are hidden there are forbidden, lest they have been harvested from there and stored away there.

14 [The following laws apply when] a gentile and a Jew are partners in planting [an orchard]. If at the beginning of the partnership, they agreed that the gentile would benefit from the produce during the years of *orlah* and the Jew would benefit from it for three years when the produce is permitted afterwards, it is permitted. If they did not make such an agreement at the outset, it is forbidden [to make one afterwards]. [Even when the agreement was made at the outset,] they may not make a reckoning.

What is meant [by making a reckoning]? I.e., to calculate the quantity of produce from which the gentile benefited in the years of *orlah* so that the Jew will benefit from exactly that amount. If they made such an agreement, it is forbidden, for this is exchanging the produce which is *orlah*.

15 It appears to me that the laws of *neta reva'i* do not apply in the Diaspora. Instead, one may eat the produce of the fourth year without redeeming it at all. Our Sages mentioned only *orlah*.

An extrapolation can be made from a more stringent instance to [this one] which is less stringent. In Syria, the laws governing the tithes and the Sabbatical year apply by Rabbinic decree, nevertheless, the laws governing *neta reva'i* do not apply, as will be explained in *Hilchot Ma'aser Sheni*. Thus, in the Diaspoa, how much more so should [we conclude] that the laws governing *neta reva'i* do not apply.

In *Eretz Yisrael*, however, these laws apply whether or not the Temple is standing. Some of the *Geonim* ruled that *kerem reva'i* alone must be redeemed in the Diaspora before it is permitted to be eaten. There is no basis for this [ruling].

16 In *Eretz Yisrael*, it is forbidden to eat any of the produce of the fourth year until it is redeemed. In *Hilchot Ma'aser Sheni*, we will explain the laws governing the redemption [of the produce], how it should be eaten, and when we begin calculating the growth of a tree with regard to *orlah* and [*netah] reva'i*.

17 How is produce which is *neta reva'i* redeemed in the present age? After [the produce] is collected, one recites the blessing: Blessed are You, God, our Lord, King of the earth, who has sanctified us with His commandments and commanded us to redeem *neta reva'i*. Afterwards, one redeems the entire crop even with one *p'rutah*. This *p'rutah* is then cast into the Dead Sea.

Alternatively, one may transfer the holiness to other produce that is worth a *p'rutah* by saying: "The holiness of all of this produce is transferred to this wheat," "...to this barley," or the like. Afterwards, one burns the [latter quantity of produce] so that they will not cause difficulty to others. He may then partake of all the produce [he harvested].

18 Some of the *Geonim* ruled that even though one redeemed the produce of the fourth year or transferred its holiness, it is forbidden to partake of it until the entrance of the fifth year. This ruling has no foundation. It appears to me that it is in error. [Although **Leviticus 19:25**] states: "And in the fifth year, you shall partake of its produce," the intent of the verse is that in the fifth year you will partake of its produce without redeeming it like any ordinary produce in the world. One should not heed the above ruling.

19 What is meant by *tevel*? Any produce from which one is obligated to separate *terumah* and tithes is called *tevel* before one separates these portions. [In that state,] it is forbidden to partake of it, as [**Leviticus 22:16**] states: "And they shall not desecrate the sacraments of the children of Israel which they will dedicate to God," i.e., one should not treat them in

an ordinary manner while the sacred elements that will be separated in the future have not yet been separated.

When a person partakes of an olive-sized portion of *tevel* before he separates *terumah gedolah* and *terumat ma'aser,* he is liable for death by the hand of heaven, as [**Leviticus 22:15-16**] states: "And they shall not desecrate the sacraments of the children of Israel... And they will bear the sin of guilt."

20 When, however, one partakes of food from which *terumah gedolah* and *terumat ma'aser* have been separated, but from which tithes - even the tithes of the poor have not been separated - he is worthy of lashes for partaking of *tevel*. He is not worthy of death. For only with regard to *terumah gedolah* and *terumat ma'aser* is the sin worthy of death.

21 The warning against partaking of *tevel* from which tithes were not separated is included in [**Deuteronomy 12:17** which] states: "You may not eat the tithes of grain... in your gates."

In *Hilchot Terumot* and *Hilchot Ma'aserot*, it will be explained which produce is obligated to have *terumah* and the tithes [separated from it] and which is not, when does the obligation stem from Scriptural Law and when is it Rabbinic. When a person partakes of an olive-sized portion of produce that is *tevel* according to Rabbinic Law or *kilai hakerem* or *orlah* from the Diaspora, he is liable for stripes for rebellious conduct.

22 The juices that come from produce that is *tevel, chadash,* consecrated to the Temple, growths of the Sabbatical year, *kilayim*, and *orlah* are

forbidden as they are. One is not, however, liable for lashes for partaking of them. Exceptions are wine and oil that are *orlah* and wine that is *kilai hakerem*. One is liable for lashes for them just as one is liable for lashes for the olives and grapes,

23 There are other prohibitions involving foods applicable to consecrated entities. They are all of Scriptural origin, e.g., there are prohibitions against partaking of *terumot*, the first fruits, *challah,* and the second tithe. And there are prohibitions involving sacrifices consecrated [to be offered] on the altar, e.g., *piggul*, sacrificial meat that remains past its time, and sacrifices that have become impure. All of these [prohibitions] will be explained in the appropriate place.

24 The measure for which one is liable - whether for lashes or for *kerait* is an olive-sized portion. We have already explained the prohibition against [partaking of] leaven on Pesach and the [relevant] laws in *Hilchot Chametz UMatzah*. The prohibition against eating on Yom Kippur is a different type of prohibition. The prohibition against all products of the vine that applies to a Nazirite does not apply equally to all. Therefore, all of these prohibitions, the measure for which one is liable, and the [relevant] laws are explained in the appropriate place.

Chapter 11

1 When wine has been poured as a libation to a false divinity, it is forbidden to benefit from it. A person who drinks even the smallest quantity of

[such wine] is liable for lashes according to Scriptural Law. Similarly, anyone who partakes of the smallest quantity of something offered to a false deity, e.g., meat or fruit, even water or salt, is worthy of lashes, as [implied by **Deuteronomy 32:38**]: "The fat of whose offerings they would eat; they would drink the wine of their libations. Let them stand."

2 Wine poured as a libation to a false deity is like a sacrifice offered to it. Since this prohibition stems from [the prohibition against] the worship of false deities, there is no minimum measure involved, as stated with regard to the worship of false deities [*ibid.* 13:18]: "Let no trace of the condemned [entity] cling to your hand."

3 When we do not know whether wine belonging to a gentile was used for a libation or not, it is called "ordinary [gentile] wine." It is forbidden to benefit from it, as it is forbidden to benefit from wine used as a libation. [This matter] is a Rabbinic decree. When a person drinks a *revi'it* of "ordinary [gentile] wine," he is liable for "stripes for rebellious conduct."

4 It is forbidden [to benefit from] any wine that a gentile touches; for perhaps he poured it as a libation. For the thought of a gentile is focused on the worship of false deities. From this, we learn that it is forbidden to benefit [even from] wine belonging to a Jew which was touched by a gentile; it is governed by the laws that apply to ordinary gentile wine.

5 When a gentile touches wine unintentionally and similarly, when a gentile child touches wine, it is forbidden to drink it, but it is permitted to benefit from it.

When one purchases servants from a gentile and they were circumcised and immersed [in the *mikveh*] immediately, they no longer pour libations to false deities. It is permitted to drink wine which they touch even though they have yet to conduct themselves according to the Jewish faith and they still speak of idolatry.

6 [With regard to] the children of gentile maidservants that were born in a Jewish domain and circumcised, but were not immersed yet: The older ones cause wine that they touch to become forbidden. The younger ones do not cause it to become forbidden.

7 With regard to a resident alien, i.e., one who accepted the observance of the seven universal laws [commanded to Noah and his descendants], as we explained: It is forbidden to drink his wine, but it is permitted to benefit from it. We may deposit wine in his possession for a short time, but may not entrust it to him for a lengthy period.

With regard to any gentile who does not serve false deities, e.g., the Arabs: It is forbidden to drink his wine, but it is permitted to benefit from it. The *Geonim* rule in this manner. With regard to those who worship false deities, by contrast, it is forbidden to benefit from their ordinary wine.

8 Whenever it is stated that wine is forbidden in this context, if the gentile who causes the wine to be forbidden worships false deities, it is forbidden to benefit from it. If he does not worship false deities, it is merely forbidden to drink it. Whenever we refer to a gentile without any further description, we mean one who worships false deities.

9 Only wine that is fit to be offered on the altar is used for libations for false deities. Therefore when [our Sages] decreed against ordinary gentile wine, ordaining that it is forbidden to benefit from any wine touched by a gentile, their decree involved only wine that is fit to be used as a libation. Accordingly, wine that was boiled that was touched by a gentile is not forbidden. It is permitted to drink it together with a gentile in one cup. If, however, [a gentile] touches wine blended [with water] and wine that began to turn into vinegar, but can still be drunken it is forbidden.

10 The *Geonim* of the west ruled that if a small amount of a sweetener or yeast became mixed with Jewish wine, since it is no longer fit for the altar, it is considered as if were boiled or as if it were beer and will not be used as a libation. It is permitted to drink it together with a gentile.

11 When does wine belonging to a gentile become forbidden? When the grapes have been crushed and the wine begins to flow, even though it has not descended into the cistern and is still in the wine press, it is forbidden. For this reason, we do not crush grapes together with a gentile in a wine press, lest he touch it with his hand and offer it as a libation. [This applies] even if he is bound. [Similarly,] we do not purchase a wine press [filled with] crushed [grapes] even if the wine is still mixed with the seeds and peels and has not descended into the cistern.

12 When a gentile crushes [grapes for] wine without touching it and a Jew is standing over him, and a Jew is the one who collects it in jugs, it is forbidden [only] to be drunken.

13 It is forbidden to benefit from vinegar belonging to a gentile, because it became [forbidden like] wine offered as a libation before it became vinegar.

When a gentile is crushing grapes in a barrel, we are not concerned that the wine [becomes forbidden] as wine used for a libation. If a gentile was eating from the baskets [of grapes brought to a winepress] and left over, a *se'ah* or two and threw them into the winepress, he does not cause the wine [to become forbidden] as wine used for a libation, even though it spatters over the grapes.

14 Grape seeds and peels belonging to a gentile are forbidden for twelve months. After twelve months, they have already dried out; they contain no moisture and they are permitted to be eaten. Similarly, the dregs of wine that have dried out are permitted to be eaten after twelve months. [The rationale is that] no trace of wine remains; they are just like dust or earth.

15 It is forbidden to put wine in wineskins or barrels in which gentiles had kept wine until:

a) they are allowed to dry for twelve months;

b) they are placed in a fire until their pitch becomes soft or they become hot;

c) water is placed in them for three days for a full 24 hour period; [one places water in them], pours it out after 24 hours, and puts other water in. [This should be done] three times, [once a day] for three days.

[This applies] whether the containers belong to [the non-Jews] or they

belonged to a Jew from whom [the non-Jews] borrowed them and then placed their wine into them. If one put wine in them before purifying them, it is forbidden to drink [that wine].

16 It is permitted to place beer, fish brine, or fish oil in these containers immediately. None of these [purging processes] are necessary. After one placed fish brine or fish oil in them, one may place wine in them, for the salt [in the fish brine or fat] will burn out [any residue of wine].

17 When a person purchases new utensils that were not covered with pitch from a gentile, he may place wine in them immediately, he need not worry that gentile wine had been placed in them. If they were covered with pitch, he should wash them thoroughly even though they are new. Similarly, [any] utensil in which gentile wine was placed, but was not stored there for an extensive period, e.g., a bucket used to draw wine from a cistern, a funnel, or the like, should have water swished in them. That is sufficient for it.

18 Similarly, it is forbidden to drink from an earthenware cup that a gentile had drunk from. If one washed it thoroughly three times, it is permitted, for all traces of wine have been washed away. This applies provided it is glazed with lead as potters do or covered with pitch. If, however, it is of earthenware, washing it thoroughly [once] is [all that is] required.

19 When earthenware utensils that are glazed with lead are used for gentile wine, they are permitted if they are white, red, or black. If they are green, they are forbidden, because they absorb. If they have a portion where the

earthenware is revealed, they are forbidden whether they are white or green, because they absorb.

It appears to me that this ruling applies only when wine was placed in them for long term storage. If, however, it was not placed in them for long term storage, [it is necessary merely to] wash them. They are then permitted, even if they are earthenware.

20 When a gentile treads on grapes in a winepress of stone or of wood or a gentile applied pitch to a winepress of stone even though he did not tread the grapes there, one must wash [the press] thoroughly with water and ashes four times. Afterwards, one may tread grapes there. If [the press] is still moist, one should place the ashes in before the water. If it is not moist, one should place the water in first.

21 When a gentile treaded [grapes] in a stone winepress covered with pitch or [applied] pitch to a wooden winepress even though he did not tread grapes there, one must peel the pitch. If one left it for twelve months or placed water in it for three days, it is not necessary to peel [the pitch off]. [The laws applying to] a winepress need not be more stringent than those applying to barrels. [The option of] peeling was given only to allow [the winepress to be used] immediately.

22 An earthenware winepress [is governed by more stringent rules]. Even if one peels the pitch, it is forbidden to tread grapes in it immediately. [Instead, one must] heat it with fire until the pitch softens. If, however, one leaves it for twelve months or places water in it for three successive

days, it is permitted, as we explained.

23 [The following laws apply to] a filter that had been used for wine belonging to a gentile. If it is made of hair, it should be washed thoroughly and then it may be used as a filter. If it is made from wool, it should be washed thoroughly four times with water and ashes and then left until it dries. If it was from flax, it should be left for twelve months. If it has knots, they should be untied [before the filter is washed out].

Similar [laws apply with regard to] utensils from reeds, from date bast, or similar utensils like wicker baskets that are used to tread grapes. If they were sewed with ropes, they should be washed thoroughly. If they are tangled together with snarls that are difficult to undo, they should be washed four times with ashes and with water. [After] they are dried, they may be used. If they are sewed with flax, they should be left unused for twelve months. If they have knots, they should be untied.

24 How can the utensils of a winepress used by a gentile for gentile wine be purified so that a Jew may use them? The boards, the balls of clay, and the palm branches should be washed thoroughly. The restraints of wood and of canvas should be dried out. Those from water grasses and from bullrushes should be left unused for twelve months.

If one desires to purify them immediately, he should place them in boiling water, seal them with water used to cook olives, or place them under a drain through which water flows continually or in a stream of running water for twelve hours. Afterwards, they are permitted.

25 In the era when the land of Israel was entirely within the possession of the Jewish people, it was permitted to purchase wine from any Jewish person without holding anyone in suspicion. In the Diaspora, they would only purchase [wine] from a person whose reputation [for observance] has been established. In the present age, in every place, we only purchase wine from a person whose reputation for observance has been established. These laws also apply to meat, cheese, and a cut of fish that does not have a sign as we explained.

26 When a person enjoys the hospitality of a homeowner in any place and at any time and that homeowner brings him wine, meat, cheese, or a piece of fish, it is permitted. There is no need to inquire concerning it. [This law applies] even if he does not know him at all; all that he knows is that he is Jewish.

If [the host] has an established reputation for non-observance and for not paying attention to these matters, it is forbidden to accept his hospitality. If one transgresses and accepts his hospitality, it is forbidden to eat meat and drink wine [despite] his assurances unless a person who has an established reputation for observance testifies [to their acceptability].

Chapter 12

1 How do we define the term touch when we say that a gentile who touches wine causes it to be forbidden? Touching the wine itself whether with his hands or with any of his other limbs with which it is customary to pour a libation and shook the wine.

If, however, he extended his hand to a barrel, but his hand was grabbed before he could remove [any wine] or shake it, [there is room for leniency]. If the barrel was opened from below and the wine was allowed to flow out to the extent that it reached below his hand, the wine is not forbidden.

Similarly, if he held an open container of wine and shaked it, the wine becomes forbidden even though he did not lift up the container or touch the wine.

2 If he took an [open] container of wine, lifted it up, and poured it out, the wine becomes forbidden, even though he did not shake it. For the wine moved as a result of his power. If he lifted the container up, but did not shake it or touch it, it is permitted.

3 When a gentile was holding a container on the ground and a Jew poured wine into it, the wine is permitted. If the gentile shakes the container, the wine becomes forbidden.

4 It is permitted to have a gentile move a closed [container of wine] from one place to another even though the wine moves. For this is not the manner in which a libation is made.

When [a gentile] moves a wineskin containing wine from one place to another while [a Jew] was holding the opening of the wineskin with his hand, it is permitted. [This applies] whether the wineskin was entirely full or not and [applies] even though the wine moves.

[When a gentile] transfers an open earthenware vessel that is filled with

wine, it is prohibited, for perhaps he touched it. If it was only partially full, [the wine] is permitted unless he shook it.

5 When a gentile touches wine without intending to, it is permitted only to benefit from the wine. What is implied? He fell on an [open] wineskin or stretched his hand out to a barrel under the impression that it contained oil and it actually contained wine.

6 If wine moves because of a gentile's power although he did not intend to do so, since he did not touch the wine, it is permitted to drink it. What is implied? If he lifted up a container of wine and poured it into another container while thinking that it was beer or oil, [the wine] is permitted.

7 If a gentile entered a house or a store seeking wine and extended his hand to search for it and touched wine, [the wine] is forbidden. [The rationale is that] he was intending [to touch] wine. This is not considered as touching without intent.

8 When a barrel is split lengthwise and a gentile comes and embraces it so that the halves will not separate it is permitted to benefit from [the wine]. If, however, it split widthwise and he grabbed the upper half so that it will not fall, it is permitted to drink [the wine]. For the wine is not affected by the gentile's power.

9 When a gentile fell into a cistern of wine and was hoisted up dead, measured a cistern containing wine with a reed, swatted away a fly or a hornet from it with a reed, patted a boiling bottle of wine so that the

boiling would cease or took a barrel and threw it into the cistern in anger, it is merely permitted to benefit from the wine. If, [in the first instance,] the gentile was raised [from the cistern] alive, it is forbidden to benefit from the wine.

10 When there is a hole on the side of a barrel, the stopper slips away from the hole, and a gentile places his finger over the hole so that the wine will not flow out, all of the wine from the top of the barrel until the hole is forbidden. It is, however, permitted to drink the wine beneath the hole.

11 [The following rules apply when] one end of a bent outflow pipe made from metal, glass, or the like is placed in wine and the other end extends out of the barrel. If one sucked on the wine and the wine began flowing out as is always done, and a gentile came and placed his finger at the end of the outflow pipe and prevented the wine from flowing outward, all of the wine in the barrel is forbidden. [The rationale is that] were it not for his hand, everything [in the barrel] would have flowed out. Thus all the wine is affected by his power.

12 When a person pours wine into a receptacle containing gentile wine, all of the wine in the upper container is forbidden. [The rationale is that] the column of wine being poured connects between the wine in the upper container and the wine in the lower container. Therefore when a person is measuring wine for a gentile into a container in the latter's hands, he should interrupt [the column of wine before it reaches the utensil] or throw the wine so that [the column of wine] being poured will not

establish a connection and cause the wine remaining in the upper container to become forbidden.

13 When a funnel that was used to measure wine for a gentile has an obstruction that prevents wine [from flowing] the funnel should not be used to measure wine for a Jew until it was washed thoroughly and dried. If he did not wash it thoroughly, [the Jew's wine] is forbidden.

14 [The following rules apply with regard to] a container possessed by a Jew that has two "nostrils," that emerge from it, like containers that are used to wash hands, and is filled with wine. If a Jew is sucking and drinking from one nostril and a gentile is sucking and drinking from the other nostril, this is permitted, provided the Jew begins [drinking] and concludes while the gentile is still drinking. When the gentile stops drinking, all the wine that was in the nostril will return to the container and cause all the wine in it to be forbidden. [The rationale is that] the wine [in the nostril] was moved by [the gentile's] power.

15 When a gentile sucks wine from a container with an outflow pipe, all the wine in the container becomes forbidden. For when he ceases [sucking], all of the wine that entered the outflow pipe through his sucking will return to the barrel and cause it to become forbidden.

16 When a gentile is transferring barrels of wine from one place to another together with a Jew and [the Jew] is walking after them to protect them, they are permitted even if he separates from him for a *mil*. [The rationale is] that he is afraid of him and will say: "He will suddenly appear before us

and observe us."

[More stringent rules apply if the Jew] tells [gentile porters]: "Proceed and I will follow after you." If they pass beyond his sight to the extent that [they have time] to uncover the opening of the barrel, seal it again, and [allow it] to dry out, it is forbidden to drink all of the wine. If for a lesser [time], [the wine] is permitted.

17 Similarly, if a Jew leaves a gentile in his store, even though he departs and enters, [going back and forth] the entire day, the wine is permitted. If he informs him that he is departing for a significant period, should he wait long enough [to enable the gentile] to open the barrel, seal it again, and [allow it] to dry out, it is forbidden to drink the wine.

Similarly, if a person left his wine in a wagon or a ship with a gentile and enters a city to tend to his needs, the wine is permitted. If he informs him that he is departing for a significant period, should he wait long enough [to enable the gentile] to open the barrel, seal it again, and [allow it] to dry out, it is forbidden to drink the wine.

All of the above rulings apply with regard to closed barrels. If they are open, even if he did not wait, since he told him that he was departing for a significant period, the wine is forbidden.

18 When a Jew was eating together with a gentile, left wine open on the table and on the counter, and departed, the wine on the table is forbidden, while that on the counter is permitted. If [the Jew] told him: "Mix [the wine] and drink," all the open wine in the house is forbidden.

19 When [a Jew] was drinking together with a gentile and he heard the sound of prayer in the synagogue and departed, even the open wine is permitted. For the gentile will say: "Soon he will remember the wine, come hurriedly and see me touching his wine." Therefore [we do not suspect that] the gentile will move from his place. Hence only the wine that is before him becomes forbidden.

20 [The following rules apply when] a gentile and a Jew are living together in one courtyard and they both left in agitation to see a bridegroom or a funeral. If the gentile returns and closes the entrance and the Jew comes later, the open wine in the Jew's home remains permitted. [We assume that] the gentile closed [the entrance] with the assumption that the Jew had already entered his home and no one remained outside; [i.e.,] he thought that the Jew came before him.

21 [The following rules apply when] wine belonging to both a Jew and a gentile [is being stored] in one building and [the Jew's] barrels were open. If the gentile entered the building and locked the door behind him, all the wine is forbidden. If there is a window in the door that enables a person standing behind the door to see in front of him, all of the barrels that are opposite the window are permitted. Those on the sides are forbidden. [The leniency is granted,] because the gentile will fear from those who can see him.

22 Similarly, if a lion roared or the like and the gentile fled and hid among the open barrels, the wine is permitted. For he will say, "Perhaps another

Jew also hid here and will see me if I touch [the wine]."

23 [The following laws apply with regard to] a wine cellar whose barrels were open, a gentile also stored wine in that inn, and the gentile was discovered standing among the open barrels belonging to the Jew. If he was frightened when discovered and it would be considered as if he was a thief, it is permitted to drink the wine. For because of his fear and dread, he will not have the opportunity to pour a libation. If he would not be considered as a thief, but instead, he feels secure there, the wine is forbidden.

When a [gentile] young child is discovered among the barrels, regardless of whether he would be considered like a thief or not, all of the wine is permitted.

24 When a battalion [of soldiers] enter a country with an approach of peace, all of the open barrels [of wine] in the stores are forbidden. The closed ones, by contrast, are permitted. At a time of war, however, if a battalion spread through a city and moved on, both are permitted, because they do not have time to make libations.

25 [The following laws apply when] a gentile is discovered standing next to a cistern of wine [belonging to a Jew]. If [the Jew] owes him a debt for which this wine serves is collateral, [the wine] is forbidden. Since he feels privileged, he will extend his hand and make a libation. If it is not collateral for a debt, it is permitted to drink the wine.

26 When a gentile harlot is present at a Jewish feast, the wine is permitted.

For she is in dread of them and will not touch [the wine]. When, however, a Jewish harlot is present at a gentile feast, her wine that is before her in her utensils is forbidden, for [the gentiles] will touch it without her consent.

27 [The following laws apply when] a gentile is discovered in a winepress: If there is enough moisture from wine that when one places his hand in it, [the hand] will become moist to the extent that if it touches his other hand, that hand will become moist, it is necessary to wash out the winepress thoroughly and dry it out. If this amount is not present, all that is necessary is to wash it out thoroughly. This is an extra measure of stringency.

28 [The following rules apply with regard to] a barrel floating in the river. If it was found near a city populated primarily by Jews, we are permitted to benefit from it. Near a city populated primarily by gentiles, it is forbidden.

29 In a place where most of the wine merchants are Jewish, if one discovers large containers that are generally used only by wine merchants to store wine and which are filled with wine, it is permitted to benefit from [the wine].

When a barrel has been opened by thieves, if most of the local thieves are Jewish, it is permitted to drink the wine. If not, it is forbidden.

Chapter 13

1 [The following rules apply when a Jew] purchases or rents a building in a courtyard belonging to a gentile and fills it with wine. If the Jew lives in that courtyard, the wine is permitted even if the entrance is open. [The rationale is that] the gentile will always worry, saying: "He may suddenly enter his building and find me there." If the Jew lives in another courtyard, he should not depart until he closes the building and keeps the key and the seal in his possession. He need not fear that the gentile will make a copy of the key to the building.

2 When [the Jew] left [the building] without closing the entrance or closed it and gave the key to the gentile, it is forbidden to drink the wine. Perhaps the gentile entered and poured a libation, for the Jew is not present there.

If [the Jew] told [the gentile]: "Hold the key for me until I come," the wine is permitted. He did not entrust him with guarding the house, only with guarding the key.

3 [The following laws apply when] a gentile hires a Jew to prepare wine for him in a state of ritual purity so that it will be permitted to the Jews and they will purchase it from him. The wine is [stored] in a building belonging to the gentile. If the Jew who is guarding the wine lives in that courtyard, the wine is permitted. [This applies] even if the entrance is open and the [Jewish] guard goes out and returns.

If the guard lives in another courtyard, the wine is forbidden even though the key and the seal are in the possession of a Jew. [The rationale is that] since the wine belongs to the gentile and is found in his domain, he does

not fear falsifying [the seal and/or key] and to enter the building. He will say: "What could be? If they find out about this, they will not purchase [the wine] from me."

4 Even if a gentile wrote [a legal document] for the Jew stating that he received the money for which he agreed to sell him the wine, since the Jew cannot remove the wine from the gentile's domain until he pays him the money, the wine belongs to the gentile and it is forbidden unless the guard lives in the courtyard.

The guard does not have to sit and guard [the wine] at all times. Instead, he may come in and go out, as explained. [This applies whether the wine is stored] in the domain belonging to the owner of the wine or in a domain belonging to another gentile.

5 When the pure wine belonging to a gentile was placed in the public domain or in a building that is open to the public domain and there are Jews going back and forth, it is permitted. For it has not entered the gentile's domain.

6 [When wine is located] in a garbage dump, a window, or under a palm tree even if it does not have fruit, it is as [if it is located in] the public domain. When a gentile is located near wine located in such a place, it is not forbidden. A house which is open to such a place is considered as if it as open to the public domain.

7 [The following rule applies when] there is a courtyard divided by low barriers, on one side there is a gentile and on the other, a Jew, there are

two roofs, with the Jew's roof located above the gentile's roof, or [the two roofs are located] side by side, but there are dividers separating them. Even though the gentile can reach the Jew's portion, he need not worry about [the gentile pouring] his wine as a libation or [disqualifying] articles that are ritually pure.

8 It is permitted for a Jew to entrust his wine to a gentile for safekeeping in a closed container, provided it has two distinguishing marks. This is referred to as "a seal within a seal."

What is implied? [A Jew] closed a barrel with a utensil that is not tightly fitting as most people do and then sealed it with clay, it is considered as one seal. If the container is tightly fitting and he applied clay to it from above, it is considered as "a seal within a seal."

Similarly, if one tied the opening to a wineskin close, it is considered as one seal. If he turned the opening to the wineskin inside and then tied it close, it is considered as "a seal within a seal." Similarly, any deviation from the ordinary pattern people follow is considered as one seal and applying clay or tying it is a second seal.

9 If [a Jew] entrusted [wine that was closed] with one seal to a gentile for safekeeping, it is forbidden to drink it, but it is permitted to benefit from it provided he designates a [specific] corner for it.

10 Two seals are not necessary when one deposits boiled wine, beer, wine which is mixed with other substances, e.g., honey or oil, – and similarly, vinegar, cheese, and any substance that is forbidden only according to

Rabbinic Law – with a gentile. Instead, one seal is sufficient. Nevertheless, two seals are necessary for wine, meat, and pieces of fish that do not have signs and which were entrusted to a gentile.

11 It appears to me that anywhere in this context that we have stated that our wine is forbidden to be drunk, but it is permitted to benefit from it because of the possibility that a gentile touched it, we are speaking about an instance where the gentile is an idolater. If, however, the prohibition has arisen because of a gentile who is not an idolater, e.g., an Arab, who touched our wine unintentionally or tapped the top of a barrel, [the wine] is permitted to be drunken. Similar laws apply in all analogous situations.

12 When, however, one deposits wine in the domain of a resident alien sends wine with him and departs for an extended period, or leaves one's home open in a courtyard that [one shares with] a resident alien, it is forbidden to drink the wine. For it appears to me that the suspicions that a gentile will exchange [wine] and forge [a seal] apply equally to all gentiles. Since the wine enters their domain, it is forbidden at least to drink it.

13 There are situations where the prohibition against wine poured as a libation does not apply at all, yet our Sages forbade them as a safeguard against libation. They are: a gentile should not mix water into wine in a Jew's possession lest he come to pour wine into water. A gentile should not bring grapes to the winepress lest he come to press them or touch the wine. He should not help a Jew when he pours wine from one container to another lest he leave the wine in the possession of the gentile and the

wine [will flow] because of [the gentile's] power. If the gentile assists [the Jew], mixes water [into wine] or brings grapes, [the wine] is permitted.

14 Similarly, it is permitted for a gentile to smell the fragrance of our wine and it is permitted for a Jew to smell the fragrance of a barrel of wine that had been used as a libation. There is no prohibition against this, because fragrance is of no consequence since it has no substance.

15 We already explained, that whenever it is forbidden to benefit from a substance, if one transgresses and sells it, it is permitted [to make use of] the money with the exception of false deities, their accessories, offerings made to them, and wine poured as a libation to it. Our Sages were stringent with regard to ordinary gentile wine [and ruled that] money given for it is forbidden like money given for wined poured as a libation to a false deity.

Accordingly, when a gentile hires a Jew to work with him with wine, his wages are forbidden.

16 Similarly, when a person rents a donkey or a boat to transport wine, the payment for them is forbidden. If he gave him money, he should bring them to the Dead Sea. If he gave him clothes, utensils, or produce as payment, he should burn it and bury the dust so that he does not benefit from it.

17 If a gentile rented a donkey to ride and placed containers of wine on it, the rental fee for the donkey is permitted. If [a gentile] hires a Jew to break barrels of wine used as a libation, his fee is permitted. May he be

blessed because he eliminated obscenity.

18 When a person hires a worker and tells him: "Transport 100 barrels of beer for me for 100 *p'rutot*," and it is discovered that one of them is [gentile] wine, his entire wage is forbidden.

19 If he told him: "Transport barrels for me at a *p'rutah* each," and he transported them and barrels of wine were discovered among them, the wage for the barrels of wine is forbidden. The remainder of the wage is permitted.

20 When a gentile sends Jewish craftsmen a barrel of wine as part of their wages, it is permitted for them to tell him: "Give us its worth." Once it enters their domain, it is forbidden.

21 When a gentile owed a Jew a *maneh*, it is permitted for the gentile to sell a false deity and wine that had been poured as a libation and bring him the money. If, before he sells them, he tells [the Jew]: "Wait until I sell the false deity or libation wine that I own and [then] I will bring you [the money]," if he sells it and brings [the money] to him, [the money] is forbidden. [This applies] even with regard to ordinary gentile wine. [The rationale is that] the Jew desires that [the false deity or the wine] to continue to exist so that he will be able to pay him his debt.

22 Similarly, when a convert and a gentile were partners and they came to divide the resources [of the partnership], the convert may not tell the gentile: "You take the false deity and I will take the money. You take the

wine and I will take the produce." [The rationale is that] he desires that [the forbidden entities] continue to exist so that he will be able to receive something in exchange for them.

When, by contrast, a convert and a gentile inherit the estate of their father who was a gentile, [the convert] may tell [the gentile]: "You take the false deity and I will take the money. You take the wine and I will take the oil." This is a leniency granted with regard to an estate inherited by a convert so that he will not return to his deviant ways. If [the forbidden entities] entered the domain of the convert, it is forbidden.

23 [The following rules apply when] a Jew sells his wine to a gentile. If he established a price before he measured out [the wine], the money is permitted. [The rationale is that] from the time a price was established, [the gentile] definitely agreed [to the purchase] and when he pulled [the wine] into his domain, he acquired it. And it does not become [comparable to] wine offered as a libation until he touches it. Therefore at the time of sale, it was permitted.

If he measured it out for him before he established a price, the money is forbidden. [The rationale is that the gentile] did not definitely agree [to the purchase], even though he pulled [the wine] into his domain. Thus at the time he touched [the wine], he had not definitely agreed to the purchase. Hence the wine becomes forbidden because of his touch and it is as if [the Jew] is selling gentile wine.

24 When does the above apply? When the Jew measured [the wine] into his own containers. If, however, he measured it into the gentile's containers or

to a container belonging to a Jew in the gentile's possession, he must take the money, before measuring out [the wine]. If he measured out [the wine,] but did not take the money, the money is forbidden even though he established a price. As soon as [the wine] enters [the gentile's] container, it is forbidden as ordinary gentile wine.

25 When [a Jewish employer] gives a *dinar* to a gentile storekeeper and tells his gentile employee: "Go, drink, and eat [on my account] from the storekeeper and I will settle the accounts with him," he must show concern lest [the employee] will drink wine. Thus it will be as if he purchased wine used as a libation and gave it to him.

A similar arrangement with regard to the Sabbatical year is also forbidden; i.e., one gives a *dinar* to a Jewish storekeeper who is a common person and tells his Jewish employee: "Go, drink, and eat [on my account] from the storekeeper and I will settle the accounts with him." If the worker eats food that was not tithed, it is forbidden.

26 If, however, he told them: "Eat and drink the worth of this *dinar*," or "Eat and drink from the storekeeper on my account and I will pay him," this is permitted. Although the Jew becomes liable, his liability is not specifically related [to the foods from which the employees partake]. [Therefore,] he need not be concerned, not about wine used as a libation, not about produce of the Sabbatical year, nor about untithed produce.

27 [The following rules apply when] a [gentile] king distributes his wine among the people and takes money for it, as he desires. A [Jew] may not

tell a gentile: "Take 200 *zuz* and go into the king's storehouse in place of me," so that the gentile will take the wine designated for the Jew and give the money to the king. He may, however, tell him: "Here is 200 *zuz* for you. Save me from [going to] the storehouse."

28 When a gentile touches a Jew's wine against [the Jew's] will, it is permitted to sell that wine to that gentile alone. [The rationale is] since that gentile wished to cause a Jew a loss [by] having his wine forbidden, it is as if he destroyed it or burnt it, in which instance, he would be obligated to pay. Thus the money [the Jew] takes from him is money for the loss and not money for a sale.

Chapter 14

1 The minimum measure for which one is liable for partaking of any of the forbidden foods in the Torah is [the size of] an average olive. [This applies] whether for lashes, *kerait*, or death at the hand of heaven. We already explained that anyone who is liable for *kerait* or death at the hand of heaven for [partaking of] forbidden food, should receive lashes.

2 This measure, as all the other measurements, is a halachah conveyed by Moses from Sinai. It is forbidden by Scriptural Law to eat even the slightest amount of a forbidden substance. Nevertheless, one receives lashes only for an olive-sized portion. If one partakes of any amount less than this measure, he is given stripes for rebellious conduct.

3 The measure of "the size of an olive" that we mentioned does not include

what is between one's teeth. What is between one's gums, however, is included in what one swallows, for his palate benefited from an olive-sized portion of food.

Even if one ate half of an olive-sized portion, vomited it, and then ate the same portion that was half the size of an olive that he vomited, he is liable. For the liability is for the benefit one's palate receives from a forbidden substance.

4 When an olive-sized portion of forbidden fat, a *nevelah, piggul, notar*, or the like was left in the sun and was reduced in volume, one who eats it is not liable.

If, afterwards, one left it in the rain and it expanded, one is liable for either *kerait* or lashes. If, originally, it was smaller than an olive-sized portion and then expanded to the size of an olive, it is forbidden to partake of it, but one is not liable for lashes for it.

5 We already explained that all of the forbidden substances in the Torah are not combined with each other to reach the minimum measure of the size of an olive with the exception of the meat of a *nevelah* and the meat of a *trefe* and the prohibitions involving a nazirite, as explained in the appropriate places. The five types of grain, their flour, and the dough made from them all can be combined with each other to reach the minimum measure of the size of an olive with regard to the prohibition against leaven on Pesach, the prohibition against partaking of *chadash* before the offering of the *omer*, and the prohibitions involving the second tithe and the *terumot*.

6 It appears to me that all [produce] from which we are required to separate *terumah* and tithes can be combined to reach the minimum measure of the size of an olive with regard to [the prohibition against] *tevel* because a single prohibition is involved. To what can the matter be compared? To [meat from] the corpse of an ox, the corpse of a sheep, and the corpse of a deer which can be combined to reach the minimum measure of the size of an olive as we explained.

7 When a person partakes of a large amount of food from a forbidden substance, he is not liable for lashes or *kerait* for every olive-sized portion he eats. Instead, he is liable once for all he ate. If, however, the witness gave him a warning for every olive-sized portion, he is liable for every warning even though he ate it in one sitting, without interruption.

8 [The following rules apply when] a person partakes of a barley-corn or mustard-seed-sized portion of any forbidden food, waits, and then partakes of another mustard-seed-sized portion whether inadvertently or intentionally. If he waited from the beginning to the end the time it takes to eat a portion of bread with relish the size of three eggs [or less], everything [he ate] is combined. He is liable for *kerait*, lashes, or a sacrifice as if he ate an olive-sized portion at one time. If he waits a longer time from the beginning to the end, [the small portions] are not combined. Since he completed the olive-sized portion only in a longer time than *k'dei achilat p'ras*, he is not liable even if he did not wait at all, but continued eating mustard-seed-sized portion after mustard-seed-sized portion.

9 Similar [laws apply when] a person who drinks a *revi'it* of ordinary gentile wine little by little, swallows liquefied leaven on Pesach or fat little by little, or drinks blood little by little. If he waits from the beginning until the end the time it takes to drink a *revi'it*, [all of the sipping] is combined. If not, it is not combined.

10 One is not liable for partaking of any of the prohibited foods unless one partakes of them in a manner in which one derives satisfaction with the exception of a mixture of meat and milk and mixed species grown in a vineyard. [The rationale is that with regard to these prohibitions, the Torah] does not use the term "eating," but instead conveys the prohibition against partaking of them in other terms. [With regard to meat and milk, it uses] the term "cooking" and [with regard to mixed species grown in a vineyard, it uses the term] "become hallowed." [This implies] that they are forbidden even when one does not derive satisfaction.

11 What is implied? When one liquefied fat and swallowed it when it was so hot that his throat was burned from it, he eat raw fat, mixed bitter substances like gall or wormwood into wine or into a pot [where meat from] a *nevelah* [is cooking] and he partook of it while they were bitter, or he ate a forbidden food after it became decayed, spoiled, and unfit for human consumption, he is not liable. If, by contrast, he mixed a bitter substance into a a pot [where meat and milk are cooking] or into wine from a vineyard where mixed species are growing and partook of it, he is liable.

12 When a person partakes of one of the forbidden food in a frivolous manner or as one who is acting purposelessly, he is liable. Even though he did not intend to actually partake of the food, since he derived pleasure, it is considered as if he intended to actually partake of the food. When, [by contrast,] a person is forced to derive [forbidden] pleasure, if he focuses his intent on it, he is liable. If he does not, it is permitted.

13 When a person partakes of a forbidden food because of desire or because of hunger, he is liable. If he was wandering in the desert and he has nothing to eat but a forbidden substance, it is permitted, because of the danger to his life.

14 When a pregnant woman smells a forbidden food [and is overcome by desire for it], e.g., consecrated meat or ham, she should be given some of the gravy. If her mind becomes settled, that is commendable. If not, we feed her less than the forbidden measure [of the meat itself]. If her mind does not become settled, we feed her until her mind becomes settled.

15 Similarly, when a sick person smells food that contains vinegar or the like, [i.e.,] substances that arouse a soul's [desire], he is governed by the same laws that apply to a pregnant woman.

16 When a person is overcome by severe hunger, he may be fed forbidden food immediately until his eyesight clears. We do not seek permitted food. Instead, we hurry to feed him what is available.

We feed him substances bound by more lenient prohibitions first. If his sight clears, that is sufficient. If not, we feed him the substances bound by

the more severe prohibitions.

17 What is implied? If there is *tevel* and a *nevelah*, we feed him the *nevelah* first. {The rationale is] that [partaking of] *tevel* is punishable by death [at the hand of heaven]. If [the choice is between] a *nevelah* and produce that grows on its own during the Sabbatical year, we feed him the produce, for it is forbidden [only] by Rabbinic decree, as will be explained in *Hilchot Shemitah*.

If [the choice is between] *tevel* and produce grown during the Sabbatical year, we feed him the produce grown during the Sabbatical year. If [the choice is between] *tevel* and *terumah*, if it is impossible to make the *tevel* acceptable, we feed him the *tevel*. [The rationale is] that it is not sanctified as *terumah* is. Similar laws apply in all analogous situations.

18 We have already explained that one prohibition does not take effect when another prohibition is in effect unless both of the prohibitions take effect at the same time, the latter prohibition forbids additional entities, or the [latter] prohibition encompasses other entities.

Accordingly, [it is possible] for there to be a person who eats one olive-sized portion of forbidden food and yet, he will be liable for five [sets of] lashes for it, provided he was warned for all five prohibitions that accumulated.

What is implied? For example, on Yom Kippur, a person who was ritually impure ate an olive-sized portion of forbidden fat from a consecrated animal that remained after its prescribed time. He is liable for lashes because he partook of forbidden fat, *notar*, because he ate on Yom Kippur,

because he partook of consecrated food while ritually impure, and because he derived benefit from consecrated food, thus [violating the prohibition of] *me'ilah*.

19 Why do these prohibitions fall on each other? Because although it was forbidden to partake of the fat of this animal, it was permitted to benefit from it. Once he consecrated it, it became forbidden to benefit from the fat. Since the prohibition to benefit from it was added to it, the prohibition against [benefiting from] consecrated articles became added to it.

Although this fat was forbidden to an ordinary person, it was still permitted to be offered to the One on High. When it became *notar*, since it became forbidden to the One on High, [that] prohibition was added to an ordinary person.

This person was permitted to partake of the meat of the animal, although he was forbidden to partake of its fat. When he became impure, since its meat became forbidden an additional prohibition was added to its fat. When Yom Kippur commenced, all food became included [in the prohibition], since this prohibition affects non-consecrated food, it adds a prohibition to this fat. Similar laws apply in all analogous situations.

Chapter 15

1 When a forbidden substance becomes mixed with a permitted substance of another type, [it causes it to become forbidden] if its flavor can be detected. When [a forbidden substance becomes mixed with a permitted

substance of] the same type and it is impossible to detect [the forbidden substance] by its flavor, its presence becomes nullified if there is a majority [of the permitted substance].

2 What is implied? When the fat of the kidneys falls into beans and becomes dissolved, the beans should be tasted. If the taste of fat cannot be detected, they are permitted. If [not only] the taste, [but also] the substance of the fat is present, they are forbidden according to Scriptural Law. If the flavor could be detected, but there is no substance, they are forbidden by Rabbinic Law.

3 What is meant by its substance? For example, there was enough forbidden fat for there to be an olive-sized portion [of fat] in each portion the size of three eggs from the mixture. If a person eats a portion of beans the size of three eggs, he is liable for lashes for they contain an olive-sized portion of forbidden fat, for [not only] the flavor, [but also] the substance of [the forbidden fat] is present. If one eats less than a portion the size of three eggs [of the mixture], one is liable for stripes for rebellious conduct as prescribed by Rabbinic Law.

Similarly, if there was less than an olive-sized portion of [forbidden] fat in every portion the size of three eggs, even if the flavor of fat is detectable and he eats the entire pot, he is not liable for lashes [as prescribed by Scriptural Law], only stripes for rebellious conduct.

4 [The following laws apply when] the fat of the kidneys falls into the fat from the fat tail and the entire [mixture] becomes dissolved. If there is

twice as much fat from the fat tail as fat of the kidneys, the entire mixture is permitted according to Scriptural Law. Even when a piece of [meat from] a *nevelah* becomes mixed with two pieces of [meat from] a ritually slaughter animal, everything is permitted according to Scriptural Law. Nevertheless, according to Rabbinic Law, everything is forbidden until the forbidden substance will be nullified because of the tiny proportion [of the entire mixture it represents] to the extent that it is not significant and it is as if it does not exist, as will be explained.

5 Into what quantity [of a permitted substance] must a forbidden substance be mixed for it to be considered nullified because of its tiny proportion? [Each forbidden substance according to] the measure the Sages specified for it. There are substances that are nullified in a mixture 60 times its size, others in a mixture 100 times its size, and still others in a mixture 200 times its size.

6 Thus we learn from this that [the following laws apply] with regard to all of the prohibited substances in the Torah, whether those punishable by lashes or punishable by *kerait* or substances from which it is forbidden to benefit that become mixed with permitted substances. If the substances are of different types, [the mixture is forbidden] if the flavor is detectable. If the substances are of the same type and thus it is impossible to detect the flavor [of the forbidden substance], we measure [whether there was] 60, 100, or 200 [times the amount of permitted substances]. The only exceptions are wine poured as a libation to a false deity, because of the severity [of the prohibition against] worship of a false deity and *tevel*,

because it can be corrected. For that reason, even the slightest mixture of them with a substance of their type is forbidden. If they become mixed with substances of a different type, the matter is dependent on whether their flavor is detectable.

7 What is implied? When several barrels of wine fell over a drop of wine that was poured as a libation, the entire mixture is forbidden, as will be explained. Similarly, if a cup of wine which is *tevel* becomes nixed into a barrel [of wine], the entire [barrel] is considered *tevel* until the amount of *terumah* and tithes that are appropriate to be separated are separated as will be explained in the appropriate place.

8 [Related concepts apply with regard to] produce of the Sabbatical year. If [such produce] becomes mixed with [produce of] the same type, the tiniest amount [causes the mixture to be considered bound by the laws of the produce of the Sabbatical year]. [If it becomes mixed with produce of] another type, [the ruling depends on whether] its flavor can be detected. [Nevertheless,] it is not considered as one of the substances forbidden by Scriptural Law. For this mixture is not forbidden. Instead, one is obligated to eat the entire mixture in keeping with the holiness of the produce of the Sabbatical year, as will be explained in the appropriate place.

9 Although *chametz* on Pesach is forbidden by Scriptural Law, it is not governed by these general principles, for this mixture is not forbidden forever. For after Pesach, the entire mixture will be permitted, as we explained. Therefore the slightest amount [of *chametz*] causes [a mixture]

to become forbidden, whether [it becomes mixed] with a substance of its own type or of another type.

10 The same law applies when new grain becomes mixed with old grain before [the offering of] the *omer*. Even the tiniest amount causes [the entire mixture] to become forbidden. For there is a factor that will cause the substance to become permitted. For after [the offering of] the *omer*, the entire mixture is permitted.

Similarly, whenever there is a factor that will cause the substance to become permitted, e.g., consecrated entities, the second tithe, or the like, our Sages did not mention a measure [in which it could be nullified]. Instead, even if one [of the forbidden substance] becomes mixed with several thousand [times that amount of a permitted substance], it is not nullified. [The rationale is that] there is a way that the prohibition can be released. [This principle applies] even when the prohibition stems from Rabbinic decree, e.g., an article set aside or born on a festival.

11 With regard to *orlah*, mixed species grown in a vineyard, fat, blood, and the like, our Sages fixed a measure [that would enable mixtures to be nullified]. Similarly, our Sages fixed a measure with regard to *terumot*, for there is no way it can be permitted for all people.

12 It appears to me that even there is a factor that will cause a substance to become permitted, if that substance becomes mixed with a substance of a different type and its flavor is not detectable, it is permitted. The fact that there is a factor that will cause the substance to become permitted does

not [cause the prohibition to be] more severe than *tevel*. [For *tevel*] can be corrected, and yet when it [becomes mixed with a substance] of a different type, [it is permitted if] its flavor cannot be detected, as explained. One should not raise a question with regard to *chametz* on Pesach [where such leniency is not granted. A distinction can be made.] For with regard to *chametz*, the Torah [**Exodus 12:20**] states: "Do not eat any leavened substance." For this reason, [our Sages] were stringent with regard to it, as we explained.

13 These are the measures which the Sages established: *Terumah, terumat ma'aser challah*, and *bikkurim* become nullified [when the mixture is] 101 times the [original] amount. [In addition,] one must separate [a portion and give it to a priest]. [All of these sacred foods] are combined one with the other. Similarly, a slice of the showbread becomes nullified when mixed with slices of ordinary bread [if] the mixture is 101 times the original amount.

What is implied? When a *se'ah* of flour from one of the above- or one *se'ah* from all of them [combined] - falls into 100 *se'ah* of ordinary [flour] and [the flour] became mixed together, one should separate one *se'ah* from the mixture for the *se'ah* that fell in originally. The remainder is permitted to all people. If it fell into less than 100 *se'ah*, the entire mixture is *meduma*.

14 *Orlah* and mixed species grown in a vineyard become nullified [when the mixture is] 201 times the [original] amount. The [two prohibitions] are combined one with the other, and it is not necessary to separate any thing.

What is implied? When a *revi'it* of wine which is *orlah* or which [came from grapes] grown together with mixed species in a vineyard - or one *revi'it* was combined from both prohibited substances - falls into 200 *revi'iot* of wine, the entire mixture is permitted. It is not necessary to separate anything. If it falls into less than 200, it is forbidden to benefit from the entire [mixture].

15 Why is it necessary to separate [a measure of] *terumah* and not a measure of *orlah* or mixed species from a vineyard? Because *terumah* is the property of the priests. Accordingly, any *terumah* which the priests are not concerned with, e.g., *terumah* from [low-grade] figs, carobs, and Edomite barley, need not be separated.

16 Why was the measure doubled for *orlah* and mixed species grown in a vineyard? Because it is forbidden to benefit from them.

Why did [the Sages] choose the figure of 100 for *terumot*? For *terumat ma'aser* is one hundredth of the entire crop, and yet it causes the entire crop to be "sanctified," as [**Numbers 18:29**] states: "its sacred part." Our Sages said: "An entity which must be separated from it sanctifies it if it returns to it.

17 The measure for all of the other prohibitions of the Torah, e.g., the meat of crawling animals, teeming animals, fat, blood, and the like is sixty times [the original amount].

What is implied? When an olive-sized portion of the fat of the kidneys falls into sixty times the size of an olive of the fat from the fat tail, the

entire mixture is permitted. If it falls into less than sixty [that amount], the entire mixture is forbidden. Similarly, if a portion of forbidden fat the size of a barley-corn, [the mixture] must contain permitted substances the size of sixty barley-corns. Similar [laws apply] with regard to other prohibitions.

Similarly, if the fat of the *gid hanesheh* falls into a pot of meat, we require sixty times its amount. The fat of the *gid* itself is included in this sum. Although the fat of the *gid* is prohibited [only] by Rabbinic Law, as we explained, since the *gid hanesheh* is considered a creation in its own right, [our Sages] ruled stringently concerning it as if it was forbidden by Scriptural Law. The *gid* itself is not measured and it does not cause other substances to be forbidden, because the *gid* does not impart flavor.

18 When, by contrast, an udder is cooked with meat, we require sixty times its amount and the udder is considered as part of the sum. [The rationale is that] since [the prohibition against] the udder is Rabbinic in origin, [our Sages] were lenient in establishing a measure.

19 [The following laws apply when] an egg in which a chick is found is cooked together with eggs that are permitted. If there are 61 and it, they are permitted. If, however, there are only sixty [permitted eggs], the entire mixture is forbidden. [The rationale is that the chick] is a creation in its own right, [our Sages] made a distinction and added to its [required] measure.

20 If, however, the egg of an non-kosher fowl was cooked together with the

eggs of kosher fowl, it does not cause them to become forbidden.
If [the eggs were opened and] mixed together or the egg of a non-kosher fowl or the egg of a fowl that is *trefe* become mixed with other eggs, the required measure is 60.

21 What is the source because of which the Sages relied on the measure of 60? For the portion given [to the priest] from the ram brought by a Nazirite,i.e., the foreleg, is one sixtieth of the remainder of the ram. It is cooked together with it and does not cause it to be forbidden, as [**Numbers 6:19**] states: "And the priest shall take the cooked foreleg from the ram."

22 [The following rules apply when] two substances of the same type, [one permitted and one forbidden,] and a [third] entity become mixed together, e.g., there was a pot with fat from the fat tail and beans and fat from the kidneys fell into it. The entire [mixture] dissolved and became a single entity. We view the fat from the fat tail and the beans as a single entity and we measure the fat from the kidneys against it. If the ratio was one to sixty, it is permitted. For it is impossible to detect the taste.

23 The same principle applies when *terumot* are mixed together [with other substances, some of the same type and some of a different type], their measure is 100. And the measure of mixed species from a vineyard and *orlah* is 200.

24 When we calculate the measure of permitted substances with regard to all prohibitions, whether the measure is 60, 100, or 200, we include the soup, the spices, everything that is in the pot, and what the pot has

absorbed after the prohibited substance fell according to our estimation. For it is impossible to know the exact amount which the pot absorbed.

25 It is forbidden to nullify a substance forbidden by Scriptural Law as an initial and preferred measure. If, however, one nullified it, the mixture is permitted. Nevertheless, our Sages penalized such a person and forbade the entire mixture. It appears to me that since this is a penalty, we forbid this mixture only to the person who transgressed and nullified the prohibited substance. For others, however, the entire mixture is permitted.

26 What is implied? If a *se'ah* of *orlah* falls into 100 *se'ah* [of permitted produce], the entire [mixture] is forbidden. One should not bring another 100 *se'ah* and join [the entire quantity] together so that [the forbidden substance] will be nullified because of the presence of 201 times the original amount. If, however, he transgressed and did so, the entire [mixture] is permitted.

With regard to a prohibition forbidden by Rabbinic decree, we do nullify a prohibition as an initial and preferred measure.

27 What is implied? If milk fell into a pot that contains fowl and imparted its flavor to the food, one may add other fowl to the pot until the flavor [of the milk] is no longer discernable. Similar laws apply in all analogous situations.

28 We already explained that if a forbidden substance imparts its flavor to a permitted substance, the entire mixture is not permitted. When does the above apply? [When the flavor imparted] improves [the flavor of the

permitted food]. If, however, the forbidden substance detracts from the flavor of the permitted substance and impairs it, it is permitted.
[This applies] provided it detracts from its flavor from the beginning until the end. If, however, it detracted from its flavor at the outset, but ultimately improved it or improved it initially, even though it will ultimately detract from it, [the mixture] is forbidden.

29 Who will taste the mixture? If *terumot* were mixed with ordinary crops, a priest should taste the mixture. If the flavor of the *terumah* is discernible, the entire mixture is considered as *miduma*. In *Hilchot Terumot*, the laws pertaining to [produce that is] *miduma* will be explained.

30 If [the mixture involved] meat and milk, wine poured as a libation, wine that was *orlah*, or [made from grapes that grew together with] mixed species in a vineyard that fell into honey, or the meat of crawling animals or teeming animals that were cooked with vegetables and the like, a gentile should taste [the mixture].
We rely on his word. If he says: "It does not have the flavor [of the forbidden substance]," or he says: "It [imparted] its flavor, but that flavor is bad and it detracts [from the flavor of the permitted substance," the entire [mixture] is permitted, provided it will not ultimately improve it, as we explained. If there is no gentile to taste it, we rely on the measures of 60, 100, or 200.

31 When a rat falls into beer or vinegar, we require a measure of 60, for we suspect that it imparted its flavor to the beer or the vinegar and it

improves it.When, however, it falls into wine, oil, or honey, it is permitted, even if it imparts its flavor, for the [rat's] flavor detracts [from the flavor of these substances]. For [these substances] must all have a pleasant fragrance and rat meat spoils their aroma and detracts from their flavor.

32 When a goat is roasted in its fat, it is forbidden to eat from even the tip of its ear. [The rationale is that] the fat permeates through all its limbs, improves [their taste], and imparts flavor. Accordingly, if [a goat] is lean and possessed only a meager amount of fat on its kidneys and digestive organs, i.e., one in sixty-one [of the entire animal], one may cut away [the meat] and eat it until he reaches the fat.

Similarly, when the thigh [of an animal] is roasted together with the *gid hanesheh*, one may cut away [the meat] and eat it until he reaches the *gid [hanesheh]*. [This], he should cast away. Similarly, if an animal was roasted whole without removing the forbidden strands of tissue and membranes, one may cut away [the meat] and eat it. When he reaches a forbidden substance, he should cast it away. There is no need to calculate the ratio [of this forbidden tissue to the meat,] for this [forbidden] tissue does not impart flavor.

33 One should not roast ritually slaughtered meat with the meat of a *nevelah* or the meat of a non-kosher species in one oven, even though they do not touch each other. If one roasted them together, [the kosher meat] is permitted. [This applies] even if the forbidden meat was very succulent and the permitted meat was lean. For an aroma does not cause a substance

to become forbidden; only the flavor of a forbidden substance does.

34 When the meat of a ritually slaughtered animal was mixed together with the meat of a *nevelah* that was salted, the [kosher] meat becomes prohibited, for the concentrated [juices] of the *nevelah* are absorbed in the kosher meat. It is impossible to detect their flavor or to calculate the quantity of the forbidden substance.

When the meat of a unsalted species of kosher fish was mixed together with the meat of a species of unkosher fish that was salted, the [kosher] fish becomes prohibited because of the [non-kosher] brine. If, however, it was the kosher fish that was salted and the non-kosher fish was unsalted, the salted fish does not become forbidden. For even though the unsalted [fish] absorbs [the brine] of the salted one, it does not absorb it to the degree that it will cause it to discharge [its own brine].

When a non-kosher fish was pickled with a kosher fish, the entire mixture is forbidden unless the ratio of kosher fish to non-kosher is 200:1.

Chapter 16

1 All the above measures given by our Sages with regard to a forbidden substance being mixed with a permitted substance of the same type apply when the forbidden substance is not a leavening agent, a spice, or an important entity that is discrete and is not mixed together with or blended with the permitted substance. If, however, [the forbidden substance] is a leavening agent, a spice, or an important entity, even the slightest amount of it causes [the entire mixture] to be forbidden.

2 What is implied? When yeast from wheat that is *terumah* falls into a dough of ordinary wheat [flour] and it is of sufficient quantity to cause the dough to leaven, the entire dough is considered as having been mixed with *terumah*. Similarly, if spices that are *terumah* fall into a pot of ordinary food [containing] the same substance, when [the forbidden spices] are of sufficient quantity to season [the dish], the entire [dish] is considered as having been mixed with *terumah*. This applies even if the ration between the yeast and the spices [to the permitted substances] is 1:1000.

Similarly, if yeast from mixed species grown in a vineyard fall into a dough or spices of *orlah* fall into a pot, it is forbidden to benefit from the entire [mixture].

3 Even the smallest amount of an important entity [that is forbidden] can cause a mixture of its own type to become forbidden. The seven entities that follow are considered as important: nuts from Perach, pomegranates from Baden, sealed barrels, beet shoots, cabbage heads, Greek squash, and loaves baked by a private person.

4 What is implied? If one pomegranate from Baden that was *orlah* became mixed with several thousand other pomegranates, it is forbidden to benefit from the entire mixture. Similarly, if a sealed barrel of wine that is *orlah* or that is a product of mixed species from a vineyard that became mixed with several thousand sealed barrels, it is forbidden to benefit from the entire quantity.

5 Similarly, when a piece of meat from a *nevelah* or from a non-kosher species of animal, beast, fowl, or fish become mixed with several thousand other pieces of meat, the entire mixture is forbidden until one separates that piece of meat and makes certain that there is sixty times its measure. For if one does not separate [the forbidden piece of meat], it will continue to be present and it will not have changed. And this piece of meat is important to him, for he receives honor [by serving it] to guests.

6 The same laws apply with regard to a piece of meat [cooked] with milk or an ordinary animal that was slaughtered in the Temple courtyard, for it is forbidden to benefit from [the latter] according to Rabbinic decree, as will be explained in *Hilchot Shechitah*. Even the slightest amount of them causes [a mixture] to become forbidden until they are removed.

Similarly, when a *gid hanesheh* was cooked with other similar tissue or with meat, when it can be recognized, it should be removed and the remainder is permitted. For *giddim* do not impart flavor. If one cannot recognize it, the entire mixture is forbidden. For [the *gid hanesheh* is considered as a created being in its own right. Hence, it is significant; no matter how small it is, it causes [a mixture] to become forbidden.

7 Similarly, all living animals are significant and they never become nullified. Therefore, if an ox sentenced to be stoned to death becomes intermingled with 1000 oxen, a calf whose neck is to be broken becomes intermingled with 1000 calves, a dove selected for a *metzora* becomes intermingled with 1000 doves, or a firstborn donkey becomes intermingled with 1000 donkeys, it is forbidden to benefit from any of

them. With regard to other entities, even though it is customary to [sell] them by number, they can be nullified according to the ordinary measures.

8 What is implied? When a bundle of vegetables that come from mixed species grown in a vineyard are mixed with 200 bundles or an *esrog* which is *orlah* is mixed with 200 *esrogim*, the entire quantity is permitted. Similar laws apply in all analogous situations.

9 It appears to me that every article that is significant to the inhabitants of a given place as nuts from Perach and pomegranates from Baden were significant in *Eretz Yisrael* in [the Talmudic] era causes a mixture to be forbidden if even the slightest amount becomes mixed in because of its importance in that time and in that era. The particular entities [referred to above] were mentioned because the slightest amount of them causes a mixture to be forbidden in every place. The same laws apply to articles similar to them in other places. It is clear that all of these prohibitions stem from Rabbinic decree.

10 If one pomegranate from a mixture [of pomegranates including a forbidden pomegranate from Baden] falls into two other [permitted] pomegranates from Baden and then one of these three pomegranates fell into other pomegranates, the latter mixture is permitted. [The rationale is that the presence of] the pomegranate from the first mixture [which fell into the second mixture] is nullified because of the majority of permitted substances. If, however, [a pomegranate] from the first mixture falls into

1000 pomegranates, they are all forbidden. [The concept that the presence of the forbidden pomegranate] was nullified because of the majority of permitted substances only when there is a multiple doubt involved: i.e., that if one of the second mixture will fall into another place, it does not cause [that third mixture] to become forbidden. Similar laws apply in all analogous situations.

11 If the nuts that were forbidden because of the nut that was *orlah* intermingled with them were cracked open, the pomegranates were taken apart, the barrels were opened, the squash was cut, or the bread was sliced after they became forbidden, [the presence of the forbidden entity] can be nullified if there is 201 times its volume. This law also applies with regard to a piece of forbidden meat that is minced together with other pieces and they are all [minced] in the same way, [the presence of the forbidden entity] can be nullified if there is 60 times its volume.

12 It is, however, forbidden to crack the nuts, take apart the pomegranates, open the barrels after they have become forbidden so that [the presence of the forbidden entity] can be nullified if there is 201 times its volume. For, as an initial and preferred measure, we do not nullify the presence of an entity. If one does so, we penalize him and forbid [the entity] to him, as explained.

13 [The following rule applies when] yeast that comes from mixed species in a vineyard and from *terumah* falls into dough and there is not enough of either of [the forbidden substances] alone to cause the dough to rise, but

when the two are combined, there is enough to cause the dough to rise. This dough is forbidden to an Israelite, but permitted to the priests.

Similarly, when spices that come from *terumah* and from mixed species in a vineyard fall into a pot and there is not enough of either of [the forbidden substances] to spice the pot, but together there is enough of both of them to spice the pot, that pot is forbidden to an Israelite - for an entity forbidden to him spice it - and permitted to the priests.

14 When there are two or three types of the same species of spice or three species of the same type, they can be combined to cause a pot to be forbidden when they spice it or when [a similar type mixture] causes dough to leaven.

What is implied? Yeast from wheat and yeast from barley are not considered as being two separate substances. Instead, since the category yeast is the same, they are considered as one substance and they can be combined to measure to see if they are sufficient to cause a dough of wheat to leaven if their combined flavor is that of wheat or to cause a dough of barley to leaven if their combined flavor is that of barley.

15 What is meant by three species of the same type? For example, river parsley, parsley that grows in meadows, and parsley that grows in gardens. Although each of them has a distinct name, since they are of one type, they can be combined to [cause a dish to be forbidden if they] spice [it].

16 [The following rules apply when] yeast that is *terumah* or from mixed species from a vineyard falls into dough that is already leavened or spices

that are *terumah* or from mixed species from a vineyard fall into a pot that has already been spiced. If there is enough [of the forbidden] yeast to cause the dough to leaven if it had been unleavened or there is enough of the spices to spice the pot had it been unspiced, the entire mixture is forbidden. If they are of sufficient size to spice [the pot] or cause [the dough] to leaven, their presence can be nullified according to the required measure: *terumah* when [the mixture] is 101 times [the size of the forbidden substance] and mixed species in a vineyard when [the mixture] is 201 times [the size of the forbidden substance].

17 *Terumah* can [help] cause *orlah* and mixed species from a vineyard to be nullified.

What is implied? When a *se'ah* of *terumah* falls into 99 [*se'ah* of] ordinary produce and afterwards, a half *se'ah* of *orlah* or mixed species from a vineyard falls into the entire mixture, the prohibition against *orlah* or mixed species in a vineyard does not apply. For it is nullified because of the presence of 201 times [the size of the forbidden substance] even though a portion of the 201 is *terumah*.

18 Similarly, *orlah* and mixed species from a vineyard can [help] cause *terumah* to be nullified.

What is implied? When 100 *se'ah* of *orlah* or mixed species from a vineyard fall into 20,000 *se'ah* of ordinary produce, the entire mixture is thus 20,100 *se'ah*. Afterwards, a *se'ah* of *terumah* fell into every 100 *se'ah*, the entire [mixture] is permitted and the presence of the *terumah* is nullified because of the presence of 101 times [the original amount of

terumah]. [This applies] even though part of the 100 that nullify its presence are *orlah* or mixed species from a vineyard.

19 Similarly, *orlah* may [help] nullify mixed species from a vineyard and mixed species from a vineyard may [help] nullify *orlah*. Mixed species from a vineyard may [help] nullify [the presence of other] mixed species from a vineyard and *orlah* may [help] nullify [the presence of other] *orlah*. What is implied? 200 *se'ah* of *orlah* or mixed species from a vineyard fall into 40,000 *se'ah* of ordinary produce. Afterwards, a *se'ah* of *orlah* or mixed species from a vineyard fell into each of the 200 *se'ah* of *orlah* or mixed species from a vineyard, the entire mixture is permitted. Since the presence of the forbidden substance that fell into [the mixture] originally was nullified, the entire [mixture] is considered as ordinary produce that is permitted.

20 A garment that was dyed with shells of *orlah* should be burnt. If it became intermingled with others, [its presence] may be nullified when there are 201 times the original amount. Similarly, when a dish was cooked or a loaf of bread baked with the shells of *orlah* or mixed species from a vineyard, the dish or the bread must be burnt, for the benefit [from the forbidden substance] is evident. If it became intermingled with others, [its presence] may be nullified when there are 201 times the original amount.

21 Similarly, when *milo hasit* of a garment was dyed with [a dye that is] *orlah*, and [that garment] cannot be identified, [its presence] may be nullified when there are 201 times the original amount. If powdered dye that is

orlah becomes mixed with powdered dye that is permitted, [its presence] may be nullified when there are 201 times the original amount. When liquid dye that is *orlah* becomes mixed with liquid dye that is permitted, its presence is nullified when there is a majority [of the permitted substance].

22 When an oven has been heated with shells of *orlah* or mixed species from a vineyard, it must be cooled off [before cooking in it]. [This applies] to both a new and an old [oven]. Afterwards, one should heat [the oven] with permitted wood. If one cooked in it before it was cooled, whether bread or food, it is forbidden to benefit from it. [The rationale is that] the forbidden wood increased the value of the bread or the food.
If one removed the entire fire and then cooked or baked with the heat of the oven [that remained], it is permitted, for the forbidden wood is no longer present.

23 It is forbidden to benefit from plates, cups, pots, and bottles that were fired by a potter with shells of *orlah*. [The rationale is] they are made new by an object from which it is forbidden to benefit.

24 When bread was baked on coals from wood that is *orlah,* it is permitted. Once [the wood] becomes coals, the forbidden dimension is no longer present, even though they are still glowing.
When a pot was cooked with shells from *orlah* or mixed species from a vineyard together with permitted wood, the food [cooked in it] is forbidden, even though [it was cooked by two factors, one forbidden and

one permitted]. [The rationale is] that at the time it was cooked with the forbidden wood, the permitted wood had not been introduced. Thus part of the cooking process was performed with permitted wood and part with forbidden wood.

25 When a plant that is *orlah* becomes mixed together with other plants or a row of mixed species from a vineyard became mixed with other rows, at the outset, one should gather all [the produce]. If [the ratio of] permitted plants to forbidden plants was 200:1 or the ratio of forbidden rows to permitted ones is 200:1, everything that was gathered is permitted. If the ratio was less than this, all that was gathered is forbidden.

[One might ask:] Why is one permitted to gather [the produce] at the outset? Seemingly, the law should require that everything be forbidden for him until he undertakes the difficulty of removing the forbidden plant or row. [It can be explained that that] a person will not cause his vineyard to be forbidden because of one plant. Were he to be able to identify it, he would remove it.

26 It is forbidden to benefit from cheese that is made to harden using the syrup of *orlah* fruit that has not ripened, the stomach of an animal offered as a sacrifice to false divinities, or vinegar made from the wine of a false divinity. Although the forbidden entity is being mixed with a substance of another type and a very small amount is used, [the cheese] is forbidden for [the effect of] the forbidden entity is obvious, for it [caused the milk] to harden into cheese.

27 The law is that fruit that is *orlah* or from mixed species from a vineyard should be burnt. Liquids from [that fruit] should be buried, because it is impossible to burn liquids.

28 When wine that was poured as a libation to idols is mixed with [other] wine, it is forbidden to benefit from the entire mixture regardless of how small [the amount of forbidden wine], as we explained.

When does the above apply? When the permitted wine is poured onto a drop of wine that had been poured as a libation. If, however, one poured wine that had been poured as a libation from a small bottle into a cistern of wine, its presence is nullified. Even if one poured the entire day, each individual drop becomes nullified, drop after drop.

If one pours from a jug, the entire quantity is forbidden. [This applies] whether one pours permitted wine into forbidden wine or forbidden wine into permitted wine. [This stringency is enforced,] because the column of wine which descends from the large jug [creates a connection].

29 When even the smallest amount of ordinary [gentile] wine is mixed with [Jewish] wine, it is forbidden to drink [the entire mixture]. Instead, it should be sold to a gentile in its entirety. The money [paid] for the forbidden wine should be cast into the Dead Sea. One may, however, benefit from the remainder of the money.

Similarly, if a jug of wine poured as a libation had become intermingled with jugs of [kosher] wine, it is forbidden to drink the entire mixture. One may, however, benefit from it, selling the entire mixture to a gentile and casting the money for the [forbidden] jug into the Dead Sea. The

same applies with regard to a jug of ordinary [gentile] wine.

30 When water is mixed into wine or wine is mixed into water, [the forbidden entity causes the mixture to be prohibited] if its flavor can be detected, because they are two different types of substances.
When does the above apply? When the permitted liquid falls into the forbidden liquid. If, however, the forbidden liquid fell into the permitted liquid, the presence of it is nullified, drop after drop, provided it fell from a from a small bottle.
How is it possible for water to be forbidden? If it was worshipped or if it was offered to a false divinity.

31 [The following law applies when] a pitcher of water fell into a cistern of wine and afterwards, wine that was poured as a libation fell into it. [Initially,] we consider the permitted wine as if it did not exist, We measure the water in relation to the wine poured as a libation. If it is [of sufficient volume] to nullify the taste of the wine poured as a libation, the water is more abundant than it and it nullifies [the forbidden wine] and the entire [mixture] is permitted.

32 When wine poured as a libation falls on grapes, one should wash them. They are permitted to be eaten. If the grapes have split open, when the wine imparts its flavor to them, it is forbidden to benefit from them.If not, it is permitted to partake of them. [This applies] whether the wine is aged or fresh.

33 When [forbidden wine] falls on figs, they are permitted, because wine

impairs the flavor of figs.

34 When wine poured as a libation falls on wheat, [the wheat] is forbidden to be eaten, but it is permitted to benefit from it. One should not sell it to a gentile, lest he sell it again to a Jew. What should be done instead? He should grind [the wheat] into flour, make it into bread, and sell it to a gentile outside the presence of a Jew. [In this way,] a Jew will not repurchase it from the gentile, for the bread of a gentile is forbidden, as will be explained.

Why do we not check the wheat to see if [the wine imparted] its flavor? Because [the wheat] draws out the wine and it becomes absorbed within it.

35 When wine poured as a libation becomes vinegar and falls into vinegar that comes from beer, even the slightest amount causes it to become forbidden. [The rationale is that] it is considered to have become mixed with the same type of substance, because they are both vinegar.

When wine becomes mixed with vinegar, we see if [the forbidden entity] imparts its flavor. [This applies] whether [forbidden] vinegar falls into wine or [forbidden] wine falls into vinegar.

Chapter 17

1 When the meat of a *nevelah* or a crawling animal or teeming animal was cooked in an earthenware pot, one should not cook the meat of a ritually slaughtered animal in that pot on that same day. If he cooked a type of

meat [in the pot that day], the dish is forbidden. If he cooked another substance in it, [it is forbidden if] its flavor can be detected.

2 The Torah forbade only [the use of] a pot that was [cooked with the forbidden substance] on that day. For [in that time,] the flavor of the fat absorbed in the pot had not been impaired.

According to Rabbinic Law, one should never cook in it again. For this reason, one should never purchase used earthenware utensils from gentiles to use them for hot foods, e.g., pots and plates. This applies even when they are coated with lead. If one purchased such a utensil and cooked in it from the second day onward, the food is permitted.

3 [The following rules apply when] a person purchases metal or glass dinnerware from a gentile. Utensils that [the gentile] did not use at all should be immersed in the waters of a *mikveh*. Afterwards, it is permitted to eat and drink with them.

Utensils that he used for cold [food and drink], e.g., cups, flasks, and pitchers, he should wash them thoroughly and immerse them. [Afterwards,] they are permitted. Utensils that he used for hot food: large pots, kettles, and pots used to heat food, should be purged through *hagaalah*, and immersed in the *mikveh*. Afterwards, they are permitted. Utensils that he used by exposing them to fire, e.g., spits and grills, should be exposed to fire until they become white-hot and their outer surface falls off. They may then be immersed and become permitted for use.

4 How is [the purging process of] *hagaalah* achieved? A small pot is placed

into a large pot and they are filled with water until the smaller one is submerged. Then one must boil it very thoroughly.

If a large pot was [forbidden], one should place dough or mud along its edge [so that] he could fill it with water so that it will flow over its edge.He [then] boils it.

In all instances, if he used them before boiling [water in them for *hagaalah*], washing them thoroughly, making them white hot, or immersing them, [the food] is kosher. For any fat [absorbed] in them imparts an unpleasant flavor, as explained.

5 The immersion of the dinnerware that is purchased from gentiles to allow it to be used for eating and drinking is not associated with ritual purity and impurity. Instead, it is a Rabbinic decree.

There is an allusion to this [in **Numbers 31:23** that describes Moses' instructions with regard to the spoils taken from Midian:] "Everything that can be passed through fire, you shall pass through fire and it will become pure." According to the Oral Tradition, we learned that the verse is speaking only about purifying [the utensils] from gentile cooking, not from ritual impurity. For there is no ritually impurity that is dispelled by fire. All those who are impure ascend from their impurity through immersion and the impurity stemming from [contact with] a human corpse is [dispelled] through the sprinkling [of water and the ashes of the red heifer]. There is no concept of fire [employed in this context], rather [it is employed] with regard to purification from gentile cooking. Since the verse states "and it will become pure," our Sages said: "Add to it another dimension of purity after passing it through fire to cause it to be

permitted because [of its contact] with gentile cooking."

6 [Our Sages] obligate this immersion only for metal dinnerware utensils that were purchased from a gentile. When, however, a person borrows [such utensils] from a gentile or a gentile left him such utensils as security, it is only necessary to wash them thoroughly, boil them, or expose them to fire. He does not have to immerse [them]. Similarly, if one purchased wooden or stone utensils, it is only necessary to wash them thoroughly, boil them, or expose them to fire. Similarly, earthenware utensils need not be immersed. If, however, they are coated with lead, they are considered as metal utensils and require immersion.

7 When a person purchases a knife from a gentile, he must expose it to fire until it become white hot or have it honed in its sharpener. If it was a perfectly [smooth] knife without any blemishes, it is sufficient to insert it in hard earth ten times. [Afterwards,] one may eat cold food with it. If it had blemishes or it was perfectly [smooth], but one desired to use it to eat hot food or to slaughter with it, he should expose it to fire until it becomes white hot or hone it in its entirety. If he slaughtered [an animal] with such a knife before purifying it, he should wash thoroughly the place of slaughter. If he removes the surface [of the meat around the place of slaughter], it is praiseworthy.

8 When a knife was used to slaughter an animal that was *trefe*, one should not slaughter with it [again] until it is washed thoroughly, even with cold water or wiped clean with worn-out clothes.

9 There are other substances which are forbidden by the Sages. Even though there is not a basis for their prohibition in Scriptural Law, they decreed against their use to separate from the gentiles so that Jews will not intermingle with them and intermarry. They are: It is forbidden to drink [alcoholic beverages] with them even in a place where there was no suspicion that the wine was poured as a libation. And they forbade eating from their bread or cooked dishes even in a place where there is no suspicion that the food was forbidden.

10 A person should not drink at a party of gentiles even though boiled wine which is not forbidden [is being served] or he is drinking from his own utensils. If the majority of the attendants of the party are Jewish, it is permitted. We may not drink the beer that they make from dates, figs, or the like. [This is forbidden] only in the place where they are sold. If, however, one brought the beer home and drank it there, it is permitted. For the fundamental point of the decree is that one should not feast with [a gentile].

11 It is permitted to drink wine from apples, pomegranates, and the like in every place. [Our Sages] did not institute a decree in an uncommon situation. Raisen wine is like ordinary wine and is used for libations.

12 Although [our Sages] forbade bread [baked] by gentiles, there are places where leniency is shown regarding this matter and bread baked by a gentile baker is purchased in a place where there is no Jewish baker and it is in a field, because this is a pressing situation. There is, by contrast, no

one who will rule that leniency may be shown with regard to bread baked by a homeowner. For the primary reason for [our Sages'] decree was [to prevent] intermarriage. If one will eat the bread of a [gentile] homeowner, [it is likely that] he will feast with him.

13 [The bread] is permitted [in the following situations]: A gentile lit the oven and a Jew baked within it, a Jew lit the oven and the gentile baked within it, the gentile both lit the oven and baked, but the Jew stirred the fire or reduced it, since he was involved in the baking tasks, [we rule leniently]. Even though he did not do more than throw one piece of wood into the oven, he caused all the bread in it to be permitted. [The rationale is that this requirement] is only to make a distinction that [a gentile's] bread is forbidden.

14 When a gentile cooks wine, milk, honey, quince, or the like, i.e., any entity that is usually eaten raw, it is permitted. [Our Sages] issued their decree only with regard to entities that are not eaten at all raw, e.g., meat, unsalted fish, an egg, and vegetables. If a gentile were to cook them from the beginning to the end without the Jew participating in the cooking at all, they are forbidden because they were cooked by gentiles.

15 When does the above apply? To [food] that would be served on the table of kings to be eaten together with bread, e.g., meat, eggs, fish, and the like. When, by contrast, [food] would not be served on the table of kings to be eaten together with bread, e.g., vetch cooked by gentiles, it is permitted despite the fact that it is not eaten uncooked. Similar laws apply

in all analogous situations. For the fundamental purpose of the decree was to prevent intermarriage, by [hindering] a gentile from inviting [the Jew] to a feast. And when [food] would not be served on the table of kings to be eaten together with bread, a person would not invite a friend [to share a meal] of it.

16 When small fish were salted by a Jew or a gentile, it is as if they have undergone part of their cooking process. [Therefore] if a gentile roasted them afterwards, they are permitted. [Similarly,] whenever a Jew performs a small part of the cooking process, whether at the beginning or at the end, [the food] is permitted. Accordingly, if a gentile placed meat or a pot on the fire and the Jew turned over the meat or stirred the pot or, conversely, the Jew placed [the food on the fire] and the gentile completed [the cooking process], [the food] is permitted.

17 When a gentile salts fish or smokes fruit and in this way prepares them to be eaten, they are permitted. With regard to this decree, salted food is not considered as if it were boiling hot, nor is smoking considered as cooking. Similarly, kernels of grain roasted by a gentile are permitted. They were not included in the decree, for a person will not invite a colleague to [come and eat] roasted kernels of grain.

18 Beans, peas, lentils, and the like that have been cooked by gentiles and are sold are forbidden because of [the decree against] gentile cooking in places where they are served on the tables of kings as a relish. [They are also forbidden,] because of prohibited foods in all places for perhaps they were

cooked together with meat or in a pot in which meat had been cooked. Similarly, doughnuts that are fried by gentiles in oil are forbidden because of prohibited foods.

19 When a gentile cooked without intending to cook, [the product] is permitted. What is implied? A gentile lit a fire in a swamp to clean away the overgrowth and grasshoppers were roasted, it is permitted to eat them. [This applies] even in places where they are served on the tables of kings as a relish. Similarly, if he scorches a [kosher animal's] head to remove its hair, it is permitted to partake of the strings of meat and the tips of the ears that were roasted at the time of the scorching.

20 [The following rules apply to] dates that were cooked by gentiles. If, initially, they were sweet, they are permitted. If they were bitter and the cooking sweetened them, they are forbidden. If they were of intermediate sweetness, they are forbidden.

21 Roasted lentils that were kneaded with water or with vinegar are forbidden. When, however, roasted kernels of wheat or barley are kneaded with water, they are permitted.

22 The oil of gentiles is permitted. One who forbids it commits a great sin, for he rebels against [the teachings] of the [High] Court who permitted it. Even if the oil was cooked, it is permitted. It is not forbidden because of gentile cooking, because we partake of oil uncooked. Nor is it forbidden, because of prohibited foods, because meat impairs [the flavor of] oil and spoils it.

23 Similarly, when gentile honey was cooked and sweets were made from it, it is permitted for the same reason.

24 Date dregs of gentiles that were heated in hot water, whether in a large pot or a small pot, are permitted. For the [flavor of forbidden meat absorbed in the pot] impairs its flavor. Similarly, pickled foods to which it is not customary to add vinegar or wine or pickled olives or pickled grasshoppers that are brought from the storehouse are permitted. Nevertheless, grasshoppers and pickled foods over which wine is sprinkled are forbidden. Similarly, they are forbidden if vinegar - even vinegar made from beer - is sprinkled over them.

25 Why is gentile vinegar made from beer forbidden? Because they cast the dregs of wine into it. Therefore [vinegar] taken from a storage room is permitted.

26 [Gentile] fish brine, in places where it is customary to mix wine into it, is forbidden. If the wine is more expensive than the fish brine, it is permitted. We rule this way in all instances where we suspect that the gentiles mixed a forbidden substance [into a permitted substance]. For a person will not mix something expensive into something that is low-priced, for he will lose. He will, however, mix the low-priced into the expensive, for then he profits.

27 When a child eats forbidden foods or performs a forbidden labor on the Sabbath, the Jewish court is not commanded to make him cease, because he is not intellectually capable.

When does the above apply? When he acts on his own initiative. It is, however, forbidden [for an adult] to give him [non-kosher food] by hand. [This applies even] to foods forbidden by Rabbinic decree. Similarly, it is forbidden to make him accustomed to desecrating the Sabbath and the festivals. [This applies] even to [performing] activities forbidden as a *shvut*.

28 Although the Jewish court is not commanded to separate a child from transgressions, his father is commanded to rebuke him so that he withdraws in order to train him in holy conduct, as [**Proverbs 22:6**] states: "Educate a child according to his way."

29 Our Sages forbade [a person from partaking of] food and drink from which the souls of most people are revolted, e.g., food and drink that were mixed with vomit, feces, foul discharges, or the like. Similarly, our Sages forbade eating and drinking from filthy utensils from which a person's soul languishes, e.g., the utensils of a lavatory, the glass utensils of medical attendants that are used to let blood, and the like.

30 Similarly, they forbade eating with unclean and soiled hands and with dirty utensils. All of these matters are included in the general [prohibition]: "Do not make your souls detestable." A person who partakes of these foods is given stripes for rebellious conduct.

31 Similarly, it is forbidden for a person to delay relieving himself at all, whether through defecation or urination. Anyone who delays relieving himself is considered among those who make their souls detestable in

addition to the severe illnesses he brings upon himself and becoming liable for his life. Instead, it is appropriate for a person to train himself [to eliminate] at specific times so that he will not have to separate himself in the presence of others and not have to make his soul detestable.

32 Whoever is careful concerning these matters brings an additional measure of holiness and purity to his soul and purges his soul for the sake of the Holy One, blessed be He, as [**Leviticus 11:44**] states: "And you shall sanctify yourselves and you will be holy, for I am holy."

Mishneh Torah, Ritual Slaughter

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment for one who desires to partake of the meat of a domesticated animal, wild beast, or fowl to slaughter [it] and then partake of it, as [**Deuteronomy 12:21**] states: "And you shall slaughter from your cattle and from your sheep." And with regard to a firstborn animal with a blemish, [*ibid.*:22] states: "As one would partake of a deer and a gazelle." From this, we learn that a wild beast is [governed by] the same [laws] as a domesticated animal with regard to ritual slaughter.

And with regard to a fowl, [**Leviticus 17:13**] states: "that will snare a beast or a fowl as prey... and shed its blood." This teaches that shedding the blood of a fowl is analogous to shedding the blood of a wild beast.

2 The laws governing ritual slaughter are the same in all instances. Therefore one who slaughters a domesticated animal, beast, or fowl should first recite the blessing: "[Blessed...] who sanctified us with His commandments and commanded us concerning ritual slaughter." If he did not recite a blessing, either consciously or inadvertently, the meat is permitted.

It is forbidden to partake of a slaughtered animal throughout the time it is in its death throes. When a person partakes of it before it dies, he transgresses a negative commandment. [This act] is included in the prohibition [**Leviticus 19:26**]: "Do not eat upon the blood." He does not,

however, receive lashes.

It is permitted to cut meat from it after it has been ritually slaughtered, but before it dies. That meat should be salted thoroughly, washed thoroughly, and left until the animal dies. Afterwards, it may be eaten.

3 Fish and locusts need not be slaughtered. Instead, gathering them causes them to be permitted to be eaten. [This is indicated by **Numbers 11:22**]: "Can sheep and cattle be slaughtered for them that will suffice them? If all the fish of the sea would be gathered for them...." This indicates that gathering fish is like slaughtering cattle and sheep. And with regard to locusts, [**Isaiah 33:4**] states: "the gathering of the locusts," i.e., gathering alone [is sufficient]. Therefore if fish die naturally in the water, they are permitted. And it is permitted to eat them while they are alive.

4 The slaughter which the Torah mentions without elaboration must be explained so that we know: a) which place in the animal is [appropriate] for ritual slaughter?, b) what is the measure of the slaughtering process?, c) with what do we slaughter?, d) when do we slaughter?, e) in which place [on the animal's neck] do we slaughter? f) how do we slaughter, g) what factors disqualify the slaughter? h) who can slaughter?

We were commanded concerning all of these factors in the Torah with the verse [**Deuteronomy 12:21**]: "And you shall slaughter from your cattle... as I commanded you." All of these factors were commanded to us orally as is true with regard to the remainder of the Oral Law which is called "the mitzvah," as we explained in the beginning of this text.

5 The place where an animal should be slaughtered is the neck. The entire neck is acceptable for slaughtering.

What is implied? With regard to the gullet, from the beginning of the place where when it is cut, it contracts until the place where hair grows and it begins appearing fissured like the stomach, this is the place of slaughter with regard to the gullet.

6 If one slaughters above this place - in the area called the entrance to the gullet - or below this place - i.e., the beginning of the digestive system, the slaughter is unacceptable.

The measure of the entrance to the gullet above which is unfit for slaughter in an animal or a beast is so one can grab it with two fingers. With regard to a fowl, it depends on its size. The lower limit extends until the crop.

7 Where is the place of slaughter with regard to the windpipe? From the slant of its cap downward until the beginning of the flank of the lung when the animal extends its neck to pasture, this is the place of slaughter with regard to the windpipe. The area opposite this place on the outside is called the neck.

8 When the animal strained itself and extended its neck exceedingly or the slaughterer applied exertion to the signs and extended them upward, but slaughtered in the neck at the place of slaughter, there is an unresolved doubt whether [the animal] is a *nevelah*. For the place where the gullet and windpipe were cut is not the place where [the animal] is [usually]

slaughtered.

9 The slaughterer must slaughter in the center of the neck. If he slaughters to the side, it is acceptable.

What is the measure of slaughter? That one [cut] the two identifying marks, the windpipe and the gullet. Superior slaughter involves cutting both of them, whether for an animal or a fowl and a slaughterer should have this intent. [After the fact,] if one cut the majority of one of them for a fowl and the majority of both of them for an animal or a beast, the slaughter is acceptable.

10 When one cut one sign entirely and half of the other sign when slaughtering an animal, his slaughter is unacceptable. If he cut the majority of both signs, even though in each instance he cuts only a hair's breadth more than half, it is acceptable. Since he cut even the slightest amount more than half, he has cut the majority.

11 If he cut half of one and half of the other - even in a fowl - the slaughter is unacceptable. When a windpipe is half slit and one cut a little more on the place of the slit, making the cut a majority, the slaughter is acceptable. [This applies] whether one begins [on a portion of the windpipe] that is intact and reaches the slit or one inserts the knife into the slit and [increases its size until it] reaches the majority.

12 Every slaughterer must check the signs after he slaughters. If he did not check and the animal's head was cut off before he could check, [the animal] is [considered] a *nevelah*. [This applies even] if the slaughterer was

adroit and expert.

13 During its lifetime, every animal is considered to be forbidden until it is definitely known that it was slaughtered in an acceptable manner.

14 With what can we slaughter? With any entity, with a metal knife, a flint, glass, the edge of a bulrush, or the like among the entities that cut. [This applies] provided its edge is sharp and does not have a barb. If, however, there was a spike at the edge of the entity with which one slaughters, even if the spike is very small, the slaughter is unacceptable.

15 If the spike was on only one side of the knife, one should not slaughter with it [at the outset]. [After the fact,] if one slaughtered with it using the side on which the blemish was not detectable, the slaughter is acceptable.

16 What is implied? There was a knife that was checked by passing it [over one's finger] and no blemish was felt on it, but when one drew it back, one felt that it had a blemish. If one slaughtered with it by passing it forwards and did not draw it back, the slaughter is acceptable. If one drew it back, the slaughter is unacceptable.

17 When a knife ascends and descends [in a curve] like a snake but does not have a blemish, one may slaughter with it as an initial and preferred option. When the edge of a knife is smooth, but is not sharp, one may slaughter with it, since it does not have a blemish. Even though one passes it back and forth the entire day until the slaughter [is completed], the slaughter is acceptable.

18 When a sharp knife has been whetted, but its [blade] is not smooth, instead, touching it is like touching the tip of an ear of grain which becomes snarled on one's finger, [nevertheless,] since it does not have a blemish, one may slaughter with it.

19 When a person uproots a reed or a tooth or cuts off a flint or a nail, if they are sharp and do not have a blemish, one may slaughter with them. If one stuck them into the ground, one should not slaughter with them while they are stuck into the ground. [After the fact,] if one slaughtered [in such a situation], one's slaughter is acceptable.

20 When one slaughtered with these entities when they were connected from the beginning of their existence, before they were uprooted, the slaughter is unacceptable even if they do not have a blemish.

21 If one took the jawbone of an animal that had sharp teeth and slaughtered with it, it is unacceptable, for they are like a sickle. When, however, only one tooth is fixed in a jaw, one may slaughter with it as an initial and preferred option, even though it is set in the jaw.

22 When one made a knife white-hot in fire and slaughtered with it, the slaughter is acceptable. If one side of a knife is [jagged-edge like] a sickle and the other side is desirable, [i.e., smooth,] one should not slaughter with the desirable side as an initial and preferred measure. [This is] a decree lest one slaughter with the other side. If one slaughtered [with it], since one slaughtered with the desirable side, the slaughter is acceptable.

23 A slaughterer must check the knife at its tip and at both of its sides [before slaughtering]. How must he check it? He must pass it over and draw it back over the flesh of his finger and pass it over and draw it back over his fingernail on three edges, i.e., its tip and both of its sides so that it will not have a blemish at all. [Only] afterwards, should he slaughter with it.

24 It must [also] be inspected in this manner after slaughter. For if a blemish is discovered on it afterwards, there is an unresolved doubt whether the animal is a *nevelah*. For perhaps [the knife] became blemished [when cutting] the skin and when he cut the signs, he cut them with a blemished knife.

For this reason, when a person slaughters many animals or many fowl, he must inspect [the knife] between each [slaughter]. For if he did not check, and then checked [after slaughtering] the last one and discovered [the knife] to be blemished, there is an unresolved doubt whether all of them - even the first - are *nevelot* or not.

25 When one inspected a knife, slaughtered with it, but did not inspect it after slaughtering, and then used it to break a bone, a piece of wood, or the like, and afterwards, inspected it and discovered it to be unacceptable, his slaughter is acceptable. [The rationale is that] the prevailing assumption is that the knife became blemished on the hard entity which it was used to break. Similarly, if one was negligent and did not check his knife [after slaughtering] or the knife was lost before it could be checked, the slaughter is acceptable.

26 Whenever a slaughterer does not have the knife with which he slaughters inspected by a wise man and uses it to slaughter for himself, we inspect it. If it is discovered to be desirable [and passes] the examination, we, nevertheless, place him under a ban of ostracism [lest] he rely on himself on another occasion and then the knife will be blemished, but he will still slaughter with it. If [upon examination] the knife is discovered to be blemished, he is removed from his position and placed under a ban of ostracism. We pronounce all the meat that he slaughtered to be unacceptable.

27 How long must the knife with which one slaughters be? Even the slightest length, provided it is not [overly] thin to the extent that it pierces and does not slit like the head of a blade or the like.

28 When can one slaughter? Any time, whether during the day or during the night, provided that [at night] he has a torch with him so that he sees what he is doing. If a person slaughters in darkness, his slaughter is acceptable.

29 When a person inadvertently slaughters on Yom Kippur or the Sabbath, his slaughter is acceptable, even though were he to have been acting willfully he would be liable for his life or for lashes [for slaughtering] on Yom Kippur.

Chapter 2

1 It is permitted to slaughter an animal in any place except the Temple

courtyard. For only animals consecrated for [sacrifice on the altar] may be sacrificed in the Temple courtyard. Ordinary animals, by contrast, whether domesticated animals, beasts, or fowl, are forbidden to be sacrificed in the Temple courtyard. Similarly, [**Deuteronomy 12:21**] states with regard to meat [which man] desires [to eat]: "When the place that God will choose will be distant from you... and you shall slaughter from your cattle and your sheep... and you shall eat in your gates." One may infer that meat [which man] desires [to eat] may be slaughtered only outside "the place that God will choose."

2 [Meat from animals] slaughtered outside this [holy] place is permitted to be eaten everywhere. If, however, one slaughters an ordinary animal in the Temple courtyard, that meat is ritually pure, but it is forbidden to benefit from it like meat mixed with milk and the like. It must be buried; [if it is burnt,] its ashes are forbidden [to be used].

[The above applies] even if one slaughters for healing purposes, to feed a gentile, or to feed dogs. If, however, one cuts off an animal's head in the Temple courtyard, one rips the signs from their place, a gentile slaughters, [a Jew] slaughters, but the animal was discovered to be *trefe*, or one slaughters a non-kosher domesticated animal, beast, or fowl in the Temple courtyard, it is permitted to benefit from all of the above.

3 This does not apply only to domesticated animals or beasts. Instead, it is forbidden to bring all ordinary food into the Temple courtyard. [This includes] even meat from a slaughtered [animal], fruit, or bread. If one transgresses and brings in such food, it is permitted to partake of this food

as it was beforehand.

All of the above concepts are part of the Oral Tradition. Whenever anyone slaughters in the Temple courtyard or eats an olive-sized portion of the meat of ordinary [animals that were] slaughtered in the Temple courtyard, he is liable for stripes for rebellious conduct.

4 [The following rule applies when] a person says: "This animal is [consecrated as] a peace offering, but [the fetus it is carrying] remains of ordinary status." If it is slaughtered in the Temple courtyard, it is permitted to partake of its offspring, because it is forbidden to slaughter [the mother] outside [the Temple courtyard].

5 One should not slaughter into seas or rivers, lest [an onlooker] say: "He is worshipping the water," and it would appear as if he is offering a sacrifice to the water. Nor should one slaughter into a utensil filled with water, lest one say: "He is slaughtering into the form that appears in the water." Nor should he slaughter into utensils or into a pit for this is the way of idolaters. If one slaughters in the above manner, his slaughter is acceptable.

6 One may slaughter into murky water in which an image may not be seen. Similarly, one may slaughter outside a pit and allow the blood to flow and descend into a pit. One should not do this in the marketplace so as not to mimic the gentiles. [Indeed,] if one slaughters into a pit in the marketplace, it is forbidden to eat from his slaughter until his [character] is examined, lest he be a heretic.

It is permitted to slaughter on the wall of a ship, [although] the blood will flow down the wall and descend into the water. [Similarly,] it is permitted to slaughter above [the outer surface of] utensils.

7 How does one slaughter? One extends the neck and passes the knife back and forth until [the animal] is slaughtered. Whether the animal was lying down or it was standing and one held the back of its neck, held the knife in his hand below, and slaughtered, the slaughter is acceptable.

8 If one implanted a knife in the wall and brought the neck [of an animal back and forth] over it until it was slaughtered, the slaughter is acceptable, provided the neck of the animal is below and the knife is above. For if the neck of the animal will be above the knife, it is possible that the animal will descend with the weight of its body [on the knife] and cut [its throat] without [it being brought back and forth]. This is not ritual slaughter, as will be explained. Therefore, if we are speaking about a fowl, whether its neck is above the knife that is implanted or below it, the slaughter is acceptable.

9 When a person slaughters and draws the knife forward, but does not draw it back, draws it back, but does not draw it forward, his slaughter is acceptable.

If he drew the knife back and forth until he cut off the head entirely, his slaughter is acceptable. [The following rules apply if] he drew the knife forward, but did not draw it back, drew it back, but did not draw it forward, and cut off the head while drawing it forward alone or drawing it

back alone. If the knife is twice as long as the width of the neck of the animal being slaughtered, his slaughter is acceptable. If not, his slaughter is not acceptable.

If one slaughters the heads [of two animals] together, his slaughter is acceptable.

10 When two people hold unto a knife together - even when one is holding from one side and the other from the other side - and they slaughter together, the slaughter is acceptable. Similarly, if two people hold two knives and both slaughter simultaneously in two places in the neck, their slaughter is acceptable. This applies even if one slit the gullet alone or its majority and the other cut the windpipe or its majority in another place, this slaughter is acceptable even though the slaughter was not entirely in the same place.

Similarly, slaughter in the form of a reed and slaughter in the form of a comb are acceptable.

11 The slaughter of ordinary animals does not require focused attention. Even if one slaughtered when [wielding a knife] aimlessly, in jest, or [even] if he threw a knife to implant it in the wall and it slaughtered an animal as it was passing, since it slaughtered properly in the appropriate place and with the appropriate measure, it is acceptable.

12 Accordingly, when a deafmute, an emotional or an intellectual unstable individual, a minor, a drunk whose mind is befuddled, a person who became overtaken by an evil spirit slaughters and others observe that he

slaughters in the correct manner, [the slaughter] is acceptable.

If, by contrast, a knife falls and slaughters [an animal] on its way, it is not acceptable even if it slaughtered it in [the appropriate] manner. For [Deuteronomy, loc. cit.] states: "You shall slaughter," implying that a man must slaughter. [His actions are acceptable,] even if he does not intend to slaughter.

13 [The following laws apply if there is] a stone or wooden wheel with a knife affixed to it. If a person turned the wheel and placed the neck of a fowl or an animal opposite it and slaughtered by turning the wheel, [the slaughter] is acceptable. If water is turning the wheel and he placed the neck of [the animal] opposite it while it was turning causing it to be slaughtered, it is unacceptable. If a person caused the water to flow until they turned the wheel and caused it to slaughter by turning it, [the slaughter] is acceptable. For [the activity] came as a result of man's actions.

When does the above apply? With regard to the first turn, for that comes from man's power. The second and subsequent turns, however, do not come from man's power, but from the power of the flowing water.

14 When a person slaughters for the sake of mountains, hills, seas, rivers, or deserts, his slaughter is unacceptable even when he does not intend to worship these entities, but merely for curative purposes or the like according to the empty words related by the gentiles, the slaughter is unacceptable. If, however, one slaughtered for the sake of the spiritual source of the sea, the mountain, the stars, the constellations, or the like, it

is forbidden to benefit from the animal like all offerings brought to false deities.

15 When a person slaughters an animal [with the intent of] sprinkling its blood for the sake of false deities or burning its fats for the sake of false deities, it is forbidden. For we derive [the laws governing] one's intent outside [the Temple] with regard to [slaughtering] ordinary animals from those pertaining to the intent with regard to [slaughtering] consecrated animals within [the Temple]. For such an intent disqualifies them, as will be explained in *Hilchot Pesulei HaMukdashim*.

16 When a person slaughtered [an animal] and afterwards, thought to sprinkle its blood for the sake of false deities or to burn its fats for the sake of false deities, it is forbidden because of the doubt involved. Perhaps the ultimate result showed what his initial intent was and it was with this intent that he slaughtered.

17 When a person slaughters [an animal] for the sake of [a type of] sacrifice for which one could consecrate an animal through a vow or through a pledge, the slaughter is unacceptable. For this is comparable to slaughtering consecrated animals outside [the Temple courtyard]. If he slaughters [an animal] for the sake of [a type of] sacrifice for which one could not designate an animal through a vow or through a pledge, the slaughter is acceptable.

18 What is implied? When one slaughters [an animal] for the sake of a burnt offering, for the sake of a peace offering, for the sake of a thanksgiving

offering, or for the sake of a Paschal offering, the slaughter is unacceptable. Since a Paschal offering may be designated every year at any time one desires, it resembles a sacrifice that can be consecrated through a vow or through a pledge.

If one slaughters [an animal] for the sake of a sin offering, for the sake of a certain guilt offering, for the sake of a doubtful guilt offering, for the sake of a firstborn offering, for the sake of a tithe offering, or for the sake of a substitute [for any offering], the slaughter is acceptable.

19 When a person is liable for a sin offering and he slaughters, saying: "For the sake of my sin offering," his slaughter is unacceptable. If he had a sacrificial animal in his home and he slaughters, saying: "For the sake of a substitution for my sacrifice," his slaughter is unacceptable, for he substituted the animal [for the consecrated one].

20 When a woman slaughters for the sake of the burnt offering brought by a woman who gave birth, saying: "This is for the sake of my burnt offering," her slaughter is acceptable. [The rationale is that the obligation to bring] the burnt offering of a woman who gave birth cannot be initiated through a vow or through a pledge and this woman has not given birth and thus is not obligated to bring a burnt offering. We do not suspect that she had a miscarriage. For it will become public knowledge if a woman miscarries.

When, by contrast, a person slaughters for the sake of a burnt offering brought by a Nazarite, his slaughter is unacceptable even if he is not a Nazarite. [The rationale is that] the fundamental dimension of being a

Nazarite is a vow like other vows.

21 When two people hold a knife and slaughter, one has in mind an intent that would disqualify the slaughter and the other has nothing at all in mind - or even if he had in mind an intent that is permitted - the slaughter is unacceptable. Similarly, if they slaughtered one after the other and one had an intent that disqualifies the slaughter, it is disqualified.
When does the above apply? When [the person with the undesirable intent] has a share in the animal. If, however, he does not have a share in the animal, it does not become forbidden. For a Jewish person does not cause something that does not belong to him to become forbidden. He is acting only to cause his colleague anguish.

22 When a Jew slaughters for a gentile, the slaughter is acceptable regardless of the thoughts the gentile has in mind. For we are concerned only with the thoughts of the person slaughtering and not the thoughts of the owner of the animal. Therefore when a gentile - even a minor - slaughters for the sake of a Jew, the animal he slaughters is a *nevelah*, as will be explained.

Chapter 3

1 There are five factors that disqualify ritual slaughter and the fundamentals of the laws of *shechitah* are to guard against each of these factors: They are: *shehiyah, dirasah, chaladah, hagramah,* and *ikur*.

2 What is meant by *shehiyah*? A person began to slaughter and lifted up his hand before he completed the slaughter and waited. Whether he did so

inadvertently, intentionally, or because of forces beyond his control, [the following rules apply] if he or another person completed the slaughter. If he waited the amount of time it would take to lift up the animal, cause it to lie down, and slaughter it, his slaughter is not acceptable. If he waited less than this amount of time, his slaughter is acceptable.

3 With regard to a small domesticated animal:, the measure of *shehiyah* is the amount of time it would take to lift up the animal, cause it to lie down, and slaughter it. With regard to a large domestic animal, the measure of *shehiyah* is the amount of time it would take to lift up the animal, cause it to lie down, and slaughter it. With regard to a fowl, the measure of *shehiyah* is the amount of time it would take to lift up a small animal, cause it to lie down, and slaughter it.

4 When a person cut [the signs] for a while, waited for a while, cut for a while, waited for a while until he concluded the slaughter without waiting the measure that disqualifies an animal at any one time, but over the times he waited over the entire period would equal the measure of *shehiyah*, there is an unresolved doubt whether [the animal is considered] a *nevelah*. Similarly, if he waited the amount of time it takes to lift up the animal, cause it to lie down, and cut only a portion of the signs, but not to slaughter it entirely, there is an unresolved doubt whether [the animal is considered] a *nevelah*.

5 If he slaughtered the majority of one of the signs for a fowl or the majority of both signs for an animal, the slaughter is permitted even if he waited

half the day and then returned and finished cutting the signs. For since the minimum measure for slaughter was met, it is as if he is cutting slaughtered meat.

6 If one cuts half or less of the windpipe and waits an extended period, he may return and complete the slaughter; [his previous acts] are of no consequence. If, however, he cut the majority of [an animal's] windpipe or perforated the gullet even slightly and then waited the [disqualifying] measure, [the slaughter] is unacceptable. [This applies] whether he returned and completed cutting where he began or slaughtered the animal entirely in a different place. [The rationale is] that when the majority of the windpipe is slit or the gullet of either an animal or a fowl is perforated even slightly, the animal is comparable to a *nevelah* and ritual slaughter is not effective for it, as will be explained.

7 It is thus explained for you that the concept of *shehiyah* does not exist with regard to the windpipe of a fowl at all. For if he slit the majority of the windpipe and waited, he has already completed the slaughter of [the fowl]. When he goes back and completes it, it is as if he is cutting meat. If he slit less than half the windpipe and waited, he may return and [complete the] slaughter whenever he desires, for it is not disqualified as a *nevelah* unless the majority of the windpipe has been cut.

8 [The following rules apply when] one slaughtered a fowl and waited, but does not know whether the gullet was perforated or not. He should return and cut the windpipe alone in another place, let [the fowl] be until it dies,

and then check the gullet from the inside. If a drop of blood was not found on it, it is apparent that it was not perforated and it is acceptable.

9 What is meant by *chaladah*? For example, one inserted the knife between one sign and another. Whether one then slits the upper sign above or cuts the lower sign below in the manner of ritual slaughter, [the slaughter] is unacceptable.

10 If he inserted the knife beneath the [animal's] skin and slit both the signs in the ordinary fashion, hid the knife under tangled wool, or spread a cloth over the knife and the neck and slaughtered under the cloth, since the knife is not openly revealed, there is an unresolved doubt whether [the animal is considered] a *nevelah*. Similarly, if slaughtered less than half the signs with *chaladah* and completed the slaughter without *chaladah*, there is an unresolved doubt whether [the animal is considered] a *nevelah*.

11 What is meant by *dirasah*? For example, one struck the neck with a knife as one strikes with a sword, cutting the signs at one time, without passing [the knife] back and forth or one placed the knife on the neck and pressed, cutting downward like one cuts radishes or squash until he cuts the signs, [the slaughter] is unacceptable.

12 What is meant by *hagramah*? This refers to one who slaughters at a high point on the windpipe where it is not fit to slaughter. There are two [nodes, like kernels of] wheat at the top of the windpipe, at the large ring. [The following rules apply if] one slaughtered in the midst of these kernels. If he left even the slightest portion of them intact above [the place

of slaughter], it is acceptable, for he slaughtered from the slanting cap [of the windpipe] or lower. This is within the place that is fit for ritual slaughter. If, however, he did not leave any portion of them intact, but instead cut above them, this is considered as [being slaughtered with] *hagramah* and it is unacceptable.

13 If one slit the majority of one sign [for a fowl] or the majority of both signs [for an animal] and then completed the slaughter through *dirasah* or *hagramah*, it is acceptable, for the minimum measure was slaughtered in the proper manner.

If at first, he slit a third [of the windpipe] through *hagramah*, and then cut two thirds in the appropriate manner, the slaughter is acceptable. If he cut a third in the appropriate manner, cut a third through *hagramah*, and then cut the last third in the appropriate manner, the slaughter is acceptable. If at first, he slit a third through *hagramah*, cut a third in the appropriate manner, and then cut a third through *hagramah*, the slaughter is unacceptable. If one cut [a portion of] an animal's throat with *derisah* or *chaladah*, it is unacceptable, whether it was the first or second third.

14 What is meant by *ikur*? That the gullet and/or the windpipe were displaced and slid [from their place] before the conclusion of the slaughter. If, however, one slit an entire sign or its majority in a fowl, and then the second sign slipped, the slaughter is acceptable.

15 If one of the signs was displaced and afterwards, one slit the other, the slaughter is unacceptable. If one slit one of the signs [of a fowl] and then

discovered that the other one was displaced, but it is unknown whether it was displaced before slaughter or after slaughter, there is an unresolved question whether [the fowl] is a *nevelah*.

16 If the sign that was cut for ritual slaughter is discovered to have been displaced, [the fowl or animal] is acceptable, for certainly, it was displaced after the slaughter. For if it had been displaced before ritual slaughter, it would have hung loosely and it would not have been able to be slaughtered [effectively].

17 When does the above apply? When [the slaughterer] did not hold the signs in his hand when he slit them. If, however, he held the signs and slaughtered, it is possible that [the signs] could have been slit [effectively even] after they were displaced. Therefore, if a sign is discovered to be displaced and slaughtered, there is an unresolved question whether [the animal or the fowl] is a *nevelah*.

18 Whenever we have used the term "unacceptable," the animal is a *nevelah* and if a person partakes of an olive-sized portion of it, he is liable for lashes for partaking of a *nevelah*. For only an acceptable slaughter as commanded by Moses our teacher of blessed memory prevents an animal from being considered a *nevelah* as we explained. Whenever there is an unresolved doubt whether slaughter [is acceptable], there is an unresolved doubt whether the animal is a *nevelah*. A person who partakes of it is liable for stripes for rebellious conduct.

19 When the thigh of an animal and [the meat of] its hollow were removed

and thus it appears lacking when it crouches, it is a *nevelah*. [It is] as if half of it was cut away and it was divided into two bodies. Thus slaughter is not effective with regard to it.

Similarly, if [the animal's] backbone was broken together with the majority of the meat, its back was ripped open like a fish, the majority of the windpipe was been severed, or the gullet was perforated in a place fit for slaughter, it is considered as a *nevelah* while alive and slaughter will not be effective with regard to it. The same laws apply to both an animal and a fowl with regard to all these matters.

20 The gullet has two membranes: the external membrane is red and the inner membrane is white. If only one of them is perforated, [the animal] is acceptable. If they are both perforated even to the slightest degree in a place fit for slaughter, it is a *nevelah*. [This applies] whether it was slaughtered in the place of the perforation or in another place, slaughter will not be effective with regard to it. If they were both perforated, [even when] one [hole] does not correspond to the other, the animal is a *nevelah*.

21 When the gullet is perforated and a scab forms which covers it, the scab is of no consequence and it is considered perforated as it was beforehand. If a thorn is detected standing in the gullet, there is an unresolved doubt whether the animal is a *nevelah*. We fear that perhaps a scab developed in the place of a perforation and it is not visible. If, however, a thorn is lying lengthwise in the gullet, we are not concerned about it, for most desert animals eat thorns continuously.

22 The gullet cannot be checked from the outside, only from the inside. What is implied? One should turn it inside out and check it. If a drop of blood is found upon it, it can be concluded that it was perforated.

23 When the majority of the cavity of the windpipe has been severed in the place fit for slaughtering, [the animal] is a *nevelah*. This also applies if it has a hole the size of an *isar*.

[The following rules apply if the windpipe of an animal] was perforated with small holes. If the perforations did not detract [from the flesh, they disqualify the animal if,] when they are added together, they constitute the majority [of the windpipe]. If they detract from the flesh, [they disqualify the animal if,] when they are added together, their sum is the size of an *isar*. Similarly, if a strand [of flesh] is removed from [the windpipe], it [disqualifies the animal if its area] is the size of an *isar*.

With regard to a fowl, [a more stringent rule applies]: Whenever the strip [of flesh that was removed] or the holes that detract from the flesh [are large enough so that they] could be folded so that when placed over the opening of the windpipe, it would cover the majority [of its cavity], it is a *nevelah*. If not, it is acceptable.

24 If the windpipe was perforated on both sides with a hole large enough for the thickness of *isar* to be inserted into it, it is a *nevelah*. If it is slit lengthwise, even if only the slightest portion of the place fit to slaughter [an animal] remains above and below, it is acceptable.

25 When a windpipe has been perforated and it is not known whether it was

perforated before the slaughter or afterwards, we perforate it again in another place and compare the two holes. If they resemble each other, it is permitted.

We compare only [a hole in] a large ring to [a hole in] a large ring or [a hole in] a small [ring] to [a hole in] a small [ring], but not [a hole in] a small [ring] to a [a hole in] a large [ring]. For the entire windpipe is made up of a series of rings. Between each [large] ring is a small, soft ring.

Chapter 4

1 When a Jew who does not know the five factors that disqualify ritual slaughter and the like concerning the laws of *shechitah* that we explained slaughters [an animal] in private, it is forbidden for him and others to partake [of the animal that] he slaughtered. It is close to being considered a *nevelah* because of the doubt involved. When a person eats an olive-sized portion of its meat, he is worthy of stripes for rebellious conduct.

2 Even if [such a person] slaughtered [animals] properly in our presence four or five times and this slaughter which he performed in private appears to be a proper and complete slaughter, it is forbidden to partake of it. Since he does not know the factors that can disqualify ritual slaughter, it is possible that he will cause the slaughter to be disqualified unknowingly. For example, he may wait, apply pressure to the animal's neck and slit it, slaughter with a blemished knife, or the like inadvertently.

3 [Even] when a Jew knows the laws of ritual slaughter, he should not

slaughter in private as an initial and preferred option until he slaughters in the presence of a wise man many times until he is familiar and ardent. If, however, at the outset, he slaughtered in private, his slaughter is acceptable.

4 When one knows the laws of ritual slaughter and slaughters in the presence of a wise man until he becomes familiar with ritual slaughter, he is called an expert. Any expert may slaughter in private as an initial and preferred option. Even women and servants may slaughter as an initial and preferred option.

5 When a deaf-mute, an intellectually or emotionally imbalanced person, a child, or a drunkard whose mind became befuddled slaughters, their slaughter is unacceptable. Since they do not have [adequate] mental control, we fear that they blundered. Therefore if they slaughtered in the presence of a knowledgeable person and he saw that they slaughtered properly, their slaughter is acceptable.

6 When a person whose reputation has not been established among us slaughters in private, we question him. If it is discovered that he knows the fundamental principles of ritual slaughter, his slaughter is acceptable.

7 When we saw from a distance that a Jew slaughtered [an animal] and departed and we do not know whether or not he knows the laws of ritual slaughter or not, [the animal] is permitted. Similarly, if a person tells his agent: "Go out and slaughter an animal on my behalf," and he finds a slaughtered animal, but does not know whether his agent or another

person slaughtered it, [the animal] is permitted. [The rationale for both these laws is] that the majority of people who slaughter are expert.

8 [The following rules apply when a person] loses a kid or a chicken. If he finds it slaughtered at home, it is permitted. [The rationale is that] the majority of people who slaughter are expert. If he finds it in the market place, it is forbidden; perhaps [it was slaughtered improperly and] became a *nevelah* and was therefore cast into the market place. Similarly, if he finds it on the waste dump at home, it is forbidden.

9 When an expert [slaughterer] loses his power of speech, but he is [still] capable of understanding, he can hear and he is of sound mind, he may slaughter as an initial and preferred option. Similarly, a person who does not hear, may slaughter.

10 A blind man should not slaughter as an initial and preferred option unless others supervise him. If he slaughters, his slaughter is acceptable.

11 When a gentile slaughters, even though he slaughters in the presence of a Jew, [using] a finely [honed] knife, and even if he was a minor, his slaughter is a *nevelah*. According to Scriptural Law, one is liable for lashes for partaking of it, as [implied by **Exodus 34:15**]: "[Lest] he shall call you and you shall partake of his slaughter." Since the Torah warns lest one partake of his slaughter, you can infer that his slaughter is forbidden. He cannot be compared to a Jew who does not know the laws of ritual slaughter.

12 [Our Sages] established a great safeguard concerning this matter, [decreeing] that even [an animal] slaughtered by a gentile who does not serve false deities is a *nevelah*.

13 If a gentile began to slaughter and slit the minority of the signs and a Jew completed the slaughter or a Jew began the slaughter and a gentile completed it, it is invalid. [The rationale is that] slaughter [is considered an integral act, a single continuity] from the beginning to the end. If, however, a gentile slit [a portion of] an organ that does not cause the animal to be considered a *nevelah*, e.g., he slit half the windpipe and a Jew completed the slaughter, it is acceptable.

14 A Jew who is an apostate because of his transgression of a particular transgression who is an expert slaughterer may slaughter as an initial and preferred option. A Jew of acceptable repute must check the knife and afterwards give it to this apostate to slaughter with, for it can be presumed that he will not trouble himself to check [the knife].

If, by contrast, he was an apostate because of worship of false deities, one who violates the Sabbath in public, or a heretic who denies the Torah and [the prophecy of] Moses our teacher, as we explained in *Hilchot Teshuvah*, he is considered as a gentile and [an animal] he slaughters is a *nevelah.*

15 [Even though] a person is disqualified as a witness because of his violation of a Scriptural prohibition, he may [still] slaughter in private if he was an expert. For he would not leave something which is permitted and partake of something that is forbidden. This is a presumption that applies with

regard to all Jews, even those who are wicked.

16 These Tzadukkim, Beotosim, their disciples and all that err, following their path, who do not believe in the Oral Law - their slaughter is forbidden. If, however, they slaughtered [an animal] in our presence, it is permitted. For their slaughter is forbidden only because it is possible they blunder. Since they do not believe in the laws of ritual slaughter, we do not accept their word when they say, "We did not blunder."

17 When the Jews were journeying through the desert, they were not commanded to slaughter non-sacrificial animals. Instead, they would cut off their heads or slaughter them and eat as the other nations do. In the desert, they were commanded that everyone who desires to slaughter an animal [in the prescribed way] should slaughter only for the sake of a peace offering, as [**Leviticus 17:3-5**] states: "When a man from the house of Israel will slaughter an ox... and he will not bring it to the Tent of Meeting... [it will be considered as (spilled) blood]... so that the Children of Israel will bring their sacrifices... and slaughter these sacrifices as peace-offerings." If, however, a person desired to cut an animal's head off and partake [of the animal], in the desert, this was allowed.

18 This mitzvah is not observed forever, nor in the desert alone, at the time it was permitted to kill animals [and partake of them]. There they were commanded that when they would enter *Eretz Yisrael*, killing animals [for food] would be forbidden and ordinary animals could only be eaten after ritual slaughter. They would be allowed to slaughter in every place except

the Temple Courtyard, as [**Deuteronomy 12:20-21**] states: "When God your Lord will expand your boundaries... and you shall slaughter from your cattle and your sheep which God your Lord gave you." This is the mitzvah to be observed for generations - to slaughter and then to eat.

Chapter 5

1 We have already explained in *Hilchot Ma'achalot Assurot* that the term *trefe* employed by the Torah refers to an animal that is on the verge of death. The term *trefe* - which literally means "torn apart" - was employed only because the Torah speaks with regard to prevalent situations, e.g., a lion or the like attacked it and wounded it, but it had not died yet.

2 There are other maladies which if they affect an animal will cause it to be considered *trefe*. They were transmitted as a halachah to Moses at Sinai. [In particular,] eight [conditions that cause an animal to be considered as] *trefe* were transmitted to Moses at Sinai. They are *derusah, nekuvah, chaseirah, netulah, pesukah, keru'ah, nefulah,* and *sheburah*.

3 Although they were all transmitted as halachot to Moses at Sinai, since only *derusah* is explicitly mentioned in the Torah, [our Sages] ruled more stringently with regard to it. Any questionable situation that arises with regard to *derisah* [causes the animal] to be forbidden. There are, by contrast, questionable situations that may arise with regard to the seven other conditions [that render an animal] *trefe* in which [the animal] is permitted as will be explained.

4 *Derusah* refers to a situation where a lion or the like will attack an animal and assault it with its paw or a hawk, an eagle, or the like will assault a fowl. [The laws of] *derisah* apply with regard to a large domesticated animal or a large wild beast only when it is attacked by a lion. [The laws of *derisah* apply with regard to] a small domesticated animal or a small wild beast only when it is attacked by a wolf or a larger animal. [The laws of] *derisah* apply with regard to kids and lambs even when attacked by cats, foxes, martens, and the like. Needless to say, this applies with regard to fowl.

5 When a hawk attacks, the laws of *derisah* apply even with regard to a larger fowl. With regard to other birds of prey the laws of *derisah* apply only with regard to fowl their size and not with regard to fowl which are larger than they are.

6 [The laws of] *derisah* apply [when] a weasel attacks a fowl. [The laws of] *derisah* do not apply at all when a dog attacks, not when it attacks a fowl, an animal, or a beast. [The laws of] *derisah* apply [when] a hawk attacks kids or lambs should its claws penetrate to [the animal's] inner cavity.

7 [The laws of] *derisah* apply only [when] the attacking animal [strikes its victim] with its forelegs. If it strikes it with its hindlegs, we show no concern. [Similarly, the laws of] *derisah* apply only [when the attacking animal strikes its victim] with its claw. If it bites it, we show no concern unless it penetrates to its internal cavity. We then check if it perforated one of the organs [that cause an animal to be considered *trefe* if] even the

tiniest perforation was made.

[The laws of] *derisah* apply only [when] the attacking animal has that intent. If, however, the beast of prey fell and its claws became lodged in the other animal, [the laws of] *derisah* do not apply. [Similarly, the laws of] *derisah* apply only [when the attacking animal] is alive. If, however, it attacked and was killed, but its claws remained lodged in the victim and were not removed until after [the attacker's] death, we are not concerned.

8 What are the laws applying to an animal that was attacked? Whenever we stated that "we show concern," the attacked animal should be slaughtered and its entire internal cavity - from its feet to its forehead - must be checked. If it is found to be flawless with regard to all the factors [that render an animal] *trefe* and there is no sign that it was attacked, it is permitted. If there is a sign that it was attacked, it is *trefe* and forbidden by Scriptural Law.

9 What is meant by "a sign that it was attacked"? That the flesh above the intestines turns red. If the flesh above the intestines decays to the extent it becomes like flesh which a doctor would scrape from a wound, we consider that flesh as if it were lacking and [rule that the animal is] *trefe*.

10 If [the predator] attacked the "signs" [which must be cut for ritual slaughter, the animal is] *trefe* if they turn red. The slightest wound [is significant]. If even the smallest portion of them becomes red because of an attack, [the animal is] *trefe*.

11 When there is a question whether [an animal] has been attacked or not,

we do not permit it unless it is checked as one would [an animal] that had definitely been attacked.

What is implied? When a lion enters among oxen and a claw was found in the back of one of them, we suspect that the lion attacked it. We do not rationalize and say: "Maybe it scratched itself on a wall."

Similarly, if a fox or a marten enters among fowls, [the predator] is silent and they crowing, we fear that he attacked. If, however, the predator is roaring and they are crowing, [we assume that] they are crowing out of fear of him and his roaring. Similarly, if he cuts off the head of one of them, we assume his fury has subsided. Similarly, if both [the predator] and [the fowl] are silent, we do not suspect [anything]. For if he had harmed them, they would crow.

12 When there is a question of whether or not a predator entered [a place where animals are kept] or we saw [an animal] enter [such a place], but were unable to see if it is one of the predators or not, we do not harbor suspicions.

Similarly, if a fowl entered a woods or reeds and came out with its head or neck dripping blood, we do not suspect that it was attacked. Instead, we say: "Perhaps it was wounded among the trees."

Chapter 6

1 What is meant by *nekuvah*? There are eleven organs that if there is a perforation of the slightest size that reaches their inner cavity, [the animal] is *trefe*. They are: the entrance to the gullet, the membrane of the brain in

the skull, the heart and its large arteries, the gall-bladder, the arteries leading to the liver, the maw, the stomach, the abdomen, the gut, the intestines, and the lung and the bronchia.

2 We have already mentioned the definition of the entrance to the gullet. It refers to a portion of the esophagus above the gullet which is not fit for ritual slaughter. If there is a perforation of the slightest size that reaches its inner cavity, [the animal] is *trefe*.

3 The brain in the skull has two membranes. If the outer one near the skull bone alone is perforated, [the animal] is permitted. If the lower one near the brain is perforated, it is *trefe*. With regard to the portion where the brain extends to the spinal cord, i.e., the portion below the glands where the neck begins, the laws governing [the perforation of] its membranes change. If they are perforated beyond the glands, [the animal] is permitted.

4 When the brain itself is perforated or crushed, [the animal] is acceptable if its membrane is intact. If, however, [it has degenerated to the extent that] it can be poured like water or melts like wax, [the animal] is *trefe*.

5 When there is a perforation of the heart to its inner cavity - whether to the larger cavity on the left or the smaller cavity to the right - [the animal] is *trefe*. If, however, the flesh of the heart is perforated, but the perforation does not reach the inner cavity, [the animal] is permitted. The arteries leading from the heart to the lung is considered as the heart itself. If there is a perforation of the slightest size that reaches its inner cavity, [the

animal] is *trefe*.

6 When the gall-bladder is perforated and the liver seals it, [the animal] is permitted. If, however, the perforation is not sealed, it is *trefe* even if the perforation is located close to the liver.

7 [The following rules apply when] a kernel is found in the gall-bladder. If it was shaped like a date seed, i.e., its head is not pointed, [the animal] is permitted. If, however, its head is pointed like an olive seed, it is forbidden, for we can assume that it perforated [the gall bladder] when it entered. [The reason that] the perforation cannot be seen is that a scab developed over the opening of the wound.

8 When there is a perforation of the slightest size in one of the arteries of the liver where the blood develops, [the animal] is *trefe*. Accordingly, [the following rules apply] if a needle is found in the lobes of the liver. If it was a large needle and its pointed edge was facing inward, it can be assumed that it perforated [the liver] when it entered. If its rounded edge was facing inward, we say that it entered through the blood vessels and [the animal] is permitted.

9 If it was a small needle, [the animal] is *trefe*, because both of its heads are sharp and it certainly perforated [the liver]. If it is found in the large blood vessel, the wide artery through which food enters the liver, it is permitted. If the flesh of the liver became wormridden, [the animal] is permitted.

10 When the maw is perforated and kosher fat seals [the perforation], [the animal] is permitted. Similarly, whenever a perforation is sealed by flesh or fat that is permitted to be eaten, [the animal] is permitted. The [only] exceptions are the fat of the heart, the membrane that is above the entire heart, the diaphragm in the midst of the belly that separates between the digestive organs and the respiratory organs, i.e., the one that when it is cut open, the lungs could be seen and which is called the membrane [above] the liver, the white place in the center [of the liver], and the fat of the colon. In these organs, we do not say that they shield [the perforation] because they are firm. A perforation that is sealed with one of these is not considered as sealed.

A portion of fat from a beast that corresponds to a portion of forbidden fat in a domesticated animal does not seal [a perforation] even though it is permitted to be eaten.

11 When the stomach is perforated, [the animal] is *trefe*. There is nothing that can seal it for the fat upon it is forbidden. Similarly, when there is a perforation of the abdomen or gut that extends to its outer periphery, [the animal] is *trefe*. If one of them was perforated and the perforation leads to the cavity of the other, [the animal] is permitted.

12 [The following rules apply when] a needle is found in the folds of the gut: If it was from one side, [the animal] is permitted. If it caused a complete perforation extending [from the outer side] to the cavity of the gut and a drop of blood was found at the place of the perforation, [the animal] is *trefe*. For we are certain that the perforation occurred before the slaughter.

If there is no blood at the place of the perforation, [the animal] is permitted. For we are certain that after the slaughter, under pressure the needle caused the perforation.

13 When an animal swallowed a substance that will perforate the intestines, e.g., the root of the asafetida plant or the like, it is *trefe*, for we can be certain that it perforated them. If there is a question whether or not a perforation was made, [the animal] must be inspected.

When one of the organs of the digestive system through which the food waste passes, i.e., the intestines, are perforated, [the animal] is *trefe*. Among them are those which are curved and surrounded by each other like a snake that is coiled, they are referred to as the small intestines. If one of them was perforated [on the side where] another [is located], the animal is permitted, for the other [intestine] will shield [the perforation].

14 When the digestive organs were perforated and viscous body fluids seal them, [the animal] is *trefe* for this seal will not endure.

When a wolf, a dog, or the like, snatched [an animal's] intestines and they were perforated after they were abandoned, we surmise that [the predator caused the perforation and the slaughtered animal] is permitted. We do not say that perhaps [the predator] made a perforation in a place where one already existed.

If [an intestine] was discovered to be perforated and it was not known whether it was perforated before [the animal's] slaughter or afterwards, we perforate it again and compare the two. If the first perforation resembles this one, [the animal] is kosher. If there was a difference between them,

[we presume that the first] occurred before the slaughter and [the animal] is *trefe*. If the perforation in doubt was handled, the perforation to which it is being compared must also be handled before the comparison is made.

15 When [an animal's] digestive organs protrude outside [its body] without having been perforated, [the animal] is permitted. If they were turned upside down, [the animal] is *trefe* even if they were not perforated. [The rationale is that] once [the digestive organs] have been turned upside down, they will never return to their ordinary functioning and [the animal] will not live.

16 The final digestive organ that is straight and not curved from which feces are excreted in the genital area and is joined [to the body] between the thighs is called the colon. If it is perforated even slightly, [the animal] is *trefe*, as applies with regard to the other digestive organs.

When does the above apply? When the perforation faced the cavity of the belly. When, however, it was perforated at the point where it is joined between the thighs, [the animal] is permitted. [Indeed,] even if the entire place where it is joined between the thighs is removed, [the animal] is permitted, provided a length of at least four fingerbreadths remains in an ox.

17 A fowl does not have a stomach, an abdomen, or a gut. Instead of them, it has a crop and a craw.

All the factors that render an animal *trefe* apply equally to a domesticated animal, a wild beast, and a fowl.

When the roof of the crop receives even the slightest perforation, [the animal] is *trefe*. What is meant by the roof of the crop? That which becomes extended with the gullet when the fowl extends its neck. If, however, the remainder of the crop becomes perforated, [the fowl] is permitted.

18 The craw has two [membranes] covering it. The outer one is red like meat; the inner one is white like skin. If one was perforated and not the other, [the fowl] is permitted unless they are both perforated, even slightly. If they are both perforated, but in places that do not correspond, [the fowl] is permitted.

19 The spleen is not one of the limbs which is disqualified because of a perforation of even the slightest size. Therefore our Sages did not include it in that category. Instead, a perforation that disqualifies it has a measure which is not uniform throughout it.

What is implied? One of the ends of the spleen is thick and the other thin, like the shape of the tongue. If the thick end was perforated by a hole that extends from side to side, [the animal] is *trefe*. If the hole does not extend from side to side, [more lenient rules apply]: If a portion the thickness of a golden *dinar* remains, [the animal] is permitted. If less than that remains, [the perforation] is considered as if it extends from side to side and [the animal] is *trefe*. If the thin side is perforated, [the animal] is acceptable.

20 [The following principle applies with regard to] all of the organs

concerning which our Sages said that even the slightest perforation [causes the animal to be considered] *trefe*. If [that organ] was removed entirely, [the animal] is *trefe*. This applies whether it was eliminated through sickness, removed by hand, or [the animal] was created lacking the organ.

The same laws also apply if it was created with two of that organ, for any extra limb or organ is considered as if it was lacking.

What is implied? If one of an animal's or fowl's digestive organs, its gall-bladder, or the like was removed, it is *trefe*. Similarly if it was discovered to have two gall-bladders or two of a [particular digestive] organ, it is *trefe*. Similar laws apply in all analogous situations. If, however, the spleen was removed or two spleens were found, [the animal] is permitted, for [that organ] is not among those listed [by our Sages in this category].

21 [The statement that] an extra digestive organ causes an animal to be considered *trefe* applies only when there is an entire extra organ from its beginning to its end and thus two digestive organs are found next to each other as is [sometimes found in] the digestive organs of a fowl or the extra organ projects outward like a branch from a bough and it is a separate entity. [The latter applies] whether in a fowl or in an animal. If, however, the extra organ returns and becomes combined with the main organ and they are fused at the two ends even though they are separate in the middle, [the animal] is permitted and the organ is not considered as extra.

Chapter 7

1 The lungs have two membranes. If only one of them is perforated, [the

animal] is permitted. If they are both perforated, [the animal] is *trefe*. Even if the entire upper membrane is peeled off and dissolves, [the animal] is permitted. If there was even a slight perforation in the portion of windpipe in the chest or lower, [the animal] is *trefe*. For this is a place in the lower portion of the windpipe that is not fit for ritual slaughter.

2 If a person began slaughtering the animal and slit the windpipe entirely, then perforated the lung, and afterwards, completed the slaughter, [the animal] is *trefe*, for [the lung] was perforated before the completion of the slaughter. Similar laws apply in all analogous situations.

3 If one of the bronchioles was perforated, even if the perforation is covered by another bronchiole, [the animal] is *trefe*. If one saw that it was perforated and then it developed a scab, [the scab] is of no consequence.
If the mass of the lung is perforated, [the animal] is *trefe*, even if one of the ribs seals the perforation. If it was perforated in a place where the lung breaks into lobes and the lobe lies on [a rib, the animal] is kosher.

4 When does the above apply? When the perforation in the lobes is sealed by flesh. If, however, the perforation is pressed against the bone, it does not protect it. If, however, the perforation in the lobes was clinging both to the bone and the flesh, [the animal] is permitted.

5 When the body of the lung is found adhering to the ribs, we suspect that it was perforated. [This applies] whether or not growths appeared on it.
What do we do [to check it]? We separate it from the rib while taking care not to perforate it. If it is discovered to be perforated and a bruise is

discovered on the rib in the place where it was perforated, we assume that the perforation was caused by the bruise. If there was no bruise on the rib, it is clear that this perforation existed within the lung before the animal was slaughtered and it is *trefe*.

6 When it is discovered that there is a closed place in the lung which air does not enter and it does not inflate, it is as if it had been perforated and [the animal] is *trefe*.

How do we inspect it? We cut off the portion [of the lung] that would not inflate when [air was] blown [into the lung]. If fluid was discovered within it, it is permitted, because it was due to the fluid that the air did not enter. If no fluid is found within, we put some saliva, a straw, a feather or the like over [the separated portion] and blow air into it. If they move, [the animal] is kosher. If not, it is *trefe*, because air does not enter [that portion of the lung].

7 [The following rules apply when] a sound is heard when a lung is inflated. If the place from which the sound emanates can be detected, saliva, a straw, or the like should be placed over it. If they flutter, it is apparent that the lung is perforated and [the animal] is *trefe*.

If the place [from which the sound emanates] cannot be detected, the lung should be placed in lukewarm water and blown. If the water bubbles, [the animal] is *trefe*. If not, it is apparent that only the lower membrane has been perforated, the air is moving between the two membranes. For this reason, it will be possible to hear a hushed sound when it is inflated.

8 Keep this encompassing general principle in mind: Whenever air was blown into a lung that was placed in lukewarm water and the water did not bubble, [the lung] is intact, without a perforation.

9 [The following laws apply when the insides of] a lung can be poured out like [water from] a pitcher, but the outer membrane is intact, without a perforation. If the bronchioles remain in their place and have not degenerated, it is acceptable. If even one of the bronchioles have degenerated, it is *trefe*.

What should be done? We perforate [the membrane of the lung] and pour it out into a container glazed with lead or the like. If white strands can be seen, it is apparent that the bronchioles have degenerated and it is *trefe*. If not, it is only the flesh of the lung that has degenerated and [the animal] is acceptable.

10 [The following rules apply when] boils are discovered on a lung. If they are filled with air, clear water, fluid that is viscous like honey or the like, dried fluid that is firm like a stone, [the animal] is permitted. If putrid fluid or putrid or murky liquid is found within it, it is *trefe*. When one removes the fluid and checks it, one should check the bronchiole below it. If it is discovered to be perforated, it is *trefe*.

11 When one discovers two boils on a lung close to each other, [the animal] is *trefe*, for it is very likely that there is a perforation between them and there is no way of checking the matter. If there is one which appears like two, one should perforate one, if the other flows into it, it is only one and

[the animal] is permitted. If not, [the animal] is *trefe*.

12 If the lung degenerated, [the animal] is *trefe*. What is implied? For example, it was discovered intact and when it is hung up, it will break apart and fall into separate pieces.

When a lung was discovered to be perforated in the place where it was handled by the butcher's hand, the animal is permitted. We assume that [it was blemished by his] hand and say: "It was perforated by the butcher's hand after slaughter."

If the perforation was discovered in another place and it is not known whether it took place before ritual slaughter or afterwards, we make another perforation and compare the two as is done with regard to the digestive organs.

13 We do not compare the lung of a small domesticated animal to the lung of a large domesticated animal. Instead, [the lung of] a small animal [must be compared to that] of a small animal and that of a large animal to that of a large animal.

If a perforation is found in one of the boils of a lung, [the animal] is *trefe*. We do not say: "Perforate another boil and compare them," because the matter is not clearly apparent.

14 When a needle is found in the lung, we blow up the lung. If no air is released from it, it is apparent that this needle entered via the bronchioles and did not perforate [them]. If the lung was cut open before it was blown up and a needle was found in it, [the animal] is forbidden. For there is a

high probability that it perforated [the lung] when it entered.

15 When there is a worm in the lung and it perforated the lung and emerged and we see the lung perforated by the worm, [the animal] is permitted. We rely on the prevailing assumption that it perforated [the lung] after ritual slaughter and emerged [then].

There are ways that certain organs appear [that can disqualify the organ]. For if the appearance of the organ is changed to that undesirable appearance, it is considered as if it was perforated. For since the appearance of this flesh changed to the [undesirable] appearance, it is considered as if it was dead. It is as if the flesh whose appearance changed does not exist. Similarly, [**Leviticus 13:10**] states: "And there is a spot of living flesh in the blemish...," and [*ibid.* 13:10] states: "On the day when he will present living flesh...." Implied is that flesh whose appearance has changed is not "alive."

16 [The following principles apply if] the color of a lung changes, whether part of its color changes or its entire color changes. If it changes to a permitted color, even if its entire color changes, it is permitted. If, however, even the slightest portion of it changes to a forbidden color, [the animal] is *trefe*. [The rationale is that] the forbidden color is considered equivalent to a perforation as explained [above].

17 There are five forbidden hues for the lung: black like ink, greenish-yellow like hops, [yellow] like the yolk of an egg, or like safflower, or like the color of meat.

Safflower is a color which clothes are dyed. It is comparable to hairs that are slightly red, leaning towards gold.

18 If the lung is discovered to be the color of the branches of a date palm, we forbid it because of the doubt involved, because this is very close to a forbidden color. We do not forbid any of these colors until the lung is inflated and massaged by hand. If it changes to a permitted color, [the animal] is permitted. If it retains the [forbidden] color, it is forbidden.

19 There are four permitted hues [for the lung]. They are: blackish blue, green like a leek, red, or the color of the liver. Even if the lung was entirely colored in these four hues patch by patch, spot by spot, [the animal] is permitted.

20 When a fowl fell into a fire and its heart, its liver, or its craw turned green or its digestive organs turned red, [the fowl] is *trefe*. [This applies if] even the slightest portion of the organs [changed color]. For whenever a fire causes organs that were green to turn red or those which were red to turn green, it is considered as if the organ was removed and [the animal] is *trefe*. [This applies] provided they retain this color after they were cooked slightly and massaged.

21 Whenever the liver of a fowl appears like the digestive organs or [the appearance of] the other digestive organs change and the change remains after they were cooked slightly and massaged as explained [above], we can assume that the fowl fell into a fire, its digestive organs were burnt, and it is *trefe*.

Moreover, when there was no change detected in the digestive organs of a fowl, but when they were cooked slightly they changed color, those that were green turned -red or those that were red turned green, we can assume that the fowl fell into a fire, its digestive organs were burnt, and it is *trefe*.

Similarly, if [the color of] the gullet [has changed] - the outer skin appears white and the inner red - it is considered as if the organ is not present, and it - either an animal or a fowl - is *trefe*.

Chapter 8

1 What is meant by the term *chasairah*? There are two organs that render [an animal] *trefe* if it is lacking the proper number. They are the lungs and the feet.

The lungs have five lobes. When a person will drape them over his hand with the inner portion of the lung facing his face, there will be three [lobes] on the right and two on the left. In addition, at the right of [the lung], there is a small ear-like attachment. It is not in the row of the lobes. It has a pocket of its own and it is located in the pocket. This [attachment] is called a rose, because that is what it looks like. It is not counted as one of the number of lobes.

Accordingly, if [an animal] does not possess this "rose," it is permitted. For this is the pattern with regard to [this organ], there are some animals in which it is found and some in which it is not found. If it is perforated, [the animal] is *trefe* even though its pocket seals it.

2 If the number of lobes was lacking and one was discovered on the left side

or two on the right side, [the animal] is *trefe*. If, however, there were two on the right side and this "rose," [the animal] is permitted.

3 If the position of the lobes was switched and three were found on the left and two on the right without a "rose" or the "rose" was found together with three on the left side, it is *trefe*, for it is lacking on the right side.

4 [The following rules apply if] the number of lobes was increased. If the extra lobe was on the side of the [other] lobes or in front of the lungs on the side of the heart, [the animal] is permitted. If [the extra lobe] is on its back, near the ribs, [the animal] is *trefe* for an extra [organ] is considered equivalent to one that is lacking. [This applies] provided it is [at least] the size of a myrtle leaf. If it is smaller than this, it is not considered as a lobe and [the animal] is permitted.

5 When one lobe is found clinging to the one next to it, [the animal] is permitted. If, however, [the lobes] became attached out of the ordinary order, e.g., the first lobe became attached to the third, [the animal] is *trefe*.

6 [The following laws apply if] there are two lobes [that appear] as one lobe and do not appear as two lobes joined together. If there was a space about the size of a myrtle leaf between them - whether at their root, in their center, or at their end - so that it is clear that they are two which are attached, [the animal] is permitted. If not, it is lacking [one of the lobes] and is *trefe*.

7 If the entire lung appears like two rows and it is not divided into lobes, it

is *trefe*. Similarly, if the body of the lung itself was lacking, even if it was not perforated, it is considered as if the required number of lobes were missing and [the animal] is *trefe*. Therefore if a dried portion that could be chipped away with one's nail of even the slightest size was discovered within it, it is considered as lacking and [the animal] is *trefe*.

8 When a lung was discovered to be inflated like the leaves of a palm tree, we rule that it is forbidden because of the doubt involved. For this is an abnormal addition to its body and perhaps an addition to its body is considered as equivalent to a lack in its body, as stated with regard to the number of lobes.

9 [The following rules apply when] an animal became frightened and was terrified to the extent that her lung shriveled and came closer to becoming dried out: If it became frightened through the hand of heaven, e.g., it heard a thunderclap, saw lightening, or the like, it is permitted. If it became frightened through human activity, e.g., another animal was slaughtered in its presence or the like, it is considered as if it were lacking and it is *trefe*.

10 How do we inspect it? We place the lung in water for an entire day. In the winter, we place it in lukewarm water, in a container which will not cause the water to condense on its back and flow so that they will not become cold rapidly. If the season was hot, we place it in cold water in a container on which the water will condense on its back so that the water will remain cold. If [the lung] returns to its natural state, [we assume that the animal

was frightened] by the hand of heaven and it is permitted. If it does not return, we [we assume that] it happened due to mortal causes and [the animal] is *trefe*.

11 An animal that was lacking a foot from the time it came into being is *trefe*. The same ruling applies if it possesses an extra foot, for an extra limb or organ is considered as if it was lacking. If, however, it has three forefeet or only one forefoot, [the animal] is permitted. Accordingly, if [an animal's] forefoot is cut off, [the animal] is permitted.

If its leg is cut off from the joint and above, [the animal] is *trefe*. From the joint and below, it is permitted. Which joint are we speaking about? The joint that is at the end of the hip close to the body.

12 When the bone is broken above the joint, if it emerges outward entirely or in its majority, it is considered as if it were cut and fell off, and [the animal] is *trefe*. If the flesh or the skin was covering both the majority of the thickness and the majority of the circumference of the broken bone, [the animal] is permitted. This applies even if part of the broken bone fell off and no longer is present. Soft sinews are not considered as flesh.

13 The juncture of the sinews is a place in an animal and in a beast which is above the heel, at the place where the butchers hang the animal. There are three white sinews there, one thick and two thin. From the place where they begin and are firm and white until [the place] where the whiteness is removed from them and they begin to become red and soften is considered the juncture of the sinews. It is approximately sixteen

fingerbreadths [long] in an ox.

14 In a fowl, there are sixteen such sinews. They begin on the lowest bone, from the extra talon and [continue] until the conclusion of the foot which is [covered by a series of] crusted scales.

15 When an animal's feet are cut off at the juncture of the sinews, it is *trefe*. Do not be amazed and say: "How is it possible that [an animal] will be permitted if its [legs] are cut off above the juncture of the sinews - indeed, it is permitted unless its [legs] are cut off above the highest joint as we explained- but forbidden if they are cut off at a lower point, at the juncture of the sinews?

[The resolution is as follows: With regard to the designation of an animal] as *trefe*, [there are times when] one will cut from this point and it will live, but if [one would cut] from this point, it would die. We have not forbidden this animal, because its feet were cut off at a particular point, but rather because its sinews were severed and this renders it *trefe*, as will be explained.

16 What is meant by the term *Netulah*? There are three limbs and organs which even though they do not [cause an animal to be deemed *trefe*] when they are perforated or if they are lacking [when the animal is born], cause the animal to be deemed *trefe*. They are: the juncture of the sinews, the liver, and the upper jaw-bone.

17 We already explained that when an animal or a fowl has had its legs cut off at the place of the juncture of the sinews, it is deemed *trefe* only

because the sinews were cut. Therefore if the sinews alone were severed even though the foot remains intact, the animal is *trefe*, because the juncture of the sinews has been removed.

18 In an animal, if the thick sinew alone was severed, [the animal] is permitted, for the two [thin] ones remained. If both thin ones were severed, [the animal] is permitted, for the one thick one is larger than both of them. [In both cases,] the entire juncture was not removed, only its smaller portion. If the majority of each of them was severed, [the animal] is *trefe*. Needless to say, this applies if they were all severed or removed.

19 With regard to a fowl, even if the majority of one of the sixteen were severed, [the animal] is *trefe*.

20 When a fowl's wings are broken, it is permitted like an animal whose forelegs have been cut off.

21 When the entire liver has been removed, [the animal] is *trefe*. If an olive-sized portion remains at the place from which it is suspended and there is an olive-sized portion at the place of the gall-bladder, it is permitted.
If the liver slipped from its place and it is [in disarray, as long as it is still] connected with the diaphragm, [the animal] is permitted. If the place from which it is suspended and the portion at the place of the gall-bladder were removed, it is *trefe* even if the remainder is intact as it was previously.

22 If there remained an olive-sized portion at the place of the gall-bladder

and an olive-sized portion at the place from which it was suspended, [the animal] is kosher. If, however, the portions of the liver which remain intact were scattered, some here and some there, flattened, or elongated like a strap, there is a doubt concerning its status. It appears to me that it is forbidden.

23 When the upper jaw-bone is removed, [the animal] is *trefe*. If, however, the lower jaw-bone is removed, i.e., it was cut away until the place of the gullet and the windpipe, but they were not uprooted [from their connection to the throat, the animal] is permitted.

24 Whenever it is said that an animal is *trefe* if a limb or organ is lacking, so, too, it is *trefe* if that organ is removed. If, however, it is said that an animal is *trefe* if an organ is removed, [the animal] is not forbidden unless that organ was cut off. If, however, the animal was created lacking that organ, it is permitted. For if not, the categories of *chasairah* and *netulah* would be identical. Whenever it is said that [an animal] is permitted if a limb is removed, it is certainly permitted if this organ was lacking from the beginning of the animal's existence and was never created.

25 When the uterus of an animal, i.e., its womb, was removed or its kidneys were removed, it is permitted. Therefore if it was created with only one kidney or with three kidneys it is permitted. Similarly, it is permitted if a kidney was perforated.

26 Although [an animal] is permitted despite the fact that a kidney was removed or it was created without it, if its kidney is extremely undersized,

it is *trefe*. For a small animal, this means the size of a bean, for a large one, the size of a grape. Similarly, [an animal could be deemed trefe] if a kidney became afflicted, i.e., its flesh became like the flesh of a dead [animal] that decayed after several days, [degenerating] to the extent that were one to take hold of a portion of it, it would decompose and fall apart. If this condition reached the white portion in the kidney, the animal is *trefe*. Similarly, if moisture - even if it is not putrid - is found in the kidney or murky or putrid fluid is found there, it is *trefe*. If, however, clear water is found there, [the animal] is permitted.

Chapter 9

1 What is meant by the term *pesukah*? If the skin that covers the marrow of the spinal cord is severed, [the animal] is *trefe*. [This applies] provided the majority of the circumference [of the skin] is severed. If, however, the skin is split lengthwise or perforated, [the animal] is permitted. Similarly, if the backbone was broken, but the spinal cord was not split or the marrow within the cord was crushed and it would wobble, [the animal] is permitted because its skin is still intact.

2 If the marrow decomposes and it can be poured like water or like molten wax to the extent that the spinal cord cannot stand when it is lifted up, [the animal] is *trefe*. If [the reason] it cannot stand is because of its weight, [the animal's] status is doubtful.

3 To where does the spinal cord extend? It begins behind the two glands at

the beginning of the neck and extends until the second divider. Thus nothing remains after it except the third divider which is close to the beginning of the tail.

4 There are three dividers. They are three bones that cleave to each other below the vertebrae of the backbone. The spinal cord of a fowl extends to in between the wings. Below these places, we are not concerned with the cord that extends there, even if its skin was severed or its marrow decays.

5 What is meant by the term *keru'ah*? [This concerns] the flesh which covers the majority of [the animal's] belly. If it is ripped open, the belly will [fall] out. If this flesh is ripped open, [the animal] is *trefe*. [This applies] even if the tear did not reach the belly itself to the extent that it is seen. Instead, since the majority of the thickness of this flesh was ripped open or removed, [the animal] is *trefe*.

What is the measure of the tear? It must be a handbreadth long. If the animal was small and the majority of the length of the flesh covering the belly was torn, it is *trefe* even though the tear is not a handbreadth long. For the majority [of its length] was torn.

6 [The following rules apply if] a circular or oblong portion of this flesh was cut. If it was larger than a *sela*, i.e., large enough to fit tightly three date seeds next to each other, [the animal] is *trefe*. For when this size cut will be extended, it will be a handbreadth in length.

7 When the skin of an animal was removed from it entirely - whether it was torn off by hand or [decomposed due to] sickness - the animal is *trefe*.

This is called *geludah*. If a [portion of] skin as wide as a *sela* remained on the entire backbone, one as wide as a *sela* remained on the navel, and one as wide as a *sela* remained on the tips of the limbs, [the animal] is permitted.

If [a portion] as wide as a *sela* was removed from the entire backbone, from the navel, or from the tips of the limbs, but the remainder of the skin remained intact, there is a doubt [concerning the ruling]. It appears to me that we permit [the animal].

8 What is meant by the term *nefulah*? When an animal fell from a high place - at least ten handbreadths high - and one of its organs was crushed, it is *trefe*.

To what extent must it be crushed? It must be smashed and become ailing because of the fall to the extent that its form and appearance have been destroyed. Even though [the organ] is not perforated, cracked, or broken, [the animal] is *trefe*. Similarly, if one struck it with a stone or a staff and crushed one of its organs, it is *trefe*.

To which organs are we referring? To those in the body's inner cavity.

9 If an animal walks after falling from a roof, we do not suspect [that it became *trefe*]. If it stood, but did not walk, we harbor such suspicions. If it jumped [from the roof] on its own [initiative], we do not harbor suspicions. If [a person] left his animal on the roof and found it on the ground, we do not suspect that it fell.

10 When bulls butt each other, we do not harbor suspicions. If one falls to

the ground, we do harbor suspicions. Similarly, [if we see] an animal dragging its feet, we do not suspect that its organs were crushed or that its backbone was severed.

11 When thieves steal lambs and throw them outside the corral, we do not suspect that their organs were crushed, because they throw them only with the intent that they will not be broken. If they returned them and threw them back to the corral because of fear, we suspect that they [may have become *trefe*]. If they returned them out of a desire to repent, we do not harbor suspicions about [the lambs], because [the thieves] have the intent of returning them intact and therefore they will be careful when throwing them back.

12 When an ox was forced to lie down for slaughter, we do not suspect [that its internal organs were crushed]. [This applies] even if it fell considerably to the extent that it made a great noise when it fell. [The rationale is that] it implants its hooves into it and strengthens itself until it falls to the ground.

13 If one struck an animal on its head and the blow extended toward its tail or [one hit it] on its tail and the blow extended toward its head - even if one struck it on the entire backbone - we do not suspect [that it became *trefe*]. If the staff had bulges at different points, we harbor suspicions [concerning the animal]. If the head of the staff reached a portion of the backbone, we harbor suspicions. Similarly, we harbor suspicions if he struck the animal across the breadth of the backbone.

14 When a fowl is knocked against a firm article, e.g., a heap of grain, a mound of almonds, or the like, we suspect that its organs may have been crushed. If, by contrast, it is knocked against something soft, e.g., a folded garment, straw,, ashes, or the like, we do not harbor such suspicions.

15 [The following rules apply when a fowl's] wings became stuck with glue when it was being captured and it received a blow. If only one wing became stuck, we do not suspect [that it became *trefe*]. If both of its wings became stuck and it receive a blow on its body, we harbor suspicions.

16 [The following rules apply if] it is knocked against water. If it swam for its full height upriver, against the current, we do not suspect [that it became *trefe*]. If, however, it swims downriver, with the current, we harbor suspicions, for perhaps the water is carrying it. If it advances toward straw or hay that is floating on the river, it is swimming on its own power and we do not harbor suspicions.

17 In all situations where we said: "We do not harbor suspicions," it is permitted to slaughter [the animal] immediately and it is not necessary to check whether an organ was crushed. In all situations where we said: "We harbor suspicions," if one slaughters the animal, one must check its entire internal category from the head to the hind-thigh. If any of the factors that render an animal *trefe* mentioned above were discovered or one of the inner organs was crushed to the extent that its form was destroyed, [the animal] is *trefe*. Even if one of the organs whose removal does not render the animal *trefe*, e.g., the spleen or the kidneys, is crushed, [the animal] is

trefe. [There is] an exception, the uterus; if it is crushed, the animal is permitted.

18 [The gullet and the windpipe] do not require examination in these situations, for a fall will not crush them.

19 When an animal fell from a roof and did not stand [afterwards], it is forbidden to slaughter it until one waits an entire day. If one slaughtered it during this time, it is *trefe*. When one slaughters it after a day has passed, an examination is required, as we explained.

20 Similarly, if a person treaded on a fowl with his feet, an animal trampled it, or it was crushed against a wall and it is in its death throes, we leave it alive for a day. Afterwards, we slaughter it and examine it, as we stated.

21 When the majority of [the windpipe and the gullet were separated and] hang loosely, [the animal] is *trefe*. [This applies] even if [this condition occurs] due to reasons other than a fall. Similarly, if they became folded over, [the animal is unacceptable,] because they are no longer fit for ritual slaughter. If, by contrast, [even though] the majority of the throat was set loose from the jaw-bone, [the animal] is permitted, for the throat area is not fit for ritual slaughter, as we explained.

Chapter 10

1 What is meant by the term *sheburah*? That the majority of [an animal's] ribs are broken. An animal has eleven ribs on either side of its body. If six

were broken on one side and six on the other, or eleven were broken on one side and one on the other, [the animal] is *trefe*. [This applies] provided it is the half that faces the backbone and not the half that faces the chest.

2 When six [ribs] were broken on either side, [the animal] is *trefe* [only] when they are large ribs that have marrow. If not, even though they represent the majority of the animal's ribs and they were broken facing the backbone, [the animal] is permitted.

Similarly, if the majority of the ribs were uprooted, [the animal] is *trefe*. [Moreover,] if even one rib is uprooted together with half of the vertebra in which it is lodged, it is *trefe*. Similarly, if even one vertebra was uprooted from the backbone, it is *trefe*, even if was a vertebra that is below the flanks where there are no ribs.

3 [The following rules apply when] the thigh of an animal has slipped from its place and has left its socket. If its sinews, i.e., the peg-like projections from the bones of the socket which extend toward the bone that enters the socket and holds it have degenerated, [the animal] is *trefe*. If they have not degenerated, it is permitted.

4 Similarly, with regard to a fowl, if its hip is dislocated, it is *trefe*. If its wing is dislocated from its socket, we fear that it perforated the lung. Therefore we conduct an examination. Afterwards, it may be eaten. When the foreleg of an animal is dislocated from its socket, it is permitted. We do not harbor any suspicions.

5 When a portion of the skull of a domesticated animal or wild beast the size of a *sela* was removed, [the animal] is *trefe* even though the membrane was not perforated. If a skull was perforated by a number of small holes that [detract from the skull's] substance, they are all added together [to see if their combined size equals] a *sela*.

6 Similarly, if the majority of the height and the majority of the circumference of a skull was crushed, [the animal] is *trefe*, even though its membrane is intact and it is not lacking any substance. If the majority of its height was crushed, but the majority of its circumference was intact or the majority of its circumference was crushed, but the majority of its height was intact, there is an unresolved doubt whether [the animal] is *trefe* or not. It appears to me that we forbid it.

7 When the bones of the skull of a water fowl, e.g., a goose, is perforated, [the fowl] is *trefe* even though the membrane has not been perforated. [The rationale is that] the membrane is soft.

[The following procedure should be adhered to when] a weasel struck a land fowl on the head or it was struck by a stone or a piece of wood. One places his hand next to the hole and applies pressure or he inserts his hand into the fowl's mouth and applies pressure upward. If [the fowl's] brain emerged from the hole, it can be concluded that the membrane has been perforated and it is *trefe*. If not, it is permitted.

8 When an animal's blood pressure causes it to choke, it was affected by a black gall bladder secretion or a white gall bladder secretion, it ate a

poison which kills animals, or drank fowl water, it is permitted. If it ate a poison that could kill a human or it was bitten by a snake or the like, it is permitted with regard to the laws of *trefe*, but it is forbidden because of the mortal danger [partaking of it could cause].

9 Thus the total number of conditions that cause a domesticated animal or a wild beast to be deemed *trefe* when singled out are seventy. They are: 1) an animal that has been attacked;

2) the perforation of the entrance to the gullet;

3) the perforation of the membrane of the brain;

4) the degeneration of the brain itself;

5) the perforation of the heart itself to its cavities;

6) the perforation of the arteries leading from the heart;

7) the perforation of the gall-bladder;

8) the perforation of the arteries of the liver;

9) the perforation of the maw;

10) the perforation of the stomach;

11) the perforation of the abdomen;

12) the perforation of the gut;

13) the perforation of the digestive organs;

14) the digestive organs protruded outside the animal's body and became overturned;

15) the perforation of the thick portion of the spleen;

16) a lack of a gall-bladder;

17) being born with two gall-bladders;

18) a lack of a maw;

19) being born with two maws;
20) a lack of a stomach;
21) being born with two stomachs;
22) a lack of an abdomen
23) being born with abdomens;
24) a lack of a gut;
25) being born with two guts;
26) a lack of one of the digestive organs;
27) being born with an extra digestive organ;
28) the perforation of the lung;
29) the perforation of the windpipe in a place where it is not fit for ritual slaughter;
30) the perforation of the bronchioles of the lungs, even if it is covered by another one;
31) a portion of the lungs has become closed;
32) the degeneration of one of the bronchioles of the lungs;
33) the discovery of putrid fluid in the lungs;
34) the discovery of putrid liquid in the lungs;
35) the discovery of murky liquid in [the lungs] even if it has not become putrid;
36)the degeneration of the lung;
37) a change in the lung's appearance;
38) the reversal of the gullet's appearance;
39) a lack of one of the required number of lobes of the lung;
40) a change in the order of the lobes;
41) the addition of a lobe on the back [of the lung];

42) the attachment of one lobe to another out of the ordinary order;
43) the discovery of a lung without division into lobes:
44) the lack of a portion of the lung;
45) a portion of the body of the lung is dried out;
46) the discovery of the lung in an inflated state;
47) a lung became shriveled because of fear of humans;
48) the lack of a hindleg; whether from birth or because it was cut off;
49) the possession of an extra leg;
50) the removal of the junction of the sinews;
51) the removal of the liver;
52) the removal of the upper jaw-bone;
53) a kidney that became extremely undersized;
54) a kidney that has become afflicted;
55) the discovery of fluid in the kidney;
56) the discovery of murky liquid in the kidney, even if it is not putrid;
57) the discovery of putrid liquid in the kidney;
58) the severance of the spinal cord;
59) the softening and degeneration of the spinal cord;
60) the ripping open of the majority of the flesh that covers the belly;
61) the removal of [an animal's] skin;
62) the crushing of [an animal's] organs due to a fall;
63) the slippage of the gullet and windpipe;
64) the breaking of the majority of [the animal's] ribs;
65) the uprooting of the majority of the ribs;
66) the uprooting of one rib together with its vertebra;
67) the uprooting of one vertebra;

68) the slippage of the thigh from its socket;
69) the lack of a portion of the skull the size of a *sela*;
70) the crushing and smashing of the majority of the skull;

10 These seventy conditions of infirmity which cause a domesticated animal or a wild beast to be forbidden as a *trefe* were each explained together with all the particular laws. All of the possible parallels that can be found with regard to a fowl in the organs that are common to an animal and a fowl are the same with regard to an animal and a fowl. The only exceptions are the conditions that render an animal *trefe* in the kidneys, the spleen, and the lobes of the lung. For a fowl does not have a division of lobes like an animal does. If there is such a division, there is no fixed number. The spleen of a fowl is round like a grape and is not the same shape as that of an animal. [The conditions of infirmity] concerning the kidneys and the spleen [that render] an animal *trefe* were not mentioned in order to find parallels with regard to a fowl. Therefore no set measure was given concerning a fowl with regard to a kidney whose size was reduced. Similar concepts apply in other analogous situations.

11 There are two conditions that render a fowl *trefe* in addition to those that render an animal [*trefe*] despite the fact that [an animal] also possesses these organs. They are: a) a fowl whose digestive organs have changed color because of [exposure to] fire;
b) a water fowl whose skull bone has been perforated.

12 One should not add to these conditions that render an animal *trefe* at all.

For any condition that occurs with regard to a domesticated animal, wild beast, or fowl aside from those listed by the Sages of the early generations and which were agreed upon by the courts of Israel can possibly live. [This applies] even if it is known to us according to medical wisdom that ultimately it will not live.

13 Similarly, with regard to those [conditions] which [our Sages] listed as [causing an animal to be] deemed *trefe* even though it appears from the medical knowledge we possess that some of them will not kill and it is possible for the animal to live - we follow only what the Torah says, as [**Deuteronomy 17:11**] states: "According to the Torah in which they will instruct you."

14 Whenever a butcher is knowledgeable about these [conditions that cause an animal to be deemed] *trefe* and he has established a reputation for observance, he may slaughter [animals], inspect them himself, and sell them without any suspicion. [The rationale is the word of] one witness is accepted with regard to the Torah's prohibition whether his testimony will lead to benefit for him or not.

We already explained that we do not purchase meat from a butcher who slaughters and inspects [the animal] himself in the Diaspora or [even] in *Eretz Yisrael* in the present age unless he established a reputation as an expert. If he sold an animal that was *trefe*, we place him under a ban of ostracism and remove him from his position. He cannot reestablish his credibility until he goes to a place where his identity is not recognized and he returns a lost article that is very valuable or [slaughters an animal] for

himself and declares it *trefe* even though it involves a significant loss.

Chapter 11

1 [The following principles apply] whenever a situation arises that creates a doubt that an animal or fowl should be deemed *trefe* because of one of the above conditions - e.g., an animal that fell and did not walk, it was attacked by a wild beast and we do not know whether the flesh near the intestines turned red or not, its skull was crushed and we do not know if the majority of the skull was crushed or not, or other similar circumstances: If the animal was male and it remained alive for twelve months, we operate on the assumption that it is intact like all other animals. If it was female, [we wait] until it gives birth.
With regard to a fowl: If it is male, [we wait] twelve months. If it is female, [we wait] until it lays all the eggs that it is carrying, spawns a new load, and lays them.

2 During this course of time, it is forbidden to sell an animal concerning which doubt has arisen whether it is a *trefe* to a gentile lest he sell it to a Jew.

3 We operate under the presumption that all domesticated animals, wild beasts, or fowl are healthy and we do not suspect that they possess conditions that would render them *trefe*. Therefore when they are slaughtered in the proper manner, they do not require an examination to see whether they possess a condition that would render them *trefe*.

Instead, we operate under the presumption that they are permitted unless a situation arises that arouses suspicion. Afterwards, we inspect it with regard to that condition alone.

4 What is implied? For example if the wing of a fowl is displaced, we check the lung to see if it was perforated. If an animal fell, we check it to see if its organs were crushed. If the skull was crushed, we check the membrane of the brain to see if it was perforated. If it was struck by a thorn or shot by an arrow, a javelin, or the like and it entered its inner cavity, our suspicions are aroused and we require an inspection of the entire inner cavity lest it have perforated one of the organs whose perforation renders an animal *trefe*. Similar laws apply in all analogous situations.

5 Therefore when there are growths on a lung or *sirchos* upon it - i.e., strands or adhesions - hanging from it to the ribcage, the heart, or the diaphragm, we suspect that it was perforated and require an inspection. Similarly, if a swelling was found that contained fluid, we fear that a bronchiole below it was perforated and [the lung] must be inspected.

6 [Following the logic] of this law, [the following rules] would apply if it was discovered that *sirchos* like strands were hanging from the lung, whether they extended from the body of the lung to the ribcage or to the heart or to the diaphragm. We cut the *sirchah*, take out the lung, and [place it] in lukewarm water, and blow it up. If it is discovered to be perforated, [the animal] is *trefe*. If the water does not bubble, it is intact, without any perforations, and [the animal] is permitted. For [the *sirchah*]

was not at the place of a perforation or perhaps only the outer membrane [of the lung] was perforated. Nevertheless, I never saw anyone who ruled in this manner, nor did I hear of a place that follows such practice.

7 Even though this is what appears [to be the ruling] from the words of the Sages of the Gemara, the widespread custom among the Jewish people is as follows: When a domesticated animal or a wild beast is slaughtered, we tear open the diaphragm and check the lung in its place. If a *sirchah* is not discovered hanging between the one of the lobes and the flesh where it lies, whether on the flesh that is between the ribs or the flesh on the breastbone, or a *sirchah* was found, extending from one lobe to the other in order, or from the body of the lung to the lobe which is next to it, we permit [the animal].

8 If a strand is discovered leading from the lung to any place which it is extended, even if it is thin as a hair, we forbid [the animal].

9 Similarly, if there was a strand extending from the lung to the heart, the diaphragm, the protective covering of the heart, or the rose, we forbid [the animal]. [This applies] whether the strand came from the body of the lung or whether it came from a lobe and [applies regardless of its size], even if it was a hairsbreadth.

Similarly, when the rose is attached to its pocket or a strand extends from it to its pocket, we forbid it. And when a strand extends from lobe to lobe in improper order, we forbid [the animal].

10 There are places where the custom is that if a *sirchah* is from the lobe to

the flesh and the bones of the ribs and the *sirchah* is attached to both of them, they forbid it. My father and teacher is from those who forbid it. I, by contrast, am one of those who permit it. In a small number of places, they permit it even when it is attached to the bone alone, and I forbid it.

11 There are places where a lung is [always] blown up to see whether or not it is perforated. In most places, however, it is not blown up, because there is no factor that raised a suspicion [concerning it]. In Spain and in the West, we never blew up a lung unless there was a factor that caused suspicion.

12 All of these factors are not dictated by law, but rather are a result of custom, as we explained. I never heard of anyone who had a fowl's lung inspected unless a factor that raised suspicions arose.

13 If, [after] a person slaughtered an animal and cut open its belly, a dog or a gentile came, took the lung, and departed before [the slaughterer] checked the lung, [the animal] is permitted. We do not say that perhaps it was perforated or perhaps it was attached [to the bone], for we do not presume that [an animal] was forbidden. Instead, we operate under the presumption that the animal is kosher unless we know what factor caused it to become *trefe*. Just like we do not suspect that the membrane of the brain was perforated, the backbone [was severed], or the like, we do not raise suspicions over a lung that has been lost. There are no customs regarding such a situation, because customs are not instituted with regard to factors that are not commonplace.

14 If a gentile or a Jew comes and takes out a lung before the lung was

inspected, but the lung [still] exists, we blow it up. [This applies] even if we do not know whether there were growths or not, because of the widespread custom.

15 There are places who rule that we forbid [an animal] if there are *sirchot* hanging from the lung, even if they are not attached to the chest or to another place. This practice causes great loss and the forfeit of Jewish money. This was never the custom in France or in Spain and it was never heard in the West. It is not proper to follow this custom. Instead, all that is necessary is to blow up [the lung]. If it is discovered to be intact without a perforation, [the animal] is permitted.

Chapter 12

1 When a person slaughters an animal and its offspring on the same day, the meat is permitted to be eaten. The slaughterer, however, is punished by lashes, as [**Leviticus 22:28**] states: "Do not slaughter [an ox or a sheep] and its offspring on one day." He receives lashes only for slaughtering the second animal. Accordingly, if one person slaughtered one of such a pair and another person slaughtered the second, [the one who slaughtered the second alone] receives lashes.

2 The prohibition against slaughtering [an animal] and its offspring applies in all times and in all places, with regard to ordinary animals and sacrificial animals. [With regard to the latter category, it applies] with regard to sacrifices of which we partake and with regard to sacrifices of

which we do not partake. Therefore if one slaughtered the first animal in the Temple courtyard and the second outside of it or the first outside the Temple courtyard and the second inside, the one who slaughtered the second animal receives lashes [for violating the prohibition against slaughtering] an animal and its offspring. [This applies] whether they were both ordinary animals, they were both sacrificial animals, or one was an ordinary animal and one, a sacrificial one.

3 The prohibition against slaughtering [an animal] and its offspring applies only with regard to ritual slaughter, as the verse states: "Do not slaughter." [Implied] is that the prohibition involves the slaughter of both animals. If, however, one chopped off the head of one of them or it became a *nevelah* in his hand, it is permitted to slaughter [the other]. Similarly, if he slaughtered the first and chopped off the head of the second or it became a *nevelah* in his hand, he is not liable.

4 When a deaf-mute, an intellectually or emotionally incapable person, or a minor slaughtered the first animal privately, it is permitted to slaughter the second animal afterwards because their slaughter is not considered as slaughter.

5 When one slaughters the first animal, but a question arises whether it is a *nevelah* or not, it is forbidden to slaughter the second [animal]. If one slaughters it, he is not liable for lashes.

6 Slaughter from which it is not fit to eat is, nevertheless, considered slaughter. Therefore if the first person slaughtered an ordinary animal in

the Temple courtyard, one which is *trefe*, an ox condemned to be stoned, a calf whose neck is to be broken, a red heifer, or slaughtered for the sake of a false deity, a person who slaughters the second animal is liable. Similarly, if one slaughtered the first animal and another slaughtered the second though it is an ordinary animal in the Temple courtyard, an ox condemned to be stoned, a calf whose neck is to be broken, or a red heifer, [the second person] is liable for lashes.

7 When [the second animal] is slaughtered for the sake of a false deity, [the slaughterer] is not liable because of [the prohibition against slaughtering] an animal and its offspring, for he is liable for capital punishment. If, however, he was given a warning for [the prohibition against slaughtering an animal] and its offspring and was not given a warning for the worship of false deities, he receives lashes.

8 The prohibition against slaughtering [an animal] and its offspring applies only with regard to a kosher domesticated animal. [This is derived from the exegesis of Leviticus, *loc. cit.*]: "Do not slaughter [an ox or a sheep] and its offspring on one day."

[This prohibition] does apply with regard to hybrid species. What is implied? When a [male] deer mates with a [female] goat and one slaughters the goat and its offspring, one is liable. When, however, a [male] goat mates with a [female] deer and one slaughters the deer and its offspring, it is forbidden to slaughter [the deer and its offspring], if one slaughters them, however, one is not liable for lashes. The Torah forbade slaughtering a cow and its offspring and not a deer and its offspring.

9 If the offspring of this deer was female and it gave birth to offspring, one is liable for lashes should he slaughter the female offspring of this deer and its offspring [on the same day]. Similarly, if a hybrid species is produced by mating a sheep and a goat - regardless of which is male and which is female - [the slaughterer can be held liable for] lashes for [violating the prohibition against slaughtering] an animal and its offspring.

10 It is permitted to slaughter a pregnant animal. The fetus is considered as a limb of its mother. If the fetus emerged alive after the slaughter of its mother and stepped on the ground, one should not slaughter it on the same day. If one did, one is not liable for lashes.

11 The prohibition against slaughtering [an animal] and its offspring applies with regard to a mother, for the offspring is certainly its own. If one knows with certainty that a male fathered offspring, the two should not be slaughtered on the same day. If one slaughtered [them together, however,] he is not liable for lashes, for there is a doubt whether or not the prohibition applies with regard to males.

12 When a person slaughters a cow and afterwards slaughters two of its offspring, he is liable for two sets of lashes. If he slaughters [several of] its offspring and then it, he is liable for [only] one set of lashes. If he slaughtered it, its female offspring and the offspring of its offspring, he is liable for two sets of lashes. If he slaughtered it, the offspring of its offspring and its female offspring, he is liable for [only] one set of lashes.

13 When two people [each] purchased an animal: one the mother and one

the offspring and they brought the matter for judgment, the one who purchased [the animal] first is allowed to slaughter it first, the other one should wait until the next day. If the second purchaser slaughtered [his animal] first, he gains and the first must wait until the next day.

14 Four times a year, it is necessary for a person who sells an animal to a colleague to inform him that he already sold the mother or the daughter of the animal to another person for the sake of slaughtering it so that the latter purchaser will wait and not slaughter until the next day. They are: the day preceding the final holiday of Sukkot, the day preceding the first holiday of Pesach, the day preceding Shavuot, and the day preceding Rosh HaShanah.

15 When does the above apply? When he saw that the person who purchased it last was anxious to buy and it was at the end of the day, [in which instance,] it can be presumed that he will slaughter it immediately. If, however, there was ample time during the day, he is not required to inform him, for perhaps he will not slaughter until the following day.

16 When one sells the mother to a groom and the daughter to the bride, he must notify them. For certainly, they will slaughter them both on the same day. Similar laws apply in all analogous situations.

17 [With regard to the term] one day mentioned in the context of [the prohibition against slaughtering an animal] and its offspring, the day follows the night. what is implied? He slaughtered the first animal at the beginning of Tuesday night, he may not slaughter the other one until the

beginning of Wednesday night. Similarly, if he slaughtered one at the close of Wednesday, before *bein hashemashot*, he may slaughter the other one at the beginning of Wednesday night. If he slaughtered the first during *bein hashemashot* Wednesday evening, he may not slaughter the second until after nightfall on Thursday. If he slaughtered it during the day on Thursday, he does not receive lashes.

Chapter 13

1 When a person takes a mother together with its young and slaughters it, the meat is permitted to be eaten. He is, however, liable for lashes for slaughtering the mother, as [**Deuteronomy 22:6**] states: "Do not take the mother together with its offspring." Similarly, if it died before he sent it away, he is liable for lashes. If he sent it away after he took it, he is not liable.

2 Similarly, [with regard to] all negative commandments that can be corrected by a positive commandment, one is obligated to fulfill the positive commandment. If he does not fulfill it, he is liable for lashes.

3 If another person comes and seizes the mother bird from his hands and sends it away or it took flight from his possession without his knowledge, he is liable for lashes. [This is implied by *ibid.*:7]: "You shall certainly send away [the mother]," i.e., he must send away [the mother bird] himself. [If not,] he did not fulfill the related positive commandment.

4 If he took a mother bird together with its young, cut off its wings so that

it cannot fly and sent it away, he is given stripes for rebellious conduct. [He must] keep [the mother bird] in his possession until her wings grow back and then send her away. If [the mother] died before this or fled and was lost, he is liable for lashes, for he did not fulfill the related positive commandment.

5 How must one send away the mother? He holds her by her wings and has her fly away. If he sent her away and she returned, he sent her away and she returned - even if this happens - four or five times, he is obligated to send her away, as [implied by the repetition of the verb in the] phrase: "You shall certainly send away."

6 Although a person says "I will take the mother bird and send away the young," he is obligated to send away the mother bird, as the verse states: "You shall certainly send away the mother."

7 If he [sent away the mother,] took the offspring and [then] returned them to the nest and the mother came back to them, he is not obligated to send [her] away.

It is permitted to send away the mother and then snare her again. The Torah forbade snaring only when she cannot fly away because of her offspring over which she is hovering so that they not be taken, as [*ibid.*:6] states: "And the mother is resting on the chicks." If, however, he removed her from his grasp and then snared her again, it is permitted.

8 [The mitzvah to] send away the mother bird applies only with regard to a kosher species of fowl that are not at hand, e.g., doves that rested in a

dovecote or on a loft, wild fowl that nested in an orchard. [This is derived from the phrase (*ibid.*)]: "When you will chance upon." When, however, [fowl is] at hand, e.g., ducks, chicken, and doves that nested in a building, one is not liable to send away the mother.

9 If the chicks could fly and thus they no longer needed their mother or [the mother was sitting on] unfertilized eggs, he is not obligated to send away [the mother]. If the chicks were *trefot,* it is comparable to unfertilized eggs and he is not liable to send away [the mother].

10 When a male fowl is resting on a nest, one is not obligated to send him away [before taking the young]. When a non-kosher bird is resting on the nest of the eggs of a kosher fowl or a kosher fowl is resting on the eggs of a non-kosher fowl, one is not obligated to send away [the fowl that is resting].

11 When a [kosher fowl] was resting on kosher eggs of a different species, one should send [the bird] away. If, however, one fails to do so, one is not liable. If the mother is *trefe*, he is obligated to send her away.

12 When one slits a portion of the gullet [of the mother] before he took her, he is liable to send her away. If he did not send her away, he is not liable for lashes.

13 [The following laws apply if the mother bird] was hovering [over the nest]: If her wings were touching the nest, one is obligated to send her away. If not, he is not obligated. If there was a cloth or feathers

intervening between her wings and the nest, he must send her away. If he did not send her away, he is not liable for lashes.

14 If there were two rows of eggs and [the mother bird's] wings were touching [only] the top row, [the mother bird] was sitting on unfertilized eggs, but there were good eggs below them, one female was sitting on another female, a male was sitting on the nest and the female was sitting on the male - [in all these situations,] one should not take [the mother bird with the offspring]. If he takes [her], he should send her away. But if he does not send her away, he is not liable for lashes.

15 If [the mother bird] was sitting among the young or the eggs and was not touching them, one is not liable to send her away. Similarly, if she was at the side of the nest and her wings were touching the nest from the side, he is not obligated to send her away.

16 When [the mother bird was perched] on two branches of a tree and the nest was positioned between them, we make an evaluation. In all instances where the mother would fall on the nest if the branches were removed, one is obligated to send her away.

17 When the mother is resting on one chick or on one egg, one is obligated to send her away. When a person finds a nest floating on the water or positioned on the back of an animal, he is obligated to send the mother away. [The verse] mentions "chicks or eggs" and "on any tree or on the ground" [not as exclusions], but because the Torah speaks about the commonplace situations.

18 It is forbidden to acquire the eggs as long as the mother is resting upon them. Therefore even if a mother bird was resting on eggs or chicks in one's loft or dovecote, they are not considered as "at hand" and his courtyard does not acquire them for him. Just as he cannot acquire them on behalf of others [until he sends away the mother], so, too, his courtyard cannot acquire them on his behalf. Therefore, he must send [her] away.

19 It is forbidden to take a mother bird together with her offspring, even to purify a person with *tzara'at*. If he took [the mother], he is obligated to send her away. If he did not, he is liable for lashes. [The rationale is that] a positive commandment does not supersede the observance of a negative commandment [that is reinforced] by a positive commandment. And a positive commandment does not supersede another positive commandment.

20 [The following rule applies when] a person consecrates a wild fowl to the Temple treasury, it flies away from his hand, but he recognizes it and finds it resting on chicks or on eggs. He should take the entire [nest] and bring it to the Temple treasurer. [The rationale is that the mitzvah of] sending away the mother bird does not apply with regard to consecrated [fowl], as [implied by **Deuteronomy 22:7**]: "And you may take the offspring for yourself." These may not [be taken] for yourself.

21 When a fowl killed a human being, one is not obligated to send it away. [The rationale is that] one is commanded to bring it to court so that it

will be judged.

Chapter 14

1 It is a positive commandment to cover the blood of a kosher wild beast or fowl that was slaughtered, as [**Leviticus 17:13**] states: "If you will snare a wild beast or a fowl that may be eaten, you shall pour out its blood and cover it with earth." Therefore, before covering it, he is obligated to recite the blessing: Blessed are You, God, our Lord, King of the earth who has sanctified us with His commandments and commanded us to cover the blood.

2 [The mitzvah] to cover the blood applies to animals that are at hand and those that are not at hand. [The verse mentions:] "If you will snare" only because it speaks about the commonplace situation. It applies with regard to ordinary animals, but not to those consecrated: whether they were consecrated [to be offered on] the altar or consecrated to the Temple treasury. If a person transgresses and slaughters [such an animal], he is not obligated to cover its blood.

3 If a person slaughters a wild beast or a fowl and afterwards, consecrates them - or consecrates the blood - he is obligated to cover the blood.

4 It is necessary to cover the blood of a hybrid that comes from the mating of an animal and a wild beast or an animal that we do not know whether to classify as a domesticated animal or a wild beast, but one does not recite the blessing. When a person slaughters for the sake of a sick person on the

Sabbath, he is obligated to cover the blood after the Sabbath. Similarly, when a person slaughters an animal whose status is doubtful or is a hybrid on a festival, he should cover its blood after the festival.

5 When a person slaughters many fowl and several types of wild beasts in one place, he should recite one blessing and cover the blood of all of them together at one time.

6 When blood becomes mixed with water, one is obligated to cover it if it has the appearance of blood. If not, one is not liable. If it became mixed with wine or the blood of a domesticated animal, one considers it as if they were water. If were [the wine or blood] to have been water, [the mixture] would have appeared to be blood, he is obligated to cover the entire mixture. If not, he is not obligated.

7 If a person covered blood and then it became revealed, he is not obligated to cover it a second time. If blood was covered by [dust blown] by the wind, one is not obligated to cover it. If it became revealed again after the wind covered it, he is obligated to cover it.

8 If there is no other blood [from the slaughter] except the blood which spurted out [while the animal was being slaughtered] and the blood on the knife, one is obligated to cover it.

9 [The following rules apply if] one slaughters and the blood is absorbed in the ground. If a mark remains, he is obligated to cover it. If not, it is as if it was covered by the wind and he is not obligated to cover it.

10 The only blood that must be covered is the blood of slaughter [that produces meat] that is fit to be eaten, as [the prooftext cited] states: "that may be eaten." Therefore, if a person slaughters and the animal is discovered to be *trefe*, one slaughters ordinary [fowl or beasts] in the Temple Courtyard, one slaughters fowl or beasts that were condemned to be stoned to death, one slaughters an animal and causes it to become a *nevelah*, one is not obligated to cover the blood. Similarly when a deaf-mute, a mentally or emotional incompetent person or a minor slaughters in private, there is no obligation to cover the blood [of the animal] they slaughtered.

11 With what should [the blood] be covered? With earth, lime, gypsum, fine fertilizer, fine sand that need not be crushed by a potter, crushed rocks and earthen-ware, fine flax chips, fine saw dust, bricks, burnt mud, and sealing clay that are crushed, for all of these are types of "earth." If, however, one covered it with a utensil or with stones, it is not considered as "covered," for the verse states "with earth."

12 For this reason, we do not cover [blood] with coarse fertilizer, coarse sand, flour, bran, grain fiber, or filings from metal utensils, for these are not types of "earth." There is one exception: filings of gold alone may be used to cover [blood], for they are called "dust," as [**Job 28:6**] states: "And it possesses the dust of gold" and [**Deuteronomy 9:21**] speaks [of grinding the Gold Calf] "until it was thin, into dust."

13 We may cover [blood] with oven soot, stibium, powder from mills, and

ashes. [This includes] ashes from trees and ashes from clothes, even ashes from meat that was burnt, for [**Numbers 19:17**] speaks of "the ashes of the burnt sin-offering." It is permitted to cover [blood] with the ashes of a city that went astray [and was therefore destroyed].

14 One who slaughters must place earth below and then slaughter, [pouring the blood] into [the earth]. Afterwards, he covers it with earth. He should not slaughter [and pour the blood] into a container and then cover it with earth.

15 The person who slaughters [the animal] should cover its blood, as [the above prooftext] states: "[You shall pour out its blood and] cover it with earth." If he did not cover the blood and another person sees it, he is obligated to cover it, for this is an independent mitzvah and is not dependent on the slaughterer alone.

16 When a person covers the blood, he should not cover it with his feet, but instead with his hands, a knife, or a utensil, so that he will not treat it with disdain and regard the mitzvoth with scorn. For the mitzvot in and of themselves are not worthy of honor. Instead, [the honor is] due He, blessed be He, who commanded us to observe them and [thus] saved us from groping in darkness and thus granted us a lamp to straighten crooked paths and a light to illumine the upright ways. And so [**Psalms 119:105**] states: "Your words are a lamp to my feet and a light for my ways."

Blessed be G-d who grants assistance.

נגמר ספר חמישי והוא ספר קדושה ומנין פרקיו שלשה וחמשים:הלכות איסורי ביאה שנים ועשרים פרקים, הלכות מאכלות אסורות שבעה עשר פרקים, הלכות שחיטה ארבעה עשר פרקים. ובכאן נשלם החלק השני, ה׳ במעגלי צדק ינחני.

Mishneh Torah, Oaths

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 There are four types of oaths [for which one may be liable]: *sh'vuat bitui, sh'vuat shav, sh'vuat hapikadon,* and *sh'vuat ha'edut.*

Sh'vuat bitui is referred to in the Torah [by **Leviticus 5:4**]: "When a soul will take an oath, expressing with his lips, whether he will do harm or do good." [This category] subdivides into four groupings: two [involving statements made] concerning the future and two [involving statements made] concerning the past. For example, he took an oath concerning a past event that it occurred or did not occur, or concerning a future event, that he will do it or that he will not do it.

2 [The concept of] a *sh'vuat bitui* applies with regard to deeds that a person could perform whether in the past or in the future.

What is implied? With regard to the past: "I ate," "I cast a stone into the sea," or "So-and-so spoke with so-and-so"; "I did not eat," "I did not cast a stone into the sea," or "So-and-so did not speak with so-and-so." With regard to the future: "I will eat" or "I will not eat," "I will..." or "I will not cast a stone into the sea." Thus there are two groupings concerning the past and two groupings concerning the future.

3 If a person takes an oath concerning one of these four categories and does the opposite, he has taken a false oath. For example, he took an oath not to eat and he ate, that he would eat and he did not eat, that he ate, when

he did not or that he did not eat, when he had eaten. With regard to these matters, [**Leviticus 19:12**] states: "Do not swear falsely in My name." If he willfully swears falsely, he is liable for lashes. If he does so inadvertently, he must bring an adjustable guilt offering, as [*ibid.* 5:4] states: "And it became concealed from him and he did not know and became guilty."

4 [The prohibition against taking] a *sh'vuat shav*, an oath taken in vain, also subdivides into four categories: the first, a person took an oath concerning a known matter that was not true, e.g., he took an oath that a man was a woman, a woman was a man, that a marble pillar was gold, or concerning other similar factors.

5 The second: that one takes an oath on a known matter concerning which no one has a doubt, e.g., one took an oath that the sky was the sky, that a stone is a stone, on two [objects] that they are two, and the like. Even though there is no doubt about the matter for a person of sound mind, one takes an oath to strengthen [the appreciation of] the matter.

6 The third is one who takes an oath to nullify a mitzvah. What is implied? One took an oath not to wrap himself in *tzitzit*, not to put on *tefilin*, not to dwell in a *sukkah* throughout the holiday of Sukkot, not to eat matzah on Pesach night, that he would fast on the Sabbaths and the festivals, or concerning other analogous instances.

7 The fourth - that one took an oath concerning a matter that he is unable to perform. What is implied? He took an oath that he would not sleep for three consecutive days and nights, he would not eat for seven consecutive

days or concerning any analogous matter.

Whenever a person takes an oath in vain by taking one of these four types of oaths, he transgresses a negative commandment, as [**Exodus 20:7**] states: "And you shall not take the name of God your Lord in vain." If he [takes the oath] willfully, he is liable for lashes. If he does so inadvertently, he is exempt entirely.

8 What is meant by a *sh'vuat hapikadon,* [an oath concerning an entrusted object]? [It applies] when a person has money belonging to a colleague in his possession - whether it be an entrusted article or a loan, he stole from him, withheld his wages, he found a loss object belonging to him and did not return it, or any similar situation. If his colleague claims the money that he has in his possession and he denies the claim, he violates a negative commandment, as [**Leviticus 19:11**] states: "You shall not deny..."; this is a warning [not to] deny a monetary [claim]. One is not liable for lashes for this transgression.

If one took a false oath with regard to the financial claim that he denied, he transgresses another negative commandment, as [the above verse] continues: "A person may not lie to his colleague." This is a warning against swearing [falsely] when denying a financial [obligation].

9 What is a person's liability for taking a false *sh'vuat hapikadon*? He must pay the principle that he denied plus an additional fifth and bring a definite guilt offering as a sacrifice. [This applies] whether he [transgressed] intentionally or unintentionally, as indicated by **Leviticus 5:21-23** which] states: "And he will deny his [obligation to] a colleague

concerning an entrusted object, a [financial] deposit, a robbery... when he will sin and become guilty." [The verse] does not say: "And it will become concealed from him," indicating that one who transgresses willfully is liable just as [one who transgresses] inadvertently.

10 The above applies when the person willfully accepted the entrusted object or the money that he was obligated and knew about it at the time of the oath. If, however, he acted unintentionally, forgot that he had the money in his possession, therefore denied it and took an oath, and then discovered the matter, he is considered [to have transgressed because of] factors beyond his control and is not liable at all. Similarly, if the person did not know that it was forbidden to take a false oath in denial of a financial claim, he is considered [to have transgressed because of] factors beyond his control and is not liable.

11 If so, what is meant by acting inadvertently with regard to a *sh'vuat hapikadon*? For example, he forgot that one is liable to bring a sacrifice for [taking such a false oath], but knew that it was forbidden to do so and that he has the other person's money in his possession. This is considered the inadvertent transgression [of this prohibition]. Willful transgression is when he knows that he is liable to bring a sacrifice [because of the transgression].

12 What is meant by *sh'vuat ha'edut*? Witnesses know testimony associated with a monetary claim and the person affected by the testimony demanded that they testify on his behalf. The witnesses deny knowledge

of testimony, do not testify, and take an oath that they do not know any testimony concerning him. This is referred to as a *sh'vuat ha'edut.* For taking a [false] oath of this nature, one is liable for an adjustable guilt offering, [This applies] whether he [transgressed] intentionally or unintentionally, as [indicated by **Leviticus 5:1** which] states: "When a person will sin: If he heard a demand for an oath and he had witnessed...." [The verse] does not say: "And it will become concealed from him," indicating that one who transgresses willfully is liable just as [one who transgresses] inadvertently.

13 What is meant by acting inadvertently with regard to a *sh'vuat ha'edut*? For example, he forgot that one is liable to bring a sacrifice for [taking such a false oath], but knew that this oath was forbidden and that he would be swearing falsely. Willful transgression is when he knows that he is liable to bring a sacrifice [because of the transgression]. If he did not know that [taking such an oath] is forbidden or forgot the testimony and took an oath and later it was discovered that he knew testimony and took a false oath, he is considered [to have transgressed because of] forces beyond his control and he is not liable to bring a sacrifice.

Chapter 2

1 Whether one takes one of these four oaths [falsely] on his own initiative or he is placed under oath by another person and answers *Amen* to his statements, he is liable. [This applies] even if he is placed under oath by a gentile or a minor and responds *Amen*.

[The rationale is that] anyone who responds *Amen* or makes a statement equivalent to responding *Amen*, e.g., he says "Yes," "I am obligated in this oath," "I accept this oath upon myself," or the like in any language is considered to have taken an oath with regard to all matter, whether it be liability for lashes or for a sacrifice.

2 [The same laws apply whether] one took an oath - or another person administered an oath to him - with God's ineffable name - or with one of the descriptive terms used to refer to Him, e.g., he took an oath "on He whose name is Gracious," "on He whose name is Merciful," or "on He whose name is Patient," regardless of the language he used. The statement is considered an oath in the full sense of the term.

Similarly, a statement with the terms *eleh* or *erur* is considered as an oath, provided one mentions one of God's names or one of the terms used to describe Him. What is implied? When a person said: "May one who eats this-and-this entity be cursed unto God," or "...cursed unto He whose name is Gracious," "...cursed unto He whose name is Merciful" and then ate that entity, he has taken a false oath. Similar concepts apply with regard to the other types of oaths.

3 Similarly, one who says: "[I am taking] an oath by God...," or "...by One whose name is Gracious that I will not eat," and he ate, "...that this is a woman," and it was a man, "...that I do not owe you anything," and he does, "that I do not know any testimony involving you," and he does, he is liable.

4 If a person uses the term *eleh* or *erur* or an oath and does not mention God's name or a term describing Him, he is bound by a prohibition with regard to the entity concerning which he [desired to] take the oath. He is not, however, liable for lashes or for a sacrifice if he violated his oath unless it included one of God's names or a term describing Him as explained.

5 Not only the term *sh'vuah*, but [the use of] any idiom used to refer to an oath is considered as [taking] an oath. For example, people in a given place were inarticulate and would call an oath *shabutah* or *shakukah*, or they were Aramites for whom the term for oath in their language is *momata*, and the inarticulate idiomatically refer to it is *mohah*. When a person makes a statement whose intent and meaning is that he is taking an oath, he is liable as if he used the term [in *Lashon Hakodesh*].

6 Similarly, when a person says: "No, no," repeating the negative twice as if he is taking an oath or "Yes, yes," and mentions God's name or a term used to describe Him, it is considered an oath. Similarly, if he says: "[By God's] right hand," it is an oath, or "[By God's] left hand," it is an oath, as [implied by **Isaiah 62:5**] "God swore by His right hand and by the arm of His strength." Similarly, when someone says "*Mivtah* that I will not do such-and-such," and mentions God's name or a term used to describe Him, it is considered an oath.

7 When one says: "It is forbidden for God's [sake]" or "...for [the sake of] He whose name is Gracious that I will do..." or "...that I will not do

[such-and-such]," it is considered an oath, because the wording he used has that implication.

8 If he heard his colleague take an oath and said: "I am like him," he is not liable, for he did not utter an oath, nor did his colleague administer an oath to him. This is "appending" to an oath for which one is not liable.

9 Similarly, if he took an oath and said: "I will not eat this meat," and then said: "This bread is like this meat," he is not liable for the bread, because he did not explicitly take an oath regarding it. Instead, he appended [the prohibition concerning it to his existing oath]. Although he is exempt from lashes and from a sacrifice, he is forbidden to partake of the bread that he appended to his oath.

10 [Although] a person has the intent to take an oath and resolves in his heart not to eat on that day or not to drink and has the intent for that activity to be forbidden for him by oath, [if] he does not actually make such a statement, he is permitted [to eat or drink], as [implied by **Leviticus 5:4**]: "expressing with his lips." [Implied is that] a person who takes an oath is not liable until he explicitly states the matter the oath concerns with his lips.

11 Similarly, if he resolved within his heart to take an oath and erred and uttered a statement that did not fit the intent in his heart, [the activity] is permitted.

What is implied? A person had the intent that he would not eat in Reuven's [home], but when he actually came to state the oath explicitly,

he swore not to eat in [Shimon's] home. [In such a situation,] he is permitted to eat in Reuven's [home] for he did not explicitly [swear not to eat there]. [And he is permitted to eat] in Shimon's [home] for he did not have the intent [to prohibit that].

12 Similarly, with regard to the other types of oaths, one is not liable until his mouth and his heart are in concord. Therefore [the following law applies if] a person took an oath in our presence that he would not eat and ate. He was given a warning [before he ate] and he responded: "My intent was that I would not depart today. I had a slip of the tongue and mentioned eating although that was not my intent." is not liable for lashes unless, before he eats, he admits in the presence of witnesses that [his intent in] taking the oath was [not] to eat. Alternatively, [he is liable for lashes] if he accepted the warning and did not protest that he erred at the time of the warning. Even though he protested afterwards, we do not pay attention to him. Similarly, [he is liable] if they warned him and he said: "I never took an oath - or a vow - concerning this matter." Despite the fact that after they give testimony that he took an oath or vow, he says: "Yes, that is true, but my mouth and heart were not in concord," or "In my heart, I had a stipulation in mind concerning the vow," we do not heed him and he is liable for lashes.

13 Similarly, if [witnesses] told him: "Your wife took a vow," and he said: "My intent was to nullify the vow and I did so," we heed his statements. If he is told, "She took a vow," and he denies it, but when he saw them testify against him, he said: "My intent was to nullify [the vow]," his word

is not heeded.

14 If he resolved within his heart not to partake of bread made from wheat, but took an oath not to partake of bread without qualifying his statement, he is forbidden to partake of bread from wheat. For when bread [is mentioned without qualification, the meaning] is bread from wheat.

15 When a person takes an oath, saying: "[I am taking] an oath that I will not eat today and my oath is dependent on your intent," he cannot [later] say: "I had these-and-these thoughts in my heart." [The rationale is] that the person did not take the oath dependent on his own intent, but rather on the intent of others. Since his statements did concur with the intent of those on whose intent he took the oath he is liable. [The intent in] the heart of those individuals takes the place of his own intent. [This concept also applies] with regard to other types of oaths.

16 Therefore when judges administer an oath to a person, they tell him: "We are not administering the oath dependent on your intent, but dependent on our intent.

17 [The following law applies when a person] took an oath and his statements and his intent concurred at the time he took the oath, but after he becomes forbidden [in the particular activity mentioned in the oath], he changes his mind immediately, directly after he spoke. [The latter term has a specific halachic definition]: the time it takes a student to tell his teacher: *Shalom Elecha Rabbi*. [If, in this interim, the person says:] "This is not an oath," "I changed my mind," "I retract," or the like, i.e.,

statements that imply that he seeks to release the prohibition he took on [himself], it is permitted. The oath is eradicated, for this resembles one who made a statement in error.

18 Similarly, if others tell him: "Retract," "It is permitted for you," or the like and he accepts their view within the above measure of time by saying: "Yes," or "I retract," he is permitted. After this measure of time, he cannot retract.

19 If a person took an oath and retracted within his heart within the above measure of time, it is of no consequence. Similarly, if others told him: "Retract," "It is permitted for you," or "It is absolved for you," and he accepted their words in his heart within the above measure of time, it is of no consequence. He must state his retraction explicitly like his oath.

Chapter 3

1 Whenever a person takes one of these four types of oaths under compulsion, he is exempt from all liability. This applies to a person who at the outset took a false oath because of factors beyond his control as we explained, one who took an oath and then was subjected to compulsion and was not given the opportunity to fulfill his oath, or he was compelled to take an oath by a man of force. Therefore one may take an oath when compelled to by robbers, potential murders, and tax collectors.

2 To which tax collector did we refer? To a tax collector that assumed the position on his own, who takes money without the license of the king or

who takes money with the king's license, but takes more for himself than the fixed measure, as explained in *Hilchot Gezelah*.

3 When a person is compelled to take an oath, to be exempt, while taking the oath, he must have the intent in his heart for the oath to apply to something for which he is exempt. Although generally, words in a person's heart are of no consequence, since he cannot express his intent because of the forces beyond his control, he can rely on the intent in his heart.

4 What is implied? One took an oath to a man of force that he would not eat meat without qualifying his statement, it is permitted if in his heart, he had the intent that he was saying that he would not eat the meat of pigs, or that he would not eat meat that day. Similar laws apply in all analogous situations.

5 Similarly, one is not liable for oaths involving exaggerations or unintentional oaths. What is meant by oaths involving exaggerations? A person saw vast armies and tall walls and he took an oath that "I saw the armies of King So-and-So and they are as vast as those who left Egypt," "I saw the wall of this-and-this city and it was as high as the heavens," or the like. He is exempt, because he did not resolve within his heart that this was the measure of the subject in question, no more and no less. His intent was only to describe the height of the wall or the multitude of the people.

6 What is meant by an oath taken inadvertently? With regard to a *sh'vuat hapikadon* or a *sh'vuat ha'edut*, it refers to a situation where the person

forgot about the entrusted article or the testimony. He is entirely exempt, as we explained.

With regard to an oath taken in vain, it refers to a situation where the person took an oath not to wear *tefilin*, but did not know that *tefilin* are a mitzvah. With regard to a false oath, it refers to a situation where the person took an oath that he did not eat and then remembered that he did in fact eat, he took an oath that he would not eat and then forgot and ate, he took an oath that he would not give any satisfaction to his wife because she stole his wallet or beat his son and afterwards, he found out that she did not steal it or beat him. Similar concepts apply in all analogous situations.

7 If so, what is a *sh'vuat bitui* taken inadvertently for which one is liable to bring an adjustable guilt offering with regard to the past? One took an oath that he did not eat although he knew that he in fact had eaten and he knew that it is forbidden to have taken this false oath, but he did not know that he is liable to bring a sacrifice for it. This is the inadvertent violation for which one is liable to bring an adjustable guilt offering for taking a *sh'vuat bitui* with regard to the past.

8 What is meant by an inadvertent violation for which one is liable for an adjustable guilt offering for breaking an oath involving the future? For example, one took an oath that he would not eat bread from wheat and forgot and thought that he had taken an oath that he would eat bread from wheat and then ate it. In this instance, he became unaware of the content of the oath although he remembered the article concerning which

he took the oath. This is an inadvertent violation of a *sh'vuat bitui* involving the future which obligates him to bring a sacrifice.

9 If, however, he took an oath that he would not eat bread from wheat and he ate bread from wheat thinking that it was made from barley, he is considered to have transgressed due to forces beyond his control and he is exempt. For he did not become unaware of the oath, but instead of the article concerning which he took the oath.

10 If he lost awareness of the oath he took and he lost awareness of the article concerning which he took the oath, he is not liable for a sacrifice.
What is implied? For example, one took an oath that he would not eat bread from wheat and thought that he had taken an oath that he would eat bread from wheat and ate bread from wheat thinking it was barley. He is not liable, because he became unaware of both the oath and the article it concerned. It is considered as if he he transgressed due to forces beyond his control.

11 The following laws apply if a person took an oath concerning a loaf of bread, swearing that he would not eat it and then suffered discomfort because of it. Should he eat the loaf because of his discomfort, because he thought that it is permitted for him to eat it because of discomfort, he is considered to have transgressed inadvertently. He is exempt from bringing a sacrifice, because he is not repenting because of his new knowledge. Instead, he knew that it was forbidden and ate it in error.

Chapter 4

1 When a person takes an oath that he will not eat anything on that day and he ate less than an olive-sized portion of food, he is not liable. For "eating" does not involve a quantity less than an olive-sized portion. It is as if he partook of less than the minimum measure of a *nevelah*, a *trefe*, or the like.

If he said: "[I am taking] an oath that I will not eat this substance," and he ate it, he is liable even if the substance concerning which he took the oath is one mustard seed or smaller.

2 If he took an oath that he would not taste anything and partook of even the smallest amount of food, he is liable.

3 When a person takes an oath that he will not eat on a specific day and drinks, he is liable, because [a prohibition against] eating includes drinking. Therefore, if he both ate and drank, he is liable only for one set of lashes if he acted willfully or one sin offering if he transgressed inadvertently.

4 When a person took an oath not to drink on a given day, he is permitted to eat, because [a prohibition against] drinking does not include eating. How much must he drink for him to be liable? It appears to me that he is not liable unless he drinks a *revi'it* as is the case with regard to other prohibitions.

5 When a person takes an oath that he will not eat on a particular day and

partook of many types of food, or he takes an oath that he will not drink on a particular day and partakes of many types of beverages, he is only liable once. Even if he said: "[I am taking] an oath that today I will not eat meat, bread, or beans," and he eats all [these types of food]. He is only liable once. All [of these foods] can be joined together to reach the measure of an olive-sized portion.

6 When a person takes an oath that he will neither eat nor drink and then eats and drinks, he is liable twice. Although drinking is included in eating, since he specifically said: "And I will not drink," he revealed his intention not to include drinking in eating. Thus it is as if he took an oath on this independently and this independently. Therefore he is liable twice.

7 Similarly, if a person said: "[I am taking] an oath that I will not eat bread from wheat, bread from barley, or bread from buckwheat," he is liable for each one individually if he partakes of them. He mentioned "bread" three times to make a distinction and cause him to be liable for each one individually.

8 [The following laws apply when a person's] colleague was persistently imploring him to eat at his [home], telling him: "Come and drink with me, wine, milk, and honey." If he answers: "[I am taking] an oath that I will not drink wine, milk, and honey," he is liable for each one individually if he partakes of them. [To be liable only once,] he should have said: "[I am taking] an oath that I will not drink anything," or "... [that I will not drink] what you said." Since he repeated the phrase,

stating each one individually, he revealed his intention that he obligated himself with an oath for each and every type [of beverage] individually. Therefore [the beverages] are not combined with each other [to reach the minimum measure] and the person is liable only when he eats the minimum measure from each one individually. Since a sin offering is required for each one individually, they are like fat and blood which cannot be combined for [the measure of] an olive-sized portion as explained in *Hilchot Ma'achalot Assurot*.

9 [When one says: "I am taking] an oath that I will not eat this loaf," or "...that I will not eat it," once he eats an olive-sized portion of it, he is liable. [If he says:] "[I am taking] an oath that I will not eat it up," he is not liable until he eats the entire loaf.

If he says: "[I am taking] an oath that I will not eat this loaf; [I am taking] an oath that I will not eat it up," should he eat it, he is liable only once.

10 Similarly, if one said: ["I am taking] an oath that I will not eat today," and then took an oath concerning a loaf that he would not eat it up, [even though] he eats the entire [loaf] that day, he is not liable only once. Similar laws apply in all analogous situations. [The rationale is that] an oath does not take effect when another is already in effect.

If, however, one took an oath that he would not eat up a loaf and afterwards, took an oath that he would not eat anything or that he would not eat this loaf, he is liable twice. [The rationale is that] at the time he took the oath that he would not eat it up, he would not be liable unless he ate the entire loaf. Thus when he took a second oath that he would not

eat anything or that he would not eat the loaf, he is liable [for the latter oath,] when he eats an olive-sized portion. And when he eats the entire [loaf], he is liable for his first oath.

11 [When a person takes] an oath not to eat figs and afterwards, takes an oath not to eat figs and grapes, he is liable twice for [eating] figs. [The rationale is that] he included the figs which were forbidden in the first oath with grapes that were permitted. Since the second oath took effect with regard the grapes, it also took effect with regard the figs and he becomes liable for two oaths, as we explained in *Hilchot Ma'achalot Assurot*.

12 [If one said: "I am taking] an oath that I will not eat eight [of this item]," "...an oath that I will not eat nine," and "...an oath that I will not eat ten," he is liable only once whether he ate eight, nine, or ten.

13 [If one said: "I am taking] an oath that I will not eat ten," "...an oath that I will not eat nine," and "...an oath that I will not eat eight," if he eats ten, he is liable three times, one for each oath. Similarly, if he eats nine, he is liable twice. If he eats eight, he is liable once.

14 [The following rules apply when a person says: "I am taking] an oath that I will not eat figs," and then takes another oath that he will not eat figs and grapes together. If he forgot, ate figs, and set aside a sacrifice, afterwards, forgot, and ate grapes, he is not liable for the grapes. [The rationale is that] this is like half the measure [for which one is liable] and one does not bring a sacrifice for half the measure.

15 Similar [laws apply if] one took an oath that he would not eat ten, and then took an oath that he would not eat ten and nine. If he ate ten, separated a sacrifice, and then forgot and ate nine, this is like half the measure and one does not bring a sacrifice for half the measure. For the final oath concerned not eating nineteen.

16 [When a person says: "I am taking] an oath that I will not eat this large loaf if I eat this small loaf," if he forgets this stipulation when he eats the smaller loaf and afterwards willfully eats the larger [loaf], he is liable [for lashes].

17 If he ate the small one while he remembered the stipulation and knew that by eating it, the larger one would become forbidden and then forgot and ate the larger one while thinking that it was not forbidden yet, he is exempt. If he ate both of them unintentionally, he is exempt. [If he ate them] both willfully, he is liable, regardless of whether he ate the larger one first or last.

18 Similarly, if he made the two loafs dependent on each other, taking an oath saying: "[I am taking] an oath that I will not eat one of these [loaves] if I eat the other." If he forgot the stipulation and ate one of them and then willfully ate the other, he is liable.

19 If he ate the first one willfully, but the second one inadvertently, he is exempt. [If he ate them] both willfully, he is liable.

20 [When a person says: "I am taking] an oath that I will eat this loaf today,"

and the day passes without him eating it, should he have acted unintentionally, he must bring an adjustable guilt offering. If he acted willfully, he is not liable for lashes, because he did not perform a deed, even though he violated [the prohibition against] taking a false oath.

21 Why is a person who took an oath that he ate liable for lashes [if] he did not eat and one [who took an oath] that he did not eat [liable] if he did eat, even though he did not perform a deed. Because at the time he took the oath, he was taking a false oath. If, however, a person takes an oath that he will perform [a particular activity], it is not a false oath at the time it was taken.

22 [The following laws apply when] a person tells a colleague: "[I am taking] an oath that I will not eat at your [home]," or [his colleague] was persistently imploring him to eat at his [home] and he refuses. If he takes an oath and says: "My oath [will take effect] if I eat at your [home]," or if he says: "There will be no oath if I do not eat at your [home]," these all bring about prohibitions. [It is considered that] he took an oath that he would not eat at his [home]. If he used all of these expressions [together] and transgressed and ate, he is only liable once.

Chapter 5

1 When a person takes an oath that so-and-so threw a stone into the sea and he did not do so, or [he took an oath that] he did not throw it and he did, he is liable for taking a [false] *sh'vuat bitui*. [This applies] even though

there is no [possibility of him taking such an oath] with regard to the future. For he cannot take an oath that so-and-so will throw [an article] or will not throw it.

[Indeed,] any person who takes an oath with regard to other people's [conduct - that they will or will not perform a particular activity is not liable for taking a [false] *sh'vuat bitui*. [This applies even if the person concerned] is his son or wife. For it is not within his potential to keep or nullify the oath. He is given stripes for rebellious conduct since it is not within his potential to keep this oath. Thus he is causing an oath to be taken in vain.

2 Why isn't he liable for lashes for taking an oath in vain? For it is possible for those other people to heed his [words] and keep his oath. Thus when he is given a warning at the time he takes the oath, the warning is of doubtful status. In such an instance, one is not given lashes because of it unless the prohibition is explicitly stated in the Torah, as will be explained in *Hilchot Sanhedrin*. Other people are not bound to fulfill the words of the person who took the oath unless they responded *Amen*, as we explained.

3 If they fulfilled his words, they are praiseworthy, for [in this manner,] they did not habituate [the person who took the oath] to take an oath in vain.

4 When does the above apply? When he took an oath concerning a matter that was not in his domain. For example, Reuven took an oath that Shimon would not go on a commercial journey, not eat meat, or the like.

[Different laws apply,] however, should Reuven take an oath that Shimon may not enter his home and may not derive any benefit from his property. If Shimon transgressed and entered Reuven's house and benefited from his property without Reuven's knowledge, Reuven is exempt, for [his oath was violated] due to forces beyond his control. Shimon is liable, for he performed a deed prohibited to him. For Reuven took an oath only with regard to a matter within his property. Similar laws apply in all analogous situations.

5 [When a person says: "I am taking] an oath that I will not eat," and he ate, but he ate articles that were not fit to be eaten or drank beverages that were not fit to be drunk, he is exempt. If he partook of foods that are forbidden to be eaten by the Torah, for example, he ate an olive-sized portion of a *nevelah,* a *trefe*, teeming animals, or creeping animals, he is not liable for a [false] *sh'vuat bitui*.

[When a person says: "I am taking] an oath that I will eat," and he ate articles that were not fit to be eaten or drank beverages that were not fit to be drunk, or he partook of a *nevelah,* a *trefe*, or the like, he is not liable for a false *sh'vuat bitui*. He is considered to have fulfilled [his commitment to] eat. Since they are important in his eyes, eating them is considered as eating.

6 [When a person said: "I am taking] an oath that I did not eat," and he ate articles that were not fit to be eaten or he partook of a *nevelah* or a *trefe*, he is liable. Eating them is considered eating, because they are important to him, as evidenced by his having eaten them. With regard to the future,

by contrast, i.e., he took an oath that he would not eat and then in an extraordinary instance, he ate them, this is not considered eating, as we explained [above].

7 [When a person says: "I am taking] an oath that I will not eat even the slightest amount of a *nevelah* or a *trefe*," and he ate less than an olive-sized portion, he is liable for taking a [false] oath, for he is not bound by an oath from Mount Sinai for half the measure [which makes him liable].

8 [When a person says: "I am taking] an oath that I will eat even less than an olive-sized portion of a *nevelah* or a *trefe*," he may be liable for taking a false *sh'vuat bitui*.

[When a person says: "I am taking] an oath that I will not eat earth and the like from substances that are not fit to be eaten," if he eats an olive-sized portion, he is liable. If he ate less than an olive-sized portion, there is a doubt [concerning the ruling]. Perhaps he is liable even for [eating] the smallest amount. Since these substances are not usually eaten so that a full measure must be eaten [for him to be held liable].

9 Similarly, when one takes an oath that he would not eat grape seeds and he eats less than an olive-sized portion, there is a doubt [concerning his liability]. If the one taking the oath was a nazirite who is forbidden to eat an olive-sized portion of grape seeds, he is not liable for a [false] *sh'vuat bitui* if he ate less than an olive-sized portion. [The rationale is that] his intent in taking the oath is only concerning the olive-sized portion for which he is already liable and [hence] the oath does not take effect.

Therefore if one said: "[I am taking] an oath that I will not eat even one grape seed," and ate it, he is liable.

10 [When a person says: "I am taking] an oath that I will not eat dates, a *nevelah* or a *trefe*," and he ate an olive-sized portion of a *nevelah* or a *trefe*, he is liable also for [taking] a [false] *sh'vuat bitui*. For he included forbidden entities together with permitted entities. Since the oath took effect with regard to the dates, it also takes effect with regard to the forbidden entities, as we explained.

11 If, however, a person took an oath that he would not eat a *nevelah*, a *trefe*, or the like, regardless of whether he partook of [the forbidden substance] or not, there is no obligation for an oath at all, neither a *sh'vuat bitui*, nor an oath taken in vain.

12 When a person takes an oath that he will partake of a *nevelah*, a *trefe*, or another similar substance forbidden by the Torah, he is liable for lashes for taking an oath in vain whether he partook of the substance or not.

13 [When a person says: "I am taking] an oath that I will eat this loaf. [I am taking] an oath that I will not eat it," the second oath is an oath taken in vain, for he is commanded to eat it. He is liable for lashes for the second oath whether he partakes of [the loaf] or not. If he does not eat it, he is liable also for [not fulfilling] a *sh'vuat bitui*.

14 [When a person says: "I am taking] an oath that I will not eat this loaf. [I am taking] an oath that I will eat it," the second oath is an oath taken in

vain, for he is forbidden to eat it. He is liable for lashes for the second oath whether he partakes of [the loaf] or not. If he eats it, he is liable also for [not fulfilling] a *sh'vuat bitui*.

Similarly, whenever one takes an oath to neglect a mitzvah and does not neglect it, he is exempt for [violating] a *sh'vuat bitui*. He is, however, liable for lashes for taking an oath in vain. He should perform the mitzvah that he took an oath to neglect.

15 What is implied? For example, a person took an oath that he would not make a *sukkah*, he would not put on *tefillin*, he would not give charity, he is liable for lashes for taking an oath in vain. Similarly, [one is liable] if he takes an oath for a colleague that he will not give testimony that he knows or that he will not testify if he will know testimony, for he is commanded to testify. Similarly, if he tells a colleague: "[I am taking] an oath that I will never know testimony concerning you," it is an oath taken in vain, for it is not within his capacity [to be certain] that he will never know of testimony concerning him. Similar laws apply in all analogous situations.

16 When a person takes an oath to fulfill a mitzvah and fails to fulfill it, he is not liable for not fulfilling a *sh'vuat bitui*.

What is implied? A person took an oath to make a *lulav* or a *sukkah*, to give charity, or to testify on behalf [of a colleague] if he knew testimony [that could affect him]. If he did not make [these articles], give [the charity], or testify, he is exempt for [not fulfilling his] *sh'vuat bitui*. For a *sh'vuat bitui* takes effect only with regard to matters left to one's choice - [i.e., matters that] if he wants to, he may perform and if he does not want

to, he need not perform, as implied by [**Leviticus 5:4**]: "whether he will do harm or do good."

Therefore whenever anyone takes an oath to harm another person, he is exempt from a *sh'vuat bitui*, e.g., he takes an oath to strike so-and-so, to curse him, steal his money, or deliver him to the control of a man of force. [The rationale is that] he is commanded not to do [these things]. It appears to me that he is liable for lashes for taking an oath in vain.

17 If a person took an oath to harm himself, e.g., he took an oath to inflict injury upon himself, the oath takes effect even though he is not allowed to do so. If he does not harm himself, he is liable for [not fulfilling] a *sh'vuat bitui*.

If he took an oath to help others with regard to a matter with which he could help them, e.g., to speak to the ruling authorities or to show him honor, the oath takes effect. If he transgresses and does not carry out [his promise], he is liable for [not fulfilling] a *sh'vuat bitui*.

18 One who takes an oath not to eat matzah for a year or two is forbidden to eat matzah on the nights of Pesach. If he eats it, he is liable, for violating a *sh'vuat bitui*. This is not considered as an oath taken in vain, since he did not take an oath [specifically] not to eat matzah on the nights of Pesach. Instead, he included the times when eating matzah is a matter of choice together with those when it is a mitzvah. Since the oath takes effect with regard to the other days, it also takes effect with regard to Pesach. Similar laws apply in all analogous situations, e.g., one took an oath not to sit in the shade of a *sukkah* forever, or not to wear a garment for a year or two.

19 If one took an oath that he put on *tefillin* that day or did not put them on, or wrapped himself in *tzitzit* or did not wrap himself in them, he is taking a *sh'vuat bitui* with regard to the past. For he is describing something which happened. He is not taking an oath whether to fulfill or not to fulfill a mitzvah.

20 If a person took an oath that he will not sleep for a three-day period, he will not eat for seven days, or the like, it is an oath taken in vain. We do not say that the person should remain awake until he is overcome by pain or fast until he is overcome by pain and [only] when he no longer has the strength to bear [the suffering], eat or sleep. Instead, he is liable for lashes immediately for taking an oath in vain. He may eat and sleep whenever he desires.

21 When a person takes an oath that he saw a camel flying in the sky and when questioned: "How could you have taken an oath in vain?", he responded: "I saw a huge bird and because of its size, I called it a camel. This was my intent," [his words] are of no consequence. For when all people mention a camel that is their intent. His intention is nullified because of that of people at large and he is liable for lashes. Similar laws apply in all analogous situations.

22 It is a known matter to the sages who are masters of wisdom and knowledge that the sun is 170 times greater than the earth. [Nevertheless,] if one of the common people takes an oath that the sun is greater than the earth, he is not liable for taking an oath in vain. For even though this is

the fact, this concept is not known to people at large, only to great sages. One is liable [for an oath taken in vain] only when he takes an oath concerning a matter that is known and obvious to three ordinary people, e.g., [an oath that] a man is a man or a stone is a stone.

Similarly, when he takes an oath that the sun is smaller than the earth, he is not liable for lashes [for an oath taken in vain] although this is not the reality. For this matter is not known to all people. Such a person is not comparable to one who takes an oath that a man is a woman. For he took the oath according to his perception, for the sun looks small. Similar laws apply to other comparable concepts from the reckoning of the factors determining the calendar, astronomy, geometry, and other abstract concepts of the like that can be perceived only by other people.

Chapter 6

1 [The following rules apply when] a person took a *sh'vuat bitui* and [then] regretted having taken the oath. If he sees that he will suffer if he upholds this oath and his intent changes or a factor occurred that was not in his intent originally when he took the oath and he changed his mind because of this, he may appeal [to be released from his oath] from one sage - or from three ordinary people in a place where there are no sages. His oath is repealed and he is permitted to perform the matter that he took the oath not to do or not to do the matter that he took an oath to do. This is called the release of an oath.

2 This provision has no source in the Written Law. Instead, we learned from

Moses our teacher through the Oral Tradition that the phrase [**Numbers 30:3**]: "He should not desecrate his word" means that he himself should not abuse it in a frivolous and brazen manner, as [**Leviticus 19:13**] states: "[For] you will desecrate the name of Your God." Nevertheless, if a person changed his mind and retracted, a sage may release him [from the oath].

3 It is not possible for a person to release himself from his own oath. A person does not have the license to release an oath or a vow in a place where there is a person whose knowledge surpasses his own. In a place where his teacher is found, he may only release a vow with the consent of his teacher.

4 The person who took the oath - whether male or female - must himself come before the sage to be released. He may not appoint an agent to seek that he be released from his vow. A husband may, however, become an agent to express his wife's regret and we release [the oath] for her. [This applies] provided the three judges had already gathered together. He should not, however, gather them together at the outset to release her [oath]. Nor may he serve as an agent to have his wife's vow released.

5 How do we release [an oath]? The person who took the oath must come before the distinguished sage or three ordinary people if there is no expert. He says: "I took an oath concerning this and this and I have changed my mind. If I knew that I would feel such discomfort concerning this, I would not have taken the oath. If, at the time of the oath, my understanding was as it is now, I would not have taken the oath."

The wise man or the foremost among the three asks: "Have you already changed your mind?"
He answers: "Yes."
He then tells him: "It is permitted for you," "It is released for you," "It is absolved for you," or the like with this intent in any language.
If, however, he says: "[The oath] is nullified for you," "Your oath is uprooted," or anything with that intent, his statements are of no consequence, because only a husband or a father can nullify an oath. A sage, by contrast, may use only an expression conveying release or absolution.

6 Relatives are acceptable to release vows and oaths. [Oaths and vows] can be released at night and while standing, for this release is not a judgment.
For this reason, one may request a release of an oath or a vow on the Sabbath if it is necessary for the Sabbath, for example, to release his oath so that he can eat and drink today. Even if the person had the opportunity to have his oath or vow released before the Sabbath [and did not], he may have it released on the Sabbath, because it is necessary for the Sabbath.

7 When Reuven administered an oath to Shimon and [Shimon] answered *Amen* or accepted the oath, if Shimon [later] regrets the oath and asks for it to be released, it should not be released except in the presence of Reuven who administered it to him.
Similarly, if Reuven took an oath or a vow not to benefit from Shimon or that Shimon may not benefit from him and changed his mind and appealed to a sage [for the oath or vow to be released], we do not release

him from it except in the presence of Shimon from whom he had vowed not to benefit. Even if Shimon was a minor or a gentile, [the oath or vow] is released only in his presence so that the person concerning whom the vow was taken will know that the person had his vow or oath released and thus he will benefit from him.

8 Both a person who took an oath in private and one who took one in public - even one who took an oath in God's ineffable name, [swearing] by God, the Lord of Israel - may appeal for a release of his oath if he changes his mind.

If, however, one took an oath or a vow based on the understanding of many others, it may not be released except for a purpose associated with a mitzvah.

9 What is implied? One took an oath and made his oath dependent on the understanding of others that he would not benefit from so-and-so at all and the people of that city needed someone to teach them the Torah, to circumcise their sons, or to perform ritual slaughter on their behalf and they only found this person, he may ask a sage or three ordinary persons [to release him from his oath]. We release his oath. He may perform these mitzvot on their behalf and he may receive his wage from the people concerning whom he had taken an oath that he would not benefit from them.

10 [The following laws apply when] a person took an oath, did not regret it, and came to the court to carry out his oath. If the judges saw that

releasing this oath will lead to a mitzvah and to peace between a husband and his wife or between a man and his associates and carrying it out will lead to transgression and strife, they encourage him [to take] the option [of having the oath released]. They discuss the matter with him, pointing out the consequences of his oath until he regrets [having taken it]. If he changes his mind because of their words, we release his oath. If he does not change his mind and persists in his stubbornness, he must carry out his oath.

11 What is implied? A person took an oath that he would divorce his wife, that Jews would not benefit from his property, that he would not eat meat or drink wine for thirty days or the like, they tell him: "My son, if you divorce your wife, you will cause malicious gossip to circulate concerning her children [for people] will say: 'Why was their mother divorced?' In the future, they will be called: 'the children of the divorcee.' [Moreover,] perhaps she will marry someone else and you will never be able to remarry her" and the like.

[And they say:] "The oath you took that Jews should not benefit from your property [is not to your advantage]. Tomorrow, someone may be in need and [by maintaining your oath,] you will violate [the commandments]: "And your brother will live with you and you shall support him" [**Leviticus 25:35-36**] and "You shall surely open [your hand to him" [**Deuteronomy 15:8**].

[And they say:] "The oath you took not to eat meat or drink wine for thirty days [is not to your advantage]. [Within that time,] you will encounter a festival and nullify the happiness of the festivals and the

pleasure of the Sabbath."

If he says: "Were I to have known this, I would not have taken the oath," we release him [from the oath]. If he says: "Nevertheless, I have not changed my mind and I desire all of this," we do not release him [from the oath].

12 We do not encourage one [to take] the option [of having the oath released] because of something that had not occurred [at the time the oath was taken].

What is implied? One took an oath not to derive benefit from so-and-so and that person became the city scribe. Since the person did not regret taking the oath, we do not encourage him [to take] the option [of having the oath released]. Even if he himself said: "If I knew that [he would be given this position], I would not have taken this oath," we still do not release him from it. For he does not regret [having taken the oath]. Instead, his desire is that he should not derive benefit from him, but that person not to be appointed the scribe. If, however, on his own initiative, he regretted because of what took place and his intent changed, we do release the oath. Similar laws apply in all analogous situations.

13 When a person takes an oath concerning a matter and then takes a [second] oath that he will never ask to have the [first] oath repealed, [if] he changes his mind, he must first ask that the second oath - that he would never ask to have the oath repealed - be repealed. Afterwards, he may ask that the first [oath] be repealed.

14 [The following laws apply if] one took an oath that he would not speak to so-and-so and afterwards, took an oath that if he asks for the repeal of this oath and has it released, he will be forbidden to drink wine forever. If he changes his mind, he must first ask for the repeal of the first oath and have it released. Afterwards, he may ask for the repeal of the second oath. For we may not have a vow or an oath repealed before it takes effect. Accordingly, if during Nisan, a person took an oath that he will not eat meat for thirty days beginning at Rosh Chodesh Iyar, [should] he change his mind, he may not have the oath repealed until [the month of] Iyar begins.

15 If a person takes an oath that he will not benefit from so-and-so and that he will not benefit from the sage who releases him from this oath, first he must ask for the repeal of the first [oath] and then for that of the second.

16 If a person takes an oath that he will not benefit from so-and-so and that he will become a nazirite if he asks for the repeal of this oath, first he must ask for the repeal of his oath and then for that of his nazirite vow. Similar laws apply in all analogous situations.

17 [The following rules apply when a person says:] "I am taking [an oath that I will not eat today, [I am taking] an oath that I will not eat today, [I am taking] an oath that I will not eat today," or "With regard to this loaf, [I am taking] an oath that I will not eat it, [I am taking] an oath that I will not eat it, [I am taking] an oath that I will not eat it." If he asks for the repeal of the first oath and it is released, he is, nevertheless, liable for the

second oath. Similarly, if he asks for the repeal of the second oath, he is liable for the third oath. If he asks for the repeal of only the third oath, he is liable for the first and second. [Similarly,] if he asks for the repeal of the second oath, he is liable for the first.

If so, what is the meaning of the statement: "An oath cannot take effect [when the matter it concerns is already forbidden] by an oath"? That if the person did not repeal [any of] the oaths and ate [the forbidden article], he would be liable only once, as we explained.

18 When a person takes a *sh'vuat bitui* regarding the future and violated his oath, e.g., he took an oath that he would not eat a loaf of bread and ate it, if he changes his mind, he may ask a sage to repeal it after eating it before bringing his sacrifice if he [ate it] inadvertently or before he was lashed if he did so willingly. [If the sage] releases the oath, he is exempt from the sacrifice or from the lashes. Moreover, even if they bound him [in preparation for lashes], he asked for the repeal of the oath and it was released before they began to administer lashes, he is exempt.

Chapter 7

1 When a person issues a financial claim against a colleague which would require the latter to pay were he to admit [liability] and [the colleague] denies [his obligation] and takes an oath or the plaintiff administers an oath to him and he denies [any obligation]. [If he is lying,] the defendant is liable for an oath concerning a *sh'vuat hapikadon*.

[The above applies] even if [the defendant] does not respond *Amen*. For

with regard to a *sh'vuat hapikadon*, one is liable whether he took the oath on his own initiative or another person administered the oath to him and he denied [any obligation], even though he did not respond *Amen*. For denying the claim after the plaintiff administered the oath is equivalent to responding *Amen*.

2 [This does not apply] when [the plaintiff] lodges a claim which if acknowledged by the defendant, i.e., if he would admit that it is true, would not require him to make payment, e.g., he lodged a claim concerning a *k'nas*. For a person is not required to pay a *k'nas* based on his own admission. [In such an instance,] if a person denied [an obligation], he is exempt from a *sh'vuat hapikadon*, but liable for a *sh'vuat bitui*.

3 Similarly, if [the plaintiff] lodged a claim concerning landed property, a servant, or a promissory note, and [the defendant] denied [the claim] and took an oath, he is exempt from a *sh'vuat hapikadon*, but liable for a *sh'vuat bitui*, for he took a false oath.

4 Why is one [who took an oath concerning such claims] exempt from [the obligations of a false] *sh'vuat hapikadon*? Behold, were he to have acknowledged [his obligation], he would have been held liable and [required] to pay what he denied. Because [**Leviticus 5:21-22**] states: "Concerning an entrusted object, a [financial] deposit, a robbery; he oppressed his colleague, or discovered a lost object." All of this concerns movable property which if he would admit his liability he would have to make financial restitution from his own domain.

This excludes landed property for it is not movable property. For landed property is always revealed before its owner and is always in their possession. [Similarly,] it excludes servants, for an equation is established between servants and landed property. And it excludes promissory notes, for their actual substance is not of financial value.

5 [The above laws apply] whether one took an oath after the plaintiff lodged a claim against him or whether he took it on his own initiative even though a claim was not lodged against him.
What his implied? He took the initiative and said: "Why are you following me? Do I have any money belonging to you? I am taking an oath that I am not in possession of any of your money." Since he denied [an obligation] and took an oath, [he is liable,] even though [the plaintiff] did not lodge a claim against him.

6 [One is liable] whether he took an oath to the person to whom he owes the money or to his agent who was given power of attorney. For a person's agent is equivalent to his own self.

7 One is not liable for a *sh'vuat hapikadon* unless he requires him to take an oath in a language that he understands.

8 When a person consciously takes a *sh'vuat hapikadon*, even though he takes a false oath and is warned by witnesses at the time he takes the oath, he is not liable for lashes, but instead must merely bring a guilt offering. For the Torah excluded him from those who are liable for lashes and obligated him to bring a guilt offering whether he transgressed willfully or

inadvertently, as we explained.

9 If one denied [an obligation] and took an oath [concerning it] four or five times or the plaintiff administered an oath to him four or fives times and he denied each one of them, he is liable for a guilt offering for each individual oath. [This applies] whether this took place in a court or outside the court.

[The rationale is that] were he to have admitted his obligation after making his denial, he would be liable to make restitution even though he made the denial in a court. Thus with each denial, he is making himself exempt from payment. Hence, he is liable for each individual oath.

10 If five different people were lodging claims against him and telling him: "Give us the entrusted article of ours that you have in your possession," and he responds: "[I am taking] an oath that I do not have anything of yours in my possession," [should his oath be false,] he is liable for only one sacrifice.

[If he answers: "I am taking] an oath that I don't have anything of yours, or of yours,... or of yours, in my possession," he is liable for each [statement].

11 If his colleague told him: "Give me the entrusted object, [financial] deposit, stolen object, and lost object [of mine], that you have in your possession," and he responds: "[I am taking] an oath that I do not have anything of yours in my possession," [should his oath be false,] he is liable for only one [sacrifice]. Even if the total of all the claims is [merely] a

p'rutah, they are all included together and he is liable.

12 [If he answers: "I am taking] an oath that I don't have an entrusted object, [financial] deposit, stolen object, and lost object of yours in my possession," he is liable for each [statement].

13 [If the plaintiff says:] "Give me the wheat, barley, and buckwheat of mine that you have in your possession," and [the defendant responds]: "[I am taking] an oath that I do not have anything of yours in my possession," [should his oath be false,] he is liable for only one [sacrifice]. [If he answers: "I am taking] an oath that I don't have any wheat, barley, and buckwheat of yours in my possession," he is liable for each [statement].

14 If five different people were lodging claims against him and telling him: "Give us the entrusted article, [financial] deposit, stolen object, and lost object [of mine], that you have in your possession," and he responds to one of them: "[I am taking] an oath that I don't have an entrusted object, stolen object, lost object, and [financial] deposit of yours, or of yours,... or of yours in my possession," he is liable for each claim [made] by each individual. Thus he is liable for 20 guilt offerings.

15 If [the defendant] claims that he lost an entrusted object or denies [receiving it], he took an oath, and afterwards admitted [that it was in his possession], and then claimed that it was lost, took an oath, and then admitted [that it was in his possession], he must pay the principal and an additional fifth for each oath that he took. [This is derived from **Leviticus 5:24** which literally translates as] "its fifths," [implying that] the Torah

took into account several fifths for [one sum of] principal.

What is implied? The principal was [worth] four [*zuz*]. One denied [receiving an entrusted article], took an oath, and then admitted [that he possessed it]. Afterwards, he claimed that it was lost, took an oath and then made a second admission, and then claimed that it was lost, took an oath and then made an admission another time. He is required to pay seven [*zuz*]. Similar laws apply in all analogous situations.

16 A value less than a *p'rutah* is not considered as financially significant. Hence, if a person lodges a claim against a colleague for less than a *p'rutah* or for articles worth less than a *p'rutah* and [the defendant] denied the obligation and took an oath, he is exempt with regard to a *sh'vuat hapikadon* and liable for a *sh'vuat bitui*.

Chapter 8

1 A person is exempt [from liability for] a *sh'vuat hapikadon* [in the following situation]: He stole an ox belonging to a colleague and slaughtered it or sold it. His colleague lodged a claim against him, telling him: "You stole my ox and you slaughtered it or sold it." [The defendant] responded: "I stole it, but did not slaughter it or sell it" and took an oath to support his claim.

[The reason for his exemption is that] were he to have acknowledged that he slaughtered or sold [the ox] on his own accord, he would not have been required to pay four and five times its worth for this is a fine, as explained in *Hilchot Genevah*. Thus it is as if he did not deny a financial obligation.

Therefore he is exempt [from liability for] a *sh'vuat hapikadon*, but liable for a *sh'vuat bitui*, for he took a false oath, saying that he did not slaughter [the ox], when [in fact] he did.

2 Similarly, a person is exempt [from liability for] a *sh'vuat hapikadon* [in the following situations]. A person lodged a claim against him saying: "Your ox killed my servant," and he denied the incident and took an oath. A servant lodged a claim against his master saying: "You knocked out my tooth" or "You blinded my eye." For if he acknowledged the claim, he would not be obligated to pay because it is a fine. He is, however, liable for a *sh'vuat bitui*. Similar laws apply in all analogous situations.

3 When a person lodges a claim against a colleague concerning a matter that involves both a fine which he would not be obligated to pay if he admits his liability on his own initiative as explained [above] and a financial claim which he is liable to pay on his own admission, he denies the entire claim, and takes an oath, he is liable for a *sh'vuat hapikadon*.

What is implied? A person lodged a claim [against a colleague,] telling him: "You raped or you seduced my daughter." [The defendant] responded: "I did not rape or seduce her" and took an oath to this effect, he is liable for a *sh'vuat hapikadon*. For although he would not be required to pay the fine were he to have admitted [his guilt], he is obligated to pay for the embarrassment and damages even on his own admission.

Similarly, if a person tells a colleague: "You stole my ox," and he says, "I did not steal it" and takes an oath, he is liable for a *sh'vuat hapikadon*. Although he would not obligated to make the double payment [for a

stolen object] on the basis of his own admission, he would be obligated to pay the principal on the basis of his own admission.

4 When a person tells a colleague: "You inflicted a wound upon me," and [the defendant] denies it, or "Your ox killed my ox," and [the defendant] denies it, taking an oath, [the defendant] is liable for a *sh'vuat hapikadon*. Had he admitted [his act], he would be obligated to make restitution.

5 [A watchman] is not liable for a *sh'vuat hapikadon* [in the following instance]: A person entrusted his ox to an unpaid watchman, the ox died, and he lodged a claim against the watchman, saying: "Where is the ox I entrusted to you?" The watchman responded: "You did not entrust anything to me," "You entrusted it, but it was stolen," or "...lost" and took an oath [to that effect]. [The rationale is] that had he admitted and related the matter as it occurred, he would not have been liable to make financial restitution, because he is an unpaid watchman. He is, however, liable for a *sh'vuat bitui*, for he took a false oath. Similar laws apply in all analogous situations.

6 [Similarly, a person] is not liable for a *sh'vuat hapikadon* [in the following instance]: A person lent his ox to a colleague and then demanded its return, saying: "Where is the ox you borrowed from me?" Now the ox had died, but the borrower said: "It was stolen" or "...lost" and took an oath to this effect. [The rationale is that] he did not free himself from making restitution by his denial and is nevertheless liable to pay whether the animal died, was stolen, lost, or taken captive because he was a borrower,

as will be explained in the appropriate place. He is, however, liable for a *sh'vuat bitui*, for he took a false oath. Similar laws apply in all analogous situations.

7 This is the general principle: Whoever does not free himself from financial responsibility unless he makes this denial is liable for a *sh'vuat hapikadon* if he takes an oath. [This applies] whether he took the oath on his own initiative or the plaintiff administered the oath and he stated his denial even though he did not answer *Amen* nor utter the oath himself.

8 [A thief] is liable for a *sh'vuat hapikadon* [in the following instance]: He stole his colleague's ox. [The colleague] demanded payment, telling him: "You stole my ox."
[The thief] responded: "I did not steal it."
Why, then, is it in your possession?"
"You entrusted it to me [for safekeeping]" and he took an oath to that effect.
[The rationale is that] had he admitting stealing it, he would have been liable to pay the value in any case. By saying now that it is an entrusted object, he exempts himself from liability for theft and for loss, i.e., were the ox to be lost or stolen after this admission, he is not obligated to pay.

9 Similarly, if he were to claim that he rented it and took an oath to that effect, he is liable for a *sh'vuat hapikadon*, for he freed himself for liability in the cases of injury or death. Similarly, if he claimed: "You lent it to me" and took an oath to that effect, he is liable for a *sh'vuat hapikadon*, for he

freed himself for liability if it dies while performing its work, as will be explained in *Hilchot Sheilah*.

10 Therefore if one says: "I did not steal it. Instead, you entrusted it to me...", "...hired me to watch it...", or "...lent it to me. Here is your ox. Take it." If he took an oath to that effect, he is not liable for a *sh'vuat hapikadon*, for he admitted owing the principle and did not exempt himself from any liability with this denial.

11 Similarly, he is not liable for a *sh'vuat hapikadon* if he uses any of the following excuses and takes an oath to that effect: "You sold it to me, but I have not paid for it yet. If you want, take the money for it. If not, here is your ox," "You gave it to me as payment for work which I will perform for you. If you desire, I will perform the work. If you do not desire, take it and depart," "I found it wandering on the road and did not know that it was yours. Now that I know, take it and depart," or "It chased after my ox. Here, it's yours." He is, however, liable for a *sh'vuat bitui*, for he took a false oath.

12 When a person is financially obligated to two partners, one demands payment from him, he denies his obligation and takes an oath, he is liable for a *sh'vuat hapikadon* for he denied a financial obligation. If they both demanded payment from him and he admitted the entire obligation to one of them, but said: "I borrowed only from this one," should he take an oath to this effect, he is not liable for a *sh'vuat hapikadon*, for he did not free himself from any liability. He is, however, liable for a *sh'vuat bitui*.

13 Similarly, if there was a person who owed a debt supported by a promissory note, but he denied it and took an oath to that effect, he is not liable for a *sh'vuat hapikadon*. [The rationale is that because of] the promissory note, [the person's] landed property is placed under lien. Thus the person is denying [an obligation involving] landed property. And as we have already explained, a person who denied a claim involving landed property is not liable for a *sh'vuat hapikadon*. He is, however, liable for a *sh'vuat bitui*, for he took a false oath.

14 If a person owed a debt to which there were witnesses, he denied [his obligation], and took an oath [to that effect], he is liable for a *sh'vuat hapikadon*. For by denying his obligation, he freed himself from the liability of paying immediately. When the witnesses will come, he will be obligated to pay and thus his denial will not be effective. It is, however, effective in that perhaps the witnesses will not come, they will come and their testimony will not be substantiated, or they will be disqualified. Therefore he is liable.

Chapter 9

1 When a plaintiff demands that witnesses testify concerning a matter that through their testimony alone will obligate the defendant to pay this plaintiff a financial claim involving moveable property, [the witnesses] denied [knowing] testimony and took an oath to this effect - whether in a court of law or outside of it - they are liable for *sh'vuat haedut*, for they caused the plaintiff a financial loss through their denial.

Similarly, if the plaintiff administered an oath to them and they denied the matter, [they are liable] even though they did not take an oath or answer *Amen* to the oath he [administered]. Since they denied the matter, they are liable, provided he administered the oath to them in court.

2 The witnesses are not liable for a *sh'vuat haedut* unless they deny [knowing testimony] in court. Whether they took the oath or the oath was administered to them in court or outside the court, the denial must be in court alone, as [can be derived from **Leviticus 5:1**]: "If he will not testify, he will bear his sin." [Implied is that] in the place he will testify and [that testimony] will have an effect, there, if he does not testify, he will be liable.

3 When the plaintiff demands [that the witnesses] testify concerning a claim that does not involve a financial obligation, concerns landed property, servants, or promissory notes, they deny [knowing testimony], and take an oath to that effect, they are not liable for a *sh'vuat haedut*. For they are liable when denying testimony concerning financial claims that resemble an entrusted object, a [financial] deposit, a robbery, or a lost object which the verse mentions in this passage. This refers to moveable property which is itself of financial worth that were they to testify on [the plaintiff's] behalf, [the defendant] would have to pay.

4 Similarly, when one administers an oath to witnesses who [can testify regarding] a fine and they deny [knowledge] of the matter, they are not liable for a *sh'vuat haedut*. [The rationale is that] were the defendant to

come and acknowledge his liability for the fine first, he would not be liable to pay even though the witnesses came afterwards and testified accordingly. Thus the witnesses did not make him liable through their testimony alone. Instead, it was their testimony together with the denial of the defendant that made him liable. Since their testimony would not be effective if he acknowledged [his liability], if they denied [knowing of] the matter and took an oath, they are not liable.

5 [When a plaintiff administers an oath to witnesses, saying:] "I am making you take an oath that you come and testify on my behalf that so-and-so owes me a double payment" or a four- or five-fold payment and the witnesses deny [knowledge of the matter], they are liable for a *sh'vuat haedut* because of the principal which is a financial obligation, but not because of the double payment which is a fine.

Similarly, if he administered an oath that they testify that so-and-so raped or seduced his daughter and they deny [knowledge of the matter], they are liable for a *sh'vuat haedut* because of the [payment due] for embarrassment and damages. For if the defendant acknowledged his obligation, he would have to pay these obligations, but not because of the fine. Similar laws apply in all analogous situations.

6 Witnesses are not liable for a *sh'vuat haedut* until they deny [knowledge of the matter] and take an oath after the plaintiff or his agent demand [that they testify]. If, however, they take an oath first, before a demand is made of them, they are not liable for a *sh'vuat haedut*.

7 What is implied? [The witnesses] saw the plaintiff following after them, they told him: "Why are you following us? We are taking an oath that we do not know any testimony involving you," they are not liable for a *sh'vuat haedut*. [The rationale is that] the plaintiff did not make a demand of them. Instead, they took the oath first on their own initiative.

Similarly, if the defendant administered an oath to them that if they knew testimony involving the plaintiff they should come and testify and they deny [knowledge of the matter], they are not liable for a *sh'vuat haedut* unless the plaintiff makes them take the oath. Needless to say, if he administered an oath that they should come to testify that so-and-so owes so-and-so money and they deny [knowledge of the matter], they are not liable. For the person making this demand is not the plaintiff himself.

Similarly, if the oath preceded [their knowledge of] the testimony, they are not liable for a *sh'vuat haedut*, as [implied by **Leviticus 5:1**]: "And he heard the voice of an oath [when] he was a witness." [It can be inferred that knowledge of] the testimony preceded the oath and not that the oath preceded the knowledge of the testimony.

8 What is implied? [The plaintiff says:] "I am administering to you an oath that if you will know of testimony concerning me that you come and testify," and the witnesses responded *Amen* and afterwards they observed a matter concerning him. If he demands that they testify and they deny [knowledge of the matter], they are not liable for a *sh'vuat haedut*.

9 Witnesses are not liable for a *sh'vuat haedut* until the plaintiff singles them out and administers an oath to them or they take an oath.

What is implied? A person stood up in a synagogue and said: "I am administering an oath to anyone who knows testimony concerning me to come and testify on my behalf." They all - including his witnesses - responded *Amen*. Afterwards, he demanded of his witnesses that they testify and they denied [knowledge of the matter]. They are not liable for a *sh'vuat haedut*, because he did not single out the witnesses individually. If, however, he said: "I am administering an oath to all of those standing here that if they know testimony concerning me to come and testify on my behalf." [If] his witnesses were among those present and [then] they denied [knowledge of the matter], they are liable for a *sh'vuat haedut*, because he singled them out among the others.

10 Similarly, if he told the witnesses: "Come and testify on my behalf that so-and-so owes me a *maneh*" and then stands in a synagogue and said: "I am administering an oath to anyone who knows testimony concerning me to come and testify on my behalf," should they not come and testify, they are liable, because he made a demand of them previously. [This applies] provided they are present in the synagogue and a court is also there. If a court was not present, they are liable for a *sh'vuat haedut* if they answered *Amen* and deny [knowledge of the matter] while in a court of law. If they did not answer *Amen*, they are not liable.

11 Whether one administers an oath to his witnesses or tells them "I am commanding you with an oath" or "I am binding you with an oath," they are liable provided he administers the oath with God's name or with one of the terms used to describe Him as explained.

12 The witnesses are not liable unless the oath is administered to them in a language that they understand.

13 Thus you have learned that witnesses are not liable for a *sh'vuat haedut* unless ten conditions are [met]. They are:

a) [The witnesses] must be charged [with testifying] by the plaintiff;

b) [The matter] must involve a financial claim;

c) It must involve movable property;

d) Their testimony alone, had it been given, would be sufficient to require the defendant to pay;

e) They must deny [knowledge of the matter] after the plaintiff charges them;

f) They must issue their denial in court;

g) God's name or a term used to describe Him must be mentioned in the oath;

h) The knowledge of the matter must precede the oath;

i) The witnesses must be singled out at the time of the oath or at the time they are charged;

j) The oath must be in a language that they understand.

14 Whenever we have used the expression "they are not liable" [in this chapter], the intent is that they are not liable for a *sh'vuat haedut*. They are, however, liable for a *sh'vuat bitui*, provided they take the oath or answer *Amen* to an oath administered by a colleague, because they took a false oath.

When, by contrast, one is liable for a *sh'vuat haedut*, he is only liable for a

sh'vuat haedut and is not liable for a *sh'vuat bitui*, even though he took a false oath and did so intentionally. [The rationale is that] the Torah removed a *sh'vuat haedut* from the category of *sh'vuat bitui* to make a person who deliberately [takes a false oath] liable for a sacrifice for its violation just as one who took it inadvertently. He is not, however, liable for lashes, as [can be derived from **Leviticus 5:5** which] states: "For one of these." A person who takes a [false] oath is liable for one type of oath, but not two. [We do not hold him liable for both] a *sh'vuat haedut* and a *sh'vuat bitui*.

15 [When the plaintiff says: "I am administering] an oath to you unless you come and testify that so-and-so has an entrusted object, a [financial] deposit, stolen property, and a lost object of mine in his possession," [and the witnesses respond: "We are taking] an oath that we do not know of any testimony concerning you," they are liable for only one [sacrifice]. [If they say: "We are taking] an oath that we do not know of any testimony concerning an entrusted object, a [financial] deposit, stolen property, and a lost object of yours in so-and-so's possession, they are liable for each [statement].

16 [When the plaintiff says: "I am administering] an oath to you unless you come and testify that so-and-so has wheat, barley, and buckwheat of mine in his possession," and [the defendant responds]: "[We are taking] an oath that we do not know of any testimony concerning you," they are liable for only one [sacrifice]. [If they answer: "We are taking] an oath that we do not know of any testimony concerning any wheat, barley, and buckwheat

of yours in his possession," he is liable for each [statement].

17 Similarly, if many people charged them with testifying and they said: "[We are taking] an oath that we do not know of any testimony concerning you," they are liable for only one [sacrifice]. [If they said:] "...concerning you, and you, and you," they are liable for each [statement], as explained with regard to *sh'vuat hapikadon*.

18 When a person administers an oath to a colleague that he knows testimony concerning him and ultimately, it is discovered that he does not know testimony, [the colleague] is not liable, neither for a *sh'vuat haedut*, nor for a *sh'vuat bitui*. [The rationale is that] a *sh'vuat bitui* involves only matters that have both a positive and negative dimension. Were the person to have said: "I am taking an oath that I do not know testimony concerning you," that would not be a *sh'vuat bitui*, but instead a *sh'vuat haedut*. Hence since the negative dimension of the statement is not a *sh'vuat bitui*, the positive dimension, taking an oath that one knows testimony, is not a *sh'vuat bitui*.

19 It is clear that when a person takes an oath to a colleague that he testified on his behalf and he did not testify or that he did not testify and he testified, he is liable for a *sh'vuat bitui*; there is no connection to a *sh'vuat haedut* at all.

Chapter 10

1 If [both] or one of [the plaintiff's] witnesses was unacceptable, a relative,

or even one of those disqualified from testifying by Rabbinic decree, the king - who is not fit to give testimony - was one of his witnesses, or the witnesses heard the testimony from other witnesses, [although] they both denied [knowing testimony] and took an oath, they are not liable for a *sh'vuat haedut*, for had they testified, they would not have obligated [the defendant] to pay.

2 [If the plaintiff said:] "I am administering an oath to you that you come and testify on my behalf that so-and-so promised to give me 200 *zuz*, but he did not," and [the witnesses] denied [knowledge of the matter] and took an oath, they are not liable for a *sh'vuat haedut*. For even if they would testify concerning the matter, the defendant would not be liable financially because of his statement. Similar laws apply in all analogous situations.

3 If one charged [witnesses] with testifying that he was a priest or a Levite, or that he was not the son of a woman who underwent divorce or *chalitzah*, and [the witnesses] denied [knowledge of the matter] and took an oath, they are not liable for a *sh'vuat haedut*. For this is not a financial claim.

4 [Similarly, although the witnesses] denied [knowledge of the matter] and took an oath, they are not liable for a *sh'vuat haedut* [if the plaintiff] charges them with testifying [with regard to the following claims]:
his son inflicted a wound upon him,
so-and-so kindled his grainheap on the Sabbath,

so-and-so raped or seduced his virgin daughter who had been consecrated. [The rationale is that] if they were to give this testimony the defendant would be liable for execution by the court and not for making financial recompense as we explained in *Hilchot Na'arah*. Similar laws apply in all analogous situations.

5 If there was [only] one witness, he denied [knowledge of a financial claim], and an oath was administered to him, he is not liable for a *sh'vuat haedut*. [The rationale is that] the testimony of one witness does not obligate financial payment.

6 If one charged two witnesses with testifying that his wife committed adultery and they denied [knowledge of the matter] and took an oath to that effect, they are liable for a *sh'vuat haedut*. For if they had testified, they would have caused her to forfeit [the money due her by virtue of] her *ketubah*. Thus the one who charged them with testifying would be freed from liability. Hence the witnesses have denied a financial claim.

7 If [a husband] charges witnesses - [either witnesses] who observed him administering a [*sotah*] warning or those who observed her entering into privacy with the man concerning whom she was warned - with testifying, and they denied [knowledge of the matter] and took an oath to that effect, they are not liable for a *sh'vuat haedut*. [The rationale is that] even if they had testified, [the testimony] would not result in a financial claim only in the obligation to have her drink [the *sotah*] waters. Although this testimony [can] cause her to forfeit [the money due her by virtue of] her

ketubah if she does not drink [the *sotah* waters], a matter that could lead to a financial claim is not considered as a financial claim. For it is possible that she will drink the waters and not invalidate her *ketubah*.

8 [A witness] is liable for a *sh'vuat haedut* [in the following situation. A man] issued a [*sotah*] warning to his wife. She entered into privacy [as observed by] two witnesses and then committed adultery, [as observed by] one witness after being warned and entering into privacy. If [the husband] administered an oath to this witness that he come and testify and he denied knowledge [of the matter], he is liable. Although he is only one witness, if he would have delivered this testimony, the woman would have been divorced without receiving [the money due her by virtue of] her *ketubah* as explained in *Hilchot Sotah*.

9 Similarly, in any other instance where the testimony of one witness creates a financial obligation, if that witness denies knowledge [of the matter] and took an oath or an oath was administered to him in court supporting his denial, he is liable for a *sh'vuat haedut*.

10 What is implied? Both the plaintiff and the defendant were reputed [to take false] oaths and hence they are not given the opportunity to take oaths, [the plaintiff] administered an oath to one witness that he should come and testify that so-and-so owes him a *maneh* and he denied [knowledge of the matter], he is liable for a *sh'vuat haedut*. For were he to have testified, the defendant would have been required to pay because of his testimony, as will be explained in *Hilchot To'en*. Similar laws apply in

all analogous situations.

11 When a woman administers an oath to one witness that he testify regarding the death of her husband and he denies [knowledge of the matter], he is liable for a *sh'vuat haedut*. Were he to have testified, she would have married and received [the money due her by virtue of] her *ketubah*.

12 When does the above apply? When she could have collected [the money due her by virtue of] her *ketubah* from movable property. If, however, she could only have collected [this sum] by expropriating landed property, [the witness] is not liable for a *sh'vuat haedut*. This also applies if there are two witnesses, for when one administers an oath [to witnesses for claims] involving landed property, they are not liable [for a *sh'vuat haedut*,] as we explained.

13 When a person administers an oath to witnesses in a court and both denied [knowledge of the matter] at once, e.g., the second witness began his denial immediately after the statements of his colleague, they are both liable for a *sh'vuat haedut*. Each one of them must bring a sin offering for his oath. If the first one denied [knowledge of the matter] and the second witness waited longer than the appointed time period and then denied [knowledge of the matter], the first [witness] is liable for a *sh'vuat haedut* and the second is exempt. For even if the second had acknowledged [the obligation], his testimony would not have obligated [the defendant] financially.

14 If one of the witnesses acknowledged [the claim] and the other denied [knowledge of it], the one who denied is liable whether he made his denial before [the other witness' acknowledgement] or afterwards. If they both denied [knowledge of the matter] at the same time and then one took the initiative and acknowledged [the matter] immediately thereafter, he is exempt and the witness that persists in his denial is liable for a *sh'vuat haedut*.

15 When a person administered an oath to two pairs of witnesses who are both fit to deliver testimony and the first group denied [knowledge of the matter] and then the second pair denied knowledge of the matter, the first are not liable for a *sh'vuat haedut*. [The rationale is that] they are relying on the testimony of the second pair and that testimony is sufficient to expropriate money. Hence the defendant would not be liable to make financial restitution because of the testimony of these [witnesses] who denied [knowledge of the matter] alone.

If the second pair of witnesses were related to the plaintiff or to the defendant by marriage and their wives were on their deathbeds, the first pair of witnesses are also liable. For at the time the first pair made their denial, the second pair were not fit to give testimony even though they will soon be fit to give testimony when [the women] on their deathbeds die. If the second pair make their denial after their wives die, they are liable for a *sh'vuat haedut*.

16 When a person charges his witnesses with testifying on his behalf and they deny [knowledge of the matter], he administers an oath and they answer

Amen, he administers an oath four or five times and they respond to each oath outside the court, and when they come to the court, they acknowledge [the matter] and testify, they are not liable for a *sh'vuat haedut*, as we explained.

If [when] they came to court, they persisted in their denial, they are liable for every one of the oaths [administered] outside the court.

17 When does the above apply? When they answered *Amen*. If, however, they did not answer *Amen*, but [merely] denied [knowledge of the matter] after every oath, they are not liable unless the oath is administered in court, as we explained. [The rationale is that] they did not utter the oath themselves or answer *Amen*.

18 If [the plaintiff] administered an oath to [the witnesses] in court and they denied [knowledge of the matter] and then he administered an oath again four or five times and they deny [knowledge of the matter] each time, they are liable only once for a *sh'vuat haedut*. [This applies whether the oath was administered] in court or outside the court and even if they answered *Amen* or took the oath on their initiative time after time. [The rationale is that] after they denied [knowledge of the matter] in court, were they to retract and admit [knowledge of it], their testimony would no longer be effective.

19 It can thus be derived that all the oaths that they take after denying [knowledge of the matter] in court involve a denial of testimony that would not obligate [the defendant] financially. [In that instance, the

witnesses] are not liable for a *sh'vuat haedut*, but they are liable for a *sh'vuat bitui*, as we explained.

Chapter 11

1 Just as there is a negative commandment forbidding an oath taken in vain and a false oath, so, too, there is a positive commandment for a person who is obligated to take an oath in court to take that oath in God's name, as [**Deuteronomy 6:13**] states: "And you shall take an oath in His name." This is a positive commandment. For taking an oath in His great and holy name is one of the paths of His service. It is a great measure of glorification and sanctification to take an oath in God's name.

2 It is forbidden to take an oath on any other matter together with God's name. Whoever combines another matter with the name of the Holy One, blessed be He, in an oath will be uprooted from this world. For there is no one who is fit to give honor by taking an oath in his name except the [Absolute] One, blessed be He.

3 It is permitted for a person to take an oath to fulfill a mitzvah in order to encourage himself [toward its performance]. Although he is under oath [to observe] it from Mount Sinai [onward], [he may take an oath, as implied by **Psalms 119:106**]: "I took an oath and I will uphold it - to observe Your righteous judgments."

4 The oath which the judges administer to individuals who are obligated to take an oath is called: "The oath of the judges." [This applies whether the

person] is liable for an oath according to Scriptural Law or according to Rabbinic Law.

5 There are three types of oaths for which one is obligated according to Scriptural Law:

a) A claim involving movable property was lodged against a person by a colleague. He admitted liability for a portion and denied liability for a portion.

b) [The defendant] denied liability for all the movable property, but one witness testifies against him, contradicting his statements.

These two oaths come in response to a definite claim and a denial.

c) When a watchman claims that the article entrusted to him was lost, stolen, died, or the like, he is required to take an oath, because of the doubt, for the owner of the entrusted article does not know if the watchman is making a true claim or not. This oath is of Scriptural origin, as [**Exodus 22:10**] states: "The oath of God will be between them."

6 All oaths which the judges require aside from these three are of Rabbinic origin. They are also called "the oath of the judges." Within these oaths of Rabbinic origin, there are also two categories:

a) Oaths administered because of a definite claim and denial: e.g., the oath [taken by] a hired worker, [the oath taken by] one who impugns his promissory note, and the like.

b) Oaths taken when [the plaintiff] has a claim of a doubtful nature, e.g., the oaths taken by partners, sharecroppers, and the like.

In the laws of financial matters, the obligation of all these types of oaths

and the associated laws will be explained.

7 There is also another oath which was ordained by the Sages of the Talmud. It is called a *sh'vuat heset*. Although it is administered by the court in the present era, it is not referred to by the term "the oath of the judges."

8 An oath of the judges, whether of Scriptural or Rabbinic origin, whether stemming from a definite or an indefinite claim is [administered in] the following [manner]: The person taking the oath holds a Torah scroll in his arm. He must stand and take the oath or recite a curse using God's name or one of the terms used to describe Him. [Either] he pronounces the oath himself or it is pronounced by the judges. My masters ruled that an oath of the judges is administered only in *Lashon HaKodesh*.

9 What is meant by an oath pronounced by [the defendant] himself? For example, he says: "I am taking an oath by God, the Lord of Israel...", "...by He whose name is graciousness...", "...by He whose name is mercy that I am not liable to this person at all." Similarly, if he says: "May one be cursed to God..." or "...cursed to He whose name is graciousness if I owe anything to that person."

10 What is meant by an oath pronounced by the judges? For example, they tell him: We are administering an oath to you by God, the Lord of Israel...", "...by He whose name is graciousness that you are not liable to this person at all" and [the defendant] answers *Amen*. Or they say: "May so-and-so be cursed to God..." or "...cursed to He whose name is

graciousness if he owes money to that person and does not acknowledge the debt" and [the defendant] answers *Amen*. This is the oath of the judges.

11 When the judges administer an oath without the defendant holding a [sacred] article in his hand, they have made an error. He must take the oath again while holding a Torah scroll in his hand. If he was holding *tefillin* when they administered the oath to him, he is not required to take the oath again. For he held [an article equivalent to] the Torah in his hand, for they are like a scroll. If they administered the oath while [the defendant] was sitting, he does not have to take the oath again.

12 At the outset, an oath should be administered to a Torah scholar while seated and while holding *tefillin*. He need not hold a Torah scroll. Holding *tefillin* in his hand [fulfills the requirement of] a sacred article. He takes an oath in *Lashon HaKodesh*, as we explained.

13 There is no difference between a *sh'vuat heset* and an oath of the judges except that [the latter] must be taken [while] holding a sacred article and a person who takes a *sh'vuat heset* does not hold a Torah scroll. Instead, an oath is administered to him by God's name or using one of the terms used to describe Him, either an oath or a curse which he utters or which the court states, as is the practice with regard to the oath of the judges. It has already become the universal custom for the synagogue attendant or another person to hold a Torah scroll while a *sh'vuat heset* is being administered to cast fear [into the heart of the defendant].

14 The judges administer the oath to the person taking it in any language that he understands. The *Geonim* ruled in this manner. My masters, however, ruled that an oath should be administered only in *Lashon HaKodesh*. This ruling should not be relied upon.

Although it has become customary to administer oaths in *Lashon HaKodesh*, the person taking the oath should be familiarized with the matter until he understands the wording of the oath. [The rationale is that] the oath of the judges is a *sh'vuat hapikadon* itself. People have even adopted the custom of administering a *sh'vuat heset* in *Lashon HaKodesh*.

15 Everyone who is obligated to take an oath of the judges that comes about because of a definite claim and denial, whether it is of Scriptural or Rabbinic origin, is subjected to an admonition, as will be explained. Everyone who is obligated to take an oath, whether of Scriptural or Rabbinic origin, because of a doubtful claim need not be subjected to an admonition.

16 How is an admonition administered to the person taking the oath? We tell him: Know that the entire world trembled at the time the Holy One, blessed be He, told Moses [**Exodus 20:7**]: "Do not take the name of God, your Lord, in vain." For with regard to all the transgressions in the Torah, as [**Exodus 20:7**] states: "[God] will not cleanse one who takes His name in vain."

With regard to all the transgressions in the Torah, retribution is exacted from him [alone], but with regard to [a false oath], retribution is exacted from him and from his family who conceal the matter for him. Moreover,

this causes retribution to be exacted from "the enemies of the Jews," for the entire Jewish people are responsible for each other, for [**Hoshea 4:2-3**] states: "Swearing, denying, murdering.... Therefore the land will mourn and all who inhabit it will be forlorn."

With regard to all the transgressions in the Torah, [retribution] is suspended for two or three generations if he possesses merit, but with regard to [a false oath], retribution is exacted immediately, as [**Zechariah 5:4**] states: "'I have let loose [the curse],' declares God, the Lord of Hosts, 'It will come into the house of the thief and the house of he who took an oath in My name falsely.'"

"I have let loose" implies immediately. "It will come into the house of the thief" - this refers to deceiving people, i.e. one who does not have money owed to him by a colleague and yet lodges a claim against him to require him to take an oath. "He who took an oath in My name falsely" - this should be interpreted literally. [The verse continues:] "It shall destroy it, its wood, and its stones." Entities that cannot be destroyed by fire and water will be destroyed by a false oath.

17 The concept [conveyed] by this admonition is told [to the person taking the oath] entirely in a language that they understand, so that they will understand the matter and the sinner will repent and correct [his conduct].

If he says: "I am not taking the oath," he is released, but he must pay what his colleague demands. Similarly, if the plaintiff says: "I will not subject him to an oath and I release him," they may depart.

18 If [the defendant] says: "I will take the oath," and [the plaintiff] persists in the claim, the people there say to each other: "Turn away from the tents of these wicked men."
[The court] tells [the defendant]: "We are not administering the oath to you according to your understanding, but according to our understanding and the understanding of the court."

19 Although this admonition is not administered for an oath taken because of a claim involving a doubt or a *sh'vuat heset*, the judges should implore the litigants exceedingly [before administering these oaths] perhaps they will retract and so there will be no oaths taken at all.

20 It is a clear and obvious fact that anyone who takes an oath of the judges or a *sh'vuat heset* falsely, is liable for taking a [false] *sh'vuat hapikadon*, the details of which have already been explained. Even though he willfully [took the false oath], he does not receive lashes. [Instead,] he is obligated to pay what he owes plus an additional fifth. [The fifth] is one fourth of the principal, so that the principal and the fifth are equal to five. And he must bring a guilt offering if the oath was taken in court, as we explained.

Chapter 12

1 Although a person who took a false oath or an oath in vain is given lashes, and similarly, one who takes a [false] *sh'vuat haedut* or *sh'vuat hapikadon* brings a sacrifice, they do not receive complete atonement for the sin of taking a [false] oath, as [**Exodus 20:7**] states: "God will not cleanse [one

who takes His name in vain]." He will not be absolved from the judgment of heaven until he receives retribution for his desecration of [His] great name, as [**Leviticus 19:12**] states: "[You shall not take a false oath in My name, for] you will desecrate the name of Your God." Therefore a person must be very careful with regard to this sin, more than with regard all other sins.

2 This sin is considered one of the severe transgressions, as explained in *Hilchot Teshuvah*. Although it does not involve *kerait* or execution by the court, it involves the desecration of [God's] holy name which is more severe than all other sins.

3 When a person takes an oath by the heaven and earth, by the sun, or the like, this is not an oath, even though his intent is He who created them. Similarly, one who takes an oath by one of the prophets or by one of the texts of the Holy Scriptures, this is not an oath, even if his intent is He who sent the prophet or gave the commandments in this text.

Although these are not oaths, those who take them are subjected to a severe warning and we teach the people not to act frivolously in this manner. [Indeed,] we make it look as if these are oaths and give them an opening [to ask for their absolution] and absolve them.

4 When does the above apply? With regard to other holy texts. [Different rules apply,] however, when one takes an oath by the Torah. If one takes an oath by what is written in [the Torah], his intent is by the names of God [it contains]. If one takes an oath by it without any further

definition, his intent is on the parchment [of the scroll] and it is not considered as an oath. If he took [the scroll] in his hand and took an oath by it, it is as if he took an oath by what was written in it and [the matter] is forbidden.

5 [The following rules apply when] a person takes an oath by the Torah without any further definition. If he is a Torah scholar, he does not need to be released by a sage. If he is a common person, it is necessary that he asked to be released by a sage so that he will not treat oaths frivolously.

6 When a servant takes an oath, his master does not have to compel him [to break the oath to nullify it]. Instead, his [status] is the same after taking the oath as it was before he did so. [The rationale is that] his body is not his property for the oath he takes to be effective. With regard to oaths, [**Numbers 30:3**] states: "To forbid something upon one's soul." [Implied is that the verse applies to] someone whose soul is his property. It excludes a servant who is someone else's property. Thus [a servant's taking an oath] is comparable to taking an oath regarding someone else's property.

7 Minors who take an oath are not obligated [to maintain their commitment, even though] they understand the significance of an oath. [Nevertheless,] we compel them to uphold their word to train them [in the observance of mitzvot] and to impress them with fear so that they do not act frivolously with regard to oaths. If the matter concerning which they took the oath is such that a minor could not maintain without suffering injury, e.g., he took an oath that he would fast or that he would

not eat meat for a long time, his father or his teacher should beat him and rebuke him, and create the appearance that his oath [took effect, but] was released, so that he will not be habituated to treat oaths frivolously.

8 We must be very careful with children and train them to speak words of truth without [resorting to] an oath so that they will not be habituated to swear at all times like gentiles do. This matter is tantamount to an obligation for their parents and for those who teach young children.

9 When one hears a colleague mention God's name in vain, take a false oath in his presence, or recite a blessing that is unnecessary in which instance [his colleague] transgresses because he takes God's name in vain, as we explained in *Hilchot Berachot*, he must place him under a ban of ostracism. If he does not, he himself should be ostracized. The ban should, however, be lifted immediately so that it will not present an obstacle to others, for they will not know that he was placed under a ban. And if one would say, "Make it known that he [is under ostracism]," the entire populace will be under ban for [people] have already habituated their tongues to iniquity and oaths at all times.

10 When does the above apply? When the person taking this oath or reciting this blessing in vain does so intentionally? If, however, he does so inadvertently or does not know that this is forbidden, [a listener] is not obligated to place him under a ban of ostracism. Indeed, I maintain that it is forbidden to place him under a ban of ostracism, for the Torah did not [prescribe] punishment for an inadvertent transgressor. Instead, one

should caution him and warn him not to repeat [the transgression].

11 It is not only a false oath that is forbidden. Instead, it is forbidden to mention even one of the names designated for God although one does not take an oath. For the verse [**Deuteronomy 28:58**] commands us, saying: "to fear the glorious and awesome name." Included in fearing it is not to mention it in vain.

Therefore if because of a slip of the tongue, one mentions [God's] name in vain, he should immediately hurry to praise, glorify, and venerate it so that it will not have been mentioned [entirely] in vain. What is implied? If he mentions God's name, he should say: "Blessed be He for all eternity," "He is great and exceedingly praiseworthy," or the like so that it will not have been [mentioned entirely] in vain.

12 It is permitted to approach [a sage] to have an oath released as we explained and there is no fault [in doing so]. [Indeed,] one who has hesitations about the matter is [showing] traces of heresy. Nevertheless, it is appropriate to show care in this regard. One should not respond [to a request] to release [an oath] unless it involves a matter concerning a mitzvah or a great need. It is of great benefit for a person never to take an oath at all.If, however, one transgressed and took an oath, he should endure great difficulty and keep his oath, as [**Psalms 15:4-5**] states: "One who takes an oath to his own detriment and does not nullify it..., he who acts in this manner will never falter."

Blessed be God who grants assistance.

Mishneh Torah, Vows

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 There are two categories of vows: The first is to forbid oneself [from benefiting] from entities permitted to him; e.g., he said: "The produce from this-and-this country is forbidden to me for 30 days" or "...forever." "This type of produce is forbidden to me" or "This produce is forbidden." Regardless of the language in which the prohibition is stated, they become forbidden to him, even though there is no oath at all, nor did it mention God's name or a term used to describe Him. Concerning this, the Torah [**Numbers 30:3**] states: "To cause a prohibition to take effect upon his soul," i.e., to cause permitted entities to become forbidden to him. Similarly, such a vow takes effect if he says: "They are forbidden to me." I call this category: "vows involving prohibitions."

2 The second category is to obligate himself for a sacrifice that he is not required to bring. For example, he said: "I obligate myself [to bring] a burnt offering," "I obligate myself to bring a peace offering," "...a meal offering," or "This animal is a burnt offering," or "...a peace offering." When he says: "I obligate myself [to bring]...", this is called a vow. When he says: "This is...", it is called a donation. Donations and vows are of the same type [of pledges], but [the one making the pledge] is responsible for a vow. With regard to a donations, by contrast, he is not responsible. Concerning these the Torah states [**Deuteronomy 12:17**]: "Your vows

which you pledge and your donations...." This category, I refer to as "vows of sanctification."

3 The laws concerning the first category and its relevant matters are [the subject] we will discuss in these halachot. The laws concerning vows of sanctification and their particulars will be discussed in their appropriate place in *Hilchot Ma'aseh HaKorbanot*.

4 It is a positive commandment of Scriptural origin for a person to carry out his oath or vow whether it be a vow involving prohibitions or a vow of sanctification, as [**Deuteronomy 23:24**] states: "Heed the utterances of your mouth and do as you vowed." And [**Numbers 30:3**] states: "He shall act in accordance with all that he uttered with his mouth."

5 When a person forbids himself from partaking of a particular type of food, e.g., he said: "Figs are forbidden to me," "Figs from such-and-such a country are forbidden to me," "These figs are forbidden to me," or the like, if he partakes of any amount of them, he is liable for lashes according to Scriptural Law, as [Numbers, *Ibid.*] states: "He shall not desecrate his word."

There is no minimum measure [for the desecration of] a vow, for by taking a vow [not to partake of] a substance, it is as if one explicitly stated that he would not partake of even the slightest amount. If one said: "It is forbidden for me to eat the produce of this-and-this country" or "...to eat these fruit," he does not receive lashes unless he partakes of an olive-sized portion.

6 If a person forbade himself from eating figs and grapes - whether in two vows or in one - the two can be combined to make up the measure of an olive-sized portion. Similar laws apply in all analogous situations.

7 When a person says: "This produce is considered like a sacrifice," or he tells a colleague: "Everything that I partake of with you is a sacrifice," "...like a sacrifice," "or considered like a sacrifice for me," they are forbidden to him. For it is possible that a person will make a vow for a sacrifice and make an animal that is ordinary a sacrifice and thus be forbidden for him.

8 If, however, a person says: "This produce is considered for me...", "This type of produce is considered for me...", "What I will eat with so-and-so will be considered as pig meat," "...as a false deity," "...as *nevelot* and *trefot*," or the like, they are permitted and no vow takes effect. [The rationale is that] it is impossible for a person to make something that is not pig meat as pig meat.

9 This is the general principle [that applies] whenever anyone attempts to have permitted entities considered as forbidden entities: If he could have endowed that forbidden entity with its status by taking a vow, [the permitted entities] are forbidden. If he cannot endow it with its status by taking a vow, [the permitted entities] remain permitted.

10 Sin-offerings and guilt-offerings cannot be brought as vows or as donations, as will be explained in the appropriate place. Nevertheless, it is possible for a person making a vow to offer them as a result of his vow.

For a person who takes a nazirite vow must bring a sin offering, and if he becomes impure, he must bring a guilt offering, as will be stated. Accordingly, when one says: "This produce is considered for me like a sin-offering" or "...like a guilt-offering," or he says: "It is a sin-offering" or "It is a guilt-offering," it is forbidden. Needless to say, if he says: "It is a burnt-offering," "...a peace-offering," "...a meal-offering," or "...a thanksgiving-offering," it is forbidden, for all of these offerings can be brought as vows or as donations.

11 If, however, one says: "This produce is considered for me like the *challah* [brought] to Aaron" or "...like the *terumah* for him," it is permitted. For there is no way that these can be brought as vows or as donations.

12 If one says: "This produce is considered for me like *notar,*""...like *piggul*," or "...like sacrificial meat that has become impure," it is forbidden. For the person has, nonetheless, made the substance like sacrificial meat.

13 If one says: "[This produce] is considered for me like the tithe-sacrifice of an animal," it is forbidden, for the sanctity [of the tithe-sacrifices] is conveyed upon them by mortals. If he says: "[This produce] is considered for me like a firstborn," it is permitted, for the sanctity [of the firstborn] is not conveyed by mortals. It cannot be designated [for another sacred purpose] with a vow, as [**Leviticus 27:26**] states: "A man should not consecrate it."

14 If one says: "[This produce] is considered for me like a devotion offering for Above," it is forbidden, for the devotion offering for Above are [set

aside] for improvements within the Temple.

[A vow takes effect and produce] becomes forbidden although the person did not mention a sacrifice [if he makes any of the following statements]: "[This produce] is considered for me like the donations for the chamber," "...like the daily sacrifices," "...like the storage rooms," "...like the wood," "...like the fire-offerings," "...like the altar," or "...like any of the utensils of the altar," e.g., he said: "[This produce] is considered for me like the altar rakes," "...like the ewers [for the blood of the sacrifices]," "...like the altar forks," or the like. [This law also applies] if he says: "This produce] is considered for me like the Temple," "...like Jerusalem." [The rationale is that] all of these statements are similar to saying: "[This produce] is considered for me like a sacrifice."

15 [When there was] sacrificial meat - even meat from a peace offering whose blood had been poured [on the altar] which is permitted to non-priests - before a person and he said: "[This produce] is considered for me like this meat," it is forbidden. [The rationale is that] he attached [his vow] to the fundamental element of the meat, and that was forbidden.

[Different rules apply if] the meat was from a firstborn sacrifice. If its blood had not been poured [on the altar], [the produce] is forbidden. If it had been poured, it is permitted.

16 There are places where people are inarticulate and mispronounce words, calling subjects by different names. [In those places,] we follow the meaning of the local term.

What is meant by the statement that all the terms used for the word

korban, "sacrifice," are equivalent to the term *korban*? When one says: "[This produce] is considered for me like a *konam*," "...a *konach*," or "...a *konaz,*" they are all terms referring to a *korban*. *Cherek, cheref,* and *cherech* are all terms referring to a *cherem* (dedication offering).

Similar laws apply in all analogous situations. We follow the language used by people at large in that place and at that time.

17 Just as a person can make a vow forbidding entities to himself with such terms, so, too, if he consecrates an entity with such terms, the entity is consecrated. Nicknames for such terms, however, are not binding whether for vows involving prohibitions or vows involving the consecration of property.

18 If a person tells a colleague: "Whatever I eat from your [property] will not be like ordinary food," "...will not be kosher," or "...will not be pure," it is as if he told him: "Everything that I eat from your [property] will be like a sacrifice," which is forbidden. Similarly, if he tells him: "Everything that I eat from your [property] will be an impure [sacrifice]," "...*notar,*" or *piggul*," it is forbidden.

19 When a person tells a colleague: "Not ordinary food will I not eat from your [property]," it is as if he told him: "What I will eat from your [property] will not be like ordinary food, but instead, like a sacrifice."

Similarly, if he tells him: "The sacrifice if I eat from your [property]," "A sacrifice if I eat from your [property]," or "Like a sacrifice if I eat from your [property]," he is forbidden [to eat from his property]. If, by

contrast, he tells him: "The sacrifice I will not eat from your [property]," "Like a sacrifice, I will not eat from your [property]," "For a sacrifice, I will not eat from your [property]," "A sacrifice I will not eat from your [property]," or "Not a sacrifice, I will not eat from your [property]," he is permitted in all of these instances. For all of these expressions do not have any implication other than he is taking an oath by a sacrifice that he will not eat from his [property] and taking an oath on a sacrifice is not binding. Alternatively, [his intent can be interpreted] as taking a vow that he will not partake of a sacrifice with him.

20 [If he tells him:] "Ordinary food, I will eat from your [property]," "The ordinary food, I will eat from your [property]," "Like ordinary food, I will eat from your [property]," "Ordinary food, I will not eat from your [property]," "The ordinary food, I will eat not with you," "Like ordinary food, I will not eat from your [property]," it is permitted for him [to eat from his property].

21 If, by contrast, he says: "No impure [sacrifices] will I eat from your [property]," "No *notar*, will I eat from your [property]," or "No *piggul* will I eat from your [property]," he is forbidden. [The vow takes effect, because] the intent of his statements appears to be: "What I will eat will be *piggul* or impure. Therefore, I will not eat from your [property]."

22 [If he says:] "By the Temple, I will eat from your [property]," "The Temple, I will eat from your [property]," or "No Temple, I will eat from your [property]," [the vow is effective, and] it is forbidden. "The Temple,

I will not eat from your [property]," "Like the Temple, I will not eat from your [property]," or "No Temple, I will not eat from your [property]," he is permitted. For this is like taking an oath by the Temple, that he will not eat from his [property]. Similar laws apply in all analogous situations.

23 When a person tells a colleague, "I am taking a vow from you," his statement implies that he will not speak with him. "I am separate from you" implies that he will not do business with him. "I am distant from you" implies that he will not sit within four cubits of him. That same implication is conveyed by telling him: "I am ostracized from you" or "I am banned from you."

If, however, says "I am taking a vow from you in that I will not eat from your [property]," "I am separate from you in that I will not eat from your [property]," or "I am distant from you in that I will not eat from your [property]," he is forbidden to eat from his [property]. If he eats an olive-sized portion [of food] from any of his property, he is liable for lashes for [violating the prohibition]: "He shall not desecrate his word."

24 If he tells him: "I am ostracized from you in that I will not eat from your [property]," he may not eat from his [property, but] if he does, he is not liable for lashes. If he tells him: "I have drifted from you," he is forbidden to benefit from him.

25 When a person tells a colleague: "Let it be considered for me like the vows of the wicked who make nazirite vows, vows for a sacrifice, and oaths, if I eat from your [property]," should he eat [from his property], he is liable

for all of the above.

Similarly, if he says: "Let it be considered for me like the pledges of the upright who make nazirite pledges and donations for a sacrifice, if I eat from your [property," should he eat from his property,] he is liable.

26 If one says: "Let it be considered for me like the vows of the wicked..." or "...like the pledges of the upright that I will eat from your [property]," or "...if I eat from your property," he is forbidden [to do so], even if he did not make an explicit statement.

If he said: "Like the vows of the upright," his statement is of no consequence, for the upright do not take vows to prohibit things out of anger. If he says: "I am like the vows of the wicked," and a nazirite was passing before him, he is obligated to observe a nazirite vow. If he says: "I am responsible, like the vows of the wicked," he is obligated to bring a sacrifice. "Like the vows of the wicked, I will not eat from it," he is liable for an oath.

27 When a person takes a vow by the Torah, i.e., he says: "This produce is considered for me like this," his statements are of no consequence and he need not ask a sage to release him from it. [An exception is made if] he is a common person so that he will not act frivolously with regard to vows.

28 If one took a vow by what was written in [the Torah], he is forbidden [to partake of the article mentioned in his vow], for [the Torah] contains statements involving prohibitions and vows. If he took it in his arm and took an oath on it, it is as if he took a vow by what was written in it.

29 When a person tells a colleague: "Let's get up and study a chapter [of Torah]," he is obligated to get up and study. Even though he did not use the wording of a vow, this is comparable to a vow.

30 When a person tells his wife: "You are considered to me as my mother," "...as my sister," "...as *orlah,*" or "...as mixed species in a vineyard," it is as if one says concerning produce: "May it be like pig meat." Just as he is permitted to partake of that produce, as explained, so, too, he is permitted [to engage in relations] with his wife.

If, however, he tells her: "I am taking a vow, forbidding all pleasure from you"or "The pleasure of relations with you is forbidden to me," she is forbidden to him, as will be explained.

Chapter 2

1 [The same laws apply] whether one took the vow on his own [volition] or another person states a vow for him and he answers *Amen* or says something which like *Amen* implies that he accepts the matter.

2 A person who takes an oath is not forbidden [to partake of] the entity which he forbade to himself until he makes a verbal statement to that effect and his statements must match his intent, as we explained with regard to oaths.

If, by contrast, one intended to take a nazirite vow and instead, vowed to bring a sacrifice, [intended to vow to bring] a sacrifice and instead, took a nazirite [vow], [intended to take] an oath and instead, [took] a vow,

[intended to take] a vow and instead, [took] an oath, intended to say "figs" and instead, said "grapes," both are permitted to him. There is no vow.

3 When a person takes a vow dependent on the intent of others, it is like he took an oath dependent on the intent of others. Similarly, if one takes a vow and retracts immediately thereafter or someone rebuked him immediately thereafter and he accepted their statement, he is permitted [to use the article mentioned]. The laws applying to all these matters with regard to vows are the same as those applying to oaths.

4 [The following laws apply when] a person issued a stipulation before he made a vow, saying: "I am retracting from any vow that I will take from now until ten years in the future," "They are nullified," or other similar statements, and then took a vow: If he remembered the stipulation at the time he made the vow, the vow is effective, for by taking the vow, he nullified the stipulation. If, however, he did not remember the stipulation until after he made the vow, the vow is nullified even if [immediately after taking the vow], he brought the stipulation to mind and maintained it. Although he did not verbalize his retraction at the time [he made the vow], the retraction preceded the vow and he verbalized it beforehand. There is an authority who rules stringently and says that he must remember the stipulation immediately thereafter taking the vow.

5 [The following rules apply when] one made a stipulation [similar to that mentioned above] for a year or for ten years and afterwards took a vow,

remembering at the time that he took the vow that he had made a stipulation, but forgetting the subject of that stipulation or what it involved. If [when taking the vow], he said: "I am acting according to my original intention," his vow is not effective, for he has nullified it. If he does not make such a statement, he has nullified the stipulation and upheld the vow, for, at the time he took the vow, he remembered that there was a stipulation and, nevertheless, took the vow.

6 There are some of the *Geonim* who maintain that all of these statements are applicable only with regard to vows and not to oaths, but there is an authority who maintains that the laws pertaining to vows and oaths are the same in this regard. Thus one may issue a stipulation nullifying an oath [beforehand] in the same manner as was stated with regard to vows.

7 [When a person takes] a vow whose object is not clear, we rule stringently. If he interprets them, there is room for both leniency and stringency.
What does this imply? If one says: "Let this produce be considered as salted meat and as wine poured as a libation for me," we ask him what his intent was. If he explained himself, saying "My intent was that salted meat refers to sacrificial meat and wine poured as a libation refers to libations poured on the Temple altar," he is forbidden [to partake of the produce]. If, however, he says: "My intent was a sacrifice offered to a false deity and wine poured as a libation to it," he is permitted. If he took the vow without a specific intent, he is forbidden.

8 Similar principles apply when one says: "This produce is considered as

cherem (a dedication offering) for me." If [his intent was] a dedication offering for the upkeep of the Temple, he is forbidden [to partake of the produce]. If [his intent] was a dedication offering for the priests, he is permitted, because [these offerings] become [the priests'] personal possessions and are not forbidden [to others]. If [he took the vow] without a specific intent, he is forbidden.

9 [If he states:] "May they be considered like the tithes for me," [we investigate his intent. If his intent was] the tithe taken from animals, [it becomes] forbidden, because these are sacrifices that he consecrates through his actions, as we explained. [If his intent was] the tithe taken from grain, it is permitted. If [he took the vow] without a specific intent, he is forbidden.

10 [If he states:] "May they be considered like *terumah* for me," [we investigate his intent. If his intent was] the money donated for the sacrificial offerings, it is forbidden. If his intent was *terumah* [separated from] the grain heap, it is permitted. If [he took the vow] without a specific intent, he is forbidden. Similar laws apply in all analogous situations.

11 When does the above apply? In a place where the terms used have these two possible meanings. In a place where the term *cherem* without any further definition is used only to refer to the dedication offerings for the upkeep of the Temple, if he says: "[This produce is considered] as *cherem* for me," he is forbidden [to partake of the produce]. Similarly, if their

custom was to use the term *cherem* without any further definition to refer only to dedication offerings given the priests, he is permitted. Similar concepts apply in all analogous situations, for with regard to vows, we follow the connotations understood by the people in that place in that era.

12 [The ensuing rules apply] in all situations analogous to those exemplified: i.e., situations when a person takes a vow which appears to everyone to involve a prohibition, but he says: "My intent was for this and this specific instance," for example, he takes a vow based on a *cherem*, but [afterwards] said: "My intent was a sea *cherem,* i.e., a fishing net," he took a vow based on an offering, but said: "My intent was an offering brought to the king," He told a colleague: "Myself is like a sacrifice for you," and then explained: "My intent was only to forbid him from [benefiting from] a bone that I set aside so that I could take a vow as a lark," he took a vow that his wife could not benefit from him and then explained that his intent was his first wife whom he had divorced.

[In all the above situations,] if the person who took the vow was a Torah scholar, he is permitted and he need not ask a sage [for the vow to be released]. If the one who took the vow is a common person, we make it appear to him that it is a vow, yet we give him an opportunity to ask for its release from another vantage point and then release the vow. Whether he is a Torah scholar or a common person, we rebuke him and teach him not to conduct himself in this manner with regard to vows and not to take vows as a lark or a caper.

13 Similarly, when a person tells his wife: "You are considered as my mother

to me," or he says: "Let this produce be considered as pig meat for me," the vow is not effective, as we explained. If the person who took the vow was a Torah scholar, he is permitted and he need not ask a sage [for the vow to be released]. If the one who took the vow is a common person, he must ask a sage [for the vow to be released]. We make it appear to him that his wife is forbidden to him and that the produce is forbidden, but we give him an opportunity to ask for its release from another vantage point and then release the vow in order that people not act frivolously with regard to vows.

14 Although declaring property ownerless is not a vow, it resembles a vow, for the person is forbidden to retract.

What is meant by declaring property ownerless? A person says: "This property is free for everyone" to acquire. It applies to both movable property and landed property.

What is the law [applying to property] declared ownerless? Whoever comes first and acquires it, becomes the owner. He acquires it as his own and it becomes his. Even the person who declared the property ownerless has the same rights as others with regard to it. If he comes first and acquires it, it becomes his.

15 When a person declares his property ownerless [so that it can be acquired by] the poor, but not by the rich, it is not ownerless. He must declare it ownerless for everyone like the produce of the Sabbatical year.

When a person declares his servants ownerless, those past majority acquire themselves. With regard to those below majority, whoever comes first and

takes hold of them acquires them as is the law with regard to other movable property.

16 When a person declares landed property ownerless, whoever comes first and manifests his ownership over it acquires it.

According to Scriptural Law, even when a person declares his property ownerless in the presence of one person, it becomes ownerless and one is not required to tithe its produce, as will be explained in its place. According to Rabbinic decree, however, [property] is not ownerless until one declares as such in the presence of three people so that one can acquire it and two can act as witnesses.

Should one say: "This is ownerless and this," there is an unresolved doubt whether the second entity is ownerless. If he said: "...and this is like this" or "...and also this," he has associated the second entity [with the first], and it is definitely ownerless.

17 When a person declares his field ownerless and no one else acquires it, during the first three days, he may retract. After these three days, he may not retract unless he comes first and acquires it. He is like one acquiring ownerless property. [There is no difference] between him and another person.

18 When a person says: "This field is declared ownerless for one day," "...for one week," "...for one month," "...for one year," or "...for one seven-year cycle," he may retract before he or another person acquires it. Once it is acquired, whether by the person himself or by someone else, he may not

retract.

Why does he have the right to retract before it was acquired? Because this is an uncommon matter. [Generally,] a person will not declare [property] ownerless for a limited time.

19 When a person comes and watches over ownerless property, looking at it so that another person will not take it, he does not acquire it by looking at it. Instead, he must lift it up if it were movable property or manifest ownership over it if it were landed property, as purchasers acquire property.

Chapter 3

1 There are four differences between a vow and a *sh'vuat bitui*:

a) With regard to a *sh'vuat bitui*, one oath cannot take effect while another is already in effect, and with regard to vows, a vow can take effect while another is already in effect.

b) When one attempts to extend the scope of an oath taken previously, he is not liable, and with regard to vows, one is.

c) A *sh'vuat bitui* can take effect only with regard to actions that are left to one's choice, while vows take effect with regard to mitzvot as well as actions that are left to one's choice.

d) A *sh'vuat bitui* can take effect with regard to an entity of substance and an entity that is not of substance, while vows take effect only with regards to entities of substance.

2 What is meant by the statement that a vow can take effect while another is already in effect? If a person says: "I will be obligated to bring a sacrifice if I eat this loaf [of bread]," [repeats]: "I will be obligated to bring a sacrifice if I eat it," he is liable [to bring a sacrifice] for every vow that he takes. Similar laws apply in all analogous situations.

3 What is meant by the statement that one who extends the scope of a vow taken previously is liable? He heard his colleague take a vow and said: "And I am like you" immediately thereafter, he is forbidden [to partake of] the substance that his colleague deemed forbidden. If a third person heard the second person say: "And I am like you," and he also said: "I am like you," [he is also forbidden]. Even if there are one hundred and each one says: "And I am like you" immediately thereafter the statements of the previous one," they are all forbidden.

4 Similarly, when one says: "This meat is considered forbidden to me,' and even after several days says: "This bread is like this meat," [the prohibition] is extended to the bread and it becomes forbidden. If afterwards, he said: "And this honey is like this bread, and this wine is like this honey," even if he mentions 100 [substances], they are all forbidden.

5 [The following rules apply when a person's] father or teacher died on a particular day and he took a vow to fast that day and [actually] fasted. If after years passed, he said: "Let this day be considered as the day on which my father - or my teacher - died," he is forbidden to eat on that day. For he attached this day [to his existing vow] and caused it to be forbidden as

the day which is forbidden for him. Similar laws apply in all analogous situations.

6 What is meant by the statement that vows take effect with regard to mitzvot as well as actions that are left to one's choice? When a person says: "*Matzah* is forbidden to me on Pesach night," "Dwelling in a *sukkah* on that holiday is forbidden to me," or "I am forbidden to take hold of *tefillin*," they are forbidden to him. If he ate *matzah*, dwelled in a *sukkah*, or took *tefillin*, he is liable for lashes. Similar laws apply in all analogous situations. Needless to say, one who says: "I am obligated to bring a sacrifice if I eat *matzah* on Pesach night," is obligated to bring a sacrifice. Similar laws apply in all analogous situations.

7 Why do vows take effect with regard to mitzvot and oaths do not take effect with regard to mitzvot? Because when a person takes an oath he forbids himself from [partaking of] the entity mentioned in the oath. When, by contrast, one takes a vow, he causes the entity mentioned in the vow to be forbidden to him. Thus when a person takes an oath to nullify a mitzvah, he is placing a prohibition upon himself and he is already bound by an oath [to observe that mitzvah] from Mount Sinai, and one oath does not take effect if another is already in effect. When, by contrast, a person causes an entity to be forbidden through a vow, the prohibition involves the entity itself and that entity is not under oath from Mount Sinai.

8 When you contemplate [the wording of] the Torah, it appears that their

interpretation matches the explanation which our Sages received according to the Oral Tradition. For with regard to a *sh'vuat bitui*, [**Leviticus 5:4**] states: "Whether he will do harm or do good," i.e., speaking about permitted activities as we explained, e.g., whether I will eat or drink today, whether I will fast, or the like. With regard to vows, by contrast, [**Numbers 30:3**] states: "He shall do everything uttered by his mouth," without differentiating between matters associated with mitzvot and those left to our own volition.

9 When a person takes a vow to fast on the Sabbath or a festival, he is obligated to fast for vows take effect even when they involve [the nullification of] a mitzvah as explained. Similarly, if a person takes an oath to fast every Sunday or every Tuesday throughout his life and a festival or the day preceding Yom Kippur falls on that day, he is obligated to fast. Needless to say, this applies with regard to Rosh Chodesh. If, however, Chanukah or Purim fall [on these days], his vow is superceded by [the celebrations of] these days. Since the prohibition against fasting on them is based on Rabbinic decree, reinforcement is necessary. Hence, his vow is superceded by the Rabbinic decree.

10 What is meant by the statement that vows take effect only with regards to entities of substance? If one says: "My speech is like a sacrifice for you," he is not forbidden to speak to him, because speech is not an entity of substance. Similarly, if he tells him: "My speech is forbidden to you," it is not like his saying: "my produce is forbidden to you," or "My produce is like a sacrifice for you," in which instance, [the produce] would be

forbidden.

Therefore, if a person tells a colleague: "[It is like a vow for] a sacrifice that I will not speak with you," "...that I will not act on your behalf," or "...that I will not go with you," or he told his wife, "[It is like a vow for] a sacrifice that I will not be intimate with you," his vow does not take effect in all these instances. For this is as if he is saying: "My speech, going, actions, or intimacy is like a sacrifice, and none [of these are] entities of substance.

11 When, by contrast, a person says: "Let my mouth be forbidden to speak, my hands to act, my feet to walk, and my eyes to sleep," his vow is effective with regard to them. Therefore if a person tells a colleague: "My mouth is like a sacrifice with regard to speaking with you, my hands [are so] with regard to acting on your behalf, and my feet [are so] with regard to going with you," he becomes forbidden.

Similarly, one who tells a colleague: "I will be obligated to bring a sacrifice if I speak to so-and-so" or "...if I don't speak to so-and-so," he is obligated to bring a sacrifice if he violates this commitment. Similarly, if he took a vow in which he said: "[If] I spoke [to so-and-so, I must bring a sacrifice]" or "[If] I did not speak..." or the like, [he is liable]. For these are not vows in which he accepts prohibitions upon himself whose ground rules we are explaining here, but vows of dedication.

12 Although when a person takes a vow concerning entities that are not of substance and forbids them, the vow does not take effect with regard to them, we do not rule that he should act as if they are permitted. [Instead,]

since he willingly [took a vow] forbidding them to him, [according to Rabbinic decree] the vow took effect with regard to them. Although they are not forbidden, we give him an opportunity [to ask for the vow's release] from another vantage point and then release the vow, so that he will not act frivolously with regard to vows.

Chapter 4

1 Vows taken because of coercion, vows taken unintentionally, and vows involving exaggerations are permitted, as we explained with regard to oaths.

If men of coercion or customs collectors made him take a vow, saying: "Take a vow to us that meat is forbidden to you if you possess something on which customs duty is due," should he take a vow and say: "Bread, meat, and wine are forbidden to me...", he is permitted [to partake of] all of them even though he added to what they asked him [to say]. Similarly, if they asked him to take a vow [on the condition] that his wife not benefit and he took a vow [on the condition] that his wife, his children, and his brothers not benefit from him, they are all permitted. Similar laws apply in all analogous situations.

2 In all vows of this type, he must have the intent at heart for something that is permitted, for example, that they be forbidden for him for that day alone or for that hour alone or the like. He may rely on the intent in his heart, since he is being compelled by forces beyond his control. Thus at the time he is taking the vow for them, his mouth and his heart are not in

concord. [This is required,] as we explained with regard to vows.

3 Similarly, vows of encouragement are permitted. What does this imply? One administered a vow to a colleague to eat at his [home] and that colleague took a vow not to eat there, because he did not want to trouble him. Whether he ate or did not eat, they are both exempt.
Similarly, if a merchant took a vow that he would not sell an article for less than a *sela* and a purchaser took a vow that he would not buy it for more than a *shekel*, if they agree on three *dinarim*, they are both exempt. Similar laws apply in all analogous situations. [The rationale is that] neither of them made a definite conclusion in his heart. He took the vow only to encourage his colleague without making a definite conclusion in his heart.

4 What is the source which teaches that it is forbidden for a person to take even these four types of vows which are permitted with the intent of nullifying them? It is written [**Numbers 30:3** : "He shall not desecrate his word," i.e., he should not make his word an inconsequential matter.

5 When a person took a vow and then [changed his mind and] regretted his vow, he may approach a sage and ask for its release. The laws pertaining to the release of vows are the same as those applying to the release of oaths. A vow can be released only by a distinguished sage or by three ordinary men in a place where there are no sages. The same wording is used to release a vow as is used to release an oath. Similarly, all of the other concepts that we explained with regard to oaths apply to vows in the same way as they

apply to oaths.

6 We do not release a vow until it takes effect, as is the law pertaining to an oath.

7 Just as we may ask for the release of vows involving prohibitions and they are repealed, so, too, may we ask for the release of vows involving consecrated property and they are repealed. This applies both to [articles] consecrated for the upkeep of the Temple and [animals] consecrated to [be sacrificed] on the altar. When the holiness of a sacrifice is transferred from one animal to another, that holiness cannot be released.

8 Just as a father or a husband can nullify [a woman's] vows involving prohibitions, so, too, they can nullify vows of consecration that resemble vows involving prohibitions.

9 When a person takes a vow, a colleague hears and says, "And also me," a third person hears and says, "And also me," if the first asks for the release of his vow and it is released, all the others are also released.
If [the one who agreed to the vow] last asks for a release and it was granted, he alone is released and the others are still bound by the vow. If the second person asks for a release and it was granted, he and all those after him are released, but the first is still bound by the prohibition.

10 Similar principles apply when one has attached many entities to a single vow, e.g., he took a vow [forbidding] bread and extended it to meat, if he asks for release of [the prohibition against] bread and it is granted, the

[prohibition against] meat is also released. If he asks for release of [the prohibition against] meat and it is granted, the [prohibition against] bread is not released.

11 When a person takes an oath or a vow saying: "I will not benefit from any one of you," if he asks for the release of his vow or oath concerning one of them and the release was granted, they are all released. [The rationale is that] when a vow is released in part, all of its [particulars] are also released. When a person says: "I will not benefit from this person, and from this person, and from this person," if [the prohibition against] the first is released, [the prohibitions against] all of them are released. If the prohibition against the last is released, that prohibition is released, but the others remain binding. If he said: "I will not benefit from this one; nor from this one; nor from this one," he must ask for a release for each one indidivually. Similar laws apply in all analogous situations.

12 When a person took a nazirite vow, a vow to bring a sacrifice, and an oath [forbidding himself from partaking of something], or he took a vow, but does not know concerning which of these he took the vow, one request for release [can release] all of them.

13 When a person takes a vow [not to benefit] from the people of a city and he asks for the release of that vow from the sage of that city or he took a vow [not to benefit] from the Jewish people and asks for the release of the vow from a Jewish sage, the vow is released.

14 If one says: "This produce is forbidden to me today if I go to this-and-this

place tomorrow," he is forbidden to partake of them that day. [This is a] decree lest he go to that place tomorrow. If he transgressed and partook of it that day and then undertook the journey on the morrow, he is liable for lashes. If he did not go, he is not liable for lashes.

15 If one says: "This produce will be forbidden to me tomorrow if I go to this-and-this place today," he is permitted to go that place today and the produce will be forbidden for him tomorrow. Similar laws apply in all analogous situations. [The rationale is that] a person is careful about not violating a prohibition, but he is not careful in keeping a condition that will cause a permitted entity to become forbidden.

16 When a person takes a vow to fast for ten days, whenever he desires and he was fasting one day and had [to interrupt the fast] for the sake of a mitzvah or to honor a person of stature, he may eat and repay [the fast] on another day. [The rationale is that] he did not specify the days [he would fast] when he took the vow initially.

If he took a vow that he would fast today, but forgot and ate, he must continue to refrain from eating. If he took a vow to fast for a day or two and when he began to fast, forgot and ate, he forfeits his fast and is obligated to fast again.

Chapter 5

1 When Reuven tells Shimon: "I [am forbidden] to you like a dedication offering" or "You are forbidden to benefit from me," it is forbidden for

Shimon to benefit from Reuven. If he transgresses and benefits from him, he is not liable for lashes, because Shimon did not say anything. Reuven is permitted to derive benefit from Shimon, because he did not forbid this to himself.

2 If he tells Shimon: "You [are forbidden] to me like a dedication offering" or "I am forbidden to benefit from you," Reuven is forbidden to benefit from Shimon. If he derives benefit, he is liable for lashes, because he desecrated his word. Shimon is permitted to benefit from Reuven.
If he tells him: "I [am forbidden] to you like a dedication offering and you are [forbidden] to me" or "I am forbidden to benefit from you and you are forbidden to benefit from me," they are both forbidden to benefit from each other. Similar laws apply in all analogous situations.

3 If Reuven tells Shimon: "So-and-so's produce is forbidden to you" or "You are forbidden to benefit from so-and-so," his words are of no consequence. For a person cannot cause his colleague to be prohibited with regard to a matter that is not his unless [that person] responds *Amen*, as we explained.

4 When a person tells a colleague: "This loaf [of bread] of mine is forbidden to you," it [remains] forbidden to him even if he gives it to him as a present. If he dies, and [the other person] inherits it or [it is acquired by a third party] who gives it to him as a present, he is permitted. For [the one taking the vow said] "My loaf," and now it is not his.

5 If he tells him: "This produce is forbidden to you," but does not say: "My

produce," even if he sold it or died and it became the property of another person, it [remains] forbidden to him. For when a person causes his property to be forbidden to a colleague, it remains forbidden unless he says: "my property," "my house," "my produce," or uses another similar term. For in those instances, he only forbade [using] the articles while they were in his possession.

6 When a person tells his son: "You are forbidden to benefit from me" or he takes and oath that his son is forbidden to benefit from him, when he dies, the son may inherit his property. For this is as if he says: "My property is forbidden to you." If he forbade [the son] from benefiting from him and specified: "During my lifetime and after my death," if he dies, [the son] should not inherit his [estate]. For this is as if he said: "This property is forbidden to you."

7 When a person forbids his son from benefiting from him and says: "If this son's son will be a Torah scholar, this son will acquire this property to transfer it to his son," this is permissible. The son is forbidden [to benefit] from his father's estate and the grandson is permitted to derive such benefit if he is a Torah scholar as was stipulated.

8 If this son who is forbidden to benefit from his father's estate gives [the property] he inherits from his father to his brother or his sons, they are permitted to benefit from them. This also applies if he paid a debt with them or paid [the money due] his wife [by virtue of] her *ketubah*. He must tell [the recipients] that [the payment they receive] is from the estate

of his father which was forbidden to him. [The rationale for this leniency is that] when a person takes an oath that a colleague will not benefit from his property, he may pay that colleague's debt, as will be explained.

9 When a person was forbidden - either through a vow or an oath - to partake of a type of food, he is permitted to partake of other types of food that were cooked or mixed together with [the forbidden] food, even though it has [acquired] the flavor of the forbidden food. If he was forbidden to partake of specific produce and that produce became mixed with others, if they have the flavor of the forbidden food, [the other food] is forbidden. If not, it is permitted.

10 What is implied? A person who is forbidden to partake of meat or wine may partake of soup or vegetables that were cooked with meat or wine. [This applies] even if they have the flavor of meat or wine. He is forbidden only to eat meat alone or drink wine alone.

11 If, however, he forbade himself [to partake of] "this meat" or "this wine," if the vegetables have the flavor of meat or wine, they are forbidden. If not, they are permitted. For this meat or this wine become considered like the meat of *nevelot*, teeming animals, or the like. Similar laws apply in all analogous situations. Therefore if one says: "This meat is forbidden for me," he is forbidden to partake of it, its sauce, and the spices [cooked] with it.

12 If the wine which he forbade himself became mixed with other wine, even one drop in an entire barrel, the entire quantity becomes forbidden. [The

rationale is that] since he has the possibility to ask for the release of his vow, [the forbidden substance] is considered as an entity that can be permitted and hence, never becomes nullified in [a majority of permitted] substances of its own kind, as explained in *Hilchot Ma'achalot Assurot*.

13 When a person says: "This produce is like a sacrifice for me," "...a sacrifice to my mouth," or "...a sacrifice because of my mouth," he is forbidden to partake of anything exchanged for them or produce that grows from them. Needless to say, this applies to juices produced by them.

14 [The following rules apply] if a person took a vow or an oath not to eat [produce] or not to taste it. If it is an entity whose seed decomposes when it is sown like wheat or barley, he is permitted [to partake of] the articles exchanged for it and the produce that grows from it. If it was an entity whose seed does not decompose in the earth when it is sown, like onions or garlic, even the produce that grows from the produce that grows from it is forbidden. In all situations, there is a doubt [whether he is forbidden to drink] the juices they produce. Therefore, if he drinks them, he is not liable for lashes.

15 Similarly, if a person tells his wife: "The work produced by your hands is like a sacrifice to me," "...a sacrifice to my mouth," or "...a sacrifice because of my mouth," he is forbidden to partake of anything exchanged for [her earnings] or produce that grows from her work. If he says that he will not to eat [from the work of her hands], nor taste it, if the produce [that grew from] the work of her hands is an entity whose seed

decomposes, he is permitted [to partake of] articles exchanged for it and the produce that grows from it. If it was an entity whose seed does not decompose, even the produce that grows from the produce that grows from them is forbidden.

Why do we not consider the original produce that is forbidden insignificant because of the [new] growth that is larger than it? Because the original produce is an entity whose prohibition can be released, which is not nullified [when mixed] with a majority [of permitted substances], as explained.

16 When a person forbids his produce to a colleague, whether by vow or by an oath, there is an unresolved question if the produce that grows from it and articles exchanged for it [are permitted to the colleague]. Therefore the produce that grows from it and articles exchanged for it are forbidden to his colleague. If he transgresses and benefits, he has benefited.

Chapter 6

1 When a person tells a colleague: "Benefit that leads to your food is forbidden to me," or "Benefit that leads to my food is forbidden to you," the person who is forbidden should not borrow from the other person: a sifter, a strainer, a hand mill, an oven, or any other utensil used to prepare food. He may, however, borrow from him bracelets, rings, and other articles that are not used to produce food. He is forbidden to borrow from him a sack or a donkey to carry produce.

2 [In the above situation,] in a place where utensils are given out only for a fee, it is forbidden to borrow [without charge] even utensils that are not used to produce food. If they were in a place where a fee is not charged and he borrowed from him utensils that are not used to produce food to look impressive to others because of them so that he will receive benefit from them or he sought to pass through his property so that he could reach a place where he would derive benefit, there is an unresolved question whether it is prohibited. Therefore, if he transgresses, he is not liable for lashes.

3 There is no difference between one who takes a vow not to benefit from a colleague and one who takes a vow not to derive benefit that leads to food except [permission to] pass through [property] and borrowing utensils that are not used to produce food in a place where they are borrowed without charge.

4 When Reuven was forbidden to benefit from Shimon, either through a vow or through an oath, Shimon may give the half-*shekel* which Reuven is obligated to give. Similarly, he may pay a debt that he owes. [The rationale is that] Reuven does not receive anything, all [Shimon does] is prevent a claim from being lodged against him. And preventing a claim from being lodged is not included in the prohibition against [giving] benefit.

Therefore [Shimon] may provide food for [Reuven's] wife, his sons, and his servants, even his Canaanite servants, even though [Reuven] is obligated to provide for their sustenance. He may not, however, provide

food for [Reuven's] animal, whether a kosher animal or a non-kosher one, for any increase in the animal's weight is benefit given to Reuven.

5 If Shimon was a priest, he is permitted to offer sacrifices brought by Reuven. [The rationale is that] the priests are agents of God and not the agents of the person bringing the sacrifice.

Shimon may marry off his daughter who is past maturity to Reuven with her consent. If, however, she is a *na'arah*, she is under his domain. [Hence,] it is forbidden [to marry her to him], because this is like giving him a maid-servant to serve him.

6 Shimon may separate *terumah* on behalf of Reuven and separate his tithes with his consent. What is meant by "with his consent"? For example, Reuven said: "Whoever desires to separate *terumah* [from my produce] may do so." He may not, however, tell Shimon to separate *terumah* on his behalf, for then he is making him his agent and this is [deriving] benefit from him.

7 [Shimon] may instruct [Reuven] in the Oral Law, for it is forbidden to charge a wage for teaching it. The Written Law, by contrast, may not be taught by him, because a wage can be charged for teaching it. If it is not customary [in that community] to charge for instruction in the Written Law, this is permitted. Regardless of [the local custom with regard to payment], [Shimon] may teach [Reuven's] son.

8 If Reuven becomes ill, Shimon may come and visit him. In a place where one who sits with a person who is ill to keep him company receives a

wage, Shimon should not sit with him. Instead, he should visit him and stand. He may personally give him medical treatment, for this fulfills a mitzvah.

9 When an animal belonging to Reuven becomes ill, Shimon should not give it veterinary attention. He may, however, tell him: "Do such and such for it."

[Shimon] may wash with Reuven in a large bath, but not in a small bath, because he gives him pleasure by raising the water over him. He may sleep in the same bed as him in the summer, but not in the winter, because he warms him. He may sit on the same couch as him and eat at the same table, but may not eat from the same plate or from the same food trough that is placed before workers. [The rationale is that we fear that] Shimon will leave a nice piece of meat and refrain from eating it so that Shimon will eat it or move it closer to him and in this way, bring him benefit. Similar concepts apply with regard to produce in a food trough. It is, however, permitted for Shimon to eat from a plate even though he knows that when he returns it to the host, the host will place it before Reuven. We do not fear that [Shimon] will leave a choice cut of meat for [Reuven].

10 It is permitted for Reuven to drink a cup of comfort of his own [wine] from Shimon's hand. Similarly, he may give him the cup of the bathhouse, for this does not involve satisfaction.

11 Reuven is forbidden to use Shimon's coal, but he is permitted to use his flame.

12 [The following laws apply if] Shimon owned a bathhouse or an olive press that were hired out [to others] in the city. If Shimon retains a hold on them, e.g., he left a portion for himself and did not hire it out, it is forbidden for Reuven to enter that bathhouse or tread in that olive press. [This applies] even if he retains merely one tub in the bathhouse or one press in the olive press. If he did not retain anything for himself, but rather hired it out in its entirety, it is permitted [for Reuven to enter].

13 It is forbidden for Reuven to partake of the produce of Shimon's field, even during the Sabbatical year when everything is ownerless, for he took the vow before the beginning of the Sabbatical year. If he took the vow in the Sabbatical year itself, [Reuven] may partake of the produce that hangs outside the field. He may not, however, enter the field even though the land is ownerless. [This is] a decree lest he remain there after he partook of [the produce], for the Torah declared [the land] ownerless only during the time the produce is found within it.

14 When does the above apply? When he told him: "Benefit from this property is forbidden to you." If, however, [Shimon] told [Reuven]: "It is forbidden for you to benefit from my property," or Reuven took an oath or a vow [prohibiting him from benefiting] from Shimon's property, when the Sabbatical year begins, he may partake of the produce of his field, for they have left Shimon's domain. He may not, however, enter his field for the reasons we explained [in the previous halachah].

15 [Different laws apply if] only benefiting from Shimon's food was

forbidden to Reuven, If, either because of a vow or an oath, the prohibition took effect before the Sabbatical year, he may enter his field, but may not eat his produce. If the prohibition took effect in the Sabbatical year, he may enter his field and partake of his produce, for this produce does not belong to Shimon. Instead, it is ownerless.

16 It is forbidden for Reuven to lend [articles] to Shimon. [This is] a decree, lest he borrow from him although it is forbidden for him to benefit from him. Similarly, it is forbidden for [Reuven] to give [Shimon] a loan. [This is] a decree, lest he borrow from him. Similarly, he may not sell something to him. [This is] a decree, lest he buy from him.

17 If it happened that [Shimon] was working with [Reuven], e.g., they were harvesting together, he should work far from him. [This is] a decree, lest he help him.

When [a father] takes a vow, forbidding his son to benefit from him because the son does not occupy himself in Torah study, the father is permitted to fill up a jug of water [for his son], light a lamp [for him], or roast a small fish. For [the father's] intent was only to forbid [his son] from deriving significant pleasure and these matters are not considered important by the son.

18 When a person took an oath or a vow not to speak to a colleague, he may write to him or speak to another person even though [the person whom he forbade] hears the idea he wants to communicate to him. The *Geonim* ruled in this manner.

Chapter 7

1 When two people are forbidden - by vow or by oath - to derive benefit from each other, they are allowed to return a lost article to each other, because doing so is a mitzvah. In a place where it is customary for the person who returns a lost article to receive a reward, the reward should be given to the Temple treasury. For if [the person who returns the lost article] will take the reward, he will be receiving benefit. If he does not take it, he will be giving the other person benefit.

2 They are [both] permitted [to make use of] those entities that are owned jointly by the entire Jewish people, e.g., the Temple Mount, its chambers, its courtyards, and a well in the midst of a highway. They are forbidden [to make use of] those entities that are owned jointly by all the inhabitants of that city, e.g., its marketplace, its bathhouse, its synagogue, its ark, and its holy texts.

3 What can they do so that they will be permitted to use these entities? Each one of them should sign over his portion to the *nasi* or to another person and have him acquire that portion through the medium of another person. Thus when either of them enter a bathhouse belonging to all the members of the city or to the synagogue, he is not entering the property of the colleague [from whom he is forbidden to benefit], for each of them has relinquished his share of the place and given it away as a present.

4 [The following laws apply when] they are both partners in a courtyard. If

it can be divided, they are forbidden to enter it unless it is divided and each person enters his portion. If it cannot be divided, each one should enter his house, saying: "I am entering my property." Regardless, they are both forbidden to place a mill or an oven there or to raise chickens in this courtyard.

5 When two people are partners in a courtyard and one of them takes an oath that the other may not benefit from him, we force the person who took the oath to sell his portion.

If he took an oath not to benefit from the other person, he is permitted to enter his home, for he is entering his own domain. He may not, however, make any other use of the courtyard, as explained [in the previous halachah].

6 If a person from outside was forbidden to benefit from either of [the owners of the courtyard], he may enter the courtyard, for he tells [the person from whom he is forbidden to benefit]: "I am entering your colleague's domain, not yours."

7 When a person forbids himself from benefiting from one of the nations, he is permitted to buy [an article] from them at more than the market price and sell to them at less than the market price. If he forbids them from benefiting from him, if they are willing, it is permitted for him to purchase from them for less than the market price and sell to them at more than the market price. We do not issue a decree forbidding him to sell [at less than the market price], lest he purchase [at less than the market

price]. [The rationale is that] he did not take a vow concerning only one individual, in which instance such a decree would be appropriate, but concerning an entire nation and if it is impossible for him to do business with one person, he will do business with another. Therefore, if he forbade himself from benefiting from them, he may lend both articles and money to them, but may not borrow either of these from them.

8 If he forbade them from benefiting from him and himself from benefiting from them, he should not do business with them, nor may they do business with him. He may not borrow an article from them or lend an article to them, nor borrow money from them or lend money from them.

9 If he forbade himself from benefiting from the inhabitants of a city, he is forbidden to ask the sage of the city for the repeal of his vow. If, however, he did ask him and he released the vow, the vow is released, as explained.

10 When a person forbade himself from benefiting from any other people, he is permitted to derive benefit from *leket, shichechah, pe'ah* and the tithe for the poor that is distributed in the granaries, but not that [which is distributed] from one's home.

11 When a person forbade priests or Levites from benefiting from his property, they may come and take the gifts [to be separated from his produce] against his will.

If he says: "These priests and these Levites [are forbidden to benefit from my property,]" they are bound by the prohibition. He should give his *terumah* and tithes to other priests and Levites. Similar laws apply with

regard to the gifts for the poor and the poor.

12 When it is forbidden for a person to benefit a colleague and that colleague has nothing to eat, the person may go to a storekeeper and say: "So-and-so is forbidden to benefit from me and I don't know what to do." It is permitted for the storekeeper to go and give [food] to the colleague and take [payment] from that person.

13 [Similar laws apply] if it is necessary to build [that colleague's] house, put up a fence for him, or harvest his field. If the person from whom it was forbidden to benefit approached workers and told them: "So-and-so is forbidden to benefit from me and I don't know what to do," They may then perform these activities, go back to that person, and he may pay them. For he is paying the debt of the colleague and we already explained that a person [from whom one is forbidden to benefit] may pay a debt for his colleague.

14 If the two were traveling on a journey and [the person who is forbidden to benefit from his colleague] does not have anything to eat, [that colleague] may give [food] to another person as a present and [the person who is forbidden] is then permitted to partake of it. If there is no one else with them, [the person whose property is forbidden] should put [food] on a stone and say: "This [food] is considered ownerless for everyone who desires it." The other person may then take it and eat.

15 If, [however,] he gives a colleague a present [of a feast] and tells him: "This feast is given to you as a present. Let so-and-so who is forbidden to benefit

from me come and eat with us," this is forbidden. Moreover, even if he gave the present without saying anything, but afterwards said: "Do you want so-and-so to come and eat with us?" it is forbidden if it appears that initially, he gave the present solely so that ultimately so-and-so could eat with them. For example, it is a large feast and he wants his father, his teacher, or the like to partake of the feast. For [the size of] the feast indicates that he did not intend to give it to him. Similar laws apply in all analogous situations.

16 Any present that, were it to be consecrated [by the recipient], the consecration would not be effective, is not considered as a present.
Whenever a person gives a colleague a present with the stipulation that he transfer it to another person, that other person acquires ownership at the time the first [recipient] transfers it to him. If the first recipient does not transfer it to that other person, neither the first, nor the second [recipient] acquires it.

17 [The following principle applies when a person's son-in-law is forbidden to benefit from him and he desires to give his daughter money so that she can benefit from it and spend it as she desires. He should give her a present and say: "This money is given to you as a present on the condition that your husband has no authority over it. Instead, it shall be used for what you put in your mouth, what you cloth yourself, and the like." Even if he said: "...on the condition that your husband has no authority over it. Instead, it shall be used for whatever you want to do with it," the husband does not acquire it and she may do what she desires with it.

If, however, he gave her a present and told her. "...on the condition that your husband has no authority over it," but did not specify the purpose for which the present was being given or even did not say that it was intended for whatever she desires, the husband acquires it to derive benefit from it. This would be forbidden, because he is forbidden to benefit from his father-in-law.

Chapter 8

1 When a person takes a vow or an oath and at the time of the vow or the oath specifies a stipulation for which he is making the vow, it is as if he made the vow or the oath dependent on that matter. If the stipulation for which he took the oath is not fulfilled, he is permitted [to act as if the oath had never been taken].

2 What is implied? If he took an oath or vow saying: "I will not marry this-and-this woman whose father is evil" or "I will not enter this house, because there is a harmful dog within it," if they died or the father repented, he may [do so]. This is comparable to someone who says "I will not marry so-and-so..." or "...not enter this house unless the harmful factor is removed." Similar laws apply in all analogous situations.

3 [A different rationale applies] when one takes a vow or an oath: "I will not marry so-and-so who is ugly," and it is discovered that she is beautiful, "...who is dark-skinned," and it is discovered that she is light-skinned, "...who is short," and it is discovered that she is tall, or "I am taking a vow

that my wife shall not benefit from me, because she took my wallet and beat my son," and it was discovered that she did not take it or beat him. He is permitted, because the vow was taken in error. It is included among the category of inadvertent vows that are permitted. This does not resemble an instance where the vow was made dependent on a stipulation and that stipulation was not kept. For the reason for which the vow was taken never applied. Instead, it was an error [of perception].

4 Moreover, even if a person saw from a distance that people were partaking of his figs and he said [concerning] them: "They are like a sacrifice for you," but when he came close to them and looked [at them], he saw that they were his father and his brothers, they are permitted [to partake of them]. Even though he did not explicitly state the reason why he took a vow [forbidding] them, it is as if he did. For it is obvious that he forbade his produce to them only because he thought they were people at large. Similar laws apply in all analogous situations.

5 When a person took a vow or an oath and then a factor came up that was not in his mind at the time he took the oath or the vow, he is forbidden [in the matter] until he requests a sage to release his vow.

What is implied? A person forbade himself from benefiting from so-and-so or from entering this-and-this place and that person became the city scribe or a synagogue was made at that place. Even though he said "If I knew that this person would become the scribe or that in this place a synagogue would be made, I would not have taken the vow or the oath," he is forbidden to benefit [from the person] or enter the place until he has

his vow released, as we explained. Similar laws apply in all analogous situations.

6 Whenever a portion of a vow is nullified, the entire vow is nullified. This law also applies with regard to oaths.

What is implied? A person saw from a distance that people were partaking of his figs and he said [concerning] them: "They are like a sacrifice for you," but when he came close to them and looked [at them], he saw that they were his father and people at large. Since his father is permitted [to partake of them], they are all permitted. Even if he said: "So-and-so and so-and-so are forbidden and my father is permitted, they are all permitted. If, however, when he reached them he said: "If I would have known that my father is with you, I would have said: 'You are all forbidden [to partake of my produce], except my father,' they are all forbidden except his father. For he revealed his intent was not to release a portion of his vow, but to make a vow as he did, but to make a stipulation concerning his father.

7 Similar [laws apply] when one says: "Wine is like a sacrifice for me, because wine is bad for digestion," but he was told: "Aged wine is good for digestion." If he said: "Had I known, I would not have taken the vow" or even: "Had I known, I would have said: 'Fresh wine is forbidden, but aged wine is permitted,' he is permitted [to drink] both fresh wine and aged wine. If, however, he said: "Had I known, I would have said: 'All wine is forbidden for me except aged wine,' he is permitted [to drink] only aged wine. Similar laws apply in all analogous situations.

8 Whenever a person takes a vow or an oath, we consider the motivating factor for the oath or the vow and extrapolate from it what the person's intent was. We follow his intent, not the literal meaning of his words.

What is implied? He was carrying a load of wool or of linen and was perspiring, causing a foul odor. If he took an oath or a vow that he would never have wool or linen upon him again, he is permitted to wear woolen or linen clothes and cover himself with them. He is only forbidden to carry them on his back like a burden.

If he was wearing woolen clothing and became aggravated because of these garments and took an oath or a vow that he would never have wool upon him again, he is forbidden to wear [woolen clothes], but is permitted to carry wool and to cover himself with woolen spreads. For he intended only [to forbid] woolen clothes. Similar laws apply in all analogous situations.

9 [Similar laws apply if] people were asking him to marry his relative, but he refused and they pressured him, so he took a vow or an oath that she could not benefit from him forever. Alternatively, a person divorced his wife and took an oath that she would never benefit from him. These women are permitted to derive [ordinary] benefit from him. His intent was that only [to prevent himself from] marrying them.

10 Similarly, if a person called to his friend, [inviting him] to eat at his [home] and he took an oath or a vow not to enter his home or even drink cold water of his, he is permitted to enter his home and drink his water. His intent was only that he would not eat and drink with him at that

feast. Similar laws apply in all analogous situations.

11 When a person takes a vow or an oath, telling a colleague: "I will never enter your house" or "...buy your field," and [that colleague] dies or sells [the property] to someone else, [the person who took the vow] is permitted to enter the house or purchase the field from the heir or from the purchaser. His intent [when establishing the prohibition] was only for the time they belonged to [the original owner].
If, by contrast, he said: "I will never enter this house" or "I will never purchase this field," even if [the original owner] dies or sells [the property] to someone else, [the person who took the vow] is forbidden.

12 [The following laws apply when a person] asks a colleague: "Lend me your cow," he answers him: "She is not free," and [the first person] takes an oath or a vow, saying: "I will never plow my field with it." If he is accustomed to plowing his field himself, he is forbidden to plow [his field with that cow], but any other person is permitted to plow [his field] with it. If he is not accustomed to plowing his field himself, both he and everyone else is forbidden to plow [his field] with it. Similar laws apply in all analogous situations.

13 When a person takes an oath or a vow that he will marry a woman, purchase a house, depart with a caravan, or set out to sea, we do not obligate him to marry, make the purchase, or set out immediately. Instead, he may wait until he finds something appropriate for himself.
An incident occurred concerning a woman who took a vow that she

would marry anyone who asked her to marry him. Men who were not appropriate for her jumped at the opportunity. Our Sages ruled that her intent was [to marry] anyone from among those appropriate for her who asked her. Similar laws apply in all analogous situations.

14 When a person administers a vow to a colleague or takes an oath telling him to come and take a *kor* of wheat or two barrels of wine for his son, [the colleague] can release the vow without asking a sage to do so. [He need only] say: "Your intent was only to honor me. It is a greater token of respect for me not to take [the gift]. I already received the honor that you desired to give me through your vow."

Similarly, if one took an oath or a vow: "You may not derive any benefit from me until you give my son a *kor* of wheat and two barrels of wine, he can release the vow without asking a sage to do so. [He need only] say: "It is as if I received them and they reached my hand." Similar laws apply in all analogous situations.

Chapter 9

1 With regard to vows, we follow the intent of the words people use at that place, in that language, and at that time when the vow or oath was taken.

What is implied? A person took a vow or an oath not [to partake of] cooked food. If it was customary in that place in that language and at that time to call roasted meat and boiled meat also cooked food, he is forbidden to partake of all types of cooked food. If they were accustomed to use the term cooked food only to refer to meat cooked with water and

spices, he is permitted [to partake of] roasted meat or boiled meat. Similarly, with regard to smoked food or food cooked in the hot springs of Tiberias. We follow the terminology used by the people of that city.

2 [The following rules apply if a person] took a vow or an oath not to partake of salted foods. If it is customary to call all salted foods "salted food," he is forbidden to partake of all of them. If it is customary to use the term "salted food" to refer only to salted fish, he is only forbidden to partake of salted fish.

3 [The following rules apply if a person] took a vow or an oath not to partake of pickled foods. If it is customary to call all pickled foods "pickled food," he is forbidden to partake of all of them. If it is customary to use the term "pickled food" to refer only to pickled vegetables, he is only forbidden to partake of pickled vegetables. Similar laws apply in all analogous situations.

4 If some of the people would refer to food with one term and others would not use that term, we do not follow [the practice of] the majority. Instead, it is considered an unresolved question with regard to his vow. And whenever there is an unresolved question with regard to a vow, we rule stringently. If one violates the vow, however, he is not liable for lashes.

5 What is implied? A person takes a vow [not to partake] of oil in a place where both olive oil and sesame seed oil are used. When most people from that place use the term "oil" without any modifier, they mean olive oil. When they refer to sesame seed oil, they call it "sesame seed oil." A

minority of the populace, however, also refer to sesame seed oil with the term "oil" without a modifier. [Hence,] he is forbidden to partake of both of them, but is not liable for lashes for [partaking of] sesame seed oil. Similar laws apply in all analogous situations.

6 Whenever an agent in a given locale would have to question [the principal if that was his intent], it is considered in the category of the substance that was mentioned to the agent when [the term is mentioned] without a modifier.

What is implied? In a place where if a person would send an agent to buy meat without using a modifier to describe the term, the agent would tell him: "I found only fish [being sold]," [a person who took a vow not to partake of meat] is forbidden to partake of fish as well. Similar laws apply in all analogous situations.

In all places, a person who takes a vow [not to partake] of meat is forbidden to partake of fowl and of the entrails, but is permitted to partake of grasshoppers. If it appears that at the time he took the vow, his intent was only to forbid meat from an animal - or meat from an animal and fowl - he is permitted [to partake] of fish even in a place where an agent would question [if fish would be considered as meat].

7 When a person takes a vow against partaking of cooked food, he is permitted to partake of an egg that has not been cooked until it hardens, but has merely been soft-boiled. When a person takes a vow [not to partake of food] boiled lightly in a pot, he is only forbidden [to partake] of those foods that are boiled in a pot, e.g., groats, dumplings, and the

like. If he forbade himself from partaking of anything placed in a pot, he is forbidden to partake of all food cooked in a pot.

8 A person who vows [not to partake] of fish is permitted to partake of brine and a dip made with fish oil. A person who vows [not to partake] of milk is permitted to partake of the whey, i.e., the liquid that is separated from the milk. If he vows [not to partake] of whey, he is permitted to partake of milk. If he vows [not to partake] of cheese, he is forbidden to partake of both salted cheese and unsalted cheese.

9 A person who vows not to partake of grains of wheat is forbidden to partake of wheat kernels whether they are fresh or cooked. If he says: "Neither wheat, nor grains of wheat will I taste," he is forbidden to partake of either flour or bread. "I will not taste wheat," he is forbidden to partake of baked goods, but permitted to chew kernels of wheat. If he states: "I will not partake of grains of wheat," he is permitted to partake of baked goods, but forbidden to chew kernels of wheat. If he says: "Neither wheat, nor grains of wheat will I taste," he is forbidden to partake of baked goods, nor may he chew kernels of wheat. When a person takes a vow forbidding himself from partaking of grain, he is forbidden only [to partake of] the five species.

10 When a person takes a vow [not to partake of] green vegetables, he is permitted to partake of squash. If he takes a vow [not to partake of] leek, he is permitted to partake of the poret.

If a person takes a vow [not to partake of] cabbage, he is forbidden to

partake of the water cooked with cabbage, for the water in which food is cooked is considered as the food itself. If, however, he vowed not to partake of the water in which a food is cooked, he may partake of the cooked food itself.

A person who takes a vow [not to partake of] sauce is permitted [to partake of] the spices. [One who takes a vow not to partake] of the spices is permitted [to partake of] the sauce. One who takes a vow [not to partake of] groats is forbidden [to partake of] the thick sauce produced by the groats.

11 A person who takes a vow [not to partake of] the produce of the earth is forbidden to partake of all the produce of the earth, but is permitted [to partake of] fungi and mushrooms. If he says: "Everything that grows upon the earth is [forbidden] to me," he is forbidden to partake of even fungi and mushrooms. [The rationale is that] although they do not derive their nurture from the earth, they grow upon the earth.

12 When a person takes a vow forbidding himself from partaking of the produce of a particular year, he is forbidden to partake of all the produce of that year. He is, however, permitted to partake of kid-goats, lambs, milk, eggs, and, chicks. If, however, he said: "All of the products of a given year are [forbidden] to me," he is forbidden to partake of all of them.

When a person takes a vow forbidding himself from partaking of the fruits of the *kayitz*, he is forbidden only to partake of figs.

13 In all of the above - and in analogous instances - follow this general

principle: With regard to vows, we follow the intent of the words people use at that place, in that language, and at that time when the vow or oath was taken. Based on this principle, one should rule and say: "The person who took the vow is forbidden [to benefit from] these entities and permitted [to benefit from] these entities."

14 When a person takes a vow [not to partake of grapes], he is permitted to partake of wine, even fresh wine. [If he takes a vow not to partake] of olives, he is permitted to partake of oil. [If he takes a vow not to partake] of dates, he is permitted to partake of date-honey. [If he takes a vow not to partake] of grapes that blossom in the fall, he is permitted to partake of vinegar that is produced from them.

If he takes a vow not to partake] of wine, he is permitted to partake of apple wine. [If he takes a vow not to partake] of oil, he is permitted to partake of sesame seed oil. [If he takes a vow not to partake] of honey, he is permitted to partake of date honey. [If he takes a vow not to partake] of vinegar, he is permitted to partake of vinegar produced from grapes that blossom in the fall. [If he takes a vow not to partake] of vegetables, he is permitted to partake of vegetables that grow on their own. [The rationale for all of these rulings is] that [the names of] all these substances have a modifier and [when] the person took the vow, he referred to the substance without a modifier. Similar laws apply in all analogous situations.

15 When a person takes a vow not to wear clothing, he is permitted [to cover himself] with sackcloth, a coarsely woven thick fabric, a thick sheet used as a rainshield.

[When a person takes a vow not to enter] a house, he is forbidden to enter its loft. For the loft is part of the house. [If he] takes a vow [not to enter] a loft, he is permitted [to enter] the home.

[When a person takes a vow not to] use a *dargeish*, he is permitted [to use] a bed. [If he takes a vow not to use] a bed, he is forbidden to use a *dargeish*, because it is like a small bed.

16 When a person takes a vow not to enter a particular house, he is forbidden to enter from the doorframe onward. When one takes a vow not to enter a particular city, he is permitted to enter its Sabbath limits. He is, however, forbidden to enter its outlying areas.

17 When a person takes a vow not to benefit from the residents of a city and a person comes and lives there for twelve months, it is forbidden for the person who took the vow to benefit from him. If he stays for a lesser time, it is permitted.

If he takes a vow from those who dwell in a city, he is forbidden to benefit from anyone who dwells there for 30 days. He is permitted to benefit from one who dwells there for a lesser period.

18 When a person takes a vow [not to benefit] from the water that flows from this-and-this spring, he is forbidden [to benefit] from all the rivers that derive nurture from it. Needless to say, this refers to those that flow directly from it. Although the name [of the body of water] has changed and it is now called "the So-and-So River" or "the So-and-So well," and we do not associate it at all with the name of the spring concerning which

a vow was taken, since it is the source for these bodies of water, he is forbidden to benefit from all of them. If, however, a person takes a vow [not to benefit] from this-and-this river or spring, he is only forbidden [to benefit] from those rivers called by that name.

19 When a person takes a vow not [to benefit] from sea-farers, he is permitted [to benefit] from those who dwell on the land. When he takes a vow not [to benefit] from those who dwell on the land, he is forbidden [to benefit] from sea-farers even though they set out to the Mediterranean Sea. For sea-farers are considered as among those who dwell on land.

When he takes a vow not [to benefit] from those who see the sun, he is forbidden to benefit from the blind. For his intent was those who are seen by the sun. If he takes a vow not [to benefit] from those who are dark-haired, he is forbidden to benefit from men who are bald and grey-haired and permitted to benefit from women and children. If it customary to refer to all people as dark-haired, he is forbidden to benefit from everyone.

20 When a person takes a vow not [to benefit] from those who rest on the Sabbath, he is forbidden [to benefit] from Jews and Samaritans. One who takes a vow not [to benefit] from those who make pilgrimages to Jerusalem is forbidden to benefit from the Jews and permitted to benefit from Samaritans. For his intent was to include only those for whom it is a mitzvah to make a pilgrimage to Jerusalem.

When one takes a vow not [to benefit] from the descendants of Noah, he is permitted to benefit from the Jews. For the term "descendants of Noah" is used only to refer to members of other nations.

21 When a person takes a vow not [to benefit] from the descendants of Abraham, he is permitted [to benefit] from the descendants of Yishmael and the descendants of Esau. He is forbidden to benefit only from the Jews, as [indicated by **Genesis 21:12**]: "Through Isaac, your offspring will be called." And Isaac told Jacob [*ibid.* 28:4]: "And I will give you the blessing of Abraham."

22 When a person takes a vow not [to benefit] from uncircumcised individuals, he is forbidden [to benefit] from circumcised gentiles, but is permitted [to benefit] from uncircumcised Jews. If he takes a vow not [to benefit] from circumcised individuals, he is forbidden [to benefit] from uncircumcised Jews, but is permitted [to benefit] from circumcised gentiles.

[The rationale is that] the foreskin is identified with the gentiles, as [**Jeremiah 9:25**] states: "For all the gentiles are uncircumcised. His intent is only to refer to those who are commanded concerning the circumcision and not to those who were not commanded concerning it.

23 When a person takes a vow not [to benefit] from the Jewish people, he is forbidden [to benefit] from converts. [When a person takes a vow not to benefit] from converts, he is permitted [to benefit] from natural born Jews. When he takes a vow [not to benefit] from Israelites, he is forbidden [to benefit] from priests and Levites. [When he vows not to benefit] from the priests and the Levites, he is permitted to benefit from an Israelite. [When he vows not to benefit] from the priests, he is permitted to benefit from the Levites. [When he vows not to benefit] from the Levites, he is

permitted to benefit from the priests. [When he vows not to benefit] from his sons, he is permitted to benefit from his grandchildren. In all these and analogous matters, the laws regarding those who take a vow and an oath are the same.

Chapter 10

1 When a person takes a vow or an oath, saying: "I will not taste [food] today," he is forbidden only until nightfall. [If he said]: "I will not taste food for one day," he is forbidden [to eat] for a twenty-four hour period after taking his vow. Accordingly, even though he is permitted [to eat] after nightfall, one who takes a vow "not to taste [food] today" should not eat after nightfall until he asks a sage [to retract his vow]. [This is] a decree lest he take an oath another time not to eat for an entire day and eat after nightfall. For people at large do not know the difference between these two situations.

2 When one takes a vow, saying: "I will not taste [food] a day," there is an unresolved question. [Hence] he is forbidden to [eat] for an entire day, as if he had said "for one day." If he eats after nightfall, he does not receive lashes.

When one takes a vow, saying: "I will not taste [food] during this week," he is forbidden to eat during the remainder of the week and on the Sabbath, but he is permitted on Sunday. [When he says:] "I will not taste [a type of food] for one week," he is forbidden to eat [that type of food] for seven full days. If he says "[I will not eat a type of food] a week," there

is an unresolved question. [Hence] he is forbidden to [eat that type of food] for seven full days. If he eats after the Sabbath, he does not receive lashes, as we explained.

3 [When one takes a vow, saying:] "I will not drink [wine] during this month," he is forbidden in the remaining days of the month. He is, however, permitted on the day of the following *Rosh Chodesh* even if the month is lacking. [If he took a vow, saying]: "I will not drink [wine] for an entire month," he is forbidden for 30 full days. [If he said]: I will not drink [wine] for a month," he is forbidden for 30 full days because of the unresolved question.

4 [When one takes a vow, saying:] "I will not eat meat this year," even if there is only one day left in the year, he is forbidden only that day and is permitted to eat [meat] on Rosh HaShanah. For the beginning of the year with regard to vows is *Rosh Chodesh* Tishrei.

[If he says:] "I will not eat [meat] for one year," he is forbidden for a complete year from day to day. If it is a leap year, he is forbidden in that year and in the extra month. [If he says]: "I will not eat [meat] for a year," he is forbidden for a complete year from day to day, because of the unresolved question as explained.

5 [When one takes a vow, saying:] "I will not drink wine this seven-year cycle," he is forbidden in the remaining years of the seven year cycle and in the Sabbatical year. He is not permitted until Rosh HaShanah of the year after the Sabbatical year.

[If he says:] "I will not drink wine for a seven-year cycle," he is forbidden for seven full years from day to day. [If he says: "I will not drink wine] this Jubilee cycle, he is forbidden in the remaining years of the Jubilee cycle and in the fiftieth year itself.

6 [The following rules apply when one says:] "I will not drink wine until *Rosh Chodesh* Adar: If it was a leap year, but he did not know that it was a leap year when he took the vow, he is forbidden only until *Rosh Chodesh* Adar I. If he took the vow until the end of Adar, he is forbidden until the end of Adar II. If he did know that it was a leap year, he is forbidden until *Rosh Chodesh* Adar II.

7 When a person forbids himself from benefiting from a substance until Pesach, whether he said "until before Pesach" or "until Pesach," he is only forbidden until the holiday commences. If he says: "while it is Pesach," he is forbidden until Pesach concludes. If he said: "until the wheat harvest" or "until the grape harvest," or "while it is the grape harvest" or "while it is the wheat harvest," he is forbidden only until that time arrives.

8 This is the general principle: Whenever there is a fixed time for a subject mentioned in a vow, he is forbidden only until that time comes. If he words [his vow] "as long as it is," he is forbidden until that time concludes. Whenever a subject does not have a fixed time - like the time of the wheat harvest or the grape harvest - whether he said "until" or "while it is," he is forbidden only until that time arrives.

9 When a person forbids himself [from benefiting from] a substance until

the *kayitz*, he is forbidden until the people in his place begin bringing in baskets of figs. [If he vowed] until the *katzir*, [he is forbidden] until people will harvest wheat, but not barley.

If he explicitly said: "...until the *kayitz* passes," he is forbidden until the majority of the people fold up the mats they have set aside to dry figs and grapes to produce dried figs and raisins. Everything depends on the local practice in the place where the person took his vow.

10 What is implied? If he took a vow in a valley and forbid himself [from benefiting] from a substance until the *kayitz* and then moved to a mountainous region, he should not pay attention to the time whether or not the fig harvest has begun in the place where he is at present. Instead, [he is concerned] with when it begins in the place where he took the vow and that is what he follows. Similar laws apply in all analogous situations.

11 When a person forbids himself [from benefiting] from a substance until "the rains," he is forbidden until the rainy season which in *Eretz Yisrael* [begins] on Rosh Chodesh Kislev. When the time of the rainy season arrives, he is released [from his vow] whether it rains or not. If, however, it rained from the seventeenth of MarCheshvan, he is released.

If he said: "...Until it rains," he is forbidden until it rains, provided it rains from the second phase of the preliminary rainy season. In *Eretz Yisrael* and in the places close to it, this is from the twenty-third of MarCheshvan onward. If he explicitly said: "...until the rains cease," he is forbidden until the conclusion of Pesach in *Eretz Yisrael* and in the places like it.

12 When a person has his wife bound by a vow in MarCheshvan, telling her: "You may not benefit from me from now until Pesach if you go to your father's house from now until Sukkot," she is forbidden to benefit from him immediately. [This is] a decree for perhaps she will go. If she went before Pesach and derived benefit from him before Pesach, he is liable for lashes.

If Pesach passed, even though the stipulation has expired, it is forbidden for him to treat the vow casually and allow her to go [to her father's home] and derive benefit from him. Instead, he should treat her as if it is forbidden until Sukkot as he vowed. [This applies] even though he made the vow dependent on a time that has already passed. Similar laws apply in all analogous situations. If she went [to her father's home] after Pesach, she is not forbidden to benefit from him.

13 If he told her: "You may not benefit from me from now until Sukkot if you go to your father's house from now until Pesach," she is forbidden to benefit from him immediately. If she went [to her father's home] before Pesach and he gave her benefit, he is subject to lashes. She remains forbidden to him until Sukkot. After Pesach arrives, she is permitted to go to her father's house.

Chapter 11

1 [The following rules apply with regard to] a male minor who is twelve years and one day old and a female minor who is eleven years and one day old who took an oath or a vow, whether a vow forbidding something to

them or a vow consecrating an article. We investigate them and ask them [questions]. If they know for Whose sake they took the vow or for Whose sake they consecrated [the article] or took the oath, their vows and their consecration are binding. If they do not know, their vows and their statements are of no consequence.

It is necessary to make an investigation throughout the entire twelfth year of a female minor and the entire thirteenth year of a male minor.

2 What is implied? A minor took a vow or consecrated [property] at the beginning of the year, they were questioned, it was discovered that they knew [for Whose sake the vow was taken], and the vow was maintained. If they took another vow, even at the end of this year, they must be questioned again [for the vow] to be maintained. We do not say: "Since they were knowledgeable at the beginning of the year, they no longer have to be questioned. Instead, we question them throughout the entire year.

3 Before this time, even when they say: "We know for Whose sake we took the vow or for Whose sake we consecrated it," their vows and their consecration are of no consequence. After this time [passes] and a male is thirteen years and one day and a female is twelve years and one day, even though they say: "We do not know for Whose sake we took the vow or for Whose sake we consecrated it," their vows and their consecration are binding even if they did not manifest physical signs of maturity. This is the time when vows [take effect] which is mentioned in all sources.

4 Since they reached the age of majority, their vows are binding even if they

did not manifest physical signs of majority and [thus] are not considered as adults with regard to all matters. This concept is of Scriptural origin: that when a person close to the age of adulthood utters a vow, his consecration [of articles] and his vows are binding. Nevertheless, although the vows of these individuals are binding, if they desecrate their vows or take oaths and substitute for them, they are not punishable by lashes until they reach the age of majority and manifest signs of physical maturity.

5 If [such a minor] consecrated an article and an adult came and benefited from the article that he consecrated, [the adult] is liable for lashes. For [the minor's] vows are valid according to Scriptural Law, as explained.

6 When does the above statement - that the vows taken by a female twelve years and one day old are binding - apply? When she is neither in her father's domain or her husband's domain. If, however, she is in her father's domain, even if she comes of age and she is a maiden, her father may nullify all of the vows and oaths she takes on the day he hears of them, as [**Numbers 30:6**] states: "All of her vows and prohibitions... [shall not stand...] because her father withheld her."

7 Until when may her father nullify [her vows]? Until she fully comes of age. Once she fully comes of age, he may not nullify her [vows]. Instead, all of her vows and oaths are like those of a widow or a divorcee, as [implied by **Numbers 30:10**]: "Everything that she forbade upon her soul [shall remain upon her]."

8 When may a husband nullify his wife's vows and oaths? From the time she

enters the *chupah*. He may continue to nullify her vows forever until he divorces her, with the bill of divorce reaching her hand.

If there was an unresolved doubt concerning her divorce, he should not nullify her vows. If he gives her a bill of divorce conditionally or one that takes effect at a later time, he should not nullify [her vows] in the interim. Similarly, [when a woman] has heard that her husband died and remarried, but [in truth] her husband was alive or other similar situations [prevail], neither her first husband, nor her second husband should nullify her vows. If she was forbidden [to her husband] by a negative commandment and needless to say, if she is forbidden only by a positive commandment, and her husband nullified her vows, her vows are nullified.

9 When a maiden has been consecrated, her vows may be nullified only by her father and the *erus* together. If one nullified [a vow] alone, it is not nullified. If her *erus* nullified [the vow] alone and she violated the vow before her father nullified it, she is not liable for lashes.

10 If (the *erus*) dies, she returns to her father's domain. Any vow she takes may be nullified by her father as was her status before consecration. If her father died after she was consecrated and she took a vow after his death, her *erus* cannot nullify it. For an *erus* cannot nullify his wife's vows [alone] until she enters the *chupah*.

11 [The following rules apply when] a consecrated maiden takes a vow, her father heard her vow, but not her *erus*, she was divorced that day and then

consecrated by another person that day. Even if [she was divorced and consecrated] 100 times [that day], her father and her last *erus* may nullify the vows she took before her first *erus*. [The rationale is that] she never departed into her own domain for one moment, for throughout the entire time, she is in her father's domain, for she is still a maiden.

12 When, by contrast, a married woman took a vow and her husband did not nullify it, he divorced her that day, and remarried her that day, he cannot nullify her vows, for she departed into her independent domain after she took her vow. Although she took her vow in his domain and she is now in his domain, since she departed into her own domain in the interim, her vows are binding.

13 [The following rule applies when] a consecrated maiden took a vow that was not heard by either her father or her *erus*, she was divorced, and then consecrated to someone else. Even several days after [she took the vow], when her father and her last *erus* hear about the vow that she took while consecrated to her first *erus*, they may nullify it, since her first *erus* did not hear it.

14 [The following rule applies when] a consecrated maiden took a vow, her father alone heard it and nullified it, but the man to whom she was consecrated died before hearing it. If she was consecrated to another man - or to 100 other men - that day her father and her last *erus* may nullify her vow.

15 [The following rule applies when] the *erus* heard [her vow], nullified it

and died and afterwards, her father heard and she was consecrated to another person that day. Her father and the second *erus* may nullify her vows.

16 If her father heard [that she took a vow], but the *erus* did not and the *erus* died that day or the *erus* also heard [about her vow] and nullified it or remained silent and then died that day, she returns to her father's domain and her father may nullify [her vows].
If the *erus* heard [about her vow] and maintained it and died that day, or remained silent and died the following day, her father cannot nullify her vow.

17 If the *erus*, divorced her after hearing [of her vow], there is an unresolved question whether the divorce is considered as silence and her father may nullify her vow together with a second *erus* who consecrates her that day. Or perhaps the divorce is like her first *erus* maintaining her vow, in which instance, the vow is maintained.

18 When the father heard the vow and nullified it and then died and then the *erus* heard [of the vow] or even if the *erus* heard of the vow before the death of the father, she is not transferred [entirely] to the domain of her *erus*. He cannot ever nullify the vow after the father's death, for an *erus* can nullify a vow only together [with the father].

19 If the *erus* heard [the vow], nullified it, and died and then the father heard or the father heard and nullified it and the *erus* died before he heard it, the father cannot nullify these vows that were in the jurisdiction of the first

erus except together with a second *erus* to whom she is consecrated that day, as we explained.

20 If a woman took a vow, her father nullified it alone, and her husband did not hear [of the vow] until he brought her into his domain, he cannot nullify [her vow]. For a husband cannot nullify a vow taken by the woman he consecrated after he marries her. Instead, [this must be done] before she enters his domain, when he nullifies it together with her father. For this reason, it was the practice of Torah Sages to tell their daughters before they left their domain: "All the vows which you took while in my household are nullified."

21 Similarly, the husband would tell her before she enters his domain: "All of the vows that you took from the time I consecrated you until you entered my home are nullified." For a husband can nullify the vows of his wife even though he did not hear them.

22 If the father went with the agents of the husband or the father's agents went with the agents of the husband, her vows must still be nullified by her father and her husband jointly. If her father transferred her to the agents of her husband or her father's agents transferred her to her husband's agents, her father can no longer nullify her vows. Nor may the husband nullify them. For the husband cannot nullify vows that were taken before [he married her], as we explained.

23 When a woman is waiting for *yivum* - even if the *yevam* already made a statement of his intent, and even if there is only one *yevam* and one

yevamah - [the *yevam*] may not nullify her vows until he is intimate with her.

24 When a *yevamah* who is a maiden had been [merely] consecrated to [her deceased husband] and her father is alive, the *yevam* and her father do not nullify her vows together. Instead, her father alone is the one who nullifies any vow that she takes. Even if the *yevam* stated his intent to marry her, she is not considered as a consecrated maiden, for a statement of intent does not [establish] a complete [marriage bond between] a *yevamah* [and her *yevam*], as we explained.

25 When a maiden who was given in marriage by her father is widowed or divorced after marriage, she is like an orphan in her father's lifetime. Her father does not have the right to nullify her vows even if she is a maiden.

26 When a consecrated maiden takes a vow, but neither her father or her husband heard of her vows until she came of age or until she became like an orphan in her father's lifetime, her vows are binding; they cannot be nullified by her *erus*. [The rationale is that] she departed from her father's domain and he [and her *erus*] must nullify her vows together and she has not entered her husband's domain.

Chapter 12

1 A father [has the right to] nullify any vows and oaths [taken by his daughter only] on the day he hears of them, as [**Numbers 30:6**] states: "[But if her father withheld her on the day that he heard,] all of her vows

and prohibitions... [shall not stand]."

A husband, by contrast, may nullify only those vows and oaths that involve personal aggravation or they are matters that affect the marriage relationship, e.g., she took an oath or a vow not to put on eye-paint or wear jewelry. [This is implied by *ibid*.:17]: "between a man and his wife."

2 What is the difference between [the laws governing] vows that involve personal aggravation and those that affect the marriage relationship. With regard to vows that involve personal aggravation, his nullification has bearing for himself and for others. With regard to those involving the marriage relationship, his nullification has bearing for himself but not for others.

3 What is implied? She took a vow not to eat meat. He may nullify it and she will be permitted to eat meat if she is married to any other person forever. If she forbade marital intimacy with any man, he may nullify the vow with regard to himself and she may engage in intimacy with him. If, however, he dies or divorces her, she is forbidden to engage in intimacy with all other men. Similar laws apply in all analogous situations.

4 Whether the aggravation is of a minor nature or a major nature, for a short time or for a long time, the husband has the right to nullify all [such] vows.

5 What is implied? She took a vow or an oath "not to bathe today," "not drink wine today," or "not to eat honey today," he may nullify the vows. [This also applies if] she vowed "not to put on eye paint today" or "not to

wear colored woven garments today." Similar laws apply in all analogous situations. Even if she took a vow [not to partake of] an unpleasant food or a type of food that she had never eaten, [her husband] may nullify it.

6 When she took a vow not to partake of two loaves of bread and not partaking of one would cause her aggravation, but not partaking of the other would not cause her aggravation, her husband may nullify the one that would cause her aggravation and may not nullify the one that would not cause her aggravation.

7 When a woman takes a vow not to eat figs from her native country, [her husband] may nullify her vow, because this is a matter that affects the marriage relationship. For it is a major problem for him to undertake the difficulty of bringing her [figs] from another place. Therefore, if he dies, divorces her, or another person brings her figs from her native country, they are forbidden to her. For [a husband's] nullification [of a vow that] affects the marriage relationship does not have bearing for others.

8 Similarly, if she took an oath not to benefit from people at large, even though her husband is not included in the vow, he has the right to nullify it, because it affects the marriage relationship. Otherwise, he will have to give her food only from his own resources. Similarly, he may nullify [the vow] if she [takes a vow], forbidding her from benefiting from an entire nation, e.g., all the Jews or all the Ishmaelites.

9 When a woman tells her husband: "Pleasure from intimacy with me is forbidden to you," he need not nullify the vow. To what can the matter be

compared? To one who forbids the owner of fruit from benefiting from his own fruit. Similarly, if he tells her: "Pleasure from intimacy with me is forbidden to you," his statements are of no consequence, because he is obligated to provide her with her sustenance, clothing, and intimacy, as we explained in *Hilchot Ishut*.

If, however, she told him: "Pleasure from intimacy with you is forbidden to me," he must nullify the vow. If he does not nullify it, it is forbidden for him to engage in relations with her, because we may not force a person to partake of food that is forbidden to him.

10 If she said: "May my hands be sanctified to the One who made them," or she took a vow that he would not benefit from the labor of her hands, he is not forbidden to benefit from the labor of her hands, because her hands are on lien to him. Although [our Sages] declared: "Emancipation, [the prohibition against] *chametz*, and consecration sever a lien," our Sages reinforced a husband's lien [on his wife's work and her earnings], preventing her from severing it, because it is of Rabbinic origin. He must, however, nullify the vow, lest he divorce her and then he be forbidden to remarry her.

11 If she took an oath or a vow that neither the father of her husband, his brothers, or any of his other relatives will benefit from her, he cannot nullify the vow. Similarly, he may not nullify her vow if she vows not to bring his animal water, straw for his cattle, or the like. [The rationale is that these vows] do not aggravate the soul, nor do they affect the marriage relationship, [since] they are not of the tasks that she is obligated to

perform.

12 A husband and a father may nullify vows that have not taken effect and have not yet caused prohibitions for her. What is implied? She said, for example: "Wine will be forbidden to me if I go to this-and-this place." Even though she has not yet gone there and [thus the wine] is not yet forbidden, the vow may be nullified. Similar laws apply in all analogous situations.

13 A father or a husband who is deaf may not nullify vows. Even though a husband may nullify vows which he has not heard, when a person is fit to hear a vow, [the fact that he does not] hear it is not of consequence.

14 Neither a father, nor a husband who is intellectually or emotionally unstable may nullify a vow. A minor cannot establish a marriage bond; accordingly, he may not nullify a vow. A husband may nullify the vows of two of his wives simultaneously. Similarly, a father may nullify the vows of two of his daughters simultaneously.

15 The nullification of vows may be carried out throughout the entire day. [The right does not continue] for 24 hours.
What is implied? If she took a vow at the beginning of Sunday night, the vow may be nullified throughout that night and the entire day Monday. When she took a vow at the conclusion of the day, directly before nightfall. If he nullified the vow before nightfall, it is nullified. If he did not nullify it until after nightfall, he may not nullify it any longer.

16 What is meant by the Torah's words [**Numbers 30:15**]: "from one day to the next"? They teach that if she takes a vow at night, he may nullify it during the night. And he may nullify it throughout the following day, as we explained.

If she took a vow and waited several days and only then, her father or her husband heard of it, he may nullify it on the day he heard of it. It is as if she took the vow on the day that he heard of it, as [implied by *ibid.*:6]: "On the day he heard of it," [i.e.,] and not only the day she took the vow.

17 When a consecrated maiden took a vow and her father heard of it and nullified it and after several days her *erus* heard of it and nullified it on the day he heard of it, it is not nullified, as [implied by *ibid.*:6-8]: "If her father prevented her on the day that he heard of it.... If she was married to a man with vows incumbent upon her.... If her husband heard of it. On the day, he heard of it...." From this we infer: Since her father nullified it and her *erus* heard of it, he must nullify it on the day the father heard of it. Similarly, if her *erus* heard [of the vow] and nullified it and after several days, the father heard of it and nullified it on the day he heard of it, it is not nullified.

How do we know that the verse is speaking about a consecrated maiden? Because further on, the passage [*ibid.*:11-12] states: "If she vows in her husband's home... her husband heard her and remained silent." We can infer that the husband spoken about previously is an *erus*., as we explained.

18 When a father or a husband hears of a vow and remains silent in order to

cause the woman aggravation, if the day passes without him nullifying or revoking [her vows], they are binding even if he did not have the intent of accepting them.

If she took a vow and her father or her husband nullified it, but without knowing of the nullification, she willfully violated her vow or oath, she is not liable. Although she had the intent of transgressing, since she committed a permitted act, she is exempt. Concerning this, [*ibid.*:6] states: "God will forgive her, although her father prevented her." She is given stripes for rebellious conduct, because she had the intent to transgress.

19 When she takes a vow and violates her vow before her father or her husband nullifies it, she is liable - either for lashes or a sacrifice - for the transgression she committed even if he heard of it that day and nullified it.

20 If a father or a husband heard of [a woman's] vow, but remained silent, because he did not know that a father or a husband has a right to nullify her vows or he knew that he had a right to nullify her vow, but did not know that such a vow required nullification, when he learns of this, he may nullify [the vow]. The time when he gains this knowledge is equivalent to the time of the vow or the time he heard of it and he may nullify it for that entire day.

21 [When a nullification is made in error,] one must return and nullify it again. [For example,] his wife took a vow and he thought that she was his

daughter, and he nullified it with the intent that she was his daughter. She took a nazirite vow and he thought that she had vowed [to offer] a sacrifice and he nullified it with the intent that she had vowed [to offer] a sacrifice. She forbade herself to partake of figs and he thought she said grapes and nullified with the intent that she had forbade grapes. [In all such instances,] he must nullify the vow again when he learns of the vow and the identity of the woman taking the vow for the sake of this woman and this vow. [This can be inferred from *ibid.*:5]: "Her father did not prevent her"; [this indicates that he must have in mind] the woman taking the vow herself. "And her father heard her vow," i.e., until he knows the vow that she took. He may nullify the vow throughout the entire day that he discovers this information.

Chapter 13

1 A man may nullify or accept the [vows] of his wife or daughter in any language, even though she does not understand it, for the woman need not hear the nullification or the acceptance [of her vow].

2 How does he nullify [the vow]? He says: "It is nullified," "It is void," "This vow is of no consequence," or uses other terms that imply that the vow is nullified from the outset, whether in the woman's presence or in her absence.

If, however, he tells her: "I cannot bear your taking a vow" or "This is not a vow," he did not nullify it. Similarly, if he tells his wife or his daughter: "[Your vow] is forgiven," "[It] is released," "[It] is absolved," or the like,

his statements are of no consequence. For a father and a husband do not release a vow like a sage does, but instead, uproot the vow from the outset and nullify it.

3 How does one express his acceptance of a vow? He says to her: "I uphold your vow," "It was good that you vowed," "There is no one like you," "Had you not taken the vow, I would have administered it to you," or any analogous statement that implies that he is happy with this vow.

4 When a person voids the vows of his wife or daughter, it is not necessary for him to say anything and all of the vows are nullified.

5 What is meant by voiding? That he forces her to do something that she forbade herself to do. Nullification, by contrast, does not involve forcing her. Instead, he nullifies the vow verbally and allows her [to do as she desires]. If she desires, she may act [in violation of the vow]. If she desires, she need not.

6 What is implied? She took a vow or an oath not to eat or not to drink and he told her: "It is nullified for you." It is nullified and she is permitted to eat and to drink. If he took it and gave it to her, saying: "Take this and eat it," "Take this and drink," she may eat and drink and the vow is automatically nullified.

7 When a person nullifies the vows of his wife or daughter, he must make a verbal statement of nullification. If he nullifies it within his heart, [the vow] is not nullified. When, however, he voids [their vows], he does not

have to make a verbal statement. Instead, he nullifies the vow in his heart and compels her to perform [the deed]. Whether she performs it or not, the vow is nullified.

8 We may nullify vows on the Sabbath, whether for the sake of the Sabbath or not. On the Sabbath, however, one should not, however, tell [his wife or daughter]: "[Your vow] is nullified," as one would say during the week. Instead, he should nullify [the vow] in his heart and tell her: "Take this and eat it," "Take this and drink," or the like.

9 When a person tells his wife or his daughter: "All the vows that you will take from now until I come from this and this place are upheld" or "...are nullified," his words are of no substance.

If he appointed an agent to nullify her vows or to uphold them, his act is of no substance, as [implied by **Numbers 30:14**]: "Her husband will uphold them, her husband will nullify them." Similarly, her father must act on his own, not through an agent.

10 [When a woman takes a vow,] forbidding herself to [partake of] figs and grapes, whether through a vow or through an oath, whether she forbade herself from [partaking of] all types of the species or she said: "These figs and these grapes," if [her husband] upheld [the vow] concerning figs and nullified that concerning grapes or upheld [the vow] concerning grapes and nullified that concerning figs, what he upheld is binding and what he nullified is nullified. Similar laws apply in all analogous situations. With regard to the nullification of a vow, we do not say that when a portion of a

vow has been nullified, the entire vow is nullified, as is said with regard to the absolution of vows.

11 When a man's wife takes a vow and he hears it and extends the vow to apply to him, he cannot nullify it. [The rationale is that] he [already] upheld it. If he took a vow and she extended it and applied it to herself, he may nullify her vow, but his vow is binding.

12 What is implied? He heard his wife or his daughter say: "I am a nazirite," and said: "And I am also," he cannot nullify [her vow] and they are both nazirites. If he said: "I am a nazirite," and she heard and said: "And so am I," he may nullify her vow and his vow is still binding. Similar laws apply in all analogous situations.

13 When a husband takes a vow and administers an identical vow to his wife, having made a certain decision to administer the vow to her, if she says *Amen*, he may not nullify it. If he took a vow and administered it to her as a question to see what she felt about it, e.g., he asked her "Do you desire to be like me [by taking] this vow or not?" If she says: *Amen*, he may nullify her vow.

14 What is implied? He said: "I am a nazirite and so are you," i.e., you are a nazirite just like me. If she says *Amen*, he may not nullify her vow.
If he says: "I am a nazirite. What do you say? Will you be a nazirite like me?" If she says *Amen*, he may nullify her vow. If he nullifies her vow, his vow is also nullified. It is as if he made his vow dependent on her vow.
If she told him: "I am a nazirite. What about you?", if he answered *Amen*,

he cannot nullify [her vow]. Similar laws apply in all analogous situations.

15 [The following rules apply when] a woman takes a vow and another person extends the scope of the vow to include himself, saying "And I [as well]." If her father or husband hears of the vow and nullifies it, her vow is nullified, but that of the person who extended the vow is not.

16 [The following rules apply concerning] a woman who is unmarried and not in her father's domain who says: "Meat will be forbidden to me after 30 days" and she marries within those 30 days. Even though she is in her husband's domain at the time the vow takes effect, he cannot nullify it. [The rationale is that] at the time the vow was taken she was not in his domain. Concerning such a situation, it was said [**Numbers 30:10**]: "The vow of a widow or a divorcee... shall remain standing." [This applies] even if she was consecrated to [her husband] at the time she took the vow, for a husband may not nullify [vows that were taken] before [the marriage is consummated], as we explained.

17 [The following rules apply if a woman] took a vow while under her husband's domain that meat will become forbidden to her after 30 days or that she will become a nazirite after 30 days and her husband nullified her vow, but he died or divorced her within those 30 days. Although she will be a divorcee or a widow when the vow will take effect, she is not bound by it, because [her husband] already nullified this vow for her.

18 When a widow or a divorcee says: "Wine will be forbidden to me when I marry," [if] she marries, her husband cannot nullify the vow. [If a married

woman says]: "I will be forbidden [to eat] meat when I am divorced," her husband may nullify the vow. When she is divorced, she is permitted [to eat meat].

19 When a husband upholds [his wife's vow] in his heart, it has been upheld. If he nullifies it in his heart, it is not nullified, as we explained. Therefore, if he nullifies it in his heart, he can still retract and uphold it. If, by contrast, he upheld it within his heart, he cannot retract and nullify unless he retracts immediately thereafter. [That leniency is granted] so that his thoughts within his heart should not have greater power than the statements he makes.

20 When a person upholds the vows of his daughter or his wife and then changes his mind, he may appeal to a sage to absolve him of his acceptance [of the vow]. He may then recant and nullify it for her that day. If, by contrast, he nullifies it for her and then changes his mind, he cannot appeal to a sage to absolve it so that he can retract and maintain it.

21 When a consecrated maiden takes a vow and only one of her father or husband upholds her vow, while the other nullifies, even if the one who upheld the vow approaches a sage and has his acceptance absolved, he cannot recant and nullify the vow together with the one who has already nullified it. [The rationale is that] the two may only nullify [the vow] together.

22 If a man tells his daughter or his wife: "It is upheld for you. It is upheld for you," [even] if he asks to have the first acceptance absolved, the second

one takes effect.

If he tells her: "It is upheld for you. It is nullified for you, but the acceptance will not take effect until after the nullification does," [the vow] is nullified, because the acceptance does not take effect after the nullification.

If, however, he tells her: "It is upheld for you and nullified for you at the same time," it is upheld. If he tells her: "It is upheld for you today," it is upheld forever. If he tells her: "It is nullified for you tomorrow," it is not nullified, for he upheld it today and he cannot nullify it on the following day. If he tells her: "It is upheld for you for one hour," and the day passed without him nullifying it, he has upheld it. We do not say that this is like one who said: "It is nullified for you after an hour," because he never verbally expressed its nullification.

If he told her: "It is upheld for you for one hour," and after an hour, he told her: "It is nullified for you," there is an unresolved question [as to the ruling]. Therefore she is forbidden in [the matters] her vow [concerned]. If, however, she violated her vow, she is not punished by lashes.

23 When a person takes vows in order to establish his character traits and correct his conduct, he is considered eager and praiseworthy. What is implied? If a person was a glutton and he [took a vow] forbidding meat for a year or two, a person was obsessed with wine and he [took a vow] forbidding himself from drinking wine for a prolonged period or he forbade himself from ever becoming intoxicated, a person would continually pursue illicit gain and was overexcited about wealth [took a vow] forbidding [accepting] presents or benefit from people in a particular

country, similarly, a person who would be proud of his comely appearance and took a nazirite vow, or the like - all of these are paths in the service of God and concerning such vows and the like our Sages said: "Vows are a safeguard for restraint."

24 Although [taking vows] is an element of the service of God, a person should not take many vows involving prohibitions and should not habituate himself to taking them. Instead, he should abstain from those things from which one should abstain without taking a vow.

25 Our Sages stated: "Anyone who takes a vow is considered as having built a private altar." If he transgressed and took a vow, it is a mitzvah to ask [a sage] to absolve it, so that he will not have an obstacle before him.
When does the above apply? With regard to vows involving prohibitions. With regard to vows involving the consecration of articles, it is a mitzvah to uphold them and not to ask for their absolution unless one is [financially] pressed, as [**Psalms 116:14**] states: "I will fulfill my vows to God."

Mishneh Torah, Nazariteship

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Chapter 1

1 A nazirite vow is one of the types of vows involving prohibitions,as [**Numbers 6:2**] states: "When one will take a nazirite vow...." It is a positive commandment for [a nazirite] to let the hair of his head grow, as [*ibid.*:5] states: "He shall let the mane of the hair of his head grow." If he cuts [his hair] in the midst of the days of his nazirite vow, he violates a negative commandment, as [*ibid.*] states: "A razor shall not pass over his head." Similarly, he is forbidden to contract ritual impurity from a corpse or eat those products of a grape vine which the Torah forbids him from eating throughout the entire span of his nazirite vow.

2 When [a nazirite] transgressed and cut his hair, became impure [due to contact with a corpse], or partook of wine grapes, he receives two sets of lashes:one because of the prohibition "He shall not desecrate his word," and one because of the prohibition that he transgressed from the unique prohibitions that apply to a nazirite.

3 When a person takes a nazirite vow and fulfills his vow according to the mitzvah, he has performed three positive commandments: a) "He shall act in accordance with all that he uttered with his mouth," and he has acted [accordingly], b) "He shall let the mane of the hair of his head grow," and he has let it grow, and c) shaving and bringing his sacrifices, as [*ibid.*:18] states: "And the nazirite shall shave at the entrance to the Tent of

Meeting."

4 When a person says: "I will not depart from the world until I become a nazirite," he becomes a nazirite immediately, lest he die at that time. If he delays [implementing] his nazirite vow, he transgresses the prohibition: "Do not delay in paying it." Lashes are not given for the violation of this prohibition.

5 With regard to a nazirite vow, we do not say: [The vow does not take effect] until he makes a statement that every person would be able to understand [that] in his heart [he desired to take a nazirite vow]. Instead, since he made a decision in his heart to take a nazirite vow and verbally expressed concepts that suggest this intent, he is a nazirite although these concepts are distant and [their simple meaning] does not communicate the concept of a nazirite vow.

6 What is implied? A nazirite was passing in front of a person and he said: "I will be," he is a nazirite. Since in his heart, he intended to say that he will be like that person, [it is considered as if he made such a statement] even though he did not explicitly say: "I will be like him." Similarly, if he took hold of his hair and said: "I will become attractive," "I will grow my hair," "I will cultivate my hair," "I will let my hair grow long," he is a nazirite, provided he made such a decision in his heart.

7 If he says: "I am obligated to bring doves [as offerings], he is not a nazirite even if a nazirite is passing in front of him and even if he had the intent of becoming a nazirite. It is as if he did not say anything.

8 All nicknames for a nazirite vow are considered like a nazirite vow.
What is implied? In places where people mispronounce the words they use, if one says: "I am a *nazik*, a *naziach*, a *paziach*, he is a nazirite."

9 If a person says: "I am a nazirite only with regard to grape seeds" or "...with regard to grape peels," "I am a nazirite with regard to shaving," or "I am a nazirite only with regard to impurity," he is a nazir in the complete sense and he must keep all the particular laws incumbent on nazirites even though his intent was to forbid himself only with regard to the particular he mentioned. Since the matter concerning which he took the nazirite vow is forbidden to nazirites, he is a nazirite in the full sense of the term.

10 If, however, one says: "I am a nazirite from dried figs," "...from cakes of dried figs," or the like, he is forbidden [to partake of] the article specified, but he is not a nazirite.

11 When a cup of wine was mixed for a person and given to him to drink and he said: "I am a nazirite from it," he is a nazirite in the complete sense. If he was a morose person, angry, or in mourning and the others were trying to have him drink to release his burden and he said: "I am a nazirite from this [cup]," he is forbidden to drink only that cup, but he is not a nazirite. [The rationale is that] his intent was only that he would not drink that cup.

12 Similarly, if a drunken man was given a cup to make him totally inebriated and he said: "I am a nazirite from it," he is forbidden to drink

only that cup, but he is not a nazirite. [The rationale is that his intent was] only that they should not have him become overly drunk. If he was as drunk as Lot his statements are of no consequence and he is not liable for any transgression that he performs. For when he reaches a state of inebriation equivalent to Lot's, he is not liable at all.

13 When a person says: "I am a nazirite on the condition that I can drink wine," "...become impure because of contact with the dead," or "...cut my hair," he is a nazirite and is forbidden to perform all of the above. [The rationale is that] he made a stipulation against what is written in the Torah and whenever one makes a stipulation against what is written in the Torah, the stipulation is nullified.

14 When a person takes a nazirite vow and [afterwards] says: "I did not know that a nazirite was forbidden to partake of wine..., "...to become impure," or "...to cut hair. Had I known this, I would not have take the vow," he is a nazirite and is obligated in all these prohibitions. [The rationale is that] he knows that he is obligated in at least one of these [prohibitions] and as we explained, even if one took a [nazirite] vow, forbidding only one of these acts, he is forbidden in all of them.

15 If the person says: "I know that a nazirite is forbidden in all of the above, but I thought that it would be permitted for me to drink wine, because I cannot live without wine," or "[I thought that I would be permitted to become impure,] because I bury the dead," he is not a nazirite, because his vow is included in the category of vows made in error which need not be

absolved by a sage, as we explained.

16 When a person says: "My hand is a nazirite" or "My foot is a nazirite," his words are of no consequence. If, however, he says: "My head is a nazirite" or "My liver is a nazirite," he is a nazarite." This is the general principle: Whenever a person designates as a nazirite an organ upon whose removal from a living person would cause him to die, he is a nazirite.

17 When a person says: "I will be a nazirite when a *ben* is born to me," if a son is born to him, he is a nazirite. If, however, a daughter, a *tumtum*, or an androgynus is born to him, he is not a nazirite.

If he says: "I will be a nazirite when offspring is born to me," even if a daughter, a *tumtum*, or an androgynus is born to him, he is a nazirite. If his wife miscarries, he is not a nazirite. If she becomes pregnant again and gives birth, he is a nazirite.

Chapter 2

1 When a person takes a nazirite vow inadvertently, is compelled to take one by forces beyond his control, takes one in order to encourage a colleague, or takes one while making exaggerated statements, he is exempt as is the law concerning other vows.

When a person takes a nazirite vow and regrets having taking it, he may approach a sage and ask him [to absolve it]. He may release his nazirite vow in the same way he releases other vows.

2 [The following rules apply when a person] took a nazirite vow and went

to brings his sacrifices for that vow with the intent that he will bring them on the completion of the days of his vow, but discovered that either all of the animals or one of them were stolen. If he took the nazirite vow before the animal was stolen, he is a nazirite. If he took the nazirite vow after [an animal] was stolen, lost, or died, he is not a nazirite. It is as if he took a nazirite vow in error.

3 When a person extends a nazirite vow, he is a nazirite, as we explained with regard to the laws concerning the extension of other vows.

4 If a nazirite was passing before him and he said: "I am like him," he is a nazirite. If a colleague of his took a nazirite vow and he said: "My mouth is like his mouth with regard to wine" or "My hair is like his hair with regard to cutting it," he is a nazirite. Similarly, if he heard him [take a nazirite vow] and said: "And also I" immediately thereafter, [he is a nazirite]. And if a third person said: "And also I" immediately after the second person's statement - even if this continues for 100 individuals - they are all nazirites.

5 If a person says: "I will be a nazirite when a son will be born to me," and his colleague says: "And also I," his colleague becomes a nazirite immediately.

6 When a person tells a colleague: "I will be a nazirite when a son will be born to you," and his colleague says: "And also I," [his colleague does not become] a nazirite. [The rationale is that] the latter person only had the desire to say that he would love for a son to be born to him to the same

degree as the first does. For he is embarrassed in his presence.

7 When a person says: "I will be a nazirite when a son will be born to so-and so," and his colleague heard his statement and said: "And also I," there is an unresolved question concerning the matter. Perhaps his colleague's intent was to become a nazirite like him or perhaps he wanted to say that he loved him like the other person did. When there is a question whether a nazirite vow takes effect, we rule leniently.

8 [A nazirite vow can take effect in the following situation.] Two people were walking on the road and saw another person approaching them. One of them said: "The person approaching us is Shimon." The other said: "He is Reuven." The first replied: "I will become a nazirite if it is Reuven" and the second responded: "I will become a nazirite if it is Shimon." If he reaches them and he is Reuven, [the first] is a nazirite. If it is Shimon, the second is a nazirite as per the vows. Similar laws apply in all analogous situations. If the person did not reach them, but instead turned backward and disappeared from their sight and they did not discover his identity, neither of them are nazirites.

9 Similarly, when a person says: "I will be a nazirite if there will be 100 *kor* in this grainheap," if when he goes to measure it, he discovers that [some of the produce] was stolen or lost, he is not a nazirite. Similar laws apply in all analogous situations. [The rationale is that] When there is a question about whether a nazirite vow takes effect, we rule leniently.

10 All [of the people who took nazirite vow in the following situation] are

nazirites. Several people] were walking on the road and saw a *ko'i* from a distance. One said: "I will be a nazirite if that is a wild beast." Another said: "I will be a nazirite if that is a domesticated animal." Another said: "I will be a nazirite if that is not a wild beast." Another said: "I will be a nazirite if that is not a domesticated animal." Another said: "I will be a nazirite if that is neither a wild beast, nor a domesticated animal." Another said: "I will be a nazirite if that is both a wild beast and a domesticated animal." [The rationale is that] in certain matters, a *ko'i* resembles a wild beast. In other matters, it resembles a domesticated animal. In still other matters, it resembles both a wild beast and a domesticated animal and in still other matters, it resembles neither a domesticated animal, nor a wild beast.

Similar laws apply if they saw an *androgynus* and argued whether the person was a man or a woman and took vows similar to those mentioned with regard to a *ko'i*. They are all nazirities, because there are matters in which an *androgynus* resembles a man, matters where the resemblance is to a woman, matters in which there is no resemblance to either a man or a woman, and matters in which there is a resemblance to both a man and a woman.

11 All of the above applies to the person's status with regard to the mitzvot and not with regard to his nature and physical characteristics. Similarly, the factors involving a *ko'i* apply with regard to the mitzvot and not with regard to its nature and physical characteristics.

What is implied? [When] a *ko'i* [is slaughtered, its] blood must be covered as the blood of a wild beast must. Its fat is forbidden as is the fat of a

domesticated animal. It is considered a union of mixed species if it is mated with either a domesticated animal or a wild beast, as if it were neither a wild beast or a domesticated animal. And it must be ritually slaughtered as is required for both a domesticated animal or a wild beast. Similarly, there are other halachic considerations that apply with regard to it and they will all be explained in their appropriate place.

Similarly, an *androgynus* becomes impure because of a seminal emission like a man and because of uterine bleeding like a woman. He cannot be sold as a Hebrew servant, [differing in this way] from both a man and a woman. And a person who kills him is executed like one who kills either a man or a woman. There are also other laws applying to him. Each one will be stated in its place.

12 Similar [laws apply] if [several people] saw a group of men approaching them which contained sighted people and blind people. One said: "I will be a nazirite if they are sighted people." Another said: "I will be a nazirite if they are not sighted people." Another said: "I will be a nazirite if they are blind." Another said: "I will be a nazirite if they are not blind." Another said: "I will be a nazirite if among them are sighted people and blind people." Another said: "I will be a nazirite if among them are those who are not sighted people and those who are not blind." Similar laws apply in all analogous situations.

13 When a minor reaches the age when his vows are of consequence and he takes a nazirite vow, he is a nazirite and must bring his sacrifices even though he has not manifested signs of physical maturity, as he [must

uphold] his other vows.

A father may administer a nazirite vow to his son who is underage even though he has not reached the age when his vows are of consequence. A woman, by contrast, may not administer a nazirite vow to her son. This is a concept conveyed by the Oral Tradition. It does not apply with regard to other vows.

14 What is implied? A father told his son who was a minor: "You are a nazirite"; he said: "My son, so-and-so, is a nazirite;" or he said, [pointing to his son,] "He is a nazirite," and the son remained silent, the son is a nazirite. The father must have him conduct himself according to all the particulars of the nazirite laws. If [the son] becomes impure, he must bring the sacrifices [associated with the termination] of impurity. When he completes his nazirite vow, he must bring the sacrifices [required when a nazirite vow is completed in] purity.

15 If the son did not desire this and objected to the matter, his relatives objected, he cut off his hair, or his relatives cut off his hair - thus performing a deed that indicates that either he or his relatives did not desire the nazirite vow, he is not a nazirite. Until when may his father administer a nazirite vow to him? Until he attains majority, and becomes an adult.

16 The concept of a nazirite vow does not apply to gentiles, for [**Numbers 6:2**] "Speak to the children of Israel."

17 The concept of a nazirite vow does apply to women and servants. A father

or a husband may nullify a nazirite vow taken by a woman if he so desires as is the case with regard to other vows. With regard to a servant, [to nullify his nazirite vow,] his master must compel him to drink [wine] or become impure due to contact with the dead. If he does not compel him, he must observe the nazirite vow.

18 When a servant takes other vows that involve personal aggravation or that prevent his performance of work or makes a valuation assessment, his master does not have to compel him [to act against the vow to nullify it]. [The rationale is that the servant] is not the owner of his self and he cannot cause a vow to take effect regarding his person. To what can the matter be compared? To a person who [takes a vow] forbidding produce belonging to another person to the owner of that produce.

If, however, a vow does not involve personal aggravation and it is not a matter which holds back work, [the master] cannot compel him [not to observe it].

If a servant took a nazirite vow and his master told him: "It is nullified for you," [when] he receives his freedom, he is obligated to complete his nazirite vow. [The rationale is that] a servant must be compelled to nullify his vow. We do not nullify it verbally. If one nullifies it verbally, he is granted his freedom.

19 When a servant took a nazirite vow and fled from or abandoned his master, he is forbidden to drink wine. [This measure was enacted so that] he would suffer difficulty and return to his master's domain.

If he took a nazirite vow, completed it, and shaved, without his master

knowing of this, and afterwards, was granted his freedom, he is considered to have satisfied the requirements of his nazirite vow. If, however, he took a nazirite vow, but did not shave, and was granted his freedom, he is not considered to have fulfilled his nazirite vow. If he became impure and then was granted his freedom, he must begin reckoning [the days of his nazirite vow] from the time he became impure.

20 Nazirite vows must be observed both while the Temple is standing and while the Temple was not standing. Therefore when a person takes a nazirite vow in the present era, he must observe it forever, because we do not have a Temple where he can go and offer his sacrifices at the conclusion of his nazirite vow.

21 A nazirite vow may be observed only in *Eretz Yisrael*. When a person takes a nazirite vow in the Diaspora, he is penalized and obligated to ascend to *Eretz Yisrael* and observe his nazirite vow there for as long as he vowed. Accordingly, when a person takes a nazirite vow in the Diaspora in the present era, we compel him to ascend to *Eretz Yisrael* and observe his nazirite vow there until he dies or until the Temple is built and he brings his sacrifices there at the conclusion of the span of his vow.

22 Throughout the entire time he is in the Diaspora, he is forbidden to drink wine, to become impure due to contact with the dead, and to cut his hair. He must uphold all of the requirements stemming from a nazirite vow, despite the fact that the days are not counted for him. If he transgressed and drank [wine], cut his hair, or touched a corpse or the like, he is liable

for lashes.

Chapter 3

1 If a specification is not made the term for a nazirite vow is 30 days. What is implied? If a person said: "I am a nazirite," [he must uphold his vow] for no less than 30 days. Even if he said: "I will be a nazirite for an excessively long and protracted time," he must uphold the nazirite vows for [only] 30 days, for he did not specify a time.

2 If he specified a time span that was less than 30 days, e.g., he said: "I will be a nazirite for one day," "...for ten days," or "...for twenty days," he must observe the nazirite vow for 30 days. For there is no concept of a nazirite vow for less than 30 days. This concept was conveyed by the Oral Tradition.

3 If a person explicitly mentioned a time span greater than 30 days:, e.g., he mentioned 31 days, 40 days, 100 days, or 100 years, he is a nazirite for the time he specified, neither more nor less.

4 When a person says: "I will be a nazirite for one hour," he must uphold his nazirite vows for 30 days. If he said: "I will be a nazirite for 30 days and one hour," he must be a nazirite for 31 days. For there is no conception of a nazirite vow [only for] hours.

5 [The following rules apply when a person] says: "I will be a nazirite from here until this-and-this place." If he did not set out on the road, he must

uphold his nazirite vow for only 30 days. For his intent was to make a vow for a long nazirite vow, [as evident from the fact that] he did not specify a time.

[Different rules apply if] he set out on the way. If it was less than a 30 day journey, he must uphold his nazirite vow for 30 days. If it was more than a 30 day journey, he must observe one nazirite vow for the duration of the days of the journey.

6 When a person says; "I will observe two terms of nazirite vows," or three or four, he must observe the number of nazirite vows he mentioned, each one lasting 30 days. At the end of each 30 day period, he must shave and bring his sacrifices and begin observing his second nazirite vow. Even if he said: "I will observe 100,000 nazirite vows" - and it is impossible for him to live that long - he should observe them one by one until he concludes the amount of nazirite vows he took.

7 When a person says: "I will observe nazirite vows as many days there are in a year," he must observe as many nazirite vows as there are days in a year. If he explicitly mentioned a solar year, he must observe 365 nazirite vows, with each one being 30 days long. If he mentioned a lunar year, he must observe 354 nazirite vows. If he did not explicitly state [a solar or a lunar year], he must observe 354 nazirite vows. [The rationale is that as] we already explained, with regard to vows, we follow the wording usually employed by people at large. Now, most of the solar years are 365 days long. Most of the lunar years are 354 days long. And when people at large use the term "year," they mean a lunar year.

8 When a person says: "I will observe one and a half nazirite vows," he is obligated to observe two nazirite vows. When one says: "I will be a nazir and one day," or "I will be a nazir and one hour," he must observe two nazirite vows.

If he says: "I am a nazirite and one," he must observe two nazirite vows. If he says: "I am a nazirite, one, and more," he must observe three nazirite vows. If he says: "I am a nazirite, one, more, and again," he must observe four nazirite vows.

[If he says:] "I am a nazirite for 30 days and one day," he must observe one nazirite vow for 31 days.

9 [The following rules apply when] there are two pairs of witnesses who testify concerning a person. One testifies that he took two nazirite vows. The other testifies that he took five vows. He is required to observe two vows. For included in the five are two and thus all testify that he took two vows.

10 [The following rules apply when a person] took two nazirite vows, whether he took them both at the same time or took them one after the other, e.g., he said: "I am a nazirite for a day" and "I am a nazirite for a day." If he counted the days of the first vow and set aside his sacrifices and then asked for the absolution of his vow and had it released, the days he observed the first vow can count for the second. He can bring the sacrifices that he set aside and complete his obligation.

[Moreover,] even if he brought [the sacrifices for] his atonement and even if he shaved off his hair and then asked for his vow to be absolved, the

observance of the first vow fulfills the second. [The rationale is that] the second vow does not take effect until after the first one is completed. And since the first vow was released, it is as if it did not exist initially.

11 When a person says: "I will be a nazirite forever" or "I will be a nazirite for all the days of my life," he is considered as a nazirite forever. If he says: "I will be a nazirite for 1000 years," he is considered as a nazirite for a limited time, even though it is impossible for a person to live for a 1000 years.

12 What is the difference between a nazirite forever and a nazirite for a limited time? A nazirite for a limited time is forbidden to cut his hair until the conclusion of his nazirite vow, as [**Numbers 6:5**] states: "Throughout the days of his nazirite vow, a razor shall not pass over his head until the days are completed." A nazirite forever, by contrast, may alleviate [the burden of his hair] with a razor every twelve months. When he cuts his hair, he must bring a sacrifice of three animals, as [**II Samuel 14:26**] states [with regard to Avshalom]: "From year to year, when he would shave, because his hair was heavy for him and he would shave." Avshalom was a nazirite forever. This concept is a halachah transmitted by the Oral Tradition.

When a nazirite forever becomes impure, he must bring sacrifices [to atone for] impurity and shave as is required in an instance of impurity like a nazirite for a limited time.

13 Samson was not a nazirite in a complete sense, for he never took a nazirite

vow. It was merely that the angel caused him to be separated from impurity.

What were the laws applying to him? He was forbidden to drink wine and cut his hair. He was, however, permitted to incur impurity due to contact with the dead. This concept is a halachah transmitted by the Oral Tradition.

14 Accordingly, if someone said: "Behold I am a nazirite like Samson," he is a nazirite forever with regard to [the prohibition against] cutting his hair and [drinking] wine. He may not cut his hair every twelve months like others who are nazirites forever. He is, however, permitted to become impure because of contact with the dead.

If one says: "My intent was to refer to another person whose name is [also] Samson," he is not a nazirite. When a person takes a nazirite vow like Samson's, he is not permitted to have it absolved, for Samson's nazirite vow was [binding] forever.

15 When a person says: "Behold, I am like Samson," "...like Manoach's son," "...like Delilah's husband," "...like the one who uprooted the gates of Gaza," or "...like the one whose eyes were gouged out by the Philistines," he must keep the nazirite restrictions observed by Samson even though these deeds could have been performed by another person.

16 [The prophet] Samuel of Rama was a nazirite forever. Therefore one who says: "Behold, I am like Samuel of Rama," "...like Chanah's son," "...like Elkanah's son," "...like the one who hewed Agag at Gilgal," or the like, he

is a nazirite forever. We do not say that perhaps his intent was to refer to another person who performed such deeds.

17 When a person says: "Behold, I am a nazirite as this building is full" or "...as this container is full," we investigate his [intent]. If he says: "My intent was not to be a nazirite for my entire life. [Instead,] my intent was only to prolong the days of my nazirite vow for a long time," he must observe his nazirite vow for [only] 30 days.

If he said: "I made this vow without any specific intent," we see the container as if it is filled with mustard seeds and he must be a nazirite for his entire life. He is permitted to cut his hair every twelve months. [At that time,] he must bring sacrifices like everyone who is a nazirite forever.

18 When a person says: "Behold, I am a nazirite like the hairs of my head," "...like the dust of the earth," or "like the sand of the sea," it is as if he said: "I will keep as many nazirite vows as I have hairs on my head," "...as there is dust on the earth," or "...as there is sand on the seashore." Therefore he must shave his hair every 30 days and begin observing a second nazirite vow for 30 days, cut his hair and [continue this pattern] until he dies. Whenever he shaves his hair, he is forbidden to drink wine or become impure because of contact with the dead. If he drinks [wine] or becomes impure, even on the day he shaves his head, he is worthy of lashes.

19 When a person says: "Behold, I am a nazirite if I eat this loaf of bread," "Behold, I am a nazirite if I eat it," and "Behold, I am a nazirite if I eat

it," if he eats it, he is obligated to observe as many nazirite vows as he took. He observes them consecutively, each one for 30 days. At the end of each 30 days, he shaves [his hair] and brings his sacrifices.

Chapter 4

1 When a person says: "Behold I am a nazirite," he should perform the shaving [required when a nazirite vow is completed in] purity on the thirty-first day. If he performed this shaving on the thirtieth day, he fulfills his obligation. If he says: "Behold I am a nazirite for thirty days," he may only perform the shaving on the thirty-first day.

2 When a person takes two nazirite vows, he should perform the shaving for the first one on the thirty-first day and the second on the sixty-first day. If he performed the first shaving on the thirtieth day, he should perform the second on the sixtieth. If he performed the [second] shaving on the fifty-ninth day, he fulfills his obligation, for the thirtieth day is counted also for the second nazirite vow.

3 When a person says: "Behold I am a nazirite, and [will be] a nazirite should a son be born to me," if he began observing his nazirite vow and then a son was born to him, he should complete his own nazirite vow and then begin counting [the one associated with] his son.
[The following rules apply if] he said: "Behold I will be a nazirite should a son be born to me and behold I am a nazirite for these-and-these days." If he began [observing] his own nazirite vow and then a son was born to

him, he should interrupt [the counting of] his vow and begin counting [the one associated with] his son. Afterwards, he goes back and completes his own vow. They are both considered as one nazirite vow. Therefore if he becomes impure in the midst of the nazirite vow [associated with] his son, he invalidates everything. If he became impure after [completing] the nazirite vow [associated with] his son, he invalidates only [the days after the completion of] the nazirite vow [associated with] his son.

For how many days [must he observe the nazirite laws] to complete his own [nazirite] vow? If there remained 30 days or more [from the days he was required to observe for] his nazirite vow after his son was born, he should observe the nazirite vow [associated with] his son and then complete the days remaining from his own nazirite vow. If less than 30 days remain from his nazirite vow, he must count 30 days after the nazirite vow [associated with] his son, for there is never less than 30 days between one shaving [associated with the conclusion of a nazirite vow] and another.

4 What is implied? One says: "Behold I will be a nazirite when a son will be born to me and behold I am a nazirite for 100 days," he begins observing his nazirite vow and then a son was born to him. If 30 or more days remain from the 100 days concerning which he took the vow after his son was born, he does not forfeit anything. For he [temporarily] concludes his own nazirite vow, begins counting that associated with his son, performs the shaving, brings his sacrifices and then completes the 30 or more days that remain from his own nazirite vow. [At its conclusion,] he performs the shaving. If less than 30 remain from the 100, he forfeits some until [it

is counted that he observed] 70 [days].

5 What is implied? If his son was born on the eightieth day, he should count the vow associated with his son, complete that vow, perform the shaving, and begin counting 30 days after that shaving. Thus he loses the ten days that [immediately] preceded [the birth of] his son, i.e., the days from the seventieth day until the son's birth. Similar laws apply in all analogous situations.

6 When a person says: "Behold I will be a nazirite after twenty days pass," and then says: "I am a nazirite beginning now for 100 days," he should observe his nazirite vow for twenty days and interrupts [his counting]. He then begins to count 30 days for the nazirite vow that was to begin after twenty days. After he completes [the observance of this vow], he performs the shaving [required when a nazirite vow is completed in] purity and brings his sacrifices. He then counts the 80 days to complete the 100, performs the shaving and brings his sacrifices.

7 If one says: "Behold I will be a nazirite after twenty days pass," and then says: "I am a nazirite beginning now," he should [observe the second vow first,] counting 30 days. He should then perform the shaving [required when a nazirite vow is completed in] purity, and count another 30 days. This is for the vow he took that would begin after 20 days.

One might say: Let him observe 20 days, interrupt [the observance of that vow], and observe 30 days and perform a shaving. Thus there will remain ten days left from the nazirite vow which he began to observe initially for

which he observed only 20 days. [We do not say this, because] there may never be less than 30 days between shaving [required when a nazirite vow is completed in] purity and another.

8 If one says: "Behold I will be a nazirite after twenty days pass," and then says: "I am a nazirite forever beginning now," the nazirite vow which he took originally never takes effect.

9 Similarly, if one says: "Behold I will be a nazirite like Samson after twenty days pass," and then says: "I am a nazirite beginning now, he should not shave for the last nazirite vow he took.

10 When a person says: "Behold I am a nazirite one day before I die," he is forbidden to drink wine, to become impure [due to contact with the dead], and to shave forever.

11 [The following rules apply when a person takes a vow,] saying: "I will be a nazirite on the day when the son of David comes." If he took the vow during the week, he is forbidden to [perform any act that violates the nazirite prohibitions] forever. If he took the vow on the Sabbath or a festival, he is permitted on that Sabbath or festival. Afterwards, he is forbidden forever.

[The rationale is that] there is a doubt concerning the question whether [the son of David] will come on a Sabbath or festival or not. Since the matter is an unresolved question, on the day he took the nazirite vow, the nazirite [restrictions] do not apply to him. For whenever there is a question whether the nazirite restrictions apply, we rule leniently. On the

following Sabbath, although the above question still remains, it does not eliminate the nazirite vow that has taken effect concerning him.

12 When a nazirite completes the days of his nazirite vow and does not perform the shaving [required when a nazirite vow is completed in] purity, he is forbidden to shave, to drink wine, and to become impure due to contact with the dead as he was before and all the particular laws associated with the nazirite vow are incumbent on him. If he shaves, drinks wine, or becomes impure [because of contact with the dead], he is liable for lashes.

13 [The following rules apply when a person] takes a nazirite vow and thinks that it is not binding and hence acts as if he was not bound by his vow and drinks wine. Afterwards, he asked a sage and he ruled that it is a vow and that he is obligated to observe the nazirite laws. He should count the days from the day on which he took the vow. According to Rabbinic decree, he should continue to observe the prohibitions for the number of days which he acted as if it was permitted to him.

14 What is implied? He took a vow for 30 days and acted as if his vow was permitted for ten days and observed the prohibitions for twenty days. After the thirtieth day, he asked a sage and he told him that he was forbidden. He must observe ten days from the time he asked to compensate for the ten days during which he acted as if he was permitted. If he drinks [wine], shaves, or becomes impure [due to contact with a corpse], he is given stripes for rebellious conduct.

15 When does the above apply? With regard to a nazirite vow for a short time. If, by contrast, he took a prolonged nazirite vow, it is sufficient that he observe a nazirite vow for 30 days even though he violated this prolonged nazirite vow for his entire life. If he does not observe a prohibition at all, we do not pay attention to him at all.

16 Whenever a court pays attention to such a person or one like him and they inform these people who act contemptuously with regard to vows that they are not obligated to observe them according to Scriptural law, or they give a lenient ruling or they find a rationale why he could ask for the absolution of the vow, we place that court of commoners under a ban of ostracism.

17 When a woman takes a nazirite vow, the days of the vow are completed, she brings her sacrifices, one of the animals is slaughtered and its blood is poured [on the altar], if her husband hears of her vow, he cannot nullify it. This applies even if she has not shaven her hair already. Before its blood is poured on the altar, he may nullify her vow.

When does the above apply? With regard to the shaving [required when a nazirite vow is completed in] purity. With regard to the shaving performed because one has contracted impurity, the husband may nullify her vow. Even though she has already offered the sacrifices associated with the contraction of impurity, [he may nullify her vow,] because she still must observe another nazirite vow.

Chapter 5

1 There are three matters that are forbidden to a nazirite: a) ritual impurity [resulting from contact with a human corpse], b) shaving [his hair], and c) [partaking of] products of the vine. [This applies] both to the fruit or the waste products of the fruit. Alcoholic beverages made from dates, figs, or the like are permitted to a nazirite. The *shaichar* forbidden to [a nazirite] by the Torah is an alcoholic beverage made from a mixture of wine.

2 What is meant by "products of the grape vine"? When a nazirite eats an olive-sized portion of the fruit [of the vine]: fresh grapes, raisins, or unripened grapes, or he eats an olive-sized portion of the waste products of the fruit which are the peels or the seeds, he is liable for lashes. Similarly, if he drank a *revi'it* of wine or ate an olive-sized portion of coagulated wine - this is considered as fruit - or drank a *revi'it* of vinegar - which is the waste products of the fruit - he is liable for lashes. Grape leaves, the tender shoots of the branches of the vine, grape sap, and grape buds are permitted to a nazirite, for they are neither fruit, nor the waste products of fruit, but rather are considered as parts of the tree.

3 All forbidden grape [products] can be combined together [to produce the minimum measure for which one is liable for lashes].
What is implied? One who mixed together fresh grapes with raisins, or with unripened grapes, pits, and peels, and ate an olive-sized portion of the mixture is liable for lashes. Similarly, if he ate them one after the other until he ate an olive-sized portion of the entire group, he is liable for lashes. Similarly, he is liable for lashes if he drank a *revi'it* of a mixture of wine and vinegar.

4 A permitted substance is not included together with a forbidden substance [to produce the minimum measure] for which a nazirite [is liable for lashes].

What is implied? Wine was mixed together with honey [producing a mixture] in which the flavor of wine [could be tasted in] its entirety and [a nazirite] drank the mixture. Raisins were pressed together with dried figs [producing a mixture] in which the flavor of raisins [could be tasted in] its entirety and [a nazirite] ate the mixture. He is not liable for lashes unless there will be an olive-sized portion of grape products in a portion of the mixture the size of three eggs, and he will eat a portion the size of three eggs, as is the law with regard to other prohibitions that are forbidden universally, as we explained in *Hilchot Ma'achalot Assurot*.

5 Similarly, if a person soaked his bread in wine and there was a *revi'it* of wine within *k'dei [achilat] p'ras* of the bread and he ate a *p'ras* [of the bread], he will have consumed a *revi'it* of wine. [Hence,] he is worthy of lashes. Concerning this and similar situations, the Torah [**Numbers 6:3**] states: "Anything that has been steeped in grape [wine] shall you not partake." This forbids an entity in which wine has been mixed and its flavor is the flavor of wine. [This applies] provided it has both the flavor and substance [of the wine] as is the case with regard to other prohibited foods.

6 If wine or the like were mixed together with honey and the flavor of wine cannot be detected, it is permitted for a nazirite [to partake of the mixture]. [The nazirite prohibitions] should not be considered more

severe than [those against] fat and blood.

7 If the mixture had the flavor of wine, but there is not a *revi'it* of wine within *k'dei [achilat] p'ras*, [the mixture] is prohibited according to Rabbinic decree, as we explained in *Hilchot Ma'achalot Assurot*. If [a nazirite] partakes of it, he is given stripes for rebellious conduct.

8 When a nazirite eats an olive-sized portion of grapes, an olive-sized portion of [grape] seeds, an olive-sized portion of [grape] peels, and an olive-sized portion of raisins, and drinks an olive-sized portion of wine - even if he squeezed a cluster of grapes and drank [their juice] - he receives five sets of lashes. For each [of the substances is forbidden] by a different prohibition. And he receives a sixth set of lashes for the violation of [the prohibition]: "He shall not desecrate his word" that applies to all vows.
Similarly, if he ate an olive-sized portion of peels or an olive-sized portion of grapes, he receives two sets of lashes, one for the peels or one for the grapes, and he is given [an additional set of] lashes because of [the prohibition]: "He shall not desecrate his word." This law also applies to a nazirite who shaves [his hair] or becomes impure. He receives two sets of lashes: one because of the violation of the particular prohibition and one, because of the prohibition that applies to all vows: "He shall not desecrate his word."

9 When a nazirite drank a *revi'it* of wine and a *revi'it* of vinegar, he receives only one set of lashes. He is not liable for the wine and for the vinegar independently. [The rationale is that] the Torah does not say: "Do not

drink wine" and "Do not drink vinegar." Instead, [it states, **Numbers 6:3**]: "[He shall abstain from wine or alcoholic beverages.] He shall not drink vinegar of wine or vinegar of alcoholic beverages," i.e., he should not drink wine or a beverage into which wine was mixed - [that is the meaning of the term,] "alcoholic beverages" [in the verse] - even if they have become vinegar. Since [the Torah] repeated only the term vinegar which is one term, he does not receive lashes for them both independently.

10 When a nazirite is drinking wine for the entire day, even though he is liable in God's eyes for every *revi'it*, he receives only [two sets of] lashes, one for drinking wine and one for "desecrat[ing] his word," as we explained. If he was given a warning for every *revi'it*, i.e., he was told: "Do not drink," "Do not drink," and he, [nevertheless,] did drink, he is liable for each [*revi'it*].

According to Rabbinic decree, it is forbidden for a nazirite to abide amidst a gathering of people drinking wine. [Instead,] he should separate himself far from them, because they present a hurdle for him. Our Sages said: "Do not come close [even to] the area around the vineyard."

11 When a nazirite cuts off one hair, whether using a razor or a scissor, he is liable for lashes, provided he cuts it from its roots as a razor would. Similarly, if he pulls out [a hair] by hand, he is liable for lashes. Both [the nazirite] whose hair is cut and the person who cuts his hair [are liable], as [indicated by **Numbers 6:5**]: "A razor will not pass over his head." If he left enough of [the hair] so that it could be bent over for its tip to touch its

root, he does not receive lashes, because [cutting in this manner] is not [equivalent to shaving it] with a razor.

12 If a person applied a potion that removed hair to his head and in this way, removed his hair, he is not liable for lashes. He is, however, nullifying the observance of a positive commandment, as [**Numbers 6:5**] states: "He shall let the mane of the hair of his head grow."

13 When a nazirite shaves his entire head, he is liable for only one set of lashes for the shaving. If he was given a warning concerning each hair, i.e., he was told: "Do not shave," "Do not shave," and he shaved, he is liable for lashes for every hair.

14 When a nazirite is scrubbing his hair with his hands and scraping [his scalp] with his nails, he need not worry [about removing hairs accidentally], because his intent is not to remove hair and it is possible that he will not remove any. He should not, however, comb his hair with a comb or scrape his head with earth, for [these activities] will certainly remove hair. If he does so, he is not liable for lashes.

15 When a nazirite becomes impure through contact with a human corpse in a manner that would require him to remain impure for seven days, he is liable for lashes. [This applies] with regard to ritual impurity for which he is required to shave, as will be explained, and for ritual impurity for which he is not required to shave.

16 [When a nazirite] becomes impure through contact with a human corpse

many times, even though in God's eyes, he is liable for lashes for each time, the court holds him liable for only one set of lashes. If he was given a warning concerning each time, and he, nevertheless, became impure, he is liable for lashes for every time he [became impure].

17 When does the above apply? When he became impure and then returned and touched, carried, or stood over [the corpse]. If, however, he was touching a corpse and while the corpse was still in his hand, he touched another corpse, he is liable only once even though he was warned for each time he touched it, for his [state of purity] has already been desecrated.

18 When a nazirite enters a home and remains there until a person dies or he enters a shelter in which a corpse is located while he is in a closed container, chest, or closet and a colleague came and opened the top of the chest with his consent, he is liable for two sets of lashes: one, due to [the violation of] the prohibition [**Numbers 6:6**]: "He shall not approach a human corpse" and one, due to [the violation of] the prohibition [*ibid.*: 7]: "He shall not become impure," for his impurity and his entry come about at the same time. If, however, he enters [such a shelter] in an ordinary manner, his becoming ritually impure precedes his entry. For from the time that his nose or his toes enter, he becomes ritually impure and he does not become liable for entering [the shelter] until his entire [body] enters.

19 When [a nazirite] enters a shelter where a corpse is located or a cemetery unintentionally and after he discovers this fact, he received a warning, but

did not jump up and leave, but instead remained there, he is liable for lashes.[This applies] provided he remains there for the time it takes to prostrate oneself like a ritually impure person who enters the Temple.

20 [The following rules apply when one] causes a nazirite to contract ritual impurity. If the nazirite acted intentionally, the nazirite is liable for lashes and the person who caused him to contract impurity violates the prohibition against placing a stumbling block in front of the blind. If the nazirite was not aware of the transgression and the person who caused him to contract impurity acted intentionally, neither of them are liable for lashes.

Why is the person who caused the nazirite to contract impurity not liable for lashes? Since [**Numbers 6:9**] states: "He defiles his Nazirite head," a person is only liable if he willfully causes his own self to incur impurity.

21 When a nazirite who is in a state of ritual purity makes himself ritually impure, he is also liable for lashes for [the violation of the prohibition, **Deuteronomy 23:22**]: "Do not delay in paying it." For he delayed the fulfillment of his nazirite vow in purity and performed a deed. Similarly, if he took a nazirite vow while in a cemetery, he is also liable for lashes for [the violation of the prohibition]: "Do not delay in paying it."

From this we learn, that a nazirite who made himself impure receives four sets of lashes:

a) because of the prohibition: "He shall not become impure,"

b) because of the prohibition: "He shall not desecrate his word,"

c) because of the prohibition: "Do not delay in paying it," and because of

the prohibition: "He shall not approach..." if he entered and incurred ritual impurity at the same time, as we explained.

Chapter 6

1 When a nazirite drinks wine or eats a grape product, even if he does so for many days, he does not invalidate even one of the days of his nazirite vow. Similar [principles apply] if he shaved a minority of his head, whether intentionally or unintentionally.

If, however, the majority of his head was shaved, whether with a razor or through another means which is as effective as a razor and enough of the hairs to fold over their head to their base were removed whether intentionally or unintentionally - even if thieves shaved his head against his will - thirty days are invalidated. [He must wait] until he has an uncut mane of hair. Afterwards, he counts [the remaining days].

2 What is implied? A person took a nazirite vow for 100 days and after 20 days, the majority of his hair was shaved. He must wait 30 days until the hair of his head grows. After 30 days, he counts eighty days to complete his nazirite vow. Throughout these 30 days, he must observe all the particular nazirite law, but the days are not counted [as part of his nazirite vow].

3 When a nazirite contracted ritual impurity [stemming from a corpse] whether intentionally or unintentionally - even if gentiles caused him to incur impurity against his will - all of the days he observed are invalidated.

He must perform the shaving required for impurity, bring the sacrifices [associated with arising from] impurity, and begin to count the days of his nazirite vow [anew]. [This is implied by **Numbers 6:12**]: "The first days will fall." Even if he becomes impure on the day that he completes his [nazirite] vow, at the conclusion of the day, all of the days are invalidated.

4 If he contracted impurity on the day after he completed [his nazirite vow], i.e., the day on which he would have brought the sacrifices [associated with the completion of a nazirite vow] in purity had he not become impure, he invalidates only 30 days.

What should he do? He must bring the sacrifices [associated with arising from] impurity when he becomes pure and perform the shaving required for impurity. He then observes the nazirite laws for 30 days, he performs the shaving [associated with completing a nazirite vow] in purity and brings the appropriate sacrifices. If he contracts ritual impurity after the blood [of any of the sacrifices] was sprinkled upon him, none [of the days] are invalidated. Instead, he should bring the remainder of the sacrifices [associated with completing a nazirite vow] in purity after he regains ritual purity.

5 If he contracted ritual impurity on the following day, i.e., the day which is fit for him to begin letting his hair grow, had he shaven his hair after the completion of his vow, he does not invalidate anything even though he did not shave yet. For he has completed his nazirite vow and everything associated with it.

6 If he becomes impure on the day he took the [nazirite] vow or on the second day, [these days] are not invalidated. Instead, he completes [the days of his vow including] them after he brings his sacrifices. [This is derived from the prooftext cited above:] "The days will fall." [The use of the plural implies that] there must be at least two [full] days. Therefore if he becomes impure from the third day onward, he invalidates all the previous days.

7 When a person takes a nazirite vow although he is ritually impure due to contact with a corpse, the nazirite vow takes effect. If he becomes impure again, drinks wine, or shaves his head, he is liable for lashes. If he remains impure for several days, they are not counted for him until he has [the ashes of the Red Heifer] sprinkled upon him on the third and seventh days [after he contracted ritual impurity] and he immerses himself [in a *mikveh*] on the seventh day. When a person takes a [nazirite] vow while he is ritually impure, the seventh day is counted for him. When, by contrast, a nazirite who was ritually pure, became impure, he should not begin counting until the eighth day.

8 When a person takes a nazirite vow in a cemetery, the nazirite vow takes effect. Even if he remains there for several days, they are not counted for him. He is liable for lashes for remaining there. If he was warned not to take a nazirite vow while there, he should not shave his hair when he leaves there. If while in the cemetery he contracted impurity in one of the ways which would require a nazirite to shave, he should neither shave nor bring a sacrifice [associated with emerging from] impurity.

9 If [a nazirite] entered [a cemetery] in a closed container, chest, or closet, [made a nazirite vow there, and then] a colleague came and opened the top, [causing] him to contract ritual impurity, he is not liable for lashes even though he remains there. He does, however, receive stripes for rebellious conduct if he remains [there].

10 When the nazirite left the cemetery, remained several days [outside], and then returned, the days he remained outside are not counted [as part of his nazirite vow]. If he departed, had [the ashes of the Red Heifer] sprinkled upon him, immersed himself [in a *mikveh*], counted several days of his nazirite vow and returned to the cemetery, the days that he counts are significant for him. Even if he enters the cemetery on the eighth day [after becoming impure], the seventh day is counted for him. If while there he contracted one of the types of impurity for which a nazirite is required to shave, he is required to bring a sacrifice [as required when emerging from] impurity. The days [he counted] previously are invalidated and he must perform the shaving [required when emerging from] impurity.

11 What does the shaving [required when emerging from ritual] impurity involve? When a nazirite becomes impure in one of the ways which require him to shave because of it, he must have [the ashes of the Red Heifer] sprinkled upon him on the third and seventh days. He then has his hair shaved on the seventh day. And after having [the ashes] sprinkled on him on the seventh day, he immerses in [a *mikveh*] as is required of all those who are ritually impure [due to contact with a human] corpse. He

waits until sunset and brings his sacrifices on the eighth day. These [sacrifices] are: two turtle doves or two young doves, one as a burnt offering and one as a sin offering, and a year-old lamb as a guilt offering. All of the preceding days are invalidated and he begins counting his nazirite vow [anew]. If he shaved on the eighth day, he may bring his sacrifices on that day.

12 When does he begin counting [the days of his nazirite vow]? When he brings his sin offering. His burnt offering and his guilt offering, by contrast, do not hold him back from [beginning] his counting.

13 If he had [the ashes of the Red Heifer] sprinkled upon him on the third day and the seventh day, but did not immerse himself, [but instead] delayed his immersion, when he immerses, he should wait until sunset and bring his sacrifices on the following day. If he immersed himself and waited until after sunset, but delayed [bringing] his sacrifices, he cannot begin counting [the days of his vow] until he brings his sin offering. His burnt offering and guilt offering do not hold him back from counting, as explained [in the previous halachah].

14 When a nazirite performs the shaving [required after] ritual impurity, he does not have to shave at the entrance to the Temple or cast his hair on the fire [where his sacrifices are being cooked]. Whether he shaves outside the Temple or inside, it is forbidden to benefit from his hair. It must be buried. [If it is burnt,] it is forbidden [to benefit from] its ashes as is true of the ashes of [all forbidden substances that] must be buried. When one

shaves in the Temple, if he casts [his hair] under the pot where his guilt offering [is being cooked], he fulfills his obligation.

15 When a nazirite becomes impure through contact with a corpse on several occasions, whether he was warned about each individual time or he was not warned about each individual time, he brings only one [set of] sacrifices for all the times he became impure.

When does the above apply? When he becomes impure a second time before he brings the sacrifices [associated with emerging from] impurity the first time, but was delayed for several days after he regain ritual purity from bringing his sin offering and contracted impurity in those days. [In such a situation], he only brings one sacrifice. When, however, he contracted impurity, became ritually pure, and brought his sin offering, should he contract impurity a second time after bringing his sin offering, he is required to bring a second set of sacrifices even though he has not brought his guilt offering or his burnt offering.

16 [The following rules apply when] a nazirite performed the shaving [required when completing his vow in] purity and afterwards discovered that he had contracted the ritual impurity [stemming from contact with a corpse] in the midst of the days of his vow. If he became impure due to a [the source for] impurity that was known [by others], all [of the days of his vow] are invalidated. He must bring the sacrifices [required when emerging from] impurity, perform the shaving [required when emerging from] impurity, count [the days of] another nazirite vow, and bring the sacrifices [required when completing his vow in] purity.

If he became impure due to [a source of] impurity [likened to] the depths, he does not invalidate [the days he observed]. This is a law communicated by the Oral Tradition.

17 If he discovered that he was impure - whether from a known [source of] impurity or [a source of] impurity [likened to] the depths - before the blood from one of his sacrifices was sprinkled upon him, all [the days] are invalidated. If he discovers this after the blood from one of his sacrifices was sprinkled upon him, [should this be] an unknown [source of] impurity, it does not invalidate [the days] even though he has not performed his shaving yet.

18 What is meant by impurity [likened to] the depths? [A human corpse which] no one, not even one at the end of the world knows about. The concept of impurity [likened to] the depths applies only with regard to a person who died naturally, but not to a person who was killed. For the killer knows [of the existence of the corpse].

19 When a corpse is found in open view, this is not considered impurity [likened to] the depths. If a corpse is found sunk in the earth of a cave while covered with water, this is impurity [likened to] the depths which is not known. If [it is discovered] buried in straw or in pebbles, it is impurity [likened to] the depths. If [it is discovered] in water in the dark or clefts of the rocks, it is not impurity [likened to] the depths.

20 [The following rule applies when] a nazirite who became impure through contact with a corpse goes down to a cave and immerses there, brings the

sacrifices required [after emerging from] impurity, counts [the days of his] nazirite vow, performs the shaving [required after completing the vow in] purity, and afterwards, discovers that there was a corpse sunk in the earth of the cave when he descended to immerse himself. Although this is an unknown source of impurity, all of the days are invalidated. [The rationale is that] his impurity was an established fact and hence, that condition is presumed to continue until he definitely purified himself.

[In the above situation, if a nazirite] descended to [the pool] to cool himself off, he is ritually pure until he has certain [knowledge] that he touched the corpse. If the corpse is found floating on the water, we presume that [the nazirite] is impure. Since [the corpse] is floating, we operate under the presumption that [the nazirite] touched it.

Chapter 7

1 There are types of impurity resulting from [contact with] a corpse that do not require a nazirite to perform a shaving and do not invalidate the days previously observed even though he became impure in a manner that requires him to observe impurity for [at least] seven days. [The rationale is that] it is not stated concerning such situations: "When one will become impure due [to contact with] a corpse...", but rather [**Numbers 6:9**], "When a person will die upon him." [This implies that] he must become impure with those impurities that involve the actual substance of the corpse. Afterwards, he must bring the sacrifices [required] and perform the shaving required [when emerging from] impurity. All of the days [he observed] initially are invalidated.

2 These are the types of impurity stemming from contact with a corpse that a nazirite must shave because of [contact with] them: a) a stillborn fetus, even if the sinews connecting its limbs have not formed, b) an olive-sized portion of the flesh of a corpse, c) an olive-sized portion of a decomposed corpse, d) bones from a corpse which represent the majority of the number of the bones of a corpse even though their volume is not a fourth of a *kav,* e) bones which represent the majority of the structure of the bones of a corpse even though their volume is not a fourth of a *kav*, f) a half of a *kav* of bones even though they do not represent the majority of the number or the structure of the bones of the corpse - all the bones must, however, be from one corpse, not from two, g) the backbone that comes from one corpse, h) the skull that comes from one corpse, i) a [complete] limb that comes from one corpse, j) a limb taken from a living person that has flesh that could cause it to regenerate in a living person, k) half a *log* of blood from one corpse, and l) a handful of the decomposed mass of a corpse.

What is meant by the term *netzel*? Flesh from a corpse that decomposed and became putrid liquid.

3 The decomposed mass (*rekev*) of a corpse does not convey ritual impurity unless it was buried naked in a marble coffin and was entirely intact. If one limb was lacking or it was buried in garments or in a wooden or metal coffin, there is no concept of *rekev*. The concept of *rekev* applies with regard to a corpse alone. This excludes a person who was slain, for his blood is lacking.

4 When two corpses are buried together, the hair and the nails of a corpse were cut off and buried together with it, or a woman was buried together with a fetus in her womb, the *rekev* does not convey ritual impurity.
Similarly, if one ground up a corpse until it became a decomposed mass, [these laws do not apply]. It must decompose naturally. If one ground the corpse and then left its remains until they decomposed naturally or a portion of the body decomposed while the person was alive, he died, and then the entire body decomposed, there is an unresolved doubt [concerning the ruling]. Hence, if [a nazirite] becomes impure because of this *rekev*, there is an unresolved doubt whether he is impure. Similarly, there is an unresolved doubt whether [a nazirite] is impure if he contacts impurity from a fourth of a *kav* of bones coming from the backbone or the skull when he is under the same shelter as they are.

5 [With regard to] all of these twelve [sources] of impurity that we listed: If a nazirite touches one of these sources, carries it, covers it from above with [a portion of his body], [the source of] impurity covers [a portion of] the nazirite's [body], or the nazirite and [the source of] impurity were located under the same shelter, [the nazirite becomes impure]. He must perform the shaving [required because of] impurity and bring the sacrifices [required because of] impurity. All [of the days he observed] are invalidated. The only exception is a *rekev*. It does not convey impurity when one touches it, for it is impossible to touch it entirely [at the same time], for it is not a single mass. If, however, one carried it or became impure because one was under the same shelter, he must perform the shaving.

6 Similarly, if a nazirite touches or carries a bone from a corpse - even if it is merely the size of a barley-corn - he must perform a shaving because of it and bring the sacrifices [required because of] impurity. All [of the days he observed] are invalidated. A bone the size of a barley corn does not, however, convey impurity if one was under the same shelter.

If, by contrast, [a nazirite] becomes impure because of contact with one of the following twelve matters, [the days he observed] are not invalidated:

a) a clod of earth from the Diaspora;

b) [earth from] a field in which a grave had been plowed; both of these convey impurity through touch or if they were carried;

c) branches which emerge from trees, protrusions that emerge from fences, from a bed, a camel, or the like, cover him and one of the twelve sources of impurity [mentioned in the Halachah 2];

d) he becomes impure by being under the same shelter as a quarter of a *kav* of bones that do not constitute the majority of the number of the corpse's bones, nor the greater portion of his structure;

e) he became impure because of a *revi'it* of blood from a corpse which conveys ritual impurity whether one touches it, carries it, or is found under the same shelter; f) he became impure because he touched or was under the same shelter as a gravestone or a stone at the side of a grave; for they convey impurity in either of these two ways; g) he became impure because of contact with a limb cut from a living person or a corpse which does not have sufficient flesh upon it.

7 Even though in all the above situations, [the nazirite] is impure for seven days and he must have [the ashes of the Red Heifer] sprinkled [upon him]

on the third and seventh days, he should not perform the shaving [required when emerging from] impurity, nor bring the sacrifices [required at that time], nor are his initial days invalidated. Nevertheless, the days when he is impure are not counted as part of his nazirite vow.

8 When [a nazirite] touches a shelter in which a corpse is found or utensils that are touching a corpse, he should not have [the ashes of the Red Heifer] sprinkled [upon him] on the third and seventh days. It appears to me that this law is unique to a nazirite. Any other person who contracts impurity that persists for seven days from utensils must have [the ashes of the Red Heifer] sprinkled [upon him] on the third and seventh days, as will be explained in *Hilchot Tuma'at Meit*. Similarly, it appears to me that the reason [a nazirite] does not have [the ashes of the Red Heifer] sprinkled [upon him] on the third and seventh days if he touched utensils [that convey such ritual impurity] is so that the days on which he is impure because [of contact with] the utensil will be counted as part of the days of his nazirite vow.

9 When a nazirite contracts *tzara'at* and has his status [as a *metzora*] defined, all of the days during which he is set apart [as a *metzora*] and the seven days that he counts after purifying himself from his *tzara'at* between the first shaving and the second shaving do not count as days of his nazirite vow. The days when he is quarantined, by contrast, are counted [as part of his nazirite vow]. Similarly, if either a male or a female has a *zav* emission from their flesh, all of the days of the emission are counted as part of their [nazirite vow] although they are impure. This matter is a

halachah transmitted to Moses at Sinai.

10 Needless to say, if [a nazirite] becomes impure as a result of other sources of impurity that the days during which he is impure are counted [as part of his nazirite vow] and no days are invalidated. If he becomes impure due to contact with a corpse during the time he is afflicted with *tzara'at*, all of the previous days are invalidated. [The rationale is that] he is still a nazirite, even though he is ritually impure.

11 A nazirite is permitted to become impure due to contact with a corpse when doing so is a mitzvah and may shave when doing so is a mitzvah. He is, however, forbidden to partake of [all] wine, whether in connection with a mitzvah or with regard to matters left to one's own choice.
What is implied? A person took an oath that he will drink wine on this day. Thus it is a mitzvah for him to drink. Afterwards, he took a nazirite vow. The nazirite vow takes effect and [supercedes] the oath he took. Hence he is forbidden to drink wine. Needless to say, [a nazirite] is forbidden [to partake of] the wine [over which] *Kiddush* and *Havdalah* are recited. For [associating these blessings with wine] is merely a Rabbinic ordinance.

12 What is meant by the statement that he is permitted to become impure due to contact with a corpse when it is a mitzvah? If he was walking on the road and encountered a corpse and there was no one else to bury it, he should become impure through contact with it and bury it. These matters were communicated by the Oral Tradition.

13 When a nazirite and a priest encounter a corpse that it is a mitzvah [to bury] the nazirite should [bury it and] become impure even though he invalidates the days [he observed] previously and must bring a sacrifice [because of his] impurity. The priest should not become impure. [The rationale is that the nazirite's] holiness is within the context of time - even if he took an everlasting nazirite vow - while the priest's holiness is beyond the context of time.

14 If two nazirites - one whose nazirite vow was for 30 days and one whose nazirite vow was for 100 days encounter [such a corpse] - the one whose nazirite vow was for 30 days should become impure. If one was a nazirite for a limited amount of time and the other was a nazirite forever, the nazirite for a limited amount of time should become impure. For the nazirite for all time has a higher degree of holiness.

15 What is meant by the statement that he is permitted to shave when doing so is a mitzvah? When a nazirite contracts *tzara'at* and becomes healed in the midst of the days of his nazirite vow, he should shave all of his hair.

[The rationale is that] by shaving, he fulfills a positive commandment, for concerning a *metzora*, [**Leviticus 14:8**] states: "And he shall shave all of his hair." Whenever there is [a conflict between] a positive commandment and a negative commandment, if it is possible to observe both of them, that is desirable. If not, the positive commandment supercedes the negative commandment.

Nevertheless, when a nazirite shaves his hair during the midst of his nazirite vow, he violates both a negative commandment and a positive

commandment, as [**Numbers 6:5**] states: "[His hair] is holy. He shall let the mane of the hair of his head grow." And [the observance of] a positive commandment does not supercede a negative commandment that [is reinforced by] a positive commandment. Why then does the positive commandment of shaving the blemish supercede his nazirite vow? Because the nazirite has already become impure because of the *tzara'at* and the days when he is defined as impure are not counted [towards the fulfillment of his vow], as we explained. [Hence,] his [hair] is not holy during these days. Thus the positive commandment [mentioned above] is withdrawn and only the negative commandment [Leviticus, *loc. cit.*]: "A razor shall not pass over his head" alone remains incumbent upon him. Therefore the positive commandment of shaving [because of the *tzara'at*] can come and supercede it.

Chapter 8

1 What does the shaving [required after completion of the nazirite vow in] purity involve? When the nazirite completes [the observance of] the days of his nazirite vow, he should bring three animals [as sacrifices]: a male lamb for a burnt offering, a ewe as a sin offering, and a ram as a peace offering.

[The following rules apply when a person] brought three animals, but did not specify [for which sacrifice each was designated]. The one fit to be offered as a sin offering should be offered as a sin offering. The one fit to be offered as a burnt offering should be offered as a burnt offering. And the one fit to be offered as a peace offering should be offered as a peace

offering.

Together with the ram brought as a peace offering, he should bring six and two thirds *esronot* of fine flour. He should bake twenty loaves from them: ten loaves of matzah and ten loaves of matzah wafers. He should pour a *revi'it* [of a *log*] of oil over these twenty [loaves]. This measure is a halachah transmitted to Moses at Sinai. The twenty loaves should be brought in one container.

2 He should slaughter the sin offering first, then the burnt offering, and then the peace offering. Afterwards, he should shave. If he shaved after bringing the sin offering or the burnt offering, he fulfills his obligation. He should cook the peace offering or boil it. He should take from the sauce of the peace offering and apply it to his hair. Afterwards, he should place the hair under the pot where the peace offering is cooking. If he placed it under the pot of the sin offering, he fulfilled his obligation.

3 Where does he shave his hair? In the Women's Courtyard, in the Chamber of the Nazirites that was in its southeastern corner. There they would cook their peace offerings and cast their hair into the fire. If he shaved outside the Temple, he fulfills his obligation. Whether he shaves outside the Temple or inside it, he should cast his hair under the pot.

He should not shave until the entrance to the Temple courtyard is open, for [**Numbers 6:18**] states: "at the entrance to the Tent of Meeting." The intent is not that he should shave in front of the entrance of the Sanctuary, for that would be demeaning to the Sanctuary.

4 Afterwards, the priest takes the roasted forearm of the ram, one matzah from the basket, and one wafer and places them on the palm of the nazirite or female nazirite and waves them. Afterwards, the nazirite is permitted to drink wine and to become impure due to contact with the dead.

5 A bald nazirite does not have to pass a razor over his head. Even though a nazirite does not have hair or does not have a palm he may still bring his sacrifices. He [may] then drink [wine] and become impure. If he brought his sacrifices, but did not shave his head, [the failure] to shave does not prevent [the termination of his nazirite vow] and he may drink [wine] and become impure that evening. Once the blood from one [of the sacrifices] has been sprinkled upon him, he is permitted although [the portions of the sacrifice] were not placed on his hand and he did not wave them. For all these factors are [the most desirable way of performing the mitzvah]; they are not an absolute requirement.

6 Although the shaving is not an absolute requirement, it is a mitzvah [for the nazirite] to shave, even if an extensive time has past [since the completion of his nazirite vow].

When a nazirite shaves without using a razor or he shaved and left two hairs, it is as if he did nothing; he did not fulfill the mitzvah of shaving. [This applies] whether the nazirite is pure or impure.

7 [When a nazirite] shaved, left two hairs, his hair grew back entirely, and he shaved [his head again, removing] those two hairs, or he shaved one

and the other fell off, he has fulfilled the mitzvah of shaving. If one fell off and he shaved the other one, the mitzvah of shaving does not apply.

8 When a nazirite shaved [his head] when his peace offering was brought and that offering was unacceptable, his shaving is also unacceptable and his sacrifices are not of consequence for him. If he shaved when his sin offering was brought and it was discovered that the sin offering was not slaughtered with that intent, and afterwards, he brought the peace offering and the burnt offering and offered them as required, his shaving is also unacceptable and his sacrifices are not of consequence for him.

9 If he shaved [his head] when his burnt offering and peace offering were brought, but they were slaughtered for another intent, his shaving is also unacceptable and his sacrifices are not of consequence for him.

10 If he shaved [his head] when he brought [all] three offerings and one of them was acceptable, his shaving is acceptable. [Afterwards,] he should bring the other offerings [that were not acceptable] and offer them in an acceptable manner.

11 Whenever we have said: "His shaving is unacceptable," he is considered as one who shaved in the midst of the days of his nazirite vow who invalidates 30 days [of observance] as explained. Thus he should observe [the laws of a nazirite for] 30 days after the unacceptable shaving and bring his sacrifices.

12 The peace offerings of a nazirite that were slaughtered in a manner that

did not conform to their requirements are acceptable, but they do not fulfill the obligations of [the nazirite] who brought them. They may only be eaten for one day and they need not [be accompanied by] bread, nor are they placed [on the nazirite's hand for waving], nor is the foreleg [given to the priest].

13 These three animals and the bread that accompanies them all must come from ordinary property as is true with regard to other vows to sanctify offerings, as will be explained in the appropriate place.

14 When a person says: "I am becoming a nazirite on the condition that when I perform the shaving, I will be able to bring my sacrifices using [money exchanged for] the second tithe," he becomes a nazirite, but he should not bring his sacrifices using such funds. Instead, [he must purchase them] with ordinary funds.

15 When a man takes a vow to become a nazirite, he may bring sacrifices set aside by his father for this purpose. A woman, by contrast, may not perform the shaving using the sacrifices of her father. This is a halachah conveyed by the Oral Tradition.

What is implied? A person's father took a nazirite vow, set aside money to purchase sacrifices [to offer on the completion of that vow], but died [before he could offer them]. [The money] was left without being designated for any specific purpose. After his father died, he said: "I am a nazirite on the condition that I am able to bring my sacrifices from the money which my father set aside for his sacrifices," he may bring his

sacrifices from these [funds]. Similarly, if he and his father were nazirites and his father set aside money [for his sacrifices] without designating it for a specific offering and then died, if, after the father's death, the son said: "I will perform the shaving with the sacrifices of my father," he may bring his sacrifices from these [funds]. If he does not make these statements, the money should be used for freewill [offerings].

If the father died and left many sons, they should divide the money that was not specified [among themselves], because it is their inheritance. Each one may perform the shaving [with sacrifices purchased] from his portion. The firstborn receives a double portion.

16 Whether the father was a nazirite for all time and the son was a nazirite for a limited time or the father was a nazirite for a limited time and the son was a nazirite for all time, [the son] may perform the shaving and bring his sacrifices from the money [designated] for the nazirite vow of his father.

17 If the father set aside money to bring the sacrifices [that are required when a nazirite emerges from] impurity and dies, the sons may not use that money to purchase sacrifices [that are offered when one completes the nazirite vow in] purity. Similarly, if the father set them aside for the sacrifices [offered when one completes the nazirite vow in] purity, the son may not use them for the shaving [and the sacrifices required when a nazirite emerges from] impurity. [There is] an unresolved doubt whether this [is acceptable]. If he brought his sacrifices from such funds, he is not considered to have fulfilled his obligation.

18 If a person says: "It is my responsibility to perform the shaving for a nazirite," he is obligated to bring the sacrifices required when a nazirite [completes his vow] in purity. He may have them offered by any nazirite that he desires. If he said: "I am obligated to bring half of the sacrifices of a nazirite," or he said: "It is my responsibility to [provide the means for] half the shaving for a nazirite," he is obligated to bring half the sacrifices [required of] any nazirite he desires. That nazirite should bring the remainder of his sacrifices from his own funds. If, however, he said: "I am obligated to bring the sacrifices of half a nazirite," he must bring all of the sacrifices of a nazirite, for there is no concept of being half a nazirite.

19 When one says: "I am becoming a nazirite and I accept the responsibility to [provide the means for] the shaving for a nazirite," and his colleague says: "And so am I," the colleague is a nazirite, but he is not obligated to [provide the means for] the shaving, for he only included himself in his colleague's statements with regard to becoming a nazirite. If he said: "And so am I, and I accept the responsibility to [provide the means for] the shaving for a nazirite," he is obligated [for this as well]. If they are clever, each one should bring sacrifices provided by his colleague. If they do not do this, they are each obligated to [provide the means for] the shaving of other nazirites.

20 If one says: "[I am a nazirite and] it is my responsibility to [provide the means for] half the shaving for a nazirite," and his colleague hears and says: "And I also am a nazirite and I also accept the responsibility to [provide the means for] half the shaving for a nazirite," [they are both

nazirites]. If they are clever, one should bring half the sacrifices of the other and the second should bring half the sacrifices of the first and then each one should complete the [required] sacrifices [from his own resources]. If not, [in addition to bringing their own sacrifices,] each one must bring half the sacrifices of any nazirite he chooses.

Chapter 9

1 [The following rules apply when a person] sets aside money for the sacrifices of nazirites, those sacrifices were offered, and there is money left over. He should bring sacrifices of other nazirites with those funds, for the remainder of money [set aside for] nazirite [offerings should be used] for nazirite [offerings]. If one set aside money for his own nazirite [offering] without specifying for which sacrifice it should be used and money was left over, the remaining funds should be used for freewill offerings.

2 When a person set aside money that was designated for specific purposes for his nazirite offering and money was left over, the remainder of the funds set aside for the burnt offering should be used for a burnt offering. The remainder of the funds set aside for the sin offering should be brought to the Dead Sea. The remainder of the funds set aside for the peace offering should be used for a peace offering. There is no need that the offering be accompanied by bread. It is eaten for one day.

3 [The following rules apply when a person] set aside money for [sacrifices for] his nazirite vow and died. If the money was not designated for

specific sacrifices, it should be used for freewill offerings. If the money had been designated for specific sacrifices, the funds set aside for the burnt offering should be used for a burnt offering. The funds set aside for the sin offering should be brought to the Dead Sea. The funds set aside for the peace offering should be used for a peace offering. It is eaten for one day. There is no need that the offering be accompanied by bread.

4 What is meant by money not designated for specific sacrifices? For example, [a nazirite] set aside money to use to bring his sacrifices and did not say anything. If, however, he said: "This is for my obligation," it is as if they have been designated for a specific purpose. Needless to say, that if he says: "This [money] is for my burnt offering, sin offering, and peace offering," the money is considered as set aside for a specific purpose.

5 When a person sets aside an animal with a blemish [for his sacrifice], it is as if he set aside money without designating it for a specific purpose. Similarly, if he set aside a slab of silver or of gold or a utensil, it is as if he set aside money without designating it for a specific purpose. [This applies] even if he said: "This is for my burnt offering, sin offering, and peace offering."

6 When a person says: "These [funds] are for my sin offering and the remainder is for my nazirite offering" and dies or a woman made such statements and then her husband nullified her nazirite vow, the money for the sin offering should be brought to the Dead Sea. Half of the remainder of the money should be used for a burnt offering and half for a peace

offering.

7 If he says: "These [funds] are for my burnt offering and the remainder is for my nazirite offering" [and dies], the money for the burnt offering should be used for a burnt offering and the remainder should be used for freewill offerings.

8 When a person thought that he was obligated in a nazirite vow and set aside his sacrifices and then inquired of a sage who told him that [his statements] do not constitute a vow and he is not obligated to be a nazirite, what should he do with the sacrifices that he set aside? They should go and pasture with the rest of the herd. For they were consecrated in error and that consecration is not binding, as will be explained in the appropriate place.

9 [The following rules apply when] a woman takes a nazirite vow and set aside her sacrifices and afterwards, her husband nullified her vow. If the animal belonged to him, it should go out and pasture in the herd, for a person cannot consecrate an article that does not belong to him. If the [animals set aside for] sacrifices were hers and her husband did not own any part of them, e.g., they were given to her as a present on the condition that her husband have no authority over them, but instead, she could do whatever she wants with them, the sin offering should be left to die, the burnt offering should be sacrificed as a burnt offering, and the peace offering should be sacrificed as a peace offering. It is eaten for one day. There is no need that the offering be accompanied by bread.

10 If [a woman] set aside money that was not designated for specific sacrifices, it should be used to purchase freewill offerings. If it was designated for specific purposes, the funds set aside for the burnt offering should be used for a burnt offering. The funds set aside for the sin-offering should be brought to the Dead Sea. The funds set aside for the peace offering should be used for a peace offering. It is eaten for one day. There is no need that the offering be accompanied by bread.

11 When a woman took a nazirite vow and became ritually impure [due to contact with a corpse] in the midst of the days of her nazirite vow, and afterwards her husband heard of her vow and nullified it, she must [still] bring the sacrifices [required when a nazirite] becomes ritually impure.

12 When a father binds his son to a nazirite vow and set aside sacrifices, but the son did not desire this nazirite vow and he or his relatives objected or he shaved himself or his relatives shaved him, the sin offering should be left to die, the burnt offering should be sacrificed as a burnt offering, and the peace offering should be sacrificed as a peace offering. It is eaten for one day. There is no need that the offering be accompanied by bread.
If he set aside money that was not designated for specific sacrifices, it should be used to purchase freewill offerings. If it was designated for specific purposes, the funds set aside for the burnt offering should be used for a burnt offering. The funds set aside for the sin-offering should be brought to the Dead Sea. The funds set aside for the peace offering should be used for a peace offering. It is eaten for one day. There is no need that the offering be accompanied by bread.

13 When a person says: "I will be a nazirite when a son is born to me," and sets aside a sacrifice, his wife miscarries and then she gives birth, the status of the sacrifices is questionable. It is forbidden to shear them or perform labor with them.

14 [A question arises when] there are two nazirites; one became ritually impure [due to contact with a corpse] and it is not known which of them became ritually impure. How should they bring their sacrifices?
They should bring the sacrifices [required when emerging from] impurity and the sacrifices [that mark the completion of a nazirite vow in] purity at the conclusion of the span of their nazirite vow. One of them then says: "If I was the one who became impure, the sacrifices [to emerge from] impurity are mine and the sacrifices [that mark the completion of a nazirite vow in] purity are yours. If I am the one who is ritually pure, the sacrifices [that mark the completion of a nazirite vow in] purity are mine and the sacrifices [to emerge from] impurity are yours."
After bringing these sacrifices, they [both] then count the full span of another nazirite vow and bring another [set of] sacrifices [that mark the completion of a nazirite vow in] purity. They then bring the sacrifices [that mark the completion of a nazirite vow in] purity and one says: "If I was the one who was ritually impure, the sacrifices [brought previously to mark the emergence from] impurity were mine and the sacrifices [brought to mark the completion of a nazirite vow in] purity were yours and these are the sacrifices [that mark my completion of a nazirite vow in] purity. If I was the one who was ritually pure, the sacrifices [brought previously to mark the completion of a nazirite vow in] purity were mine and those

[brought to mark the emergence from] impurity were yours. And these are the sacrifices [that mark your completion of a nazirite vow in] purity." Thus neither one lost anything [in bringing] these sacrifices.

15 If one of them dies, [the other] must bring a fowl as a sin-offering and an animal as a burnt offering and say: "If I became impure, the sin offering fulfills my obligation and the burnt offering is a freewill offering. If I was pure, the burnt offering is my obligation and the fowl brought as a sin-offering is [because of] the doubt." He then counts the full span of another nazirite vow and brings the sacrifices [required when completing a nazirite vow in] purity. He should say: "If I was impure, the first burnt offering I brought is a freewill offering and this is the sacrifice that I am obligated to bring. If I was pure, then the first burnt offering was obligatory. This is a freewill offering and these are the remainder of my sacrifices."

[In these instances,] neither of them perform the shaving [to emerge from] ritual impurity unless they are minors or women. [The rationale is that] these individuals should not shave their heads because of a doubt.

16 How could a doubt arise for them with regard to whether they contracted ritual impurity? For example, two nazirites were standing in a private domain where the ruling is that if a doubt concerning ritual purity arises in a private domain, the person is considered impure. A person who was standing outside saw them and said: "I saw that one of you became impure, but I do not know which one it is."

If, however, this witness is together with them in the courtyard, they are

both ritually pure. [The rationale is that] since there are three of them, they are considered as "many people." And when there are many people in a private domain, when a doubt arises concerning them, they are ritually pure like a doubt concerning ritual impurity in the public domain as will be explained in its place.

17 When does the above apply? When both nazirites remain silent or the matter is doubtful for them. If, however, one of them says: "I did not become ritually impure," even if two witnesses testify that he became impure, he does not bring a sacrifice because of their statements. His statement: "I did not become ritually impure," can be understood to mean: "I will not bring a sacrifice [because of] impurity, because I have already asked [a sage] to absolve my vow." Thus he is not contradicting the witnesses and a person's word is accepted with regard to his own person. If, however, he remained silent or was in doubt concerning the matter, he should bring a sacrifice even when the cause is the testimony of one witness, as we explained [above]

Similarly, if a witness tells a person: "You took a nazirite vow in my presence" and that person disputes the matter, he is not liable for anything. If he does not dispute the matter, he must observe [the restrictions of] a nazirite vow because of his statements.

Even if [a person] told two others, "I saw one of you take a nazirite vow, but I do not know which of you it was," since [neither of them] dispute his statements, they both must observe a nazirite vow, because of his statements. If a person observed a nazirite vow because of the statements of one witness and drank wine or became impure [due to contact with a

corpse] and two witnesses administered a warning, he is given lashes even though the fundamental dimension of the testimony is dependent on one witness.

18 When a corpse was lying across the breadth of a path and a nazirite walked by there, he is pure. [This applies] even if the only way to pass was [to step] over the corpse or to touch it and even if it was a source of impurity that was known. [The rationale is that when there is] an unresolved doubt concerning ritual impurity in the public domain, [we consider the person] pure.

19 When does the above apply? When he was walking. If, however, he was riding or carrying a burden, he is impure. [The rationale is that] it is possible for a person who is walking on his feet not to touch the corpse, have his body pass over it, nor move it. When, by contrast, a person is carrying a burden or riding, it is impossible for him not to touch the corpse, have his body pass over it, nor move it, for the corpse is lying across the path.

Chapter 10

1 A person cannot perform one shaving [that will fulfill the requirements for] his nazirite vow and [for the emergence from the state of ritual impurity associated with] *tzara'at*.

When it is questionable whether a person was afflicted with *tzara'at* [and thus became a *metzora*], the shaving [associated with emerging from]

tzara'at does not supercede his nazirite vow. Therefore [the following rules apply] if a person took a nazirite vow for a year and throughout this year, there was a question whether he had been afflicted with *tzara'at* and a question whether he had contracted ritual impurity through contact with a human corpse or there was a question whether he had been afflicted with *tzara'at* and at the end of the year, a question arose whether he had contracted ritual impurity. He should count seven days, have [the ashes of the Red Heifer] sprinkled [upon him] on the third and seventh days, but he should not shave [his hair] on the seventh day. He may not drink wine or become impure due to contact with a human corpse until four years have passed. He may partake of consecrated food after two years have passed. [The rationale is] that he is required [because of the doubts concerning his status,] to shave [his head] four times: a) the shaving [required when he completes his nazirite vow in a state of] purity, b) the shaving [required for a nazirite to emerge from a state of] impurity, [for which he is obligated because of the doubt], and the two shavings required of a *metzora*, for there is a doubt whether he is a *metzora*.

2 The first shaving should be performed after the conclusion of the first year. He shaves his head, his beard, and his eyebrows and undergoes the purification process involving a cedar tree, a hyssop, and two wild birds like other *metzoraim*. If he was not impure due to contact with a corpse, nor a *metzora*, this is the shaving performed upon completion of his nazirite vow in purity. If he was indeed a *metzora* during the first year, this is the first shaving required of the *metzora*.

He then waits another year as is the span of his nazirite vow, and then

performs the second shaving required of *metzora*. He may not shave after seven days like other *metzoraim*, for perhaps he was not a *metzora*, but instead had been impure because of contact with a corpse. [In that instance,] during this second year, he was a nazirite, who was forbidden to shave. [Nevertheless,] after he performed these two shavings, he has completed the purification process required after *tzara'at* and he is permitted to partake of consecrated foods.

He then waits another year and afterwards, performs a third shaving, lest he had been definitely a *metzora* during the first year and not impure because of contact with a corpse. [The observance] of the first year was not of consequence for him because these were days when his status [as a *metzora*] was defined. [The observance] of the second year was not of consequence for him because these were the days when he was counting [as part of the purification process of a] *metzora* between the first shaving and the second shaving. Therefore he must wait a third year, [observing his] nazirite vow. [Afterwards,] he performs a third shaving for his nazirite vow. This shaving [is required to emerge from] purity. [Nevertheless,] perhaps he was definitely impure because of contact with a corpse and he was also definitely a *metzora* and one shaving cannot serve the purpose of his nazirite vow and [purification from] *tzara'at*. Thus the first and second shavings were [for purification] from *tzara'at*. The third shaving was [for the sake of purification from] ritual impurity. None of these three years count because the third shaving was to purify him from ritual impurity. Therefore he must wait a fourth year, [observing] his nazirite vow and perform a fourth shaving. After each of the times that he shaves because of the doubt, it is forbidden to benefit from his hair because of the doubt

involved, because it is permitted to benefit from the hair of a nazirite who became afflicted with *tzara'at*.

3 Similar [rules apply if a person] took a nazirite vow for ten years and, in the midst, there arose a question whether he was a *metzora* and there also arose a question whether he contracted ritual impurity [through contact with a corpse] at the conclusion of this period. He may not drink wine for forty years and must perform four shavings, one at the conclusion of each decade. The first shaving comes because of the doubt concerning the days he must observe because of *tzara'at*. The second shaving [comes] because of the days a *metzora* [must count between his two shavings]. The third shaving is because of the doubt concerning his ritual impurity. And the fourth shaving is [the one required when completing a nazirite vow in] purity.

4 How should such a person bring the sacrifices required of him? If he was rich, he should sign over all of his property to another person. [The rationale is that] a wealthy *metzora* who brought a sacrifice befitting a poor one does not fulfill his obligation. Afterwards, he brings a fowl as a sin offering and an animal as a burnt offering for the first, second, and third shavings. No one should partake of any of the fowl brought as sin offerings, because of the doubt involved. For the fourth shaving, he brings the sacrifices required of a nazirite [who completes his vow in] purity, as we explained.

5 He brings three fowl as sin offerings for the following reasons: the first is

because of the doubt whether he is ritually impure, the second because of the doubt whether he is afflicted by *tzara'at*, for a *metzora* brings a sacrifice only after his second shaving, the third because of the possibility that he was ritually impure. [The rationale is that] one shaving cannot fulfill the obligation for both one's nazirite vow and [purification from] *tzara'at* and perhaps he was definitely both a *metzora* and impure because of contact with a corpse. [In that instance,] the first and second shavings were to become purified from *tzara'at*, as explained. The third shaving is the shaving [required to emerge from] ritual impurity. Therefore he must bring the sacrifices [required when emerging from] impurity at that time.

6 [The following principles apply with regard to] the three animals[brought] as burnt offerings that accompany [the sin offerings]. He brings them conditionally. [When bringing] the first, he stipulates: "If I was pure, this is for my obligation." If I was impure, this is a freewill offering." He should make a similar stipulation for the second and third [shaving] as well.

7 For the fourth shaving, he brings the sacrifices [required when completing a nazirite vow in] purity and stipulates: "If I was impure, the first burnt offering was a freewill offering and this is my obligatory offering.

"If I was definitely [afflicted with *tzara'at*], the first [burnt offering] was the one that I was obligated to bring as a *metzora*. This is the one that I was obligated to bring for my nazirite vow. And the two [brought] in between are freewill offerings.

"If I was pure with regard to contact with a corpse, but I had been

afflicted with *tzara'at*, the first and second [burnt offerings] were obligatory, the one for the obligation of a *metzora* and the one for the obligation of a nazirite. The third and the fourth are freewill offerings. The remainder [of the sacrifices] are the sacrifices [required when completing a nazirite vow in] purity.

"If I was impure and afflicted with *tzara'at* the first burnt offering was the obligation of a *metzora*. The second and the third are freewill offerings and this is the sacrifice [required when] shaving [after completing a nazirite vow in] purity."

8 The guilt offering and the burnt offering are not absolute requirements, neither for the shaving [required for a nazirite to emerge from] ritual impurity, nor for [the purification afflicted with] *tzara'at*. Thus if he had definitely been a *metzora*, but had not become impure because of contact with a corpse, he became pure when bringing the wild birds. The fowl brought as a sin offering serves as his sin offering. It should not be eaten because it was brought because of a doubt. And the [lamb] brought with it as a burnt offering is part of the requirement for shaving [after completing a nazirite vow in] purity, so that the shaving will be associated [with the sacrifice of] an animal. If he was ritually impure because of contact with a corpse, the [lamb] brought as a burnt offering is a freewill offering.

If he had not been afflicted by *tzara'at*, but had been impure due to contact with a corpse, the fowl brought as a sin offering is the offering [required of] a nazirite who became impure and the [lamb] brought as an animal is a freewill offering. And ultimately, he will bring the sacrifices

[required when a nazirite vow is completed in] purity.

If he was neither impure due to contact with a corpse nor a *metzora*, the [lamb] brought as a burnt offering for the first shaving is that required when shaving. The fowl brought as a sin offering is brought because of the doubt and it is not eaten.

9 When do the above statements that a nazirite performs four shavings apply? When speaking of a minor or a woman. An adult male should not perform a shaving because of a doubt, neither a shaving because of ritual impurity or one because of *tzara'at* lest he have been ritually pure and thus he will be cutting off the corners of his hair when there is no mitzvah involved. Therefore, [in such a situation,] an adult male should perform only the shaving [required when completing the nazirite vow in] purity. For these four shavings are not absolute requirements, they are only [the more complete way of performing] the mitzvah.

10 How should a nazirite conduct himself if he is certain that he contracted *tzara'at* and is uncertain whether he contracted ritual impurity. After he is purified from his *tzara'at*, he should have [the ashes of the Red Heifer] sprinkled upon him on the third and seventh days. He performs the shaving [required when emerging from] ritual impurity and then begins to count the days of his nazirite vow in their entirety. For, due to the doubt that he became ritually impure, [the observance of] the first days is nullified. [After completing that vow,] he brings the sacrifices [required when completing a nazirite vow in] purity and [is permitted to] drink wine. After he brings the sacrifices [required after being purified from]

tzara'at, he may partake of sacrificial food.

11 [The following rules apply if] it is certain that he became impure [from contact with a corpse] and there is a question whether he was a *metzora*. After he is healed from his questionable status as a *metzora*, he should count the full amount of the days of his nazirite vow and afterwards perform the shaving [required for *tzara'at*]. [The rationale is that] shaving [because of *tzara'at*] that is questionable does not supercede his nazirite vow. Afterwards, he counts the seven days between the first shaving of a *metzora* and the second and performs that shaving. He should bring his sacrifices and may partake of sacrificial foods if he had [the ashes of the Red Heifer] sprinkled upon him on the third and seventh days. Afterwards, he counts seven more days [because of] the impurity associated with a corpse and performs the shaving [required to emerge from] ritual impurity. Afterwards, he counts the full term of his nazirite vow.

12 Similarly, [the following rules apply if] he was certainly both ritually impure and a *metzora*. After he becomes healed from his *tzara'at*, he performs the first shaving [required to be purified from] *tzara'at*, has [the ashes of the Red Heifer] sprinkled upon him on the third and seventh [days], and has his head and beard shaved on the seventh day. This is the second shaving [required to be purified from] *tzara'at*. He brings the sacrifices [associated with that purification] on the eighth day and may partake of sacrificial foods. He then counts seven days and performs the shaving [required to emerge from] ritual impurity. Afterwards, he counts

the full term of his nazirite vow. He then brings the sacrifices [required when completing a nazirite vow in] ritual purity and [may then] drink wine.

13 Why is it necessary for him to count seven [days before bringing the sacrifices required after emerging from ritual impurity]? [Because] the seven days of ritual impurity [associated with contact with a human corpse] are not counted during the seven days between the two shavings of a *metzora*.

14 When a person says: "I will be a nazirite if I do this and this" or "...if I do not do [this or this]," he is a wicked man and a nazirite vow of this type is one of the nazirite vows taken by the wicked. If, however, a person takes a nazirite vow to God in a holy manner, this is delightful and praiseworthy and concerning this, [**Numbers 6:7-8**] states: "The diadem of his God is upon his head... He is holy unto God." And Scripture equates him with a prophet, as [**Amos 2:11**] states: "And from your sons, I will raise [some] as prophets, and from your youths, [some] as nazirites."

Mishneh Torah, Appraisals and Devoted Property

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Endowment valuations [*arechim*] are pledges included in the category of vows made to consecrate property, as [Leviticus] 27:2 states: "When a man will utter a vow, making an endowment evaluation concerning humans to God." Therefore [failure to fulfill them] makes one liable for the violation [of the prohibitions, **Numbers 30:3**:] "He shall not desecrate his word," and [**Deuteronomy 23:22**]: "Do not delay in paying it," and [the positive commandment, Numbers, *loc. cit.*]: "He shall act in accordance with all that he uttered with his mouth."

2 It is a positive commandment to render judgment concerning *arechim* as prescribed by the Torah. Whether one says: "I pledge my *airech*," "I pledge the *airech* of this person," or "I pledge the *airech* of so-and-so," he must pay the *airech* as prescribed according to the age of the person specified.This is a fixed amount as dictated by the Torah, neither more, nor less.

3 What is the *airech* [prescribed by the Torah]? If the person whose *airech* was donated was 30 days old or less, he has no *airech*. When one says: "I pledge the *airech* of this person," [and the person is 30 days old or less,] it is as if he said: "I pledge the *airech* of this utensil" and [the donor] is not liable at all.

If [the person whose *airech* was donated] was between 30 days old and a

full five years, the *airech* of a male is five [silver] *shekalim* and of a female, three [silver] *shekalim*. From when one begins his or her sixth year until the completion of the twentieth year, the *airech* of a male is 20 [silver] *shekalim* and of a female, 10 [silver] *shekalim*. From when one begins his or her twenty-first year until the completion of the sixtieth year, the *airech* of a male is 50 [silver] *shekalim* and of a female, 30 [silver] *shekalim*..From when one begins his or her sixty-first year until the day of his or her death, [regardless of] the number of years [he or she lives,] the*airech* of a male is 15 [silver] *shekalim* and of a female, 10 [silver]*shekalim*..

4 All of these years are calculated from day to day from the person's birthday. All of the *shekalim* are holy *shekalim*, i.e., the weight in pure silver of 320 barley corns. [Our Sages] already added to the value [of this coin] and made it equivalent to a *sela*, as we explained in *Hilchot Shekalim*.

5 There is no *airech* for a *tumtum* or an *androgynus*, for the Torah prescribed an *airech* only for a male whose status is definite or a female whose status is definite. Therefore if a *tumtum* or an *androgynus* says: "I pledge my *airech*," or another person pledges their *airech*, their statements are of no consequence.

6 An *airech* may be pledged for a gentile, but the pledge of a gentile is of no consequence. What is implied? When a gentile says: "I pledge my *airech*," or "I pledge the *airech* of this Jew," his words are of no consequence. When, [by contrast,] a Jew says: "I pledge the *airech* of this gentile" or "I

pledge the *airech* of so-and-so, the gentile," he must pay according to the age of the gentile whose *airech* he pledged. Similarly, if one pledges the *airech* of a deaf-mute or an intellectually or emotionally unstable person, he is obligated to pay according to that person's age.

7 An *airech* may be pledged for a servant and he may pledge an *airech* like any member of the Jewish people. If he is redeemed and he has financial resources, he should pay the pledge that he vowed.

8 Whether a person pledges the *airech* of an attractive, healthy person or one who is ugly and infirm, he must give the fixed amount specified by the Torah according to the age of that person. [This applies] even if that person has leprous blotches, is blind, lacking a limb, or possesses any type of blemish.

9 Pledges for a person's worth are not like *arechim*. What is implied? When a person says: "I am responsible for my worth," "I am responsible for that person's worth," or "I am responsible for the worth of so-and-so," he must pay the worth of that person as if he were a servant sold in the marketplace, whether it be a *dinar* or a thousand *dinar*. [This applies] even if that person is a minor one day old, a *tumtum*, an *androgynus* or a gentile.

10 Unless specified otherwise, all *arechim* and all pledges of worth are [dedicated to] physical improvements to the Temple. They are placed in a special chamber in the Temple which is prepared for [funds] consecrated for physical improvements to the Temple.

11 When a gentile says: "I am responsible for my worth" or "I am responsible for the worth of so-and-so," he must pay according to his vow. [The money] is not, however, placed in the [abovementioned] chamber. For we do not accept pledges or vows from gentiles to make physical improvements in the Temple or in Jerusalem as [**Ezra 4:3**]: "It is not for you [together] with us to build [a house for our God]." And [Nechemiah] 2:20] states: "And you do not have a portion, a right, or a remembrance in Jerusalem."

12 What should be done with [these gifts]? We should question the gentile regarding the intent he had when taking the vow. If he had the intent to give it according to the guidance of the Jewish people, the court may use it for anything they see fit except improvements to the Temple and Jerusalem. If he said: "I took the vow for the sake of Heaven," [his gift] should be entombed.

13 When a person is in his death throes, he has no *airech*, nor has he any worth. Since most people in their death throes will die, he is considered as if he is [already] dead. Similarly, if a person was sentenced by a Jewish court to be executed because of a transgression that he committed and another person pledged his *airech*, he pledged his own *airech*, or he pledged his worth or another person pledged his worth, none of the above are liable for anything. For the person is considered as if he is already dead and a deceased person has no *airech*, nor any worth. With regard to this, [**Leviticus 27:29**] states: "Any condemned person who is condemned from mankind shall not be redeemed," i.e., there is no redemption for him and

he is considered as if he is dead.

14 If a person who is being led to his execution pledges the *airech* of other people, pledges their worth, or causes damage, he is obligated to pay. [The money owed] is collected from his estate.

15 Priests and Levites may pledge *arechim* and their *airech* may be pledged by others like other Israelites. When a minor reaches the age when his vows are of consequence, and pledges a person's *airech* or worth, he is obligated to pay, for his vows are of consequence, as we explained in *Hilchot Nedarim*.

16 The *arechim* are fixed according to the age of the person who is the object of the pledge, not the age of the person making the pledge. What is implied? When a twenty year-old tells a sixty year-old, "I pledge your *airech*," he must give the *airech* of a sixty year-old. When a sixty year-old tells a twenty year-old, "I pledge your *airech*," he must give the *airech* of a twenty year-old. Similar laws apply in all analogous situations.

17 The statements of the person pledging the *airech* must match his intent, as [is the law with regard] to other vows. One may appeal [to a sage] for the absolution of a pledge of an *airech* or one's worth, just as one may appeal for the absolution of other vows and consecrations.

18 When a person says: "I am responsible for the *airech* of these individuals," he must pay the combined *airech* of them all, each one of them according to his years. If he was poor, he should give one *airech* paid by a poor man

for them all together. If he was wealthy, he should give the *airech* paid by a wealthy man for each one of them.

19 When a person says: "I pledge my *airech*" and then repeats: "I pledge my *airech*" - even if he makes this statement several times - he must pay an *airech* for each pledge. If he says: "I pledge two of my *arechim,* he must pay two *arechim*. This also applies if he pledges four, or even 1000, *arechim*, he must pay the number that he pledged.

20 When one says: "I pledge an *airech*" without identifying the person whose *airech* he is pledging, but mentions an *airech* without any more particulars, he is liable to pay the lowest of all *arechim*, i.e., three *shekalim*.

21 When a person says: "I pledge my *airech*," but dies before standing before [a court for] appraisal, his heirs are not liable to pay, as [implied by **Leviticus 27:8**]: "And he shall be made to stand before the priests and the priest will evaluate him." If he stood before [a court for] appraisal and then died, the heirs must pay.

22 If, however, he says: "I pledge my worth," even if he stands before [a court for] appraisal, but dies before they establish a fixed amount and the judges say how much he is worth, his heirs are not obligated to pay. If, however, they affixed his worth and then he died, his heirs must pay.

23 What is the difference between *arechim* and pledges of worth? [The amount required to be paid] for *arechim* is fixed by the Torah, while [the amount required to be paid] for a pledge of worth is not fixed.

Similarly, when a person says: "I pledge the *airech* of so-and-so and both the person who made the pledge and the one whose *airech* was pledged died after the latter stood before [a court for] appraisal, the heirs [of the person who made the pledge] are obligated to pay. If the person whose *airech* was pledged died before standing before [a court for] appraisal, even though the person who made the pledge is alive, he is not liable. [The rationale is that] a deceased person does not have an *airech* and a person whose *airech* must stand before [a court for] appraisal [before the commitment becomes binding]. [Similarly,] if one said: "I pledge the worth of so-and-so" and that person stood for an appraisal, but died before an evaluation of his worth was established, [the one who made the pledge] is not liable, for a deceased person has no worth.

Chapter 2

1 When a person says: "I pledge the *airech* of my hand," "...my eye," or "...my foot," or "...that person's hand" or "...that person's eye," his words are of no consequence. [If he says:] "I pledge the *airech* of my heart" or "...my liver" or "...that person's heart" or "...that person's liver," he must pay the entire *airech*. Similarly, with regard to any limb which if removed would cause the person to die, if one says: "I pledge its *airech*," he must pay the *airech* of the entire person.

2 If a person says: "I pledge half my *airech*," he must pay half his *airech*. If he says: "I pledge the *airech* of half myself," he must pay his entire *airech*, for it is impossible for him to live if half his body is removed.

3 When a person says: "I pledge the worth of my hand" or "...the worth of so-and-so's hand," we evaluate how much he is worth with a hand and how much he would be worth without a hand and he should give [the difference] to the Temple treasury.

What is implied? If he is sold in his entirety, he will be worth fifty [*zuz*], but if he were sold aside from his hand - i.e., his hand would remain the property of its owner and the purchaser would not have any portion of it - he would be worth forty, he is obligated to pay ten to the Temple treasury. Similar laws apply in all analogous situations.

4 When a person says: "I pledge the worth of my head" or "...my liver" or "I pledge the worth of so-and-so's head" or "...so-and-so's liver," he must pay his entire worth. Similarly, if one says: "I pledge the worth of half myself," he must pay his entire worth. When, however, he says: "I pledge half my worth," he [is obligated] to pay [only] half his worth.

5 When one says: "I pledge my weight" or "I pledge the weight of so-and-so," he should pay his weight. [If] he specified "[his weight in] silver," [he should pay in] silver; if [in] gold, [he should pay] in gold.

If he said: "I pledge the weight of my arm" or "...my leg," we see how much it would weigh and he must pay the money that he specified. What is the length of the arm in this context? Until the elbow. And the leg is until the knee. [The rationale is that] with regard to vows, we follow [the meaning of] the terms as used by people at large.

6 When a person says: "I pledge my height in silver" or "...in gold," he must

give a scepter of his height that will [stand straight] without bending from the type [of metal] he specified. If he said: "I pledge the extent of my height," he may give even a scepter that will bend from the type [of metal] he specified.

7 [The following laws apply when a person] says: "I pledge my weight" and does not specify from which substance. If he is very wealthy and [obviously] intended to give a substantial donation, he should give his weight in gold. Similarly, if [such a person] says: "I pledge the weight of my arm," "...the weight of my leg," or "...my height" without specifying the substance from which he will give, he should give gold. If, however, [the donor] is not exceedingly wealthy, he should give his weight or the weight of his hand from any substance which is commonly weighed in that locale, even fruits. Similarly, he should give a scepter as tall as he is [from any substance], even from wood. Everything depends on his wealth and [our assessment of] his intent.

8 When a person uses any [of the following] expressions - "I pledge my standing," "...my sitting," "...the place where I sit," "...my width," "...my thickness," or "...my circumference" - [his intent is a matter of question and] there is doubt [regarding his obligation. Hence,] he should [be required to] give [generously] according to [what could be expected of a person of] his means until he says: "This was not my intent." If he died, his heirs are required to give the minimum that the expression could mean.

9 When a person says: "I pledge a silver coin," he should not give less than a silver *dinar*. When he says: "I pledge a brass coin," he should not give less than [brass coins worth] a silver *me'ah*. "I pledge iron," he should not give less than [a piece of iron] one cubit by one cubit fit for the blade [of iron that protected against] ravens which stood at the top of the roof of the Temple, as explained in its place.

10 When he says: "I pledge silver" or "...gold" without mentioning the word "coin," he should [be required to] give a slab of silver or of gold of [significant] weight until he says: "This was not my intent." Similarly, if he explicitly mentioned a weight [of silver or gold], but forgot how much he specified, he should [be required to] give until he says: "This was not my intent."

11 Whether a person says: "I pledge my worth" or "I pledge the worth of so-and-so," or whether one says: "I pledge a *manah*," "...fifty *zuz*," "...silver," or "...gold," they are all called "monetary obligations." [Both] *arechim* and monetary obligations are given toward capital improvements for the Temple, as explained.

12 There were two chambers in the Temple: one was called "the chamber of secret gifts," and the other "the chamber for vessels." "The chamber of secret gifts" was given that name because sin-fearing men make donations there furtively and poor people of distinguished lineage receive their sustenance from there in secret.

"The chamber for vessels" was given that name because anyone who

donated a vessel [to the Temple] would cast it there. Once in thirty days, the treasurers would open [the chamber]. Any utensil that could be used for the improvement of the Temple was saved [for that purpose]. The remainder would be sold and the proceeds placed in the chamber for [funds] consecrated for physical improvements to the Temple.

13 If [funds] were needed [to purchase] sacrifices for the altar and the funds collected for that purpose were not sufficient, what is necessary can be taken from [the funds] consecrated for physical improvements to the Temple. If, however, [funds] were required for physical improvements to the Temple and there were not sufficient resources in the chamber dedicated for that purpose, we do not take what is necessary from [the funds] consecrated for sacrifices for the altar.

Chapter 3

1 When a person pledges the *airech* of someone less than 20 years old and he does not stand before [a court for] appraisal until he exceeds that age, the donor is required to give only the *airech* of one less than 20. For the *airech* is defined only at the time that it is pledged and not at the time one stands before the court.

2 All of the *arechim* that are explicitly mentioned in the Torah are to be given when the one who makes the pledge is wealthy. If, however, he was poor and he does not have the means, he is [required to] give everything that he possesses - even if it is only a *sela* - and he discharges his

obligation, as [**Leviticus 27:8**] states: "If he is too poor [to pay] the *airech*... the priest should evaluate him according to his capacity."

3 Which source teaches that if he possesses only one *sela*, it is sufficient to give that *sela*? [Leviticus, *ibid.*,] states: "All of your *arechim* will be in holy *shekalim*." This teaches that there is no *airech* less than a *sela*, not more than 50.

4 If the person does not possess even a *sela*, we do not take less than a *sela* from him. Instead, the entire amount is considered as a debt incumbent upon him. If he acquires property and becomes wealthy, he must pay a full *airech* as prescribed by the Torah.

5 When a rich person [pledged an *airech*] and then became poor, or when a poor person pledged an *airech* and became wealthy [before he was evaluated], he must give a full *airech*. If, however, he pledged an *airech* when he was poor, became wealthy, and then became poor again [before he was evaluated], he may give the *airech* required of a poor man.

6 When a rich man says: "I pledge my *airech*" or "I pledge the *airech* of so-and-so," and a poor person heard and says: "I pledge whatever he said," the poor person is obligated to pay the *airech* required of a wealthy man, i.e., a full *airech*.

If, however, a poor person pledges the *airech* of a wealthy man, saying: "I pledge his *airech*," he is liable only for a poor man's *airech*, i.e., what he is capable of paying.

7 What is the difference between a person who is liable for a poor man's *airech* and one who is liable for the *airech* of a wealthy man which is the entire sum [mentioned in the Torah]? Once everything that he owns is expropriated from a poor man, even if it is only one *sela*, and then he becomes wealthy, he is not liable to pay the greater sum. If, however, he would have been liable for the *airech* of a wealthy man, the entire *airech* would remain a debt for which he is liable until he becomes wealthy and pays it [in total].

8 When a person explicitly mentions the sum of the *airech*, saying: "I pledge my *airech* of 50 *selaim*" or "I pledge the *airech* of so-and-so, 30 *selaim*," his financial capacity is not evaluated. Instead, we expropriate everything that he possesses and the remainder remains a debt for which he is liable until he becomes wealthy and pays.

9 Similarly, if one says: "I pledge my worth" or "I pledge the worth of so-and-so," we do not evaluate his possessions. [The rationale is that] a pledge of worth is like an explicit vow. It is like someone who said: "I pledge a *maneh* to the Temple treasury." He is obligated to give an entire *maneh*.

10 When a person says: "I pledge an *airech*" without explaining his words, he is not considered as having pledged three *shekalim*. Instead, he is judged according to his financial capacity, as is the law with regard to other *arechim*.

11 [The following laws apply when a person] states: "I pledge my *airech*" and

then repeats: "I pledge my *airech*." If he possesses [only] ten *selaim* and gives nine for the second *airech* and one for the first, he fulfills the obligations of both of them. For *arechim* are not like debts. Although everything he possesses is on lien to the first [*airech*], once the Temple Sanctuary has collected its due, it has been collected.

If, however, he gave nine [*selaim*] for the first [*airech*] and one for the second, he fulfilled his responsibility for the second *airech*, but not for the first. [The rationale is that] everything that he possesses is on lien to the first *airech* and when he gave nine, he retained a *sela*. Thus he did not give everything in his possession. Therefore the remainder of the first *airech* should remain [a debt incumbent] upon him until he becomes wealthy and pays it.

12 When a person says: "I pledge two of my *arechim*," and he possesses only less than that sum, there is an unresolved question. Is [the money he possesses] on lien to them both? Hence he should give half of what he possesses for one *airech* and the other half, for the other and in this way fulfill his obligation. Or is he required to give one full *airech* - or everything that he possesses - for one *airech* and the other *airech* should remain a debt [incumbent] upon him which he will pay - either as a wealthy man or as a poor man - according to his financial capacity.

13 When a person sets aside his *airech* or his worth and [the funds] are stolen or lost, he is liable to replace them even if he did not accept responsibility for them until they reach the Temple treasurer, as [implied by **Leviticus 27:23**]: "You will give your *airech* on that day, sanctified unto God." Even

though he set them aside, they are nevertheless considered as ordinary property until they reach the Temple treasurer.

14 [The Temple treasurers are entitled to] seize collateral for *airechim* or pledges of worth. They take what they vowed [from the donors] against their will. They are not required to return the collateral by day or by night. They sell all the landed property and movable property in their possession including their clothing, household articles, servants, and livestock, taking their payment from everything.

They may not, however, sell the clothing of the [donor's] wife, that of his sons, clothing that he had dyed for them, nor new sandals that he purchased for them. Similarly, when a person consecrates all of his property, he has not consecrated these [articles].

15 [When a person] pledges *arechim*, the worth of an entity, or he consecrates a *maneh* to the Temple treasury and does not possess [the immediate resources to meet his pledge, we expropriate] all the movable property he owns, leaving him only: his head and arm *tefillin*, his sandals, a chair to sit on, and a bed and a mattress appropriate for him to sleep on. If he is poor, we give him a bed and a straw mat to sleep on. And we give him food for 30 days and clothing for twelve months for himself alone. We do not [make these provisions] for his wife and children although he is obligated to provide for their livelihood and their clothing, We leave him only garments that are fitting for his [social standing].

16 If he possesses silk garments and golden garments, we remove them from

him and give him garments that are appropriate for a person of his social standing for the weekdays, but not for Sabbaths and festivals.

17 If he was a craftsman, we leave him two of every type of the tools of his trade.

What is implied? If he was a carpenter, we leave him two planes and two saws. If he had many tools of one type and a few of another type, we do not sell many of those of which he possesses a lot and purchase some of those of which he possesses a little. Instead, we leave him two tools of those which he possesses a lot and all those he possesses of those which he possesses a little.

18 If he was a donkey driver or a farmer, we don't leave him his livestock even though he can only earn his livelihood with it. If he was a sailor, we do not leave him his boat. Instead, everything must be sold.

19 If there were livestock, servants, and pearls among his possessions and merchants said: "If clothing worth 30 [*zuz*] is purchased for this servant, his value will increase by 100"; "If we wait to sell this cow to a meat market, its price will increase by ten [*zuz*]; or "If this pearl is taken to this-and-this place, it will be worth much money, but here it will only be worth a small amount," we do not heed them. Instead, what is done? We sell everything in its place and at its time as it is, as [the above prooftext [implied by **Leviticus 27:23**]: "You will give your *airech* on that day, sanctified unto God." [This teaches that] every entity [that is] consecrated [to the Temple treasury] is not embellished, nor do we wait to take it to

the market, nor do we bring it from place to place. Instead, consecrated articles are sold only in their place and at the time [they were consecrated].

20 When does the above apply? With regard to movable property and servants. For landed property, by contrast, we announce the sale for 60 consecutive days, morning and evening and [only] afterwards, are they sold.

Chapter 4

1 A field which a person inherited from his testators is called "an ancestral field." One that he purchased or acquired is called "purchased property." When a person consecrates an ancestral field, it is measured and its *airech* is the fixed *airech* prescribed by the Torah.

2 How much is that? For every place where it is fit to sow a *chomer*of barley, sowing it by hand without sowing it too closely or to distantly, its *airech* is 50 *shekel* for all the years of the Jubilee. The *yovel* is not counted. [This applies] whether one is consecrating a good field which has no parallel in *Eretz Yisrael* or a poor field which has none as bad as it. [The above] is the *airech* for it.

3 We have already explained in *Hilchot Shekalim* that the *shekel* referred to by the Torah was called a *sela* in our Sages' terminology and a *gerah* referred to by the Torah was called a *ma'ah* in our Sages' terminology.
They added to the value of a *shekel*, making it equivalent to a *sela*. A *sela* is

equivalent to four *dinarim*. A *dinar* is equivalent to six *ma'yin*. And a *ma'ah* is equivalent to two *pundiyonin*.

Thus [the *airech* for] each year is a *sela* and a *pundiyon*. Although a *sela* is 48 *pundiyonin*, when one gives *pundiyonin* to purchase a *sela* from a money-changer, one gives 49.

4 A *chomer* is equivalent to a *kor* which is equivalent to two *letachim*. A *letach* is fifteen *se'ah*. Thus a *letach* is equivalent to 30 *se'ah* which are ten *efot*, for an *efah* is three *se'ah*. We already explained in *Hilchot Shabbat* that a place with an area of 50 cubits by 50 cubits is called a *beit se'ah*, because a *se'ah* can be sown in it.

Thus a place with an area of 75000 sq. cubits, i.e., a square approximately 274 cubits by 274 cubits. This is a *beit kor* in which a *chomer* of barley can be sown.

5 What is the manner in which the *arechim* of fields are calculated? If a person consecrated his ancestral field when eight years remain until the Jubilee - not including the Jubilee, as we explained - whoever desires to redeem it from the domain of the Temple treasury must give eight *selaim* and eight *pundiyonin* for every portion in which a *chomer* of barley can be sown.

If the [prior] owners desire to redeem it, they must give ten *selaim* and ten *pundiyonin* [for every portion of that size], for owners add a fifth. Similarly, whenever the Torah mentions a fifth, the intent is that the principal and the addition will be [a multiple of] five. Thus he adds a fourth of the principle. Similarly, if the wife of the one who consecrated it

or one of his heirs redeems it, they must add a fifth.

6 If four years remain until the Jubilee, the one who redeems it must give four *selaim* and four *pundiyonin* for every [portion in which a] *chomer* [of barley can be sown]. If the owners redeem it, they must pay five. Similarly, we calculate the sum [of every field dedicated based on multiples of] a *sela* and a *pundiyon*. One may not pay the sum year by year. Instead, it must be paid all at once.

7 If there remains only a year between [the time the field was consecrated] and the Jubilee, one cannot redeem it by paying a *sela* and a *pundiyon*, as [implied by **Leviticus 27:18**]: "And the priest shall calculate for him [the amount to be paid] according to the *years* that remain." [The use of the plural indicates] that the field cannot be redeemed by [the payment of] a reduced amount of silver except two or more years before the Jubilee.

8 If there remains a year and [several] months between [the time the field was consecrated] and the Jubilee and the Temple treasurer desires to calculate the months as a year so that [the donor] will give two *shekelim* and two *pundiyonin* for every [portion in which a] *chomer* [of barley] can be sown, this is permissible. [The rationale is that] we do not calculate months with regard to consecrated articles, as [indicated by the prooftext]: "According to the *years* that remain." [Implied is that one] should calculate years with regard to consecrated property, but one does not calculate months.

9 Accordingly, it is not appropriate for a person to consecrate his field less

than two years before the Jubilee. If he does consecrate it, it is consecrated and it cannot be redeemed by [paying] a reduced amount of silver. Instead, if the one redeeming it is willing to pay 50 *shekel* for [each parcel in which] a *chomer* [can be sown], he may redeem it. If not, it is given to the priests in the Jubilee year, as will be explained.

10 When a person consecrates his field in the Jubilee year itself, it is not consecrated. If a priest or a Levite consecrate [their property] in the Jubilee itself, it is consecrated.

11 Just as they can redeem [their fields] at all times, so too, they can consecrate them at all times.

12 When a person consecrates his field after the Jubilee year, it is not redeemed by [paying] a reduced amount of silver until the completion of a year after the Jubilee, because we do not calculate months with regard to consecrated property. Therefore if the one redeeming it is willing to pay 50 *shekel* for [each parcel in which] a *chomer* can be sown, he may redeem it even on the day after the Jubilee year. He does not reduce its price at all.

13 When [a field] is measured, we measure only those places fit to be sown. If there are stones that are ten [handbreadths] high or hollows filled with water that are ten handbreadths deep, they are not measured with it. If they are less than this, they are measured with it.

14 If there are hollows that are ten handbreadths or more deep that do not contain water, they are measured independently and calculated according

to their worth.

15 [If the consecrated field] contains trees, the trees are consecrated even if [the donor] did not say so explicitly. [The rationale is that] when a person consecrates property, he does so with a generous spirit. We calculate the worth of the trees [and add that to the sum arrived at by] measuring the land and placing its *airech* at a *sela* and a *pundiyon* for every [parcel in which] a *chomer* can be sown, as we explained.

16 When a person consecrates a field that is not fit to be sown and is referred to as rocky terrain, it is redeemed for its value. Similarly, if a person consecrates trees alone, they are redeemed according to their value.

17 If there were three trees planted in an area large enough to sow a *se'ah* and [the donor] did not explicitly say that he was consecrating only the trees, he is considered to have consecrated the land and the [small] trees between [the three larger ones]. If, however, the trees were planted [more sparsely - i.e.,] every three or less trees were planted in more than the area large enough to sow a *se'ah* or he consecrated [each of the trees individually,] one after the other, he did not consecrate the land or the [small] trees between [the larger ones].

18 If he consecrated the trees and then consecrated the land, he redeems the trees according to their worth and the land according to its measure.

19 When a person consecrates an ancestral field and the Jubilee arrives without it being redeemed, but instead, it has remained in the domain of

the Temple treasury, the priests [of the watch in which the Jubilee falls] must pay its *airech* and it becomes their ancestral heritage. [They are required to pay, because] consecrated property is never released without being redeemed. The money paid is given to the Temple treasury for improvements to its structure.

20 If the person who consecrated it redeemed it before the Jubilee, it returns to its owner [in the Jubilee]. The *airech* which he pays is given for improvements to the Temple, as we have explained. Similarly, if the son of the person who consecrated it redeemed it, it returns to his father in the Jubilee. If, however, his daughter, another relative, or an unrelated person redeemed it, [different laws apply]. If the person who consecrated it redeems it from them, it returns to him at all times [before the Jubilee year]. If, however, he did not redeem it from their possession and when the Jubilee arrived it is in the possession of the daughter, another relative, or an unrelated person, it is expropriated from them [and becomes the property of] the Temple treasury. It never returns to its owners again. Instead, it becomes the ancestral property of the priests, as [**Leviticus 27:21**] states: "When the field departs [from the purchaser's domain] in the Jubilee, it shall become the priests." The priests do not have to pay its value, because it was already redeemed from the Temple treasury and [the Temple treasury] received its *airech* from another person. Hence, it is returned to the priests as if they are its owners.

21 To whom does the above apply? To an Israelite. If, however, the person who consecrated the field was a priest or a Levite, he may redeem it at all

times. Even if the Jubilee passed and it was not redeemed from the Temple treasury, he may redeem it after the Jubilee, as [**Leviticus 25:32**] states: "The Levites have an eternal right of redemption."

22 When a woman consecrated her ancestral field, her husband redeemed it from the Temple treasury, and it is in his possession when the Jubilee arrives, there is an unresolved question whether it returns to the woman or it is given to the priests. Therefore if the woman came first and took possession of it after the arrival of the Jubilee, the priests cannot expropriate it from her domain. If the priests took possession of it first, she cannot expropriate it from their possession.

23 If a person consecrated a field and a priest redeemed it from the Temple treasury and it is in his domain when the Jubilee arrives, he should not say: "Since it is expropriated for the sake of the priests and it is in my possession, I should acquire it." Instead, it is given to all of his brethren, the priestly family.

24 When it is expropriated on behalf of the priests in the Jubilee, it should be given to those priests in the watch in which the Jubilee begins. If the Rosh HaShanah of the Jubilee falls on the Sabbath and thus one watch will enter and one will depart, it should be given to the watch which departs.

25 When a person consecrates trees and the Jubilee arrives without him having redeemed them, they are not expropriated [and given] to the priests, for [**Leviticus 27:21**] states: "When the field is expropriated in the Jubilee... [it shall become the priests]." [Trees,] however, are not a field. If,

however, a person consecrates rocky terrain and the Jubilee arrives without it being redeemed, it is expropriated [and given] to the priests, for [the prooftext] states "And the field shall..." and this is called a field.

26 What are the laws that apply when a person consecrates purchased property? Its worth is evaluated and we see what its value will be until the Jubilee. Anyone who desires may redeem it. If the person who consecrated it redeems it, he is not required to add a fifth. The redemption is given for the purpose of improvements to the Temple as are other *arechim* and pledges of worth.

When the Jubilee arrives, it returns to its original owner who sold it. [This applies] whether it was redeemed from the Temple treasurer and it is departing from the domain of another person or whether it was not redeemed and it is departing from the domain of the Temple treasury, it returns to the seller and is not expropriated for the priests. [The rationale is that] a person cannot consecrate an article that is not his.

27 Whenever a field is evaluated for the Temple treasury so that it can be sold for its worth, we announce its sale for 60 consecutive days in the morning when workers come to work and in the evening when they leave. We mark its boundaries and say how much it produces and what is it worth. Whoever wishes to purchase it may come and purchase it.

28 [The following laws apply when a person] purchases a field from his father or from another person from whom he could inherit it and consecrates it to the Temple treasury. Whether he consecrated it after the death of his

father or the other testator or he consecrated it during the lifetime of his father or the other testator and then his father [or that testator] died, it is considered as an ancestral field. [This is derived from **Leviticus 27:22**:] "[If he will consecrate] a field that he acquired which is not an ancestral field...." [Implied is that the subject is] a field that is not fit to be an ancestral field, thus excluding this one which is fit for him to inherit.

Chapter 5

1 When a person consecrates his ancestral field, it is a mitzvah for him to redeem it, for the owner receives priority. If, however, he does not desire to, we do not compel him.

When does the above apply? In the era that the Jubilee is observed. For if the Jubilee arrives and he does not redeem it, it will be expropriated for the sake of the priests, as we explained. In the era when the Jubilee has been nullified and it is not expropriated for the sake of the priests, but instead will ultimately be redeemed, we compel the owner to make an initial bid and it is redeemed for its worth like other consecrated articles. If someone who is willing to add to [the bid] to redeem it, he may redeem it. If not, we tell him: "It has come to you," and he must give what he bid. He may not make an opening bid for less than four *p'rutot* so that the fifth that he will add will not be less than a *p'rutah*.

2 If the owner desired to sell other fields that he owned or to borrow to redeem this field that he consecrated, he has permission to do so. This applies whether [he consecrated the field] during the time the Jubilee is

observed or when it is not observed. He is given precedence over others. Similarly, if he desired to redeem half of it, he may. This contrasts with the laws that apply when one sells a field to an ordinary person. This is the greater stringency that applies with regard to ordinary property [and not] to the Temple treasury.

3 When a person consecrates his home, a non-kosher animal, or other property, they are evaluated for their worth, whether it be high or low. If the person who consecrated them, his wife, or his heirs redeem them, they must add a fifth. We compel the owner to make the first bid. The money is set aside for improvements to the Temple.
[The above] applies whether the house was from a walled city or from an unwalled habitation, [the owner] may redeem it at all times.

4 [The following rules apply if] another person redeemed it from the Temple treasury. If the home was within a walled city and it remained in the possession of the redeemer for twelve months, it becomes his property forever. If the home was located in an unwalled habitation and the Jubilee arrived while it was in the possession of the redeemer, it returns to its owner in the Jubilee.

5 When a person consecrates an unblemished kosher animal for the sake of improvements to the Temple, he has transgressed a positive commandment. [Nevertheless,] the deed he performed is of consequence and sanctity is conveyed upon [the animal]. It is redeemed even though it is unblemished. The priest establishes its worth, and the money is given

for improvements to the Temple. The person who redeems it, redeems it only for the sake of offering it on the altar for the type of sacrifice for which it is fitting. [This is required, because] any [consecrated entity] that is fit for the altar is never released from [the obligation to be sacrificed on] the altar.

6 What is the source that teaches that it is forbidden to consecrate unblemished animals for the improvement of the Temple? [**Leviticus 22:23**] states: "An ox or a sheep that has irregularly sized limbs or unsplit hoofs, it shall be [consecrated] as a donation." According to the Oral Tradition, we have learned that [the term] "donation" implies that it is consecrated for improvements to the Temple. Similarly, the situation indicates that it was consecrated only for its worth, for a blemished animal is not offered on the altar. [This is denoted by the term] "it," i.e., it is consecrated for improvements to the Temple, but an unblemished animal should not be consecrated as a donation for improvements to the Temple. A prohibition derived from a positive commandment has the status of a positive commandment.

7 [The following rules apply when a person] consecrates an animal without making any specifications or consecrates his property without making any specifications: We survey all the unblemished animals that are fit to be offered on the altar. The males should be sold for the purpose of burnt offerings and offered as burnt offerings. The females are sold for the purpose of peace offerings and offered as peace offerings.

The proceeds [of the sales] should be given for improvements to the

Temple. For unless explicit specification is made, all consecrated articles are for the sake of the improvement of the Temple. Concerning this [**Leviticus 27:9**] states: "If it is an animal which can be offered as a sacrifice to God, all parts of it that you can give to God shall be holy." Implied is that every entity that is fit to be offered as a sacrifice on the altar should be offered [on the altar].

8 When a person consecrates his possessions without making any specifications and among them were wine, oil, fine flour, and doves that are fit to be offered on the altar, they should be sold for the purpose of [offerings that employ them] and they should be offered. The money should be used to purchase male animals that should be brought as burnt offerings.

9 Why should the proceeds from these sales be used to bring burnt offerings and the proceeds from the sale of an unblemished animal be used for improvements to the Temple? [The rationale is that] when an animal is consecrated to the altar suffers a [disqualifying] blemish, there is a concept of it being redeemed, as will be explained. When, by contrast, fine flour, wine, oil, and doves become unfit [for the altar], there is no concept of redeeming them. [This is derived from **Leviticus 27:11-12** which] states: "You shall have the animal stand [before the priest and the priest shall evaluate it]." [Implied is that] any entity that is stood [before a priest] and evaluated may be redeemed. If any entity is not to be stood [before a priest] and evaluated, it may not be redeemed.

10 When a person consecrates his possessions without making any specifications and among them was incense which is given to the craftsmen for their wages until they return and purchase it, as we explained in *[Hilchot] Shekalim*, it should be given to the craftsmen for their wages as is done with the remainder of the incense. These guidelines are also followed when one of the spices used in the incense offering is found among his possessions.

11 When a person consecrates an unblemished animal [as a sacrifice to be offered on] the altar and it became blemished and was disqualified, it should be evaluated and redeemed. Concerning this, [**Leviticus 27:11**] states: "When any impure animal of which a sacrifice should not be brought as an offering to God, you shall have the animal stand [before the priest....]" He should bring another sacrifice equivalent to it with its money.

12 Whenever a person consecrates an animal in its lifetime - whether a kosher animal or a non-kosher one, whether it was consecrated for the sake of the Temple treasury, it was consecrated to be offered on the altar and it became blemished, or it is an unblemished animal which is fit to be offered as a sacrifice as will be explained, it must be stood [before the court] for evaluation, as implied by the phrase: "You shall have the animal stand [before the priest....]" Therefore, if the animal died before it is evaluated and redeemed, it should not be redeemed. Instead, it should be buried. If, however, a person consecrated a slaughtered animal or an animal carcass for the sake of improvements to the Temple, it should be

redeemed like other movable property.

13 [In the above situation,] if one slaughtered [the animal, slitting] the two organs [necessary for the slaughter to be acceptable] or slit the majority of these organs but the animal is still making convulsive movements, it is considered as alive with regard to all matters. It may be evaluated and [the provisions implied by the phrases:] "You shall have.... stand and... shall evaluate" apply until it dies.

14 When a person consecrates the worth of an unblemished animal, the body of the animal becomes consecrated. What is implied? When a person says: 'The worth of this animal is consecrated to the altar,' the animal itself should be sacrificed.

When one consecrates the worth of one of its limbs or organs, saying: 'The worth of the feet of this cow are consecrated to the altar,' there is an unresolved question: Does the sanctity spread throughout the animal or not? Therefore it should be sacrificed and not redeemed.

15 What should be done? We sell it in its entirety to a person who will offer it as a sacrifice. The proceeds of the sale are not consecrated with the exception of those of that particular limb. If the limb or organ [consecrated] was of vital importance [to the animal], the sanctity [is considered to] spread throughout the entire animal.

16 [Different rules apply if] the animal [consecrated] was blemished and unfit to be offered as a sacrifice. When one consecrates one of its limbs or organs - whether it is one of vital importance or not - only that limb

becomes consecrated.

What is implied? A person said: 'The worth of the foot of this cow...' or 'The worth of its heart is consecrated to the altar,' he and the Temple treasury own it in partnership.

17 Similarly, if a person says: 'The head of this servant...' or 'The heart of this donkey is consecrated to the altar,' [he is liable only for the worth of the limb or organ mentioned]. Similarly, if he says: 'My head is consecrated to the altar,' he is liable only for the worth of his head. We see how much that limb or organ is worth and he must bring a sacrifice for that amount.

18 When does the above apply? With regard to animals consecrated to the altar. If, however, a person says: 'The head of this donkey...' or 'Its liver is consecrated,' or 'The head of this servant' or 'His liver is consecrated,' since his life is dependent on that organ, he is liable for its entire worth. For whenever an entity is consecrated for improvements to the Temple, the consecration involves the entity's worth.

19 When a person says: 'I pledge my *airech* to the altar,' he must bring sacrifices of the value of his *airech*. If he is not financially capable of giving his entire *airech*, there is an unresolved question: Is his evaluation appraised according to his financial capacity for he made his pledge using the term *airech* or do we not appraise his financial capacity since he made his vow to the altar?

Similarly, when a person consecrates his ancestral field to the altar, it should be redeemed and the proceeds should be used to purchase burnt

offerings for the altar. There is an unresolved question: Should it be redeemed according to the fixed *airech* established for it or should it be redeemed according to its value, since he made his vow to the altar? In all these and similar instances, we rule stringently.

Chapter 6

1 Whether a person says: 'This is consecrated for the sake of improvements to the Temple,' 'This is a dedication offering for the sake of improvements to the Temple,' or 'This is a dedication offering for the sake of Heaven,' or he [makes] similar [statements] with regard to his property as a whole, saying that it is all consecrated for the sake of improvements to the Temple, as a dedication offering for the sake of improvements to the Temple, or as a dedication offering for the sake of Heaven, [the property] should be given for improvements to the Temple. If, however, he said [that the property should be given] as a dedication offering without making any specifications, it should be given to the priests, for unspecified dedication offerings are given to the priests, as [**Numbers 18:14**] states: 'All of the dedication offerings from the Jewish people will be yours.

2 A person may make a dedication offering from his cattle, his sheep, his Canaanite servants and maid-servants, and his ancestral fields. He should not, however, designate all of his cattle, all of his servants, all of his fields, nor all of any type of movable property that he owns as a dedication offering, as [implied by **Leviticus 27:28**]: 'From everything that he owns.' If he gives all he owns from a particular type of property as a dedication

offering, even if he gives everything he owns as a dedication offering, his gift is binding. [This applies] whether he designates the dedication offering for the priests or for the improvement of the Temple.

3 When a person gives all of his property as a dedication offering or consecrates it, we take everything that he owns, even the *tefillin* on his head. Needless to say, [this includes] his tools and his clothes, for he consecrated or gave as a dedication offering all of his possessions.

4 What is the difference between dedication offerings designated for priests and those dedicated to Heaven? Dedication offerings to Heaven become consecrated property and must be redeemed for their worth. The payment is given for the sake of improvements to the Temple and then the possessions become ordinary property. Dedication offerings designated for the priests, by contrast, can never be redeemed. Instead, they are given to the priests like *terumah*. Concerning dedication offerings designated for the priests, [**Leviticus 27:28**] states: 'It shall neither be sold, nor redeemed,' i.e., it shall neither be sold to another person, nor redeemed by the owner.

5 Whether a person designates land or movable property as a dedication offering, it is given to a priest in the watch serving at the time that the dedication offering was designated.

As long as a dedication offering for the priests is in the homes of the owner, it is like consecrated property in all regards, as [**Leviticus 27:28**] states: 'All dedication offerings are consecrated as holy unto God.' Once it is given to the priests, it is considered as ordinary property, as [**Numbers**

18:14] states: 'All of the dedication offerings from the Jewish people will be yours.'

6 If a priest has a field that was a dedication offering [or an ancestral field] that he acquired after the Jubilee and he designates it as a dedication offering, it is considered as a dedication offering and should be given to his brethren, the priests, as [implied by **Leviticus 27:21**], 'It will become the priest's, [like his] ancestral property.' This teaches that a field [designated] as a dedication offering that [a priest acquires] is like an ancestral field owned by an Israelite. If he designates it as a dedication offering, it becomes sanctified immediately.

7 When a priest sells a field that he [had acquired after it was designated as] a dedication offering and then the purchaser consecrates it - even if the purchaser was the original owner who designated it as a dedication offering - it is like [the consecration of] acquired property and it returns to the priest who sold it in the Jubilee year.

Land or movable property that belongs to the priests or the Levites, by contrast, may not be designated as a dedication offering. [The rationale is that] with regard to the fields [granted to them, **Leviticus 25:34**] states: 'For it is an eternal inheritance for them,' and an association is established between movable property and land with regard to dedication offerings, as [**Leviticus 27:28**] states: 'from anything he owns... and from his ancestral field."

8 When a person consecrates [animals that] had been consecrated [to be

offered] on the altar for the sake of improvements to the Temple, the [second] consecration is of consequence. The animal should be evaluated and redeemed and its worth given for the sake of improvements to the Temple. [Afterwards,] it should be offered for the purpose for which it was originally consecrated.

When, however, a person consecrates [animals that] had been consecrated for the sake of improvements to the Temple [with the intent that they be offered] on the altar, saying: 'This is a burnt offering,' or '...a peace offering,' or he designates them as a dedication offering to the priests, his act is of no consequence. For [animals that] had been consecrated for the sake of improvements to the Temple cannot be consecrated [to be offered] on the altar or designated as dedication offerings, because a person cannot consecrate an entity that does not belong to him.

9 When a person says: 'This ox will be consecrated after 30 days' and slaughters it within the 30 days, it is permitted to benefit from it. If he consecrated it to the altar, it is consecrated to the altar.

If, by contrast, he says: "This animal is consecrated immediately after 30 days," and he slaughters it within those 30 days, it is forbidden to benefit from it. If he consecrated it to the altar within the 30 days, the consecration does not take effect.

10 When a person consecrates [an animal designated as] a burnt offering for the sake of improvements to the Temple, only [its evaluation by] the Temple treasurers holds back [its slaughter]. According to Rabbinic decree, however, it should not be slaughtered until it is redeemed.

Therefore, if he transgressed and slaughtered it [before it was redeemed], it is acceptable.

11 A person may designate [animals consecrated as] sacrifices of the highest degree of sanctity or as sacrifices of a lesser degree of sanctity as dedication offerings - both as those set aside for the priests or for improvements to the Temple. If he was liable to replace these sacrifices, he must pay their value whether to the priests or for the sake of improvements to the Temple. After they are redeemed, he should then offer the sacrifices for their original purposes.

12 What is the redemption process [when a person] vowed [to bring a particular animal as a sacrifice] and then designated it as a dedication offering? We evaluate how much a person would be willing to give for the right of sacrificing this animal as a burnt offering even though he is not liable to do so. Whoever gives this amount may offer this animal [for the sacrifice] for which it was originally pledged.

13 When an Israelite designates a firstborn animal - whether unblemished or blemished - as a dedication offering for the sake of heaven, the designation takes effect. Needless to say, if the priest designates it as a dedication offering for the sake of heaven after it enters his domain, [the designation takes effect].

14 How is it to be redeemed? We evaluate how much a person would be willing to give for the right for this firstborn to be his so that he will have the right to give it to whichever priest he desires, to his relative or his

friend. Whoever gives this amount may take the firstborn and give it to whichever priest he desires. The money is given for the sake of improvements to the Temple.

15 When a person designates an animal selected as a tithe offering as a dedication offering, it is as if he designated an animal pledged to be sacrificed as a peace offering. [The rationale is that] he is not liable to replace it.

16 When a person consecrates his [half-]*shekel* for the sake of improvements to the Temple, the consecration is binding. If one consecrates *bikkurim* for the sake of improvements to the Temple, the consecration does not take effect. If, however, the priest [to whom the *bikkurim* are given] consecrates them after they enter his domain, the consecration is binding.

17 When a person designates half of his servant or half of his maid-servant as a dedication offering, he and the priests are joint owners. If, however, he consecrates half his servant and designates half his servant as a dedication offering to Heaven, he is consecrated entirely, as we explained. Whenever one consecrates his Canaanite servant or maid-servant or consecrates all of his property and he owns servants, their physical person becomes consecrated Therefore it is forbidden to benefit from them until they are redeemed.

18 The Temple treasurers may not take the worth [of the servants] from other people and free them. Instead, they sell them to others and those others free them if they desire.

19 When one consecrates his servant's hands, anything he earns beyond what is required for his sustenance is consecrated.

How should this servant sustain himself? He should borrow the money [required for his sustenance], work, and repay the debt. [This is allowed] provided he always works for less than a *p'rutah* and pays it. For if he earned an entire *p'rutah*, it would be acquired by the Temple treasury as soon as he earned it.

20 When a person consecrates himself, he consecrated only his worth. He is obligated to give [that amount to the Temple treasury]. He may earn money and [use it for] his sustenance, for his physical person did not become consecrated as that of a servant does.

21 A person cannot consecrate an entity that does not belong to him.

What is implied? If he designates his son, his daughter, his Hebrew servant, or Hebrew maid-servant, or a field he acquired as a dedication offering, they do not become dedication offerings. For a person cannot consecrate an entity when its physical person or substance is not his.

22 A person may not consecrate an entity that is not in his domain.

What is implied? A person entrusted an article to a colleague and the latter denied possession of it, the owners cannot consecrate it. If, however, [the watchman] did not deny possession of it, it is considered in its owner's domain, no matter where it is located.

23 When does the above apply? With regard to movable property. [Different rules apply] to landed property that was stolen and [the thief] denied

[having taken it]. If [the original owner] could have the land expropriated through legal process, he has the right to consecrate it even though he has not yet expropriated it. For the land itself is always considered in the domain of its [legitimate] owners.

24 When a person steals from his colleague and the [original] owner does not despair [of recovery], neither of them can consecrate it. [The robber cannot,] because the article does not belong to him and [the owner cannot,] because it is not in his possession. Similar laws apply in all analogous situations.

25 [The following laws apply when] a person was selling squash, eggs, or the like and a [prospective] purchaser comes, takes one, and then departs. If the price of each particular article is fixed, it is as if a price was established, and the seller cannot consecrate this squash, for it is not in his domain. If the price is not fixed and he consecrated it, it is consecrated, because it is still in his domain, for [the prospective purchaser] did not take it with the intent to steal it.

26 A person cannot consecrate an article that has not yet come into existence. What is implied? [If a person says:] "What my net will bring up from the sea is consecrated" or "The fruit my field will produce is designated as a dedication offering," his words are of no consequence.

27 When a person tells a colleague: "When I repurchase this field which I sold you, it is consecrated," [although] he repurchases it, it is not consecrated. [The rationale is] that it was not in his possession when he

consecrated it.

28 Similarly, when a person consecrates the work to be produced by his wife's hands, she may work and partake [of her earnings]. The remainder is not consecrated. If he tells her: "May your hands be consecrated to their Maker," since they are under lien to him, [the profits of] all of the work that she produces are consecrated. To what can this be compared? To one who says: "This tree is consecrated," in which instance all the fruit it produces is consecrated. Similar laws apply in all analogous situations.

29 When a person tells a colleague: "The field that I will sell you will be consecrated when I buy it back from you," the consecration takes effect when he buys it back. [The rationale is that] it is in his possession [originally] and he has the possibility of consecrating it.
[If one tells a colleague:] "The field that I entrusted to you as security will be consecrated when I redeem it from you," the field becomes consecrated when he redeems it. [The rationale is that] he has the potential to redeem it. [The consecration is effective] even if it was given as a security for a fixed time, because he has the potential to redeem it after that time.

30 [Although a person] rents out a house to a colleague, if he retracts and consecrates it, the consecration is effective and the rental arrangement is terminated. If the tenant dwells there, he violates the prohibition against misappropriating sacred property.

31 It appears to me that even though a person cannot consecrate an entity that has not come into being, if he says: "I pledge to consecrate it," he is

obligated to consecrate it when it will come into being to [fulfill] his vow. If he does not consecrate it, he transgresses [the prohibitions]: "Do not delay in paying it" and "He shall not desecrate his word" and [fails to fulfill the positive commandment:] "He shall act in accordance with all that he uttered with his mouth" as is true with regard to all other vows.

32 What is implied? [When a person] says: "I pledge to consecrate everything that my net will bring up from the sea," "I pledge to give the fruit produced by this field to the poor," "I pledge to designate as a dedication offering - or give for the sake of captives - all of my earnings of this year," or makes any statement of this like, he is obligated to give and/or perform what he pledged when the article comes into his possession. For these and all similar statements are vows, not acts of consecration.

33 Support for this can be drawn from the statements of Jacob our Patriarch [**Genesis 28:22**]: "And everything that You will give me, I will tithe." And [later, *ibid.* 31:13] states: "Where you took a vow." And when a person says: "I will not depart from this world until I become a nazirite," he is obligated to observe a nazirite vow although he did not actually take such a vow. Since he said that he would take a nazirite vow, he is obligated to observe those restrictions. This law parallels that. It is appropriate to rule in this manner.

34 A consecration that is made in error is not binding.

What is implied? If one says: "When a black ox will go out of the building first, it will be consecrated," should a white ox go out [first], it is not

consecrated. [If he says:] "When a gold *dinar* comes into my hand first, it is consecrated," should a silver [*dinar*] come up, it is not consecrated. [If he says:] "When a barrel of wine comes into my hand first, it is consecrated," should a barrel of oil come up, it is not consecrated. [This applies] whether wine is more expensive than oil in that place or oil is more expensive than wine.

If he attempts to extend the consecration to a second entity, saying: "[The status of] this is the same as [that of] the other," the second is consecrated. Similar laws apply in all analogous situations.

Chapter 7

1 Consecrated articles may not be redeemed with land, nor with servants, for an equation was created between servants and land, nor with promissory notes for their physical substance is not of financial worth. [This is derived from the expression:] "And he shall give the silver." [This includes] silver and other movable property that is worth silver, even bran.

2 Whenever a person redeems his consecrated property, he must add an additional fifth. The person who consecrated the property himself, his wife, or his heirs must all add a fifth, as we explained. This fifth must also only be movable property. The fifth itself becomes like the consecrated property and the same laws apply to them both.

3 When a person redeems his consecrated articles, [failure to pay] the additional fifth does not hold back [the redemption]. Once the person

paid the principal, the consecrated article is considered as an ordinary article and it is permitted to benefit from it [according to Scriptural Law]. According to Rabbinic Law, it is forbidden to benefit from it until one pays the additional fifth, lest one be negligent and fail to pay it. Nevertheless, on the Sabbath, [our Sages] gave one permission to partake [of a consecrated article that was redeemed] although the fifth was not paid for the sake of the enjoyment of the Sabbath. [Another reason for leniency is that] it is being demanded by the Temple treasurers.

4 [The following laws apply with regard to animals] consecrated for the sake of [sacrifice on] the altar which were [disqualified by] a blemish: If the person who consecrated it redeems it, he must add an additional fifth as is the rule with regard to other consecrated articles. The person who consecrated it for his own purposes is the one obligated to add a fifth, not the one who derives atonement through the [sacrifice after] it was redeemed.

[One is] obligated to add a fifth [when redeeming the article that was] consecrated originally, but one [need] not add a fifth [when redeeming an article] whose consecration was a derivative, as [implied by **Leviticus 27:15**]: "If the one who consecrated [it] will redeem his home, he must add a fifth." [The verse mentions] "one who consecrated," and not one who extends that holiness.

5 Accordingly, if one transferred the holiness of a [consecrated] animal - whether one consecrated for the sake of improvements to the Temple or one consecrated for [sacrifice on] the altar that became blemished - to

another animal or exchanged an animal consecrated for [sacrifice on] the altar, When he redeems the second animal to which he transferred the holiness or which he exchanged for the sacrificial animal, he is not required to add a fifth.

6 There is an unresolved doubt [in the following situation]: A person set aside a guilt offering for the sake of his atonement and it became blemished. He added a fifth to its value and transferred its holiness to another animal and received atonement by [sacrificing] another guilt offering. As explained in the appropriate place, [the animal to which the holiness was transferred] is left to pasture [until it becomes blemished and then its holiness transferred to a third animal which is sacrificed as a burnt offering. The question is:] Are we required to add a fifth [when redeeming that animal], because it is a burnt offering, it involves another body and is consecrated for a different purpose? Or are we not so required because its [holiness] stems from the initial consecration for which a fifth was already added.

7 The concept of exchanging an animal does not apply with regard to animals consecrated for the sake of improvements to the Temple. For the Torah dealt with the concept of exchanging holiness only with regard to [animals] consecrated for [sacrifice on] the altar.

What is implied? If a person had an ordinary animal and an animal consecrated for the sake of improvements to the Temple before him. If he said: "Let this one be substituted for this one" or "Let this one be exchanged for this one," his statements are of no consequence. If,

however, he says: "This one is in place of this one" or "The holiness of this one is transferred to this one," his statements are binding. The first animal returns to ordinary status and [its holiness] becomes attached to the second.

8 The initial and preferred manner is that both [animals] consecrated for the sake of the improvement of the Temple and entities consecrated for the sake of the altar that became blemished should be redeemed only for their worth. If one transgressed and redeemed them for less than their worth, even if one redeemed consecrated property worth 100 *dinarim* with an article worth a *p'rutah*, the article is redeemed. It is considered as ordinary property and one is permitted to benefit from it. According to Rabbinic Law, it is necessary to evaluate its worth and the person redeeming it is obligated to make up the monetary difference.

9 What is implied? A person had an animal consecrated [to be offered on] the altar and it became blemished. If it is worth ten [*zuz*] and there is an ordinary animal worth five and he says: "The holiness of this one is transferred to this," it is redeemed and its status becomes that of an ordinary animal. He must, however, pay the additional five [to the Temple treasury]. In the same way, [if a similar transfer was made] when the first animal was consecrated to the Temple treasury, its status becomes that of an ordinary animal. It may be shorn and put to work and the second animal assumes its [consecrated status] according to Scriptural Law. Nevertheless, according to Rabbinic Law, it is necessary to evaluate its worth to see whether the one to which its holiness was transferred was of

equivalent value. If not, he must make up the monetary difference.

10 If three people evaluated [the two animals involved] and said they were of equivalent value, the evaluation is not nullified even if 100 come afterwards and say that the animal that was consecrated was more valuable. Since the evaluation [of the animal's] worth is a Rabbinic requirement, our Sages were not strict with regard to it. If, however, two people made the original evaluation and then three people came and say that even the slightest advantage was taken of the Temple treasury, [the animal] is reevaluated.

11 We do not redeem consecrated articles with a rough estimation instead, their worth is carefully evaluated, as we explained. If one redeemed a consecrated article [after making merely a rough estimation], the Temple treasury is given the upper hand.

What is implied? One says: "May the holiness of this cow that is consecrated be transferred to this cow" or "May the holiness of this garment that is consecrated be transferred to this garment," the consecrated article is redeemed and the Temple treasury is given the upper hand. If the second article is worth more than the first, the Temple treasurers take it and remain silent. If it is not worth the value of the first, [the redeemer] must pay the difference as we explained and he must add a fifth.

If, however, he said: May the holiness of this garment that is consecrated be transferred to this garment that is worth ten *selaim*" or "May the holiness of this cow that is consecrated be transferred to this cow that is

worth ten *selaim*," he is required to add a fifth and must give two and a half *selaim*. [The rationale is that] he redeemed it at a fixed price. It is not necessary to add a fifth when redeeming the second animal, as we explained.

12 [The following rules apply when a person] redeems an article from the Temple treasury. If he drew the article into his possession when it was worth a *maneh*, but did not pay the money until it appreciated to 200, he must pay 200. [This is indicated by the expression:] "And he will pay the money and it will become his." It becomes his when he pays the money.

If he drew it into his possession when it was worth 200, but did not pay the money until it depreciated to a *maneh*, he must pay 200. For the legal power of the Temple treasury should not be less than that of an ordinary person. He acquired it through drawing it into his possession and became liable for its value then.

13 If he redeemed it at 200 and paid the money and did not draw into his possession until it depreciated to a *maneh*, he is considered to have acquired it when he paid the money. He should draw his article into his possession and the Temple treasury acquires the 200.

If he redeemed it at a *maneh* and paid the money, but did not draw it into his possession until it appreciated to 200, the redemption is allowed to stand. He is only required to pay the *maneh* that he paid already. In this instance, we do not say: The legal power of the Temple treasury should not be less than that of an ordinary person. [The rationale is that] even an ordinary person would not be able to retract unless he receives the

admonition *mi shepara*, as will be explained in the appropriate place. And it is not proper to administer the admonition *mi shepara* to the Temple treasury.

14 When a person consecrates all of his possessions and he is liable to [pay the money due his] wife [by virtue of her] *ketubah* or promissory notes [owed to] creditors, the woman may not collect [the money due her by virtue of her] *ketubah* from the Temple treasury, nor may a creditor collect the debt due him. The rationale is that consecration absolves prior liens. [Nevertheless,] when the Temple treasury sells his property and the field loses its consecrated status, the creditor and his wife may collect it from the redeemer, for the lien remains on this landed property.

15 To what can this be compared? To two purchasers. [One bought the property from a woman's husband and the other from the first purchaser. The woman] wrote to the first [purchaser] "I have no claim against you." [After] he sells it to the second person, she may expropriate the money due her from him.

16 How is this land redeemed? We administer an oath to the woman or the creditor first as is the process whenever one seeks to expropriate property that is on lien. Afterwards, we publicly announce its sale for 60 days in the morning and in the evening, as we explained. We say: How much a person will desire to give for this field in order to pay the woman [the money due her by virtue of] her *ketubah* or the creditor his debt? A purchaser redeems it and acquires it even for a *dinar*, so that it is not said

that consecrated property was released without being redeemed. Then the redeemer comes and gives the woman [the money due her by virtue of] her *ketubah* or the creditor his debt. [This applies] even if the debt was 100 [*zuz*] and the field worth only 90, [for] the person who redeems it does so for this sake.

If, however, the debt was twice the value of the field, e.g., the field was worth 100 and it was on lien to a debt or a woman's *ketubah* for 200, we do not redeem it with the intent of paying the debt or [the money due the woman by virtue of] her *ketubah*. Instead, it is redeemed unconditionally, for if such a stipulation was required to be made, it would not be redeemed at all.

17 When a person consecrates all of his property, divorces his wife, and [leaves her to] collect [the money due her by virtue of] her *ketubah* from the one who redeems [his landed property] from the Temple treasury, she cannot collect [the debt] until he takes a vow, forbidding her to benefit from him. [This is a safeguard instituted,] lest an attempt be made to deceive the Temple treasury. We do not say that were he to desire [to nullify the consecration of his property], he should say: "I consecrated it in error," and ask a sage [to nullify] his consecration [in which instance, his property] would return to him.

18 Similarly, after consecrating his property, a person's word is not accepted if he says: "I owe a *maneh* to so-and-so" or "This utensil belongs to so-and-so." [In this instance, we fear that] he is attempting to deceive the Temple treasury. Even if the creditor has a promissory note, he cannot use it to

expropriate [the property from the Temple treasury]. Instead, he must collect his due like the other creditors due, as explained.

19 When does the above apply? With regard to a healthy person. If, by contrast a mortally ill person consecrates all of his property and at the time he consecrates it says: "I owe a *maneh* to so-and-so," his word is accepted. [The rationale is that] a person will not try to deceive the Temple treasury at the time of his death and sin for the sake of others, for he is going to die. Therefore if he says: "Give [the creditor his debt]," [the creditor] may collect it without having to take an oath.

If he did not say: "Give [the creditor...]," we do not give him this money unless he has a promissory note whose authenticity has been verified. [In that instance,] he may collect [his debt] from the Temple treasury, because of the statements [the debtor made] on his deathbed. If he said to give [the money to the creditor] after he consecrated [his property], we do not heed his statements. Instead, this person is considered like other creditors. If the authenticity of his promissory note is verified, he must take an oath. He may then expropriate [the property] from the one who redeems it, but not from the Temple treasury.

20 We do not take heed of a rumor that says that a certain person declared all of his property ownerless, consecrated it, or made it a dedication offering unless there is clear proof [of its validity].

Chapter 8

1 On the fifthteenth of Adar, the court diverts their attention [from other concerns] and examines and investigates matters involving the needs of the community and consecrated property. They check the matter and research the [cases involved], so that consecrated property and dedication offerings will be redeemed and *arachim* and pledges of worth are collected from all those who are liable for them so that the entire nation will be prepared to give the gift of *shekalim* to maintain the House of our God.

2 Consecrated articles are redeemed only on the basis of [evaluation by] three experts. Similarly, when movable property is being taken as security when one is liable for *arachim*, it should be evaluated by three people. And when an animal or the like is designated as an *airech*, it should be evaluated by three people.

When, however, land is designated as an *airech* or if *arachin* for humans must be collected from landed property, it is evaluated only by ten people and one of them must be a priest. For the passage [that speaks about redemption] mentions a priest. Similarly, if a person says: "I pledge my worth," "...the worth of so-and-so," "...the worth of my hand," or "...the worth of my foot," when an evaluation of his worth, that of his hand, or that of his foot is made, it is made by ten people and one of them is a priest.

3 When consecrated property - whether landed property or movable property - is redeemed from the Temple treasury, an announcement is made before all those who might seek to redeem it. [The following rule applies if] one says: "I will [redeem] them for ten *selaim*," another says:

"...for twenty," a third "...for thirty," a fourth "...for forty," and a fifth "...for fifty," and then the one who pledged fifty alone retracts. We expropriate ten [*selaim*] from the property [of the latter] and give the consecrated article to the one [who pledged to] give forty. Thus the Temple treasury receives fifty: Ten from one and forty from the other.

If the one who pledged forty also retracts, we expropriate ten [*selaim*] from his property and give the consecrated article to the one who pledged thirty. [If he and the others also retract,] we follow the same process until [the option is given to] the first. If the first who pledged ten also retracts, we announce the redemption of the consecrated article a second time and sell it. If it is redeemed for less than ten, we collect the difference from the person who [originally] pledged ten.

4 When does the above apply? When they retracted one after the other. If, however, they all retracted at the same time, we divide the sum among them.

What is implied? The first one says: "I will [redeem] it for ten *selaim*," the second: "...for twenty," and a third "...for 24," and the second and third retract at the same time, we enable the first to redeem it for ten and we expropriate seven from the property of both the second and the third. Thus the Temple treasury collects 24. Similarly, if all three of them retract and the consecrated article is [ultimately] sold for three, we expropriate seven *selaim* from the property of all of them. These principles are followed in all instances.

5 The [original] owners [of the consecrated article] are [given the

opportunity to redeem the consecrated article] before all others, because they [are required to] add a fifth. They are not, however, required to add a fifth to the sum that they bid above other [potential] redeemers, only to what they initially pledged.

What is implied? The owners said: "We will [redeem] it for 20 [*selaim*]," and another person says: "I will redeem it for 20," the owners are given the option, because they add a fifth and pay 25." If another person comes and says: "I will redeem it for 21," and the [original] owners remain silent and do not add anything, we sell it to them for 25.

If the owners increased [the bid of] 21, adding even a *p'rutah*, they are required to pay 26 [*selaim*] and a *p'rutah*: the 21 and a *p'rutah* which they pledged on their own initiative and the five which are the fifth from their original bid.

Similarly, if the second person said: "I will redeem it for 22," a third said, "...for 23," a fourth said, "...for 24," a fifth said, "...for 25," and [the original owner] added even a *p'rutah* to the sum of 25, they are compelled to give 30 and a *p'rutah*: the 25 and a *p'rutah* which they pledged on their own initiative and the five which are the fifth that they are obligated. For the owner is not required to add a fifth to the additions of the others. Instead, they must add the fifth from their original pledge to the final sum that they pledged.

6 When does the above apply? When the consecrated property was not evaluated by three experts. If, however, three experts evaluated the consecrated property and said that it was worth what the last [bidder] pledged and the original owners then increased his bid by even a *p'rutah*,

the additional fifth they must give [is calculated based on] the latter bid. They must, therefore, give 31 [*selaim*], a *dinar*, and a *p'rutah*.

7 [The following rules apply when] the consecrated property was not evaluated, the owner pledged 20, someone else came and pledged 25, and the owner remained silent and did not add anything. The owner is still given priority, for he is also required to pay 25 because of the additional fifth. If another person came and pledged 26, he is given priority. If the owner desires to add even a *p'rutah* he must give 31 [*selaim*] and a *p'rutah* as we explained. This pattern is followed in all instances.

8 In the present era, we do not consecrate property, nor make evaluation offerings or dedication offerings, for there is no Temple to make improvements upon. [The following laws apply] if one did consecrate property or make an evaluation offering or a dedication offering: If it was an animal, he should lock it in [a closed room] until it dies naturally. If it was produce, a garment, or a utensil, it should be set aside until it rots. If it was coins or metal utensils, they should be taken to the Dead Sea or the Mediterranean Sea to be destroyed.

9 If a person consecrated a servant who accepted the mitzvot [incumbent on servants] or designates him as a dedication offering, he should redeem him and bring the money to the Dead Sea as is the law with regard to other pledges of the worth of an article or *arachim* in the present age. If the servant was a gentile, he may not be cast into a pit, nor may he be raised up from one.

10 It is permissible to redeem consecrated property for a *p'rutah* in the present age even as an initial and preferable option. Our Sages, however, ruled that it be redeemed for four *zuzim* or close to that sum to publicize the matter. In the era of the Temple, as an initial preference, it should be redeemed for its worth, as we explained.

11 In the present age, if a person made a dedication offering of movable property without specifying his intent, it should be given to the priests in that locale. If, however, he designated a field in *Eretz Yisrael* as a dedication offering without specifying his intent or designated it as a dedication offering to the priests, it is not a dedication offering. For [the laws of] a dedication offering of a field apply in the era that the Jubilee year is observed.

If one designated landed property as a dedication offering for the priests in the Diaspora even in the present era, it is considered like movable property in *Eretz Yisrael* and should be given to the priests.

12 It is a mitzvah to consecrate property and designate dedication and evaluation offerings and it is appropriate for a person to observe these practices to subjugate his natural inclination so that he will not be parsimonious and to fulfill the charge of the prophets [**Proverbs 3:9**]: "Honor God with your wealth." Nevertheless, if a person never consecrated property nor designated a dedication or evaluation offering, it is of no consequence. For the Torah has given testimony, saying [**Deuteronomy 23:23**]: "If you will refrain from [uttering] a vow, you will not have sinned."

13 A person should never consecrate all of his property or designate it as a dedication offering. A person who does so violates the Torah's guidance, for [**Leviticus 27:28**] speaks [of a person designating a dedication offering] "*from* all that is his." [Implied is that he should not give] "all that is his," as our Sages explained. This is not piety, but foolishness, for he will lose all his money and become dependent on others. We should not show mercy to such a person. In a similar vein, our Sages said: "A man of foolish piety is among those who destroy the world." Instead, a person who distributes his money for mitzvot should not distribute more than a fifth, and he should conduct himself as our Prophets advised [cf. **Psalms 112:5**]: "He arranges his affairs with judgment," both with regard to matters involving Torah and worldly concerns. Even with regard to the sacrifices for which a person is liable, the Torah showed compassion for [a person's] resources and dictated that the type of sacrifice be offered according to a person's financial capacity. How much more so should this approach be followed with regard to matters which a person is obligated only because of his vows. He should take such vows only in a manner appropriate for him, as [implied by **Deuteronomy 16:17**]: "Each man according to his generosity, according to the blessings of God, your Lord, which He has granted you."

14 נגמר ספר שישי, בעזרת שדיי. ומניין פרקים של ספר זה, שלושה וארבעים: הלכות שבועות, שנים עשר פרקים; הלכות נדרים, שלושה עשר פרקים; הלכות נזירות, עשרה פרקים; הלכות ערכים וחרמים, שמונה פרקים.

Mishneh Torah, Diverse Species

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 A person who sows two species of seeds together in *Eretz Yisrael* is liable for lashes, as [**Leviticus 19:19**] states: "You shall not sow your field with mixed species."

2 [This prohibition, referred to as *kilayim*, applies whether one] sows, weeds, or covers seeds with earth, e.g., there was a kernel of wheat and a kernel of barley or a fava bean and a lentil, lying on the earth and one covered them with earth, whether with his hand, his foot, or with a utensil, he is liable for lashes. [This applies] whether he sows them in the earth or in a pot with a hole. When, by contrast, one sows them in a pot without a hole, he is liable only for stripes for rebellious conduct.

3 It is forbidden to sow *kilayim* for a gentile. It is, by contrast, permitted to tell a gentile to sow mixed species of seeds for his own sake.
It is forbidden for a person to maintain mixed species of seeds in his field. Instead, he must uproot them. If he maintains them, he is not liable for lashes. It is permitted for a Jew to sow mixed species of seeds by hand in the Diaspora. It is even permitted to mix seeds at the outset and then sow them. These concepts [have been communicated] by the Oral Tradition.

4 The prohibition against mixed species of seeds involves only plants that are fit for human consumption. Grasses that are bitter and similar roots

that are fit only for medicinal purposes and the like are not included in the prohibition against mixtures of seeds.

5 [Grafting] a mixture of trees is included in the prohibition: "You shall not sow your field with mixed species." What is implied? When a person grafts a tree [of one species] unto a tree [of another species], e.g., he grafted a branch of an apple tree to an esrog tree or one from an esrog tree to an apple tree, he is liable for lashes according to Scriptural Law in any place, whether in *Eretz Yisrael* or in the Diaspora. Similarly, if a person grafts a vegetable to a tree or a tree to a vegetable, he is liable for lashes in every place.

6 It is forbidden for a Jew to allow a gentile to graft different species of trees together for [the Jew].

It is permitted to sow the seeds of produce and the seeds of a tree together. Similarly, it is permitted to mix seeds from different species of trees and sow them together. [The rationale is that] the only prohibition against mixed species that applies to trees is the prohibition against grafting [different species together].

7 Although he is liable for lashes, when a person sows forbidden species together or grafts forbidden species of trees together, the produce that grows is permitted to be eaten, even by the person who transgressed and sowed it. For it is only sowing that is forbidden.

It is permitted to plant a branch from the grafted tree or plant the seeds from a vegetable that was planted together with mixed species.

8 Edible plants are divided into three categories:
a) the first is called grain; it includes wheat, wild wheat, barley, oats, and spelt;
b) the second is called *kitniot*; it includes all the types of seeds eaten by men other than grain, e.g., beans, peas, lentils, millet, and rice, sesame seeds, poppy seed, white peas, and the like. c) the third is called garden seeds, i.e., seeds which are not fit for human consumption, but whose fruit is fit for human consumption, e.g., onion seeds, garlic [seeds], leek seeds, *ketzach* [seeds], cabbage seeds, and the like. Flax seed is considered in this category. When these seeds are sown and grow, before the seeds are recognizable, the entire plant is called herbage and it is called vegetables.

9 There are some garden plants that that are sown in [large] fields, e.g., flax and mustard seed and they are called "types of seeds." And there are other garden plants which people customarily sow only in small rows, e.g., turnips, radishes, spinach, onions, coriander, parsley, horse radish, and the like. These are called vegetables.

Chapter 2

1 [The following rules apply when] seeds [of one species] are mixed together with seed of another [species]. If the smaller quantity was one twenty-fourth [or more of the entire mixture], e.g., a *se'ah* of wheat became mixed with 23 *se'ah* of barley, it is forbidden to sow the mixture unless one reduces the amount of wheat or adds to the amount of barley. If he sowed [the mixture as is], he is liable for lashes.

2 Any [species of seed] that is considered a forbidden substance with the seeds [that are mixed in] is included in the sum of one twenty-fourth. What is implied? 23 *se'ah* of wheat were mixed together with two *kabbin* of barley, two *kabbin* of lentils, and two *kabbin* of beans. He should not sow the entire mixture until he reduces the *se'ah* of mixed substances by removing part of it or adding to the wheat, for barley, lentils, and beans are all considered as *kilayim* with wheat.

3 When does the above apply? When the different types of grain are mixed together, the different legumes are mixed together or grain is mixed with legumes or legumes mixed with grain. If, however, species of garden seeds are mixed with grain or beans, the measure [which is considered significant] is one twenty-fourth of what would be sown of that species in the area necessary to sow a *se'ah* [of grain]. If [this amount] is mixed with a *se'ah* of grain or legumes, one should not sow the mixture unless he reduces [the garden seeds] or adds to the grain.

4 What is implied? [For example,] mustard seed was mixed with grain. Now a *kav* of mustard seed is sown in the area fit for a *se'ah* of grain. If one twenty-fourth of a *kav* of mustard seed is mixed with a *se'ah* of grain or legumes, one must reduce [the mustard seed]. Similarly, if it was customary to sow two *se'ah* of a species of garden seeds in an area where a *se'ah* of grain would ordinarily be sown, should a half a *kav* be mixed in a *se'ah* of grain or legumes, it must be reduced.

5 Therefore, [the following laws apply if] grain becomes mixed with flax

seed. If there were three quarters [of a *kav*] in every *se'ah* [of grain], it is necessary to reduce the amount [of flax]. If there is less than that [amount], it is not necessary to make such a reduction. [The rationale is that] in an area fit to sow a *se'ah* [of grain], it is customary to sow three *se'ah* of flax seeds. This pattern is followed with regard to all other types of seeds.

6 When does the above apply? When one did not intend to mix the two species and one did not intend to sow a mixture of the two species. If, however, one intended to mix one species of seed with another species or to sow two species, it is forbidden to sow even one kernel of wheat with an entire grainheap of barley. Similar laws apply in all analogous situations.

7 [The following rules apply when] a person sowed a particular species in his field, but when the crops grow, he saw that there are intermingled species there. If the [intermingled] species covered one twenty-fourth of the area in the field, he should gather it until he reduces the amount because of the impression that might be created. [An onlooker might think that] perhaps he sowed mixed substances intentionally. [This applies] whether the [intermingled] species that grew was grain and legumes amid grain and legumes or garden seeds amid grain, legumes, and garden seed. If the amount that grew was less than this, he does not need to reduce it.

8 When does the above apply? When there is a reason to suspect [that he

did so intentionally]. When, however, it is apparent from the situation that this was not the owner's intent, but the [intermingled species] grew on their own accord, we do not require him to reduce their amount.

9 What is implied? Indigo grew in [a field of] wheat. Grass grew in [a field of] *chilbah* planted for human consumption. [It is obviously undesirable, because the intermingled species] damage the primary species. Similar laws apply in all analogous situations.

10 How is it possible to know whether the *chilbah* is planted for human consumption? When it is sown in a series of rows and there is a border around it.

Similarly, if different species grew in the place of the grainheap, we do not require him to uproot them, for it is known that he does not desire plants to grow in the place of the grainheap. If he removed some of the growths - which indicates that he desires to maintain [the plants] that remain - we tell him to uproot everything except one species.

11 We may not plant vegetables in a stump of a wild fig tree or the like.

[The following laws apply when a person] buries a bundle of turnips, radishes, or the like under a tree, or even under a vine. If some of the leaves were revealed, he need not be concerned [about the prohibition against *kilayim*], since he does not desire that [the buried vegetables] take root. If they were not [tied in] a bundle or their leaves were not revealed, he must show concern for that prohibition.

12 When a field had been sown and the produce [that grew] was harvested,

but the roots were left in the earth, one should not sow another type of produce in that field until the roots are removed. [This applies] even if [these roots] will not produce a plant for several years.

13 When a person had sown wheat in his field and then changed his mind and decided to sow barley before the wheat grew, he must wait until the wheat seeds rot and decompose in the earth - i.e., three days if the field is well irrigated. Afterwards, he should turn the land upside down with a plow and sow the other species. He does not have to turn the entire field upside down until there is not one kernel of wheat that has not been uprooted. Instead, he should plow the field like he would plow it before rainfall so that it would be watered thoroughly.

14 If the wheat grew and then he changed his mind and decided to sow barley, he should turn over the field and then sow it. If he let his animal into the field and it ate the growths, it is permitted to sow the other species.

15 On the first of Adar, a pronouncement is made regarding [the need for concern for] *kilayim*. Every person should go out to his garden and his field and clean it from mixed species. On the fifteenth of [Adar], the agents of the courts go out and spread out [throughout the land] to check.

16 Originally, [the agents of the court] would uproot [the mixed species] and cast them out and the owners of the fields would be happy that [the court's agents] would be cleaning their fields. [As a safeguard against indolence, the court ordained] that they would declare ownerless any field

where mixed species were found, provided the [additional] species was one twenty-fourth [of the entire crop]. If it is less than that, they should not touch it.

17 The agents of the court return during the intermediate days of Pesach to look at the crop that were late in ripening. If mixed species have budded, we do not wait. Instead, [the agents] go out immediately and declare the entire field ownerless if one twenty-fourth of it is from a second species.

Chapter 3

1 There are certain species of plants which will divide into separate forms because of the difference in the place [where they grow] and the differences in the manner in which the earth is cultivated until they appear as two species. Nevertheless, since they are one species, they are not considered as *kilayim* with each other.

2 And there are species of plants that resemble each other and whose form is close to being the same. Nevertheless, because they are two species, it is forbidden [to grow] them together.

3 What is implied? Lettuce with wavy lettuce, endives and wild endives, leek and wild leek, coriander and mountain coriander, mustard and Egyptian mustard, Egyptian squash and squash of ashes, are not considered as *kilayim* with each other. Similarly, wheat and undomesticated wheat, barley and oats, rye and spelt, beans and white peas, fabaceae and leguminosaea, white beans with azuki beans, zucchini and cucumbers,

cabbage and cauliflower, beets and sorrel are not *kilayim* with each other. But radishes and Israeli radishes, mustard and bitter cabbage, Greek squash and Egyptian squash, or and squash of ashes, although they resemble each other are *kilayim* with each other.

4 Similarly, with regard to trees, there are species which resemble each other with regard to their leaves or their fruit, but since they are separate species, they are *kilayim*. What is implied? Apples and crabapples, peaches and almonds, prunes and Arabian jujube, although they resemble each other are *kilayim* with each other. But apricots and white plums and quince and lavallei are not *kilayim* with each other.

5 Similarly, there are other plants and trees which [our Sages] did not classify as *kilayim* although they are inherently two different species, because the leaves of one resemble the leaves of the other or the fruit of one resembles the fruit of the other very closely to the extent that they appear as different shades of the same species. [The rationale is that] with regard to *kilayim* we follow the appearance alone.

6 What is implied? Turnips and radishes are not *kilayim* with each other because their fruits are similar. Turnips and Israeli radishes are not *kilayim* with each other, because their leaves resemble each other. But radishes and Israeli radishes are *kilayim* even though their fruits resembles each other and their leaves resemble each other, because the taste of the fruits are drastically different from each other.

7 How much is it necessary to separate between two species of plants so that

they will not be considered as *kilayim* [when planting them in the same field]? So that [the two species] will look distinct from each other. If, however, they appear as if they were sown together, this is forbidden.

8 There are many different measures given with regard to the distance required to make this distinction. Everything depends on the size of the field that is being sown and the proliferation of leaves [the plants have] and the extent to which their branches spread out.

9 What is implied? If a person had sown a species of grain in his field and he sought to sow another species of grain in another field at its side, he must make a separation the size of the area in which one can sow a quarter of a *kav* between the two. This is approximately ten and one fifth cubits by ten and one fifth cubits. [This applies] whether [the space left empty ceases] in the midst [of these fields] or [continues along their entire] side. If there is less than this space between them, sowing [these crops] are forbidden, but he is not liable for lashes unless they are six handbreadths [or less] close to each other.

10 If his field was sown with vegetables and he desired to sow another species of vegetables - even squash - in another field at its side, he must make a separation of a square six handbreadths by six handbreadths between the two whether [the space left empty ceases] in the midst [of these fields] or [continues along their entire] side. If there is less than this space between them, sowing [these crops] are forbidden, but he is not liable for lashes unless they are within a handbreadth of each other.

11 If there was grain sown in one of two fields and vegetables or squash sown in the other, one must make a separation the size of the area in which one can sow a quarter of a *kav* between the two.

12 When does the need to make a distinction of the size mentioned above apply? Between two fields. If, however, he had sowed vegetables in his field and he desires to sow a row of another species of vegetables at their side, it is sufficient for him to leave a trench six handbreadths long with its width the same as its depth between the row and the field.

13 When a field is sown with grain and a person desires to sow a row of vegetables - even squash whose leaves are long and become tangled - in its midst, he must leave a distance of six handbreadths between them. If the leaves of the squash became extended and entered into [the portion where] the grain [was sown] and became entangled with it, he should uproot enough of the grain in front of the squash so that the leaves will not become tangled. Needless to say, if he sowed one row of one species and another row of another species, it is sufficient for there to be one trench between them, as will be explained.

14 If he made an appropriate separation between the two species, but one of the species became draped upon the other one - whether the grain became draped upon other grain, a vegetable upon another vegetable, a vegetable upon grain, or grain upon a vegetable - everything is permitted, for he made a separation of the appropriate measure. [There is one] exception, Greek squash, because it becomes extended very far. Therefore if it

becomes draped upon [another species], one should uproot the species in front of it, as explained [in the previous halachah].

15 If between two species there were [any of the following] - a cistern, a plowed field left fallow, a stone fence, a path, a wooden fence that is ten handbreadths high, a trench that is ten handbreadths deep and four handbreadths wide, a tree whose branches hang to the earth, or a rock that is ten handbreadths high and four [handbreadths] wide - it is permissible to place the one species on one side of [the divider] and the other species on the other side [of the divider]. Since one of the above is separating between them, they appear distinct from each other.

16 When is it necessary for there to be such a separation or a divider? When one is sowing [the two species] in his own field. If, however, one person sowed wheat in his field, his colleague is permitted to sow barley in a bordering [field], as [implied by] **Leviticus 19:19**]: "Do not sow mixed species in your field." The prohibition applies only to sowing mixed species in one's own field. For the Torah does not say: "Mixed species shall not be sown on the earth."

Moreover, even if one planted barley in his own field next to wheat and extended the barley until it was adjacent to the field of his colleague which was planted with barley, it is permitted. [The rationale is that] the barley in his own field appears to be the end of his colleague's field.

17 If his field was planted with wheat and a colleague's field adjoining it was planted with wheat, he is permitted to sow one row of flax at the side of

his wheat adjoining his colleague's field. [The rationale is that] an observer knows that it is not the common practice to sow only one row of flax and this person is merely testing his field to see if it is fit to plant flax or not. Thus he is sowing the seed with the intent of destroying it. Therefore, it is forbidden to sow another species between these two fields that are planted with one species until he makes a distinction [between the two species] within his own property.

18 When a person's field and a colleague's field were sown with two [different] types of grain, he should not sow even one row of mustard seed or safflower seed, because it is customary to sow one row of these. If, however, there were two fields planted with different species of vegetables, it is permitted to sow mustard seed or safflower seed between them. For it is permitted to bring any species close to mustard seed or safflower seed with the exception of grain. [There is a stringency in the latter instance, because the mustard seed or safflower seed] do not have a harmful effect on [grain].

Similarly, if a corner [of a portion] of one's field [sown] with one species touches a block [of the field sown] with another species, it is permitted, because they appear separate from each other. Needless to say, if the corner [of a portion of one's field sown] with one species touches a corner [of the field sown] with another species, it is permitted without setting them apart or making a distinction as we explained, because it appears that it is the end of one field that touched the end of another field.

Chapter 4

1 It is permitted to sow two rows of zucchini next to each other, next to them two rows of squash, next to them two rows of Egyptian beans, [provided] there is a trench between each species. One should not, however, sow one row of zucchini, one row of squash, and one row of Egyptian beans, even though there is a trench separating between each species, because the leaves of these species grow long and become extended and tangled. If they are sown one row next to another, everything will become intermingled and it will appear that he sowed [the crops] as a mixture.

2 If a person's field was planted with types of vegetables and he desired to plant several rows of squash in it, [he must do the following]: Rip up from the vegetables a place where he will plant a row of squash and separate between it and the vegetables with a trench. He then leaves a twelve cubit section of vegetables and plants a second row of squash, dividing between it and the vegetables with a trench. Similarly, [he should follow this pattern] until [he reaches] the place he desires. Thus there will be twelve cubits between each two rows of squash. If there is less than this measure, it is forbidden, because the leaves will become tangled with the vegetables between them on either side and it will appear that he sowed [the crops] as a mixture.

3 When [a person has] a row of squash sown or even one squash [plant] and desires to plant grain next to it, he must [leave empty a portion] large enough to sow a fourth [of a *kav*], for [the squash plants'] leaves have become extended and are considered to have taken possession of a large

area. Any entity, e.g., a grave, a rock, or the like, that exists within [the area] large enough to sow a fourth [of a *kav*] that is left empty as a separation between these two species is considered as part of the measure.

4 When a trench or an irrigation ditch are a handbreadth deep, one may sow three types of plants within them: one on each edge of the trench and one in the middle.

5 It is permitted to sow two species in one pit - even zucchini and squash - provided that one is leaning above one side of the pit and the other leans above the other side and thus they appear separate from each other. Similarly, if one planted four species in a pit and pointed them to each of the four directions, it is permitted.

6 When a person desires to sow his field in many long rows of different species, he should make a separation of two cubits by two cubits [at the beginning of the rows]. He may then continually reduce the width of the empty space until at the end of the rows, there is only the slightest amount of empty space between them. [This is permitted,] because they do not look like they have been sown as a mixture.

7 If a person wants to plant his field in squares of different species, he should not plant more than nine squares in a field large enough to sow a *se'ah*. Each square should be large enough to sow a quarter of a *kav*. Thus there will be approximately ten cubits minus a fourth of a cubit between each square, for the area in which a *se'ah* can be sown is fifty [cubits] by fifty [cubits].

8 What is the difference between the terms *meishar* and *karachat*? The former is long and the latter is square.

9 [The following principle applies with regard to] species of vegetables that it is not customary for a person to sow in large amounts as we explained. It is permitted to sow even five types of these vegetables in one row that is six handbreadths by six handbreadths, provided he sows four species at the four sides of the row and one in the middle, leaving a handbreadth and a half between each species so that they will not derive nurture from each other. One should not, however, sow more than five species [in a row] even if he makes an appropriate separation, because it appears that they are sown as a mixture.

10 When does the above apply? To a row planted in a ruin where there are no crops outside it. If, however, a row is planted among other rows [of produce], it is forbidden to sow five [different] species. For if he will sow all four sides of one row and all the sides of the rows around it, everything will appear as a mixture.

If he caused the leaves of one row to lean to one side and those of the other row to lean to the other side so they appear distinct [from each other], it is permitted. Similarly, if he makes a trench between each row, it is permitted.

11 It is forbidden to sow outside this row without a trench or without leaning [the plants to the side]. [This applies] even opposite the corners of the row in which there are no plants. This is a decree, [enacted] lest one

sow the four species in the four corners of the row and sow other species outside of it, opposite the corners, and thus, everything would appear mixed.

12 If the row was six handbreadths by six handbreadths and it had a barrier a handbreadth high and a handbreadth wide around it, it is permitted to sow even eighteen species within it: three on each barrier and six in the middle. One must separate a handbreadth and a half between each species. One should not sow a turnip in the midst of the barrier, lest it fill it. He should not sow more than that.

13 It is forbidden to sow different seed plants in this manner, because they appear as *kilayim*. [More lenient laws apply to] species of vegetables. Since people generally sow only small amounts of them, it is permitted [to sow them in the manner] explained [above].

14 When there is a barrier a handbreadth wide and one sowed several species in it as we explained, if the height of the barrier was reduced, it is still acceptable since it was acceptable at the time when it was originally sown.

15 When a person desires to fill his entire garden with different types of vegetables without making a separation between them, he should divide the entire garden into square rows, even six handbreadths by six handbreadths. He should then make five circles in every row, four for the four corners and one in the center. He may sow a species [of vegetables] in each circle and one in the center and he may sow four other species in the four corners. Thus there are nine species in each row and yet they appear

separate from each other. He leaves empty only what is between the circles. This is left fallow so that the circles will appear distinct from the corners and distinct from each other.

If he desires not to leave any empty space at all, he should do the following: If [the crops in] the circles are sown vertically, he should sow [crops in the space left] between them horizontally. If they are sown horizontally, he should sow [in the space] between them vertically so that they will appear distinct from each other.

16 From all of the above, the following principles become apparent for you. When there is sufficient space between two species so that they will not derive nurture, we are not concerned with the appearance as we explained. And when they appear separate from each other, we are not concerned with the fact that they derive nurture from each other, even if they are next to each other as we just explained.

Chapter 5

1 When a person sows two types of grain or two types of vegetables together with [grape] seeds, he is liable for two sets of lashes: one for [violating the prohibition (**Leviticus 19:19**]: "You shall not sow your field with mixed species," and one for [violating the prohibition (**Deuteronomy 22:9**]: "You shall not sow your vineyard with mixed species."

2 A person does not receive lashes for sowing *kilayim* in a vineyard unless he sows a handful of wheat, barley, and grape seed in *Eretz Yisrael*. Similarly,

one who covers such seeds with earth is worthy of lashes. And one who sows two types of vegetable seeds or a vegetable seed, a grain seed, and a grape seed from one hand is worthy of lashes.

3 He is not liable according to Scriptural Law unless [he sows] hemp and wild onions or the like from seeds that will mature together with the produce of the vineyard. Other types of seeds are forbidden according to Rabbinic decree. Similarly, according to Rabbinic decree, it is forbidden to sow *kilayim* in a vineyard in the Diaspora.

4 Why did [the Sages] forbid planting mixed species in a vineyard in the Diaspora, but not mixed species in a field? Because [the prohibition against] mixed species in a vineyard is more severe. For if they were to be sown in *Eretz Yisrael*, it would be forbidden to benefit from them. Since it is forbidden to benefit from them in *Eretz Yisrael*, it is forbidden to sow them in the Diaspora.

5 We may not hoe with a gentile with mixed produce, but one may uproot the produce with him in order to eliminate the undesirable substances.

6 The prohibition against mixed species in a vineyard applies only to species of grain and species of vegetables. Other types of plants, by contrast, are permitted to be sown in a vineyard. Needless to say, [this applies with regard] to other trees.

7 It is forbidden to sow vegetables or grain next to vines or to plant a vine next to vegetables or grain. If one does this, although he is not liable for

lashes, [the produce] is hallowed and it is forbidden to benefit from both the grain or vegetables and the vines. They must both be burnt, as [**Deuteronomy 22:9**] states: "Lest the fullness of the seed... become hallowed."

It is forbidden to benefit from even the straw of this grain and the wood from these vines. They must be burnt. One should not use them as fuel for an oven or a range and one should not [use them] for cooking while they are being burnt.

8 [The prohibition applies equally] whether one plants or maintains *kilayim*; i.e., one saw that mixed substances grew in his vineyard and he left them [to grow], they become hallowed.

A person may not hallow an article that is not his. Therefore if a person draped his vine over grain belonging to a colleague, he causes his vine to be hallowed, but not the grain. If he draped a vine belonging to a colleague over his grain, he causes his grain to be hallowed, but not his colleague's vine. If he draped a vine belonging to a colleague over grain belonging to a colleague, he does not cause either of them to become hallowed. For this reason, when a person sows [*kilayim*] in his vineyard in the Sabbatical year, he does not cause it to be hallowed.

9 When a person sees mixed species [growing] in a vineyard belonging to a colleague and maintained them, that observer is forbidden to benefit from them. Every other person is permitted. Were the owner of the vineyard to have maintained them, they would be hallowed for all people as explained.

10 [The following laws apply when] a man of force sowed *kilayim* in a vineyard belonging to another person. If the owner hides out of fear, even though he does not despair over [ultimately receiving his property], [the produce] becomes hallowed according to Scriptural Law. If he does not hide, even though he does despair [the produce] becomes hallowed only according to Rabbinic Law.

11 When wind uproots branches of a vine and blows them against grain, one should remove them immediately. If he did not remove them due to forces beyond his control, they are permitted and they do not become hallowed.

12 [The following laws apply when] a man of force sowed [*kilayim*] in a vineyard [and then departed, leaving the vineyard to its original owner]. When the man of force departs, [the owner] should harvest the crops immediately,even during *Chol HaMoed*. If one cannot find workers, he should add even a third to their wages. If they demanded more than that or was unable to find workers, he may continue searching without pressure and harvest [the produce]. If the produce remained until it reached the point that it hallows [the vineyard], it is hallowed and both species are forbidden.

13 When do grain or vegetables become hallowed? When [the plants] develop roots. [When do] grapes? When they reach the size of a white bean, as [implied by **Deuteronomy 22:9**]: "Lest the fullness of the seed which you sowed and the produce of the vineyard become hallowed;" [i.e., the prohibition applies when] one sows this and this becomes

produce. If, however, the grain has already dried to the degree necessary or grapes had matured to their full extent, they do not become hallowed.
What is implied? When grain has already dried to the degree necessary and then one planted a vine in their midst or grapes had matured to their full extent and one planted grain or a vegetable next to them, although this is forbidden, they do not become hallowed.

14 [The following rules apply in] a vineyard whose grapes have not grown to the size of a white bean, but are still underdeveloped. If one sowed vegetables or grain there and they took root, they are not hallowed. Nevertheless, he is penalized and we forbid the growths. The underdeveloped grapes, by contrast, are permitted. If one uprooted the growths before the grapes became the size of a white bean, it is permitted to benefit from them.
If some of [the grapes] have reached that size and some have not, those which have are hallowed and those which have not are not.

15 When grapes have grown to the size of a white bean and one planted grain or types of vegetables at their side and reaped the growths before they became rooted, it is permitted to benefit from them. If they became rooted, it is forbidden.

16 When a vine has dried out and its leaves have fallen as is frequent in the winter, it is forbidden to sow vegetables or grain next to it. If one sows them there, they do not become hallowed. Similarly, if one sows these species in a flowerpot that does not have a hole which is located in a

vineyard, the produce is not hallowed. He, however, should be given stripes for rebellious conduct. If, however, the flowerpot has a hole, it is [as if he sowed] in the ground.

17 [The following rules apply when a person] was passing through a vineyard and seeds fell from him or they were brought [into a field] with fertilizer or water, or one was sowing or winnowing in a field of grain and the wind carried the seeds behind him and the seeds fell into a vineyard and sprouted, they do not become hallowed. [This is derived from the prooftext cited above] which states "which you sowed," and this was not sowed. He is, [nevertheless,] obligated to uproot it when he sees it. If he maintains it, it becomes hallowed.

If the wind carried the seeds before him and he saw them fall into the vineyard, he is considered to have sown them. What should he do if their grasses grow? He should turn them over with a plow; this is sufficient. If he discovered that they have already ripened, he should crush the portion that ripened, for it is forbidden to benefit from the entire [plant]. If he discovers that grain has already sprouted, it must be burnt. If he saw it and maintained it, it must be burnt together with the vines adjacent to it.

18 When a person sees an herb that [most] people would not plant [growing] in a vineyard, it does not become hallowed even though he desires that it be maintained [so that he will use it] for animal [fodder] or for medicinal purposes unless most people in that locale would maintain such a plant. What is implied? [When] a person maintains brush [growing] in his vineyard in Arabia, it becomes hallowed, [because there most people]

desire the brush for their camels.

19 Mint, ivy, the king's lily, and other [similar] plants are not considered as *kilayim* in a vineyard. Hemp, artichokes, and cotton, are considered like other types of vegetables and they become hallowed in a vineyard. Similarly, all types of herbs that grow on their own accord in a field become hallowed in a vineyard. An Egyptian bean is considered as a plant and does not become hallowed. Bamboo, roses, and thornbushes are considered as species of trees and are not *kilayim* in a vineyard.

20 This is the general principle: Whenever the leaves of a plant grow from its roots, it is considered a vegetable. If its leaves do not grow from its roots, it is not a vegetable. A caper tree is considered as a tree in all contexts.

21 When a person sees a vegetable [growing] in [his] vineyard and says: "When I reach it, I will take it out," it is permitted. Should he reach it and pass it by, saying: "When I return, I will take it out," if he waits [the time it takes] to add 1/200th [to its size], it becomes hallowed.

22 How can we measure this degree [of growth]? We see how long it would take for this vegetable or grain to dry if its connection with the earth were severed. Let us say that it would take 100 hours to dry to the point that it retained no moisture. Thus if it remained in the ground for half an hour after he reached it, it will have added 1/200th [to its size] and it is forbidden. If he waited less than half an hour, it is permitted.

23 It is forbidden to carry a pot with a hole [at its bottom] in which a

vegetable is growing through a vineyard. If one left [such a pot] under a vine on the earth for [the time it takes] to add 1/200th [to its size], it becomes hallowed.

24 [The following law applies when one] sowed an onion in a vineyard, the vineyard was uprooted afterwards, and then the onions grew from the roots that were already planted. Even though the growths are more than 200 times the size of the root, the root remains forbidden, for the permitted growths cannot change the status of the forbidden root.

Chapter 6

1 When a person sows vegetables or grain in a vineyard or maintains these species, allowing to grow 1/200th, he causes the vines around it to become hallowed in a radius - not a square - of sixteen cubits. We consider the entire circle with a diameter of 32 cubits as if it were filled entirely with vegetables. Any vine that grows in this circle becomes hallowed together with the vegetables. Any one outside the circle is not hallowed.

2 When does the above apply? When there are more than four cubits between the edge of this circle and the rows of the vines outside of it. If, however, there were exactly four cubits or less between them, we consider the circle as if it reached the row which is next to it and it is as if the diameter of the circle is 40 cubits. We take into consideration every vine that is included in this circle that is 40 cubits in diameter and it is hallowed.

3 When does the above apply? When one sows or maintains the different species in the midst of the vineyard. When, however, he sows [the grain or vegetable] outside the vineyard, but next to it, he causes the two rows of the vines next to [the different species] sown to become hallowed. [The hallowed portion of the vines continues] over the entire length of [the area] sown plus four cubits [on either side]. A portion four cubits wide [of the area] sown along the entire length of the [external] row of the vineyard becomes hallowed. If one sows [such crops] next to a single vine, only a circle with a radius of six handbreadths of the area sown becomes hallowed.

4 A small vine that is less than a handbreadth long does not cause the sown [area] to become hallowed. When does the above apply? When there are two [vines] planted opposite two others and another one projects as a tail. If, however, the entire vineyard [was planted] in this manner, it does become hallowed.

5 [The following rules apply when there are] two gardens one above the other and the lower one is planted as a vineyard. One should plant the upper one until he reaches within the aerial space of ten handbreadths of the vineyard. For it is forbidden to sow seeds within ten handbreadths of the aerial space of a vineyard or a vine. If the upper [garden] was planted as a vineyard, one should sow the lower garden until he reaches within three handbreadths of the roots of the vines.

6 When a person's field was sown with vegetables or grain and he changed

his mind and decided to plant vines in it, he should turn over the sown produce with a plow and then plant the vines. He should not plant the vines and then turn over [the produce].

If it was planted with vines and he changed his mind and decided to sow crops there, he should uproot the vines and then sow the crops. If he desires to merely cut off the vines until there is less than a handbreadth of them near the earth, it is permissible for him to sow [the crops at this point] and then uproot the remainder of the vines from the earth.

7 [The following laws apply when a person] extends a vine [by embedding it] in the earth, even if he encloses it in a dried gourd that serves as a cylinder for it or in an earthernware cylinder. If there are three handbreadths or more of earth covering it, it is permitted to sow [crops of other species] above it. If there was less earth than that upon it, it is forbidden to sow above it It is, however, permitted to sow at its side.

8 If he extended it through hard ground, it is permitted to sow crops over it even if there are only three fingerbreadths and not three handbreadths of earth upon it.

When does the above apply? When the base of the vine is not visible. If, however, it is visible, it is necessary to make a distinction of [at least] six handbreadths at either side in every direction before sowing just as one must make such a separation from any one vine that was not extended in the ground, as will be explained.

9 When a person extends three vines in the ground, but their bases are

visible, if there are between four and eight cubits between them, they are grouped together with the other vines that are growing [in the vineyard] and it is as if they were not extended in the ground. If not, they are not included among the others.

10 If there were less than three vines, they are not included [as part of the vineyard]. Instead, one should separate six handbreadths on every side and sow [other crops].

11 Anyone who sows crops under branches and leaves that emerge from the vines causes [the produce] to be hallowed even though the crops are several cubits away from the base of the vine.

12 When a person drapes a vine over a portion of a trellis [intended for vines], he should not plant [crops] under the remainder of the trellis even though there are no leaves or branches upon them. If he did plant there, since there are no crops under the shade of the vine, it is permitted. Similar [laws apply] if he draped a vine over some branches of a tree that does not produce fruit, e.g., cedars or pines. If, by contrast, he draped a vine over some of the branches of a fruit-bearing tree, it is permitted to sow under the branches of the tree where the vine was not draped. [The rationale is] that a person does not nullify a fruit-bearing tree to make it a trellis for a vine.

If, after [produce] was sown, the branches were extended and covered the produce, they should be shifted to another place.

13 When a person sows under the remainder of the trellises or under the

remainder of the branches of a tree that does not produce fruit and then the branches of the vine were extended and covered the crops, it is forbidden to maintain them or shift the branches [of the vine]. What should he do? He should uproot the crops.

14 When reeds are jutting out from the lattice on the surface of a trellis, but [the owner] does not want to cut them off lest he destroy the trellis, he is permitted to sow [crops] under them. If he left them so that the branches and leaves that emerge will grow upon them, it is forbidden to sow [crops] under them.

15 When a branch emerges from a vine which is propped up or from the trunk of a vine that is not propped up, we considered it as if a plumb line is hanging from it to the earth and it is forbidden to sow under it. Similarly, if one extends a branch from one tree to another, it is forbidden to sow under it.

16 When a person ties a rope or rubber cord to a branch and ties the other end to a tree, he is permitted to sow [crops] under the rope. If he extended this rope with the intent that the branches and leaves will grow upon it, it is like a trellis and it is forbidden to sow under it.

Chapter 7

1 When a person comes to sow [crops] next to a vineyard, he should move four cubits from the roots of the vines and sow. From a single vine, he should move six handbreadths away and sow.

If there was a row of vines, one next to each other - even 100 of them - it is not considered as a vineyard, but as a single vine. One must move [only] six handbreadths away from the row [before] sowing. If there were two rows, one must move four cubits away from every side before sowing.

2 How many vines must there be in each row? Three or more.
When does the above apply? When there are between four and eight cubits between each vine. If, however, there are eight cubits besides the place of the vines between the two rows, they are considered as distinct from each other. They are not considered as a single vineyard and there is no need to separate more than six handbreadths from each row. Similarly, if there are less than four cubits between each of [the two rows], they are considered as a single vine and it is [only necessary] to make a distinction of six handbreadths on each side.

3 If there were three rows, even though there are less than four cubits between them, they are considered as a vineyard, for we consider the middle row as if it does not exist. Similarly, if there were three rows and eight cubits or more between each row, one may sow between the rows.

4 Therefore if a person sows his vineyard from the outset with an eight cubit separation left between each row, he is permitted to sow crops within it, leaving a distance of only six handbreadths between [the crops and] every row of vines. If, however, he sowed [crops] outside the vineyard, he must make a separation of four cubits from the outer row, as applies with regard to other vineyards. The laws [applying to the space] between the rows of

this vineyard are not the same as those that apply to a vineyard whose center was devastated, for from the outset, he planted them in a separate manner.

5 When there was one row of vines in a field and another row in a field belonging to a colleague that was opposite it and close to it, [the two rows] can be combined to be considered as a vineyard although there is a private path, a communal path, or a fence which is less than ten handbreadths high provided there are less than eight cubits between them.

6 [The following rules apply if one] planted one row on ground level and one row on a terrace: If the terrace is ten handbreadths above ground level, they are not considered as a single entity. If it is lower than that, they are.

7 When a person plants five vines: two opposite each other and one which projects like a tail, it is called a small vineyard. It is necessary to separate four cubits from it on all sides. If, however, he planted two opposite two and one in the middle or one row of three and two opposite them in a second row, they are not considered a vineyard and it is only necessary to make a separation of six handbreadths on each side.

8 [The following laws apply when] a vineyard has been devastated. If there are ten vines [whose produce] can be reaped in an area fit to harvest a *se'ah* [of grain] and they are planted two opposite two and one projecting like a tail or it is possible to see them as two rows of three, it is called a meager vineyard and it is forbidden to sow [crops] in it.

9 [The following laws apply when] a vineyard is not planted in rows, but rather randomly. If it is possible to see [the vines] as having been planted two opposite three, it is considered as a vineyard. If not, it is not considered a vineyard and it is sufficient to separate only six handbreadths from each individual vine before sowing.

10 When the base of the vines are [planted] opposite each other, but the branches are not growing opposite each other, it is considered a vineyard. If the branches are [growing] opposite each other, but the bases are not [planted] opposite each other, it is not considered a vineyard. If when the vines were thin, they were not [positioned] opposite each other, but when they grew thick, they were positioned opposite each other, it is considered a vineyard.

How should one know if the vines are planted opposite each other? He should take a measuring line and measure from one to the other.

11 [The following laws apply when] the middle of a vineyard has been devastated, but it remains complete on all its sides. If the empty portion in the center [has a diameter of] sixteen cubits, one may separate four cubits from the base of the vines on each side and sow in the midst of the empty portion. If [the diameter] is less than sixteen cubits, he should not bring seed there. If he did sow there, since he made a separation of four cubits from the vineyard's vines on all sides, [the produce] does not become hallowed.

12 Similarly, if an empty portion was left without vines between the end of

the vineyard and its fence, it is called "a forsaken [portion of a] vineyard." If it is [at least] twelve cubits wide, one may [merely] separate four cubits from the vines and sow the remainder.

13 If it was less than twelve cubits wide, he should not bring seeds [to sow] there. If he did, since he made a separation of four cubits [between the seeds and the vineyard, the produce] does not become hallowed.
When does the above apply? In a large vineyard. [The laws of] "a forsaken portion," by contrast, do not apply with regard to a small vineyard. Instead, one may make a separation of four cubits from the end of the vines and sow until the fence. Similarly, if there are eight cubits or more between each row of a large vineyard, [the laws of] "a forsaken portion," do not apply.

14 If the fence surrounding the vineyard was less than ten handbreadths high or it was ten handbreadths high, but not four handbreadths wide, [the laws of] "a forsaken portion," do not apply. Instead, one should make a separation of four cubits from the base of the vines and sow until the barrier. Even if there are four and a half cubits between the vines and the barrier, he may sow the half cubit.

15 When a fence is ten handbreadths high or a trench is ten handbreadths and four handbreadths wide, it is permitted to plant a vineyard on one side and vegetables on the other side. Even if there is a barrier made of reeds [with spaces in between them], as long as there is less than three handbreadths between one reed and another, the fence is considered as

separating between the vineyard and the vegetables.

16 [The following laws apply when] the fence separating between the vineyard and the vegetables is breached. If it is ten cubits or less, it is considered as an entrance and it is permitted. If the breach was more than ten [cubits], [it is] forbidden [to sow vegetables] opposite the open portion unless he moves the required measure away from the vines.
[The following rules apply when] there are many breaches in the fence. If the [portions of the fence that remain] standing are equal to those that have been breached, it is permitted as if there was no breach. If the breached portions exceed those which remain standing, he should not sow in front of all those open spaces unless he separates in the appropriate manner.

17 When the partition of a vineyard is breached, [the court] tells [the owner]: "Close it." If he closed it and it was breached [again], [the court] tells him: "Close it." If he despairs and does not close it, [the produce] becomes hallowed.

18 When a building is partially covered by a roof and partially open and vines are planted on one side, it is permissible to plant vegetables on the other. [The rationale is that] we consider it as if the end of the roof descends and closes [the area] off and creates a barrier between them. If he completes the roof, it is forbidden [to plant two species].

19 When [the walls of] a small courtyard were breached entirely to a large courtyard and there were vines in the large courtyard, it is forbidden to

sow [other produce] in the smaller one. If he sows there, that produce is forbidden and the vines are permitted. If there were vines in the smaller [courtyard], it is permitted to sow other produce in the larger one. [The rationale is] that since the larger [courtyard] has barriers on either side, it is considered as separate from the smaller one. The smaller one, by contrast, is not considered as separate from the larger one.

20 [The following laws apply when] a trench that is ten [handbreadths] deep and four [handbreadths] wide passes through a vineyard. If it passes from the beginning of the vineyard to the end, [since] it appears as [passing] between two [separate] vineyards, it is permitted to sow [other crops] in it, provided the vines do not become draped over it, as we explained.
If it did not pass from side to side, it is considered as a vat in the midst of a vineyard, in which instance even if it is ten [handbreadths] deep and four handbreadths wide or more, it is forbidden to sow within it unless the empty portion is at least sixteen cubits wide.

21 A path between two vineyards resembles a vineyard that was devastated in its midst. If there are sixteen cubits between them, he may make a separation of four cubits on either side and sow in the remainder. If there was less than that between them, he should not bring seeds there.

22 [The following laws apply with regard to] a mound in a vineyard. If it is ten [handbreadths] high and four [handbreadths] wide, it is permitted to sow vegetables on its top as long as the branches of the vine do not touch it so that from above, there does not appear to be vegetables in the midst

of the vineyard.

When does the above apply? [When the mound] is rectangular. If, however, the mound is circular, there must be an empty space of four handbreadths in its midst so that it will be separated from the earth and there must be three handbreadths of earth on its top.

23 When there is a building in a vineyard, if it is three handbreadths or more by three handbreadths until four handbreadths, one may sow vegetables inside of it. If it is less than three handbreadths by three handbreadth, it is considered as closed and one should not sow [vegetables] within it.

24 When one vine is planted in a pit or in the midst of a trench, one must separate six handbreadths from it, [then] one may sow [other crops] in the remainder of the trench as one would do on flat ground. If the trench was ten handbreadths deep and there was a border on the edge of the trench with a top four handbreadths wide, it is forbidden to sow other crops inside of it even though one made a separation of six handbreadths.

25 Similarly, when there is one vine that is surrounded by a fence that is ten handbreadths high and four handbreadths wide, one should not sow [other produce] in the entire area set off by the barriers even though one makes a separation of six handbreadths. If one made a separation of six handbreadths and sowed, however, the produce is not hallowed.

What is the initial and preferred size of the separation one should make? Four cubits on every side. Afterwards, he may sow [other produce] in the remainder of the trench or in the remainder of the area surrounded by a

fence.

Chapter 8

1 When vines grow in their natural manner with their branches and their clusters lying on the earth, [the place where they grow] is called a vineyard (*kerem*). When, however, a person creates something like a bed or a platform raised above the earth so that the clusters and the branches will be extended over it and he lifted up the foliage of the vines from the ground unto that trellis and draped them over it, it is called an *aris*. The branches and the like from which the trellis or platform was made and upon which the foliage of the vine is draped are called *apiperot*. Different laws apply to an *aris*.

2 When a person plants one row of five or more vines and drapes them over a wall that is ten handbreadths high or the like, or he planted them on the side of a trench that is ten [handbreadths] deep and four [handbreadths] wide, they are [also] classified as an *aris*. It is necessary to separate from an *aris* four cubits [before] sowing [other produce], similar to the separation [required in] a vineyard.

3 From where do we measure? From the base of the fence over which he draped them. What is implied? He made a separation of a cubit between the row of vines and the wall. Thus the *aris* is made from the vines and the wall, he should measure four cubits from the wall and sow. Thus there are five cubits between [the crops] sown and the base of the vines. If he

seeks to sow on the side of the vines, he should separate four cubits from the base of the vines. Thus he is five cubits away from the wall. This is the pattern followed when dealing with any *aris*.

4 Whether one built the fence and then planted the vines or planted the vines and then built the fence, since he draped [the vines on the fence], it is considered as an *aris*. If the fence was destroyed or the trench filled, the *aris* ceases to exist and the entire row is considered as individual vines.

5 When an *aris* is destroyed in the middle and there remain five vines on one side of the fence and five vines on the other side of the fence opposite it, it is called "separate portions of an *aris*." If there are eight cubits and one sixtieth of a cubit between them, one must separate [only] six handbreadths between each row before sowing, provided he does not sow beneath the trellises as explained.

6 If there is exactly eight cubits between them, one should not bring seed there. If he did sow [other crops] there, since he separated six handbreadths [from each of the rows of vines], the produce is not hallowed. If there is no fence there, [all that is necessary is to] separate six handbreadths from each row and sow it. For there is no *aris*, nor the separated portions of an *aris*. If he went back and rebuilt the fence, the *aris* is considered to have been renewed or the separated portions of an *aris* to have been renewed.

7 [The following laws apply when there is] a small garden that is surrounded by a fence and one draped the vines [growing] around it on

the outside on all of its walls. If [the garden] contains the space for a reaper and his basket to stand on one side and the space for a reaper and his basket to stand on the other side, one may sow vegetables in it, because it is surrounded with a fence. If it is not that large, one may not sow in it, because the entire area appears as one *aris* with vegetables in it.

8 [The following laws apply when] vines were planted on a terrace and their trellis extends and gives shade over a field. If one can stand on the earth and harvest the entire vine, we consider the entire area under the vine as if it was the base of the vines and forbid a radius of four cubits in the field on every side of the edge of the trellis. If he cannot reap [the grapes] unless he steps on a step or a ladder, it is forbidden only to sow under the trellis itself.

9 When there are two walls perpendicular to each other and vines are planted in the corner between them, the trellis extends outward from the corner and ends [in the midst of the area], one may separate the [required] measure from the base of the vines and sow in the place where the trellis ends and there is no *aris*. Although [the crops] were sowed between two walls between which there is an *aris*, since he separated the required measure, he may sow [other crops] between the walls.

10 [The following rule applies when] the trunk of a vine ascended above the ground, then became bent and extended along the earth, and then ascended like a knee. When we measure between the vine and other [crops] six handbreadths or four cubits, we measure only from the end of

the portion that rises up and not from the base of the first vine.

11 We have already explained that although one makes the required separation between the [other crops] sown and the vine, it is necessary to be careful that the vine will not provide shade for the vegetables, nor may the vegetables provide shade for the vine. If one sowed vegetables or grain and they grew and afterwards draped a vine over them, the straw [of the crops] are permitted, but the grain must be burnt. If the roots of the vine emerged in the four cubits between the vineyard and grain, they must be uprooted. If the roots of the grain emerge within these four cubits, it is permitted.

12 All of the separations and required measures that are mentioned with regard to *kilayim* are measured in cubits that are six ample handbreadths. One should not be constricted in measuring [the forbidden] areas with regard to *kilayim*. For one should only constrict measurements when being stringent.

13 All of the measures in which separations are made between vines and grain or vegetables apply only in *Eretz Yisrael* or in Syria. But in the Diaspora, it is permitted to sow [other crops] at the side of vines in a vineyard at the outset. In the Diaspora, it was forbidden only to sow two types of vegetables or grain and grape seeds in one handful.

If one tells a gentile child to sow [such a mixture] for him in the Diaspora, it is permitted. One should not, however, make such a statement to an adult, lest one also do so with a Jew.

14 Although it is permitted to sow vegetables at the side of a vineyard in the Diaspora, the vegetable that is sown there is forbidden to be eaten, even in the Diaspora. [This applies] provided one sees the owner harvest it and sell it. If, however, one is in doubt whether [the produce comes from there], it is permitted, as we explained in *Hilchot Ma'achalot Assurot*.

Chapter 9

1 When a person causes a male to enter into relations with a female of a different species - whether a domesticated animal, a wild beast, a fowl, even different types of sea-animals - he is liable for lashes according to Scriptural Law. [This applies] in all places in *Eretz Yisrael* and in the Diaspora, as [**Leviticus 19:19**] states: "You shall not mate your animal with another species."

[This applies] whether the animal, beast, or fowl belongs to him or to a colleague. He is not liable for lashes until he actually inserts one animal's organ into the others. If, however, he merely placed one on top of the other or encouraged them verbally, he is given stripes for rebellious conduct.

2 It is permitted to place two species of animals in one corral. If one sees them mating, he is not obligated to separate them. A Jew is forbidden to give his animal to a gentile to have him mate it with a forbidden species.

3 When a person transgressed and mated his animal with a mixed species, it is permitted to benefit from the offspring. If the mated species were both

kosher, [the offspring] is permitted to be eaten, as stated in *Hilchot Ma'achalot Assurot*.

4 [Although] two types of animals or beasts resemble each other and one can impregnate the other, since they are two species, they are considered as mixed species and it is forbidden to mate them.

What is implied? A wolf and a dog, a hunting dog and a fox, deer and goats, mountain goats and sheep, horses and mules, mules and donkeys, and donkeys and wild asses - although they resemble each other, they are considered as mixed species.

5 When a species has both a wild species and a domesticated species, e.g., a wild ox and an ox or a wild horse and a horse, it is permitted to mate them together, because they are one species. A duck and a wild duck, by contrast, are considered as mixed species with each other. [The reason is that] the domesticated duck has its testicles inside its body, while those of the wild duck are outside. This shows that they are different species.

[Mating a] *ko'i* with a beast or a domesticated animal is considered as mating mixed species. One, however, is not liable for lashes, because [a *ko'i's*] status is one of doubt.

6 Offspring from mixed species whose mothers are from the same species may be mated. If [the mothers] are from two species, it is forbidden to mate them and one who mates them is liable for lashes. Similarly, if one mated the offspring [of such a union with an animal of any other species,] even of its mother's species, he is liable for lashes.

What is implied? A male mule whose mother is a donkey may be mated with a female mule whose mother is a donkey. It is forbidden to mate it with [an animal of any other species,] even a donkey. It is, however, forbidden to mate a male mule whose mother is a horse with a female mule whose mother is a donkey. Similar laws apply in all analogous situations.

Therefore a person who wants to mate a male and female mule or to have [a carriage] drawn by two mules, he should check their identifying signs: their ears, their tails, and their voices. If they resemble each other, it is clear that their mother is from the same species and [the above activities] are permitted.

7 Anyone who performs labor with two species of animals or wild beasts together when one of them is kosher and the other is not kosher is liable for lashes in all places, as [**Deuteronomy 22:10**] states: "Do not plow with an ox and a donkey together."

Whether one plows, seeds, has them pull a wagon, or a stone, or led them together even with his voice [alone], he is liable for lashes. This is derived from the term "together." If, however, one [merely] yokes them [to a wagon], he is exempt unless he pulls them or leads them.

8 [The prohibition involves not only] an ox and a donkey, [but also] all other different species when one is non-kosher and the other, kosher, whether a domesticated animal with another domesticated animal, e.g., a pig and a lamb, or a beast together with a beast, e.g., a wild deer and an elephant, or a beast with a domesticated animal, e.g., a dog with a goat, or

a deer with a pig or the like. For all of the above [types of combinations], one is liable for lashes according to Scriptural Law, for a beast is considered as an animal, as we explained in *Hilchot Ma'achalot Assurot*. According to Rabbinic Law, however, whenever it is forbidden to mate two species, it is also forbidden to plow with them together, to pull them, or to lead them. If one performs labor with [two such species] together, pulled them, or led them, he is liable for stripes for rebellious conduct. It is forbidden to lead an animal from dry land together with a sea-animal, e.g., a goat with a large fish. If one did so, he is exempt.

9 When a wagon is being drawn by mixed species, one who sits in the wagon is liable for lashes. Even though he did not lead them, [he is liable,] because sitting there causes the animal to pull the wagon. Similarly, if one person was sitting in a wagon and another leading the animals, they are both liable for lashes. Even 100 people who lead a team of mixed species are liable for lashes.

10 It is permitted to perform a task with a human and an animal together or with a beast, e.g., a person can plow with an ox or pull a wagon with a donkey, or the like. [This is derived from the phrase:] "an ox and a donkey together," i.e., not a man and a donkey and not a man and an ox.

11 When an animal has been sanctified but disqualified [and then redeemed] even though it is one animal, the Torah considers it as two bodies. For it is consecrated and it is as if it is both a consecrated and an ordinary animal mixed as one. Thus this animal is like a non-kosher animal and a kosher

animal mixed together and [**Leviticus 27:11**] states: "If any impure animal that may not be offered as a sacrifice." According to the Oral Tradition, [the verse] was interpreted as referring to animals that had been sanctified, but disqualified. Accordingly, a person who plows with an ox that had been sanctified but disqualified or mates such an ox is liable for lashes because of the prohibition against mixed species. This prohibition is part of the received tradition.

Chapter 10

1 The prohibition against mixed fabrics in clothes involves only wool and linen, as [**Deuteronomy 22:11**] states: "Do not wear *sha'atnez*, wool and linen together." In seaports, there is something like wool that grows on stones in the Mediterranean Sea whose appearance resembles gold and it is very soft. It is called *kelech*. It is forbidden [to be mixed] with linen because of the appearance it creates, because it resembles lambs' wool. Similarly, silk and *kelech* are forbidden because of the appearance it creates.

2 When a ewe is born to a she-goat, one is not liable for [mixing] its wool [with linen]. It is, however, forbidden according to Rabbinic decree, because of the impression it creates.

If wool and linen are connected in any manner, they are considered mixed fabrics according to Scriptural Law. What is implied? When wool and linen were mixed together, combed together, and made into a smooth mass, they are considered as mixed fabrics. If they were mixed and

combed as one and then a garment was woven from this combed fabric, they are considered mixed fabrics.

3 If one sewed woolen fabric to linen - even if he sewed them with silk, sewed a woolen garment with linen thread, or a linen garment with woolen thread, one tied woolen threads with linen threads or braided them together, or even if one placed wool and linen together in a sack or a basket and wound them, they are considered as mixed fabrics. Even if one tied a braid of wool to a braid of linen, even if there is a strap of leather in between, they are considered mixed fabrics. [This law also applies] if one folded over woolen and linen fabric and tied them together. [The rationale is that the prooftext states:] "Wool and linen together." Since they are combined - regardless of how - they are forbidden.

4 What is the source that teaches that all these prohibitions are Scriptural in origin? [We derive this from the fact that] the Torah had to explicitly state that *kilayim* are permitted in *tzitzit*. As we learned according to the Oral Tradition, the passage concerning *kilayim* was positioned next to the passage concerning *tzitzit* solely to teach that *kilayim* are permitted in *tzitzit*. Now the *tzitzit* are strands that are tied together. Thus it can be derived that a connection of this type in a situation that does not involve a mitzvah is forbidden according to Scriptural Law. For the Torah would not exclude something that is forbidden only according to Rabbinic Law.

5 There is no minimum measure for *kilayim*. Even the smallest thread of wool in a large linen garment or a thread of linen in a woolen garment is

forbidden.

6 [The following laws apply when] one mixed the wool of ewes with the wool of camels and the like and made thread from them. If half [of the mixture] is from the ewes, it is considered as *kilayim* with flax. If, however, the majority is from the camels, it is permitted to mix them with flax, because the form of the entire mixture is that of camel wool. We do not pay attention to the strands of wool that are mixed with them, for they are not threads of wool.

7 Therefore when sheep hides are used to make garments, they are permitted even though they are sewed with flax. We are not concerned with the strands of wool - even though they become entwined with the linen threads used to sew it, because the wool is insignificant because of the minute amount that is there.

8 Similar [laws apply when] hemp and linen were mixed with each other. If the majority is hemp, it is permitted to weave these threads with woolen threads. If they are half and half, it is forbidden.

9 If a person makes a garment entirely out of camel's wool, rabbit wool, or hemp and weaves one thread of [sheep's] wool on one side and one thread of linen on the other side, it is forbidden as *kilayim*.

10 When a woolen garment becomes torn, it is permitted to join it together with threads of linen and tie them, but one may not sew them.

11 A person may wear woolen garments and linen garments and tie a belt around them from the outside, provided he does not wind together cords [of each fabric] and tie them between his shoulders.

12 It is permitted to make mixed fabrics and sell them. It is forbidden only to wear them or cover oneself with them. [This is derived from] the verses [**Deuteronomy 22:11**]: "Do not wear *sha'atnez*" and [**Leviticus 19:19**: "A garment that is of mixed fabrics, *sha'atnez*] shall not come upon you." [The association of the verses implies] that to be forbidden, [a garment must] "come upon [you]" as one wears it. If, however, it comes upon one not in a manner of wearing, i.e., a tent that is *kilayim*, it is permitted to sit under it.

Similarly, it is permitted according to Scriptural Law to sit on spreads that are made of *kilayim*. For "Shall not come upon you" [implies], that you may spread it under you. According to Rabbinic decree, however, even if there are ten spreads one on top of the other and the bottom one is *kilayim*, it is forbidden to sit on the top one, lest a strand [of *kilayim*] becomes wound around one's flesh.

13 When does the above apply? With regard to [spreads made from] soft [fabrics], e.g., curtains and sheets. With regard to [those made from] firm [fabrics] that will not become wound [upon a person's body], e.g., pillows and cushions, it is permitted to sit or lie upon them, provided one's flesh does not touch them.

14 Similar [laws apply when] a drape is made from *kilayim*. If it is soft, it is

forbidden lest a servant lean against it and it become draped around his body. If it was firm and would not be draped, it is permitted.

15 It is permissible to wear slippers from *kilayim* that do not have a heel. [The rationale is that] the skin of the foot is tough and does not derive satisfaction as does the skin of the other [portions] of his body.

16 Seamtresses sewing garments may sew [*kilayim*] in their ordinary manner, provided they do not intend [to benefit from them, using them as a shield] against the sun in the summer and the rain in the rainy season. The meticulous sew [with the garment lying] on the earth.
Similarly, people who sell garments may sell them in the ordinary manner, as long as they do not have the intent that the *kilayim* on their shoulders will protect them from the heat in the summer and warm them in the rainy season. The meticulous [hang the clothes on] a pole extended over their backs.

17 A person should not pick up a hot egg with a cloth that is *kilayim* for he is [then] benefiting from the mixed fabrics as protection from the heat or from the cold. Similar laws apply in all analogous situations.

18 A person should not wear *kilayim* [even] temporarily and even on top of ten other garments in which instance, he is not deriving benefit from [the mixed fabrics]. This is forbidden even to deceive customs inspectors. If one wears them for such a purpose, he is liable for lashes.

19 The prohibition against [wearing] *kilayim* applies only to garments that

[are worn] to provide warmth, e.g., a long shirt, a hat, pants, a belt, a dress, knee pants, gloves, or the like. However, small belts that people make with their pockets prepared to hold money, spices, or the like are permitted [despite the fact they contain *kilayim*] even though one's flesh touches them, because this is not the ordinary way in which one warms himself. [The same principles apply with regard to] a rag on which one places a bandage, poultice, dressing, or the like.

20 A forehead piece of leather, silk or the like to which are attached strands of wool and strands of leather that hang over a persons face to chase away flies are not [forbidden] as *kilayim*, because this is not the manner through which a person derives warmth.

21 It is permitted for a person who is leading animals to hold the leashes attached to them in his hand even though some of them are linen and some of them are wool. [He may] even wind them around his hand. If, however, he ties them all [together], they are considered as *kilayim* and it is forbidden for him to bind them around his hand.

22 Towels used to clean hands, cloths used to wipe down utensils and land, mantles for Torah scrolls, and a barber's cloth are all forbidden [to be made from] *kilayim*. [The rationale is that one's] hands touch them and they always become wound around the hands and warm them.

23 [The following law applies to] tickets that launderers and weavers make for clothes so that each person could identify his own. If the ticket was of wool on a linen garment or a linen ticket on a woolen garment, it is

forbidden even though it is not significant for him.

24 When a person joined a woolen cloth to a linen cloth with one thrust [of the needle and thread], they are not considered as having been joined together and they are not considered as *kilayim*. If he gathered the two heads of the thread [and tied them] together or [joined the cloths with] two thrusts [of the needle and thread], they are considered as *kilayim*.

25 It is permitted to make shrouds for the deceased from *kilayim*, for the deceased are not obligated in any mitzvot. [*Kilayim*] may be used as a saddle-blanket for a donkey and one may sit on it, provided his flesh is not touching it. He should not place this saddle-blanket on his shoulder even to take out the compost.

26 It is permissible to carry a corpse or an animal that is dressed in *kilayim* on one's shoulders.

27 When a thread of linen becomes lost within a woolen garment or a thread of wool becomes lost within a linen garment, the garment should not be sold to a gentile lest the gentile sell it to a Jew. Nor should he make it a saddle-blanket for a donkey, lest another person find it and tear it off the saddle-blanket and wear it, because the *kilayim* are not discernable within it.

What can be done to correct the situation regarding this garment? It should be dyed. Because wool and linen will not dye in the same manner. Thus [the lost thread] will become recognizable and then he should remove it. If it is not recognizable [after the dying], it is permitted [to use

the garment], for perhaps [the lost thread] fell off. After all, he checked and did not find it. As we explained already in the laws of forbidden intimate relations, any prohibition arising from a doubt is of Rabbinical origin. Therefore, [our Sages] were lenient because of the doubt.

28 When a person purchases woolen garments from gentiles, he must check them very carefully, lest they be sewn with linen thread.

29 When a person sees *kilayim* that are forbidden by Scriptural Law on his friend - even if the latter is walking in the market place - he should jump up and rip it off him immediately. [This applies] even to his teacher from whom he has learned wisdom. For [the obligation to] honor people at large does not supercede a negative prohibition in the Torah.

Why is such [a prohibition] superceded with regard to returning a lost object? Because the prohibition involves financial matters.

Why is [a prohibition] superceded with regard to the ritual impurity associated with a corpse? Because Scripture made an exclusion regarding his sister.According to the Oral Tradition, it was taught: For his sister, he may not become impure, but he may become impure for a corpse that it is a mitzvah to bury.

If, however, a prohibition is Rabbinic in origin, it is superceded by the consideration of a person's honor in all situations. Although the Torah states [**Deuteronomy 17:11**]: "Do not deviate from any of the statements they relate to you," this prohibition is superceded by considerations of a person's honor. Accordingly, if [another person] has upon him *sha'atnez* that is forbidden according to Rabbinical law, one may not rip it off him

in the marketplace, nor must [the person himself] remove it in the marketplace until he reaches home. If [the *sha'atnez* was forbidden] according to Scriptural Law, he must remove it immediately.

30 A person who wears *kilayim* or covers himself with them is liable for lashes. If he was wearing *kilayim* the entire day, he is liable only for one set of lashes. If he repeatedly stuck his head in and out of the garment - even though he did not take off the entire garment, he is liable for each time [he stuck his head out].

When is he liable for only one set of lashes? When he received one warning. If, however, they warned him and told him: "Take it off, take it off," and he continued to wear it and remained wearing for the amount of time necessary to remove it and put it on after they warned him, he is liable [for lashes] for each interval that he waited, for he was warned regarding it and, nevertheless, did not remove [the forbidden garment].

31 [The following laws apply when] a person dresses a colleague in *kilayim*. If the wearer acted consciously, he is liable for lashes and the person who dressed him is liable for "plac[ing] a stumbling block before the blind." If the person wearing the garment did not know that it was *kilayim* and the person who dressed him acted willfully, that person is liable for lashes and the wearer is exempt.

32 When priests wear their priestly garments when they are not performing service even though they are in the Temple, they are liable for lashes because the sash contains *kilayim* and license to wear it was granted only

while performing service, for that is a positive commandment like *tzitzit*.

Mishneh Torah, Gifts to the Poor

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person harvests his field, he should not harvest the entire field. Instead, he should leave a small portion of the standing grain at the end of his field, as [**Leviticus 23:22**] states: "Do not completely remove [the grain in] the corners of your field when reaping." [This prohibition applies] to one who reaps and one who uproots. [The grain] left [standing] is referred to as *pe'ah*.

2 Just as one leaves [*pe'ah*] in his field, so too, [he must leave *pe'ah*] for trees. When he gathers his produce, he should leave some for the poor. If he transgressed and harvested the entire field or gathered all of the produce of the trees, he should take some of what was harvested or gathered and give it to the poor.

Giving [this produce] fulfills a positive commandment, as it is stated [*ibid.*]: "Leave it for the poor and the stranger." Even if one ground the flour, kneaded it, and baked it into bread, he should give *pe'ah* from it for the poor.

3 If the entire harvest that was reaped was destroyed or consumed by fire before he gave *pe'ah*, he is liable for lashes. [The reason is that] he violated a negative commandment and he did not fulfill the positive commandment that could correct it.

4 Similarly, with regard to *leket*: When one harvests or binds sheaves, he should not gather the stalks that fall during the harvest. Instead, he should leave them for the poor, as it is stated [*ibid.*]: "You shall not gather the gleanings of your harvest." If he transgresses and gathers them - even if he ground them [into flour] and baked [them], he must give it to the poor, as it states [*ibid.*]: "Leave it for the poor and the stranger." If [this produce] is lost or consumed by fire after he gathered it, but before he gave it to the poor, he is liable for lashes.

5 Similar [laws apply to] individual grapes that fall during the grape harvest and to underdeveloped grape clusters, as it is stated [*ibid.* 19:10]: "Do not harvest underdeveloped grape clusters from your vineyard, nor gather individual grapes that fall in your vineyard. Leave it for the poor and the stranger."

Similarly, if a person is binding sheaves of wheat into bundles and forgets one bundle, he may not go back and take it, as [**Deuteronomy 24:19**] states: "If you forget a sheave in the field, do not return to take it." If he transgressed and gathered it - even if he ground it [into flour] and baked [it], he must give it to the poor, as it states [*ibid.*]: "They shall be for the stranger, the orphan, and the widow." This is a positive commandment.

Thus you have learned that they all are prohibitions that can be corrected by positive commandments. If one [transgresses and] does not fulfill the positive commandment involved, he is worthy of lashes.

6 Just as [the prohibition against taking] forgotten produce (*shichichah*) applies with regard to sheaves, so too, it applies to standing grain. If one

forgot standing grain and did not harvest it, it should be [given] to the poor. Just as [the prohibition against taking] forgotten produce applies with regard to grain and the like, so too, it applies to all [fruit-bearing] trees, as it is stated [*ibid.*:20]: "When you beat your olive tree, do not go back and take its glory." This law also applies to [produce from] other trees.

7 Thus it can be concluded that there are four types of presents given to the poor in a vineyard: individual grapes that fall, underdeveloped grape clusters, *pe'ah*, and forgotten produce. There are three presents from a grain crop: *leket*, forgotten produce, and *pe'ah*, and two from trees: forgotten produce and *pe'ah*.

8 The owners do not have the right to give these presents to the poor to the individual of their choice. Instead, the poor may come and take it against the owners' will. [These presents] are expropriated even from a poor Israelite.

9 Whenever the term "stranger" is used with regard to [these] presents to the poor, the intent is a convert to Judaism. [This is evident from the wording used by **Deuteronomy 14:29**] with regard to the tithe [given to the] poor: "And the Levite and the stranger will come." Just as the Levite is a member of the covenant, so too, the "stranger" is a member of the covenant. Nevertheless, we do not prevent gentiles from [taking] these presents. Instead, they [are allowed to] come together with the poor of Israel and take them as [an expression of the Torah's] ways of peace.

10 With regard to [these] presents for the poor, it is said: "Leave it for the poor and the stranger." [Implied is that the obligation exists only] when the poor demand them. If the poor cease seeking them and searching for them, the remainder is permitted for any person. For - in contrast to *terumah* - the physical substance [of the crops] does not become consecrated. Nor is he required to give their worth to [the poor], for it is not stated [that he should] give them to the poor, but that he should "leave it." He is not commanded to leave it for the beasts and the wild fowl, but for the poor, and there are no poor.

11 When is everyone allowed to collect the *leket*? When a second wave of gatherers gather after the first wave of gatherers and then depart.

When is everyone allowed to collect individual grapes that fall and underdeveloped grape clusters? When the poor walked through the vineyard and departed. What remains afterwards is permitted for every one.

When is everyone allowed to collect olives that were forgotten in *Eretz Yisrael*? If they were forgotten while on the tree, one is permitted to take them from Rosh Chodesh Kislev which is the time of the second rain in a late year. One is permitted, by contrast, [to take] masses of collected olives forgotten under a tree after the poor have ceased seeking them.

12 As long as a poor person has the right to take olives left on the earth under the trees, he may take them, although people at large have already been granted license [to take] the forgotten produce on the tree itself. As long as one has the right to take forgotten produce from the tree itself, he may

do so, even though he does not have the right to take forgotten produce from under the tree.

13 Presents to the poor from [the crops in] the field with which the poor are not concerned belong to the owner, even though the poor have not ceased searching for their presents.

14 According to Scriptural Law, all of these presents for the poor must be given only in *Eretz Yisrael* like *terumah* and the tithes, as [indicated by **Leviticus 19:9**]: "When you reap the harvest of your land" and [**Deuteronomy 24:19**]: "When you reap your harvest in your field." It has already been explained in the Talmud that [the mitzvah of] *pe'ah* must be observed in the Diaspora according to Rabbinic decree. It appears to me that this law applies to all the remainder of these presents to the poor. All of their [obligations] must be observed in the Diaspora according to Rabbinic decree.

15 What is the minimum obligation for *pe'ah*? According to Scriptural Law, there is no minimum measure. Even if one leaves only one grain stalk, he fulfills his obligation. According to Rabbinic law, however, one must leave one-sixtieth [of the crop], whether in *Eretz Yisrael* or in the Diaspora. And one should add to the measure of one-sixtieth based on the size of the field, the amount of poor people, and the blessing in his crop.

What is implied? When a field is very small and leaving one-sixtieth would not be of any advantage to the poor person, he should increase the measure. Similarly, if there are many poor people, he should increase [the

measure]. And if he sowed only a small amount and reaped a lot, he has been granted blessing and he should increase according to the blessing. Whoever adds to the *pe'ah* will be given additional reward. There is no limit to this increase.

Chapter 2

1 Any food that grows from the earth, is guarded, is harvested at the same time, and is placed in storage is required that *pe'ah* [be separated from it], as [**Leviticus 19:9 / Leviticus 23:22**] states: "When you reap the harvest of your land."

2 Anything that resembles a crop that is harvested by having these five qualities requires that *pe'ah* be separated from it, e.g., grain, legumes, carobs, nuts, almonds, pomegranates, grapes, olives, dates - whether dried or fresh - and any similar produce.

By contrast, indigo, rubia, and the like are exempt, because they are not food. Similarly, truffles and mushrooms are exempt, because they do not grow from the earth, like other produce of the earth. Similarly, ownerless produce is exempt, for there is no one to watch it, for it is free for anyone to take. Similarly, figs are exempt, because they are not harvested at one time. Instead, on the tree, there are some that will become ripe on one day and others that will not become ripe until after several days. Similarly, vegetables are exempt, for they are not placed in storage. Garlic and onions require that *pe'ah* [be separated], for they are dried out and placed in storage. Similarly, seed onions that are placed in the earth to produce

seed require that *pe'ah* [be given from them]. Similar laws apply in all analogous situations.

3 A portion of land of any size requires that *pe'ah* [be separated from its produce]. [This applies] even if it belongs to partners, for [the prooftext (ibid)] states "the harvest of your land," even if it belongs to many people.

4 When gentiles harvested a field for their own sake, thieves harvested it, ants destroyed its produce, or the wind or an animal crushed it, it is exempt from *pe'ah*. For the obligation of *pe'ah* lies on the standing grain.

5 If he harvested half of it and thieves harvested the remaining half, it is exempt, for the obligation was incumbent on the half that was harvested by the thieves. If, however, thieves harvested half of it and [the owner] harvested the remaining half, he should leave *pe'ah* according to the measure of what he harvested.

If he harvested half and sold the [remaining] half, the purchaser must leave *pe'ah* for the entire field. If he harvested half and consecrated half, the person who redeems [the half] from the Temple treasury must leave *pe'ah* for the entire [field]. If he harvested half [the field] and consecrated [what he harvested], he should leave *pe'ah* for the entire field from the remainder [of the crop].

6 [The following rules apply when a person] harvested [some of] the grapes in his vineyard to sell in the market place, but had the intent to leave the remainder for the vat to press [for wine]. If he would harvest for the marketplace from either side [of the vineyard], he should give *pe'ah* for

[the grapes] that he harvests for the vat according to the amount that remain. If he would harvest for the marketplace from only one side, he should leave the amount of *pe'ah* appropriate for the entire field from the amount remaining. [The rationale is that] since he harvested from only one side, he is not considered as harvesting haphazardly in which instance, he would be exempt [from leaving *pe'ah*].

Similarly, when a person harvests ears of grain bit by bit and brings them home, he is exempt from *leket, shichachah,* and *pe'ah*, even if he harvested his entire field in this manner.

7 When a person harvests his entire field before it becomes completely ripe, before it reaches a third of its growth, he is exempt [from *pe'ah*]. If it reached a third of its growth, he is obligated. Similarly, with regard to fruit from trees, if a third of their growth is completed, there is an obligation [to leave *pe'ah*].

8 When a person consecrates his field while his grain is standing and redeems it while it is [still] standing, there is an obligation [to leave *pe'ah*] from it. If the Temple treasurer harvested it and then he redeemed it, it is exempt, for at the time when the obligation for *pe'ah* became relevant, [the field] was consecrated and thus there was no obligation [to leave *pe'ah*] from it.

9 When a gentile reaps his field and then converts, he is exempt from *pe'ah*, *leket*, and *shichachah*. [This applies] even though [Scripture mentions the obligation of] *shichachah* only with regard to the time when sheaves [are

transferred].

10 One may not hire non-Jewish laborers to harvest, because they are not knowledgeable with regard to the laws of *leket* and *pe'ah*. If one hired them and they harvested the entire field, he is obligated [to leave] *pe'ah*.

11 When a landowner harvested his entire field and did not leave *pe'ah*, he should give some of the stalks of grain as *pe'ah* to the poor. He does not have to tithe [the grain he leaves as *pe'ah*]. Even if he gives the majority of the harvest as *pe'ah*, he is exempt from tithes.

Similarly, if he threshed the grain, but did not winnow it, he should give them *pe'ah*, before he tithes. If, however, he threshed and winnowed the grain with a pitchfork and a shovel and completed the task, he should tithe and give [the poor] tithed produce equivalent to the appropriate measure of *pe'ah* for that field. Similar [concepts apply] with regard to trees.

12 *Pe'ah* should be left only at the edge of the field, so that the poor will know where to come to collect it, so it will be obvious to passersby and they will not suspect [that the owner did not leave *pe'ah*], and so that deceivers will not intend to harvest their entire field and [will excuse themselves by] telling the observers: "I left it in the beginning of the field." Also, [leaving it there will prevent him from] waiting until a time when no one is present and leaving it for a poor person with whom he is close.

If a person transgressed and left *pe'ah* in the beginning or the middle of

his field, it is considered as *pe'ah*, but he must leave an appropriate measure of *pe'ah* for the portion of the field that remained after he separated the initial [*pe'ah*].

13 When the owner of a field gave *pe'ah* to the poor and they told him: "Give us from the [other] side," and he gave them from the other side [as well], both of the gifts are considered as *pe'ah*. Similarly, if the owner of a field separated *pe'ah* and then said: "This is *pe'ah* and this also is" or "This is *pe'ah* and this," they are both *pe'ah*.

14 It is forbidden for workers to harvest the entire field. Instead, they should leave the appropriate measure [of grain] for *pe'ah* at the end of the field. [Nevertheless,] the poor do not have a share in it until the owner willfully separates it. Therefore [although] a poor person sees *pe'ah* at the end of a field, he is forbidden to touch it lest it be considered as theft until he knows that it was left with the consent of the owner of the field.

15 *Pe'ah* from grain, legumes, and other similar species of crops that are harvested and similarly, *pe'ah* left in vineyards and orchards should be given while it is [growing] from the earth. The poor should grab it by hand; they should not cut it with sickles, nor uproot it with hatchets lest one person [accidentally] strike a colleague.

If the poor desired to divide it [equally] among themselves, they may. If, however, ninety-nine say that they desire to divide it and one says that each should grab what he can, we listen to the latter, for his statement is in accord with Torah law.

16 *Pe'ah* from a grape vine [draped over a high wall] and from a date palm that the poor cannot reach to grab except at great danger the owner of the land should bring it down and divide it among them. If they all desire that it be left to be grabbed, that option is followed. If, however, ninety-nine say that they desire that it be left to be grabbed and one says that it should be divided, we listen to the latter, for his statement is in accord with Torah law. We obligate the owner to bring it down and divide it among them.

17 At three times during the day, *pe'ah* is divided among the poor or left for them to take: at daybreak, at noon, and at *minchah*. When a poor person does not come at these times, he is not allowed to take, so that there will be fixed times for the poor so that they will all gather together to take [*pe'ah*].

Why wasn't only one time a day established [for the poor to take]? Because there are poor nursing mothers that need to eat at the beginning of the day. And there are poor children who are not awake in the morning and will not reach the field until midday and there are elderly people who will not come until the late afternoon.

18 When a poor person takes some of the *pe'ah* and throws it over the remainder, falls on it, or spreads his garment over it, we penalize him and make him relinquish it. Even what he took is removed from his possession and given to another poor person. [These laws] also apply with regard to *leket* and to a sheave that was forgotten.

19 [The following rules apply if a person] took *pe'ah* and said: "This is for the poor person, so-and-so." If the person who took possession of the *pe'ah* is also poor, [the acquisition is binding]. Since he has the right to acquire it himself, he may acquire it for the other person. If [the person who took possession] was rich, he does not acquire it for him. Instead, he should give it to the poor person he finds first.

20 When the owner of a field leaves *pe'ah* for the poor people standing before him and a poor person comes from behind him and takes it, that person acquires it. For a person does not acquire *leket, shichachah*, and *pe'ah*, or a *sela* that was lost until it reaches his possession.

Chapter 3

1 *Pe'ah* should not be left in one field for another field.
What is implied? If [a person] owned two fields, he should not harvest one entirely and leave the amount of *pe'ah* appropriate for both in the second field. [This is derived from **Leviticus 23:22**:] "Do not completely remove [the grain in] the corners of your field." [Implied is] that one should leave in each field the *pe'ah* that is appropriate for it. If one left [*pe'ah*] from one field for another, it is not *pe'ah*.

2 Although one's entire field was sowed with one crop, if there was a stream - even if did not flow - or an irrigation ditch - provided water flowed through it and it was established - in the midst of the field that would prevent one from harvesting both sides at the same time, it is considered

as two fields and one should give *pe'ah* on each side for the portion there.

3 Similarly, a path belonging to a private individual which is four cubits wide or a public thoroughfare which is sixteen cubits wide separates [between one field and another]. [Different rules apply regarding] a private path that is less than four cubits wide or a public path that is less than sixteen cubits wide. If it is permanent, i.e., it is maintained in the summer and in the rainy season, it is considered as a separation. If it is not permanent in the rainy season, it is not considered as a separation and [the entire area] is considered as one field.

4 There are other factors which constitute a separation into two fields:
a) land that was uncultivated, that was neither sown, nor plowed;
b) land left fallow, that was plowed, but not sown;
c) crops were interrupted with another crop, e.g., there was wheat on either side and barley in the middle;
d) one harvested in the middle of his field before the grain reached a third of its maturity and plowed the portion which he harvested.
[The above applies] provided the width of each of the above is three rows of plowing. [This is] less than the area necessary to sow a quarter [of a *kav*].
When does the above apply? With regard to a small field that is 50 cubits by two cubits or less. If it is larger than this uncultivated or fallow land does not cause it to be divided in two unless it was as wide as the area necessary to sow a quarter of a *kav*. [In this instance,] even the smallest amount of another crop creates a separation.

5 If locusts consumed [a field] in its midst or ants destroyed it, should one plow the portion that was consumed, it is considered to be a separation.

6 [The following law applies when one] sows [crops] on a mountain [slope] that is not level, but instead has knolls and hollows. Even though he cannot plow it all at once and sow it all at once, but instead must plow the knolls by themselves and the hollows by themselves, it is considered as a single field. He should leave one portion of *pe'ah* at the end of the mountain for the entire mountain.

7 [The following laws apply when one sows crops on] terraced land. [When each terrace] is ten handbreadths higher than the other, one should leave *pe'ah* [separately] for each terrace. If the heads of the rows are joined together, he should leave one portion of *pe'ah* for the entire area. If they were less than ten handbreadths higher, he should leave one portion of *pe'ah* even if the heads of the rows are not joined together.

[The following rules apply] if there was a rock covering the surface of the entire field. If he must lift up the plow from one side and place it on the other side, it is considered an interruption. If not, it is not considered an interruption.

8 When a person sows a field that has trees - even though he sows it in squares between the trees and thus the entire crop does not come together as one - he should give one portion of *pe'ah* for the entire field. For it is known that it is one field; it is only the place of the trees that causes the crop to be divided.

9 When does the above apply? When all ten trees were located in an area in which a *se'ah* [of grain can be sowed]. If, however, all ten trees were located in an area larger than that in which a *se'ah* [of grain can be sowed], he should leave *pe'ah* from every square separately. For the trees are far apart and they did not cause him to sow the field in squares.

10 Similarly, if squares of onions [grow] between vegetables, one should leave a single portion of *pe'ah* for all the onions even though the vegetables grow between them and cause them to appear as separate squares.

11 [The following laws apply when a person] sowed an entire field with one crop, but when certain places in the field began to dry out, he uprooted or pulled out the crops that had dried out on either side until the fresh crops appeared as separate blocks. If it was customary for people to sow that crop in individual rows, e.g., dill or mustard seed, he should leave *pe'ah* for each individual square, for an observer would say: "It was planted in separate rows." If it was a species that was usually sown throughout an entire field, e.g., grain or legumes, he should leave one portion of *pe'ah* for the entire [field].

12 When does the above apply? When there were dried out portions on either side and the fresh portion in the center. If, however, the fresh portions are on either side and the dried out portion is in the center, he should leave *pe'ah* separately for the dried out portion and the fresh portions.

13 [The following law applies when a person] sowed a field with onions,

beans, peas, or the like. If he had the intent to sell some of the fresh produce in the marketplace and leave part of the field to dry out and to be put aside in storage, he is obligated to leave *pe'ah* separately for both the portion he sells and the portion he harvests for storage. For [produce sold in] the market and produce set aside in storage are considered as two separate types.

14 When a person sows his field with one species, he should leave one portion of *pe'ah* even though he collects the crops in two grain heaps. If he sows two species, even though he makes only one grain heap, he should leave *pe'ah* for each species separately.

15 [The following law applies when a person] sows two types of the same species, e.g., he sows two types of wheat or two types of barley. If he stores them in one grain heap, he should leave one portion of *pe'ah*. If he stores them in two grain heaps, he should leave separate portions of *pe'ah*. This is a halachah communicated by Moses from Sinai.

16 When brothers have divided [the estate they inherited], they should leave *pe'ah* separately. If later they joined together in partnership, they should leave only one portion of *pe'ah*. When partners who have harvested half of a field break up the partnership, [one taking the grain that was harvested already and one taking the standing grain,] the one who took the grain that was harvested does not separate anything and the one who took the standing grain is required to separate only for the half which he took. If, afterwards, they reestablished their partnership and harvested the second

half as partners, either one may separate [*pe'ah*] for his colleague's portion of the standing grain from his own portion of the standing grain, but not for the portion that was already harvested.

17 [There are situations in which *pe'ah* may be given from different parts of a field for other parts of the same field that were harvested afterwards. For example, the grain of] half of a field ripened to a third of its maturity and half did not ripen to that extent. [The owner] harvested half of the portion that reached maturity. Afterwards, the remainder of the field ripened to one third and then he completed the harvest of the first half that reached [a third of its maturity] previously. He may separate [*pe'ah*] from [the crops] harvested first for the middle portion and from the middle portion on the first portion and on the last portion.

18 [The following laws apply when a person] sells separate portions in his field to different people. If he sold his entire field, each one of the purchasers should leave *pe'ah* for the portion that he purchased. If the owner of the field had begun to harvest his field and sold a portion and retained a portion, the owner of the field should leave [the amount of] *pe'ah* appropriate for the entire field. [The rationale is that] since he began harvesting [the field] he became obligated to [separate *pe'ah* for] the entire [field]. If he sold [the portions of the field] before [he began harvesting], the purchaser should separate [*pe'ah*] for the portion he purchased and the owner for the remainder.

19 Only a high fence that separates between [the branches of] the trees

divides an orchard with regard [to the laws of *pe'ah*]. If, however, the fence separates on a lower level, but the branches and the trellises are intermingled above and touch the top of the fence, the orchard is considered a single entity and [only] one portion of *pe'ah* should be given.

20 When two people purchased one tree [in partnership], they should leave one portion of *pe'ah* from it. If one purchased the northern side [of a tree] and the other purchased [the southern side], each one should leave *pe'ah* individually.

21 [The following laws apply to] carob trees: Whenever one person stands next to one carob tree and his colleague stands next to another carob tree and they can see each other, [the trees] are considered as in one field and one portion of *pe'ah* should be left for them.
[Different rules apply] if, however, those on the extremes can see those in the center, but those on the extremes cannot see each other, he may separate from those on the extremes for those on the center and from those in the center for those on the extremes. He may not, however, separate from those on one extreme for those on the other extreme.

22 [The following laws apply to] olive trees: All the trees on one of the sides of a city, e.g., all of the olive trees on the entire western side or the entire eastern side of a city are considered as being from one field and one portion of *pe'ah* should be left for all of them.

23 A person who harvests a portion of his vineyard from either side in order to lessen [the demand] on the vines so that the other clusters will have

more room and increase in size is called one who reduces. We already explained that a person who harvests from one side is not considered as one who reduces. Therefore he must leave the amount of *pe'ah* appropriate for the entire field even though he harvested [with the intent of selling the grapes in] the marketplace. If, however, he reduces [the produce on the vines with the intent of] selling [the produce] in the marketplace, he should not leave *pe'ah* for the produce that he took off. [Nevertheless,] if he reduces [the produce on the vines with the intent of] taking it home, he should leave the amount of *pe'ah* appropriate for the entire field from [the grapes] he left to be trodden for the vat.

Chapter 4

1 What is meant by *leket*? Produce that fall from the sickle when one is reaping or falls from his hand when he gathers the stalks [of grain] and harvests. [The above applies] provided only one or two stalks fell. If, however, three fell at the same time, the three belong to the owner of the field. If grain fell from behind the sickle or behind one's hand, it is not *leket* even if only one stalk fell.

2 When he was harvesting by hand without a sickle, the stalks that fall from his hand are not *leket*. When, however, one pulls out crops that are usually pulled out by hand, those which fall from his hand are *leket*. If he was harvesting [with a sickle] or pulling out crops that are usually pulled out and after he harvested an armful [of produce] or after he pulled out a handful, [the produce] fell from his hand because he was struck by a

thorn, [the produce] belongs to the owner.

3 [The following laws apply if a person] was harvesting and left a stalk of grain standing without harvesting it, although he harvested all the grain around it. If its tip could reach the standing grain at its side and it could be harvested with that grain, it belongs to the owner of the field. If not, it belongs to the poor.

4 [The following laws apply if] there were two stalks next to each other, the inner stalk could be harvested with [the remainder of] the standing grain and the outer could be harvested together with the inner stalk, but not with the standing grain. The inner stalk is retrieved and it retrieves the outer stalk. For it is considered as falling from the sickle, even though it was not harvested yet.
Stalks that are among the straw belong to the owner of the field.

5 [The following laws apply when] the wind scattered sheaves [of grain] and the harvest belonging to the owner becomes mixed with the *leket*. We estimate how much *leket* the field would produce and that amount is given to the poor. [A greater amount is not required] because this comes about due to forces beyond one's control. How much is this measure? Four *kabbin* for an area in which a *kor* of wheat would grow.

6 What should the owner of a field do if *leket* fell to the ground, it was not collected by the poor and he made a grainheap of his harvest on this earth? He should move his grain pile to another place, [but] all the stalks that are touching the ground belong to the poor. [The rationale is that]

we do not know which of them was *leket* and whenever there is a doubt concerning [whether produce] is from the presents for the poor, [it is given] to the poor. [This is implied by the term (**Leviticus 23:22** :] "Leave," i.e., leave from your produce for them.

7 Why don't we make an estimation and give the poor [the amount that would be left as *leket*? Because [the owner] transgressed and made his grainheap on *leket*, he was penalized, even if he did so inadvertently. Even if the *leket* was barley and he made a grainheap of wheat upon it, even if he called for the poor [to collect the *leket*] and they did not come, and even if others made the grainheap without his knowledge, all of the produce touching the ground belongs to the poor.

8 [The following laws apply when a person] must fertilize his field before the poor collect the *leket* in it. If his loss will be greater than the loss to the poor, he is permitted to fertilize it. If the loss to the poor will be greater than his loss, it is forbidden for him to fertilize. If he collects all the *leket* and places it on the fence until a poor person comes and collects it, that is an expression of the quality of piety.

9 When kernels of grain are found in ant holes, if the holes were located in the midst of the standing grain, [the kernels] belong to the owner of the field, for the poor people do not have a right to anything in the standing grain. If they were located in the place which was harvested, they belong to the poor, because perhaps they were taken from the *leket*. Even if the kernel [in the hole] is black, we do not say that it was from the previous

year, because whenever there is a doubt concerning [whether produce] is *leket*, we consider it as *leket*.

10 When a stalk of *leket* becomes intermingled with the grain heap, the owner must separate two stalks. On the first, he says: "If this is *leket*, it belongs to the poor. If it is not *leket*, may the tithes for which I am obligated from this stalk be fixed on the other stalk." He then goes back and makes this same stipulation on the second stalk. He then gives one of the stalks to the poor and the other one will be [part of] the tithes.

11 A person should not hire a worker with the intent that his son collect the *leket* after him. Sharecroppers, tenant farmers, and a person who purchased standing grain from a colleague to harvest, by contrast, may have their sons collect after them. A worker may bring his wife and his children to collect *leket* after him. [This applies] even if he hired him with the intent that he receive half of the harvest, one third, or one fourth as his wage.

12 A person who does not allow the poor to collect the *leket*, allows one but does not allow another, or helps one of them, [giving him an advantage] over his colleagues is considered as stealing from the poor.

13 It is forbidden for a person to have a lion or the like rest in his field so that the poor will fear and flee. When there are those among the poor who are not entitled to collect *leket*, if the owner can rebuke them, he should. If not, he should allow them [to collect it as an expression of] the ways of peace.

14 If a person [desires to] declare [produce falling] as *leket* ownerless, if the majority has already fallen, it is not ownerless. [The rationale is that] once the majority has left his hand, he no longer has authority over it.

15 What is meant by *peret*? One grape or two grapes that separate from the cluster in the midst of the harvest. If three grapes fall at the same time, they are not *peret*.

16 When a person was reaping [his grape harvest] and cut off a cluster, [that cluster] became entangled with its leaves and it fell to the ground and became divided into individual grapes, it is not *peret*. If, however, [the reaper] was harvesting and throwing the clusters to the earth, [more stringent rules apply]. Even if half the cluster is discovered [broken into individual grapes], it is *peret*. Similarly, [even] if an entire cluster was broken up into individual grapes, they are *peret*. When a person places a basket below the vine at the time he is harvesting, he is stealing from the poor.

17 What is an *olelet*? This is a small cluster which is not thick like ordinary clusters and does not have a *kataf*, nor are its grapes *notfot* one on top of the other, but rather scattered. If it has a *kataf*, but not a *nataf* or a *nataf*, but not a *kataf*, it belongs to the owner of the vineyard. If there is a doubt, it should be given to the poor.

18 What is *kataf*? Small clusters connected to the central stem [of the larger cluster], one on top of the other. [What is] *nataf*? Grapes connected to the center stem and hanging down. [The above applies] provided all of the

individual grapes in the *ollelot* can touch the palm of his hand.
Why is such [an underdeveloped cluster] called an *ollel*? Because it is comparable to a developed cluster in the same way an infant is comparable to an adult.

19 The owner of the vineyard is not obligated to harvest the underdeveloped clusters and give them to the poor. Instead, [he should leave them for the poor] to harvest themselves. An individual grape is considered as an *ollelet*.

20 [The following laws apply when] there was a cluster on a branch of a vine and an underdeveloped cluster on an offshoot of the branch. If [the offshoot] can be harvested with the cluster, it belongs to the owner of the vineyard. If not, it belongs to the poor.

21 When a vineyard is comprised entirely of underdeveloped clusters, it belongs to the poor. [This is derived from **Leviticus 19:10**:] "Do not collect underdeveloped clusters in your vineyard," i.e., even if it comprises the entire vineyard. [The laws of] *peret* and *ollelot* apply only in a vineyard.

22 The poor do not have the right to take *peret* and *ollelot* until the owner of the vineyard begins harvesting his vineyard, as [**Deuteronomy 24:21**] states: "When you harvest your vineyard, do not collect underdeveloped clusters." How much must [the owner] harvest for [the poor] to receive this right? Three clusters that will produce a *revi'it* [of wine].

23 When a person consecrates his vineyard before he becomes aware of the

underdeveloped clusters, the underdeveloped clusters do not belong to the poor. If he has become aware of the underdeveloped clusters, the underdeveloped clusters belong to the poor. They must pay a fee for their [increase in value] while they grew to the Temple treasury.

24 When one prunes a vine after he became aware of *ollelot*, he may prune according to his ordinary pattern. Just as he cuts off [fully-formed] clusters, he cuts off underdeveloped clusters.

25 When a gentile sells his vineyard to a Jew to harvest, the Jew is obligated to leave the underdeveloped clusters. When a Jew and a gentile are partners in a vineyard, there is an obligation [to leave] *ollelot* in the portion belonging to the Jew. That belonging to the gentile is exempt.

26 When the tithes [of a vineyard] were given to a Levite while they were still *tevel*, and *ollelot* were found in them, he should give them to a poor person. If they can be harvested with the cluster, he may use them as *terumat ma'aser* for other crops.

27 [The following laws apply when a person] has five vines, harvests them, and [brings the grapes] into his home. If his intent is to eat them while they are grapes, he is not obligated [to leave] *peret*, *shichichah*, and *[neta] revai'i*, but is obligated [to leave] the *ollelot* [for the poor]. If he reaped them to make wine, he is obligated in all of the above unless he left a portion [unharvested].

Chapter 5

1 In none [of the following situations] is a [forgotten] sheaf [of grain] considered as *shichichah*. It was forgotten by workers and not forgotten by the owner of the field; it was forgotten by the owner of the field, but not the workers; or both these individuals forgot it, but there were others passing by who observed them at the time they forgot it. [To be *shichichah*] it must be forgotten by all people. Even a sheaf that was hidden away [purposely], if it is forgotten, it is *shichichah*.

2 When the owner of the field was in the city and he said: "I know that the workers forgot a sheaf in this-and-this place," [but afterwards, the owner] forgot it, it is *shichichah*. If he was in the field and made such statements, but then forgot [the sheaf], it is not *shichichah*. [The rationale is that,] in a field, [only a sheaf] that was forgotten at the outset is *shichichah*. In a city, by contrast, even if one remembered it and afterwards forgot it, it is *shichichah*, as [indicated by **Deuteronomy 24:19**]: "If you forget a sheaf in the field," [i.e., in the field,] but not in a city.

3 If the poor stood in front of [the sheaf] or covered it with straw and he remembered the straw, or he took hold of it to bring it to the city, but left it in the field and forgot it, it is not *shichichah*. If, however, he moved it from place to place, even if he left it next to a gate, a grainheap, cattle, or utensils, and he forgot it, it is *shichichah*.

4 [The following rules apply if] he took a sheaf with the intent of bringing it to the city, put it down on another [sheaf], and then forgot both of them. If he remembered the top sheaf before he sees it, the bottom one is

not *shichichah*. If not, the bottom one is *shichichah*.

5 If a person's sheaves flew into a field belonging to a colleague because of a strong wind and he forgot a sheaf there, it is not *shichichah*, for [**Deuteronomy 24:19**] states: "[If you reap] your harvest in *your* field." If, however, the wind scattered the sheaves within his own field and he forgot them, it is *shichichah*.

6 [The following rules apply when a person] takes the first, second, and third sheaves, but leaves the fourth. If there was a sixth sheaf, the fourth sheaf is not *shichichah* until he takes the fifth sheaf. If, however, there are only five sheaves, when he bends down to take the fifth sheaf, the fourth is *shichichah*.

7 When the sheaves in a field are mixed together, he forgot one of them, it is not *shichichah* unless he takes everything around it.

8 Although wild onions, garlic, onions, and the like are buried in the earth, the laws of *shichichah* apply to them. When a person harvests his field at night and forgets standing grain or he binds the grain into sheaves at night and forgets a sheaf and similarly, a blind man who forgets sheaves, the laws of *shichichah* apply. If, however, the blind person or the one harvesting at night only intended to take bulky [sheaves], the laws of *shichichah* do not apply.

Whenever a person says: "I am harvesting the field on the condition that I may take what I forget," [his statement is of no consequence and] the laws of *shichichah* apply. [The rationale is that] whenever a person establishes a

condition that contradicts the Torah, the condition is nullified.

9 When grain was harvested before it fully matured with the intent that it be fed to animals, the laws of *shichichah* do not apply. Similarly, if a person [binds the grain into] small bundles [as] he harvests without binding them into sheaves or he uprooted garlic or onions and made them into small bundles to sell in the marketplace instead of binding them into larger sheaves to store in a storehouse, [the laws of *shichichah* do not apply].

10 When a person began harvesting from the beginning of a row [of grain] and forgot grain both in front of him and behind him, [the grain] behind him is *shichichah*, [the grain] in front of him is not *shichichah*, as [implied by Deuteronomy, *loc. cit.*,]: "Do not go back to take it." [Grain is] not *shichichah* unless [the harvester] passes it and leaves it behind him. This is the general principle: Whenever the adjuration "Do not return" applies, [the laws of] *shichichah* apply. Whenever the adjuration "Do not return" does not apply, [the laws of] *shichichah* do not apply.

11 [The following laws apply when] two people began to harvest from the middle of the field, one facing north and the other facing south and they both forgot [sheaves] in front of them and behind them. [The sheaves] in front of them are *shichichah*, because what is in front of one is behind the other. A sheaf that was forgotten behind them in the place from which they began harvesting is not *shichichah*, because it is combined with the rows that run from east to west and they indicate that this is not

shichichah.

Similar [concepts apply with regard to] the rows of sheaves that were being moved to the threshing floor and two people began [collecting] them from the middle of the field and forgot a sheaf in the middle, between their backs, [the laws of] *shichichah* do not apply. [The rationale is that] it is in the midst of the row between the west and the east where they have not begun [collecting]. Its position indicates that it was not forgotten.

12 [The following rules apply when a person] harvests, binds [the grain] into sheaves, and then moves these sheaves - which are called *omerim* - from one place to another, and then from the second place to a third, and then from the third to the threshing floor. Should he forget a sheaf when he is moving it from one place to another, if he forgot it when he was moving to a place where work is completed, [the laws of] *shichichah* apply. Afterwards, when he moves it from the place where the work is completed to the threshing floor, [the laws of] *shichichah* do not apply. If he moved the sheaves to a place where work is not completed and forgot [them], [the laws of] *shichichah* do not apply. Afterwards, when he moves it from the place where the work is not completed to the threshing floor, [the laws of] *shichichah* do apply.

13 What constitutes a place "where work is completed"? A place where one intends to collect all the sheaves and thresh them there or take them to the threshing floor. What constitutes a place "where work is not completed"? A place where sheaves are collected to bind them into larger sheaves to

bring them to another place.

14 When two bundles [of grain] are separate from each other, [the laws of] *shichichah* apply. [If there are] three, [the laws of] *shichichah* do not apply. When two sheaves are separate from each other, [the laws of] *shichichah* apply. [If there are] three, [the laws of] *shichichah* do not apply.

15 When two mounds of olives or carobs are separate from each other, [the laws of] *shichichah* apply. [If there are] three, [the laws of] *shichichah* do not apply. When two bundles of flax are separate from each other, [the laws of] *shichichah* apply. [If there are] three, [the laws of] *shichichah* do not apply.

16 When there are two vines - or two of any other tree - are separate from each other, [the laws of] *shichichah* apply. [If there are] three, [the laws of] *shichichah* do not apply. [This is derived from **Leviticus 19:10**] "Leave them for the poor and the stranger." [Implied is that] even if there are two, one should be given to the poor and one to the stranger.

17 If all the sheaves contain a *kab* and one contains four *kabbim*, and it was forgotten, [the laws of] *shichichah* apply. If it contained more than four *kabbim*, [the laws of] *shichichah* do not apply. Similarly, if [the sheaves] all contain two *kabbim* and there is one which contains more than eight *kabbim*, [the laws of] *shichichah* do not apply.

18 [When one] forgets a sheaf that contains two *se'ah* [of grain, the laws of] *shichichah* do not apply, as [implied by **Deuteronomy 24:19**]: "When you

forget a sheaf in the field," i.e., [a sheaf], but not a grainheap. [This applies] even if [one collects all the grain into] sheaves containing two *se'ah*.

When a person forgets two sheaves, [the laws of] *shichichah* apply even though together they contain two *se'ah* since each of them individually is less than two *se'ah*. It thus appears to me that [the laws of] *shichichah* apply even though together they contain more than two *se'ah*.

19 When there are more than two *se'ah* of standing grain [left unharvested], [the laws of] *shichichah* do not apply. If less than two *se'ah* [were left], we consider the thin stalks as if they were healthy and long and those with few kernels as if they were full. If, while such considerations were to be made, [the grain] would be sufficient to produce two *se'ah* and he forgot it, [the laws of] *shichichah* do not apply.

20 When a person forgets a *se'ah* of grain that has been cut down and a *se'ah* which has not been cut down, they are not combined and [the laws of] *shichichah* apply to each of them. Similarly, with regard to garlic, onions, and fruit from trees. If a person forgot a portion of them in [- or attached to -] the ground and a portion of them detached, they cannot be combined [to form a single quantity]. Instead, [even though] together there are two *se'ah*, [the laws of] *shichichah* apply to each of them.

21 When a person forgets a sheaf at the side of standing grain that was not forgotten, [the laws of] *shichichah* do not apply. [This is implied by Deuteronomy, *loc. cit.*]: "When you harvest... and you forget a sheaf...."

[Implied is that when] a sheaf [is located] in an area that has been harvested, [the laws of] *shichichah* apply. When a sheaf [is located] in an area where there is standing grain, [the laws of] *shichichah* do not apply.

Similarly, if he forgot standing grain that was located next to standing grain that was not forgotten, even one stem, it rescues the forgotten [grain] and [the owner] is permitted to come and take it. If, however, he forgot a sheaf or standing grain at the side of a sheaf that was not forgotten, even if the sheaf contains two *se'ah*, it does not rescue the forgotten grain and that grain belongs to the poor.

Standing grain belonging to a colleague does not rescue one's own sheaves, nor does standing barley rescue a sheaf of wheat. [Instead,] the standing grain must be of the same species as the sheaf.

22 When a person forgets a tree among others - even if it carries many *se'ah* of fruit - or if he forgot two trees, [the laws of] *shichichah* apply. [If he forgot] three, [the laws of] *shichichah* do not apply.

23 When does the above apply? With regard to a tree that is not well known and distinguished by its place, e.g., it was located at the side of the olive-press or an open portion [of a fence], by its yield, e.g., it produced many olives, or its name: e.g., the flowing olive among the olive trees, i.e., that it produces much oil, the outpouring olive, the shameful olive. If, however, it was distinguished in any of these three ways, [the laws of] *shichichah* do not apply. [This is derived from Deuteronomy, *loc. cit.*]: "And you shall forget a sheaf in the field." [Implied is that this command applies to] a sheaf that could be forgotten forever which you will not bring to mind

unless you return and see it. It excludes this tree that you will remember afterwards even if you do not encounter it, because it is well known and distinguished.

24 If [a tree] is distinguished in the mind of [the owner], it is as if it is well known and distinguished. If an [olive tree] was located next to a palm tree, the palm causes it to be distinguished. If two trees are "flowing olives," each one causes the other to be distinguished. If, however, one's entire field consists of "flowing olives" and one forgets one or two trees, [the laws of] *shichichah* apply. When is [the concept that the laws of *shichichah* do not apply to a tree that is distinguished] relevant? When one has not begun harvesting this distinguished tree. If, however, one began harvesting it and then forgot a portion of it, [the laws of] *shichichah* apply, even though it is distinguished, provided less than two *se'ah* [of fruit] remain upon it. If, however, two *se'ah* [of fruit] remain upon it, [the laws of] *shichichah* do not apply unless he forgets the entire tree as we explained.

25 [The following law applies with regard to] an olive tree standing alone in the middle of rows [of olive trees, i.e.,] there are three rows of olive trees surrounding it on three sides, even though each of these rows contains only two olive trees. If [the owner] forgot the olive tree in the middle, [the laws of] *shichichah* do not [apply], because the rows [of trees] hid it. Why was [this law] stated only with regard to an olive tree? For they were important in *Eretz Yisrael* at that time.

26 When do the laws of *shichichah* apply with regard to [vines lifted on] a trellis? Whenever [the owner has passed the grapes] to the extent that he cannot extend his hand and take them.

[When do they apply] in a vineyard? When he passes the vine or the vines and forgets them.

[When do they apply] with regard to a vine draped over a high support or a palm tree? When he descends from it. And with regard to other trees? When he turns and walks away from it.

When does the above apply? When he did not begin [harvesting its fruit]. If, however, he began harvesting its fruit and forgot it, [the laws of *shichichah*] do not apply until he harvests all [the fruit in] the surrounding area.

27 When a person declares his vineyard ownerless and gets up early in the morning acquires it for himself and harvests it, he is bound by [the laws of] *peret, ollelot, shichichah*, and *peah*, for this can rightfully be called "your field" and "your vineyard." It was his and now it is his. If, however, he acquired a field that had previously belonged to another person that was declared ownerless, he is exempt from all of these obligations. In all instances, he is exempt from [the obligation of] the tithes, as will be explained.

Chapter 6

1 There is a sixth present [awarded] to the poor from the land's produce: the tithe given to the poor. It is called the tithe for the poor.

2 This is the order of [the separation of] the *terumot* and the tithes. After one harvests produce from the earth or fruit from the tree and completes all the necessary work, he separates one fiftieth of the produce. This is called the great *terumah* and should be given to the priest. Concerning this the Torah states [**Deuteronomy 18:4**]: "The first of your grain, your wine, and your oil." Afterwards, he separates one tenth from the remainder. This is called the first tithe and must be given to the Levite. Concerning this, the Torah states [**Numbers 18:24**]: "For the tithes of the children of Israel..." and [*ibid.*:24] states: "To the descendants of Levi have I given all the tithes within Israel."

3 Afterwards, he separates one tenth from the remainder. This is called "the second tithe." This belongs to the owners and is eaten in Jerusalem. Concerning this, it is stated [**Leviticus 27:31**]: "If a person shall redeem his tithes and [**Deuteronomy 14:22-23**] states: "You shall surely tithe.... And you shall partake of it before God your Lord in the place that He will choose."

4 These portions should be separated in this order in the first, second, fourth, and fifth years of the Sabbatical cycle. In the third and sixth years of that cycle, by contrast, after the first tithe is separated, a different tithe is separated from the remainder and it is given to the poor. It is called the tithe for the poor. In these two years, the second tithe is not separated, only the tithe for the poor. Concerning it is written [**Deuteronomy 14:28-29**]: "At the conclusion of three years, you shall bring out the tithe of all your grain in that year and deposit it in your gates and the Levite...

[and the stranger, the orphan...] shall come." And concerning it, it is written [*ibid.* 26:12]: "When you will complete your tithing [in the third year]...."

5 In the seventh year, all [the produce] is ownerless. There is no [obligation to separate] *terumah*, no tithes at all, not the first tithe, nor the second tithe, nor the tithe for the poor. In the Diaspora where [the requirement to] let the land lie fallow does not apply, [in the seventh year, in Egypt, Ammon, and Moab, we separate the first tithe and the tithe for the poor, because these lands are close to *Eretz Yisrael* and in this way, the poor people in *Eretz Yisrael* can rely on [the produce of these other lands] in the Sabbatical year.

It is a halachah conveyed to Moses at Sinai that the tithe for the poor should be separated in the lands of Ammon and Moab in the Sabbatical year. In Babylonia, the second tithe should be separated in the Sabbatical year as is the practice in most years.

6 [After] taking the first tithe, a Levite should separate one tenth and give it to a priest. It is called *terumat ma'aser*. Concerning this, [**Numbers 18:26**] states: "To the Levites, say...."

7 When poor people pass by the owner of the field while he is [in his field] and in possession of the tithe for the poor, he should give each poor person who passes by him [a portion] of the tithe that will satisfy him, [as implied by **Deuteronomy 26:12**]: "And they shall eat in your gates and be satisfied."

8 How much is "[a portion] that will satisfy him? If from wheat, he should give him no less than half a *kab*. If from barley, he should give him no less than a *kab*. If from spelt, he should give him no less than a *kab*. If from dried figs, he should give him no less than a *kab*. If from a mass of figs, he should give him no less than the weight of 25 *selaim*. If from wine, he should give him no less than half a *log*. If from oil, he should give him no less than a fourth [of a *log*]. If from rice, he should give him no less than a fourth of a *kab*. If he gives him vegetables, he should give him a liter weight, i.e., the weight of 35 *dinarim*. From carobs, [he should give him] three *kabbim*; from nuts, ten, from peaches, five; from pomegranates, two; an esrog, one. If he gives him from other produce, he should not give him less than would enable him to sell them and to buy food for two meals with the proceeds.

9 If one only has a small amount of produce and there are many poor people so that he does not have enough to give each one the appropriate measure, he should place [the entire quantity] before them and they should divide it among themselves.

10 The owners do not have the right to apportion the tithe for the poor that is given away at the grainheap at their discretion. Instead, the poor come and take it against their will. Even the poor among the Jewish people can expropriate from them. When, by contrast, one gives out the tithe of the poor in his home, he may give it to any poor man to whom he desires.

11 When a person has [a quantity of] the tithe for the poor in his grainheap

and he desires to give it to a poor person who is his relative or acquaintance, he should set aside half of it to give it to him and half to give to all the poor who pass by according to the measures mentioned above.

12 When does the concept that one must give a poor person enough to satisfy him apply? In the field. If, however, he has tithes in his home, he may divide it among all the poor people, giving each one even only an olive-sized portion, for he is not commanded to give him an amount necessary to satisfy him except in a field, for there are no others there from whom to take, as [implied by] the verse: "And they shall eat in your gates and be satisfied."

13 If a man and a woman come to [a person possessing tithes] at home, we give to the woman first and allow her to depart and then give to the man. [In the situations, when one] of the pair - a father and his son, a person and his relative, two brothers, or two partners - was poor, the other may give him the tithe for the poor which he possesses.

14 When two poor people receive a field under a sharecropping agreement, one may separate the tithe for the poor from his portion and give it to his colleague. And his colleague may separate the tithe for the poor from his portion and give it to him.

15 When a person receives [the right] to harvest a field, he is forbidden to collect *leket, shichichah, pe'ah*, and the tithe for the poor.
When does the above apply? When he accepted a field [with the proviso]

that he receive a portion of the produce of the entire field, e.g., he was given a third or a fourth [of the harvest] as his wage. If, however, the owner of the field told him: "You will receive only a third of what you harvest," or "...a fourth of what you will harvest," [the harvester of the field] does not have a right to anything until he harvests it. Hence, at the time of the harvest, he is a poor man. Therefore he is permitted [to collect] *leket, shichichah,* and *pe'ah*, but he is forbidden [to take] the tithe for the poor. [The rationale is that] the tithe for the poor is separated only after the harvest is completed and [at that time,] he has already acquired the portion he harvested.

16 When a person sells his field - both the land and the produce - and becomes impoverished, he is permitted [to collect] *leket, shichichah, pe'ah*, and tithe for the poor from it. The purchaser is forbidden [to collect] these presents even though he has not paid the money [for the field] yet. Even if he borrowed the money and purchased it, he can no longer collect the presents for the poor.

17 The tithe for the poor may not be used as payment for a loan, nor can it be given in exchange for favors. It may be used for an act of kindness, but one must tell the recipient that it is the tithe for the poor. It should not be used to redeem captives, given as *shushbinut*, nor given as a specific gift to charity. It can be given to the sage of a city for his benefit and it may not be taken from *Eretz Yisrael* into the Diaspora, as [**Deuteronomy 14:28**] states: "And you shall place it in your gates," and it is written [*ibid.* 26:12]: "And they shall eat in your gates and be satiated."

Chapter 7

1 It is a positive commandment to give charity to the poor among the Jewish people, according to what is appropriate for the poor person if this is within the financial capacity of the donor, as [**Deuteronomy 15:8**] states: "You shall certainly open your hand to him." [**Leviticus 25:35**] states: "You shall support him, a stranger and a resident and they shall live with you," and [*ibid.*:36] states: "And your brother shall live with you."

2 Anyone who sees a poor person asking and turns his eyes away from him and does not give him charity transgresses a negative commandment, as [**Deuteronomy 15:7**] states: "Do not harden your heart or close your hand against your brother, the poor person."

3 We are commanded to give a poor person according to what he lacks. If he lacks clothes, we should clothe him. If he lacks household utensils, we should purchase them for him. If he is unmarried, we should help him marry. And for an unmarried woman, we should find a husband for her. Even if the personal habit of this poor person was to ride on a horse and to have a servant run before him and then he became impoverished and lost his wealth, we should buy a horse for him to ride and a servant to run before him. [This is implied by **Deuteronomy 15:8** which] speaks [of providing him with] "enough to [fill the] lack that he feels." You are commanded to fill his lack, but you are not obligated to enrich him.

4 With regard to an orphan for whom people are seeking to find a wife for

him to marry: First, we rent for him a house, provide for him a bed and all his household necessities and then we seek to find a wife for him to marry.

5 When a poor person comes and asks for his needs to be met and the giver does not have the financial capacity, he should give him according to his financial capacity.

How much? The most desirable way of performing the mitzvah is to give one fifth of one's financial resources. Giving one tenth is an ordinary measure. Giving less [than that] reflects parsimony. A person should never refrain from giving less than a third of a shekel a year. A person who gives less than this has not fulfilled the mitzvah. Even a poor person who derives his livelihood from charity is obligated to give charity to another person.

6 When a poor person whose identity is unknown says: "I am hungry, provide me with food," we do not investigate whether he is a deceiver. Instead, we provide him with sustenance immediately. If he was unclothed and he said: "Cloth me," we investigate whether he is a deceiver. If we are familiar with him, we clothe him according to his honor immediately and we do not investigate the matter.

7 We provide sustenance and clothing for the poor of the gentiles together with the poor of the Jewish people as an expression of the ways of peace.

When a poor person begs from door to door, we do not give him a large gift. Instead, we give him a small gift. It is forbidden to turn away a poor

person who asks [for charity] empty-handed. Even giving him one fig [is sufficient], as [**Psalms 74:21**] states: "Let not the dejected turn away in shame."

8 When a poor person travels from place to place, we do not give him less than a loaf of bread that is sold for a *punidyon* when wheat is being sold for four *se'ah* a *sela*. We have already explained all the measures.
If he stays overnight, we give him a mattress to sleep on, a pillow to place under his head, oil and beans. If he stays for the Sabbath, we give him food for three meals, oil, beans, fish, and vegetables. If we are familiar with him, we give him according to his honor.

9 When a poor person does not desire to take charity, we trick him and give it to him as a present or as a loan. When a rich man starves himself, because he is miserly with his money, using it for neither food nor drink, we do not pay any attention to him.

10 When a person does not want to give charity or desires to give less than what is appropriate for him, the court should compel him and give him stripes for rebellious conduct until he gives the amount it was estimated that he should give. We take possession of his property when he is present and expropriate the amount that is appropriate for him to give. We expropriate property for the sake of charity even on Fridays.

11 It is forbidden to demand and to collect charity from a soft-hearted person who gives more than is appropriate to charity or from a person who causes himself difficulty and gives to charity collectors so that he will

not be embarrassed. When a charity collector embarrasses such a person and asks him [for charity], [the charity collector] will be subjected to retribution in the future, as [implied by **Jeremiah 30:20**:] "I will visit My providence on those who pressure him."

12 We do not impose a levy for charity on orphans, even for the redemption of captives, and even if they possess many financial resources. If a judge imposed a levy upon them to heighten their reputation, it is permitted.
A charity collector may accept small [donations] from women, servants, and children, but not large donations. For we operate under the assumption that a large amount was stolen or robbed from others. What is meant by a small [donation]? Everything is calculated according to the wealth or poverty of the owners.

13 A poor person who is one's relative receives priority over all others. The poor of one's household receive priority over the poor of one's city. And the poor of one's city receive priority over the poor of another city, as [implied by **Deuteronomy 15:11**]: "[You shall surely open your hand to] your brother, the poor, and the destitute in your land."

14 When a person went on a business trip and the people of the city to which he traveled levy an assessment for charity upon him, he should give it to the poor of that city. If there are many [such individuals] and an assessment for charity was made upon them, they must make the allocation and when they go [to return home], they take [the money] with them and use it to support the poor of their city. If there is a communal

sage, they give it to him and he divides it as he sees fit.

15 When a person says: "Give 200 *zuz* to a synagogue" or "Give a Torah scroll to a synagogue," we give it to the synagogue which he customarily [attends]. If he would frequent two, [the sum] should be divided among both of them. If he says: "Give 200 *dinarim* to the poor," we give them to the poor of his city.

Chapter 8

1 Charity is considered as a vow. Therefore one who says: "I pledge to give a *sela* to charity" or "[I will give] this *sela* to charity," he is obligated to give it [to charity] immediately. If he delays, he transgresses the commandment against delaying [the observance of one's vow], for he has the capacity to make the gift immediately and [generally,] there are poor people at hand.
If there are no poor people at hand, he should set aside [the donation] and put it away until he finds poor people. If he made a stipulation that he is not obligated to make the donation until he finds poor people, he does not have to separate it [until the poor are at hand]. Similarly, if he made a stipulation at the time he made his vow to charity or pledged his donation that the trustees of the charitable fund could exchange it for gold, they are permitted to do so.

2 When a person extends a vow made to charity, he is obligated as is the case with regard to other vows.
What is implied? If he said: "This *sela* is like this one [given to charity], it

is also charity. When a person sets aside a *sela* and says: "This is charity" and then takes another *sela* and says: "And this," the second is also charity even though he did not say so explicitly.

3 When a person takes a vow [to give charity], but does not remember how much he vowed to give, he should give until he says: "I did not intend [to give] this [much]."

4 [The following rules apply] both to a person who says: "This *sela* is charity" and one who says: "I pledge a *sela* for charity" and sets it aside. If he desires to exchange it with another [coin], he is permitted to do so. Once it reaches the hand of the treasurer of the charity, it is forbidden to be exchanged. If the treasurer of the charity desires to exchange the common currency for *dinarim*, they are not permitted to do so. If there are no poor among whom to distribute the funds, they should have others exchange the coins, but they should not do so themselves.

5 If the poor would benefit from the delay of the money in the possession of the charity collector so that he could motivate others to give, that charity collector may borrow the money and pay [when the funds are required]. For charity does not resemble funds dedicated to the Temple treasury from which it is forbidden to benefit.

6 When a person donates a candelabra or a lamp to a synagogue, it is forbidden to exchange it. If it is for a sacramental purpose, it is permitted to exchange it, even though the name of the donor is still associated with it, e.g., it is said: "This is so-and-so's candelabra" or "...so-and-so's lamp."

If the name of the donor is no longer associated with it, it may be exchanged even for matters that are not sacramental in nature.

7 When does the above apply? When the donor was Jewish. If, however, he was a gentile, it is forbidden to exchange it even for matters that are sacramental in nature as long as the name of the donor is still associated with it. [We fear that] the gentile might say: "I consecrated an article to the Jews' synagogue and they sold it for their own purposes."

8 When a gentile seeks to make a donation to the Temple treasury, initially, we do not accept it. If, however, it was taken from him, we do not return it to him. If it was a specific article, e.g., a beam or a stone, we return it to him so that there will not be a specific entity in the Temple associated with [a gentile], as [**Ezra 4:3**] states: "It is not for you, together with us to build a Temple for our God." For a synagogue, by contrast, we may accept their [donations, even] initially, provided they say: "I am donating it according to the intent of the Jewish people." If he does not say so, it must be entombed, for perhaps his intent was to consecrate it unto God. We do not receive donations from them for the walls of Jerusalem or an aqueduct in [that city], as [Nechemiah 2:20] states: "And you do not have a portion or a remembrance in Jerusalem."

9 It is forbidden for a Jew to receive charity from a gentile in public. If he is unable to subsist on the charity given by the Jews and it is impossible to receive charity from the gentiles in private, it is permitted.
When a gentile king or official sends money to the Jews for charity, we do

not return it to him so as [not to jeopardize] peaceful relations with the king. Instead, we take [the charity] from him and give it to the gentile poor in secret so that the king will not hear.

10 The redemption of captives receives priority over sustaining the poor and providing them with clothing. [Indeed,] there is no greater mitzvah than the redemption of captives. For a captive is among those who are hungry, thirsty, and unclothed and he is in mortal peril. If someone pays no attention to his redemption, he violates the negative commandments: "Do not harden your heart or close your hand" (**Deuteronomy 15:7** , "Do not stand by when the blood of your neighbor is in danger" (**Leviticus 19:16** , and "He shall not oppress him with exhausting work in your presence" (*ibid.* 25:53). And he has negated the observance of the positive commandments: "You shall certainly open up your hand to him" (**Deuteronomy 15:8** , "And your brother shall live with you" (*ibid.* 19:18), "Love your neighbor as yourself" (**Leviticus 19:18** , "Save those who are taken for death" (**Proverbs 24:11** , and many other decrees of this nature. There is no mitzvah as great as the redemption of captives.

11 When the inhabitants of a city collected money for building a synagogue and a purpose associated with a mitzvah arose, they may use the money for that purpose. If they purchased stones and beams, they should not sell them [and use the proceeds] for a purpose associated with a mitzvah other than the redemption of captives. Even though they brought the stones [to the building site], cut the beams and shaped them to size, and prepared everything for building, it should all be sold, [but] only for the sake of

redeeming captives. If they built [the synagogue] and completed it, it should not be sold. Instead, the funds necessary to redeem the captives should be raised from the community.

12 We do not redeem captives for more than their worth for the benefit of the world at large, i.e., so that enemies will not pursue people to hold them captive. We do not assist captives in escaping, for the benefit of the world at large, i.e., so that enemies will not oppress captives seriously and be very strict when guarding them.

13 When a person sold himself and his children [as servants] to gentiles or borrowed money from them and they held him captive or imprisoned him [because of his failure to pay] the loan, it is a mitzvah to redeem him the first or second time [he is held]. [If this happens] a third time, we do not redeem him. We do, however, redeem the sons after their father's passing. If they sought to kill him, we redeem him from their hands even if he [has been held captive] several times.

14 When a servant is held captive, since he immersed himself [in the *mikveh*] and accepted the mitzvot, he should be redeemed like a Jew who has been taken captive. When a captive abandons his faith even with regard to only one mitzvah, e.g., he eats meat from animals that were not ritually slaughtered with the intent of angering God or the like, it is forbidden to redeem him.

15 A woman receives precedence over a man with regard to being given sustenance, clothing, and to be redeemed from captivity. [The rationale is

that] it is common for a man to beg, but not for a woman and this is extremely embarrassing for her. If they were both held in captivity and they were both solicited for a transgression, the man should be redeemed first, because this is not ordinary for him.

16 When a male and female orphan come seeking assistance in marriage, we assist the woman before the man, because the woman's shame is greater. She should not be given less than the weight of six and a quarter *dinarim* of pure silver. If the treasury of the charitable fund has the means, we give the money according to her honor.

17 If there were many poor people or many captives and one does not have the means to provide sustenance or clothing for all of them or to redeem all of them, a priest is given precedence over a Levite. A Levite is given precedence over an Israelite. An Israelite is given precedence over a *challal*, a *challal* over a *shituki*, a *shituki* over an *asufi*, an *asufi* over a *mamzer*, a *mamzer* over a *netin*, and a *netin* over a convert. [The rationale for the latter is that] a *netin* grew up with us in holiness. A convert is granted precedence over a freed servant, for [the latter] was originally among those who were "cursed."

18 When does the above apply? When the two [captives] were equal in knowledge. If, however, a High Priest was unlearned and a *mamzer* was a Torah scholar, the Torah scholar receives precedence. Whoever surpasses his colleague in knowledge receives precedence over his colleague.
If, however, one [of the poor or the captives] is one's teacher or father, His

father or teacher who is a Torah scholar receives precedence over another who surpasses him in wisdom.

Chapter 9

1 In every city where Jews live, they are obligated to appoint faithful, men of renown as trustees of a charitable fund. They should circulate among the people from Friday to Friday and take from each person what is appropriate for him to give and the assessment made upon him. They then allocate the money from Friday to Friday, giving each poor person sufficient food for seven days. This is called the *kupah*.

2 Similarly, we appoint trustees who take bread, different types of food, fruit, or money from every courtyard from those who make a spontaneous donation and divide what was collected among the poor in the evening, giving each poor person sustenance for that day. This is called the *tamchui*.

3 We have never seen nor heard of a Jewish community that does not have a *kupah* for charity. A *tamchui*, by contrast, exists in some communities, but not in others. The common practice at present is that the trustees of the *kupah* circulate [among the community and collect] every day and divide [the proceeds] every Friday.

4 On fast days, we distribute food to the poor. Whenever there is a fast day on which the people eat and went to bed without distributing charity to the poor, they are considered as murderers. Concerning them, the Oral

Tradition says [**Isaiah 1:21**]: "Charity is held overnight and now [you are] murderers."

When does this apply? When they did not give them bread and fruit which is [usually] eaten together with bread, e.g., dates and grapes. If, however, they delayed the delivery of money or wheat, they are not considered as murderers.

5 [Money for] the *kupah* should be collected only by two people together, for no less than two communal trustees should ever be appointed over the financial interests of the community. It is permitted to entrust the money of the *kupah* to one person, but [the funds] should not be distributed by less than three trustees, because [the allocation] is comparable to a judgment concerning financial matters, since each person is given his needs for that week. [Donations for] the *tamchui* should be collected by three - because it does not involve a fixed amount - and it is distributed by three.

6 [Donations for] the *tamchui* are collected every day. [Those for] the *kupah* are collected from Friday until Friday. [The gifts from] the *tamchui* are given [also] to poor people at large. [Those from] the *kupah* are given only to the poor of that city.

7 The inhabitants of a city have permission to give [the donations given to] the *kupah* to the *tamchui* and [those given for] the *tamchui* to the *kupah*. Similarly, they may exchange [these donations] for any communal purpose that they desire even though a stipulation to that effect was not

made when they were collected. If there is a great sage in that city dependent on whose judgment all collections are made and he is the one who allocates the funds to the poor according to his assessment, he is permitted to use [these funds] for any communal purpose he sees fit.

8 Trustees of a charitable fund are not permitted to depart from each other in the marketplace [except for a brief time], e.g., one goes to the gate to collect and the other to a shop.

9 If a charity trustee finds money in the marketplace, he should not put it into his own pocket, but instead into the wallet of the charitable fund. When he comes home, he should take it [for himself].

10 If a charity trustee is owed money by a colleague and [the latter] pays him in the marketplace, he should not put [this money] in his pocket, but instead into the wallet of the charitable fund. When he comes home, he should take it [for himself].

He should not count out the money of the charitable fund in pairs, but rather one coin at a time, lest suspicions be aroused, as [implied by **Numbers 32:22**]: "And you shall be guiltless in the eyes of God and Israel."

11 When the trustee of a charitable fund does not have poor people to whom to distribute the money, he may exchange the coins for *dinarim*. Another person, however, [should carry out the transaction], not he himself.

When the trustee of a *tamchui* does not have poor people to whom to distribute [the food he collected], he should sell it to others, but not to himself.

We do not enter into a reckoning with the trustee of a charitable fund concerning the charity he collected or with the treasures of the Temple regarding funds consecrated to them, as stated [in **II Kings 22:7**]: "No reckoning shall be made with them for the money entrusted to them because they are acting in good faith."

12 When a person has lived in a city for 30 days, we compel him to give charity to the *kupah* together with the inhabitants of the city. If he dwelled there for three months, we compel him to contribute to the *tamchui*. If he dwelled there for six months, we compel him to contribute to the fund used to clothe the poor of the city. If he dwelled there for nine months, we compel him to contribute to the fund used for the burial of the poor of the city and the provision of all their burial needs.

13 When a person has enough food for two meals, it is forbidden for him to take from the *tamchui*. When he has enough food for fourteen meals, he should not take from the *kupah*. If he has 200 *zuz*, even if he does not invest or do business with them - or 50 *zuz* that he invests - he should not take *shichachah, peah*, or the tithe for the poor. If he has 200 *zuz* less a *dinar*, even though 1000 people give him at one time, he is permitted to take [the above]. If he has money in hand, but he owes a debt or it is under lien to his wife for her *ketubah*, he is permitted to take.

14 When a poor person is in need, but owns a courtyard and household utensils - even silver and golden utensils - we do not obligate him to sell his house and his personal possessions. Instead, he is permitted to accept

[charity] and it is a mitzvah to give him.

When does the above apply? With regard to eating utensils, drinking utensils, clothing, bedding, and the like. If, however, he owns a golden comb or pestle or the like, he should sell them and buy less valuable ones.

When does the above apply? Before he has descended to the level where he takes charity from people at large. Once he collects charity [from the community], we obligate him to sell his utensils and purchase lesser ones and then accept charity.

15 When a man of means is in the midst of a journey from city to city, he used up all his money on the journey, and he does not have anything to eat, it is permitted for him to take *leket, shichachah, pe'ah*, and the tithe for the poor and he may benefit from charity. When he returns to his home, he is not obligated to pay, because he was poor at that time. To what can this be compared? To a poor person who became wealthy who is not obligated to pay back [the charity he received while poor].

16 When a person possesses homes, fields, and vineyards which were he to sell them in the winter, he would be forced to sell them cheaply, but were he to leave them until the summer, he would be able to sell them at their worth, we do not obligate him to sell them [in the winter]. Instead, we enable him to partake of the tithe of the poor [until he partakes of] half the worth of his property [so that] he will not be pressed to sell outside the [appropriate] time to sell.

17 If people at large were purchasing property at high prices, but he could

only find people to purchase from him cheaply, because he is pressed for funds and preoccupied, we do not require him to sell [at a low price]. Instead, he is allowed to continue to partake of the tithe for the poor until he can sell his property at its worth and everyone will know that he is not under pressure to sell.

18 When funds were collected for a poor person to satisfy his lack and [the collection] exceeded his needs, the additional funds belong to him. Extra funds [donated for] the poor should be given to the poor. Extra funds [donated for the redemption of] captives should be used for that purpose. Extra funds [donated for the redemption of] one individual captive should be given to that captive. Extra funds [donated for the burial of] the deceased should be used for that purpose. Extra funds [donated for the burial of] an individual deceased person should be given to his heirs.

19 When a poor person gives a *p'rutah* to the *tamchui* or to the *kupah*, we accept it from him. If he does not give, we do not require him to give. If he was given new clothes and he gave them back his worn clothes, we accept them from him. If he does not give them, we do not require him to.

Chapter 10

1 We are obligated to be careful with regard to the mitzvah of charity to a greater extent than all [other] positive commandments, because charity is an identifying mark for a righteous person, a descendant of Abraham, our

patriarch, as [**Genesis 18:19**] states: "I have known him, because he commands his children... to perform charity." The throne of Israel will not be established, nor will the true faith stand except through charity, as [**Isaiah 54:14**] states: "You shall be established through righteousness." And Israel will be redeemed solely through charity, as [*ibid.* 1:27] states: "Zion will be redeemed through judgment and those who return to her through charity."

2 A person will never become impoverished from giving charity. No harm nor damage will ever be caused because of charity, as [*ibid.* 32:17] states: "And the deed of charity is peace." Everyone who is merciful evokes mercy from others, as [**Deuteronomy 13:18**] states: "And He shall grant you mercy and shower mercy upon you and multiply you." Whenever a person is cruel and does not show mercy, his lineage is suspect, for cruelty is found only among the gentiles, as [**Jeremiah 50:42**] states: "They are cruel and will not show mercy."

The entire Jewish people and all those who attach themselves to them are as brothers, as [**Deuteronomy 14:1**] states: "You are children unto God your Lord." And if a brother will not show mercy to a brother, who will show mercy to them? To whom do the poor of Israel lift up their eyes? To the gentiles who hate them and pursue them? Behold their eyes are pointed to their brethren alone.

3 Anyone who turns his eyes away from [giving] charity is described as being "rebellious" like someone who worships false divinities is described as "rebellious, as [**Deuteronomy 13:14**] states with regard to the worship of

false divinities: "Rebellious men went out." And with regard to a person who turns his eyes away from [giving] charity, [*ibid.* 15:9] states: "Be careful, lest a rebellious thought arise in your heart." Such a person is also called "wicked," as [**Proverbs 12:10**] states: "The mercies of the wicked are cruel." And he is called a sinner, as [Deuteronomy, *loc. cit.*,] states: "And he shall cry out against you to God and you will be deemed as sinning." The Holy One, blessed be He, is close to the outcry of the poor, as it is written: "You hear the outcry of the poor." Therefore one must be careful with regard to their outcry, for a covenant has been established with them, as [**Exodus 22:26**] states: "When he will cry out to Me, I will listen, for I am compassionate."

4 Whenever a person gives charity to a poor person with an unpleasant countenance and with his face buried in the earth, he loses and destroys his merit even if he gives him 1000 gold pieces. Instead, he should give him with a pleasant countenance and with happiness, commiserating with him about his troubles, as [**Job 30:25**] states: "Did I not weep for those who face difficult times; did not my soul feel sorrow for the destitute?" And he should speak to him words of sympathy and comfort, as [*ibid.* 29:13] states: "I would bring joy to a widow's heart."

5 If a poor person asks one for a donation and he has nothing to give him, he should conciliate him with words. It is forbidden to scold a poor person or to raise one's voice against him while shouting, because his heart is broken and crushed, and [**Psalms 51:19**] states: "God will not scorn a broken and crushed heart." And [**Isaiah 57:15** describes as Divine

the attribute of] "reviv[ing] the spirit of the lowly and revitalize[ing] the heart of the crushed." Woe unto he who shames the poor, woe be he! Instead, one should be like a father to him, both in mercies and in words, as [**Job 29:16**] states: "I am a father to the destitute."

6 A person who compels others to give charity and motivates them to do so receives a greater reward than the person who actually gives, as [alluded to by **Isaiah 32:17**]: "And the deed of charity is peace." With regard to the collectors of charity and the like can be applied [the words of praise, **Daniel 12:3**]: "Those who bring merit to the many are like the stars."

7 There are eight levels in charity, each level surpassing the other. The highest level beyond which there is none is a person who supports a Jew who has fallen into poverty [by] giving him a present or a loan, entering into partnership with him, or finding him work so that his hand will be fortified so that he will not have to ask others [for alms]. Concerning this [**Leviticus 25:35**] states: "You shall support him, the stranger, the resident, and he shall live among you." Implied is that you should support him before he falls and becomes needy.

8 A lower [level] than this is one who gives charity to the poor without knowing to whom he gave and without the poor person knowing from whom he received. For this is an observance of the mitzvah for its sake alone. This [type of giving was] exemplified by the secret chamber that existed in the Temple. The righteous would make donations there in secret and poor people of distinguished lineage would derive their

livelihood from it in secret.

A level close to this is giving to a charity fund. A person should not give to a charity fund unless he knows that the person managing it is faithful, wise, and capable of administering it in a proper manner as Rebbe Chananya ben Tradyon was.

9 A lower level than that is an instance when the giver knows to whom he is giving, but the poor person does not know from whom he received. An example of this were the great Sages who would go in secret and throw money into the doorways of the poor. This is a worthy way of giving charity and it is a good quality [to express] if the trustees of the charitable fund are not conducting themselves appropriately.

10 A lower level than that is an instance when the poor person knows from whom he took, but the donor does not know to whom he gave. An example of this were the great Sages who would bundle coins in a sheet and hang them over their shoulders and the poor would come and take them so that they would not be embarrassed.

11 A lower level than that is giving [the poor person] in his hand before he asks.

12 A lower level than that is giving him after he asks.

13 A lower level than this is giving him less than what is appropriate, but with a pleasant countenance.

14 A lower level than that is giving him with sadness.

15 Great sages would give a *p'rutah* to a poor person before every prayer service and then they would pray, as [implied by **Psalms 17:15**]: "I will see Your countenance in righteousness."

16 A person who gives money to his sons and daughters who are past the age of majority and whom he is not obligated to support in order to teach the males Torah and to direct the females in a course of upright path so that they will not become objects of derision and similarly one who gives food to his father and his mother is included among [those who give] charity. Indeed, it is a very important charity, for precedence is established on one's degree of closeness.

Anyone who gives food and drink to the poor and orphans at his table,he will call out to God and [God] will answer him and he will derive pleasure from Him, as [**Isaiah 58:9**] states: "Then you will call out and God will answer."

17 Our Sages commanded that the poor and orphans should be members of a person's household rather than servants. This is preferable for him to employ these people and thus enable the descendants of Abraham, Isaac, and Jacob to benefit from his possessions rather than the descendants of Cham. Whoever increases [the number of] servants in his possession adds sin and transgression to the world every day. [Conversely,] if the poor are members of one's household, at every hour he adds merits and mitzvot.

18 A person should always construct himself and bear hardship rather than

appeal to people at large and make himself a burden on the community. Our Sages commanded, saying: "Make your Sabbaths as weekdays, and do not appeal to people at large." Even a distinguished sage who becomes poor should involve himself in a profession - even a degrading one - rather than appeal to people at large. It is preferable for a person to skin the hide of animal carcasses, rather than tell people: "I am a great sage..." or "I am a priest, grant me sustenance." Our Sages commanded conducting oneself in such a manner.

There were great sages who were woodchoppers, porters of beams, water-carriers for gardens, and iron-smelters and makers of charcoal, but they did not ask anything from the community, nor did they accept gifts that were given to them.

19 Any person who does not need to take [charity] and deceives the people and takes will not reach old age and die until he requires assistance from people at large. He is among those of whom it is said [**Jeremiah 17:5**]: "Cursed be a person who trusts in mortals."

[Conversely,] anyone who needs to take [charity] and cannot exist unless he takes, e.g., an elderly man, sick, or beset by afflictions, but is proud and does not take is considered as a murderer. He is liable for his soul and all that he has earned through his hardship is sin and guilt. But anyone who needs to take [charity], but causes himself affliction and temporarily constrains himself and lives a life of difficulty so that he will not overburden the community will not reach old age and die before he provides sustenance for others from his own means. Concerning such a person and those like him, it is stated [*ibid.*:7]: Blessed be a person who

trusts in God."

Mishneh Torah, Heave Offerings

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 According to Scriptural Law, [the obligation to separate] the *terumot* and the tithes applies only in *Eretz Yisrael*. [It applies] whether the Temple is standing or not. The prophets ordained that these obligations should be observed in Babylon as well, because it is adjacent to *Eretz Yisrael* and the majority of the Jewish people journey to and from there. The Sages of the early generations ordained that they also be observed in the lands of Egypt and the lands of Ammon and Moab, because they are on the peripheries of *Eretz Yisrael*.

2 Whenever *Eretz Yisrael* is mentioned, the intent is the lands conquered by the King of Israel or a prophet with the consent of the entire Jewish people. This is called "a conquest of the community." If, however, an individual Jew, a family, or a tribe go and conquer a place for themselves - even in the land given to Abraham - it is not considered as *Eretz Yisrael* in the sense that one is obligated to observe all the mitzvot there. For this reason, Joshua and his court divided the entire Land of Israel into tribal portions even though it was not conquered [entirely] at that time. In this way, when every tribe would ascend and conquer its portion, it would not be considered as merely an individual conquest.

3 The lands which [King] David conquered outside of the Land of Canaan, e.g., Aram Naharaim, Aram Tzovah, Achlab, and the like, even though he

was a King of Israel and he was acting with the consent of the High Court, is not considered as the Land of Israel with regard to all matters, nor is it like the Diaspora, i.e., Babylonia and Egypt with regard to all matters. Instead, it was removed from the category of the Diaspora, but did not enter the category of *Eretz Yisrael*.

Why was its level considered lower than that of *Eretz Yisrael*? Because David conquered them before he conquered all of *Eretz Yisrael*. Instead, there were still members of the seven nations there. If, however, he had conquered *Eretz Yisrael* entirely, in all of its boundaries, and afterwards conquered other lands, his entire conquest would have been equivalent to *Eretz Yisrael* with regard to all matters. The lands which [King] David conquered are called Syria.

4 There are dimensions of [the laws that apply to] Syria that resemble [the laws that apply in] *Eretz Yisrael* and there are dimensions of [its laws] that resemble [those which apply] in the Diaspora. A person who purchases landed property [in Syria] is comparable to one who purchases [land] in *Eretz Yisrael* with regard to *terumot*, tithes, and the Sabbatical year. All [the laws that apply] in Syria are of Rabbinic origin.

5 All of the lands that [the Jews] who ascended from Egypt took possession of were sanctified in the first consecration [of the land]. When they were exiled, that sanctity was nullified. [The rationale is that] the initial consecration came about because of the conquest. [Hence,] its consecration was effective for the time [it was under their rule], but not for all time. When, by contrast, the descendants of the exiles ascended

[from Babylon] and took possession of a portion of the land, they consecrated it a second time. [This consecration] is perpetuated forever, for that time and for all time.

[The Sages] left those places that had been settled by [the Jews who] ascended from Egypt, but were not settled by those who ascended from Babylon in their previous [halachic status] and did not exempt them from [the obligations of] *terumah* and tithes so that the poor could rely upon them in the Sabbatical year. Our holy teacher released Beit Shan from those places which [the Jews] who ascended from Babylon did not take hold of. He decided that Ashkelon should be exempted from the tithes.

6 Thus the entire earth is divided into three categories in relation to those mitzvot involving the land: *Eretz Yisrael*, Syria, and the Diaspora. *Eretz Yisrael* itself is divided into two categories: a) those portions settled by the Jews who ascended from Babylonia, and b) those portions that were settled only by the Jews who ascended from Egypt.

The Diaspora is divided into two categories: a) Egypt, Babylon, Ammon, and Moab in which the mitzvot are observed according to the decrees of the sages and the prophets and the other lands in which [the obligations of] the *terumot* and the tithes are not observed.

7 What are [the boundaries of] the land settled by the Jews who ascended from Egypt? From Rekem which is in the east of *Eretz Yisrael* until the Mediterranean Sea. From Ashkelon which is in the south of *Eretz Yisrael* until Acre which is in the north. As one proceeds from Acre to Kziv, the area to one's right, on the east, can generally be assumed to be of the

Diaspora - it is impure as is the lands of the nations and is exempt from [the mitzvot of] the tithes and the Sabbatical year - unless it is known that it was part of *Eretz Yisrael*. The area to one's left, to the west, can generally be assumed to be part of *Eretz Yisrael* - it is pure [from the impurity associated with] the lands of the nations and is obligated with regard to [mitzvot of] the tithes and the Sabbatical year - unless it is known to be part of the Diaspora. With regard to the entire area that slopes downward from the Samnum Mountains: The inner [portion] is *Eretz Yisrael*, the portion outside the Samnum Mountains is the Diaspora.

With regard to the islands in the sea, we consider their [status dependent] on an [imaginary] line extended from the Samnum Mountains until the River of Egypt. Those within this line are part of *Eretz Yisrael*. Those outside this line are part of the Diaspora. This is a depiction of the matter.

8 Which area did the Jews who ascended from Babylonia settle in? [The area] from Kziv inward toward the east. They did not, however, take possession of the area from Kziv outward until Amana which is Samnum until the river, i.e., the River of Egypt. And they did not take possession of Kziv itself.

9 What constitutes Syria? From *Eretz Yisrael* and below parallel to Aram Naharaim and Aram Tzovah, the entire region of the Euphrates until Babylonia, e.g., Damascus, Achalev, Charan, Minbag, and the like until Shinar and Tzahar. These are considered like Syria. Acre, by contrast, is considered part of the Diaspora, like Ashkelon. These are the boundaries of *Eretz Yisrael*.

10 When a gentile purchases land in *Eretz Yisrael*, he does not cause it to be absolved from [the observance of] the mitzvot. Instead, its holiness is still intact. Therefore, if a Jew purchases this land from [the gentile], it is not considered as a private conquest. Instead, he should separate the *terumot* and the tithes and bring the first fruits. All these [obligations] are Scriptural in origin, as if it was never sold to a gentile. When a gentile acquires land in Syria, his acquisition has the power to absolve [the land] from the obligations of tithes and the Sabbatical year, as will be explained.

11 [The following laws apply with regard to] produce belonging to a gentile that grew on land that he purchased in *Eretz Yisrael*. If all the work involving the produce was completed in the possession of a gentile and the gentile straightened the edges of the grain heap, they are exempt, because [the verse mentioning the obligation to separate *terumah*, **Deuteronomy 18:4**] mentions "your grain," [thus excluding] the grain of a gentile.

If a Jew purchases [the produce] after it was harvested, but before the tasks involved with it were completed and they were completed by a Jew, all [of the agricultural obligations apply with regard to the produce] according to Scriptural Law. He must separate the great *terumah* and give it to a priest and [separate] the *terumat ma'aser* and sell it to a priest. The first tithe belongs to him, because he can tell a Levite with regard to the tithes and a priest with regard to the *terumat ma'aser*: "I am coming in the stead of a person from which you could not have collected anything."

Why do we say that he should not give the *terumat ma'aser* to a priest as [he gives him] the great *terumah*? Because with regard to *terumat ma'aser,*

it is written: "When you take the tithes from the children of Israel...." [Implied is that from] untithed produce that you purchase from a Jew, you should separate *terumat ma'aser* and give it to a priest, but from untithed produce that you purchase from a gentile, you need not give the priest the *terumat ma'aser* you separate from it. Instead, you sell it to the priest and take the money.

12 [The following laws apply if] a gentile sold his produce to a Jew while it was connected to the earth. If [he sold it] before it developed to a stage when he is obligated to separate tithes and the work [associated with it] was completed while it was owned by the Jew, [the Jew] is responsible for all of the agricultural obligations and should give the *terumot* and the tithes to their [appropriate] owners. If [the gentile] sold [the produce] after it developed to a stage when he is obligated to separate tithes, he should separate *terumat ma'aser* and the tithes and give them to their [appropriate] owners according to the [acceptable] reckoning.

What is implied? If he purchased grain that had been sown from a gentile after it reached a third of its growth and the work associated with its completion was performed while it was in the possession of a Jew, he should separate the *terumot* and the tithes, as we explained. He should give two thirds of the tithes to a Levite. [With regard to the] *terumat ma'aser*, he should give two thirds to the priest and sell him one third.

13 [The following laws apply if] a Jew sold his produce to a gentile before it developed to a stage when he is obligated to separate tithes and the work [associated with it] was completed by the gentiles, it is exempt from the

terumot and the tithes. If [he purchased it] after it developed to a stage when the tithes are obligated to be separated, even if the gentile completed the work associated with it, all of the agricultural obligations are incumbent upon it according to Rabbinic decree.

Similarly, if a gentile completed [the work associated with] produce belonging to a Jew, since the work associated with them was completed by a gentile, the obligation for *terumot* and tithes is incumbent upon them, but it is only Rabbinic in origin.

14 If a gentile sold produce that was still connected to the earth after it reached the stage when the tithes are obligated to be separated and [another] gentile straightened the edges of the grain heap in the possession of a Jew, [the produce] is not obligated in the *terumot* or the tithes. Since the produce reached the stage when the tithes are obligated to be separated in the possession of a gentile and a gentile straightened the edges of the grain heap, [the fact] the produce belongs to a Jew [is not significant].

15 When a person purchases a field in Syria, he is obligated by Rabbinic decree to separate *terumot* and tithes like one who purchases [a field] in Jerusalem according to Scriptural Law, as we explained. If, however, a person [merely] purchases produce from a gentile - whether it was harvested or [still] connected to the earth - he is exempt, because [the produce] does not come from his land. [This applies] even if [he purchases the produce] before it develops to a stage when the tithes are obligated to be separated [and] even though a Jew straightened the edges

of the grain heap.

16 [The following laws apply when a person] purchases land in Syria to which produce is attached. If it reached a stage when the tithes are obligated to be separated while in the possession of a gentile, it is exempt. [Conversely,] if it did not reach a stage when the tithes are obligated to be separated [in his possession], [the Jewish purchaser] is obligated to tithe it, since he purchased it together with the land.

17 When a Jew is working as a sharecropper for a gentile in Syria, his produce is exempt from the tithes, because he does not own the land itself at all. A gentile's purchase of land in Syria causes it to be absolved from [the obligation of] the tithes, as we explained. The same laws apply when one rents a field, but stipulates that the payment will be made in produce, enters into a sharecropping agreement as a *mekabel*, or rents a field for money from a gentile in Syria, he is absolved [from the obligations of] *terumot* and tithes.

18 [The following law applies when] a Jew purchases a field from a gentile in Syria before [the crops] reached a third of their development and sells it to a gentile after the crops reach a third of their development. If a Jew purchases it a second time, he is obligated [to separate] the *terumot* and the tithes, because [the field] incurred that obligation in the possession of a Jew.

19 When a Jew owns land in Syria and he hired a sharecropper and the sharecropper sent him produce, he is not obligated to separate [the

terumot and tithes], for it is possible to say that [the sharecropper] purchased [the produce he gave him] from the marketplace. [This applies] provided this species is available in the marketplace.

20 There is an obligation [to separate] the *terumot* and the tithes [from crops grown on land owned in] partnership with a gentile.

What is implied? When a Jew and a non-Jew purchased a field in partnership - even if they divided the field while the grain was standing, and needless to say, if they divided it after it was collected in a grain heap - *tevel* and ordinary produce are mixed together in each and every stalk of grain in the gentile's share. [This applies] even if the gentile straightened the edges of the grain heap and thus the obligation is Rabbinic in origin, as explained.

21 When does the above apply? In *Eretz Yisrael*, where [the obligation to] tithe is Scriptural in origin, and according to Scriptural Law, the principle of *bereirah* does not apply. If, however, he purchased a field in Syria, since [the obligation to] tithe there is Rabbinic in origin, even if they divided a grain heap, the portion of the gentile is exempt entirely.

22 When produce from *Eretz Yisrael* is taken to the Diaspora, it is exempt from the obligations of *challah*, the *terumot*, and the tithes, [for one of the prooftexts requiring the separation of these gifts, **Numbers 15:18**] states: "[the land] to which I am bringing you." [Implied is that] these obligations exist there alone. In the Diaspora, one is exempt. If [the produce] was taken to Syria, one is obligated by Rabbinic decree.

Conversely, we are obligated [to separate] *challah* from produce from the Diaspora that was brought into *Eretz Yisrael*, as [suggested by the phrase] "to which." [Implied is that] one is liable [to make these gifts] there, whether the produce is from *Eretz Yisrael* or the Diaspora. If the obligation [to separate *challah* or the tithes] was established [because of the actions] of a Jew after the produce entered *Eretz Yisrael*, there is an obligation of Rabbinic origin to separate the tithes.

23 When earth from the Diaspora is brought to *Eretz Yisrael* by ship, if the ship's [bottom] comes in contact with the earth [of *Eretz Yisrael*], *terumah* and tithes must [be separated from produce] growing on [the earth in the ship] and the Sabbatical laws must be observed as if [the produce] was growing in *Eretz Yisrael* itself.

24 When a tree is standing in the Diaspora and its foliage leans into *Eretz Yisrael* or it is standing in *Eretz Yisrael* and its foliage leans into the Diaspora, [the determination of its status] depends on its roots. If some of its roots were in *Eretz Yisrael* and others were in the Diaspora - even if they were separated by glistening stone, [it is considered as if] *tevel* and ordinary produce are mixed together [throughout the entire produce].

25 [The following rules apply when] a plant in a flowerpot with a hole has not sprouted roots [outside the flowerpot]. If its roots were in *Eretz Yisrael* and its foliage in the Diaspora, [the determination of its status] depends on its foliage.

26 In the present era, even in the areas settled by the Jews who ascended from

Babylonia, even those [settled] in the era of Ezra, [the obligation to separate] *terumah* does not have the status of a Scriptural commandment, merely that of a Rabbinic decree. [The rationale is that] the Scriptural [commandment to separate] *terumah* applies only in *Eretz Yisrael* and only when the entire Jewish people are located there. [This is derived from the phrase] "When you enter...." [Implied is that] the entire [Jewish people] must enter [the land], as they did when they took possession of the land originally and as will happen in the future when they take possession of the land a third time. In contrast, the second time [the people] took possession of the land, in the time of Ezra, only a portion entered. Hence, they were not obligated according to Scriptural Law. Similarly, it appears to me that the same concept applies with regard to the tithes. In the present era, this obligation [as well] has the status of a Rabbinic decree like *terumah*.

Chapter 2

1 [We are] obligated [to separate] *terumah* from food [designated] for human [consumption], that is guarded, and that grows from the earth. It is a positive commandment to separate the first portion [of such crops] for a priest, as [**Deuteronomy 18:4**] states: "You shall give him the first portion of your grain, your wine, and your oil." Just as grain, wine, and oil are [agricultural produce that] is food that is designated for humans, grows from the earth, and has an owner - as indicated by the term "your grain," - so, too, [we are] obligated to [separate] *terumot* and tithes from any analogous [agricultural produce].

2 [We are] obligated [to separate] *terumah* and tithes from vetch, even though it is not [usually] food for humans, since it is eaten [by humans] in a year of famine. [We are] obligated [to separate] tithes from *siyah*, hyssop, and *koranit* that are sown for human consumption. Similar laws apply to analogous species.

If they were sown as animal fodder, even though the person changed his mind and thought to use them for human [consumption] while they were still connected to the ground, they are exempt. For the intent [of the owner] while [the produce] is growing is of no consequence.

[The following rules apply if] these herbs grow in a courtyard on their own. If the produce growing in the courtyard is guarded, [we are] obligated to [separate the tithes], for most probably it is for human consumption. If the produce within is not guarded, it is exempt.

3 Seeds of garden vegetables that are not eaten, e.g., turnip seed, raddish seed, onion seed, and the like are exempt from *terumah* and tithes, because they are not used for human consumption. [We are,] by contrast, obligated [to separate] *terumah* and tithes from caraway seed.

4 Blossoms of chilba, mustard seed, white beans, capers, and the caper bark are exempt, because they are not considered as produce.

When does the above apply? When they were sown for seed. When, however, they were sown for their produce, there is an obligation [to tithe]. Similarly, there is an obligation [to tithe] caper berries, because they are produce.

5 When coriander was sown for seed, its vegetable is exempt from *terumah* and the tithes. If it was sown as a vegetable, we must separate *terumot* and tithes from both the vegetables and the seed. Similarly, when *shevet* is sown for seed, its vegetable is exempt from *terumah* and the tithes. If it was sown as a vegetable, we must separate *terumot* and tithes from both the vegetables and the seed. The seed capsules need not be tithed. If he sowed it for the sake of the seed capsules, he must separate *terumot* and tithes from the vegetables, the seed, and the seed capsules. Similarly, when cress and wild cress were sown as a vegetable, we must separate tithes from both the seed and the vegetables.

What is meant by [the statement] we must separate tithes from both the seed and the vegetables? That if he gathered the vegetables to eat them, he must separate *terumah* and the tithes and [only] then, eat. When [he allows the plant] to dry [and produce] seeds which he gathers, he must make these separations from the seed.

6 Even though vegetables are used for human consumption, the obligation to tithe them is only Rabbinic in origin. [The rationale is that] with regard to the tithes, [**Deuteronomy 14:22**] speaks of "the yield of your planting." Now the term *tevuah* [translated as "yield"] refers to grain and the like. Vegetables are not included as *tevuah*.

Similarly, it appears to me that this also applies with regard to *terumah*, for with regard to *terumah*, it is stated: "your grain, your wine, and your oil." Implied is that the obligation is applied to all species resembling those. Instead, *terumah* which is separated from vegetables is a Rabbinic decree like their tithes.

7 We do not separate *terumah* and tithes from vegetables in the Diaspora, even in the places where we said that tithes should be separated, Similarly, vegetables that come from the Diaspora to *Eretz Yisrael*, even though there is earth in their roots, they are exempt and nothing was decreed concerning them.

When grain or legumes are sown for their vegetables, the person's intent is not considered of consequence because of the prevailing conception of most people. [Hence,] their vegetables are exempt and [we are] obligated [to separate] *terumah* and tithes from their kernels.

8 Even though *tiltan* is not considered as fit for human consumption when it becomes hard, since most people eat it at the beginning [of its development], [we are] obligated [to separate] *terumah* and tithes from it.

9 The following are exempt from *terumah* and tithes: *Leket, shichachah, pe'ah*, individual grapes that separate from a cluster, and underdeveloped grape clusters. This applies even if [a poor person] collects them in a grainheap. If, however, he collects them in a granary in the field, it is established that there is an obligation for tithes upon them and *terumah* and tithes must be separated from them. If, however, he collects them in a granary in a town, they are exempt, for the matter is spoken about and everyone knows that [the produce] is *leket, shichachah,* and *pe'ah*.

10 One is obligated [to separate] *terumah* and tithes from *leket, shichachah,* and *pe'ah* [left] by a gentile unless he declared them ownerless. Similarly, if grain and olives did not reach a third of their growth, they are exempt

from *terumah* and the tithes.

How can one know [whether produce has reached a third of its growth]? When [the kernels] would grow if they were sown, it is known that it has reached a third of its growth. If a person transgressed and separated [*terumah*] from grain and olives before they reached a third of their growth, [the separated produce] is not *terumah*.

11 Similarly, produce that is declared ownerless is exempt from *terumah* and tithes. [This applies also to produce] declared ownerless by a gentile. Nevertheless, if one planted [crops] on a field that was declared ownerless, he is obligated [to separate] *terumah* and tithes [from the crops].

12 When a person declares standing grain ownerless, takes possession of it, and then transgresses and separates *terumah*, the laws of *terumah* apply to the produce separated. If, however, he declared sheaves [of grain] ownerless, takes possession of them, and transgresses and separates *terumah*, the laws of *terumah* do not apply to the produce separated. Similarly, whenever a person separates [*terumah*] from produce from which *terumah* is not obligated to be separated, the laws of *terumah* do not apply to the produce separated.

Similarly, with regard to tithes, produce which the majority of people do not ordinarily sow in their gardens and fields, but instead, can be assumed to have grown ownerless are exempt from *terumah* and tithes. [This includes] garlic that makes one cry, onions of Rikpah, a pearled Cilcilian bean, Egyptian lentils, and the like.

13 [The following laws apply if] produce from which we are obligated to separate *terumah* becomes mixed with produce which is exempt, e.g., olives gathered by the poor become mixed with olives reaped [by the owner], underdeveloped grape clusters become mixed with grapes that were harvested. If the person has other produce, he separates [*terumah* from it] for the produce upon which the obligation lies according to the appropriate reckoning. If this is all the produce the person has, he should separate *terumah* and *terumat ma'aser* for the entire mixture, as if there was an obligation to separate *terumah* from the entire amount. He should separate the first and second tithes for the produce upon which the obligation lies according to the appropriate reckoning.

14 *Terumah* [must be given] to a priest whether it is in a state of ritual purity or not. Even if all the grain or the wine became impure before [*terumah*] was separated, he is obligated to separate the *terumah* that is impure and give it to a priest, as [**Numbers 18:8**] states: "And behold I have given you the watch over My *terumah*," i.e., whether it is pure or impure. The pure [*terumah*] may be eaten by the priests and they can benefit from the impure [*terumah*] by burning it. If it is oil, it can be kindled [as fuel for a lamp]. If it is grain or the like, it can be used as fuel for an oven.

15 Similarly, if *terumat ma'aser* became impure - or if the tithes became impure, he must separate [*terumat ma'aser*] in impurity and give it to a priest to benefit from by using it as fuel.

16 Anyone who separates the great *terumah* or *terumat ma'aser* should recite a

blessing before separating it, just as one recites a blessing over the observance of all the mitzvot, as we explained in [*Hilchot] Berachot*.

17 *Terumah* - even impure *terumah* - should not be taken from *Eretz Yisrael* to the Diaspora. We should not bring *terumah* from the Diaspora to *Eretz Yisrael*. If it was brought [from the Diaspora], it should not be eaten, because it is impure because [of contact with] the earth of the nations. It should not be burnt, lest people say: "We saw *terumah* that did not become impure being burnt." It should not be returned to the Diaspora, lest people say: "*Terumah* may be taken [from *Eretz Yisrael*] to the Diaspora." Instead, we leave it until it becomes impure because of a known source of impurity or until the day before Pesach if it was leaven, and then it will be burnt.

Chapter 3

1 There is no minimum requirement for the great *terumah* according to Scriptural Law, as [implied by **Deuteronomy 18:4**]: "The first of your grain," i.e., even the slightest amount. Even one kernel of grain fulfills the requirement for the entire grain heap. Idealy, one should separate only according to the measures specified by our Sages. In the present age, when [the *terumah*] will be burnt because of impurity, a person may separate even the smallest amount as an initial and prefatory measure.

2 What is the measure that our Sages established? A generous measure is one fourtieth [of the crop]. The average [measure] is one fiftieth and a

parsimonious measure is one sixtieth.

3 Idealy, we may separate one sixtieth [of the crop] as *terumah* from species to which the priests do not pay attention, e.g., carobs and *kilisin* beans.
[Similarly,] we [may separate] one sixtieth [of the crop as *terumah*] in the following situations: *terumah* separated from produce grown from *terumah*, *terumah* that is mixed [with *tevel*], or impure *terumah* that became impure against one's will or inadvertently, *terumah* taken from consecrated crops, *terumah* [separated in] the Diaspora, *terumah* from *ketzach, kilisin,* carobs, poor quality wild figs, red barley kernels, and the like, and produce grown in a flower-pot that does not have a hole.
Similarly, when guardians separate [*terumah*] from the produce of orphans, they should separate one sixtieth.

4 One should not separate this *terumah* with a measure, a scale, or by number, because [the Torah] did not specify a measure for this [allocation]. Instead, one makes an estimation and separates one fiftieth according to his conception. One may, however, separate *terumah* from [produce that is] measured, weighed, or counted. He should not separate *terumah* using a basket or a container whose measure is known. He may, however, separate *terumah* by [filling] half or a third of their measure. One should not separate *terumah* [by using] half [a measure of] a *se'ah*, because its half is also a measure.

5 When a person separates a large measure of *terumah*, as long as he leaves a certain portion as ordinary produce, [the separated portion] is *terumah*. If,

however, he said: "All of this produce is *terumah*," his statements are of no consequence.

If a person intended to separate one tenth [of his crop] as *terumah*, but it happened that he actually set aside one sixtieth, [the separated portion] is *terumah*. If, however, he intended to give the sixtieth as *terumah*, but it happened that he actually set aside one fiftieth, [the separated portion] is not *terumah*.

6 When a person sets aside *terumah* and it happened that he gave one twentieth [of his crop], [the separated portion] is *terumah*. If he set aside *terumah* and it happened that he gave one sixtieth [of his crop] and hence, he added more produce for the sake of *terumah*, the tithes must be separated from that additional amount. The priest must separate them and only then may he partake of it.

If a person set aside *terumah* and it happened that he gave one sixty-first [of his crop], [the separated portion] is *terumah*, but he must set aside a second portion to complete the measure that he originally intended to give. This additional measure may be set aside with a measure, a scale, or by number. He should set aside [the *terumah*] only from the produce that is encompassed [in the same area] as is true with regard to the initial separation [of *terumah*].

7 When a person separates a portion of the *terumah* [that he originally intended to separate], that portion does not have the status of *terumah*. Nevertheless, the *terumah* from that portion should be separated from it and not from other produce.

8 When a person separates a portion of *terumah* from one grain heap and a portion of *terumah* from a second grain heap of the same species, he should not separate *terumah* from one grain heap for the other.
[The following rules apply when a person] says: "The *terumah* for this grain heap is in its midst." If he specified a place - on the north side or the south - he has designated *terumah* and is obligated to separate *terumah* from that [portion of the grain heap]. If he did not specify a place, his statements are of no consequence.

9 If [a person separating *terumah*] said: "The *terumah* for this grain heap is this and the *terumah* for this grain heap is like that one," at the place where the *terumah* for the first grain heap ended, the *terumah* for the second grain heap also ended.

10 *Terumat Ma'aser* may not be separated by estimation. [Instead,] one must be precise in its measure, even in the present age, because its measure is explicitly stated in the Torah.

11 [Produce] that is usually measured in volume, should be measured in volume. [Produce] that is weighed should be weighed and if it can [easily] be counted, it should be counted. If it could [easily] be counted, weighed, or measured in volume, it is praiseworthy to count it, more praiseworthy to measure its volume, and most praiseworthy to weigh it.

12 The mitzvah [to separate] *terumat ma'aser* is for a Levite to separate it from the tithe [given] him, as [**Numbers 18:26**] states: "When you take the tithe from the children of Israel...." An Israelite may separate *terumat*

ma'aser and give it to a priest and then give the tithes to a Levite after separating the *terumat [ma'aser]* from it, i.e., a tenth of a tenth.

13 When an Israelite separates the first tithe while the crop is still stalks [of grain] and gives it to the Levite before it was threshed and before he separated the great *terumah*, the Levite is not required to separate the great *terumah* from it after he threshes it, only *terumat ma'aser*.

If, however, the Israelite threshed [the crop] and separated a tithe of the grain and gave it to the Levite before he separated the great *terumah*, the Levite is obligated to separate the great *terumah* and *terumat ma'aser*, since [the crop] has already been [separated into kernels of] grain, the obligation [to separate] *terumah* has fallen upon it, as [implied by the phrase]: "The first of your grain."

14 When a Levite took grain while it was in stalks, he should not give the *terumah* to the priest in stalks. Instead, we penalize him [and require him] to thresh [the crop], winnow it, and give the priest a tenth of a tenth of the kernels of the grain. He is not required to give him a tenth of the straw or the chaff. If he set aside *terumat ma'aser* while the crop was in stalks as it was given to him, he must crush it and give the priest the kernels and the straw.

Why did they penalize him and make him crush it? Because he accepted the tithe while it was in the stalks and thus precluded the separation of the great *terumah*.

15 When an Israelite tells a Levite: "My father told me: 'I have *ma'aser* for

you in my possession,' we are not concerned about [the possibility of] it containing *terumat ma'aser*. [We are confident] that his father separated the *terumat ma'aser*. Therefore he commanded him that the [entire] tithe should be given to the Levite.

If [the Israelite] told [the Levite]: "My father told me: 'I have a *kor* of *ma'aser* for you in my possession,' we are concerned about [the possibility of] it containing *terumat ma'aser*.

16 *Terumat ma'aser* that is an eighth of an eighth [of a *log*] should be brought to a priest. For less than that, [we do not trouble him] to bring it to a priest. Instead, he may throw it into the fire and burn it. With regard to wine and oil, by contrast, even the smallest amount [of *terumat ma'aser*] should be brought to a priest provided it is definitely *terumat ma'aser* and ritually pure. If it was ritually impure or if it was *demai*, if it does not contain [the above] measure, he is not required to trouble himself with it. Instead, he should burn it.

17 We should separate the great *terumah* only from [produce] in the same location. What is implied? A person had 50 *se'ah* in one room and 50 *se'ah* in another, he should not separate two *se'ah* from one room for the entire 100 *se'ah*, for he would be separating produce from one location for produce from another.

[After the fact,] if one separated *terumah* from one location for produce in another, the separation is effective, provided the produce separated [as *terumah*] is protected. If, however, a person possessed jugs of oil and/or wine and saw that they were breaking, should he say: "These are *terumah*

for the produce in my home," his words are of no consequence.

18 When produce is scattered in a room or there are two granaries in the same room, one may separate *terumah* from one for the entire amount. When sacks of grain, spheres of dried figs, or jugs of figs are in the same place, one may separate from one for the entire amount. With regard to jugs of wine, until one has sealed their lids closed, he may separate *terumah* from one for the entire amount. After they have been sealed, he must separate *terumah* from each one individually.

19 When a person was gathering bunches of vegetables and leaving them in [his] garden, he may separate *terumah* from one for the entire amount. If he brings another type of produce between them, he must separate *terumah* from each one individually. If he brought several species together in a container, e.g., cabbage on top, cabbage on bottom, and another species in between, he should not separate *terumah* from the top head for the bottom head.

If he collected five piles in one granary, he may separate *terumah* from one for the entire amount provided the fundamental collection is intact. If the fundamental collection is not intact, he must separate *terumah* from each one individually.

20 *Terumat ma'aser* may be separated even if [the produce] is not in the same location. [This is implied by **Numbers 18:28**]: Separate *terumah* "from all of your tithes." [Implied is that] even if there is one [collection of] tithes in one city and another [collection of] tithes in another city, one may

separate *terumat [ma'aser]* once for all of them. Torah scholars separate even *terumat ma'aser* only from [produce] in one location.

21 When a Levite possessed [produce from] the first tithe from which *terumat ma'aser* was not separated and he left it so that he could continuously separate *terumat ma'aser* [for other crops] from it while it is still *tevel*, his actions are viable. [This is derived from **Numbers 18:24**]: "For the tithes of the children of Israel [from] which they will separate *terumah*...." Implied is that [the tithes] can be transformed into *terumat [ma'aser]* in their entirety.

22 If one separated *terumat ma'aser* first and then left [the produce] so that one could continually separate *terumat ma'aser* for other produce from it until it becomes *terumat ma'aser* in its entirety, at which he would give it to a priest, his actions are of no consequence. [This is derived from *ibid.*: 29]: "The sacred portion from it." Implied is that when its sacred portion is in it, it can be made *terumat [ma'aser]* for other [crops]. If its sacred portion is no longer in it, it cannot be made *terumat [ma'aser]* for other [crops]. Similarly, when a person sets aside crops to separate the great *terumah* from them, they must be *tevel* with regard to *terumah*. If a person sets aside crops to separate the tithes from them, they must be *tevel* with regard to the tithes.

23 When *terumah* and the tithes are separated, we separate them in proper sequence.

What is implied? Before everything, one separates *bikkurim*. Afterwards,

[he separates] the great *terumah*, the first tithe, then the second tithe or the tithe for the poor. If a person separated the second [tithe] before the first, or the tithes before *terumah*, or *terumah* before *bikkurim*, his actions are effective despite the fact that he has transgressed a negative commandment.

What is the source which teaches that a negative commandment is involved? [**Exodus 22:28**] states: "Do not delay your fullness offering or your priestly heave-offering." [Implied is a command] not to delay [the separation of produce] that should come first. Lashes are not given [as punishment for the violation] of this prohibition.

24 When a person desires to separate the great *terumah* and *terumat ma'aser* at the same time, he should separate 1/33.33 of his crop. He should say: "One hundredth of [the produce] that is here - i.e., on the side of the produce which I set aside - is ordinary produce. The remainder of what I separated is *terumah* for the entire crop. The tithes which are necessary to be separated for these hundred portions of ordinary produce are at the side of [the produce] that I separated. The remainder of what I separated aside from the *terumah* is *terumat ma'aser* on the entire amount."

Chapter 4

1 A person may appoint an agent to separate *terumah* and the tithes for him, as [**Numbers 18:28**] states: "So shall you separate, also you." [The wording implies] the inclusion of an agent. A gentile may not be appointed as an agent, because [the phrase] "also you" [implies an

equation between you and your agent]. Just as you are a member of the covenant, your agent must be a member of the covenant.

2 There are five [types of individuals] who should not separate *terumah* and [even] if they do, [the produce] they separated is not considered as *terumah*: A deaf-mute, a mentally or emotionally unstable person, a minor, a gentile who separated *terumah* from produce belonging to a Jew, even with his permission, and a person who separates *terumah* from produce that does not belong to him without the owner's permission. If, however, a person separates *terumah* from his own produce for the produce of others, the produce is *terumah* and [the colleague's] produce has been prepared for use. The satisfaction [of allocating the *terumah*] belongs [to the person who separated it and he may] give to whichever priest he desires.

3 [The following rules apply when a person] separates *terumah* [from a colleague's produce] without permission or descends into his colleague's field and gathered produce without permission so that he could take them [for himself], but separate some as *terumah*. When the owner comes and says: "You should have taken better ones," if there are better ones than those separated as *terumah,* the separation is effective, because [the owner] did not object. If there are not better ones, his separation is not effective, for his statements were made as an objection. If the owner came and gathered produce and added it to the quantity separated, whether he possesses better produce or not, his separation is effective.

4 There are five who should not separate *terumah*, but if they do, their separation is effective:
a person who is deaf, but not mute, because he cannot hear the blessing, a mute who can hear, but not speak and a person who is naked, because they cannot recite the blessing, and a person who is drunk and a blind person, because they cannot make distinctions and separate the most attractive portion [as *terumah*].

5 When a minor reaches the age when his vows may be of consequence - even though he has not manifested signs of physical maturity and he has not attained majority - separates *terumah*, his separation is of consequence. [This applies] even with regard to *terumah* mandated by Scriptural Law. [The rationale is that] their vows and their consecration [of property] is valid according to Scriptural Law, as explained in *[Hilchot] Nedarim*.

6 When a person tells his agent: "Go and separate *terumah* for me" and he goes to separate *terumah*, but [the principal] does not know whether he [actually] separated *terumah* or not, [even] when he discovers that *terumah* was separated from the granary, we do not assume that [he] separated *terumah*. For with regard to prohibitions, we apply the principle: "An agent can be assumed to have carried out his mission," only when that leads to a stringency, not when it leads to a leniency. [Instead,] we suspect that another person separated the *terumah* without his permission.

7 When a person tells his agent: "Go and separate *terumah*," he should

separate according to the temperament of the owner. If he knows that he is parsimonious, he should separate one sixtieth. If he was generous, he should separate one fortieth. If he does not know his temperament, he should make the average separation, one fiftieth. If he intended to make the average separation, but it turned out that he separated one fortieth or one sixtieth, his separation is effective. If he intended to add to the average separation, and he separated even one forty-ninth, his separation is not effective.

8 There is an obligation to separate *terumah* and tithes from produce belonging to partners, for [**Numbers 18:28**] speaks of "your tithes," [using a plural term,] implying even from two people.

Partners do not have to receive permission from each other. Instead, whenever anyone separates *terumah*, the separation is effective. [The following rules apply when] one of them separated *terumah* and then the other came and separated *terumah*, because he did not know that his colleague had separated it. If they relied on each other, the *terumah* separated by the second is not of consequence. If they did not rely on each other, but the first one separated an appropriate amount, the separation of the second one is of no consequence. If the first did not separate the appropriate amount, the separation of the second one is also of consequence.

9 [The following rules apply when a person] tells his agent, his attendant, his servant, or his maid-servant to separate *terumah* and they went to separate the *terumah*, but he nullified their agency before they made the

separation. If the agent did not deviate [from the principal's instructions], his separation is effective. If he did deviate, e.g., the principal told him: "Separate from the northern side," and he separated from the southern side, since he nullified the agency previously, the separation is not effective.

10 [The following rules apply when] a sharecropper separates *terumah* and the owner [of the land] objects. If he objects before he completes the separation of the *terumah*, the separation is not of consequence. If he objected after the separation, the separation is of consequence.
Guardians may separate *terumah* from the property of orphans.

11 The separation of *terumah* by a thief, a robber, and a man of force is effective. If the owner is pursuing them, the separation is not effective.

12 A child, a worker, a servant, and a wife should separate *terumah* for [produce] that they are eating, but not for the entire [crop]. For a person should not separate *terumah* from [produce] that does not belong to him.
When a son eats together with his father and a woman [makes] dough, they may separate *terumah*, because they have license to do so.

13 Workers do not have license to separate *terumah* without the consent of the owner with the exception of those who tread grapes in the vat. [They are given this license because] if they desired to make the wine impure, they could do so immediately. Since the wine was thus given over to their domain and they were entrusted with it, they are considered as agents. If they separate *terumah*, the separation is effective.

14 When a worker is told by the owner: "Bring my granary in and separate *terumah*," but he separates and then brings the granary in, his separation is effective.

15 When a gentile separates *terumah* from his own produce, according to Scriptural Law, the separation is not effective, because he is not obligated to do so. [Our Rabbis] decreed that his separation should be effective, because of the wealthy, [i.e., they were fearful] lest the money belong to a Jew and he say that it belongs to a gentile to make it exempt.

We cross-examine the gentile who separates *terumah*. If he says: "I separated it so that it should be like a Jew's," we give it to a priest. If not, it should be entombed, for perhaps his intent was [to dedicate it] to heaven.

When does the above apply? In *Eretz Yisrael*. Our Sages did not, however, issue a decree if a gentile separates *terumah* in the Diaspora. We tell him that he is not obligated to do this and the produce is not *terumah* at all.

16 When a person [makes a separation and] intends to say *terumah*, but instead says tithes, or intends to say tithes, but instead says *terumah*, his statement is of no consequence unless his mouth and his heart are in accord.

If one separates *terumah* in his mind without uttering anything verbally, the separation is effective, as [implied by **Numbers 18:27**]: "And your *terumah* will be considered for you as the *terumah* of the granary." Through thought alone, it becomes *terumah*.

17 [The following rules apply when a person] separates *terumah* with a stipulation. If the stipulation is fulfilled, the separation is effective. If not, it is not effective.

When a person separates *terumah* and/or the tithes and then regrets [his act], he may approach a sage and ask for its repeal as other vows are repealed. The produce then reverts to being ordinary produce as it was before until he makes a separation a second time, [setting aside] either the same produce he separated initially or other produce.

18 [The following rules apply when a person] separates *terumah* from a cistern of wine, saying: "Behold [the contents of] this [container] are *terumah* on the condition that it ascends intact [from the cistern]," [for the condition to have been met, the container] must ascend intact from being broken or spilt. [The stipulation does not cover the wine] becoming impure. If [the container] is broken [and the wine] spills back into the cistern, it does not cause the mixture to become *meduma*. If [he lifted the container from the cistern and] put it in a place where if it breaks or rolls, it will not reach the cistern, [should the wine later spill into the cistern], it causes the mixture to become *meduma*, because the stipulation was fulfilled.

19 When does the above apply? With regard to the great *terumah*. With regard to *terumat ma'aser*, by contrast, [different rules apply] because it is permitted to make this separation from produce that is not in the same place. [Hence as soon as the container] ascends [from the cistern], his stipulation is considered to have been fulfilled and [the wine separated] is

terumat ma'aser, even though [afterwards, the container] breaks or [the wine] spills. Needless to say, this applies if [the *terumat ma'aser*] becomes impure.

20 When a person says: "The produce in the upper portion [of this container] is *terumah* and that in its lower portion is ordinary produce" or "The produce in the upper portion [of this container] is ordinary produce and that in its lower portion is *terumah*," his statements are effective. For the matter is dependent on the thought of the person making the separation.

21 When a person separates *terumah* from [grain in] a granary, he must have the intent in his heart that [the produce separated] will be *terumah* for this grain heap, the stalks of wheat that were cut [and not threshed], [the grain] on the side of the grain heap, and [the kernels] in the straw. When a person separates *terumah* from a vat [of wine], he must have the intent in his heart that he is separating *terumah* for [the wine absorbed] in the kernels and the peels.

When a person separates *terumah* from a cistern of wine, he must have the intent in his heart that he is separating *terumah* for [the wine absorbed] in the peat. [in all the above instances,] if he separates *terumah* without having a specific intent, all of the produce is included. For it is a condition of the court that [when one separates *terumah*, it] includes everything. When a person separates *terumah* from a basket of figs and other figs are found at the side of the basket, *terumah* need not be separated from them, because in his heart, a person has the intent to separate *terumah* for all the

produce.

Chapter 5

1 We should separate *terumah* only from the most choice [produce], as [implied by **Numbers 18:30**]: "When you separate its most choice portion from it." If, however, there is no priest accessible, one should separate *terumah* from produce that will last even though there is more choice produce but it will not last.

What is implied? A person should separate fresh figs as *terumah* for dried figs. In a place where there are no priests, he should separate dried figs for fresh figs. If he is accustomed to dry fresh figs, he may separate fresh figs as *terumah* for dried figs even in a place where there is no priest. In a place where there is a priest, by contrast, dried figs are never separated as *terumah* for fresh figs, even in a place where it is customary to dry fresh figs.

2 One may separate an entire onion as *terumah* even if it is small, but not half an onion, even if it is large in all places. We do not separate one type of produce as *terumah* for another type of produce, as [implied by **Numbers 18:30**]: "As grain from the granary and as wine from the vat." If one made such a separation, it is not considered *terumah*.

3 Zucchini and cucumbers are considered as one species. All of the types of wheat are one species. All of the types of figs, dried figs, and blocks of figs are one species. [In the above instances,] one may separate *terumah* from

one type for the other. [By contrast,] all types of produce which are considered as a mixture of species may not be separated as *terumah* for each other, even when one separates the choicest produce as *terumah* for produce of lesser quality.

What is implied? A person has 50 *se'ah* of wheat and 50 *se'ah* of barley in one building. If he separates two *se'ah* of wheat [as *terumah*] for the entire amount, his separation is not effective. When types of produce are not considered as a mixture of species, one may separate the better type as *terumah* for the lesser type, but not the lesser type as *terumah* for the better type. If one did separate [the lesser type of produce as *terumah* for the better type, after the fact,] the separation is effective with one exception. *Zunin*may not be separated as *terumah* for wheat, because it is not used as food for humans.

4 We do not separate *terumah* from produce for which all the work [in preparing it] was completed for produce for which the work [in preparing it] is incomplete, from produce for which the work [in preparing it] is incomplete for [other] produce for which the work [in preparing it] is incomplete, nor from produce for which the work [in preparing it] is incomplete for produce for which all the work [in preparing it] was completed. [This is also derived from the above prooftext:] "As grain from the granary and as wine from the vat." [Implied is that *terumah* should be separated from produce] for which [all work] was completed for similar produce. If, however, one separated *terumah* [in any of the above instances], the separation is effective [after the fact].

5 When should *terumah* be separated from a granary? When the kernels are separated. If a person separated part [of the grain], he may designate the kernels he separated as *terumah* for the produce that was not separated. When one brings stalks of grain into his home to eat husked grain, he should separate *terumah* while the grain is in the stalks.

6 When should *terumah* be separated from a vat? When [the treaders] have walked horizontally and vertically over the grapes.
When should one separate *terumah* from olives? When [the beam of the press] is placed upon them.

7 We should not separate *terumah* from ritually pure produce for produce that is not ritually pure. If, however, one separated *terumah* [in this manner], the separation is effective [after the fact].
It is a halachah conveyed to Moses at Sinai that when a portion of a cake of dried figs has become impure, we may separate *terumah* from the pure portion of it for the impure portion of it as an initial preference. This applies not only to a cake of dried figs which appears as one mass, but also to a bundle of vegetables and even a mound of wheat. If a portion of it became impure, one may separate *terumah* from the pure portion for the impure portion.
If, however, there were two cakes of dried figs, two bundles of vegetables, or two mounds of wheat, one impure and one pure at its side, as an initial preference, one should not separate *terumah* from the produce that is pure for the produce that is impure. One may, however, separate *terumat ma'aser* from produce that is pure for produce that is impure as an initial

preference. [This is derived from **Numbers 18:29**:] "its sacred portion from it." [Implied is that] one should take from the sacred portion in it.

8 We may not separate produce that is ritually impure as *terumah* for produce that is ritually pure. If one made such a separation inadvertently, the portion separated is *terumah*. If one made the separation intentionally, he did not fulfill the obligation for the remainder [of the produce], but [the produce] separated is *terumah*. He must separate *terumah* a second time.

When does the above apply? When he did not know of the impurity. If, however, he knew of the impurity, but erred in that he thought it was permitted to separate produce that is ritually impure as *terumah* for produce that is ritually pure, he is considered as if he acted intentionally. Similar laws apply with regard to *terumat ma'aser*.

9 We may not separate produce that is still attached to the earth as *terumah* for produce that has already been detached. Nor may produce that has already been detached be separated as *terumah* for produce that is still attached to the earth.

What is implied? A person had produce that was detached and said: "This produce will be *terumah* for this produce which is attached to the earth" - and even if he said "...when [the attached produce] is detached," his words are of no consequence. [This ruling also applies] if he possessed two rows [of produce] and said: "The produce of this row which is detached will be *terumah* for this row which is attached," or "The produce of this row which is attached will be *terumah* for this row which is detached."

[Diferent rules apply should] he say: "The produce of this row which is detached will be *terumah* for this row when it will be detached," if [the produce] is [later] detached - since it is within his potential to detach it - when they are both detached, his words are binding, provided both [types of produce] had attained at least a third of their standard size at the time he made his statements.

10 We may not separate fresh produce as *terumah* for dried produce, nor dried produce as *terumah* for fresh produce. If, however, one made such a separation, it is effective.

What is implied? One reaped a type of vegetable one day and then reaped the same [type of vegetable] the following day. One may not separate one as *terumah* for the other unless this vegetable remains fresh for two days. Similarly, if a vegetable usually remains fresh for three days, e.g., cucumbers, all [of that type of vegetable] that are harvested for three days may be joined together and *terumah* may be separated from one for the other. When a type of vegetable remains fresh for only one day and one harvested some in the morning and some in the evening, one may separate one as *terumah* for the other.

11 One may not separate produce from the present year as *terumah* for produce of the previous year, nor may one separate produce from the previous year as *terumah* for produce of the present year. If one made such a separation, it is not effective, as [indicated by **Deuteronomy 14:22**]: "From year to year."Thus if one harvested a vegetable on the day preceding Rosh HaShanah before sunset and harvested another after

sunset, one may not separate *terumah* from one for the other. For one is considered "old" and the other, "new."

Similarly, if one harvested an esrog on the day before the fifteenth of Shvat on the evening before sunset and harvested another one after sunset [that day], one may not separate *terumah* from one for the other. [The rationale is that] the first of Tishrei is the Rosh HaShanah for tithing grain, legumes, and vegetables and the fifteenth of Shvat is Rosh HaShanah for tithing [of the produce] of trees.

12 We may not separate produce from *Eretz [Yisrael]* as *terumah* for produce of the Diaspora, nor may produce of the Diaspora be separated for produce from *Eretz Yisrael*, nor may produce of *Eretz Yisrael* be separated for produce from Syria, and nor may produce of Syria be separated for produce from *Eretz Yisrael*.

Similarly, [we may not separate *terumah*] from produce for which *terumah* need not be separated, e.g., *leket, shichachah*, and *pe'ah* or from produce from which *terumah* was already separated for produce for which *terumah* must be separated. Nor may we separate *terumah* from produce for which *terumah* must be separated for produce for which there is no obligation. [Even] if the *terumah* was separated, the separation is not of consequence.

13 When a person separates *terumah* [for other produce] from produce that was designated as the first tithe, but from which its *terumah* had not been separated or from produce which was designated as the second tithe or that had been consecrated, but which had not been redeemed, the separation is not effective.

14 We may not separate *terumah* from produce for which we are required to separate *terumah* according to Scriptural Law for produce for which we are required to separate *terumah* [only] according to Rabbinic Law, nor from produce for which we are required to separate *terumah* [only] according to Rabbinic Law for produce for which we are required to separate *terumah* according to Scriptural Law. If one separated *terumah* [in the above instance], the produce separated is considered as *terumah*, but he must separate *terumah* again [for the obligation incumbent on this produce to be fulfilled].

15 A flowerpot with a hole is considered as [connected] to the earth. How large must the hole be [for this law to apply]? Large enough for a small root to pass through it. This is smaller than an olive.
[The following rules apply when a person] planted grain in a flowerpot that did not have a hole and it reached a third of its maturity. Afterwards, he perforated [the flowerpot] and the grain completed [its growth] while [the flowerpot] was perforated. It is, [nevertheless,] considered as if it grew in [a flowerpot] without a hole. [This ruling changes] only when [the flowerpot] was perforated before [the grain] reached a third of its maturity.

16 When a person separates *terumah* from produce which grows in the earth for produce that grows in a perforated flowerpot or from produce which grows in a perforated flowerpot for produce which grows in the earth, the separation is effective.
If he separates *terumah* from [produce growing] in a [flowerpot] that was

not perforated for [produce growing] in a perforated [flowerpot], the produce separated is considered as *terumah*, but he must separate *terumah* again.

If he separates *terumah* from [produce growing] in a perforated [flowerpot] for [produce growing] in a [flowerpot] that was not perforated, the produce separated is considered as *terumah*. [Nevertheless, the priest to whom it was given] should not partake of it until [the owner] separates *terumah* and tithes for [the portion separated] from other produce.

17 When a person separates *terumat [ma'aser]* from produce that is *demai* for other produce that is *demai* or from produce that is *demai* for produce from which we are certain that the tithes were not separated, the produce separated is considered as *terumat [ma'aser]*. [Nevertheless,] he should separate *terumah* again for each type of produce individually.

When he separates *terumah* from produce from which we are certain that the tithes were not separated for produce that is *demai*, the produce separated is considered as *terumat [ma'aser]*. [Nevertheless, the priest to whom it was given] should not partake of it until [the owner] separates *terumah* and tithes for [the portion separated].

18 We may not separate stalks of grain as *terumah* for kernels of grain, olives [as *terumah*] for oil, or grapes [as *terumah*] for wine. If one made such a separation, it is not effective. This is a decree [enacted] lest one cause the priest to undertake the difficulty of treading [on the grapes] or pressing [the olives].

One may, however, separate oil as *terumah* for olives that are being pickled or wine as *terumah* for grapes that are being dried as raisins. What does this resemble? To separating *terumah* from two species that are not considered *kilayim*, separating from the good for the bad.

Similarly, one may separate *terumah* from olives from which oil will be squeezed for olives that will be pickled, but not from olives that will be pickled for olives from which oil will be squeezed. [One may separate *terumah*] from wine that has not been boiled for wine that has been boiled, but not from [wine] that has been boiled for [wine] that has not been boiled. [One may separate *terumah*] from [wine that is] clear for [wine that is] not clear, but not from [wine that is] not clear for wine [that is] clear.

[One may separate *terumah*] from a specific number of fresh figs for a specific number of dried figs and from a measure of dried figs for a measure of fresh figs, but not from a measure of fresh figs for a measure of dried figs, nor for a specific number of dried figs for a specific number of fresh figs. [The rationale for all the above is that] one should always separate *terumah* in a generous manner.

One may separate *terumah* from kernels of wheat for bread, but not from bread for kernels of wheat according to the appropriate calculations. In all the above situations, if one separated *terumah* [when it was stated that one should not], the separation is effective.

19 We do not separate *terumah* from oil for olives that are being pressed, nor [do we separate *terumah*] from wine for grapes that are being tread, for this resembles separating *terumah* from produce for which all work has

been completed for produce for which the work has not been completed. If he did separate *terumah* [in such a situation], the produce separated is considered as *terumah*, but he must separate *terumah* from the olives and the grapes from them themselves.

[When mixed with other produce,] the first creates a situation of *dimua* alone. One who eats it is liable for it, as one is liable [for partaking] of other *terumah* that is clearly defined as such. This does not apply with regard to the second *terumah* [separated].

20 When a person separated oil as *terumah* for olives that he intended to eat or he separated olives for olives when he intended to eat the entire quantity and then changed his mind and decided to press the olives [for oil] and indeed pressed them after separating *terumah* for them, he is not required to separate *terumah* again. [This law also applies if] one separated wine for grapes that he intended to eat or grapes for grapes when he intended to eat the entire quantity and then changed his mind and decided to tread the grapes for wine and indeed had them tread upon after separating *terumah* for them.

21 We do not separate vinegar as *terumah* for wine, but we may separate wine as *terumah* for vinegar, for wine and vinegar are one type of produce. If one had the intent of separating wine for wine and it was discovered that what he separated was vinegar, the separation is not effective. If one had the intent of separating vinegar for vinegar and it was discovered that what he separated was wine, the separation is effective.

22 [The following rules apply when a person] separates a barrel of wine as *terumah* for wine and it is discovered to be vinegar. If it was known to be vinegar before it was separated, the separation is not effective. If it became vinegar after it was designated as *terumah*, the separation is effective. If there is a doubt, the separation is effective, but he should make a second separation. The same laws apply when one separates squash as *terumah* and it is discovered to be bitter or one separates a watermelon as *terumah* and it has become spoiled or perforated. If he separated a barrel of wine as *terumah* and it was discovered to have been left open in which instance, it is forbidden to drink it, it is *terumah*, but he should make a second separation.

[In all these situations, when mixed with other produce,] neither of the two [portions separated as *terumah*] creates a situation of *dimua* alone. Nor is a person who eats only one of the two obligated to pay a fifth.

23 What is implied? If one [of the two portions separated as *terumah*] fell into ordinary produce, it does not cause it to be considered as *dimua*. If the other [portion] fell into other produce, it does not cause it to be considered as *dimua*. If, however, both fell into the same produce, it is considered as *dimua* according to the size of the smaller of the two.

Similarly, if a person other than a priest ate both of them, he should make restitution for the smaller one and its additional fifth. What should he do with the two [portions separated]? He should give them to one priest and take the value of the greater portion from him.

24 [The following rules apply when a person] checks a barrel [of wine] and

then leaves it to separate *terumah* [from it] on other [wine] until it becomes *terumah* in its entirety, [at which point,] he would give it to the priest. After a certain time, he checked the barrel again and discovered that it had become vinegar. [We rule that the wine] certainly remained wine for three days after the inspection. [The obligations for *terumah*] have certainly been met for all of the wine for which he considered the wine in the barrel as its *terumah* during those [three days]. From that time afterwards, there is a doubt [whether the wine had already turned to vinegar] and a second separation [of *terumah*] must be made.

25 At three times [during the year], it is necessary to check the wine that one set aside to separate *terumah* from lest it have become vinegar. They are: When the east wind blows after the Sukkos holiday, when grapes form, when fluid begins to enter the unripened grapes. [When one has wine] from the vat, he may use it for the separation [of *terumah*] for 40 days with the presumption that it is still wine.

26 [The following rules apply when a person] sets aside produce to separate *terumah* from until [the entire amount] becomes *terumah*. Although as an initial preference, one should separate *terumah* only from the same collection of produce, if one separates *terumah* [in such a manner], we operate under the presumption that the produce continues to exist. If he discovers that they perished, he should entertain doubts that all [the produce for which he thought he separated *terumah* is in fact *tevel*]. For perhaps, he did not make any separation until [the produce set aside] perished. Therefore he should separate *terumah* a second time for them.

Chapter 6

1 The great *terumah* and *terumat ma'aser* may be eaten by priests, both adults and minors, both males and females and their Canaanite servants, and their livestock, as [**Leviticus 22:11**] states: "When a priest will purchase a man, he is a financial acquisition...."
When the servant of a priest flees or the wife of a priest rebels against him, they may still partake of *terumah*.

2 *Terumah* required by Scriptural Law may only be eaten by a priest whose lineage [has been affirmed]. Priests whose status is accepted on the basis of a prevailing assumption may partake only of *terumah* required by Rabbinic decree.
Terumah that is ritually pure, whether the great *terumah* or *terumat ma'aser*, whether required by Scriptural or Rabbinic Law is given only to a priest who is a Torah scholar because it is forbidden to partake of *terumah* that is ritually impure. All of the unlearned people are presumed to be ritually impure. For these reasons, one may give impure *terumah* to any priest one chooses.

3 When an Israelite woman marries a priest, even a minor three years and one day old, she may partake of *terumah* and the breast and thigh [given the priests from the peace sacrifices].
According to Scriptural Law, she may partake of these foods from the time that she was consecrated. Our Sages, however, forbade her from partaking of them until she enters the *chupah*. [This is a] decree, [instituted] lest she

give her father and brother *terumah* to eat while she is a consecrated woman in her father's home.

4 A deaf-mute and a mentally or emotionally unstable woman who is married to a priest may not partake of *terumah*. [This restriction applies] even if her father concluded her marriage. [This is] decree, [instituted] lest a priest who is himself a deaf-mute marry a woman who is a deaf-mute and give her [*terumah*] to eat. For this reason, our Sages decreed that a deaf-mute who is the daughter of an Israelite should not partake of *terumah* at all.

5 A non-priest is forbidden to partake of *terumah*, as [**Leviticus 22:10**] states: "All non-priests shall not partake of the consecrated food." [This prohibition applies] even to a resident [worker] of the priest or his hired [worker], as [*ibid.*] states: "A resident [worker] of the priest or his hired [worker] shall not partake of the consecrated food." [The term] "resident [worker]" refers to one hired forever. [The term] "hired [worker]" refers to one hired for years. A Hebrew servant is comparable to a resident [worker] or a hired [worker].

A woman of priestly lineage who is married to a non-priest is considered as a non-priest, as [implied by the wording] "all non-priests" - i.e., neither he nor his wife.

6 A non-priest who willfully partook of *terumah* - regardless of whether he was ritually pure or impure and regardless of whether [the *terumah*] was ritually pure or impure - is liable for death at the hand of heaven, as [*ibid.*:

9] states: "They shall die because of it, for they have defiled it." He is liable for lashes, but does not make financial restitution for what he consumed, because [a transgressor] is never subjected to both lashes and a financial penalty. If he partook [of *terumah*] inadvertently, [he must make restitution and] add a fifth, as [*ibid.*:14] states: "When a person eats sanctified food inadvertently, he should add a fifth."

7 [**Leviticus 22:12**] states: "When the daughter of a priest will marry a non-priest, she should not partake of the sanctified *terumah*." There are two concepts included in this prohibition:

a) that if a woman engages in sexual relations with a man prohibited to her and thus become a *zonah* or a *chalalah*, as we explained in *Hilchot Issurei Bi'ah*, is forbidden to partake of the *terumot* forever, as is the law with regard to any *challal*. For a *challal* is considered as a non-priest with regard to all matters; and

b) that if she marries an Israelite, she is forbidden to partake of the portions of the sacrifices given the priests, the breast and the thigh forever, even if she is divorced or widowed.

8 She may, however, partake of *terumah* after [her husband] the Israelite divorces her or dies provided he did not leave any children that she bore, as [*ibid.*:13] states: "When the daughter of a priest will become a widow or a divorcee and she has no descendants, she shall return to her father's home as in her youth. She may partake of the bread of her father."

9 According to the Oral Tradition, [that verse was interpreted] "from the

bread," but not all the bread. She returns to partake of *terumah*, but not the breast and the thigh.

10 [This concept applies] not only to the daughter of a priest, but to the daughter of a Levite or an Israelite. If she engage in relations with a man forbidden to her, since she became a *zonah*, she is forbidden to partake of *terumah* forever, even if she has a descendant born to her from a priest.

11 For this reason, a woman who was taken captive may not partake of *terumah* even though she says that she was not defiled. Whenever the word of a captive woman who says that she was not defiled is accepted or there is a witness [who testifies to this effect] and she is permitted to her husband, she is permitted to partake of *terumah*. When a woman engaged in sexual relations with an animal, she is not disqualified from the priesthood and may partake of *terumah*.

12 A daughter of an Israelite who has an offspring [she bore] from a priest may partake of *terumah* by virtue of her child. [This applies] whether the child is male or female or even a *tumtum* or an *androgynus*. Even the offspring of offspring until the end of time [enable her to partake of *terumah*], as [indicated by the prooftext]: "She has no descendants."

13 Just as the descendants from an Israelite [born] to the daughter of a priest disqualify her [from partaking of *terumah*], so too, the descendants from a priest [born] to the daughter of an Israelite entitle her [to partake of *terumah*]. [This applies] even if the descendants are of blemished lineage.
What is implied? A daughter of an Israelite married a priest or the

daughter of a priest married an Israelite and [that woman] gave birth to a daughter. A person who is an *ervah* for the daughter entered into relations with her or [the daughter] married a *mamzer* [and the daughter gave birth to a baby which is a *mamzer*]. [Afterwards,] the daughter dies, but the *mamzer* remains alive.

14 If [the *mamzer's*] grandmother was the daughter of an Israelite who [married] a priest, she may partake of *terumah*. If she was the daughter of a priest who [married] an Israelite, she may not partake of *terumah*. Thus we learn that [the daughter of an Israelite] may partake of *terumah* by virtue of her descendants even though the lineage of that descendant is blemished, even though [the descendant] is not even [on the level of an ordinary] Israelite. Needless to say that if a woman [who married a priest] has a daughter born to her by him - even if the daughter is married to an Israelite and even if she became a *challalah* - she may partake of *terumah* by virtue of the daughter of blemished lineage.

15 Similarly, the daughter of a priest may not eat by virtue of her descendant from an Israelite husband, even if that descendant is a priest.
What is implied? A daughter of a priest married an Israelite and gave birth to a daughter that he conceived. That daughter married a priest and gave birth to a son that he conceived. [This son] is fitting to become a High Priest. He enables his mother to partake of *terumah* and disqualifies his maternal grandmother [from doing so]. [This applies] even if [the priest's] mother dies. [The grandmother] can say: "[One should] not be like my grandson, the High Priest, who disqualifies me from partaking of

terumah."

16 The descendants of a servant do not disqualify [a woman from partaking of *terumah*], nor do they enable [a woman to do so].
What is implied? The daughter of a priest married an Israelite or the daughter of an Israelite married a priest. A son was born to that woman. The son [then] went and became attached to a Canaanite maid-servant and conceived [a son] with her. [That son is] a servant. [The following rules apply if the woman's son] dies and the servant remains alive: If the servant's paternal grandmother was the daughter of an Israelite who had married to a priest, she may not partake of *terumah*. If she was the daughter of a priest who had married an Israelite, she may partake [of *terumah*], because this offspring is not considered as a descendant, because the concept of parental lineage does not apply with regard to servants.

17 [The above concepts are also relevant in the following instance.] The daughter of an Israelite married a priest and he died. She had borne a son to him. Afterwards, she married an Israelite. [Hence,] she may not partake of *terumah*. If her Israelite [husband] died, but she bore him a son, she may not partake of *terumah* because of that son. If that son dies, she may partake of *terumah* by virtue of her first son.

18 [Similar concepts apply when] the daughter of a priest marries an Israelite. [If] she bore him a son and then married a priest, she may partake of *terumah*. If [her second husband] dies, but she had borne him a son, she may partake of *terumah*. If her son conceived by the priest dies, she is

forbidden to partake of *terumah* because of her son conceived by [her first husband,] the Israelite. If her son conceived by the Israelite dies, she returns to her father's home as in her youth. She may partake of *terumah*, but not of the breast and thigh [of the peace offerings].

19 [Similar laws apply when] a daughter of an Israelite marries an Israelite first and has a son that she bore to him. If she marries a priest [after her first husband dies], she may partake of *terumah*. If [her second husband, the priest,] dies, but she bore him a son, she may partake [of *terumah*] by virtue of the son [she bore him]. For he enables her to partake of *terumah* as his father did.

Chapter 7

1 A priest who is ritually impure is forbidden to partake of *terumah* whether it is ritually pure or ritually impure, as [**Leviticus 22:4**] states: "Any person from the seed of Aaron who is afflicted with *tzaraat* or is a *zav* may not partake of consecrated food." Which consecrated food may be eaten by all the descendants of Aaron, both male and female? We must say: *terumah*.

[Thus] any impure person who eats *terumah* that is ritually pure is liable for death at the hand of heaven. Therefore he is given lashes, as [*ibid.*:9] states: "And you shall protect My charge and not bear sin because of it [and die because of it]."

When an impure person partakes of *terumah* that is ritually impure, he does not receive lashes, although he transgresses a negative commandment, for [impure *terumah*] is not holy.

2 Impure [priests who have immersed to purify themselves] may not partake of *terumah* until the sun sets and three stars appear afterwards [on the day the impure person immerses himself], as [implied by *ibid.*:7]: "And the sun will set and he will become pure" - until the sky will become pure of the light - "afterwards he may partake of the consecrated foods."

3 A priest who is ritually pure who ate *terumah* that is ritually impure is not liable for lashes, because [the prohibition is the result of] a positive commandment. For the verse states: "Afterwards he may partake of the consecrated foods." [Implied is that,] after he becomes purified, he may partake of food that is in a state of holiness. Food which is impure, by contrast, he should not eat, even though he becomes purified. A prohibition that stems from a positive commandment has the status of a positive commandment.

4 When [a priest] was partaking of *terumah* and he feels his limbs shudder to ejaculate. He should hold his member and swallow the *terumah*.

5 We may immerse a deaf-mute or intellectually or emotionally unstable [priest] and feed him *terumah* after nightfall on that day. We guard them to make sure that they do not sleep after immersing themselves, because if they sleep, they are [considered] impure for perhaps they had a seminal emission unless a copper container is made for them.

6 Camel-riders are forbidden to partake of *terumah* until they immerse themselves and [wait] until nightfall, because we presume that they are ritually impure. [The rationale is that] the physical stimulation produced

by riding on the flesh of a camel produces a drop of semen.

7 When a woman engages in intimacy, she may immerse herself and partake of *terumah* in the evening, provided she did not turn over during intimacy. If she turned over during intimacy she is forbidden to partake of *terumah* for a duration of three days. For it is impossible that she will not discharge [semen] and become impure, as will be explained in the appropriate place.

8 Since the primary obligation of *terumah* [separated] in the Diaspora is Rabbinic in origin, it is forbidden only to a priest who becomes ritually impure because of a discharge from his body: i.e., men who had a seminal emission, *zavim*, *zavot*, *niddot*, and women who give birth. All of these individuals may partake [of *terumah*] after they immersed even if they did not [wait] until nightfall. Those who, by contrast, became impure because of contact with a source of ritual impurity - whether contact with a human corpse, a form of impurity which is impossible to purge in the present age or contact with [the corpse of] a crawling animal - need not immerse themselves [to partake of] *terumah* separated in the Diaspora.

9 For this reason, a male priest who is a minor who has not yet had a seminal emission or a female of the priestly family who has never experienced menstrual bleeding may partake of [*terumah* from the Diaspora] at all times without undergoing an inspection, for the presumption that they did not have a discharge that would render them ritually impure applies to them.

A *metzora* is considered as one who had a discharge that renders him impure, provided he is declared impure by a priest whose lineage is established.

10 A priest who is uncircumcised is forbidden to partake of *terumah* according to Scriptural Law. [This concept is derived as follows: **Leviticus 22:10**] speaks of a resident worker and a hired worker with regard to [partaking of] *terumah* and [**Exodus 12:45**] speaks of a resident worker and a hired worker with regard to [partaking of] the Paschal sacrifice. Just as with regard to the Paschal sacrifice, the resident worker and the hired worker spoken about refer to those who are uncircumcised and who are forbidden [to partake of] it, so too, with regard to *terumah*, we learn that a resident worker and a hired worker who are uncircumcised are forbidden [to partake of] it. If such a person partakes [of *terumah*], he is liable for lashes according to Scriptural Law.

A person who extends his foreskin is permitted to partake of *terumah* even though he appears uncircumcised. According to Rabbinic Law, however, he must be circumcised again until he appears circumcised.

11 One who is born circumcised may partake of *terumah*. A *tumtum* may not partake of *terumah* for there is a doubt whether he is uncircumcised. An *androgynus* should be circumcised and then he may partake of *terumah*.

12 Although an uncircumcised priest and all those who are impure are forbidden to partake of *terumah*, their wives and their servants may partake [of it].

13 [The following laws apply to a priest] who has maimed testicles or a severed member. They and their servants may partake of *terumah*. Their wives may not partake of *terumah*. If [such a priest] was not intimate with his wife after suffering these wounds, [his wife] may partake of *terumah*. Similarly, if he married the descendent of converts, she may partake of *terumah*.

14 When a priest with maimed testicles consecrates the daughter of a priest, she may not partake of *terumah*. [When a priest is] a eunuch who was brought to this state through natural means, he, his wife, and his servants may partake of *terumah*. [When a priest is] a *tumtum* or an *androgynus*, their servants may partake of *terumah*, but not their wives.

15 When a [priest who was] a deaf-mute, a mentally or emotionally unstable person, or a minor purchased servants, they may not partake of *terumah*. If, however, the local court or their guardian purchases servants for them or they acquire them by inheritance, [the servants] may partake of *terumah*.

16 When an *androgynus* [of the priestly family] engages in intimacy - whether through anal intercourse or vaginal intercourse - with a person who is disqualified from partaking of *terumah*, he is disqualified from partaking of *terumah* as a woman would be. His servants also may not partake of *terumah*.

Similarly, if he engages in intimacy with another *adrogynus* with whom relations would disqualify a woman from partaking of *terumah*, he is

disqualified. Neither he nor his servants may partake of *terumah*. [The latter law] applies when he engages in intimacy through vaginal intercourse. If, however, he is intimate through anal intercourse, [the above does not apply], because a male does not disqualify another male from priestly [privileges].

17 When a servant belongs to partners and one of them is a priest that does not entitle others to partake of *terumah*, this servant is forbidden to partake [of *terumah*]. Whenever [the ownership of a servant] entitles him to partake of *terumah*, it also entitles him to partake of the breast and the thigh [of the peace sacrifices].

18 When a daughter of an Israelite marries a priest and brings servants [to his domain] - regardless of whether they are classified as *nichsei milog* or *nichsei tzon barzel* - they may partake [of *terumah*]. Similarly, when the servants of priests purchase servants or the servants of a priest's wife purchase servants, they may partake of *terumah*, as [intimated by **Leviticus 22:11**]: "[When a priest] will purchase a soul, the acquisition of his money, [he shall partake of it]." Implied is even an acquisition of an acquisition. An acquisition of [a priest] who is permitted to partake of *terumah* may entitle others to partake [of *terumah*]. An acquisition who does not partake of *terumah* may not entitle others to partake [of *terumah*].

19 When the daughter of a priest marries an Israelite and brings servants [to his domain] - regardless of whether they are classified as *nichsei milog* or

nichsei tzon barzel - they may not partake [of *terumah*].

20 [The following laws apply when] a widow marries a High Priest or a divorcee or a woman who underwent *chalitzah* - whether the daughter of a priest or an Israelite - marries an ordinary priest or [a priest] marries another one of the women with whom marriage is prohibited [by Scriptural Law]. If she brings servants [to his domain] which are classified as *nichsei milog* or *nichsei tzon barzel* [to his domain], those classified as *nichsei milog* may not partake [of *terumah*], even though he is required to provide for their sustenance. Those classified as *nichsei tzon barzel* may partake of *terumah*, for they are the husband's property. If [a priest] married a *shniyah*, she may partake [of *terumah*], but her servants who are *nichsei milog* may not partake [of *terumah*].

21 When the daughter of a priest who is a widow is consecrated by a High Priest or one who is divorced is consecrated by an ordinary priest, they may not partake of *terumah*, because they are designated for intimate relations that are forbidden according to Scriptural Law. Similarly, if they enter the *chupah* without being consecrated, they may not partake [of *terumah*]. For [entering into] the *chupah* disqualifies them.

If such a woman is widowed or divorced after consecration [but before marriage], she returns to suitability and may partake of *terumah*. If, however, she had married, she may not partake of *terumah*, because she already became a *chalalah.*

22 When the husband of the daughter of a priest who is himself a priest dies

and she falls before *yevamim*, one of which is a *challal*, she may not partake of *terumah* because of her connection to the *challal*. [This applies] even if one of the acceptable [brothers] issued a *mamar* to her, for a *maamar* does not constitute a complete acquisition of a *yevamah*.

23 [Although a *yavam* who is] a priest gives a bill of divorce to his *yevamah*, [despite the fact that] she becomes forbidden to him, she still remains connected to him. Hence, she is entitled to partake of *terumah*. [She is not disqualified,] because she is designated for relations that are forbidden [only] by Rabbinic decree, since a bill of divorce disqualifies a *yevamah* only according to Rabbinic decree.
Similarly, the daughter of a priest who underwent the rite of *chalitzah* or is a *shniyah* who became consecrated to a priest may partake of *terumah*. [Also,] when an ordinary priest marries an *ailonot*, she may partake of *terumah*.

Chapter 8

1 A fetus, a *yavam*, consecration, a deaf-mute, and a child of nine years old disqualify [a woman] from partaking of *terumah*, but do not entitle her to partake [of it].

2 What is meant [by the above statement] with regard to a fetus? A daughter of an Israelite who was impregnated by a priest is not entitled to partake of *terumah* by virtue of the fetus. When the daughter of a priest, by contrast, was impregnated by an Israelite, she is prohibited against

partaking of *terumah* because of the fetus. [This is derived from **Leviticus 22:13**:] "And she shall return to her father's home as in her maidenhood." This excludes a pregnant woman.

3 When an Israelite has relations with a daughter of a priest, we do not suspect that she became pregnant. Instead, she may immerse herself [in the *mikveh*] and partake [of *terumah*] in the evening. If she was married to an Israelite and her husband died, she may immerse herself and partake of *terumah* in the evening [and continue doing so] for 40 days. If her fetus is recognized [afterwards], retroactively, her [actions] are objectionable from the fortieth day onward. For, throughout the forty days, the embryo is not considered as a fetus, merely as water.

4 When a daughter of an Israelite was married to a priest and he died, leaving her pregnant, her servants should not partake of *terumah* because of the fetus. For only a child that was born entitles others to partake [of *terumah*]. One which is not born does not entitle others to partake [of *terumah*]. Therefore if the fetus was a *challal* [and the woman had other acceptable children, the fetus] does not disqualify the servants from partaking of *terumah*. Instead, they may partake of it by virtue of his brothers who are acceptable priests until this *challal* is born, at which point, the servants become forbidden to partake [of *terumah*].

5 What is meant [by the initial statement] with regard to a *yavam*? When a daughter of an Israelite is under the obligation to perform *yibbum* with a priest, she may not partake of *terumah*, for [*ibid.*:11] states: "When a

priest will purchase a soul" and this [*yavam*] has not acquired [the woman] yet.

When the daughter of a priest is under the obligation to perform *yibbum* with an Israelite, she is forbidden [to partake of *terumah*] because of her *yavam*, as [implied by the verse:] "And she shall return to her father's home as in her maidenhood." This excludes a woman under obligation to perform *yibbum*.

6 When a *yavam* who is a priest engages in relations with his *yevamah* by force or without intent or he merely uncovers her and does not complete the act of intercourse, he acquires [his *yevamah*], as stated in *Hilchot Yibbum*. Nevertheless, he does not entitle her to partake of *terumah* until he completes the act of intercourse with her consent.

When does the above apply? When [the *yevamah*] was widowed after consecration [alone]. If, however, she had been married, since she had been partaking of *terumah* previously, she is entitled to partake of it by virtue of [the inferior] acts of intimacy mentioned above.

7 What is meant [by the initial statement] with regard to a consecration? When a daughter of a priest is consecrated by an Israelite, she is forbidden to partake [of *terumah*], for he has already acquired her. When the daughter of an Israelite has been consecrated by a priest, she may not partake [of *terumah*] until she enters the *chupah*, lest she give *terumah* to the members of her father's household, as we explained.

8 When an Israelite tells the daughter of a priest: "Behold, you are

consecrated to me after 30 days," she may partake [of *terumah*] for these 30 days, for the consecration has not taken effect yet. If, however, he told her: "You are consecrated to me from the present and after 30 days," she is forbidden to partake [of *terumah*] immediately. Similar laws apply with regard to other conditional agreements of this type.

9 What is meant [by the initial statement] with regard to a deaf-mute? When a daughter of a priest is married to an Israelite who is a deaf-mute, she may not partake [of *terumah*], since he acquires her by virtue of the ordinance of our Sages who instituted marriage for him. When a daughter of an Israelite marries a priest who is a deaf-mute, she may not partake [of *terumah*], because he does not acquire [her] according to Scriptural Law, because he is not of [adequate] intellectual capacity.

10 [When a woman] was consecrated by a priest of ordinary mental capacity, but he did not marry her until he became a deaf-mute, she may not partake [of *terumah*]. [In the above situation, if after consecrating a woman, a priest] died and she fell before a *yavam* who is a deaf-mute, she may not partake [of *terumah*]. If, however, he married her when he was of ordinary mental capacity and then became a deaf-mute, she may [continue] to partake [of *terumah*]. If he died and she fell before a *yavam* who is a deaf-mute and he performs *yibbum* with her, she may [also continue to] partake [of *terumah*]. [The rationale for the leniency is] that she was partaking of *terumah* beforehand.

When the wife of [a priest who is] a deaf-mute bears him a child, she may partake [of *terumah*] by virtue of her child.

11 What is meant [by the initial statement] with regard to a child of nine years old? [When a daughter of a priest] engaged in relations with a child of nine years old who is forbidden to her, since sexual relations in which he engages are significant, she is disqualified from the priesthood and forbidden to partake of *terumah*, because she becomes a *zonah* or a *chalalah*, as we explained. [This applies] even if [the child] is sexually impotent.

When a daughter of an Israelite marries a priest who is nine years old, even though the relations in which he engages are significant, she is not entitled to partake of *terumah* because of [this] child, because he cannot acquire her [as his wife] until he reaches majority.

If there is a doubt whether [a child forbidden to a daughter of a priest] is nine years old or not, she is forbidden to partake [of *terumah*]. [This same ruling applies] if she married a boy thirteen years old and there was a question whether he manifested physical signs of maturity or not.

12 All of the relationships [mentioned above] that do not entitle a woman to partake of *terumah* prescribed by Scriptural Law also do not entitle her to partake of *terumah* prescribed by Rabbinic Law. [This is] a decree lest they have them partake of *terumah* prescribed by Scriptural Law.

13 The [following] individuals neither disqualify [the daughter of a priest from partaking of *terumah*] or enable [the daughter of an Israelite] to partake of it:a rapist, a seducer, or a mentally or emotionally unstable person. [This applies] provided she is not forbidden to them, in which instance, they disqualify her through relations, because she becomes a

zonah or a *chalalah*, as we explained.

14 When a woman married a priest who was intellectually or emotionally unstable or a priest raped her or seduced her and she bore him a child, she may partake of *terumah* because of her son. There is a doubt concerning the matter, for since she was not consecrated to him, it is possible that she was impregnated by another person. Nevertheless, we operate under the presumption that the child was conceived by [the priest] who engaged in relations with her. [This applies] provided rumors did not circulate concerning her with another person. Instead, everyone gossips about her and this priest.

Similar concepts apply when an Israelite who is intellectually or emotionally unstable engages in relations with the daughter of a priest or [an Israelite] raped or seduced her and she became pregnant. She may not partake of *terumah* because of the fetus. If the fetus is aborted, she may partake [of *terumah*].

15 When witnesses concerning a [*sotah*] warning and witnesses concerning [a *sotah*] meeting testify against a woman married [to a priest], she is forbidden to partake of *terumah* until she drinks the bitter water, because there is a question whether she is a *zonah*. If her husband dies before she drinks the water or she is one of the women who are absolved from drinking and do not receive the money due them by virtue of their *ketubah*, she is forbidden to partake of *terumah* forever. Whenever the wife of a priest says: "I have been unfaithful," she is forbidden to partake of *terumah*.

16 When a daughter of an Israelite who has not attained majority marries a priest without her father's consent, whether in his presence or in his absence, she may not partake of *terumah* even though her father consecrated her. [The rationale is that] her father might object and then she would retroactively be unfit [to partake of *terumah*]. [The reason] he remains silent even though he sees is because he is angry because she married without his consent.

Chapter 9

1 A woman may partake of *terumah* until her bill of divorce reaches her hand or the hand of her agent whom she appointed to receive it.
Whenever there is a doubt whether or not a woman was divorced, she may not partake of *terumah*. When a woman appoints an agent to receive her bill of divorce, she is forbidden to partake of *terumah* immediately. If she said: "Receive the bill of divorce for me in this-and-this place," she is not forbidden [to partake of *terumah*] until the agent reaches that place.
If she sent an agent to bring her the bill of divorce, she may partake of *terumah* until the bill of divorce reaches her hand. When a person tells his wife: "This is your bill of divorce; [it is effective] one hour before my death" she is forbidden to partake of *terumah* immediately.

2 [The inhabitants of] a city under siege, [the voyagers on] a ship in danger of sinking at sea, and a suspect to be judged [for a crime worthy of capital punishment] are presumed to be alive. Needless to say, this applies to one who goes on a caravan journey.

[In the following instances,] however: a city was captured by besieging forces, a ship was lost at sea, or a person was going out to be executed by a gentile court, a person dragged by a wild beast, one upon whom a landslide fell, or one carried away by a river, we regard the individuals with the stringencies appropriate to both the living and the dead. Therefore if among the women were the daughter of a priest married to an Israelite or the daughter of an Israelite married to a priest, they may not partake [of *terumah*].

If, however, a person was sentenced to death in a [Jewish] court and was taken to the place where he will be stoned, we presume that he is dead and his wife may not partake [of *terumah*].

3 If a woman left her husband while he was in his death throes in another country, she may not partake of *terumah*, whether she is the daughter of a priest married to an Israelite or the daughter of an Israelite married to a priest. [The rationale is that] most people in their death throes die.

If one witness testifies that [a woman's husband] has died and one testifies that he has not died, she may not partake [of *terumah*].

4 [When a man is married to two wives and] one of the wives tells the other that their husband died, since [the other wife] cannot marry by virtue of this testimony, she may continue to partake of *terumah* on the presumption that her husband is alive until a person upon whose testimony is sufficient to enable her to marry testifies concerning her. [The same ruling applies] if such testimony is given by any of the five women whose testimony is not accepted if they say that her husband died.

5 When [a priest] frees his servant, from the time he transfers his bill of emancipation to him, he disqualifies him from partaking of *terumah*. Whenever a servant is given his freedom, but his bill of emancipation is withheld as will be explained in *Hilchot Avadim*, he is, nonetheless, forbidden to partake of *terumah*.

6 There is a doubt [whether the transfer of the ownership of a servant is effective in the following situation]. A person composed a legal document transferring his property - which included servants - to another person. He [did not give the document to that person directly, but instead] gave it to another person on his behalf. The recipient [of the present] remained silent and afterwards, protested. There is a doubt whether his protests reflected his initial disposition and thus [the servants] have never left the initial domain or whether his protest after his initial silence is [interpreted as] a renunciation of his initial position. Therefore, [the servants] may not partake of *terumah*. [This applies] whether the second master was an Israelite and the first master, a priest or the first master was an Israelite and the second, a priest.

7 When an Israelite rents livestock from a priest, he may feed it *terumah*. When a priest rents livestock from an Israelite, although he is obligated to provide it with food, he may not feed it *terumah*, because it is not his financial acquisition.

8 When an Israelite receives a cow from a priest for the sake of fattening it and has it evaluated so that its increase in value will be split, he may not

feed it *terumah* even though the priest has a share in its increase in value. If, by contrast, a priest receives a cow from an Israelite for the sake of fattening it and has it evaluated, he may feed it *terumah*. [The rationale is that] although the Israelite has a share in its increase in value, its body belongs to the priest, because he has [accepted responsibility] for its value.

9 When a cow belonging to an Israelite gives birth to its firstborn, the owner may feed it *terumah*, for the firstborn belongs to the priests. A person may store vetch that is *terumah* in his dovecote. He need not worry that his doves will come and eat it.

10 It appears to me that if a priest sold his cow to an Israelite and took payment, he can no longer feed it *terumah* even though the purchaser has not drawn it into his domain as of yet. [The rationale is that] according to Scriptural Law, the transfer of money completes a transaction, as will be explained in *Hilchot Mekach UMemcar*. [Conversely,] if an Israelite sold a cow to a priest, he should not feed it *terumah* until he draws it into his domain even though he already made payment.

Chapter 10

1 When a non-priests partakes of *terumah* unknowingly, he must make restitution for the principal and add a fifth. Even if he knows that it is *terumah* and that he is warned against partaking of it, but he does not know whether or not he is liable for death, he is considered to have acted unknowingly and he must make restitution for the principal and add a

fifth.

2 A person who eats an article [that is *terumah*] that is ordinarily eaten, drinks something that is ordinarily drunk, or smears himself with something ordinarily used for that purpose [is liable], as [derived from **Leviticus 22:15**]: "And they shall not defile the sacraments of the children of Israel." This includes one who smears himself.

Whether one partakes of *terumah* which is ritually pure or ritually impure unknowingly, one must make restitution for the principal and add a fifth. He is not liable for a fifth until he eats an olive-sized portion, as [indicated by *ibid.*:14]: "When one will eat a sacrament unknowingly"; eating implies consuming no less than an olive-sized portion. Just as one is liable for eating an olive-sized portion, so too, [one is liable for] drinking an olive-sized portion.

3 [The following laws apply if a person] ate *terumah* and then ate again, drank and then drank again. If there is sufficient time to eat a half a loaf of bread from the time he began to eat until he concluded or sufficient time to drink a *revi'it* from the time he began to drink until he concluded, [all he consumes] is combined to comprise an olive-sized portion.

4 *Terumah, terumat ma'aser*, whether the latter is from *d'mai* or from produce from which the tithes were definitely [not separated], *challah*, and the first fruits can all be combined together to comprise an olive-sized portion for which one is liable for death or [restitution, plus] a fifth, for they are all called *terumah* [at different times in the Torah].

According to law, one should not be liable for a fifth for [the unknowing consumption of] *terumat ma'aser* that is *d'mai*, just as one is not liable for the second tithe [from *d'mai*], as will be explained. Nevertheless, our Sages said: If one is not liable for a fifth, people will treat it with disdain.

5 When a person partook *terumah* intentionally [after] receiving a warning, he is liable for lashes and is not required to make financial restitution. If he did not receive warning, [he is required to make financial restitution]. If [the *terumah*] was ritually pure, he is required to make restitution for the principal, but is not required to add a fifth. If [the *terumah*] was ritually impure, he is required to pay only as if it were wood, because it is fit only to use as fuel. Accordingly, if one ate berries or pomegranates or the like that were *terumah* that became impure, he is not obligated to make restitution, because these are not fit to be used as fuel.

6 When a person eats *terumah* that is *chametz* on Pesach, whether willfully or unknowingly, whether it is ritually impure or pure, he is exempt from financial liability. Even if he separated *terumah* from *matzah*, but it became *chametz* [before he ate it], he is exempt. He is not even required to pay as if it were wood, because it is not fit for use as fuel. [Instead,] since it is forbidden to benefit from it, it is of no value whatsoever.

7 If, however, one unknowingly ate *terumah* on Yom Kippur, ate *terumah* that was perforated, drank wine that was *terumah* that was left open, smeared himself with wine and oil [that were *terumah*] at the same time, or drank oil and vinegar [that were *terumah*] at the same time, chewed raw

kernels of wheat, or swallowed vinegar, he is liable to make restitution for the principal and add a fifth.

8 When a person is satisfied and is disgusted by his food, but continues eating *terumah* despite the fact that he is satisfied, he is not required to add a fifth [when making restitution, for the prooftext cited above] states: "When one will eat...." [Implied is that he is when he eats in an ordinary manner] and not when he harms himself. Similarly, when one chews raw kernels of barley, he is not liable, because he harms himself.

9 When a non-priest swallowed prunes of *terumah* [whole unknowingly] and then regurgitated them, and another person came and also ate them unknowingly, the first person is required to make restitution for the principal and add a fifth and the second person is obligated to pay the first one as if the prunes were wood.

10 When one feeds *terumah* to workers or to guests, they are required to make restitution for the principal and add a fifth, for they acted unknowingly. He must pay them for their meal, for ordinary produce is more valuable than the *terumah*, since a person's soul is repelled from forbidden food.

11 When [a non-priest] feeds *terumah* to his children who were below majority or to his servants whether they are above or below majority, he must pay the principal, but not the additional fifth. [This ruling also applies to] one who partakes of *terumah* from the Diaspora, one who eats or drinks less than an olive-sized portion, a nazarite who unknowingly

drank wine that was *terumah*, one drinks oil [without it being mixed with other liquids] and one who smears himself with wine.

12 When the daughter of a priest who was married to an Israelite or disqualified [from partaking of *terumah* for other reasons] partook of *terumah*, she must make restitution for the principal, but she is not required to add a fifth.

When a woman was partaking of *terumah* and she was told: "Your husband died," or "...divorced you," she is required to pay only the principal. If the *terumah* was *chametz* on the day preceding Pesach, she is exempt from making restitution. [The rationale is that then] the time is pressing and she hurried to eat without investigating.

[These same laws apply] when a servant was partaking [of *terumah*] and he was told: "Your master died and left an heir who does not entitle you to eat," "...sold you to an Israelite," "...gave you to him as a present," or "...freed you," and when a priest was partaking [of *terumah*] and he discovered that he is the son of a divorcee or a woman who underwent *chalitzah*. In all of these instances, if these individuals had *terumah* in their mouths when they discovered that they were forbidden to partake of it, they should spit it out.

13 [Similarly, when a priest] was partaking [of *terumah*] and he was told: "You became impure," "The *terumah* became impure," "You were impure," or "the *terumah* was impure," he should spit it out. [The same ruling applies] if he discovered that [the *terumah*] was *tevel*, the first tithe from which *terumat ma'aser* had not been separated, or *ma'aser sheni* or

consecrated property that was not redeemed, or [when partaking of the *terumah*,] he tasted a bug.

14 When there are two containers, one of *terumah* and one of ordinary produce, and *terumah* fell into one of them, but it is not known which one, we operate under the supposition that it fell into the one which [contained] *terumah*.

If it is not known which one is *terumah* and a non-priest partakes of one of them, he is not liable for payment. [The rationale is that when a person seeks] to expropriate money from a colleague, the burden of proof is on him. He must treat the other one as if it were *terumah*. If another person partakes of the other one, however, he is also exempt. If, however, one person eats them both, he must make restitution for the smaller one. If he did so intentionally, he is required to make restitution for the principal. If he did so unknowingly, he is required to make restitution for the principal, plus a fifth.

15 When a person eats the additional fifth unknowingly, he must [make restitution for it and] add another fifth. For the fifth is considered as the principal with regard to all matters. Similarly, he continues to add a fifth for every fifth forever.

Whenever a person makes restitution for the principal and the additional fifth, [the grain] he gives is *terumah* with regard to all matters [with one exception]. If they were sown, the grain that grows is ordinary produce. If the priest wishes to forgo [the payment], he cannot. Whenever, [by contrast,] a person makes restitution only for the principal, [the grain] he

gives is ordinary grain and if the priest desires to forgo payment, he may.

16 [The following laws apply if] a daughter of an Israelite partakes of *terumah* and then marries a priest. If [she partook] of *terumah* that had not been acquired by a priest, she may make restitution of the principal and the additional fifth to herself. If she partook of *terumah* that a priest had acquired, she is required to make restitution of the principal to its owner, but she may keep the additional fifth as her own. For whenever a person makes restitution and pays an additional fifth, he may give the additional fifth to whichever priest he desires.

17 If she was not able to make restitution before she was divorced, she can no longer make restitution to herself and she is like a person who never married a priest at all.

18 Whenever a person partakes of *terumah* whether unknowingly or intentionally, he may make restitution only from ordinary produce from which the *terumot* and the tithes have been separated. Restitution may be made from *leket, shichichah, pe'ah,* ownerless grain, and grain from the first tithe after *terumat ma'aser* was separated i.e., even if the great *terumah* from that crop had not been separated, for the person separated the tithes before the *terumah*.

One may make restitution from the second tithes and consecrated property that were redeemed, even though they were not redeemed in an appropriate manner. And one may make restitution using new grain for old grain. One may not, however, make restitution from one type [of

grain] for another type [of grain]. [This is derived from **Leviticus 22:14**:] "And he shall give the priest the sanctified [food]." [Implied is that it must be the same] as the sanctified food he ate.

19 When a person eats zucchini from the sixth year, he should wait until [he acquires] the zucchini of the eighth year to make restitution from them. For he cannot pay his debt from the crops of the seventh year, as will be explained in that place.

20 When a person ate *terumah* that was ritually impure, he makes restitution from ordinary produce, whether pure or impure. If he partook of *terumah* that was ritually pure, he should make restitution with ordinary grain that is pure. If he made restitution from ordinary grain that was impure whether intentionally or unknowingly, the restitution he made is accepted, but he must make restitution again from ritually pure grain.

21 When a person partook of *terumah* belonging to a *chaver*, he should make restitution to him. If he partook of *terumah* belonging to a common person, he should make restitution to a *chaver*, and take its worth from him and give it to the common person whose *terumah* he ate. For we do not give articles that require ritually purity to a common person.

22 When [an Israelite] stole *terumah* from his maternal grandfather who was a priest and consumed it [unknowingly], and afterwards, his maternal grandfather died, he may not make restitution to himself, but rather to another heir from [the priestly] tribe. Similarly, if he inherited *terumah* from his maternal grandfather and partook of it, a creditor collected

terumah [as payment] for a debt and he partook of it or a woman [received it as part of the money due her by virtue of] her *ketubah* and she partook of it, they must make restitution for the principal and the additional fifth to a priest who is a *chaver* and that *chaver* gives them the monetary equivalent of the *terumah* at the time they partook of it.

23 When a person steals *terumah* but does not consume it, he should pay twice its worth to the owners. He may make this payment according to the worth of *terumah*. If he stole it and ate it, he must pay twice the principal and a fifth of the principal: i.e., the principal and an additional fifth from ordinary grain, and the principal according to the worth of *terumah*.

24 When a person steals *terumah* that is consecrated to the Temple treasury and eats it, he is not required to pay a double amount, for a double amount is not paid to the Temple treasury, as explained in the appropriate place. He must, however, make restitution for the principal and add two fifths, one fifth [to atone] for partaking of *terumah* and one fifth [to atone] for benefiting from consecrated property.

To whom does he make restitution? If [the *terumah*] was the size of an olive and it was not worth a *p'rutah*, he should make restitution to the priests. If it is worth a *p'rutah* - whether or not it is the size of an olive - he should pay the Temple treasury.

25 Why does the prohibition against benefiting from consecrated property fall [on this grain when it is already forbidden because of] the prohibition

against *terumah*? Because the *terumah* was forbidden to a non-priest and permitted to a priest. Once he consecrated it, it became forbidden to a priest. Therefore a prohibition was added to it even for an Israelite in the manner explained in the laws of forbidden relationships and forbidden foods.

26 When a person obtains *terumah* by robbery, he must make restitution for the principal and add one fifth. [The rationale is that] the fifth that he is liable for [to atone for partaking of] *terumah* fulfills his obligation for robbery, as [implied by **Leviticus 22:14**:] "And you shall give the priest the sacred [food]." He is liable only for the fifth [associated with atonement for] the sacred [food]. If he obtains *terumah* through robbery and feeds it to another person, that person must make restitution for the principal and add a fifth.

Whenever we have said that a person must make restitution for the principal and add a fifth, [the intent is that] if he ate grain worth four [*zuz*], he must pay five from the type of grain from which he partook. Whenever we mentioned [payment of] the principal and two fifths, [the intent is that] if he ate grain worth four [*zuz*], he must pay six. Whenever we mentioned [payment of] two principals and one fifth, [the intent is that] if he ate grain worth four [*zuz*], he must pay nine.

Whenever he makes restitution, he must pay for the worth of the grain at the time he partook of it whether its value depreciated at the time he made restitution or appreciated.

Chapter 11

1 *Terumah* may be used for eating, drinking, and smearing upon oneself, for smearing upon oneself is equivalent to drinking, as [indicated by **Psalms 109:18**]: "It has entered his innards like water and like oil into his bones." And drinking is like eating.

[One should] eat a substance fit to be eaten, drink a substance fit to be drunk, and smear a substance fit to be smeared. One should not smear wine and vinegar. One may, however, smear oneself with pure oil and may kindle impure oil. It is referred to as oil [fit for] burning universally.

2 It is permitted to compress dates that are *terumah* and collect them as a cake of dried dates. It is, however, forbidden to make them into beer. [For the same reason,] we do not make dates into honey, nor apples, wine, nor fall produce into vinegar. Similarly, with regard to other produce, we do not change them from their natural state if they are *terumah*; the only exceptions are olives and grapes.

If one transgressed and made food into a beverage, one should drink it. When a non-priest partakes of date-honey, apple-wine, or the like that is *terumah* inadvertently, he is not liable to make restitution. If he partook [of such products] intentionally, he should be given stripes for rebellious conduct.

3 We may not place dried dates and dried figs [that are *terumah*] into brine. One may, however, place wine in brine. We do not place fragrant herbs in oil, because doing so removes it from the category of food and makes it oil for smearing. One may mix wine, honey, pepper, and the like, in order to partake of them.

4 We do not boil wine that is *terumah*, because this reduces its quantity. We do not pickle onions that are *terumah* in vinegar that is *terumah*, because this spoils the vinegar.

We do not mix grain with legumes. All substances that become distinct from each other when they are sorted through a sieve may be mixed together. When the land of Judah was laid waste, [the people] began mixing one type of grain with another and one type of legumes with another. They did not, however, [mix] grain with legumes.

5 In the same way as ordinary flour is sifted, so too, a priest [sifts flour] that is *terumah*. He sifts [what is fit] to eat and discards the bran. If he desires to make fine flour, he should sift it many times until he produces a *kab* or two *kabbim* from a *se'ah*. He should not discard the remainder, because it is fit to be eaten. Instead, he should place it in a private place.

6 Oil that is *terumah* should not be used to seal an oven or a range, nor should it be smeared on a shoe or sandal. Nor should one smear it on his foot while [the foot] is in a shoe or sandal. He may, however, smear [oil that is *terumah*] on his foot and put on a shoe or smear his entire body and then roll on a new leather mat. Even though they will be smeared, he need not show concern. He should not, however, place oil on a marble tablet to roll upon because he causes it to be ruined.

7 Whenever anyone partakes of *terumah* - even fruit - he must wash his hands [before doing so. This applies] even if his hands are pure, as will be explained in the appropriate place. It may not be eaten on a table at which

a non-priest [is dining; this is] a decree lest he partake of it. *Terumah* from the Diaspora may be eaten on a table at which a non-priest [is dining] and, like ordinary food, does not require that one wash his hands before partaking of it.

We do not smear oil that is *terumah* with soiled hands. If, however, [such oil] fell on his flesh, he can rub it with soiled hands. One may apply oil that is *terumah* to an infant during the seven days after he was born [even though he is uncircumcised]. For a newborn is not considered as uncircumcised for the first seven days [of his life].

8 A priest may smear oil that is *terumah* on himself and then bring his daughter's son who is an Israelite and roll him on his back. If he smears oil [that is *terumah*] on his body and enters a bathhouse, a non-priest may massage him in the bathhouse even though [the oil] will be applied to him.

9 When the daughter of a priest applied *chilbah* which is *terumah* to her hair, an Israelite woman is not permitted to apply [the remaining chilbah] to [her hair]. She may, however, rub her hair together with the hair [of the daughter of the priest].

Why were priests given permission to apply *chilbah* which is *terumah* to their hair? Because it is not fit for human consumption [as food].

10 The stems of figs, dried figs, wild figs, carobs, the insides of melons, the peels of melons, *esrogim*, and cucumbers even if they do not contain any food, and the extremities of the vegetables that are discarded by

homeowners [when preparing vegetables], are forbidden to non-priests. The extremities of the vegetables that are cut off by gardeners, by contrast, are permitted to non-priests.

The casings of beans and sesame seeds are forbidden if they contain food. If they do not contain food, they are permitted.

11 The seeds of *esrogim* are permitted to be eaten. The seeds of olives, dates, and carobs, [by contrast,] even though they were not collected by a priest, are forbidden to a non-priest. With regard to other seeds, [the rule is]: If they were collected and have moisture, so that they can be sucked, they are forbidden to a non-priest. If they were discarded, they are permitted.

12 Bran from wheat: Fresh bran is forbidden, for it is fit to be eaten by humans. Aged bran is permitted. Until when is the bran considered fresh? For the entire time that people are accustomed to beat the grain at the granaries.

13 Lower quality and slight rotten kernels of grain that are *terumah* are forbidden. If they already produce dust, they are permitted. When one pours water over dregs [of grapes] that are *terumah*, the first and second batches are forbidden to non-priests, but the third is permitted. If one does not pour water over them, but instead, strains off the wine from the seeds, even the third straining is forbidden to non-priests.

14 When one has cleared the kernels of wheat that are *terumah* from a grainheap, we do not require the owner to sit and collect the [leftover] kernels one by one and [only after collecting them] bring ordinary grain

there. Instead, he may sweep the area in the ordinary manner, and then bring ordinary grain there. Similarly, when a jug of oil that is *terumah* spills, we don't require [the owner] to sponge it up until [the earth] is dry. Instead, he may conduct himself as he does with ordinary [oil].

15 When a person pours out oil that is *terumah* from a jug, he should continue to pour until the stream [of oil] ceases and the oil begins to drip, little by little. Once three drops have dropped one after the other, it is sufficient. It is permitted to place ordinary oil in that jug. If, however, he did not place ordinary oil and leaned the jug on its side until the remnants [of the oil] collected together, those remnants are *terumah*.

16 A priest may fill a lamp with oil fit to be burnt and give it to an Israelite to ascend to a loft and enter a room to perform tasks on behalf of a priest, but not for the sake of an Israelite. If they were partners, it is permitted.

17 When an Israelite was a guest at a priest's [home] and the priest kindled oil fit to be burnt for him and then departed, he is not required to extinguish [the lamp] until it burns out on its own. An Israelite may dip a wick in the lamp of a priest and kindle it so that he may proceed [using] it.

18 When livestock belonging to a priest was standing next to livestock belonging to an Israelite or when garments belonging to a priest were being woven next to garments belonging to an Israelite, oil that is fit for burning may be kindled because of them without the permission of the priest.

Similarly, we can light oil that is fit to be burnt in synagogues, houses of study, and dark alleyways without the permission of a priest. And a person who does not have ordinary oil to kindle a Chanukah lamp may kindle oil that is fit to be burnt without permission of a priest. We may kindle oil that is fit to be burnt above [the bed of] a sick person with the permission of a priest.

19 When a daughter of an Israelite who is married to a priest frequently visits her father, he may light [such oil] with her permission. It is permitted for a priest to kindle oil fit to be burnt in a house of mourning or at a wedding celebration even though a multitude of people are present. We do not suspect that the people will partake of it. At a wedding celebration, [this will not take place] because they will not touch it because of their garments are clean, and in a house of mourning, the people will not feel free to do so because of their mourning.

20 When a person sows *terumah* unknowingly, he should turn it over. If he did so intentionally, he must maintain [the crop]. Once it reaches a third of its growth, whether he sowed it intentionally or unknowingly, he must maintain [the crop]. If it was flax, even if it reached a third of its growth and even if he sowed it intentionally, he must turn it over. This is a penalty so that he should not sow it with the intention of benefiting from its fibers.

21 Produce that grows from *terumah* is considered as ordinary produce with regard to all matters except that it is forbidden to non-priests. Our Sages

decreed that it be forbidden to non-priests like *terumah* [as a safeguard], lest a priest maintain possession of impure *terumah* with the intent of sowing it and producing [a crop of] ordinary produce and this lead to undesirable consequences. Therefore, it is permitted to eat the products [of such plantings] with impure hands and a person who has immersed himself that day may partake of them like ordinary produce.

22 Produce grown from produce grown [from *terumah*] are like ordinary produce with regard to all matters. [This applies] even to types of produce whose seeds do not decompose provided the new growth exceeds the root in the second generation of produce. [In such a situation,] the new growth elevates the root even if the seed does not decompose and the entire [plant] is permitted to be eaten by non-priests.

The same applies with regard to [produce that grows from] *terumah* from the Diaspora, *terumah* mixed with ordinary produce, extra *terumah*, or seeds from garden vegetables that are not eaten themselves, e.g., turnips and radishes. Although the turnips and radishes themselves are *terumah*, [the produce] growing from their [seeds] is like ordinary produce with regard to all matters.Similarly, when a person sows flaxseed that is *terumah*, the plants growing from it are permitted to non-priests.

23 When a person sows *terumah* that is impure, even though the produce that grows is ritually pure, it is forbidden to partake of it. [The rationale is that] since the *terumah* that was sown was forbidden to be eaten, it was already cast off. [Hence, it remains forbidden].

24 If he cut off the leaves that grew and then another set of leaves grew and he cut them off, the produce that emerge afterwards is permitted to be eaten.

25 When plants of ordinary produce became impure and afterwards, they were sown and designated as *terumah*, they are permitted [to be eaten. The rationale is that] sowing them caused them to be considered pure and they did not become impure while they were *terumah* so that they would be forbidden.

26 When a stalk [of grain] was in the midst of a grain heap and one straightened the edges of the grain heap, this stalk is considered *tevel*, because it was in the grain heap when it was straightened. If [that stalk] was planted, and then it was singled out and designated as *terumah*, there is an unresolved question if it is *terumah*. Since it was planted, it is possible to say that it was released from the categorization as *tevel* and is considered as produce for which all the required work was not completed. If, however, it was designated as *terumah* before it was planted, it is *terumah*. Therefore if one ripped off [a portion] of it and ate it willfully, he is liable for death [at the hand of heaven]. If he did so unknowingly, he must [make restitution and add] a fifth. If he bent over and ate from the ground with his mouth, his intent is of no consequence because of the approach of people at large [and] it is not the ordinary practice for people to eat in this manner. Therefore he is not liable for death, nor for the [additional] fifth if he acted unknowingly.

27 The obligations of *leket, shichichah, pe'ah, terumah* the tithes and the tithe given to the poor apply with regard to a field of produce that grew from *terumah*. Poor Israelites and poor priests come and take these presents. The poor priests eat those that they acquire. The poor Israelites sell theirs to the priests for the price of *terumah*. Similarly, a Levite must sell his tithes to a priest.

28 A person who crushes such produce is praiseworthy. When a person threshes it with an animal, what should he do? He should tie a bucket around the animals neck and place the type of grain it is threshing in it. Thus he will neither be muzzling the animal, nor feeding it *terumah*.

Chapter 12

1 It is forbidden to cause the *terumah* of *Eretz Yisrael* to contract ritual impurity, as [is the rule with regard to] other sacred articles. One should not bring it to a state of ritual impurity, nor should one spoil it. Instead, he should partake of pure [*terumah*] and kindle impure *terumah*.

It is permitted to cause *terumah* from the Diaspora to become impure, even with impurity mandated by Scriptural Law. Although it is only ritually impure because of the impurity stemming from the Diaspora which is a Rabbinic decree, [this leniency is granted] because the obligation to separate [such *terumah*] is also of Rabbinic origin. For this reason, a woman may separate *challah* while in the *niddah* state in the Diaspora, for she is cautioned only against eating it, not against touching it, as we explained.

2 If a doubt arose whether *terumah* became impure, it should not be eaten, nor should it be burnt. Instead, one should place it aside until it becomes definitely impure, [at which time,] it should be burnt. There are situations in which doubt has arisen that mandate that *terumah* should be burnt as will be explained with regard to [the laws of] ritual purity and impurity.

3 When a question arises whether a jug of wine has become ritually impure, one should not do anything with it. One should not move it from its place, nor reveal it. Instead, he should leave it in its place until it definitely becomes impure and must be burnt. We are not concerned that perhaps it will be eaten.

4 [The following rules apply when] a jug [of wine that is *terumah* which is pure] is broken in an upper vat and the lower vat [contains ordinary wine that is] impure. If it is possible for a person to save a *revi'it* of wine in a state of purity, he should do so. If not, he should save [the wine] with his hands without washing them even though he imparts ritual impurity [to the *terumah*], as will be explained [in the laws pertaining to] ritual purity.

5 When does the above apply? To a jug of wine, [and then] provided that the contents of the lower vat are less than 100 times the amount [that falls in], in which instance, the *terumah* wine will mix with the ordinary wine and everything will be disqualified. If, however, the lower vat contained 100 times the amount of the jug and thus [the wine that descends] will be nullified because [the mixture] is 101 times the original or the jug contains oil, he should allow it to descend and become impure instead of

making it impure with his own hands. [The rationale is that] the entire quantity is fit to use as fuel and there will be no great loss.

Similarly, if a jug of oil is spilling, if it is possible for one to save a *revi'it* of oil in a state of purity, he should do so. If not, he should save it while ritually impure. Since the jug is broken, he is not adjured against saving it in a state of ritual impurity, because he is agitated.

6 [The following laws apply when] one was traveling from place to place, carrying loaves that are *terumah*, and a gentile tells him: "Give me one of them. If not, I will touch all of them and make them ritually impure." He should place one of them on a rock, but he should not place it in his hand so that he will not be a direct cause of the *terumah* becoming ritually impure.

7 [The following laws apply with regard to] *chilbah* and vetch that are *terumah*. Since they are not fit for human consumption, it is permitted to carry out all the actions [connected with their preparation] in a state of ritual impurity. One must be careful only when placing them in the water to soak. For if one placed them in the water to soak while ritually impure, one will have made them ritually impure directly. Once one has soaked them, however, one need not be concerned with ritual impurity at the time one crushes the vetch or when one feeds them to an animal. For this reason, one may give *chilbah* and vetch that are *terumah* to a priest who is a common person.

8 We do not entrust *terumah* to a priest who is an unlearned person,

because he is easygoing about it and may partake of it. We may, however, entrust [*terumah*] to an unlearned Israelite if it is stored in an earthenware container sealed with a wrapper, provided it is not produce that is already made fit to contract ritual impurity. [This is] a decree lest it be moved by his wife while she is in the *nidah* state.

9 We do not separate *terumah* from olives in a state of ritual purity for an unlearned person. We may, however, prepare ordinary olives for him in a state of ritual purity. [This leniency was granted] so that the operator of the vat could earn his livelihood.

How should this process be carried out? He should separate an amount of produce sufficient for *terumah* and place it in a utensil that cannot contract ritual impurity, e.g., a stone utensil. When the unlearned person comes to take the ordinary produce and the *terumah*, we tell him: "Be careful not to touch the *terumah*. Otherwise, the produce will become *tevel* again."

10 When an Israelite performs the tasks associated with the preparation of his produce while ritually impure, we should not harvest grapes with him. Needless to say, we should not tread the grapes with him, because the *terumah* will be made ritually impure. One may, however, carry barrels to and from the vat for him.

11 When olives and grapes have become ritually impure, we may squeeze them and separate *terumah* [from the oil or wine]. If [grapes or the olives] became impure after they themselves were designated as *terumah*, they

should be squeezed [using] less than an egg-sized portion at a time. In such an instance, the liquid that flows from them is permitted to be drunk by the priests. Indeed, it would be fit to be used for libations on the altar. [The rationale is that] the liquid is considered as set aside within the fruit. The reason that [our Sages] spoke of less than an egg-sized portion is that this is a decree lest one use more than an egg-sized portion and the liquid become impure because of [contact with] the egg-sized portion.

If the produce was impure to the third degree, one may tread upon it in the vat and the liquid produced from it can be used for pure *terumah*. [The rationale is that] ritual impurity of the third degree does not bring about ritual impurity of the fourth degree with regard to *terumah*, as will be explained with regard to the concept of ritual purity.

12 When a loaf of bread that is *terumah* becomes impure, it should be discarded among the firewood until one uses it for fuel. Similarly, if oil [that is *terumah*] becomes impure, it should be placed in a repugnant container until it is used as fuel so that it will not create a stumbling block for others, [lest] they partake of it.

When wheat [kernels] become impure, one should parboil them and place them in a repugnant container until they are no longer fit to be eaten and then use them as fuel for an oven or range. Liquids that are not fit to be used as fuel, e.g., wine, should be buried.

13 When wine that is *terumah* is left uncovered, since it is forbidden to drink it, it should be poured out. Similarly, figs, grapes, marrow, squash, watermelon, and cucumbers that are *terumah* that were discovered to be

perforated are forbidden to be eaten because of the mortal danger involved. What should be done with them? They should be discarded in the sea or buried.

14 When a dough was kneaded with water that was left uncovered, it should be burnt even though it is *terumah*.

15 It is forbidden for a priest to take *terumah* or any other of the presents given to him until they were separated by the owners [of the produce], as [implied by the verses, **Numbers 18:12**]: "The first [of the produce] which they will give to God I have given to you" and [*ibid.*:19]: "...that the children of Israel will offer up to God are given to you." [Implied is that] the children of Israel must offer it up and then [the priests] can acquire it. [The priests] should not take [these presents] after they have been set aside except with the knowledge of the owners. For the owners have the right to give them to any priest that they desire, as [*ibid.* 5:10] states: "A person's sacraments will belong to him." [Nevertheless,] if [a priest] takes them without the owner's knowledge, he acquires them. For all that belongs to the owner is the right to apportion them and that right is not financially significant.

16 When *terumah* was given to a priest and he found other entities in it, it is forbidden for him [to take them]. This is comparable to theft, for perhaps other people placed them [in the *terumah*] to take them [afterwards].

17 An Israelite is not required to trouble himself with *terumah* and bring it from the granary until a city or from a desert until a settled area. Instead,

the priests should go out to the granaries and the Israelites should give them their portions there. If they did not go out [to collect the *terumah*, the owner] should separate it and leave it in the granary. Our Sages ordained that if there are beasts or animals who would eat it there and it is not protected from them, [the owner] should take the trouble of dealing with it and bringing it to the city. He may collect a wage for bringing it [to the city] from the priest. [This is done,] because if he separated it and left it for the animals and beasts, God's name would be desecrated.

18 It is forbidden for the priests and the Levites to assist [farmers] in the granaries in order to receive the agricultural presents given them. Whoever renders such assistance desecrates the holiness of God's name. Concerning such people is applied [the malediction, **Malachi 2:8**]: "You have defiled the covenant of Levi." It is forbidden for an Israelite to allow [a priest] to help him. Instead, he should grant them their portion with honor.

19 When a person gives *terumah* to a priest on the condition that he returns it, he has fulfilled his obligation to give. It is, however, forbidden to do so, for [the priest] is considered like one who helps in the granaries. Similarly, it is forbidden for [the priests] to seize the *terumot* and the tithes. It is even forbidden for them to make a verbal request for them. Instead, they should take them with honor, for they are eating and drinking from the table of God. These presents are given to Him and He apportioned them to them, as [**Numbers 18:8**] states: "Behold I have given to you the safeguard of My *terumah*."

20 A person should not give *terumah* to the watchman of his vat, nor a firstborn animal to the watchman of his flock, nor the presents [given when an animal is slaughtered] to the shepherd of his animals. If he gave them [to these individuals], he desecrated [their honor] unless he gave them their wages for watching first.

One Israelite may tell another Israelite: "Here is a *sela*. Give *terumah*...", "...a firstborn...", or other presents [given to the priests] "...to so-and-so, the priest, who is my daughter's son, or "...my sister's son," or the like.

21 When does the above apply? When the owner desired to give [the presents] to one of two priests or [tithes] to one of two Levites gratis and his colleague told him: "Here is this and give to that one." If, however, an owner told a priest or a Levite: "Here is this portion. [Give me something in exchange] for my privilege to give it to whom I want," this is forbidden. Similarly, it is forbidden to sell *terumah* as merchandise even though he purchases it from a priest and sells it to a priest.

22 There are ten individuals to whom *terumah* is not given in the granaries even though they may partake of it or grant others the right to partake of it:

a deaf-mute, an intellectually or emotionally unstable person, or a child who does not know how to spread out his hands to recite the priestly blessing, these [are not given *terumah*], because they lack sufficient knowledge;

a *tumtum* and an *androgynus*, because they are unique types of people;

a servant, lest passersby in the field [see him taking *terumah*] and give

testimony that he is a priest;
an uncircumcised person and a ritually impure person, because they are abhorrent;
a woman [married to a priest], lest she be divorced and [to prevent her from] entering into seclusion [with someone in the granary]; and
a person who marries a woman who is not appropriate for him; he was penalized in that [*terumah*] would not be allocated to him in the granaries until he divorces her.
In all the above instances, [*terumah*] may be sent to their homes and allocated to them as is the law regarding other sacramental foods dependent on the boundaries [of *Eretz Yisrael*] with the exception of a person who marries a woman who is not appropriate for him, an uncircumcised person and a ritually impure person, to whom [*terumah*] is not sent at all.

Chapter 13

1 *Terumah* becomes nullified in a mixture 101 times the size of the original quantity.
What is implied? When a *se'ah* of *terumah* falls into 100 *se'ah* of ordinary produce and all the produce becomes mixed together, he should separate one *se'ah* and give it to the priest. The remainder is permitted [to be eaten by] non-priests.
[Accordingly,] whenever the *terumah* is a substance which the priests do not care about, e.g., *terumah* from wild figs, carobs, Edomite barley and the like, it is not necessary to separate [a hundredth for the priest].

Instead, since it fell into a 100 times its amount, it is nullified because of its minimal size and the entire mixture is permitted to non-priests.

2 If a *se'ah* of *terumah* fell into less than 100 [*se'ah* of ordinary produce], the entire mixture becomes *miduma*. It should be sold to a priest at the price of *terumah* with the exception of that *se'ah*.

When does the above apply? When produce becomes mixed with its own kind. If, however, produce becomes mixed with produce of another type, [the ruling is dependent on whether] the flavor [of the *terumah*] is recognizable or not. If the entire mixture has the flavor of *terumah*, it is all considered as *miduma* and should be sold to the priests with the exception of the value of the *terumah*. If the flavor of the entire mixture is that of the ordinary produce, the entire mixture is permitted to non-priests.

3 When a *se'ah* of *terumah* falls into 100 *se'ah* and one *se'ah* was removed from the mixture, if that *se'ah* fell into other produce, the question whether the mixture is considered as *miduma* is determined according to the proportion [of *terumah* in the first mixture].Similarly, if a *se'ah* of *terumah* fell into less than one hundred *se'ah* [of ordinary produce] and the entire mixture became *miduma* and then some of this mixture fell into other [produce], the question whether the mixture is considered as *miduma* is determined according to the proportion [of *terumah* in the first mixture].

What is implied? Ten *se'ah* of *terumah* fell into 90 *se'ah* of ordinary produce and the entire mixture became *miduma*. If ten *se'ah* from this mixture fell into less than 100 *se'ah* of ordinary produce, the mixture is

considered *miduma*, because in the ten *se'ah* of the [original] mixture, there was at least one *se'ah* of *terumah*. If less than ten *se'ah* [of *terumah*] fell into [the original mixture], the [second] mixture is not considered as *miduma* [when one *se'ah* of the first mixture fell into 100 *se'ah*].

4 When does the above apply? With regard to substances that do not become blended together, e.g., wheat kernels with wheat kernels or flour with flour. When, however, substances blend together, e.g., oil that is *terumah* mixes with ordinary oil or wine that is *terumah* mixes with ordinary wine, we follow the majority. If the majority is *terumah*, should the mixture fall into other produce, the ruling is the same as if [the first mixture] was [entirely] *terumah*. If the majority of the [first] mixture is ordinary produce, should that mixture fall into other produce, [the entire first mixture] is considered as ordinary produce and there is never a difficulty concerning a mixture of *terumah*. Nevertheless, in all instances, the entire [first] mixture is forbidden to non-priests.

5 When a *se'ah* of *terumah* falls into 100 *se'ah*, [a *se'ah* of the mixture] was removed, another [*se'ah* of *terumah*] fell in, [another *se'ah*] was removed, and another fell in, the ordinary produce is permitted until there is a majority of *terumah* [in the mixture]. Thus if more than 100 *se'ah* of *terumah* fell into 100 *se'ah* of ordinary produce, *se'ah* after *se'ah* [in above manner], the entire mixture is considered as *miduma*.

6 [The following rules apply when] a *se'ah* of *terumah* fell into 100 [*se'ah* of ordinary produce] and before one *se'ah* was removed, another *se'ah* of

terumah fell [into the mixture]. If [the owner] was aware of the first *se'ah* before the second *se'ah* fell, [the mixture] does not become *miduma*. Instead, he should remove two *se'ah* and the remainder is permitted. [The rationale is that] since it should have been taken out, we consider it as if it was taken out. If, however, he did not become aware of the first *se'ah* until after the second fell in, the mixture is considered *miduma*. It is as if both *se'ah* fell in at the same time.

7 The waste products of *terumah* are not combined with it [a mixture of it and ordinary produce] to cause the ordinary produce to be forbidden. The waste products of ordinary produce, by contrast, are combined with it to cause *terumah* to be nullified in a mixture.

What is implied? A *se'ah* of high quality wheat that is *terumah* fell into 100 *se'ah* of wheat of low quality that is ordinary produce. The owner ground the entire quantity. Even though there is much bran in the ordinary produce and a small amount in the *terumah* and thus the flour from the *terumah* is more than one hundredth of the flour from the ordinary produce, it is nullified. For we measure the flour with the bran and [together,] it is 101 times [the original amount of *terumah*]. If, however, a *se'ah* of low quality wheat that is *terumah* falls into [slightly] less 100 *se'ah* of high quality wheat that is ordinary produce and [the owner] ground the entire quantity, [the weight of] the flour that is *terumah* will be one hundredth of [the weight of] the flour that is ordinary produce. Hence it is nullified because the mixture is 101 times the original amount [of *terumah*], for the weight of the ordinary produce increased and that of the *terumah* decreased.

8 When a *log* of clear wine that is *terumah* fell into 100 *lugin* of cloudy wine that is ordinary produce, we do not remove the dregs from the wine [and only then calculate whether the ordinary wine is 100 times the *terumah*]. Instead, we nullify the *log* of *terumah*. Similarly, if a *log* of cloudy wine [that is *terumah*] fell into a 100 *log* of clear wine, we do not remove the dregs in [the wine that is *terumah*].

9 When a *log* of water fell into 99 *lugim* of wine and then a *log* of wine that is *terumah* fell into the mixture, the entire mixture is considered as *miduma*, because water does not nullify [the existence of] wine.

10 [The following rules apply when] a *se'ah* of *terumah* fell into less than 100 *se'ah* of ordinary produce and then other ordinary produce fell into the mixture so that there was more than 100 times [the weight of the *terumah*]. If [the second batch of produce was added] unknowingly, [the *terumah*] is nullified because there is 101 [times the original weight]. If he mixed it intentionally, the entire mixture is considered as *miduma*, because we do not nullify the existence of substances prohibited by Scriptural Law as an initial preference.

11 It is, however, permitted to nullify *terumah* from the Diaspora [by mixing it] with a majority of permitted substances and eat it during the time when one is ritually impure. Not only that, if a person possesses wine that is *terumah* from the Diaspora, he should take one log of this wine and mix it with two *lugim* of ordinary [wine]. Thus there are three *lugim*. Afterwards, he can add another *log* of the *terumah* wine into the three

lugim and then take one *log* from the four and drink it. He may then add another *log* [of *terumah* wine] and take out a *log* and drink it. Similarly, he may continue adding a *log* of *terumah* and removing a *log* until all the wine that is *terumah* is completed. Thus he can nullify several *lugim* [of *terumah*] in two *lugim* of ordinary produce.

12 When one sows *terumah* next to ordinary produce and cannot identify which produce is *terumah* and which is ordinary produce, the entire batch is permitted even if there were 100 rows of *terumah* and [only] one row of ordinary produce.

When does the above apply? With regard to produce whose seed decomposes in the earth, e.g., wheat, barley, and the like. If, however, the seeds do not decompose, e.g., garlic and onions, even if 100 rows are ordinary produce and one row is *terumah*, the entire mixture is *miduma*. If the entire crop is harvested, *terumah* can be nullified in a mixture of 100 times its weight, but, as an initial and preferred option, one should not harvest the crop.

13 When there are two containers of produce, one containing *terumah* and one containing ordinary produce and it is not known [which contains the ordinary produce and which contains the *terumah*], if [the contents of] one of these containers falls into ordinary produce, [the mixture] is not considered as *miduma*. [This same law applies if produce that is] *terumah* fell into one of two containers [of ordinary produce], but one does not know which one and afterwards, one of those containers fell into ordinary produce.

Similarly, if one sowed [the grain from] one of the two containers, the produce that grows is considered as ordinary produce with regard to all matters. [The produce in] the remaining container is considered as *terumah*. If [the contents of] the second container fell into other produce, [the mixture] is not considered as *miduma*. Similarly, if another person sowed [the contents of] the second container, the produce that grows is considered as ordinary produce.

If [the contents of] both containers fall into one mixture of other produce, the mixture is considered *miduma* according to the amount of produce in the smaller container. If one person sowed both of them, if the produce is a species where the seed decomposes, the produce that grows is considered as ordinary produce.If the seed does not decompose, the produce that grows is *miduma.*

When does the above apply? When one sowed [the contents of] the second container before the first batch of produce was harvested. If, however, he harvested the first batch of produce before sowing the second, the produce that grows is considered as ordinary produce even when the seed does not decompose. [The rationale is that] produce that has been reaped and produce that is growing are not considered as indicators of each other's status.

14 When there are two containers [of produce], one containing ordinary produce and the other, containing *terumah* and two *se'ah*, one of ordinary produce and one of *terumah*, and both *se'ah* fall into these containers, [one into each], the produce is permitted. We assume that the ordinary produce fell into [the container of] ordinary produce and that the

terumah fell into [the container of] *terumah*. [This applies] even though the weight of the ordinary produce is not greater than that of the *terumah*. When does the above apply? With regard to *terumah* in the present era, for the requirement is of Rabbinic origin. If the *terumah* is mandated by Scriptural Law, [the above ruling does not apply unless] the weight of the ordinary produce is greater than that of the *terumah*.

15 When a *se'ah* of *terumah* falls into a grainheap and [the owner] states: "The *terumah* of this grainheap is in its midst," the borders of the *terumah* are defined where the *se'ah* fell and the entire mixture becomes *miduma* because of the *terumah* which fell in and the *terumah* of the grainheap.
If he said: "The *terumah* of the grainheap is in its northern portion," we divide the grainheap in half, and then the northern half in half. Thus the northern most quarter of the grainheap is *miduma*.

16 If there were two grainheaps before a person and he said: 'The *terumah* for both grainheaps is in one of them," they are both considered *miduma*.
If there were two *se'ah* of grain and one grainheap before a person and he said: "One of these *se'ah* is considered *terumah* for this grainheap," one of them is *terumah* and he does not know which. If there were two grainheaps and one *se'ah* before him and he said: "This is *terumah* for one of the grainheaps," [the *se'ah*] is *terumah* and [*terumah* has been separated from] one of the grainheaps, but he does not know which one is no longer *tevel*.

Chapter 14

1 [The following laws apply when] there were fifty dark figs and fifty light figs and one fig that is *terumah* fell among them. If it was light, the dark figs are permitted and the light figs are considered *miduma*. If it was dark, the dark figs are *miduma* and the light figs are permitted. If it is not known whether it was light or dark, it can be nullified when the mixture is 101 times [the weight of] the original fig. If he knew what type of fig it was but forgot, they are all considered *miduma*.

2 Similar laws apply when there are cakes of pressed figs or blocks of pressed figs and a cake or block of [figs that are] *terumah* falls among them. If it is not known whether the one which fell in was a block or a cake, the cakes and the blocks are combined and the *terumah* can be nullified if their [combined weight] is 101 times that of the *terumah*. [Similarly,] when there are large cakes of figs and small ones and a cake of figs [that is *terumah*] falls among them, but it is not known whether the cake which fell in was large or small, [the existing cakes] can nullify the one which fell in whether by weight or by number.

What is implied? A cake [of figs] fell into a mixture of 100 other cakes, both large and small. We assume that a small cake fell in and one may remove one of the small cakes. If a cake fell into 40 cakes, 20 of them weighing four *litra* each and 20 of them, weighing one *litra* each, since the combined weight is 101 *litra*, we assume a small one fell in and remove one of the small ones.

3 Flour and finely sifted flour cannot be combined together to nullify *terumah*.

4 When a *se'ah* of wheat which is *terumah* falls on the mouth of the storage vat of wheat, we do not measure it against the 101 times [its weight or ordinary grain found] in the storage vat. For we do not make such an assessment unless the *terumah* has been mixed with the ordinary produce or we do not know where the *terumah* fell.

What should be done? We consider the *terumah* as if it is wheat placed above barley and separate the *terumah* itself which fell unto the storage vat with some of the ordinary produce upon which they fell as one would be collecting wheat from barley.

5 [The following laws apply when] there are two containers or two storage vats and *terumah* fell into one of them. It became mixed with [the contents of the container or storage vat] and it is not known which one it fell into. If the two storage vats were in the same building, they are considered as if they were combined and the *terumah* is nullified if the entire quantity is 101 times its weight. It is as if they were both contained in a single storage vat. Moreover, the containers are considered as combined together even if they are in two separate buildings, for it is possible to gather the two in one building. If, however, the two containers were in two cities, they are not combined.

6 How should he remove the *se'ah* which fell in? If he desires to remove it from one of them, he may. If he desires to remove half from one and half from the other, he may.

[The following laws apply when] there are jugs filled with dried figs that are ordinary produce and [the owner] pressed a *litra* of figs that are

terumah into the opening of one of them, but he does not remember which one. If there are 101 jugs, the *terumah* is considered nullified. He should take one jug and sell it to a priest except for the worth of the *litra* [of *terumah*] and the remainder [of the jugs] are permitted. If there are less than 100 jugs, [the figs at] the openings [of the jugs] are considered *miduma* and those at the bottom are permitted.

7 Similar laws apply if one pressed [a *litra* of] figs into the opening of a *kaveret*or into the top of a cake. If he pressed them onto the top of a cake, but does not know whether he pressed them onto the northern portion [of the cake] or its southern portion, nor does he know which cake he pressed them onto, we look at all the figs as if they were separate entities and [the figs that are *terumah*] should be nullified based on weight. If all the cakes weigh 100 *litra*, the *terumah* is nullified provided each of the cakes weighs more than two *litra* so that in each cake, the *terumah* is nullified because there is a majority of ordinary produce. The rationale is that when there is a doubt concerning the presence of *terumah*, it is nullified when there is a majority of ordinary produce.

8 When *terumah* is definitely [present in a mixture], it is forbidden if the mixture is 100 [or less times its weight]. If there is merely a doubt concerning the presence of *terumah*, it is forbidden if there are only fifty. It is permitted only if one adds a majority [of the new mixture]. If there are more than fifty, one need not add such a majority.
What is implied? One fig that is *terumah* fell into 99 figs and they are all present. They are all forbidden to non-priests, as explained.

9 If, [after a fig that is *terumah* fell into 50 other figs, and then] one of the mixture becomes lost, it is possible that one of the ordinary figs was the one that was lost, but it is possible that it was the fig that fell in. Hence, the mixture is forbidden until one adds ordinary produce to it from another source, adding 51 figs to the entire quantity. If one fig fell into 51 figs and one of the mixture was lost, the remainder is permitted to non-priests.

10 [The following rules apply when] a *se'ah* of *terumah* fell into less than 100 *se'ah* of the first tithe from which *terumat ma'aser* was not separated or into [produce from] the second tithe or consecrated property that was not redeemed and the entire mixture became *miduma*. If [the *terumah*] fell into the first tithe, the *terumat ma'aser* should be designated, and the entire mixture sold to the priests with the exception of the worth of the *terumah* that fell into it and the worth of the *terumat ma'aser*. If it fell into [produce from] the second tithe or consecrated property that was not redeemed, they should be redeemed and then sold to a priest with the exception of the worth of the *terumah*.

11 When a *se'ah* of impure *terumah* falls into less than 100 *se'ah* of ordinary produce or into produce that is from the first tithe, or from the second tithe, or from consecrated property - whether [the latter three] are ritually pure or ritually impure - [the mixture] is *miduma*. Hence, the entire mixture is like impure *terumah* which is forbidden to everyone. Thus it is all forbidden and must be left until it rots.

When does the above apply? With regard to an entity that is not eaten

raw. When, by contrast, it is normal practice to partake of a type of produce uncooked, one should not set them aside lest someone encounter them and partake of it. Instead, the entire mixture should be used as fuel, like impure *terumah* is used as fuel.

12 When a *se'ah* of pure *terumah* falls into less than 100 *se'ah* of ordinary produce that is impure, the entire mixture should be sold to a priest with the exception of the worth of the *terumah*. The priest should eat this mixture which is *miduma* as roasted kernels or he should make them into a dough using fruit juice which does not render produce fit to contract impurity, so that [contact with] the impure ordinary produce will not render the *terumah* as impure.

Alternatively, he should make this mixture that is *miduma* into a dough that is less than the size of an egg. [This is beneficial], because impure food does not cause other food to become impure until [the impure food] is the size of an egg. Or he may divide the mixture that is *miduma* and place a portion of it that is less than the size of an egg in each dough so that the *terumah* in it will not become impure.

13 When a *se'ah* of impure *terumah* falls into 100 *se'ah* of ordinary produce that is pure or a *se'ah* of pure *terumah* falls into 100 *se'ah* of ordinary produce that is impure, it should be removed and the *terumah* is nullified, because the new mixture is 101 times [the size of the *terumah* that fell in. That *se'ah*] should be eaten as roasted kernels, or it should be made into dough with fruit juice, or into dough that is less than the size of an egg. [The rationale is that] the *se'ah* which fell in is not [necessarily] the *se'ah*

that was removed.

14 When a *se'ah* of impure *terumah* falls into 100 *se'ah* of pure *terumah*, it is nullified because of the insignificant amount and the entire mixture should be eaten in a state of ritual purity. If it fell into less than 100, he should leave the entire mixture until it rots.

15 There were two containers [of grain, each containing less than 100 *se'ah*]. A *se'ah* of *terumah* fell into one of them and it was known into which one it fell. Afterwards, a second *se'ah* of *terumah* fell into one of them, but it was not known into which it fell. [The rationale is that] we assume that the second *se'ah* fell into the same place as the first *se'ah*, for we associate the problematic issue with the [previous] problem.

If, however, the first *se'ah* fell into one of the containers, but it was not known into which it fell and afterwards, a second *se'ah* fell into one and it was known into which one it fell, we do not say that the first one fell into the same place as the second. Instead, both are considered to be problematic.

16 If there were two containers [of grain], one ritually pure and one ritually impure, and a *se'ah* of *terumah* fell into one and it was not known into which, we assume that it fell into the impure one.

17 When there are two containers, one containing pure *terumah* and one containing impure ordinary produce, should a *se'ah* of pure *terumah* fall into one of them, we assume that it fell into the one containing *terumah*. The ordinary produce should, however, be eaten in a state of ritual purity

like *terumah*.

18 [18-19] When a *se'ah* of impure *terumah* falls into one of the above mentioned containers, we say that it fell into the *terumah*. The ordinary produce should, however, be eaten as roasted kernels or made into dough with fruit juice.

19 —

20 When there are two containers, one containing impure *terumah* and the other ordinary produce that is pure, and a *se'ah* of pure *terumah* falls into one of them, we assume that it fell into the *terumah*, but the ordinary produce should be eaten as roasted kernels.

21 If a *se'ah* of impure *terumah* fell into one of these containers, both of them are forbidden. [The rationale is that when] there is a doubt [whether produce is] impure *terumah*, it is forbidden to be eaten, while when there is a doubt whether it is *miduma*, it is permitted. For the prohibition against partaking of impure *terumah* is Scriptural in origin, while the prohibition against partaking of a mixture that is *miduma* is Rabbinic in origin based on the principles explained in *Hilchot Ma'achalot Assurot*.

Chapter 15

1 A sealed barrel [of wine that is *terumah*] makes a mixture *miduma* whatever the ratio [between it and the other barrels].
What is implied? When a sealed barrel [of wine] that is *terumah* becomes

mixed with several thousand sealed barrels [of ordinary wine], the entire mixture becomes *miduma*. If the barrels are opened, [the presence of the *terumah*] is nullified when 101 times its contents are present.

2 When a sealed barrel [that contains *terumah*] becomes mixed with 100 barrels and then one falls into the Mediterranean Sea, they are all permitted. We assume that it is the one that is *terumah* that fell in. This is not the case when a fig falls into 100 figs. In the latter instance, it is necessary to set aside one [fig]. [The rationale for the distinction is] that a barrel that falls into the sea is noticeable. A fig and the like which fall are not noticeable.

3 When a sealed barrel [that contains *terumah*] becomes mixed with 100 barrels and one of them is opened, he should remove one hundredth of it, and then he may drink the barrel. The other barrels are, however, forbidden until they are opened. Whenever any one of them is opened, he should remove the percentage that causes the mixture to be *miduma* and drink the remaining hundred portions.

If a barrel [containing *terumah*] became mixed with 150 barrels and 100 of them were opened, one should remove the percentage that causes the mixture to be *miduma*, i.e., one barrel and drink [the remaining barrels]. The remaining 50 are still forbidden; we do not presume that the barrel that was *terumah* was among the majority [that were opened]. Even if there are several thousand barrels, they are all considered *miduma*. Whenever any one is opened, he should remove one hundredth of it and then he may drink the remainder [of that barrel]. The other barrels,

however, are *miduma*,

4 We have already explained in *Hilchot Ma'achalot Assurot* that a leavening agent or a spice causes a mixture to be forbidden regardless of how small the amount is mixed in. Therefore if a person pureed an apple that was *terumah* and put it in a dough and it caused [the dough] to leaven, the entire dough becomes *miduma* and is forbidden to non-priests.

5 When an egg, even its yolk, was flavored with spices that are *terumah*, it is forbidden, because it absorbs.

6 When yeast that is *terumah* fell into a dough and it was removed and afterwards, the mixture became leavened, [the dough] is permitted.

7 We have already explained that if *terumah* becomes mixed with a substance of a different type, [the mixture is forbidden if the *terumah*] imparts its flavor [to the mixture]. Therefore, [the following laws apply when] a diced onion is cooked together with other food. If the onion is *terumah* and the other food is ordinary produce and it is flavored by the onion, the other food is forbidden to non-priests. If the onion is ordinary produce and the cooked food is *terumah* and the flavor of the cooked food was imparted to the onion, the onion is forbidden [to non-priests].

8 [The following laws apply if] lentils were cooked and then a dry onion was placed among them: If the onion was whole, it is permitted. If it was diced, [the ruling depends on whether] its flavor was imparted. If he cooked the onion with the lentils, whether it is whole or diced, we

estimate whether it imparted its flavor. With regard to the remainder of the cooked food, regardless of whether the onion was placed upon it after it was cooked or cooked with it, or whether it was whole or diced, we estimate whether it imparted its flavor.

Why do we not estimate [whether flavor was imparted] when a whole onion was placed among cooked lentils? Because it does not absorb from them, for it is whole, nor does it impart [flavor] to them, because they have already been cooked. If the onions were soft, it is considered as if they were diced. Similarly, if its tip or its outer shell was removed or it was moist, it is considered as if it was diced. Wild onions, whether moist or dry, whether whole or diced, we see if they have imparted their flavor.

9 When one pickles vegetables that are ordinary produce with those of *terumah,* they are permitted to non-priests with the exception of onions, scallions, and garlic. [With regard to these species,] if one pickled vegetables that are ordinary produce with onions that are *terumah* or onions that are ordinary produce with onions that are *terumah*, they are forbidden to non-priests. If one pickled vegetables that are *terumah* with an onion that is ordinary produce, the onion is permitted to non-priests.

10 [The following rules apply when] olives that are ordinary produce were pickled together with olives that are *terumah*. If they were both crushed, or the ordinary olives were crushed, but those which were *terumah* were whole, or they were pickled in brine that was *terumah*, they are forbidden to non-priests. If, however, they were both whole or the olives that were *terumah* were crushed and those that were ordinary produce were whole,

they are permitted, because those that are crushed absorb from those which are whole.

11 Water in which *terumah* was pickled or cooked is forbidden to non-priests.

12 The laws governing *terumah* apply to anise as long as it has not yet flavored a dish [of food]. Once it has flavored a dish, the laws of *terumah* no longer apply.

13 [The following laws apply when a person] removes a warm loaf of bread [from the oven] and places it over a barrel of wine that is *terumah*. If the loaf is from wheat, it is permitted. If it is from barley, it is forbidden, because it draws forth [the wine itself].

14 When an oven has been heated with cumin that is *terumah*, the bread is permitted. For it does not have the flavor of the cumin, only its fragrance and fragrance does not create a prohibition.

15 When barley that is *terumah* falls into a cistern of water, the water is permitted even if [the barley] spoils the flavor of the water, for food that imparts an undesirable flavor does not bring about a prohibition.

16 [The following law applies when] chilba that is *terumah* and its plant fall into a cistern of wine. If the chilba seed itself is of sufficient quantity to impart its flavor to the wine, the wine is forbidden to non-priests.

17 When there are two cups of wine: one of *terumah* and one of ordinary

wine and they were each mixed with water and then combined, we consider it as if the ordinary wine was not present and as if the wine that was *terumah*was mixed with the water alone, for water is not of its type. If that water is sufficient to nullify the taste of the *terumah* wine in the mixture, the entire mixture is permitted to non-priests. If not, it is forbidden, for as we have explained, water does not nullify wine.

18 When wine that is *terumah* falls on produce, one may wash the fruits and they are permitted. Similarly, when oil that is *terumah* falls on produce, one may wash the fruits and they are permitted.

When oil [that is *terumah*] falls on [ordinary] wine, one should make it coagulate and the wine is then permitted to non-priests. If [oil that is *terumah*] mixes with brine, it should be made to coagulate, then the upper layer of the brine should be removed so that all the brine that has the taste of oil will be removed.

19 A pot in which *terumah* was cooked should not be used to cook ordinary produce. If it was cooked in it, it causes it to be forbidden if its flavor is recognizable. If he washes out the pot with wine or with water, it is permitted to cook in it. If he cooked [*terumah*] in part of the pot, it is not necessary to wash out the entire pot, only the place where it was cooked.

20 The great *terumah, terumat ma'aser, challah,* and the first fruits are all referred to as *terumah*. With regard to *terumat ma'aser*, [**Numbers 18:26**] states: "And you shall remove the *terumah* of G-d from it" and [*ibid.* 15:20] states that it should be "like the *terumah* of your grain heap."

With regard to *challah*, [*ibid.*] states: "You shall separate *challah* as *terumah*." And [**Deuteronomy 12:17**]: "You may not eat in your gates the tithes of your grain, your wine, and your oil,... and the *terumah* of your hand." Now there are no substances that are required to be brought [to Jerusalem to be eaten] that are not explicitly mentioned in the verse except the first fruits. Thus the phrase "the *terumah* of your hand" can be applied to them. Thus we see that they are [also] called *terumah*.

21 Therefore the laws regarding partaking of all four types of substances and mixtures of them and other substances are the same. All can be nullified in a mixture of 101 times the original substance. They are also all combined with each other. If they become impure, they should all be burnt. The laws that apply to *terumat ma'aser* that is *demai*, are the same that apply to *terumat ma'aser* separated from produce [from which the tithes were] definitely [not separated]. It is only that its violation is not punishable by lashes.

22 Anyone who partakes of *terumah* should recite the blessing for that particular food and then recite the blessing: "[Blessed are You... who has sanctified us with the holiness of Aaron and commanded us to partake of *terumah*." We have received the tradition and observed that people would recite this blessing even when partaking of *challah* separated in the Diaspora. For even partaking of sacred foods from the boundaries [of our Holy Land] is like service [in the Temple], as [**Numbers 18:7**] states: "I have granted you your priestly service as a gift."

Mishneh Torah, Tithes

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 After separating the great *terumah*, one should separate one tenth of the remaining produce and this is called the first tithe. Concerning it [**Numbers 18:24**] states: "For the tithes of the children of Israel that they will separate to God."

These tithes are given to Levites, males and females, as [*ibid.*] states: "And I gave the Levites all of the tithes of the children of Israel as an inheritance."

2 An Israelite is permitted to partake of the first tithe, and it may be eaten in a state of ritual impurity, because it is not holy. Whenever the term "holy" or "redemption" is used with regard to the tithes, the intent is the second tithe.

What is the source from which we learn that the first tithe is ordinary produce? [*Ibid.*:27] states: "And your *terumah* will be considered for you as grain from your grainheap and the fullness of the vat." Just as a grainheap and a vat [contain] ordinary produce, so, too, once *terumat ma'aser* has been separated from the first tithe, it is ordinary produce in all regards. For this reason, when the daughter of a Levite has been taken captive or she engaged in forbidden relations, she can be given tithes and she may partake of it. When, however, there was a report that a woman's husband died or one witness testified that he died, she married and then

her husband appeared, our Sages penalized her and ruled that she is forbidden to partake of the tithes.

3 The Levites and the priests should separate the first tithe so that they can separate *terumat ma'aser* from it. Similarly, the priests must separate other types of *terumah* and tithes for themselves. Since the priests receive all types of agricultural gifts, is it possible for them to partake of the produce without these separations having been made? [**Numbers 18:28**] states: "And so shall you separate, also you...." "You" includes the Levites. "Also you" includes the priests.

4 We do not expropriate the tithes from the priests, as [*ibid.*:26] states: "When you take from the children of Israel...." Similarly, none of the presents given to the priests must be given from one priest to another priest.

Ezra penalized the Levites in his time because they did not ascend to Jerusalem with him and ordained that the first tithe should be given solely to the priests.

5 When a person partakes of his produce while it is *tevel* or a Levite partakes of the tithes while they are *tevel*, although they are liable for death at the hand of Heaven, they are not liable to make reimbursement to the owners. [This is derived from *ibid.*:24:] "...that they will separate to God." [Implied is that the recipients] do not have any share in them until they have been separated.

In the Diaspora, it is permitted for a person to continue eating and

afterwards, separate *terumah* and the tithes.

6 We can separate tithes from produce in one place for produce in another place. They need not be grouped together. We do not, however, separate tithes from one species for another species, nor from produce for which we are obligated to separate tithes for produce from which we are exempt from separating, nor from produce for which we are exempt from separating tithes for produce from which such a separation is required. If one made a separation in any of the above instances, [the produce separated] is not considered as tithes.

7 Whenever we said with regard to *terumah*, that *terumah* may not be separated from one type of produce for another, tithes may not be separated from one such type of produce for another such type. And whenever we said that the separation of *terumah* from [one type of produce] is acceptable [after the fact], if one separated tithes from such produce, it is acceptable. Whenever produce is exempt from the obligation to have *terumah* separated, it is also exempt from the obligation to have tithes separated. All those individuals who may separate *terumah* may separate the tithes. And all those concerning whom it was said that they should not separate *terumah*, but if they did separate it, the separation is effective, so too, if they separate the tithes, the separation is effective. And whenever a person's separation of *terumah* is not effective, his separation of tithes is also not effective.

8 When a person tells a colleague: "I will tithe through your agency," he

does not have to stand with him to see whether he tithed or did not tithe. If [the agent] tells a colleague: "Tithe using me as an agent," he must stand with him.

9 The obligation to tithe carobs is only Rabbinic in origin, for they are not eaten by most people. Bitter almonds, whether large or small, are exempt, for they are not considered food.

10 A tree that is planted inside a house is exempt from the obligations of the tithes, as [indicated by **Deuteronomy 14:22**]: "You shall certainly tithe all the produce of your crops that grow in the **field**." It appears to me that tithes must be separated from this produce according to Rabbinic Law, for one is required to tithe the fruit of a fig tree that stands in a courtyard if it was harvested at one time.

11 When onions [stored in a home] grew roots next to each other, even if they grew roots in the earth of a loft, they are exempt from tithes. If a landslide covered them, and they are thus open [to the skies], it is as if they have been planted in the field and one is obligated to tithe them.

12 [The following laws apply when someone is] protecting his field because of grapes and another person comes and collects the figs that remain in that field or he was guarding his field because of the zucchini and squash and another person came and gathered the grapes which were scattered in the field. When [it is known] that the owner of the field is concerned with the leftover produce, it is forbidden to take it; [doing so] is stealing. Hence, tithes and *terumah* must be separated from the crops. If the owner

of the field is not concerned with it, it is permitted [to take it; it is not] theft. Hence, they are exempt from the tithes.

13 Only the most choice produce should be separated as tithes, as [**Numbers 18:30**] states: "When you separate the choice portion from it, and it will be considered for the Levites as the produce of the grainheap and the produce of the vat." Just as the Levites must separate the choicest portions of the tithes, the Israelites who separate from the grainheap and the vat separate the choicest portions.

14 We may not separate tithes by estimation. Instead, one must do so through measuring, weight, or number. One who is precise in the measurement is praiseworthy. When one gives an extra amount as the tithes, his tithes are flawed, because untithed produce is mixed with them. [The remainder of] his produce has, however, been made fit for use.

15 When a person separates a portion of the tithes, they are not considered as tithes. Instead, it is as if someone divided the grainheap. He must, however, separate from the portion set aside the tithes that are appropriate for it.

What is implied? A person had 100 *se'ah*. He set aside five *se'ah* as the tithes. [These five *se'ah*] are not considered as tithes. He cannot separate tithes for [these five *se'ah*] from another source. Instead, he should separate half a *se'ah* from them. It is their tithes.

16 When a person separates the [first] tithe, he should recite a blessing first, as one recites a blessing [before observing] any of the mitzvot. Similarly,

he should recite a blessing [before separating] the second tithe, the tithe given to the poor, and the tithe of a tithe. He should recite a blessing for each one individually. If he made all the separations one directly after the other without speaking in between, he should include them all in one blessing, [praising God who commanded us] "to separate the *terumot* and the tithes."

Chapter 2

1 A person is not obligated to tithe his produce by Scriptural Law unless he completes [the work associated with its preparation with the intent of] partaking of it himself. If, however, he completes those tasks with the intent of selling it, he is exempt according to Scriptural Law. He is, however, obligated by Rabbinic decree. [This is derived from **Deuteronomy 14:22**:] "And you shall certainly tithe... and you shall partake...." One is obligated only when he completes the tasks with the intent of partaking.

2 Similarly, one who purchases such produce is exempt according to Scriptural Law, [for *ibid.* states]: "the produce of your crops." He is, however, obligated according to Rabbinic Law.

When does the above apply? When he purchased it after the work necessary to prepare it was completed while it was in the possession of the seller. If, however, these tasks were completed while it was in the possession of the purchaser, he is obligated to tithe according to Scriptural Law.

3 Produce which is not fit to be eaten because it is too small, e.g., unripened produce and the like, is not required to be tithed until it grows and becomes food, as [implied by **Leviticus 27:30** which states that we must tithe:] "From the crops of the earth, from the fruit of the trees," i.e., [there is no requirement to tithe the crops] until they grow and become fruit. Similar concepts apply with regard to grain and legumes, as [implied by **Deuteronomy 14:22**:] "the produce of your crops," i.e., [there is no obligation] until it becomes produce.

This refers to the "phase of tithing." Before grain and fruit reach this phase, one is permitted to eat as much as one wants from them, in any manner he desires.

4 Produce that is fit to be eaten when it is small, e.g., zucchini or cucumbers, but is left [to grow] only in order to increase its bulk, is required to be tithed while it is small, [for] they are fit to be eaten at the outset. As soon as they emerge, they are considered to have reached the "phase of tithing."

5 When is "the phase of tithing"? When the produce will reach a stage that it produces seed [that could] grow, each species according to its nature.

What is implied? For figs, it is when they become soft enough to be fit to be eaten within 24 hours after they have been harvested. For grapes and *biushim*, i.e., thin wild grapes, it is when their seeds can be seen from the outside. For pomegranates, it is when their seed will be crushed easily between one's fingers and produce liquid. For dates, it is when they swell like yeast.

For peaches, it is when red strands appear within them. For nuts, it is when the fruit becomes distinct from its outer shell. For sweet almonds, it is when their external shell becomes distinct. Bitter [almonds] are always exempt. For other fruits with shells, e.g., acorns, chestnuts, and pistachios, it is when the lower shell that is next to the fruit forms.

For olives, when they produce one ninth of the amount of oil that they will produce when they are entirely ripe; this is one third of their growth. For apples and *esrogim*, it is when they become round, for they are fit to be eaten when they are small. For berries and sumac, it is when they become red. Similarly, for every fruit that becomes red, it is when it becomes red.

For carobs, it is when black spots begin to appear. Similarly, for any fruit that becomes black, it is when spots begin to appear. For pears, small pears, quince, and thorn apples, it is when their hairs begin to fall off. Similarly, for any fruit that becomes light-colored, it is when white lines appear.

For grain, it is when it reaches a third of its growth. For *chilba*, it is when its seed is fit to grow if it would be planted. With regard to vegetables, we are required [to tithe] zucchini, squash, watermelon, cucumbers and the like when they are small, as we explained. Other vegetables which are not fit to be eaten until they grow large and are not required [to be tithed] until they are fit to be eaten.

When even one grape on a cluster has reached the stage when it must be tithed, because of their connection, the entire [cluster is required to be] tithed. It is as if the entire cluster reached that stage of development. [Indeed,] not only that cluster, but the entire side of the vine on which

that cluster grew [is considered to have reached the stage when the tithes must be separated]. Similarly, when even one seed of a pomegranate reaches the appropriate stage, the entire [side of the tree] is considered as connected to it.

6 After produce has reached the "phase of tithing," a person should not sell it to someone who is not trusted with regard to tithes. If [a portion of] the produce ripened, he should remove that [portion] which ripened. It is then permitted to sell the remainder that has not reached the "phase of tithing."

Similarly, a person should not sell olive dregs and grape dregs to someone who is not trusted with regard to tithes to extract [oil or wine] from them, for the liquids extracted from these dregs must be tithed. Nor should he sell straw so that grain can be picked from it to someone who is not trusted, for the grain picked from the straw must be tithed.

7 [The following laws apply when a person] mixed water with wine dregs and filtered the mixture. If he mixed in three measures of water and received four measures, [the mixture is considered wine] and he must separate tithes for this extra measure from another source. He does not have to separate *terumah*, for when one separates *terumah*, he has the intent to separate *terumah* for the entire amount, as stated above with regard to *terumah*. If he received less than four measures, he is exempt, even if he received more than he mixed in and even if the mixture has the flavor of wine.

8 When a person consecrated his produce when it was attached to the ground, before they reached the "phase of tithing," and then redeemed them, and after he redeemed them, it reached that stage of development, he is obligated to tithe them. If the produce reached the "phase of tithing" while it was in the domain of the Temple treasurer and he redeemed it afterwards, he is exempt.

Chapter 3

1 When produce has reached the "phase of tithing," it was detached [from the earth], but the work preparing it was not completed, e.g., grain that he harvested and threshed, but [the reaper] did not winnow it or straighten the grain pile, he may partake of it as a snack [without tithing] until those tasks are completed. Once those tasks are completed, it is forbidden to partake of it as a snack [without tithing].

2 When does the above apply? When one is completing the work [necessary to prepare] the produce to be sold in the market place. If, however, his intent was to bring it to his home, he may partake of it as a snack [even] after the work involving it is completed until a situation occurs which obligates the separation of tithes.

3 Six situations obligate the separation of tithes from produce: [bringing it into] a courtyard, a transaction, [subjecting it to] fire, salting it, separating *terumah*, and [the commencement of] the Sabbath. These situations require the separation of tithes only when the work necessary to prepare

the produce has been completed.

4 What is implied? One may eat a snack from produce which he intends to bring home [without tithing], even though the work necessary to prepare it has been completed until he enters his home. Once he enters his home, the obligation to separate tithes takes effect and he is forbidden to partake of it until he tithes it.

Similarly, if he sold it, cooked it by fire, pickled it in salt, separated *terumah* from it, or the Sabbath commenced, he may not partake of it until he separates the tithes even though it has not reached the house.

If he brought the produce into his home before he completed the work associated with it, he may continue to snack from it. If he began to complete the work associated with its completion, he is obligated to tithe the entire amount.

What is implied? A person brought zucchini and squash home before he rubbed them [to remove the hairs on their surface]. Once he begins rubbing one of them, he is obligated to tithe all of them. Similar laws apply in all analogous situations.

Similarly, when one separates *terumah* from produce for which all the tasks necessary to prepare it have not been completed, it is permitted to snack from them with the exception of a basket of figs. If one separates *terumah* from them before the work associated with preparing them is finished, the obligation to tithe takes effect.

5 [The following laws apply if] fig-branches to which figs were still attached or date fronds to which dates were still attached were brought home. If

children or workers brought them [to a person's home], the obligation to tithe does not yet take effect. If the owner of the home brought them, he is obligated to tithe them.

If he brought in stalks of grain to make dough, the obligation to tithe does not take effect. If he intended to eat them as kernels, it does take effect. When does the above apply? With regard to grain. With regard to legumes, the obligation to tithe does not take effect [in that instance].

6 It is permitted to be crafty and bring [grain that has been harvested] into one's home while it still has its outer shell so that one's livestock can partake of it and thus it is exempt from tithes. One may then winnow a small portion of it after it has been brought into one's home. He is thus exempt from [the obligation to separate] *terumah* and tithes forever, since he has not begun to complete [the tasks necessary to prepare] the entire [harvest].

7 When a person completes the task necessary to process a colleague's produce without his knowledge or he brings the produce to one of the six situations that establish an obligation to tithe without [the owner's] knowledge, [this produce] incurs the obligation to be tithed.

8 What is meant by completing the work associated with produce? For zucchini, squash, and watermelon, it is when one rubs them with his hands and removes the golden hairs upon them. If he does not rub them, it is when he makes a pile. For a watermelon, it is when he arranges them in a designated place, one watermelon next to another. If one rubs the

fruit one by one, when he completed [rubbing] all that he needed, that [specific produce] is considered as if the tasks necessary to prepare it were completed. We may separate *terumah* from zucchini and squash even though the hairs have not been removed from it.

9 For vegetables that are [sold while] bound together, it is when they are bound together. If the vegetables are not bound together, it is when the container is full. If he does not fill the container, he may snack from the produce until he gathers all that he needs.

10 For a basket [of produce], it is when the produce will be covered by leaves, straw, and the like. If he does not cover it, it is when the container is full. If he does not fill the container, it is when he gathers all that he needs.

11 [When a person is gathering produce] in a large container, but he desires to fill only a portion of it, once he fills that portion, [the produce] must be tithed. If he intends to fill the entire container, [the produce is] not required to be tithed until he fills the entire container. If he has two containers and desires to fill both of them, [the produce is] not required to be tithed until he fills both of them.

12 When a person made a large weave of vegetables in the field, the obligation to tithe takes effect even though he intended to [undo the larger weave and] make a smaller weave for the marketplace.

Dried pomegranate seeds, raisins, and carobs, [become obligated to be tithed] when a person sets up a pile on top of his roof. Onions [become obligated] when one removes the leaves and shells that he would generally

discard. If he does not remove them, [there is no obligation to tithe the onions], until one stores them in a pile.

13 Grain [becomes obligated] when one is *mimareach* it. What is meant by *mimareach*? When one straightens the surface of the grainheap with a pitchfork at the conclusion of the entire process, as one would do when he concludes all his work. If a person is not *mimareach*, [the obligation takes effect], when he makes a pile.

Legumes [become obligated] when one sifts them and takes them from under the sifter and partakes of them. If he does not sift them, [the obligation takes effect when] he is *mimareach*.

Even though he is *mimareach*, it is permitted to take from the scattered stalks, those on the side, and the kernels that are in the straw, and partake of them.

14 Wine [becomes obligated] when it is stored in a barrel and the peels and seeds are removed from the top of the barrel. When, however, it is in the vat and one takes out some to put it in a barrel, one may drink from it casually. Similarly, he may collect [wine] from the upper vat, from a conduit, or from any place and drink it [without tithing].

15 Oil [becomes obligated] when it descends to the vat. Even though it has descended, one may take from the rope basket, the stone [used to grind the olives], the boards or stones of the olive press. One may place [untithed] oil into cooked food in a small dish or a large pot even though [the food] is hot, because it will not cook in a secondary vessel. If [the

food] was very hot, so much so that one's hand would burn, he should not put [untithed oil] into it, because it will be cooked.

16 A cake of dried figs [becomes obligated] when it is smoothed. Dried figs [become obligated] when they become crushed [into the container in which they will be stored]. If they were placed in a storage container, [they become obligated] when one smoothes out the surface of the storage container by hand. If one was crushing dried figs into a jug or into a cake at the opening of a storage container and the jug becomes broken or the storage container is opened, he should not partake of [the figs] until they are tithed.

17 When figs and grapes have been set aside [to dry], it is permitted to snack from them in the place where they were set aside. If, however, he took some from the place where they were set aside, he should not snack from them, because the tasks involved [in their preparation] have been completed, even though they have not dried out totally.

18 Carobs [become obligated] when he collects them on top of the roof to dry. He may take some down [from the roof] for fodder for his livestock. He is exempt [from tithing], because he will put back what is left over. He is thus using it as fodder as a temporary measure.

19 When a person separated the first tithe while the produce was still in stalks, it is forbidden to partake of it until *terumat ma'aser* is separated from it. If he partook of it, he is given stripes for rebellious conduct.
What is meant by partaking of food as a snack? If a person was peeling

barley kernels and eating them, he may peel them one by one. If he peeled several and held them in his hand, he is required to tithe them. If he was crushing the shells of wheat kernels, he may sift the chaff from hand to hand and partake of them. If he sifted them into his bosom, he is required to tithe them. Needless to say, if he sifted them with a utensil, [he is required to tithe them], for this is not a temporary measure.

Similarly, one may take wine and put it into a cold cooked dish in a bowl and partake of it. One may not, by contrast, put it into a pot even if it was cold, because it is considered like a small cistern. Similarly, one may squeeze olives onto his skin [without tithing], but not into his hand. Similar laws apply in all analogous situations.

20 Just as it is permitted to partake of produce as a snack when the work [involved in its preparation] has not been completed, so too, it is permitted to feed such produce to animals, livestock, and fowl as one desires. Similarly, one may declare as much of this produce ownerless as he desires.

If he completed those tasks, even when the obligation to tithe was not established, he may not declare the produce ownerless, nor may he feed it to livestock, animals, and fowl in a significant manner until he tithes it. It is permitted to feed an animal *tevel* in an insignificant manner, even in one's home. One can feed [an animal] rolls of *chilba* until one bundles them as packages.

21 When a person discovers fruits on the road - even if he finds them next to an orchard of that fruit - they are exempt from the tithes. When one

found dried figs, if most people already crushed their dried figs [into larger masses], he is obligated to tithe [what he found], for we assume that it came from produce for which the work involved in its preparation was completed. Similarly, if he found broken pieces of cakes of dried figs, it should be considered as if they came from produce for which the work involved in its preparation was completed.

22 When a person finds sheaves of wheat in a private domain, he is obligated to tithe them. [If he finds them] in the public domain, they are exempt. Larger sheaves are required to be tithed wherever they are found.

If one finds [bundles of] grain that have been straightened, one may separate them as *terumah* and tithes for other produce. One need not be concerned [that the owners separated tithes for this produce already].

[If one finds a] basket [of fruit] that is covered, he is required to tithe it. If he finds a basket [of fruit] in a place where most people take it to the marketplace, he is forbidden to snack from it and he should make the appropriate separations as if it were *demai.* [In a place where] most people bring it home, he may snack from it and he must certainly make the appropriate separations. If half [bring home] and half [bring to the marketplace], it is considered as *demai*. If he brings it home, he must certainly make the appropriate separations.

When does the above apply? With regard to a type of produce that does not have a specific phase at which the tasks associated with its preparation are completed. If, however, the produce does have a phase when the tasks associated with its preparation are completed, even though he must certainly separate tithes, he does not have to separate *terumah*. For we can

assume that *terumah* was separated when those tasks were completed.

23 When there are ant holes that existed overnight next to a pile of grain that is required to be tithed, the kernels found there are required to be tithed. For it is obvious that the ants have been taking from produce that was completely prepared throughout the night.

24 When a person finds olives under an olive tree or carobs under a carob tree, he is required to tithe them, for we assume that they fell from this tree. If he found figs under a fig tree, there is a doubt whether they fell from this tree or from figs that are already tithed, because their appearance changes and they become soiled with the dust.

25 When a person consecrates produce that has been detached and redeems it before the tasks associated with its preparation are completed, one is obligated to tithe it. If [these tasks] were completed while [the crops] were in the domain of the Temple treasury and then he redeemed them, they are exempt from tithes. When a person consecrated standing grain for meal offerings, it is exempt from the tithes.

Chapter 4

1 The obligation to tithe is not established for *tevel* according to Scriptural Law until one brings it into his home, as [implied by **Deuteronomy 26:13**]: "I removed the sacred produce from the home." [This applies] provided he brings the produce in through the gate, as [*ibid.*:12] states: "And you shall eat in your gates." If, however, he brought produce in from the roof

or from the yard, he is exempt [from the obligation] to separate *terumah* and tithes.

2 It appears to me that lashes are not administered as required by Scriptural Law for eating *tevel* unless [the obligation to tithe] was established by bringing it into one's home as we explained according to the Oral Tradition. If, however, the obligation was established through one of the six ways that we mentioned, he is given only stripes for rebellious conduct as mandated by Rabbinic Law.

Similarly, a person who partakes of produce which he desires to bring to the market place after the tasks necessary to prepare it have been completed receives only stripes for rebellious conduct, as we explained. For a person who completes [the tasks necessary to prepare his produce] for sale is obligated to tithe only according to Rabbinic Law.

3 When a house is less than four cubits by four cubits in area, [bringing produce into it] does not establish an obligation. Similarly, [bringing produce onto] a roof does not establish an obligation even though [bringing it into] the house below would. If, however, the roof was not four cubits by four cubits in area, e.g., the house ascended on a slant, bringing [the produce] there does not absolve it from the obligation to tithe it. Instead, [the roof] is considered as part of the domain of the home.

4 Leantos, guardhouses, summer shelters - i.e., four pillars with a roof on top of them without walls, and *sukkot* built by workers who dwell in the

vineyard and the gardens in the summer, even though they dwell in them throughout the summer and [the *sukkot*] contain mills and chickens do not establish an obligation to tithe. Similarly, the outer *sukkot* built by potters and the *sukkot* for the holiday [of Sukkot] during that festival do not establish an obligation. For none of these are permanent dwellings.

5 Leantos and guardhouses establish an obligation to tithe for their owners, even though they do not create such an obligation for all people. Similarly, [bringing produce into] a school or a house of study creates an obligation to tithe for a person who abides there and teaches, because they are comparable to his home. They do not create an obligation for others.

6 When a synagogue or a house of study have a dwelling, [bringing produce there] establishes [an obligation to tithe]. If not, no [such obligation] is established.

[Bringing produce to] stables and storehouses in the fields that are built to store produce does not establish an obligation to tithe. If [these structures] were also intended as dwellings, an obligation is established.

7 Just as [bringing produce into] a home establishes an obligation to tithe, so too, [bringing produce into] a courtyard establishes such an obligation. When produce is brought into a courtyard through the gate, an obligation is established even though it was not brought into the home.

8 [Into] which type of courtyard must [produce be brought] for an obligation [to tithe] to be established? Any one in which utensils are protected within, one in which a person will not be embarrassed to eat

there, or one in which were a person to enter, he would be asked: "What are you looking for?" The above also applies to a courtyard which has two inhabitants or is owned by two partners when one opens it and enters and then the other comes and enters or leaves and locks it. Since they open it and lock it, [bringing produce into] it establishes an obligation to tithe.

9 A gatehouse to a courtyard, an *excedra*, and a porch are governed by the same laws as a courtyard. If [bringing produce into] a courtyard would establish an obligation to tithe, [bringing produce into these] establishes an obligation. If not, an obligation is not established in these instances as well.

10 When there are two courtyards, one inside the other, [bringing produce into] either of them establishes an obligation to tithe. When a potter has [two] *sukkot* one leading to the other, [bringing produce into] the inner *sukkah* establishes an obligation to tithe. [Bringing it into] the outer one does not. [Bringing produce into] a store establishes an obligation like a home does.

11 When a person transports his produce from one place to another, an obligation to tithe is not established even though he brings it into homes and courtyards while on his journey. He may snack from it until he reaches his ultimate destination. [These laws] also [apply] when he returns.

12 Traveling salesmen who journey through villages and pass from one courtyard to another may snack from their produce until they reach the

home where they will spend the night.

13 When a person brings figs from a field to partake of them in a courtyard which is exempt from the obligation to tithe, but then he forgot and brought them into his home, he is permitted to take them out from the home and snack from them. Similarly, if he forget [and after taking them into his home], took them up to the roof, he may snack from them on the roof.

If he brought them to partake of them on his roof and brought them into a friend's courtyard, an obligation to tithe is established and he should not partake of them until he tithes them.

14 When a courtyard has been plowed, it is considered like a garden and one may snack in it. [This applies] provided he plowed the majority [of the courtyard]. If he sowed the majority of it, he may not snack in it. The same law applies if he planted trees in it. If he planted trees in the courtyard to make it attractive, since the field has been plowed, he may snack from those trees [without tithing].

15 When a fig tree is growing in a courtyard, one may eat figs from it one by one while exempt [from tithing]. If he gathers them together, he is obligated to tithe.

When does the above apply? When he is standing on the ground. If, however, he climbs to the top of the fig tree, he may fill his bosom with them and eat them there. For the open space of a courtyard does not create an obligation to tithe.

16 [If a fruit tree] was standing in a courtyard and leaning into a garden, one may partake of the tree while standing in the garden in his ordinary manner, as if the tree was planted in the garden. If [the tree] was planted in a garden and leaning into a courtyard, it is considered as if it was planted in the courtyard and one may only partake of them one at a time.

17 When a vine is planted in a courtyard, one should not pick an entire cluster and partake of it. Instead, one should pick the grapes one by one. Similarly, with regard to pomegranates, one should not take the entire pomegranate, but instead should divide the pomegranate while it is on the tree and partake of the seeds from it. Similarly, with regard to a watermelon, one should bend it over to the ground and partake of it there.

If one was eating a cluster [of grapes] in a garden and brought it into a courtyard, one should not continue eating until he tithes even if he departs from the courtyard.

18 When coriander is planted in a courtyard, one may pick it leaf by leaf and partake of it. If one gathers them together, he is obligated to tithe. Similar laws apply in all analogous situations.

Chapter 5

1 When a person purchases detached produce to partake of it, he is obligated to tithe it according to Rabbinic decree as we explained.

When is the obligation [to tithe] established? When [the purchaser] pays

[for the produce], even if he has not drawn it [into his domain]. If [a potential purchaser] was selecting and setting aside, selecting and setting aside, even if he did so the entire day and even if he made up his mind to purchase the produce, he is not obligated to tithe it. If he is a God-fearing person, from the time he made up his mind, he should tithe it. Afterwards, if he desires to return it to the seller, he may return it.

2 When a person purchases produce that is attached to the ground or purchases detached produce to send to a colleague, [an obligation to tithe] is not established and he may snack from them.

3 When a person tells a colleague: "Here is an *isar* and give me five figs for it," he may eat them one by one and he is exempt [from the obligation to tithe]. If [the seller] gathers them together, he is obligated to tithe them.
[If he says:] "Here is an *isar* for 20 figs that I will select," he may select them one by one and eat them. "...For a cluster of grapes that I will select," he may pick them individually from the tree and partake of them. "...For a pomegranate that I will select," he may remove the seeds while on the tree and partake of them. "...For a watermelon that I will select," he may bend it over to the ground and partake of it.
If he cut off the figs and gathered them together or cut off the cluster of grapes or the watermelon, he is obligated to tithe, because he purchased the produce in its detached state. If, however, he told him: "Here is an *isar* for these 20 figs," "...for these two clusters of grapes," "...for these two pomegranates," or "...for these two watermelons," he may harvest the produce in an ordinary manner and snack on it," for the obligation to

tithe was not established, for he purchased the produce while it was attached.

4 When a person exchanges [produce] with a colleague and each have the intent of eating, an obligation has been established to tithe both lots of produce, for they have been purchased while detached. [If they are exchanged while attached, with] each one having to reap the other's crops, an obligation has not been established for either of them, for a sale does not establish an obligation [to tithe] unless the work associated with its preparation is completed as we explained.

If one purchased produce to eat in an exchange and the other purchased produce to reap in the same exchange, the one who purchased produce to eat is obligated to tithe, while the obligation to tithe has not been established for the one who purchased produce to reap.

5 When a person tells a colleague: "Go out and gather 20 figs of mine for yourself and I will fill my gut with your produce," both are exempt. This is not considered as an exchange that is comparable to a sale. If he gathers [the produce] together and partakes of it, he is liable.

6 [Giving produce as] a present does not establish an obligation to tithe as a sale does. When a common person is passing through the marketplace and saying: "Take figs," one may partake of them and one is exempt [from the obligation to tithe], for a present does not establish such an obligation.

[Different rules apply when the recipients] brings the produce home. If the majority of the people [who harvest] bring their produce home [before

taking it to the marketplace], one must certainly separate the tithes. If most of the people take the produce directly to the market place, he should only make the separations as one does for *demai*, for perhaps he tithed it and then brought it to the marketplace.

If [the common person] said: "Take them and bring them to your homes," when one takes them home, he must tithe them as one tithes *demai*. If [the common person] gave him a large amount of produce - even if he told him: "Take it and eat it," - it is as if he told him, "Take it and bring it home." He may not partake of it until he makes the separations as one does for *demai*. Similarly, if he gave him produce that is not usually eaten uncooked or the recipient was a person of stature who would not ordinarily eat in the marketplace, he should make the separations as one does for *demai*.

7 If there were two [prospective recipients] and [the common person] said to one: "Take it and partake of it [here in the marketplace]," and he told the other: "Take it and bring it home," the first may partake of it and be exempt [from the obligation to tithe], while the second is obligated if he eats.

8 Similarly, if there were people sitting at the gate [of a courtyard] or in a store and [the common person] told them: "Take [this produce] and partake of it," they may partake of it and are exempt [from the obligation to tithe]. The owner of the gate or the owner of the store may not partake of it until he makes the separations as one does for *demai*. For it is as if [the common person] told these people: "Take it and bring it home," for

[these places] are considered like their homes. As we already explained, having produce pass through a house that is not one's own does not establish [an obligation to tithe].

9 [The following rules apply when one] hires workers to perform work with him concerning produce, whether produce that has been detached or that which is attached. Since [the workers] have the right to partake of the produce with which they are working according to Scriptural Law, they may partake of it and are exempt from tithing.

[Different rules apply if the employer] agreed to a condition that allowed them to partake of produce to which the Torah did not entitle them, e.g., the worker stipulated that his son could partake of the produce with him, his son could partake of the produce as payment of his wages, or that he would be able to [continue] partaking of the produce which was harvested after the work [involved in its preparation] was completed, he is forbidden to partake of the produce until he tithes it. [The rationale is that] since he is partaking of the produce because of the condition, he is like a purchaser.

10 If [an employer] hired [a worker] to hoe around olive trees and the worker stipulated that he could partake of the olives, he may eat them one by one from the tree and he is exempt [from the obligation to tithe]. If he gathers them together, he is obligated.

11 If one hired [a worker] to hoe around onions and he stipulated that he could partake of the green onions, he can cut off leaf by leaf and partake

of them [without tithing], if he gathered them together, he is obligated. If a worker stipulated that he could eat a *litra* of olives, he may eat them one by one [without having to tithe them]. If he gathered them together, he is obligated to tithe. [The rationale is that] since he is eating a fixed measure, he is considered as a purchaser and [in such an instance,] if the produce is gathered together, his obligation to tithe is established. If he did not make a stipulation and instead, was eating as authorized by Torah Law, he may gather together and eat as much as he desires, provided he does not dip them in salt. If he dips them in salt, he is permitted [to eat them] one by one [without tithing]. [To eat them] two by two is forbidden, for the obligation to tithe is established by dipping them in salt.

12 When a worker was performing work with lower quality figs, he should not partake of higher quality figs. If he was performing work with higher quality figs, he should not partake of lower quality figs unless he tithes them. He is permitted, however, to refrain from eating until he reaches the higher quality figs.

13 When a person takes workers out to his field to perform work for him there, if he is not required to provide them with food, they may partake of the produce of the field [when granted permission by the owner], and they are exempt from the tithes, provided the tasks associated with [the preparation of the produce] are not completed. If, however, he is required to provide them with food, they should not eat [of the produce of the field] even though they have not completed their tasks. [The rationale is

that] we do not pay a debt from *tevel*. [Even in such a situation, the workers] should partake of the figs one by one. They may not, however, [partake of those] in a basket or in a container or those set aside.

14 When one cooks produce, boils it, or pickles it, one establishes an obligation to tithe. If, however, one smokes produce until it is prepared [to be eaten], there is a doubt [whether there is an obligation to tithe].

15 When a person buries his produce in the ground, in straw, or in fertilizer before preparing them to be eaten, the obligation to tithe them is not established.

16 When a person places wine into a cooked dish that is hot or he places oil in a pot or a baking dish when they are boiling, he establishes an obligation to tithe. If he mixes wine with hot water, he establishes an obligation to tithe. Needless to say, that if he cooks wine, even in the wine press, it is forbidden to drink from it unless he tithes it.

17 When garlic, cress, or mustard seed were crushed in the field and mixed with oil, an obligation to tithe was established. Similarly, if one squeezes a cluster [of grapes] into a cup, an obligation to tithe was established. [If he squeezes it] into a pot, an obligation was not established.

18 When a person salts produce in the field, an obligation to tithe is established. If, however, he dips olives into salt one by one and eats them, he is exempt. A person who opens olives so their fluid will flow out, is exempt. A person who removes olives from the storage vat, may dip them

in salt one by one and eat them. If, however, he salted [several] and served them, he is obligated [to tithe]. Similar laws apply in all analogous situations.

19 [Even though] a person separates *terumah* from his produce in a manner that requires him to make a second separation, the obligation to tithe is established. He should not [even] snack from it until he separates *terumah* a second time and tithes.

20 When the work associated with the preparation of produce has been completed and nightfall arrives on Friday, the obligation to tithe takes effect. One may not partake of them even after the Sabbath until they are tithed.

21 When children hid figs for the Sabbath and forgot to tithe them, one should not partake of them Saturday night until they are tithed.

22 If there was a fig tree that was designated for one to partake of its produce on the Sabbath and one gathered a basket [of these figs], one may not partake of them until he tithes them. [This stringency was established,] because these figs are designated for the Sabbath and the Sabbath establishes an obligation to tithe.

23 If a person was eating a cluster of grapes and nightfall arrived on Friday, he should not finish eating them on the Sabbath unless he tithes them. If he sets them aside until after the Sabbath, he may finish them.

Chapter 6

1 One may rub the surface of figs and grapes [of *tevel*]; this does not cause a [significant] loss. Whatever is forbidden for non-priests to partake of with regard to *terumah*, e.g., the seeds or the like, may not be eaten from *tevel*, from the tithes from which *terumat ma'aser* has not been separated, or from the second tithe and consecrated property that were not redeemed. Whatever non-priests may partake of with regard to *terumah* is also permitted to be eaten from *tevel*, from the tithes from which *terumat ma'aser* has not been separated, and from the second tithe and consecrated property that were not redeemed.

2 We may not kindle impure *tevel*, even during the week. Needless to say, this applies on Sabbath. [This is implied by **Numbers 18:8**]: "the watch of My *terumah*." Just as pure *terumah* may not be used until after it has been separated, so too, we may not benefit from impure *terumah* until after it was separated.

3 We may not cover *tevel* with earth, nor may we sow it. It is forbidden to sow even produce for which the work associated with their preparation has not been completed until it has been tithed.

When does the above apply? With regard to grains, legumes, and the like. If, however, one uproots saplings that contain fruit and replants them in another place in his field, it is permitted. It is not considered as sowing *tevel*, for he did not gather the fruit.

Similarly, when one uproots turnips and radishes and replants them

elsewhere, if he intends to add to their bulk, it is permitted. If one plants them so that they will produce stalks so that he can take their seed, it is forbidden [to plant them without tithing], because it is like sowing wheat or barley that is *tevel*.

4 [The following laws apply when a person] sows a *litra* of produce that was separated as tithes, but *terumat ma'aser* had not been separated from it. If it increased and it is now 10 *litra*, [the entire new crop] is required to be tithed. A tenth should be separated for the [original] *litra* from other produce according to the appropriate reckoning.

If one separated [*terumah* and tithes] from a *litra* of onions and sowed them, one should not separate the tithes according to the reckoning of the increase, but according to the entire sum of the crop.

5 There is an unresolved doubt regarding the ruling when stalks of produce whose seed does not decompose that reached a third of their growth, were [gathered,] their stack was straightened, and he tithed them, he subsequently sowed them, and they increased in size. [One might say that] there is a Rabbinic obligation to tithe them, because they increased in size. [But one might say] that there is no obligation since the seed which continues to exist and did not decompose was tithed. [The laws governing these species] do not resemble [those that apply to] onions, because it is not common practice to sow onions.

6 [The following laws apply when one] sows *tevel*, whether a crop whose seed decomposes or a crop whose seed does not decompose. If it is

possible for him to gather it [before it takes root in the ground], we penalize him and [require him to] gather it. [If the seed decomposes], should it grow, we do not require him to uproot [the plants]. [The growths] are considered as ordinary produce.

If the produce is of a type whose seed does not decompose, even the produce that grows from the growths - indeed, even until the third generation - is forbidden. The fourth generation is permitted. Why are the growths forbidden? Because of the *terumat ma'aser* and the *terumah* within them. These same laws apply when one sows produce separated as the tithes from which *terumat ma'aser* was not separated.

It is forbidden to sell *tevel* except when there is a necessity to do so and [then,] only to a Torah scholar. It is forbidden to send [presents] of *tevel*, even from one Torah scholar to another, perhaps one will rely on the other and thus cause *tevel* to be eaten.

7 [The following rules apply when a person] sells produce to a colleague, but then remembers that it is *tevel* and although he afterwards runs to pursue him to make the appropriate separations, he cannot find him. If he knows that the produce no longer exists - it was already lost or consumed - he does not have to separate tithes for it. If there is a doubt whether it exists or do not exists, he should separate tithes for it from other produce.

8 [The following rule applies when there is a dispute when] a person sells produce to a purchaser.] The seller says: "I sold them with the stipulation that they were *tevel*." The purchaser said: "I purchased tithed produce from you." We compel the seller to make the appropriate separations.

[This is a] penalty imposed upon him for selling *tevel*.

9 One may not pay a debt from *tevel*, for this resembles a sale.

10 [The following laws apply when a person's] crops were seized by the king's authorities while they were *tevel*. If [they were taken] because he owed this amount, he must separate the tithes for this produce. If they were taken from him by force, he does not have to separate tithes for them.

11 When a person purchases *tevel* from two sources, he may separate the tithes from one for the other. When a person receives a field from a Jew or from a gentile as part of a sharecropping agreement, he should make the division [of the produce] in the presence of the owner of the field and give him his share then, so that he knows that he received *tevel*.
[Different rules apply, however, when a person] rents a field from a Jew on the condition that he pay the owner a specific amount of produce. If he pays him with produce from the field he rented, [the renter] must separate *terumah*. Afterwards, he gives him the measure he stipulated he would give him and the owner of the field must separate the tithe himself. If, however, [the renter] pays the owner from the produce of another field or with another type of produce, [the renter] must first separate the tithes and then pay [the owner].

12 When a person rents a field from a gentile on the condition that he pay him a specific amount of produce, he must tithe the produce before giving it to him. This is a penalty imposed upon him so that he will not rent the field from the gentile. In this way, the field will lie fallow [before the

gentile] and, of necessity, he will sell it to a Jew.

Similarly, when a person accepts his ancestral field from a gentile as a sharecropper, he was penalized and required to tithe the produce before giving the gentile his share of produce after it was tithed. [This measure was instituted] so that a person should not jump at the opportunity to receive it because it was his ancestral field. In this manner, it will remain fallow before the gentile so that he will sell it to a Jew.

13 What is meant by a *chokar* and what is meant by a *mekabel*? A *chokar* hires the field for a specific amount of produce - these-and-these many *se'ah* - whether the field produced a lot or a little. A *mekabel* hires the field for a percentage of its yield, half, a third, or whichever amount they agree on. A *sochar* is one who rents the land for [a sum of] money.

14 When two people receive a field as sharecroppers together, they inherit the field, or join as partners with regard to it, one may tell the other: "Take the wheat in this-and-this place and I will take the wheat from that-and-that place. You [take] the wine in this-and-this place and I will take the wine from that-and-that place." He should not say: "You take the wheat and I will take the barley. You take the wine and I will take the oil," for that constitutes selling *tevel*.

15 When a priest or a Levite purchased produce from an Israelite after the tasks [associated with their preparation] were completed, we expropriate the *terumah* and tithes from their possession and give them to other priests and Levites. This is a penalty imposed on them so that they will

not hurry to the grainheaps and winepresses and purchase *tevel* to grab the presents of their priestly brethren. If, however, they purchase [the produce] before [these] tasks are completed, we do not expropriate [the presents] from their possession.

16 When a priest or Levite sold produce that was detached to an Israelite before the tasks [associated with their preparation] were completed - and certainly, if they sold the produce while it was attached - the *terumah* or the tithes belong to [the priest or Levite]. If they sold it after these tasks were completed, the *terumah* and the tithes belong to the purchaser. He must separate them and may give them to the priest or Levite of his choice.

17 When a priest or Levite receive a field from an Israelite under a sharecropping agreement, they should divide the *terumah* and the tithes, as they divide up the ordinary produce. The Israelite should take his portion and give it to the priest or Levite of his choice. When, however, an Israelite receives a field from a priest or a Levite under a sharecropping agreement, the *terumah* and/or the tithes belong to the owner of the field. The remainder of the presents should be divided.

18 When a person - whether an Israelite from a priest or Levite or a priest or Levite from an Israelite - receive olives to produce oil, they should divide the *terumah* and the tithes, as they divide up the ordinary produce. [The rationale is that] oil is an important [commodity].

19 When a priest sells a field to an Israelite and tells him: "[I am selling it] on

the condition that the tithes from it belong to me forever," they belong to him. [The rationale is that] saying "on the condition that" is tantamount to setting aside for himself [the portion of the field] where the tithes [grow].

If the priest [who sold the land] dies, his son is like all other priests. If [the priest] told [the purchaser]: "[I am selling it] on the condition that the tithes from it belong to me and my son," [when] he dies, his son should take [the tithes]. If he sold it "...on the condition throughout the time it is in your possession," should the purchaser sell it to another person - even if he later buys it back, the priest is no longer entitled to those tithes.

20 When an Israelite received a field under a sharecropping agreement from a priest or Levite and stipulated that [the agreement is being made] "on the condition that the tithes are mine for four or five years," this is permitted. "...On the condition that they are mine forever," this is forbidden. [The rationale is that] one priest cannot make another priest.

Similarly, if a Levite owed money to an Israelite, the Israelite may not collect produce from others and set aside the tithes for himself until he repays his debt. For a Levite cannot make his creditor a Levite so that he can collect the tithes from others.

21 When an Israelite inherits *tevel* that was found in a grainheap whose edges had been straightened from his maternal grandfather who was a priest who in turn inherited it from his maternal grandfather who was an Israelite, [the Israelite who was the heir] may separate the tithes and keep them as his own. [The rationale is that] presents which are fit to be

separated are considered as if they have already been separated although in actual fact they were not separated.

22 When a person gives his field to a gentile or to someone upon whom we cannot rely with regard to the tithes in a sharecropping arrangement, he must separate the tithes in lieu of them even though [the produce] had not reached the "phase of tithing" [when the arrangement was made].
If he entered into such an arrangement with a common person [different rules apply]. If [the arrangement began] before the crops reached the "phase of tithing," he does not have to tithe in lieu of him. [If it began] after they reached the "phase of tithing," he must tithe in lieu of him.
What must he do? He should stand over the grainheap and take [the produce that must be separated]. He need not be concerned with what they ate, for we are not responsible for their actions.

Chapter 7

1 [The following laws apply when a person has a 100 *log* of wine that are *tevel* according to Scriptural Law. If he says: "The two *lugim* that I will separate are *terumah*; the ten are the first tithe, and the nine are the second tithe," he should not begin drinking and leave over the quantity designated as *terumah* and the tithes at the end. Instead, he should make the separations and then drink. We do not say that the wine he left over at the end is retroactively considered as if it was set aside in the beginning. [The rationale for this stringency is that] the obligation [to separate] *terumah* and the tithes is Scriptural in origin, and with regard to [matters

of] Scriptural Law, we do not say that we will consider it as if a separation has been made unless it actually has been made.

2 When a person specifies that his tithes were located at the opening of a jug [of wine], he should not drink from the bottom of the barrel. If he specifies that they are at the bottom, he should not drink from the top. [The rationale is that] the liquids intermingle. If, by contrast, one specified [that the tithes for produce] were at the opening of a storage container, one may eat from the bottom. If one specified that they were located at the bottom, one may eat from the top.

3 A person can designate certain produce as the second tithe and then redeem it. [Afterwards,] he may designate that same produce as the first tithe for this batch of produce or *terumat ma'aser* for other produce.

4 When a person sets aside produce to use them for the separation of tithes, he may continue to separate tithes relying on this produce on the assumption that it is intact, eating and drinking [from the produce from which he intended to separate tithes] until the entire quantity that was set aside has become tithes. He then gives that to a Levite. [If later] he discovers that the produce that he set aside [for tithes] has been lost, he must show concern for all the tithes that he set aside. He should not, however, tithe [the second time] with certainty.

5 When a person lends money to a priest, a Levite, or a poor person, so that he can separate [produce] for the money [they owe] from the portions due them, he may continue to separate tithes on their behalf on the

assumption that they are alive. He need not show concern that the priest or Levite died or the poor man became wealthy.

6 How should he make these separations on their behalf? He should separate *terumah*, the first tithe, or the tithe for the poor and give it to another person for the sake of the priest, Levite, or poor person to whom he lent money. If [the debtors] would frequently take these separations from him or if he was accustomed to give these separations to them alone, he need not give them to another person on their behalf.
After [the lender] makes these separations, he calculates the worth of the produce he separated and deducts it from the loan. [He continues doing this] until he repays the entire debt. He may sell the *terumah* to any priest of his choice and may partake of the tithes [himself].

7 When he calculates the worth of the produce that he set aside, he has the right to consider their value according to the lower market price. This is not considered as interest. The Sabbatical year does not remit such a debt.
If the lender desires to nullify this arrangement, he may not. But if [the borrowers] seek to do so, they may. If the owner despaired of receiving payment from them, he can no longer make these separations on their behalf. For we may not make separations because of [a debt that] was lost.
If the priest, Levite, or poor person who borrowed money dies, he cannot continue to separate on their behalf unless he receives permission from the heirs. [Moreover, even if permission is granted,] it is effective only when [the deceased] left the heirs [a tract of] land at least the size of a needle. If, however, he left them only money, permission from the heir is not

effective. If he made the loan in court on the condition that he will make the separations on their behalf for this money, it is not necessary for him to receive permission from the heirs.

If the poor person became wealthy, he may no longer separate [the tithe for the poor] on his behalf. Even though he made the loan in court, [the recipient] may retain the funds in his possession.

8 When an Israelite tells a Levite: "I am in possession of a *kor* of tithes for you," the Levite has the right to designate that produce as *terumat ma'aser* for other produce even if he did not draw it into his possession. If the Israelite gives it to another Levite, the first individual has nothing more than complaints against him.

9 When a person has produce in a silo and gives a *se'ah* to a Leviteand a *se'ah* to a poor person, he should not set aside eight *se'ah* from the silo and partake of it unless he knows with certainty that the two *se'ah* of the tithes are still intact. If, however, the Levite and/or the poor person partook of them, he may set aside only an amount of grain proportionate to what remains from the two *se'ah*.

10 [The following laws apply when] poor people exchange the presents given them with the owner of the field, i.e., they gave him a *se'ah* of *leket, shichachah, peah* or the tithes for the poor and they took a *se'ah* of grain from the grain pile. [The grain] he takes from them is exempt from the tithes, even though it was prepared in the domain of the owner. [Tithes] must be separated from [the grain] they take from him even though it was

given in exchange for their presents that are exempt.

11 [The following laws apply when] there are two baskets of *tevel* from which *terumah* was separated in front of a person and he says: "Let the tithes from this one be in the other one." The tithing of the first basket is effective. If he says, "Let the tithes from this one be in the other one and [the tithes for] the second one be in this one," the tithing of the first basket is effective, for he has established its tithes within the second basket. The tithing of the second basket is not effective because tithes cannot be set aside from the first basket because the obligation to tithe has already been discharged for the second basket from which the tithes from both must be separated.

12 If one says: "With regard to the tithes for these two baskets. The tithes for each one are established in the other," he has designated the tithes by name and has established the tithes within them. He therefore separates the tithes from them. He may not separate the tithes from another source.

13 How are the tithes separated [in the above situation]? One may separate the tithes for both of them from one of them or he should separate the tithes from each one of them from itself if they were of equal [size]. If one of them was larger than the other, one should separate the tithes for the larger one from the smaller one and the tithes for the smaller one from the larger one.

Chapter 8

1 Produce from which the great *terumah* and *terumat ma'aser* have been separated are referred to as "ordinary produce." When the other tithes have been separated from it, it is universally called "ordinary produce that has been made acceptable."

2 [The following laws apply when] *tevel* becomes mixed together with the same species of ordinary produce that has been made acceptable in which instance, [the *tevel* cannot be considered insignificant] because its flavor [cannot be detected]. If he has other produce, he should separate the *terumat [ma'aser]* and the tithes for the *tevel* according to the appropriate reckoning. If he does not have other produce from which to make the separations for that *tevel*, the entire mixture is forbidden until he makes separations from it. When he makes these separations, he forfeits a portion from the ordinary produce that has been made acceptable that is equivalent to the *terumat ma'aser* that must be separated from the *tevel*.

3 What is implied? If 100 *se'ah* of *tevel* is mixed with 100 *se'ah* of ordinary produce that has been made acceptable, he should separate 101 [*se'ah*] from the entire mixture. Everything that he sets aside is considered as *tevel*. Thus 99 *se'ah* of ordinary produce that has been made acceptable remain. He has thus lost a *se'ah* [of the ordinary produce]. Similarly, if *terumah* had also not been separated from the *tevel*, he must forfeit an amount from the ordinary produce that has been made acceptable that is equivalent to the *terumah* and *terumat ma'aser* [to be separated from the *tevel*].

Why must he forfeit this *se'ah*? So that he will not say: "The 100 *se'ah* that

I set aside are ordinary produce and the 100 that remain are *tevel*." Similarly, if the amount of the *tevel* exceeded or was less than ordinary produce, one should separate [an amount equivalent] to the *tevel* and [an amount] from the ordinary produce [equivalent] to the *terumat ma'aser* [to be separated from the *tevel*] or equivalent to the *terumah* and *terumat ma'aser* [to be separated] if it was *tevel* from which *terumah* was not separated.

4 Similarly, if tithes that were *tevel* became mixed with ordinary produce that has been made acceptable, even the slightest amount causes the mixture to be prohibited. If the person has other tithes, he should make a separation for the *terumat ma'aser* for the tithes that require this according to the appropriate proportion. If he does not have other tithes, he should remove the tithes and forfeit from the ordinary produce that has been made acceptable an amount equal to the *terumat ma'aser* in the tithes.

5 What is implied? 100 [*se'ah* of] tithes become mixed with 100 [*se'ah* of] ordinary produce that has been made acceptable. He should separate 110 *se'ah* from the entire mixture. Everything that he separates is considered as the tithes. The 90 [*se'ah*] that remain are ordinary produce as before. Similarly, if the amount of the ordinary produce exceeds or is less than that of these tithes, he should separate the tithes and from the ordinary produce, an amount equivalent to the *terumat ma'aser* in the tithes.

6 [The following laws apply when] *tevel* becomes mixed together with tithes that were *tevel*. If the amount of *tevel* was equivalent to the amount of the

tithes, he must forfeit from the *tevel* an amount equivalent to the *terumat ma'aser* it contains.

What is implied? There were 100 *se'ah* of *tevel* that became mixed with 100 *se'ah* of tithes. He should separate 101 [*se'ah*]; they are considered as tithes. The 99 remaining are considered as *tevel*.

If there was more *tevel* than tithes, he should separate the tithes alone and he does not forfeit anything from the *tevel*. For if he would designate the *terumat ma'aser* of the *tevel*, the tithes would be *meduma*, a mixture of [the tithes] and the *terumat ma'aser* from the tithes which are separated together.

If there were more tithes than *tevel*, he should designate the *terumat ma'aser* in the *tevel*, setting aside the *tevel* and an amount equivalent to the *terumat ma'aser* for the *tevel*, i.e., one one-hundredth of the tithe. The *tevel* should be considered as if it is all *meduma* and sold to a priest with the exception of the worth of the two [portions of] *terumah* in it. Thus he will forfeit one hundredth of the tithes which is equivalent to the *terumat ma'aser* in the *tevel*.

What is implied? If there were 100 [*se'ah*] *tevel* with 200 [*se'ah*] of the tithes, he should set aside 103. The three [*se'ah*] are the *terumat ma'aser* of the 100 [*se'ah*] of *tevel* and the measure of *terumat ma'aser* for the 200 [*se'ah* of the tithes]. [This separation is necessary] so that people will not come to err if [the tithes] became mixed with an equivalent amount [of *tevel*]. Therefore he should leave 197 [*se'ah*] which will remain tithes as they were.

7 [The following laws apply when a person] has [a stack with] ten lines,

each containing ten barrels of wine and [the owner] allocated one barrel of the outer line as tithes for other wine, but he does not know which outer line [he intended]. He should take two barrels from [the corners] on a diagonal, mix them, and separate [the tithes] from them.

8 If he allocated [one barrel from] the half of an outer row [as tithes], but does not know from which [outer] half a row, he should take four barrels, [one] from each of the corners. If he allocated [a barrel from] one row, but does not know which row, he should take [a barrel] from a diagonal row. If he allocated [a barrel from] half a row, but does not know which half a row, he should take [a barrel] from two diagonal rows. Thus he will be taking a barrel from each half row. He should then mix them together and separate [the tithes].

9 If he allocated one barrel as tithes but does not know which barrel it is, he should take [some wine] from each of the 100 barrels, mix it together, and separate enough for one barrel as tithes.

Chapter 9

1 In the age of Yochanan the High Priest who served after Shimon the Just, the High Court sent emissaries who searched throughout the entire territory of Israel. They discovered that everyone was careful with regard to the great *terumah* and would separate it. But with regard to the first tithe, the second tithe, and the tithe for the poor, the common people among Israel would be lax and would not separate it. Therefore [the

Sages] decreed that only the word of trustworthy people would be relied upon with regard to tithes. [The status of the produce of] the common people, by contrast is doubtful. We do not rely on them if they say that they separated the tithes. This is called *demai*.

2 They ordained that a person should separate only *terumat ma'aser* from the *demai*, for it is a transgression punishable by death and the second tithe, for there is no loss in doing so since the owner partakes of it. One need not, however, separate the first tithe or the tithe for the poor from *demai* because [the obligation] is doubtful and [whenever one desires] to expropriate property from a colleague, the burden of proof is on him. Therefore he tells the Levite or the poor person: "Bring proof that it is not tithed," and then take the tithes.

3 Even though one does not separate the tithe for the poor from *demai*, it is necessary to designate it without separating it. One says: "A tenth of what is here is the tithe for the poor. [This is done] to firmly establish [the obligation of] the second tithe. For the tithe for the poor is given in the third and sixth years instead of the second tithe given in the other years of the Sabbatical cycle.

4 When *terumat ma'aser* and the second tithe are separated from *demai*, a blessing is not recited, because [the obligation was instituted because] of a doubt. Therefore it is permitted to separate it when one is naked.

5 How should tithes be separated from *demai*? One should set aside an amount equivalent to the measure of *terumat ma'aser*, i.e., one hundredth

of the entire amount, and place it next to the produce and say: "This is the tithe as is the remainder of the tithes that are adjacent to it." He then says: "This [portion] which I [first] set aside as the tithes, is *terumat ma'aser* for the remainder of the tithes that are adjacent to it." He then takes it and gives it to a priest. This order is required, because idealy, it is forbidden to separate *terumat ma'aser* before the tithes themselves. Afterwards, he should separate the second tithe.

6 It is permissible to set aside the second tithe before the first tithe [when tithing] *demai*. If one desires, he should say: "The second tithe of this produce is located in the northern portion - or the southern portion - of the produce and its [holiness] is transferred to this money."
Similarly, a person who purchases a loaf of bread from a baker should separate from it the amount to be separated as *terumat ma'aser* and as *challah*, and say: "The one hundredth of [the total] that is here is [part of] the tithes as well as the remainder of the tithes that are next to it. May this portion that I set aside as tithes, serve as *terumat ma'aser* for the remainder of the tithes that are next to it. The remainder of what I set aside that exceeds one hundredth of the total is *challah* and the second tithe in its northern - or southern - portion, and its [holiness] is transferred to this money." He may then partake [of the bread].

7 Similarly, if a person invites a colleague to dine with him [on the Sabbath] and [the guest] does not trust [the host] with regard to the separation of the tithes, [the guest should do the following]: On Friday, he should say: "[The produce] that I will separate tomorrow is [part of] the tithes, as is

the remainder of the tithes which are adjacent to it. That portion which I [first] designated as the tithes is *terumat ma'aser* for the remainder which is adjacent to it. The second tithe in its northern - or southern - portion, and its [holiness] is transferred to [this] money."

[This is permitted,] because a person may make such stipulations with regard to *demai* even though it is not in his possession. When, however, we are certain [that the tithes have not been separated,] he may make stipulations only concerning produce that is in his possession.

8 What is implied? If, [on Friday,] he had 100 figs that were *tevel* in his home and he is in the house of study or in the field and he is afraid that night will fall and he will not be able to tithe the produce on the Sabbath, he should say: "The two figs that I will separate are *terumah*. The ten that I will separate after them are the first tithe. And the nine that I will separate after them are the second tithe." On the morrow, he makes these separations and may then partake [of the figs].

9 He must whisper inaudibly [the appropriate statements] when he is making these separations one after the other. He is not considered as making an article fit for use on the Sabbath, because he made the stipulation previously.

When such a stipulation has been made concerning *tevel*, it is permitted to move it on the Sabbath, [even] before the separations were made. He should focus his attention on [a portion of the produce, designating it as *terumah* and tithes] and partake of the remainder.

10 If a common person gave him a cup [of wine] to drink [on the Sabbath], he should say: "What I will leave in the bottom of the cup is [part of] the tithes, as is the remainder of the tithes which are adjacent to it. That portion which I [first] designated as the tithes is *terumat ma'aser* for the remainder which is adjacent to it. The second tithe is located at the brim of the cup and its [holiness] is transferred to the money." He may then [drink] the cup, leaving a portion equivalent to [the amount to be separated as] *terumat ma'aser* in the bottom of the cup.

11 Similarly, if a colleague invites him to drink on the Sabbath, he should make such a stipulation on Friday with regard to everything that he will desire to partake of at his [home].

Similarly, when a worker does not trust his employer [with regard to the tithing of the food that he is given], he should take one fig and say: "This and the nine which follow are considered as tithes for the 100 that I will eat. This one is considered as *terumat ma'aser* for the ten that follow. The ten that follow after that are considered as the second tithe and their [holiness] is transferred to [this] money." He then takes the fig that he set aside and gives it to the priest.

The worker should separate the money for the second tithe from his own [funds]. For it is a condition of the court that the *terumat ma'aser* should come from the employer and the second tithe from the worker.

12 [Our Sages] did not obligate bakers to separate the second tithe [from grain] that is *demai*, only *terumat ma'aser*. It is separated in a state of ritual purity together with the *challah*. The purchaser must separate the second

tithe.

When does the above apply? To one who sells in his store or at the entrance to his store. If, however, he sells it to a wholesale baker or to a store adjacent to a wholesale baker, he is obligated to separate the second tithe as well.

13 [The following rules apply when] two people harvested their vineyards into a common vat, and one of them is not trusted with regard to the tithes. Even though the one who is trusted [with regard to the tithes] already tithed his own produce, when he takes his portion of the wine, he is obligated to separate tithes as one does for *demai* for the portion of the common person.

What is implied? If they were equal partners and one takes 200 *log* as his portion, he should separate one *log* as *terumat ma'aser*and ten *log* as the second tithe for the 100 *log* [of the common person]. [This is all that is required,] for he already separated the tithes for the produce that was definitely not tithed for half of the entire quantity in the vat. Similarly, if his share was a third or a fourth, he must separate [the tithes from the produce he takes] proportionately.

Chapter 10

1 When a person makes a commitment to be considered trustworthy with regard to the tithes [so that] his produce will not be considered as *demai*, he must tithe [the produce] he eats, that which he sells, and that which he purchases, and he must not accept the hospitality of a common person.

He must make these commitments in public. When trustworthy witnesses [testify] that he made these commitments in public and that he continually observe these practices, he is considered trustworthy [and his word is accepted if] he says that his produce has been tithed.

2 Every Torah scholar is always considered trustworthy. There is no necessity to investigate his [conduct]. His children, the members of his household, his servants, and his wife, are given the same status. When a Torah scholar dies and leaves produce, even if it was gathered on the day of his death, we assume that [the appropriate separations were made].

3 When the daughter of a common person or his wife marries a *chavair* or the servant [of a common person] was sold to a *chavair*, they must accept the [above] requirements as at the outset. When the daughter of a *chavair* or his wife marries a common person or the servant [of a *chavair*] was sold to a common person, we assume that they maintain their observance until they act in a manner that arouses suspicion. A son or a servant of a *chavair* who would frequently visit a common person must formally accept [the above requirements]. When a son or a servant of a common person would frequently visit a *chavair*, as long as he is in his domain, he is considered like a *chavair*. When he departs, he is considered as a common person.

4 When a person himself is not considered as trustworthy, but one of his sons or servants or another member of his family is, food may be taken from him based on their statements. We do not harbor suspicions concerning the matter.

5 If a person was considered trustworthy, but his wife was not considered trustworthy, we may purchase produce from him, but we do not accept his hospitality. If his wife is trustworthy and he is not, we may accept his hospitality, but we do not purchase produce from him. May a curse be visited on one whose wife is trustworthy, but he is not.

6 A *chavair* should not serve as a waiter at a drinking party or a feast of a common person unless all [the food and drink] have been tithed and the appropriate separations made under his supervision. Therefore if one sees a *chavair* serving at a drinking party or a feast of a common person, he can operate under the presumption that the tithes and other separations have been made.

If we see such a person eating together with a common person, we cannot assume that the food served at the feast has been tithed. Perhaps the *chavair* is relying on the stipulations made in his heart.

7 Just as a person may eat with a common person and rely on the conditions in his heart, so too, he must make a stipulation with regard to what his son eats. [This applies] even if his son is in another place. He does not have to make a stipulation with regard to another person aside from his son even if that person was together with him at the feast.

Therefore if the son of a *chavair* is present at a feast with a common person, we cannot assume that the food was tithed, for perhaps [the *chavair*] made a stipulation for [the food] his son ate.

8 When a common person gives a *meah* to a *chavair* and tells him: "Buy me

a bunch of vegetables or a cake," he may purchase it for him without any qualification and is not obligated to tithe it. If [the agent] exchanged the *meah*, he is obligated to tithe [the produce he purchased].

If the *chavair* was explicit and did not buy the produce without explanation, but instead said: "This bunch of produce that I am purchasing from you is being bought for my colleague and this bunch is being bought for myself," he is obligated to tithe [only] the produce that he took for himself. He does not have to tithe [the bunch he purchased for his colleague]. If these [two batches of produce] became intermingled, even if one measure [belonging to the *chavair*] becomes mixed with 100 [belonging to the common person], he must make the separations as if the entire quantity was *demai*. [Only] afterwards may he give the produce to the colleague who sent him to purchase them for him.

9 When five people tell one person: "Bring us five bunches of vegetables," and [the agent] brings each person one bunch individually, the *chavairim* among [the recipients] are required to tithe only their portions. If [the agent] brought [the entire quantity] mixed together, the *chavairim* among [the recipients] are required to separate tithes for the entire amount.

10 When a common person tells a *chavair*: "Collect figs for me from my fig tree," the *chavair* may snack from them and tithe them as one tithes *demai*.

If a *chavair* told a common person to gather figs for him and another *chavair* heard him, the latter may partake [of the figs] without tithing them. [The rationale is that] a *chavair* will not release produce from his

domain unless the appropriate separations were made. [Thus] we can assume that [the owner] separated [*terumah* and the tithes for this produce] from other [produce]. Although [generally] we do not suspect that a *chavair* will separate *terumah* from produce that is not in the same place as the *terumah*, he may do so to prevent the common person from confronting a spiritual stumbling block.

11 It is permitted to feed *demai* to the poor and to guests. They must, however, be notified of such. If the poor person or the guest desire to make the appropriate separations, they should.

12 The collectors of charity collect from all people without clarifying [whether separations have been made] and they divide the donations without specifications. If one desires to make the appropriate separations, he should.

13 When a doctor who is a *chavair* is feeding a common person who is sick from the produce of a common person, he should place [the food] in his hand, but not in his mouth. If the *demai* belonged to the doctor, he should not even place it in his hand. And similarly, if he knows that it is definitely *tevel*, it is forbidden to place it in his hand.

Chapter 11

1 It is forbidden to sell *demai* to a common person or to send *demai* [as a present to a common person], because one assists him in partaking of forbidden food. It can, however, be sold or sent to a Torah scholar, for a

Torah scholar will not partake of it until he tithes it or until a trustworthy person tells him that it has been tithed.

2 All of those who add to the measure when they sell in large quantities, e.g., wholesalers and grain merchants are permitted to sell and send *demai* [as a present]. Since they add to the measure, our Sages ordained that the purchaser or the recipient be the one who separates the tithes from the *demai*. When, by contrast, people measure with a small measure, since the seller is the one who profits, he should make the separations. [Hence,] he should not sell or send [produce] unless the appropriate separations have been made.

3 What is meant by a large measure? With regard to dry measure, half a *se'ah*; with regard to liquid measure, something that holds a *dinar's* worth of the said liquid.

4 Even though a person sells baskets of olives and grapes or containers of vegetables by estimation, he is forbidden to sell them as *demai*.

5 If one of them, [either the seller or the buyer] - whether the sale is made with a small measure or a large measure - says: "Come let us make the separations for this produce," the seller should separate *terumat ma'aser* and the purchaser should separate the second tithe. This is an edict of the court.

6 When a *chavair* and a common person inherit [the estate] of their father who was a common person, [the *chavair*] may say: "Take the wheat in

this-and-this place and I will take the wheat in this-and-that place. Take the wine in this-and-this place and I will take the wine in this-and-that place." He should not say: "Take wheat and I will take the barley. Take the produce that is fresh and I will take what is dry," for this is considered as selling *demai*.

7 When a person is carrying [a load of] vegetables, his load becomes heavy for him and he desires to cast some vegetables on the road to lessen his burden, he should not cast them away until he tithes them. [This is necessary] so that it shall not create a stumbling block for the common people who consume *demai*.

8 When a person purchases vegetables from the market and draws them into his possession, even though he did not weigh them, measure them, or pay for them, if he changes his mind and returns them to the owner of the store, he should not return them until he tithes them.

9 [The following laws apply when a person] discovers produce on the way. If the majority [of the local populace] bring the produce to their homes, he is not required to tithe it, for the obligation to tithe has not yet taken effect. If, however, the majority bring it to sell in the marketplace, it is considered as *demai*. If the ratio is half and half, it is considered as *demai*.

10 If a person took [the produce] with the intent of partaking of it and changed his mind [and decided to] store it, he should not keep it until he tithes it, so that it will not present a stumbling block to others. If he took it originally only so that it would not perish, he can store it until he

desires to partake of it, send it [as a present], or sell it. At that point, he should tithe it as *demai*.

11 The extremities of vegetables that are found in a garden are exempt from [the laws of] *demai*. Those that belong to a homeowner and found in his home are obligated [to be tithed]. Those on a dung heap - wherever it is found - are permitted.

12 When a person gives [produce] to a female inn-keeper to cook or bake for him, he must tithe what he gives her - lest it present a stumbling block to others - and what he receives from her, for she is suspect to exchange produce belonging to one person for that belonging to another. He may, by contrast, give produce to his mother-in-law - whether her daughter is his *arusah* or his wife - or to his neighbor to cook or bake for him and he need not show concern, neither for tithes, nor for produce of the Sabbatical year, because [these individuals] are not suspect to exchange produce.

When does the above apply? When he [also] gave her yeast for a dough and spices for a cooked dish. If he did not, we must show concern because of the tithes and because of [produce of] the Sabbatical year. Therefore in the Sabbatical year, [the bread] is forbidden, for perhaps the yeast came from produce that grew in the Sabbatical year.

13 When a person brings wheat to a miller who is a common person, he may assume that their status is unchanged. He is not suspect to exchange it [for other wheat]. If he brought them to a gentile miller, they are *demai*; [we

suspect] that he exchanged it for the wheat of a common person. Similarly, if one entrusts [produce] to a common person for safe-keeping, it is permitted. He is not suspect to exchange the produce entrusted to him.

14 When a common person is managing a store belonging to a *chavair*, it is permitted [to partake of the produce]. We do not suspect that he exchanged it. [This applies] even if the *chavair* [only] goes in and out [of the store from time to time].

15 When produce was entrusted to a gentile for safekeeping, [the produce one receives is] considered as the gentile's produce, for we assume that he exchanged it for his own produce.

What are laws that govern it? If the tasks necessary to prepare the produce were not completed as of yet and they were completed by the Jew after he took back the produce he entrusted, he must separate the tithes as we explained. If the produce that he entrusted was *tevel* and the tasks necessary for its preparation were completed, he is obligated to separate the tithes, for perhaps the gentile did not exchange it. For this reason, it appears to me, that the status of the tithes he separates is doubtful.

If he entrusted ordinary produce from which the required separations were made, he is not obligated to separate anything, for even if the gentile exchanged [it for his own], it is exempt. As we explained in *Hilchot Terumot*, [the obligation to tithe] is on "your grain," and not the grain of a gentile.

Chapter 12

1 When a person purchases produce from a person upon whom we do not rely with regard to the tithes and forgot to tithe it before the commencement of the Sabbath or a festival - upon which he may not tithe it - he should ask that person regarding their status. If he tells him that it is tithed, he may rely on his word on [that] Sabbath.
Similarly, if another person upon whom we cannot rely tells him that it was tithed, he may partake of it because of his word on that Sabbath. [This applies] even if he possesses other produce of that type from which the separations have been made. [The rationale is that] the awe of Sabbath affects the common people and they will not violate a transgression on that day.

2 Even though one relies on the word of a common person to eat on the Sabbath, he should not partake of that produce after the conclusion of the Sabbath until he separates the tithes as appropriate for *demai* for the entire amount, what he ate on the Sabbath and what remains. For the leniency [to] trust him was granted only out of necessity for that Sabbath.
If the Sabbath and a festival followed in succession, if one asked [a common person concerning produce] on one, he may partake of it on the other, because he did not have the opportunity to tithe in the interim. Similar laws apply with regard to the two days [for each festival celebrated] in the Diaspora.

3 When a person takes an oath that a colleague partake of his hospitality on

the Sabbath, but [the guest] does not trust [the host] with regard to tithes, he may ask him and eat based on his statements the first Sabbath. On the second Sabbath, even though he took an oath not to benefit from him unless he accepts his hospitality, he should not eat until he tithes as one does for *demai*.

4 When we see a person who is not trustworthy [with regard to the separation of tithes] separate *terumat ma'aser* from produce belonging to him that is *demai* and we saw that it later fell back in, whether to that [store of produce] or another and he said: "I separated it," we accept his word - even during the week - and may partake of the produce on that basis. Just as the common people are in dread of the Sabbath, so too, they are in dread of *dimua*, and they are not suspect to cause others to partake of such produce.

5 When we see that a person who is not trustworthy separates the first tithes from such produce and he says that he separated the second tithes, his word is accepted. If he separated the second tithe in our presence and said that he separated the first tithe, his word is not accepted, because the second tithe belongs to him. [Thus] one who is trusted with regard to the second tithe is not trusted with regard to the first, but one who is trusted with regard to the first is trusted with regard to the second.

Accordingly, when a person who is not trusted brings produce from his home and says: "This is the first tithe," his word is accepted and there is no need to separate *terumot* and tithes from [the produce separated]. If he says: "This is the second tithe," his word is not accepted. [The produce

separated] is considered as *demai* and we must separate *terumat ma'aser* from it. It appears to me that he must redeem the entire amount.

6 When one tells a person whose word is not accepted with regard to the tithes: "Purchase [produce] for me from someone who tithes." And that person went and brought him produce, his word is not accepted. If he told him: "Purchase [produce] for me from so-and-so," the other person's word is accepted if he says that he purchased it from him, for he will fear [to lie], lest [the principal] ask that person. If he went to purchase [the produce] from the person who was named, but said: "I could not find him, so I purchased it for you from another person who is trustworthy," his word is not accepted.

7 [The following rules apply when a person] enters a city where he does not know anyone and asks: "Who is trustworthy? Who tithes?" If someone answers: "I am," his word is not accepted. If he says: "So-and-so," his word is accepted and [the wayfarer] may purchase [produce] from that person and eat on that basis. If [the wayfarer] went and purchased from that person and asked him: "Who here sells vintage wine?" and the person answers: "The one who sent you," his word is accepted even though it appears that they are in collusion.

8 When does the above apply? When [the wayfarer] is not familiar with any person in that place. If, however, he is familiar with people there, he should purchase only from a person [with an established reputation] for observance. If he stays in that place for 30 days, even if he is not familiar

with anyone there, he should purchase produce only from an expert.

9 These leniencies were granted only with regard to *terumot* and the tithes, but with regard to produce of the Sabbatical year and questions of ritual purity, one should purchase only from a person [with an established reputation] for observance.

10 When donkey-drivers enter a city and one says: "The appropriate separations have not been made from my produce, but they have been made from my colleague's produce," his word is not accepted. [We fear that] perhaps they are colluding in deception.

11 When a person sells produce in Syria and says that it comes from *Eretz Yisrael*, the purchaser is required to tithe it. If he says that it has been tithed, his word is accepted. [The rationale is that] the same person whose words aroused our suspicion also allayed it.

If he says: "They are mine," [the purchaser] is obligated to tithe it. If he says that it has been tithed, his word is accepted. [The rationale is that] the same statement that aroused our suspicion also allayed it. If it is known that [the seller] owns land in Syria and most [of the produce] he sells is from his own field, one who purchases from him is obligated to tithe, for we assume that he brought the produce from his own field.

12 When poor people say: "This produce is from *leket, shichachah,* and *pe'ah*, their word is accepted as long as there are granaries in which *leket, shichachah,* and *pe'ah* can be found and provided [a poor person] is close enough to the granary so that he can go [to it] and return on the same

day.

If they said: "They are from the tithes given to the poor," their word is accepted throughout those years. The word of these individuals is accepted only with regard to objects which people would ordinarily give [to the poor].

13 What is implied? [Poor people say:] "This wheat is from *leket, shichachah,* and *pe'ah*," their word is accepted. [If they say:] "This flour from *leket, shichachah,* and *pe'ah*," their word is not accepted. Needless to say, their word is not accepted when they say that bread comes from presents to the poor. Instead, [such articles] should be tithed as *demai* is.

14 Similarly, their word is accepted with regard to kernels of rice [while in their husks]. Their word is not accepted, however, with regard to husked kernels or cooked ones. Their word is accepted with regard to beans [in their kernels]. Their word is not accepted, however, with regard to raw, husked beans or cooked beans.

Their word is accepted when they say that oil was from the tithe for the poor. Their word is not accepted, however, if they say it comes from leftover olives. Their word is accepted with regard to raw vegetables, but not with regard to cooked vegetables unless we are speaking about a small quantity. For it is customary for homeowners to give a poor person some vegetables from their pot. And since he can say: "A homeowner gave it to me," he can say: "I cooked it from the presents given me."

15 Similarly, the word of a Levite who says: "This produce is from the first

tithe from which *terumah* was separated" is always accepted with regard to *terumat ma'aser*, just as the word of an Israelite is always accepted with regard to the great *terumah*. [The Levite's word] is not accepted, however, with regard to exempting [the grain] from the second tithe.

16 All of the above applies with regard to a common person who is neither suspect [to violate these prohibitions], nor trustworthy [in their observance]. If, however, someone is suspected of selling *terumah* as ordinary produce, it is forbidden to purchase anything from him that has a connection to *terumah* and the tithes. Even the intestines of fish [may not be purchased from him] because oil is mixed with them. It is, however, only forbidden to purchase the produce that is being sold by such a person at that time. It is, by contrast, permitted to purchase from his storehouse, because he will fear to mix *terumah* into his stores [of produce], lest the matter become known and he lose everything.
Similarly, it is forbidden to purchase anything that has a connection to tithes from a person who is suspect of selling the second tithe as ordinary produce. All of this is a penalty [imposed] by Rabbinic decree.

17 When a person who is suspect to transgress attests [to the tithes being separated from produce] belonging to another person, his word is accepted. [The rationale is that we operate] under the presumption that a person will not sin without receiving any benefit. Needless to say, this applies with regard to a common person. Therefore, if a common person says: "[This produce] is *tevel* and this is *terumah*. This is definitely untithed and this is *demai*," his word is accepted, even with regard to his

own produce. If he said: "The required separations have been made from this produce," his word is accepted with regard to the produce of others provided it does not appear that they are acting in collusion, as we explained.

18 When a person sells produce to a colleague and, after the produce leaves his hand, he tells the purchaser: "The produce I sold you is *tevel*. The meat is meat from a firstborn animal. And the wine is wine that was poured as a libation to a false deity. The letter of the law dictates that the seller's word should not be accepted, even if he is a *chavair*. A person who is eager should be stringent with himself. If he accepts his word, [his conduct] is praiseworthy, even if [the seller] is a common person.

Chapter 13

1 Fruits that we can assume to be ownerless: e.g., wild figs, brush berries, thorn apples, white figs, other species of wild figs, anise, dates that fall of the tree before they have swelled, capers, coriander, and the like are free from the stringency of *demai*. One who purchases them from a common person does not have to separate *terumat ma'aser* or the second tithe from them for we assume that they grew ownerless. Even if a common person told him that they have not been tithed, they are exempt from the tithes until it is known that they grew from produce that was guarded.

2 Produce that ripens first and last in a valley are exempt from the obligations of *demai*. Similar produce in a garden is liable, because it is

watched.

What is meant by produce that ripens first? All the produce that ripens before [the owner] employs a guard for the valley to protect his produce.

What is meant by produce that ripens last? The produce that remains after the reapers have folded away their nets in the field and left them without a guard. Similarly, vinegar made from wine dregs is exempt from the obligations of *demai*.

3 When decrees were enacted concerning *demai*, they were enacted only with regard to produce from the land that was inhabited by the Jews who returned from Babylonia, i.e., from Kziv inward. Kziv itself is considered as outside these boundaries. All produce from Kziv and further are exempt from the obligations of *demai* for we operate under the assumption that the produce came from the place where it is found.

4 When we know that produce was grown in the land that was inhabited by the Jews who ascended from Babylonia, the laws of *demai* apply with regard to it even though it is presently found in Syria or in the land that was inhabited only by the Jews who ascended from Egypt. [Thus] *terumat ma'aser* and the second tithe must be separated from it.

Therefore a fat fig whose species is found only in the land inhabited by the Jews who ascended from Babylon - and similarly, large dates, straight carobs, rice that is exceedingly white, and oversized cumin - must be tithed like *demai* in the entirety of *Eretz Yisrael* and in Syria. Similar laws apply with regard to all produce that is comparable to these species.

5 When donkey-drivers bring produce to Tyre, the laws governing *demai* apply to it, for we assume that it came from the nearby land inhabited by the Jews who ascended from Babylonia. We do not harbor any suspicions with regard to rice. Instead, all the rice that is found in the Diaspora that neighbors the land which was inhabited by the Jews who ascended from Babylonia is exempt from *demai* unless it was obvious that it grew [only in *Eretz Yisrael*] as we explained.

6 When a person purchases [produce] from the owners of storehouses in Tyre, he is exempt from [the obligations of] *demai*. We do not say that they stored produce from *Eretz Yisrael*. Similarly, if one donkey enters Tyre laden with produce, it is exempt from [the obligations of] *demai*, for we assume that [the produce comes] from the fields around the city.

7 When a person purchases [produce] from the owners of storehouses in Tzidon, he is obligated in [the laws of] *demai*, because it is closer to *Eretz Yisrael* than Tyre and we operate under the assumption that they store produce from the land inhabited by the Jews who ascended from Babylonia. If, however, one purchases [produce] from donkey-drivers in Tzidon, it is exempt from [the obligations of] *demai*, for we assume that they are bringing [the produce] from the Diaspora.

8 [The following rules apply when a person] purchases [produce] from a gentile in the land inhabited by the Jews who ascended from Babylonia. If the gentile was a merchant who purchases produce from Jews, the produce is [considered as] *demai*. Therefore at the outset, when the majority of

Eretz Yisrael was in the hands of Jews, when a person purchased produce from a gentile merchant, he would separate tithes as one does for *demai* just like one does when [purchasing] from a [Jewish] common person.

9 Who is a merchant? One who brings [produce to the market] two or three times. If, however, he brings once - even if he brings three loads at once, or even if he, his son, and his servant each brings loads - he is not presumed to be a merchant.

10 When [our Sages] issued a decree concerning *demai*, the decree did not apply to produce from the Diaspora that was brought into *Eretz Yisrael*.

11 When the majority of the produce [in a mixture] is from *Eretz Yisrael* and not from the Diaspora, [the laws of] *demai* apply. If the majority of the mixture is produce from the Diaspora, it is exempt from *demai*. [This law applies] also to species that we can presume that most frequently come from the Diaspora, e.g., nuts and plums.

12 [When there was a doubt whether] produce came from the Diaspora or not, our Sages [maintained that the ruling] is not dependent on the appearance [of the produce], its flavor, or its fragrance, but rather where the majority [of produce in the marketplace originated]. If produce [from the Diaspora] constitutes the majority, it is permitted. If not, it is forbidden.

What is implied? When there is a majority [of produce from the Diaspora] in a city, but not in its outlying areas, or in the outlying areas and not in the city, in the mountain, but not in the valley, in the valley,

but not in the mountain, for a storekeeper, but not for a private homeowner, for a private homeowner and not for a storekeeper, for those where [produce from the Diaspora] is the majority, they are permitted. For those where it is not in the majority, they are obligated [to heed the restrictions of] *demai*.

13 If, at first, there was a majority of produce from the Diaspora in the market place and then, that quantity was reduced, the market place returns to its original status, and one who purchases [produce] is obligated in [the restrictions of] *demai*.

14 At the time the decree concerning *demai* was issued, it was not applied in the following situations. All of the [following] instances are exempt from the obligations of *demai*: One who purchases: produce for seed or as animal fodder, flour for the processing of hides or for a compress or a bandage, oil to kindle a lamp or to apply to utensils, wine for an eye ointment. [This ruling also applies to] *challah* separated by a common person, a mixture of *terumah* and ordinary produce, produce purchased with money from the second tithes, flour left over from a meal offering, and produce added to the *bikkurim* offerings. If a common person tells him that the appropriate separations have been made, there is no obligation to tithe it.

15 When a person purchases produce to eat and changed his mind and thought to use it as animal fodder, he should not sell them to a gentile or feed them to an animal - even an animal belonging to others - until he

makes the separations associated with *demai*.

16 Fragrant oil is exempt from [the obligations of] *demai* for we assume it will not be eaten. When a comber of wool purchases oil to put it in the wool, it is exempt from [the obligations of] *demai*, because it is absorbed by the wool. When, however, a weaver purchases oil to apply between his fingers, it is obligated in [the laws of] *demai*. The rationale is that it is absorbed in his body and the application of oil is considered as drinking in all instances.

17 When a gentile asks a Jew to place oil on his wound, he is forbidden to use oil from which he is certain the appropriate separations have not been made. He is, however, permitted to use *demai* for this purpose. If a gentile places oil on a tablet to twist around, after he arises, it is permitted for a Jew to sit on it afterwards.

18 When oil that is *demai* falls on a person's flesh, he may rub it without concern. When a person purchases wine for fishbrine or a mixture of wine and water or legumes to crush and mix with honey, he is obligated in the restrictions of *demai*. If, however, he purchased fishbrine that contains wine, a mixture of wine and oil, or a mixture of crushed legumes and honey, he is exempt from the restrictions of *demai*, for [our Sages] did not apply their decree to a mixture of *demai* and other substances. If the entity that was *demai* that became mixed with other substances was something like spices or yeast, since its flavor is evident, the restrictions involving *demai* must be observed for the entire mixture.

19 In all those situations where one is exempt from *demai* because [our Sages] did not apply their decree in these instances, if one corrected [the produce as one does] *demai*, separating *terumat ma'aser* and the second tithe, his actions are considered of consequence. If, however, he sought to correct [produce that is] *demai* like one does produce from which we are certain that no separations were made, separating the great *terumah* and the tithes from it or he sought to correct produce from which we are certain that no separations were made by making separations like one does *demai*, his deeds are of no consequence.

20 [The following laws apply when] all [of the individuals in] a town sell produce that is definitely [*tevel*], one person sells *demai* , and one purchases [produce] from a person without knowing from whom he purchased. How should he correct the produce? He should separate *terumah* and *terumat ma'aser* and give it to the priest. And then he should separate the second tithe and it is considered as the second tithe of *demai*.

21 Similar [concepts apply] if there were two containers [of produce] before a person: one containing *tevel* and one containing produce from which the separations were made. If one of them is lost, one must separate *terumah* and *terumat ma'aser* from the other one and give it to any priest he desires. And he should separate the second tithe and it is considered as the second tithe of *demai*.

Chapter 14

1 When a person purchases [produce] from a wholesaler and then purchases [produce] from him a second time, he should not separate tithes from one batch for another. [This applies] even if they are of one species, and even from one container, and even if he himself recognized the barrel [from which the produce was taken]. [The rationale is that] a wholesaler purchases from many different people and sells [it]. Perhaps the produce he first sold was from a common person whose produce is *demai* and the batch he sold later was from a *chavair* who made the appropriate separations. As we already explained, we do not separate tithes from produce that is obligated to be tithed for produce that is exempt or from produce that is exempt for produce that is obligated. If the wholesaler said that [both batches] are from one person, we rely on his word.

2 When [a wholesaler] sells hops or vegetables and they are being brought and collected before him, a purchaser should tithe each bunch of hops, each bundle [of vegetables], and each date individually.

3 When a person purchases [produce] from a private individual and then purchases [the same species] from him a second time, he may separate the tithes from one batch for the other. [This applies] even when he purchases [produce] from two containers, and even from two cities. [The rationale is that] we operate under the presumption that a private person sells only his own produce.

4 [Different rules apply when] a private person sells vegetables in the market place. When [produce] is brought to him from his gardens, [a purchaser]

may tithe from one batch for the entire quantity. If, however, he is also brought [produce] from other gardens, should one purchase a batch from him and then purchase a second batch, he should not tithe from one for the other.

5 When a person purchases bread from a baker, he should not tithe from the warm bread for the cool bread, for one might say that the wheat [used for] yesterday's [bread] was from one person and that [used] for today's is from another.

6 When a person purchases [bread] from a bakery he may tithe from one loaf for all the others even if [the loaves] are from different molds. For a baker who sells to a bakery bakes his dough in different molds. If, however, one purchases [bread] from a distributor, one should tithe each mold individually, for a distributor purchases from two [or more] bakers.

7 When nine distributors purchase [bread] from ten bakers, since one of them purchases from two [bakers], anyone who purchases [bread] from one of the nine must tithe each mold individually.

8 When a person purchases [bread] from a poor person and similarly, if a poor person was given slices of bread or slices of a cake of dried figs, he should tithe each one individually. For dates and dried figs, he should group the entire quantity together and tithe them.
When does the above apply? When he was given a large present. If he was given a small present, he should tithe each present individually.

9 If a person ground a loaf of bread [into] crumbs or ground dried figs and made them into a cake, he should separate tithes for the entire quantity.

10 When workers or guests were reclining and eating and they left over slices [of bread], one should tithe each one individually.

Mishneh Torah, Second Tithes and Fourth Year's Fruit

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 After separating the first tithe every year, we separate the second tithe,as [**Deuteronomy 14:22**] states: "You shall certainly tithe the produce of your crops." In the third and sixth years [of the seven year agricultural cycle], we separate the tithe for the poor instead of the second tithe, as we explained.

2 The first of Tishrei is the beginning of the year with regard to the reckoning of the tithes for grain, legumes, and vegetables. Whenever the term Rosh HaShanah is used [with regard to crops], the intent is the first of Tishrei. The fifteenth of Shvat is the beginning of the year with regard to reckoning the tithes for fruit-trees.

What is implied? If grain or legumes reach "the phase of tithing" before Rosh HaShanah of the third year, the second tithe should be separated from them even though they became fully developed and were gathered in the third year. If, however, they did not reach "the phase of tithing" until after Rosh HaShanah of the third year, the tithe for the poor should be separated from them. Similarly, if fruit from trees reaches "the phase of tithing" before the fifteenth of Shvat in the third year, it should be tithed according to the previous year and the second tithe should be separated from it even though it became fully developed and was gathered at the end of the third year. Similarly, if it reaches "the phase of tithing" before

the fifteenth of Shvat in the fourth year, the tithe for the poor should be separated from it even though it became fully developed and was gathered at the end of the fourth year. If it reaches "the phase of tithing" after the fifteenth of Shvat, it should be tithed like the produce of the coming year.

3 Even though the fruit of carob trees begin to ripen before the fifteenth of Shvat, they should be tithed according to the coming year, since [the obligation to] tithe them is of Rabbinic origin.

It appears to me that this applies only with regard to the carobs that grow in Tzalmona or other similar species that are not fit to be eaten by most people. [Hence,] the obligation to partake of them is Rabbinic in origin. It appears to me that other carobs are similar to the rest of the fruit of the trees.

4 Vegetables should be tithed according to the year when they are harvested. What is implied? If they are harvested on the day of Rosh HaShanah of the third year, the tithe for the poor should be separated from them even though they reached "the phase of tithing" and [indeed,] fully matured in the second year. If they were harvested in the fourth year, the second tithe should be separated from them.

5 Similarly, among fruit from trees, only an esrog is like a vegetable, [i.e., the laws governing it] whether for tithes or the Sabbatical year are dependent on when it is harvested.

What is implied? If it was harvested in the third year after the fifteenth of Shvat, the tithe for the poor should be separated from it even though its

growth was completed in the second year. Similarly, if it was gathered in the fourth year before the fifteenth of Shvat, the tithe for the poor should be separated from it. If it was harvested in the fourth year after the fifteenth of Shvat, the second tithe should be separated from it.

6 Although the laws governing an esrog depend on when it was reaped, when an esrog that grew in the sixth year entered the seventh year, tithes must be separated from it. [This applies] even though it was only an olive size [at the beginning of the Sabbatical year] and became the size of a loaf of bread [during that year].

7 We apply both the stringencies that apply to trees and those that apply to vegetables to caper berries. Thus if they grew from the second year and then they entered into the third year and were harvested before the fifteenth of Shvat, the first tithe should be separated. Afterwards, another tithe should be separated. Afterwards, it should be redeemed and then given to the poor. The proceeds of the redemption [should be used to purchase food that] is eaten according to the laws of the second tithe. Thus it is as if he separated both the second tithe and the tithe for the poor.

8 With regard to rice, millet, poppy seed, and sesame seeds, even if the plants took root before Rosh HaShanah, we are concerned only with the completion of [the maturity of] the fruit and thus the tithes are separated as is the produce of the coming year. Similarly, with regard to Egyptian beans, even though a portion of the crop took root before Rosh HaShanah

and a portion afterwards, he should gather the entire crop together and separate *terumah* and tithes from the entire crop as one. For everything depends on the produce reaching maturity.

9 When one withheld water from onions that do not produce sprouts for 30 days or when one withheld water from onions that are irrigated from three periods before Rosh HaShanah, they should be tithed as produce of the previous year. If water was withheld from them for less than this - and thus they began to dry up before Rosh HaShanah - they should be tithed like produce of the coming year.

10 [The following rules apply when] Egyptian beans reached a third of their growth before Rosh HaShanah. If they were sown to produce seed, they should be tithed as produce of the previous year. If they were sown to produce vegetables, they should be tithed as produce of the coming year. If they were sown to produce seed and vegetables or they were sown to produce seed and then [the owner changed his mind and] thought to use them for vegetables [as well], he should tithe from the seeds for the vegetables and from the vegetables as seeds.

[Different rules apply if the beans] did not reach one third of their growth before Rosh HaShanah. If they were sown to produce seed, they should be tithed as produce of the previous year, but the vegetables that grow should be tithed as they are harvested, provided they are harvested before Rosh HaShanah. If they were harvested after Rosh HaShanah, both the vegetables and the seeds should be tithed as produce of the coming year.

If they were sown to produce seed and then [the owner changed his mind

and] thought to use them for vegetables [only], the ruling follows his thought. If they were sown to produce vegetables and then [the owner changed his mind and] thought to use them for seed, the thought to use it as seed has no effect on the ruling unless he withholds water from it for three periods when [the plants] would be ordinarily be watered, and [then,] only when [the plants] reached a third of their growth before Rosh HaShanah.

[They are, however, governed by different rules] if they did not reach a third of their growth before Rosh HaShanah even though he withheld water from it for three periods when [the plants] would be ordinarily be watered. If he sowed it for the purpose of seed and the entire crop grew into fully grown plants before Rosh HaShanah, the seed is tithed as produce of the previous year and the vegetables are tithed according to when they are harvested. If some of the plants reached their full growth and some did not, to this situation, we apply our Sages' statement: "He should gather the entire crop together." [Thus he should separate tithes from the entire crop as one,] separating tithes from the seed for the vegetables and from the vegetables as seed.

11 When produce from the second year becomes mixed with produce from the third year or produce from the third year becomes mixed with that of the fourth year, we follow the majority. If it is half and half, we separate the second tithe from the entire quantity, but not the tithe for the poor. [The rationale is that] the second tithe is a more severe obligation, because it is sacred, while the tithe for the poor is ordinary produce. Similarly, when there is a doubt whether produce is from the second year or from

the third year, the second tithe should be separated from it.

12 Whenever [produce] is exempt from the first tithe, it is also exempt from the second tithe and the tithe for the poor. Whenever produce is obligated in the first tithe, it is also obligated in these two. All of the individuals who may separate *terumah* may also separate [these] tithes and those who are not entitled to separate *terumah* may not separate these tithes. When any of the individuals with regard to whom it is said that [they should not separate *terumah*,] but if they separate *terumah,* the separation is effective separate these tithes, their separation is effective. When any of the individuals with regard to whom it is said that their separation of *terumah* is ineffective separate these tithes, their separation is ineffective.

13 When a person separated the first tithe from produce before the obligation to tithe was established, he may snack from it before separating the second tithe. For [separating] the first [tithe] does not create an obligation to separate the second. If, however, an obligation to tithe was established, it is forbidden to snack from it until he separates the second tithe or the tithe for the poor even though he has already separated the first tithe.

14 Since the second tithe must be brought [to Jerusalem], it should not be brought from the Diaspora, like the firstborn of animals. For this reason, our Sages did not obligate the separation of the second tithe in Syria.
It appears to me that the second tithe that is separated in Babylonia and in Egypt should be redeemed and the proceeds taken to Jerusalem. Similarly,

it appears to me that the obligation to separate the second tithe in these places was established only so that there would be an obligation to separate the tithe for the poor, so that the poor of the Jewish people could rely on it.

Chapter 2

1 The second tithe should be eaten by its owners within the walls of Jerusalem, as [**Deuteronomy 14:23**] states: "And you shall eat before God, your Lord, in the place He chooses to cause His name to dwell."
It must be observed whether the Temple is standing or it is not standing. Nevertheless, we partake of it only while the Temple is standing, for [the verse states]: "the tithe of your grain, your wine, your oil, and the firstborn of your cattle or your sheep." According to the Oral Tradition, it was taught: Just as a firstborn is not eaten except while the Temple is standing, so too, the second tithe is not eaten except when the Temple is standing.

2 It is pious behavior to redeem the second tithe for its full value in the same manner as it should be redeemed while the Temple is standing. Our Sages, [however,] ruled that, in the present age, if one desires, he may redeem a *maneh's* worth of produce for a *p'rutah* as an initial and preferable measure, [for this produce] need not be considered more stringently than consecrated property. That *p'rutah* should be discarded in the Mediterranean Sea.

3 Similarly, if one transferred the holiness of a *maneh's* worth of produce that is the second tithe for a *p'rutah's* worth of other produce, the holiness is transferred. He should then burn the produce to which he transferred the holiness so that it will not present an obstacle to others, [following the same procedure] as the redemption of *neta rivai'i* in the present age, as we explained in *Hilchot Ma'achalot Assurot*.

4 Just as we do not partake of the second tithe in the present era in Jerusalem, so too, we do not redeem it there, nor transfer its holiness, or sell it. If [produce which is the second tithe] is brought into Jerusalem in the present era, it should not be removed from there. Instead, we leave it there until it rots. Similarly, if one transgressed and removed it from there, he should leave it until it rots.

For this reason, we do not separate the second tithe in the present era in Jerusalem. Instead, we remove the produce from the city while it is *tevel* and redeem it. If it was separated there in the present era, it should be left to rot.

5 Anyone who eats an olive-sized portion of [produce from] the second tithe or who drinks a *revi'it* of wine [from such produce] outside the walls of Jerusalem is liable for lashes, as [**Deuteronomy 12:17**] states: "In your gates, you may not partake of the tithe of your grain, your wine, and your oil."

He is liable for lashes for each one individually. Therefore if he partakes of the three outside the walls [of Jerusalem], he is liable for three sets of lashes, for it is stated: And you shall eat before God in the place He

chooses to cause His name to dwell."

It must be observed whether the Temple is standing or it is not standing. Nevertheless, we partake of it only while the Temple is standing, for [the Torah states]: "And you shall eat before God... the tithe of your grain, your wine, your oil," and "You may not partake of the tithe of your grain, your wine, and your oil." Why does [the Torah] mention them individually instead of saying: "Do not partake of them in your gates?" To make one liable for each one individually.

6 According to Scriptural Law, one is not liable for lashes unless he partakes of produce [from the second tithe] after it had entered the walls of Jerusalem [and was removed], as it is written: "You may not partake... in your gates" and "And you shall eat before God." [Implied is that] since the produce enters the place where it should be eaten and then it was eaten outside [that place], one is liable for lashes. If, however, one ate such produce before it entered Jerusalem, he should be given stripes for rebellious conduct.

7 [The following rules apply if] a portion of [produce from the second] tithe is inside [Jerusalem] and a portion is outside. One who eats from the portion that has not entered [the city] should be given stripes for rebellious conduct. If one eats the portion that entered outside [the city], he is liable for lashes.

8 We do not redeem the second tithe in Jerusalem unless it became impure,

9 Once produce from the second tithe - even if it is *demai* - is brought into

Jerusalem, it is forbidden to remove it from there, for it has already been taken in by [the city's] barriers. Similar concepts apply with regard to produce purchased with money [from the redemption of] the second tithe, as [implied by] the verse: "And you shall eat before God your Lord." If a person transgressed and took [such produce] out of Jerusalem or it was taken out inadvertently, it should be returned and eaten in Jerusalem. [The concept that produce from the second tithe that was brought into Jerusalem is] taken in by its partitions is a Rabbinic decree. Even produce from [the redemption of] the second tithe whose fifth is not worth a *p'rutah* which is [observed] by virtue of Rabbinic decree [alone] is taken in by [the city's] partitions and it is forbidden to remove it. Money from [the redemption of] the second tithe, by contrast, may be brought into Jerusalem and then removed.

10 When produce for which the tasks involved in its preparation have been completed is taken through Jerusalem and then removed, [its owner] cannot separate tithes from it from other produce which has not been brought into Jerusalem yet. Instead, the second tithe from this produce should be [separated,] and returned and eaten in Jerusalem. It cannot be redeemed outside the city. Even if one designates the entire quantity of produce which was removed as the second tithe for produce that was not yet brought [to Jerusalem], it must be returned and eaten in [that city]. This is a stringency associated with the walls of Jerusalem. Once [produce] is taken in by them, it has been taken in.

11 When produce for which the tasks involved in its preparation have not

been completed, e.g., baskets of grapes that are being taking to the vat or baskets of figs that are being taken to dry, is taken through Jerusalem and then removed, it is permitted to redeem the second tithe from them outside Jerusalem. Similarly, the second tithe from produce that is *demai* may be redeemed outside [of Jerusalem] even though the tasks involved in its preparation have been completed and it passed through the city.

12 [The following laws apply when] produce from the second tithe which became impure in Jerusalem was redeemed. If it became impure through contact with a secondary source of impurity, it is forbidden to remove it. [Instead,] it should be eaten within [the city]. If it became impure as a result of contact with a primary source of impurity or it became impure outside [the city] even through contact with a secondary source of impurity, it may be redeemed and eaten in any place, even though it was brought into Jerusalem.

13 When does the above apply? When it was brought in with the intent that the barriers of [the city] would not take it in. If, however, he did not make such a stipulation, since it entered the city and it is ritually pure according to Scriptural Law, it is taken in by [the city's] barriers and should not be removed. For a secondary source of ritual impurity does not impart impurity to another entity according to Scriptural Law.

14 It is permitted to partake of *chilba* from the second tithe while it is in its fresh state, for then it is fit to be eaten. Similarly, vetch from the second tithe may be eaten while it is fresh. If one made a dough from them, it is

permitted to take it into Jerusalem and remove it, because vetch is not considered as [ordinary] produce. If it became impure in Jerusalem, it may be redeemed and eaten outside [the city].

15 When a tree is standing within the walls of Jerusalem and its branches extend outside the wall, produce from the second tithe should not be eaten under [those] branches. If, however, produce from the second tithe was brought under its branches, it can no longer be redeemed, because it is considered as if it was brought into Jerusalem.

16 [The following rules apply when] houses positioned at the side of the wall with their entrances within the wall, but the length of the house extends outside the wall. [The portions of the house that] are within the wall are considered as being within the city with regard to all matters. In those which are outside the wall, we may not eat [the produce of the second tithe] and as a stringency, produce from the second tithe should not be redeemed there. If the length of the house extends within [the wall] and the entrance is outside, [the portion that are] outside the wall are considered as outside the city. We may re redeem [produce from the tithes] there and may not partake of it there. [In the portion that is within the wall], we may not eat [such produce] there and as a stringency, we may not redeem it. The windows and the breadth of the walls are considered within the city.

Chapter 3

1 A person who partakes of produce from the second tithe in a state of ritual impurity is liable for lashes, as [implied by **Deuteronomy 26:14**]: "I did not consume it in a state of impurity." [This applies] whether the produce is impure and the person partaking of it is pure or the produce is pure and the person partaking of it is impure, provided he partakes of it in Jerusalem before it is redeemed. For one is liable for lashes for partaking of such produce in a state of ritual impurity in a place where it is fit to partake of it. If, however, one partakes of it in a state of ritual impurity outside of Jerusalem, he is liable for stripes for rebellious conduct.

2 Once it has become impure, it even forbidden to use such produce [as fuel] to kindle a lamp until it is redeemed, as [implied by]: "I did not consume it in a state of impurity."

3 We already explained, that when produce from the second tithe becomes impure, it should be redeemed and eaten- even in Jerusalem. The proceeds [from its redemption] should [be used to purchase food that is] eaten in a state of ritual purity according to the laws governing produce from the second tithe, as will be explained. Even if all the produce became impure while it was *tevel*, one should separate the second tithe in a state of ritual impurity and redeem it.

4 An uncircumcised person is considered as if he is ritually impure. If he partakes of produce from the second tithe, he is liable for lashes according to Scriptural Law as he is liable for lashes for partaking of *terumah*. [This equivalence is established, because] *terumah* is referred to as "holy," and

produce from the second tithe is referred as "holy," for [**Leviticus 27:30**] describes it as being "holy unto God."

When a person who was impure immerses himself [in a *mikveh*], he may partake of produce from the second tithe even though the sun has not set that day.

5 When a person partakes of produce from the second tithe in a Scripturally defined state of *aninut*, he is liable for lashes as [implied by **Deuteronomy 26:14**]: "I did not consume it in a state of *aninut*." [This applies,] provided he partakes of it in the place we are commanded to partake of it, [i.e.,] in Jerusalem. If, however, he partook of such produce outside Jerusalem in a state of *aninut* or partook of it in Jerusalem in a Rabbinically defined state of *aninut*, he is given stripes for rebellious conduct.

6 Who is an *onain*? One is mourning for one of the relatives for whom he is obligated to mourn on the day of their death is an *onain* according to Scriptural law. At night, he is an *onain* according to Rabbinic decree. [This is derived from **Leviticus 10:19**]: "If I would partake of a sin offering today, would it find favor in the eyes of God?" [Implied is that the day is forbidden, but the night is permitted.

If the deceased remains [unburied] for several days and is not buried until afterwards, [his relatives are] *onanim* according to Rabbinic decree throughout the days from the day of death until the day of the burial. [The status of] the day of burial is not extended until [the following] night.

7 [This restriction does not apply] to the second tithe alone, [but also] to all sacrificial foods. If one partakes of them in a Scriptural state of *aninut*, he is liable for lashes. In a Rabbinic state of *aninut*, he is liable for stripes for rebellious conduct.

8 Produce from the second tithe, nor produce purchased with money from the second tithe, nor money from the redemption of the second tithe should not be given to a common person, because we operate under the assumption that he is impure.

It is permitted to partake of produce from the second tithe that was separated from *demai* in a state of *aninut* and it may be given to a common person, provided he eats [an equivalent amount of produce] in place of them.

Produce from the second tithe should not be entrusted [to a colleague for safekeeping], not even to a *chavair*, lest he die and the produce will continue in the possession of his son, who is a common person. One may, however, entrust produce from the second tithe separated from *demai* to a common person.

9 It is forbidden to cause the loss of even a small amount of produce from the second tithe on the journey [to Jerusalem]. Instead, one must transport it in its entirety or the proceeds [from its redemption] to Jerusalem. It is, however, permitted, to cause the loss of a small amount of produce from the second tithe separate from *demai* on the journey.

What is meant by a small portion? Less than the size of a dried fig, whether it is eaten whole or sliced. We may not, however, cause the loss of

a portion the size of a dried fig.

When a person separates a portion less than the size of a dried fig from produce from the second tithe separated from *demai*, he may give it to a common person provided he eats [a comparable portion in Jerusalem] in exchange for it. At the outset, he should not set it aside to be lost, for produce should not be set aside to be lost.

10 The produce of the second tithe may be used to eat and to drink, as [implied by **Deuteronomy 14:23**]: "And you shall eat before God, your Lord." Smearing oneself is considered as drinking.

It is forbidden to use [this produce] for any of one's other needs, to purchase utensils, clothes, or servants, as [*ibid.* 26:14] states: "I did not give from it to a corpse," i.e., I did not use it [to purchase] an object that does not maintain the body. If a person uses this produce for other purposes, even for a mitzvah, e.g., he uses it to purchase a coffin and shrouds for an abandoned corpse, he must eat other food in place of it, according to the laws governing the second tithe.

11 [With regard to produce from the second] tithe: One should eat produce that is normally eaten, drink what is normally drunk, and smear on oneself what is normally smeared. He should not smear wine or vinegar, but he may smear oil. He should not squeeze fruit to extract its juice with the exception of olives and grapes. We do not mix spices with oil, but do so with wine.

We do not require a person to eat bread that has become moldy or oil that has become rancid. Instead, as soon as it has become spoiled to the point

that it is not fit for human consumption, its holiness has departed from it.

12 Whatever parts of produce from *terumah* that non-priests are permitted to eat may also be eaten from produce of the second tithe like ordinary produce. When [grape] dregs from the second tithe were placed in water, the first [quantity of drink produce] is forbidden like the produce from the second tithe. The second is permitted, like ordinary produce. [If the produce of the second tithe was] from *demai*, even the first quantity is permitted.

13 When honey and spices fell into wine from the second tithe and improved its flavor, the improvement is judged proportionately. Similarly, if fish were cooked with leek from the second tithe and their flavor was improved, the improvement is judged proportionately.

14 When a dough made with flour from the second tithe was baked and improved, the improvement is accredited to the second tithe. This is the general principle: Whenever the improvement is obvious, if the volume of the produce is increased, the improvement is judged proportionately. If the volume of the produce is not increased, the improvement is accredited to the second tithe alone. Whenever the improvement is not obvious, the improvement is attributed to the second tithe alone even when the volume is not increased.

15 What is meant by the phrase "the improvement is judged proportionately"? Honey and spices worth a *zuz* fall into wine from the second tithe that is worth three [*zuz*], increasing its volume and

improving its flavor. The combined worth is now five *zuz*, we consider the worth [for the tithes] as four and a fourth. Similar rules apply with regard to other substances.

16 Although produce from the second tithe may be used for smearing, it should not be placed on a foot infection or on boils, nor may it be used as an amulet or the like, because it was not intended to be used as medication.

17 The second tithe is considered the property of the Most High, as [**Leviticus 27:30**] states: "It is God's." Therefore it cannot be acquired [when given] as a present, unless one gives a colleague *tevel* and he separates the second tithe from it.

It may not be used to consecrate a woman, nor may it be sold, nor may it be taken as security. It may not be exchanged, nor may it be given as surety.

18 What is meant by the prohibition against taking it as security? One should not enter [the debtor's] home and take produce from the second tithe of his as security. If one transgressed and took such produce as security, it is expropriated from him.

What is meant by the prohibition against giving it as surety? One should not tell a colleague: "Take this produce from the second tithe. Keep it in your possession and lend me money because of it."

What is meant by the prohibition against exchanging it? A person should not tell a colleague: "Here is wine from the second tithe for you and give

me oil from the second tithe." He may, however, tell a colleague: "Here is wine from [the second tithe] for you, but I don't have oil." If his colleague desires to give him oil, it is permitted, because he did not exchange it with him. He merely notified him that he lacked it. Thus, if that person desired to give him, he may.

19 We do not use produce from the second tithe as a weight for anything, even for golden *dinarim*. [This is forbidden] even to [weigh coins] onto which the holiness from other produce will be transferred. [This is] a decree, [enacted] lest he balance his scales on this basis and the produce be lacking in weight. Thus if he uses them to weigh coins upon which to transfer the holiness of other produce from the second tithe, he will be redeeming such produce for less than its worth.

20 When brothers divide produce from the second tithe [left them in an estate], they should not weigh them against each other. Similarly, coins [upon which the holiness of] the second tithe [has been transferred] should not be weighed against each other. [Such coins] should not be sold, nor exchanged, nor given as surety. One may not give them to a moneychanger to use to create an impression. One may not lend them to boost his image. It is, however, permitted to lend them so that they will not rust.

21 We may not use [this money] to repay loans. They may not be used as wedding gifts, nor may they be used to repay favors. They may not be used to pay for charity levied upon him in the synagogue. One may,

however, send them [as gifts] for charitable purposes. One must, however, [notify the recipient].

22 A person should not tell a colleague: "Bring this produce to Jerusalem and take your wages from it," for such an arrangement is equivalent to taking his wages for transporting the produce to Jerusalem. He may, however, tell him: "Bring it to Jerusalem so that we can eat it and drink it there."

23 In Jerusalem, a person may ask a colleague to smear oil from the second tithe upon him even though the oil also becomes smeared on the colleague's hand. This is not considered as a wage for smearing it upon him.

24 We have already explained that the produce from the second tithe belongs to the Most High. Therefore we say that one who steals produce from the second tithe is not obligated to make a double payment, nor is one who robs it obligated to add a fifth.

25 When a person consecrates produce from the second tithe to the Temple treasury, the one who redeems it should redeem it with the intent of giving what is due to the Temple treasury to it and what is due to the second tithe to it.

Chapter 4

1 A person who desires to redeem produce from the second tithe should redeem it according to its worth and say: "These coins take the place of

this produce" or "The holiness of this produce is transferred to these coins."

If he did not make such an explicit statement, but merely set aside the coins equivalent to [the value of] the produce, it is sufficient. He need not make an explicit statement.

The produce then is considered ordinary produce and the coins must be taken to Jerusalem and spent there, as [**Deuteronomy 14:24**] states: "When the journey will be too great for you, because you cannot transport it...."

2 Similarly, if a person desires to transfer the holiness of produce from the second tithe to other produce, he should bring the other produce to Jerusalem and eat it there. He should not transfer the holiness of produce from one species to produce from another species, nor from high quality produce from one species to lower quality produce even if it is of the same species. If, however, he transferred the holiness of produce in these instances, the transfer is effective.

3 A person who redeems produce from the second tithe should recite a blessing: "[Blessed are You...] who sanctified us with His commandments and commanded us concerning the redemption of the second tithe." If he transferred the holiness to other produce or he transferred the holiness of money to produce, he should recite the blessing: "...concerning the transfer of the holiness of the second tithe." A person who redeems or transfers the holiness of *demai* need not recite a blessing.

4 When one redeems produce from the second tithe, he should not redeem

it as the second tithe, but rather as ordinary produce. He should say: "How much is this ordinary produce worth." [This applies] even if everyone knows that the produce is from the second tithe, so that it will not be disgraced.

5 The holiness of coins [used to redeem produce from] the second tithe should not be transferred to other coins. [This applies] whether both sets of coins were silver or both were brass, the first set was silver and the second brass, or the first set was brass and the second silver. If one transgressed and transferred the holiness, the transfer is effective.

6 [Outside of Jerusalem,] the holiness of money of the second tithe should not be transferred to produce. If such a transfer was made, the produce should be brought to Jerusalem and eaten there. [Similarly, the holiness of money from the second tithe] should not be transferred to living domesticated animals, beasts, or fowl. If one [attempted to] make such a transfer, the holiness of the second tithe is not transferred. [This is a decree,] lest one raise them in herds. If one transferred the [holiness of such funds] to animals that were slaughtered, they are considered as produce. They must be brought to Jerusalem and eaten there and the money is considered as ordinary funds.

7 In a pressing situation, it is permitted to transfer the holiness of silver coins to brass ones. One should not maintain this situation, however. Instead, [when he has] a respite he should transfer the holiness of the brass back to silver coins.

8 As an initial preference, one may transfer the holiness of coins of the second tithe from *demai*, transferring the holiness from silver to silver, from silver to brass, from brass to brass, and from brass to produce. That produce should be brought to Jerusalem and eaten there.

9 The produce from the second tithe may only be redeemed for silver, as [implied by **Deuteronomy 14:25**]: "And you shall bundle the silver." Similarly, if a person redeems the silver for himself and adds a fifth, that fifth must be silver like the principal.

One should not use uncoined silver for the redemption [of the second tithe]. Instead, one must use silver imprinted with an image or with writing. If one [attempted to] redeem [produce from the second tithe] with silver bullion or the like - this is referred as an *asimon* - his actions are of no consequence. We may not redeem [produce from the second tithe] with [a coin less valuable] than a *p'rutah*, because this is considered as redeeming with an *asimon*.

10 We may not redeem [produce from the second tithe] with a coin that is not legal tender in that place and at that time, as [implied by *ibid.*:26]: "And you shall exchange the silver for anything your heart desires." [Implied is that the silver] must be fit for exchange. A coin minted by kings of an earlier era may be used for redemption if it is still circulated as currency.

11 We may not redeem [produce from the second tithe] with coins that are not in one's possession, as [implied by] the verse: "And you shall bundle

the silver in your hand." If a person's pouch fell into a cistern, but it is possible for him to remove it from there, he may use [the coins in] it for redemption, for it is [still] in his domain.

12 [The following rules apply when] one was traveling on the road, carrying money, and a man of force was approaching him. If he could save [his money, even] with difficulty, he can use it to redeem produce of the second tithe in his home. If he cannot, and he says: "The holiness of the produce that is in my house is transferred to this money," his statements are of no consequence.

13 When a person sets aside money upon which to transfer the holiness of produce from the second tithe, he may [continue to] redeem his produce under the assumption that the money exists in his possession. If he discovers that the money has been lost, he must be concerned about all the produce that he redeemed with that money.

14 When a person located in Tiberias has money in Babylonian coinage in Babylon, he may not transfer the holiness [of the produce of the second tithe] to them. If, by contrast, [although he is in Tiberias,] he possesses money of Tiberian coinage in Babylon, he may transfer the holiness [of the produce of the second tithe] to them. Similarly laws apply in all analogous situations.

15 When a person says: "The holiness of produce from the second tithe is transferred to the first *sela* that I will take out of this wallet," "...on the *sela* I will receive when I exchange this golden *dinar*," "...on the *pundiyon* I

will receive when I exchange this *sela*, the transfer is effective. The *sela* that he will take out or receive in exchange is money of the second tithe.

16 When a person says: "The holiness of the produce of the second tithe is transferred to the *sela* in my son's possession, the holiness is not transferred. Perhaps the *sela* was not in his possession at that time.

17 When a person redeems the produce from the second tithe before he separates it, e.g., he says: "The second tithe of this produce is redeemed with this money," his statements are of no consequence and the tithes have not been defined. If, however, he says: "The second tithe from this produce is in its northern portion" or "...in its southern portion and its holiness is transferred to this money," the redemption is effective.

18 When the produce of the second tithe is redeemed, it should be redeemed for its fair value. One may, however, value it at the buying price, i.e., what the storekeeper would pay if he purchased it and not the price he would charge if he sold it. Similarly, he may pay money according to the rate that a moneychanger would pay and not according to the rate he would charge. If a person transgresses and redeemed [produce] worth a *maneh* with [a coin] worth a *p'rutah*, the holiness [of the produce] is transferred.

19 [The following laws apply if] a *sela* was lacking a sixth or less [than its weight]. If it would be accepted [in business dealings even] with difficulty, one may transfer the holiness a *sela's* worth [of produce of the second tithe] to it without concern. If one redeemed [produce] with a *sela* and it was discovered to be unacceptable, he should exchange it.

20 One should not redeem produce from the second tithe by estimation. Instead, one should be precise concerning its volume or its weight and give their value. If the value [of the produce] was known, he may redeem it in the presence of only one person. If its value was not known, e.g., wine that had begun turning into vinegar, produce that spoiled, or coins that corroded, he should redeem them according to the appraisal of three merchants. [It is acceptable] even if one of them is a gentile or the owner of the produce of the second tithe. It is even acceptable to redeem [produce] based on the appraisal of a man and his two wives. We compel the owner to make the first bid [to redeem the produce]. This is a stringency applied with regard to produce from the second tithe over consecrated property.

21 We should not transport produce from the second tithe from one place to another to redeem it there. When a person transports produce from a place where it is expensive to a place where it is inexpensive, he should redeem it according to its value in the place he is redeeming it. If it is *demai*, we may redeem it at the inexpensive price, since it was possible to sell it at that price.

22 If a person possessed produce from the second tithe in his granary and spent money to transport them from his house to the town, thus causing the value of the produce to increase, he should redeem it according to the price in the city. He forfeits the expenses he undertook.

Chapter 5

1 When a man redeems his produce for the second tithe for himself - whether it is from his own crops, he acquired it as an inheritance, or it was given to him while *tevel* as we explained, he must add a fifth [of the new total]. [Thus] if it was worth four, he should give five, as [**Leviticus 27:31**] states: "If a man will redeem from his tithes, he shall add a fifth to it."

2 When a woman redeems produce for the second tithe that she separated, she is not required to add a fifth. According to the Oral Tradition, we have learned: "If a man [will redeem from] his tithes," excluding a woman. Similarly, if a man redeems [money used to] redeem produce from the second tithe for himself, he must add a fifth.

3 When a person redeems the produce of his second tithe and adds a fifth, and then redeems the money itself a second time, he must add a second fifth of the principal alone. He need not add a fifth for the original fifth.

4 When the fifth of the produce of the second tithe is not worth a *p'rutah*, [the person redeeming it] need not add a fifth. Similarly, when the worth of the produce of the second tithe is unknown, it is sufficient for him to say: "The holiness of the produce and its fifth are transferred to this *sela*." Whenever a person does not redeem produce from the second tithe with his own money, he need not add a fifth. [When one redeems] produce from the second tithe that is *demai*, he need not add a fifth.

5 When a person is redeeming produce of the second tithe and he has other produce from the second tithe that was not redeemed whose fifth is not worth a *p'rutah*, it is sufficient for him to say: "The holiness of it and its

fifth are transferred to the money [set aside] originally." [This leniency is granted,] because it is impossible to require a person to be precise with his money.

6 When a person redeems produce from the second tithe for more than its worth, that additional value is not considered as money from the second tithe.

7 When the owner of the produce bids a *sela* to redeem it and another person also bids a *sela*, the owner is given precedence, because he is required to add a fifth. If, however, the owner bids a *sela* and another person bids a *sela* and a *p'rutah*, that other person is given precedence, because he increases the principal.

8 It is permitted to act "guilefully" with regard to the redemption of produce of the second tithe. What is implied? A person may tell his son or daughter who are beyond majority or his Hebrew servant: "Here is this money. Use it to redeem this produce from the second tithe," so that they will not have to add a fifth. He should not say, however: "Use them to redeem it for me." Similarly, he is not required to add a fifth if he tells them: "Redeem it for me using your money."

9 He should not, however, give money to redeem [the produce] to one of his sons or daughters who are below majority or to his Canaanite servants or maid-servants, because they do not have an independent financial capacity. If he gave the money to his Hebrew maidservant, his words are effective if [the obligation to separate] the second tithe from this produce

is Rabbinic in origin, e.g., produce grew in a flowerpot without a hole. [The rationale is that] a Hebrew maidservant is a minor and a minor can acquire property for others only with regard to matters of Rabbinic Law.

10 Similarly, a person may act with guile and give produce from the second tithe as a present while it is still *tevel* and while giving it say: "The holiness from [the second tithe of] this produce is transferred to the money I have at home."

11 Two brothers, two partners, a father and his son, may redeem produce from the second tithe for each other so that they will not have to add a fifth. When a woman brings produce from the second tithe to her husband's home, the husband does not acquire it as his own, since it belongs to the Most High, as we explained. Therefore, if he redeems it, he need not add a fifth.

12 A person who redeems produce from the second tithe for himself, who paid the principal, but did not pay the additional fifth, should not partake of [the produce] until he pays the fifth. [This applies] even on the Sabbath. [And it applies] even though the payment of the fifth does not hold back the transfer of holiness [from the produce to the coins]. Indeed, that transfer takes place. [This restriction is] a decree, lest the person be negligent and fail to pay.

13 If a person desires to exchange money from the redemption of the second tithe for golden *dinarim*, so that his burden will be lighter, he may. Even if he exchanged [the two] with his own money, he need not add a fifth, for

this is not considered as redemption.

14 When a person exchanges a *sela* of money from the second tithe - whether in Jerusalem or outside the city - he should not exchange it entirely for brass coins. Instead, it should be divided into a *shekel's* worth of silver coins and a *shekel's* worth of brass coins.

15 It is permissible to transfer the holiness of money of the second tithe together with produce from the second tithe to money, provided the produce is worth less than a *dinar*. If, however, [the produce] is worth a *dinar*, its holiness should not be transferred together with that of money. Instead, [it should be transferred] by itself. What is implied? A person possessed produce that was worth a *dinar* and three *dinarim* that were of the second tithe, he may not transfer the holiness of the entire amount to one *sela*. If, however, he has a half a *dinar* of produce and a half a *dinar* of money, he may transfer the holiness of both to one *dinar*.

Chapter 6

1 [The following rules apply when] ordinary money and money from the second tithe become scattered [in the same place]. If he gathered from both sides, what he gathers belongs to the second tithe until he reaches the original amount and then the remainder is ordinary produce. If he mixed the coins together and grabbed a handful or gathered only from one side, he should calculate the percentage proportionately.

What is implied? There were 200 coins of the second tithe and 100

ordinary coins. They became scattered. He mixed them and picked them all up, but found only 270, 180 are the second tithe and 90 are ordinary coins. This is the general principle. Those that are gathered are considered as the second tithe. Those that are mixed together are divided according to the percentage.

He should make a stipulation and say: "If those in my hand are from the second tithe, the remainder are ordinary money and if they are ordinary money, the holiness from the coins from the second tithe wherever they are is transferred to them."

2 When a *sela* of the second tithe becomes mixed with a *sela* of ordinary money, one should bring coins - even brass coins - worth a *sela* and say: "Wherever the *sela* of the second tithe is, its holiness is transferred to these coins." Afterwards, he should chose the better of the two [*selaim*] and transfer the holiness of the brass coins to it. Thus the better *sela* has been become the money of the second tithe.

3 When [a father] tells his son: "Produce from the second tithe is found in this corner," and is found in another corner, it is ordinary produce. If he told him: "A *maneh* there," and 200 were discovered, the remainder is ordinary money. "There are 200," and only a *maneh* was discovered, it is ordinary money. If he left a *maneh* and discovered 200 or 200 and discovered a *maneh*, the entire amount is ordinary money. [This applies] even if the money is found in two wallets.

4 If his father told him: "I have a pouch [with produce] from the second

tithe at home," and [the son] found three pouches, the greater one is [considered as containing produce from] the second tithe and the remainder are [considered as containing produce containing] ordinary produce. Nevertheless, he should not make use of [the produce from] the smaller pouches until he transfers their holiness to the greater one.

5 [The following laws apply when] a person loses his power of speech. If he was asked: "Is your produce from the second tithe in this-and-this place?" and he nodded his head, he should be tested three times like he is tested with regard to a bill of divorce. [If it is proven that he understands what he is being told,] his message has consequences.

6 If one was told in a dream: "The produce from the second tithe of your father that you are seeking is in this-and-this place," [the statements are of no consequence. This applies even] if he found the produce there like he was told. For words communicated in a dream are of no significance at all.

7 Although a person tells his sons: "Even if you are dying, do not touch [what is in] that corner," if money is found there, it is considered as ordinary money. [Different laws apply if] he buried money in their presence and told them: "It belongs to so-and-so" or "It is from the second tithe." If it appears that he is speaking with guile, we do not pay attention to his words. If it appears that he is serious, his words are given weight.

8 When a person finds a container with the letter *mem* written on it, its contents [are considered as] the second tithe. When there is a *dalet* written

on it, its contents are considered *demai*; a *tet*, *tevel*; *kuf*, for a sacrifice. If the container was metal, the container and its contents were consecrated for a sacrifice. For in dangerous times, they would write one letter from the name [as a sign].

9 When coins - even golden *dinarim*, together with silver, and [brass] coins - are found in Jerusalem, they are considered as ordinary money. [The rationale is that] the streets of Jerusalem are swept every day. If a shard upon which was written *ma'aser*, it is considered as the second tithe.
When does the above apply? During the majority of the days of the year. On the pilgrimage festivals, by contrast, all [the money found] is considered as from the second tithe.

10 Money which is found in front of a seller of livestock in Jerusalem is always considered as from the second tithe. We operate under the assumption that the majority of the clients are bringing money from the second tithe and using it to purchase animals. [Money] which is found on the Temple Mount is always considered as ordinary funds. We operate under the assumption that it came from the Temple treasury and the treasurers had already transferred its holiness to an animal.

11 [The following rules apply when] money is found in a chest that had been used for both ordinary produce and the second tithe. If the majority of the people who placed money [in the chest placed money] from the second tithe, the money is considered as from the second tithe. If the majority placed ordinary money, the money is considered as ordinary

money. If the ratio is half and half, the money is considered as ordinary money.

12 When one find produce between produce of the second tithe and produce that is *terumah*, it should be included among the type to which it is closest. If it is equidistant [from both], it should be eaten according to the stringencies that apply to both. Thus it is forbidden to non-priests; one must wash his hands [before partaking of it], and must wait until sunset [on the day of one's purification before partaking of it] like *terumah*. [Similarly,] it is forbidden to one in an acute state of mourning and must be brought [to Jerusalem] as required of the second tithe.
Similar principles apply with regard to coins that are found between ordinary coins and coins from the second tithe.

13 When produce that is from the second tithe of *demai* and produce that is definitely from the second tithe are mixed together, [the mixture] must be eaten according to the more stringent requirements.

14 When produce from the second tithe becomes mixed with ordinary produce, [the mixture] should be eaten in a state of ritual purity in Jerusalem or the second tithe should be redeemed. Therefore if such a mixture takes place in Jerusalem, even the smallest amount of the same species becomes forbidden [to be eaten as ordinary produce]. Since the produce is in Jerusalem, it is considered as an entity that can be permitted and should be eaten in a state of ritual purity.

15 When a person sows produce from the second tithe after it had entered

Jerusalem, the produce which grows is considered as produce from the second tithe. If he sows it before it enters Jerusalem, the produce which grows is considered as ordinary produce even if its seed does not decompose. [Preferably, however,] it should be redeemed at the time it was sown.

16 When produce from the second tithe is mixed with other substances, it is considered as nullified when mixed with a simple majority.
To which produce from the second tithe does this apply? To produce that entered Jerusalem and then departed from there and afterwards, the walls of the city fell. Thus it is impossible to return it to [the holy city] and it is impossible to redeem since it has already entered that place. [This applies] even though [its fifth] is not worth a *p'rutah*. It is a substance that has no way to be permitted and is therefore nullified by a simple majority, as stated in *Hilchot Issurei Ma'achalot*.

Chapter 7

1 Produce that was purchased with money from the second tithe should not be redeemed outside Jerusalem unless they contracted ritual impurity from a primary source of ritual impurity. Instead, they should be brought to Jerusalem and eaten there.

2 This is the stringency of produce purchased with money from the second tithe over the produce of the second tithe itself. If, however, it contracted ritual impurity from a secondary source of ritual impurity, it should be

redeemed and eaten in Jerusalem.

3 Money from the second tithe should be used only to purchase food for humans that grows from the earth or grows from the products of the earth, e.g., those entities explicitly mentioned in the Torah [**Deuteronomy 14:26**]: "Cattle, sheep, wine, and strong drink."

4 For this reason, we do not purchase water, salt, truffles, and mushrooms with money from the second tithes, because they are not products of the earth. Similarly, one should not purchase produce that is attached to the earth or produce that cannot be brought to Jerusalem, because this does not resemble cattle and sheep.

5 Honey, eggs, and milk are considered like cattle and sheep. Even though they are not products of the earth, they are the products of its products.

6 A mixture of water and grapes that has not turned to vinegar should not be purchased with money from the second tithe, because it is like water. Once it turns to vinegar, it can be purchased [with these funds] like wine or strong drink. If one purchased it before it fermented and then it fermented, it is acquired by the second tithe.

7 When does the above apply? When one mixed three units of water and received less than a fourth unit of the mixture. If, however, one mixed three units and received four, the mixture is considered as diluted wine and may be purchased with money from the second tithe.

8 Buds from branches and carob trees before they become sweet may not be purchased [with money from the second tithe]. After they become sweet, they may be purchased [with those funds]. But *luf*, mustard, vetch, and other produce that is pickled may be purchased [with these funds], whether they have already become sweet or not. Date hearts may be purchased with money from the second tithe.

9 Safron may not be purchased [with these funds], for it serves only as a coloring. Similar laws apply in all analogous situations involving herbs that provide an aroma, color, or taste. Since these herbs are not [included] in foods to be eaten for their substance, only for their flavor, they should not be purchased with money from the second tithe. Therefore spices, pepper, costus, *chiltit*, safflower, and the like may not be purchased with money from the second tithes.

10 Anise, when used to flavor a cooked dish, should not be purchased with money from the second tithe. If it is used for a dip or the like, in which instance, it is part of the food itself, it can be purchased with money from the second tithe. If one mixed water and salt and put oil into it, it is considered as brine and may be purchased with money from the second tithe. The cost of the water and the salt should be included in the cost of the oil.

11 One may not use money of Maaser Sheni to purchase produce that is *terumah*, because by doing so, one limits the consumption of both [the *terumah*] and [the second tithe]. For *terumah* may only be eaten by priests

on the evening [after they immersed themselves]. It is permitted to those in the acute state of *onein* mourning and can be eaten in any place. The second tithe, by contrast, is permitted to non-priests and those who immersed themselves that day. It is forbidden to one in the acute state of *onein* mourning and must be eaten in Jerusalem. Thus, [by purchasing *terumah* with such funds,] one restricts the consumption of the second tithe and the consumption of *terumah*.

12 A domesticated animal to be offered as a peace offering may be purchased from the money of the second tithes, since peace offerings may be eaten by non-priests. At the outset, [pilgrims] would purchase animals with the money of the second tithe to partake of them as ordinary meat so that they would not be offered on the altar. [Hence,] the court decreed that one could not use these funds to purchase a domesticated animal unless it was brought as a peace offering. One may, however, use these funds to purchase non-domesticated animals or fowl, for these are unfit for peace offerings.

13 The produce of the Sabbatical year may not be purchased with money from the second tithes, because there is an obligation to destroy it, as will be explained.

14 When a person purchases salt, produce that is still attached [to the ground], or produce that cannot be brought to Jerusalem, they are not acquired by the second tithe even though the money is now considered as ordinary funds.

15 When a person inadvertently purchases produce outside of Jerusalem with money from the second tithe, the seller is compelled to return the money to the owner and it is considered as the second tithe as it was originally. If he makes the purchase intentionally, the produce he purchased must be taken to Jerusalem and eaten there. [In the age when] the Temple no longer exists, they should be put aside until they rot.

16 Similarly, a domesticated animal should not be purchased with money from the second tithe outside of Jerusalem. If one purchased it unknowingly, the money should be returned to its [owner]. If it was done intentionally, it should be brought to Jerusalem and eaten there. [In the age when] the Temple no longer exists, [the animal] and its hide should be buried.

17 [The following laws apply when] one purchases servants, land, or an unkosher animal, whether intentionally or unintentionally, [with money from the second tithe]. If the seller fled, [the purchaser] should [purchase food] with the amount of money he spent and eat it in Jerusalem under the restrictions applying to the second tithe. This is the general principle: If the seller fled or died, whenever one spent the money of the second tithe on matters other than food, drink, and daubs, he must partake of an equivalent [value of food in Jerusalem]. If the seller was present, the money should be returned to [the original owner]. Similarly, if a person brought burnt offerings, sin offerings, or guilt offerings from the money of the second tithe, he must partake of an equivalent [value of food in Jerusalem].

18 When a person [used money from the second tithe to] purchase a non-domesticated animal for a peace offering or a domesticated animal to be eaten as ordinary meat, it is as if he [used it to] purchase an ox for plowing and the animal is not designated as a peace offering. If he purchased a domesticated animal to be offered as a peace offering and it became blemished, the holiness of the second tithe leaves it. It should be redeemed and the funds are not considered as money from the second tithe. Nevertheless, if he redeems it himself, he must add a fifth of its value.

19 When one consecrates money from the second tithe for [the purpose of purchasing] a peace offering, the consecration is not effective, for the sanctity of the peace offering does not encompass [an entity already] sanctified to the second tithe. For the second tithe is the property of the Most High. Needless to say, this applies if he consecrates the produce of the second tithe itself for the purpose of purchasing] a peace offering, the consecration is not effective.

20 [The following laws apply when a person] partakes of entities consecrated to the second tithe as ordinary produce [outside of Jerusalem], even intentionally. If he partook of the produce from the second tithe itself, he should cry out to heaven. If he [used] money from the second tithe [to purchase other food that] he ate, the money should be returned to its [owner] and he should bring them to Jerusalem and partake of them there. Alternatively, if the money cannot be returned, he should [purchase food] with the amount of money he spent and eat it in Jerusalem.

Chapter 8

1 When a person [used money from the second tithe to] purchase a domesticated animal for a peace offering or a non-domesticated animal for ordinary meat from a person who is not a merchant and is not precise, the hide is considered as ordinary property. This applies even if the value of the hide is greater than the value of the meat. When, by contrast, a person purchases an animal from a merchant, the hide is not considered as ordinary property.

2 Similar laws apply when a person purchases jugs of wine that are sealed. In a place where it is customary for these jugs to be sold while sealed from a person who is not a merchant, the jugs are considered as ordinary property. Therefore the seller must open the tops of the jugs so that they will not become ordinary property. If the seller wishes to be stringent with himself and sell the wine in exact measure, the container is considered ordinary property.

3 If he purchased [the jugs of wine] while they were open or sealed in a place where it is customary to sell them open or he purchased them from a merchant who is precise in his sale, the jugs are not considered as ordinary property. If a person purchases baskets of figs and grapes together with their container, the container is not considered as ordinary property.

4 If a person purchases nuts, almonds, or the like, the shells are considered as ordinary property. If a person purchases a frond of dates, the frond is

considered as ordinary property.

[The following rules apply if] one purchases containers of dates. If they are pressed, the containers are considered as ordinary property. If not, they are not considered as ordinary property.

5 When a person has wine from the second tithe and he lends his jugs for that [wine from] the second tithe, the second tithe does not acquire the jugs, even though he seals them.

[The following laws apply if] he stored the wine in them without making any statement: If he designated [certain jugs] as the second tithe before he sealed their openings, the second tithe does not acquire the jugs. If he designated [the jugs] as the second tithe after he sealed their openings, the second tithe acquires the jugs. If [the owner] stored a *revi'it* of ordinary wine in the jug, or put oil, vinegar, brine, or honey from the second tithe without making any statement - whether before or after he sealed [the jugs] - the second tithe does not acquire the jugs.

6 When a deer that was purchased with money from the second tithe dies, it should be buried with its hide. If it was purchased while alive and slaughtered and then it became impure, it should be redeemed like other produce that became impure.

[The following laws apply when a person] sets aside a *dinar* of money of the second tithe to purchase food against until he has exhausted its value and it becomes ordinary funds [and then the value of the coinage changes. For example,] the rate of exchange for a *dinar* was 20 *me'ah*. The person consumed ten *me'ah's* worth of food and then the value of the latter

coinage decreased. Afterwards, the rate of exchange of a *dinar* was 40 *me'ah*. The person must spend another 20 *me'ah* on food before [the *dinar*] is considered as ordinary money.

If the value of a *me'ah* increased and the rate of exchange for a *dinar* was ten *me'ah*, he must spend another five *me'ah* on food. Afterwards, [the *dinar*] is considered ordinary money.

7 When a person purchases produce with a *sela* of money from the second tithe and draws the produce into his domain, but did not pay for it before the value of the produce increased and it became worth two *selaim*, he is required to pay only a *sela* for the [produce]. [This is derived from the phrase]: "And he paid the money and it was acquired by him." [Implied is that the produce] is acquired by paying money. The profit is realized by the second tithe.

8 If he drew the produce into his possession when it was worth two *selaim*, but did not pay for it until the value of the produce decreased and it was worth only a *sela*, he should pay only one *sela* for them from the money of the second tithe. He must add another *sela* from ordinary funds and give it to the seller. If the seller was a common person, it is permitted for him to give him a second *sela* from money from the second tithe of *demai*.

If [the purchaser] gave the seller a *sela* of money from the second tithe, but did not draw the produce into his possession until they were worth two [*selaim*], what he redeemed is redeemed and there is a judgment between the two of them.

9 If [the purchaser] gave the seller two *selaim* of money from the second tithe, but did not draw the produce into his possession until its worth decreased to a *sela*, what he redeemed is redeemed, and the attribute of judgment must be exercised between them. [The rationale for these laws is that] the redemption of the second tithe is like drawing it into possession.

10 If a person possessed ordinary produce in Jerusalem and money from the second tithe outside of Jerusalem, he may say: "The holiness of that money is transferred to this produce," and partake of them there in a state of ritual purity. The money then becomes ordinary funds in its location.

11 If one had money from the second tithe in Jerusalem and produce outside of Jerusalem, he may say: "The holiness of this money is transferred to that produce." The money then becomes ordinary money and the produce must be brought to Jerusalem and eaten there. For it is not necessary that the money and the produce be in the same place when the holiness of one is transferred to the other.

12 When a person possesses money from the second tithe in Jerusalem which he needs [for other purposes] and a colleague possesses ordinary produce that he desires to eat, he should tell his colleague: "The holiness of this money is transferred to your produce." Thus that produce is considered as purchased with the money of the second tithe. The colleague should then partake of them in a state of ritual purity. Thus he does not lose anything and [his] money becomes as ordinary funds.

13 When does the above apply? When his friend who owns the produce is a

chavair. For produce that is definitely of the second tithe may be given only to a *chavair*. Therefore if the produce was [the second tithe of] *demai*, he may make such a stipulation with a common person as well.
It is permitted to transfer the holiness of produce from the second tithe to produce or money belonging to a common person. We are not concerned that perhaps they are from the second tithe.

14 [The following laws apply when a person] sets aside a *dinar* from the second tithe to [which to transfer the holiness of food that] he eats continuously. If he proceeded to do so to the extent that less than a *p'rutah's* worth [of its value] remained [consecrated], the coin is considered as ordinary money.
When does the above apply? With regard to [the second tithe of] *demai*. With regard to produce that is definitely of the second tithe, [the coin] is not considered as ordinary money until less than a *p'rutah's* worth [of its value] remained [consecrated] after a fifth was added to it, e.g., less than four fifths of a *p'rutah's* worth [of its value] remain.

15 [The following laws apply when people who are] ritually impure and others who are ritually pure were eating together in Jerusalem and those who were ritually pure desired to [use their money from] the second tithe for food. They should place a *sela* from the second tithe aside and say: "The holiness of this *sela* is transferred to everything which those who are ritually pure eat." The *sela* is then considered as ordinary property, for they eat and drank its value in a state of ritual purity. [This applies] provided the people who are impure do not touch the food and thus cause

it to contract impurity.

Chapter 9

1 The produce of the fourth year (*neta reva'i*) is holy, as [**Leviticus 19:24**] states: "And in its fourth year, all of its produce shall be holy, consecrated unto God." The law applying to it is that it must be eaten in Jerusalem by its owners in the same way as the second tithe. Just as the laws of the second tithe do not apply in Syria, so too, the laws of *neta reva'i* do not apply in Syria.

With regard to *neta reva'i*, [**Numbers 5:10**] states: "A person's consecrated property shall be his." For there is no other consecrated property about which the Torah does not inform to whom it should be given with the exception of *neta reva'i*.

2 A person who desires to redeem *neta reva'i* should redeem it in the same manner as which he redeems the produce of the second tithe. If he redeems it for his own self, he must add a fifth [to its value]. It may not be redeemed until it reaches the "phase of tithing," as [implied by **Leviticus 19:25**]: "To increase its produce for you," [i.e., these laws do not apply] until [the crops] have become produce.

[*Neta reva'i*] may not be redeemed while it is attached [to the ground], as is the law with regard to the second tithe. And it is the property of the Most High, as is the second tithe. Therefore, it cannot be acquired when given as a present unless it was given when it was not yet ripe.

With regard to other matters, e.g., eating, drinking, and redemption, the

laws that apply to it are those applying to the second tithe.

3 When a person redeems a vineyard in its fourth year of growth, he may redeem it as grapes or he may redeem it as wine. Similarly, olives [may be redeemed as fruit or as oil]. Other fruits, by contrast, may only be redeemed in their natural state.

4 The laws of *shichachah, pe'ah, peret,* and *ollelot* do not apply to a vineyard that is in its fourth year. Nor should *terumah* and the tithes be separated from it, as they are not separated from the second tithe. Instead, it should be brought to Jerusalem in its entirety or redeemed and the money taken to Jerusalem [and used for food there] like the second tithe.

5 Our Sages ordained that grapes from a vineyard in its fourth year from a radius of a one-day journey from Jerusalem should be brought there to embellish the marketplaces of Jerusalem with fruit. After the Temple was destroyed, it may be redeemed even directly outside the city's wall. Other types of produce may be redeemed even directly outside the city's wall even during the time the Temple was standing.

6 How is *neta reva'i* redeemed? One should evaluate [the size of] a basket [of fruit] through the agency of three men who estimate how much produce would a person [want] for a *sela* that he would pay for this fruit when it is considered that [in addition] he would have to pay the cost of watchmen, donkey-drivers, and workers. After the rate is established, he should place down the money and say: "The holiness of all [the produce] gathered from this [orchard] is transferred to this money," estimating how

many baskets worth a *sela* [the orchard] contains.

In the Sabbatical year, he should redeem [the produce of the orchard] for its worth. For in that year, there are no watchmen or workers [to pay]. If [the orchard] was declared ownerless, all that is necessary to deduct is the wages for gathering it.

7 When a person had [an orchard that was in] its fourth year of growth in the Sabbatical year when everyone is allowed equal access to it, he must mark it with mounds of earth so that [those who take the produce] will recognize [its sacred quality] and not partake of it until they redeem it. If [the produce is] within the [three] *orlah* years, it should be marked with baked clay so that [people] will shun it. [We use clay instead of mounds of earth], lest the latter crumble. [The rationale is that] the prohibition of *orlah* is more severe, because benefit from it is forbidden.

Those who are meticulous in their observance of the Torah's prohibitions would set aside money in the Sabbatical year and say: "The holiness of everything harvested from these fruits of the fourth year is transferred to this money." [The redemption must be carried out in this fashion,] because it is forbidden to redeem [the produce] while it is attached to the ground, as explained.

8 The first of Tishrei is the beginning of the year with regard to the reckoning of *orlah* and *neta reva'i*.

When do we begin counting the year with regard to these prohibitions? From the time the trees are planted. [A year does not have to be] from Rosh HaShanah to Rosh HaShanah. Instead, 30 days within a year are

considered a year. [This applies] provided the planting takes root before these thirty days [begin]. How long does it take? Generally, the time for all trees to take root is two weeks.

9 Thus when a person plants a tree 44 days before Rosh HaShanah, it is considered as if the tree had been planted for an entire year. Nevertheless, due to the prohibition of *orlah*, in the fourth year, the fruit from this planting is not permitted until the fifteenth of Shvat, which is "the New Year of the Trees."

10 What is implied? When a person plants a fruit tree on the fifteenth of Av of the tenth year in the Jubilee cycle, it is considered as being *orlah* until the fifteenth of Shvat of the thirteenth year of the Jubilee cycle. Whatever fruit produced by the tree during this time is *orlah*, even though it did not ripen until several days after [that date]. From the fifteenth of Shvat from the thirteenth year of the Jubilee cycle until the fifteenth of Shvat of the fourteenth year, the produce is *neta reva'i*. Whatever fruit produced during this time is *neta reva'i* and must be redeemed. If the year is declared a leap year, [the produce grown in] the extra month is considered as *orlah* or *neta reva'i*.

11 If it was planted on the sixteenth of Av in the tenth year, the tenth year is not reckoned for it. Instead, it is *orlah* throughout the eleventh, twelfth, and thirteenth years. And it is *neta reva'i* from Rosh HaShanah of the fourteenth year until its conclusion.

12 If one planted the tree between the first of Tishrei and the fifteenth of

Shvat, he should count three years from day to day for *orlah* and [four years] from day to day for *neta reva'i*. I have seen *Geonim* who have a different approach regarding the reckoning of *orlah* and *neta reva'i*. It is not appropriate to elaborate in rebuttal of them. Theirs is a scholarly error and we have already outlined the true path.

13 Leaves, blossoms, sap, and fruit buds, are permitted in [the years of] *orlah* and *neta reva'i*. Grapes that were devastated by the west wind and ruined, grape seeds, grape peels, water mixed with grape dregs, the peels of pomegranates, their flowers, the shells of nuts, and seeds within a fruit are forbidden with regard to *orlah* and permitted with regard to *neta reva'i*. Fruit that withers and falls from the tree are forbidden in all instances.

Chapter 10

1 [The restrictions of] *neta reva'i* applies to all [plants to which] the prohibition of *orlah* applies. And all [plants] that are exempt from *orlah* are not obligated for *neta reva'i*, as [**Leviticus 19:23-24**] states: "For three years [your plants] will be *orlah*.... In the fourth year..."

2 When a person plants a fruit tree with the intent that it serve as a hedge for a garden or he planted it to use it as lumber and not for its fruit, it is exempt from the prohibition of *orlah*. If he planted it to serve as a hedge and then changed his mind and thought to use its fruit or he planted it for the sake of its fruit and then thought to use it as a hedge, since an intent that obligates it was involved, he is liable. If he planted it for three

years as a hedge and afterwards, intended to use it for food, the laws of *neta reva'i* do not apply, because whenever the laws of *orlah* do not apply, the laws of *neta reva'i* do not apply.

3 When one planted a tree with the intent that the inner side will produce food and the outer side will serve as a hedge or the lower portion will produce food and the upper portion will serve as a hedge, the portion that was intended for food is liable in the prohibitions of *orlah* and the portion intended as a hedge or for lumber is exempt. For the matter is dependent on the intent of the one who plants it.

The prohibition of *orlah* applies to only the caper berries of the caper tree, but its leaves are permitted.

4 When a person plants trees for the sake of people at large in his own field, the prohibition of *orlah* applies. For the term "And you shall plant..."[used in the prooftext cited above] implies even for the sake of people at large.

When does the above apply? In *Eretz Yisrael*. In the Diaspora, by contrast, [such trees] are exempt.

5 When a person plants trees in the public domain or on a ship, when trees grow on their own accord in a private domain, when a gentile plants a tree whether for himself or for a Jew, or when a thief plants a tree, the laws of *orlah* and *neta reva'i* apply.

6 [Trees] that grow on their own accord in rocky terrain are exempt. Even one who plants trees in an unsettled place is exempt, provided the tree

does not produce enough fruit so that it would be worthwhile for a person to care for its produce until he brings it to a settled land. If, however, the tree produces enough that it is worthwhile to maintain it, the prohibition of *orlah* applies to it.

7 When a person plants a tree for the sake of a mitzvah, e.g., he plants an esrog tree [to fulfill] the mitzvah of lulav [and esrog] or an olive tree [to produce oil] for the *Menorah*, the prohibition of *orlah* applies. If he consecrated [a tree] and then planted it, it is exempt. If he planted it and then consecrated it, the prohibition of *orlah* applies.

8 When a person plants [a tree] in a flowerpot without a hole, the prohibition of *orlah* applies. [Although planting in such a pot] is not considered as [planting] in the earth with regard to smaller plants, it is considered as planting in the earth with regard to trees.

9 When a tree is planted in a house, the prohibition of *orlah* applies. Trees planted by gentiles before our ancestors entered the [Holy] Land were exempt. After our ancestors entered the land, the prohibition applies even to [trees] planted by gentiles, as **Leviticus 19:23**] states: "When you enter the land and you plant...." [The prohibition begins from] the time of the entry into the land.

10 When a gentile grafts a fruit tree on a non-fruitbearing tree, the prohibition of *orlah* applies. If a gentile desires to observe the mitzvah of *neta reva'i*, its laws apply to him and it is consecrated like *neta reva'i* belonging to a Jew.

11 [With regard to] the prohibition of *orlah*, [planting a tree refers to] planting a seed, a bough from a tree, or uprooting the entire tree from one place and planting it in another. We begin counting [the three years] from the time of the planting.

[The following laws apply if] a tree was shaken from its place, but not uprooted and then one filled the surrounding area with earth. If it could live without the surroundings having been filled with earth, it is exempt. If not, it is considered as if it was uprooted and replanted, and the prohibition does apply.

12 Similarly, when a tree was uprooted and there remained a root, even one as thin as a needle over which embroiderers wind thread, if one returned it to its original place and replanted it, it is exempt [from the prohibitions of *orlah*], because it could live.

[The following rules apply if] the tree was uprooted entirely together with the clod of earth to which its roots were attached and he replanted it as it is, together with that earth. If it could live from that clod of earth even if it was not replanted, it is as if it was not uprooted. If not, [the laws of *orlah*] apply.

13 When a tree was cut down from above the earth and [a new tree grew from its roots], the prohibition of *orlah* applies. [The three years] are counted from the time [the first tree] was cut down.

14 Whether one plants a tree, one extends one, or grafts it, [the laws of *orlah*] apply. When does the above apply? When one cut off a bough from the

tree and planted it in the earth or grafted it to another plant. If, however, one extended a branch of an elder plant and then implanted it in the earth or grafted it onto another tree, [leaving] the bough connected to the elder tree, [the new growth] is exempt [from the prohibition of *orlah*].

15 If the new growth which was originally extended grew and produced fruit and, afterwards, the source from which it was connected to the elder tree was separated, we count [the years of *orlah*] from the time that it was separated. The fruit [that was growing on the tree before it was separated] is, however, permitted, because it grew while permitted. If he left [the fruit on the new tree] after the connection to the original tree was severed until their growth increased by a two-hundredth, the fruit is forbidden.

16 When a young tree was grafted on to an elder tree and there were fruit on the younger tree, the fruit on the younger tree are forbidden even if the fruit increases 200 times its size. For the basic fruit that comes from a forbidden entity cannot be elevated by the new permitted substances that grow.

17 [The following rule applies when] a branch was extended from a tree and implanted in the earth and afterwards, the tree itself was entirely uprooted and it derives its nurture only from the branch implanted in the earth. The tree is considered as if it was planted at this time and the prohibition of *orlah* applies to it. [The three years] are counted for the tree and for whatever grew from the implanted branch from the time it was uprooted.

18 When a person extended a branch and implanted it in the earth and it

grew, he then extended and implanted a branch from the new growth and it grew, and then he extended and implanted a branch from the third growth - and continued doing so even for 100 implants each connected with each other - since the connection with the primary plant has not been severed, all [of the fruit] is permitted. If [the connection to] the original plant is severed, [the *orlah* years] are counted from the time of the severance.

19 A tree which grows from a stump is exempt from the prohibitions of *orlah*. [If it grows] from the roots, the prohibition of *orlah* applies.

The prohibition of *orlah* applies to a dwarf vine which is less than a handbreadth high throughout its entire life, because it looks like a tree that is one year old. When does the above apply? To one tree or to [a group of five, planted in a pattern where] two are planted opposite another pair and a fifth is planted behind them. If, however, an entire vineyard is less than a handbreadth high, it would be a matter of common knowledge and its age is calculated in the same way as other trees.

20 We may plant a branch from a tree that is *orlah*, but we may not plant a nut that is *orlah*, because it is produce and it is forbidden to benefit from it, as we explained in *Hilchot Ma'achalot Assurot*. If one transgressed and planted a nut that is *orlah*, [the tree] that grows from it is permitted like other trees.

21 Similarly, one may not graft underdeveloped clusters of dates, that are orlah, because they are considered as food. If one transgressed and grafted

them, the fruits are permitted. [The rationale is that] whenever an entity has two causes, one forbidden and one which is permitted, since it comes as a result of both of them, it is permitted. Therefore [a plant] that grows from fruit that is *orlah* is permitted, because its growth was caused by the forbidden fruit and the earth which is permitted.

Chapter 11

1 It is a positive commandment to make a declaration before G-d after all the presents from the agricultural products. This is called the declaration of the tithes.

2 This declaration is made only after the year in which the tithe for the poor is separated, as [**Deuteronomy 26:12-13**] states: "When you complete tithing, and you shall declare before God your Lord: 'I have removed all the sacred substances from the house...'"

3 When is this declaration made? On the afternoon of the last festival of the Pesach holiday of the fourth and seventh year, as [the prooftext] states: "When you complete tithing...," i.e., on the festival when all the tithes are completed. Pesach of the fourth year will not arrive before all of the produce - both those that grow from the earth and those that grow from trees - have been tithed.

4 The declaration may only be made during the day. The entire day is appropriate for this declaration. Whether the Temple is standing or not, he is obligated to remove [all the agricultural presents from his possession]

and make the declaration.

5 This declaration may be made in any language, as [indicated by the prooftext]: "You shall declare before God your Lord," i.e., in any language in which you declare.
Each person should make this declaration individually. If many desire to recite it together, they may.

6 [The proper way of performing] the mitzvah is to recite the declaration in the Temple, as [implied by] the phrase: "before God." [Nevertheless,] if he made the declaration in any other place, he fulfilled his obligation.

7 A person may not make this declaration until he has disposed of all the agricultural presents in his possession. For in the declaration he states: "I have removed all the sacred substances from the house." On the day before the final day of the Pesach festival, one must remove [the last of the presents] and on the following day, the declaration is made.

8 What must one do? If he has *terumah* or *terumat ma'aser* in his possession, he should give them to a priest. The first tithe should be given to a Levite and tithe of the poor to the poor. If produce that was definitely from the second tithe or *neta reva'i* or money from their redemption remained in his possession, he must destroy it and cast it in the sea or burn it. If the second tithe of *demai* remains in his possession, he is not obligated to destroy it. If the first fruits remain in his possession, they may be destroyed in any place.

9 When does the obligation to burn and remove apply? When there remains in his possession [fresh] produce that one cannot consume before the commencement of the holiday. If, however, cooked food from the second tithe or *neta reva'i* remain, it need not be removed, for cooked food is considered as if it was removed. Similarly, wine and spices are considered as if they were removed.

10 Produce that has not reached the "phase of tithing" by the time the removal [of the agricultural presence] arrives does not prevent a person from making a declaration, nor is he obligated to remove them from his possession.

11 When produce belonging to a person was distant from him [when] the time for its removal arrived, he should designate the presents [appropriately] and transfer them to their owners by giving them together with land. Alternatively, [he may give them to] someone who will acquire them for their owners. He may then recite the declaration the following day.

[The rationale is] that transferring movable property to a person together with landed property is a present that has been strengthened. He may not, however, transfer [the produce from] the tithes to them via an exchange, because it resembles a sale and [the Torah] speaks of giving, not selling, the tithes, *terumah*, and the other presents.

12 What source teaches that he cannot recite the declaration until he removes all the presents [from his possession]? [It is written:] "I have removed all

the sacred substances from the house." "The sacred substances" refers to the second tithe and *neta reva'i* which are called "sanctified." "From the house" refers to *challah*, for it is a present given to the priests in one's home. [The prooftext continues:] "I gave it to the Levite" - this refers to the first tithe. "And I also gave it" - this implies that it was preceded by another present, i.e., the great *terumah* and *terumat ma'aser*. "To the stranger, the orphan, and the widow" - this refers to the tithe given to the poor, *leket, shichachah*, and *pe'ah*. [The latter three are mentioned] even though [the failure to give them] does not prevent recitation of the declaration.

13 The presents must be separated according to the desired order and afterwards, the declaration is made, as [implied by the continuation of the verse:] "according to all Your mitzvot which You commanded me." Thus if he gives the second tithe before the first tithe, he cannot recite this declaration.

If a person's *tevel* is burnt, he cannot make this declaration, for he did not separate the presents or give them to the people designated. In the era when the first tithe was given to the priests, the declaration was not made, [because it contains the words:] "I gave it to the Levite."

14 When a person possesses only the second tithe, he should make the declaration, for the fundamental dimension of the declaration concerns the [second] tithe. Similarly, if he possesses only the first fruits, he should make the declaration, for [the prooftext] states: "I removed the holy substances" and the first type of produce that is holy is the first fruits.

When, however, a person only possesses *terumah*, he does not recite the declaration, because *terumah* [in and of itself] does not require a declaration except as part of all the presents [together].

15 [The prooftext continues:] "I did not violate your commandments," i.e., he did not separate from one species for another, nor from produce that has been reaped for produce that is still attached to the ground, nor from produce that is attached to the ground for produce that has been reaped, nor from produce from the present year for that of the previous year, nor from produce of the previous year for that of the present year.
[The prooftext continues:] "I did not forget," I did not forget to bless Him and recall His name with regard to them. "I did not partake of it in a state of acute mourning"; thus if he partakes of it in a state of acute mourning, he does not recite the declaration. "I did not partake of it in a state of impurity," thus if he separates it in a state of acute mourning, he does not recite the declaration. "I did not give of it to a corpse." This implies that he did not use [money from the redemption of the tithes] for a coffin or shrouds, nor did he give it to other people in a state of mourning. "I heeded the voice of God my Lord," i.e., I brought it to the Temple. "I performed everything that You commanded me," I rejoiced. And I shared that rejoicing with others with it, as [**Deuteronomy 26:11**]: "And you share rejoice in all the good."

16 [The passage continues:] "Look down from Your holy habitation heaven... as You swore to our ancestors, a land flowing with milk and honey." This is a prayer that the fruits be flavorful.

17 Israelites and *mamzerim* may make this declaration, but not converts and freed slaves, because they do not have an ancestral portion in *Eretz Yisrael* and in the declaration one says: "And the land that You gave us." Priests and Levites may make the declaration. Although they did not receive a portion in the division of the land, they were granted cities in which to dwell.

Mishneh Torah, First Fruits and other Gifts to Priests Out…

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 There are 24 presents that are given to the priests. All of them are explicitly mentioned in the Torah. A covenant was established with Aaron over all of them. Any priest who does not acknowledge them does not have a portion in the priesthood and he is not given any of these presents.

2 Every [priest] who partakes of one of the presents [given to the priests] that is sanctified should recite a blessing: '[Blessed are You].. who sanctified us with the sanctity of Aaron and commanded us to partake of...' [mentioning the particular type of present he is eating].

3 Eight of the presents may be eaten by the priests only in the Sanctuary, within the walls of the Temple Courtyard. Five of them may be eaten only in Jerusalem within the walls of the city. According to Scriptural Law, there are five presents that are acquired [by the priests] only in *Eretz Yisrael*. There are five presents that they acquire both in *Eretz Yisrael* and in the Diaspora. And there is one present that that they acquire from the Temple's [property].

4 What are the eight that may be eaten only in Temple? The meat of the sin offering - this includes both sin-offerings of fowl and sin-offerings of animals, the meat of a guilt-offering, whether a definite guilt-offering or a guilt-offering brought because of doubt, communal peace offerings, [the

portion of] the *omer* offering that remains, [the portion of] an Israelite's meal offering that remains, the two loaves [offered on Shavuot], the show bread, and the *log* of oil brought by a *metzora*. [All of] these may be eaten only in the Temple.

5 What are the five that are eaten only in Jerusalem? The breast and the leg of the peace offering, the portion granted [the priests] from the thanksgiving offering, the portion granted [the priests] from the ram brought by a nazirite, the firstborn of a kosher animal, and the first fruits. [all of] these may be eaten only in Jerusalem.

6 What are the five [that are given] in *Eretz Yisrael*? *Terumah, terumat ma'aser*, and *challah* - these three are sanctified, the first shearings, and an ancestral field [that was consecrated] - these are ordinary property. [The priests are granted] these according to Scriptural Law only in *Eretz Yisrael*. *Terumot* and *challot* from *Eretz Yisrael* may be eaten only in *Eretz Yisrael*.

7 What are the five that the priests acquire in all places? The presents [given when slaughtering animals], [the money given for] the redemption of a firstborn [son], [the lamb given for] the redemption of a firstborn [donkey], [property] stolen from a convert [who died heirless], and dedication offerings. These five are ordinary property.

8 The present that they acquire from the Temple's property is the hides from the burnt-offerings. This also applies to the hides from other sacrifices of the most holy order. They are all given to the priests.

9 The eight presents that may be eaten only in the Sanctuary are all sacrifices of the most holy order. They may be eaten only by male priests, as will be explained in the appropriate place. Concerning them, [**Leviticus 6:22**] states: 'All males among the priesthood shall partake of it.

10 The five [presents that may be eaten only] in Jerusalem are all sacrifices of lesser sanctity. [Both] males and females [of the priestly family] may partake of them. Concerning them, [**Numbers 18:11**] states: 'To you, and your sons and your daughters with you have I given them as an eternal decree.' [Although a woman may partake of them,] they are granted only to the males of the priestly family. For they are given to the men of the watch [serving in the Temple].

The fat and the blood of the firstborn [of kosher animals] was offered and only a male was allowed to offer it. Similarly, the hides of the sacrifices of the most sacred order, an ancestral field, dedication offerings, and the stolen property of a convert, are acquired only by the men of the priestly watch [of that week], as will be explained.

Similarly, the redemption of firstborn [sons is given] only to males of the priestly family, for concerning it, [**Numbers 3:48**] states: 'And you shall give the money to Aaron and his sons.' [Similarly, the redemption of] a firstborn donkey [is given] to males of the priestly family, for all the laws of the firstborn are parallel. [The redemption is given] to males and not females.

11 Thus you have learned that the presents given [directly] to females like males are five: *terumah*, *terumat ma'aser, challah,* the presents given when

slaughtering an animal, and the first shearings.

What is the source that teaches that the first shearings may be given to a woman of the priestly family? 'The first of your grain, your wine, and your oil, and the first shearings of your flock shall you give to him' [**Deuteronomy 18:4**]. [The verse establishes an equivalence:] Just as [*terumah*,] the first of the grain, may be given to females as well as males, so too, the first shearings.

12 Our Sages reckoned these presents in another manner, stating: 24 presents for the priests were given to Aaron. They are 10 in the Temple, 4 in Jerusalem, and 10 in the outlying areas.

13 The ten in the Temple are: a) an animal brought as a sin-offering, b) a fowl brought as a sin-offering, c) a guilt-offering, d) a guilt-offering brought because of doubt, e) the communal peace-offerings, f) the *log* of oil brought by a nazirite, g) the two breads, h) the show bread, i) the remnants of the meal offering, and j) the remnants of the *omer* offering.

14 The four in Jerusalem are: a) the firstborn [kosher animal], b) the first fruits, c) the portion granted [the priests] from the thanksgiving offering and the portion granted [the priests] from the ram brought by a nazirite, and d) the hides of the sacrifices.

15 The ten in the outlying areas are: a) *terumah,* b) *terumat ma'aser,* c) *challah*, d) the first shearings, e) the presents given when slaughtering an animal, f) the redemption of a firstborn [son], g) the redemption of a firstborn donkey, h) a field that was designated as a dedication offering, i)

an ancestral field, and j) the stolen property of a convert.

According to this reckoning, all of the portions given the priests from sacrifices of lesser sanctity are considered as one present. This includes: the breast and the leg that is given [the priest] from every peace offering, together with the bread that is given with them if [the peace offering] was a thanksgiving offering and the foreleg given the priest from the nazirite's ram, with the bread given with it, and the breast and the leg. Since they are all peace offerings, all of the portions given the priests are considered as one present.

16 AIl of the presents that are dependent on the sacrifices will be explained in their appropriate places in the laws of sacrifices. Similarly, [the laws pertaining to] the stolen property of a convert will be explained in *Hilchot Gezeilah*. We have already explained the laws governing an ancestral field and dedication offerings in *Hilchot Arachin* and the laws of *terumah* and *terumat ma'aser* in *Hilchot Terumah*. In the present halachot, I will explain the laws of the [priestly] presents that are not dependent on the sacrifices: the first fruits, *challah*, the presents given when slaughtering an animal, the first shearings, the redemption of a firstborn son, the redemption of a firstborn donkey.

Chapter 2

1 It is a positive commandment to bring the first fruits to the Temple. [The obligation of] the first fruits applies only while the Temple is standing, and only in *Eretz Yisrael*, as [implied by **Exodus 23:19**]: 'Bring of the first

ripened fruit of your land to the house of God your Lord.' According to Rabbinic decree, one should bring first fruits even from the cities of Sichon and Og and from Syria. For a person who purchases land in Syria is like one who purchases in Jerusalem. We do not bring the first fruits from the lands of Ammon and Moab and Babylon, even though they are liable for *terumah* and tithes according to Rabbinic decree. If one brings the first fruits from the Diaspora, they are not considered as first fruits.

2 The first fruits are brought only from the seven species which are mentioned when relating the praise of *Eretz Yisrael*. They are: wheat, barley, grapes, figs, pomegranates, olives, and dates. If one brought fruit from other species, it is not sanctifted.

3 We do not bring [first fruits] from the dates in the mountains, nor from the fruit from the valleys, not from oil-producing olives that are not of the highest quality, but rather from dates from the valleys and fruit from the mountains, for they are of the highest quality. If a person brought first fruits of inferior quality, e.g., dates from the mountains, figs that were perforated and had oil applied to them, dusty and smoked grapes, they are not consecrated.

4 We may not bring liquids as the first fruits with the exception of [oil from] olives and [wine from] grapes, as [implied by **Deuteronomy 26:2** which speaks of]: 'the fruit of the land,' i.e., [the fruit and] not a beverage. If one brought beverages, they are not accepted.

5 People who are close to Jerusalem should bring fresh figs and grapes.

People who are distant should bring dried figs and raisins.

6 The first fruits should not be brought before Shavuot, for that holiday is referred to as 'the harvest festival, the first fruits of your work.' If one brings [them at that time], we do not accept them from him. Instead, they should be left there until Shavuot, at which time, he should make the declaration concerning them. Similarly, the first fruits should not be brought after Chanukah. For first fruits that ripen after Chanukah are considered as being of the coming year. They should be left until Shavuot.

7 The first fruits may not be brought from produce of the present harvest for produce of the previous harvest or from produce of the previous harvest for produce of the present harvest.
What is implied? One should not bring produce that budded before the 15th of Shvat as first fruits for produce that budded after the 15th of Shvat. [This applies] both to produce that is planted and produce that grows on its own, as [implied by **Numbers 18: 13**]: 'The first fruits of everything in their land.'

8 The obligation of the first fruits applies to the produce of partners, [implied by]: 'The first fruits of everything in their land.'

9 When produce grows in a flower pot, even if it has a hole or it grows in a ship, one should not bring first fruits from them at all. [for the prooftext] speaks of 'their land.' One should, however, bring from produce that grows on a roof or in a ruin.

10 [In all the following situations,] a person should not bring the first fruits from the produce that grows in one domain or the produce that grows in another domain. [These situations include] one who plants a tree in his field and extends it into his colleague's field or into the public domain, or the trunk of the tree was in his field and he extended its end in his field but there was a public road or a private path interrupting between the trunk and the end which was extended. [This is derived from **Exodus 23:19**]: "the first fruits of your land.' [Implied is that] all the growth [of the tree] must be from your land.'

11 If his colleague gave him permission [to implant the end] in his property even for a brief time, he may bring the first fruits. If the tree was close to his colleague's boundary or leaned into his colleague's field [and he planted there], even though he was obligated to distance [his planting], he may bring [the first fruits] and recite the declaration, for Joshua gave the land [to our people] as an inheritance with that intent.

12 Sharecroppers, tenant farmers, men of force who compel the owners [to sell] their land and purchase it for a low price, and robbers may not bring first fruits, because [the prooftext] states: 'the first fruits of your land.' [This applies] even when the owners despair [of recovering their land].

13 When a person purchases a tree in a field belonging to a friend, he may not bring [the first fruits], because he does not own land. [If he purchases] three [trees], he does own land. Even if he formally acquired only the trees, it is as if he owns land. If he purchased one tree and the land around

it, he should bring [the first fruits].

14 When a person purchases fruit that has been harvested and purchases the land [on which they grew], he should bring the first fruits, because he possesses both land and the fruits.

When one sells a colleague fruit, but not the land, even when the fruit is still attached to the land, [neither the seller, nor the purchaser may bring the first fruits]. The seller may not bring them, because he does not own the fruits. The purchaser may not bring them, because he does not own the land. If the seller buys the fruit back from the purchaser, he may bring [the first fruits], because he [now] owns [both] the land and its produce.

15 When a person sells his property to a gentile and later purchases it back from him, he must bring the first fruits from it according to Scriptural Law. [The rationale is that] it is not absolved from the mitzvah because of the gentile's purchase, as we explained.

16 [Although] one nullified an *asherah*, the first fruits should not be brought from its produce. For the first fruits are like the sacrifices of the Temple.

17 There is no set measure for the first fruits according to Scriptural Law. According to Rabbinic Law, one should give one sixtieth of the crop. If one desires to set aside his entire crop as first fruits, he may.

18 When a person separated his first fruits and afterwards added to them or adorned them, the addition is also considered as the first fruits.

When does the above apply? When he brought [the first fruits] from *Eretz*

Yisrael. If, however, he brought them from Transjordan or Syria, they are not as the first fruits. Even though they are not considered as the first fruits, they should only be eaten in a state of ritual purity. No matter where it is from, the first fruits should only be adorned with fruit from the seven species [mentioned in the praise of *Eretz Yisrael*].

19 How should one separate the first fruits? A person descends to his field, sees a fig tree, a cluster [of grapes], and/or a pomegranate tree that has budded, and ties them with a reed. He should say: "These are the first fruits.' They become designated as first fruits even though they are attached to the ground after they have been given that title, even though they have not ripened entirely.

When they ripen and are reaped from the ground, it is not necessary to designate them again. If he did not designate them while attached or call them first fruits and then he reaped them, he should designate them after he reaps them.

If his entire harvest becomes impure, he should not designate the impure produce as first fruits. Instead, as an initial preference, he should set aside other produce as first fruits for the impure produce. It appears to me that if he does not have other produce, to separate [as first fruits], he should not set them aside to be destroyed. Similarly, it appears to me that if the first fruits become impure, he should not use them as kindling for a furnace, because they are like objects consecrated for the Temple.

20 When a person set aside his first fruits and they rotted away, were taken by others, lost, stolen, or became impure, he is obligated to set aside others in

place of them, as [**Exodus 23:19**] states: '...bring to the house of God your Lord.' This teaches that one is liable to replace them until he brings them to the Temple Mount.

21 If a person set aside his first fruits to bring them to Jerusalem himself, he should not send them with an agent If, however, he initially harvested them with the intent of sending them [to the Temple] with an agent, it is permitted for him to do so.

Chapter 3

1 The first fruits are given to the men of the priestly watch [on duty at that time]. They divide them among themselves like the Temple sacrifices. We have already explained that [the first fruits] are called *terumah*. Therefore a non-priest who partakes of the first fruits anywhere is liable for death at the hand of heaven, provided he partook of them after they entered the walls of Jerusalem.

2 If a portion [of the first fruits] were inside Jerusalem and a portion were outside, [a non-priest] is liable for death for the portion that is inside and it is considered as consecrated property in all contexts. The portion that is outside is considered as ordinary property in all contexts.

3 When a priest partakes of the first fruits outside of Jerusalem after they have entered inside [the city's] walls, he is liable for lashes according to Scriptural Law, as [**Deuteronomy 12:17**] states: 'You may not eat within your gates... the *terumah* of your hand.' [The latter term] refers to the first

fruits, as we explained in *Hilchot Terumah*.

Similarly, if a priest partakes of them in Jerusalem before they are placed in the Temple courtyard, he is liable for lashes according to Scriptural Law, as if he partook of them outside of Jerusalem, because [the first fruits] must be placed down in the Temple Courtyard as [*ibid.* 26:10] states: 'And you shall place them before the altar of God your Lord.'

4 After the person bringing [the first fruits] places them down in the Temple Courtyard, they are permitted to the priest even though the former has not recited the declaration over them. When the first fruits were taken out of their place and then returned, they are permitted to be eaten.

5 [The laws applying to] partaking of the first fruits are identical [to those applying] to partaking of *terumah* in all of their details. In addition, [the following stringencies apply with regard] to first fruits. They are forbidden to one in the acute state of *onein* mourning. They must be brought to [Jerusalem]. And a priest who is ritually pure who partook of the first fruits that were impure receives lashes like an Israelite who is ritually pure who partook of the second tithe that became impure. [These concepts] do not apply with regard to *terumah*.

6 What is the source which teaches that the first fruits are forbidden to an *onein*? With regard to these fruits, [**Deuteronomy 26:11**] states: 'And you shall rejoice in all the good.' Implied is that they have to be eaten in a state of happiness and not in a state of acute mourning. One who partakes

of [these fruits] in a state of acute mourning is liable for stripes for rebellious conduct.

7 The first fruits must [be brought in] a container, as [*ibid.*:2] states: 'And you shall place them in a container.' The most preferable way of performing the mitzvah is to bring each type of fruit in a separate container. If one brings them [all] in one container, he has fulfilled his obligation. [Even in such an instance,] he should not bring them mixed together. Instead, he should bring the barley below, wheat on top of it, olives on top of it, dates on top of them, pomegranates on top of them, and figs on the top of the container. There should be a substance, e.g., palm leaves, wild grass, or leaves, or the like, that intervenes between each type of produce. One should surround the figs with clusters of grapes from the outside.

8 When a person brings the first fruits in a metal container, the priest takes them and returns the container to its owner. If he brings them in a reed or grass basket or the like, both the first fruits and the basket should be given to the priests. If the first fruits become impure, the baskets should not be given to the priests.

9 When they would bring the first fruits, they would also bring turtle doves and doves in their hands. Similarly, they would hang turtle doves and doves from the sides of the baskets in order to adorn the first fruits. Those that were with the baskets would be offered as burnt offerings and those they would bring by hand would be given to the priests [as presents].

10 It is a positive commandment to make a declaration in the Temple concerning the first fruits when they are brought. One should begin and say [**Deuteronomy 26:3-10**]: 'I am making a statement to God your Lord that I have come to the land... An Aramean [sought] to destroy my ancestor...' until he completes the entire passage, concluding: '...You gave me, O God.' [This declaration] may only be made in the Holy Tongue, as it states: 'And you shall respond and say.'

11 At first, those who knew how to read would read [the passage themselves] and those who did not know how to read would read after one who read for them. [As a result,] those who did not know how to read would refrain from bringing [the first fruits] so that they would not be embarrassed. [Hence] the court ordained that the passage would be read for one who knows how to read like it is read for one who does not know.

12 A person who brings the first fruits is permitted to give them to his servant or his relative [to carry] throughout the journey until he reaches the Temple Mount. When he reaches the Temple Mount, even if he is a king of Israel, he must place the basket on his own shoulder and proceed until he reaches the Temple Courtyard. He should read [the declaration,] 'I am making a statement to God your Lord today...,' while the basket is still on his shoulder. He then removes the basket from his shoulder. While he holds it by its edge, the priest puts his hand below it and raises it [up and down and to all four directions]. He then reads: An Aramean [sought] to destroy my ancestor and he descended to Egypt...' until he completes the entire passage.' He then places the first fruits at the side of the altar, at

the southwest comer, on the south side of the altar. He then prostrates himself and departs.

What is the source which teaches that the first fruits must be raised [up and down and to all four directions]? [The above prooftext states:] 'And the priest shall take the basket from your hand,' including [an obligation to] raise the first fruits [up and down and to all four directions]. Just as [the first fruits] must be raised [up and down and to all four directions], so to they require that a peace offering be brought with them and song [accompany their offering], for with regard to them, [*ibid.*:11] states: 'And you shall rejoice in all the good.' [Now,] with regard to the festivals, [*ibid.* states: 'And you shall rejoice on your festivals.' [An association is drawn between the two:] Just as the happiness of the festivals is marked by peace offerings, so too, peace offerings [are required] here. [Nevertheless,] these offerings are not absolute requirements.

13 When is a song pronounced over them? When they reach the Temple courtyard. The Levites would begin proclaiming: 'I will exalt You God, for You have drawn me up...' (**Psalms 30:2 .**

14 [When bringing] the first fruits, it is necessary that one remain [in Jerusalem] overnight.

What is implied? When a person brought his first fruits to the Temple, made the declaration, and offered his peace offerings, he should not depart from Jerusalem that day to return home. Instead, he should stay in Jerusalem overnight and return to his city on the following day, as [**Deuteronomy 16:7**] states: 'And you shall turn back in the morning and

return to your tent.' [That verse teaches a general principle:] All occasions when you turn from the Temple when you visit it should only be in the morning.

Thus the first fruits require seven factors: a) that they be brought to [Jerusalem], b) [in a] container, c) that the declaration be recited, d) that they be accompanied by a peace offering, e) and song, f) that they be raised [up and down and to all four directions], and g) that the person stay overnight [in Jerusalem].

Chapter 4

1 Whenever anyone brings the first fruits, it is necessary that a [peace] offering be brought, song [be recited], they be raised [up and down and to all four directions] and the person remain in Jerusalem overnight. The declaration, however, is not a universal requirement. There are some who are obligated to bring the first fruits, but who do not recite the declaration over them.

2 The following must bring [the first fruits], but may not recite the declaration: a woman, a *tumtum* and an *androgynous* - for there is a doubt whether they are considered as a female; none of these can say "[the land] which You gave me," and similarly, a guardian, a servant, and an agent, because they cannot say "which You gave me."

3 A convert, by contrast, may bring the first fruits and make the declaration, for [**Genesis 17:5**] states with regard to Abraham: "I have made you a

father to a multitude of nations." Implied is that he is the father of all those who enter under the shelter of the Divine presence. The oath that his descendants would inherit the land was given to Abraham first. Similarly, the priest and the Levites bring [first fruits] and make a declaration, because they have cities in which to dwell.

4 A person who purchases two trees in his colleague's field must bring [the first fruits], but may not recite the declaration. [The rationale is that] there is a doubt whether he has a right to the land [on which the trees stand] or not.

What should he do? He should first consecrate them to the Temple treasury for it is possible that they are ordinary produce and non-consecrated food is not brought into the Temple Courtyard. The priest then redeems them from the Temple treasury and partakes of them.

He must separate *terumah* and the tithes from them, because of the possibility that they are ordinary produce. He must give the tithes from them to the priests, because it is a possibility that they are first fruits and forbidden to non-priests. He should not bring them himself, but instead, send them via an agent so that [the fact] that the declaration [is not recited] will not prevent them from being eaten. For whenever a declaration concerning [first fruits] is not fit to be made because of a doubt concerning their status, [the fact that] a declaration [is not recited] prevents it [from being eaten].

5 If one set aside his first fruits and then sold his field, he should bring them, but not make the declaration, because he cannot say: "[the land]

which You gave me," since it no longer belongs to him. The purchaser is not required to separate other first fruits, because the seller has already separated them. If, however, he does separate them, he should bring them, but not make the declaration. From another species [of produce], he should set aside the first fruits, bring them, and make the declaration.

6 When a person sells [the right to harvest] the produce of his field, the purchaser should bring [the first fruits], but not make the declaration. [The rationale is that] the acquisition of the produce is not equivalent to the acquisition of [the land] itself. When, however, one brings first fruits from the property of his wife, he makes the declaration even though he does not own the actual land, as [implied by **Deuteronomy 26:11**]: "which God, your Lord, has given you and your household." Even if his wife dies after he has set aside [the first fruits] and he is in the midst of his journey [to Jerusalem], he should bring [the first fruits] and make the declaration.

7 When a person sells his field or sells trees and the land around them in the era when the Jubilee year is observed, [the purchaser] should bring [the first fruits] and make the declaration in the first Jubilee. [The rationale is that] the seller has not taken for granted that the land will be returned to him. If, however, he sold it again in the second Jubilee, [the purchaser] should bring [the first fruits], but should not make the declaration. For he is certain that he will receive only the produce, and the acquisition of the produce is not equivalent to the acquisition of [the land] itself.

8 When a person set aside his first fruits and became mortally ill, the one

who is fit to inherit his [estate] should bring the first fruits without making the declaration. When a person set aside his first fruits and sent them with an agent, but the agent died in the midst of the journey, even if the owner brought them, he should not make the delaration. [The rationale is that the phrase (**Deuteronomy 26:2** :] "And you shall take... and you shall bring" does not apply unless the taking and the bringing are as one.

9 When a person set aside his first fruits, but they were lost before they reached the Temple Mount and therefore he separated others instead of them, he should bring the second fruits, but should not make the declaration. [The rationale is that] he cannot say [that he is bringing] "the first fruits of the land," for those that he is bringing are not the first fruits. One is not liable for an additional fifth [for partaking of] the produce separated second, as [he would had he partaken of] the first fruits.

10 When a person brings his first fruits and they become impure in the Temple Courtyard, he should spill out the basket there. He does not make the delaration.

11 If a person brought his first fruits from one species and made the declaration and afterwards brings first fruits from another species, he should not make the declaration for them. [This is derived from the phrase (**Deuteronomy 26:3** :] "I am making a statement today." [Implied is that] he makes one statement and not two.

12 If a person separated his first fruits and then the spring [that served as his

field's water supply] dried up or the tree [from which they were reaped] was cut down, he should bring them, but should not make the declaration. [The rationale is that] he is like someone who no longer possesses the land, because it has been ruined.

13 When a person brings his first fruits between Sukkot and Chanukah- even if he set them aside before Sukkot - he should bring them without making the declaration, [as implied by **Deuteronomy 26:11**]: "You shall rejoice in all the good." [Implied is that] the declaration should be made only in a time of happiness, [i.e.,] between Shavuot and the end of Sukkot. All individuals other than these must bring their first fruits and make the declaration.

14 The first fruits, the *terumot, challah,* the principal and the fifth, and the presents given when slaughtering an animal are a priest's private property. He may use them to purchase servants, land, or a non-kosher animal. A debtor of his may collect them as payment for his debt and a woman may take them in lieu of the money due her by virtue of her *ketubah*. And they may be used to purchase a Torah scroll.

15 The first fruits and the *terumot* are forbidden to be eaten by non-priests. [Generally,] when the first fruits are mixed with ordinary produce, they are permitted if there is 101 times the original amount as is the law with regard to *terumah*. Nevertheless, if they become mixed with the same species of ordinary produce in Jerusalem, [the mixture] is forbidden even if the slightest amount of [the first fruits are mixed in] as [is the law

regarding] the second tithe. [The rationale is that] since [they are located in Jerusalem,] the place where one partakes of them, they are considered like an entity that could become permitted. Although the first fruits are forbidden to non-priests even in Jerusalem, nevertheless, even the slightest presence of them in a mixture causes it to be forbidden.

Even if one sowed the first fruits after they were brought to Jerusalem, even the slightest amount of produce that grows from them causes a mixture to become forbidden. If, however, one sows the first fruits before they were brought to Jerusalem, the produce that grows from them is ordinary produce.

16 How are the first fruits brought to Jerusalem? All of [the inhabitants of] the towns in a regional area gather in the central town of the regional area, so that they will not ascend to Jerusalem as individuals, for [**Proverbs 14:28**] teaches: "The glory of the King is among the multitude of people."

They come and sleep in the city's thoroughfare, but they do not enter the homes lest they contract impurity because of being under the same shelter as a corpse. In the morning, the leader calls out: "Arise and let us ascend to Zion, to God our Lord." An ox with its horns glazed with gold leads the procession. A crown of olive [branches] are placed on its head, to publicize that the first fruits come from the seven species [for which *Eretz Yisrael* is praised]. A flute plays before them until they arrive close to Jerusalem. They walk the entire way and proclaim: "I rejoiced when it was told me: 'Let us go to the house of God.'

They would travel for only two thirds of the day. When they arrived close to Jerusalem they sent emissaries to notify the inhabitants of Jerusalem

and they adorned their first fruits and beautified them. If they had [some] produce that was fresh and other produce that was dried, the fresh produce was placed on top. The leaders of the Israelites and of the priests and the Temple treasurers would go out from Jerusalem to greet them. [The size of the welcoming party] was proportionate to the number of people who come. If many people come, many go out to greet them; if few, few. When they have all entered the gates of Jerusalem, they begin declaring: "Our legs were standing in your gates, O Jerusalem" (*ibid.*).

17 All of the artisans in Jerusalem would stand in honor of them and would greet them: "Our brethren, the inhabitants of so-and-so, you have come in peace." They proceed through Jerusalem while the flute is sounded until they reach the Temple Mount. When they reach the Temple Mount, each one should carry the first fruits on his shoulders and say: "Halleluyah. Praise God in His holiness" [**Psalm 150:1**] until [the conclusion of that psalm]: "May all the souls praise You." They proceed through the Temple Mount until they reach the Temple Courtyard. When they reach the Temple Courtyard, the Levites open with the song [**Psalm 30**]: "I will exalt You, for You have drawn me up..."

Chapter 5

1 It is a positive commandment to separate a portion that is raised up from the dough [and given] to a priest, as [**Numbers 15:20**] states: "Raise up the first of your dough, the *challah*, as an offering...." According to Scriptural Law, this first portion does not have a minimum measure. Instead, even if

one set aside a portion the size of a barley corn, he has absolved the entire dough. When a person designates his entire dough as *challah*, his deeds are of no consequence unless he leaves a portion of it [for himself].

2 According to Rabbinic Law, one should separate one twenty-fourth of the dough, so that there will be a [significant] present for the priest. [This is derived from **Deuteronomy 14:4** which] states: "Give him," i.e., give him something that is fit to be called a gift.

A baker who makes a dough to be sold in the market place should separate one forty-eighth. [The rationale is that] since his dough is larger, this measure contains [enough] to be a [significant] present.

3 Even when a private person makes dough for [the wedding] celebration of his son, he should separate one twenty-fourth even though it is large, so as not to make a distinction in [the requirements of] a dough made by a private person. [Conversely,] when a baker makes a small dough, [he must separate only] one forty-eighth, so as not to make a distinction in [the requirements of] a dough made by a baker.

4 If a dough became impure unknowingly or because of forces beyond one's control, one need not separate more than one forty-eighth. If he purposefully made it impure, he must separate a twenty-fourth, so that the sinner will not benefit.

Impure *challah* is permitted to be used by a priest as kindling fuel like impure *terumah*.

5 According to Scriptural law, we are only obligated to separate *challah* in

Eretz Yisrael, as [**Numbers 15:19**] states: "When you partake of the bread of the land...," and only when the entire Jewish people are located there, as [*ibid.*:18] states: "When you enter," i.e., when you all enter and not only when a portion of you enter. For this reason, in the present era - and even in the era of Ezra in *Eretz Yisrael* - [the observance of] *challah* is only a Rabbinic decree, as we explained with regard to *terumah*.

6 When the produce of the Diaspora is brought to *Eretz [Yisrael]*, *challah* must be separated from it. When produce from *Eretz [Yisrael]*, are brought to the Diaspora, they are exempt. [This is derived from *ibid.*:] "to which I will bring you." [Implied is that in that land,] you are liable, whether for the produce of the land itself or for that of other lands.

7 *Challah* should also be separated in the Diaspora by Rabbinic decree so that the Jewish people will not forget the laws of *challah. Challah* from the Diaspora should not be brought to *Eretz Yisrael*, just as *terumah* and first fruits from there should not be brought [to *Eretz Yisrael*]. If one should bring [such *challah*], it should be left to the day before Pesach and burned like *terumah*.

8 There are three different sets of laws that apply to *challah* in three different lands. In the entire area that was settled by those who returned from Babylonia until Kziv, one *challah* should be separated according to the appropriate measure and the priests may partake of it. In the remaining portions of *Eretz Yisrael* that were settled by the Jews who came out of Egypt, but not by those who returned from Babylonia - i.e., from

Kziv until Amanah - two *challot* should be separated. One should be burnt and one should be eaten.

Why do we separate two *challot* there? Because the first *challah* is impure, because this land was not sanctified in the time of Ezra and the first sanctification was nullified after the Jews were exiled. [Nevertheless,] since [the land] is from *Eretz Yisrael*, a *challah* - one forty-eighth [of the dough] is separated and is burnt. A second *challah* is also separated and given to a priest to eat, so that people will not say that pure *terumah* should be burnt. For the first *challah* was burnt even though it did not contract impurity in a manner that was known to all. This second *challah* does not have a minimum measure. Instead, one may separate whatever he desires, because it is a Rabbinic ordinance.

In all of the lands from Amanah and beyond, whether in Syria or other lands, two *challot* should be separated: One is burnt so that people should not say we saw impure *terumah* being eaten and one is eaten so that the laws of *challah* will not be forgotten by the Jewish people. [Since] both of these are Rabbinic institutions, it is preferable to make the one that is eaten larger. Accordingly, there is no minimum measure for the one that is burnt. Even the slightest amount [is acceptable]. The one which is eaten should be one forty-eighth [of the dough]. It is permitted to be eaten by *zavim* and *zavot*- and needless to say, other people who are ritually impure.

9 In the present age when there is no pure dough, because of the impurity [imparted] by a human corpse, one *challah* - one forty-eighth [of the dough] - is separated in all *Eretz Yisrael* [in the present era]. [This applies

even though] it is burnt, because it is impure, since the fundamental obligation to separate it is Scriptural. As was the law in previous ages, from Kziv to Amanah, a second *challah* is also separated for a priest to eat. There is no mimimum measure for it.

10 Although *challah* from the Diaspora is impure, since its fundamental requirement is a Rabbinic ordinance, it is forbidden to be eaten only by priests who are impure because of impurity that result from a physical condition. These include [priests] who had a seminal emission, *zavim, zavot, niddot,* women who give birth, and people afflicted by *tzara'at*. Others who are impure because they have been in contact with other sources of impurity, even those who are impure because of contact with a corpse, are permitted to partake of it.

Accordingly, if there was a priest who was a minor in the Diaspora - whether in Syria or in other lands - and one desired to separate [only] one *challah*, he could separate one forty-eighth of the dough. It could be eaten by a priest who is a minor who never had a seminal emission or a female from the priestly family who never menstruated. The person need not separate a second [*challah*].

11 Similarly, if a priest who was an adult immersed himself [in a *mikveh* and thus purified himself from the impurity resulting from] the emission of semen or *zivut*, he may partake of this first *challah*. Then [the one who separated it] need not separate a second *challah* in the Diaspora. [This applies] even though the sun has not set [after he immersed himself] and although he remains ritually impure due to the impurity imparted by a

corpse. Anyone who separates *challah* should recite the blessing: "[Blessed are You...] Who sanctified us with His commandments and commanded us to separate *challah*." [This applies both] in *Eretz Yisrael* and in the Diaspora. Just as one recites a blessing when [separating *challah* that] is ritually pure, he should recite a blessing when separating the impure.

Therefore a naked man should not separate *challah*, because he may not recite the blessing. A naked woman who is sitting with her entire genital area covered by the ground may separate *challah* and recite a blessing.

12 A *niddah* and the like may recite a blessing and separate *challah* in the Diaspora. For she is not cautioned against touching the *challah*, only against partaking of it. If there is a priest who was a minor or [an adult] priest who immersed himself who is permitted to partake of it as we explained, he may partake of it, [eating] together with a non-priest at the same table. [The rationale is that] it does not create a forbidden mixture, even if there are equal quantities of it and ordinary food. It may be given to an unlearned priest because [the woman] is impure because of the air of the Diaspora, and the prohibition against a priest actively seeking to receive his presents does not apply in this instance.

If a person desires to eat first and then separate the *challah* in the Diaspora, he is permitted, for the fundamental obligation is Rabbinic in origin.

13 *Challah* is called *terumah*. Therefore it may only be separated from [dough] in the same location like *terumah*. And as an initial preference, one may not separate pure [dough as *challah*] for impure dough.

14 All of those individuals concerning whom it was said they should not separate *terumah* and if they separate it, the separation is invalid, are governed by the same laws with regard to *challah*. In all situations concerning which it was said that *terumah* should not be separated from this type of produce for another, *challah* should also not be separated. Whoever may not partake of *terumah*, may not partake of *challah*. Whoever may partake of *terumah* may partake of *challah*.

15 A blind person and an intoxicated person may separate *challah* as an initial preference. For with regard to dough, there is no inferior or superior portions that he must distinguish and separate from the superior portion.

Chapter 6

1 One who purchases bread from a baker is obligated [to separate] *challah*. He may separate a portion from bread freshly taken from the oven for bread that has cooled or from bread that has cooled for bread freshly taken from the oven. [This applies] even with regard to many trays of bread.

2 The obligation [to separate] *challah* applies only to [dough from] the five species of grain: wheat barley, rye, oats, and spelt, as [implied by **Numbers 15:19**]: "When you partake of the bread of the land." The term "bread" refers only to a loaf made from these five species. If, however, one makes bread from rice, millet, or other legumes, there is no obligation of *challah* at all.

3 Although there is no obligation to separate *terumah* from *leket, shichachah,*

pe'ah, grain which is ownerless, and grain which did not reach a third of its growth, there is an obligation to separate *challah* from these. Similarly, there is an obligation to separate *challah* [from dough made from grain in the following circumstances]: the tithes were separated from the grain early while it was still stalks and *terumat ma'aser* was separated from it, even though the portion of the great *terumah* is still included in it, [grain that was from] the second tithe or consecrated property that was redeemed, the extra [portions of barley harvested for] the *omer* offering, the two loaves [prepared to be offered on Shavuot], and [the loaves prepared for] the showbread which were redeemed.

4 When a dough was made from grain from the second tithe in Jerusalem or from grain from the Sabbatical year, or when there is a doubt whether the dough was made from a mixture of *terumah* and ordinary produce, there is an obligation to separate *challah*. A mixture of *terumah* and ordinary produce is exempt from the obligation of *challah*.

5 The loaves for the thanksgiving offering and the wafers for the nazirite offering which a person made for himself are exempt from the obligation of *challah*, for they are sanctified. [If they were made] to sell in the market place to nazirites and to those bringing thanksgiving offerings, there is an obligation to separate *challah*, since [the baker] has the intent that if they are not sold [for sacrificial purposes], he will eat them.

6 There is an obligation to separate *challah* from a dough made for partners and a dough made for many people.

7 When a person makes dough using grain that is *tevel* - whether the *challah* is separated before *terumah* or the *terumah* separated before *challah* - what he did is effective. If he separated the *challah* first, he should not partake of it until he separates *terumah* and *terumat ma'aser* for it. If he separated *terumah* first, he should not partake of it until he separates *challah*.

8 When a person makes a dough with the intent of feeding the bread baked from it to a domesticated animal or a wild animal, it is exempt from *challah*. There is an obligation to separate *challah* from a dough made for dogs which is eaten by the shepherds. A dough made by a gentile is exempt from *challah*.

9 If a gentile and a Jew were partners in a dough and the portion owned by the Jew was large enough to be liable for *challah*, it is liable for *challah*.

10 When a gentile separates *challah* even in *Eretz Yisrael*, it is not *challah*. Instead, we inform him that he does not have to [observe this mitzvah. The dough separated] may be eaten by a non-priest.
Why do we not suspect that maybe the dough belonged to a Jew and he gave it to a gentile so that it will be exempt? Because if a Jew wanted to exempt himself he could do so by making his dough smaller than the required measure.

11 [The following laws apply when a person] mixes flour from wheat and rice flour and makes a dough: If it has the flavor of grain, *challah* must be separated from it. If not, it is exempt. Even if one placed yeast from wheat into a dough from rice, one is obligated to separate *challah* from it if it has

the flavor of wheat. If it does not have that flavor, it is exempt.

12 There is an obligation to separate *challah* in all [the following instances]: a dough that was kneaded with wine, oil, or honey, or with boiling water, or one in which spices where placed, water was boiled and flour was placed inside of it and a dough was kneaded. [And *challah* must be separated when] dough was baked whether in an oven or [in a pit] in the earth, whether in a frying pan or a deep pan, whether first one attached the dough to the frying pan or the deep pan and then heated them with fire from below until the loaf was baked or one heated them first and then attached the dough.

If, however, one made a dough to dry it in the sun alone or to cook it in a pot, it is exempt from *challah*, for [dough cooked] in the sun is not bread whether it was kneaded with water or other liquids. Similarly, roasted grain that was kneaded whether with water or honey and which is eaten without being baked is exempt, for the obligation of *challah* applies only to a dough that will ultimately be baked as bread for human consumption.

13 When a dough was first kneaded to make a dough to be cooked in the sun and then the person completed making it for a loaf of bread, or he began making it to bake bread and completed it to cook it in the sun and similarly, when roasted flour was kneaded to bake a loaf of bread, there is an obligation to separate *challah*.

14 When bread was baked to be used for *kutach*, the manner in which it is

made indicates the intent. If it was made as cakes, there is an obligation to separate *challah*. If he made it in strips, it is exempt from *challah*.

15 What is the minimum measure of dough from which we are obligated to separate *challah*? An entire *omer* of flour, whether from one of the five species or from all five together, for they are all combined to reach the minimum measure.

What is the measure of an *omer*? One fifth [of a *kab*] less than two *kabbin*. A *kab* is four *lugim* and a *log* is four *revi'iot*. A *revi'it* is the volume of a cube two fingerbreadths by two fingerbreadths by a height of two and seven tenths fingerbreadths. A fingerbreadth refers to the width of a thumb.

Thus an *omer* is a measure that is ten fingerbreadths by ten fingerbreadths by a height of approximately 3 and one ninth fingerbreadths. Similarly, a cube with each side six and seven ninths fingerbreadths produces a measure of an *omer*.

How much does this measure contain? The volume of 43 and 1/5 eggs. This is equivalent to the weight of 86 2/3 *selaim* of Egyptian wheat flour. This is equivalent to 520 *zuz* of Egyptian *zuzim* at present. A measure that comprises such a weight of wheat is used universally to measure for the separation of *challah*.

16 It is forbidden for a person to make his dough less than the minimum measure in order to free it from the obligation of *challah*. When a person separates *challah* from a dough that is smaller than the prescribed measure, his actions are of no consequence and the dough is ordinary dough as

before.

When a person made a dough that is less than the prescribed measure, baked it, and put the loaf in a basket, baked another loaf and put it in the basket, and [continued doing this] until a measure from which *challah* [must be separated] was collected in the basket, the basket joins them together [as a single entity, establishing an obligation for] *challah*. He must separate *challah* from the bread. This is derived [from the prooftext mentioned above]: "When you partake of the bread of the land." [The verse] teaches that one should separate [*challah*] from [bread] that is baked. An oven, [however,] does not join loaves together [to create an obligation to separate] *challah*.

17 If [small] loaves were joined together and a quantity equal to the measure of *challah* was gathered together, there is an obligation to separate *challah*. [This applies] even if they are not placed in a basket [together]. If one baked loaves a little bit at a time and gathered together the entire quantity on a board that does not have a cavity, there is a doubt regarding [the matter]. If [the obligation to separate] *challah* is of Rabbinic origin, one is not obligated to separate it until they are gathered in a container with a cavity.

18 When flour was not sifted, but instead kneaded together with its bran, since the entire measure of the flour comprises an *omer*, there is an obligation [to separate] *challah*. If, however, one removed the bran from the flour and then completed the [required] measure of dough by returning the bran to the flour, there is no obligation to separate *challah*.

19 When a baker makes a dough to become yeast and divide it up, there is an obligation [to separate] *challah*, for if it is not sold, he will use it as bread. If, however, one makes a dough to divide it while dough, it is exempt.

20 [The following law applies when] women give flour to a baker to make yeast. If none of them individually [gave enough flour to make a dough] that comprises the required measure - even though [the dough made from the flour which] they all [gave] does - it is exempt.

Chapter 7

1 [The following laws apply when] there are two doughs that when combined comprise the measure that obligates the separation of *challah*, but neither comprises that measure alone should they touch each other and become attached to each other. If they belong to two individuals, they are exempt from *challah* even though they are of the same type of grain. [The rationale is that] we assume that the two people object [to the combination of their doughs]. If it is known that they would not object to the combination of their doughs, they are considered as one.

2 [Different rules apply if] the two belonged to one person. If they were from one type [of grain], they are combined and *challah* is obligated to be separated from them. If they are from two types, they are not combined. [The rationale is that] we assume that one person does not object [to the combination of his doughs]. If he objects [to their combination and endeavors] that one dough not touch the other or become mixed with it,

they are not considered as one, even if they are of one type of grain.

3 What is meant by the statement that if they belonged to one person and were from the same type [of grain] they are combined? When a dough from wheat touches a dough from spelt, they are combined. If it touched [a dough from] another type of grain, they are not combined. Similarly, if a dough of barley touches a dough of spelt, oats, or rye, or doughs of spelt, oats, or rye touch each other, they can be combined.

4 A dough from grain from one year should not be combined with a dough from grain from the previous year even though they are of the same species. [This is a decree,] lest people say that *terumah* may be separated from new grain for old grain. A person should not separate [the *challah*] from the middle of the two. Instead, he should bring another dough - either from this year or the previous - and combine it with them to complete the required measure.

When does the above apply? When one dough touches another. If, however, one mixes flour from the species of grain and makes a single dough from one of them, the five are combined to comprise the measure of dough required for *challah*, as we explained.

5 When there is a dough that is less than the required measure on one side and another dough less than the required measure on the other side, and a dough that is exempt from *challah* in the middle - e.g., a dough of rice, a dough of *terumah [flour]* or from *terumah [flour]* that was mixed with ordinary flour, or a dough from a gentile - [the doughs] are not combined

even though they touch each other. [The rationale is that] an entity that is exempt from *challah* separates in the middle.

6 When, by contrast, there is a dough from which *challah* was separated between them, [the two outer doughs] can be combined, because originally, there was an obligation to separate *challah* from the dough in the center. Similarly, if a dough that was consecrated was in the center, they are combined, [because that dough] is fit to be redeemed [at which point,] there will be an obligation to separate *challah* from it. Similarly, if there was a dough of another type of grain, a dough belonging to another person, or a dough from a different year between them, the doughs on the sides are combined [to comprise an obligation to separate] *challah*.

7 There were two doughs, each one of them less than the minimum measure for *challah*. One separated *challah* from each of them. Afterwards, they touched each other and [the combined doughs] comprise the [required] measure. There is an obligation to separate *challah* [from the combined doughs], for the *challot* separated originally are of no consequence.

8 Two gentiles made a dough comprising the required measure [for *challah*] and divided it. Afterwards, they converted and after the conversion, each one added to his portion until it comprised the [required] measure. There is an obligation [to separate] *challah*. [The rationale is that] there was no time that it was of the size obligating [*challah*] while they were gentiles, because each was to receive less than the required measure.

9 If, however, two Jews made [a dough] in the above manner and then, they divided it and each one of them added to his portion until it comprised the required measure, it is exempt. [The rationale is that] there was a time when there would have been an obligation [to separate *challah* from the original dough] and they were exempt at that time, because the dough was made to be divided.

10 [Different rules apply when], by contrast, the dough was owned by a gentile and a Jew in partnership and they divided it. If, afterwards, the gentile converted and then added to his portion and the Jew added to his portion until each one of them completed the measure that requires the separation of *challah*, there is an obligation to separate *challah* from the dough of the Jew, but the dough of the gentile is exempt.

11 [The following laws apply when a person] takes yeast from a dough from which *challah* was not separated and places it in a dough from which *challah* was separated. He should bring a second dough that - together with this yeast - will comprise a measure that obligates the separation of *challah* and combine it with the dough from which *challah* was separated. He should then separate from the second dough the appropriate measure of *challah* for it and for the yeast. [In this manner,] he is separating [*challah*] from [dough] that is in the same place. If he does not have a second dough, the entire [first dough] is considered as *tevel*. He should separate *challah* for the entire amount. [The rationale is that] when *tevel* is mixed with its own type, even the slightest amount causes the mixture to become forbidden.

12 A dough from which *challah* has not been separated is like ordinary produce and not like *challah* with regard to the laws of ritual purity. As will be explained in the appropriate place, impurity of the second degree does not bring about impurity of the third degree with regard to ordinary produce.

It is permitted to cause ordinary produce to contract ritual impurity in *Eretz Yisrael*. Therefore when there are two doughs, one that is ritually impure and one that is ritually pure, one may take [a portion of dough] equivalent to the measure of *challah* to be separated from both of them from a dough from which *challah* was not separated and place it in the center close to the pure dough. He should then extend a portion of the impure dough the size of an egg to the pure dough so that he will be able to separate *challah* from the dough in the same place.

13 A person may make a pure dough and refrain from separating *challah* from it, setting it - or a portion of it - aside to continuously separate *challot* from other doughs with it until the dough set aside becomes *challah* in its entirety, provided [the dough set aside] does not become spoiled to the point that it is no longer fit for human consumption. [This applies] even if the doughs became impure. Once the dough is no longer fit for human consumption, [*challah*] cannot be separated with it.

When does the above apply? When there is a question whether or not *challah* has been separated from the doughs for which he is separating *challah*. [The rationale is that] *challah* of a doubtful status may be taken from the pure dough for the impure as an initial preference and the two need not be in the same place.

Chapter 8

1 When a person separates *challah* from flour, it is not *challah.* [The flour given] the priest is like stolen property in his possession and there is an obligation [to separate] *challah* from a dough [made from] the remainder [of the flour]. If the flour set aside [mistakenly] as *challah* is an *omer* in measure and a dough was made from it, one must separate *challah* from it as [is necessary with regard to doughs made] from any ordinary flour.

2 When should *challah* be set aside? When one adds water and mixes the flour with the water, he should set aside [a portion as] *challah* from the first portion that is kneaded, as [indicated by **Numbers 15:20**:] "From the first of your dough."

[The above applies] provided a measure of flour equal to an *omer* that has not become mixed with water does not remain in the kneading trough. If he stipulates: "This is *challah* for the dough, for the yeast, and for the flour that remains. When it all becomes one dough, the portion set aside will become sanctified as *challah*," it is permitted.

3 If the person left the dough [intact] until it was all kneaded and mixed together and separated [the *challah*] afterwards, [the delay] is of no consequence. If he does not separate *challah* while the mixture is a dough, but bakes the entire dough, he should separate [*challah*] from the loaf, as we explained.

4 When does the obligation [to separate] *challah* from dough take effect?

When the wheat [flour] was rolled into a ball and [all of] the flour becomes mixed with it or when the barley [flour] was made into a single mass and formed one block. One may snack from the dough until the wheat [flour] was rolled into a ball or the barley [flour] was made into a single mass. The laws pertaining to wheat [flour] pertain to spelt [flour] and those pertaining to barley [flour] pertain to oat and rye [flour].

5 Once the wheat [flour] was rolled into a ball or the barley [flour] was made into a single mass, one who partakes of it before *challah* was separated is liable for death [at the hand of heaven], because it is *tevel*. Therefore, if there is a Scriptural obligation [to separate] *challah* from the dough, a person who partakes of it is liable for lashes, as is anyone who partakes of *tevel*. If the obligation is Rabbinic in origin, [a person who partakes of the dough] is liable for stripes for rebellious conduct.

6 When a dough from ordinary flour becomes mixed with flour that is *terumah* before [all the flour] was rolled into a ball, it is exempt [from the obligation of *challah*]. When it becomes mixed with it after it was rolled into a ball, there is an obligation [to separate *challah*].
Similarly, if a person consecrates a dough or declares it ownerless before it was rolled into a ball and then redeemed it or took possession of it and rolled it into a ball - alternatively, he consecrated it or declared it ownerless after it was rolled into a ball - there is an obligation [to separate] *challah*.

7 If he consecrated it before he rolled it and it was rolled in the possession of

the Temple treasury and afterwards, he redeemed it, it is exempt. For at the time the obligation would have taken effect, [the dough] was exempt.

8 Similarly, if a gentile gave [flour] to a Jew to make a dough for him and then gave him [the dough] as a present. If he gave it to him [as a present] before it was rolled into a ball, he is liable. [If he gave it to him] after it was rolled into a ball, it is exempt.

9 [The following laws apply when] a convert joins the Jewish faith. If he had a dough that was rolled into a ball before he converted, it is exempt. If it was rolled afterwards, there is an obligation [to separate *challah*]. If there is a doubt [concerning the matter], there is an obligation, [because eating bread from which *challah* was not separated] is a transgression punishable by death [at the hand of heaven]. If a non-priest [unknowingly] partook of this *challah* that was separated due to such a doubt or the like, he is not liable to add a fifth [when making restitution].

10 When a question arises concerning the ritual purity of a dough before it was rolled together as a ball, he should prepare [the dough] in a state of ritual impurity. For it is permitted to make ordinary produce impure in *Eretz Yisrael*. The *challah* should then be burnt.

If, after a dough was rolled into a ball, a doubtful situation arose concerning its ritual purity which, were it to be ascertained that it was definitely impure, would convey ritual impurity of Scriptural origin, its [preparation] should be completed in a state of ritual purity. [The rationale is that with regard to] any circumstance where impurity would

be imparted to ordinary produce were one certain that it transpired, our Sages decreed that if there is a doubt that it transpired, a dough upon which the obligation to separate *challah* already fell should not intentionally be made impure, for that obligation has already taken effect. Instead, the *challah* [separated] is a tentative state; it is not eaten, nor is it burnt.

11 As an initial preference, a person should not prepare his dough in a state of ritual impurity. Instead, he should be careful and endeavor to purify himself and his utensils so that he can separate *challah* in a state of ritual purity. If he is more than four *mil* from water [fit for an immersion], he should prepare [the dough] in a state of ritual impurity and separate impure *challah*.

12 A loaf to serve as *challah* should not be prepared in a state of ritual purity for a common person. A loaf of ordinary produce may, however, be made in ritual purity [for him].

What is implied? A *chaver* may mix the dough and separate an appropriate measure of *challah* from it. He then places [the *challah*] in a utensil made from dung, stone, or clay, which do not contract ritual impurity. When the common person comes, he should take both of them, the dough and the *challah*. We tell him: "Be careful not to touch the *challah*, lest it become *tevel* again." Why is this allowed? So that the person making the dough could earn his livelihood.

13 The wife of a *chaver* may sift and strain [flour] together with the wife of a

common person. Once water has been mixed with the dough, however, she should not help her, because [the wife of the common person] makes her dough while ritually impure. Similarly, one should not knead or array dough with a baker who bakes his dough in a state of ritual impurity. [The rationale is that] one should not reinforce the hands of transgressors. One may, however, transport bread with him to a bakery.

14 When a person purchases bread from a baker who is a common person in Syria and [the baker] tells him: "I separated *challah*," [the purchaser] does not need to separate *challah* because of the doubt. Just as the entire Jewish people in *Eretz Yisrael* were not suspect [to ignore the separation of] the great *terumah*, so too, in Syria, they were not suspect [to ignore the separation of] *challah*.

15 When a person purchases [bread] from a baker in the Diaspora, he must separate *challah* because of the doubt involved. If, however, he purchases from a private person - and needless to say, if he enjoys his hospitality - he is not required to separate *challah* because of the doubt.

Chapter 9

1 It is a positive commandment for anyone who slaughters a kosher domesticated animal to give a priest the foreleg, the jaw, and the maw, as [**Deuteronomy 18:50**] states: "This is the judgment [due] the priests...." These are universally known as "presents."

This mitzvah is practiced at all times, whether at the time the Temple is

standing or not, whether in *Eretz Yisrael* or in the Diaspora, with regard to ordinary animals but not consecrated ones.

2 There is an obligation to separate the above-mentioned presents from all consecrated animals that had a permanent blemish before they were consecrated and were redeemed. If, by contrast, they had a temporary blemish before their consecration or they were consecrated when they were unblemished, but afterwards, they became blemished, and they were redeemed, they are exempt from these presents.

3 If there is an unresolved doubt whether an animal is a firstborn, there is certainly an obligation to give the presents [from it to the priest]. [The rationale is:] If it is a firstborn, it must be given to a priest in its entirety. If it is not a firstborn, the presents must be given to a priest.

If a question arises with regard to the status of two animals and a priest took one because of the doubt, the second one is exempt from the presents. [The rationale is that] it is considered as an animal which a priest acquired and then gave to its owners, because of its blemish.

If, however, there is an unresolved doubt whether an animal is the tithes of the herd, it is exempt in all situations. [The rationale is that] when one desires to expropriate property from a colleague, the burden of proof is on him.

4 When an animal that was consecrated and then disqualified because of a blemish became mixed with other animals - even one with 100 - if one person owns all of them, they are all exempt [from the obligation of the

presents]. [The rationale is that the status of] each one is doubtful and when one desires to expropriate property from a colleague, the burden of proof is on him. If one person was slaughtering all the animals, only one [set of] presents is exempt.

5 We are required to separate presents only from a kosher domesticated animal, [as indicated by Deuteronomy, *loc. cit.*, which] states: "If it be an ox or a sheep." If a hybrid is born from a sheep and a goat, there is an obligation for presents to be given. We separate all the presents from a *ko'i* even though its status is undetermined.

When a male deer mates with a goat and it gives birth, there is an obligation [to give] half the presents [to a priest]. [This is derived from the above prooftext]: "If it be... a sheep," i.e., even if it is only part sheep. [When, by contrast,] a male goat mates with a deer, the offspring is exempt from the presents.

6 Whether a person slaughters an animal for consumption by non-Jews, by animals, by dogs, or for medical purposes, there is an obligation [to give] the presents.

7 There is an obligation [to separate the presents from] an animal belonging to partners, as [the above prooftext] states: "those who slaughter the animal."

8 When a person purchases an animal with the produce of the Sabbatical year, he is obligated to [give] presents [to a priest].

Priests and Levites are exempt from the presents, as [the above prooftext]

states: "from the people." It is questionable whether the Levites are considered as part of "the people" or not. Therefore [the presents] are not taken from them. If, however, a priest took them, he need not return them.

9 When does the above apply? When one slaughters for his own sake. [Different laws apply to] a priest who is a butcher, who slaughters [animals] and sells them in the marketplace. We grant him two or three weeks. Afterwards, we expropriate the presents from him and grant them to other priests.

If he established a butcher shop to sell meat, we do not wait at all. Instead, we expropriate the presents from him immediately. If he refrains from giving them, we place him under a ban of ostracism until he gives them.

10 A person who slaughters an animal for the sake of a priest or a gentile is exempt from [the obligation to give presents].

A person who enters into a partnership with a priest [in the ownership of an animal] must mark his portion, so that he will leave the presents in the portion of the priest. If he does not mark his portion, he is obligated [to give] these presents, because the fact that the priest is his partner is not a matter of public knowledge. Accordingly, if the priest was standing with him in the butcher store and dealing and negotiating with him, he is not required to mark [his portion].

When a person enters a partnership with a gentile [in the ownership of an animal], he need not mark his portion. [The rationale is that] as a rule, a gentile will speak excessively and inform everyone that he is [the Jew's]

partner, even if [the Jew] is not present at the time of the sale.

11 [If, when negotiating a partnership agreement regarding the ownership of an animal,] a priest stipulates to [his partner, an Israelite,] that they are partners with the exception of the presents, the presents belong to the priest. Since the priest stipulated "with the exception of...," he left himself the portion of [the animal containing] the presents. Hence, they are his.
If, however, the priest told the Israelite: "...on the condition that the presents are mine," the presents belong to the Israelite and he may give them to any priest he desires. Even though [the priest] stipulated that they were his, [the animal] is not exempt from [the obligation to give] the presents. For by saying "on the condition that...," he did not leave himself [the ownership of] the presents. Since he did not leave himself a share in their ownership, he did not acquire them through this stipulation.

12 If a priest was a partner in [the ownership of] the head, he is exempt from [giving] the jaw. If he is a partner in the front leg, he is exempt from the fore leg. If he is a partner in the digestive organs, he is exempt from the maw.
If the priest told [the Israelite]: "The entire animal is mine, but the head is yours," he is obligated to give the jaw, for the portion that must be given belongs to the Israelite.

13 [The following laws apply when] a gentile converts and he is in the process of having an animal slaughtered. If it was slaughtered before he converted, he is exempt. If [it was slaughtered] after he converted, he is

obligated. If there is a doubt concerning the matter, [we follow the principle]: When one desires to expropriate property from a colleague, the burden of proof is on him.

14 It is permitted to partake [of the meat] of an animal from which the presents were not separated. [The situation] is not analogous to *tevel* [The rationale is that] the presents due to be given the priests are separate and distinct. It is forbidden for an Israelite to partake of the presents themselves without the permission of a priest. If he transgresses and partakes of them, damages them, or sells them, he is not liable to make financial restitution. [The rationale is that] this is money that has no known plaintiff. A person who purchases them - even though he is forbidden to do so - is permitted to partake of them, because when the presents to the priests are stolen, the theft effect a change in ownership.

15 If one tells a butcher: "Sell me the digestive organs of a cow," and there were presents among them, [the purchaser] should give them to a priest, but [the seller] need not decrease the price [accordingly]. If [the purchaser] bought [the organs] by weight, he should give them to the priest and deduct their value from the butcher's [due].

16 When a person sends meat to a friend and there were presents in [the parcel], the recipient need not be concerned that [the sender] transgressed and stole them.

In a place where there are no priests, one should determine their financial value and partake of them, [so as not to cause] a priest a loss. He should

then give the money to any priest he desires.

17 If a person wants to give the presents to only one priest, he may do so. If he wants to divide them [and give them to several], he should not give half the maw or half the foreleg to one [priest]. Instead, he should give the foreleg to one, the maw to another, and the jaw to two others. [This is inferred from **Deuteronomy 18:4**]: "And you shall give it to him," i.e., give him a portion that is a significant present. If [he is giving presents] from an ox, he may divide them into portions, provided each portion is a significant present.

18 What is meant by the foreleg? The right foreleg, The portion from the upper-joint until the ankle joint; two limbs, one connected with the other. The jaw refers to the jaw bones until the large ring of the protrusion of the gullet with the tongue between the bones. All of this is given to the priest.

19 [When giving the jaw and the foreleg to the priest,] we do not pour boiling water on the hide [to remove the hair], nor do we skin it. Instead, we give it to [the priest] with its skin and wool. [We give a priest] the maw with the fat upon it and the fat within it. The priests have already accepted the custom of leaving the fat of the maw for the owner.

20 A women of the priestly family may partake of the presents even if she is married to an Israelite, because they are not consecrated. Moreover, her husband may partake of the presents for her sake.

A *challalah*, by contrast, may not partake of the presents, because

challalim are not in the category of priests. If a priest desires to sell the presents, to give them as gifts, even to a gentile, or to feed them to the dogs, he may, for they are not consecrated at all.

21 [The following rules apply when there is] a priest whose friends [continually] give him presents. If he desires to transfer ownership of them to a friend who is an Israelite, he may, even though they did not enter [the priest's] domain. Thus [the priest's] friends may slaughter [their animals] and give the presents to the Israelite who acquired them. [This applies] provided the Israelite is in difficult straits and does not have the means to buy meat and the priest who transfers the meat to him is his friend. If, however, the priest is the Israelite's attendant or his hired worker or employee, he may not transfer ownership [of the presents] until they enter his domain. [This is a safeguard,] lest he compel him to do so.

22 A priest should not grab the presents, nor should he even request them verbally. Instead, if he is given them in a respectful manner, he may take them. When there are many priests at the slaughter house, the modest ones withdraw and the gluttons take them. [Even though] a priest is modest, [if] it is not known that he is a priest, he should take [the presents] to let it be known to everyone that he is a priest.

The priests should only eat the presents as they are roasted, with mustard on them, for [**Numbers 18:8**] states [that the gifts to the priests were given them]: "for distinction." Hence, [they should] be eaten in a manner befitting a king.

Chapter 10

1 It is a positive commandment to give a priest the first shearings [of an animal], as [**Deuteronomy 18:4**] states: 'Give him the first shearings of your flock.' Levites are considered like Israelites with regard to this mitzvah. There is no minimum measure for these shearings according to Scriptural law. According to Rabbinical Law, one should not give less than a sixtieth. It applies only in *Eretz [Yisrael]*, whether the Temple is standing or not like the first of the grain. It applies to ordinary animals, but not to consecrated ones.

2 What is implied? A person consecrated animals for the Temple treasury and then sheared them. Is he obligated to redeem them and give [the first shearings] to the priests? Or if one consecrated an animal with the exception of its shearings, is he obligated in the first shearings? It is written [*ibid.*]: "your sheep,' [i.e., the obligation applies only to "your sheep.'

3 There is an obligation [to give a priest] the first shearing of any consecrated animals that possessed a permanent blemish before they were consecrated and were [then] redeemed. If, however, they were consecrated before they were blemished or it had a temporary blemish before it was consecrated, and afterwards, it received a permanent blemish and it was redeemed, it is exempt from the first shearing.

4 The only animals whose first shearings we are obligated [to give a priest]

are sheep, both male and female, for their wool is fit [to make] garments. If their wool was stiff and not fit for [making] garments, they are exempt from the first shearings, for this present is given to the priest for the sole purpose of providing him with garments.

5 Since the Holy One, blessed be He, granted [a priest] the *terumot* which provide him with bread and wine and He granted him the presents of meat and the sacrificial meat of the Temple for meat, He provided them with the first shearings for their garments and [restitution for property] stolen from a [childless] convert, devotion offerings, ancestral fields [that were consecrated and not redeemed], and the redemption of the firstborn, for their expenses and for their other needs. [These are granted to the priests,] because they are not granted an ancestral portion of the land, nor a share in the spoils of war.

6 If [a sheep's] wool was [naturally] red, black, or brown, there is an obligation [to give the priest] the first shearings. If, however, the wool was shorn and dyed, before it was given [to a priest], he is exempt from the first shearings. If one bleached it before he gave it [to the priests], he is obligated to set [the wool] aside after he bleaches it. When a person pulls out the wool of ewes by hand instead of shearing it, he is obligated in the first shearings.

7 There is an obligation [to separate] the first shearings from hybrids [of sheep], a *ko'i*, and a sheep that is mortally ill. If, however, one shears a dead sheep, he is exempt.

8 When a person sets aside the first shearings and they are lost, he is responsible to make restitution until he gives them to the priest.
When a person says: 'Let all of my shearings be considered as the first shearings,' his words are of consequence.

9 A person who purchases the shearings of a gentile's sheep after the gentile has shorn them is exempt from the first shearings. When he purchases [the gentile's] sheep for their shearing, he is obligated even though the wool grew in the gentile's domain and the sheep are returned to the gentile after the shearing. Since the shearer is Jewish and the shearings belong to him, he is obligated. For the obligation takes effect only at the time of shearing.

10 [The following laws apply when] a person purchases the shearings of a fellow Jew. If the seller left a portion of his sheep to shear, the seller is obligated to separate from [the shearing of] the remainder [the appropriate amount] for the entire [flock. This applies] even if the seller has not begun to shear [his sheep. The rationale is that we operate under] the assumption that a person will not sell the presents to be given the priests. If [the seller] did not leave any [sheep to shear], the purchaser is obligated to separate [the first shearings].

11 [A different rule applies it] there are two types of shearings, e.g., white wool and brown wool, or wool from males and wool from females, and one sold one and retained possession of the other. Both [the purchaser and the seller] should give the first shearings, [the purchaser] on what he

purchased and the seller on what he retained.

12 When a convert converts and he possesses sheep that are being shorn and it is not known whether they were shorn before he converted or after he converted, he is exempt. [The rationale is when] one desires to expropriate property from a colleague, the burden of proof is upon him.

13 How many sheep must there be for [a flock] to be obligated for the first shearings? No less than five, provided their shearings is not less than the weight of 60 *sela* and the shearings of each one will not be less than the weight of 12 *sela*. If the shearings of one of them is less than the weight of twelve *sela,* [the flock] is exempt from the first shearing, even if [the wool of] the five of them weighs 60 *selaim* or more.

14 Partners are obligated in [the mitzvah of] the first shearings, provided each one's share is equal to the minimum measure [mentioned above]. It: however, there are only five sheep belonging to two partners, they are exempt.

15 The mitzvah is to set aside the first shearing at the outset. If, however, one set it aside in the middle or at the end, he fulfilled his obligation.
When a person owns five sheep, but [did not shear them together, i.e.,] he had one shorn alone and sold its wool, and then had another shorn alone and sold its wool, and then a third, etc., all of these are combined [to obligate him in the mitzvah of] the first shearing, even if this takes place over the course of several years. He may separate from the new shearings for the old shearings and from [the shearings of] one type of sheep for

another. If, however, he had one sheep, he sheared it and set aside its shearings, purchased a second sheep and set aside its shearings, [and continued doing so until he sheared five sheep], their shearings are not combined.

16 When a person has several shearings from the first shearings that he desired to divide among the priests, he should not give any priest less than the weight of five *selaim* of white wool, enough to make a small garment. The intent is not that he should whiten it and give it to them. Instead, he should give each of them [at least enough] unrefined wool to produce five *selaim* or more of wool after it has been whitened. [This is derived from **Deuteronomy 18:14**:] 'Give it to him,' i.e., give him a significant present.

17 The first shearings are ordinary property in every regard. Therefore, I maintain that they may be given to a woman of the priestly family even if she is married to an Israelite like the presents of meat. It appears to me that they are governed by the same laws.

Chapter 11

1 It is a positive commandment for every Jewish man to redeem his son who is the firstborn of his Jewish mother, as [**Exodus 34:19**] states: "All first issues of the womb are mine" and [**Numbers 18:15**] states: "And you shall surely redeem a firstborn man."

2 A woman is not obligated to redeem her son, for one who is obligated to redeem himself is obligated to redeem his son. If the father transgressed

and did not redeem his son, when he comes of age, he is obligated to redeem himself.

3 If it is necessary to redeem both the person himself and his son, he should redeem himself first and then his son. If he only has enough [money] for one redemption, he should redeem himself.

4 If [a father] had to redeem his son and the time arrived for him to make a festive pilgrimage [to Jerusalem] and he does not have the resources for both, he should redeem his son and then make the pilgrimage. [This is alluded to in **Exodus 34:20**:] which states: "You shall redeem all your firstborn sons" and afterwards [continues]: "Do not behold My countenance empty-handed."

5 A person who redeems his son should recite the blessing: "[Blessed are You...] who sanctified us with His commandments and commanded us concerning the redemption of a son." Afterwards, he recites the blessing *Shehechiyanu* and then gives [the money for] the redemption to the priest. If [a son] redeems himself, he should recite the blessing: "[Blessed... who commanded us] to redeem the firstborn" and he should recite the blessing *Shehechiyanu*.

6 This mitzvah is practiced in every place and at all times. For how much should the son be redeemed? Five *selaim*, as [**Numbers 18:16**] states: "And those to be redeemed: from one month you shall redeem [according to the valuation of five silver *shekalim*]." [The redemption may be paid] in silver or in articles worth silver, i.e., movable property that is of financial worth

like the *shekalim* are. Therefore one may not redeem [a firstborn] with landed property or with servants. Nor may promissory notes [be used], because they are not of inherent worth. If one redeemed a firstborn with these, he is not redeemed.

7 When a father writes to a priest that he is obligated to give him five *selaim*, the obligation takes effect, but the son is not redeemed. If he gives him a utensil that is not worth five *selaim* in the market, but the priest accepts it as if he was given five *selaim*, the son is redeemed. If he divides the five *selaim* among ten priests, whether at once or one after the other, he fulfils his obligation.

8 If the priest desires to return [what was given for] the redemption to [the father], he may. He should not, however, give it to him with the intent that he return it. If he did so, and [the priest] returned it, his son is not redeemed. [Instead,] he must give it to him with the resolution that he is giving him a present without any reservations. Afterwards, if the priest desires to return it, he may return it. Similarly, if he gives it to him as a present with the stipulation that it be returned, his son is redeemed.

9 The priests and the Levites are exempt from the redemption of their firstborn, as evident from a logical deduction: If they served as the redemption of the Israelites firstborn in the desert, certainly, they themselves are exempt.

10 An Israelite who is born to a woman of the priestly or Levite family is exempt, for this matter is not dependent on the father, but rather on the

mother, as [indicated by the phrase]: "the first issue of the womb in Israel."

11 When a woman of the Levite family was impregnated by a gentile, her son is exempt. If, however, a woman of the priestly family was impregnated by a gentile, her son is obligated, for his mother was disqualified from the priestly family because of relations with the gentile.

12 When a priest fathers a son who is a *challal* and the father dies within 30 days [of the son's birth], the son is obligated to redeem himself, because the father did not acquire the redemption. If [the father] dies after 30 days [have passed], the son is not obligated to redeem himself, because the father acquired the redemption.

13 If a maidservant was freed - or a gentile woman converted - while she was pregnant and then she gave birth, since he was born in holiness, [the child] is obligated [to redeem himself] even though he was not conceived in holiness, as [indicated by] the phrase: "the first issue of the womb in Israel." For this child is the first issue of a womb in Israel. If it is not known whether the woman gave birth before she converted or afterwards, [we follow the principle:] When one desires to expropriate property from a colleague, the burden of proof is on him.

14 When a gentile woman or a maidservant gave birth and then converted or was freed and then gave birth again, [the second child] is exempt, as [indicated by] the phrase "the first issue of the womb," and this is not [the woman's] first issue of the womb.

Similar concepts apply when a son is born after a *nefal*. Whenever the mother is ritually impure due to birth because of a *nefal*, a son born afterwards is not considered the first issue of the womb. Whenever a *nefal* does not cause the mother to be ritually impure due to birth, e.g., a woman who miscarries and the issue resembles a fish or a grasshopper, a woman who miscarries on the fortieth day [after conception], or the like, a son born afterwards is [under obligation] to the priesthood and must be redeemed.

15 When a fetus in a woman's womb was cut up and removed limb by limb, a son born afterwards is not considered to be "the first issue of her womb." When the head of a fetus that was carried for eight months emerged alive and then was withdrawn back to the womb where it died - or the head of a stillborn fetus that was carried for nine moths emerged and then was withdrawn - and afterwards the [twin] brother [of the fetus] emerged as [a viable] birth, the viable birth is not considered the first issue of the womb, for [all subsequent births] became exempt with the [emergence of] the head of the first [fetus]. As soon as its forehead emerged, it exempted those born afterwards.

16 When a baby is born by Caesarian section, both it and the next birth are exempt: the first because it did not emerge from the womb, and the second, because it was preceded by another birth.

17 When does the obligation for redemption take effect? When the baby completes 30 days of life, as [**Numbers 18:16**] states: "And those to be

redeemed should be redeemed from the age of a month." If the son died within the thirty days - even on the thirtieth day - or it became mortally ill, there is no obligation [to pay the priest] five *selaim*. If he gave the priest [the money for] the redemption beforehand, he should return it. If the baby died after its thirtieth day, the father is obligated to redeem him. If he did not give [the money to the priest], he should.

18 [The following rules apply when] one redeems his son within 30 days of his birth: If he tells [the priest]: "I am redeeming him at this time," his son is not redeemed. If he tells him that [the gift should take effect] after 30 days, his son is redeemed even if the coins no longer exist after 30 days.

19 If there is a doubt whether a son is obligated to be redeemed or not, he is exempt. [The rationale is that when] one desires to expropriate property from a colleague, the burden of proof is on him. If a father dies within 30 days [of his son's birth], we operate under the assumption that the son was not redeemed unless he brings proof from his father that he redeemed him before he died. If the father died after 30 days [following the son's birth], we operate under the assumption that he was redeemed unless he informed us that he was not redeemed.

20 When a person's wife has never given birth and she gives birth to a male and a female, but it is not known which emerged first, there is no obligation to give the priest anything.

If she gave birth to two males, even if it is not known which is the firstborn, [the father] must give five *selaim* to the priest. If one of them

dies within 30 days, [the father] is exempt, [based on the principle, when] one desires to expropriate property from a colleague, the burden of proof is on him]. If the father died - whether he died within 30 days of the birth of his sons or afterwards, whether the sons divided his estate or not - five *selaim* should be given from the estate to the priest, because an obligation was already established upon the estate.

21 [The following rules apply when a man has] two wives who have not yet given birth and they give birth to two sons and [the father] gives ten *selaim* to the priest [within 30 days of their birth]. If one dies within 30 days and he had given [the ten *selaim*] to one priest, he should return five *selaim* to him. If he gave the money to two priests, he cannot expropriate the money from them, since he did not specify which son he is redeeming and each can tell him: "Have my colleague refund you."

22 When a man has two wives who have not given birth yet and they give birth to a male and a female or two males and a female [and it is not known which mother gave birth to which child and which is the order of the children's births], he should give five *selaim* to a priest. [The rationale is that] it is impossible that among them there will not be one male who is the first issue of the womb.

23 [In the above situation, if the women] give birth to two females and a male or two males and two females and it is not known which was born first, the priest is not entitled to anything. For [with regard to each mother], it is possible to say a female was born first and then a male.

24 [When a man has] two wives, one who has already given birth and one who has not yet given birth, and they give birth to two sons who become mixed together, he must give five *selaim* to a priest. If one of the sons dies within thirty days, the father is exempt. If the father died, five *selaim* should be paid from his estate.

25 [In the above situation, if the two wives] gave birth to a male and a female or two males and a female, the priest is not entitled to anything. For it is possible to say that the woman who did not give birth yet gave birth to a female first and then a male and the one who had given birth already gave birth to a male.

26 When there are two men who have wives who had not yet given birth and they both gave birth to males and they became mixed together, each father must give five *selaim*.
[The following rules apply if] they both gave [that amount] within thirty days and then one of the sons died within that time. If they gave the money to two priests, they cannot expropriate it from them. If they both gave it to the same priest, one should write a document giving power of attorney to the other and then the one with power of attorney should expropriate five *selaim* from the priest.

27 [In the above situation, if the women] gave birth to a male and a female and they became mixed together, the fathers are exempt and the son is obligated to redeem himself. Similar [laws apply when] a woman who has not given birth previously does not wait after [being divorced from] her

[first] husband three months [before marrying] and gives birth [to a child, whose lineage is doubtful]. It is not known whether he is the first [husband's] son having been born after nine months or the last husband's son, having been born after seven. Both fathers are exempt and the son is obligated to redeem himself.

28 [In the above situation, if the women] gave birth to two females and a male or two females and two males, the priest is not entitled to anything.

29 [The following laws apply when] there are two wives of two men and one gave birth previously and one did not [and they gave birth and the infants became mixed together]. If they gave birth to two males, the father whose wife had not given birth previously must give five *selaim* to a priest. If they gave birth to a male and a female, the priest does not receive anything.

30 [In the above situation, if the women] gave birth to two males and a female, the man whose wife had not given birth previously should give five *selaim*. The rationale is that his exemption implies a compounded doubt. For if his wife gave birth to a male only, he is obligated. And if she gave birth to a male and a female, he is obligated unless she gave birth to the female first. Since the probability of this is distant, he should give the money for the redemption.

Chapter 12

1 It is a positive commandment for every Jewish man to redeem the first [male] issue of a donkey with a *seh*. If he does not desire to redeem it, it is

a mitzvah for him to behead it, as [**Exodus 13:13**] states: "The first issue of a donkey you shall redeem with a *seh*. If you do not redeem it, you shall decapitate it."

These two mitzvot apply in all places and at all times. The mitzvah of redemption takes precedence over the mitzvah of beheading [the donkey].

2 The *seh* with which it is redeemed is given to the priest, as [**Numbers 18:15**] states: "All first issues of the womb... and the firstborn of an impure animal you shall redeem."

3 The "impure animal" mentioned in the verse refers only to donkeys.

4 It is forbidden to benefit from the first issue of a donkey until it is redeemed. If it is sold before it is redeemed, the money received for it is forbidden. If it died before it was redeemed or it was decapitated, it should be buried, because it is forbidden to benefit from it even after its decapitation, since it was not redeemed. Therefore if he did not redeem it, but instead gave the first issue of the donkey itself to the priest, it is forbidden for the priest to benefit from it until he redeems it with a *seh* and takes the *seh* for himself or he decapitates it and buries it.

The priests are suspect regarding this matter. Hence, it is forbidden for an Israelite to give the first issue of a donkey to a priest unless the priest redeems it in his presence.

5 When a person set aside [a *seh*] for the redemption of a donkey and it died before he gave it to the priest, he is not liable to replace it. Instead, he should give the corpse to the priest to benefit from. If the first issue of the

donkey dies after it was redeemed, he should give the *seh* to the priest. It is permitted to benefit from [the donkey's corpse,] because it has been redeemed.

6 From when is he obligated to redeem [a firstling donkey]? From the time it was born until it reaches the age of 30 days. After 30 days, if he desires to decapitate it, he may [still do so]. If he desires to redeem it, he may. All that was involved was a delay in fulfilling the mitzvah.

7 If he does not desire to redeem [the firstling donkey], he should decapitate it with a butcher's hatchet from behind, as [**Exodus 13:13**] states: "If you do not redeem it, you should decapitate it." One may not kill it with a staff, a reed, an axe, or a saw, only with a hatchet. One may not place it in a room and lock the door until it dies, for [the verse] states: "And you shall decapitate it."

8 We may not redeem [a firstling donkey] with a calf, a wild beast, a slaughtered *seh*, nor an animal that is deathly ill, nor with a hybrid, nor with a *ko'i*, as [*ibid.*] states: "Redeem it with a *seh*." [The term] *seh* refers to a sheep or a goat that is alive.

9 One should not redeem [a firstling donkey] with a *seh* that resembles another species. If one redeems it in that manner, the redemption is effective. One may use a *ben pekua* for the redemption, but not a consecrated animal that was disqualified [and redeemed], for [**Deuteronomy 15:22**] equates such animals with "the deer and the hart." Just as a deer and a hart may not be used for this redemption, so too, a

consecrated animal that was disqualified may not be used.

10 One may redeem [a firstling donkey] with a *seh*, whether a male or female, whether blemished or unblemished, whether small or large.

11 When a *seh* was purchased with money that came from the sale of produce of the Sabbatical year, it should not be used to redeem a donkey that is definitely a firstling. It may, however, be used to redeem a donkey whose firstling status is questionable.

If [the owner of a firstling donkey] does not own a *seh* to redeem it, he may redeem it for its value, paying its worth to a priest. The Torah did not mention a *seh* to be stringent with him, but rather to be lenient with him, i.e., if he possessed a firstling donkey worth ten *selaim*, he could redeem it with a *seh* that is worth a *dinar*. [The rationale is that the redemption of the firstling donkey] should not be considered more stringent than [the redemption of] consecrated property which may be redeemed with its monetary value.

12 When does the above apply? When the value of the firstling donkey was three *zuzim* or more. If, however, its worth was less than three *zuzim*, it may be redeemed only with a *seh* or with three *zuzim*. A generous person should not give less than a *sela*, a parsimonious person should give half a *sela* and an average person, three *zuzim*.

13 When a person redeems a firstling donkey belonging to a colleague, the redemption is effective, but the donkey belongs to its owner.

14 Priests and Levites are exempt from the redemption of a firstling donkey, as [**Numbers 18:15**] states: "The firstborn of man and the firstborn of an impure animal you shall redeem." All of those who are obligated to redeem a firstborn human are obligated to redeem the firstborn of an impure animal. Those who are exempt from redeeming a firstborn human are exempt from redeeming the firstborn of an impure animal.

15 When a person purchases the fetus of a donkey belonging to a gentile or sells the fetus of his donkey to a gentile - although he is not allowed to do so - he is exempt from [redeeming] the firstborn. We do not penalize him for such an act.

If the gentile was a partner in the mother or the firstborn - even if he only owned a thousandth share - the animal is exempt. Should [the gentile own] only one limb or organ of the fetus or the mother - e.g., its forefoot or its hindfoot, even its ear, any limb or organ that if cut off would cause the animal to be disqualified as blemished - it is exempt from [the obligations of] a firstborn. If, however, the portion belonging to the gentile would be cut off, the animal would not be considered as blemished for the altar, he is obligated.

Similarly, one who receives a donkey from a gentile to care for on the condition that they divide the offspring or a gentile received [a donkey] from a Jew on that condition, they are exempt from [the obligations of] the firstborn, as [indicated by **Exodus 13:2**]: "The first issue of the womb within the children of Israel, in humans and in animals." [Implied is that] it must entirely belong to an Israelite.

16 When a convert converts and it is not known whether his donkey gave birth before he converted or afterwards, he is obligated to decapitate it or redeem it. If he redeems it with a *seh*, the *seh* belongs to the convert, [because we follow the principle]: When a person desires to expropriate property from a colleague, the burden of proof is upon him.

17 When a gentile separates a firstling donkey, he should be informed that he is not obligated [to redeem it]. It is permitted for him to use its shearings and to work with it.

18 When a cow gives birth to an offspring resembling a donkey or a donkey gives birth to an offspring resembling a horse, it is exempt. [This is derived as follows. Twice the Torah states:] "The first issue of a donkey you shall redeem with a *seh* and the first issue of a donkey...." By mentioning "the first issue of a donkey" twice, [the Torah] indicates that both the mother and the offspring must [resemble] donkeys. If such an offspring has some of the identifying marks of a donkey, there is an obligation to redeem it.

19 When a donkey had not given birth before and it gives birth to two males, [the owner] should give a lamb to a priest. If it gives birth to a male and a female [and it is not known which was born first], a lamb should be set aside to remove its holiness so that it will be permitted to benefit from it, for perhaps the male was born first.

The lamb that is set aside belongs to the owner and not to the priest. [We follow the principle]: When a person desires to expropriate property from

a colleague, the burden of proof is upon him.

20 When two donkeys that have not given birth yet give birth to two males, [the owner] should give two lambs to a priest. [If they give birth to] a male and a female or two males and a female, he should give one lamb to the priest.

21 [If these donkeys] gave birth to two females and a male or [even] two males and two females, the priest does not receive anything. Moreover, [the owner] need not [even] set aside a lamb that he can keep for himself. [The rationale is that] there are many doubts involved: Maybe one gave birth to a male and the other gave birth to two females. Or perhaps one gave birth to a female and the other to a male and then a female or a female and afterwards a male. Similarly, there are many doubts when two males and two females were born.

If there were two donkeys - one had given birth previously and one had not - and they gave birth to two males and they became intermingled, [the owner] should give one lamb to the priest. If they gave birth to a male and a female, he should separate a lamb for himself and he need not give it to the priest, because its status is doubtful. [Hence, we follow the principle]: When a person desires to expropriate property from a colleague, the burden of proof is upon him.

22 Similarly, when a person purchases a donkey from a gentile and it gives birth to a male, but it is not known whether it gave birth previously or not, he should redeem it with a *seh* - which he may keep - because its

status is doubtful.

23 When a person possesses ten lambs - each of them having been separated because of a first issue of a donkey of a doubtful status - they are considered as ordinary property in every context. They should be tithed like other animals. One of them should be separated as the tithes and the others remain his property, as they were previously.

24 When an Israelite possesses at home ten donkeys whose status as firstlings is definite which he inherited from his maternal grandfather who was a priest who in turn inherited them from his maternal grandfather who was an Israelite, he should separate ten *se'in* for them. They, however, [may be kept] as his own and, hence, he is obligated to tithe them.

Mishneh Torah, Sabbatical Year and the Jubilee

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to rest from performing agricultural work or work with trees in the Sabbatical year, as [**Leviticus 25:2**] states: "And the land will rest like a Sabbath unto God" and [**Exodus 34:21**] states: "You shall rest with regard to plowing and harvesting."

When a person performs any labor upon the land or with trees during this year, he nullifies the observance of this positive commandment and violates a negative commandment, as [**Leviticus 25:4**] states: "Do not sow your field and do not trim your vineyard."

2 According to Scriptural Law, a person is not liable for lashes except for [the following labors] sowing, trimming, harvesting [grain], and harvesting fruit - both from vineyards and from other trees.

3 Trimming is considered in the category of sowing. And harvesting fruit is considered in the category of harvesting grain. If so, why did the Torah single them out? To teach that one is liable [for lashes] for performing these two derivatives alone. For the other derivatives that involve working the land and the other major categories of labor that were not mentioned explicitly [by the Torah] in this context, one is not liable for lashes. He is, however, given stripes for rebellious conduct.

4 What is implied? When a person digs or plows for the sake of the land,

removes stones, fertilizes the land, or performs another similar type of work on the land or extends, grafts, plants, or performs other similar types of work with trees, he is given stripes for rebellious conduct.

5 We do not plant even non-fruit-bearing trees in the Sabbatical year. Nor may one cut an abnormal outgrowth from a tree, remove dried leaves and branches, apply dust to the top of a tree, or smoke a tree so that worms [that infest it] die. [Similarly,] one should not apply a foul-smelly potion to plants so that birds will not eat them when they are soft. One should not apply oil to unripened fruit, nor should one perforate them. One should not bind plants, nor trim them, nor prepare a support for a tree or perform any other work with trees. If one performs any of these labors in the Sabbatical year, he is given stripes for rebellious conduct.

6 One may not light a fire in an overgrowth of reeds, because this is considered as working the land. We train a cow to plow only in sand. We do not test [the viability of] seeds in a flowerpot full of earth, but we may test them in a flowerpot full of dung. One may soak seeds in the Sabbatical year in order to plant them in the following year. We maintain aloe plants on top of the roof, but we do not water them.

7 We may apply red paint to a tree and we may load it with stones. We may hoe under vines and under olive trees. If [these activities are intended] to make the trees flourish, they are forbidden. If they are intended to close their cracks, it is permitted.

8 We may irrigate a *beit hashilechin*, i.e., a field that is sown [with grain]

that is very arid, in the Sabbatical year. Similarly, we may cause water to flow from one tree to another in an orchard if there were ten trees dispersed in an area larger than that necessary to sow a *se'ah* [of grain]. One should not, however, irrigate the entire orchard. If they are closer to each other than that, one may irrigate the entire orchard for them.
Similarly, [when trees grow in] a field where they are planted distant from each other, we can sprinkle the earth with water for the sake of the trees that they will not be ruined.

9 One may dig a pit at the roots of a grapevine [to collect water]. One may make an irrigation ditch at the outset and one may fill the water reservoirs with water.

10 Why were all these activities allowed? For if he will not irrigate [the field], the land will become parched and all the trees in it will die. Since the prohibition against these activities and the like is Rabbinic in origin, they did not impose their decrees in these instances. For according to Scriptural Law, a prohibition applies only to the two primary categories and their two derivatives, as explained.

11 When the number of those who impose their desires by force increased and the gentile kings required the Jews to supply food for their soldiers, [the Sages] permitted [the people] to sow only those crops that are necessary for the servants of the king alone. Similarly, if a person of force compelled someone to perform labor in the Sabbatical year without pay, for the service of the king or the like, he may do so.

12 When a person plants [crops] during the Sabbatical year whether in inadvertent or willful violation, he should uproot them, because the Jews are suspect with regard to [the prohibitions of the] Sabbatical year. If we would allow a person who [sowed] inadvertently to keep the crops, a person who [sowed] intentionally would say: "I did so inadvertently."

13 When one plows his field, breaks its ground, or fertilizes itin the Sabbatical year so that it will be better to sow in the following year, we penalize him and [prohibit] him from sowing it in the following year. He may not hire it out to others. Instead, he must leave it fallow. If he dies, however, his son may sow it.

14 When a person removes thorns from his field in the Sabbatical year to improve it for the following year or removes stones from it, even though he is forbidden to do so, we do not penalize him. He is permitted to sow it in the following year.

15 [The following laws apply when a person] buries turnips, radishes, and the like in the Sabbatical year. If some of their leaves were revealed, he need not be concerned. If not, it is forbidden. When someone buries wild onions or the like, he should place at least four *kabbim* in the height of a handbreadth and place a handbreadth of earth above them. He should bury them in a place where people walk so that they will not grow.
It is permitted to rip off the protruding stalks of rice in the Sabbatical year, but one should not cut them off.

16 At the outset, [the Rabbis] would say: A person may gather wood, stones,

and grass from his field, provided he takes the larger ones alone, so that his intent is not to clear the land, but from his colleague's field, he may take small and larger pieces. When there was an increase in the number of transgressors, i.e., people who intended to clear their fields, but would excuse themselves, saying: "We are only taking the larger pieces," they forbade a person from gathering wood and stones from his own field, [permitting this] only from a colleague's field. Even then, [the leniency was granted] only when he does not do so in order that he exchange the favor, i.e., he does not tell his colleague: "See how much of a favor I did for you, for I have cleared your field."

17 When a person's animal is standing in his field, he may gather [all types of grasses] and bring them to it, for [the presence of] his animal indicates his [intent]. Similarly, if his cooking range is located there, he may gather everything and kindle it, for [the presence of] his range indicates his [intent].

18 If a person cuts down a tree or two to use as wood, he may dig out their roots. If he cuts down three or more next to each other, he should not dig out their roots, because then he is improving his land. Instead, he should cut off the portion above the earth and leave the roots in the ground.
When does the above apply? In one's own field. In one's colleague's field, by contrast, it is permitted to dig out the roots.

19 When a person is chopping [branches from] an olive tree for wood, he should not cover the place [where the branches grew] with earth, because

this involves performing work [with the tree]. He may, however, cover it with stones or with straw.

20 One who trims the ends of branches of vines and cuts down reeds, may cut them in his ordinary pattern with a hatchet, a sickle, or a saw, or with any other utensil he desires.

21 One should not chop wood from a wild fig tree from which wood has never been cut before in the same way as one cuts wood from it in other years, because trimming a tree is [one of the forbidden] tasks involved with trees, for through trimming the tree, it will grow and increase. If he needs its wood, he should trim it in an unusual manner.

22 How should he trim it? [He should cut either] the branches close to the ground or those higher than ten handbreadths.
When a tree is split, it can be tied together in the Sabbatical year. [The intent is not that] it will mend, but that [the split] will not increase.

Chapter 2

1 A person should not remove waste materials from his courtyard and place them in his field in the Sabbatical year, because it appears that he is fertilizing his field so that it will be improved for him to sow it. If he did remove them, but made a waste heap, it is permitted.
He should not make a waste heap in his field until the time when it is common to fertilize the fields as is done when tilling the land passes, i.e., when the bitter [apples] become [very dried out and] knotted. He should

not make a waste heap that contains less than 150 *se'ah* of waste, so that it will be obvious that it is a waste heap. If he wishes to add to it, he may. If he has a small amount [of waste matter placed in his field before the beginning of the Sabbatical year], he can continue to increase it [throughout the Sabbatical year]. One should not make more than three waste heaps in an area large enough to sow a *se'ah* of grain.

2 When a person desires to make waste heaps throughout his entire field, three in each area large enough to sow a *se'ah*, he may. If he desires to combine his waste into one large waste heap, he may.

3 When a person would place waste on a rock, dug out three handbreadths of the earth and then made a heap of waste, or built [a platform] three handbreadths high above the earth and placed the waste upon them, there is no required measure. Even if he made several waste heaps in an area large enough to sow a *se'ah* of grain, it is permitted. [The rationale is] it is obvious that his intent is not to improve the land, but rather to collect his waste.

4 A person is permitted to remove waste from a corral of sheep and place it in his field as [is permitted to] all those who collect waste.

When a person makes a corral in his field in the Sabbatical year, he should not make it larger than an area it takes to sow two *se'ah*. [When it is that size,] he may bring his sheep into it. When they have fertilized the entire corral, he may leave one wall of the corral and make another corral on its side, [and then bring his sheep there]. In this manner, he can fertilize a

portion of his field large enough to sow four *se'ah*.

5 If, however, his entire field was only large enough to sow four *se'ah*, he should leave a portion [unfertilized], because of the impression that might be created. [In this way,] everyone will know that the sheep deposited their wastes there and fertilized it and they will not say that the person fertilized his entire field in the Sabbatical year.

6 A person should not open a quarry in his field at the outset in the Sabbatical year, lest it be said that he intended to improve his field by removing the rocks from it. If he began before the Sabbatical year and quarried from it 27 blocks - each block being one cubit by one cubit and one cubit high or larger - from a group of stones that were three cubits by three cubits and three cubits high, it is permitted to extract from it all one desires during the Sabbatical year.

7 [The following rules apply when there is] a stone wall that is ten handbreadths or more high and one desired to remove all the stones. If it contained ten or more stones, each one at least [large enough to require] two people to carry it, he may take them, for an observer will know that he is taking them because he needs the stones. If the wall was less than ten handbreadths high, there were less than ten stones or the stones were smaller [and did not require] two people to carry it, he may take them, but must leave [a row] a handbreadth high above the ground.

8 When does the above apply? When he intends to improve his field or he began to remove the stones in the Sabbatical year. If, however, he did not

intend to improve his field or began removing them before the Sabbatical year, he may take everything he desires during the Sabbatical year, clearing away [the stones] until he reaches the earth. Similarly, if he was removing the stones from a colleague's field, even though he was a contractor, he may clear them away until he reaches the earth.

9 [The following rules apply when, in a field, there are] stones that would be dislocated by a plow or which were covered [by earth] and then uncovered. If there are two stones that are each large enough to require two people to carry them, it is permitted to remove them. If they are smaller than this, he should not take them.

10 When a person removes stones from his field because he needs the stones [for construction], he should remove the upper ones and leave those in contact with the earth. Similarly, if he has a pile of pebbles or of stones in his field, he should take the upper one's and leave those in contact with the earth. If there is a large rock or straw beneath them, he may take all of them.

11 A person should not fill a groove in the ground with earth or level it with earth, because he is improving his land. He may, however, make a divider before the groove, [separating it from the remainder of his field]. He may take any stone [in the groove] that he can pick up if he stretches out his hand while he is standing at the edge of the groove.

12 It is permitted to bring stones carried on one's shoulder - i.e., two or three are carried on one's shoulder at a time - from any place, whether from a

colleague's field or from one's own field. Similarly, a contractor may bring stones, even small ones, from any place whether from the field he hired or from a field that he did not hire.

13 [The following laws apply when there is] an open space [in a wall separating one's property from the public domain] that was filled with earth. If its [stones] do not create an obstacle block for people in the public domain, it is forbidden to rebuild it. If they create a stumbling block for people or it was not filled with earth, but instead open to the public domain, it is permitted to rebuild it.

14 It is forbidden for a person to build a wall between his field and his colleague's field in the Sabbatical year. He may, however, build a wall between his field and the public domain. [When he builds the wall,] he is permitted to dig deeply until he reaches a stone. He may remove the earth and gather it in his field in the same manner as waste is gathered. Similarly, if a person dug out a cistern, a trench, or a storage cavity in the Sabbatical year, he may gather the earth in the same manner as all those who dig.

Chapter 3

1 It is a *halachah* conveyed to Moses at Sinai that it is forbidden to work the land in the last 30 days of the sixth year, just before the Sabbatical year, because one is preparing for the Sabbatical year. This concept - i.e., the prohibition [to work the land] established by tradition - applies in the era

of the Temple [alone]. Our Sages [extended that prohibition], decreeing that one should not plow an orchard in the year preceding the Sabbatical year in the era of the Temple after Shavuot, nor a field of grain after Pesach. In the era where the Temple does not stand, we are permitted to perform agricultural work until Rosh HaShanah, as [permitted by] Scriptural Law.

2 What is meant by an orchard? Any place where there are three trees in an area large enough to sow a *se'ah* of grain. Whether these are fruit-bearing trees or not and even when they belong to three different people, we consider them as if they were fig trees. If they were fit to produce a mass of dried figs of a weight of 60 *maneh*, we may plow the entire field because of them. [This applies] provided there is sufficient distance between them that cattle can pass through together with their implements.

3 [Different laws apply] if there were less than three trees in an area fit to sow a *se'ah* or there were three, but [only] one was fit to produce 60 *maneh* or more and the other two were not fit to produce [a significant amount] or there were two fit to produce even 100 *maneh* and one is not fit to produce [a significant amount]. We may plow only the portion of the field necessary for [these trees], i.e., [an area whose radius is the space in which could stand] a person picking figs together with his basket.

4 If there were between three and nine trees and they were fit to produce 60 *maneh*, we may plow the entire field for their sake, even though there are

some trees that are not fit to produce [a significant quantity of] fruit.

5 When there are ten or more trees in an area fit to sow a *se'ah*, whether they are fit to produce [the above quantity of fruit] or not, we may plow the entire area for their sake [until Shavuot]. If there were ten plantings spread out in an area fit to sow a *se'ah*, we may plow the entire area for their sake until Rosh HaShanah. This is a *halachah* conveyed to Moses at Sinai.

6 If [the plantings] were planted in a row or in a semi-circle, we may only plow what is necessary for each of their needs. If there are squash plants together with the plantings, they can be counted in the sum of ten [plantings].

7 What is meant by a planting? A sapling for as long as it is called a planting.

8 [The following rules apply when] a tree was cut off and a new tree grew from its stump. If it was cut off a handbreadth or more above the ground, it is considered as a tree. If it was cut off lower than a handbreadth, it is considered as a planting.

9 All of the above applies in the era of the Temple, as we stated. In the present era, by contrast, we are permitted to work the land until Rosh HaShanah. [Moreover,] even in the era of the Temple, it is permitted to remove stones from fields and fertilize them and to hoe in zucchini and squash gardens and in parched land until Rosh HaShanah. Similarly, one

may fertilize saplings, remove dried leaves and branches from them, apply dust to them, smoke under them, rip off stalks, trim their far-spreading branches, and apply foul-smelling matter to them. We may wrap their branches, trim them, make shelters around them, place water upon them, apply oil to the unripened fruit and perforate them. All of these tasks are permitted in the year preceding the Sabbatical year until Rosh HaShanah of the Sabbatical year even in the era of the Temple.

10 When unripened fruit from the sixth year enter the Sabbatical year or such fruit from the Sabbatical year enter the eighth year, we may not apply oil to them or perforate them. In the era of the Temple, one may not build steps at the entrance to valleys in the sixth year after the rains cease, because he is preparing for the seventh year.

11 Even in the present age, we may not plant trees, graft trees, or extend vines in the sixth year unless there is time for the planting to become rooted and remain after taking root thirty days before Rosh HaShanah of the Sabbatical year. Usually, it takes two weeks [for a plant] to take root. This is forbidden at all times, because of the impression that might be created, lest an observer think that they were planted in the Sabbatical year. Thus if a person planted, grafted, or extended [a tree or vine] in the sixth year, 44 days before Rosh HaShanah, he is allowed to maintain it. If he did so for a lesser time, he must uproot it. If he did not uproot it, however, the fruit it produces is permitted. If he dies before he uprooted it, we obligate the heir to uproot it.

Chapter 4

1 All produce that grows from the earth in the Sabbatical year: whether it grew from seeds that fell into the earth before the Sabbatical year, it grew from roots whose plants were harvested previously, but nevertheless grew again - in both instances [such produce] is referred to with the term *safiach* - or grasses and vegetables that grew on their own accord [in the Sabbatical year], is permitted to be eaten according to Scriptural Law, as [**Leviticus 25:6**] states: "And [the produce that grows] while the land is resting shall be yours to eat." Even when a field was plowed thoroughly in the Sabbatical year, and produce grew in it, that produce is permitted to be eaten. The statement [*ibid.*:] "Do not reap the aftergrowth of your harvest" means that one should not reap it in the same manner as one does every year. If one reaps it according to the ordinary manner, he is worthy of lashes. For example, he harvested the entire field, set up a grain heap, and threshed it with cattle or harvested it for the sake of tilling the land as we explained. Instead, he should reap it little by little, beat it, and partake of it.

2 According to Rabbinic decree, all the *sifichim* are forbidden to be eaten. Why was a decree established concerning them? Because of the transgressors, so that they could not go and sow grain, beans, and garden vegetables in one's field discretely and when they grow, partake of them, saying that they are *sifichim*. Therefore the Sages prohibited all the *sifichim* that grow in the Sabbatical year.

3 Thus we have learned that the only produce of the Sabbatical year of which one may partake are fruit from trees and herbs that are not sown by most people, e.g., rue, amaranth, and the like. With regard to vegetables that most people sow in their gardens and species of grains and beans, by contrast, anything that grows from these species is forbidden according to Rabbinic decree. One who gathers them is liable for stripes for rebellious conduct.

4 When *sifichim* grow in an underdeveloped field, a field that was plowed, a vineyard, and a field where crops had been sown, they are permitted to be eaten.

Why was the above decree not applied to these places? Because a person will not sow these fields. [He will not sow] an underdeveloped field, because no one pays attention to it. When a field has been plowed, [the owner] desires that it remain lying fallow. With regard to a vineyard, no person will cause his vineyard to become forbidden. And when a field has been sown, the aftergrowth will spoil it. Similarly, straw that grows in the Sabbatical year is permitted in all places; no decree was issued against its use.

5 When *sifichin* from the Sabbatical year enter the following year, they are forbidden to be eaten. We may not uproot them by hand. Instead, one should plow [the land] in its ordinary fashion or [let] an animal pasture in its ordinary fashion.

6 Until when are the *sifichin* of the Sabbatical year forbidden in the eighth

year? From Rosh HaShanah until Chanukah. From Chanukah and onward, they are permitted. When a person sows the *sifichin* of the Sabbatical year after the Sabbatical year, the produce that grows from this is permitted.

7 When onions of the Sabbatical year enter the eighth year, they are permitted when there is enough time for produce of that size to have grown [in the eighth year]. If not, they are forbidden.
Similar concepts apply with regard to other produce. They should not be purchased in the eighth year until produce of that size could have grown in the eighth year. When, in the eighth year, the produce which grows rapidly reaches [the size of the produce which grew in the Sabbatical year], the prohibition is lifted from the produce that remains. It is permitted to purchase garden vegetables in the eighth year immediately.

8 When is a person permitted to purchase wild onions in the eighth year? When the new produce exceeds [the old].

9 The first of Tishrei is Rosh HaShanah with regard to the Sabbatical and Jubilee years. [The following rules apply with regard to] produce of the sixth year that enters the Sabbatical year. Grain, legumes, or fruit that reached the stage when tithes are required to be separated before Rosh HaShanah [of the Sabbatical year] are permitted [to be reaped]. Even though they are gathered in the Sabbatical year, they are considered like produce of the sixth year in all regards. If they did not reach the stage when tithes are required to be separated until after Rosh HaShanah, they

are considered as produce of the Sabbatical year.

10 Grain and legumes are forbidden to be eaten as *sifichin* and the fruit of trees must be eaten with consideration for the holiness of the Sabbatical year.

11 When rice, millet, poppy seeds, sesame seeds, and Egyptian beans are sown to produce seed, [the ruling depends on] when the produce completes its growth. If its growth is completed before Rosh HaShanah, these [seeds] are permitted [to be harvested] in the Sabbatical year like the produce of the sixth year. If their growth is completed after Rosh HaShanah, even though [the plants] took root before Rosh HaShanah, they are forbidden as *sifichin*.

12 [The ruling regarding] vegetables [depends] on the time they were harvested.

With regard to an esrog, even if it was the size of a bean before Rosh HaShanah [of the Sabbatical year] and grew to the size of a loaf of bread in the Sabbatical year, it is obligated to be tithed like the produce of the sixth year. [Conversely,] even if it had reached the size of a loaf of bread in the sixth year, since it was reaped in the Sabbatical year, it is considered as the produce of the Sabbatical year. As a stringency, the tithes are separated like the produce of the sixth year.

13 Similarly, when the produce of the Sabbatical year is reaped in the eighth year: With regard to grain, legumes, and the fruit of the trees, [the ruling depends on when the produce reached] the stage when tithes are required

to be separated. When rice, millet, poppy seeds, sesame seeds, and Egyptian beans are sown to produce seed, [the ruling depends on] when the produce completes its growth. [The ruling regarding] vegetables [depends] on the time they were harvested.

14 When one sowed Egyptian beans for seed in the sixth year and the produce was completed before Rosh HaShanah of the Sabbatical year, both its vegetables and its seed are permitted in the Sabbatical year. If one sowed it to use as a vegetable and it entered the Sabbatical year, both its vegetables and its seed are forbidden like the *sifichin* of the Sabbatical year. Similarly, if he sowed it both for its seed and to use as a vegetable, it is forbidden.

15 [The following rules apply if] one transgressed and sowed [such beans] in the Sabbatical year, [their growth was completed in the Sabbatical year,] but they remained [in the ground] until the eighth year: If they were sown for seed, both the seed and the vegetables are forbidden in the eighth year like other *sifichin*. If one sowed it to use as a vegetable, since it was harvested in the eighth year, both its vegetables and its seed are permitted. If he sowed it both for its seed and to use as a vegetable, its seed is forbidden as *sifichin* and its vegetables are permitted.

16 Since white figs take three years before their growth is completed, if they reach the stage when tithes are required to be separated before Rosh HaShanah of the eighth year, they should be eaten in the second year of the seven year cycle according to the restrictions governing fruit of the

Sabbatical year.

17 Onions that will not produce scallions and Egyptian beans from which water was withheld for 30 days before Rosh HaShanah and onions that do produce scallions from which water was withheld for three irrigation periods before Rosh HaShanah are considered as the produce of the sixth year. If water was withheld from them for a shorter period, they are considered as *sefichin* from the Sabbatical year.

18 [The following laws apply with regard to] gourd plants which were maintained [in the ground] to produce seed. If they became hard before Rosh HaShanah and thus were unfit for human consumption, it is permitted to maintain them in the Sabbatical year, for they are from the produce of the sixth year. If not, they are considered as *sefichin* from the Sabbatical year.

Similar [laws apply with regard to] vegetables. Any ones that become hard before Rosh HaShanah are permitted to be maintained in the Sabbatical year. If they were soft, it is forbidden to maintain them, as [is the law regarding] *sefichin*.

We do not require a person to uproot wild onions. Instead, we allow him to leave them in the ground as they are. If they grow in the eighth year, they are permitted. Similarly, we do not require him to uproot an artichoke plant. All that is necessary is to cut off its leaves. If it grows again in the eighth year, it is permitted.

19 Wild onions [grown] in the sixth year, summer onions, and madder which

completed their growth before the Sabbatical year may be uprooted in the Sabbatical year with metal hatchets. This is not considered as tilling the land.

20 When, in the Sabbatical year, rain descended upon onions and they sprouted leaves, the leaves are permitted as long as they are light green. If they have turned dark, it is considered as if the plants were planted in the earth and those leaves are forbidden as *sefichin*. In both situations, the onions themselves remain permitted.

21 When an onion was uprooted in the Sabbatical year and replanted in the eighth year and its growth exceeded its original size, the additional growth elevates the original mass and the entire [onion] is permitted. [The rationale is that] since the prohibition of the Sabbatical year comes about via the earth, it can be removed via the earth.

22 Fruits produced by a tree in the Sabbatical year should not be reaped in the same manner as they are reaped every year, as [**Leviticus 25:5**] states: "The grapes you had designated you shall not gather." One who reaps grapes to improve the vine or in the ordinary manner of reaping is liable for lashes.

23 How should one conduct himself? Figs of the Sabbatical year should not be set out to dry in the place where they are usually set out to dry. They can, however, be left to dry in a ruin. We may not crush grapes in a vat, but they may be crushed in a kneading trough. Olives should not be crushed in a press, but they may be squeezed and placed in a very small

press. One may grind them in the oil press and place them in a small press. Similarly, with regard to other matters, [the fundamental rule is]: One should deviate from the norm in whatever way possible.

24 It is a positive commandment to divest oneself from everything that the land produces in the Sabbatical year, as [**Exodus 23:11**] states: "In the seventh [year], you shall leave it untended and unharvested."
Anyone who locks his vineyard or fences off his field in the Sabbatical year has nullified a positive commandment. This also holds true if he gathered all his produce into his home. Instead, he should leave everything ownerless. Thus everyone has equal rights in every place, as [*ibid.*] states: "And the poor of your people shall partake of it." One may bring a small amount into one's home, just as one brings from ownerless property, e.g., five jugs of oil, fifteen jugs of wine. If he takes more than that, it is permitted.

25 [The laws of] the Sabbatical year are observed only in *Eretz Yisrael* alone, as [**Leviticus 25:2**] states: "When you will come to the land...." It is observed while the Temple is standing and when the Temple is not standing.

26 In the entire area taken possession of by the Jews who ascended from Babylonia until Kziv, it is forbidden to work the land and the *sifichin* that grow there are forbidden to be eaten. In the entire area that was taken possession of only by the Jews that ascended from Egypt, i.e., from Kziv to the River [of Egypt] and to the Umanum Mountains, even though it is

forbidden to till [the land] in the Sabbatical year, the *sifichin* that grow there are permitted to be eaten. From the River [of Egypt] and from the Umanum Mountains [onward], one may till [the land] in the Sabbatical year.

27 Although the Sabbatical year is not observed in Syria according to Scriptural Law, [our Sages] decreed that it would be forbidden to till it in the Sabbatical year like *Eretz Yisrael*, so that [the Jewish people] would not abandon *Eretz Yisrael* and go and settle permanently there. In Ammon, Moab, Egypt, and Babylonia, by contrast, though the tithes must be separated according to Rabbinic Law, the Sabbatical year is not observed.

28 The Sabbatical year is observed in Transjordan by Rabbinic decree. The *sifichin* of Syria and Transjordan are permitted to be eaten. [The restrictions in] these lands need not be more stringent than those in [the portions of] *Eretz Yisrael* that were inhabited by the people ascending from Egypt.

29 When a gentile purchases land in *Eretz Yisrael* and sows it in the Sabbatical year, the produce is permitted. For our Sages decreed that *sifichin* should be forbidden only as a safeguard against transgressors and the gentiles are not commanded to observe the Sabbatical year. Thus there is no need to institute a safeguard for them.

30 In the cities of *Eretz Yisrael* that are close to the border, we appoint a trustworthy watchman so that the gentiles will not spread [through the land] and take the produce of the Sabbatical year.

Chapter 5

1 The produce of the Sabbatical year is designated for the sake of eating, drinking, smearing oneself [with oil], kindling lamps, and dyeing. According to the Oral Tradition, we learned that the word *tihiyeh* implies that it may be used even for kindling lamps, and dyeing.

2 What is meant by [the license to use the produce of the Sabbatical year] for eating and drinking? One should eat those foods that are normally eaten and drink the beverages that are normally drunken, as is the law with regard to *terumah* and the second tithe.

3 He should not change the natural function of produce as he does not with regard to *terumah* and the second tithe, i.e., something that is normally eaten raw should not be eaten cooked. Something that is normally eaten cooked should not be eaten raw. For this reason, animal fodder should not be cooked, nor should one press himself to eat a cooked dish that has spoiled or bread that has become moldy, as he does not eat such foods that are *terumah* or the second tithe.

4 We do not cook vegetables from the Sabbatical year in oil that is *terumah* lest it disqualify it. If one cooked a little and ate it immediately, it is permitted, because he did not leave it aside so that it become disqualified.

5 Produce that is set aside for human consumption should not be fed to domesticated animals, beasts, and fowl. If an animal went under a fig tree under its own initiative and began eating the fruit, we do not require [the

owner] to bring it back, for [**Leviticus 25:7**] states: "And for the animal and the beast in your land shall be all the produce to eat."

6 What is meant by [the license to] smear oneself [with produce from the Sabbatical year]? One may smear oneself with produce with which it is common to smear oneself. He should not smear wine or vinegar, but he may smear oil. We do not place fragrant herbs in oil, nor should one apply oil in a bathhouse. He may, however, apply oil outside and then enter.

7 Oil from the Sabbatical year should not be used to seal an oven or a range, nor should it be applied to a shoe or a sandal. One should not apply [such oil] with impure hands. If the oil fell on his flesh, he may rub it in with impure hands. One should not apply [such] oil to his foot while it is in a shoe, He may, however, smear [such oil] on his foot and put on a shoe or smear his entire body and then roll on a new [leather] mat.

8 What is meant by [the license to] kindle a lamp [with produce from the Sabbatical year]? One may kindle a lamp with oil from the Sabbatical year itself. If one sold [oil from the Sabbatical year] and used the proceeds to purchase other oil or exchanged [oil from the Sabbatical year] for other oil, they are both forbidden to be used for kindling, for we may not use money received in return for the produce of the Sabbatical year for kindling.

One should not place oil directly into a fire. Instead, one should light it in a lamp.

9 What is meant by [the license to use produce from the Sabbatical year] for dyeing? Produce which is ordinarily used as dye even though it is also used as food for people may be used as dye for man's sake. We may not, however, use the produce of the Sabbatical year - even animal fodder - as dye for the sake of an animal. For the holiness of the Sabbatical year does not rest on dye for animals.

10 The holiness of the Sabbatical year falls on [natural] detergents - e.g., *borit* and *ehel*, - and we may launder with them, as [**Leviticus 25:6**] states: "And [the produce that grows] while the land is resting shall be yours," i.e., for all your needs. Nevertheless, the fruit of the Sabbatical year should not be used as a detergent, nor should it be used to produce a compress, for [the above verse] states: "...shall be yours to eat," i.e., and not for a compress, nor to sprinkle, induce regurgitation, soak flax, or use as a detergent.

11 A great principle was stated with regard to the produce of the Sabbatical year: Whatever is distinguished as being for human consumption, e.g., wheat, figs, grapes, and the like, should not be used as a compress or a bandage, even for a person, as implied by the phrase: "yours to eat," i.e., whatever is distinguished as being for you, should be used as food and not for medicinal purposes. Anything that is not distinguished as being for human consumption, e.g., soft thorns and brambles, may be used as a compress for a person, but not for an animal.

If it is not distinguished as being for either of the above purposes - e.g., *za'ater*, oregano, and thyme, [the ruling depends] on the person's intent. If he thought to use it as kindling wood, it is considered as kindling wood.

If he intended that it be used as food [for humans], it is considered as produce.

If it is distinguished as being for both of the above purposes, we treat it with both the stringencies incumbent on food for humans - and compresses are not made with it - and those incumbent on animal fodder - that they may not be cooked.

12 It is permitted to sell food for humans and animal fodder and use the proceeds to purchase food for humans. We may not, however, sell animal fodder to purchase other animal fodder. Needless to say, we may not sell food for humans to purchase animal fodder. If [animal fodder] was purchased with [such produce] or food for humans was exchanged for animal fodder, [the animal fodder] is considered like food for humans and it may not be used to make a compress for a person.

13 The produce of the Sabbatical year may not be transported from *Eretz Yisrael* to the Diaspora, not even to Syria. It cannot be fed to a gentile, nor to a hired worker. If he was hired for an entire week, an entire year, or an entire month or an agreement regarding his food was established, he is considered as a member of one's household and he may be fed [the produce of the Sabbatical year]. We may feed a guest the produce of the Sabbatical year.

14 The court does not allot produce of the Sabbatical year to a woman, because this is considered as paying a debt with the produce of the Sabbatical year. She may, however, take her livelihood from [produce of

the Sabbatical year] in her husband's possession.

15 We do not harvest the produce of the Sabbatical year when it is not yet ripe. [This is derived from **Leviticus 25:12** which states:] "And you shall partake of its produce," [implying that the fruits] may not be eaten until they are considered as produce. One may, however, partake of a small amount of them in the field while they are underdeveloped, as one partakes [of such produce] in other years. One should not bring the produce into one's home until it reaches the stage when the obligation to separate tithes takes effect.

16 From when is it permitted to partake of the fruit of trees in the field in the Sabbatical year? With regard to underdeveloped figs, when their surface will become shiny, he may eat his bread with them in the field. The same applies in all analogous situations With regard to underdeveloped grapes, when sap flows in them, they may be eaten in the fields. Similar laws apply in all analogous situations.

With regard to olives, when a *se'ah* of olives would produce a *revi'it* of a *log* of oil, one may break them open and eat them in the fields. [If such an amount of olives] would produce half a *log* [of oil], one may crush them and smear oneself in the field. [If they reach the stage where they] produce one third [of the amount they ordinarily produce], it is permitted to bring them to his home, because they have reached a third of their growth.

17 It is permitted to cut down trees for their wood in the Sabbatical year, before they produce fruit. Once they have begun to produce fruit,

however, they should not be cut down, for doing so spoils [the fruit], and [the fruit of the Sabbatical year is granted] "to eat," and not to spoil. If it produced fruit and they reached the stage at which an obligation to separate tithes exists, it is permitted to cut them down, for it has already produced its fruit and the laws of the Sabbatical year no longer apply to it.

18 From when is it forbidden to cut down a tree in the Sabbatical year? For carobs, when a chain of carobs will be formed. For grapes, when the fruit produces seeds. For olives, when they bud. For all other fruit trees, when they produce underdeveloped fruit.
It is forbidden to cut off underdeveloped clusters of dates in the Sabbatical year, because one is spoiling the fruit. If these clusters will not produce dates, merely buds, it is permitted to cut off those clusters.

19 We may not use hay and straw of the Sabbatical year for kindling, because it is fit for animal fodder. We may, however, use the wastes of olives and grapes of the Sabbatical year for fuel.

20 When a bathhouse has been heated with hay and straw of the Sabbatical year, it is permitted to bathe there [even] when payment is required. An important person, however, is forbidden to do so, lest they also mix other [herbs] into the kindling for him, so that it will produce a fragrant scent. Thus they will destroy the produce of the Sabbatical year.

21 The holiness of the produce of the Sabbatical year does not fall on the types of shells and seeds that are permitted to non-priests with regard to *terumah*. Instead, they are considered like wood, unless they are fit for

dyeing. The holiness of the Sabbatical year falls on the hearts of palms.

22 [The following rules apply when a person] places spices from the Sabbatical year in a wrapping and inserts them into cooked food. If their flavor is nullified, they are permitted. If they retain their flavor, the holiness of the Sabbatical year is still invested in them.

23 Straw and hay from the Sabbatical year should not be placed in a pillow or in mud. If one did place them there, they are considered as if they have been destroyed. When an oven has been heated with straw and hay from the Sabbatical year, it should be allowed to cool.

Once the second wave of rains descend in the eighth year, we are allowed to benefit from straw and hay of the Sabbatical year and use it for kindling.

Chapter 6

1 We may not use the produce of the Sabbatical year for commercial activity. If one desires to sell a small amount of the produce of the Sabbatical year, he may. The money he receives [in return] has the same status as the produce of the Sabbatical year. He should use it to purchase food and eat that food according to the restrictions of the holiness of the Sabbatical year. The produce that was sold retains the holiness it possessed previously.

2 [In the Sabbatical year,] one should not reap vegetables from a field and sell them, nor should one charge a fee for dyeing with shells [from

produce] of the Sabbatical year, because this is using the produce of the Sabbatical year for commercial activity. If one reaped vegetables to partake of them and some were left over, he may sell the remainder. The proceeds are considered as the produce of the Sabbatical year. Similarly, if a person reaped vegetables for himself and his son or grandson took some of them and sold them, [the sale] is permitted and the proceeds are considered as the produce of the Sabbatical year.

3 When the produce of the Sabbatical year is sold, it should not be sold by measure, nor by weight, nor by number, so that it will not appear that one is selling produce in the Sabbatical year. Instead, one should sell a small amount by estimation to make it known that [the produce] is ownerless. And the proceeds of the sale should be used to purchase other food.

4 One may package those entities that are usually packaged to bring home to sell in the market by estimation in the manner that one packages produce to bring home, not like one packages it for the market so that one will not sell in a constrained manner. Produce that is packaged only for the marketplace should not be packaged.

5 Produce from the Diaspora which were brought into *Eretz Yisrael* should not be sold by measure, nor by weight, nor by number. Instead, they should be sold by estimation like the produce of *Eretz Yisrael*. If it was obvious that it was produce from the Diaspora, it is permitted [to sell it in the ordinary manner].

6 There is a stringency that applies to the produce of the Sabbatical year and

not to articles consecrated [to the Temple]. When one redeems consecrated articles, the consecrated article loses its sacred status and that status is conveyed to the money. This is not so with regard to the produce of the Sabbatical year. When one sells the produce of the Sabbatical year, the status of the produce is conveyed to the money. The produce itself, however, does not lose its status and it is not considered as produce of the other years. [This is derived from] the use of the word *tihiyeh* [in the command regarding the produce of the Sabbatical year. That term implies that the produce] will be in its state at all times. And since the produce of the Sabbatical year is described as "holy," its status is conveyed to the money paid for it. Thus the final [object purchased] receives the status of the Sabbatical year and [the status of] the produce itself remains as before.

7 What is implied? A person purchased meat with the produce of the Sabbatical year or the proceeds from its sale. The meat is given the status of that produce and must be eaten [as befits the holiness of] the produce of the Sabbatical year. And one must rid oneself of it when one one must rid oneself of that produce. If one used that meat or the proceeds from its sale to purchase fish, the meat is considered as ordinary food and [the holiness of the Sabbatical year] is conveyed upon the fish. If one used that fish or the proceeds from its sale to purchase oil, the fish is considered as ordinary food and [the holiness of the Sabbatical year] is conveyed upon the oil. If one used that oil or the proceeds from its sale to purchase honey, the oil is considered as ordinary food and [the holiness of the Sabbatical year] is conveyed to the honey. One must rid oneself of the original fruit and the honey as one must rid oneself of the produce of the Sabbatical

year. Neither of them may be used to make a compress, nor may they be ruined, as is the rule with regard to the produce of the Sabbatical year.

8 The holiness of the produce of the Sababtical year may be transferred only through a sale. When does this apply? With regard to the original produce. With regard to the produce received [in exchange for that produce], its holiness can be transferred through a sale or through a process of transfer.

9 When one is transferring the holiness of produce that was exchanged [for produce of the Sabbatical year], one may not transfer it to a domesticated animal, fowl, or beast, that is alive, lest they be left alive and one raise herds [of animals imbued with the holiness of the Sabbatical year]. Needless to say, this applies with the produce of the Sabbatical year itself. One may, however, transfer the holiness of this produce to animals that have been slaughtered.

10 Money received for produce of the Sabbatical year may not be used to pay a debt. Nor may one use it to repay *shushbinut* or return a favor. One should not use it to pay a pledge of charity for the poor in the synagogue. One may, however, send it for purposes associated with the acts of kindness, but one must notify the recipients.

Similarly, it may not be used to purchase servants, landed property, or a non-kosher animal. If it was used for those purposes, one should purchase ordinary food with a commensurate sum and partake of it [as befits the holiness of the Sabbatical year], as was explained with regard to the second

tithes. One may not purchase pairs of doves for [the sacrifices of] *zavim, zavot,* or women after childbirth, or sin-offerings or guilt offerings. If he purchased [these offerings with these funds], he should purchase food with a commensurate sum and partake of it [as befits the holiness of the Sabbatical year]. One should not apply oil from the Sabbatical year to utensils or hides. If one did so, one should purchase food with a commensurate sum and partake of it [as befits the holiness of the Sabbatical year].

11 [This money] should not be given to a bathhouse attendant, a blood-letter, a person who sails a boat, or another craftsman. He may, however, give them to a person who draws water from a well to provide him with drinking water. It is permitted to give the produce of the Sabbatical year or money received in return for it to a craftsman as a present.

12 When a person tells a worker: "Here is an *isar.* Gather vegetables for me today," his wage is permitted. It is not considered as money received in return for produce of the Sabbatical year. Instead, he may use it for whatever he desires. The worker was not penalized in that his wage would be considered as money received for the produce of the Sabbatical year. If he told him: "Gather a vegetable for me today for it," [his wage] is considered as money received in return for produce of the Sabbatical year. He may use it only for eating and drinking like the produce of the Sabbatical year.

13 When donkey-drivers perform work with the produce of the Sabbatical

year that is forbidden - e.g., they bring more than the [minimal amount] of produce - their wages are considered as money received in return for produce of the Sabbatical year. This is a penalty imposed upon them.
Why was a penalty imposed on the wages of a donkey-driver and not on the wages of a hired worker? Because the latter receives a minimal wage. Hence, he was not penalized so that [he could earn] his livelihood.

14 When a person purchases a loaf of bread from a baker for a *pundiyon*, and tells him: "When I harvest vegetables [grown in the Sabbatical year] from the field, I will bring them to you for it." this is permitted. The loaf of bread is considered as the produce of the Sabbatical year. If he purchases the loaf without making any qualifications, he should not pay him with money received for the produce of the Sabbatical year, because one should not use that money to pay debts.

15 One may partake of the produce of the Sabbatical year [in expectation that the recipient will return] the favor and when there are no such expectations. What is implied [by the idea of eating in expectation of the return of the favor]? One may give a colleague the produce of the Sabbatical year as if he had already performed a favor for him or invite him into his garden to eat as one who performed a favor for him.
When a person was given the produce of the Sabbatical year as a present or he inherited it, he should partake of it in the same manner as if he gathered this produce from the field himself.

Chapter 7

1 We may only partake of the produce of the Sabbatical year as long as that species is found in the field. [This is derived from **Leviticus 25:7**]: "For the animal and the beast in your land will be all the produce to eat." [Implied is that] as long as a beast [can be] eating from this species in the field, one may eat from [what he has collected] at home. When there is no longer any [of that species] for the beast to eat in the field, one is obligated to remove that species from his home. This is the obligation of *biyur* which applies to the produce of the Sabbatical year.

2 What is implied? If a person has dried figs at home, he may partake of them as long as there are figs on the trees in the field. When there are no longer figs in the field, it is forbidden for him to partake of the figs he has at home and he must instead remove them.

3 If he had a large amount of produce, he should distribute a quantity that can be eaten in three meals to every person [he desires]. It is forbidden - both for the rich and the poor - to partake of it after the time of *biyur*. If he is not able to find people to eat at the time of *biyur*, he should burn it with fire or cast it into Mediterranean Sea, or destroy it through any other means.

4 If one had raisins from the Sabbatical year and there were no longer any grapes left in the fields, the gardens, and the orchards which are ownerless, even though there are still grapes on the vines in the courtyards, he may not partake of the raisins because of the grapes in the courtyard, because they are not accessible to a wild beast. If, however, there are very firm

grapes that do not mature until the end of the year [still growing in the field], one may partake of the raisins [he has stored] because of them. Similar laws apply in all analogous instances.

5 When a tree produces fruit twice a year and one still possesses fruit from its first crop, he may partake of it as long as the second crop is still in the field. For [the requirement that] this species be [available] in the field [is met]. We do not, however, [continue to] partake [of stored fruit] because of fruit that grows in the fall, because it is considered as the produce of a different year.

6 When a person pickles three types of produce in one barrel, if one of these types of produce is no longer available in the field, that type of produce should be removed from the barrel. If he began partaking of [the pickled produce], the entire [mixture] is considered as having been removed.
Just as one is obligated to remove food [stored for] human consumption, so too, must he remove animal fodder from his home and he may no longer feed it to an animal if that type of produce is no longer available in the field.

7 Just as one must remove the produce of the Sabbatical year, so too, one must remove the money [received in exchange for it]. What is implied? One sold pomegranates of the Sabbatical year and used the money received in return for them [to purchase] food. When there are no longer any pomegranates on the trees in the field, but he remains in possession of the money he received for selling them, he is obligated to remove it from

his possession.

8 What should he do? He should purchase food with this money and distribute it, [providing] three meals to every person [he desires]. Alternatively, if he does not find people to partake of such food, he should cast the money into the Mediterranean Sea.

9 [*Eretz Yisrael* is divided into] three lands [with regard to the obligation of] *biyur*:

a) the entire land of Yehudah, its mountainous portion, its plain, and its valley, is all one region.

b) the entire [West] Bank of the Jordan, [including] the plain of Lod, the mountains [around] the plain of Lod, [the area of] Beit Choron, with the sea, is all one region; and

c) the entire Galilee, the upper [Galilee], the lower [Galilee], and the area of Tiberias, is one region. In each of these three regions, one may partake [of a species of produce stored at home] until the last [traces of that produce] cease [to exist in the entire region's fields].

10 What is implied? If one possesses produce in the land of Yehudah, one may partake of it as long as this species is found [in the fields of] the entire land of Yehudah. Similar laws apply if he possesses produce from the Galilee or from the [West] Bank of the Jordan.

11 These three regions are considered as one entity with regard to carobs, olives, and dates. One may eat dates [throughout *Eretz Yisrael*] until the last dates are no longer available in Tzo'ar. From when are they no longer

available? Purim. We may eat olives until Shavuot and grapes until Pesach of the eighth year. Dried figs may be eaten until Chanukah.

12 When a person transports produce of the Sabbatical year from a region in which it is no longer available [in the field] to a region where it is available, or from a region where it is available to a region in which it is no longer available, he is obligated in *biyur*. [The rationale is that] we place upon him the stringencies of the place from which he departed and those of the place to which he journeyed.

When the produce of *Eretz Yisrael* has been brought to the Diaspora, it should be destroyed in its place. It should not be transported from one place to another.

13 A great general principle was stated with regard to [the produce of] the Sabbatical year: Whenever [produce] is [used as] food for humans, animal fodder, or as one of the dyes, if it will not be maintained in the earth, the laws of the Sabbatical year apply to it and to money received for it and the requirements of *biyur* apply to it and to money received for it, e.g., the leaves of wild onions, mint, and endives, are considered as food for humans, brambles and thorn are considered as animal fodder, and woad and safflower are considered as dyes. If the species is maintained in the earth, e.g., madder and dyer's rocket from the dyes, even though the laws of the Sabbatical year apply to it and to money received for it. The requirements of *biyur* do not apply to it or to money received for it, because it is maintained in the earth. Instead, one may benefit from it and use it as dye until Rosh HaShanah.

14 Whenever a plant is not set aside to be [used as] food for humans, animal fodder, or as one of the dyes, since it is not used as kindling fuel, the laws of the Sabbatical year apply to it and to money received for it, but the requirements of *biyur* do not apply to it or to those monies. [This applies] even if it will not be maintained in the earth. Instead, we may benefit from it and the money received for it until Rosh HaShanah. Examples [of this category include] the roots of wild onions and mint and the scorpion-like herb.

15 The laws of the Sabbatical year apply to the peels and the buds of pomegranates, the shells of nuts, and the seeds [of other fruits] and to the money received for them, but the requirements of *biyur* do not apply to them or to those monies.

The laws of the Sabbatical year apply to the tips of the branches of grape vines and carob trees and to the money received for them, as do the requirements of *biyur*. The laws of the Sabbatical year apply to the tips of the branches of the evergreen oak, the pistachio tree, and the box thorn bush and to the money received for them, but the requirements of *biyur* do not apply to them. The requirement of *biyur* does apply to their leaves.

16 When is the time for *biyur*? For leaves, it is when they wither and fall from the tree. The leaves of olive trees, reeds, and carob trees do not have a time of *biyur*, because they never wither and fall away.

17 Until when does a person have the license to gather fresh grass in the Sabbatical year? Until the bitter [apples] become dried out. He may gather

dried grasses until the second rains of the eighth year.

18 Until when are the poor permitted to enter the orchards in the eighth year to gather the fruits of the Sabbatical year? Until the second rains descend.

19 The laws of the Sabbatical year apply to roses, cloves, and chestnuts and to the money received for them. The laws of the Sabbatical year do not apply to balsam sap that flows from trees, from their leaves, and their roots. They do apply to [sap] that flows from underdeveloped berries and the money received for it.

20 When does the above apply? When the tree produces edible fruit. If, however, the tree is not fruitbearing, the sap that flows from its leaves and roots is considered as its fruit and the laws of the Sabbatical year apply to it and to the money received for it.

21 When a person pickles a rose from the Sabbatical year in the oil of the sixth year, he may gather the rose and it is permitted [to use] the oil [in an ordinary manner]. If he pickles [a rose] in the oil of the eighth year, he is obligated to perform *biyur* with the oil. [The rationale is] at that time, the rose is dry and the obligation of *biyur* has already fallen upon it.

22 When carobs of the Sabbatical year were left to soak in the wine of the sixth year or in the wine of the eighth year, *biyur* must be performed with the wine, because it has absorbed the flavor of the produce of the Sabbatical year. This is the general principle: When the produce of the Sabbatical year becomes mixed with other produce of the same species,

even the slightest amount [causes the entire mixture to be considered as the produce of the Sabbatical year]. When it becomes mixed with other species, [the ruling depends on whether it has] imparted its flavor [or not].

Chapter 8

1 Just as it is forbidden to work the land in the Sabbatical year, so too, it is forbidden to reinforce the hands of the Jews who do till it or to sell them farming tools, for it is forbidden to strengthen the hands of transgressors.

2 These are the utensils which a craftsman is not permitted to sell in the Sabbatical year to someone who is suspect [to violate the laws of] the Sabbatical year: a plow and all of its accessories, a yoke [for a team of oxen], a winnowing fork, and a mattock. This is the general principle: Any [utensil] that is exclusively used for a type of work that is forbidden in the Sabbatical year is forbidden to be sold to a person suspect [to violate the laws of] the Sabbatical year. [If it is used for] a type of work that may be forbidden or which might be permitted, it is permitted to be sold to a person suspect [to violate the laws of] the Sabbatical year.

3 What is implied? He may sell him a sickle and a wagon and all of its accessories. For if he uses it to harvest a small amount of produce and he brings a small amount of produce on the wagon, it is permitted. If, however, he harvests in the ordinary manner of reapers or brings all the produce of his field, it is forbidden.

4 It is permissible to sell [a utensil] - even one which is exclusively used for tasks forbidden in the Sabbatical year - to someone who is not suspect [to violate the laws of] the Sabbatical year without any stipulations, because it is possible that he purchased the article in the Sabbatical year to perform work [with it] after the Sabbatical year.

5 A potter may sell a person five jugs for oil and fifteen jugs for wine. It is permitted to sell a larger amount to a gentile. One need not suspect that perhaps he will sell them to a Jew. One may sell many jugs to a Jew in the Diaspora. One need not suspect that perhaps he will bring them to *Eretz [Yisrael]*.

6 One may sell a cow that plows to a person suspect [to violate the laws of the Sabbatical year] in the Sabbatical year, because it is possible to slaughter it. One may sell such a person a field, for it is possible that he will leave it fallow. He may not, however, sell him an orchard unless he stipulates that [the purchaser] does not have a share in the trees' [produce]. He may lend him [a measure of] a *se'ah* even though he knows that he has a granary, because he might use it to measure in his house. And he may exchange money for him even though he knows that he has workers [employed in violation of the laws of the Sabbatical year]. In all these instances, [if the purchaser states] explicitly [that he is intending to use the article in violation of the laws of the Sabbatical year, it] is forbidden.

7 Similarly, a woman may lend a sifter, a sieve, a mill, and an oven to a

friend who is suspect [to violate the prohibitions of the Sabbatical year], but she may not sift or grind with her.

8 We may encourage the gentiles [working] in the Sabbatical year, but only verbally. For example, if one sees one plowing or sowing, he should tell him: "Be strong," "Be successful," or the like, because they are not commanded to let the land rest. One may not physically assist them. It is permitted to remove honey from a beehive with them and one may enter a sharecropping agreement with them for land whose ground was broken [in the Sabbatical year], for they are not obligated to observe [these restrictions]. [Hence,] they are not penalized [for their violation].

9 In Syria, it is permitted to perform labor with produce that has been harvested, but not with produce that is still connected to the earth. What is implied? One may thresh produce, winnow it, squeeze grapes, and make sheaves out of grain, but one may not harvest grain, grapes, olives, or perform any similar activities.

10 Just as it is forbidden to engage in business transactions with the produce of the Sabbatical year or to store them [until after the obligation of *biyur* has been incurred], so too, it is forbidden to purchase them from a common person. [The rationale is that] we do not give even the slightest amount of money exchanged for the produce of the Sabbatical year to a common person, lest he not partake of [food purchased with it] in a manner that befits the holiness of the Sabbatical year.

11 When a person purchases a *lulav* from a common person in the Sabbatical

year, he should give him an *esrog* as a present. If he does not give it to him, he should have the price of the *esrog* included in the price of the *lulav*.

12 When does the above apply? When a person sells types of fruit that are usually protected, e.g., figs, pomegranates, or the like. If, however, he sells fruit which we could assume is ownerless, e.g., rue, amaranth, moss rose, coriander and the like, it is permitted to purchase from them a small amount, merely the worth of three meals. [This leniency was granted to allow] the seller to earn his livelihood.

13 Similarly, any species from which the tithes are not obligated to be separated, e.g., exceedingly powerful garlic, the onions of Rikpah, a pearled Cilcilian bean, Egyptian lentils, and the like, and also the seeds of plants when [the seeds] are not eaten, e.g., those of turnips, radishes, and the like, may be purchased from any person in the Sabbatical year.

14 When does the above apply? To an ordinary common person. When, however, one is suspect to carry out transactions with the produce of the Sabbatical year or to guard his produce and sell it, we may not purchase anything from him that has any connection to the Sabbatical year. [Similarly,] we may not purchase flax - even combed out flax - from him. One may, however, purchase [flax] that has been spun and twisted [into threads].

15 A person who is suspect [to sell produce of] the Sabbatical year is not necessarily considered as suspect to [sell produce of the second] tithe. [Similarly,] one who is suspect [to sell produce of the second] tithe is not

necessarily considered as suspect [to sell produce of] the Sabbatical year even though they are both Scriptural commandments. [The rationale is that each possesses a stringency which the other lacks.] The [second] tithe must be brought to [Jerusalem] and this does not apply with regard to [the produce of] the Sabbatical year. [Conversely, the produce of] the Sabbatical year cannot be redeemed and this does not apply with regard to [the produce of] the second tithe.

16 A person who is suspect [of selling impure food as if it were] ritually pure is not suspect [to sell produce of the second] tithe or [that of] the Sabbatical year. For the impure food that was sold as being ritually pure imparts impurity to others only according to Rabbinic Law and one who is suspect [of causing the transgression] of Rabbinic Law is not suspect [of causing the violation] of Scriptural Law.

17 Whenever a person is suspect [of selling entities in violation of a prohibition], even though his word is not accepted with regard to his own property, his word is accepted with regard to [the property of] others. We operate under the assumption that a person will not violate a prohibition for the sake of others. Therefore even though a person is suspect with regard to a given [prohibition], he may judge and offer testimony regarding this matter.

18 Priests are considered suspect with regard to [the prohibitions of] the Sabbatical year. [The reason is that] they rationalize their conduct saying: Since the *terumot* are permitted to us even though they are forbidden to

non-priests [and this violation is punishable] by death, certainly, the produce of the Sabbatical year is permitted to us.

Therefore when a *se'ah* of *terumah* falls into 100 *se'ah* of the produce of the Sabbatical year, a *se'ah* should be separated. If it fell into less than 100 *se'ah*, the entire mixture should be left to rot instead of being sold to priests as other produce which is *miduma*, because they are suspect to violate the prohibitions of the Sabbatical year.

19 Painters and cattle-raisers may purchase bran from any source. They need not suspect it is *sefichin* of the Sabbatical year.

20 In the Sabbatical year, the collectors of the *kupah* were not careful [to refrain from entering] the courtyards of those who partake [of the *sefichin*] of the Sabbatical year. If they gave a loaf of bread, it is permitted [for the poor to partake of it]. We do not suspect that perhaps it is from the *sefichin* of the Sabbatical year. For the Jews were not suspect to give [the produce of the Sabbatical year to charity], only money received for the produce of the Sabbatical year or eggs which were purchased with money received for the produce of the Sabbatical year.

It is permitted to borrow the produce of the Sabbatical year from the poor. They should be repaid with produce in the eighth year.

Chapter 9

1 It is a positive commandment to nullify a loan in the Sabbatical year, as [**Deuteronomy 15:2**] states: "All of those who bear debt must release their

hold." A person who demands payment of a debt after the Sabbatical year passed violates a negative commandment, as it is stated [*ibid.*]: "One shall not demand [payment] from his friend and his brother."

2 The nullification of debts applies according to Scriptural Law only in the era when the Jubilee year is observed and [the sale of] land is also nullified, for the land [that has been sold] returns to its original owners without financial payment. This matter was conveyed through the chain of tradition. Our Sages declared: In the era when you nullify [the sale of] land, you nullify debts everywhere, whether in *Eretz Yisrael* or in the Diaspora. In the era when you do not nullify [the sale of] land, you do not nullify debts anywhere, even in *Eretz Yisrael*.

3 According to Rabbinic Law, the nullification of debts applies in the present age in all places, even though the Jubilee year is not observed. [This is a decree, instituted] so that the concept of the nullification of debts will not be forgotten by the Jewish people.

4 The Sabbatical year does not nullify debts until its conclusion. [This is derived as follows: **Deuteronomy 15:1-2**] states: "At the end of seven years, you shall effect a remission. This is the matter of the remission." And [**Deuteronomy 31:10**] states: "At the end of seven years, at the time of the Sabbatical year, during the holiday of Sukkot." Just as in that instance, [the event takes place] after the seven [years], so too, the nullification of the debts takes place after the seven [years].

Therefore if one lent money to a colleague in the Sabbatical year itself, he

may demand payment of his debt for the entire year. When the sun sets on the night of Rosh HaShanah of the eighth year, the debt is nullified.

5 If one slaughtered a cow and divided it under the supposition that today would be [declared as] Rosh HaShanah, but instead, a day was added to Elul and thus that day was the final day of the Sabbatical year, the money is lost, for the Sabbatical year ended while the debt was extant.

6 The Sabbatical year nullifies a loan, even a loan supported by a promissory note which creates a lien on one's possessions. If, however, the borrower designated a field [to serve as payment] for the loan, it is not nullified. The Sabbatical year also nullifies the obligation to take an oath, for [the prooftext] states: "He shall not demand," i.e., neither payment, nor an oath.

7 When does the above apply? With regard to an oath imposed by the judges and the like, i.e., obligations that were he to accept them, the Sabbatical year would nullify them. But oaths taken by watchmen or partners and the like, i.e., oaths that were he to admit [the obligation], he would be required to pay [after the Sabbatical year], he is required to take the oath after the Sabbatical year.

8 If a person gave a colleague a loan and then demanded payment, [the colleague] denied the obligation and remained in denial when [the conclusion of] the Sabbatical year arrived and then he admitted his obligation or witnesses came [and testified to that effect] after the Sabbatical year [was concluded], the obligation is not nullified.

9 When a person lends money to a colleague and sets [the time of payment] in ten years time, it is not nullified [by the Sabbatical year. The rationale is that] although [ultimately, the command,] "Do not demand [payment]" will apply, at present, he may not demand payment. If he stipulated that he would not demand payment, [the debt] is nullified by the Sabbatical year.

10 When a person lends money to a colleague and he stipulates with [the borrower] that [the debt] will not be nullified by the Sabbatical year, it is nullified, for he cannot negate the law of the Sabbatical year. If [the borrower] stipulates that he will not nullify this debt, even in the Sabbatical year, the stipulation is binding, for any stipulation made regarding financial matters is binding. Thus this person took on a financial obligation which the Torah did not obligate him in.

11 An account at a store is not nullified by the Sabbatical year. If it is established as a debt, it is nullified. The wage of a worker is not nullified. If it is considered as a debt, it is nullified.

12 The fines for a rapist, a seducer and one who spreads a slanderous report [about his wife] are not nullified by the Sabbatical year. If they are considered as debts, they are nullified. When are they considered as a debt? When the matter was brought to court.

13 When a person divorces his wife before the Sabbatical year, [his obligations to her by virtue of] her *ketubah* are not nullified by the Sabbatical year. If she impaired the legal power [of her *ketubah*] or

considered it as a debt, it can be nullified.

14 When a person lends money in exchange for security, the debt is not nullified by the Sabbatical year, provided the security is equal in value to the debt. If the debt exceeds the value of the security, the extra amount is nullified by the Sabbatical year.

15 When a person hands over his promissory notes to the court, telling [the judges]: "Collect my debt for me," the debts are not nullified by the Sabbatical year. [This is derived from **Deuteronomy 15:3**]: "[a debt] that you have from your brother."[Implied is that debts demanded by "your brother," a private individual, are nullified by the Sabbatical year. [Payment for] these [debts, by contrast,] is being demanded by the court.
Similarly, if the court rendered a judgment, writing: "So-and-so, you are obligated to give this person this-and-this amount," [the debt] is not nullified. Such [a debt] is considered as if it has already been collected and entered [the creditor's] possession. It does not resemble a loan.

16 When Hillel the Elder saw that the people would refrain from lending to each other and thus violated the Scriptural charge [**Deuteronomy 15:9**]: "Lest there be a wicked thought in your heart," he ordained a *pruzbol* so that debts would not be nullified and people would lend to each other.
A *pruzbol* is effective only with regard to the nullification of debts in the present era which are a Rabbinic institution. A *pruzbol* is not effective with regard to the nullification of debts by Scriptural Law.

17 A *pruzbol* should be composed only by very great Sages like the court of

Rabbi Ami and Rabbi Assi, for they are suitable to release financial [obligations due] others. Other courts [of lesser authority] may not compose [a *pruzbol*].

18 This represents the body of a *pruzbol*: "I am notifying you, so-and-so and so-and so the judges in this-and-this places, [that I reserve the right] to collect all the debts [owed] to me at any time I desire." The judges or the witnesses should sign below.

19 A *pruzbol* may be composed only when [the borrower possesses] land. If the borrower does not possess land, the lender should grant the borrower even the slightest amount of land - even enough to grow a cabbage stalk- in his field. [Even if] he lent him place for an oven or a range, a *pruzbol* may be composed. If [the borrower] owns a field that was given as security, a *pruzbol* may be composed on that basis.

20 [A *pruzbol*] may be composed against a man based on property owned by his wife or against orphans on property owned by their guardian. If [the borrower] does not possess land, but the guarantor does, we can compose a *pruzbol* because of it. If [a borrower] is owed a debt by a colleague and the colleague owns land - since that land is on lien [to the first borrower] - we may compose a *pruzbol* because of it.

21 When one person borrows from five others, each one must have a *pruzbol* composed. When five people borrow from one, one *pruzbol* is sufficient for him for all the debts.

22 When a person has a *pruzbol* composed and then he makes a loan, it is not effective. Instead, the loan will be nullified unless he composes [another] *pruzbol* after giving the loan. Thus one can conclude that any loan which precedes a *pruzbol* is not nullified because of this *pruzbol*. If the *pruzbol* precedes the loan, it is nullified [despite] this *pruzbol*.

23 Accordingly, a *pruzbol* that is predated is valid, while one that is postdated, is invalid.

What is implied? One wrote a *pruzbol* in Nissan and predated it to Adar, it is valid, for he has impaired its legal power, for [only the loans given] until Adar are not nullified. If, however, he postdated it and dated it in Iyar, it is invalid, for he has strengthened its legal power, for [were it to be effective] the loans given until Iyar would not be nullified. This is unlawful, because it is only [the loans given] until Nissan that are not nullified, for that [is when] the matters were conveyed to the court.

24 When a person produces a promissory note after the Sabbatical year without it being accompanied by a *pruzbol*, the debt is lost. If he says: "I possessed [a *pruzbol*] and it was lost, his word is accepted. For from the time of the danger onward, a creditor was allowed to collect his debt [after the Sabbatical year] without a *pruzbol*.

Moreover, when a creditor would bring the promissory note [to court] or would come and demand payment of a loan supported by a verbal commitment [alone], [the court] tells the defendant: "Pay him." If the defendant claims: "Where is his *pruzbol*?", the court asks the plaintiff: "Did you have a *pruzbol* that was lost?" If he answers affirmatively, his

word is accepted. If he admits that he did not have a *pruzbol*, the debt is nullified.

Orphans do not require a *pruzbol*.

25 [When the plaintiff] produces a *pruzbol*, the defendant claims: "The loan for which he is demanding payment was made after the *pruzbol*," and the plaintiff retorts: "It was made before the *pruzbol*," the plaintiff's word is accepted. [The rationale is] were he to have claimed: "I had [a *pruzbol*] and it was lost," his word would have been accepted even though we do not know the date of the *pruzbol* that was lost.

26 If the defendant claims: "I owe him a debt," and the plaintiff states: "No, it is an account from a store which is not nullified [by the Sabbatical year], because I have not yet considered it as a loan," his word is accepted, for were he to desire, he could say: "It was a loan, but I had a *pruzbol* and it was lost." [Leniency is granted in these instances,] because once the Sages instituted [the concept of] *pruzbol*, we operate under the assumption that a person will not forgo something permitted and partake of something that is forbidden.

27 When Torah Sages offer loans to each other and one conveys his words to his students, saying: "I am notifying you [that I reserve the right] to collect all the debts [owed] to me at any time I desire," he does not have to compose a *pruzbol*. [The rationale is that Torah scholars] know that the nullification of debts in the present era is a Rabbinic decree and it can be negated verbally.

28 [Whenever] anyone returns a debt [despite the fact] that the Sabbatical year has passed, the spirits of our Sages are gratified because of him. [When receiving the payment,] the lender must say to the one who is making restitution: "I am nullifying [the debt] and your [obligation] to me has been released." If the debtor says: "Nevertheless, I desire that you accept it," he should accept it. For the Torah states: "One shall not demand [payment]," and payment was not demanded.

[The debtor] should not tell [the creditor]: "I am giving them to you as [payment of] my debt. Instead, he should tell him: "[The money] is mine, and I am giving it to you as a present."

29 If [a debtor] returned a debt, but did not make the above statements, [the lender] should turn the conversation to the point where the debtor says: "[The money] is mine, and I am giving it to you as a present." If [the debtor] does not make such statements, [the creditor] should not accept it from him. Instead, [the debtor] should take his money and depart.

30 One who refrains from lending money to a colleague before the Sabbatical year lest [the repayment] of the debt be delayed and it be nullified, violates a negative commandment, as [**Deuteronomy 15:9**] states: "Be careful [lest there be a wicked thought in your heart....]" It is a severe sin, for the Torah warned against it with two adjurations, for it is written: "Be careful lest," and whenever the Torah uses the expressions "Be careful," "lest," or "Do not," it is communicating a negative commandment. The Torah objected to this evil thought and called it "wicked" and the verse continued warning and commanding one not to refrain [from lending],

but to give [the loan], as [*ibid.*:10] states: "You shall certainly give him and your Heart should not regret giving him." [Indeed,] the Holy One, blessed be He, promised that the reward for this mitzvah will be granted in this world, as [the verse continues:] "Because of this God will bless you."

Chapter 10

1 It is a positive commandment to count sets of seven years and to sanctify the fiftieth year, as [**Leviticus 25:8-10**] states: "And you shall count seven years for yourselves... and you shall sanctify the fiftieth year." These two mitzvot are entrusted to the High Court alone.

2 When did the counting begin? After the fourteen years following the entry into *Eretz [Yisrael]*. [This is derived from **Leviticus 25:3**]: "Six years shall you sow your field and six years shall you trim your vineyard." [Implied is that] each person must recognize his [portion of the] land. [The people] took seven years to conquer the land and seven years to divide it. Thus the counting began after the 2503rd year after the creation, from Rosh HaShanah, after the conjunction [of the sun and the moon before the creation] of Adam, which was in the second year of the creation. They declared the [two thousand,] five hundred, and tenth year after the creation which was the 21st year after the entry into *Eretz Yisrael* as the Sabbatical year. They counted seven Sabbatical years and then sanctified the fiftieth year which was the 64th year after they entered *Eretz [Yisrael]*.

3 The Jewish people counted 17 Jubilee years from the time they entered [*Eretz Yisrael*] until they departed. The year they departed, when the Temple was destroyed the first time, was the year following the Sabbatical year and the 36th year in the Jubilee cycle. For the First Temple stood for 410 years. When it was destroyed, this reckoning ceased.

After it ceased, the land remained desolate for seventy years. Then the Second Temple was built and it stood for 420 years. In the seventh year after it was built, Ezra ascended [to *Eretz Yisrael*]. This is referred to as the second entry. From this year, they began another reckoning. They designated the thirteenth year of the Second Temple as the Sabbatical year and counted seven Sabbatical years and sanctified the fiftieth year. Although the Jubilee year was not observed in [the era of] the Second Temple, they would count it in order to sanctify the Sabbatical years.

4 It follows that the year in which the [Second] Temple was destroyed, [more precisely, the year] beginning from Tishrei that was approximately two months after the destruction - for the reckoning of Sabbatical and Jubilee years begins in Tishrei - was the year following the Sabbatical year. It was the fifteenth year of the ninth Jubilee cycle.

According to this reckoning, this year which is the 1107 year after the destruction, which is the 1487th year according to the reckoning of legal documents, which is 4936th year after the creation, is a Sabbatical year and it is the 21st year of the Jubilee cycle.

5 Nevertheless, all of the *Geonim* have said that they have received a tradition, transferred from teacher to student that in the seventy years

between the destruction of the First Temple and the building of the Second Temple, they counted only Sabbatical years, not the Jubilee year. Similarly, after the destruction of the Second Temple, they did not count the fiftieth year. Instead, they counted only sets of seven from the beginning of the year of the destruction. [This interpretation] is also apparent from the Talmud in *Avodah Zarah*. This reckoning is a received tradition.

6 [The reckoning of] the Sabbatical year is well-known and renowned among the *Geonim* and the people of *Eretz Yisrael*. None of them make any reckoning except according to the years of the destruction. According to this reckoning, this year, which is the 1107th year after the destruction is the year following the Sabbatical year.

We rely on this tradition and we rule according to it with regard to the tithes, the Sabbatical year, and the nullification of debts, for the received tradition and deed are great pillars in establishing [Halachic] rulings and it is appropriate to rely on them.

7 The Jubilee year is not counted in the set of Sabbatical years. Instead, the 49th year is a Sabbatical year and the fiftieth year is a Jubilee year. Then the 51st year is the first of the six years of the [next] Sabbatical cycle. This is true of every Jubilee year.

8 From the time the tribes of Reuven and Gad and half the tribe of Menasheh were exiled, [the observance] of the Jubilee year ceased, as [implied by **Leviticus 25:10**]: "You shall proclaim freedom throughout the

land to all of its inhabitants." [One can infer that this commandment applies only] when all of its inhabitants are dwelling within it. [Moreover,] they may not be intermingled, one tribe with another, but rather each tribe is dwelling in its appropriate place.

When the Jubilee is observed in *Eretz [Yisrael]*, it should also be observed in the Diaspora, as [implied by the phrase used in the above verse:] "It is the Jubilee," [i.e.,] in every place. [This applies] whether the Temple is standing or whether the Temple is not standing.

9 When [the laws of] the Jubilee year are observed, the laws of a Hebrew servant are observed, as are the laws of homes in a walled city, the laws of a field given as a dedication offering, and the laws of ancestral fields. We accept [a gentile as] a resident alien and the Sabbatical year is observed in *Eretz [Yisrael]* and debts are nullified in all places according to Scriptural Law. In the era when the Jubilee year is not observed, none of these mitzvot are observed except the Sabbatical year in *Eretz [Yisrael]* according to Rabbinic Law and also the nullification of debts in all places according to Rabbinic Law, as we explained.

10 It is a positive commandment to sound the *shofar* on the tenth of Tishrei in the Jubilee year. This mitzvah is entrusted to the [High] Court first, as [**Leviticus 25:9**] states: "You shall sound a *shofar* blast. Each and every individual is also obligated to sound the *shofar*, as [the verse] continues: "and you shall sound the *shofar*."

We sound nine *shofar* blasts in the same way as we sound them on Rosh HaShanah. We sound the *shofar* throughout the boundaries of *[Eretz]*

Yisrael.

11 [The requirements] of *shofar* used for the Jubilee and Rosh HaShanah are the same in all matters. Both on Rosh HaShanah and in the Jubilee the *tekiyot* are sounded except in the Jubilee year, they are sounded both in the court that sanctifies the new moon and in a court that does not sanctify the moon. [Moreover,] for the entire time the court is in session, every individual is obligated to sound [the *shofar* even] outside the presence of the court.

12 When Rosh HaShanah falls on the Sabbath, by contrast, [the *shofar*] would be sounded only in a court that sanctified the new moon. Every individual may sound [the *shofar*] only in the presence of the court.

13 [The observance of] three matters are of critical importance with regard to the Jubilee year: the sounding of the *shofar*, the release of servants, and the return of fields to their owners. This is referred to as "the release of land."

14 From Rosh HaShanah until Yom Kippur, servants would not be released to their homes, nor would they be subjugated to their masters, nor would the fields return to their [original] owners. Instead, the servants would eat, drink, and rejoice, with crowns on their heads. When Yom Kippur arrives and the *shofar* is sounded in the court, the servants are released to their homes and the fields are returned to their owners.

15 With regard to the land being allowed to rest, the laws of the Jubilee year are the same of those of the Sabbatical year. Whatever agricultural labors

are forbidden in the Sabbatical year are forbidden in the Jubilee year. Whatever is permitted in the Sabbatical year is permitted in the Jubilee. Whenever the performance of a labor is punishable by lashes in the Sabbatical year, it is punishable by lashes in the Jubilee year. [Similarly,] the laws governing the eating, sale, and removal of the produce of the Jubilee year are the same as those governing the produce of the Sabbatical year in all respects.

16 The Sabbatical year has an added dimension lacking in the Jubilee, for debts are nullified in the Sabbatical year, and they are not nullified in the Jubilee. The Jubilee year has an added dimension lacking in the Sabbatical year, for in the Jubilee, servants are released and land is released. This refers to the laws regarding the sale of land in the Torah. This is a positive commandment, as [**Leviticus 25:24**] states: "You shall grant redemption to the land.

The Jubilee year releases land at its beginning, while the Sabbatical year does not release debts until its conclusion, as explained.

Chapter 11

1 [The portions of] *Eretz Yisrael* that were divided among the tribes can never be sold permanently, as [**Leviticus 25:23**] states: "The land will not be sold in perpetuity." If one sells the land in perpetuity, both [the buyer and the seller] violate a negative commandment. Their deeds are of no consequence, and the land reverts to its [original] owner in the Jubilee year.

2 When a person sells his field for 60 years, it is not returned in the Jubilee. For [the only property] that returns in the Jubilee year is property that is sold without qualification or property that is sold in perpetuity.

3 A person should not sell his home or his ancestral field even though it returns to him eventually, unless he becomes impoverished, as [**Leviticus 25:25**] states: "If your brother becomes indigent and sells his ancestral heritage." One is not permitted to sell [such property] and hold the money in his pocket, engage in commerce with them, or purchase utensils, servants, or livestock. [He is only allowed to] sell to provide himself with sustenance. [Nevertheless,] if one transgressed and sold [such property], the sale is valid.

4 Judgments are made with regard to a home in accordance with the laws of a walled city, and with regard to a field in accordance with the laws of a field that is an ancestral heritage. The laws of a person who sells a field that is an ancestral heritage [require] the calculation of the years remaining until the Jubilee. Whenever [the original owner] desires to redeem the field he should make a reckoning with the purchaser with regard to the years from which he benefited from the field and reduce that from the purchase price and return the remainder.

5 What is implied? There remained ten years until the Jubilee and a field was sold for 100 *dinar*. The purchaser benefited from the field for three years and then the seller desired to redeem his field. He should give him 70 *dinar* and then [the seller] should return the field. Similarly, if he

benefited from the field for six years, he should give him 40 *dinar* and then [the seller] should return the field. If he did not redeem it, but instead left it in the purchaser's possession until the Jubilee, and then it should return to the owner without money, as [indicated by **Leviticus 25:15**]: "According to the number of years of [its] crops, he will sell it to you."

6 If he sold it to him when it was filled with produce and then he redeemed it after two years, he cannot tell him: "Return it to me filled with produce as it was when I sold it to you." Therefore if he sold it to him filled with produce before Rosh HaShanah and redeemed it after two years, the purchaser will have benefited from three harvests in those two years. Nevertheless, [the reduction of the price] is calculated only according to two years, as [implied by *ibid.* 27:18: "the priest shall calculate the money...] according to the remaining years," [i.e., the calculation is made according to years,] and not according to crops.

7 The shoots, the twigs, and the fruits from the wild fig trees contained within it belong to the purchaser like its other produce. If, however, [the branches of a tree] are cut down or it dries, they are both forbidden to benefit from it. What should be done? It should be sold and land purchased with the proceeds. The purchaser is entitled to benefit from that land until the [original] field is redeemed from him.

8 If a person purchases a field that is an ancestral heritage and plants trees which increase the value [of the field], when it returns [to its original

owner] in the Jubilee, we should evaluate the increase in value brought about by the trees in it and the owner of the field must pay this sum to the purchaser. [This is derived from *ibid.* 25:33]: "A home that was sold shall go out... [in the Jubilee]." [Implied is that the home] is returned, but not the increase in its value.

9 When a person sells his field in the era when the Jubilee year is observed as we explained, he is not permitted to redeem it in less than two years, as [*ibid.*:15] states: "According to the number of years of [its] crops, he will sell it to you." Even if the purchaser was willing [to return it earlier], it is forbidden, as [the same verse] states: "According to the number of years after the Jubilee shall you purchase it from your colleague." [The purchaser must maintain possession for] at least two years from the date of the sale.

10 The purchaser must benefit from two crops in these two years and then [the seller] may redeem it, for it is written "years of its crops." Therefore if one of the two years were the Sabbatical year or a year of windblast or blight, they are not included in the reckoning.

11 If, however, the purchaser left it fallow one year and then benefited from it in the second year or benefited from it one year and then lightly plowed it, but did not sow it in the following year, [these years] are included in the reckoning. If he sold it in the Jubilee itself, the sale is not binding and the money should be returned to the seller.

12 If he sold it one year before the Jubilee, the purchaser benefits from it for

a second year after the Jubilee, as [implied by the phrase]: "years of its crops."

13 If he sold clefts that were filled with water or rocky [land] that was not fit to sow upon, he may redeem them in less than two years, as [implied by the phrase]: "years of its crops." One might infer that it is only a field that is fit to grow crops that is not redeemed in less than two years. [Nevertheless,] if the original owner did not redeem [this land], it returns to him in the Jubilee even though it is not fit to be sown.

14 If he sold [fruit-]trees, they may not be redeemed in less than two years, for they are fit to produce crops. If he did not redeem them, they are not returned to the owner in the Jubilee, as [implied by *ibid.*:27]: "he shall return to his ancestral heritage." [This excludes] trees.

15 If a person sold his field to one person, that person sold it to a second, the second to a third - even if there were 100 consecutive sales - in the Jubilee, it returns to its original owner, as [implied by **Leviticus 27:24**]: "In the Jubilee year, the field will return to the one from whom he purchased it, whose ancestral heritage it was."

16 If [the owner] sold it to the first purchaser for 100 *dinarim* and [the latter] sold it to the second for 200, should the original owner desire to redeem it, he makes a reckoning only with the first purchaser, as [*ibid.* 25:27] states: "[And return the remainder] to the man to whom he sold it." If [the owner] sold it to a person for 200 and [the latter] sold it for 100, [the owner] makes a reckoning with the final [purchaser].

Similarly, if he sold the field for 100 and it increased in value in the possession of the purchaser until it was appropriate to be sold for 200, the reckoning should be made according to the purchase price. If he sold it for 200 and its value diminished and it is now fit to be sold for 100, the reckoning should be made according to its present value. [The general principle is:] We always augment the legal power of the seller of an ancestral heritage and weaken the legal power of the purchaser.

17 When a person sells a field that is an ancestral heritage, but he also possesses other fields and sells some of those other fields to redeem [his ancestral heritage] that he sold, his [request to redeem the field] is not heeded, for [*ibid.*:26] states: "And he attained enough to redeem it." [We can infer that] he must attain something that was not accessible to him at the time he sold it. Similarly, if he borrowed [money] to redeem [the field], his [request] is not heeded, for that verse states: "And he acquired." [Implied is that he must obtain the means on his own], not through a loan.

18 If he attained a small amount [of resources] and desired to redeem half the field he sold, his [request] is not heeded, for that verse states: "enough to redeem it." Either he redeems the entire [field] or he does not redeem at all.

If a relative desired to redeem it, he may, as [*ibid.*:25] states: "And his redeemer who is related to him shall come...."

19 When a person gives his field away as a present, it returns to him in the

Jubilee, as [*ibid.*:13] states: "Each man shall return to his ancestral heritage." This includes one who gave [it away as] a present.

20 Brothers who divide [an inheritance] are considered as purchasers and each one should return his portion to the other in the Jubilee, but their division is not nullified. Similarly, a firstborn and one who performs *yibbum* with his brother's wife, return the portion that they received in the Jubilee and take another portion instead of it.

21 [Different rules apply with regard to a husband] who inherits his wife's [property]. Although a husband's inheritance of this property is a Rabbinic ordinance, our Sages reinforced their decree as if it were of Scriptural origin and he is not required to return it [to the women's family] in the Jubilee year. If he inherited a [family] cemetery from her, he should return it to her family members lest this blemish [the reputation of] the family. They should pay him its worth after deducting the value of his wife's grave, for he is obligated to bury her.

Chapter 12

1 A person who sells a house in a city surrounded by a wall may redeem it throughout a twelve month period from the day he sold it whenever he desires, even on the day he sold it. When he redeems it, he returns all the money he received and does not deduct anything from the purchaser.

2 Relatives may not redeem it, only the seller himself if he obtains the means. He may sell his property and redeem it, but he may not borrow to

redeem it, nor may he redeem it partially.

3 If the purchaser dies, [the original owner] may redeem it from his son. Similarly, if the seller dies, his son may redeem it for the duration of the twelve months.

4 If [the seller] sold it to one person and he sold it to another, the reckoning is made from [the date of] the first [sale]. When the first year is concluded, the house is established as the property of the [second] purchaser. For the [second] seller sold to the second [purchaser] all the rights that will accrue to him [with regard to this property]. If twelve months pass and it is not redeemed, it is established as the property of the [second] purchaser.

Similarly, if [a person] gave a house as a present and did not redeem it within these twelve months, it is established as the property of the recipient of the present.

5 During a leap year, the permanent disposition of the property is not brought about until the end of the year, as [**Leviticus 25:30**] states: "Until a complete year is completed for it." [This wording indicates that] the extra month [of the leap year] is included.

6 [The following rules apply when a person] sold two houses, one in the middle of Adar 1 and the other on Rosh Chodesh Adar II. When the month of Adar arrives in the following year, the year for the house sold on Rosh Chodesh II is completed. The year for the house sold in the middle of Adar I is not completed until the middle of Adar in the following year,

for the purchaser took possession in the middle of the extra month [of the leap year].

7 If the final day of the twelfth month arrives and [the seller] cannot find the purchaser to redeem his field from him, he may deposit his money in the court, break down the door, and enter his home. Whenever the purchaser comes, he may take his money.

8 When a person consecrates a house in a walled city and another person redeems it from the Temple treasury, when a year passes from the time that it was redeemed from the Temple treasury without it being redeemed by its [original] owner, it becomes established as the property of the one who redeemed it [from the Temple treasury]. For the Temple treasury does not become the permanent owner, the purchaser does, as [implied by **Leviticus 25:30**]: "the one who purchases it for his generations."

9 When a person sells a house in a walled city and the Jubilee arrives within the first year after the sale, the house does not revert to its owner in the Jubilee. Instead, it remains in the possession of the purchaser until the seller decides to redeem it throughout the year after its sale or it becomes established as the property [of the purchaser] after that year is completed.

10 When a person sells a home in a settlement or in a city that is not surrounded by a wall in the appropriate manner, he may redeem it according to the advantages that apply with regard to both the redemption of an [ancestral] field and the redemption of a home in a walled city.

What is implied? If he desires to redeem [the home] immediately, he may, as is the law with regard to a home [in a walled city]. If the twelve months pass and he does not redeem it, he may redeem it until the Jubilee, as is the law regarding a field. When he redeems it, he makes a reckoning with the purchaser and subtracts the value of the benefit he received. If the Jubilee arrives without having redeemed it, the house returns [to the owner] without payment, as is the law with regard to fields.

11 Any [residential property] within a city's wall, e.g., gardens, bathhouses, and dovecotes, is considered as a house, for [*ibid.*] states: "that are in the city." Fields that are located in the city may be redeemed according to the rules applying to fields outside the city, as [implied the phrase (*ibid.*)]: "And the house that will be within the city will be established." [This includes] houses and anything resembling houses, not fields.

12 When a house is not four cubits by four cubits, it does not become the permanent property of the purchaser like the houses in a walled city. A house does not become the permanent property of a purchaser in Jerusalem. A house that is built in the wall is not considered as a home in a walled city.

13 When the roofs of a city serve as its walls or the sea serves as it wall,it is not considered as a city surrounded by a wall.

14 A city is not referred to as a walled city unless it has three or more courtyards and in each of the courtyards, it has two or more houses. [Moreover,] it must have been surrounded by a wall first and then the

courtyards were built in its midst. If, however, a place was settled and afterwards, surrounded [by a wall] or it did not have [at least] three courtyards with [at least] two houses [each], it is not considered as a walled city. Instead, its houses are like the houses of a settlement.

15 We rely only on a wall that surrounded [a city] at the time of the conquest of the land.

What is implied? When a city was not surrounded by a wall at the time when Joshua conquered the land even though it is surrounded now, [the houses in it] are considered as the houses of a settlement. [Conversely,] if a city was surrounded by a wall at the time of Joshua, even though it is not surrounded at present, it is considered as walled.

When the Jews were exiled after the first destruction [of the Temple], the sanctity of the walled cities from Joshua's time were nullified. When Ezra ascended at the time of the second entry into the land, all of the walled cities of that time became consecrated. For the entry [into the land] at the time of Ezra, i.e., the second entry, was comparable to the entry at the time of Joshua. Just as [after] their entry at the time of Joshua, they counted Sabbatical years and Jubilees, sanctified the homes in walled cities and were obligated in the tithes, so too, [after] their entry in the time of Ezra, they counted Sabbatical years and Jubilees, sanctified the homes in walled cities and were obligated in the tithes.

16 Similarly, in the Ultimate Future, upon the third entry to the land, we will begin to count the Sabbatical and Jubilee years and sanctify the homes in walled cities, and every place that will be conquered will be obligated in

[the separation of] tithes, as [**Deuteronomy 30:5**]: "And God your Lord will bring you to the land that your ancestors possessed as a heritage and you shall possess." [The verse] equates [the Jews' ultimate] possession with that of their ancestors. Just as when your ancestors took possession of the land as a heritage, they practiced the renewal of all these observances, when you take possession of the land, you should practice the renewal of all these observances.

Chapter 13

1 Although the tribe of Levi does not have an ancestral portion within *Eretz [Yisrael]*, the Jewish people were commanded to give them cities to dwell in and [additional] residential property. The cities include the six cities of refuge and 42 additional cities. When cities of refuge will be added in the era of *Mashiach*, all will be given to the Levites.

2 [The obligation to give] the non-developed land around the cities is explicitly mentioned in the Torah as being [a radius of] three thousand cubits in every direction from the wall of the city outward, for [**Numbers 35:4-5**] states: "From the wall of the city onward, 1000 cubits on all sides" and continues: "You shall measure from the outside of the city 2000 cubits on the eastern side." The first thousand are left as [additional] residential property and the 2000 that are measured outside this residential property are for fields and vineyards.

3 Every city is given a cemetery outside these boundaries, for they do not

bury their dead within their cities, as [implied by *ibid.*:3]: "The residential area will be for their animals, their property, and all their vital needs." [This land] was given "for their vital needs" and not for burial.

4 In the cities of the Levites, the city itself should not be transformed into an outlying residential area and the outlying residential area should not made part of the city. This outlying residential area should not be converted to fields, nor should the fields be converted into such a residential area, as [**Leviticus 25:34**] states: "The fields of the residential area of their cities should not be sold."

5 According to the Oral Tradition, it was taught that the phrase "should not be sold" should be interpreted as "should not be changed." Instead, all of the three, field, a residential area, and a city should remain in its original circumstances forever.

Similarly, in the other cities of *[Eretz] Yisrael*, the outlying residential area should not be converted to fields, nor should the fields be converted into such a residential area. The city itself should not be transformed into an outlying residential area and the outlying residential area should not be made part of the city.

6 A person should not destroy his home to make it into a garden, nor should he plant a garden in his ruin, lest one destroy *Eretz Yisrael*.

7 The priests and the Levites who sold fields from the fields of their cities or homes from the homes in their walled cities do not redeem their property according to the procedures [explained above]. Instead, they may sell their

fields even directly before the Jubilee and redeem them immediately. If they consecrated a field, they may redeem it from the possession of the Temple treasury after the Jubilee. They may redeem houses in a walled city whenever they desire, even after several years, as [**Leviticus 25:32**] states: "The Levites will have eternal rights of redemption."

8 When an Israelite inherits property from his maternal grandfather who was a Levi, although he is not a Levite, he may redeem [the property] as if he was a Levite. Since these cities or fields belong to the Levities, they may be redeemed forever. For this law is dependent on [the characteristics of] these places, not of the owners.

9 When a Levite inherits the property of his maternal grandfather who is an Israelite, he does not have the redemption rights of a Levite, only those of an Israelite, for the verse "The Levites will have eternal rights of redemption" applies only in the cities of the Levites.

10 The entire tribe of Levi are commanded against receiving an inheritance in the land of Canaan, and they were commanded against receiving a share in the spoil when the cities are conquered, as [**Deuteronomy 10:9**] states: "The priest and the Levites - the entire tribe of Levi - should not have a portion and an inheritance among Israel." "A portion" [refers to a portion] of the spoil; "an inheritance" refers to [a portion of] the land. And [**Numbers 18:20**]: "You shall not receive a heritage in their land, nor will you have a portion among them," i.e., in the spoil. If a Levite or a priest takes a portion of the spoil, he is punished by lashes. If he takes an

inheritance in *Eretz [Yisrael]*, it should be taken from his possession.

11 It appears to me that the above applies only with regard to the land for which a covenant was established with Abraham, Isaac, and Jacob, their descendants inherited it and it was divided among them. If, however, other lands will be conquered by a king of Israel, the priests and the Levites have the same rights as the entire Jewish people.

12 Why did the Levites not receive a portion in the inheritance of *Eretz Yisrael* and in the spoils of war like their brethren? Because they were set aside to serve God and minister unto Him and to instruct people at large in His just paths and righteous judgments, as [**Deuteronomy 33:10**] states: "They will teach Your judgments to Jacob and Your Torah to Israel." Therefore they were set apart from the ways of the world. They do not wage war like the remainder of the Jewish people, nor do they receive an inheritance, nor do they acquire for themselves through their physical power. Instead, they are God's legion, as [*ibid.*:11]: states: "God has blessed His legion" and He provides for them, as [**Numbers 18:20**] states: "I am your portion and your inheritance."

13 Not only the tribe of Levi, but any one of the inhabitants of the world whose spirit generously motivates him and he understands with his wisdom to set himself aside and stand before God to serve Him and minister to Him and to know God, proceeding justly as God made him, removing from his neck the yoke of the many reckonings which people seek, he is sanctified as holy of holies. God will be His portion and

heritage forever and will provide what is sufficient for him in this world like He provides for the priests and the Levites. And thus David declared [**Psalms 16:5**]: "God is the lot of my portion; You are my cup, You support my lot."

Blessed be the Merciful One who provides assistance.

Mishneh Torah, The Chosen Temple

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to construct a House for God, prepared for sacrifices to be offered within. We [must] celebrate there three times a year, as [**Exodus 25:8**] states: "And you shall make Me a sanctuary."
The sanctuary constructed by Moses is already described in the Torah. It was only temporary, as [**Deuteronomy 12:9**] states: "For at present, you have not come unto [the resting place and the inheritance]."

2 After [the Jews] entered The Land [of Israel], they erected the Sanctuary in Gilgal during the fourteen years in which they conquered and divided [the land]. From there, they came to Shiloh, built a house of stone, and spread the curtains of the Sanctuary over it. It did not have a roof. The sanctuary of Shiloh stood for 369 years. When Eli died, it was destroyed. [Afterwards,] they came to Nov and built a sanctuary. When Samuel died, it was destroyed. And they came to Givon and built a sanctuary. From Givon, they came to the eternal structure [in Jerusalem]. The days [the sanctuary stood] in Nov and Givon were 57 years.

3 Once the Temple was built in Jerusalem, it became forbidden to build a sanctuary for God or to offer sacrifices in any other place.
There is no Sanctuary for all generations except in Jerusalem and [specifically,] on Mt. Moriah, as [**I Chronicles 22:1**] states: "And David declared: 'This is the House of the Lord, God, and this is the altar for the

burnt offerings of Israel.' and [**Psalms 132:14**] states: "This is My resting place forever."

4 The [design of the] structure built by [King] Solomon is described explicitly in [the Book of] Kings. [In contrast, the design of] the Messianic Temple, though mentioned in [the Book of] Ezekiel, is not explicit or explained. Thus, the people [in the time] of Ezra built the Second Temple according to the structure of Solomon, [including] certain aspects which are explicitly stated in Ezekiel.

5 The followings elements are essential when constructing this House:
a) the Sanctuary,
b) the Holy of Holies,
c) preceding the Sanctuary, there should be a place called the Entrance Hall.
The three [together] are called the Temple.
[In addition,] we must make another partition around the Temple, set off from it [slightly], resembling the curtains surrounding the courtyard of the [sanctuary in the] desert. Everything encompassed by this partition is similar to the courtyard of the Tent of Meeting and is called the Courtyard.
The entire area is referred to as the *Mikdash*.

6 The following utensils are required for the Sanctuary:
a) an altar for the burnt offering and other sacrifices;
b) a ramp to ascend to the altar. It was positioned before the Entrance

Hall to the south.

c) a wash basin with a pedestal where the priests would sanctify their hands and feet for the (Temple) service. It was positioned between the Entrance Hall and the altar, to the left when entering the Sanctuary.

d) the altar for the incense offering,

e) the *Menorah*, and

f) the table [for the showbread].

The [latter] three were placed within the Sanctuary, before the Holy of Holies.

7 The *Menorah* was in the south, to the left as one entered. The Table was to the right. The Showbread was placed upon it. Both of them were close to the Holy of Holies on the outside. The incense altar was positioned between these two, towards the outside.

Divisions are to be made within the Temple Courtyard to [indicate] the point to which the Israelites may proceed; the point to which the priests, [who were not able to participate in the Temple service,] may proceed.

[Also,] within it, we must build structures for the various necessities of the Sanctuary. These structures were called chambers.

8 When we build the Temple and the courtyard, we must use large stones. If stones cannot be found, we may build with bricks.

We may not split the stones used for the building on the Temple Mount. Rather, we must split and chisel them outside, and [afterwards,] bring them in, as it is said (**I Kings 5:31** : "And they brought great stones, costly stones, to lay the foundation of the House with hewn stone."

Furthermore, it is said (*ibid.* 6:7): "Neither hammer, nor axe, nor any tool of iron was heard in the House while it was being built."

9 We must not build with any wood protruding at all, only stone, bricks, or cement.
[Similarly,] we must not make wooden chambers in the courtyard. Rather, [they were made] of stone or of brick.

10 Costly stones were laid on the floor of the entire courtyard.
Stones which were uprooted [from their fixture] are invalidated, even though they remained in place, since they were impaired. [Thus,] a priest is forbidden to stand upon them during the [Temple] service until they become fixed in the ground [again.]

11 The most preferable way to fulfill the mitzvah is by strengthening the building and raising it [to the utmost degree] within the potential of the community, as [implied by **Ezra 9:9**]: "to exalt the House of our Lord."
They must make it beautiful and attractive according to their potential. If possible, it is a mitzvah to plate it with gold and to magnify all of its aspects.

12 We must not build the Temple at night, as [**Numbers 9:15**] states: "on the day in which the Sanctuary was raised up." [Our Sages interpret this phrase as implying:] We may raise it up by day and not by night.
We must be involved with its building from dawn until the appearance of the stars.
Everyone is obligated to build and to assist both personally and

financially; [both] men and women, as in the [construction of the] Sanctuary in the desert. [Nevertheless,] children are not to be interrupted from their [Torah] studies.

The construction of the Temple does not supersede the [observance of the] festivals.

13 The Altar should only be made as a structure of stone. Though the Torah states, [**Exodus 20:24**]: "You shall make Me an altar of earth," [that verse is interpreted to mean that] the altar must be in contact with the earth and not built on an arch or on a cave.

Though [*ibid.*:22] states: "If you shall make an Altar of stone...," the Oral Tradition explains that the matter is not left to [our] decision, but is an obligation [incumbent upon us].

14 Any stone which is damaged to the extent that a nail will become caught in it [when passing over it], as is the case regarding a slaughtering knife, is disqualified for [use in the] Altar or the ramp, as [**Deuteronomy 27:6**] states: "You shall build the Altar of the Lord with whole stones."

From where would they bring the stones of the Altar? From virgin earth. They would dig until they reach a point which was obviously never used for tilling or for building, and they would take the stones from there. Alternatively, [they would take them] from the Mediterranean Sea and build with them.

Similarly, the stones of the Temple and the Courtyard were whole.

15 Damaged or split stones from the Temple and the Courtyard are invalid.

They can not be redeemed [and used for mundane purposes]. Rather, they must be entombed.

Every stone which was touched by iron, even though it was not damaged, is disqualified [for use] in building the Altar or the ramp, as it is said (**Exodus 20:22** : "By lifting your sword against it, you will have profaned it."

Anyone who builds the altar or the ramp with a stone that has been touched by iron [violates a negative command and] is [given] lashes, as it is said (*ibid.*): "Do not build them with hewn stone."

One who builds with a damaged stone violates a positive command.

16 [If] a stone was damaged or touched by iron once it had been built into the Altar or the ramp, that stone [alone] is invalidated, but the others are still fit for use.

They coated the altar [with cement] twice a year, [before] Pesach and [before] Sukkot. When they coated it, they used a cloth, rather than an iron lathe, lest it touch a stone and invalidate [it.]

17 We must not make steps for the Altar, as [**Exodus 20:23**] states: "Do not ascend on My Altar with steps." Rather, we must build an incline on the southern side of the Altar, diminishing [in height] as it declines from the top of the Altar until the earth. It was called the ramp.

Anyone who ascends the Altar with steps [violates a negative command and] is [given] lashes.

Similarly, anyone who demolishes a single stone from the Altar, any part of the Temple building, or [the floor of the Temple Courtyard] between

the Entrance Hall and the Altar with a destructive intent is worthy of lashes, as [**Deuteronomy 12:3-4**] states: "And you shall destroy their altars.... Do not do so to God, your Lord."

18 The *Menorah* and its utensils, the Table and its utensils, the Incense Altar, and all the sacred utensils may be made only from metal. If they are made from wood, bone, stone, or glass, they are unacceptable.

19 If the nation is poor, it is permissible to make them of tin. If they [later] become wealthy, they should be made of gold.
If the nation possesses the means, they should even make the basins, the spits, and the rakes of the altar of the burnt offering and, [similarly,] the [Temple's] measuring vessels, out of gold. They should even coat the gates of the Courtyard with gold, if it is within their potential.

20 All the [Temple's] utensils must initially be made for sacred purposes. If they were initially made for mundane uses, they may not be used for [the Temple's] sake.
A vessel [intended to be used for the Temple], but which was never used for [the Temple] may be used for mundane purposes. Once it has been used for [the Temple], it may not be used for mundane purposes.
Stones or boards which were originally hewn for use in a synagogue should not be used in the Temple Mount construction.

Chapter 2

1 The Altar is [to be constructed] in a very precise location, which may

never be changed, as it is said (**II Chronicles 22:1** : "This is the Altar for the burnt offerings of Israel."
Isaac was prepared as a sacrifice on the Temple's [future] site, as it is said (**Genesis 22:2** : "Go to the land of Moriah," and in Chronicles (II 3:1), it is said: "Then, Solomon began to build the House of the Lord in Jerusalem, on Mt. Moriah, where [the Lord] appeared to David, his father, in the place that David had prepared, in the threshing floor of Ornan, the Jebusite."

2 It is universally accepted that the place on which David and Solomon built the Altar, the threshing floor of Ornan, is the location where Abraham built the Altar on which he prepared Isaac for sacrifice.
Noah built [an altar] on that location when he left the ark. It was also [the place] of the Altar on which Cain and Abel brought sacrifices. [Similarly,] Adam, the first man, offered a sacrifice there and was created at that very spot, as our Sages said: "Man was created from the place where he [would find] atonement."

3 The dimensions of the Altar must be very precise. Its design has been passed down from one to another [over the course of the generations].
The altar built by the exiles [returning from Babylon] was constructed according to the design of the Altar to be built in the Messianic age. We may not increase or reduce its dimensions.

4 Three prophets returned to [*Eretz Yisrael*] with the people: one attested to the site of the Altar; the second, to its dimensions; and the third attested

to [the Halachah permitting] all sacrifices to be offered on that Altar, even though the Temple itself was not [built] there [yet].

5 The Altar constructed by Moses, and, [similarly,] that built by Solomon, and that erected by the [returning] exiles, and that to be built [in the Messianic age] are all ten cubits high. Though the Torah states [**Exodus 27:1**]: "Its height will be three cubits," [that refers to] the surface on which the wood for the sacrifices was arranged.

The length and breadth of the Altar built by the [returning] exiles and, similarly, the one to be built in the Messianic Age, is 32 cubits by 32 cubits.

6 The 10 cubits of the Altar's height [were not measured in a consistent manner.] Sometimes the measure of a "cubit" was six handbreadths, while in other cases, the cubit's measure was five handbreadths. In all other cases, the cubits mentioned in the dimensions of the Temple are six handbreadths.

The height of the entire Altar was 58 handbreadths.

7 The [Altar's] dimensions and design were as follows: Five handbreadths up and five handbreadths in [form a step called] the base. Thus, the [remaining area of the Altar] was 30 cubits and two handbreadths by 30 cubits and two handbreadths.

Thirty handbreadths [further] up and 5 handbreadths [further] in is [called] the surrounding ledge.

Thus, its area was 28 cubits and four handbreadths by 28 cubits and four

handbreadths.

Go up eighteen handbreadths, place a hollow, rectangular structure in each corner of this surface [thus, creating the Altar's] four horns.

The area encompassed by the horns was one cubit by one cubit on all sides. Similarly, the space for the priests to walk was a cubit on all sides.

[Thus,] the surface on which [the wood for the sacrifices] was arranged was 24 cubits and four handbreadths by 24 cubits and four handbreadths.

8 Each horn was five handbreadths high. The area of each horn was a cubit by a cubit. [All] four horns were hollow.

Thus, the surface on which [the wood for the sacrifices] was arranged was 18 handbreadths above [the surrounding ledge.]

Half of the Altar's height [began] 6 handbreadths below the end of the surrounding ledge.

9 A scarlet band is girded around the middle of the Altar six handbreadths below the surrounding ledge to separate between the blood [to be cast on] the upper [portion of the Altar] and the blood [to be sprinkled on] the lower [portion of the Altar].

Thus, the distance from the earth to the surface on which [the wood for the sacrifices] was arranged was a handbreadth less than nine cubits.

10 The ledge encircled the Altar on all four sides. The base did not. The base encompassed the entire northern and western sides [of the Altar], and consumed one cubit on the South side and one cubit on the east side. [Thus,] the southeast corner [of the Altar] did not have a base.

11 There were two holes in the southwest corner [of the Altar's base], resembling two thin nostrils. They were called *Shittin*. The blood [which was poured onto the Altar] would run off through them and be mixed together in the drainage canal in that corner. From there, it would flow out to the Kidron River.

12 Below, in the floor of that corner of the Altar, was a place, a cubit by a cubit, [covered by] a block of marble, with a ring affixed to it. They would descend there to the *Shittin* and clean them.

13 The ramp was constructed to the south of the Altar. Its length was 32 cubits, and its width, sixteen cubits. It consumed 30 cubits on the ground adjacent to the Altar, and extended [further, covering] one cubit of the base and one cubit of the surrounding ledge.

There was a small space between the ramp and the Altar so that the limbs [of the sacrifices] would have to be tossed to reach the Altar.

The height of the ramp was nine cubits minus a sixth of a cubit. It equaled that of [the surface on which the wood for the sacrifices] was arranged.

14 Two small ramps extended from it. One led to the base, and the other to the surrounding ledge. They were set off from the Altar by a hair's breadth.

There was an aperture on the west side of the ramp, a cubit by a cubit. It was called the *Rivuvah*. There, fowl that had been disqualified for use as sin offerings would be placed until their form decomposed, at which time

they could be taken out to be burnt.

15 Two tables were [placed] on the left side of the ramp:
One of marble, on which the limbs [of the sacrifices to be offered on the Altar] were placed, and
One of silver, on which sacrificial vessels were placed.

16 When we build the Altar, it must be made as one solid block, resembling a pillar. No empty cavity may be left at all.
We must bring whole stones, both large and small. Then we must create a liquid with lime, pitch, and molten lead, and pour it [over the stones] into a large mold of its dimensions. We must build it in this manner, ascending [level by level].
We must place a block of wood or stone in the southeast corner of the structure, equal to the measure of [the missing portion of the Altar's] base. Similarly, [blocks] must be placed in each horn until the building is completed. Then, the blocks may be removed from the structure, thus leaving the southeast corner without a base, and the horns, hollow.

17 The four horns, the base, and a square shape are absolute requirements for the Altar. Any Altar which lacks [either] a horn, a base, a ramp, or a square shape, is unfit for use, for these four are absolute requirements.
However, the measures of length, width, and height, are not absolute requirements, provided they are not less than a cubit by a cubit [in area,] and three cubits high. [The latter were] the dimensions of the surface [on which the wood for the sacrifices] was arranged for the altar [in the

Sanctuary that accompanied the Jews] in the desert.

18 [The following laws apply when] the structure of the Altar is damaged. If a handbreadth of its structure is damaged, it is unfit for use. If less than a handbreadth [is damaged], it is acceptable, provided none of the remaining stones are damaged.

Chapter 3

1 The design of the *Menorah* is explicitly [stated] in the Torah. The [central] shaft of the *Menorah* had four goblets, two bulbs, and two flowers, [**Exodus 25:34**] states: "The *Menorah* shall have four embossed goblets, together with its bulbs and its flowers." A third flower was close to the *Menorah's* base, as [**Numbers 8:4**] states: "to its base, to its flower."

2 The [*Menorah*] had three feet.
Six [diagonal] branches extended from three other bulbs in the [central] shaft of the *Menorah*, three [branches] on one side and three on the other. Each branch had three goblets, a bulb, and a flower. They were all embossed by beating them [in a manner that their surface] resembled [tiny] almonds.

3 Thus, the total number of goblets was 22; of flowers, nine; of bulbs, eleven. [The absence of] any of these ornaments could render the others invalid. Even if one of the 42 [ornaments] was lacking, all [the others] would not be valid.

4 This applies when the [*Menorah*] is made of gold. [However, if it is made] of other metals, it should not have goblets, bulbs, and flowers.
Also, when the *Menorah* is made out of gold, its total [weight] including its lamps shall be one talent. It must be fashioned entirely by hammering out one block [of gold].
[In contrast, should it be made from] other metals, there is no need to be precise about its weight. Also, it may be hollow.

5 [The *Menorah*] should never be made of fragments of broken vessels, whether it was made of gold or of other metals.

6 [Though the *Menorah's*] tongs, ash-scoops, and oil containers [shall also be made out of pure gold], they are not included in the talent [mentioned above. This decision was made] because, in connection with the *Menorah*, [**Exodus 25:31**] states: "pure gold" and afterwards, [*ibid.*:38) repeats: "Its wick-tongs and ash-scoops shall be made of pure gold."
The verse does not state: "its lamps shall be of pure gold," for the lamps were permanently fixed in the *Menorah*, and were included in the talent [of gold from which the *Menorah* was fashioned].

7 The [absence of one of the] seven branches of the *Menorah* invalidates the others. The [absence of one of the] seven lamps invalidates the others. This applies whether [the *Menorah* was made] of gold or of other metals.
All the lamps were [permanently] affixed to the branches.

8 The six lamps affixed in the six branches extending out from the *Menorah* all faced the central lamp which was above the [central] shaft of the

Menorah. The central lamp faced the Holy of Holies and was called the western lamp.

9 The goblets resembled Alexandrine chalices. They had wide mouths and narrow bases. The bulbs were like the apples of Keros which are slightly elongated, [resembling] eggs with both ends rounded. The flowers resemble the flowers of a column. They are shaped like bowls, with the edges bent over outward.

10 The *Menorah* was eighteen handbreadths high:
Its feet, [base,] and [bottommost] flower were three handbreadths high,
There were two empty handbreadths,
The next handbreadth included a goblet, a bulb, and a flower,
Two empty handbreadths [followed],
A handbreadth with a bulb and two branches extending outward from it, one to one side and one to the other, extending outward and ascending until reaching the full height of the *Menorah*,
An empty handbreadth,
A handbreadth with a bulb and two branches extending outward from it, one to one side and one to the other, extending outward and ascending until they reached the full height of the *Menorah*,
An empty handbreadth,
A handbreadth with a bulb and two branches extending outward from it, one to one side and one to the other, extending outward and ascending, until they reached the full height of the *Menorah*,
and two empty handbreadths

[Thus,] three handbreadths remained, with three goblets, a bulb, and a flower.

11 A stone with three steps was [placed] before the *Menorah*. The priest stood on it and kindled the lamps. [Also,] he placed the containers of oil, the tongs, and the ash-scoops upon it while kindling it.

12 The Table [for the Showbread] was twelve handbreadths long and six handbreadths wide. Its length was positioned in parallel with the length of the Sanctuary and its width was positioned in parallel with the width of the Sanctuary.

Similarly, the length and width of all the articles in the Sanctuary except for the Ark paralleled the length and width of the Sanctuary. The length of the Ark was placed to the width of the Sanctuary.

The lamps of the *Menorah* were also positioned in parallel with the width of the Temple, from north to south.

13 The Table had four side frames of gold which were Y-shaped at their heads. They supported the two arrangements of the showbread, two for each arrangement. The Torah calls them "its *kesot*."

14 There were 28 rods of gold. Each resembled half of a hollow reed. Fourteen [were used] for one arrangement and fourteen for the other arrangement. [The Torah] calls them "its *minakiot*."

There were two incense bowls. The frankincense was placed inside them on the Table, on the side of the arrangements [of Showbread]. [The Torah] calls them "its *kapot*."

The molds used to make the Showbread are called "its *ke'arot*."

15 The 28 rods mentioned above [were used as follows]: The first loaf was placed on the Table itself. Three rods were placed between the first and the second loaves. Similarly, three rods were placed between each [of the following] loaves. Between the fifth and the sixth loaf, there were only two rods, for another loaf is not placed upon the sixth. Thus, each row [of loaves] required fourteen rods.

16 There were two tables in the Entrance Hall, near the entrance to the Temple building. One was made of marble. The Showbread was placed upon it before it was brought in. The other was made of gold. The bread was placed upon it when it was brought out. [The rationale for the use of different substances is that] with regard to holy matters, one must always ascend, and may not descend.

17 The incense altar was one cubit by one cubit square. It was placed in the Sanctuary, exactly [midway] between north and south, between the Table and the *Menorah*, towards the outside. These three were all placed beyond the first third of the Temple building, in front of the *Parochet*, which divided the Sanctuary from the Holy of Holies.

18 The washbasin had twelve taps, so that all the priests who were involved in offering the daily sacrifice could sanctify [their hands and feet] at one time.

A mechanism was made so that it could be filled with water at all times. [The mechanism itself] was not sacred, and thus, the water remaining in

it did not become invalidated [for future use] because the night passed. [This was necessary] because the washbasin was a sacred vessel and sanctified [its contents]. Anything which is sanctified by a sacred vessel becomes invalidated [for future use] after the night passes.

Chapter 4

1 The Ark was placed on a stone in the western portion of the Holy of Holies. The vial of manna and Aharon's staff were placed before it.

When Solomon built the Temple, he was aware that it would ultimately be destroyed. [Therefore,] he constructed a chamber, in which the ark could be entombed below [the Temple building] in deep, maze-like vaults.

King Josiah commanded that [the Ark] be entombed in the chamber built by Solomon, as it is said (**II Chronicles 35:3** : "And he said to the Levites who would teach wisdom to all of Israel: 'Place the Holy Ark in the chamber built by Solomon, the son of David, King of Israel. You will no [longer] carry it on your shoulders. Now, serve the Lord, your God.'

When it was entombed, Aharon's staff, the vial of manna, and the oil used for anointing were entombed with it. All these [sacred articles] did not return in the Second Temple.

Similarly, the *Urim V'Tumim* that existed in the Second Temple did not answer with *Ruach HaKodesh* (Divine inspiration) and questions were not asked of them, as stated [in **Ezra 2:63**]: "until a priest will arise with the *Urim V'Tumim*." [In the Second Temple,] they only made them to fulfill the requirement of eight garments for the High Priest. Thus, the High Priest would not lack one of the required garments.

2 The First Temple had a one-cubit thick wall which separated the Sanctuary and the Holy of Holies. When the Second Temple was constructed, they were unsure whether the width of that wall was included in the measure of the Sanctuary or the Holy of Holies. Therefore, the Holy of Holies was made a full twenty cubits long, and the Sanctuary a full forty cubits long, and one additional cubit was left between the Sanctuary and the Holy of Holies.

They did not build a wall in the Second Temple. Rather, they hung two curtains, one from the side of the Sanctuary and one from the side of the Holy of Holies, with a cubit between them in place of the width of the wall of the First [Temple]. However, in the First Temple, there was only one curtain, as [**Exodus 26:33**] states: "The curtain will divide for you [between the Sanctuary and the Holy of Holies.]"

3 The Temple building constructed by the exiles [returning from Babylon] was one hundred cubits long, one hundred cubits wide, and one hundred cubits high. The measurement of its height can be described as follows:

They built a solid base six cubits high resembling a foundation for it;

the Sanctuary, 40 cubits high;

an ornate ceiling, one cubit high;

above that, two cubits were left empty to allow dripping [water] to collect [and to be drained off]; this was called the *Beit Dilpa*;

the roof above the *Beit Dilpa* was a cubit thick;

the plaster, a cubit high;

an upper storey was built on it; its walls were 40 cubits high;

its roof included an ornate ceiling one cubit high;

a *Beit Dilpa*, two cubits high;
a roof, one cubit high;
plaster, one cubit high;
a guard rail, three cubits high;
a sheet of iron resembling a blade, a cubit high, was placed all around the guard rail so that birds will not rest upon it. It was called the *Kaleh Orev*.
The total of the above is 100 cubits.

4 From the west to the east, there were 100 cubits as follows:
There were four walls, one within the other, with three vacant spaces between them:
Between the western wall and the wall inside of it, five cubits,
Between the second and third walls, six cubits,
Between the third and fourth walls, six cubits.
These measurements include the width of the wall and the space between it and the following wall.
The length of the Holy of Holies was 20 cubits.
Between the two curtains separating the Holy of Holies and the Sanctuary, one cubit.
The length of the Sanctuary was 40 cubits.
The width of the eastern wall in which the entrance was positioned was six cubits.
The Entrance Hall was eleven cubits [long].
The wall of the Entrance Hall was five cubits thick.
Thus, the total is 100 cubits.

5 From north to south, there were 100 cubits:
The width of the wall of the Entrance Hall was five cubits.
There were ten cubits from the wall of the Entrance Hall until the wall of the Sanctuary.
The Sanctuary had six walls, one within the other, with five vacant places between them:
Between the outer wall and the second [wall], there were five cubits;
Between the second and the third, three cubits;
Between the third and the fourth, five;
Between the fourth and the fifth, six; and
Between the fifth and the sixth, six.
Thus, these [walls and chambers encompassed] a total of forty cubits on both sides [of the Temple building.] The width of the Temple inside was 20 cubits.
The total was 100 cubits.

6 A wicket is a small gateway. The Sanctuary had two wickets on the sides of the great gate in the middle, one on the north and one on the south.
No one ever entered through the southern [wicket]. Explicit [reference] to this [is made] by [in the Book of] **Ezekiel [44:2]**: "This gate will be closed. It will not be opened."
[Every morning, the priests] would enter [through the wicket] on the north and proceed between the two walls until reaching an opening to the Sanctuary on the left. [From there], they would enter the Temple, proceed to the great gate, and open it.

7 The great gate was ten cubits wide and twenty cubits high. It had four doors: two to the inner [chamber,] and two to the outside. The outer gates opened into the doorway, covering the breadth of the walls. The inner [gates] opened into the Sanctuary, covering the [wall space] behind the doors.

8 The opening to the Entrance Hall was forty cubits high and twenty [cubits] wide. It did not have gates.

Five oak beams were [positioned] above this entrance. The bottom [beam] extended beyond the entrance, one cubit on either side. Each of the five [beams] extended one cubit on either side of the [beam] below it. Thus, the uppermost beam was thirty cubits [long]. There was a tier of stones between each beam.

9 The structure of the Temple was wide in its front and narrow in its rear, like a lion.

Balconies [extended] from the wall of the winding stairwell and surrounded the Temple on all sides. The lowest balcony was five [cubits long.] The pavement above it was six cubits long. The middle projection was six cubits, and the pavement above it seven cubits. The upper balcony was seven cubits, as it is said (**I Kings 6:6** : "The lowest balcony...." Thus, three balconies surrounded the Temple from three sides.

Similarly, [there were projections] from bottom to top, around the wall of the Entrance Hall. The [pattern] was as follows:

one vacant cubit,

a projection of three cubits,

one vacant cubit, and then,
a projection of three cubits.
This pattern was followed until the top [of the wall.] Thus, the projections surrounded the walls. Each projection was three cubits wide until the top [of the wall], and between each projection was a [vacant] cubit. The uppermost projection was four cubits wide.

10 All the vacant spaces between the walls are called cells. Thus, five cells surrounded the Sanctuary on the north, five on the south, and three on the west.
There were three levels [of cells,] one level above the other. Thus, there were fifteen cells on the south; five above five, with five above them. Similarly, in the north, there were fifteen cells.
There were eight cells in the west; three above three, with two above them on one level. Thus, there were a total of 38 cells.

11 Each cell had three entrances: one to the cell on the right, another to the cell on the left, and one to the cell above it.
The cell in the northeast corner of the second storey had five entrances: one to the cell on its right, one to the cell above it, one to the winding stairwell, one towards the cell with the wicket, and one to the Temple.

12 The winding stairwell with which one would ascend to the roofs of the cells began its rise from the northeast corner towards the northwest corner [of the Temple]. One ascended on the winding stairwell facing the west and traversed the entire length of [the Temple's] northern side until

reaching the west.

When he reached the west, he would turn towards the south. He walked across the entire length of the western side until he reached the south. When he reached the south, he turned to the east. He walked eastward until reaching the entrance to the Temple's upper storey, since the entrance to the upper storey was on the south.

13 At the entrance to the Temple's upper storey, there were two cedar beams upon which one could climb to the roof of the upper storey. Marking posts in the upper storey differentiated between the roof of the Sanctuary and the roof of the Holy of Holies.

Apertures in the upper storey [led to] the Holy of Holies, through which craftsmen would be lowered in boxes, so that they would not satiate their eyes [gazing at] the chamber of the Holy of Holies.

Once a year, from Passover to Passover, they coated the Temple building with cement.

Chapter 5

1 Mount Moriah, the Temple Mount, measured 500 cubits by 500 cubits. It was surrounded by a wall. [The earth beneath it was hollowed out to prevent contracting ritual impurity] due to *Tumat Ohel.* Arches above arches were built underneath [for support]. It was entirely covered, one colonnade inside another.

2 Five gates led to the [Temple Mount]: One from the west, one from the

east, one from the north, and two from the south. Each gate was 10 cubits [wide] and twenty cubits high. [Each gate] had doors.

3 Further within, a latticework partition, 10 handbreadths high, surrounded it on all sides.
The *Chayl* [a rampart] ten cubits high, was located further inside this partition. It is referred to in the [Book of] **Lamentations [2:6]**: 'The wall and the rampart mourned.' [This wall] refers to the wall surrounding the Temple Courtyard.

4 Further inward, beyond the *chayl*, was the Temple Courtyard. The Temple Courtyard was 187 [cubits] long and 135 [cubits] wide.
It had seven gates. Three were on its north side, close to the west, and three were on the south side, close to the west. One [gate] in the east was positioned in the center, [directly] opposite the Holy of Holies.

5 Each gate was ten cubits wide and twenty cubits high. Each one had gold-plated doors, except for the eastern gate which was plated with bronze that resembled gold. This was called the Upper Gate. It was [also called] the gate of Nicanor.

6 The Temple Courtyard was not situated directly in the center of the Temple Mount. Rather, it was set off further from the southern [wall] of the Temple Mount than from [the wall of] any other direction. It was closer to the western [wall] than to [the wall of] any other direction. There was a greater distance between it and the northern [wall] than between it and the western [wall]. [Similarly,] there was a greater distance

between it and the eastern [wall] than between it and the northern [wall].

7 The Women's Courtyard was in front of the Temple Courtyard on the East and was 135 cubits long and 135 cubits wide. It had four chambers, each forty cubits [by forty cubits, one] in [each of] its four corners. They did not have roofs, nor will they in the Messianic Age.

8 For what purpose were they used?
The southeastern chamber was [called] the Chamber of the Nazirites. There, they cooked peace offerings and shaved their hair.
The northeastern chamber was [called] the Chamber of the Woodshed. There, the priests who [were disqualified from the Temple service] because of physical deformities checked the wood [brought for the Altar] for worms. If a worm was found, it was unfit for use.
The northwestern chamber was [called] the Chamber of Those Afflicted with *Tzara'at*.
The southwestern chamber was used to store wine and oil. It was called "The Chamber of the Oils."

9 The Women's Courtyard was surrounded by balconies so that women could look on from above and the men from below without intermingling.

10 Outside the Temple Courtyard, on its northern side, was a large structure between the Courtyard and the *chayl*. It was built with a dome and [its inner walls] were surrounded with stone protrusions. It was called the Chamber of the Hearth.

It contained two entrances: one to the Temple Courtyard and one to the *chayl*.

There were four chambers inside it. Two were consecrated and two were not. Marking posts separated the consecrated [chambers] from those which were not consecrated.

For what purpose were they used?

The southwestern [chamber] was the Chamber of the Lambs.

The southeastern [chamber] was the Chamber of the Bakers of the Showbread.

[In] the northeastern [chamber], the Hasmoneans entombed the stones of the Altar which were defiled by the Greek kings.

[In] the northwestern chamber, [a stairwell] descended to the *mikveh*.

11 One who descended from this chamber to the *mikveh* proceeded along a winding stairway located under the entire Temple complex. Candles were kindled on both sides [of the passageway, to illuminate the way] until reaching the *mikveh*.

This [chamber] also contained the hearth and the seat of dignity. This was the dignity associated with it. If one found it locked, he knew it was occupied by another person [and did not enter].

12 The Temple Courtyard was 187 cubits long from east to west. The measurement can be broken down as follows:

Eleven cubits from the western wall of the Courtyard to the wall of the Temple building.

100 cubits, the length of the Temple building.

22 cubits between the Entrance Hall and the Altar.
22 cubits, [the length of] the Altar.
Eleven cubits, the area where the priests could walk. This was called the Priestly courtyard.
Eleven cubits, the area where Israelites could walk. This was called the Courtyard of Israel.

13 The Courtyard was 135 cubits wide, from north to south. The measurement can be broken down as follows:
Eight cubits from the northern wall until the butchering area.
Twelve and one half cubits, the width of the butchering area. There, they would suspend the sacrificed animals [on posts] and remove their hides.

14 At its side was the place for the tables; it was eight cubits wide. It had marble tables on which the severed limbs were placed. The meat was washed [there] before it was cooked. There were eight tables.
The area of the rings [was positioned] next to the location of the tables. It was 24 cubits [wide]. There, they slaughtered the sacrifices.

15 There were eight cubits between the Altar and the area of the rings. The Altar was 32 cubits wide. The ramp was 30 cubits [long]. There were twelve and a half cubits between the ramp and the southern wall.
[The area] from the northern wall of the Temple Courtyard until the wall of the Altar, was sixty and a half [cubits] wide. The length of this area, from the wall of the Entrance Hall until the eastern wall of the Courtyard, was 76 [cubits].

16 The entire rectangle [described above] is called "the northern portion." The sacrifices of the most sacred order of holiness were slaughtered there.

17 The Courtyard of the Israelites had eight chambers: three in the north and three in the south. In the south, were the Chamber of Salt, Parve's Chamber, and the Washing Chamber.

The salt for the sacrifices was stored in the Chamber of the Salt. The hides of the sacrifices were salted in Parve's chamber. Its roof had a *mikveh*, used by the High Priest on Yom Kippur. The internal organs of the sacrifices were washed in the Washing Chamber. It had a winding rampway leading to the roof of Parve's chamber.

The three [chambers] in the north were the Chamber of Hewn Stone, the Chamber of the Bowl, and the Chamber of Wood.

The Supreme *Sanhedrin* sat [in judgment] in the Chamber of Hewn Stone. Half was consecrated and half was not. The *Sanhedrin* sat in the half that was not consecrated.

The Chamber of the Bowl had a well from which water was drawn with a bowl. This [well] supplied water to the entire Temple Courtyard.

The Chamber of Wood was situated behind these two. It was the Chamber of the High Priest and [also] called "the Chamber of *Parhedrin*."

The roofs of these three chambers were on the same level.

The Courtyard of the Israelites had two other chambers: one to the right of the eastern gate, [called] the Chamber of Pinchas, the clothes-butler; and one to the left. It was [called] the Chamber of the Bakers of the *chavitin*.

Chapter 6

1 The entire Temple complex was not built on flat ground, but rather on the incline of Mount [Moriah.] Thus, a person who entered from the Eastern Gate of the Temple Mount would proceed to the end of the *chayl* on one level.

He would ascend from the *chayl* to the Woman's Courtyard on twelve steps. Each step was half a cubit high and half a cubit wide.

2 One proceeded through the entire Women's Courtyard on one level. From it, one ascended to the Courtyard of the Israelites, which is the beginning of the Temple Courtyard, using fifteen steps. Each step was half a cubit high and half a cubit wide.

3 One would proceed through the entire Israelites' Courtyard on one level and ascend from it to the Priestly Courtyard [using] one step, one cubit high.

Above [that step] was a platform of three steps. Each step was half a cubit high and half a cubit wide. Thus, the Priestly Courtyard was two and a half cubits higher than the Courtyard of the Israelites.

4 One would proceed through the entire Priestly Courtyard, [the area of] the Altar, and the space between the Entrance Hall and the Altar on one level. From there, one would ascend to the Entrance Hall using twelve steps. Each step was half a cubit high and half a cubit wide.

The Entrance Hall and [the remainder of] the Temple building were both

on the same level.

5 Thus, the ground [on which] the Temple building [was located] was 22 cubits higher than the ground [on which] the Eastern Gate [was located].
The Eastern Gate was twenty cubits high. Accordingly, a person standing opposite the Eastern Gate could not see the Temple building. For this reason, the wall above this gate was low. Thus, the priest [who offered the *Parah Adumah*] could see the opening of the Temple when he sprinkled its blood, while standing on the Mount of Olives.

6 There were chambers under the Courtyard of the Israelites opening up to the Women's Courtyard. There, the Levites stored their harps, lyres, cymbals, and other musical instruments.
The Levites stood on the platform which ascends from the Courtyard of the Israelites to the Courtyard of the Priests, when they chanted songs over the sacrifices.

7 [Regarding] the chambers that were built on consecrated ground, but which opened up to an area that was not consecrated: If [their roofs] were on the same level as the earth of the Courtyard, their inner space is not consecrated, but their roofs are consecrated.
If they are not on the same level [as the Courtyard], their roofs are also not consecrated, for the roofs and the upper floors [of the structures in the Temple Courtyard] were not consecrated.
Therefore, sacrifices of the highest degree of sanctity may not be eaten on these roofs, nor may sacrifices of a lesser degree of sanctity be slaughtered

there.

8 [Regarding the chambers] which were built on unconsecrated ground, but were open to consecrated ground: Their inner space was considered consecrated when eating sacrifices of the most holy order. However, the sacrifices of a lesser degree of sanctity were not slaughtered there. [Similarly,] a person who enters while ritually impure is not required [to bring a sin offering].

The roofs [of these chambers] are considered as unconsecrated ground in all respects.

9 The underground passageways which open to the Temple Courtyard are consecrated. Those that open to the Temple Mount [outside the Courtyard] are not consecrated.

The windows and the width of the wall are considered within [the Courtyard] in regard to partaking of the sacrifices of the most holy order and [entering while] ritually impure.

10 If the *Sanhedrin* desires to add to [the city limits of] Jerusalem or the Temple Courtyard, they may. They may extend the Temple Courtyard to any place they desire on the Temple Mount. [Similarly, they may] extend the walls of Jerusalem to any place they desire.

11 We may not expand [the limits] of the city [of Jerusalem] or of the Temple Courtyard unless receiving the consent of the king, a prophet, the *Urim V'Tumim*, and the *Sanhedrin* of 71 judges, as [**Exodus 25:9**] states: "According to all that I show you, [the design of the Sanctuary]...so shall

you make it." [The latter phrase was interpreted by our sages to mean that the same conditions should apply in] future generations.

[The presence of a king is required] because Moses, our teacher, was a king.

12 How do we extend [the limits of] the city? The *Sanhedrin* must offer two thanksgiving offerings. [Then, two priests] take the leavened breads from these offerings [and proceed]. The *Sanhedrin* would follow the thanksgiving offerings. The thanksgiving offerings [would not proceed together, but] one would follow the other.

They would stand on each and every corner and every single stone in Jerusalem, [playing] harps, lyres, and cymbals, and reciting [**Psalms 30**]: "I exalt you, Lord, for You have uplifted me...."

[They would proceed] until reaching the end of the place [which they desired to] consecrate. There, they would stand and eat one of the two thanksgiving offerings. The other was burnt. A prophet would determine which was eaten and which was burnt.

13 Similarly, [if the Sages desire] to extend the [limits of the] courtyard, they must consecrate it with the remaining portion of the meal offering. Just as the thanksgiving offering, which must be eaten inside Jerusalem consecrates it, so, too, the remaining portion of the meal offering, which may only be eaten inside the Temple Courtyard, consecrates it. It is to be eaten at the end of the space which they desire to consecrate.

14 Any place which was not [consecrated] with all the above [elements] and

according to the above procedure is not thoroughly consecrated. Though Ezra offered two thanksgiving offerings [to dedicate the city,] he merely carried out a testimonial act. The Sanctuary was not consecrated through his deeds, for neither a King nor the *Urim V'Tumim* were present there.

[If so,] how was [the Second Temple] consecrated? With the first consecration performed by Solomon, for he consecrated the Temple Courtyard and Jerusalem, for that time and for eternity.

15 Therefore, we may offer all the sacrifices [on the Temple site], even though the Temple itself is not built. Similarly, sacrifices of the most holy order can be eaten in the entire [area of the] Courtyard, even though it is in ruin and not surrounded by a divider.

We may also eat sacrifices of lesser sanctity and *Ma'aser Sheni* throughout Jerusalem, even though [it is not surrounded by] a wall, for through its original consecration, it was consecrated for that time and for eternity.

16 Why do I say that the original consecration sanctified the Temple and Jerusalem for eternity, while in regard to the consecration of the remainder of *Eretz Yisrael*, in the context of the Sabbatical year, tithes, and other similar [agricultural] laws, [the original consecration] did not sanctify it for eternity?

Because the sanctity of the Temple and Jerusalem stems from the *Shechinah*, and the *Shechinah* can never be nullified. Therefore, [**Leviticus 26:31**] states: "I will lay waste to your Sanctuaries." The Sages declared: "Even though they have been devastated, their sanctity remains."

In contrast, the [original] obligation to keep the laws of the Sabbatical

year and tithes on the Land stemmed from the fact that it was conquered by the [Jewish people, as a] community. Therefore, when the land was taken from their hands [by the Babylonians,] their [original] conquest was nullified. Thus, according to Torah law, the land was freed from the obligations of the Sabbatical year and of tithes because it was no longer *Eretz Yisrael*.

When Ezra returned [to *Eretz Yisrael*] and consecrated it, it was not sanctified by means of conquest, but rather through *Chazzakah*. Therefore, every place which was repossessed by the [exiles returning from] Babylon and consecrated when Ezra consecrated [the land] the second time, is sacred today.

Thus, as explained in *Hilchot Terumah*, it is necessary to keep the laws of the Sabbatical years and the tithes [on this land] even though it was taken from [the Jewish people in later years].

Chapter 7

1 There is a positive commandment to hold the Temple in awe, as [**Leviticus 19:30**] states: "And you shall revere my Sanctuary." Nevertheless, it is not the [physical building of] the Temple which must be held in awe, but rather, He who commanded that it be revered.

2 How is reverence for it manifest? A person should not enter the Temple Mount holding a staff, or with sandals on his feet, or wearing only underwear, with dust on his feet, or with money wrapped in his kerchief.

It is superfluous to say that it is forbidden to spit on the entire Temple

Mount. If one must spit, he should let it be absorbed in his clothing.
One should not take a shortcut through the Temple Mount, by entering from one gate, and leaving from the opposite one, in order to shorten the way. Rather, one should walk around from the outside, entering only for the purpose of a mitzvah.

3 All who enter the Temple Mount should [face] the right side, walk around [in that direction], and leave on the left side. [This applies to everyone] except to one to whom [a grievous] event occurred. He would circle around towards the left side. Therefore, [those who met him] would ask him: "Why are you circling towards the left?"
"Because I have become a mourner," [he would answer].
"May the One Who rests in this House comfort you," [they would reply].
[Or he might answer:] "Because I have been ostracized."
[In which case, they would reply:] "May the One Who rests in this House bring about a change in your heart and thus, you will follow the words of your colleagues. Then, they will draw you near."

4 Anyone who has completed his service [in the Temple and desires] to leave, should not [turn around and] leave with his back to the Temple. Rather, he should walk backwards slightly and [then], walk slowly, and [turn] to his side until leaving the Temple Courtyard.
Similarly, the members of the priestly watch, the representatives of the Jewish people, and the Levites [when they descend] from their platform, should leave the Temple in this manner, similar to one who steps backwards after his prayers. All these [are expressions of] reverence for the

Temple.

5 A person should not act frivolously before the gate of Nicanor, the eastern gate of the Temple Courtyard, for it is positioned opposite the chamber of the Holy of Holies.

Everyone who enters the Temple Courtyard should walk in a dignified manner, in the region where he is permitted to enter. He should conceive of himself as standing before God, as [**I Kings 9:3**] states: "My eyes and My heart will be there forever."

One should walk with awe, fear, and trembling, as [**Psalms 55:15**] states: "We would walk in the House of the Lord with fervor."

6 It is forbidden for anyone to sit in the Temple Courtyard, [for] sitting in the Temple Courtyard is prohibited except for the Kings of the House of David, as [**II Samuel 7:18**] states: "And King David entered and sat before the Lord."

The Sanhedrin met in the half of the Chamber of Hewn Stone which was not consecrated.

7 Even though, the Temple is now in ruin because of our sins, a person must hold its [site] in awe, as one would regard it when it was standing.

[Therefore,] one should only enter a region which he is permitted to enter. He should not sit in [the area of] the Temple Courtyard, nor should he act frivolously when standing before [the place of] the eastern gate, as [implied by **Leviticus 19:30**]: "You shall observe My Sabbaths and you shall revere My Sanctuary." [Explaining the analogy between the two

commands, the Sages comment:] "Just as the observance of the Sabbath [applies] for eternity, so too, the reverence for the Temple must be eternal. Even though it is in ruin, it remains holy."

8 When the Temple is standing, a person may not act frivolously in the area from Mt. Scopus, which is outside of Jerusalem, and inwards [towards the city. This prohibition only applies] when he can see the Temple, and there is no fence between him and the Temple.

9 At all times, a person may not defecate or sleep [with his body positioned] between the east and the west. It is superfluous to state that one should not place a toilet between the east and the west in any place [throughout the world,] for the Temple is in the west. Therefore, one should not defecate to the west nor to the east, for it is opposite the west. Rather, we should always defecate and sleep [with our bodies] to the north and south. Whoever urinates from Mt. Scopus inward to the city should not sit facing the Temple. Rather, [he should position himself] to the north or to the south, or have the Temple at his side.

10 A person may not make a house according to the Temple's design, a porch with the design of the Entrance Hall, a courtyard resembling the Temple Courtyard, a table according to the design of the Table for the Showbread, or a lamp in the design of the *Menorah*. However, one may make a lamp [resembling the *Menorah*] with five branches or with eight branches [even] with seven branches if it is not made of metal.

11 The [encampment of the Jewish people] in the desert[was divided into]

three areas:

the camp of Israel, which was itself subdivided into four camps;

the camp of the Levites about which [**Numbers 1:50**] states: "They shall camp around the Sanctuary;"

and the camp of the *Shechinah* [which included the area] beginning at the entrance to the courtyard of the Tent of Meeting inwards.

Correspondingly, for [future] generations:

[The area] from the entrance to Jerusalem to the Temple Mount is comparable to the camp of Israel.

[The area] from the entrance to the Temple Mount until the entrance to the Temple Courtyard, the gate of Nicanor, is comparable to the camp of the Levites.

[The area] from the entrance to the Temple Courtyard inward, is comparable to the camp of the *Shechinah*.

The *chayl* and the Women's Courtyard were regions of increased sanctity which were first instituted in the Temple.

12 The entire land of *Eretz Yisrael* is more sanctified than all other lands. How is its holiness expressed?

The *Omer* offering, the two loaves (offered on Shavuot), and the first fruits must be brought from its [territory] and cannot be brought from other lands.

13 *Eretz Yisrael* has ten gradations of holiness, each higher than the preceding level. The cities which are surrounded by a wall are holier than the rest of the Land.

[How is this holiness expressed?]

Those afflicted by *tzara'at* are sent out of [these cities].

A corpse cannot be buried inside them until the entire city or its seven chosen representatives agree.

If a corpse has been taken outside a city, it should not be returned, even though all of the inhabitants are willing.

If the inhabitants of a city desire to disinter [a corpse] and remove it from the country, they may. The graves [of any individual] may be disinterred except for those of a king or of a prophet.

[The following rules apply in the case of a grave which was originally placed outside a city. Afterwards, the city grew in size to the point where] it surrounded the grave on all four sides, or merely on two sides which faced each other. If [originally,] there was more than 50 cubits between the grave and the city on either side, [the corpse] cannot be disinterred from the grave until every inhabitant of the city agrees. If a smaller distance [had originally been left,] it may be removed.

14 Jerusalem is holier than other walled cities. We must eat the sacrifices of lesser sanctity and the second tithes within its walls.

[Because of this holiness], the following [restrictions] were enacted in regard to Jerusalem:

No corpse is left within [its boundaries] overnight.

Human bones may not be transported within it.

Homes cannot be rented within it.

A resident alien may not be given the opportunity to settle in the city.

No graves may remain within [its boundaries] except for the graves of the

House of David and the grave of Chuldah, the prophetess, which were there from the days of the first prophets.

We should not plant gardens or orchards within the city. It cannot be sowed or plowed [as a field], so that it will not smell foul. No trees may be maintained within it, except for a rose garden which was there from the days of the first prophets.

We may not maintain a garbage dump there, because of creeping animals.

We may not [build] balconies or protrusions extending into the public domain because of *Tumat Ohel*.

We may not create furnaces within it because of the smoke.

We may not raise chickens within it, because they may cause ritually pure articles [to become impure]. Similarly, a priest may not raise chickens throughout *Eretz Yisrael*, because they cause ritually pure articles [to become impure].

A house in the city which is sold is never designated as the permanent property of the buyer.

A house in the city is never designated as leprous.

It cannot be judged as an "apostate city."

An *Eglah Arufah* is never brought from it.

[The latter four statements apply] because [Jerusalem] was never divided among the tribes.

15 The Temple Mount is holier than [the city of Jerusalem]. *Zavim, Zavot, Niddot*, and women who have given birth may not enter there. [However,] a corpse may be brought into the Temple Mount and one has contracted ritual impurity from a corpse may definitely enter there.

16 The *chayl* is holier than the Temple Mount. Gentiles and those who contracted impurity through contact with a corpse or engaging in sexual relations with a *Niddah* may not enter there.

17 The Women's Courtyard is holier than the *chayl*. A person who has immersed himself in a *mikveh,* but must wait until the sun sets to become ritually pure, may not enter there.
This prohibition was instituted by the Sages. According to Torah law, such a person may enter the camp of the Levites. [Similarly,] a person who contracted ritual impurity through contact with a corpse and who entered the Women's Courtyard, is not liable for a sin offering.

18 The Courtyard of the Israelites is holier than the Women's Courtyard. A person who has purified himself, but has not brought the required sacrifices, may not enter there. Similarly, an impure person who enters there is liable for *karet*.

19 The Priestly Courtyard is holier than [the Courtyard of the Israelites]. An Israelite may only enter there when required for:
a) *Semichah,* c) slaughtering, b) confession, *tenufah*.

20 [The area] between the Altar and the Entrance Hall is holier than the area mentioned above. Priests who have physical deformities, have grown long hair, or whose [priestly] garments are torn may not enter there.

21 The Temple building is holier than [the area] between the Altar and the Entrance Hall. Only a priest who has sanctified his hands and feet may

enter there.

22 The chamber of the Holy of Holies is holier than it. Only the High Priest may enter there, on Yom Kippur, while he is involved in the Temple service.

23 There was a place in the upper storey [of the Temple]which was located directly opposite the Holy of Holies. It was entered only once in seven years, to [inspect it] and find out what is necessary for its repair.

When builders [are required] to enter the Temple building to construct or repair it, or to remove an impure object, it is a mitzvah for the [craftsmen] who enter to be priests who do not possess any disqualifying physical deformities.

If no [capable craftsmen meeting those criteria] can be found, priests with disqualifying deformities should enter.

If none are found, Levites should enter.

If none are found, Israelites should enter.

It is a mitzvah for [those who enter] to be ritually pure. If no [capable craftsman] who are ritually pure can be found, impure [craftsmen] may enter.

[If there is a choice between a craftsman] who is impure and a priest with a disqualifying deformity, the priest with the deformity should enter, for [although the prohibitions against] ritual impurity are put aside in regard to matters which concern the entire people, [they are not relaxed completely].

All those who enter to repair the Temple should be lowered down inside

crates [from the upper floor]. If no crates are available or if it is impossible [to make arrangements for them to enter] using crates, they may enter through the [usual] entrances.

Chapter 8

1 There is a positive mitzvah to guard the Temple. [This mitzvah applies] even though there is no fear of enemies or thieves, for the guarding [of the Temple] is an expression of respect for it. A palace with guards is [much more impressive] than a palace without guards.

2 The mitzvah of guarding [the Temple] applies throughout the night.
The priests and Levites shall serve as guards, as [**Numbers 18:2**] states: "And you and your sons [shall be] before the tent of the testimony," i.e., you shall keep watch over it. Also, [*ibid.* 18:4] states: "And they [the Levites] shall watch over the Tent of Meeting," and [*ibid.* 3:38] states: "And Moses, Aharon, and his sons shall camp before the Sanctuary towards the east, and they will be the guardians of the holy watch."

3 Anyone who nullifies this watch transgress a negative commandment, as [**Numbers 18:5**] states: "And you shall take care to keep the Holy Watch." Any form of the verb, *shemar*, "take care," implies a warning against transgressing a negative command.
Thus, guarding [the Temple fulfills] a positive command and nullifying its watch [represents the violation of] a negative command.

4 The mitzvah of guarding [the Temple] is [as follows:] The priests stood

guard from the inside and the Levites from the outside. 24 groups of guards stood watch over it continuously, each night, in 24 [different] places. The priests stood guard in three places and the Levites, in 21 places.

5 Where did they keep watch? The priests kept watch in the Chamber of Avtinas, the Chamber of the Spark, and the Chamber of the Hearth.
The Chamber of Avtinas and the Chamber of the Spark were two-storey structures built at the sides of the gates of the Temple Courtyard. The young priests kept watch there.
The Chamber of the Hearth was a large, domed structure, surrounded [on the inside] with projections of stone. The elders of the priestly watch of that day slept there with the keys to the Temple Courtyard in their hands.

6 The priests on watch did not sleep in the priestly garments. Instead, they folded them, placed them at their heads, and wore their own clothes.
They slept on the ground. It is customary for all those who stand watch over the courtyards of kings not to sleep on beds.

7 If one of them had a seminal emission [in his sleep], he would proceed down the winding underground stairwell. [There was no prohibition involved], because the underground passageways that opened up to [the portion of] the Temple Mount [outside the Courtyard] were not consecrated.
[There,] he would immerse himself. [He would then] return and sit among his fellow priests until the gates were opened in the morning. [At

that time,] he would leave and proceed [to his own affairs].

8 Where would the Levites stand watch?
Inside the five gates to the Temple Mount;
At its four corners [of the wall surrounding the Temple Mount] from the inside;
At the outside of four corners of the Temple Courtyard, for it is forbidden to sit in the Temple Courtyard;
At the outside of five [of the seven] gates to the Temple Courtyard, for the priests stood watch at [the remaining two gates], the Chamber of the Hearth and the Gate of the Spark;
a total of eighteen locations.

9 They also stood watch in the Chamber of the Sacrifices, the Chamber of the *Parochet*, and behind the Holy of Holies.

10 An overseer was appointed over all the watches of guards. He was called: "The officer of the Temple Mount."
Throughout the night, he checked on all the watches. Torches were lit before him. If a guard did not stand before him and greet him: "Peace be unto you, officer of the Temple Mount," he would assume that he was sleeping, and would strike him with his staff. He was even granted permission to burn [a sleeping guard's] clothing.
Thus, it was commonly said in Jerusalem: "What is the noise in the Temple Courtyard [at night]? It must be the voice of a Levite being beaten and his clothes burned because he slept on his watch."

11 In the morning, shortly before dawn, the overseer of the Sanctuary came and tapped to awaken the priests sleeping in the Chamber of the Hearth. [When] they opened [the gate] for him, he took the keys and opened the small gate leading from the Chamber of the Hearth to the Temple Courtyard.

[Then] he entered the Courtyard, and the priests followed him. They held two torches of fire in their hands and divided into two groups. One proceeded eastward and the other, westward.

They walked on, checking the entire Temple Courtyard. Both groups [met when they] reached the Chamber of the Bakers of the *Chavitin*. When both groups reached [that point], they declared: "Peace be unto you. Everything is at peace." [Afterwards,] they prompted the bakers of the *Chavitin* to begin their work.

12 This pattern was followed each night except on Sabbath eve. [Then,] they did not hold torches in their hands. Rather, they checked by the light of the candles, which remained burning from the Sabbath eve.

Mishneh Torah, Vessels of the Sanctuary and Those Who …

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to prepare the anointing oil so that it will be ready [to use] for those articles that require anointing, as [**Exodus 30:25**] states: "And you shall make it as the oil of sacred anointment."

2 While in the desert, Moses our teacher [had] it prepared. He took the equivalent of 500 *shekel* of the holy *shekalim* of musk, cinnamon, and costus and the equivalent of 250 *shekel* of fragrant cane. The Torah's statement [*ibid.*:23]: "And fragrant cinnamon, half its measure, 250," implies that [the entire quantity] should be weighed out in two measures, 250 each time. Each one should be ground separately, mixed together and then soaked in pure, sweet water until all of its power was extracted into the water. A *hin* - which is equivalent to twelve *log* with each *log* comprising four *revi'iot* - of oil was placed above the water. The entire mixture was then cooked over fire until the water boiled off and only the oil remained. It was then set aside for [future] generations.

3 Musk refers to the blood contained with a wild beast from India that is of universal renown which people everywhere use as a fragrance. Cinnamon is a tree that comes from the Indian islands which has a pleasant fragrance and which people use as incense. The term *kidah* refers to costus. Fragrant cane, this refers to thin canes like red straw that come from the Indian islands and have a pleasant fragrance. They are types of herbs which

doctors place in balsam.

4 One who willfully prepares anointing oil in this manner and with these measurements without adding or reducing [the quantity of the herbs] is liable for *karet*. If he prepares it unknowingly, he must bring a fixed sin-offering, [as *ibid.*:34] states: "One who makes such a compound shall be cut off from his nation." [The above applies] provided he prepared it for anointment. If, however, he prepared it for practice or to give to other people, he is exempt.

5 One who anoints himself with an olive-sized portion of the oil of anointment willfully is liable for *karet*. If he [anoints himself] unknowingly, he must bring a fixed sin-offering, [as *ibid.*] states: "And one who applies it to an unauthorized person, shall be cut off from his nation."

One is liable only for anointing oneself with the oil of anointment made by Moses, as the prooftext states "from it," from [the oil] of which [*ibid.*: 31] states "This will be oil for sacred anointing for Me." No other [anointing] oil was ever made aside from that made by Moses.

6 [One is liable] whether he anoints himself or others, as [the prooftext] states: "And one who applies it to an unauthorized person." One who spreads it on utensils, an animal, a gentile - who is [halachicly equivalent] to an animal - or who spreads it on a corpse, is exempt, as [implied by *ibid.*:32]: "It should not be spread on the flesh of a man."

7 For all time, we do not [use this oil] except to anoint the High Priest, the

priest who leads the nation in war, and kings from the House of David. Even a High Priest who is the son of a High Priest should be anointed, as [**Leviticus 6:15**] states: "The priest from his sons anointed in place of him...."

8 Since there was no anointing oil [during] the Second Temple [era], the High Priest was installed in his office by putting on the garments of the High Priest alone.

9 How was the High Priest anointed? The oil should be poured on his head and applied between his eyes in the form of the Greek letter *chi*, like this C as [**Leviticus 8:12**] states: "And he poured the anointing oil on Aaron's head and anointed him to sanctify him." The kings of the Davidic dynasty are anointed [with the oil] spread as a crown on their foreheads. They should not be anointed on other places [on their bodies], nor should one use an excessive amount of oil.

10 A person who places the anointing oil on a king or High Priest who had been anointed previously is exempt, for [the prooftext] speaks of "one who applies it to an unauthorized person." And these individuals are not unauthorized with regard to this oil.

If, however, one - even a king or a High Priest - spreads it [on his flesh], he is liable, for [the prooftext] states: "It should not be spread on the flesh of a man." This implies all men. When a High Priest takes the anointment oil from his head and spreads it on his belly, he is liable for *karet*, provided he spreads an olive-sized portion.

11 A king should only be anointed next to a spring. We do not anoint the king who is the son of a king, for the kingship is a hereditary position for the king for all time, as [**Deuteronomy 17:20**] states: "[Thus] he and his descendants [will prolong their reign] in the midst of Israel." If there is a controversy, he should be anointed to resolve the controversy and to notify to all that he alone is the king, as Solomon was anointed because of the controversy [stirred up by] Adoniyahu. Yoash was anointed because of Atal'ya, and Yehoachaz was anointed because of his brother Yehoyakim. When Elisha had Yehu anointed, he did not have him anointed with the anointment oil, but with balsam oil. This is an accepted tradition among the sages.

12 All of the vessels of the Sanctuary that were fashioned [at the command] of Moses were sanctified only by being anointed with the anointing oil, as [**Numbers 7:1**] states: "And he anointed them and sanctified them." This practice was not followed in the coming generations. Instead, all of the utensils became sanctified when they were used for their purpose in the Temple, as [implied by **Numbers 4:12**] "...that they will serve with them in the Sanctuary," i.e., through service, they are sanctified.

13 The spoons and the bowls used to contain the meal offerings and similarly, the basins used to receive the blood, and the other vessels used [in the Sanctuary] were all made of silver and gold. It was permitted to make them from other metals, as we explained. They receive their holiness by being used for the [desired] tasks. If they were broken, they should be smelted down and another utensil made from them, for their holiness

never departs from them.

14 If the sacred utensils became perforated or cracked, the cracks are not plugged close. Instead, the utensils should be smelted down and new utensils made.

15 When a knife has become dislodged from its shaft or blemished, it is not returned to its shaft, nor is it sharpened. Instead, it should be entombed on the side of the Temple, between the Sanctuary and the Entrance Hall on the south and new ones should be made. For [conduct bespeaking] poverty is not [appropriate] in a place where wealth [is in place].

16 There were two containers for dry measure in the Temple: an *isaron* and a half an *isaron*. The *isaron* was for the meal offering and the half *isaron* to separate the meal offering brought by the High Priest every day.

17 There were seven containers of liquid measure: a *hin*, a half a *hin*, a third of a *hin*, a fourth of a *hin*, a *log*, a half a *log*, and a fourth of a *log*.
Why were there measures of a half a *hin*, a third of a *hin*, a fourth of a *hin*? To measure out the wine libations for the sacrifices. A *log* was necessary to measure the oil for the meal offerings. A half a *log* was necessary to measure out the oil for every lamp of the lamps of the *Menorah*. And a fourth [of a *log*] to divide the oil for [the High Priest's] *chavitan* offering.

18 There is nothing that is measured with a *hin*. Why [then] was it there? [It remained, because] it had been in the Sanctuary from the time of Moses

who used it to measure the oil for the anointing oil. With the measure of a half a *log* that was in the Temple, water was measured for the *Sotah* water and oil for the thanksgiving offerings. With the measure of a fourth [of a *log*], oil was measured for the bread brought by a nazirite and water for the purification of a *metzora*. It is not that through these deeds the measures became sanctified, but rather because of the tasks [performed] in the Sanctuary that were mentioned [in the preceding halachah].

19 All of these measures are consecrated and are considered as sacred utensils. [There is, however a difference between them.] The liquid measures were anointed on both the inside and the outside, while the dry measures were anointed only on the inside. Therefore the overflow of the liquid measures was consecrated, and the overflow of the dry measures was not consecrated.

Chapter 2

1 The incense offering was prepared every year. Preparing it fulfills a positive commandment, as [**Exodus 30:34**] states: "And you take spices...." Four of the spices are explicitly mentioned in the Torah. They are balsam, onycha, storax, and frankincense. The others were communicated as a halachah communicated to Moses at Sinai.

2 [The requirement for] eleven spices was communicated to Moses at Sinai. They would prepare them with an exact weight and add to them - without weighing them: Salt of Sodom, Jordanian amber, and an herb

that would produce smoke. Only select people would know its identity and that knowledge was conveyed as halachah from person to person.

3 This is the weight of the eleven spices: balsam, onycha, storax, frankincense, 70 *maneh* from each one. A *maneh* is 100 *dinarim*,musk, cassia, spikenard, and saffron, 16 *maneh*, costus, 12 *maneh*, cinnamon, 9 *maneh*, Ceylonese cinnamon 3 *maneh*. The weight of the entire mixture was 368 *maneh*.

The entire mixture was ground very thin. A fourth of a *kab* of the salt of Sodom and a small amount of Jordanian amber and the smoke raising herb were added. A *maneh* of it was burned every day on the golden altar. There were 365 *maneh*, corresponding to the 365 days of the year. The three remaining *maneh* were ground again on the day before Yom Kippur very finely for [the High Priest] to take a handful to offer on Yom Kippur. The remainder is the remainder of the incense that was mentioned in *[Hilchot] Shekalim*.

4 *Nataf* mentioned by the Torah are the balsam trees that produce balsam oil. Onycha is *tziporen* which people include in incense. Storax is like black honey and it produces a disagreeable odor. It comes from the sap of the trees grown in Greece. These are the names of the spices in Arabic: *od balasan, atzpar tiv, miyah, lican, muski, ketziyah, sanbali alnaturin, saffron, kosht, od, kesser silica,* and *anber*.

5 How is the incense offering prepared? Nine *kabbin* of vetch lye are brought and the onycha is rubbed with it. Afterwards, the onycha is

soaked in 21 *kabbin* of caper wine or a very strong, aged white wine. Afterwards each of the spices is ground very finely alone. While he is grinding, he should say: "Grind thoroughly. Grind thoroughly," for the entire time that he is grinding. Then he mixes them all together.

6 All of the acts involved in its preparation are performed in the Sanctuary, in the Temple Courtyard, [using ingredients that] have been consecrated. When one prepares the incense offering from unconsecrated ingredients or in an unconsecrated utensil, it is unacceptable.

7 Twice a year, the incense would be returned to the grinder. In the summer, it would be spread out so that it would not become musty. In the rainy season, it is stored away lest its fragrance be weakened.

8 If one included any honey in it, it is disqualified. If one omits any of its spices, he is liable for death, for it is considered as foreign incense. If one prepared it little by little in appropriate proportions, it is acceptable. Even if one prepared half [a *maneh*] in the morning and half in the afternoon, [it is acceptable].

9 When a person prepares incense from these eleven spices according to these proportions to smell its fragrance, he is liable for *karet* for its preparationif he prepared it willfully, even if he did not actually smell its fragrance. If he did so inadvertently, he is liable for a fixed sin offering. Even if he did not prepare the entire quantity [of 368 *maneh*], but merely a half or a third, since he prepared it according to the above proportions, he is liable for *karet*, as [**Exodus 30:38**] states: "You shall not make

[incense] for yourselves according to its formula. Anyone who prepares [incense] like this to smell its fragrance shall be cut off from his people."

10 If he prepared it to learn or with the intent of giving it to the community, he is not liable. If he smelled its fragrance, but did not prepare it, he is not liable for *karet*. Instead, he is bound by the laws applying to all of those who derive benefit from consecrated property. The Torah obligated a person for *karet* only when he prepared it according to its formula for the sake of smelling it.

11 The incense offering is offered on the Golden Altar in the Temple each day. No other entity is offered on it. If one offered any incense other than this or offered this incense, but it was donated by an individual or a group, or one offered a sacrifice on it, or poured a libation on it, one is liable for lashes, as [*ibid.*:9] states: "You shall not offer upon it foreign incense, a burnt offering, or a meal offering."

12 When the ark is transported from place to place, it should not be transported on an animal or on a wagon. Instead, it is a mitzvah for it to be carried on one's shoulders. Since David forgot and had it transported on a wagon, there was an outbreak [of Divine anger] at Uzzah. Instead, it is a mitzvah to carry it on one's shoulders, as [**Numbers 7:9**] states: "For the holy task is their obligation. They shall carry it on their shoulders."

13 When [the Levites] carry the ark on their shoulders, they should carry it face to face, with their backs pointed outward and their faces inward. They must be careful that the staves of the ark are not removed from the

rings. Anyone who removes one of the staves from the rings is liable for lashes, as [**Exodus 25:15**] states: "The staves shall be in the rings of the ark. They shall not be removed from it."

Chapter 3

1 The descendants of Levi were singled out for service in the Sanctuary, as [**Deuteronomy 10:8**] states: "At that time, God separated the tribe of Levi." It is a positive commandment for the Levites to be free and prepared for the service of the Sanctuary, whether they desire to do so or not, as [**Numbers 18:23**] states: "And the Levite shall perform the service of the tent of meeting." When a Levite accepts all the mitzvot of the Levites with the exception of one matter, he is not accepted unless he accepts them all.

2 Their service was to guard the Temple. Among [the Levities], there were gate-keepers who would open the gates of the Temple and close its doors. And there were singers who would accompany the sacrifices with song each day. [The latter concept is derived from the exegesis of **Deuteronomy 18:7**]: "And he shall serve in the name of God, his Lord, as all of his Levite brethren." Which service involves [invoking] the name of God? I would say: song.

When were songs recited? At the time that the wine libations [accompanying] all the communal burnt offerings, and the peace offerings brought on Shavuous, were brought. Song was not recited over the freewill burnt offerings that the community would bring for "the dessert of the altar," nor on the wine libations that are brought independently.

3 A Levite who is in an acute state of mourning is permitted to perform his service and sing. There should never be less than twelve Levites standing on the *duchan* each day to recite the songs over the sacrifices and their number could be increased without end. The songs were sung vocally without musical instruments, for the fundamental dimension of the song is vocalization. Others would stand on [the *duchan*] and play melodies with musical instruments: some of them were Levites and some of them were Israelites of distinguished lineage, fit to marry into the priesthood. For only a person of distinguished lineage was allowed to ascend to the *duchan*. The people who play musical instruments are not included in the number of the twelve singers [required].

4 On what instruments would they play? On lyres, flutes, harps, trumpets, and a cymbal. There should not be less than two lyres, nor more than six. There should not be less than two flutes, nor more than twelve. There should not be less than two trumpets, nor more than one hundred and twenty. There should not be less than nine harps and there is no upper limit. There should only be one cymbal.

5 On all the days of the festivals and on the *Rashei Chadashim*, the priests would sound the trumpets while the sacrifice was being offered and the Levites would recite songs, as [**Numbers 10:10**] states: "On the day of your celebration, on your festivals, and at the beginning of your months, you shall sound the trumpets."

Each trumpet was made from a block of silver. If it was made from scraps of silver, it is acceptable. If it is made from other metals, it is unacceptable.

The flutes on which they would play would have cane reeds, because they produce a sweet sound. The melody would always be played by a single flute, because it produces a pleasant sound.

6 Twelve days a year, the flute would be sounded before the altar: During the slaughter of the first Paschal sacrifice, and during the second Paschal sacrifice, on the first day of Pesach, on the first day of Shavuot, and on the eight days of Sukkot. [The sounding of] the flute on these occasions supersedes the Sabbath [prohibitions], because it is associated with a sacrifice and the sounding of a flute associated with a sacrifice is an act of Temple service and supersedes the Sabbath prohibitions.

7 A Levite may not enter the Temple Courtyard to perform his service until he studied for five years beforehand. [This concept is derived as follows. **Numbers 8:24**] states: "This is [the edict] with regard to the Levites: From the age of 25..." and [*ibid.* 4:30] states: "From the age of 30...." How can [this apparent contradiction be resolved]? They study for five years and they do not enter the service until they fully mature and attain manhood [as *ibid.*:19] states: "Each man to his service."

8 The Torah's statement [**Numbers 8:25**]: "At the age of 50, he will turn back from the ranks of the workers [of the Sanctuary]," applied only in the era when the Sanctuary was carried from place to place. It is not an [ongoing] mitzvah for future generations. For future generations, a Levite is not disqualified because of age or because of physical blemishes, only due to a change in voice, i.e., if his voice spoils because of his advanced

age, he is disqualified from serving in the Temple. It appears to me that he is disqualified only from serving as a singer, but he could become one of the doorkeepers.

9 Samuel the Seer and King David divided the Levites into 24 watches. Each week, a different watch would serve [in the Temple]. The head of the watch would divide all the men of the watch into different "clans." On each day of the week, designated men would serve. The heads of the clans would assign the workers on the day that they were designated to work, [allotting each] one appropriate tasks.

All of the Levites are warned [not to participate in] the service of the altar, as [*ibid.* 18:3] states: "But to the holy utensils and to the altar they should not draw close so they do not die." [This prohibition implies] that they should not draw close to the service [of the Sanctuary], but they may touch [the sacred utensils].

10 Just as the Levites were warned not to perform the service of the priests, so too, the priests are warned not to perform the work of the Levites, as [the above verse] states: "Also they, also you [shall not die]." Similarly, the Levites themselves were warned that each one should not perform the task incumbent on a colleague. Thus a singer should not assist a door-keeper, nor a door-keeper a singer, as [*ibid.* 4:49] states: "Every man, according to his service and his burden."

11 When Levites perform the service of the priests or one Levi assisted in a task that is not his, they are liable for death at the hand of heaven, for

[*ibid.* 18:3] states: "shall not die." When, by contrast, a priest performs the service of a Levite, he is not liable for death. Instead, he violates merely a negative commandment.

Chapter 4

1 The priests were set aside from the Levites as a whole [to perform] the sacrificial service, as [**I Chronicles 23:13**] states: "And Aaron was set apart to sanctify him as holy of holies." It is a positive commandment to distinguish the priests, make them holy, and prepare them for the sacrifices, as [**Leviticus 21:8**] states: "And you shall sanctify him because he offers the food of your God."

2 It is necessary for every Jewish person to show them much honor and to give them priority for every matter of holiness, to begin [reading] the Torah first, to recite the blessings first, and to take a desirable portion first.

3 Moses divided the priests into eight watches: four from Elazar and four from Itamar. This continued until [the days of] Samuel the prophet. At that time, he and King David divided them into 24 watches. For each watch, there was one who served as the leader. A watch would ascend to Jerusalem to serve for the entire week. They would switch on the Sabbath day. The previous watch would depart and the one which follows would enter. [This cycle would continue] until its completion and then they would start again.

4 It is a positive commandment for all the watches to share equal status

during the pilgrimage festivals. Any one of the priests who comes during the pilgrimage festivals and desires to serve [in the Temple] may serve and receive a portion [of the sacrifices]. We do not tell him: "Go and [wait] until your watch [receives its turn]," as [**Deuteronomy 18:6**] states: "When the Levite will come from one of your cities... [to the place that God will choose, he shall serve..."].

5 In which context does the above apply? With regard to the sacrifices of the festivals, the division of the showbread, and the two loaves [offered on] Shavuot. Vowed offerings, freewill offerings, and the daily offerings are offered only by the watch that serves at that time. [This applies] even during the pilgrimage festivals, as [*ibid.*:8] states: "Portion for portion shall they eat, except for what was transacted by the ancestors." The implication is that they will partake "portion for portion" of the communal offerings, but not of the other sacrifices. For these were already divided by their ancestors and established for each watch in its week.

6 Similarly, the service involved with the showbread is performed by the watch whose turn is established. The service involved with the two breads [of Shavuos] is performed by all the watches.

How do we know that [the verse cited above] is speaking only about the festivals? Because it states: "from one of your cities among all Israel." [One can infer] that it is speaking about a time when the entire Jewish people enter through one gate.

How do we know that it is speaking about priests? For it states: "Portion for portion shall they eat" and there are no presents to be eaten allotted in

the Temple except to the priests.

7 Similarly, when a priest has a sacrifice [of his own], he may come to the Temple and offer it on any day that he desires, as [that verse] states: "He shall come at any [impulse] of his heart's desires and serve." He may even offer his sin offering and guilt offering and bring about atonement for himself. [In such an instance,] the right to the hide and to partake of the sacrifice belongs to him. If he desires he may give his sacrifice to any priest he desires to sacrifice it. [In such an instance,] the right to the hide and to partake of the sacrifice belongs to the priest to whom he gave it.

8 If the priest who brings the sacrifice is physically blemished, he should give his sacrifice to the [priests of] the watch serving that week and the hide belongs to them. If he was ill or sick to the extent that he could serve only with difficulty, he may give the sacrifice to any priest he desires, the hide and the service belong to the [priests of] the watch serving that week. If he cannot serve at all, the sacrifice belongs to the [priests of] the watch serving that week in its entirety.

9 If [all the priests of the watch] are impure and a communal sacrifice is involved and all of the priests were impure, the sacrifice may be given to the priests of that watch who were ritually pure, but have physical blemishes. The hide and the service belong to [the priests of] the watch serving that week [even though they are] impure.

10 If the sacrifice belonged to the High Priest and he was in a state of acute mourning, he may give it to any priest he desires. The hide and the service

belong to [the priests of] the watch serving that week. [The rationale is that] since a High Priest is fit to perform service in a state of acute mourning, as will be explained, he may appoint an agent for his sacrifice.

11 The head of every watch divides his watch into clans so that [the priests] in each clan will serve on one of the days of the week, one on one day, another on the next, and another on the next. Each of the clans had a head who was appointed over it.

12 A High Priest is appointed [to serve as] the head of all of the priests. He is anointed with the anointing oil and clothed in the garments of the High Priest, as [**Leviticus 21:10**] states: "And the priest who was elevated over his brethren, over whose head was poured [the anointment oil]...." If there is no anointment oil, he is initiated into office merely by [wearing] the garments of the High Priest, as [the above verse] states: "...over whose head was poured [the anointment oil] and who was initiated to wear the garments." [Implied is that] just as he is initiated with the anointment oil, so too, he is initiated with the garments [of the High Priesthood].

13 How is he initiated with the garments? He puts on the eight garments [of the High Priest] and [later] removes them and does so again on the morrow for seven days, as [**Exodus 29:30**] states: "The priest from his sons who serves in his stead shall put them on for seven days." Just as he puts on the clothes for seven consecutive days, so too, he is anointed with the oil for seven consecutive days. If he performed service before he was initiated by wearing the clothes for all seven days or before he was

anointed for all seven days, his service is acceptable. Since he was initiated or anointed once, he is a High Priest with regard to all matters.

14 There is no difference in [the laws pertaining to] a High Priest who was anointed with the anointment oil and [those applying to] one who was initiated by wearing the garments of the High Priest except [the obligation] for the High Priest to bring a bull [as a sacrifice] if he inadvertently violated one of the mitzvot for which a sin offering is required, as [**Leviticus 4:3**] states: "If the anointed priest will sin...." With regard to other matters, they are identical.

15 A High Priest should be appointed only by the court of 71 judges. He should be anointed only during the day, as [*ibid.* 6:13] states: "On the day of his anointment...." Similarly, if he was initiated merely by wearing the priestly garments, the initiation should only take place during the day. Two High Priests should not be initiated together.

16 We also appoint a priest who will serve the High Priest like a viceroy, he is called the *segen* and he is also called "the appointed one." He should stand at the right hand of the High Priest at all times. This honor is given to him. All of the other priests are under his authority.

17 In addition, *katikolin* are appointed to serve the *segen* as the *segen* serves the High Priest. There should be no less than two of them. No less than seven *amerkalin* should be appointed, The keys to the Temple Courtyard are in their hands. If one desires to open [the courtyard], he cannot until all the *amerkalin* gather and open it.

18 Treasurers are appointed under the *amerkalin*. There should be no less than three. They collect the consecrated articles, redeem those which should be redeemed, and use the proceeds for purposes that require these expenses.

19 A High Priest who was anointed receives precedence over one who was installed by wearing the garments [of the High Priesthood]. One installed by wearing the garments who is prepared to serve receives precedence over an anointed [High Priest] disqualified because of a seminal emission. One disqualified because of a seminal emission receives precedence over one disqualified because of a physical blemish. One disqualified because of a physical blemish receives precedence over the priest anointed to lead the nation in war. The priest anointed to lead the nation in war receives precedence over the *segen*. The *segen* receives precedence over a *katikol*, a *katikol* over an *amerkal*, an *amerkal* over a treasurer, a treasurer over a head of a watch, a head of a watch over a head of a clan, and a head of a clan over an ordinary priest. Thus there are eight rungs in the priesthood, one above the other.

20 When the king, the High Priest, or any other official dies, his son or anyone fit to inherit him is appointed in his stead. Those who are higher in the order of inheritance receive precedence with regard to receiving the position of the deceased, provided he is equivalent [to the deceased] in wisdom, or in the fear of God, even if he is not comparable in wisdom. For [**Deuteronomy 17:20**] states with regard to a king: "He and his descendants in the midst of Israel." This teaches that the kingship is

inherited. This applies with regard to any office amidst the Jewish people. If one acquires it, he acquires it for himself and for his descendants.

21 The position of being the priest anointed to lead the nation in war is not transferred to one's son. Instead, the son is like all other priests. If he is anointed as the leader in war, he is anointed. If he is not anointed, he is not anointed. When the priest who was anointed to lead the nation in war serves in the Temple, he serves wearing four garments like the other priests.

A person should be promoted to a higher position than the one he holds and should not be demoted to a lower position, for one must ascend with regard to holy matters and not descend. A person should never be removed from a position of authority within the Jewish people unless he acted in an unsuitable manner.

22 When a High Priest violates a transgression that is punishable by lashes, he should be given lashes in a court of three judges as is the law regarding others liable for lashes. He then returns to his position of eminence.

Chapter 5

1 The High Priest must surpass all of his priestly brethren in beauty, power, wealth, wisdom, and appearance. If he does not have wealth of his own, all of his priestly brethren should give him according to their financial capacity until he is wealthier than all of them.

2 None of the above is an absolute requirement; instead, all of this is merely

[the optimum way of fulfilling] the mitzvah. If he was, nonetheless, initiated, his initiation is valid.

3 The High Priest must conduct himself with dignity. He should not act frivolously with the people at large. They should not see him naked, nor in the bathhouse, nor in the toilet, nor while he is having his hair cut, as [**Leviticus 21:6**] states: "the priest greater than his brethren." This teaches that he is regarded with great honor. [Nevertheless,] if he desires that others bathe with him, he may [allow them to do so].

4 He should not enter a celebration or a public feast even if they are associated with a mitzvah. If he desires, however, he may go to a house of mourning. If he goes, he does not go walking together with the other priests. Instead, the priests surround him and display honor to him and the *segen* arranges the contact between him and the people. The *segen* and an anointed priest who was removed from his position stand at his right and the head of the clan [serving in the Temple], the mourners, and all others are to his left. He tells the mourners: "Be comforted" and they honor him according to their capacity.

5 If one [of the relatives for whom he must mourn] dies, he does not go out to the funeral procession, nor does he depart from the entrance of his home or the Temple. All of the nation come to his home to comfort him. He stands for the line of comforters with the *segen* at his right and the head of the clan to his left. [The people tell him]: "We are atonement for you" and he tells them: "May you be blessed from heaven."

6 When the meal of comfort is served to him, all of the people sit on the ground and he sits on a low bench. He does not rend his garments over his dead, as do the other priests, as [**Leviticus 21:10**] states: "He shall not rend his garments." If he rends them, he is liable for lashes. He may, however, tear them from below towards his feet.

He may never let his hair grow long, as [*ibid.*] states: "He shall not allow [the hair of] his head to grow long." [This applies] even at times when he does not enter the Sanctuary. Instead, he should have his hair cut every Friday. He should not have his hair cut with a razor, rather with scissors. [He should have] the top of one hair [cut] when it reaches the base of the hair above it so that it appears that they grew as one, as [indicated by **Ezekiel 44:20**]: "They shall not shave their heads, nor should they let their hair grow long. [Instead,] they shall keep their heads trimmed."

7 There was a chamber prepared for him in the Sanctuary which was called: "The Chamber of the High Priest." The glory and the honor of [the High Priest] would be to remain in the Sanctuary the entire day and to go to his private home only at night or for an hour or two during the day. His home should be in Jerusalem and he should never depart from there.

8 A High Priest may act as a judge and he is judged. Testimony may be delivered against him. Capital cases against him are judged in the High Court alone, as [implied by **Exodus 18:22**]: "Any great matter (*hadavar hagadol*) will be brought to you."

9 If he knows testimony, he is not obligated to deliver it, even in the High

Court. For going to testify does not enhance his honor. If it was testimony involving a King of the Jewish people, he should go to the High Court and testify concerning him.

10 We already explained in the fifth book that [the High Priest] is forbidden [to marry] a widow and commanded to marry a virgin. He may not have two wives. If he marries two, he may not carry out the service on the fast [of Yom Kippur] until he divorces one.
He may perform *chalitzah* and [either] *chalitzah* or *yibbum* are performed with his wife. If he divorces a women, she is permitted to marry another person.

11 When the High Priest enters the Sanctuary to prostrate himself, three support him: one on his right side, one on his left side, and one [holding] the jewels on the hind side of the *ephod*. He enters the Sanctuary and prostrates himself. When the *segen* hears the sound of the feet of the High Priest as he departs, he lifts up the curtain. After he departs, his priestly brethren enter, prostrate themselves, and depart.

12 On any day he desires, he may offer the incense offering. He receives the first portion of any sacrifice offered in the Temple. What is implied? If he desires, he may say: "This sin offering is mine" or "This guilt offering is mine." He does not seek to be chosen for service by lot. Instead, whenever he desires to offer a sacrifice, he may offer [any sacrifice] he desires. With regard to consecrated [produce] from *Eretz Yisrael*, he is like all other priests.

13 When the High Priest desired to offer a sacrifice, he would ascend the ramp with the *segen* on his right. When he reached the midpoint of the ramp, the *segen* would hold him by the right hand and help him up. The priest who would carry the head of the burnt offering would extend the limbs [he is carrying] to [the High Priest] and [the High Priest] would lean upon them and then toss them to the fire.

14 Similarly, all of the other limbs would be extended to him. All of those carrying the limbs would give the limbs they were carrying to the first priest and he would give them to the High Priest. He would lean upon them and toss them to the fire. If he desired to merely lean upon them and have another priest toss them to the fire, he may.

There is no concept of leaning on individual limbs except when the High Priest [offers a sacrifice]. [This is an expression of] honor to him. All of the [other] leanings, by contrast, are performed on living animals.

15 As soon as a priest matures and attains majority, he is fit to serve in the Temple. Nevertheless, his priestly brethren would not allow him to serve in the Temple until he reached the age of 20. He should not enter the Temple Courtyard to perform service for the first time except during a time when the Levites are chanting songs.

16 A priest does not perform Temple service - nor does a High Priest perform Temple service - until he brings [a meal offering of] a tenth of an *ephah* from his own possessions and offer it himself, as [**Leviticus 6:13**] states: "This is the sacrifice of Aaron and his descendants which they will offer to

God on the day that he will be anointed."

If one performs any of the Temple service before he brings [this meal offering] or if a High Priest serves as a High Priest before he brings [this meal offering], his service is acceptable.

17 If a priest who had never performed Temple service before is appointed as the High Priest, he should bring [a meal offering of] a tenth of an *ephah* and offer it himself as is the training for every ordinary priest at the outset. Afterwards, he offers a second [such meal offering] as the training of a High Priest. And then he offers a third [such meal offering] which is the *chavitin* offering of the High Priest which he offers every day, as will be explained. The manner in which all three are offered is identical.

Chapter 6

1 It is impossible for the sacrifice of a person to be offered without him standing in attendance. [Now,] the communal offerings are the sacrifices of the entire Jewish people, but it is impossible for the entire Jewish people to stand in the Temple Courtyard at the time they are being offered. Therefore, the prophets of the first era ordained that there be selective upright and sin-fearing Jews who should serve as the agents of the entire Jewish people to stand [and observe the offering of] the sacrifices. They were called "the men of the *maamad*."

They divided them into 24 *ma'amadot*, equaling the number of watches of the priests and Levites. Over each of the watches was one who was appointed as [the supervisor] of them all. He was called the head of the

ma'amad.

2 Each week, the members of the *ma'amad* of that week would gather together. Those [living] in Jerusalem or close to it would enter the Temple with the priestly and Levitical watch of that week. When [the week of] their *ma'amad* arrived, those members of the *ma'amad* who [lived] in distant places would gather in the synagogues of their locale.

3 What would those who gather together - both in Jerusalem and in the synagogues - do? They would fast on the Monday, Tuesday, Wednesday, and Thursday of their week. They would not fast on Friday out of respect for the Sabbath and not on Sunday, so they would not make a transition from the pleasure of the Sabbath to a fast.

4 On every day of the week that was their *ma'amad*, they would recite four prayer services: the morning service, the afternoon service, the *neilah* service, and another prayer service between the morning service and the afternoon service which was additional [and unique] for them. In the *ma'amad*, the priests bless the people three times, in the morning service, in this additional service, and in the *neilah* service.

They would have three men read from the Torah twice a day: in the morning service and in the second service that they would add. In the afternoon service, they would not read the Torah. Instead, they would recite [the passages] by heart as one recites the *Shema*. They would not gather for the afternoon service on Friday, for they were busy [with their preparations] for the Sabbath.

5 Their gathering together for each of these prayers of these four services and their standing in prayer, supplication, and petition and reading the Torah is called a *ma'amad*.

6 What would they read [from the Torah]? The narrative of creation. On the first day, they would read: "In the beginning," "Let there be a firmament;" On the second day, "Let there be a firmament" and "Let [the waters] be gathered;" on the third day, "Let [the waters] be gathered" and "Let there be luminaries;" on the fourth day, "Let there be luminaries" and "Let the waters teem;" on the fifth day, "Let the waters teem" and "Let the earth produce;" on the sixth day, "Let the earth produce" and "[The heavens and the earth] were completed."

7 A large passage would be read by two men, a small passage, by one. The two passages that were read in the morning would be read during this second service from a scroll. They would then be read again during the afternoon service by heart.

8 During the eight days of Chanukah, the men of the *ma'amad* would not carry out a *ma'amad* in the morning service. On any day when there was a *Musaf* sacrifice, there was not a *ma'amad* during their second service, nor in the afternoon service, only during the morning and *neilah* services. On any day when there was a sacrifice of wood, there was not a *ma'amad* during the *neilah* service, only during the morning, second, and afternoon services.

9 What was a sacrifice of wood? Certain families had a fixed time on which

they would go out to the forests and bring wood for the arrangement [on the altar]. On the day designated for this family to bring their sacrifices, they would bring voluntary burnt offerings. This was called the sacrifice of the wood. It was like a festival for these families and they were forbidden to have eulogies delivered, fast, and perform work on that day. This was a custom.

10 Even a private individual who gave wood or logs for the arrangement [of the altar] is forbidden to have eulogies delivered, fast, and perform work on that day. This was a custom.

11 The men of the *ma'amad* are forbidden to have their hair cut and to launder [their clothes] throughout the week [they serve in the Temple]. On Thursday, they were permitted in honor of the Sabbath. Why were they forbidden to have their hair cut and to launder [their clothes]? So that they would not enter their *ma'amad* while they were unkept. Instead, they would have their hair cut and launder [their clothes] beforehand.

Chapter 7

1 There were fifteen officers in the Temple and similarly, an officer would always be appointed over these fifteen matters. They are [responsible for]:
a) the time [for the offering of the sacrifices],
b) the locking of the gates,
c) the guards,
d) the singers,

e) the cymbals and the other musical instruments,

f) the lotteries,

g) the pairs [of doves],

h) the seals,

i) the wine libations,

j) the sick,

k) the water,

l) the preparation of the showbread,

m) the preparation of the incense offering,

n) the preparation of the curtains,

o) the preparation of the priestly garments.

2 Each one of these officers has many men under his command in order to arrange the task over which he is appointed.

The one [appointed] to supervise the times: He and his men watch the times. When the time comes for a sacrifice to be offered, he or one of the men under his charge announce: "Priests arise to the [Temple] service. Levites [go] to the platform, Israelites, to the *ma'amad*." When his voice was heard, everyone would proceed to his task.

3 The one [appointed] to supervise the locking of the gates: At his command, the gates would be locked and opened. Those who sound [the trumpets] every day for the opening of the gates sound them only by his instruction. Every day, [the trumpets] were sounded three times at the opening of the gates [in the following manner]: a *tekiah*, a *teruah*, and a *tekiah*.

4 The one [appointed] to supervise the guards: He is "the officer of the Temple Mount" who would walk around [checking] the Levites [who would guard the Temple] every night. Whenever anyone would sleep at his post, he would strike him with his staff and burn his garment.

5 The one [appointed] to supervise the singers: Each day, he would chose singers to stand on the *duchan* to sing melodies. At his command, [the trumpets] would be sounded for the sacrifices. There were never less than 21 trumpet blasts sounded each day in the Temple: three at the opening of the gates [of the Temple Courtyard], nine for the daily offering of the morning, and nine for the daily offering of the afternoon. On a day when a *Musaf* offering is brought, nine trumpet blasts are added for the *Musaf* offering. If Rosh Chodesh or a festival falls on the Sabbath or Rosh HaShanah falls on the Sabbath - in which instance three *Musaf* offerings are brought- we do not sound the trumpets for each *Musaf* offering individually. Instead, nine trumpet blasts are sounded for all the *Musaf* offerings.

6 On Friday, six trumpet blasts are added: three to [notify] the people [when] to cease work and three to make a distinction between the holy and the mundane. On the pilgrimage festivals, three are added [to announce] the opening of the lower gate, i.e., the gate to the Women's Courtyard, and three [to announce] the opening of the upper gate, i.e., the Gate of Nicanor.

Why is it called the upper gate? Because it is higher than the Women's Courtyard. On Sukkot, three trumpet blasts are added [to announce] the

filling of [a vessel with] water which is used for a libation on that holiday. The trumpets are not sounded for the filling of the water on the Sabbath. Three trumpet blasts are added upon the altar while the water libation is being offered.

All of these trumpet blasts were sounded under the direction of the officer in charge of the singers and at his command. All of these blasts were sounded with trumpets.

7 The one [appointed] to supervise the cymbal: He would arrange all the musicians who would help the Levites together with their instruments, as we explained.

8 The one [appointed] to supervise the lotteries, he would conduct the lotteries between the priests every day until each one would perform the work that he acquired through the lotteries. There were four lotteries conducted every day. In *Hilchot Temidim*, I will explain how these lotteries were conducted.

9 The one [appointed] to supervise [the sale of] the pairs of doves: He is the one with whom a price is determined to sell pairs [of doves] for the sacrifices, so-and-so many doves for a *sela*. Everyone who was obligated to [bring] turtle doves or doves [as a sacrifice] would bring the money for them to the Temple. This officer would give the pairs [of doves] to the people bringing the sacrifices. He would make a reckoning with the treasurers and they would provide him with [the doves].

Every thirty days, a price was established with him. If the price decreases

[during that month], [the Temple treasurers] supply him with them according to the lower price. If it increases, they provide them at the price established [originally], for the Temple is always given the upper hand [in business transactions]. Similarly, if a pair of doves is discovered to be unacceptable or was disqualified before it was offered, [this officer] must provide another in its place.

10 The one [appointed] to supervise [the sale of] the seals: He would receive the money for the wine libations from those obligation to bring libations and give them seals. The one [appointed] to supervise the wine libations would sell the wine libations.

11 What is implied? There where four seals in the Temple, one which had "calf" written on it, a second which had "male" written on it, a third which had "kid" written on it, and a fourth that had "sinner" written on it.

12 Whoever would bring his sacrifices to the Temple would give the money for the wine libations to the officer in charge of the seals. He would give him seals according to the number of sacrifices he brought. If a person afflicted with *tzara'at* was wealthy, he should give him one seal with "sinner" written upon it. The recipient then takes the seals to the officer in charge of the wine libations and he gives him wine libations according to the number of seals he has and what is written upon them. In the evening, [the two officers] meet and one gives the other seals and receives money in exchange for them.

If there is extra money, it is given to the Temple treasury. If there is less money, the officer in charge of the seals must pay from his own resources. When a person loses a seal, he should wait until the evening. If there is found an extra amount of money equivalent to the seal that he claims, it is given to him. If not, it is not given to him.

The date of each day is written on the seal [to protect against] deceivers [to prevent] one from keeping a seal in his possession until the price of the libations increases.

13 Every thirty days, a price for the wine and the flour is established with the officer in charge of the wine libations. If the price of the wine libations increases, he must supply them according to the price established beforehand. If their price decreases, he must supply them according to the lower price.

The profit the Temple treasury makes on these [fluctuations in] price is called "the windfall of the libations." It is used to purchase burnt offerings as "the dessert of the altar." Burnt offerings of doves are not used for this purpose, because doves are not used for communal offerings.

14 Since the priests stand on the floor at all times, eat much meat, and during their Temple service, they are not covered by any garments other than one cloak, they [often] suffer digestive ailments. Therefore an officer is appointed to check them and heal all their illnesses. He and the people in his charge are involved with them at all times.

15 Similarly, an officer is appointed to dig cisterns and reservoirs and fix the

cisterns for people at large so that there will be water available in Jerusalem for all of its inhabitants and for all those who come on the pilgrimage festivals.

And there was one appointed for all the craftsmen who prepare the showbread and he supervises all their work. And there is one appointed over the craftsmen who prepare the incense offering and he supervises all their work.

16 The one [appointed] to supervise [the making of] the curtains would be in charge of all those who wove the curtains and embroidered [designs] on them so that they would be prepared for the Temple and the gates.

Each year, they would make two curtains to separate between the Sanctuary and the Holy of Holies. The strands of these curtains were all six-fold. They were of four types of fabric: linen, sky-blue dyed wool, purple dyed wool, and crimson dyed wool. Each one was six fold. Thus there were 24 strings. The curtains were a hand-breadth thick. They were woven with 72 heddles. Its length was forty cubits and its width was 20 cubits.

17 There were thirteen curtains in the Second Temple: Seven over the seven gates to the Temple Courtyard, one over the opening of the Entrance Porch, one over the entrance to the Sanctuary, two to serve as the *d'vir* between it and the [most] holy chamber, and two corresponding to them in the upper storey.

18 When a curtain becomes impure [due to contact] with a derivative of

impurity, it should be immersed within [the Temple Courtyard]. It was brought into [the Temple] immediately, because there is no need to wait until the evening. If it became impure because of contact with a substance that is a source of impurity, it should be immersed [in a *mikveh*] outside [the Temple Courtyard] and it is spread out in the *chayl*, because it must wait until sunset [for its impurity] to depart. If it was new, it would be spread over the colonnade so that the people could see its embroidery for it was attractive.

19 All of the utensils in the Temple had copies and copies of the copies so that if the original contracted impurity, the second could be used in its place.

20 The one [appointed] to supervise [the making of] the priestly garments: He is occupied with the preparation of the garments of the ordinary priests and the garments of the High Priests and their being woven. Everything [necessary for them] is done under his authority. He had a chamber in the Sanctuary.

Chapter 8

1 There are three types of priestly garments: the garments of an ordinary priest, [the High Priest's] golden garments and his white garments. An ordinary priest has four garments: a tunic, leggings, a hat, and a sash. They are all made from white linen with six-fold threads.The sash alone was embroidered with wool.

2 The golden garments are the garments of the High Priest. There were eight garments: The four of an ordinary priest, the cloak, the *ephod*, the breastplate, and the forehead plate. The sash of the High Priest was embroidered and was made in a similar manner as that of the ordinary priest. Similarly, the turban [the Torah] mentions with regard to Aaron corresponds to the hat mentioned with regard to his sons. [The difference is that the] turban of the High Priest is worn like fabric swathed around a hernia. The hat of the ordinary priest, by contrast, is worn like an ordinary hat; hence, its name.

3 The white garments are the four garments that the High Priests would wear on Yom Kippur. They are: a tunic, leggings, a sash, and a turban. They are all white, their threads are six-fold, and they are made from linen alone. The High Priests had two other tunics for Yom Kippur: one he would wear in the morning and one he would wear in the evening. Both of them cost 30 *maneh*. They were purchased with communal funds. If he wished to add to their value, he must add from his own funds. He would consecrate the additional money and then use it to have the tunic made.

4 It is a mitzvah for the priestly garments to be new, attractive, and to hang low like the garments of the men of stature, as [implied by **Exodus 28:2** which states that they must be made]: "for honor and for beauty." If they were soiled, torn, longer than his appropriate measure, shorter than his appropriate measure, hoisted up by the sash, and a priest performed service while wearing them, his service is invalid. If they were worn-out or they were too long and he hoisted them with the sash so that they would

be appropriate to his measure, his service is valid.

5 Whenever any of the priestly garments become soiled, they are not bleached or laundered. Instead, they are left to be used for wicks and he should wear new ones. When the garments of the High Priest become worn out, they should be entombed. The white garments which the High Priest wears on the day of the fast should not be worn a second time at all. Instead, they are entombed in the place where he removes them, as [**Leviticus 16:23**] states: "And he shall leave them there." It is forbidden to benefit from them.

6 They would make wicks from the leggings and the sashes of the ordinary priests that wore out. They were used to kindle lamps in the Temple for the rejoicing that accompanied the water libation. The tunics of the ordinary priests that wore out were used to make wicks for the *Menorah* which lit continually.

7 All of the priestly garments come from communal funds. When one individual donates one of the priestly garments, he may donate it to the community and then it is permitted to be used. Similarly, the sacrificial vessels and the wood for the altar arrangement that an individual donated to the community are acceptable. Even all the communal sacrifices which an individual donates from his own resources to the community are acceptable, provided he gives them to the community.

8 They would make many sets of clothes for ordinary priests. There were 96 lockers in the Temple in which to place the clothes, four lockers for each

watch. The name of each watch was written on the lockers and they were all closed. When the men of the watch began their priestly service on the Sabbath, they would open their lockers throughout their week and take their garments. When they departed, they would return the clothes to their lockers and close them.

9 Why did they make four lockers for each watch? So that the garments would not be intermingled. Instead, all of the leggings were [stored] in one locker on which was written: Leggings. Similarly, the sashes were [stored] in one locker on which was written: Sash. Similarly, the hats and the tunics each had their own locker.

10 The High Priest would leave his golden garments in his chamber at night or when he left the Temple.

11 It is permitted to derive benefit from the priestly garments. Therefore [the priests] wear them on the day of their Temple service even when they are not performing service with the exception of the sash, because it is *shaatnez*.

12 It is, however, forbidden for an ordinary priest to wear it except during his service. The [clothes] the priests wear for their service are of wool and linen alone.

13 Whenever the Torah uses the word *sheish* or *bad*, it is referring to flax, i.e., linen. Whenever the term *techeilet* is used, it refers to wool which is dyed sky-blue, i.e., lighter than dark blue. The term *argaman* refers to wool that

is dyed red. And *tola'at sheni* refers to wool dyed with a gnat.

14 Whenever the Torah uses the term *sheish* or "spun *sheish*," it is necessary that the strand be sixfold. Where the term *bad* is used, it is valid, if one strand alone is used. [Even in such situations,] the most desirable manner of performing the mitzvah is that it be sixfold. Whenever the term *meshizar* is used alone, the intent is a thread that is eightfold.

15 Whenever the Torah uses the term "a work of embroidery," the intent is that the design which is woven will be seen on one side of the fabric. When it uses the term "a work of craft," the intent is that the design will be seen on both sides of the fabric, front and back.

16 How are the clothes made? The tunic - whether of the High Priest or an ordinary priest - was made with a boxlike knit. The knit had sequences of squares as is the structure of an animal's maw, in the manner which weavers make firm garments. Its sleeve was woven separately and then sown to the body of the tunic.

17 The length of the tunic extended until slightly above the heel. The length of the sleeve extended until his wrist and its width was the width of his hand.

18 The leggings - whether of the High Priest or an ordinary priest - extend from the loins until the thighs, i.e., from above the navel, close to the heart, until the end of the thigh, i.e., until the knee. They had straps. They did not have a special feature for the anus, nor for the male organ.

Instead, they would surround the body like a pouch.

19 The turban - whether of an ordinary priest or a High Priest - was sixteen cubits long. The sash was about three fingerbreadths wide and 32 cubits long. [The priest would] wrap it around himself, winding after winding. The priestly garments were not sown, rather they woven, as [**Exodus 39:22**] states: "weavers' craft."

Chapter 9

1 How is the forehead plate made? We make a plate of gold two fingerbreadths wide that extends [over the forehead of the High Priest] from one ear to the other. Upon it is written, קדש לה'ה in two lines, קדש on the lower line and לה'ה on the upper line. If [the words] were written on one line it was valid. There were times when they were written on one line.

2 The letters would project outward. How was this done? [A craftsman] would engrave the letters on the back of the plate while it was pressed to beeswax until they project.
It had holes on each of its ends. There was a strand of sky-blue wool below it that ran from hole to hole so that it could be tied with this strand at the nape [of the neck].

3 The cloak was made entirely of sky-blue colored wool. Its strands were twelve-fold. Its opening was woven, and that is where its weave began. It did not have an opening for his arms. Instead, it was divided into two

flaps from below the throat and downward like all cloaks. It is joined only directly below the throat.

One who tears the border of the opening of the cloak is liable for lashes, as [**Exodus 28:32**] states: "It shall not be torn." This applies to all the priestly garments. One who tears them with a destructive intent is liable for lashes.

4 He should then bring sky-blue wool, red wool, and scarlet wool, the strands of each of these spun eight-fold. [This is necessary,] because [**Exodus 39:24**] states that [the pomegrantes on the cloak's] hem [should be made from strands that are] "twisted."Thus there are twenty four threads used for the hem of the cloak. They should be fashioned into shapes resembling pomegranates whose mouths are not openand hung from the cloak. He brings 72 cups with 72 clappers that are made entirely of gold and suspends them from the hems, 36 from the hem of one flap and 36 from the hem of the other flap. The cup with the clapper hanging in it are together called a bell. From the hems on both sides of [the flaps of the cloak are suspended series of] bells and pomegranates, bells and pomegranates.

5 The gold that is woven in the *ephod* and the breastplate which is mentioned in the Torah was made in the following manner. A strand of pure gold was taken and placed together with six strands of sky-blue wool and [then] the seven strands were spun as one. He would do the same with one strand of gold and six of red wool, with one strand [of gold] with six of scarlet wool, and with one strand of gold with six of linen.

Thus there would be four strands of gold and there would be a total of 28 strands.

[This is reflected by **Exodus 39:3**]: "And they hammered out thin sheets of gold [and cut strands] to fashion into the sky-blue wool, into the red wool, into the scarlet wool, and into the linen." This teaches that there was a strand of gold woven in them.

6 How was the breastplate made? He would weave a garment that was a work of craft from gold, sky-blue wool, red wool, scarlet, linen, with 28 strands, as we explained. It is a cubit long and *zeret* wide and it should be folded into two. Thus it was a square a *zeret* long and a *zeret* wide. In it should be affixed four rows of stones as described by the Torah. Each stone should be square and set in a setting of gold that encompasses it from below and from the four directions.

7 He should engrave on the stones the names of the tribes according to their order of birth. Thus on the ruby, the name Reuben is engraved and on the jasper, Benjamin is engraved. At the outset, above Reuben, he should write [the names] Abraham, Isaac, and Jacob and below Benjamin, he should write, שבטי יה so that all the letters are found there.

8 Four golden rings are made on the four corners of the breastplate. In the two upper rings from which the breastplate is suspended, two golden cords are placed. They are called chains. In the two lower rings that are opposite [the High Priest's] breast are placed two cords of sky-blue wool.

9 The width of the *ephod* is the width of a person's back from shoulder to

shoulder. Its length extend from one's elbows to his feet. It has two bands extending from it on either side with which it is fastened. They are called the belt of the *ephod*. The entire garment is woven with gold, sky-blue wool, red wool, scarlet wool, and linen with 28 threads as described with regard to the breastplate.He should sew to it two shoulder straps so that it will extend to [High] Priest's shoulder. He should affix to each shoulder a square sardonyx stone set in a setting of gold. The names of the tribes should be engraved on the two stones, six on one stone and six on the other according to the order of their birth. Joseph's name would be written as יהוסף. Thus there would be 25 letters on one stone and 25 letters on the other stone. They would be written in this manner.

The stone on which Reuven's name was written was placed on his right shoulder and the stone on which Shimon's name was written was placed on his left shoulder. On each shoulder, he should make two rings: one above, one the top of the shoulder and one below the shoulder above the belt. The two golden cords should be placed in the the two upper rings, they are called chains. This is the form of the *ephod*.

10 Afterwards, he places the ends of the cords of the breastplate in the upper rings that are on the shoulders of the *ephod* and he should place the two strands of sky-blue wool that are on the hem of the breastplate into the rings that are above the belt of the *ephod*. The chains that are in the rings on the shoulders of the *ephod* should descend until they reach the upper rings of the breastplate so that they will cleave to each other and thus the breastplate will not be separate from the *ephod*. Anyone who separates the breastplate from the *ephod* and disrupts their connectionwith a destructive

intent is worthy of lashes.

11 Thus when he wears the *ephod* together with the breastplate, the breastplate will be flat over his heart and the *ephod* will be behind him. The belt of the *ephod* is tied over his heart below the breastplate. The two shoulders of the *ephod* lie on his two shoulders. The two cords of gold extend down from his shoulders on either side from the shoulders of *ephod* to the rings of the breastplate. The two strands of sky-blue wool are tied below his elbows from the two lower rings of the breastplate to the two lower rings of the shoulders of the *ephod* which are above the belt.

Chapter 10

1 What is the order in which the priestly garments should be put on? [The priest] should put on the leggings first, tying them above his navel, over his loins. Afterwards, he puts on the tunic and then puts on the sash at elbow height. He should wind it fold after fold until it ends and then tie it.

2 With regard to the sash, [where it should be placed can be understood from] the received tradition. [**Ezekiel 44:18**] states: "They shall not gird themselves *bayeza*, [interpreted to mean] "in a place where one perspires." Yonason, the son of Uziel, received the same tradition from the prophets and translated the phrase: "They will gird themselves over the heart." Afterwards, he should arrange the headpiece as a hat.

3 After the High Priest girds himself with the sash, he puts on the cloak,

and on the cloak, the *ephod* and the breastplate. He girds himself with the belt of the *ephod* over the cloak, below the breastplate. Therefore [the cloak] is called "the cloak of the *ephod*," the cloak that is girded closed with the *ephod*.

Afterwards, he winds the headgear like a turban. He ties the forehead plate [behind his head,] above the turban. His hair was visible between the forehead plate and the turban and it is in that place that he would wear his *tefillin* between the forehead plate and the turban.

4 It is a positive commandment to make these garments and for the priests to serve in them, as [**Exodus 28:2**] states: "And you shall make holy garments," and [*ibid.* 29:8] states: "And drew near his sons and dress them in tunics."

When a High Priest serves with less than these eight garments or an ordinary priest serves with less than these four garments, he is called lacking garments. His service is invalid and he is liable for death at the hand of Heaven, like a non-priest who serves. [This is indicated by *ibid.*:9 which states:] "And you shall gird them with a sash... and their priesthood shall be for them...." [Implied is that] when their garments are upon them, their priesthood is upon them. [Conversely,] if their garments are not upon them, they are like non-priests, concerning whom [**Numbers 1:51**] states: "A non-priest who draws close [to the service of the Sanctuary] shall die."

5 Just like a priest who is lacking garments is liable to die and invalidates the service he performs, so too, one who wears extra garments - e.g., he wears

two tunics, two sashes, or an ordinary priest who wears the garments of the High Priest and performs service - profanes his service and is liable for death at the hand of Heaven.

6 It is said with regard to the priestly garments: "on his flesh and he shall wear them." [Implied is that] nothing should intervene between his flesh and the garments. Even if there is one thread, earth, or a dead louse between his flesh and the [priestly] garment, it is considered an intervening substance and his service is invalid. Therefore a priest cannot serve [in the Temple wearing] his arm *tefillin*, because they intervene. The head *tefillin*, by contrast, do not intervene and if he desires to wear them at the time of his Temple service, he may.

7 [A priest] must be careful at the time that he puts on [the priestly garments] that there be no dust, nor a louse - even if it is alive - between his flesh and the garment. Nor should air enter between his flesh and his garment during the time of service so that the garment will become distant from his flesh. He should not place his hand in his bosom under his tunic. He should not remove his hair from the garment, nor should there be a strand hanging loose from the garment. [Although] one these factors occurs, his service is acceptable.

8 [The following rules apply if a priest] wrapped a cloth on his flesh in a place [untouched by the priestly] garments, e.g., he wrapped it on his finger or on his heel. If it is three fingerbreadths by three fingerbreadths, it is considered as an intervening substance and it invalidates [the service]. If

it is smaller than that, it is not considered as an intervening substance. A small belt, since it is considered as an independent garment, invalidates [one's service] even if it is not three fingerbreadths by three fingerbreadths in area.

9 When the finger of a priest is wounded, he is permitted to tie a reed or a cloth that is not three fingerbreadths by three fingerbreadths around it on the Sabbath and perform his service. If he intends to release blood, it is forbidden. [Leniency is granted,] provided the reed or the cloth does not intervene between his flesh and a sacred utensil at the time of service.

10 In the Second Temple, they made the *Urim* and the *Tumim* to complete the eight garments [of the High Priest] even though inquiry was not made of them. Why was inquiry not made of them? Because the Holy Spirit was not vested there. And whenever a priest does not speak with the Holy Spirit and the Divine Presence does not rest there, inquiry is not made.

11 How was inquiry made? The [High] priest would stand facing the Ark. The person making inquiry was behind him, facing the [High] Priest's back. The inquirer would ask: "Should I go up [to war] or not?" He would not ask in a loud voice, nor would he merely think about the matter in his heart. Instead, [he would speak] in a low voice, like someone praying to himself. Immediately, the Holy Spirit will enclothe the [High] Priest. He will look at the breastplate and with the spirit of prophecy see "Go up" or "Do not go up" written in letters emerging from the breastplate toward his face. The [High] Priest would then answer [the

inquirer], telling him: "Go up" or "Do not go up."

12 Two matters should not be asked about at once. If they are, one replies only to the first. Inquiry should not be made [of the *Urim* and *Tumim*] by an ordinary person, only by a king, the court, or one who the community at large requires. [This is derived from **Numbers 27:21**:] "Before Elazar the priest shall he stand... [he and all the children of Israel with him, and the entire congregation]." "He" refers to the king; "all the children of Israel" to the priest anointed to lead the people in war, or someone whom the people need to make inquiry for them; and "all the congregation" refers to the High Court.

13 The statements found in the words of the prophets that the priests would wear an *ephod* of linen does not mean that they were High Priests. For the High Priest's *ephod* was not of linen [alone]. For the Levites would also wear such a garment, for the prophet Samuel was a Levite, and [**I Samuel 2:18**] describes him as "a youth, girded with a linen *ephod*." Instead, this *ephod* was worn by the students of the prophets and those who were fit to have the Holy Spirit rest upon them to make it known that such a person reached a rung equivalent to that of the High Priest who speaks with the Holy Spirit via the medium of the *ephod* and the breastplate.
Blessed be the Merciful One Who grants assistance.

Mishneh Torah, Admission into the Sanctuary

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whenever a priest who is fit to perform Temple service drinks wine, he is forbidden to enter the area of the Altar or [proceed] beyond there. If he entered [that area] and performed service, his service is invalid and he is liable for death at the hand of heaven, as [**Leviticus 10:9**] states: "[Do not drink intoxicating wine...] so that you do not die."

The above applies provided one drinks a *revi'it* of undiluted wine at one time, provided the wine is over 40 days old. If, however, one drank less than a *revi'it* of wine, one drank a *revi'it* intermittently, one mixed it with water, or one drank even more than a *revi'it* of wine from the vat, i.e., within 40 days of its being brought into being, he is exempt and his service is not profaned. If he drank more than a *revi'it* of wine, even though it was diluted and even though he drank it intermittently, he is liable for death and his service is invalidated.

2 If a person is intoxicated from beverages other than wine, he is forbidden to enter the Temple. If he enters and performs service while intoxicated from other beverages - even if he is intoxicated from milk or figs - he is liable for lashes, but his service is valid, for one is liable for death only when drinking wine at the time of service and one does not invalidate service unless he is intoxicated from wine.

3 Just as a priest is forbidden to enter the Temple while intoxicated, so too,

it is forbidden for any person, whether priest or Israelite, to render a halachic ruling when he is intoxicated. Even if he ate dates or drank milk and his mind became somewhat confused, he should not issue a ruling, as [the above passage (*ibid.*:11)] continues: "And to give instruction to the children of Israel." If he gave a ruling concerning a matter that is explicitly stated in the Torah to the extent that it is known by the Sadducees, he is permitted. For example, he ruled that a *sheretz* is impure and a frog is pure; [he ruled that] blood is forbidden, or the like.

4 It is permitted for a person who is intoxicated to teach Torah, even Torah law and the interpretation of verses, provided he does not deliver a ruling. If he was a sage who delivers rulings on a regular basis, he should not teach, for his teaching constitutes the delivery of a ruling.

5 When a person drank precisely a *revi'it* and it was diluted with the slightest amount of water, he slept a bit, or he walked a *mil*, the effects of the wine will have worn off and he is permitted to serve [in the Temple]. If, however, he drank more than a *revi'it* even if it was diluted, sleeping slightly or journeying adds to his drunkenness. Depending on how intoxicated he was, he must wait until there is no trace of his drunkenness whatsoever.

6 The men of the priestly watch are permitted to drink wine at night, but not during the day, during the week [they serve in the Temple]. Even the members of the other clans who were not scheduled to work on a particular day [are forbidden], lest the Temple service overburden the

members of the clan who serve that day and they require other members of the watch to help them.

The members of the clan of a particular day are forbidden to drink both during the day and night of that day, lest they drink at night and arise to their service in the morning without the effects of the wine having worn off.

7 Whenever a priest knows the watch from which he descends and the clan from which he descends, and he knows the day on which the members of his clan were scheduled to serve [in the Temple], he is forbidden to drink wine that entire day. If one knows from which watch he is descended, but does not know his clan, he is forbidden to drink wine the entire week during which his clan worked.

If [a priest] does not know [the identity of] his watch or his clan, the law would dictate that he should never be allowed to drink wine. Nevertheless, his difficulty leads to his solution and he is permitted to drink wine at all times, for he is not allowed to serve [in the Temple] until his clan and watch are established.

8 A priest who lets his hair grow long is forbidden to enter the area of the Altar or [proceed] beyond there. If he enters this area and performs service, he is liable for death at the hand of Heaven like an intoxicated [priest] who serves, as [indicated by **Ezekiel 44:20-21**]: "None of the priests shall drink wine. They shall not shave their heads, nor allow their hair to grow long." Just as [priests who serve] intoxicated from wine are liable to die, so too, those who allow their hair to grow long are liable to

die.

9 [Priests who] let their hair grow long do not disqualify their service. Even though they are obligated to die, their service is valid.

10 Just as the priests are not warned against drinking wine except at the time they enter the Temple, so too, they are forbidden to grow their hair long only at the time they enter the Temple.

To whom does the above apply? To an ordinary priest. A High Priest, by contrast, is forbidden to let his hair grow long and rend his garments forever, for he should be in the Temple at all times. Therefore with regard to him, [**Leviticus 21:10**] states: "He should not let [the hair of] his head grow long, nor should he rend his garments."

11 What is meant by growing one's hair long? [Leaving it uncut for] 30 days like a Nazirite, concerning whom [**Numbers 6:5**] states: "He shall let the mane of the hair of his head grow long" and a nazirite vow is not less than 30 days. Therefore an ordinary priest who serves [in the Temple] must cut his hair every 30 days.

12 The priests of the watch [serving in the Temple that week] are forbidden to cut their hair and launder their garments during that week, so that they will not enter the Temple when they are unkempt. Instead, they should cut their hair, wash, and do their laundry before coming [to the Temple].

13 When a priest's watch is concluded in the midst of a festival, he is permitted to cut his hair in the midst of the festival. If, however, his watch

concludes on the day preceding a festival, he should cut his hair only on that day.

14 The laws [applying to a priest who enters the Temple with] torn garments are the same as those [applying to one with] long hair, as [**Leviticus 10:6**] states: "Do not let [the hair on] your heads grow long or rend your garments lest you die." Thus if [a priest] served with torn garments, he is liable for death at the hand of Heaven although his service is valid and was not profaned.

15 It appears to me that any priest who is fit to serve who enters the area of the altar or [proceeds] beyond there while intoxicated due to wine, drunk due to other alcoholic beverages, with long hair, or with torn garments as one tears because of a person's death, he is liable for lashes, even if he did not perform service. [The rationale is that] he is fit for service and entered [the Temple] at the time of service in such an unkept manner although he was warned not to enter.

16 The laws that apply to someone who enters beyond the altar and the laws that apply to ones who depart from there are the same. What is implied? One drank a *revi'it* of wine between the *Ulam* and the altar or tore his garments there and departed, he is liable for lashes. Similarly, if he performed service as he departed, he is liable for death.

17 Similarly, it is forbidden for any person, whether a priest or an Israelite, to enter the entire Temple area, from the Courtyard of the Israelites and onward when he is intoxicated from wine, drunk [from other beverages],

with unkept long hair or with torn garments. Although there is no explicit warning [against this in the Torah], it is not a sign of honor or reverence to the great and holy house to enter it unkept. If, however, an Israelite lets his hair grow until it is formed into a weave and it was not unkept, he is permitted to enter the Courtyard of the Israelites.

Chapter 2

1 The High Priest enters the Holy of Holies each year only on Yom Kippur. An ordinary priest may enter the Sanctuary for service every day.

2 The priests were all warned not to enter the Sanctuary or the Holy of Holies when they are not in the midst of the service, as [**Leviticus 16:2**] states: "He shall not come to the Holy Chamber at all time" - this refers to the Holy of Holies. "...Within the curtain" - this warns [the priests against unwarranted entry] into the entire Temple.

3 A priest - whether an ordinary priest or a High Priest - who enters the Holy of Holies on any of the other days of the year, or a High Priest who enters there on Yom Kippur outside the time of service, he is liable for death at the hand of heaven, as [*ibid.*] states: "And he shall not die."
How many times does he enter on Yom Kippur? Four, as will be explained in the appropriate place. If he enters a fifth time, he is liable for death at the hand of heaven.

4 One - whether an ordinary priest or a High priest - who enters the Sacred Chamber outside the Holy of Holies, not for the sake of service, nor

prostrating oneself, is liable for lashes, but is not liable for death. [This is derived from the above verse which states:] "Before the covering [that is upon the Ark] so that he will not die." [Implied is that] for [unauthorized entry into] the Holy of Holies, he is liable for death, but [entering] the remainder of the Sanctuary is merely the violation of a negative commandment and is punishable by lashes.

5 A priest - whether an ordinary priest or a High priest - who departs from the Temple is liable for death [at the hand of heaven] only in the midst of his service, as [*ibid* 10:7] states: "From the entrance to the Tent of Meeting, you shall not depart, lest you die." Implied is that you should not abandon the service and leave hastily and in panic because of this decree. Similarly, the charge [issued to] the High Priest [*ibid.* 21:12]: "He shall not depart from the Temple," applies only in the midst of his service, i.e., that he should not abandon his service and depart.

6 If so, why was this warning repeated for the High Priest? [Because there is a difference between the laws that apply to him and those which apply to an ordinary priest]. When an ordinary priest was in the midst of his service in the Temple and he heard that a person for whom he is obligated to mourn has died, he should not perform sacrificial service, even though he does not leave the Temple, because he is in an acute state of mourning. if he performed service while in an acute state of mourning, he profanes his service, whether he is offering an individual sacrifice or a communal offering. A High Priest, by contrast, performs sacrificial service while he is in a state of acute mourning, as [implied by *ibid.*]: "From the Temple, he

should not depart and not profane." Implied is that he should remain [in the Temple] and perform the service with which he was involved and it does not become profaned.

7 What is the source that teaches that the service of one in an acute state of mourning is invalid? [It is derived from] an inference from a less severe situation to a more severe one. A priest disqualified because of a physical deformity may partake of sacrificial foods. Nevertheless, if he performs service, he profanes it. How much more so should one who is in acute mourning and thus forbidden to partake of sacrificial foods - as [**Deuteronomy 26:14**] states: "I did not eat from it in a state of acute morning" - profane his service [if he performs it].

8 Although a High Priest may perform service while he is in a state of acute mourning, he is forbidden to partake of sacrificial food, as [**Leviticus 10:19**] states: "If I had partaken of the sin-offering today, would it have found favor in God's eyes." Similarly, he does not participate in the division of the sacrificial foods so that he could partake of the food in the evening.

When a person in an acute state of mourning performs sacrificial service, he is not liable for lashes. He is permitted to touch sacrificial foods even though he did not immerse himself [in a *mikveh*], for this safeguard was enforced only with regard to eating. With regard to touching [objects], he is considered as pure, as will be explained in the appropriate place.

9 What is meant by a person in an acute state of mourning? One who lost

one of the relatives for whom he is required to mourn. On the day of the person's death, he is considered in acute mourning according to Scriptural Law. And at night, he is in acute mourning according to Rabbinic Law.

10 When [it was necessary] to wait several days and [only] afterwards, a corpse was buried, for all those days after the day of the deceased's passing, [his relative] is considered in an acute state of mourning according to Rabbinic Law. This also [applies] with regard to the day of burial, but not the following night.

Therefore if [a close relative of a priest] dies and he buries him after the day of his death, throughout the day of the burial, he may not offer or partake of sacrifices according to Rabbinic Law. He should then immerse himself and partake of sacrifices at night. The day on which a person hears a report that a relative of his died within 30 days and the day on which he gathers his bones is considered as the day of one's burial, but [the restrictions] do not apply at night. On the day of [a close relative's] death, by contrast, just as it is forbidden to partake of sacrificial foods during the day according to Scriptural Law, so too, it is forbidden for him to partake of them that night according to Rabbinic Law. [The only] exception is the Paschal sacrifice which he may eat at night, as will be explained in the appropriate place.

11 Throughout the seven days of mourning, a mourner should not send sacrifices [to be offered in the Temple]. [Indeed, he should not send] even wine, wood, or frankincense. Similarly, a person afflicted with *tzara'at* should not send his sacrifices [to be offered in the Temple]. For as long as

he is not fit to enter the camp [of the Levites], he is not fit for his sacrifices to be offered. There is an unresolved question whether a person under a ban of ostracism may send his sacrifices [to be offered] or not. Hence, if they were offered on his behalf, [his obligation] is satisfied.

12 A person who is impure because of contact with a dead lizard or the like and an uncircumcised person may send their sacrifices and they are offered with the exception of the Paschal sacrifice. That sacrifice may not be offered for a person who is impure because of contact with a dead lizard. Nor may a Paschal sacrifice be offered for an uncircumcised person, as will be explained. No sacrifices at all are offered for a person who is impure because of contact with a corpse until he becomes ritually pure.

Chapter 3

1 It is a positive commandment to send all impure persons away from the Temple, as [**Numbers 5:2**] states: "And they shall send away from the camp all those with *tzara'at* and *zav* [afflictions] and all those who are impure because of contact with a corpse.

2 "The camp" cited refers to "the camp of the Divine presence," i.e., from the entrance to the Courtyard of the Israelites onward. Should one infer that a person with *tzaraat* or *zav* ailments and one impure due to contact with a corpse are all three sent to the same place? With regard to one inflicted with *tzara'at*, [**Leviticus 13:46**] states: "He shall abide alone outside the camp where he dwells." [The camp from which he is sent]

refers to the camp of the Israelites which parallels the area from the entrance to Jerusalem and beyond. [From this we conclude,] just like a person who is afflicted with *tzara'at*, because his impurity is more severe, is sent away in a more severe manner than others, so too, any individuals whose state of impurity is more severe than others should be sent out in a more severe manner.

Therefore a person afflicted with *tzara'at* is sent outside of all three camps, i.e., outside of Jerusalem. [His impurity is considered more severe,] because he causes [a house] to be considered impure when he enters it. This does not apply with regard to a *zav*.

3 Men with a *zav* condition, women with a *zavah* condition, *niddot*, and women who gave birth are sent outside two camps, i.e., outside the Temple Mount. [The rationale for this severity is that] they cause an entity upon which they are seated or upon which they are lying to become ritually impure, even if it is under a stone. [This does not apply] with regard to impurity [contracted] from a corpse.

4 A person who is impure because of contact with a human corpse - and even a corpse itself - is permitted to enter the Temple Mount. [This is derived from **Exodus 13:19**]: "And Moses took the bones of Joseph with him." "With him" [implies] into the camp of the Levites.

5 From the *chayl*, gentiles, those who contracted impurity from a human corpse, and those who had relations with a *niddah* are sent away. A person who immersed that day may enter there, for he has already immersed.

6 From the Women's Courtyard, one who immersed himself that day is sent away, but not one who has not completed the purification process. For [the day on which] a person who has not completed the purification process [immersed himself] has already passed. The prohibition against a person who has immersed himself entering [this portion of] the camp of the Levites is Rabbinic in origin.

7 From the Courtyard of the Israelites and onward even one who has not completed his process of purification should not enter, because his process of purification is not yet consummated. [This is evident from **Leviticus 12:8** which, with regard to a woman who seeks purification after childbirth,] states: "And the priest will bring atonement for her and she will become pure." One can infer that until then, she was not pure.

8 An impure person who [must be] sent away from the Temple Mount, violates a negative commandment if he enters there, as [can be inferred from **Deuteronomy 23:11** which] states: "And he shall go outside the camp" - this refers to the camp of the *Shechinah* - "and he shall not enter the midst of the camp" - this refers to the camp of the Levites. Similarly, a person afflicted by *tzara'at* who enters Jerusalem is liable for lashes. If, however, he enters any of the other walled cities [in *Eretz Yisrael*], although he is not allowed to, as [implied by the verse]: "He shall abide alone," he is not liable for lashes.

9 If one afflicted with *tzara'at* entered the Temple Mount, he is liable for 80 lashes. If, however, one who is impure because of contact with a human

corpse or one who immersed himself that day entered the Women's Courtyard, or one who has not completed his process of purification entered the Israelites' Courtyard, he is not given lashes. He is, however, given stripes for rebellious conduct.

10 Just as there is a positive commandment to send impure persons out from the Temple, so too, if they enter, they violate a negative commandment, as [**Numbers 5:3**] states: "They shall not make your camp impure." This refers to the camp of the *Shechinah*.

11 What source teaches that one does not violate the prohibition unless he enters [the Temple], but that he is exempt if he touches the Temple Courtyard from the outside? [**Leviticus 12:4**] states with regard to a woman who gives birth: "She shall not enter the Sanctuary."

12 When an impure person willfully enters the Temple, he is punishable by *karet*, as [**Leviticus 17:16**] states: "If he will not clean [his garments] or wash his flesh, he will bear his iniquity." [If he enters] unknowingly, he is liable for an adjustable guilt offering, as [*ibid.* 5:2] states: "Or a soul that will touch any impure entity." One is liable for *karet* or a sacrifice only when one enters from the Israelites' Courtyard or onward or into an addition to the Courtyard that was sanctified in a consummate manner, as we explained.

13 What are the types of impurity for which one is liable [for entering] the Temple [while impure]?

a) Anyone who became impure through contact with a human corpse in a

manner which would require a nazirite to shave [his head] because of them; these are explained in [*Hilchot] Nizirut*;

b) one who touched a person or a utensil that became impure through those types of impurity for which a nazirite must shave [his head]; for such a person is considered as a second level of impurity to a primary object of impurity that touched a corpse;

c) one who became impure through contact with another primary source of impurity as mandated by Scriptural Law, as will be explained in their appropriate places.

14 The general principle is: Anyone who is required to immerse himself in water according to Scriptural Law is liable for *karet* for entering the Temple [while impure] even after he immersed himself until nightfall [that day]. If, however, one became impure due to impurity stemming from a human corpse that does not require a nazirite to shave [his head], he is exempt for entering the Temple, even though his impurity lasts for seven days.

15 Similarly, if one touches utensils that touched a human corpse or touches a person who is touching utensils that touch a corpse, even though he is considered as impure to the first degree with regard to *terumah* and with regard to imparting impurity to sacrificial foods, he is exempt for entering the Temple. For these matters are laws received through the Oral Tradition. Although he is exempt, he is given stripes for rebellious conduct.

16 A person who brings a dead teeming animal or the like into the Temple or when he brings an impure person into the Temple, he is liable for *karet*, because he made God's sanctuary impure. If, however, he threw impure utensils into the Temple - even if they were utensils that touched a corpse - he is exempt from *karet*, but liable for lashes, as [implied by the prooftext cited above]: "If he will not clean [his garments]...." According to the Oral Tradition, [for entering the Temple without] washing his body, he is liable for *karet*. [For entering without] cleaning his garments, he receives 40 lashes.

17 It appears to me that he is liable for lashes only for his clothes that are a source of ritual impurity, i.e., clothes that were touched by a person who became impure through contact with a corpse that themselves become a source for ritual impurity, as will be explained. If, by contrast, one brings a garment which is of first degree impurity into the Temple, he is not liable for lashes. He does, however, receive stripes for rebellious conduct.

18 Similarly, when an impure person inserts his hand [alone] into the Temple, he is given stripes for rebellious conduct. Similarly, anyone who purposely enters the Temple before immersing himself while he is impure because of contact with objects that are sources of ritual impurity by virtue of Rabbinic decree, because he ate impure foods, or because he drank impure beverages is given stripes for rebellious conduct.

19 When an impure person enters the Temple through the rooftops, he is exempt. [This is derived from the prooftext cited above:] "He shall not

enter the Temple." [Implied is that] the Torah held him liable [only when he entered in] the way one usually enters. Although he is exempt for *karet*, he is given stripes for rebellious conduct.

[This exemption applies] even if he enters in a compartment flying in the air, whether he entered the Temple in this compartment through the roofs or through the entrances.

20 In all places where one is liable for *karet* for a willful transgression or a sacrifice for an unknowing transgression, should an impure object be found there on the Sabbath, it should be removed. In other places, it should be covered with a utensil until after the Sabbath. When it is removed, it should be removed only with flat wooden utensils which do not contract ritual impurity, so that there should not be an increase in ritual impurity.

21 Both an impure person who entered the Temple when it was pure and a pure person who entered the Temple when there was impurity within it - e.g., a corpse was lying under a shelter in the Temple and he entered under that shelter - are liable for *karet*. [In the latter situation,] his entrance and his impurity occur at one time.

If one enters the Temple and becomes impure there after he enters, even if he purposely made himself impure, he should hurry, and depart in the shortest way possible.

22 It is forbidden for him to tarry, to bow, or to depart via a longer way. If he tarried or departed via a longer way even though he did not tarry, or he

turned his face to the Sanctuary and bowed even if he did not tarry, he is liable for *karet*. If he acted unknowingly, he must bring a sacrifice.

23 If he did not turn his face [toward the Sanctuary], but bowed as he was departing toward the outside area, he is not liable unless he tarrys.
How long a delay [creates a liability]? Enough time to read the verse: "And they bowed with their faces to the ground on the floor, prostrating themselves and giving thanks to God who is good and whose kindness is everlasting." This is the measure of the delay [for which one is liable].

24 What is meant by [departing] via longer way? Any way for which it is possible to depart from the Temple via a shorter way.
If one departed via a shorter way, even if he did not run, but instead walked [slowly], positioning his heel by his toes, although it takes the entire day, he is exempt. If he took a longer path, even though he ran and pressed himself with all of his power and thus the amount of time it took for him to leave in this manner was less than it would take other men via the shorter way, he is liable, because he departed via the longer path.
If he departed via the shorter path, but walked some, then stood, tarried some, [and continued this pattern] until all of his delays together amount to the time it takes to bow, he is not liable for lashes if he acted willfully, nor is he liable for a sacrifice if he acted unknowingly, because there is an unresolved question concerning the matter. He is, however, given stripes for rebellious conduct.

Chapter 4

1 When an impure person serves in the Temple, he desecrates his service and is liable for death at the hand of heaven for [performing] this service even if he did not tarry there, as [indicated by **Leviticus 22:2**]: "so that they draw back for the sanctified objects of the children of Israel and not desecrate My holy name." This is a warning for a person who serves while ritually impure.

Further on, [*ibid.*:9] states: "They will die because of it, because they desecrated it." Just as in the latter instance, desecration makes one liable for death at the hands of heaven, so too, with regard to [offering sacrifices while impure, desecration] makes one liable for death at the hand of heaven. Lashes are given for [the violation of] all negative commandments punishable by death at the hand of heaven.

2 Although one who serves in a state of impurity is liable only for lashes in court, his priestly brethren would not bring him to the court. Instead, they would take him outside [the Temple] and split open his brain. They would not be rebuked for this.

3 How is it possible for a priest to perform service without tarrying so that he will be liable only for death at the hand of heaven and not *karet*? For example, he contracted impurity in the Temple Courtyard and departed in the shortest way possible, but as he was leaving, he used a cylinder in his hand to turn over a limb [from a sacrifice] on the fire of the altar and thus hasten its consumption by the flames. [The rationale is that] any contribution to the Temple service is considered as equivalent to that service.

4 Similarly, if one who was impure immersed in the *mikveh* and then performed service before nightfall of that day, his service is invalid and he is liable for death at the hand of heaven, as [*ibid* 21:6] states: "They shall not desecrate the name of their God." According to the Oral Tradition, we learned that this is a warning to a person who [was impure, but] immersed himself that day who performs service [in the Temple], for he is still impure. [This is derived from *ibid.* 22:7]: "And the sun sets and he will become pure." Implied is that until then, he was not pure. A person whose atonement process was not completed who performs service [in the Temple] is exempt [from punishment] even though his service is invalid and it desecrates [the sacrifice].

5 What is the source that teaches that such service is impure? [With regard to a woman impure due to childbirth, **Leviticus 12:8**] states: "And the priest shall atone for her and she shall become pure." Implied is that until now, she was not pure. The same applies to all others whose atonement process is not complete.

6 [The following laws apply if] a priest performed service and afterwards, it became known that he was impure. If the source of impurity was known, all of the sacrifices that he offered are invalid, for his work is defiled. If, however, he became impure due to the impurity [likened to] the depths, the forehead plate brings about appeasement and all the sacrifices he offered are accepted. Even if he became aware of the fact that he was impure before the blood was sprinkled on the altar and then he sprinkled the blood, it brings about appeasement. For the forehead plate brings

about appeasement for the impurity [likened to] the depths even though he [transgresses] intentionally. We have already explained the impurity [likened to] the depths in *Hilchot Nizirut*.

7 Similarly, the forehead plate brings atonement if the objects being sacrificed are impure, as [**Exodus 28:38**] states: "And it shall be on the forehead of Aaron and Aaron will bear the sins of the sacred objects." It does not, however, bring about appeasement if the portions of the sacrifices that are eaten are impure or if the one [offering the sacrifice] is impure when he became impure because of a known source of impurity unless the impurity was superseded by a communal obligation, in which instance the forehead plate generates appeasement for it.

8 The forehead plate does not bring about appeasement unless it is on the High Priest's forehead, as [the above verse] continues: "It will be on his forehead at all times, for appeasement before God."

9 [The offering of] any sacrifice that does not have a set time does not supersede [the observance of] the Sabbath or [the laws of] ritual impurity. [The rationale is that] if it is not sacrificed today, it will be sacrificed tomorrow or afterwards. [The offering of] any sacrifice that does have a set time, whether it be a communal offering or an individual offering, supersedes [the observance of] the Sabbath and [the laws of] ritual impurity. It does not supersede all types of ritual impurity, however, only those stemming from contact with a human corpse.

10 All of the communal sacrifices have a fixed time when they must be

offered. Hence [offering them] supersedes [the observance of] the Sabbath and [the laws of] ritual impurity stemming from contact with a human corpse.

11 All of the sacrifices that were brought in a state of ritual impurity are not eaten. Instead, the elements of the sacrifice that are fit to be consumed by fire are offered on the fire [of the altar]. The remaining portions that would [ordinarily] be eaten are burnt in the same manner as are other sacrifices that became impure.

12 What is meant by saying it supersedes [the laws of] ritual impurity? If the time when that sacrifice is to be offered arrives and the majority of the people offering it were impure due to contact with a human corpse, or the people at large were pure, but the priests offering it were impure due to contact with a human corpse, or both of these were pure, but the Temple utensils were impure due to contact with a human corpse, [the sacrifice] should be offered in a state of impurity. Both the impure and the pure should be involved in its offering together and enter the Temple Courtyard.

Those who are impure because of other reasons, *zavim, zavot,* women in their menstrual state, those after childbirth, those who came in contact with the corpse of a teeming animal or large animal, or the like should not be involved [in the sacrifice] and should not enter the Temple Courtyard even though sacrifices are being offered in a state of impurity. If they transgressed and took part [in the sacrifice] or entered the Temple Courtyard, they are liable for *karet* for entering [the Courtyard] or death

[at the hand of Heaven] for [carrying out] the service. For only the impurity stemming from contact with a human corpse was superseded [by the obligation to offer these sacrifices].

13 When a Paschal sacrifice is offered in a state of impurity and those who were impure due to contact with a human corpse pressed on and entered the Sanctuary, they are exempt even though they were only permitted to enter the Temple Courtyard. Since the charge [**Numbers 5:3**]: "Send them beyond the camp" does not apply to them, they are exempt.

14 If a portion of the priests of the clan scheduled to serve in the Temple that day were impure and a portion were pure, even if the majority were impure due to contact with a human corpse, only those who are pure should offer the sacrifices. If all the priests of that clan were impure, the priests of another clan should be brought [to serve]. If all the priests of that watch were impure due to contact with a human corpse, we look for [those of] another watch. If most of the priests who entered Jerusalem at a given time were impure, [the appropriate sacrifice] should be offered in a state of impurity.

15 Why do we search for a priest who is pure from another clan? Because [the prohibition against serving while] impure was not released entirely [in order to offer] the communal [sacrifices]. Instead, the prohibition is still standing, it is merely superseded temporarily, because of the pressing situation. We do not override any prohibitions that may be superseded except in a situation where there is no alternative. For this reason, the

forehead plate is required to bring about appeasement.

16 What is the source that teaches that [the prohibitions against] ritual impurity are superseded [to bring] communal [offerings]? [**Numbers 9:6**] speaks of: "Men who were impure because of a [deceased] human soul." According to the Oral Tradition, it was taught: Particular individuals are deferred to Pesach Sheni if they were impure. If, however, the community at large is impure due to contact with a human corpse, it is not deferred. Instead, [the prohibition against] ritual impurity is superseded and the Paschal sacrifice should be offered in a state of impurity. The same applies to every sacrifice that has a fixed time like the Paschal sacrifice: [the obligation to offer it] supersedes [the prohibition against] ritual impurity.

17 This concept is explicitly stated in Scripture [**II Chronicles 30:17-18**]: "For a multitude of the congregation had not sanctified themselves and the Levites presided over the slaughter of the Paschal sacrifice for all who were not pure.... For many of the people, many from Ephraim, Menasheh, Issachar, and Zevulon had not purified themselves."

What then is meant by the statement (*ibid.*): "They partook of the Paschal sacrifice not in accordance with what was written"? Because they made that year a leap year because of ritual impurity, as [*ibid.*:2-3] states: "And the king, his officers, and all the congregation in Jerusalem had conferred [and decided] to offer the Pesach... in the second month, because they were not able to offer it at its time because there were not enough priests who had sanctified themselves." As we explained already in *Hilchot Kiddush HaChodeh*, as an initial preference, we do not declare a leap year

because of ritual impurity.

18 There was another [difficulty] that year. King Chizkiya made the year a leap year on the thirtieth day of Adar which was fit to be Rosh Chodesh Nissan. Instead, he made it the thirtieth of Adar. The Sages did not agree with him, for a leap year should not be declared on this day, as we explained in [*Hilchot] Kiddush HaChodesh*.

Because of these two matters which were not done as prescribed by Jewish Law, it was said: "They partook of the Paschal sacrifice not in accordance with what was written."[Chizkiya] entreated for mercy for himself and for the Sages who concurred with his actions, as [*ibid.*:18] states: "For Yichezkiyahu prayed for them, saying: 'May God Who is good atone for those....' [*ibid.*:20] states: 'God heeded Yichezkiyahu and healed the people.'[Implied is that] their sacrifice was accepted.

Chapter 5

1 It is a positive commandment for a priest who serves [in the Temple] to sanctify his hands and feet and afterwards perform service, as [**Exodus 30:19**] states: "And Aaron and his sons will wash their hands and their feet from it." A priest who serves without having sanctified his hands and feet in the morning is liable for death at the hand of heaven, as [*ibid.*:20] states: "They shall wash with water and not die." Their service - whether that of a High Priest or an ordinary priest - is invalid.

2 Which source teaches that his service is invalid? [*Ibid.*:21] states: "It will

be an eternal statute for him and his generations," and with regard to the Priestly garments [*ibid.* 25:43] also uses the expression: "An eternal statute." Just as [a priest] who is lacking the priestly garments invalidates his service, as we explained, so, too, one who did not wash his hands invalidates his service.

3 A priest does not have to sanctify [himself] between every service [that he performs]. Instead, he consecrates [his hands and feet] once in the morning and may continue serving throughout the day and [the subsequent] night, provided he does not: a) depart from the Temple; b) sleep; c) urinate; or divert his attention [from his hands and feet]. If he does any of the above, he must sanctify his hands and feet again.

4 If a priest departed from the Temple, returned and then performed service without sanctifying [his hands and feet], his service is acceptable if he did not divert his attention. This general principle was followed in the Temple: No person would enter the Temple Courtyard to perform service unless he immersed [in the *mikveh*] even though he was ritually pure.

5 Anyone who defecates must immerse himself [in a *mikveh*]. Anyone who urinates must sanctify his hands and feet.

[The following rules apply when] one goes outside the walls of the Temple Courtyard. If he departed [with the intent of] staying outside for an extended time, he must immerse [in a *mikveh*]. If [his intent] was to return immediately, when he returns, all that is necessary is that he sanctify his hands and feet. If he did not immerse, nor sanctified his hands

and feet and carried out [sacrificial] service, his service is acceptable since he did not divert his attention, nor did he defecate or urinate. If he merely placed his hands outside the Temple Courtyard, he is not required to sanctify them again.

6 If [only] a person's hands become ritually impure, he may immerse them and they are ritually pure. He need not sanctify them again.
If his body became impure because he partook of impure foods or drank impure beverages and immersed himself, even though he does not have to wait until nightfall [to become ritually pure], he must sanctify [his hands and feet] after immersing himself, for everyone who immerses himself must sanctify his hands and feet [before] serving. If he did not sanctify [his hands and feet], his service is not desecrated since he did not divert his attention.

7 When a High Priest does not immerse himself nor sanctify his hands and feet between his changes of clothes and between his different services on Yom Kippur and [continues] serving, his service is acceptable. [The rationale is that] since those immersions and sanctifications are not applicable equally to Aaron and his sons, as [**Exodus 30:19**] states: "And Aaron and his sons will wash from it." Only an obligation that is equally applicable to all the priests is an indispensable obligation, i.e., the first sanctification of one's hands.

8 If a person sanctified his hands on one day, he must sanctify them again on the following day even though he did not sleep at all that night, for the

hands are disqualified because of the passage of the night. [Even] if he sanctified his hands at night and offered fats on [the altar's pyre] the entire night, he must go back and sanctify [his hands] on the next day for that day's service.

9 If a priest sanctified his hands and his feet for the removal of the altar's ashes, even though he sanctifies them before sunrise, he does not have to sanctify them again after daybreak, because he sanctified them at the beginning of the day's service.

10 It is a mitzvah to sanctify [one's hands and feet] from the basin. If, however, one sanctifies them from a sacred utensil, the sanctification is effective. Sanctification may not, however, be performed with an ordinary utensil. If one sanctified [his hands and feet] with a sacred utensil outside the Temple or did so with an ordinary utensil within the Temple and then performed service, his service is disqualified. One does not sanctify his hands and feet inside the basin or a sacred utensil, but from them, as [implied by the verse]: "Aaron and his son's will wash from it;" ["from it"] and not "inside of it." If one sanctified [his hands and feet] in such a utensil and performed service, he did not desecrate it.

11 If one immerses his hands and feet in the waters of a *mikveh* or even a spring, this is not considered as sanctification. One must wash them from a utensil. One may sanctify them using any sacred utensil whether or not it contains a *revi'it*.

12 All water is acceptable for the sanctification, whether water from a spring

or water from a *mikveh*, provided its appearance has not changed and it is [thus] acceptable for immersion. Mud that can be poured, from which a cow would drink, can be used to fill the measure of the basin. This is the general rule: Any water that can be used to make up the measure of a *mikveh* can be used to make up the measure of the basin.

13 How much water must there be in the basin? At least enough for four priests to sanctify [their hands and feet] from it, as [indicated by **Exodus 30:19** which] mentions "Aaron and his sons." Together with him, there were Elazar, Itamar, and Pinchas, a total of four.

14 The water in the basin is disqualified if left [in it] overnight, as we explained. What would be done [to prevent the water from being disqualified]? The basin would be submerged in a *mikveh* or a spring and on the following day, it would be raised or it would be filled each day in the morning.

15 The "sea" fashioned by Solomon had the status of a *mikveh*, because a channel of water from the Spring of Aitem would pass through it. Therefore, its waters were not disqualified with the passage of night like the water of the basin and [indeed,] the basin was filled from it.

16 How is the mitzvah of sanctification performed? [A priest would] put his right hand on his right foot and his left hand on his left foot and bend over and sanctify them. All the substances that are considered as intervening with regard to immersion, are intervening with regard to the sanctification of hands.

One may not sanctify his hands while sitting, because [the sanctification] is comparable to the Temple service and the Temple service may be performed only when standing, as [**Deuteronomy 18:5**] states: "To stand and to serve."

17 Anyone who performs service while he is seated, desecrates his service and disqualifies it. He does not receive lashes, because the warning against doing so stems from a positive commandment.

Similarly, anyone involved with one of the Temple services must be standing on the floor. If there was anything intervening between himself and the ground, e.g., he was standing on a utensil, an animal, or a colleague's foot, [his service] is invalid. Similarly, if there was anything intervening between his hand and the utensil with which he was performing the service, it is invalid.

18 The Temple service may be performed only with one's right hand. If one performed service with his left hand, it is invalid. He is not liable for lashes.

[The following laws apply when] one of [a priest's] feet are on a utensil and one is on the floor, one is on a stone [that was not embedded in the floor] and one was on the floor. We evaluate [the situation]. Whenever he would be able to stand on his one foot if the utensil or the stone were taken away, his service is acceptable. If not, his service is invalid.

If he received [blood from a sacrifice] with his right hand and his left hand is supporting it, his service is acceptable, because we do not pay attention to [something that is] a [mere] support.

19 When one of the stones of the Temple Courtyard has become loosened, one should not stand upon it during one's Temple service until it is affixed in the ground. If he performed service, his service is acceptable, since it is located in its place.

Chapter 6

1 Any priest who has a physical blemish - whether a permanent blemish or a temporary blemish - should not enter the area of the altar and beyond in the Temple, as [**Leviticus 21:21-23**] states: "[Any man from among the descendants of Aaron the priest who has a blemish...] shall not come near the curtain, nor may he approach the altar. If he transgresses and enters [this area], he is liable for lashes even if he did not perform any service.
If he performs service in the Temple, he invalidates and desecrates his service. He is worthy of lashes for the service as well, as [*ibid.*:17] states: "One who has a blemish shall not draw near [to offer...]." According to the Oral Tradition, we learned that this warning means that he shall not draw near to the Temple service.

2 Similarly, a person with a temporary blemish who performs service in the Temple invalidates [his service] and is liable for lashes, as [*ibid.*:18] states: "Any man who has a blemish shall not draw close...." According to the Oral Tradition, we have learned that this is a warning against [a priest] with a temporary blemish [serving]. [A priest] with a blemish who serves is not liable for death, only for lashes.

3 All physical blemishes - whether the priest had them from birth or acquired them afterwards, whether they will heal or they will not heal - disqualify [him] until they heal.

4 A permanent blemish is a broken leg or a broken arm. A temporary blemish is a dry skin eruption or a moist skin eruption also known as a *chazizit*. Not only the blemishes mentioned in the Torah, but any apparent bodily blemish disqualifies the priests, as [*ibid.*:21] states: "Any man who has a blemish," i.e., any type. Those mentioned by the Torah are merely examples.

5 There are three types of blemishes [involving humans]:
a) blemishes that disqualify a priest from serving and an animal from being offered [as a sacrifice];
b) blemishes that only prevent a man from serving;
c) blemishes that do not disqualify a priest, but because of the impression that would be created, [our Sages] stated that every priest who has such a blemish should not serve.

6 Whenever [a priest] who has a blemish that disqualifies both a person and animal serves, whether inadvertently or intentionally, his service is invalid. If he served intentionally, he is liable for lashes. Whenever [a priest] who has a blemish that disqualifies only a person serves, even though he is liable for lashes, his service is valid. If he has one of the blemishes that disqualify him because of the impression that could be created, he is not liable for lashes and his service is valid.

7 Only blemishes that are apparent disqualify a person. Blemishes that are within the cavity of the body, e.g., a person's kidney or his spleen was removed or his intestines were perforated, even though he becomes a *treifah*, his service is acceptable. [This is derived from the mention, **Leviticus 21:19**, of] "a broken leg or a broken arm." Just as these are apparent, all [disqualifying blemishes] must be apparent.

8 An uncircumcised person is like a foreigner [as **Ezekiel 44:9**] states: "Any foreigner with an uncircumcised heart and uncircumcised flesh." Therefore if an uncircumcised [priest] serves, he disqualifies his service and is liable for lashes like a non-priest who serves. He is not, however, liable for death.

9 A priest who married women sinfully may not serve until he is compelled by the court to take a vow dependent on the discretion of other people so that it cannot be nullified that he will not continue to sin. He may then perform the service, descend [from the altar], and divorce her. Similarly, if he would become impure due to contact with a human corpse, he is disqualified until he makes a resolution in court not to contract such impurity. If he transgressed and performed service before taking such a vow or making such a resolution, he does not disqualify his service even though he remains married in sin.

10 When a priest performed service and afterwards, his [genealogy] was checked and it was discovered that he was a *challal*, his previous service is acceptable, but he may not serve in the future. If, however, he does

[continue] to serve, he does not desecrate the service. [This is derived from **Deuteronomy 33:11**]: "May God bless His legion and find acceptable the work of his hand." [implied is that] He will find acceptable even the desecrated among them.

11 The High Court would sit in the Chamber of Hewn Stone. Their primary ongoing activity was sitting and judging the priests, e.g., examining the lineage of the priests and inspecting their blemishes. Whenever a disqualifying factor was found in the lineage of a priest, he would put on black clothes and wrap himself in black and leave the Temple Courtyard. Whoever is found to be bodily sound and of acceptable lineage puts on white garments and enters and serves with his priestly brethren.

12 [A priest] who is discovered to be of acceptable lineage, but was discovered to have a physical blemish should sit in the Chamber of Wood and [removes] worm-eaten wood for the [Altar's] pyre. He should be included in the division of the sacrifices with the members of his clan and may partake [of the sacrifices], as [**Leviticus 21:22**] states: "He may partake of the food of his God from [the sacrifices of] the most holy order and of the sacred foods."

Chapter 7

1 There are a sum total of 50 physical blemishes that disqualify both humans and animals. In particular, they are:

2 Five involving the ear: a) one whose ear lobe has been blemished to the

extent that one's nail would become held back by the blemish. There is, however, no concept of a blemish with regard to the skin which surrounds the lobe of the ear, whether it is perforated, marred, or cracked.

3 b) one whose ear has cracked to the slightest extent even though its substance has not diminished;

c) one whose [ear] lobe has been perforated, [leaving a hole] the size of a carshinah bean. Whether the hole is round or long, if its area is the size of a carshinah bean, it is considered a blemish.

d) one whose ear has dried to the extent that if it was perforated, it would not bleed;

e) one whose ear was double. [This applies] even to a goat kid whose ears are often extended and appear double, provided it has two lobes. If, however, it has only one lobe and it appears like one entity that is double-sized, it is acceptable.

4 There are three involving the eye-lashes:

a) one whose eye-lids are perforated even to the slightest extent;

b) one whose eye-lids are cracked even to the slightest extent;

c) one whose eye-lids are blemished even to the slightest extent.

These three blemishes are included in the term *cherutz* mentioned in the Torah.

5 There are eight involving the eye:

a) one who is blind, whether in one eye or in both eyes;

b) one who cannot see from both of his eyes or one of them, even though

there is no apparent change in them, because he has water continuously descending into his eyes;

c) one who cannot see with both or one of his eyes clearly, because he has continuous nerve deterioration;

d) one who has a mound like a grape in his eye, even though he can still see;

e) one who has cataracts in his eyes which cover some of the pupil of the eye;

f) one who has the white of his eyes extended slightly into the pupil until the pupil is interrupted by the white of the eye. This is the meaning of the term *tivlul* mentioned in the Torah. If, however, the pupil is extended and enters the white of the eye, it is not considered a blemish, for there are no blemishes in the white of the eye;

g) one who has a white point in the midst of his pupil. This is the meaning of the term *dak* mentioned in the Torah. [The above applies] provided it appears floating on the pupil. If, however, it is not floating, or if it is submerged in the pupil, it is not a blemish. Similarly, if there was a black mark in the midst of the white, even if it appeared to be floating, it is not considered a blemish, for there are no blemishes in the white. If there was a black mark sunk in the pupil, it is also included in the blemish called *dak*. If, however, it appears to be floating, since it is black within black, it is not considered as a blemish.

6 There are three involving the nose:

a) One whose nose is perforated, even from only one side;

b) one whose nose is split;

c) one whose nose is blemished.

7 There are six involving the mouth:

a) One whose lip is perforated; this applies even if only one is perforated;

b) one whose lip is blemished;

c) one whose lip is cracked, provided the surface of the lip is split into two sides;

d) one whose lower jawbone extends even the slightest measure further than his upper jawbone;

e) one whose mouth is swollen congenitally, as part of the structure of his body. If, however, it is swollen because of the wind, it is not considered a blemish;

f) one from whom the majority of the free portion of the tongue was removed.

8 There are twelve involving the reproductive organs:

a-d) one whose member is crushed, mashed, severed, or cut off;

e-h) one whose testicles - or testicle - is crushed, mashed, severed, or cut off;

i) one who has only one testicle even though he has two sacs;

j) one whose two testicles are in one sac;

k) a person whose sexual organ is covered by flesh and his gender cannot be determined;

j) a hermaphrodite.

9 There are six involving the hands and the feet:

a) one who limps; b) one whose hip has been displaced. This is the meaning of the term *serua* used by the Torah;
c) one who has one hip attached at a higher place than the other;
d) one whose arm-bone is broken, provided it is apparent;
e) one whose leg-bone is broken, provided it is apparent. Even if it is not apparent when he stands, if it is apparent when he walks, it is a blemish;
f) one whose legs are swollen congenitally, as part of the structure of his body. If, however, they are swollen because of the wind, it is not considered a blemish.

10 There are four [types of blemishes] that may occur in any place in the body. They are:
a) one who has a dry skin eruption of even the slightest size. This is the meaning of the term *gerev* mentioned in the Torah;

11 d) Whenever there is a groove made in any bone that is apparent, it is considered a blemish. It is included in the category *charutz* mentioned in the Torah. The ribs are not considered as bones that are apparent.

12 There are also three other types of blemishes:
a) an elderly man who has reached the stage that he quivers and trembles when he stands;
b) a person who is sick and trembles because of his illness and the weakening of his strength.
A *treifah* is acceptable among humans, but is disqualified among animals. Similarly, one born through Caesarian section is acceptable among

humans, but is disqualified among animals.

13 c) One who is foul-smelling. A priest who has a foul-smelling odor because of sweat may wash and rub perfume on his flesh and serve. If he has a foul odor emanating from his mouth, he may put pepper, ginger, or the like in his mouth and serve. If, however, he serves while his body is foul-smelling due to sweat or he had bad breath, he desecrates his service like one who has any of the other blemishes.

Chapter 8

1 There are a total of 90 physical blemishes that [disqualify] humans alone. In particular, they are: There are eight involving the head:

a) one who has the center of his forehead depressed below as if it was pushed down with one's hand;

b) one who has the center of his forehead raised up above, like an egg;

c) one who has the sides of his head emerge toward his face like a hammer;

d) one whose head projects outward abnormally from his neck;

e) one whose head is abnormally large to the extent that it sits on his neck like a turnip on top of its leaves;

f) one who is bald and has no hair whatsoever on his head. If, however, he has a row of hair extending across the back of his head from ear to ear, it is acceptable.

g) a person's whose hair extends from ear to ear on the front of his head, but he is bald on the remainder of his head, he is unacceptable;

h) a person whose hair extends around his entire head from the front and the back, but he has no hair on the top of his head. He also is deemed bald and is unacceptable.

2 There are two involving the neck. They are:

a) one whose neck is sunk [into his trunk] so much that it appears to be placed on his shoulders;

b) one whose neck is so long that it appears unconnected with his shoulders.

3 There are four involving the ears. They are:

a) one whose two ears are very small;

b) one whose two ears are very swollen like sponges;

c) one whose ears hang down low;

d) one who has one ear differ from another in appearance.

4 There are five involving the eyebrows. They are:

a) one who does not have any hair at all on his eyebrows. This is the meaning of the term *gibein* mentioned in the Torah;

b) one whose eyebrows hang low;

c) one who has only one eyebrow;

d) one who has more than two eyebrows;

e) one who has one eyebrow that is different in appearance than the other, whether the hair on one is long and on the other, short, or the hair on one is black and, on the other, white or red, since there is a difference in appearance, he is unacceptable.

5 There are four involving the eyelids. They are:

a) one who does not have any hair at all on his eyelids;

b) one who has very thick hair on his eyelids;

c) one who has an eyelid whose hair is different from that of the other eyelid, e.g., one is black and the other white, one is thin and the other is thick;

d) one whose eyelids are closed slightly and do not open wide like those of other people.

6 There are eleven involving the eyes. They are:

a) one whose two eyes are positioned above their appropriate place, close to his forehead;

b) one whose two eyes are positioned below their appropriate place;

c) one whose two eyes are round and are not extended slightly as other eyes are;

d) one whose eyes pop out like the eyes of a tiger and like the eyes of a person who looks at someone when he is very angry;

e) one whose eyes are very large, like those of a calf;

f) one whose eyes are small, like those of a duck;

g) one who is continuously tearing;

h) one who has fluid [continuously] dripping from the tip of his eyes near his nose or the ends of his eyes near his temples;

i) one who contracts his eyelids and squints slightly when he sees light or when he wishes to look at something carefully;

j) a person who is cross-eyed to the extent that he sees two storeys of the same building as one. This defect can be noticed when such a person is

speaking with one person and it appears that he is speaking with another;
k) one who has one eye that is different than the other, whether in place, in appearance, e.g., one is black and the other is of mixed color, or one is small and one is large. Since there is a difference between them, he is unacceptable.

7 There are six involving the nose. They are:
a) one whose bridge of the nose is sunken, even [if it is not sunken] to the extent that he can apply ointment to both of his eyes at once. This is the meaning of the term *charum* mentioned in the Torah;
b) one whose middle of the nose projects upward;
c) one whose tip of the nose points downward;
d) one whose tip of the nose is crooked;
e) one whose nose is disproportionately large;
f) one whose nose is disproportionately small. How is this measured? With one's pinky. If one's nose is larger or smaller than his pinky, it is considered a blemish.

8 There are three involving the lips. They are:
a) one whose upper lip extends beyond his lower lip;
b) one whose lower lip extends beyond his upper lip;
c) one whose mouth [hangs] loosely and [hence,] spittle is continually descending from his mouth.

9 There are three involving the belly. They are:
a) one whose belly is swollen;

b) one whose navel projects outward, rather that being concave like that of other people;

c) one whose breasts are extended and lie on his stomach like the breasts of a woman.

10 There are three involving the back. They are:

a) one whose spine is crooked;

b) one who has a vertebra that slipped out of the spinal column, regardless of whether it projected outward, penetrated inward, or slipped to the side. This is included in the term *baal chatoteret*;

c) a person with a hunchback. Even though a vertebra has not slipped from its place, this is still considered a blemish.

11 There are six involving the hands. They are:

a) one who has an extra finger on his hands, even if he has six on each hand. If he cuts the extra finger off, he is acceptable. If, however, it had a bone, he is unacceptable, even if he cuts it off;

b) one who is lacking one of the fingers of his hand;

c) one who has two fingers webbed and connected until below the joint. If he cut and separated them to the joint, he is acceptable. Which joint is implied? The first joint that is next to the palm of one's hand;

d) one whose fingers are bent over each other;

e) one who has a projection emerging from his thumb;

f) a left-handed person. If he is ambidextrous, he is acceptable.

12 There are four involving the reproductive organs. They are:

a) one who has a very large and long scrotum that reaches his knees;

b) one whose organ is so long it reaches his knees;

c) one whose membranes surrounding his testicles were crushed;

d) one whose membranes surrounding his testicles are inflated. This is the meaning of the term *miruach ashech* mentioned in the Torah;

13 There are fifteen involving the thighs and the legs. They are:

a) one who is bow-legged to the extent that even when he stands with his feet together, his knees will not touch each other;

b) one whose ankle-bone projects outward. The ankle bone is the round bone that is above the heel, toward the inside of the body. It resembles the weaving needle with which women weave;

c) one whose heel juts outward to the extent that his shin appears to be in the center of his foot;

d) some whose feet are wide like a duck's even though they are not webbed like a duck's;

e) one who has a projection emerging from his large toe;

f) one who has an extra toe on his feet, even if he has six on each foot. If he cuts the extra toe off, he is acceptable, provided it does not have a bone;

g) one who is lacking one of the toes of his foot;

h) one whose toes are bent over each other;

j) one whose toes are webbed until below the joint. If they were connected and he cut and separated them, he is acceptable;

k) one whose foot is entirely straight; i.e., the width of his forefoot and his toes is the same as the width of his heels, and they appear as one straight

unit;

l) one whose foot is curved so that his forefoot and toes and his heel appears as the two ends of a bow;

m) one whose foot is hollow; i.e., his mid-foot is upraised above the earth and it is as if he is standing on his heel and his toes;

n) one whose ankles click with each other when he walks;

o) one whose knees click with each other when he walks;

p) one who is left-footed.

14 There are four that involve the entire body:

a) one whose trunk is disproportionately larger than his limbs;

b) one whose trunk is disproportionately smaller than his limbs;

c) one who is extremely tall;

d) a dwarf, i.e., one who is extremely short, so that they are distinguished from people at large.

15 There are eight involving the skin. They are:

a) a Kushite;

b) an albino whose skin is white like cheese;

c) one who is red-skinned like scarlet;

d) one who has pure blotches on his skin, i.e., [the appearance of] the skin changed because of an internal factor, like a *bohak*;

e) [the appearance of] the skin changed because of an external factor, like the scarring of a burn; this is also one of the distinguishing marks that are pure [with regard to *tzara'at*];

f) one who has a facial mole that has hair, even if it is not the size of an

isar, but rather of the smallest size;

g) one who has a facial mole the size of an *isar* or more; h) one afflicted with warts, [when] a person's flesh or skin should distend or the fluids in the skin should distend to any part throughout the body, this is a blemish.

16 There are four other blemishes possible for a human:

a) one who is deaf;

b) one who is intellectually or emotionally unstable;

c) an epileptic, even if his seizures come at far intervals;

d) one who suffers from severe depression, whether on a consistent basis or from time to time.

17 Thus there are a total of 140 blemishes that may disqualify a priest. They are: eight involving the head, two involving the neck, nine involving the ears, five involving the eyebrows, seven involving the eyelids, nineteen involving the eyes, nine involving the nose, nine involving the mouth, three involving the belly, three involving the back, seven involving the hands, sixteen involving the reproductive organs, twenty involving the legs, eight involving the entire body, eight involving the skin, seven involving the body's strength and odor. They have all been outlined one by one.

The following disqualify [a priest] because of the impression they may create:

a) one who has lost the hair of his eyelids even though the roots remain;

b) one whose teeth have been removed.

Chapter 9

1 When a non-priest serves in the Temple, his service is invalid and he is liable for death at the hand of heaven, as [**Numbers 18:7**] states: "A non-priest who draws close will die." According to the Oral Tradition, we have learned that one does not become liable unless he draws close to perform service. Where is the warning concerning this? [*Ibid.*:4] states: "A non-priest shall not draw close to you."

What is meant by a non-priest? Anyone who is not a male descendant of Aaron, as [**Leviticus 1:8**] states: "And the sons of Aaron shall arrange" and [**Leviticus 3:8**] states: "And the sons of Aaron shall set afire." [These service are performed by] "the sons of Aaron" and not the daughters of Aaron.

2 Although non-priests are warned not to perform any of the services associated with offering sacrifices, they are liable for death [at the hand of Heaven] only for performing "complete service," not on service that is followed by other service. [Thus] a non-priest is liable for death only for four services: a) sprinkling; b) setting afire [sacrifices on the altar]; c) pouring water [on the altar] on Sukkot, and d) pouring wine on the altar at all times.

3 How is one liable for sprinkling? Whether he dashed [blood] inside [the Temple building] or outside, [in the Temple Courtyard], performed one of the sprinklings of blood or performed one of the sprinklings of the sacrifices brought by a person afflicted with *tzara'at*, he is liable for death.

4 How is one liable for setting afire [sacrifices on the altar]? Whether he set afire limbs [of animal sacrifices], a handful of flour, or of frankincense on the altar - or even if he turned over limbs that had not been consumed by fire and hastened their being burnt, he is liable for death, provided he set afire an olive-sized portion of these entities. Similarly, if one sets afire incense on the golden altar, when he sets afire an olive-sized portion, he is liable. In contrast, one who sets fire to incense on Yom Kippur in the Holy of Holies is not liable for death for this until he sets fire to a handful, for that is the measure explicitly [required] by the Torah.

5 [A non-priest] who arranges two logs of wood on the altar's pyre is considered comparable to one who set [sacrificial] limbs afire and he is liable for death [at the hand of heaven for doing so]. For the wood is also considered as a sacrifice.

In contrast, [a non-priest] who pours [oil onto the flour offerings], one who mixes [the flour offerings with oil], one who breaks [the wafers of meal offerings] into pieces, one who salts [the sacrifices], one who waves [the sacrifices], one who brings [a meal offering] close to the altar, one who arranges the showbread or the bowls of incense on the [golden] table, one who prepares the lamps [of the *Menorah*], one who kindles light on the altar, one who takes a fistful [of flour or incense], and one who receives the blood [of a sacrifice], even though he disqualifies his service, he is warned against doing so and is liable for lashes for doing so, he is not liable for death at the hand [of Heaven]. [The rationale is that] all of these services are followed by another service and they do not represent the completion of the offering [of a given sacrifice].

6 The slaughter of sacrificial animals is acceptable if performed by non-priests. [This applies even to] sacrifices of the most holy order, both individual sacrifices and communal sacrifices, as [**Leviticus 1:5**] states: "And he shall slaughter the bull before God and the sons of Aaron shall offer it." Implied is that from receiving [the blood], the mitzvah belongs to the priesthood. Similarly, skinning an animal, cutting it up, and bringing wood to the altar are acceptable when performed by non-priests, for with regard to the limbs, [*ibid.*:9] states: "And the priest shall set afire everything on the altar," this refers to bringing limbs [from sacrificial animals] to the [altar's] ramp. [We may infer that] bringing such limbs requires a priest, but not bringing wood.

7 Similarly, the kindling of the lamps [of the *Menorah*] is acceptable if performed by a non-priest. Therefore, if a priest cleaned the lamps and brought them outside, a non-priest is permitted to kindle them.

8 The removal of the ashes [from the altar] must be performed by a priest, as [**Leviticus 6:3**] states: "And the priest will put on his linen fit tunic...." If an Israelite removes [the ash], he is liable for lashes.

He is not liable for death [at the hand of Heaven] even though this is a service that is not followed by another service. [This is derived as follows. The verse that speaks of the punishment of death at the hand of Heaven, **Numbers 18:7**,] speaks of "work of giving." [Implied is that] the work of giving must be performed by a priest alone. If a non-priest offered [a sacrifice], he is liable for death. The service of removal does not make a non-priest liable for death. Similarly, if a non-priest cleaned the inner altar

or the *Menorah*, he is not liable for death.

9 [If a non-priest] arranged the wood on the altar, the arrangement should be taken apart and rearranged by a priest, because the [initial] arrangement is unacceptable.

10 An impure [priest], one with a disqualifying physical blemish, and one who did not wash his hands or feet are not liable except for services that a non-priest is liable for death. For other services, he [violates merely] a warning.

11 A priest who immersed that day who is lacking atonement, who became impure, who did not wash his hands and feet and yet served [in the Temple] is liable for each transgression. If he was a non-priest, he is liable for lashes only for serving as a non-priest.

12 When a non-priest performs [Temple] service on the Sabbath, he is liable for violating the Sabbath laws and for serving as a non-priest. Similarly, when a priest with a physical blemish serves while ritually impure, he is liable [both] for [serving] while impure and for serving with a blemish.

13 Any priest who served a false deity, whether willingly or inadvertently - even if he repented completely - may never serve in the Temple, as [**Ezekiel 44:13**] states: "They shall not draw near to Me, to serve Me." [This prohibition applies] whether [a priest] serves the false deity in its rites, e.g., he became a priest to the false deity, he bowed down to it, or acknowledged its [divinity] and accepted it as god. [In all these instances,]

he is disqualified [to serve in the Temple] forever.

If [such a priest] transgressed and performed service, his sacrifice is not considered as a pleasing fragrance even if he acted inadvertently when he served, bowed down to, or acknowledged [the false deity]. If, by contrast, one slaughtered an animal for a false deity inadvertently and then transgressed and offered a sacrifice [in the Temple], the sacrifice is considered a pleasing fragrance and is accepted, for he did not perform service for the false deity or become its priest; all he did was slaughter an animal for it and that was performed inadvertently. Nevertheless, as an initial preference, he should not perform service [in the Temple].

14 If one transgressed and built a shrine outside the Temple and offered a sacrifice to God there, it is not considered as a Temple to a false deity. Nevertheless, any priest who serves in such a shrine should never serve in the Temple. Similarly, utensils that were used there should never be used in the Temple. Instead, they should be entombed. It appears to me that if a priest who served in such [a shrine] performs service in the Temple, it does not invalidate it.

15 Thus there are eighteen factors that disqualify [a person] from serving [in the Temple]. They are: a) one who served a false deity; b) a non-priest; c) one with a disqualifying physical blemish; d) one who is uncircumcised; e) one who is impure; f) one who immersed that day [and must wait until nightfall to become pure]; g) one who is lacking atonement; h) one who is in a state of acute mourning; i) one who is intoxicated; j) one who is lacking the priestly garments; k) one who is wearing extra garments; l) one

whose garments were torn; m) one whose hair has grown long; n) one who did not wash his hands and feet; o) one who sits; p) one who had an entity intervening between his hand and the sacred utensil [he is using]; q) one who had an entity intervening between his foot and the earth; r) one who served with his left hand.

All of the above are disqualified from serving and if they serve, they invalidate their service with the exception of those with long hair, those with torn garments, and one who slaughtered for a false deity inadvertently. If these individuals serve, their service is acceptable.

Mishneh Torah, Things Forbidden on the Altar

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment for all the sacrifices to be unblemished and of choice quality, as [**Leviticus 22:21**] states: "unblemished to arouse favor." This is a positive commandment.

2 [Conversely,] anyone who consecrates a blemished animal for the altar violates a negative commandment and is liable for lashes for consecrating it, as [*ibid.*:20] states: "Whatever has a blemish should not be sacrificed." According to the Oral Tradition, we learned that this is a warning against consecrating a blemished animal. Even one who consecrates such an animal for the money to pay for libations is liable for lashes, for this represents a disgrace to the sacrifices.

3 [When a person consecrates an animal and] intends to say [that it is consecrated as] a peace offering, but actually says "as a burnt offering," or [intended to consecrate it] as a burnt offering, but said, "a peace offering," his statements are of no consequence unless his mouth and his heart are identical. Therefore if one intended to consecrate a blemished animal as a burnt offering, but consecrated it as peace offering or intended to consecrate it as a peace offering, but consecrated it as burnt offering, he is not liable for lashes even though he intended to perform a transgression.

If someone thought that it was permitted to consecrate a blemished animal for the altar and did so, the consecration is effective and he is not

liable for lashes.

4 One who slaughters a blemished animal for the sake of a sacrifice is liable for lashes, for [*ibid.*:22] states: "Do not offer these to God." According to the Oral Tradition, we learned that this is a warning to one who slaughters.

Similarly, one who pours the blood of blemished animals on the altar is liable for lashes, for, with regard to them, [*ibid.*:24] states: "Do not offer to God." According to the Oral Tradition, we learned that this is a warning to one who pours the blood of blemished animals on the altar.

And also one who sets afire the selected portions of blemished sacrifices on the altar is liable for lashes, for, with regard to them, [*ibid.*:22] states: "Do not place them as a fire offering on the altar." This refers to the fats. Thus we can deduce that one who consecrates a blemished animal, slaughtered it, poured its blood [on the altar], and set afire its selected portions is worthy of four sets of lashes.

5 One transgresses the above commandments whether the animal has a permanent blemish or a temporary blemish, he violates all of these commandments, as [**Deuteronomy 17:1**] states: "Do not sacrifice to God your Lord an ox or a sheep that has a blemish." According to the Oral Tradition, we learned that this is a warning [against offering] an animal with a temporary blemish, for example, an animal had a moist skin eruption or a boil. If he sacrificed, it, he is liable for lashes.

6 [The above applies], not only to sacrifices of the Jewish people, but also to

the sacrifices brought by gentiles. If [a priest] offered [such sacrifices] and the animals were blemished, he is liable for lashes, as [**Leviticus 22:25**] states: "From the hands of foreigners, you may not offer the food of your God from all of these."

7 One who brings about a blemish in a sacrificial animal, e.g., he blinded its eye or cut off its hand, is liable for lashes. For with regard to a sacrifice, [**Leviticus 22:21**] states: "It shall not have any blemish." According to the Oral Tradition, we learned that this is a warning not to cause a blemish." Lashes are given [for the violation of this prohibition] only when the Temple was standing, for then [the animal] was fit to be offered as a sacrifice and [the person] disqualified it. In the present age, by contrast, even though one transgressed a negative commandment, he is not liable for lashes.

8 If a person brought about a blemish in a sacrificial animal and another person came and brought about a second blemish, the second person is not liable for lashes.

9 [This prohibition applies] both with regard to one who causes a blemish in sacrificial animals themselves or in animals to which their holiness was transferred with the exception of a firstborn or a tithed animal. In those instances, one who causes a blemish in an animal to which their holiness was transferred is not liable for lashes, for they are not fit to be sacrificed, as will be explained in the appropriate place. Similarly, one who causes a blemish in the ninth animal which was mistakenly called the tenth, is not

liable for lashes.

10 Although one who consecrates a blemished animal [for the sacrifices of] the altar is liable for lashes, [the animal] becomes consecrated. It must be redeemed [after] evaluation by a priest. It then reverts to the status of an ordinary [animal] and its money should be used to purchase [an animal for the same type of] sacrifice. This law also applies when a consecrated animal contracts a disqualifying blemish.

It is a positive commandment to redeem sacrificial animals that contracted disqualifying blemishes and cause them to revert to the status of an ordinary animal so that one may partake of them, as [**Deuteronomy 12:15**] states: "Nevertheless, whenever your heart desires, you may slaughter and partake of meat." According to the Oral Tradition, we learned that the verse is speaking about consecrated animals that must be redeemed. We already explained in *[Hilchot] Arachin* that [**Leviticus 27:11**] states: "With regard to any impure animal of which a sacrifice should not be brought as an offering to God, [you shall have the animal stand before the priest...]", is speaking about blemished animals that have been redeemed.

11 What are the differences between [the laws pertaining to an animal] with a permanent blemish and one with a temporary blemish? If an animal with a permanent blemish gives birth while it is consecrated, the offspring must be redeemed; it then receives the status of an ordinary animal even if it is unblemished. [The rationale is that] a secondary entity should not be treated with greater severity than the primary entity. If it became pregnant before it was redeemed and it gave birth after it was redeemed, the

offspring has the status of an ordinary animal. If [the consecrated animal that was blemished] died before it was redeemed, it should be redeemed after it died. [The rationale is that] holiness never encompassed its actual body, only its worth, because it had a permanent blemish.

If, by contrast, one consecrates an animal that possesses a temporary blemish or he consecrates an unblemished animal and after he consecrated it, it contracted a permanent blemish [different laws apply]. If it died before it was redeemed, it should be buried like other unblemished consecrated animals, because it must be stood before the court and evaluated, as we explained in *[Hilchot] Arachin*. If it was slaughtered before it was redeemed, it may be redeemed as long as it is making convulsive motions. Afterwards, one may partake of it. If it gave birth, its offspring may be sacrificed. If it became pregnant before it was redeemed and it gave birth before it was redeemed, the offspring is forbidden. It may not be redeemed. What should be done? Before the mother is redeemed, the offspring should be dedicated to the same [type of] sacrifice as its mother, because it may not be offered because of [the sanctification of] its mother, because its [holiness] comes from sanctification that was suspended.

12 Whenever a consecrated animal that was disqualified is redeemed, it may be slaughtered in a butchers' market and sold there, [after] being weighed with a scale like ordinary meat. [The only] exceptions are the firstborn animals and the tithes.

[The rationale for the distinction is that] selling the animal in the market causes its price to rise. Therefore other sacrifices whose value remains

consecrated - for they are sold and the proceeds of the sale are used to bring another animal as a sacrifice - it should be sold in the market like an ordinary animal. In contrast, with regard to a first born animal and a tithed animal - since the proceeds of their sale do not remain consecrated, instead, the animals may be eaten [as ordinary meat,] because of the blemish, as will be explained - they may not be slaughtered in a butchers' market or sold there. Even if [the value of] the firstborn animal was consecrated, it should not be weighed on a scale and sold in a market. [The rationale is that] one may consecrate only an article that he has acquired in a complete and total manner.

Chapter 2

1 There are a total of 50 blemishes that disqualify both a man and an animal. They have already been listed.

2 There are other blemishes that are unique to animals and are not appropriate to be found in humans at all. There are 23 of these; they are: a) the animal's eyeball's are round like humans; b) one eye is large like a calf's and the other is small like a duck's; if, however, one ear is large and one ear is small, even if it is small as a bean, it is acceptable; c) if there is an eruption in the white of the eye that has a hair growing from it; d) if the cartilage between its two nostrils was perforated in a place which can be seen; e) its mouth resembles that of a swine; i.e., its upper jaw overlapped its lower jaw, even though it is not pointed like a spit.

3 f) If its outer tonsils were perforated; g) their substance was reduced, even though a portion of them remained; h) they shriveled; i) its inner tonsils were removed; [this is considered a blemish], because when it opens its mouths and shriek, it will be seen that they are missing.

4 j) If its horns and their inner fibrous tissue was removed and nothing of it remained; a female animal that has horns is acceptable; k) if the substance of the skin which covers the male organ of an animal was blemished; l) if the substance of the female organ of an animal was blemished; m) if the substance of the tail is blemished from its bone; [if its substance is blemished] from its joint, it is not [a blemish]; n) if the tip of the tail was split into two with two separate bones; o) if there was a finger's breadth of flesh between every joint on the tail; p) if the tail was [overly] short.
To what extent? For a kid, one vertebra is a blemish, but two are not. For a lamb, a length of two vertebrae is a blemish, but three is acceptable. q) if the tail of a kid was soft and hanging loosely like that of a pig; r) if one of the tail bones was broken. If, however, one of the ribs are broken, it is acceptable, because [the blemish] is not visible.

5 A five-legged animal; t) a three-legged animal; u) the hooves of one of its hindlegs or forelegs was round like that of a donkey even if has split hooves; v) if the hooves of one of its hindlegs or forelegs was not split like that of a donkey. This is the meaning of the term *kalut* mentioned in the Torah; w) if its hoofs and the fibrous substance inside has shriveled, even though there remains some of that fibrous substance next to the flesh,

6 All of the 73 blemishes listed disqualify an animal from being offered as a sacrifice. If an animal that is consecrated contracts one of these blemishes, it should be redeemed and it becomes like an ordinary animal with the exception of an animal that is old, sick, or foul-smelling. Although such animals are unfit for sacrifice, they may not be redeemed. Instead, they should be maintained until they contract another permanent blemish. Then it should be redeemed. Similarly, a consecrated animal that contracts a temporary blemish should neither be redeemed, nor sacrificed.

7 There are four temporary blemishes [that disqualify] both a man and an animal: a) a moist skin eruption; b) a boil that does not resemble those of Egypt; c) water that descends in the eyes that is not a permanent condition; d) a degeneration of nerves in the eye that is not permanent.

8 The are four other ailments that if found in an animal [prevent] it from being sacrificed. [The rationale is that such an animal] is not from the "choice," and Scripture [**Deuteronomy 12:11**] states [that sacrifices must come] "from the chosen of your vows."

They are: a) an animal with an eruption in the white of its eye, but it does not have hair growing from it; b) the substance of the horns of an animal was reduced, but their inner fibrous tissue remained; c) the substance of its inner tonsils were reduced; or d) its inner tonsils shriveled.

If a consecrated animal had one of these blemishes, it is neither sacrificed not redeemed. Instead, it should be allowed to pasture until it contracts a [disqualifying] blemish. If it was sacrificed, it appears to me that it is acceptable.

9 Similarly, when a transgression was performed with a consecrated animal or it killed a person, but [was observed] only by one witness or by the owner, it is neither sacrificed not redeemed until it contracts a permanent blemish.

10 When an animal contracts one of the conditions that render it *treifah* and cause it to be forbidden to be eaten, it is forbidden [to be sacrificed on] the altar. For behold it is written [**Malachi 1:8**]: "Present it please to your governor. Would he be pleased with you or show you favor?" Although it is not fit to be sacrificed, it is not redeemed. [The rationale is that] we do not redeem sacrificial animals to feed [their meat] to the dogs. Instead, it should pasture until it dies and then be buried.

11 If it was slaughtered and discovered to be *tereifah*, it should be taken out to the place of burning. [This law also applies] if it is discovered that one of its internal organs is lacking even if this does not cause it to be deemed a *tereifah*, for example, it has [only] one kidney or its spleen has been removed. Such [an animal] is forbidden [to be offered] on the altar and must be burnt. [The rationale is] not because it is blemished, because an internal flaw is not considered as a disqualifying blemish. Instead, the rationale is that an animal that is lacking [an organ] should never be offered [as a sacrifice], as [**Numbers 28:31**] states: "They shall be perfect for you." [An animal] with an extra [organ] is considered as if it was lacking one. Therefore if three kidneys or two spleens are found in [an animal], it is unacceptable.

12 What is meant by a permanent degeneration of nerves in the eye? An animal which [was observed] for eighty days and it did not see. We inspect it three times: on the twenty-seventh day from the time when its difficulty was sensed, on the fifty-fourth day, and on the eightieth day. If its sight [returned and then was lost again], we count from the time it stopped seeing.

13 How is it known that the water [in its eyes] are permanent? When it ate fresh grass from Rosh Chodesh Adar until the first half of Nisan and then ate dried grass during Elul and the first half of Tishrei and was not healed. This indicates that the water is permanent.

14 How much of the fresh grass must be eaten in the season for fresh grass and the dried grass in the season for dried grass? At least an amount the size of a fig before its first meal in these three months. They must be eaten each day after drinking and it must be free [to roam] in the field while eating. It should not be alone, but with another animal for company. If all of this was done for it and it still was not healed, the water is definitely permanent. If one of these factors was lacking, there is a doubt concerning the matter and [the animal] should be neither offered, nor redeemed.

15 What is implied? It ate fresh grass as prescribed throughout Adar and during the first half of Nisan. Then it ate dried grass as prescribed during the second half of Nisan and the month of Iyar thus it ate the grasses for three months in the proper order. Or it ate a fig-sized amount of grass after eating or before drinking, or it was tied, alone, or located in a garden

near a city. If it was not healed after all these treatments, there is an unresolved doubt whether [the blemish is considered] as permanent or temporary. Hence, if one blemished it in another manner, he is not liable for lashes. If it partook [of the grasses] in the prescribed manner during the prescribed times for eating and it was not healed, it is considered as permanently blemished.

16 There is an unresolved doubt whether it is considered as permanently blemished from the time it contracted the condition or from the time they despaired of its recovery. Therefore if someone redeems it before they despaired of its recovery and then derived benefit from the object used to redeem the animal after they despaired of its recovery, there is an unresolved doubt whether he derived unauthorized benefit from consecrated animals. Therefore he does not bring a sacrifice to atone for this transgression, as will be explained in the appropriate place.

Chapter 3

1 Blemishes do not disqualify a fowl [as a sacrifice]. This applies both with regard to a male and to a female in the instance of a fowl, for the expression [**Leviticus 22:18**] "a perfect male" was stated only with regard to an animal.

When does the above apply? With regard to small blemishes. Nevertheless, if the wing of a fowl became dried out, its eye was lost, or its foot was cut off, it is forbidden to [be offered on] the altar, for an animal that is lacking a limb is never offered. Similarly, if it incurred one of the

factors that cause it to be deemed *tereifah* and forbidden to be eaten, it is disqualified as a sacrifice.

2 Small turtle-doves and large ordinary doves are unacceptable as [can be inferred from **Leviticus 1:14**]: "from the turtle doves and the children of the doves." When it begins to sprout yellow feathers, it is unacceptable for both species.

Until when are young ordinary doves acceptable? As long as when one pulls out [a feather from] the wing, the place from which it was pulled out will fill with blood. Turtledoves are acceptable when [their feathers all] are of a golden hue.

3 Although there are no blemishes greater than that of a *tumtum* or an *androgynus*, they are not acceptable for the altar for another reason. Since there is an unresolved doubt whether they are males or females, they are considered of another type, and with regard to the sacrifices, it is said: "a perfect male" and "a perfect female." [Implied is that] they must be definitely male or definitely female. Therefore even a fowl which is a *tumtum* or an *androgynus* is unacceptable for the altar.

4 Similarly, a hybrid animal, one born through Caesarian section, and one that is lacking in age are unacceptable even if they are unblemished. [These are all excluded through the exegesis of **Leviticus 22:27**]: "An ox, a lamb, and a goat..." - [this implies] each of the species must be separate; an animal should not be a hybrid between a lamb and a goat. "When it gives birth..." - this excludes one born through Caesarian section. "It will

be seven days..." - This excludes one that it is lacking in age. "Together with its mother" - This excludes an "orphan," i.e., an animal born after its mother was slaughtered.

5 An animal which looks like a different species is unacceptable [as a sacrifice] for the altar even though it is not a hybrid. What is implied? A ewe gave birth to an animal that resembled a goat or a she-goat gave birth to an animal that resembled a lamb. Even though it has some of the signs of its own species, it is unacceptable like an animal that has a permanent blemish. For there is no blemish greater than a change [in appearance].

6 Similarly, an animal that had relations with a person, which was sodomized, which was set aside for pagan worship, or which was worshipped, even though it is permitted to be eaten, is unacceptable as a sacrifice for the altar. [This is derived as follows: When describing animals unfit for sacrifices, **Leviticus 22:25**] states: "For their perversion is in them." [Implied is that] any [animal] characterized by perversion is forbidden. With regard to forbidden [sexual behavior, **Genesis 6:12**] states: "For all flesh has perverted [its path]." With regard to pagan worship, [**Exodus 32:7**] states: "For your nation has perverted itself." Similarly, an animal or fowl which killed a person are considered equivalent to one that had relations with a person or which was sodomized and they are unacceptable for the altar.

7 It appears to me that even though all of these types of animals are unfit to be brought as a sacrifice, if one transgressed and offered them as a

sacrifice, he is not worthy of lashes according to Scriptural Law, because the prohibition [against using these animals as sacrifices] is not explicitly stated in the Torah. An animal given as a present to a harlot or exchanged for a dog are forbidden [as sacrifices] for the altar. One who offers a sacrifice from either of them or from both together is liable for one set of lashes, as [**Deuteronomy 23:19**] states: "Do not bring a present to a harlot or the exchange of a dog [to the house of God]." Why is one liable for only one set of lashes for them both? Because they are both mentioned in one prohibition.

8 It is a positive commandment to offer all of the sacrifices from the eighth day [of their lives] and onward, as [**Leviticus 22:27**] states: "It will be together with its mother for seven days and on the eighth day and onward, it will be desirable." Throughout these seven days, it is called lacking in age.

Although an animal that is lacking in age is unacceptable as a sacrifice, if one transgressed and offered one, he is not liable for lashes, because the negative commandment comes as a result of a positive commandment. The sacrifice, [however,] is not acceptable.

9 Turtle-doves that have not reached the stage of development when they are fit for sacrifice and young doves that matured beyond the appropriate stage are all considered as blemished [animals]. One who offers them is not liable for lashes, even though the sacrifice is invalid and is not acceptable.

10 One who consecrates an animal which is a *tumtum, androgynus, tereifah*, a hybrid, or born through Caesarian section to the altar is like one who consecrated stones or wood, for the holiness does not take effect with regard to its physical substance. It is considered as ordinary property in all contexts. It should be sold and the proceeds of the sale used to purchase any sacrifice one desires. It is not considered like a blemished animal, for a sacrifice may be brought from the species of a blemished animal.

When, by contrast, one consecrates an animal that had relations with a person, which was sodomized, which was set aside for pagan worship, which was worshipped, which was given to a harlot, or which was exchanged for a dog, it is considered as if he consecrated an animal with a temporary blemish. They should be left to pasture until they contract a permanent blemish for which they could be redeemed. Similarly, one who consecrates an animal that is lacking in age is considered as one who consecrates an animal with a temporary blemish. Nevertheless, he is not liable for lashes, as we explained.

11 Thus there are fourteen types of animals that are forbidden [as sacrifices] for the altar: a blemished animal, one that is not choice, one that is lacking an internal organ, a *tereifah*, a hybrid, one born from Caesarian section, one that had relations with a person, one that was sodomized, one that killed a person, one that was worshipped, one set aside for pagan worship, one given to a harlot as her fee, one exchanged for a dog, one which is lacking in age.

12 All of the animals which are forbidden [as sacrifices] for the altar are

forbidden regardless of the proportion in which they are intermingled. Even if one of them becomes mixed together with ten thousand, they are all disqualified and unacceptable for the altar.

In all instances, the offspring [of these unacceptable animals] are acceptable [as sacrifices] for the altar, with the exception of the offspring of an animal that was sodomized, worshipped, set aside for worship, or which killed a person. The offspring of these animals are forbidden for the altar as they are.

13 When does the above apply? When the transgression was performed with it or it killed the person while it was pregnant, in which instance, the offspring was together with it when it became disqualified and was considered as one of its limbs. If, however, it became pregnant after the transgression was performed with it or it killed the person, its offspring is acceptable for the altar. Even if an animal was sodomized while it was consecrated and then it became pregnant, [the offspring is acceptable]. Needless to say, the offspring is acceptable if [the mother] was sodomized while it was of ordinary status and then it was consecrated and became pregnant. Similarly, a chick born from an egg from a *tereifah* is acceptable [as a sacrifice] for the altar.

14 When a person bows down to standing grain, its kernels are permitted to be used for meal offerings, for their [form] has changed. They resemble the offspring of animals forbidden [as sacrifices] for the altar. Similarly, an animal that was fattened with vetch from a false deity is permitted [as a sacrifice] for the altar, for the [form of the vetch] has changed.

15 [Animals for] any of the sacrifices may be purchased from gentiles. We do not suspect that [the animal] had relations with a person, had been sodomized, set aside for pagan worship, or worshipped unless it is known that it was disqualified. [Support for this concept can be brought from **I Samuel 15:16**:] "From the Amalekites, they were brought, for the people had mercy on the prime quality sheep and cattle, to sacrifice [them] to God your Lord."

Chapter 4

1 An animal or a fowl that was sodomized, which killed a person, which was set aside for pagan worship, or which was worshipped, are all unacceptable [as sacrifices] for the altar.

2 When an animal or a fowl had relations with a person, was sodomized, or killed a person, it should be executed by stoning if [the act was observed] by two witnesses. It is forbidden to benefit from their flesh. Needless to say, such animals are forbidden [as sacrifices] for the altar.

With regard to which situations was it said that they are forbidden [as sacrifices] for the altar? When [the animals] were permitted to ordinary individuals, e.g., there was only one witness [who observed the transgression] and the owner remained silent or the owner testified [concerning the transgression] although no witnesses were present. If there was one witness who observed the transgression and the owner contradicts him, the animals are permitted, even [as sacrifices] for the altar.

3 When sport was made with an animal and it was trained to gore until it killed a person, it is acceptable [as a sacrifice] for the altar, because it is considered as having been compelled against its will.

An animal is not disqualified because it had relations with a person or because it was sodomized unless the male who sodomized it was nine years old. Whether it was sodomized by a Jew, a gentile, or a servant, since it was sodomized by a human, it is disqualified. If a human was the recipient of sex from an animal, [the animal] is not disqualified unless the female with whom it had relations was three years old or the male with whom it had relations was nine years old.

4 When is an animal or a fowl disqualified because it was set aside for pagan worship? When the priests perform a deed with it, e.g., they shear it or work with it for the sake of pagan worship. With words alone, by contrast, it is not considered as set aside for pagan worship, for an entity cannot be consecrated to a false deity.

5 An animal that had relations with a person or that was sodomized becomes forbidden [as a sacrifice] for the altar whether it belongs to the person with whom it shared relations or it belongs to a colleague and regardless of whether those relations were carried out under compulsion or voluntarily, whether they were willful or inadvertent, or whether they were performed before [the animal was] consecrated or afterwards.

When, by contrast, an animal is set aside for pagan worship, it becomes disqualified if it belonged to the person who set it aside and he set it aside for pagan worship before he consecrated it as a sacrifice. If, however, one

set aside an animal belonging to a colleague or [even] his own animal after he consecrated it as a sacrifice, it is permitted [to be offered as a sacrifice]. [The rationale is that] a person cannot set aside an entity that does not belong to him [for pagan worship].

6 [When an animal] has been worshipped as a false deity, it is forbidden [as a sacrifice] whether one served his own animal or one belonging to a colleague, whether he acted under compulsion or voluntarily, willfullly or inadvertently, whether he did so before the animal was consecrated or afterwards. [In the latter instance,] it should be left to pasture until it becomes permanently blemished and then it should be redeemed, as we stated.

When an animal is worshipped, it and everything upon it are forbidden [as sacrifices] for the altar. For it is forbidden to benefit from all coverings of entities worshipped as false deities. If, however, [an animal has merely been] set aside for pagan worship, it is forbidden, but the entities on it are permitted [as sacrifices for the altar].

7 When a person bows down to a mountain, although he may benefit from it, its stones are forbidden to [be used as part of] the altar. Similarly, when one bows down to a flowing stream in his land, its water is invalid for use as a libation.

[Even though] an *asherah* has been nullified, one should not bring logs from it for the arrangement of wood on the altar. Similarly, when one bows down to an animal, just as it is disqualified [as a sacrifice] for the altar, its wool is disqualified for use in the priestly garments, its horns are

disqualified for use as trumpets, its thighs are disqualified for use as flutes, and its intestines as strands [for the lyres]. Everything is unacceptable.

8 Anything that is connected with the name of a false deity should not be employed in the service of the Sanctuary even though it is permitted to benefit from it.

What is meant by a present given to a harlot? When one tells a harlot, "This entity is given to you as your wages." This applies to a gentile harlot, a maidservant, a Jewish woman who is forbidden to the man as an *ervah* or by a negative commandment. If, however, a woman is unmarried, the present given to her may be used [as a sacrifice] even if the man is a priest. Similarly, if a person's wife is a *niddah*, a present given to her may be used [as a sacrifice] even though she is an *ervah*.

9 If a man married one of the women forbidden to him because of a negative commandment, whatever he gives her for the sake of intimate relations is considered as "the present [of a harlot]" and is forbidden [to be offered as a sacrifice]. A present given [by a male to] a male [for the purpose of intimacy] is forbidden [as a sacrifice]. If a woman gives a present to a male for the purpose of intimacy, [it is not considered] "a present [of a harlot]" and is permitted [as a sacrifice].

10 When a person tells a colleague: "Here is an article for you. In return for it, have your [Canaanite] maidservant spend the night with my Jewish bondsman," it is considered "a present [of a harlot]." [The above applies] provided [the Jewish bondsman] does not have a wife and children. If,

however, he does have a wife and children, he is permitted [to engage in intimacy] with a Canaanite maidservant, as will be explained. This also applies if one tells a harlot: "Here is an article for you. In return for it, engage in relations with so-and-so who is Jewish." [The present is considered as] "a present [of a harlot]."

11 If a person made an agreement to give a harlot one lamb and [instead,] he gave her many - even if he gave her 1000 - they are considered as "presents [to a harlot]" and are all forbidden [as sacrifices] for the altar.

If he gave her a present and did not engage in relations with her, but told her: "Let this be in your possession until I engage in relations with you," it becomes forbidden [as a sacrifice] when he engages in relations with her. If she had it sacrificed before he engaged in relations with her, it is acceptable and if she was obligated to bring a sacrifice, she has discharged her obligation, provided when he gave it to he told her: "When you accept my [proposition], you acquire it from the present time." If he did not tell her so, [it is not acceptable] because she cannot bring an article that does not belong to her as a sacrifice.

12 If she took the initiative and consecrated it [for a sacrifice] before he entered relations with her and afterwards, he engaged in relations with her [before it was sacrificed], there is an unresolved doubt whether it is considered "the present [of a harlot"] - because he engaged in relations with her before it was sacrificed - or whether it is not considered as such, since she consecrated it before relations. Hence, it should not be sacrificed, but if it is sacrificed, it is acceptable.

13 If he engaged in relations with her, but did not give her anything, and then afterwards - even many years afterwards - he gave it to her, it is considered "the present [of a harlot"].

When does the above apply? With regard to a gentile woman whom he told: "Engage in relations with me in exchange for this lamb," for she does not have to draw it into her domain [to acquire it] or with regard to a Jewish woman when the lamb was left in her courtyard and he told her: "If I do not give you money on this day, [the lamb] is yours." If, however, he told her : "Engage in relations with me in exchange for this lamb" without any further explanation and then engaged in relations and sent her the lamb afterwards, it is permissible [to be sacrificed; it is not considered] "the present [of a harlot]."

14 Only the actual physical substance of [the article given] is forbidden as "the present [of a harlot]" or "the exchange [for a dog]." Therefore [these prohibitions] apply only to articles that are [in essence] fit to be sacrificed on the altar, e.g., a kosher animal, turtle doves, small doves, wine, oil, and fine flour. If he gave her money and she bought a sacrifice with it, it is acceptable.

15 If he gave her grain and she had it made into fine flour; [he gave her] olives and she had oil made from them; [he gave her] grapes, and she had wine made from them, they are acceptable, because their form has changed.

If he gave her a consecrated animal as her present, it does not become forbidden to the altar. Even if he designated her as one of those to eat

from his Paschal sacrifice or his festive offering as a present, the consecrated animals are not disqualified, for the Temple already acquired them at the time they were consecrated. Similarly, if he gave her an entity that did not belong to him, he did not disqualify it, for a person cannot cause an article that does not belong to him to be forbidden unless the owner despairs of its recovery.

If, however, he gave her doves, even though they are consecrated, they can be considered as "a present to a harlot." This concept was conveyed as part of the Oral Tradition.

16 What is meant by "an exchange for a dog"? A person tells a colleague: "Take this lamb in exchange for this dog." Similarly, if he exchanged a dog for several animals or fowl, they are all forbidden [as sacrifices] for the altar.

17 When two partners divided [their goods], one took ten lambs and one took nine lambs and a dog, [the lambs] that are with the dog are permitted [as sacrifices], but [there are restrictions with regard to] the ten given in exchange for them. If the value of one of them is equivalent to the value of the dog or greater, it should be set aside and it [alone] is considered as "the exchange [for a dog]." The remainder are permitted [as sacrifices]. If the value of each of them is less than the value of the dog, they are all forbidden.

18 If [the entity given in] exchange [for the dog] underwent a change, for example, he exchanged a dog for wheat and ground it into flour, it is

permitted.

The present [given] to a dog and an exchange given for a harlot are permitted. "A present to a harlot" and "the exchange for a dog" are permitted to be given to the Temple, for they undergo a change. The actual substance of a present [to a harlot] should not be used as beaten metal for the Temple, as [implied by **Deuteronomy 23:19**]: "For every vow," [which is interpreted] as including sheet metal.

Chapter 5

1 Even the slightest amount of a leavening agent and sweet entity is forbidden [as an offering] for the altar, as [**Leviticus 2:11**] states: "For no leavening agent or honey shall be kindled... [as a fire-offering]." One is liable only if he set them afire together with a sacrifice or for the sake of a sacrifice.

Whether one sets afire these entities themselves or a mixture of them, he is liable for lashes for each one individually. If he set afire both of them at the same time, he is liable for only one set of lashes, because both of them are mentioned in the same prohibition.

2 If even the slightest amount of these substances fell into the incense offering, it is disqualified. If one set [the mixture] afire in the Sanctuary, he is worthy of lashes. Setting an entity afire is significant only if one sets afire an olive-sized portion.

3 If one brought a leavening agent or a sweetener on the altar alone as

kindling fuel, he is exempt, as [*ibid*:12] states: "They should not be brought to the altar as a pleasant fragrance." [Implied is that] they should not be brought as "a pleasant fragrance," i.e., as a sacrifice, but they may be brought as kindling fuel. Even if one set afire an entity that is not ordained to be set afire together with a leavening agent or with a sweetener, he is liable since it is part of a sacrifice.

4 What is implied? When one causes [the following entities] to be consumed [by fire on the altar]: the meat of a sin-offering or a guilt-offering, the meat of sacrifices of a lesser order of sanctity, the remains of the meal offering, what is left-over from the *omer* or from a sin-offering from fowl, the showbread, the two loaves [offered on Shavuot], the *log* of oil brought by a leper - if one were to cause an olive-sized portion of any one of these entities to be consumed on the altar or on its ramp with a leavening agent or a sweetener, he is liable for lashes. Even though none of these entities are fit to be consumed by fire on the altar, since they are called sacrifices, one is liable for them, as [indicated by the initial clause of the verse cited above]: "You shall offer them as a first-fruit offering to God."

5 Similarly, it is forbidden to offer on the altar any entity from all those listed that is not fit to be consumed by fire, e.g., the meat of a sin-offering or a guilt-offering, the remains of the meal offering, or the like. According to the Oral Tradition, we learned that when there is an entity from which a portion is designated to be consumed by fire, it is forbidden to have the remainder [of that entity] consumed by fire.

6 A person who has the limbs of an impure animal consumed by fire on the altar is liable for lashes despite the fact that the prohibition against offering it is [merely] derived from a positive commandment. [This is derived as follows:] The Torah teaches us to partake of pure animals and to offer pure animals as sacrifices. One may conclude that an impure animal should not be eaten and should not be offered. Just as one is liable for lashes for partaking of an impure animal [although it is a prohibition] derived from a positive commandment as explained in the appropriate place, so too, he is liable for lashes for offering it. When, by contrast, one offers the limbs of a kosher wild beast, he violates a positive commandment, but he is not liable for lashes. What is the source that teaches that he violates a positive commandment? [**Leviticus 1:2**] states: "You shall offer your sacrifices from the domesticated animals: from cattle and flocks." From this, one can derive that one should not offer wild beasts as sacrifices. A prohibition derived from a positive commandment has the status of a positive commandment.

7 When one steals or obtains an object through robbery and offers it as a sacrifice, it is invalid and the Holy One, blessed be He, hates it, as [**Isaiah 61:8**] states: "[I am God Who...] hates a burnt offering [obtained] through robbery." Needless to say, it is not accepted. If the owner despairs of its return, the sacrifice is acceptable. [This applies] even if it is a sin-offering and thus the priests partake of its meat.

For the sake of the enhancement of the altar's [honor], it was decreed that if it became public knowledge that a sin-offering was obtained through robbery, it does not bring about atonement even if the owner despaired of

its return, so that it will not be said that the altar consumes stolen property. Similar laws apply with regard to a burnt offering.

8 When a person steals an animal consecrated to be offered as a burnt-offering by a colleague and has it offered without any further explanation, the original owner receives atonement.

9 Meal offerings and wine libations may not be brought from *tevel,* from *chadash* before the *omer* was offered, or from *miduma*. Needless to say, they may not be brought from *orlah* or from mixed species in a vineyard, for that would be a mitzvah that comes as a result of a sin which God despises. If one brings such [an entity as a sacrifice], it is not sanctified to become fit to be offered as a sacrifice, but it is sanctified to be disqualified as are other consecrated entities that are disqualified.

10 As an initial preference, none of the meal offerings should be brought from *chadash* before the two breads [are brought on Shavuot], for [**Leviticus 23:17**] refers to them as "the first fruits unto God." If, however, [such a meal offering] was brought, it is acceptable. Wine libations may be brought from wine that was set aside on a festival.

11 It is a positive commandment to salt all the sacrifices before they are brought up to the altar, as [**Leviticus 2:13**] states: "On all of your sacrifices you shall offer salt." There are no entities that are offered on the altar without salt except the wine libations, the blood, and the wood. This matter was conveyed by the Oral Tradition, but there is no explicit verse to rely on.

It is a mitzvah to salt the meat very thoroughly like one salts meat before roasting it, in which instance one turns over the limbs and salts it. If, however, one applies even the slightest amount of salt, even one grain, it is acceptable.

12 If one offered a sacrifice without any salt at all, he is liable for lashes, as [the above verse] states: "You shall not withhold salt, the covenant of your God."

Even though he receives lashes, the sacrifice is valid and is accepted [Above] with the exception of the meal offering. For salt is an absolute necessity when taking a fistful of the meal offering, as [the above verse] states: "You shall not withhold salt, the covenant of your God from your meal offering."

13 The salt which is used to salt all of the sacrifices should be communal property like the wood. A private individual should not bring salt or wood for his sacrifice from his home.

There are three places where salt is stored for the sacrificial service: in the Chamber of Salt, on the ramp [ascending to the altar], and on the top of the altar itself. In the Chamber of Salt, the hides of the sacrificial animals would be salted. On the ramp, the limbs would be salted and on the top of the altar, the fistful of meal [taken from the meal offering], the frankincense [from the Showbread], the meal offerings which are burnt, and a fowl brought as a burnt offering are salted.

Chapter 6

1 Just as it is a mitzvah for all the sacrifices to be unblemished and of the highest quality, so too, the accompanying offerings must be unblemished and of the highest quality, as [**Numbers 28:31** states]: "They shall be perfect for you, as should be their accompanying offerings." Implied is that the accompanying offerings should also be unblemished. He should not bring wine libations that have been affected by smoke, nor flour that is worm-infested. Nor should he mix the flour with oil that is foul-smelling or foul-tasting.

2 Similarly, the wood for the arrangement [of the altar] should only be of the highest quality. They should not be worm-infested. Any tree that is worm-infested when it is fresh is unacceptable for the altar. If it became worm-infested after it dried out, one should scrape away the place that became worm-infested. Wood that comes from [a building that was] torn down is invalid. One should use only new wood.

3 There is an unresolved doubt when one consecrates invalid wine, flour, oil, or wood to the altar: Are they considered like a blemished animal in which instance, he would be liable for lashes or do they not resemble a blemished animal? Hence, he is not liable for lashes. He is, however, given stripes for rebellious conduct.

4 Fine flour, wine, oil, frankincense, fowl, wood, and sacred utensils that became invalid or impure should not be redeemed, as [can be inferred from **Leviticus 27:11-12**]: "He shall cause it to stand [before the priest]" and "have it evaluated." Whatever can be caused to stand [before a priest]

can be evaluated. These cannot be caused to stand [before a priest]. Therefore they are never redeemed.

5 When does the above apply? When they became invalidated or impure after they became sanctified in a sacred vessel, but before they have been sanctified in a sacred vessel, they may be redeemed if they become impure or invalid. Pure objects, by contrast, should not be redeemed even if they were not consecrated in a sacred utensil with the exception of the flour brought as a sin-offering. [Concerning which] it is said [**Leviticus 5:6**] "of his sin-offering" and [*ibid.*:13] "concerning his sin-offering," as will be explained. [From the juxtaposition of the verses, it is inferred that] one may bring a sin offering from the money of his sin-offering. Therefore before it was consecrated in a sacred utensil it is considered as consecrated for its monetary value and it can be redeemed even though it is ritually pure.

A separate arrangement of wood should be made for all of the accompanying offerings that became impure and they should be burnt on the altar.

6 [The following laws apply with regard to] the water for the libation of Sukkot that became impure and then it was joined [to an acceptable *mikveh*], as will be explained with regard to [the Laws of] Purity. If he purified it and then consecrated it, it may be used for a libation. If, however, it was consecrated and then became impure, since it was disqualified, it should remain disqualified.

7 When olives and grapes became impure, they should be crushed less than an egg-sized portion at a time. The liquids that emerge from them are acceptable for the accompanying offerings. For these liquids are considered as [distinct and] set aside in the foods and it is as if they are not from their body.

8 Our Sages established an additional safeguard with regard to consecrated objects: When seeds became impure, even if they are sown, [the produce] that grows from them is not acceptable for the accompanying offerings, for sowing produce is not effective [in restoring ritual purity] for consecrated entities.

Similarly, with regard to wood and frankincense, even though they are inedible, they can become impure like foods with regard to the sacrifices. [In such an instance,] the wood and the frankincense become disqualified for the altar because of this impurity and they should not be offered.

9 These are the types of wine that are invalid as [libations] for the altar: sweetened wine, smoked wine, wine cooked over fire or in the sun until its flavor was changed by the cooking. The types of wine [to be listed] should not be brought [as libations] as an initial preference, but if they were brought, they are acceptable. They include: wine which was warmed in the sun, but its flavor did not change due to the cooking and similarly, raisin wine, wine from the vat that is less than 40 days old, wine from [grapes grown] on trellises, wine from a vineyard in an arid region or in a dungheap, wine from vines in which other produce was sown between them, or wine from a vineyard that was not tilled.

10 Wine that was left uncovered is not acceptable [as libations] for the altar. If one draped a vine over a fig tree, its wine is unacceptable for a libation, for its fragrance has changed and [**Leviticus 23:37**] states: "Sacrifice and libations," [equating the two]. Just as [the appearance of an animal offered as] a sacrifice may not have changed, the wine for libations may not have changed.

11 When the majority of fine flour has become worm-ridden or the majority of the kernels of wheat have become worm-ridden and [flour] was made from them, it is unacceptable. If the majority of one kernel of wheat became worm-ridden, there is an unresolved doubt [with regard to its acceptability]. Whenever flour dust remains in the fine flour, it is unacceptable.

12 How is the matter checked? The treasurer inserts his hand into the fine flour. If dust clings to it as he removes it, it is unacceptable until he sifts it again.

Fine flour from wheat that grew in an arid land, a dungheap, in an orchard, on land that was not left fallow and tilled should not be brought as an initial preference, if it was brought, it is acceptable.

13 When wheat kernels were collected from cattle feces and then sown in the ground, there is an unresolved doubt if their disgusting characteristic has departed because they were sown or they are still considered as disgusting. Therefore one should not bring meal offerings from [such flour] as an initial preference. If he brought, they are acceptable.

14 These are the oils which are unacceptable: oil from olives soaked in water or of pickled or cooked olives, oil from olive dregs, or foul-smelling oil. All of these are unacceptable. In contrast, oil from olives that were planted in a dungheap, in an arid region, which had another crop sown between them, or oil that was produced from olives that have not ripened and are still immature should not be brought as an initial preference, but if it was brought, it is acceptable.

15 All of the meal offerings and libations are acceptable whether from [produce grown in] *Eretz [Yisrael]* or from [produce grown in] the Diaspora. They are acceptable from fresh grain or grain from the previous years, provided it is of optimum quality. The only exceptions are the *omer* offering and the two loaves [brought on Shavuot]. They must be brought from fresh grain and from *Eretz Yisrael*.

Chapter 7

1 Not every entity that is not unacceptable may be brought [as a sacrifice] as an initial preference.

What is implied? If one is obligated to bring a burnt offering, one should not bring a weak and unattractive sheep and [justify oneself saying]: "It does not have a blemish." Concerning this, can be applied [the words of censure, **Malachi 1:14**]: "Cursed be the deceiver... [who sacrifices a blemished animal to God]." Instead, anyone who brings a sacrifice should bring from the highest quality.

2 This is the practice that was observed in the era of the Temple: They would bring rams from Moab, broad-backed sheep from Chebron, calves from Sharon, young doves from Har HaMelech, wine from Korchayin and Chalutin, flour from Michmash and Yochanah and oil from Tekoa.

3 All virgin wood is acceptable for the altar. They would not bring wood from olive trees or grape vines [in consideration of] the settlement of *Eretz [Yisrael]*. They would frequently use boughs of fig trees that grow in forests of unsettled areas, those of nut trees, and those of fast-burning trees. The logs that Moses made [for the altar in the Sanctuary] were a cubit long and a cubit wide. Their thickness was like that of the leveling rod for an overflowing *se'ah*. In future generations, [logs] of the same measurements were used.

4 What would they do when sowing wheat for meal offerings and accompanying offerings? They would leave half a field fallow in the first year and sow the other half. In the second year, he should leave the portion he sowed in the first year fallow and he should sow the second half seventy days before Pesach. If the field had not been tilled, he should plow it twice and then sow it. He should choose the kernels of wheat carefully and then he should strike them and tread on them until their shells are removed.

5 All of the wheat used for the meal offerings must receive 300 blows and be tread on 500 times. He should give [the kernels] one blow and then tread on them twice; give them two blows and tread on them three times. Thus

they will have received three blows and will have been tread on five times. He should then repeat the pattern until he completes all 300 blows and 500 treadings so that much of the shells will have been removed. As a stringency, extending and drawing back his arm is considered as one blow. After this process, he should grind and sift the flour very thoroughly.

6 Wine [should be made by] bringing grapes from vines growing at foot level from vineyards that were tilled twice a year. He should crush the grapes and collect [their juice] in small jugs. They should not be stored individually or in pairs, but instead in groups of three. The jug should not be filled to its rim in order that its fragrance will be perceived. He should not bring [libations] from the wine near the rim, because of the specks resembling flour that rise to the surface of the wine, nor from the bottom, because of the dregs. Instead, he should take from the middle third and from its middle portion.

7 A treasurer would sit [and watch] as the wine flowed from a hole on the side of a jug [of wine]. If he sees dregs flow out, he stops [the flow of wine] and does not complete the purchase.
At what point [in the aging process of wine] should it be brought? From 40 days after the grapes were tread upon until after two years and even slightly longer than that. If one brings wine that is even older, it is acceptable, provided its flavor has not spoiled.

8 There are nine categories of oil, depending on the process in which they were prepared. What is implied? When one picks olives at the top of an

olive tree, selects them one by one, crushes them and puts them into a basket, the oil that flows from them is considered in the first category. If, afterwards, he loads a beam upon them [to press them], the oil which flows from them is of the second category. If he loads [a beam upon them] a second time, the oil which flows from them is of the third category.

When he picked olives in a mixture, brought them to the roof, selected them one by one, crushed them, and placed them into a basket, the oil which flows from them is of the fourth category. If, afterwards, he loads a beam upon them [to press them], the oil which flows from them is of the fifth category. If he loads [a beam upon them] a second time, the oil which flows from them is of the sixth category.

When he picks olives and loads them in the vat until they begin to decompose, he then takes them up [to the roof], dries them, crushes them, and places them in a basket. The oil which flows from them is of the seventh category. If, afterwards, he loads a beam upon them [to press them], the oil which flows from them is of the eighth category. If he loads [a beam upon them] a second time, the oil which flows from them is of the ninth category.

9 Even though they are all acceptable [to be brought] with the meal offerings, there is nothing that surpasses the first category. Afterwards, the second and the fourth are of equal quality. After them, the third, fifth, and seventh are of equal quality. After them, the sixth and the eighth are of equal quality. There is nothing inferior to the ninth.

10 Only the first, fourth, and seventh categories are acceptable for the

Menorah, for [**Exodus 27:20**] states: "crushed for the light," i.e., for the *Menorah*, only that which flows after [the olives] are crushed alone are acceptable. They are all acceptable for meal offerings.

11 Since all of these categories of oil are acceptable, why were they listed as separate categories? So that one would know the superior category that nothing surpasses, those which are equal, and those which are inferior. In this way, one who desires to gain merit for himself, subjugate his evil inclination, and amplify his generosity should bring his sacrifice from the most desirable and superior type of the item he is bringing. For it is written in the Torah [**Genesis 4:4**]: "And Abel brought from his chosen flocks and from the superior ones and God turned to Abel and his offering."

The same applies to everything given for the sake of the Almighty who is good. It should be of the most attractive and highest quality. If one builds a house of prayer, it should be more attractive than his own dwelling. If he feeds a hungry person, he should feed him from the best and most tasty foods of his table. If he clothes one who is naked, he should clothe him with his attractive garments. If he consecrates something, he should consecrate the best of his possession. And so [**Leviticus 3:16**] states: "All of the superior quality should be given to God."

Blessed be God who offers assistance.

Mishneh Torah, Sacrificial Procedure

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 All of the sacrifices of living animals comes from five species alone: a) cattle, b) sheep, c) goats, d) turtle doves, and e) small doves.

2 All of the sacrifices - whether those brought by the community or by individuals - are of four types: a) burnt-offerings, b) sin-offerings, c) guilt-offerings, and d) peace-offerings.

3 There are also three other types of individual sacrifices: a) the Paschal sacrifice, b) the sacrifice of the firstborn, and d) the tithe sacrifice.

4 All of the communal offerings are burnt-offerings or sin-offerings. There are no communal peace-offerings except the two sheep offered with the bread that is waved on Shavuot. They are called "the sacrifices of communal peace offerings." The community never offers a guilt offering, nor a fowl.

5 The communal offerings are the two *temidim* offered every day, the additional offerings of the Sabbaths, *Rashei Chodashim*, and the festivals, and the sin-offering of a goat brought on Yom Kippur. Similarly, if [the High] Court inadvertently gave an erroneous ruling with regard to the worship of false deities, every tribe is required to bring a bull and a goat. The bull is brought as a burnt-offering and the goat as a sin-offering.

These goats are called "the goats of false deities." If they inadvertently gave an erroneous ruling with regard to other mitzvot, they bring a bull as a sin-offering. It is called "the bull associated with the overlooking of a matter by the community."

6 The sacrifices [brought by] individuals include: a) the firstborn offerings,
b) the tithe offerings,
c) the Paschal offerings,
d) the *chagigah* offerings, i.e., the peace offerings [brought in association with the pilgrimage festivals],
e) the pilgrimage offering which is a burnt-offering,
f) the sacrifice brought by a convert, that involves a burnt-offering from a domesticated animal, two small doves or two turtle doves; both of them are burnt-offerings, or two domesticated animals, one as a burnt-offering and one as a peace-offering,
g) one who vows or pledges a burnt-offering or a peace offering,
h) peace-offerings that are accompanied by bread; they are called thanksgiving offerings,
i) the sacrifices of a nazirite, which are a burnt-offering, a sin-offering, and a peace-offering,
j) the sacrifices of a *metzora,* which are a sin-offering, and a guilt-offering, and a burnt-offering,
k) the sacrifices of a *zav* a *zavah*, and a women after childbirth; they are a sin-offering and a burnt-offering,
l) the sacrifice brought by a person who inadvertently violated a negative commandment punishable by *karet*; it is a sin-offering,

m) if a person was unsure of whether he transgressed or not, that transgressor brings a guilt-offering; it is called a conditional guilt-offering,
n) there are certain sins for which one brings a guilt-offering [to atone for their transgression]; this is called a definite guilt-offering,
o) similarly, the ram brought as a burnt-offering and the bull the High Priest brings from his own resources as a sin-offering on Yom Kippur, are individual offerings; the bull is called "the bull of Yom Kippur."
All of these sacrifices are explicitly mentioned in the Torah and the laws governing each of them are explained in the appropriate places.

7 [The person bringing] any of the individual offerings is responsible for them and for their accompanying offerings with the exception of an animal pledged as sacrifice. [The community at large] is not responsible for sacrifices or their accompanying offerings. If a sacrifice was offered, they are responsible for its additional offerings. When an individual's sacrifice was required to be offered at a fixed time, it is like a communal offering and the person is not responsible for it.

8 All of the animals brought as burnt-offerings must only be male. It may be brought from sheep, goats, or cattle, whether large or small. They may also be brought from turtle doves and small doves, whether male or female.

9 A sin-offering may be brought from these five species, from both males and females, from small ones and large ones.

10 A guilt-offering may be brought only from male sheep. There are guilt-

offerings that come from large members of this species and others which come from small members of this species.

11 Peace offerings may be brought from sheep, goats, or cattle, from males and females, whether large or small. A fowl may not be brought as a peace offering.

[When describing an animal as] small, [the intent] is one between the eighth day and a full year, from day to day. If the year was declared a leap year, [the extra month is included]. "Large" implies until three full years from day to day for cattle, for flocks, until two full years from day to day. From this age onward, [the animal] is considered as "old" and it should not be brought as an offering.

12 Although all of the sacrifices are acceptable if they are brought from the eighth day onward, as an initial preference, we do not bring [an animal] as a sacrifice until it is 30 days old or older with the exception of a firstborn offering, a Paschal offering, and a tithe offering. If one desires to offer these sacrifices from the eighth day onward, he may.

13 Hours are counted with regard to consecrated animals, i.e., if their [lives] were an hour longer or an hour was subtracted from their [lives], they are unacceptable.

What is implied? When it is required that a sacrifice be less than a year old, if an hour was added to its year, it is invalidated. Even if it was merely a year old when it was slaughtered and additional time was added before its blood was sprinkled [on the altar], it is invalidated. It must be less than

a year until the time the blood is sprinkled [on the altar]. Similar [laws] apply with regard to all the sacrifices.

14 Whenever the Torah uses the expressions, "a male sheep," "a female sheep," "sheep," the intent is [an animal] in its first year [of life]. "A ram" or "rams" implies males in their second year [of life]. When is an animal called a ram? When 31 days of its second year of life pass. On the thirtieth day, however, it is not acceptable, neither as a sheep, nor as a ram. [At this stage,] it is called a *pilgas*.

Whenever the expression "a calf" is used, the intent is [an animal] in its first year [of life]. The term "bull" implies that the animal is in its second year of life. The term "a goat kid" implies that it is in its first year, "a goat," that it is in its second year. Throughout the second year, it is called a goat.

15 All of the communal offerings are male. All of the communal sin offerings come from goats or from cattle, none are brought from sheep. All of the communal burnt offerings are from sheep or cattle; there are no burnt-offerings brought from goats.

All of the sin-offerings brought by individuals are female. They may be eaten by the priests and they do not come from cattle except three: a) the sin-offering of a *nasi* which is a goat and is eaten, b) the sin-offering of the anointed priest which is a bull, which is burnt; it is called "the bull that comes because of [the violation of] any mitzvah;" c) the bull brought by the High Priest on Yom Kippur; it is a sin-offering that is burnt.

16 All of the communal sin-offerings are eaten with the exception of the goat offered on Yom Kippur whose partner is sent [to Azazel], the goats brought [because of the violation of the prohibition against] idol worship, and the bull [brought because of the violation of] a law forgotten [by the High Court]. "The bull that comes because of [the violation of] any mitzvah" and the bull [brought because of] a law forgotten [by the High Court] are called "the bulls that are burnt." The goats brought [because of the violation of the prohibition against] idol worship are called "the goats that are burnt."

Thus there are five sin-offerings that are burnt: two are individual offerings and three are communal offerings.

17 All of these offerings are called *zevachim*. All of the burnt-offerings, sin-offerings, guilt-offerings, and the two sheep brought as peace-offerings on Shavuos are called "sacrifices of the highest order of sanctity." Peace offerings brought by an individual, the firstborn offerings, the tithe offerings, and the Paschal offerings, are called "sacrifices of a lesser degree of sanctity."

18 The limbs and organs that are burnt on the altar from the sin-offerings that are eaten, from the guilt-offerings, and from the peace-offerings are called *eimorim*. These are the *eimorim* of an ox or a goat: the fat that is on the inner organs, included with that is the fat that is on the maw, the two kidneys and the fat that is on them, together with the fat that is on the flanks, the lobe of the liver, and a small portion of the liver should also be taken with its lobe. If the sacrifice is from sheep, he should add to these

the fat tail in its entirety together with the vertebrae from the spine until the place of the kidneys, as [Levitcus 3:9] states: "he shall remove it opposite the kidneys." All of the *eimorim* are burnt on the outer altar.

19 If a [sacrificial] animal was pregnant, even though the fetus had been carried for a full term, and even if it was discovered to be alive [after the mother was slaughtered], its fat should not be offered together with the fat of its mother. Instead, only the fat of the mother is offered. The fetus is considered as one of its limbs.

Chapter 2

1 The wine and the fine flour that are brought together with an offering are called accompanying offerings. The fine flour alone is called the accompanying meal-offering. The accompanying meal-offering need not be waved, brought [to the corner of the altar], nor [offered with] frankincense. It requires salt and it is burnt on the outer altar in its entirety.

The wine is poured over the altar. It is not poured over the fire. Instead, the priest should lift up his hands and pour it on [the altar's] base and from there, it descends to the *shittin*.

2 Accompanying offerings are required only for an animal brought as a burnt-offering or as a peace-offering. Whether it was a communal sacrifice, an individual sacrifice, a sheep brought by a woman who gave birth, or the ram brought by the High Priest, since it was a burnt-offering,

it requires the accompanying offerings. Accompanying offerings are not brought for [sacrifices of] fowl, guilt-offerings, sin-offerings, with the exception of the sin-offering and guilt-offering of a person who had been afflicted with *tzara'at*, for those accompanying offerings are explicitly mentioned in the Torah.

3 What is the source that teaches that accompanying offerings should not be brought together with sin-offerings and guilt-offerings? [When speaking about the accompanying offerings, **Numbers 15:3**] states: "to utter a vow or pledge," [implying that these offerings are necessary only for sacrifices] brought because of a vow or pledge. [This] excludes a sin-offering, guilt-offering, firstborn offering, tithe offering, and Paschal sacrifice. Since [these offerings] are not brought because of a vow or a pledge, they do not require accompanying offerings.

Which is the source that teaches to include the festive peace-offerings and the pilgrimage burnt-offerings? [The above verse] states: "Or on your festivals."

4 What is the measure of the accompanying offerings? The accompanying offering for a male or female sheep is an *isaron* of fine flour mixed with a quarter of a *hin* of oil and a quarter of a *hin* of wine as a wine libation. These are also [the accompanying offerings] for a goat whether small or large and whether male or female and for a ewe, even if she is large. The accompanying offerings of a ram, however, are two *esronim* mixed with a third of a *hin* of oil and a third of a *hin* of wine as a libation. The accompanying offerings of a cow or a calf, whether male or female, are

three *esronim* mixed with a half of a *hin* of oil and a half of a *hin* of wine as a libation.

5 These measures are applicable for the accompanying offerings for burnt-offerings and peace-offerings for each animal offered, as [implied by *ibid.*: 12]: "According to the number that you offer, so shall you do for [each] one according to their number." We may not increase these measures, nor may we decrease them. [Indeed,] if one increases or decreases [the measure by] even the slightest amount, one disqualifies [the accompanying offering]. The only exception is the sheep offered as a burnt offering on the day of the waving of the *omer*. The accompanying offering for it is two *esronim* mixed with a third of a *hin* of oil. Although the measure of flour was doubled, the measure of wine was not and [only] a quarter of a *hin* is brought as a libation.

6 A person who had been afflicted with *tzara'at* must bring three *esronim* of flour [as accompanying offerings] for the three sheep which he brings as a sin-offering, a guilt-offering, and a burnt-offering. According to the Oral Tradition, we learned that they come because of the sacrifices he brings, an *isaron* for each sheep mixed with a quarter of a *hin* of oil. A *revi'it* of wine should be brought with each of the *esronim* as is the rule for the accompanying offering for all sheep. When one brings a *pilgas*, he should bring with it the accompanying offerings for a ram, [nevertheless,] it is not considered as if he brought [the appropriate] sacrifice.

7 A *hin* comprises twelve *log*. We have already stated the measure of a *log*

together with other measures in *Hilchot Eruvin*. An *isaron* is an *omer* which is the measure [of dough from which] *challah* must be separated. We have already explained this measure with regard to [the mitzvah of] *challah*.

8 When the accompanying offerings or the meal offerings are measured, whether for an individual offering or a communal offering, they should not be measured in a measure of three *esronim* for a bull or two *esronim* for a ram. Instead, everything should be measured with the measure of one *isaron* that existed in the Temple. Similarly, the oil for the accompanying offerings should be measured with the appropriate measure in the Temple. The oil for a meal offering brought by an individual is measured in the measure of a *log* that existed in the Temple; the number of *lugim* [of oil] is determined by the number of *esronim* [of flour].

9 The overflow of the measures of flour are considered to be ordinary flour, because the outer side of the *isaron* measure is not consecrated. The overflow of the wine and oil, by contrast, is consecrated, because it flows down the back of the utensil and both the inside and the outside of the liquid measures were anointed.

Why were the overflows consecrated even though the person measuring only intended to sanctify what was within the utensil? So that it would not be said that [substances] are used for ordinary purposes after having been in a sacred utensil.

10 What would they do with the overflows? If there was another sacrifice,

they would sacrifice them with it. [In that instance,] if they remained overnight, they became disqualified accordingly. If not, they were [redeemed and the proceeds] used to provide "dessert for the altar."

11 What is implied? Burnt offerings are purchased [with the proceeds of] their [sale]. The meat is offered to God and the hides are given to the priests.

12 The flour mixed with oil of the accompanying offerings are not indispensable requirements preventing [the offering of] the wine libation, nor is the wine libation an indispensable requirement preventing their offering, nor are the accompanying offerings an indispensable requirement preventing the offering of the sacrifices. Instead, a person may bring his sacrifice one day and his accompanying offerings after ten days. [This applies to] both individual offerings and communal sacrifices, provided the accompanying offerings were not consecrated in a sacred utensil. If, however, they were consecrated in a sacred utensil, they are disqualified if they remain overnight.

13 The accompanying offerings may only be brought from ordinary produce. They may not be brought from *terumah*, the second tithes, or the first fruits. Even for the thanksgiving offering whose bread may be brought from the [second] tithe, its accompanying offerings should only be brought from ordinary produce.

14 All of the measures of the accompanying offerings mentioned in the Book of Ezekiel, the listing of the sacrifices, and the order of service written

there are all inauguration offerings and will not be practiced in generations to follow. Instead, the prophet commanded and outlined how the inauguration offerings will be brought at the time of the dedication of the altar at the time of the coming of the King Mashiach when the Third Temple will be built.

15 Just as the princes offered sacrifices at the dedication of the altar [of the Sanctuary in the desert], bringing offerings that were not brought in coming generations, and they brought them on the Sabbath, so too, a prince will bring a dedication offering on the Sabbath in the Ultimate Future, as stated explicitly there. Similarly, the sacrifices which the people who returned [to Zion] from the [Babylonian] captivity in the days of Ezra, were inaugural offerings and will not be practiced in generations to come. The practices to be followed in generations to come are the words of the Torah that we have explained as they were copied from Moses our teacher. We may not add to them or subtract from them.

Chapter 3

1 When two people desired to bring a peace-offering or a burnt-offering in partnership, they may whether it was pledged or vowed. Even a fowl may be brought in partnership.

2 Men, women, and, servants may bring all of these types of sacrifices. From gentiles, by contrast, we accept only burnt offerings, as [derived from **Leviticus 22:28**]: "From the hand of an alien, you shall not offer the food

of your God [from all of these]." Even a burnt offering of fowl may be accepted from a gentile, even if he worships false deities.

We do not, however, accept peace-offerings, meal-offerings, sin-offerings, or guilt-offerings from a gentile. Similarly, burnt-offerings that do not come as vows or pledges are not accepted from gentiles, e.g., a burnt-offering from a women who gave birth or the like or other burnt-offerings that do not come as vows or pledges.

3 When a gentile brings peace-offerings, they should be sacrificed as burnt-offerings, for [the intention of] a gentile's heart is [for the sake] of heaven. If he gives them to a Jew with the intent that a Jew receive atonement, the Jew may partake of them like the peace-offerings of the Jewish people. Similarly, if he gives them to a priest, the priest may partake of them.

4 When a Jew is an apostate who worships false deities or who desecrates the Sabbath in public, we do not accept any sacrifices from him at all. Even a burnt-offering that is accepted from a gentile is not accepted from this apostate. [This is derived from **Leviticus 1:2** which] states: "A man from you who will sacrifice." According to the Oral Tradition, we learned: "From you," i.e., not all of you, excluding an apostate.

If, however, one was a heretic with regard to other transgressions, any sacrifice [he brings] is accepted so that he will repent. If, however, he was a heretic with regard to a transgression and it is public knowledge that he commits it and he has become accustomed to doing so, a sacrifice [that he brings atoning for] that transgression - whether committed to anger [God] or out of desire -is not accepted. What is implied? If a person was

accustomed to eat fat - whether committed to anger [God] or out of desire - and then he inadvertently partook of fat and brought a sin-offering [for this transgression], it is not accepted.

5 Gentiles do not bring accompanying offerings for the burnt-offerings they bring, as [can be inferred from **Numbers 15:13**]: "Every native among you shall do this." The accompanying offerings for their sacrifices are, however, brought from communal funds, as [*ibid.*:12] states: "So shall you do for each one according to their number." [These burnt offerings] do not require *semichah*, for *semichah* is performed only by a Jew, and by a male and not a female.

6 All of the offerings from domesticated animals that an individual brings- whether those in which he is obligated or those promised through a vow - [require] *semichah* while they are alive with the exception of the firstborn offering, the tithe offering, and the Paschal sacrifice. [This is derived from **Leviticus 3:2**]: "And he shall lean his hand on the head of his offering." According to the Oral Tradition, we learned that this refers to all the sacrifices with the exception of the firstborn offering, the tithe offering, and the Paschal sacrifice.

7 [A sacrifice of] a fowl does not require *semichah*.

We already explained in *Hilchot Shekalim* that the law is that all the money concerning which it was decided that it should be given to the chest for freewill offerings should be used to purchase burnt-offerings. The person to which this money belonged does not perform *semichah* on

that animal, nor does he bring the accompanying offerings. Instead, the accompanying offerings are brought from communal funds. Even if he was a priest, the service [of offering the sacrifice] and its hide belong to the men of the watch.

8 All people may perform *semichah* with the exception of a deafmute, a mentally and/or emotionally unstable individual, a minor, a servant, a woman, a blind man, and a gentile. An agent does not perform *semichah*, for *semichah* is performed only by the owners, as [implied by the prooftext]: "And he shall lean his hand." "His hand" and not the hand of his wife, his servant, or his agent.

9 When five individuals bring a sacrifice [in partnership], they all perform *semichah*, one after the other. They should not perform *semichah* at the same time.

When a person died and left a sacrifice of a burnt offering or a peace offering, his heir should have it offered, perform *semichah* on it, and bring its accompanying offerings.

10 *Semichah* is not performed with regard to communal offerings except with regard to two sacrifices: the goat sent to Azazel and the bull brought because of a law being forgotten. Three members of the *Sanhedrin* perform *semichah* on it. This is a law conveyed by Moses our teacher that *semichah* is not performed on communal offerings other than these two.

11 *Semichah* is performed only in the Temple Courtyard. If one performed *semichah* outside the Temple Courtyard, he should perform it again

inside. If the one bringing the sacrifice was standing outside [the Temple Courtyard] and he extended his hands into [the Courtyard] and performed *semichah*, his *semichah* is valid, provided he performed *semichah* with all his strength.

Only a person who is ritually pure may perform *semichah*. If a person who is ritually impure performed *semichah*, the *semichah* [is acceptable].

12 The animal should be slaughtered in the place where *semichah* is performed. The animal must be slaughtered directly after *semichah*. If one slaughtered it in a different place or waited [before slaughtering it], the slaughter is acceptable.

Semichah is an incremental aspect of the mitzvah. Accordingly, if one did not perform *semichah*, the sacrifice [still] brings atonement; [the *semichah*] is not an indispensable requirement. Nevertheless, it is considered as if the sacrifice did not bring atonement.

13 The person performing *semichah* must do so with all his power, [placing] both hands on the head of the animal, as [**Leviticus 1:4**] states: "on the head of the burnt-offering." [Implied is his hands must be placed on the head] and not on the [animal's] neck or the side of its face, and that there should not be any intervening substance between his hands and the animal.

14 How is *semichah* performed? If the sacrifice was one of the offerings of the most sacred order, he should have the animal stand in the northern portion of the Temple Courtyard, facing the west. The person performing

semichah stands to the east with his face to the west. He should place both his hands between its two horns and recite [the appropriate] confession, for a sin-offering, the sin which warrants a sin-offering and for a guilt-offering, the sin which warrants a guilt offering. For a burnt offering, he confesses the sin of [negating the observance of] a positive commandment or of a negative commandment that can be corrected by the observance of] a positive commandment.

15 How does he confess? He says: "I sinned, I transgressed, I committed iniquity, and I did this-and-this, and I have repented before You and this is my atonement.

If he is bringing a peace-offering, he should perform *semichah* with all of his strength anywhere he desires within the Temple Courtyard, where [the animal] will be slaughtered. It appears to me that one does not confess on a peace-offering. Instead, he says words of praise.

Chapter 4

1 All of the sacrifices may be offered only during the day, as [can be inferred from **Leviticus 7:38**]: "On the day when He commanded the children of Israel to offer their sacrifices." [Implied is] during the day and not at night. Therefore sacrifices are slaughtered only during the day and their blood is sprinkled [on the altar] on the day of the slaughter, as [can be inferred from *ibid.*:16]: "On the day he offers his sacrifice." Implied is that on the day the sacrifice is slaughtered, it should be offered. When the sun sets [on that day], the blood is disqualified.

2 As long as the elements that cause a sacrifice to be permitted were offered during the day, [the other elements of] the sacrifice may be offered on the altar throughout the night.

What is implied? When the blood of sacrifices was sprinkled during the day, their *eimorim* may be offered on the fire of the altar at night until dawn. Similarly, the limbs of the burnt-offerings may be offered on the fire of the altar until dawn. In order to distance [a person] from inadvertent transgression, our Sages declared that the *eimorim* and the limbs of the burnt-offerings should only be offered on the fire of the altar until midnight.

3 Even though the *eimorim* and the limbs [of the sacrifices] may be offered on the fire of the altar at night, they may not be willingly delayed. Instead, an attempt should be made to offer everything during the day, for it is desirable that a mitzvah be performed at its designated time. [The importance of this can be seen from the fact that] the offering of the *eimorim* and the limbs [of the sacrifices] on the fire of the altar supersedes the Sabbath prohibitions on that day. We do not delay this until Saturday night.

4 Any element of a sacrifice that may be offered only during the day, e.g., the handful [of flour from the meal-offering], the frankincense [from the meal-offering], the incense offering, and the meal-offerings that are burnt [on the altar], may be offered [on the altar] at sunset. They then continue to be consumed [by the altar's fire] the entire night like the limbs of the burnt offerings.

5 The libations that are offered with sacrifices are only offered during the day, as [**Numbers 29:39**] states: "And for their libations and for their peace-offerings." An association is established between the peace-offerings and the libations. Just as the peace-offerings [are offered only] during the day, so too, the libations must be offered during the day. Nevertheless, the libations that are offered independently may be sanctified at night and offered at night. Therefore if it happens that a person obtains libations that are brought independently, he should sanctify them at night and offer them at night. Dawn disqualifies [these libations], as it disqualifies the limbs of the burnt-offering.

6 The entire day is acceptable for *semichah*, slaughter, severing a fowl's head, offering objects on the altar's fire, bringing [meal] offerings to the altar, sprinkling [blood on the altar], waving [sacrificial offerings], taking a handful of the meal offering, and bringing the *Musaf* offering. The entire night is acceptable to offer the *eimorim* and the limbs on the altar's fire.
This is the general principle: When the mitzvah is to perform a particular act during the day, it is acceptable throughout the day. If the mitzvah is to perform the act at night, it is acceptable throughout the night. Nevertheless, the eager hasten to perform the mitzvot.

7 As an initial preference, all of the sacrificial animals may be slaughtered only with a knife that is a sacred utensil. Nevertheless, if one slaughtered it with any article [fit] to slaughter an ordinary animal - even the edge of a bulrush - it is acceptable.

8 Whenever one received less than the amount of blood need to sprinkle it on the altar from any of the sacrifices, the blood does not become consecrated. [As an initial preference,] one should have the intent of receiving all the [animal's] blood.

What should be done? One should hold the windpipe and the gullet in his hand, and together with the jugular vein, place them inside a basin and slit both of them - or their majority - so that all of the blood will be received in the basin. [After the slaughter,] the knife should be lifted up, so that the blood does not flow down along it, but rather from the neck. He should wipe off the blood that is on the knife on the [outer] edge of the basin.

9 The space above the basin is considered as if it is inside the basin. If one was receiving the blood [of a sacrificial animal] and the bottom of the basin opened before the blood reached the open space of the bottomless basin, the blood is not consecrated. [The rationale is that when the blood enters] space in which it will ultimately not come to rest, it is not considered as if it came to rest.

10 With regard to all of the sacrifices, the person performing the service must have the intent of offering the proper type of sacrifice for the sake of the person bringing it at the time of slaughter, at the time the blood is received, at the time it is brought to the altar, and at the time that it is sprinkeled on the altar, as [indicated by **Leviticus 7:15**]: "And the meat of his thanksgiving, peace-offering." [Implied is that] the slaughter together with the [three other] services must be for the sake of his peace-offering.

Similar concepts apply with regard to other sacrifices.

If one slaughtered [an animal] and performed [these] other services without any intent, without thinking at all, this is acceptable for a burnt-offering and a peace-offering and the owner is considered to have fulfilled his obligation.

11 At the time of the slaughter of [an animal designated as] a burnt-offering, [the person offering it] must have six things in mind, [that the animal be slaughtered]: for the sake of the [desired] sacrifice, for the sake of the person bringing it, that it be sacrificed unto God, blessed be He, that it be consumed by fire, that its consumption by fire be for the sake of generating a [pleasing] fragrance, and that the fragrance be pleasing before God. If he slaughtered [the animal] without any intent, it is acceptable, as explained.

One who slaughters [an animal as] a sin-offering or a guilt-offering should have the intent that [the sacrifice atone] for the sin which he committed.

Chapter 5

1 We have already explained that the slaughter of consecrated animals is acceptable even when performed by non-priests. From the receiving of the blood and onward, the mitzvah is that of the priests. The blood of all the sacrifices must be received in a sacred utensil held by a priest's hand. Nevertheless, the place where they are slaughtered and their blood is received is not the same in all instances.

2 What is implied? Sacrifices of the most sacred order may be slaughtered and their blood may be received in the any portion of [the area designated as] north of the altar whose boundaries we defined in the beginning of this book. Sacrifices of lesser sanctity may be slaughtered and their blood received in every place in the Temple Courtyard.

3 What is the source that teaches the sacrifices of the most holy order may be slaughtered only in the northern portion of the Temple Courtyard. With regard to a burnt-offering, [**Leviticus 1:11**] states: "And it shall be slaughtered on the northern flank of the altar." And with regard to the sin-offering, [*ibid.* 6:18] states: "In the place where the burnt-offering is slaughtered, you shall slaughter the sin-offering." And just as a sin-offering is called a sacrifice of the most sacred order, so too, the burnt-offering is called, a sacrifice of the most sacred order. With regard to the guilt-offering, [*ibid.* 7:2] states: "In the place where the burnt-offering is slaughtered, you shall slaughter the guilt-offering." And an association was established between communal peace-offerings and sin-offerings, as [*ibid.* 23:19] states: "You shall offer one he-goat as a sin-offering and two sheep a year old as a peace-offering." Therefore, they are considered sacrifices of the most sacred order like a sin-offering and are slaughtered in the place where it is slaughtered. In the place where [these sacrificial animals] are slaughtered, their blood should be received.

4 What is the source that teaches that sacrifices of lesser sanctity may be slaughtered in any place in the Temple Courtyard, even behind the Temple building? With regard to the peace-offerings, [Leviticus] 3:2]

states: "And you shall slaughter it at the opening to the Tent of Meeting," this indicates that all directions are acceptable, for a particular direction was not specified. The same applies to other sacrifices of lesser sanctity. If they were slaughtered in the Temple building itself, they are acceptable. If, however, they slaughtered them on the roof of the Temple building, they are not acceptable, for the roofs are not fit for ritual slaughter at all. It must be performed on the earth of the Temple Courtyard.

5 Peace offerings that were slaughtered before the gates to the Temple building were opened are unacceptable, as [indicated by the prooftext,] "at the opening to the Tent of Meeting," i.e., when it is open. Even if the doors were closed, [but not locked,] they are considered as locked. However, the curtain that is over [the entrance] does not disqualify [the offering].

6 The manner in which the blood of a burnt-offering, a guilt-offering, and a peace offering, whether communal or individual, is cast on the altar is the same for all three types of sacrifices at all times.

What does [the priest] do? The priest takes the blood which is in a receptacle and casts it from the receptacle twice, [once] on each of two of the corners of the altar on a diagonal, on the bottom half of the altar. [The corners were] the northeast and the southwest. When casting the blood on the corners, he should have the intent that the blood will surround the corners like a *gamma*. In this way, the blood from these two castings will be found on the four walls of the altar. For with regard to the burnt-offering and the peace-offering, [the Torah] uses the term

"surrounding." This also applies to the guilt offering. The remainder of the blood is poured on the foundation on the southern side of the altar.

7 The sin offerings from which [the priests] partake require four presentations [of blood], [one] on each of the four corners of the outer altar, on its upper half, for concerning it, [**Leviticus 4:25**] states: "On the corners of the altar.

What should [the priest] do? When the priest takes the blood in the receptacle, he carries it to the altar. He dips the index finger of his right hand into the blood. He then places his thumb [on one side of the altar] and his middle finger [on the other side] and applies [the blood] on the point of the corner of the altar, descending until he finishes [bestowing] all the blood on his finger. He does this on each corner. If he placed the blood near the corner, within a cubit on either side, he achieves atonement [for the owner of the sacrifice].

8 He must dip his finger [in the blood] before applying it to each corner. When he finishes applying it to the corner, he should clean his finger on the [outer] edge of the container. He then dips it in a second time, for the blood on his finger is unacceptable to place on another corner.

9 None of the other sacrifices require the application of the blood on the altar with one's finger aside from the sin-offering, for with regard to it [**Leviticus 4:6**] states: "And he shall dip his finger into the blood." There must be enough blood so that he can dip his finger into it. He should not collect the blood with his finger.

10 From [which] corner should he begin? He should ascend on the ramp and turn to his right, walking on the surrounding ledge. He should apply the blood to the southeast corner first and then to the second corner that is close to it, the northeast corner. Afterwards, he should proceed to the third corner, [the one] next to it, the northwest corner, and afterwards, to the fourth corner next to it, which is the southwest. On the base of the altar at the corner which he completed the applications of the blood, he pours out the remaining blood, as [**Leviticus 4:17**] states: "And all of the [remaining] blood he should pour on the base of the altar of the burnt-offerings." This refers to the base on the southern side [of the altar].

11 The blood of all of the sin-offerings that are burnt is taken in the Temple building, and it is sprinkled there as described in the Torah. The remainder of the blood should be poured on the western base of the outer altar, [the one] that he encounters first when he leaves the Temple building.

12 How is their blood sprinkled and how many sprinklings are made? The blood of both the bull and the goat offered on Yom Kippur require eight sprinklings between the staves [of the ark] and eight sprinklings on the curtain [before the Holy of Holies]. He then mixes together the blood of the bull and that of the goat and sprinkles it four times, one on each of the four corners of the golden altar in the Temple building and seven sprinklings on the center of this altar, as will be explained in *Hilchot Avodat Yom HaKippurim*. [Even] if he did not carefully direct the sprinklings performed in the innermost [chamber], they are acceptable.

13 The blood of the bulls that are burnt and the goats that are burnt should both be cast [in the following manner]. They should be sprinkled seven times on the curtain that separates between the Sanctuary and the Holy of Holies and four times on the four corners of the golden altar.

14 With regard to the blood placed on the golden altar: When he enters [the Sanctuary], he stands between the altar and the *Menorah* with the altar in front of him. He should [sprinkle the blood] on the outer side of the horns of the altar. He should begin with the northeast corner and [proceed] to the northwest and then to the southwest and then to the southeast.

15 With regard to the bull brought by the anointed priest for the violation of any of the mitzvot, the anointed priest himself receives its blood and sprinkles it in the Sanctuary. If an ordinary priest received this blood and sprinkled it, it is acceptable.

16 The goats [offered in atonement for] idol worship are called the goats which are burnt. The Torah does not explicitly state how their blood was sprinkled [on the altar]. Nevertheless, since they are communal sin offerings, the laws applying to them should be the same in their particulars as those applying to the bull brought because of a forgotten law, for it is also a communal sin-offering. [This applies to] the sprinkling of the blood, burning [the sacrifices], and the impurity they impart to the one who has them burnt.

17 The blood of each [of the following], the firstborn offering, the tithe

offering, and the Paschal sacrifice is required to be presented to the altar through one pouring at its base, in any direction one desires on the three corners of the altar that have a base. For, as we explained, the southeastern corner did not have a base.

What is the source that teaches that all that is required is one present? For with regard to the first born sacrifice, [**Numbers 18:17**] states: "You shall cast its blood on the altar." According to the Oral Tradition, we learned that this also applies to the tithe offering and the Paschal sacrifice. Their blood is presented once like that of the firstborn offering.

18 The *eimorim* of all the sacrifices are the first [elements of the sacrifice] offered on the pyre of the altar after the blood is cast [on the altar]. All of the sacrificial [animals] are skinned and then the *eimorim* are removed. They are not skinned until the blood is cast. [This applies] with the exception of the sin-offerings, for they are not skinned at all, as [**Leviticus 16:27**] states: "You shall burn with fire their hide and their flesh." Thus, [the order of sacrifice is] first the blood is cast [on the altar]. Then the sacrificial [animals] are skinned and then their [bellies] are ripped open, the *eimorim* are removed and offered [on the pyre of the altar].

19 All of the hides of the sacrifices of the most sacred order - whether communal offerings or individual offerings - are given to the priests, as [**Leviticus 7:8**] states: "The hide of the burnt-offering he offered [shall belong to that priest]." The hides of sacrifices of lesser sanctity, by contrast, are given to the owners. Whenever the flesh of a burnt-offering did not merit to be offered on the altar, the priests do not acquire its hide,

as [implied by the above verse which] states: "the burnt-offering of a man." [We can infer that it refers only to] a burnt-offering that was acceptable for a man.

20 In all instances that a disqualifying factor was caused in one of the sacrifices of the most sacred order before they were skinned, their hides are not granted to the priests. [If they are disqualified] after they are skinned, their hides are granted to the priests. All of the hides should be divided among the members of the priestly watch from Friday to Friday.

21 When a person consecrates a burnt-offering to the Temple treasury or one consecrates his property [to the Temple treasury] and among [his possessions] were male animals concerning which the law is that they should be sacrificed as burnt-offerings, the hides are not given to the priests, for [the prooftext] states: "the burnt-offering of a man." This excludes the burnt-offering of the Temple treasury. Instead, the hides should be sold and the money given to the Temple treasury.
The hide of a burnt-offering brought by] a man or a woman, a gentile or a servant, is given to the priests. The term "man" was used only to exclude the Temple treasury.

Chapter 6

1 It is a positive commandment to offer the burnt-offering according to its statutes as they are written in the Torah. How is the burnt-offering brought? One slaughters [the animal] and casts its blood in the manner

described, skins it, cuts it into pieces and offers all the pieces on the pyre of the altar, as [**Leviticus 1:9**] states: "The priest shall offer the entire [sacrifice] on the pyre of the altar."

2 The wool on the heads of the sheep, the hair of the beards of the goats, and the bones, sinews, horns, and hoofs of the [sacrificial animals] should be offered on the pyre of the altar if they are still connected [naturally to the animal's body]. If they have been separated, they should not be brought up [to the altar]. [This is derived from **Deuteronomy 12:27** which mentions]: "Your burnt offerings, the flesh and the blood." All parts of the sacrificial animal which flew off the altar should not be returned to it. Similarly, a coal which flew off the altar should not be returned to it.

3 [The following rules apply when] the limbs [of a sacrificial animal] flew off the altar. If they still have substance, even if they flew off after midnight, they should be returned to the altar, [for **Leviticus 6:2**] speaks of [the burnt-offering remaining] "on its fire, on the altar, the entire night." If they do not have substance, even if they flew off before midnight, they should not be returned. If the meat became charred and dried up upon them like wood and they flew off before midnight, they should be returned. After midnight, they should not be returned.

4 After one cuts up the limbs of the burnt-offering, all of the different portions should be brought to the altar's ramp and salted there. Afterwards, all of the limbs should be brought up to the top of the altar. The *gid hanesheh* should be removed at the top of the altar and tossed on

the pile of ash in the midst of the altar. All of the limbs should be cast on the altar, as [implied by the prooftext cited above], "the flesh and the blood." Just as the blood is cast [on the altar], so too, all of the flesh must be cast [on the pyre]. After they were tossed [on the altar, the priest] should come and arrange them on the pyre, as [**Leviticus 1:12**] states: "And the priest shall arrange them." If limbs [of sacrificial animals] were roasted and then brought up to the altar, they are not considered as a pleasing fragrance.

5 How is the burnt-offering cut up? One would not break the animal's leg. Instead, a hole was made in it. It was hung from [the hole] and skinned. If [the burnt-offering] was an ox, it should be skinned without being hung.
The person continues skinning, until he gets to the breast, When he gets to the breast, he should cut off the head and give it to a priest. He then cuts off the feet and gives them to others. He then completes skinning the animal. He rips open the heart and takes out its blood. He then proceeds to the forelegs and cuts them off. He proceeds to the right hindleg and gives it to [the priest] who merited [to carry] the head. The two testicles should be taken with it.
Afterwards, he rips open the animal's [belly] until he reveals the intestines. He takes the fat and places it on the head, to cover the place of slaughter. He takes the inner organs and gives them to another [priest].

6 [The latter] goes and washes them with water, as [**Leviticus 1:13**] states: "The inner organs and the feet should be washed with water." [This excludes] wine, a mixture of wine and water, and other liquids. All types

of water are, [however,] acceptable.

To what extent should he wash them? The stomach should be washed in the Washing Chamber to whatever degree necessary. The intestines should be washed at least three times. They should be washed on the marble table located between the pillars.

7 He then takes the knife and separates the lung from the liver and [also] the lobe of the liver from the liver. He should not move the liver from its place. He hollows out the chest and gives it to another [priest]. He then proceeds upward to the right flank and cuts if off and descends to the backbone. He does not touch the backbone until he reaches the two soft ribs. He cuts it off and gives it to another [priest] while the liver is attached to it.

8 He then reaches the neck and leaves it with two ribs on either side. He cuts it off and gives it to another priest with the windpipe, the heart, and the lungs attached to it. He proceeds to the left flank and leaves two soft ribs above and two soft ribs below and, as he had left in the other one. Thus on the two sides, he leaves four ribs on either side. He then cuts it off and gives it to another person together with the backbone with the spleen attached to it.

9 He then comes to the tail and severs it and gives it to another [priest] together with the fat-tail, the lobe of the liver, and the two kidneys with it. He should take the left foot and give it to another [priest]. This order should be followed when skinning and cutting up a burnt-offering of an

animal. These are the portions referred to by the Torah [in **Leviticus 1:6**]: "You shall cut it into its portions."

10 How many priests bring the limbs to the ramp? If the burnt-offering is from sheep, six priests should carry it.

11 The first [priest] carries the head and the [right] foot. [He carries] the head in his right hand with its nose facing his forearm and its horns between his fingers. The place where [the animal] was slaughtered is held upward with the fat upon it. The right foot is in his left hand with the side from which the skin was removed facing outward.

12 The second [priest carries] the two forelegs, the right one in his right hand and the left one in his left hand. The side from which the skin was removed should face outward.

13 The third [priest carries] the tail and the hindleg, the tail in his right hand with the fat-tail that hangs between his fingers. Together with it should be the lobe of the liver and the two kidneys. The left hindleg should be in his left hand with the side from which the skin was removed facing outward.

14 The fourth [priest carries] the breast and the neck, the breast in his right hand and the neck in his left hand with the ribs between his fingers.

15 The fifth [priest carries] the two flanks, the right flank in his right hand and the left flank in his left hand. The side from which the skin was removed should face outward.

16 The sixth [priest carries] the intestines in a bowl. The feet should be placed above them. [This applies] if the burnt-offering was a sheep or a goat. If, however, it was a ram, two priests should bring the intestines.
Similarly, [if it was a sheep,] the flour of the accompanying offering should be brought by one priest and the wine by another. If it was a ram, the flour should be brought by two priests and the wine, by two priests.

17 Thus eight [priests] bring [a burnt offering of] a sheep or a goat to the altar. That of a ram is brought by eleven [and that of an ox is brought by twenty-four].

18 There are 24 [priests] who bring [a burnt offering of] an ox to the altar. The first brings the head. The second and the third bring the right foot. The fourth and the fifth bring the tail. The sixth and the seventh bring the left foot. The eighth brings the breast. The neck is brought by three [priests], the ninth, tenth, and eleventh. The two forelegs are brought by two priests, the two flanks, by two, and the intestines, the flour, and the wine in sets of three. Thus there are 24.

19 Why was a large limb of an ox not divided into portions? Because it is written: "You shall cut it into its portions." [Implied is that] its portions should not be cut into portions.
When are the above [number of priests] required [to bring the limbs to the altar]? For a communal burnt-offering. If it was desired that the portions of an individual burnt-offering be brought to the altar with less than this [number of priests] or more, it is possible.

20 How was the burnt-offering of a fowl brought? [The priest] would ascend upon the ramp He would turn [right] to the surrounding ledge and approach the southeast corner. There he would sever the head [of the fowl] at the nape of its neck, severing [the head] entirely. If he does not sever it entirely, [the sacrifice] is invalid. He then squeezes out the blood of the head and the blood of the body on the wall of the altar above the [scarlet] band in the middle of the altar.

If he squeezed out the blood of the head, but did not squeeze out the blood of the body, [the sacrifice] is invalid. If he squeezed out the blood of the body, but did not squeeze out the blood of the head, [the sacrifice] is valid.

21 He should take the head and bring the opening where it was severed close to the altar, dip it into salt, and cast it on the pyre. He then focuses his attention on the body. He removes the crop, the skin that is upon it with its feathers, and the intestines that are removed with it and casts them on the ash pile.

22 [**Leviticus 1:17** states:] "He shall split it with its wings" - [this is performed] by hand, not with a knife. He need not separate [one part of the body from the other], as [that verse] states: "He [need] not separate it." If he separates it, it is valid. He then spreads salt upon it and casts it upon the altar.

If he did not remove the craw, the feathers, or the intestines or spread salt upon it, it is valid. As long as the change that one makes comes after squeezing out the blood, [the sacrifice] is acceptable.

23 How is *melikah* performed? [The priest] cuts and descends with his nail at the nape of the neck. If he desires to move his nail back and forth, he may. If he wishes to chop and descend with his nail, he may. If the organs necessary for ritual slaughter slip from their place, he need not be concerned.

He must cut through the spine, i.e., the neckbone, without cutting through the majority of the meat surrounding it, for if he would cut through the majority of the meat, [the sacrificial animal] would be considered as dead before he reached the organs necessary for ritual slaughter. With regard to a burnt offering, as he descends he must cut both the organs necessary for ritual slaughter.

When one performs *melikah* with a knife or does so from the side, it is not considered as *melika*. Instead, it is like strangling or decapitating the fowl. The entire [width of] the nape of the neck is acceptable for *melikah*.

Chapter 7

1 It is a positive commandment to offer the sin-offerings according to its statutes as they are written in the Torah. How are the sin-offerings which are eaten brought? One slaughters [the animal] and sprinkles its blood in the manner described, skins it, and separates the *eimorim*. He salts them and casts them on the pyre. If he desires to place the *eimorim* in a container while they are being carried to the altar, he may. The remainder of the meat is eaten by male priests in the Temple Courtyard.

2 How are the sin-offerings which are burnt brought? One slaughters [the

animal] and sprinkles its blood in the manner described. Afterwards, one rips open [its belly] and removes the *eimorim*. He places them into a container, salts them, and casts them on the pyre. The remainder [of the animal] should be taken outside the city and cut up there as the burnt offering is cut up with its hide. [The pieces] are burnt there in the ash pile.

3 There are three places [where sacrifices] are burnt: The first is in the midst of the Temple Courtyard. [The following are] burnt there: sacrifices [of the highest order of sanctity] that have been disqualified, the *eimorim* of sacrifices of lesser sanctity which were disqualified, the bulls and goats that are burnt if they are disqualified, whether before their blood was sprinkled or after their blood was sprinkled, e.g., they became impure, they were taken outside the Temple Courtyard before the time they were supposed to be taken out arrived, or their meat or their *eimorim* remained overnight [without being burnt].

4 The second place is on the Temple Mount. It is called the *birah*. There we burn sin-offerings that are to be burnt if they were disqualified after they departed from the Temple Courtyard.

The third place is outside Jerusalem. It is called the ash-pile. There we burn the sin-offerings that are burnt when they are burnt according to their commandment.

5 It is acceptable for the burning of all of [the sacrifices] that must be burnt to be performed by a non-priest and at night. Any type of wood, even

straw and stubble, is acceptable for the burning of all of the sacrifices that must be burnt outside the Temple Courtyard, as [**Leviticus 4:12**] states: "On wood with fire," any type of fire. Why is wood mentioned? To exclude lime or hot ash.

6 How is a sin-offering from fowl brought? *Melikah* should be performed on the southwest corner [of the altar], as we explained. He should descend with his nail until he cuts the organs [required for ritual slaughter] or [at least] the majority of one of them. He should not separate the head from the body. If he does, he disqualifies [the sacrifice] and is liable for lashes, as [**Leviticus 5:8**] states: "He shall nip off its head at the nape [of the neck], but should not separate it."

He then sprinkles its blood on the wall of the altar, below its midpoint. The remainder of the blood should be squeezed out on the altar's base, as stated [*ibid.*: 9]: "And the remainder of the blood, he shall squeeze out on the altar's base." One can conclude from this that when one presents the blood on the wall [of the altar], [the fact that] the remainder [of the blood] is squeezed out toward the base [indicates that] "the wall" refers to the lower [portion] of the wall.

7 Squeezing out the blood of a fowl brought as a sin-offering is an absolute requirement. All the altar receives from this offering is its blood. The remainder is eaten by males of the priestly family like the meat of an animal brought as a sin-offering.

8 How should the fowl brought as a sin-offering be held at the time of

melikah? He should hold its two feet between two of his fingers and its two wings between his other two fingers, extending its neck over [the thumb for] a width of two fingers and then snip off its head.
This was one of the difficult tasks performed in the Temple. If one deviated and held the fowl in any other manner, it is acceptable.

9 Every part of the altar is acceptable for *melikah*, provided he sprinkles its blood below the midpoint of the altar. If he sprinkles it anywhere [on the altar], it is acceptable provided he presents [at least] a small amount of the blood of the soul below [the midpoint of the altar].

10 The upper half of southwest corner of the altar would serve three purposes and the lower half would serve three purposes. The lower half was used for the *melikah* of a fowl brought as a sin-offering, approaching the altar with the meal-offering, and pouring the remainder of the blood of the burnt-offerings, the sin-offerings that are eaten, the guilt-offerings, and the peace-offerings upon its [base].
The three purposes for which the upper portion was used are: the water libation on Sukkos, the wine libation of the accompanying offering [of Sukkot], and the burnt offerings of fowl if there are many of them. If the southeast corner does not have the capacity for all of them, [the priests would] turn to the southwest corner and perform *melikah* there.

11 All of those who ascend the altar on the right [side of the ramp], circle it, and descend on the left [side] except for one who ascends for one of the latter three purposes mentioned above which are performed on the upper

portion of this corner. [Those involved in these services] ascend on the left side, turn to the left, to that corner, perform their task, and retrace their steps.

Why do they turn to the left? So that they will encounter the southwest corner first. For if they would turn to the right and circle the entire altar until they reached the southwest corner, the water or the wine might become smoky or perhaps the fowl would die because of the altar's smoke.

12 Therefore when someone who performs a water or wine libation circles the altar, he should not have anything in his hands. He begins circling from the southeast corner, [proceeding] to the northeast and then to the northwest and the southwest. He should not be holding anything. When he reaches the southwest corner, the water or the wine is placed in his hand and he performs the libation. If he does not [desire to] circle [the altar], he may ascend [the ramp], turn to the left, perform his service, and descend.

Chapter 8

1 There is a stringency that applies with regard to an animal brought as a sin-offering that does not apply [even] to other sacrifices of the most sacred order. If blood from an animal brought as a sin-offering will spew from the container in which the blood was received onto a garment before [the blood] was sprinkled [on the altar], that garment is obligated to by washed with water in the Temple Courtyard, as [**Leviticus 6:20**] states: "If its blood is spewed on a garment, that which it has been spewed upon

must be washed in a holy place."

2 A garment made from wool or linen, a soft hide, or a garment from goat's hair is required to be washed. A firm hide, however, is considered as wood and one should scrape the blood from it.

[The above applies to] the blood of sin-offerings that are eaten or those which are burnt, but not to sin-offerings from fowl, as implied by [*ibid.*: 18]: "the sin-offering will be slaughtered," i.e., the Torah is speaking about [an offering] that is slaughtered and not one that is killed by *melikah*.

3 When a sin-offering was disqualified, its blood need not be washed [from garments]. This applies whether there was a time when it could have been acceptable or there was never a time when it could have been acceptable.

What is meant by [an offering] that had a time when it could have been acceptable? One which was left overnight, that became impure, or that was taken outside of the Temple Courtyard. What is meant by [an offering] that never had a time when it could have been acceptable? One that was disqualified because of [the manner in which] it was slaughtered or the manner in which its blood was sprinkled.

4 Only the place where the blood [was absorbed] must be washed. [The above applies provided the garment or] utensil is susceptible to contract ritual impurity and is fit to be washed. If, however, the blood spews on a wooden utensil or a metal utensil, it need not be washed because it is not fit to be washed. Instead, one should merely scrape the blood off.

5 If [the blood] spewed onto the skin of a fish, it is not necessary to wash it, for [the skin of a fish] is not susceptible to ritual impurity. If it was spewed onto the hide of an animal that was not skinned, it need not be washed. If, however, [the hide] was skinned [from the animal], it must be washed. Even though it is not susceptible to ritual impurity in its present state, it will be susceptible to ritual impurity after it has been treated.

6 If blood spewed from [the animal's] neck onto a garment, it sputtered from the corner of the altar [to a garment], or the blood spilled to the floor [of the Temple Courtyard], it was gathered and then it spewed on to a garment, there is no requirement that [the garment] be washed, as [the prooftext] states: "If its blood is spewed...." [Implied is that the requirement] was stated only with regard to blood that was received in a sacred utensil and is fit to be sprinkled [on the altar], [because it is] of sufficient measure [to be sprinkled].

7 If the four presentations of blood were made and then some of the remainder of the blood spewed from the container onto a garment, it need not be washed even though the remainder of the blood was not yet poured out on the base [of the altar]. Similar principles apply with regard to the sin-offerings that are burnt.

8 [If the blood of a sin-offering] sputtered from [a priest's] finger after he performed its sprinkling with his hand, [the garment onto which it sputtered] need not be washed, because the remainder of the blood on his finger is not acceptable for sprinkling.

9 If [the blood] spewed from one garment to another, the second garment need not be washed. If [blood] spewed on an impure garment, it need not be washed.

If blood from a sin-offering sputtered onto a garment and then ordinary blood sputtered onto the blood from the sin-offering, it must be washed. If, however, ordinary blood - or even blood from a burnt-offering - sputtered onto a garment and then blood from a sin-offering sputtered on to it, it is not required to be washed, because [the blood from the sin-offering] is not absorbed in [the garment].

10 When the place [stained by] the blood is washed, it should be washed very thoroughly with water until no trace [of the blood] remains. All of the seven detergents that are used [to determine whether] a stain is blood or not should be used to [wash away] the blood of a sin-offering with the exception of urine, for urine should not be brought into the Temple.

11 An earthernware vessel in which a sin-offering that is to be eaten was cooked must be broken in the Temple Courtyard. A metal vessel in which [a sin-offering] was cooked must be cleansed and rinsed in water in the Temple Courtyard, as [**Leviticus 6:21**] states: "An earthenware vessel in which it is cooked shall be broken."

Although this verse does not state "in a holy place," the same laws that apply to washing [a garment] apply. Just as the washing must be performed in a sacred place, so too, the breaking of an earthenware vessel and the cleansing and the rinsing of a metal utensil must be performed in a holy place. [These laws apply equally to] a utensil in which [the sin-

offering] was cooked and one into which it was poured while it was boiling.

12 "Cleansing" is performed with hot water and "rinsing" with cold water. The prooftext mentions "water," [excluding] wine, wine mixed with water, or other liquids. The thorough cleansing and rinsing [of the vessel] should resemble the thorough cleansing and rinsing of a cup.
A spit and a grill [used to cook the meat of a sin-offering] must be purged in water that is heated by fire and then washed [in cold water].

13 When does the above apply? When one cooked [sacrificial meat] in these utensils after their blood was sprinkled as required by law. If, however, he cooked in [these utensils] before the sprinkling [of the blood] or he cooked meat from sin-offerings that were to be burnt in such utensils, it is not necessary that they be washed thoroughly and rinsed.
If one cooked [the meat of a sin-offering] in [only] a portion of a utensil, the entire utensil must be washed thoroughly and rinsed.

14 There is an unresolved doubt [concerning the ruling] when meat [from a sacrificial offering] was roasted in the space of an earthenware oven: Must [the oven] be destroyed since [the meat] was cooked inside of it or need it not be destroyed, since it did not touch it? [The above] does not apply only with regard to a sin-offering. Instead, all utensils that were used for [meat] from sacrificial offerings with hot water, whether sacrifices of the highest degree of sanctity or sacrifices of a lesser degree of sanctity, are required to be washed thoroughly and rinsed after the time for eating

from them. Similarly, a spit and a grill should be purged after eating [from the sacrifice which they were used to cook].

They should not be left until one desires to eat from them a second time. Instead, when the time for eating from them is completed, one should purge the grill and the spit and wash thoroughly and rinse the utensil whether it be a metal utensil or an earthenware utensil. [There is] one exception: [the meat from] a sin-offering. An earthenware utensil [in which it was cooked] must be broken. [Nevertheless,] one may cook [in a utensil] and do so a second and third time immediately, whether using a metal utensil or an earthenware utensil. [The requirement to] wash it thoroughly and rinse it [applies only] at the conclusion of the time permitted to partake [from these sacrificial foods].

15 Utensils made from animal turds, stone, or earth are not required to be thoroughly washed and rinsed even [when the meat of] a sin-offering was cooked in them. All that is necessary is that they be cleansed.

With regard to a sin-offering, [**Leviticus 6:20**] states: "Anything that will touch its meat will become sanctified," i.e., it will be of the same status. If it has been disqualified, anything that touches it is also disqualified. If it is kosher, anything that touches it should be eaten according to the laws that apply to it, with the same degree of holiness.

16 When does the above apply? When [the flavor of the meat of a sacrificial offering] was absorbed by it. If, however, it merely touched it, but its flavor was not absorbed, it does not cause it to become sanctified. The above applies both to a sin-offering and any other sacrificial offering,

whether sacrifices of a lesser degree of sanctity or sacrifices of a severe degree of sanctity, as [implied by **Leviticus 7:37**]: "This is the law for the burnt-offering, the meal-offering...."

17 If the meat [of a sacrificial offering] touched a cake and [its flavor] was absorbed in a portion of it, [the cake] does not become sanctified in its entirety. Instead, one should cut off the portion in which it was absorbed.

18 [The following laws apply to] a utensil in which sacrificial food and ordinary food were cooked together or sacrifices of the highest degree of sanctity were cooked together with sacrifices of a lesser degree of sanctity. If there is a sufficient amount [of the sacrificial food] to impart its flavor, the entire mixture must be eaten according to the laws governing the food of the most severe category. The utensil must be thoroughly washed and rinsed according to the laws governing the food of the most severe category. If it did not impart its flavor to them, the foods of the more lenient category need not be eaten according to the laws governing the food of the most severe category and they are not governed by their laws at all. The utensil [in which the mixture was cooked], however, must be thoroughly washed and rinsed.

19 When the blood of a sin-offering sputtered on a garment and then that garment was taken out of the Temple Courtyard, it should be returned to the Temple Courtyard and washed there.

What should be done if [the garment] became impure outside the Temple Courtyard? It should be torn so that it will become pure. He should then

bring it into [the Temple Courtyard] and wash it there. He must leave intact a portion of the garment the size of a handkerchief, for [the relevant verse] speaks of a "garment," i.e., a garment must be washed. Even though [the remnants of the garment] are impure due to Rabbinic decree, because of the remnant the size of a handkerchief, since the majority of it is torn, it is ritually pure according to Scriptural Law and it is permitted to bring it into the Sanctuary to wash out the blood.

20 What should be done when blood from a sin-offering sputtered on [the High Priest's] cloak, it was taken out [of the Temple Courtyard], and became impure? [The difficulty is that] one who tears it is liable for lashes, as we explained. He should bring it into [the Temple Courtyard] less than three fingerbreadths at a time and wash it in [the Temple Courtyard]. After all the blood has been washed off it little by little, it should be immersed [in a *mikveh*] outside [the Temple Courtyard].

21 When an earthen-ware utensil in which a sin-offering was cooked was taken out of the [Temple] Courtyard, it should be brought back in and broken there. If it became impure outside the Temple Courtyard, it should be perforated to the extent that a small root [could protrude through it] so that it will be ritually pure, and then bring it back inside [the Temple Courtyard] and break it there. If it is broken with a larger hole, it should not be broken in [the Temple Courtyard], because only utensils are broken there.

Similarly, when a metal utensil in which [sin-offerings] were cooked was taken out of the [Temple] Courtyard, it should be brought back in and

thoroughly washed and rinsed there. If it became impure when it was taken out, its [bottom] should be opened until it becomes pure and then it should be brought back inside [the Temple Courtyard] [The metal] should then be flattened so that the opening becomes closed as is the form of utensils. Afterwards, it should be thoroughly washed and rinsed in the Temple Courtyard, as [**Leviticus 6:21**] states: "If [it was cooked] in a copper utensil, [it should be thoroughly washed and rinsed with water]." [Implied is that] only "utensils" are thoroughly washed in the Temple Courtyard.

Chapter 9

1 It is a positive commandment to offer the guilt-offerings according to its statutes as they are written in the Torah. How are the guilt-offerings brought? Both the definite guilt offerings and the conditional guilt-offerings should be slaughtered and their blood should be sprinkled on the altar, as we explained. They are skinned, the portions offered on the altar are removed, salted, and tossed on [the altar's] pyre. If one desires to carry [these portions] to the altar in a [sacred] utensil, he may. The remainder of the meat is eaten by males of the priestly family according to [the laws that govern the consumption of] sin-offerings.

2 There is a difference with regard to [the laws governing] the acceptance of the blood of the guilt offering brought by a person who had been afflicted with *tzara'at*, as will be explained in *Hilchot Mechusrei Kapparah*. Nevertheless, all of its other procedures, the sprinkling of its blood on the

altar, and its consumption are analogous to that required for other guilt-offerings in all regards.

3 It is a positive commandment to offer all the peace-offerings as commanded. There are four types: one is the communal peace-offerings and the [other] three are individual peace offerings.

4 What is the procedure for bringing the communal peace offerings? [The sacrificial lambs] should be slaughtered and their blood should be sprinkled on the altar, as we explained. They are skinned, the portions offered on the altar are removed, salted, and brought to be consumed by [the altar's] pyre. The remainder [of the meat] is eaten by males of the priestly family according to [the laws that govern the consumption of] a sin-offering and a guilt-offering, for these [sacrifices] are also sacrifices of the most sacred order, as we explained.

5 There are three types of individual peace-offerings:

a) a peace-offering that is brought without bread, e.g., the festive peace-offering or the peace-offering of celebration, they are called peace-offerings;

b) peace-offerings brought with bread because of a vow or a pledge; these are called thanksgiving offerings and the bread is called the bread of the thanksgiving offering;

c) the peace-offering brought by a nazirite on the day he completes his nazirite vow; this offering is accompanied by bread and is called the nazirite's ram.

6 What is the procedure for bringing these three [types of offerings]? [The sacrificial animals] should be slaughtered and their blood should be sprinkled on the altar, as we explained. They are skinned and the portions offered on the altar are removed. Afterwards, the meat is cut up and the breast and the right thigh are set aside. The portions to be offered together with the breast and the thigh are placed on the hands of the owners. A priest places his hands below the hands of the owner and performs *tenufah* with all these items "before God," to the east [of the Altar]. Whenever there is a requirement for *tenufah*, it is performed to the east [of the Altar].

7 How is *tenufah* performed? [The items] are taken [to each of the directions] and returned, lifted up and brought low. If the sacrifice was a thanksgiving offering, one should be taken from each [of the four] groups of ten breads that are brought with it and placed together with the breast, the thigh, and the portions offered on the altar. *Tenufah* should be performed with all of these items upon the owner's hands, as explained.

8 How are they placed on the owner's hands? The fats are placed on the owner's hands with the breast and the thigh above them. The two kidneys and the lobe of the liver are placed above them and if [the offering includes] bread, it is placed above them and *tenufah* is performed with all these items.

9 If the sacrifice was a nazirite's ram, [the priest] should remove the portions to be offered on the altar, set aside the breast and the thigh, and cook the remainder of the ram in the Women's Courtyard. The priest takes the

cooked foreleg from the ram and one from each [of the two] groups of ten breads that are brought with it, together with the breast, the thigh, and the portions offered on the altar and places everything on the nazirite's hands. The priest places his hands under the owner's hands and moves all [items] as we described.

10 What is meant by the breast? The portion [of the animal's body] that faces the ground that extends from the neck until the belly. Two ribs on either side should be cut off [and given to the priest] together with it. What is meant by the foreleg? The portion from the upper-joint until the ankle joint; two limbs, one connected with the other. The foreleg that is mentioned refers to the right foreleg. The corresponding portion in the rear leg is the thigh that is referred to universally.

11 After *tenufah* is performed with [these portions], they are offered on the pyre of the altar except for the breast and the thigh that are eaten by the priests, as [**Leviticus 7:34**] states: "but the breast with which *tenufah* was performed and the thigh that was lifted up...." The remainder of the peace-offerings are consumed by the owner. The priests do not acquire the breast and the thigh until after the portions to be offered on the altar were placed on its pyre.

12 Similarly, the bread with which *tenufah* was performed from the thanksgiving offering and the nazirite's ram and the cooked foreleg are eaten by the priests. The remainder of the bread and the remainder of the meat are eaten by the owner. The bread with which *tenufah* was

performed together with the breast and the thigh is referred to as "the elevated portion from the thanksgiving offering." The cooked foreleg together with the breast and the thigh and the bread with which *tenufah* was performed are referred to as "the elevated portion from the nazirite's ram."

13 There is an unresolved doubt whether the bread from the elevated portion of the thanksgiving offering is categorized as *terumah* or not. Therefore one is not liable for death, nor to repay an additional fifth, [as one is when partaking of] *terumah*. Nor is a mixture of it subject to the laws of *dimua* as is a mixture of *terumah*.

14 If the person bringing the thanksgiving offering was a priest, the remainder of the bread may be eaten by the owner like a thanksgiving offering brought by an Israelite. For the bread that accompanies a thanksgiving offering or a nazrite's ram is not called a meal offering.

15 When two people bring a peace-offering in partnership, one should perform *tenufah* with the other's permission. Even if there are 100 [partners], one should perform *tenufah* for the sake of all of them. This does not apply with regard to *semichah*.

16 When a woman is the one bringing a sacrifice, she does not perform *tenufah* with it. The priest must perform that rite, for the sacrifice requires that *tenufah* be performed with it and a woman is unacceptable to perform that rite. A woman never performs *tenufah* except in two instances: a *sotah* and a female nazirite, as we explained. *Tenufah* should

always be performed before [the elements of the sacrifice] are brought close to the altar.

17 What is meant by the bread that is brought together with the thanksgiving offering? One should take 20 *isaronim* of fine flour. He should make ten *isaronim* leavened and ten unleavened. The ten that are made leaven should be made into ten loaves.

18 How are they made leavened? He should bring enough yeast to cause the dough to leaven and place it in the measure of an *isaron*. He then fills the measure. Even though ultimately, [the measure] will be lacking or excessive because of the yeast, for at times [the yeast] will be thick and hard and at times it will be soft [and inflated], we are concerned only with its measure at the present time. Hence he should measure full *isaronim*.
From the ten *isaronim* for the unleavened bread, he should make 30 loaves of the same size, ten of each [of the following three] types: ten loaves baked in an oven, ten loaves of flat-cakes, and ten loaves of fried cakes.

19 How are the fried cakes prepared? [The cakes] should be scalded with boiling water. Then they should be baked slightly and then fried in oil in a roasting pot or the like, like doughnuts and fried. A large amount of oil is used for them. This is the deep frying process mentioned in all places.

20 How much oil is used to prepare these 30 loaves? Half a *log* of oil. This measure is a halachah communicated to Moses from Sinai. A fourth is used for the fried doughballs, an eighth for the loaves [baked in the oven], and an eighth for the wafers.

21 With regard to the loaves [that are baked]: their flour should saturate in the eighth [of a *log*]. Afterwards, they should be kneaded and baked. The oil should be poured over the wafers after they have been baked.
The priest takes four loaves from the entire [mixture], one of each type, as [**Leviticus 7:14**] states: "One from each [type], a sacrifice."

22 When one made [only] four loaves for the bread for the thanksgiving offering, he has fulfilled his obligation. [The Torah] mentions 40 only as [the optimum way of fulfilling] the mitzvah. [This applies] provided he separates a *challah* from each of the types of sacrifices while they are still dough. For a piece of bread may not be separated [as a sacrificial portion]. [This is implied by the prooftext:] "One from each [type], a sacrifice," that the priest should not receive a portion.

23 What is meant by the bread that is brought together with the nazirite's ram? He should take six and two thirds *isaronim* of flour and make 20 equal sized loaves from them. They must all be unleavened bread. Ten should be wafers with oil poured over them and ten loaves whose flour was saturated in oil. The entire amount should be baked in an oven. A fourth [of a *log*] of oil is used for them. This measure is a halachah communicated to Moses at Sinai. The priest takes two of the loaves, one from each type.

24 Each of the two types of bread [brought by] a Nazirite and the four types of bread brought for the thanksgiving offering is an absolute necessity. The bread for both these offerings is prepared outside the Temple

Courtyard.

25 How are the firstborn, tithe, and Paschal sacrifices offered? After their blood is poured on the altar as we explained, they are skinned, the portions offered on the altar are removed, salted, and placed on [the altar's] pyre. The remainder of the meat of the firstborn offering is eaten by the priests. The remainder of the meat of the tithe sacrifice is eaten by the owner. The remainder of the meat of the Paschal sacrifice is eaten by those enumerated upon it according to its laws, as will be explained in *Hilchot [Korban] Pesach*.

Chapter 10

1 It is a positive commandment for the sin offerings and the guilt-offerings to be eaten, as [**Exodus 29:33**] states: "And they shall eat [the sacrifices] which convey atonement." The priests eat the sacrifices and the owners receive atonement. This also applies to other sacrifices that are eaten by the priests; partaking of them is a mitzvah.

2 Similarly, partaking of the portion that remains from the meal offerings is a positive commandment, as [**Leviticus 6:9**] states: "What remains of it shall be eaten by Aaron and his sons."

3 The sin-offering, the guilt-offering, and the remnants of the meal-offering may be eaten only by males of the priestly family in the Temple Courtyard. If they were eaten in the Temple building, their consumption is [acceptable], as [indicated by **Numbers 18:9-10**]: "For all of their meal-

offerings, for all of their sin-offerings, and for all of their guilt-offerings.... In the most holy place, you shall partake of it. All males shall partake of it." Similarly, the communal peace-offerings are similar to the sin-offerings and the guilt-offerings, as we explained.

4 The breast and the thigh of the peace-offerings are eaten by both males and females of the priestly family, for with regard to these [**Numbers 18:11**] states: "I have given it to you, to your sons and your daughters." This also applies to the elevated portions of the thanksgiving offering and the nazirite's ram, [*ibid.*:19] states: "All of the elevated portions of the consecrated [offerings] that the children of Israel shall raise up have I given to you, your sons, and your daughters."

5 The same applies with regard to the firstborn offering, for concerning it [*ibid.*:18] states: "Their meat shall be yours, like the breast with which *tenufah* was performed and the right thigh."

All of these [portions of sacrificial meat] that may be eaten by the women of the priestly family may be eaten by the priests' servants and their wives, like *terumah*. All [these sacrifices] may be eaten throughout the city [of Jerusalem], as [**Leviticus 10:14**] states: "And the breast with which *tenufah* was performed and the thigh that was lifted up shall you eat in a pure place." It was not specified that they [be eaten] "in a holy place," which would mean "the Temple Courtyard," but "in a pure place." This refers to the camp of the Israelites. The parallel with regard to future generations is the city of Jerusalem.

The same laws apply to the tithe offering and the Paschal sacrifice, for

they are sacrifices of lesser sanctity like the peace-offerings. The windows and the thickness of the wall is considered as being within [the city].

6 The peace-offerings may be eaten on the day they were slaughtered, throughout the [following] night, and throughout the following day until sunset, as [**Leviticus 7:16-18**] states: "On the day when his sacrifice was offered, it shall be eaten and on its morrow... If one would partake of the peace-offering on the third day...." Thus one can derive that they may be eaten for two days and one night. [This applies both] to the portion of the priests and the portions of the owners. This also applies to the firstborn and tithe offerings, for they are also sacrifices of a lesser degree of sanctity, like the peace-offerings.

7 The thanksgiving-offering, by contrast, even though it is one of the sacrifices of lesser sanctity, may be eaten only on the day of its sacrifice and the [following] night, as [*ibid.*:15] states: "It shall be eaten on the day it was offered. Do not leave anything from it until the morning." This also applies to the nazirite's ram and the bread which accompanies [these offerings], both to the portion of the priests and the portion of the owner. This also applies to the sin-offering, the guilt-offering, the communal peace-offerings, and the remainder of the meal-offerings. All of these are eaten for a day and [the following] night, as it is written: "It shall be eaten on the day it was offered." This appears to include all of the sacrifices with the exception of the peace-offerings concerning which the Torah explicitly [stated otherwise] and the firstborn and tithe offerings which resemble the peace-offerings.

8 According to Scriptural Law, all of these [sacrifices] that may be eaten on the day [of their sacrifice] and the [following] night may be eaten until dawn. In order to separate a person from sin, our Sages said that they may only be eaten until midnight.

9 All of the sacrifices - both those of the highest degree of sanctity and those of a lesser degree - may be eaten only by those who are ritually pure and who are circumcised. Even if the duration of the person's impurity has concluded, but he has not brought the [necessary] atonement, he may not partake of sacrificial foods. A *tumtum* may not partake of sacrificial foods, because there is an unresolved doubt whether he is uncircumcised. It appears to me that an *androgynus* may partake of sacrifices of lesser sanctity.

10 It is permitted to eat sacrificial meat together with any other food. Even the priests are permitted to eat their portions - both from the sacrifices of the highest degree of sanctity and those of a lesser degree - together with any other food. And they may change the manner [in which it is prepared] to be eaten, eating them roasted, lightly cooked, or thoroughly cooked and to spice them with spices that are not consecrated. They may not, however, spice them with spices that are *terumah*, lest this cause the *terumah* to be disqualified.

The bones that remain are permitted [to be used for any purpose]. A person may make any utensil he desires from them.

11 If there was only a small amount [of sacrificial meat], ordinary food and

terumah should be eaten with it so that it will be eaten in a satisfying manner. If there is a large amount [of sacrificial meat], ordinary food and *terumah* should not be eaten with it so that one will not have overeaten. Similar concepts apply with regard to the remainder of the meal offerings.

12 A sin-offering and a guilt-offering should not be cooked together with the elevated portion of the thanksgiving-offering or the elevated portion of the nazirite's ram because doing so restricts the type of people able to partake of them and the place where they can be eaten. Nor may one [cook] the elevated portion of the thanksgiving-offering or the elevated portion of the nazirite's ram with the breast and thigh of the peace-offering because doing so restricts the time in which they may be eaten. Nor may the elevated portion of yesterday's peace-offering [be cooked] with a sin-offering or a guilt-offering brought today because doing so restricts the type of people able to partake of them, the place where they can be eaten, and the time in which they may be eaten.

One may, however, cook sin-offerings and guilt-offerings together, the thanksgiving offering and the nazirite's ram together, and the firstborn offering and the breast and the thigh [of the thanksgiving offering] together.

If one cooked a piece [of meat] from the sacrifices of the most sacred order, one that was *piggul*, or one that was *notar* with other pieces of sacrificial meat, those other pieces are forbidden to non-priests and permitted to priests.

13 When meat from the sacrifices of the most sacred order or sacrifices of

lesser sanctity is cooked together with ordinary meat, the ordinary meat is forbidden to those who are ritually impure and permitted to those who are ritually pure.

14 With regard to a burnt-offering, [**Leviticus 7:8**] states: "The hide of the burnt-offering which the priest sacrificed will belong to him." With regard to a sin-offering, [*ibid.* 6:19] states: "The priest who performs the sin-offering shall partake of it." With regard to a guilt-offering, [*ibid.* 7:7] states: "It will belong to the priest who brings about atonement because of it." With regard to a peace-offering, [*ibid.*:14] states: "It will belong to the priest who pours the blood of the peace-offering." And with regard to the meal-offering, it is written: "The priest who offers it shall partake of it."

In all the above instances, the verses are not referring [to the priest who actually brings the offering, but] to [any priest] who is fit to have done so. Any priest who is fit to perform the service has a right to share in the division [of the sacrifice] to partake of it. [Conversely,] one who is not fit [to serve] at the time it is offered, e.g., he was ritually impure, does not have a right to share in the division [of the sacrifice] to partake of it even if he will regain ritual purity in the evening.

With regard to the division, the entire [matter] is given to the men of the clan who offer sacrifices that day. They all share in the division of all of the sacraments of the Temple, each man [receiving the same portion] as his brother, whether he was the one who offered the sacrifice or he was together with him in the Temple, but did not offer the sacrifice.

15 Why did the verse make a distinction between the meal-offerings that are

baked and the meal-offerings of flour? For with regard to [the meal-offerings] that are baked, [**Leviticus 7:9**] states: "Any meal-offering that is baked in an oven... it will belong to the priest who offers it" and with regard to the meal-offerings of flour [*ibid.*:10] states: "Any meal-offering that is mixed with oil or that is parched shall belong to all the sons of Aaron, every man like his brother."

[The following explanation can be given:] When [the meal-offerings] that are baked are divided among the members of the clan, whenever a person receives a portion, even if it is [merely] an olive-sized portion of bread, it is fit for him to partake of it, because it may be eaten immediately. When, however, we are speaking of flour, if [such an offering] will be divided among them, there will be those who will receive only a handful of flour or less. This is not fit either to be kneaded into dough or to be baked. Hence, one might think that one meal offering should be apportioned in consideration of another meal-offering instead of dividing each meal-offering individually among all the members of the clan. Therefore it is necessary for the Torah to state [that it] "shall belong to all the sons of Aaron, every man like his brother," i.e., that it is divided individually.

On this basis, our Sages said: that a meal offering is not divided in consideration of another meal-offering, not even one offering brought in a flat frying pan in consideration of another such offering or one flour-offering in consideration of another such offering. Instead, what remains from every [offering] is divided individually.

16 Similarly, an offering of fowl is not apportioned in consideration of another such offering, nor a sin-offering in consideration of another such

offering, nor a breast and a thigh in consideration of another such portion. Instead, every [sacrificial portion] is divided among all [the members of the clan] equally.

17 Even though it is permitted to feed a minor [meat even] from sacrifices of the highest degree of sanctity, he is not given a portion, even from sacrifices of a lesser degree of sanctity. Similarly, a woman and an *androgynus* are not given a portion of the sacrifices from the Temple at all, as [the above verse] states: "Every man like his brother."
[A priest] who has a disqualifying physical blemish - whether permanent or temporary, whether he was born with it or born unblemished and later disqualified - receives a portion of the sacrifices and may partake of them, as [**Leviticus 21:22**] states: "The food of his God, of the most sacred order... he may eat." [The above applies] provided he is fit to partake [of the sacrifice at the time it is offered]. If, however, he is impure, he is not given a portion to eat in the evening.

18 The High Priest may partake [of any of the sacrifices] without a division having been made. Rather, he may take whatever he desires.

19 All [priests] who are fit to partake of sacrificial foods at the time the sacrifice is offered receive a share [of the sacrifice] to partake of. All [priests] who are not fit to partake of sacrificial foods at the time the sacrifice is offered, even though they are fit to perform sacrificial service and will be fit to partake [of the sacrifice in the evening] do not receive a share [of the sacrifice] to set aside until the evening.

What is implied? A priest who has immersed that day, one who is lacking in atonement, or one who is *onein* on the day of burial, whether a High Priest or an ordinary priest, should not receive a share of the sacrifices in order to partake of them in the evening.

20 All [priests] who are not fit to partake of sacrificial foods are not fit to perform sacrificial service with the exception of a High Priest who is an *onein* who may offer sacrifices, but may not partake [of sacrificial foods], as we explained. All [priests] who are not fit to perform sacrificial service are not fit to partake of sacrificial foods except one disqualified because of a physical blemish [whose license to partake of sacrificial foods] is explicitly stated in the Torah.

21 All [priests] who do not receive a portion of the sacrificial meat do not receive a portion of the hides of the sacrifices. Even if a priest was impure at the time when the blood [of a sacrifice] was sprinkled on the altar, but pure at the time its fats were offered on the altar's pyre, he does not receive a portion of the sacrificial meat, as [**Leviticus 7:33**] states: "One who offers the blood of the peace-offering and the fat from the sons of Aaron, to him the right thigh will be [given] as a portion." [Implied is that] the priest must be pure and fit to perform service from the time [the blood] is sprinkled until after the fats are offered.

22 If [a priest] became impure after [the blood of the sacrifice] was sprinkled [on the altar] and immersed himself and thus was also pure when the fats were offered on the altar's pyre, there is an unresolved question whether or

not he receives a portion. Therefore if he grabs a portion, it is not expropriated from him.

23 When a communal sacrifice is offered in a state of impurity, even though impure priests [could have] offered it, they do not receive a portion together with the priests who are pure to partake of it in the evening, because they are not fit to partake of it [at the time it is offered].

Chapter 11

1 Anyone who eats an olive-sized portion of the meat of a burnt-offering, whether before its blood is sprinkled [on the altar] or afterwards, is liable for lashes, as [implied by **Deuteronomy 12:17**]: "You may not eat in your gates the tithe of your grain... and [the sacrifices brought because of] the vows that you take." According to the Oral Tradition, it was taught that this is a warning against partaking of the meat of a burnt-offering.

2 Its fat, its meat, and the flour, oil, and wine of its accompanying offering - all five [of these components] can be combined to comprise this olive-sized portion.

3 Similarly, one who partakes of an olive-sized portion of any of the portions of the sacrifices to be offered on the altar's pyre, whether before the blood [of the sacrifice] is sprinkled [on the altar] or afterwards, whether he is a priest or an Israelite, is liable for lashes. For the portions to be offered on the altar's pyre must be totally consumed like the totality of the burnt offering. Now [**Leviticus 6:16**] states with regard to a meal-

offering of a priest: "It shall be totally consumed; it should not be eaten." [From this, we derive that] there is a negative commandment [prohibiting] partaking of anything that should be consumed by [the fire of] the altar. One is liable for lashes for eating an olive-sized portion [of such substances].

Similarly, anyone who eats an olive-sized portion of any of the sin-offerings that must be burnt is liable for lashes, as [*ibid.*:23] states: "Any sin-offering whose blood is brought into the Tent of Meeting... should not be eaten. It should be burnt with fire."

4 Anyone who partakes of an olive-sized portion of the meat of any of the sacrifices - even sacrifices of a lesser degree of sanctity - before their blood is sprinkled [on the altar] is liable for lashes, as it is written: "You may not eat in your gates the tithe of your grain, your wine, and your oil... and [the sacrifices brought because of] your pledges." Implied is that you may not eat [the sacrifices brought because of] your pledges in your gates before their blood is sprinkled [on the altar] in God's gates.

According to the Oral Tradition, it was taught that this is a warning against partaking of [the meat of] a thanksgiving-offering or a peace-offering before the sprinkling of its blood. This also applies to [the meat of] other sacrifices, whether sacrifices of the highest order of sanctity or those of a lesser degree. The six components of the thanksgiving offering, the fat, the meat, the flour, the oil, the wine, and the bread, may all be combined to comprise the olive-sized portion [for which one is liable].

5 Anyone who partakes of an olive-sized portion of the meat of any of the

[sacrifices of] the most sacred order that was taken outside of the walls of the Temple Courtyard, and meat from [sacrifices of] a lesser degree of sanctity that was taken outside Jerusalem, is liable for lashes, as [implied by] the verse: "You may not eat in your gates the tithe of your grain, your wine, your oil, and the firstborn of your cattle and your sheep...." According to the Oral Tradition, it was taught that this is a warning against partaking of [the meat of] a sin-offering or a guilt-offering outside the Temple Courtyard. Similarly, one who partakes of [the meat of] the sacrifices of lesser sanctity outside Jerusalem is liable for lashes. For with regard to sacrifices of a lesser degree of sanctity, the walls of Jerusalem are comparable to the walls of the Temple Courtyard with regard to sacrifices of the most sacred order. [Included equally are] the meat of the sin-offerings and the guilt-offerings and what remains of the meal-offerings.

6 Meat from [sacrifices of] the most sacred order that was taken outside of the walls of the Temple Courtyard, and meat from [sacrifices of] a lesser degree of sanctity that was taken outside Jerusalem, is disqualified and is forbidden forever. Even if it is taken back to its place, it is forbidden to partake of it. One who eats an olive-sized portion of it is liable for lashes, as [implied by **Exodus 22:30**]: "Meat in a field [from an animal that is] *treifah*, you shall not eat." Once meat has left its designated place, it is considered as *treifah*, as we explained in *Hilchot Ma'achalot Assurot*.

7 If meat from [sacrifices of] a lesser degree of sanctity was taken into the Temple Building, it is acceptable.

8 A non-priest who ate an olive-sized portion of meat from sacrifices of the most sacred order in the Temple Courtyard after their blood was sprinkled [on the altar] is liable for lashes, as [**Exodus 29:33**] states: "And they shall partake of [the sacrifices] which bring them atonement... and a non-priest shall not partake of them." [The association teaches that when sacrificial meat] was eaten by a non-priest in a place where a priest partakes of it and at a time when it is fit to be eaten, he is liable for lashes. If, however, a non-priest ate an olive-sized portion of meat from sacrifices of the most sacred order outside [the Temple Courtyard], he is liable for lashes for partaking of the sacrificial meat outside [the Temple Courtyard] and not because [of the prohibition against] a non-priest partaking of sacrificial foods, for they are not fit to be eaten by priests there. Similarly, if [a non-priest] partook of [such meat] in the Temple Courtyard before [the blood] was sprinkled [on the altar], he is liable for lashes only for partaking [of the meat] before the sprinkling of the blood, not because of [partaking of it] as a non-priest.

9 A non-priest who ate an olive-sized portion of meat from a sin-offering from fowl is liable for two sets of lashes: one because he is non-priest partaking of sacred meat and one because he is partaking of a *neveilah*. For every [fowl killed by] *melikah* is a *neveilah*. When license was granted to partake of it, it was granted to priests, but not to non-priests. These two prohibitions are considered as two prohibitions that take effect at the same time, as we explained.

Chapter 12

1 Meal-offerings are a type of sacrifice. The meal-offerings that are offered independently and not as part of the accompanying offerings include both communal meal-offerings and individual meal-offerings.

2 All of the meal-offerings are brought from fine wheat flour with the exception of the meal offering of a *sotah*, and the *omer* with which *tenufah* is performed, which are brought from barley.

3 There are three types of communal meal-offerings:
a) the *omer* with which *tenufah* is performed. [A portion of] it is offered on the altar, as will be explained.
b) the two breads offered on Shavuot. They are called a meal-offering, but are not offered on the altar and are *chametz*. Concerning them, [**Leviticus 2:12**] states: "You shall offer them as a sacrifice of first fruits to God, but they shall not be offered on the altar."
c) The third meal-offering is the showbread that is brought every Sabbath. They are not offered on the altar, but instead are eaten entirely by the priests, as will be explained.

4 There are nine types of individual meal-offerings. They are all offered on the altar. They include:
a) the meal-offering of a sinner when he is obligated to bring a sin-offering, but is financially incapable.
b) the meal offering of a *sotah*; it is the meal-offering of jealously. The manner in which it was offered has already been described.
c) the meal-offering that every priest brings at the outset when he enters

the Temple service the first time. He brings it himself. It is called the meal-offering of initiation.

d) the meal-offering that the High Priest would offer every day. It is called the *chavitin* [offering];

e) a meal-offering of fine flour. It is brought as either a vow or a pledge;

f) a flat-pan flour-offering. It is brought as either a vow or a pledge;

g) a deep-pan flour-offering. It is brought as either a vow or a pledge;

h) a flour-offering baked in an oven. It is brought as either a vow or a pledge;

i) an offering of wafers. It is brought as either a vow or a pledge.

5 With regard to all of the meal-offerings that are brought to the altar, none may be less than an *isaron*, this an absolute requirement for the offering to be acceptable.

A person may pledge and vow as large a quantity as he desires, even 1000 *isaronim* for any of the five meal-offerings that are brought as a pledge or a vow. By contrast, the meal-offering of the *omer*, the meal-offering of a sinner, the meal-offering of jealously, the meal-offering of initiation, and the *chavitin* offering must each be one *isaron*, neither more or less.

6 All of the meal-offerings that are brought to the altar must be brought close to the altar on its western side, facing the tip of its southwest corner. *Tenufah* is not required for them with the exception of the meal-offering of a *sotah* and the *omer* [offering]. Both of them require both *tenufah* and being brought close to the altar.

7 All of the meal-offerings that are brought to the altar require that oil and frankincense be placed upon them, a *log* of oil for every *isaron* [of flour] and a handful of frankincense for every meal-offering whether it comprised one *isaron* or 60 *isaronim* - [the latter measure is mentioned because] more than 60 *isaronim* are never brought in one container, as will be explained - with the exception of the meal-offering of jealously and the meal-offering of a sinner, as [**Leviticus 5:11**] states: "He shall not place oil upon it, nor shall he place frankincense upon it."

8 If one placed [oil and/or frankincense on these offerings] and offered them, he is liable for the oil individually and the frankincense individually. If one placed a container holding oil or frankincense on the offering, he does not transgress, nor does he disqualify [the offerings]. Oil must be added to each of the initiation and *chavitin* meal-offerings, as will be explained.

9 A handful is taken from all of the meal-offerings that are brought to the altar. That handful is offered on the altar in its entirety and the remainder [of the offering] is eaten by the priests with the exception of a meal-offering brought by a male priest. A handful is not taken from such an offering. Instead, the entire offering is offered on the altar's pyre, as [**Leviticus 6:16**] states: "Every meal-offering from a priest [is offered on the pyre in its entirety]." From this we learn that all [of the following offerings]: an initiation and *chavitin* meal-offering or a meal-offering of a sinner or a free-will meal-offering brought by a priest are all offered on the altar's pyre and a handful is not taken from them.

10 A handful is taken from a meal-offering brought by a woman of the priestly family as it is taken from the meal-offerings brought by Israelites and the remainder of it is eaten.

11 When sons [from a priestly family and one of Israelites] become intermingled and each of their identities are doubtful, a handful is taken from a meal-offering [brought by either], as is done with regard to a meal-offering brought by an Israelite, but [the remainder] is not eaten, as is done with a meal-offering brought by a priest.
What is done? The handful alone is offered on the altar and the remainder is scattered over the ash heap.

12 The meal-offerings brought by all women married to a priest - whether from the priestly family or Israelites - are not eaten, because of the portion of the husband [present within them], nor is it offered on the pyre in its entirety, because of the portion of the woman. Instead, a handful alone is offered on the altar and the remainder is scattered over the ash heap.
The handful may be taken in any place within the Temple Courtyard. If it was taken in the Temple Building, it is acceptable.

13 A meal-offering may be consecrated by [placing the flour] in a container [even] while it is placed on the ground. [Similarly,] the handful may be taken from a container [placed] on the ground, [but] the handful may not be consecrated in a container [placed] on the ground.
When is the remainder of a meal-offering permitted to be eaten? When the fire [of the altar] has consumed most of the handful.

14 All of the meal-offerings that are brought to the altar are unleavened. Similarly, although the remaining portions of the meal-offerings that may be eaten by the priests may be eaten with all foods and with a sweetener, they may not be eaten while leavened, as [**Leviticus 6:10**] states: "It shall not be baked leavened; their portion...." [Implied is that] even their portion may not be leavened. If they cause the remaining portion to become leavened, they are liable for lashes. One who performs an act that causes [the remaining portion of the meal-offering] to be leavened after it was leavened, is liable. One is liable for each act [that causes the remnants of the meal-offering to leaven].

15 What is implied? If one mixed [the remnants of a meal-offering] with water in a manner that causes them to leaven, one kneaded them in a manner that causes them to leaven, one shaped the loaves in such a manner, or baked them in such a manner, he is liable for lashes, as [**Leviticus 2:11**] states: "It shall not be prepared as leavened." [Now it is also written:] "It shall not be baked leavened." [Why are the two verses necessary?] To make one liable for every individual act performed [in its preparation]. If one prepared it as leavened from the beginning to the end, one is liable for lashes for every individual act performed.

16 If one left yeast on a dough and then departed and sat elsewhere and [let] it leaven on its own accord, he is liable for lashes, for placing yeast [on the dough] is a deed.

17 If one dipped the remainder [of a meal-offering] in caraway or sesame

seeds or any type of spice or oil, it is acceptable. It is *matzah*; it is merely called spiced *matzah*.

18 A person who causes a meal-offering that was disqualified to become leavened is exempt, as [implied by **Leviticus 2:11**]: "which will be offered to God; it should not be prepared as leaven." [We can infer that the prohibition applies when the offering is] acceptable to God, not when it is disqualified.

If one caused [a meal-offering] to become leaven while it was acceptable and then it was taken outside the Temple Courtyard, and he then caused it to leaven again after it was disqualified, he is not liable for lashes. If one caused [a meal-offering] to become leavened at the top of the altar, he is not liable for lashes, for it is written "which will be offered," and this [offering] was already offered and it is acceptable.

19 One who causes the showbread to become leaven is liable for lashes, for [the verse cited] states: "Any meal-offering." [Causing] the meal-offering of the accompanying offering [to leaven] does not incur liability for lashes. For if [the flour] was mixed with water, it was disqualified before it became leavened. And if it was mixed with the oil of the accompanying offerings, it is considered as fruit-juice and it does not cause [dough] to leaven.

20 We do not soak the wheat kernels for the meal-offerings, lest they leaven. For they would be soaked outside [the Temple Courtyard] and not everyone is ardent [enough] to watch them [so that they do not leaven].

With regard to the meal-offering of the *omer*, since it is a communal offering, [the kernels] are soaked, for [those acting on behalf of] the Jewish people as a whole are ardent and watch it.

21 All of the meal-offerings that are baked should be mixed with lukewarm water and watched so that they do not leaven. [This is permitted,] because they are mixed and baked within the Temple Courtyard and [the priests] inside [the Temple Courtyard] are ardent.

22 In the place where the sacrifices of the most sacred order are cooked, the meal-offerings are baked, as [**Ezekiel 46:20**] states: "This is the place where the priests will cook the guilt-offering and the sin-offering, where they will bake the meal-offering...."

23 The grinding and the sifting [of the flour] for the meal-offerings is performed outside [the Temple Courtyard], while the mixing of the dough, the kneading, and the baking are performed inside.
All of the acts [necessary to prepare it] are acceptable [when performed] by a non-priest until it reaches the stage where the handful [of flour] is separated. There were a flat frying pan and a deep frying pan in the Temple Courtyard. They were both considered as sacred utensils and caused [the substances placed in them] to be sanctified. The oven in the Temple Courtyard was made of metal.

Chapter 13

1 It is a positive commandment to prepare all of the meal-offerings

according to the commandments prescribed by the Torah.

2 How was the *chavitin* offering of the High Priest prepared? He would bring an entire *isaron* and sanctify it and then divide it in half with the half *isaron* measure in the Temple. [This was necessary,] because even though it was offered in half [portions], it was not sanctified in half portions. Three *lugim* of oil are brought with it, as [**Leviticus 6:13**] states: "You shall prepare it with oil," i.e., [an amount of] oil equivalent to the accompanying offering for a lamb should be added to it. The flour should be mixed with the oil and then scalded with boiling [liquid].
Each half *isaron* should be kneaded into six loaves. Thus there are a total of twelve loaves.

3 [These loaves] were prepared one by one.
How were they prepared? The three *lugim* of oil would be divided [into twelve] using the measure of a *revi'it* [of a *log*] that existed in the Temple, a *revi'it* for each loaf. The loaf would be baked some and then fried on the flat frying-pan with the remainder of its oil. It should not be cooked very much, for [**Leviticus 6:14**] uses the term *tufinei* which implies something between cooked and lightly cooked.

4 Afterwards, each loaf should be divided into two by approximation, so that half can be offered in the morning and half in the evening. He should take the halves and fold each one of them in half and then divide [the loaves at] the folds so that each flat cake will be folded in half. He then offers the halves with half of a handful of frankincense in the morning and

the remaining half with half a handful of frankincense in the evening.
If it is an initiation offering, it is not divided in half. Instead, it is offered entirely as a single entity together with the handful of frankincense. Both of them are consumed entirely by the altar's pyre.

5 How is a meal-offering of fine flour prepared? One brings an *isaron* - or several *isaronot* or [many,] according to his vow - of fine flour and the oil appropriate for it. The flour should be measured in the *isaron* measure of the Temple. Oil should be placed in a container and the flour poured upon it, and then other oil should be poured over the flour and the flour mixed in it. Afterwards, it is placed in a sacred vessel and oil is poured into it. The total of the oil placed first, that mixed with the flour, and that poured upon it is a *log* for an *issaron*. Frankincense is placed upon it.

6 How are a meal-offering [cooked in] a flat frying-pan and one [cooked in] a deep frying pan prepared? Oil should be placed in a container and the flour poured upon it and then other oil should be poured over the flour and the flour mixed in it. Afterwards, it should be kneaded with warm water and baked in a flat frying-pan or a deep frying-pan as he vowed. It is broken into pieces and placed in a sacred vessel and the remainder of the oil is poured upon it. [Then] its frankincense is placed [upon it].

7 What is the difference between a flat frying-pan and a deep frying pan? A deep frying-pan has an edge and the dough cooked in it is soft, because since it has an edge, [the dough] does not drip off. The flat frying-pan does not have an edge. The dough cooked in it is firm so that it will not

drip off to either side.

8 How is a meal-offering baked in an oven prepared? If it is of loaves, one should mix the flour with oil, knead it with warm water, and bake it. [Afterwards,] it is broken into pieces, placed in a sacred utensil, and its frankincense is placed upon it. Oil is not poured over it, as [indicated by **Leviticus 2:4**]: "loaves of *matzah* mixed with oil."

If it is of wafers, one should knead the flour with warm water and smear the wafers with oil, as [*ibid.*] states "wafers of *matzah* smeared with oil." It appears to me that they should be smeared after they are baked.

9 How are they smeared? One brings a *log* of oil for every *isaron* and smears them and then smears them again until all of the oil in the *log* is finished.

10 All of these four types of baked meal-offerings, when they are baked, they are baked when dividing [each] *isaron* into ten loaves. If, however, one added or subtracted loaves, it is acceptable.

How are they broken into pieces? Each loaf should be folded into two and then the double fold into four and then [the folds] should be separated. If the meal-offering was brought by males of the priestly family, they should not be separated and broken off. All of the pieces should be the size of an olive. If, however, one made them larger or smaller, [the offering] is acceptable.

11 If one did not mix [the oil into the meal], fold [the loaves], bring [the meal-offering to the corner of the altar], or smear the wafers [with oil], [the offerings] are acceptable. All of these matters were mentioned only as

a mitzvah, for it is a mitzvah [to bring the meal-offerings] in this manner.

12 What is the order in which the meal-offering is brought? A person should bring flour from his home in a container of silver, gold, or another type of metal, a container that is fit [to be sanctified] as a sacred vessel.

If it is a meal-offering of flour, he should place it in a sacred utensil and consecrate it in the sacred utensil. If it is one of the meal-offerings that are baked it should be baked there in the Temple and broken into pieces as we explained. The pieces should be placed into a sacred utensil and its oil and frankincense placed upon it. It should then be brought to a priest who brings it to the altar. He approaches the southwest corner of the altar with it. That is sufficient.

He then moves all of its frankincense to one side and gathers a handful from the place where the majority of its oil has collected, as [**Leviticus 2:2**] states: "[He shall take a full handful] from its flour and from its oil." He places the handful in a sacred vessel and consecrates it in the sacred vessel. If a handful [from a meal-offering] was divided into two vessels, it is not consecrated. [Instead,] he should go back and consecrate it [in a single vessel].

He should gather all of its frankincense and place it on the handful of flour in the vessel and take it up to the altar. He should salt it and place it on the pyre with a sacred utensil. If the meal-offering is brought by [male] priests, he does not take a handful. Instead, he salts the entire offering and tosses everything on the pyre.

13 How is a handful [of flour] taken from those meal-offerings from which it

is taken? As any person would take a handful. He extends his fingers over the palm of his hand and closes them.

If he gathered the flour only with his fingertips or from the side [of the container], he should not offer it on the altar's pyre. If he does so, nevertheless, it is accepted. If he added to the handful, i.e., he spread out his fingers and closed them, it is unacceptable.

14 A handful should not be less than two olive-sized portions. [Bringing every] portion of the handful is an absolute requirement in [bringing] the entire handful. [Bringing both] the handful [of flour] and the frankincense are absolute requirements for [bringing] either of them. [Bringing both] the flour and the oil are absolute requirements for [bringing] either of them. [Bringing] even a portion of the oil is an absolute requirement in [bringing] the entire quantity. Less than a *log* [of oil] should not [be brought] for every *isaron* of flour, as we explained.

Chapter 14

1 A person may vow or pledge to bring a burnt-offering, a peace-offering, or any of the five types of meal-offerings that may be brought as vows or as pledges. And he may vow or pledge [to bring] a meal offering from one of the three types of meal-offerings that serve as the accompanying offerings, as we explained. One may pledge or vow wine as an independent offering, frankincense as an independent offering, oil as an independent offering, or wood for the arrangement [of wood on the altar], for that is like a sacrifice, as [Nechemiah 13:31] states: "for the sacrifice of wood."

2 Two people may pledge or vow one sacrifice, a burnt-offering or a peace-offering, even one turtle-dove and large ordinary dove in partnership. A meal-offering, by contrast, may not be brought in partnership. These matters were conveyed by the Oral Tradition.

3 When a person set aside a meal-offering for [the merit of] his two sons and died, they may both bring it.

4 What is meant by a vow and what is meant by a pledge? When one says: "I promise to bring a burnt-offering," "I promise to bring a peace-offering," "I promise to bring a meal-offering," or "I promise to bring the value of this animal as a burnt-offering" or "...as a peace-offering," this is considered a vow. If, however, he said: "This animal..." or "The value of this animal is [designated as] a burnt-offering," or "...a peace-offering," or "This *isaron* [of flour] as a meal-offering," this is a pledge.

5 What is the difference between vows and pledges? If a person took a vow and separated a sacrifice and then it was lost or stolen, he is obligated to replace it until he offers the sacrifice he vowed. If a person made a pledge and said: "This [animal] is a sacrifice," he is not obligated to replace it if it died or was stolen.

6 When one says: "I promise to bring the value of this ox as a burnt-offering" or "I promise to bring the value of this house as a sacrifice," if the ox dies and the house falls, he is obligated to pay. If one says: "I promise to bring a burnt-offering on the condition that I am not obligated to replace it," he is not obligated to replace it.

7 We already explained that one who constructs a temple to offer sacrifices within, outside the Temple is not considered as [having built] a temple to a false divinity. If one says: "I promise to bring a burnt-offering to sacrifice in the Temple [in Jerusalem]," and he brings it in [such] a temple, does not fulfill his vow. If he vowed to offer it in such a temple and he offers it in the Temple [in Jerusalem], he fulfills his vow. If he offers in such a temple, he fulfills his vow. He is like someone who vowed to bring a burnt-offering on the condition that he is not obligated to replace it. He is liable for *karet* for offering [the sacrifice] outside [the Temple Courtyard]. Similarly, if one takes a vow saying that he is a nazirite on the condition that he shave in such a temple, he fulfills his obligation if he shaves there. He is considered as one who vowed to abstain from wine and he did so abstain. This is not considered as a nazirite vow.

8 A sin-offering and a guilt-offering may be brought only for a sin. They may not be brought because of a pledge or a vow. [Hence,] if one says: "I promise to bring a sin-offering" or "...a guilt-offering," his statements are of no consequence. [Similarly,] if he said: "This animal is [designated as] a sin-offering" or "...a guilt-offering," his statements are of no consequence. If he was obligated to bring a sin-offering or a guilt-offering and he said: "This [animal] is for my sin-offering" or "...for my guilt-offering" or "This money is for my sin-offering" or "...my guilt-offering," his statements are binding.

9 When a person says: "I promise to bring the sacrifices of this person afflicted by *tzara'at*" or "...this women who gave birth," if the afflicted

person or the women are poor, the one who took the vow should bring the sacrifices of a poor person. If they were wealthy, the person who took the vow must bring the sacrifice of a wealthy person even though he is poor.

10 [The following laws apply when] one says: "I promise to bring the sin-offering, burnt-offering, guilt-offering, and peace-offering of so-and-so." If that person agrees, he may allow him to bring those sacrifices for him and he receives atonement thereby. If he agreed at the time [the sacrificial animals] were set aside, but reneged and did not agree at the time they were offered, with regard to a burnt-offering and a peace-offering, they should be sacrificed and he receives atonement through them even if he does not consent at this time, because he agreed at the time [the sacrificial animals] were set aside. With regard to a sin-offering and a guilt-offering, by contrast, he does not receive atonement unless he consented from the beginning until the end.

11 One who says: "I promise to bring vows like the vows of the wicked who take upon themselves nazirite vows, sacrifices, and oaths," he is obligated in all [of his statements]. If he says: "...as the vows of the upright," he is not obligated in anything. If he says: "as the pledges of the upright," his vow is binding with regard to nazirite vows and sacrifices. All terms used to refer to sacrifices are considered as sacrifices.

12 Neither one who takes a vow or one who makes a pledge is liable unless his statements match his intent.

What is implied? If one had the intent of saying: "I promise to bring a burnt-offering," but he said "...a peace-offering" or he had the intent of saying: "I promise to bring a peace-offering," but he said "...a burnt-offering," his words are of no substance. If, [however,] he intended to take a vow to bring a burnt-offering and said: "a sacrifice," or he intended to say devotion offerings and he said: "consecrated property," his statements are binding, for a burnt-offering is a sacrifice, and something designated as devotion offerings is consecrated. Similar laws apply in all analogous situations.

With regard to vows and pledges, it is not necessary for him to make any verbal statements. He is obligated even if he made a firm resolve in his heart without saying anything. What is implied? If one made a resolve in his heart that an animal should be designated as a burnt-offering or that he should bring a burnt-offering, he is obligated. [This is derived from **Exodus 35:5**]: "All those generous of heart shall bring it." Generosity in the heart [alone is sufficient to] establish an obligation to bring. Similar laws apply in all analogous situations involving vows and pledges for the consecration [of sacrifices].

13 With regard to vows and pledges and other commitments that a person makes that obligated him, endowment obligations, pledges for worth, tithes. and the presents to the poor, it is a positive commandment of Scriptural origin to bring everything on the festival of immediate proximity, as [**Deuteronomy 12:5-6**] states: "And you shall come there and you shall bring your burnt-offerings, your sacrifices, your tithes,... your vows, your pledges..."], as if to say: When you come [to Jerusalem] to

celebrate a festival bring there everything that you are obligated and satisfy every obligation upon you.

If the festival arrived and he did not bring [the gifts in which he is obligated], he has negated the observance of a positive commandment. If three festivals pass without him bringing the sacrifices he vowed or pledged to bring or without giving the endowment obligations, devotion offerings, and pledges for worth, he violates a negative commandment, as [*ibid.* 23:22] states: "Do not delay in paying it." He does not violate the negative commandment until all of the three pilgrimage festivals of the year pass. Lashes are not given for the violation of this negative commandment, because it does not involve a deed.

14 If one consecrated an animal [to be offered] on the altar and [after] two festivals passed [without it being offered], it became blemished and it was redeemed for another animal, the person does not violate the negative commandment until three festivals pass without the second [animal being sacrificed].

Both a man and a woman are liable for the transgression [the prohibition against] delaying [the offering of a sacrifice]. An heir, however, does not violate this prohibition.

15 Despite the fact that three festivals passed, no [animal consecrated as] a sacrifice is disqualified. Instead, [such animals should be] sacrificed and they are acceptable. Each and every day that passes after the three pilgrimage festivals involves a violation of [the above] prohibition. The [Jewish] court is commanded to apply physical coercion to the person

immediately until he offers his sacrifices on the first festival that presents itself.

16 Even though [**Leviticus 1:3**] states that [a burnt-offering must be sacrificed] "willfully," he may be compelled until he says: "I desire." Whether he vowed [to bring a sacrifice] and did not set it aside or set it aside, but did not offer it, he may be compelled until he sacrifices it.

17 [The court] seizes collateral from all of those obligated to bring burnt-offerings or peace-offerings [to compel them to offer them]. Even though [the sacrifice] will not bring him atonement unless he desires to offer it, as [implied by] the term "willfully," he is compelled until he says: "I desire." Collateral is not seized from those obligated to bring sin-offerings and guilt-offerings, by contrast. [The rationale is that] since [the failure to bring these sacrifices] prevents [the people] from receiving atonement, we are not concerned that they will be sinful and delay [bringing] their sacrifices. [The only] exception is the sin-offering brought by a nazirite. Since [the failure to bring] it does not prevent him from drinking wine, he is compelled [to bring the offering], lest he delay it.

Chapter 15

1 When a person says: "The offspring of this [animal] is [consecrated] as a burnt-offering and it is [consecrated] as a peace-offering," his words are binding. [Should he say:] "It is [consecrated] as a peace-offering and its offspring as a burnt-offering," if that was his intent, his words are binding.

If, after he made a resolve in his heart and expressed verbally that [the offspring] should be a peace-offering, he retracted and said: "Its offspring is a burnt-offering," even though he retracted immediately, the offspring are [designated] as peace-offerings. For one cannot retract [pledges of] consecration even when one does so immediately.

2 When one says: "The right forefoot of this animal is a burnt-offering," or "The leg of this animal is a burnt offering," it should be sold to those obligated to bring burnt-offerings. The proceeds of the sale are considered as ordinary funds with the exception of the worth of that limb. [The above applies] provided the person obligated to bring a burnt-offering who purchased [the animal] vowed [to bring] a burnt-offering for a specific price.

If one says: "The heart [of this animal]..." or "The head of this [animal] is a burnt-offering," the entire animal is a burnt-offering, for he consecrated an organ upon which [the animal's] life depends. If one consecrated a limb from a fowl, there is an unresolved doubt whether or not the entire fowl becomes consecrated.

3 When one says: "Half of this animal is a burnt-offering and half is a peace-offering," it is consecrated, but it should not be offered. Instead, it should be allowed to pasture until it contracts a disqualifying physical blemish and then be sold. Half of the proceeds should be used to bring a burnt offering and half, a peace-offering.

If he was obligated to bring a sin-offering and he said: "Half of this animal is a sin-offering and half is a burnt-offering," or "...a peace-offering," or he

said: "Half of this animal is a burnt-offering..." or "...a peace-offering and half is a sin-offering," [the animal] should be left to die, as will be explained with regard to the sin-offerings that are left to die.

4 When one of the partners who owned half an animal consecrated his portion and then purchased the other half and consecrated it, it is consecrated and offered on the altar. Even though originally, when he consecrated half of it, it was unacceptable, the fact that it was originally unacceptable does not cause it to be unacceptable forever. Even though originally only its worth was consecrated, since it is a live animal, [we follow the principle:] "Living animals are never permanently disqualified." Since it is [ultimately] fit to be sacrificed, it should be sacrificed. [Moreover,] if one sought to transfer its holiness to another animal, the transfer is binding.

5 [Whether] one says: "The worth of this animal is a burnt-offering," or "This animal is a burnt-offering," if it is fit to be sacrificed as a burnt-offering, its body itself is consecrated and it should be sacrificed as a burnt-offering. If it is not fit [to be sacrificed], it should be sold and a burnt-offering brought with the proceeds of the sale.

6 If a person said with regard to an impure animal or another similar animal that is forbidden [to be offered] as a sacrifice that can never be consecrated: "Behold this is consecrated as a burnt-offering," his words are of no consequence. As we explained in *Hilchot Issurei Mizbeiach*, if he says: "These are [consecrated] for the sake of a burnt-offering," they

should be sold and a burnt-offering brought with the proceeds of the sale.

7 If a person said: "The worth of this cow is [consecrated] for the sake of a burnt-offering for an entire 30 day period. After 30 days, [it is consecrated for the sake of a peace-offering," or he said: "The worth of this cow is [consecrated] for the sake of a peace-offering for an entire 30 day period. After 30 days, [it is consecrated] for the sake of a burnt-offering," his words are binding. [Thus] if he [comes to] offer [a sacrifice from] the proceeds of its sale within 30 days, he should bring the type of sacrifice that he vowed. If he offers it after 30 days, he should bring the type of sacrifice that he vowed.

8 If a person possessed a pregnant animal and said: "Should it give birth to a male, it is a burnt-offering. Should it give birth to a female, it is a peace-offering," if the animal gives birth to a male, it should be sacrificed as a burnt-offering. If it gives birth to a female, it should be sacrificed as a peace-offering. If it gives birth to a male and a female, the male should be sacrificed as a burnt-offering and the female, as a peace-offering.

If it gives birth to two males, one should be sacrificed as a burnt-offering and the other sold for the sake of a burnt-offering, but the proceeds of the sale are ordinary money. If it gives birth to two females, one should be sacrificed as a peace-offering and the other sold for the sake of a peace-offering, but the proceeds of the sale are ordinary money. If it gave birth to a *tumtum* or an *androgynus*, they are not consecrated and they are like ordinary animals, as we explained. When a person consecrates a fetus, whose mother has a disqualifying blemish or the like, while it is in its

mother's womb, it is consecrated.

Chapter 16

1 When a person vows to bring a large animal, but instead brings a small one, he does not fulfill his obligation. [If he vows to bring] a small one and brings a large one, he fulfills his obligation.
What is implied? He said: "I promise [to bring] a lamb as a burnt-offering" or "...as a peace-offering," and he brings a ram, or he vowed a calf and brought an ox, or a kid and brought a goat, he fulfills his obligation.

2 If he vows to bring a burnt-offering either from lambs or from rams and brings a *pilgas*, there is an unresolved doubt whether or not he fulfilled his obligation. Similarly, if one vowed to bring a burnt-offering of fowl, from either turtle-doves, or ordinary doves and brought a fowl that began to sprout yellow feathers of both species, there is an unresolved doubt [whether or not he fulfilled his obligation].
If one vowed to bring a black[-colored animal] and brought one that was white, [vowed to bring] a white one and brought a black one, [vowed] a male and brought a female or vowed a female and brought a male, he did not fulfill his obligation.

3 When one takes a vow without specifying [the type of animal he is bringing], he should bring from the developed animals in the species he vowed to bring. If in his place [of residence], people commonly identify

one of [the type of sacrifices] with a specific species [of animals], he should bring [the type of animal brought by] the people of that locale.

What is implied? If a person vowed to bring a burnt-offering from cattle," he should bring an ox. Should he say: "I promise to bring a burnt-offering," if the practice of the people of that locale is to use the term "burnt-offering" without any description to refer even to a fowl offered as a burnt-offering, he may bring even one fowl, a turtle dove or an ordinary dove. If their practice is to use that term only when referring to a burnt-offering of cattle, he should bring an ox. Similar laws apply in all analogous situations.

4 A person who vowed to bring an ox, a ram, a lamb, a calf, or the like should not bring the frailest specimen of that species, because their value is minimal. Nor is he obligated to bring the nicest, stockiest specimen of which there is no better. Instead, he should bring an average animal. If he brought a frail animal, he fulfilled his vow.

5 When a person says: "I promise to bring an ox worth a *maneh*," he should bring an ox worth a *maneh* in that place aside from its accompanying offerings. If he brought two [oxen] for a *maneh*, he did not fulfill his obligation.

6 [The following rules apply when] a person says: "This ox is a burnt-offering" and it becomes blemished. If he desires, he may bring two for the price he receives for it. If he brings even one ram for the price he receives, he fulfills his vow.

If he says: "These two oxen are burnt-offerings," and they become blemished, should he desire, he may bring one with the money he receives for their sale. "This ram is a burnt-offering" and it becomes blemished, if he desires he may bring a lamb with the money he receives for its sale. Similarly, if he vows a lamb and it becomes disqualified, he may bring a ram with the money he receives for its sale.

7 If he says: "I promise to bring a burnt-offering" and he set aside an ox and it was stolen, he may fulfill his obligation with a sheep. If he says: "I promise to bring this ox or its value as a burnt-offering," [his commitment] is established as binding. If [the ox] is disqualified, he may bring only an ox with the money he receives for its sale.

8 If he says: "One of my sheep is consecrated and one of my oxen is consecrated," but he had two, the larger one is consecrated. If he has three, the larger one is consecrated, but concern should also be shown for the middle one.

What should be done? He should wait until the middle one becomes blemished so that the holiness will fall on the larger one alone. If he says: "An ox from my oxen is consecrated," the larger one is consecrated and concern need not be shown for the middle one.

9 If he designated one of [three animals as a sacrifice] and forgot [which one he designated] or his father told him "One of these animals was consecrated," he should designate the largest one as consecrated and, afterwards, he fulfills his obligation [with its sacrifice]. Similarly, if one

vowed to bring a burnt-offering from cattle and designated [an animal as a sacrifice to fulfill] his vow and [later] forgot whether he had designated an ox or a calf, he should bring an ox. Similarly, if he designated a sheep and forgot what he designated, he should bring a ram. If he designated a goat and forgot what he designated, he should bring a grown goat. If he forgot the species from which he designated the burnt-offering, he should bring an ox, a ram, and a grown goat. If he was in doubt that perhaps he designated the burnt-offering from fowl, he should also add a turtle-dove and an ordinary dove.

10 When a person vowed to bring a thanksgiving-offering or a peace offering, specifying that it would be brought from cattle, but forgot what he designated to bring, he should bring an ox and a cow. Similarly, if he is unsure with regard to sheep, he should bring a ram and a ewe. If he is unsure with regard to goats, he must bring a he-goat and a she-goat.
If he forgot the species from which he designated the sacrifice, he should bring an ox, a cow, a ram, a ewe, a he-goat, and a she-goat. If he said: "I promise to bring a burnt-offering of fowl," he should bring a turtle-dove or an ordinary dove. If he designated one particular species in his vow and forgot which one, he should bring both a turtle-dove and an ordinary dove.

11 When one says: "I promise to bring [an offering] for the altar," he should bring a handful of frankincense, for there is nothing that is offered entirely on the altar in its immediate state except for frankincense.
If he specified his vow, but forgot what he specified to bring, he should

bring every type of entity that is offered on the altar in its entirety. Therefore he should bring a burnt-offering of an animal, a burnt-offering of fowl, a meal-offering of flour, frankincense, and wine alone.

12 When a person says: "I promise to bring [an offering] worth a *sela* to the altar," he should bring a sheep, for there is nothing offered on the altar worth [exactly] a *sela* except a sheep. If he specified [a particular entity], but forgot what he specified, he should bring a *sela's* worth of everything that is offered on the altar.

13 When a person says: "I promise to bring frankincense," he should not bring less than a handful. If one says: "I promise to bring wood," he should not bring less than two logs as thick as a leveling rod that are a cubit long. "I promise to bring a piece of wood," he should bring one log a cubit long. If he desires to bring the worth of the logs, he may.

14 What should a person who vowed or pledged to bring oil do? He should take a handful of it, put salt on it, and toss it on the fire. The remainder is eaten by the priests like the remainder of the meal offerings.
What is done with wine that is brought independently? It is salted and then poured entirely down the *shittin* like the other libations. Frankincense which is brought independently should be salted and then offered on the pyre in its entirety.

15 When a person vowed [to bring a sacrifice], he should not bring it from money [for which] the second tithe [was redeemed]. [The rationale is that] he became obligated to bring this sacrifice and anyone who is

obligated to bring a sacrifice may bring it only from ordinary property.

16 If a person states: "I promise to bring a thanksgiving-offering from ordinary funds and its bread from the [second] tithe," he should bring its bread only from ordinary funds. [The rationale is that] he vowed to bring a thanksgiving-offering and that offering comes only when accompanied by bread which is from ordinary property.

17 If he explicitly said: "I promise to bring a thanksgiving offering from money from the second tithes and its bread from ordinary property," he may bring [the sacrifice] as he vowed. If he brought it all from ordinary property, he fulfilled his obligation. Similarly, if he explicitly said: "I promise to bring a thanksgiving-offering and its bread from the second tithe," he may bring it [as vowed]. He should not bring the bread from wheat that is the second tithe, but from [flour purchased with] money [for which] the second tithe was redeemed like the animal which was [purchased with] such money.

Even though he explicitly stated that he would bring the bread from [the money of] the second] tithe, he should not bring its libations from the money of the second tithe, for at all times, libations must be brought solely from ordinary funds, as explained. [The rationale is] that concerning [the libations], [**Numbers 15:4**] states: "The one who offers them shall offer his sacrifice." Implied is that the sacrifice must be his without having any dimension that belongs to the Most High.

Chapter 17

1 When a person vows to bring a meal-offering baked in an oven, he should not bring one baked in a *kopach*, one baked on rafters,or one baked in Arab pits.

2 When one says: "I promise to bring a meal offering [baked] on a flat frying-pan," and he brings one [baked] in a deep frying-pan or he promised to bring one [baked] in a deep frying-pan and brought one [baked] on a flat frying-pan, [the sacrifice] he brought is acceptable, but he did not fulfill his obligation.

If he said: "I will bring these [baked] in a deep frying-pan and brings them [baked] on a flat frying-pan or promised to bring it [baked] on a flat frying-pan and brought it [baked] in a deep frying-pan," [the sacrifice] is unacceptable. Similar laws apply in all analogous situations.

Similarly, if a person says: "I promise to bring two *esronim* in one vessel and he brings them in two vessels" or "...in two vessels" and he brings them in one vessel, [the sacrifice] he brought is acceptable, but he did not fulfill his obligation. [The rationaleis that **Deuteronomy 23:24**] states: "As you vowed to G-d."

3 If he said: "I will bring these cakes in one vessel" and he brought them in two or [promised] to bring them in two and brought them in one, they are unacceptable.If he did not specify what he would bring when he took the vow, but [merely] said: "I promise to bring two *esronim* and when he designated [the meal for the offering], he set [the flour] aside in two vessels and afterwards, brought it in one vessel, it is acceptable. For the verse states "as you vowed" and not "as you set aside."

When he said: "I promise to bring two *esronim* in one vessel," but he brought them in two, if despite being told that he vowed to bring them in one vessel, he offered them in two, they are not acceptable. If he brought them in one vessel, they are acceptable.

4 When he said: "I promise to bring two *esronim* in two vessels," but he brought them in one, if after being told that he vowed to bring them in two vessel, he offered them in two, they are acceptable. If he brought them in one vessel, they are like two meal-offerings that became mixed together.

5 If one says: "I promise to bring a meal-offering," he should bring one of the five types of meal-offerings that can be either vowed or pledged. If he says: "I promise to bring meal-offerings," he should bring two of the five types of meal-offerings. If he says: "I promise to bring a type of meal-offerings," he should bring two meal-offerings of one type. If he says: "I promise to bring types of meal-offerings," he should bring two meal-offerings [coming] from two types. Similarly if he says: "...types of a meal-offering," he should bring two types of meal-offerings. If he specified that he would bring one type [of meal-offering] and forgot [which type he specified], he should bring all five types.

6 A private individual should not bring more than sixty *esronim* [of flour] in one vessel as a meal offering. If he vowed more than sixty, he should bring sixty in one vessel and the remainder in a second vessel.

[The rationale is that] no more than sixty [*esronim* of flour] can be mixed

together [with oil as one]. It is not an absolute requirement for [the flour and the oil] to be mixed together as we explained. Nevertheless, our Sages said: "Whenever a [meal-offering] is fit to be mixed [with oil], it is not an absolute requirement for it to be mixed. Whenever it is not fit to be mixed [with oil], mixing it is an absolute requirement."

7 If one says: "I promise to bring 121 *esronim* [as a meal offering]." He should bring 120 [*esronim*] in two vessels - 60 in each vessel - and one *isaron* in a third vessel.

If he said: "I promise to bring an *isaron*," he should bring one *isaron*. "I promise to bring *isaronim*," he should bring two. If he specified [the number of *esronim*] he vowed and then forgot how many he specified, he should bring 60 *esronim* in one vessel. If he forgot how many *esronim* he specified and which type [of meal-offering] he specified, he should bring 60 *esronim* of each of the five types [of meal-offerings].

8 If he specified his vow and forgot both how many *esronim* he vowed and the number of vessels in which he vowed to bring them, he should bring [the full range of] one to sixty *esronim* in sixty different vessels.

What is implied? He should bring one *isaron* in the first vessel, two *esronim* in the second vessel, three in the third, until he brings 60 *esronim* in the last vessel. If he also forgot what type [of meal-offering] he designated, he should also brings [60 offerings] according to this pattern in 60 vessels of each type. Thus he will be bringing 1830 *esronim* from each type.

9 When a person says: "I promise to bring a meal-offering of barley,""...a meal-offering of a half an *isaron*," or "...a meal-offering without oil or frankincense," he is exempt, because he did not vow an entity that is sacrificed.

If he said: "I promise to bring a meal-offering of barley," "...of lentils," "...a meal-offering without oil or frankincense," or "...a meal-offering of a half an *isaron*," we ask him [what his intent was]. If he says: "I only took the vow because I thought it was permissible to offer such [sacrifices]. Had I known that one could only offer a complete *isaron* of fine [wheat] flour together with oil and frankincense, I would not have taken a vow," he is exempt. If, [however,] he said: "Had I known [that such offerings were unacceptable], I would have taken a vow to bring [an offering] like those that are offered," he is obligated to bring an offering like those that are offered.

10 If he vowed to bring an *isaron* and a half and he said: "Had I known [that such offerings were unacceptable], I would have taken a vow to bring [an offering] like those that are offered," he must bring two [*esronim*]. If he said: "I promise to bring coarse flour" or "I promise to bring a half an *isaron*" without mentioning the term "meal-offering," he is exempt. It as if he never took a vow at all.

Similarly, if one said: "I promise to bring a thanksgiving-offering without bread,"or "...a sacrifice without its accompanying offerings," he is exempt. If he said: "Were I to have known that such offerings are not sacrificed, I would have taken a vow to bring [an offering] like those that are offered," he is obligated to bring [an offering] like those that are offered.

11 When a person says: "I promise to bring the bread of a thanksgiving-offering," He must bring a thanksgiving offering and its bread. [The rationale is that] it is known that the bread is never offered without the thanksgiving-offering and he mentioned merely the conclusion of the sacrifice. If he said: 'I promise to bring the bread to fulfill the obligation for so-and-so's thanksgiving offering," he should bring the bread for a thanksgiving offering together with the offering of his friend.

12 A person may vow or pledge to bring wine independently. One should not vow to bring a *log* of wine or two *lugim*, for there are no libations that are [only] a *log* or two *lugim*. Nor should one vow five *lugim*, for five *lugim* are not fit for the libations of one animal or for those of two animals. One may, however, vow three, four, six, or more *lugim*, because they are fit for the wine libations for sacrificial animals.

13 What is implied? If a person vows seven [*lugim*], they are considered as the libations for a sheep and for a ram. If he vowed eight, they are the libations for two rams; nine are the libations for an ox and a sheep or those of three sheep. If he vowed ten, they are the libations for an ox and a ram or two sheep and a ram. Similarly, all numbers [can be seen as such combinations].

14 If he vowed to bring five *lugim*, we tell him: "Make it a complete six." [The rationale is that] he already established it as fit for a sacrifice.If, by contrast, he vowed one *log* or two, he is exempt, for this amount or their components are not fit to be used as a libation.

Less than a *log* of oil should not be vowed or pledged, for there is no meal-offering smaller than an *isaron* and it requires a *log* of oil.

15 When a person says: "I promise to bring wine," he should not bring less than three *lugim*. "I promise to bring oil," he should not bring less than a *log*. If he specified a given amount in his vow and forgot how many *lugim* of wine or oil he specified, he should bring 140 *lugim*. For there is no day on which there are more communal offerings sacrificed than on the first day of Sukkot that falls on the Sabbath. On that day, the accompanying offerings included 140 *lugim* of oil and an equal amount of wine as will be explained in *Hilchot Temidim UMusafim*.

Chapter 18

1 There is a positive commandment to offer all of the sacrifices - whether sacrifices of animals or fowl or meal-offerings - in [God's] chosen house, as [**Deuteronomy 12:14**] states: "There you will perform everything that I command you." Similarly, it is a positive commandment for a person to take the effort to bring animal sacrifices that he is obligated to bring [and transport them] from the Diaspora to [God's] chosen house, as [*ibid.*:26] states: "[Only] your sacraments that you possess and your vows shall you bear... [to the place that God will choose]." According to the Oral Tradition, we have learned that [the verse] is speaking only about sacrificial animals from the Diaspora which he takes the effort to deal with until he brings them to [God's] chosen house.

2 One who offers a sacrifice outside the Temple Courtyard negates a positive commandment and violates a negative commandment, as [*ibid.* : 13] states: "Take heed lest you offer your burnt-offerings in any place that you see." If he offered a sacrifice [in such a place] willfully, he is liable for *karet*, as [**Leviticus 17:8-9**] states: "[Any man]...who will offer a burnt-offering or a sacrifice, but did not bring it to the Tent of Meeting... he will be cut off from his people." [If he transgressed] unknowingly, he must bring a fixed sin-offering.

3 Similarly, one who slaughters sacrificial animals outside [the Temple Courtyard], even though he does not offer them as a sacrifice, [is liable]. If he acted willfully, he is liable for *karet*, as [*ibid*:3-4]: "[Any man]...who will slaughter an ox, a sheep, or a goat... it will be considered as [the shedding of] blood for that person. He has shed blood... He will be cut off." [If he transgressed] unknowingly, he must bring a fixed sin-offering.

4 Which source serves as a warning not to sacrifice outside [the Temple Courtyard]? [It is derived through] an association of verses. [**Deuteronomy 12:14**] states: "There will you offer your burnt-offerings" and it continues: "There you will perform everything that I command you." [We can conclude:] Just as [the Torah] warns explicitly against offering a sacrifice outside the Temple, and one incurs punishment for this, as it is written: "Take heed lest you offer your burnt-offerings...," so too, it has warned with regard to the "performance" that is involved in slaughtering, for which it is explicitly stated that one receives punishment. For the Torah does not prescribe punishment unless it has issued a warning.

5 A person who slaughters sacrificial animals outside [the Temple Courtyard] and offers them [in such a place] is liable twice: once for slaughtering and once for offering.
If he slaughtered [a sacrificial animal] in the Temple Courtyard and offered it outside, he is liable for offering it. If he slaughtered [such an animal] outside, but offered it inside, he is liable for slaughtering it.

6 He is not liable unless he slaughtered sacrificial animals that are fit to be offered on the altar. If, however, he slaughtered an animal that was forbidden [to be offered on] the altar or one of the sin-offerings that was consigned to death outside [the Temple Courtyard], he is exempt. [The rationale is that **Leviticus 17:4**] mentions "before the Sanctuary of God." Whenever [an animal] is not fit to be come to the Sanctuary of God, one is not liable [for its slaughter].

7 If one slaughters an animal that is unacceptable because of a time factor involving its body or the status of its owners outside the Temple Courtyard], he is exempt. [The rationale is that] in its present state, it is not fit to be brought into the Temple Courtyard.

8 What is meant by a disqualifying time factor involving its body? An animal in the seven days following its birth, turtle-doves which have not reached the stage of development at which time [they are fit to be sacrificed], and an animal and its offspring; for if one slaughters one on a particular day, the other is not fit to be slaughtered until the morrow.

9 What is meant by a disqualifying time factor involving the status of its

owners? A sacrifice whose owners have not reached the appropriate stage of time to offer it.

What is implied? If a *zav*, a *zavah*, and a woman who gave birth slaughtered [the animal designated for] their sin-offerings outside [the Temple Courtyard] during the days of their counting, they are exempt. Similarly, if a person afflicted with *tzara'at* slaughtered his sin-offering and[/or] his guilt-offering outside [the Temple Courtyard] during the days of his counting, he is exempt, for the owners of these sacrifices are not yet fit for their atonement. Nevertheless, if these individuals slaughtered their burnt-offerings outside [the Temple Courtyard] during the days of their counting, they are liable. [The rationale is that] a burnt-offering is a present and it is the sin-offering and the guilt-offering which are the fundamental [factors leading to] atonement.

Similarly, when a nazirite slaughters his sin-offering outside [the Temple Courtyard] during the days of his nazirite vow, he is exempt. If he offered his burnt-offering or his peace-offering outside [the Temple Courtyard], he is liable. For the sin-offering is what prevents him [from completing his nazirite vow] and it is the fundamental dimension [of the conclusion of] his nazirite vow.

10 When a person offers a conditional guilt-offering or sin-offering of fowl that is brought because of a doubt outside [the Temple Courtyard], he is exempt. [The rationale is that] it was not definitely established that a prohibition [was violated]. When a guilt-offering for one afflicted by *tzara'at* was slaughtered outside [the Temple Courtyard], but not for the desired intent, [the one who slaughters it] is liable. [The rationale is that]

since [when such a sacrifice is] not [slaughtered] for the desired intent in [the Temple Courtyard], it is deemed appropriate and acceptable, as will be explained.

Whenever one is exempt for slaughtering a sacrificial [animal] outside the [Temple Courtyard], one is also exempt for offering it there.

11 [The following rules apply if] one slaughters the two goats offered on Yom Kippur outside [the Temple Courtyard]. Before [the High Priest] recites the confessional over them, he is liable for both of them, since [they are both] fit to come before God for the confessional. After [the High Priest] recited the confessional, one is exempt for slaughtering [the goat] that is sent [to Azazel], because it is no longer fit to come before God [as a sacrifice].

12 When one slaughters [animals designated as] peace-offerings outside [the Temple Courtyard], before the gates of the Temple building are opened, he is exempt, for a [necessary] deed is lacking. [Only] afterwards are they fit to be offered before God, as we explained.

One who slaughters a Paschal sacrifice outside [the Temple Courtyard] - even during the other days of the year, whether for the sake of the Paschal sacrifice or for another purpose - is liable. [The rationale is that] during the remainder of the year, a Paschal sacrifice [that is offered] is considered as a peace-offering.

13 When the fetus [being carried by] an ordinary animal was consecrated [as a sacrifice for] the altar, it is forbidden to slaughter [the mother] outside

[the Temple Courtyard]. If he slaughtered it, he is not liable for lashes, because it is not fit to come before God [as a sacrifice].

14 When one stole [an animal] and consecrated it, and afterwards, slaughtered it outside [the Temple Courtyard], he is liable. From which time was it considered in his property with regard to his being liable for *karet* for it? From the time he consecrated it.
[The above applies] provided he slaughtered it after [the owner] despaired of its return. [If he slaughtered it] before then, by contrast, the consecration is not effective.

15 If the entire body of the animal was outside [the Temple Courtyard] and its neck was inside and one slaughtered it, he is liable, as [**Leviticus 17:3**] states: "[Any man]...who will slaughter an ox, a sheep, or a goat in the camp or who will slaughter outside the camp... [and he has not brought it as an offering]." This applies whether the one who slaughters is standing in the Temple [Courtyard] and the animal's neck was inside, but the remainder of its body was outside, or its body was inside and its neck was outside. He is liable unless the animal was entirely within the Temple [Courtyard], as [implied by *ibid.*:9]: "And he will not bring it to the entrance of the Tent of Meeting." If, however, one slaughters on the roof of the Temple Building, even though it is not fit for sacrifice at all, he is exempt.

16 Two people who held a knife and slaughtered [a sacrificial animal] outside [the Temple Courtyard] are exempt, for [the prooftexts] say "who will

slaughter" "or who will slaughter" [implying] one and not two.

When one slaughters a sacrificial animal outside [the Temple Courtyard] even though he had no intention of sacrificing this animal to God, he is liable. This is [implied by the prooftext]: "It will be considered as [the shedding of] blood for that person. He has shed blood." [One can infer that] even if [the person slaughtering] thinks of the blood [from the sacrificial animal] as blood that was shed and not as a sacrifice, he is liable.

17 A person who slaughters [a sacrificial animal] outside [the Temple Courtyard] at night is liable, since slaughtering an animal is acceptable at night. Similarly, if, at night, one offered as a sacrifice [an animal] he slaughtered at night outside [the Temple Courtyard], he is liable for offering it as a sacrifice.

If, however, one slaughtered [a sacrificial animal] inside [the Temple Courtyard] at night and offered it as a sacrifice outside, he is exempt. [The rationale is that] he offered merely an unacceptable article, for there is no conception of acceptable slaughter in the Temple at night. Similarly, if one received [the blood of a sacrificial animal] with an ordinary vessel inside [the Temple Courtyard], but poured it [on an altar] outside, he is exempt.

18 Similarly, when a person performs *melikah* on a fowl outside [the Temple Courtyard], he is exempt. If he offered it [as a sacrifice there], he is exempt. If he performs *melikah* on a fowl inside [the Temple Courtyard], but offered it outside, he is liable for offering it.

If one slaughtered [a fowl] in [the Temple Courtyard] and offered it outside, he is exempt, for he offered something that is not fit to be

offered. If he slaughtered the fowl outside [the Temple Courtyard] and offered it outside, he is liable twice, because slaughtering a fowl outside [the Temple Courtyard] is acceptable. It is comparable to performing *melikah* inside.

Chapter 19

1 A person who offers a sacrifice outside [the Temple Courtyard] is not liable unless he brings [the sacrificial animal] to the top of the altar that he constructed outside [the Temple]. If, however, he offered it on a stone or a rock, he is exempt, for the term sacrifice applies only when [an animal is offered] on an altar, even if it is outside [the Temple], as [indicated by **Genesis 8:20**]: "And Noah built an altar." He is not liable unless he offers the sacrifice to God, as [**Leviticus 17:9**] states: "...to offer it to God," i.e., unless his intent is for God.

2 One is liable only for offering an entity that is fit for the fire and for the altar, for example, a burnt offering, as [*ibid.*:8] states: "who will offer a burnt-offering or a sacrifice." [One may infer:] Just as a burnt-offering is fit to be offered on the fires, so too, everything that is fit to be offered on the fire is what one is liable for offering outside [the Temple Courtyard].

3 On this basis, [our Sages] said that individuals [who perform the following services] outside [the Temple Courtyard] are liable: One who throws the blood, offers on the pyre the limbs of a burnt-offering, the parts of an animal offered on the altar, a handful [of meal], or

frankincense, or incense, the meal-offering of a priest, or the meal-offering within the accompanying offerings or one who pours a libation of three *lugim* of wine or of water. [This is derived from *ibid.*:9:] "He did not bring it [to the entrance of the Tent of Meeting] to offer it." [Implied is that] any [sacrifice] that would be accepted within [the Temple Courtyard] causes one to be liable for [offering] it outside.

4 If, however, one throws the remainder of the blood [of a sacrificial animal] - even the remainder of the blood [from a sin-offering whose blood was offered] inside [the Sanctuary], he is exempt. [The rationale is that] throwing the blood on the altar is the remaining aspect of the mitzvah and is not an absolute necessity.

Similarly, one who pours a libation of less than three *lugim* of wine or water outside [the Temple Courtyard] is exempt, whether during Sukkot or throughout the year. Since the required measure is lacking, they are not fit to be accepted within [the Temple]. Similarly, one who offers from the meat of a sin-offering, that of a guilt-offering, or that of a peace-offering whether of an individual or of the community or from the remainder of the meal-offerings, the two breads [offered on Shavuot], or the showbread outside [the Temple Courtyard] is exempt. [The rationale is that] all of these are fit to be eaten, not for the fires [of the altar].

5 One who offers an entire animal outside [the Temple Courtyard] is liable, because of the portions offered on the altar. Even though they have not been separated, the meat of the sacrifice is not considered as an intervening substance and it is as if he offered those portions on the pyre

alone. In contrast, if one offers a meal-offering from which a handful [of meal] has not been separated, he is exempt. [Even though he would have been liable for the handful], the handful is not a distinct and discrete entity. If he separated [the handful] and then it was mixed back into it and he then offered the entire [measure] outside the Temple Courtyard, he is liable.

6 One who pours oil [over a meal-offering], mixes the meal and oil, breaks up the wafers, salts them, waves them, approaches an altar with them, arranges a table for showbread, cleans the lamps of a candelabra, separates a handful [of meal], or receives the blood [of a sacrificial animal] outside [the Temple Courtyard] is exempt. [The rationale is that] all of these are not activities that complete the offering [of the sacrifice] and [the prooftext] says: "Who will offer a burnt-offering or a sacrifice." [One may infer:] Just as offering [these sacrifices] is the final stage of the service [involved with them], so too, one is liable only for activities that are the final stage of sacrificial service.

7 When one burns a red heifer outside the place where it is required to be burnt or if one offers, outside [the Temple Courtyard], the goat that is sent [to Azazel] after the confession was recited over it, he is exempt. [The rationale is that the prooftext] says: "He did not bring it to the entrance of the Tent of Meeting." [One may infer:] One is not liable for any sacrifice which is not fit to be brought to the entrance to the Tent of Meeting.
In contrast, one is liable for offering [outside the Temple Courtyard] sacrificial animals that were disqualified, if they were disqualified in the

Temple. What is implied? [Sacrificial meat or blood] that remained overnight [without being offered], they were taken out [of the Temple Courtyard], they became impure, or they were disqualified because of the intent of the person sacrificing them, all are required to be burnt as will be explained in *Hilchot Pesulei HaMukkdashim*. If a person transgressed and offered [such entities] as sacrifices outside [the Temple Courtyard], he is liable. [This is derived from the prooftext]: "...to offer it to God." One is liable for any [entity] that is are fit to be offered to God and these are fit to be offered to God.

8 Whenever there is a substance for which one is liable for offering it outside [the Temple Courtyard], he is liable for offering an olive-sized portion of it outside. [This applies] whether he offered [a portion of the entity] inside [the Temple Courtyard] first, left over an olive-sized portion and then offered it outside or left the entire entity inside and took an olive-sized portion and offered it outside. If, however, [the size of] the sacrificial entity was decreased in the slightest way inside the Temple Courtyard and then the remainder was offered outside, he is exempt.

9 What is implied? If a portion of the handful [of meal offered on the altar], the frankincense, the portions of a sacrifice offered on the altar, a burnt-offering, a meal offering that is burnt, and the wine libations was decreased within [the Temple Courtyard] and the remainder was offered outside [the Temple Courtyard], he is exempt. [This is derived from the prooftext which states:] "to offer it." [Implied is that] he is liable for a complete entity, but he is not liable if it is lacking. If one removed [the

sacrificial entity] from the Temple Courtyard while it was complete, its [size] was decreased outside [the Temple Courtyard] and then he offered it [there], there is an unresolved question [whether he is liable]. Therefore [a transgressor] is not given lashes.

10 If, [outside the Temple Courtyard,] one offered a limb that did not have an olive-sized portion of meat on it, but the bone itself caused it to reach the olive-sized measure, he is liable, because the meat is connected to the bone. If salt caused [the sacrificial entity] to reach the olive-sized measure, there is an unresolved question [whether he is liable]. Therefore [a transgressor] is not given lashes. A burnt-offering and the portions of the innards of a burnt-offering that are offered on the altar, can be combined to complete an olive-sized portion [to cause one to be liable].

11 If one offered [a portion of a sacrifice outside the Temple Courtyard] and then offered another portion of it, he is liable for every individual limb. If he sprinkled its blood [outside the Temple Courtyard] and then offered its limbs, he is liable twice. For the Torah made a distinction between [offering blood and offering limbs as indicated by the two prooftexts] "Who will offer a burnt-offering" and "to offer it."

If one offered a limb that was lacking [in substance], he is exempt, as [one can infer from the prooftext] "to offer it." [This indicates] that one is liable [only] for a complete [limb].

12 When two people slaughter [a sacrificial animal outside the Temple Courtyard], they are exempt. If two people hold a limb [from a sacrificial

animal] and offer it outside the Temple Courtyard], they are liable. [The rationale is that the prooftext states] "Every man who will offer a burnt-offering." Implied is that even two people who offer [a sacrifice] are liable.

13 If a person makes several of the required sprinklings [of blood] outside [their appropriate place], he is liable. A person who receives the blood of a sin-offering in one cup and applies it to an altar outside [the Temple Courtyard] and then applies it to the altar inside [the Temple Courtyard], he is liable for the portion applied outside [the Temple Courtyard]. [The rationale is that] the entire amount was fit to be offered inside.

If he applied it to [the altar] inside and then applied it outside, he is exempt, for [the blood he used] was merely remnants. If, however, he received the blood in two cups, he is liable whether he applied both of them outside [the Temple Courtyard], [the first] outside and the other inside, or [the first] inside and the other outside.

14 When one offered a handful [of meal] or the frankincense from the meal offering outside [the Temple Courtyard], or offered one inside and the other outside, he is liable. Similarly, with regard to the two bowls of frankincense from the showbread, if one offered [the first] outside the [Temple Courtyard] or [the first] inside and the second outside, he is liable.

15 If a person slaughtered consecrated animals in the present era and offered them outside the Temple Courtyard, he is liable, because [the sacrifices] are fit to be offered inside. For it is permitted to offer sacrifices even

though the Temple is not built, because [when the Temple was] consecrated originally, it was consecrated for the immediate time and for all future time.

16 [A Jew] who slaughters sacrificial animals belonging to a gentile outside [the Temple Courtyard] is liable. Similarly, one who offers them outside [the Temple Courtyard is liable].

Gentiles are permitted to offer burnt offerings to God in all places, provided they sacrifice them on a raised structure that they build. It is forbidden to help them [offer these sacrifices] or act as agents for them, for we are forbidden to sacrifice outside [the Temple Courtyard]. It is permitted to instruct them and teach them how to sacrifice to the Almighty, blessed be He.

Mishneh Torah, Daily Offerings and Additional Offerings

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to offer two lambs as burnt-offerings every day. They are called the continuous offering. One [should be brought] in the morning and one in the afternoon as [**Numbers 28:3**] states: "Two each day, a continuous offering."

2 When is the time at which they should be slaughtered? The morning one should be slaughtered before sunrise, when the entire eastern horizon becomes illuminated. Once there was a pressing situation for the community in [the era of] the Second Temple and they offered the daily morning sacrifice at four hours after daybreak.

3 [The lamb for] the continuous offering of the afternoon should be slaughtered when the shadows have been extended and it is obvious to all that they have been extended. This is from six and a half hours of the day until the day's end. Every day, they would not slaughter it until eight and a half hours of the day and they would offer it at nine and a half hours.
Why would they delay [its slaughter] for two hours after the beginning of the time? Because of the sacrifices of individuals and those of the community. For it is forbidden to offer any sacrifice before the continuous offering of the morning and no sacrifice is offered after the continuous sacrifice of the afternoon with the exception of the Paschal sacrifice. [That leniency was granted, because] it is impossible for all of Israel to offer their

Paschal sacrifices in two hours.

4 The Paschal sacrifice is slaughtered only after the continuous offering of the afternoon. Similarly, those individuals requiring atonement may offer their atonement offerings after the continuous offering of the afternoon on the fourteenth [of Nisan] so that they will be ritually pure and [and able] to partake of their Paschal offerings in the evening.

5 When the day before Pesach falls during the week or on the Sabbath, the Afternoon Sacrifice would be slaughtered after seven and a half hours and offered after eight and a half hours so that [the people] would have time to slaughter their Paschal sacrifices. If the day before Pesach falls on Friday, [the Afternoon Sacrifice] would be slaughtered at six and a half hours, the beginning of the time allotted for it and offered at seven and a half hours, so that they would have ample time to roast [their sacrifices] before the commencement of the Sabbath.

6 Even though [no sacrificial animals] are slaughtered after the continuous offering of the afternoon, any entity that is fit to be offered on the altar's pyre is offered the entire day. And the limbs of the burnt-offerings and the *eimorim* may be offered until midnight, as we explained in [*Hilchot] Ma'aseh HaKorbanot*.

The limbs and the *eimorim* - whether from the continuous offerings or from other sacrifices - that were not consumed [by the fire], may be turned over throughout the entire night until the morning, as [**Leviticus 6:2**] states: "The entire night until the morning."

7 [The offering of] the limbs of the continuous offering on the altar's pyre [at night] supersedes [the prohibitions of] ritual impurity, but does not supersede the Sabbath [prohibitions]. Instead, all of the limbs of the continuous offerings offered on Friday are offered on the altar's pyre on Friday alone. For the initial [offering] of the continuous offering supersedes the Sabbath [prohibitions], but its concluding aspects do not. The fats of [the communal sacrifices offered on] the Sabbath are offered on a festival, at night, if the festival falls on Saturday night. [These fats] may not, however, be offered on the night of Yom Kippur [if it falls on Saturday night]. [These concepts are derived from **Numbers 28:10** which] states: "The burnt-offering of a Sabbath on its Sabbath." [This excludes the offering of] a burnt-offering of a Sabbath on another Sabbath. Nor may the burnt-offering of a weekday be offered on a festival.

8 When the fourteenth [of Nisan] falls on Sabbath, the fats of the Paschal sacrifice may be offered on the night of the festival, for they are considered as the fats of the Sabbath.

9 There never should be less than six lambs that have been inspected in the Chamber of the Lambs. They should be prepared four days before their sacrifice. Even though they would be inspected beforehand, they would not slaughter the continuous offering until they inspect it again, before its slaughter by the light of the torches. It was given water to drink from a golden cup so that it would be easier to skin.

10 The continuous offering of the afternoon is offered in the same manner as

the continuous offering of the morning. Everything follows the regimen for the offering of the burnt offering, as written in [*Hilchot] Ma'aseh HaKorbanot*. The lamb was not bound before its slaughter so as not to copy the practice of the heretics. Instead, they would hold its forefeet and its hindfeet by hand. It would be held in the following manner: Its head would be to the south and its face to the west.

11 The continuous offering of the morning would be slaughtered in the northwest corner of the butchering area, on the second ring, and that of the afternoon would be slaughtered in the northeast corner on the second ring. [In this way,] they would be opposite the sun. The Received Tradition states that [these sacrificial animals] should be slaughtered opposite the sun.

12 If they erred and inadvertently - or even intentionally - failed to offer the continuous offering of the morning, that of the afternoon should be offered.

When does the above apply? After the altar has been dedicated. If, however, it is a new altar on which no sacrifices have been offered, the continuous offering of the afternoon should not be offered on it first. For the altar for burnt-offerings should be dedicated solely by [sacrificing] the continuous offering of the morning.

Chapter 2

1 It is a positive commandment for there to be fire continuously burning on

the altar, as [**Leviticus 6:6**] states: "A continuous fire shall burn on the altar." Although a fire descended from heaven, it is a mitzvah to bring from ordinary fire, as [*ibid.* 1:7] states: "And the sons of Aaron, the priests, shall place fire on the altar."

2 In the morning, the wood was arranged. They would prepare a large array of fire at the top of the altar, as [*ibid.* 6:5] states: "And the priest shall burn on it wood each morning." Similarly, it is a mitzvah to bring two logs of wood [to the altar] together with the continuous offering of the morning, besides the wood of the arrangement. [This is also intimated by the same verse.]

Similarly, two logs of wood were added together with the continuous offering of the afternoon, as [implied by *ibid.* 1:7]: "And they shall arrange wood on the fire." According to the Oral Tradition, it was taught that the verse is speaking about the continuous offering of the afternoon.

3 The two logs brought in the afternoon are brought up [to the altar] by two priests, each one holding one log in his hand. This is derived from the fact that the term "and they shall arrange" used by the above prooftext is plural. Those of the morning, by contrast, are brought by one priest.

4 Three arrays of fire would be prepared on the top of the altar each day: The first was the large arrangement upon which were offered the continuous offering and the other sacrifices. The second was a small [arrangement] to its side from which fire was taken in a fire-pan to offer the incense offering each day. The third was not associated with any other

purpose except to fulfill the mitzvah of burning fire, as [*ibid.* 6:6] states: "A continuous fire shall burn."

5 According to the Oral Tradition, it was derived that [*ibid.*:2] which states: "On the pyre, on the altar" - refers to the large arrangement. "The fire of the altar shall burn upon it" [*ibid.*] - refers to the second arrangement for the incense offering. And "The fire of the altar shall burn upon it" [*ibid.*: 5] - refers to the third arrangement for the maintenance of the fire. The limbs and the fats that were not consumed during the evening are placed on the side of the large arrangement.

6 One who extinguished the fire of the altar is liable for lashes, as [*ibid.*:6] states: "It shall not be extinguished." Even one coal - even if it was removed from the altar - if one extinguishes it, he is liable for lashes. If, however, one extinguishes the fire of a fire-pan or the fire designated to kindle the *Menorah* that was kindled on the altar, even if he extinguishes it on the top of the altar, he is exempt. [The rationale is that] this fire has been allocated for another mitzvah and it is no longer called "the fire of the altar."

7 When one arrays the wood of the large arrangement, he should arrange it on the eastern portion of the altar. It should be made [in a manner that makes it apparent] that he began to arrange it from the east. There should be open space between the logs and the ends of the inner logs should touch the ashes that are in the center of the altar. It is called the ash-heap.

8 After the large arrangement is arrayed, logs of high-quality fig wood are

selected and a second arrangement is made for [the fire for] the incense offering near the southwest corner, four cubits to the north of the corner. It would contain five *se'ah* of coals. On the Sabbath, it would contain about eight *se'ah* of coals, because on every Sabbath, the two bowls of frankincense from the showbread would be offered on it.

9 The third arrangement for the sake of the maintenance of the fire can be made on any place on the altar.

The fire should be kindled on [the altar]. One should not kindle the fire on the ground and bring it up to the altar. Instead, it should be kindled on the altar itself, as [implied by] the verse: "The fire of the altar shall burn." This teaches that the kindling should be on the altar itself.

10 It is a positive commandment to remove the ashes from the altar each day, as [**Leviticus 6:3**] states: "And he shall remove the ashes." This is one of the services performed by the priests.

The priestly garments [worn] when removing the ashes should be less valuable than those [worn] when performing the other aspects of Temple service, as [*ibid.*] continues: "He shall remove his garments and put on other garments and remove the ashes." The term "other" does not imply ordinary garments, but rather [priestly garments] that are less valuable than the first. [The rationale is that] it is not proper conduct to serve a cup [of wine] to one's master in the same clothes as one cooked food for him.

11 When should the ashes be removed from the altar each day? At dawn. On

the festivals, it should be carried out from the beginning of the middle third of the night. And on Yom Kippur, from midnight.

12 How are [the ashes] removed? [The priest] who merited to remove the ashes would immerse [in the *mikveh*] and put on the clothes for the removal of the ashes. He would sanctify his hands and feet [from the basin]. They would tell him: "Be careful lest you touch a sacred utensil before sanctify your hands and feet."

Afterwards, he would take a fire-pan - it was silver and would be placed in the corner between the ramp and the altar - to the west of the ramp. He would take the fire-pan and ascend to the top of the altar and scatter the coals, this way and that. [With the fire-pan,] he would lift up some of the coals which were consumed by the heart of the fire, and descend to the ground. He would turn his face to the north and walk on the ground at the east of the altar approximately ten cubits to the north. He would gather the coals that he lifted up [from the altar, placing them] on the floor [of the Temple Courtyard], three handbreadths away from the ramp, in the place where they would place the innards of a fowl [brought as an offering], the ashes of the inner altar and the *Menorah*.

Picking up these coals with the fire-pan and bringing them to the floor near the altar is a commandment that must be performed each day.

13 After the person who [initially] removed ashes from the altar descended, his priestly brethren would run and sanctify their hands and feet quickly. They would take rakes and spits and ascend to the top of the altar. They would place all of the limbs of the burnt-offerings and the *eimorim* of the

sacrifices that were not consumed [by the pyre] throughout the night, on the side of the altar. If the sides of the altar could not contain [all the limbs], they would be arranged on the ramp opposite [the altar's] surrounding ledge.

Afterwards, they would use the rakes to rake the ashes from all the corners of the altar and make a pile on the ash-heap. This pile [of ashes] would be cleared away with a *pasachiter*. This is a large container that contains a *letech*. It is taken down [to the floor of the Temple Courtyard]. On the festivals, they would not bring it down, but instead would leave a high pile in the center of the altar, because this beautifies the altar.

14 Any one of the priests who desired would collect the ashes that were brought down [from the altar] and take them outside the city to the ash depository. Taking the ashes outside [the Temple Mount] did not require a lottery. Instead, whoever desired [was allowed to do so]. None of the priests were ever lethargic about removing the ashes.

15 Although removing [the ashes] outside [the Temple Mount] is not considered as service, it should not be performed by priests with disqualifying physical blemishes.

When it is removed outside the city, it is deposited in a place where the wind will not blow it powerfully, nor [rivers] would not flow into it. It should not be scattered there, as [**Leviticus 6:3**] states: "And you shall deposit it." [Implied is] that it should be placed down gently. It is forbidden to benefit from it.

Chapter 3

1 It is a positive commandment to offer the incense offering on the Golden Altar in the Sanctuary, twice each day, in the morning and in the afternoon, as [**Exodus 30:7**] states: "And Aaron shall burn on it the incense of fragrant spices."

If one did not offer it in the morning, he should offer it in the afternoon even if [the omission] was intentional. The Golden Altar may be dedicated only with the incense offering of the afternoon.

2 How much [incense] was offered every day? [An amount that] weighed 100 *dinarim*, 50 in the morning and 50 in the afternoon.

If the altar was removed from its place, the incense offering should, nevertheless, be offered there. When incense - even a grain of it - flies off the altar, it should not be returned.

3 When the incense is offered in the Sanctuary every day, all of the people depart from the Sanctuary and from [the area] between the Entrance Hall and the altar. No one should be there until [the priest] who offers the incense offering departs. Similarly, at the time when [a priest] enters [to sprinkle] the blood of a sin-offering that is offered inside [the Temple], everyone departs from from [the area] between the Entrance Hall and the altar until he departs, as [**Leviticus 16:17**] states: "And no person should be in the Tent of Meeting when he enters to atone in the holy place." [This is] a general principle [applying] to all atonement [made] in the holy place: No [other] person should be there.

4 What is the order of the offering of the incense offering each day? [The priest] who merited to remove the ashes from the inner altar enters [the Sanctuary] [holding a] consecrated vessel called a *teni*. It was gold and would contain two and a half *kabbin*. He would place the *teni* on the ground in front of him and scoop up the ashes and the coals on the altar with his hands and deposit them in the *teni*. At the end, he would sweep off the remainder into it. He would leave [the *teni*] in the Sanctuary and depart.

The one who merited to bring the incense offering would take a vessel filled to overflowing with incense. [The vessel] had a cover and was called a *bezech*. He would place the *bezech* in another vessel that was called a *kaf*. He would cover the *kaf* with a small cloth and hold the *kaf* in his hand. [Another priest] would enter [the Sanctuary] with him holding a fire-pan with fire.

5 How does he collect the coals with the fire-pan? He takes a silver fire-pan and ascends to the top of the altar and moves the coals to the side, taking the coals that have been consumed by the fire in the second array and descends and places them into a golden fire-pan. If a *kab* or less of the coals have become scattered [on the ground], he should sweep them into the channel [for the outflow]. On the Sabbath, he should cover them with the *pisachter*. If more than a *kab* become scattered, he should collect more with the fire-pan.

6 The *pisachter* would serve three functions: It was used to cover coals and a [dead] crawling animal on the Sabbath and it was used to remove the

ashes from the altar.

7 [The priest] who removed the ashes from the inner altar would proceed before them, he would take the *teni* that contained the ashes from the altar, prostrate himself and depart. [The priest] holding the fire pan would array the coals on the surface of the inner altar, spreading them out with the bottom of the fire-pan. [He would then] prostrate himself and depart. The one holding the *kaf* would remove the *bezech* from the *kaf* and give it to a friend or relative. He checks if some of the incense spilled out [from the *bezech*] into the *kaf*. His friend or relative places the incense that spilled and that which is in the *bezech* in his hands. [He then] prostrates himself and departs.

8 The one who offers the incense is warned: "Be careful. Do not begin [releasing the incense] in front of you, lest you become burned." He begins to pour the incense on the fire gently, like one who sifts flour until it is spread over the entire fire.

9 The priest who offers the incense does not offer it until the overseer tells him: "Offer the incense." If the High Priest is the one offering the incense, the overseer says: "My sir, High Priest, offer the incense." After he says this, all of the people depart [from the area in front of the Temple Building]. He then offers the incense, prostrates himself and departs.

10 The removal of the ashes from the lamps of the *Menorah* and their kindling in the morning and the afternoon is a positive commandment, as [**Exodus 27:21**] states: "Aaron and his sons shall arrange it." The kindling

of the lamps supersedes [the prohibitions of forbidden labor] on the Sabbath and [the restrictions of] ritual impurity, as do the [other] sacrifices that [are offered at] a fixed time, as [*ibid.*:20] states: "To raise up a continuously [burning] lamp."

11 How much oil should be put in each lamp? Half a *log*. [This is implied by the phrase (*ibid.*:21):] "From the evening until the morning," Implied is that one must use a measure of oil that will enable it to burn from the afternoon until the morning. The *Menorah* may be dedicated only with the kindling of the seven lamps in the afternoon.

12 What is meant by the expression "the removal of the ashes of the *Menorah*"? Every lamp that has burnt out should have its wick and its [remaining] oil removed and it should be cleaned. The priest should place another wick and other oil in it, using the half *log* measure. [The wick and oil he removed] should be placed in the ash-heap near the [outer] altar together with the ashes removed from the inner alter and the outer altar. He should kindle [any] lamp that was extinguished. Kindling the lamps is what is meant by the term *hatavah*. When one discovers a lamp that has not been extinguished, he should restore it.

13 When the western lamp becomes extinguished, after the ash is removed, it should be rekindled only [from fire] from the outer altar. When any of the other lamps are extinguished, by contrast, they may be rekindled from each other.

14 How are [the lamps of the *Menorah*] kindled? One should pull its wick

out until he kindles it [from another one of the lamps]. He must extend the wicks,] because the lamps are permanently affixed within the *Menorah*. And he may not use another lamp, because that would be disrespectful.

15 All of the substances that are forbidden to be used as wicks on the Sabbath are forbidden to be used [as wicks] in the Temple for the *Menorah*. [This is derived from **Exodus 27:20** which] states: "To raise up a continuously [burning] lamp." The flame must rise up on its own.

16 [The priest] would not kindle all the lamps at once. Instead, he would kindle five lamps and make an interruption. In the interim, another service was performed. Afterwards, he would reenter and kindle the other two in order to attract the attention of everyone in the Temple Courtyard.

17 Whenever one of the lamps of the *Menorah* was extinguished, we kindle it from another lamp as we explained.

What is the order in which they were kindled? [The priest] who merited to remove the ashes of the *Menorah* enters the Sanctuary carrying a vessel referred to as a *kuz*. It was made of gold and resembled a large pitcher. He would place the wicks that were extinguished and the oil that remained in the lamp in it. He would then kindle five lamps and leave the *kuz* on the second step of the three steps positioned before [the *Menorah*] and depart. Afterwards, he would reenter and kindle two lamps, take the *kuz* in his hand, prostrate himself, and depart.

18 It is a positive commandment to offer the *chavitin* offering of the High Priest each day, half in the morning together with the continuous offering

of the morning and half in the afternoon together with the continuous offering of the afternoon. Kneading [these cakes] and baking them supersede [the prohibitions of forbidden labor] on the Sabbath and [the restrictions of] ritual impurity, as do the [other] sacrifices that [are offered at] a fixed time, as [implied by **Leviticus 6:14** which] states [that these cakes must be] *tufinei* [which allows for the interpretation that they must be] *naeh*, "attractive," i.e., and thus not baked on the preceding day. Moreover, were they to have been baked on the preceding day, they would have been disqualified by the passage of the night, for the deep frying pan is one of the sacred utensils, as we explained.

19 Grinding the flour for them and sifting it, [which is performed] outside [the Temple Courtyard], does not supersede [the prohibitions of forbidden labor] on the Sabbath.

20 When a [High] Priest offered half [of the cakes] in the morning and then died, or became impure, or contracted a disqualifying physical blemish and another [High] Priest was appointed in his stead, [the latter] should not bring half an *isaron* [of flat cakes] from home [in the afternoon]. Nor should he bring the half an *isaron* [remaining] from [the offering of] the first [High Priest]. Instead, he should bring a complete *isaron*. Half is offered and half is destroyed.

21 Thus two half [*esronim*] will be offered and two will be destroyed. The two halves that will be destroyed should be left until their form is no longer recognizable and then be taken out to the place of burning. The

same laws apply if the half [of a High Priest's offering that was set aside until] the afternoon was lost or became impure.
Where should they be burnt? In the Temple Courtyard.

22 If the High Priest died in the morning after he offered the half of an *isaron* and another [High] Priest was not appointed, the heirs of the first should bring an entire *isaron* as atonement for the first. It was also offered complete.
If the High Priest died in the morning before offering [the *chavitin*] and another [High] Priest was not appointed in his stead, [his heirs] should offer a complete *isaron* in the morning and a complete *isaron* in the afternoon. [The amount of] oil and the frankincense offered with it should not be doubled even though [the amount of] flour is doubled. Instead, three *lugim* of oil and a handful of frankincense is set aside for them, a *log* and half of oil and half a handful of frankincense for the *isaron* of the morning and a *log* and half of oil and half a handful of frankincense for the *isaron* of the afternoon.

Chapter 4

1 All of these services that were performed [in the Temple] every day were performed on the basis of a lottery. How would they conduct themselves? All of the priests of the clan of that day enter the Chamber of Hewn Stone after dawn, while garbed in the priestly garments. The [priest] appointed [to supervise] the lotteries [stands] with them and they stand in a semicircle. The supervisor takes a hat from one of the priests and returns

it to him. This is the person from whom they will begin to count and thus determine the lottery, as will be explained.

2 The men [selected to perform] the services proceed to them. The remainder of the priests are taken to the attendants who remove the sacred garments from them, leaving them only with the leggings until they put on their ordinary garments. They then remove the sacred leggings. The attendants then return the garments to the lockers.

3 How would the lottery be carried out? [The priests] would stand in a semicircle. They would decide on a number, e.g., 80, 100, 1000, or any other number that they would choose. Afterwards, the supervisor says: "Stick out your fingers" and they stick out one or two fingers. If one would stick out three, the three are counted. A thumb should not be stuck out in the Temple because of the deceivers. For a thumb is small and it is easy to stick out and then bend over. If one sticks out a thumb, it is not counted.

The supervisor begins counting from [the priest] who was identified by the removal of his hat. They count on their fingers and then repeat until they reach the number they agreed upon. The person upon whose finger the counting was completed is the one who is chosen in the first lottery for the Temple service.

4 Why do they count the number they have agreed upon by the fingers they stuck out instead of counting the people themselves? Because it is forbidden to count Jews except via another entity, as [**I Samuel 15:4**] states:

"And he counted them with lambs."

5 Four lotteries were carried out each day in the morning. The first lottery was for who would remove the ashes from the altar. The lottery was conducted and the one who merited was chosen to remove the ashes. He also arranges the wood on the altar, and he brings the two logs of wood to the altar, and brings in a fire-pan full of flaming [coals] from the outer altar to the golden altar to offer the incense upon it.

6 Thirteen [priests] are chosen in the second lottery according to the order in which they stand.

What is implied? The supervisor tells them to stick out their fingers and counts as explained. The one who is chosen first by lottery slaughters the continuous offering of the morning. The second priest standing next to him receives the blood of the continuous offering and he casts it [on the altar]. The third, [who stands] next to the second, removes the ashes from the inner altar, the altar of the incense offering. The fourth on his side removes the ashes from the *Menorah* and kindles the lamps. The fifth brings up the head of the continuous offering and its [right] hindleg to the ramp. The sixth brings up the two forefeet. The seventh brings up the tail and the [left] hindleg. The eighth brings up the breast and the neck. The ninth brings up the two flanks. The tenth brings up the inner organs. The eleventh brings up the flour for the additional offerings. The twelfth brings up the *chavitin* and the thirteenth brings up the wine of the additional offerings.

7 For the third lottery, the supervisor announces to all the members of the clan of that day: "Whoever has never brought an incense offering should come and enter the lottery." The one chosen first in this lottery merited to offer the incense offering.

8 For the fourth lottery, all the priests gathered. The lottery is held to know who will bring the limbs up from the ramp to the altar. The lottery was held and the one who was chosen merited.

A different lottery was not held for the continuous offering of the afternoon. Instead, all of the priests who were chosen to perform any of the tasks in the morning should also perform them in the afternoon. An exception was the incense offering. Another lottery was made for [the right to offer] it in the afternoon. All those who never brought an incense offering from that clan could come and enter the lottery. If they had all offered incense previously, they are all able to enter the third lottery in the morning and the one who was selected in the morning offers the incense in the afternoon as well.

9 On the Sabbath, when [besides] the continuous offerings, the additional offerings and the two bowls of frankincense were offered, how would they conduct themselves?

In the morning, the lottery was held among the men of clan of the watch that was leaving. They would offer the continuous offering of the morning and the two sheep brought as burnt-offerings for the additional offering. The ones selected to perform the tasks for the continuous offering of the morning would [perform those tasks] for the two sheep

[brought as] additional offerings. The watch that enters on the Sabbath would conduct other lotteries for the continuous offering of the afternoon. Both watches would [participate in] the division of the showbread.

10 The [show]bread is not eaten until the two bowls of frankincense are offered on the pyre. The frankincense requires salt like the other sacrifices.

11 These two bowls are offered after the additional offerings. Two priests offer these two bowls.

12 How is the showbread divided on the Sabbaths of the year in general? The watch that enters receives six loaves and the watch that leaves receives six loaves. Those that enter divide [the bread] among themselves in the north, for they are prepared to carry out the Temple service. Those who depart divide it in the south.

When the holiday of one of the three pilgrimage festivals falls on the Sabbath or on Sabbath in the midst of the holiday, all of the watches share equally in the division of the showbread. Similarly, if the first holiday of a festival falls on Sunday, all of the watches share equally in the division of the showbread on the day preceding the festival which is the Sabbath because they came early to the Temple service.

Similarly, if the final day of the festival falls on Friday, all of the watches share equally in the division of the showbread on the Sabbath which is the day following the festival. This practice is an ordinance of our Sages [who instituted it] so that the priests should delay [their departure from

Jerusalem so that they share] in the division of the showbread. [In this way,] if one of the members of the watch [of the coming week] would be delayed and not come [on time], another priest will be found [to take his place].

13 If there is one day intervening between the Sabbath and the festival, e.g., the first day of the festival fell on Monday or the last day fell on Thursday, or Shavuot fell on Monday or Thursday, the watch whose time was fixed that week receives ten loaves and the watch which enters receives two. The rationale is that only one day is left for them to serve alone, either Friday or Sunday, and they are indolent and only a few come [to the Temple].

14 The High Priest always receives from each watch, half of the loaves that they receive, as [implied by **Leviticus 24:9**]: "And it shall be for Aaron and his sons," i.e., half for Aaron and half for his sons. A High Priest never receives a portion of a loaf, because that is not respectful.

Chapter 5

1 It is a positive commandment to arrange the showbread on the [golden] table before God in the Sanctuary, every Sabbath day, as [**Leviticus 24:8**] states: "On the Sabbath day, on the Sabbath day, the priest shall arrange it."

2 It is clearly evident from the Torah that there were twelve loaves. Each loaf required two *esronim* [of flour]. [The loaves] were arranged in two sets, six loaves in each set, one loaf on the other. There were three rods of gold

placed between the loaves so that the wind could blow through them. Each set was supported by two side-frames. At the side of each set, there is placed a vessel containing a handful of frankincense, as [*ibid.*:7] states: "And you shall place pure frankincense next to the arrangement." This vessel is called a *bezech* (dish). Thus there were two handfuls of frankincense in two dishes. These dishes had flat bases so that they could be placed on the table.

3 The two sets of showbread are fundamental necessities for each other. [Similarly,] the two dishes [of frankincense] are fundamental necessities for each other and the sets and the dishes are necessities for each other. The [golden] table should not be dedicated except by placing the showbread on it on the Sabbath.

From one Sabbath to another, the bread that was placed on the table on the previous Sabbath is removed and new bread is arranged there. The bread that is removed is the bread that is divided between the two watches - that which enters and that which departs - and the High Priest and they partake of it.

4 How are the sets of the showbread arranged? Four priests enter [the Sanctuary], two are holding the two sets [of bread] and two, the two dishes [of frankincense]. Four priests enter before them to remove the two sets of bread and the two dishes [of frankincense] that were on the table. The priests that enter stand in the north, facing the south and those that depart stand in the south, facing the north. These remove [the showbread from the previous week] and these place down [the new breads]. One

should be within a handbreadth of another, for [**Exodus 25:30**] states: "[You shall place showbread] before Me continually."

5 When they departed, they would place the bread on a second golden table that would be placed in the Entrance Hall. They would offer [the incense in] the dishes on the pyre and afterwards, the breads were divided. If Yom Kippur fell on the Sabbath, [the breads] are divided in the evening.

6 How is the showbread prepared? 24 *se'ah* of wheat that is fit [to be made into flour] for meal-offerings are brought. [The kernels] are struck and tread upon like the other kernels of wheat for the meal offerings. They are then ground and sifted with eleven sifters to produce 24 *esronim* of fine flour. Twelve loaves of unleavened bread are made from it.
If one did not sift [the flour] with eleven sifters or did not use 24 *se'ah* of grain to produce the flour, [the loaves] are acceptable, since fine flour was produced regardless. These measures were mentioned only as [the optimum manner] for the mitzvah.

7 The kneading and the fashioning [of the loaves] was performed outside [the Temple Courtyard, but] they are baked in the Courtyard like the other meal-offerings. They should be kneaded one by one and baked two by two.

8 They had three molds of gold for them: one in which the loaf was placed while it was dough, the second in which it was baked, and the third in which it was placed when it was removed from the oven so that its [form] would not be impaired.

9 All of these loaves were rectangular, as [**Exodus 35:13**] states: *Lechem Hapanim*, [literally,] "the bread of faces," i.e., it had many surfaces. The length of each loaf was ten handbreadths, its width, five handbreadths, and its height, seven fingerbreadths. The length of the table was twelve handbreadths and its width, six handbreadths. [The priest] should place the length of the loaf across the width of the table. Thus the loaf would extend an extra two handbreadths at either side. He should fold up the portions that extend [beyond the table] on either side, leaving space in the middle [of the loaf] between the two ends. Similarly, he should place one loaf on another loaf until he arranged six loaves. Similarly, on the other side, he should make a second arrangement of six loaves.

10 The baking of the showbread does not supersede [the prohibitions of forbidden labor] on the Sabbath and festivals. Instead, on Friday, it was baked and it was arranged on the following day. If the two days of Rosh HaShanah fell on Thursday and Friday, it would be baked on Wednesday.

11 Neither the arrangement of the rods [between the breads], nor their removal, supersedes the Sabbath prohibitions. Instead, on Friday, [a priest] would enter, remove them, and place them along the table's length. And on Sunday, [another priest] would enter and insert them between the loaves.

12 If one arranged the bread as commanded, but did not place with it the bowls of frankincense until the next day and on the following Sabbath he offered [the contents of] the bowls [of frankincense] on the pyres, the

bread is disqualified and is not sanctified. Similarly, if he arranged the bread and the bowls on Sunday and offered [the contents of] the bowls on the pyre after the following Sabbath, the bread is not sanctified and is disqualified. If he offered [the contents of] the bowls on the pyre on the Sabbath, the bread is not disqualified.

13 What should be done with the bread and the bowls [of frankincense] that were arranged after the Sabbath? They should be left on the table until the Sabbath day passes while they are arranged. Afterwards, he should offer [the contents of] the bowls [of frankincense] on the Sabbath that followed the Sabbath that passed after they were arranged. [This does not present a difficulty,] because even if the showbread and the bowls [of frankincense] were on the table for several weeks, this does not present a problem.

14 If one arranged the bread and the bowls [of frankincense] on the Sabbath as required and offered [the contents of] the bowls [of frankincense] after the Sabbath- whether after this Sabbath or the following Sabbath - the bread is disqualified. Its status is that of sacred articles that have been disqualified in which instance the prohibitions of *notar, piggul* and consuming the bread in a state of ritual impurity apply, as will be explained.

15 [The following rules apply if] one of the loaves became broken. If it was broken before the bread was removed from the table, the bread is disqualified, and the [the contents of] the bowls [of frankincense] should not be offered on the pyre because of it. If it was broken after the bread

was removed, the bread is disqualified, but the [the contents of] the bowls should be offered.

16 If the time to remove the bread arrived, it is as if the breads were removed. [Even] if a bread became broken, the [the contents of] the bowls should be offered although the arrangement [of the breads] has not been taken apart.

If one of the arrangements became impure - whether before [the frankincense] was offered or afterwards - or one of the bowls [of frankincense] became impure, the entities that are impure are impure and those that are pure are pure.

Chapter 6

1 [The following is] order of continuous offerings brought each day: Shortly before dawn the supervisor in charge of the lotteries comes and knocks gently on [the gates of] the Temple Courtyard. They are opened for him and an inspection is made of the Temple Courtyard. The bakers of the *chavitin* are roused to prepare the *chavitin*.

All of the priests there will have already immersed themselves before the supervisor comes and garbed themselves in the priestly garments. They come and stand in the Chamber of Hewn Stone and carry out the first and second lottery and [the priests] who merit [are designated to perform] their services, as we explained.

The one who merited to remove the ashes [from the outer altar] begins removing them according to the procedure we described. Afterwards, he

arranges the large array [of wood on the altar], then he arranges the second array, and then he brings up two logs of wood and places them on the array to increase the fire.

Afterwards, they enter the Chamber of the Utensils and remove all the utensils that are necessary for the entire day. They give [the lamb to be sacrificed as] the continuous offering water to drink. The one who merited to slaughter it pulls it to the butchering area. All of the priests who merited to take the limbs [up to the ramp] follow him and wait there until they open the Great Gate of the Sanctuary. When the gate is opened [the lamb to be sacrificed as] the continuous offering is slaughtered.

Afterwards two priests enter the Sanctuary: one who merited to remove the ashes from the inner altar and the other who merited to remove the ashes from the *Menorah*.

2 The one who removes the ashes from the altar should do that at the same time the slaughterer slaughters [the lamb to be offered] as the continuous offering. Afterwards, the person who receives its blood dashes it on the altar.

3 After the blood is dashed on the altar, [the second priest] in the Sanctuary kindles five lamps and both of them leave the Sanctuary. The priests in the butchering area skin [the lamb] and cut it into portions. Each one brings the limb which he merited to the ramp. The limbs are placed on the lower half of the western portion of the ramp. The portions [of the animals sacrificed as] additional offerings are placed on the lower half of the eastern portion of the ramp. Those of the Rosh Chodesh are placed on

the top of the altar between the horns, in the place where the priests walk to publicize that it is Rosh Chodesh. There they salt the limbs. They also salt the ramp, even on the Sabbath, so the priests will not slip and fall while bringing wood up to the ramp. Although the salt intervenes between [the priests'] feet and the ramp, it is not a concern since carrying this wood is not part of [the Temple] service.

4 After the limbs are brought to the ramp, all of the priests gather in the Chamber of Hewn Stone and the supervisor tells them: "Recite one blessing." They begin the recitation of the blessing *Ahavas Olam*, the Ten Commandments, the passage *Shema*, the passage *Vehayah Im Shamoa*, and the passage *Vayomer*, [the blessing] *Emet VaYatziv*, and the blessings *Retzei* and *Sim Shalom*. On the Sabbath, another blessing is added. It is recited by the members of the priestly watch that depart to the members of the watch that enter: "May He Who causes His name to rest in this house cause love, brotherhood, peace, and friendship to rest among you."
Afterwards, they hold the third and fourth lotteries. The priest who merits to offer the incense enters [the Sanctuary] and offers it. Afterwards, the one who merited to remove the ashes of the *Menorah* enters and kindles two candles. The priest who offered the incense and the one who removed the ashes of the *Menorah* depart and stand on the steps of the Entrance Hall together with their priestly brethren.

5 When [the priest who offered the incense] reaches the area between the Entrance Hall and the Altar, [a priest] takes a rake and throws it between the Entrance Hall and the Altar. It made a loud noise. It served three

purposes:

a) one who heard its sound would know that his priestly brethren were entering [the Sanctuary] to prostrate themselves and he would [also] run and go.

b) a Levite who heard its sound would know that his Levitical brethren were gathering to begin the singing [that accompanied the offerings] and he would run and go.

c) when the head of the *ma'amad* heard its sound, he would have the impure people stand at the eastern gate because of the suspicion, i.e., so that everyone should know that they had not brought their atonement offerings as of yet.

Afterwards, [the priest] who merited [to bring up] the limbs, brings the limbs up from the ramp to the altar. After the limbs are brought up, [the priests] standing on the steps of the Entrance Hall begin to recite the Priestly Blessing [as] one blessing [reciting] God's explicit name, as explained in the appropriate place.

Afterwards, they bring the flour of the accompanying offerings up [to the altar]. After the flour, they offer the *chavitin* on the pyre. After the *chavitin*, they offer the wine libation. While the wine is being poured, the Levites recite song and the musicians play on the various instruments in the Temple. Nine *tekiot* are sounded during the bars of the song.

6 When they would give the wine to the priest who would perform the libation, there were two priests holding two trumpets in their hands who would stand on the table where the fats [were placed]. The *Segen* stands on the corner of the altar with flags in his hands. [When he waves them],

they would sound a *tekiah,* a *teruah*, and a *tekiah*. [The priests with the trumpets] would then stand next to the priest who was placed in charge of the cymbals, one to his right and one to his left.

7 When the [priest who offered the libation] bent down to pour it, the *segen* would wave the flags, [the priest] with the cymbals would sound them and the others would sound the trumpets. The Levites began singing. When they reached [the end] of a bar, [the priests] would sound the trumpets and all the people in the Courtyard would prostrate themselves.
At [the conclusion of] every bar [of the song], they would sound the trumpets and at every trumpet sounding, [the people] would prostrate themselves. There were a total of nine trumpet blasts sounded for the continuous offering, as we explained.

8 Song is recited only over the communal burnt-offerings and peace-offerings which are mentioned in the Torah. Song is not recited over the free-will burnt-offerings that are offered from the remaining funds of the Temple collection even though they are communal offerings. Similarly, when the additional offerings are brought independently, song is not recited over them.

9 [These are] the songs that the Levites would recite: On Sunday, they would recite "The earth and its fullness is God's" (**Psalm 24**). On Monday, they would recite "God is great and exceedingly praised in the city of our Lord" (**Psalm 48**). On Tuesday, they would recite "God stands in the council of judges, among the judges, He delivers judgment" (**Psalm 82**).

On Wednesday, they would recite "The Lord is a God of retribution, O God of retribution reveal Yourself" (**Psalm 94**). On Thursday, they would recite "Raise joyous song to God our strength; sound the *shofar* to the God of Jacob" (**Psalm 81**). On Friday, they would recite "God is King. He clothes Himself with grandeur. God has robed Himself. He has girded Himself with strength" (**Psalm 93**). On the Sabbath, they would recite: "A psalm, a song for the Sabbath day" (**Psalm 92**).

For the *Musaf* offering of the Sabbath, the song *Haazinu* (**Deuteronomy, ch. 32**) is recited. It is divided into six segments: *haziv lech* just as it is read in the synagogue. One segment is recited each Sabbath. After the song is completed on six Sabbaths, they would return to the beginning.

In the afternoon on the Sabbath, they would recite from "Then Moses sang..." and from "Who is like You...." For the Musaf offering of Rosh HaShanah, they would recite "Raise joyous song to God our strength." If [Rosh HaShanah] fell on Thursday, they would recite "I have removed his shoulder from the burden" (**Psalm 81:7**). In the afternoon on Rosh HaShanah, they would recite: "The voice of God causes the desert to tremble" (*ibid.* 29:8).

10 When Rosh Chodesh falls on the Sabbath, the song of Rosh Chodesh takes priority over that of the Sabbath in order to publicize that the day is Rosh Chodesh.

11 On the Sabbath, the two bowls of frankincense are offered on the altar's pyre together with the additional offerings before the wine libation that accompanied those offerings.

The order that was followed [for the sacrifices offered] in the morning is followed [for the sacrifices offered] in the afternoon with the exception of the removal of the ashes from the outer altar, the arrangement of the arrays [of wood on the altar], and the lotteries which are only performed each day in the morning, as we explained.

Chapter 7

1 On Rosh Chodesh, the additional offering of Rosh Chodesh is offered after the continuous offering of the morning. What does the additional offering of Rosh Chodesh comprise? Two bulls, one ram, and seven sheep. All are burnt-offerings. A goat is brought as a sin-offering.

2 The procedure through which all the burnt-offerings are offered is the same as that of continuous offering. The procedure through which the sin-offerings of Rosh Chodesh and the festivals are offered is the same as that employed for the sin-offering which is eaten that we described.

3 On Pesach, an additional offering is brought every day, from the first day to the seventh day, like that of the additional offering of Rosh Chodesh: two bulls, one ram, and seven sheep; all are burnt-offerings. A goat is brought as a sin-offering which is eaten.

On the second day of Pesach, the sixteenth of Nisan, besides the additional offering brought each day [of the holiday], a lamb is offered as a burnt-offering together with the *omer* of barley that is waved. This is a communal meal-offering, as we explained.

4 There is a fixed time [when this offering is brought]. Hence it supersedes [the prohibitions against forbidden labor on] the Sabbath and the restrictions of ritual impurity.

5 This meal offering may be brought only from *Eretz Yisrael*, as [**Leviticus 23:10**] states: "And you shall bring the *omer*, the first of your harvest, to the priest." It is a mitzvah to bring the *omer* from [fields that are] close [to Jerusalem]. If it was not brought from a close place, it may be brought from any place in *Eretz Yisrael*.

6 It is a mitzvah that it be reaped at night, on the night of the sixteenth [Nisan]. [This applies] whether [that day falls] during the week or on the Sabbath.

7 The entire night is acceptable for reaping [the barley for] the *omer*. If it was reaped during the day, it is acceptable.

8 The mitzvah is to bring it from standing grain. If [appropriate standing grain] was not found, it should be brought from the sheaves.

9 The mitzvah is [to harvest grain] that is fresh. If [such grain] was not found, it may be brought from dried grain.

10 Their practice was to bring [the *omer*] from fields to the south [of Jerusalem]. They would leave one half of the field fallow and sow the other half one year. And the following year, they would leave fallow the half of the field that was previously sown and sow the other half and bring

[the *omer*] from it.

11 This *omer* would come from barley. This is a halachah communicated by Moses our teacher.

How was [the offering] brought? On the day before the festival of Pesach, the agents of the court would go out [to the field] and tie [the barley] into bundles while it was still attached to the ground so that it would be easy to reap. [On the evening after Pesach,] all [of the inhabitants] of all the neighboring villages would gather so that it would be reaped with much flourish. They would have three men reap three *se'ah* of barley in three baskets with three sickles.

When it became dark, the reapers would ask those standing [in attendance]: "Has the sun set?" They would answer: "Yes."

"Has the sun set?" They would answer: "Yes."

"Has the sun set?" They would answer: "Yes."

"Is this a sickle?" They would answer: "Yes."

"Is this a sickle?" They would answer: "Yes."

"Is this a sickle?" They would answer: "Yes."

"Is this a basket?" They would answer: "Yes."

"Is this a basket?" They would answer: "Yes."

"Is this a basket?" They would answer: "Yes."

If it was the Sabbath, they would ask: "Is it the Sabbath?" They would answer: "Yes."

"Is it the Sabbath?" They would answer: "Yes."

"Is it the Sabbath?" They would answer: "Yes."

Afterwards, they would ask: "Should I reap?" They would answer: "Yes."

"Should I reap?" They would answer: "Yes."
"Should I reap?" They would answer: "Yes."
Three [questions and answers] were given regarding each matter. Why was all this necessary? Because of those who erred who departed from the community of Israel in the Second Temple [era]. They maintained that the Torah's expression [**Leviticus 23:11**]: "From the day following the Sabbath" [should be understood literally, as referring to] the Sabbath of the week. Nevertheless, according to the Oral Tradition, [our Sages] derived that the intent is not the Sabbath, but the festival. And so, was understood at all times by the prophets and the *Sanhedrin* in every generation. They would have the *omer* waved on the sixteenth of Nisan whether it fell during the week or on the Sabbath.
[This interpretation is also reflected in the Written Torah itself,] for it is written in the Torah [*ibid.*:14]: "You shall not eat bread, roasted grain, or kernels of grain until this self-same day." And [**Joshua 5:11**] states: "And they ate from the produce of the land on the day after Pesach, *matzot* and roasted grain." And if one would presume that in that year Pesach fell on the Sabbath as these fools have supposed, why would Scripture make the license for them to eat new grain dependent on a factor that is not fundamental, nor the true cause, but mere coincidence. Instead, since [Scripture] made the matter dependent on "the day after Pesach," it is clear that the day after Pesach is the cause that permits new grain [to be eaten] and no attention is paid to the day of the week [on which it falls].

12 They reaped [the barley]; [then] they placed it in the baskets, and brought it to the Temple Courtyard. [There] they beat it, winnowed it, and

selected [the kernels]. The barley [kernels] were taken and roasted over the fire in a cylinder with holes so that the fire would reach it in its entirety, as [**Leviticus 2:14**] states: "From ripe ears, roasted over fire, ground from fresh kernels." According to the Oral Tradition, we learned that the verse is speaking only about the *omer* meal-offering. After it is roasted, it is spread out in the Temple Courtyard and the wind wafts through it. It is then taken to a mill for kernels and ground [to produce] three *se'ah*. From that quantity, an *isaron* is taken out after it has been sifted with thirteen sifters. The remainder is redeemed and [afterwards] may be eaten by any person. *Challah* must be separated from [that grain], but it is exempt from the tithes, as we explained.

This *isaron* of fine barley flour is taken and mixed with a *log* of oil on the sixteenth of Nisan and a handful of frankincense is placed upon it like on the other meal-offerings. It is waved in the eastern portion of the Temple Courtyard, being passed to [all four directions], lifted up and brought down. It is then brought close to the tip of the southwest corner of the altar like the other meal-offerings. A handful of the meal is taken and offered on the altar's pyre. The remainder is eaten by the priests like the remainder of all other meal-offerings.

When is this handful taken? After the additional offering of the day is offered. The lamb brought as a burnt-offering is offered before the continuous offering of the afternoon.

13 It is forbidden to reap any of the species of grain in *Eretz Yisrael* before the reaping of the *omer*, [because **Leviticus 23:10**] refers [to it as]: "the first of your harvest," [implying that] it should be the first [grain] that is reaped.

To what does the above apply? To a harvest from which the *omer* offering could be brought. [A field located] in parched land in a valley, by contrast, may be reaped before [the reaping of] the *omer*, because it is not fit to bring [the *omer* offering] from it. [Even such grain] should not, however, be collected in a grain heap.

14 When grain grew its roots before [the reaping of] the *omer*, [reaping] the *omer* causes it to be permitted. If not, it is forbidden to harvest it, just as it is forbidden to partake of it until the *omer* is harvested next [year].

15 When grain has not completed the final third of its growth, it may be reaped [even if it had not grown roots before the reaping of the *omer*] to feed it to an animal. [Grain] may be reaped so it does not ruin trees. [Similarly,] it may be reaped to clear a place for an assembly of mourning or an assembly of study. For [the prooftext] states "your harvest." [Implied is that the restrictions] do not [apply] to harvests associated with a mitzvah.

16 Even though it is permitted to reap, one should not bind [the stalks of barley] as sheaves as the reapers do. Instead, he should leave them as small bundles.

17 We already explained that meal-offerings, the meal-offerings for the additional offerings, and first fruits, may not be brought from new grain before the bringing of the *omer*. If one brought them, the offering is invalid. [Similarly, these offerings] should not be brought before bringing the two loaves [on Shavuot], but if one brought them, the offering is

acceptable.

18 Anyone who offers a meal-offering from new grain should recite the blessing *Shehechiyanu*.

19 When grain was sown after the offering of the *omer* and harvested after the *omer* was offered the following year, there is an unresolved doubt: May meal-offerings be brought from it as an initial preference, before the two loaves are brought [on Shavuot], because the two loaves and the *omer* had been brought while this grain [was growing], or perhaps [meal-offerings] should not be brought from it until after bringing the two loaves, after the *omer* of the same year were brought.

20 Similarly, if grain was growing in the ground and its leaves began to form or they began to blossom at the time of the bringing of the two loaves, there is an unresolved question if the blossoming or the formation of leaves is considered equivalent to [the grain] taking root, and it is permitted to bring meal-offerings from it, or it is not considered as equivalent to it having taken root. Therefore one should not bring [such offerings]. If one did, [we assume that] they were accepted.

21 One who reaps grain before the harvest of the *omer* is not liable for lashes and [the grain] he reaps is fit to be used.

22 It is a positive commandment to count seven complete weeks from the day the *omer* is brought, as [**Leviticus 23:15**] states: "And from the day after the Sabbath, you shall count... seven weeks." It is a mitzvah to count

the days together with the weeks, as [*ibid.*:15] states: "You shall count 50 days."

One should count at the inception of the [new] day. Therefore one counts at night, [beginning] from the night of the sixteenth of Nisan.

23 When one forgot and did not count at night, he should count during the day. One should count only when standing. If one counted while sitting, he fulfilled his obligation.

24 This mitzvah is incumbent on every Jewish male in every place and at all times. Women and servants are absolved from it.

25 Each night, the [following] blessing should be recited before counting: "Blessed are You, God, our Lord, Who sanctified us with His commandments and commanded us concerning the counting of the *omer*." If one counted without reciting the blessing, he fulfills his obligation and should not recite the blessing afterwards.

Chapter 8

1 The fiftieth day of the counting of the *omer* is the holiday of Shavuot. It is also called *Atzeret*. On this day, an additional offering is brought like the one brought on Rosh Chodesh: Two bulls, one ram, and seven sheep. All are burnt-offerings. A goat is brought as a sin-offering. These are the addition offerings that are mentioned in the Book of Numbers. They are the additional offering associated with the day.

Also, besides the additional offering of this day, a meal-offering is brought

from new grain: two loaves. Together with the loaves are offered a bull, two rams, and seven sheep. All are burnt-offerings. A goat is brought as a sin-offering and two sheep are brought as peace-offerings. These are the addition offerings that are mentioned in the Book of Leviticus.

Thus on this day, besides [the two lambs brought as] continuous offerings, there are offered three bulls, three rams, and fourteen sheep - a total of 20 animals - as burnt offerings and two goats as sin-offerings which are eaten and two sheep as peace-offerings which are eaten.

2 These two loaves may be brought only from *Eretz Yisrael* and from freshly-harvested grain, as [indicated by **Leviticus 23:17**]: "From your dwelling places, bring bread that will be waved...." If freshly-harvested grain cannot be found, one may bring from that which had been stored away.

3 If wheat kernels descended from the clouds, there is an unresolved doubt whether they are considered as coming from "your dwelling places." Hence, [as an initial preference, the two loaves] should not be brought [from such grain]. After the fact, [the offering] is acceptable.

How are [the two loaves] brought? Three *se'ah* of wheat from new grain are brought. [The kernels] are struck and tread upon as [is done] for all the meal offerings. They should be ground into fine flour [to produce] two *esronim* that are sifted with twelve sifters. The remainder is redeemed and [afterwards] may be eaten by any person. *Challah* must be separated from [that grain], but it is exempt from the tithes, as we explained.

4 The two loaves that come from new grain must each come from an *isaron* produced from a *se'ah* and a half [of kernels]. They are sifted with twelve sifters. For the showbread that comes from grain that was grown for a full season, it is sufficient to use eleven sifters and an *isaron* is produced from every *se'ah*. The *omer* which comes from fresh barley does not come from choice grain. [Hence it requires] three *se'ah* and thirteen sifters.

5 In all these instances, if one added to the number of *se'ah* used or subtracted from them, [the offering] is acceptable.

6 The two *esronim* are taken and each one is kneaded into dough individually and baked individually.

7 The dough for them is made and they are shaped outside [the Temple Courtyard]. They are, however, baked inside [the Courtyard] like all the meal-offerings.

8 Preparing these loaves does not supersede [the prohibitions against forbidden labor on] the festivals and needless to say, not [those of the] Sabbath. Instead, they are baked on the day preceding the festival. For [**Exodus 12:16** which permits cooking and baking on the festivals states]: "It alone may be done for yourselves." [Implied is an exclusion:] "For yourselves and not for the Most High.

9 If the day before the festival is the Sabbath, they should be baked on Friday and eaten on the third day after they were baked which is the festival.

It is explicitly stated in the Torah that they should be leavened bread. How were they prepared? One would bring yeast from another place and place it into the *isaron* measure. He would then fill that measure with fine flour and let it leaven with that yeast.

10 They were rectangular. The length of each loaf is seven handbreadths and their width was four handbreadths. Their height was four fingerbreadths.

11 How is the bread waved together with the two sheep brought as peace offerings? Two sheep are brought and they should be waved while they are still alive, as [**Leviticus 23:20**] states: "And [the priest] shall wave them...." If one waved each of them individually, the obligation is fulfilled. Afterwards, they are slaughtered and skinned.

The breast and the thigh from both of them are taken and placed aside the two loaves. [A priest] should place both of his hands below them and wave them all as a single entity, in the eastern portion of the Temple Courtyard, in the place where all the waving [of offerings] is performed. One should bring them back and forth [to each of the four directions] and up and down. If he waved each of the loaves [together with one breast and one thigh] individually, the obligation is fulfilled.

Afterwards, the *eimorim* of the sheep are offered on the altar's pyre. The remainder of the meat is eaten by the priests. With regard to the two loaves: the High Priest receives one of them and the other is divided among all the priestly watches. They both may be eaten for the entire day and half the night like the meat of the sacrifices of the most sacred order.

12 [The following laws apply if] one slaughtered the two sheep for four loaves: If [the priest performing the service] said: "Let two of the four become sanctified," he should remove two of the four, and wave them. The remainder should be redeemed inside the Temple Courtyard and eaten outside like other ordinary [bread]. If he did not make such a stipulation, the bread does not become sanctified.

13 If he slaughtered four sheep for two loaves, they should take away two of them and dash their blood on the altar with the intent that they not be for this offering. He should then wave the remaining two together with the two loaves.

14 The two breads are each indispensable requirements for the offering of each other and the two sheep are each indispensable requirements for the offering of each other. If one of them died, fled, or became *treifah*, a partner should be taken for the second. If one was slaughtered with the proper intent [and then the other died or the like], a partner should be taken for [the first].

15 The two loaves are indispensable requirements for the offering of the sheep, but the two sheep are not indispensable requirements for the offering of the loaves. [Nevertheless,] if [the loaves] were waved together with the sheep, they are indispensable requirements for their being offered. Thus if the loaves were lost, the sheep should be destroyed, and if the sheep were lost, the loaves should be destroyed, and other loaves and other sheep should be brought.

16 How should the two loaves be brought when they are brought without the sheep? They should be waved and then [left] until their form spoils and then taken out to the place where [sacrifices] are burnt. This is a decree, [enacted] lest sheep be available in the coming year and the loaves be offered without them.

The two rams, seven sheep, and the goat, brought on this day because of the loaves, are not indispensable requirements for the offering of the loaves, nor are the loaves indispensable requirements for their being offered.

17 The two bulls of the additional offering of the day, and the bull brought because of the bread, are not indispensable requirements for the offering of each other.

18 The ram of the additional offering of the day, and the two rams brought because of the bread, are not indispensable requirements for the offering of each other.

19 The seven sheep of the additional offering of the day and the seven sheep brought because of the bread are not indispensable requirements for the offering of each other. If they were slaughtered, they are indispensable requirements for the offering of each other.

20 The continuous offerings are not indispensable requirements for the additional offerings, nor are the additional offerings indispensable requirements for the continuous offerings, nor are the additional offerings indispensable requirements for each other, nor is the entire amount of

burnt offerings an indispensable requirement.

What is implied? If only six sheep were found, the six should be offered. Even if one found only one sheep, it should be offered. [This applies] whether on Rosh Chodesh or on the festivals or Sabbaths. There is no obligation to offer the other animals on the following day or at any other time. Instead, whenever the date for a communal sacrifice passes without it being offered, [the obligation to offer] the sacrifice is nullified.

If there were only two sheep to be found, and thus if they would be offered for the additional offering of the day, there would not be any for the continuous offering on the next day, the options are of equal weight. If they were offered for the additional offering of that day, the offering [is acceptable]. If it was desired that they be left to be offered on the following day, they should be left.

Chapter 9

1 On the first day of Tishrei, for the additional offering of the day, we offer a bull, a ram, seven sheep, all as burnt-offerings, and a goat as a sin-offering. This is the additional offering of the day aside from the additional offering of Rosh Chodesh that is offered on every Rosh Chodesh. Therefore [if that date] fell on the Sabbath, three additional offerings were brought: the additional offering of the Sabbath, the additional offering of Rosh Chodesh, and the additional offering of that date.

2 What is the order in which they were offered? First they would offer the

additional offering of the Sabbath, then the additional offering of the new month, and then the additional offering of the festival. [The rationale is that any offering brought] more frequently than another takes precedence over the other one. Similarly, if [an offering] is on a higher level of holiness than another one, it takes precedence over it. If one has a choice of [an offering that] is brought more frequently and one which is on a higher level of holiness, one may award precedence to whichever one desires.

3 If one transgressed and slaughtered [an animal for an offering that was] not [brought] more frequently, or one which was on a lower level of holiness first, one should offer it [on the altar] and then slaughter the one [brought] more frequently, or one which was on a higher level of holiness.

4 If the two [animals] were slaughtered at the same time, one should stir the blood [of the one that is less frequent or less holy] until the blood of the one that is more frequent or holier is sprinkled [on the altar].

5 The blood of a sin-offering is given precedence over the blood of a burnt-offering, because the blood of a sin-offering brings atonement. [The offering of] the limbs of a burnt-offering take precedence over offering the fats and organs of a sin-offering, because a burnt-offering is consumed entirely by fire.

[If one must choose] between the blood of a sin-offering, or the limbs of a burnt-offering, one may give precedence to whichever one desires. Similarly, [if one must choose] between the blood of a burnt-offering and

the fat and organs of a sin-offering or the blood of a burnt-offering and the blood of a guilt-offering, one may give precedence to whichever one desires.

6 A sin-offering takes precedence over a burnt-offering. Even a sin-offering of a fowl takes precedence over a burnt-offering of an animal, as [**Leviticus 5:8** which] states: "[who shall offer] the sin offering first." This is a general principal teaching that every sin-offering takes precedence over the burnt-offering that accompanies it. Similarly, when setting aside [animals for sacrifices], one should set aside the animal to be offered as a sin-offering and then the one to be offered as a burnt-offering.

7 This does not apply with regard to the sacrifices of the holiday [of Sukkot]. They are sacrificed in the order that they are mentioned in the Torah, for [**Numbers 29:33**] states: "according to their ordinance."
What is implied? At first the bulls [should be offered], after them the rams, after them the sheep and after them, the goats, even though the goats are sin-offerings and those which preceded them are burnt-offerings.
Similarly, with regard to the burnt-offering of a bull and the sin-offering of a goat the community brings to atone for the inadvertent transgression [of the prohibitions] against the worship of false deities, the bull is given precedence, because [*ibid.* 15:24] states: "according to the ordinance."
The bull offered by the anointed priest is given precedence over the bull offered [to atone] for an inadvertent transgression by the community. The latter sacrifice takes precedence over the bull [offered to atone] for the worship of false deities. The latter sacrifice takes precedence over the goat

offered with it. Even though the bull is a burnt-offering and the goat is a sin-offering, [the bull is given precedence], for this is the order of the verses in the Torah.

The goat brought [to atone for] idolatry takes precedence over the goat brought by a king, for the king is one individual. The goat brought by a king takes precedence over the she-goat brought by an ordinary individual. The she-goat brought by a private individual takes precedence over a ewe, even though they are both sin-offerings. For a she-goat is fit to be brought [to atone] for [all] sins for which one is liable for *karet*, for which a sin-offering is brought, and the ewe may not be brought [to atone] for the inadvertent transgression of the prohibitions of idolatry.

8 Even the sin-offering of a fowl brought by a woman after childbirth takes precedence over the sheep she brings. A sin-offering takes precedence over a guilt-offering, because its blood is applied to the four corners [of the altar] and on its base. All of the sin-offerings mentioned in the Torah take precedence over all of the guilt-offerings with the exception of the guilt-offering brought by a person afflicted by *tzaraat*, because it comes to make a person fit.

A guilt-offering takes precedence over a thanksgiving-offering and the ram brought by a nazirite, because it is a sacrifice of the most sacred order. A thanksgiving-offering and the ram brought by a nazirite take precedence over a peace-offering, because they may be eaten for only one day and require that bread bey brought with them. A thanksgiving-offering takes precedence over the ram of a nazirite, because it must be brought with four types of meal-offerings.

A peace-offering takes precedence over a firstborn offering, because it requires two presentations of blood which are in fact four, leaning on the animal, waving the offering, and accompanying offerings. The firstborn offering takes precedence over the tithe offering, because it is sanctified from the womb and may be eaten only by priests.

The tithe offering takes precedence over fowl because it involves ritual slaughter and it has an element of the most sacred order: its blood and the fats and organs are offered on the altar. Sacrifices of fowl take precedence over meal-offerings, for [they involve offering] blood.

If a person has a sin-offering of fowl, a tithe offering, and a burnt-offering of an animal [to sacrifice], since the burnt-offering takes precedence over the tithe offering and the sin-offering of the fowl takes precedence over the burnt-offering, he should sacrifice the sin-offering of the fowl first, then the burnt-offering, and then the tithe offering.

9 When a person has several types of animals from one type of sacrifice, in which order should they be offered? Bulls take precedence over rams, for their accompanying offerings are larger. Rams take precedence over sheep for the same reason. Sheep take precedence over goats, because they have more fats and organs offered on the altar, because the fat-tail is among the organs of the sheep offered and the goats do not have a fat-tail.

The *omer* offering takes precedence over the sheep offered with it. The loaves take precedence to the two sheep [offered with them]. This is the general principle: An entity offered because of the day takes precedence over an entity brought because of the bread.

10 A meal-offering brought by a male takes precedence over one brought by a female. A meal-offering of wheat takes precedence over a meal-offering of barley. A meal-offering brought as a sin-offering takes precedence over a meal-offering brought as a free-will offering, because it comes [as atonement] for sin. With regard to a meal-offering brought as a free-will offering and the meal-offering of a *sotah*, one may give precedence to whichever one desires.

11 Meal-offerings receive precedence over wine libations. Wine libations receive precedence over oil. Oil receives precedence over frankincense. Frankincense receives precedence over salt and salt receives precedence over wood.

When does the above apply? When they are all brought at the same time. When, however, a sacrifice is brought first, it is offered first, and one which is brought last, is offered last.

12 All [the sacrifices] that receive precedence with regard to being offered also receive precedence with regard to being eaten.

13 If a person had before him a peace-offering that had been sacrificed on the previous day, and one that was offered the present day, the one offered on the previous day is given precedence, because the limit [until when it may be eaten] is closer. If one has a peace-offering from the previous day and a sin-offering or a guilt-offering from the present day, the sin-offering and the guilt-offering take precedence, because they are sacrifices of the most sacred order, as we explained.

Chapter 10

1 On the fast day of Yom Kippur an additional offering is offered like that of Rosh HaShanah: a bull and a ram - this ram is called "the ram of the people" - and seven sheep. All are burnt-offerings. A goat [is brought as] a sin-offering and it is eaten in the evening.

2 In addition, the community offers another goat as a sin-offering, it is burnt. Its pair is the goat sent to Azazel.

3 On the first day of the Sukkot festival, the following are brought as the additional offering of the day: thirteen bulls, two rams, and fourteen sheep. All are burnt offerings. And a goat which is eaten [is brought as] a sin-offering. Similarly, on all the seven days of [the Sukkot] festival, two rams, fourteen sheep, and a sin-offering of a goat are offered.

4 The number of bulls [offered], however, is decreased each day. On the second day, twelve bulls are offered, on the third eleven,... until on the seventh day, seven bulls, two rams, and fourteen sheep are all brought as burnt-offerings and a goat is brought as a sin-offering.

5 On Shemini Atzeret, the following are brought as the additional offering of the day: a bull, a ram, and seven sheep. All are burnt offerings. And a goat [is brought as] a sin-offering. This is a separate offering in its own right.

6 On all the seven days of the [Sukkot] festival, a water libation is poured

on the altar. This practice is a *halachah* communicated to Moses on [Mount] Sinai. The water was poured as a separate libation together with the morning wine libation.

7 If one poured the water into the wine or the wine into the water and then poured the two of them as a libation from a single utensil, the obligation is fulfilled. If the water libation was offered before the [daily] sacrifice - indeed, even if it was offered at night - the obligation is fulfilled.
The libation was poured at the southwest corner, above the mid-point of the altar, and then it would all descend to the *shittin*, as we explained. How was it offered? He would fill a golden vessel that contains three *lugin* from the *Shiloach* stream. When they reached the Water Gate, *tekiah, teruah,*, and *tekiah* blasts are sounded. [The priest] would ascend the ramp and turn to his left and pour the water into a cup that was positioned there. For there were two silver cups there. The water [was poured] into the western one and the wine libation [was poured] into the eastern one. They were pierced with two small holes like two small nostrils. The hole for [the cup] of water was thinner than that for the wine so that the water would conclude flowing together with the wine.

8 They would tell [the priest] who would pour the water libation: "Lift up your hands," because once [a priest] poured [the water] on his feet, and the entire nation stoned him with their *esrogim*. For they said: "He was a Sadducee," for they say that there is no water libation.

9 [The water libation] was performed on the Sabbath in the same manner

in which it was performed during the week, except that on Friday, a golden jug that was not a sacrificial vessel was filled [with water] and left in the chamber. On the morrow, [the pitcher used for the libation] was filled from it.

10 If the water was spilled or was uncovered, one should fill [the pitcher] from the basin and pour the libation.

11 On every day of the Sukkot festival, a separate song was recited for the *Musaf* offering. On the first day of *Chol HaMoed*, they would say: "Render to God, children of the mighty..." (**Psalm 29**). On the second [day of *Chol HaMoed*], they would say "And to the wicked, God said..." (**Psalm 50**). On the third, they would say: "Who will stand up for me against the wicked?..." (*ibid.* 94:16). On the fourth, they would say: "Understand, you senseless among the people..." (*ibid.*:5). On the fifth, they would say: "I removed his shoulder from the burden" (*ibid.* 81:7). On the sixth, they would say: "All the foundations of the earth tremble" (*ibid.* 82:5). If the Sabbath falls on one of [the days of Chol HaMoed, the verses beginning] "All the foundations tremble" are superseded [by the song for the additional offering of the Sabbath].

12 We have already explained that there are a total of 24 priestly watches and they all serve with equal rights during the festivals. On the holiday of Sukkot, each watch would offer [only] one bull, one ram, or a goat as a sin-offering. With regard to the sheep, however, [there was a difference]. There were watches which would offer two sheep and there were watches

that would offer one.

What is implied? On the first day of the festival of Sukkot, there are thirteen bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for eight watches. Six watches offer two sheep and two watches offer one.

On the second day, there are twelve bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for nine watches. Five watches offer two sheep and four watches offer one.

On the third day, there are eleven bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for ten watches. Four watches offer two sheep and six watches offer one.

On the fourth day, there are ten bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for eleven watches. Three watches offer two sheep and eight watches offer one.

On the fifth day, there are nine bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for twelve watches. Two watches offer two sheep and ten watches offer one.

On the sixth day, there are eight bulls, two rams, and a goat. Every watch [that receives an animal to offer] would offer one of these animals. Thus there remain fourteen sheep for thirteen watches. One watch offers two sheep and twelve watches offer one.

On the seventh day, there are seven bulls, two rams, a goat, and fourteen sheep, [an amount of animals] equivalent to the number of watches. Each watch offers one animal.

13 Whichever watch offered a bull one day did not offer a bull the next day. Instead, they would rotate. On the eighth day, they allot them through a lottery in which all watches are equal, as we explained.

14 When the first day of the festival of Sukkot fell on the Sabbath, there would be 61 *esronim* of accompanying meal-offerings from the additional offerings and the continuous offerings. They would not be mixed together.

15 The accompanying meal-offerings are never mixed together. Instead, the accompanying offerings of bulls [are prepared and offered] separately, those of rams separately, and those of sheep separately. [This applies] both with regard to communal offerings and individual offerings.

16 All of the fats of the sacrifices [that are to be offered on the altar] - whether from communal sacrifices or from individual sacrifices - should not be mixed with each other. Instead, the fats and the organs of each sacrifice are offered on the altar's pyre separately. If, however, they become mixed together, they may be offered all as one.

17 If the meal-offerings of the accompanying offerings become intermingled after each type was mixed with oil separately, they are acceptable.

18 Since the meal-offerings were mixed together and their oil and meal have become intermingled, it is permissible to mix their wine [libations] together as an initial preference. Similarly, if the meal-offerings of the accompanying offerings were already offered, each one separately, it is permissible to mix their wine [libations] together.

19 When the wine-libations of the accompanying offerings are mixed together, it is permissible to mix a wine libation of a sacrifice offered on the previous day with one offered on the present day or those of an individual offering with those of a communal offering.

When one mixes together [wine libations], he may mix the wine libations of the accompanying offerings of bulls with those of the accompanying offerings of rams, or those of the accompanying offerings of sheep with others of the accompanying offerings of sheep. One should not, however, mix the wine libations of the accompanying offerings of sheep with those of bulls or rams.

20 As an initial preference, one should not mix wine [libations] unless the meal-offerings have been mixed together or they have been offered, as we explained.

Mishneh Torah, Sacrifices Rendered Unfit

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 All persons disqualified from performing sacrificial service may slaughter sacrificial animals, even sacrifices of the most sacred order, as an initial preference, with the exception of a person who is ritually impure, who may not slaughter as an initial preference. Even though he stands outside the Temple Courtyard and inserts his hands and slaughters in the Courtyard, [he was restricted]. This a decree, lest he touch the [sacrificial] meat.

2 If [an impure person] transgressed and slaughtered [a sacrificial animal], the sacrifice is acceptable. Similarly, with regard to the bull [brought by] the High Priest on Yom Kippur even though [**Leviticus 16:11**] states: "And Aaron... shall slaughter [the bull]," if a non-priest slaughtered it, it is acceptable. Even a red heifer that was slaughtered by a non-priest is acceptable, for there is no slaughter by a non-priest that invalidates [a sacrifice].

3 When a person slaughters sacrificial animals, but does not have the intent to slaughter them, but instead, is merely busying himself [thoughtlessly], they are disqualified. [He must] have the intent to slaughter them.

4 One should not slaughter the heads of two sacrificial animals at the same time. If one slaughtered [in this manner], the sacrifices are acceptable.

5 Two people may slaughter a sacrificial animal together, just as they may slaughter an ordinary animal.

6 A minor may not slaughter sacrificial animals even if an adult is standing over him. [The rationale is that the slaughter of] sacrificial animals requires concentrated intent and a minor does not have such a potential. Even when [a minor's] deeds indicate that he is acting with intention, [he is] not considered [to have acted] with intention if that will produce a leniency, only if it will produce a stringency.

What is implied? If [an animal to be sacrificed as] a burnt-offering was standing in the southern [portion of the Temple Courtyard] and a minor led it and brought it to the north where he slaughtered it - thus his actions indicate that he intended to slaughter a sacred animal - [the sacrifice] is still disqualified.

7 When sacrifices of the most sacred order were slaughtered in the southern [portion of the Temple Courtyard] or their blood was received there, they are disqualified.

8 If one was standing in the southern [portion of the Temple Courtyard], but he extended his hands into the northern portion and slaughtered [a sacrifice of the most sacred order], his slaughter is acceptable.

9 If, [by contrast, a priest] was standing in the southern [portion of the Temple Courtyard], but he extended his hands into the northern portion and received the blood [of such a sacrificial animal], his receiving of the blood is unacceptable.

10 If he brings his head and the majority of his body into the northern [portion of the Temple Courtyard], it is considered as if he was standing there.

11 If one slaughtered [such an animal] in the northern portion [of the Temple Courtyard] and then in the convulsive movements that accompanied its death, it moved to the southern portion or even if [a priest] took it to the southern portion, it is acceptable. If after these convulsive movements took it to the southern portion and then it returned to the northern portion and its blood was received there, it is acceptable.

Similarly, if [animals to be slaughtered as] sacrifices of a lesser degree of sanctity were inside [the Temple Courtyard] and one was standing outside the Temple Courtyard and inserted his hand inside and slaughtered it, his slaughter is acceptable.

12 If, [while standing outside the Temple Courtyard, a priest] inserted his hand inside and received the blood, the receiving of the blood is unacceptable. Even if [the entire body of the priest] performing the service was inside [the Temple Courtyard], and his locks of hair were outside, his service is unacceptable, for [when describing the priests' service in the Temple, **Leviticus 10:9**] states: "When you come to the Tent of Meeting." Implied is that one must enter in his entirety.

13 If in the convulsive movements that accompanied its death, [such an] animal moved out of [the Courtyard] after its blood was received, it is

acceptable. For even if the organs and fats to be offered on the altar, and the meat of sacrifices of a lesser degree of sanctity, were taken outside [the Courtyard] before [the blood] was presented [on the altar], the sacrifice is acceptable, as will be explained.

14 If the entire body of [such an] animal was inside the Temple Courtyard and its foot was outside and it was slaughtered, the sacrifice is unacceptable. For [when speaking of bringing the sacrifices, **Leviticus 17:5**] states: "And they shall be brought to God." Implied is that they should be entirely within [the Courtyard].

15 If one slaughtered [a sacrificial animal] while it was located entirely in [the Temple Courtyard], and afterwards, it moved one of its feet outside, he should cut off the meat until he reaches the bone, and afterwards, the blood should be received. If he received the blood and afterwards, cut off the meat, it is disqualified because of the fat of the meat that is outside [the Temple Courtyard].

With regard to sacrifices of a lesser degree of sanctity, there is no need to cut off [the meat]. Instead, he should bring its foot back inside [the Temple Courtyard], and receive the blood. For [even] if meat from sacrifices of a lesser degree of sanctity were taken out [of the Temple Courtyard] before their blood was cast [on the altar], [the sacrifice] is acceptable.

16 If one hung the animal [above the earth] and slaughtered it in the free space of the Temple Courtyard, it is unacceptable, for [**Leviticus 1:11**]

speaks [of slaughtering animals] "on the flank of the altar," implying that one must slaughter on the ground.

17 If the [sacrificial] animal was on the ground, but [the slaughterer] was hanging in the air and he slaughtered the animal while hanging, this disqualifies sacrifices of the most sacred order. Sacrifices of lesser sanctity, by contrast, are acceptable.

18 If one slit the lesser portion of the organs that must be slit for ritual slaughter outside [the Temple Courtyard], and one completed the slaughter inside or one slit the lesser portion of the organs in the southern portion of [the Temple Courtyard], and completed the slaughter in the north, they are unacceptable. For ritual slaughter is considered as one continuous, integral act from the beginning to its completion.

19 If one was hung and received the blood from the neck of a [sacrificial] animal that is located on the ground, [the act] is unacceptable, because this is not the manner of Temple service.

20 If one was standing in the Temple Courtyard and hung a receptacle over his arm and received the blood in the air, or lifted the animal and thus received the blood in the air, [the act] is acceptable, for the open space above the place is considered as the space itself.

21 If one placed one receptacle within a second receptacle and received the blood, [the act] is acceptable, one substance is not considered as an interposing substance for another substance of the same type. If one

placed fibers inside the receptacle and received the blood, [the act] is acceptable, because the fibers are porous and thus the blood descends into the receptacle and there is no interference. If, however, one does this while taking a handful of flour from a meal offering and took the handful with the fibers, it is unacceptable.

22 Receiving the blood [of a sacrificial animal], bringing it to the altar, casting it on the altar and bringing the limbs [of a sacrificial animal] to the ramp, are all tasks that are only acceptable if performed by a priest who is fit to perform service, as we explained with regard to taking the handful of flour from a meal offering or snipping of the head of a fowl.

23 Bringing [blood or limbs] to the altar in a way other than walking is not considered as bringing them. Therefore if a priest receives the blood [and while] standing in that place, casts it on the altar, the sacrifice is disqualified.

24 If [the priest] received [the blood] with his right hand and then transferred [the receptacle in which he received] it to his left hand, he should return it to his right hand. If he received [the blood] with an ordinary utensil, the sacrifice is disqualified. If he received it in a sacred receptacle and transferred it to an ordinary receptacle, he should return it to a sacred receptacle.

25 If [the blood] spilled out of the receptacle on to the floor [of the Temple Courtyard, the sacrifice] is acceptable if one gathers up [the blood]. If, however, it spilled out from the neck of the [sacrificial] animal to the

floor, and then was collected and placed in a sacred receptacle, the sacrifice is disqualified.

26 If some of the blood from the neck of the [sacrificial] animal was spilled on the ground and not collected, but [a priest] received the remainder from the neck of the animal, [the sacrifice] is acceptable, provided the blood that was received is [the animal's] lifeblood and not blood concentrated [in the limbs] or the blood of the skin.

27 If any of the individuals who are unacceptable to perform Temple service receive the blood [of a sacrificial animal], bring the blood to the altar, or cast it on the altar as required by law, the sacrifice is disqualified. If [a priest] who is acceptable for such service receives the blood and gives it to one who is unacceptable, but the latter does not walk with it, but instead stands in his place, he should return it to the acceptable [priest]. If, however, the unacceptable person carried it [toward the altar] and then returned it to the acceptable [priest] who carried it [to the altar] or the acceptable priest carried it [to the altar] and then gave it to the unacceptable one who carried it, since it was carried by the unacceptable person, whether at the beginning or the end, the sacrifice is disqualified, because this matter cannot be corrected.

28 [The following laws apply if] the blood was received by an unacceptable person. If any of [the animal's] lifeblood remains, an acceptable [priest] should receive the blood, bring it [to the altar], and cast [it upon it]. [The rationale is that] individuals who are unacceptable for Temple service do

not cause the remainder of the blood to be considered as remnants.

An exception is one who is impure. Since he is fit to carry out Temple service when a sacrifice is brought in a state of impurity as explained, he causes [the blood to be considered as] remnants. What is implied? If an impure [priest] received the blood [of a sacrificial animal] even if an acceptable [priest] received [the animal's] lifeblood afterwards and cast it [upon the altar], the sacrifice is disqualified. For [the blood] received by the acceptable [priest] afterwards is considered as remnants and is of no consequence.

29 When even the slightest substance is taken from one of the [sacrificial] animal's limbs after it was slaughtered, but before its blood was cast upon the altar, it is disqualified. Even if one [merely] mutilated the ear of an animal before [its blood] was received, it is as if [its blood] was not received. [This is derived from **Leviticus 16:14** which] states: "And he shall take from the blood of the bull." [Implied is that] it must be entirely whole at the time [the blood] is received. If one received [the blood] of an imperfect [animal] and cast it upon the altar, [the sacrifice] is unacceptable.

30 If, however, its substance was reduced after [its blood] was received, before it was cast [on the altar], even if the meat was lost before the blood was cast [on the altar] or it was consumed by fire, he should cast the blood [on the altar] as long as an olive-sized portion of the meat or the organs and fats to be offered on the altar's pyre remain. If not even that remains, he should not cast the blood. With regard to a burnt-offering, even if half an

olive-sized portion from the meat and half an olive-sized portion of the organs and fats [remain, he should cast the blood], because the entire [animal] is [offered on the altar's] pyre.

31 If less than an olive-sized portion [of a burnt-offering remains], [the blood] should not be cast [on the altar]. If it is cast [upon it], the sacrifice is not received with favor [Above]. If the meat is disqualified before [the blood] is cast on the altar or it was taken out of the Temple Courtyard, the blood should not be cast. If, however, it was cast, the sacrifice is received with favor [Above].

32 When the meat of sacrifices of a lesser degree of sanctity was taken out of the Temple Courtyard before the blood was cast [on the altar], even though the blood was cast [upon the altar] while the meat was outside, the sacrifice is acceptable, because ultimately, the meat will be taken outside [the Temple Courtyard].

Casting [the blood on the altar] is effective with regard to [the obligation to have the sacrificial meat] which was taken out [of the Temple Courtyard] burnt, but not to have it permitted to be eaten.

33 Similarly, when the organs and fats to be offered on the altar from sacrifices of a lesser degree of sanctity were taken out [of the Temple Courtyard] before their blood [was cast on the altar] and the blood was cast [on the altar] when they were outside, the sacrifice was not disqualified. If they were returned [to the Temple Courtyard], they should be offered on the altar's pyre. Even if they were not returned [to the

Temple Courtyard], one is liable for violating the transgressions [against partaking of] *piggul, notar*, and impure [sacrificial] meat if he partakes of them.

34 With regard to any sacrifices [brought by] a private individual, whether the meat became impure, but the fats are intact or the fats became impure, but the meat remains intact, the blood should be cast on the altar. If they both became impure, the blood should not be cast. If, however, it was cast on the altar, the sacrifice is received with favor [Above], for the High Priest's forehead plate arouses [God's] favor. Similarly, when fats and organs to be offered on the altar's pyre or the limbs of a burnt-offering became impure and they were [nonetheless] offered on the altar, the High Priest's forehead plate arouses [God's] favor, as explained. With regard to any of the communal sacrifices, [even if] all of the meat and fats became impure, the blood should be cast [upon the altar].

35 When the blood of sacrificial animals was taken outside the Temple Courtyard, the sacrifice is disqualified. Even though it was brought back inside and cast on the altar, the sacrifice is not received with favor [Above].

36 No blood from sacrificial animals is susceptible to ritual impurity at all. For [**Deuteronomy 12:16**] states with regard to blood: "You shall pour it on the earth like water." [Implied is that] blood which is poured out like water is considered as water and is susceptible to ritual impurity. The blood of sacrificial animals, by contrast, is not poured out like water and

hence is not susceptible to ritual impurity.

37 When the sun sets and the blood from a sacrificial animal [slaughtered that day] has not been cast [on the altar], the sacrifice is disqualified. If [the blood] is cast [on the altar afterwards], [the sacrifice] is not received with favor [Above].

Chapter 2

1 [With regard to the presentation of] the blood from any of the sacrifices on the outer altar: as long as one makes one presentation of blood, atonement is generated. Even with regard to a sin-offering, one presentation is of fundamental importance. Making the remaining [three of] the four [required] presentations is [merely] the optimum manner of fulfilling the mitzvah, as [implied by **Deuteronomy 12:27**]: "The blood of your sacrifices shall you pour on the altar." [One can infer that one] pouring of blood on the altar is of fundamental importance.

2 Whenever [a priest] poured [blood] over the altar when he should have cast it upon it, the obligation is fulfilled, as [implied by the verse:] "The blood of your sacrifices shall you pour."

3 With regard to all of the blood presented on the inner altar, if one of the presentations is lacking, the sacrifice does not bring atonement. Instead, all of them are integral for the atonement, for Scripture was precise with regard to their number, as [**Leviticus 4:7**, 17; 16:14] states: "seven times."

4 If the owner died after one of the presentations of the blood of a sin-offering was made, the remainder of the presentations should be made after his death.

5 If, however, he made one presentation during the day, he should not make the [remaining] three at night.

6 If one made one [of the presentations of blood required to be made on] the inner altar on [that altar] and made the remainder on the outer [altar], he is liable for [*karet*] for offering [a sacrifice] outside its appropriate place.

7 If [a priest] was sprinkling [the blood of a sacrifice on the altar] and his hand was cut off before the blood reached the space above the altar, the sprinkling of the blood is not acceptable.

8 If one changed [the order] of corners [of the altar on which the blood was presented when bringing] a sin-offering - whether for a sin-offering [whose blood] is offered on the inner altar or a sin-offering [whose blood] is offered on the outer altar - [the sacrifice] is disqualified. If, however, [the order of the presentation of the blood] for other sacrifices is changed, [the sacrifices] are acceptable.

9 If [the priest] presented the blood beyond the corner of the altar - whether for a sin-offering or for another offering and whether for the inner altar or for the outer altar - [the sacrifice] is unacceptable.

10 When blood that according to [the Torah's] command should have been

presented above the midpoint of the altar was presented below it;
if according to [the Torah's] command, it should have been presented below the midpoint of the altar, but it was presented above it;
if [blood that] according to [the Torah's] command should have been presented inside [the Temple] and was presented on the outer altar;
if [blood that] should have been presented on the outer altar was presented in [the Temple]; or
if blood that should have been presented on the outer [altar] was presented on the ramp in a place that is not opposite the foundation [of the altar],
[in all these instances,] the meat of the sacrifice is unacceptable. Nevertheless, the owners of the sacrifices receive atonement because of it, for its blood has reached the altar. Although it did not reach the proper place, it is as if it reached its [proper] place with regard to atonement.
When does the above apply? When the person casting [the blood] is acceptable for Temple service. If, however, a person fit for Temple service received [the blood] and gave it to a person who is unacceptable and that unacceptable person presented [blood] that should have been presented above [the midpoint] of the altar below its midpoint, [blood] that should have been presented [on the] outer [altar] was presented inside [the Temple Sanctuary], [blood] that should have been presented inside [the Temple Sanctuary] was presented[on the] outer [altar], or one presented [the blood] on the ramp in a place that is not opposite the foundation [of the altar], the meat of the sacrifice is not disqualified if [any of the sacrificial animal's] blood of life remains. Instead, an acceptable person should receive the remainder of the blood of life and cast it [on the altar]

in its appropriate place.

11 [The following rules apply when] the blood of sacrificial animals becomes mixed between two types of blood or between two cups of blood. If [the blood of sacrifices that require] one presentation [of blood] was mixed with [the blood of others that require] one presentation [of blood], one presentation should be made of the entire [mixture]. Similarly, if [the blood of sacrifices that require] four presentations [of blood was mixed] with [the blood of others that require] four presentations, four presentations should be made of the entire [mixture]. If, [however, the blood of sacrifices that require] one presentation [of blood] was mixed with [the blood of others that require] two presentations that are four, one presentation should be made of the entire [mixture].

If [blood that was] to be presented on the upper [half of the altar] became mixed with [blood that was] to be presented on the lower [half of the altar], all [the blood] should be poured into the [waste] channel and the sacrifices are disqualified. Even if the remainder of [the blood from] a sin-offering is mixed with the blood of a burnt-offering in which instance, all of the blood should be presented on the bottom of the altar, the entire [mixture] should be poured into the [waste] channel.

12 If [blood from a sin-offering became mixed with the remnants of the blood of a burnt-offering] and [the priest] did not inquire [concerning the law], but instead presented some of the mixture on the upper portion [of the altar] and some on the lower portion, it is acceptable. If he presented a portion on the upper [portion of the altar] and then inquired, he should

present [the remainder] on the lower portion. He is considered to have fulfilled his obligation for both [sacrifices].

13 If blood that was required to be presented in the Temple building became mixed with blood to be presented on the outer [altar], the entire [mixture] should be poured into the [waste] channel. If he did not inquire and took the mixture of the blood and presented some in the Temple [building] and some outside - whether first he presented it inside and then he presented it outside or first he presented it outside and then he presented it inside - everything is acceptable.

When does the above apply? With regard to the blood [of the sacrifices that must] be presented on the outer [altar] with the exception of a sin-offering. If, however, the blood of a sin-offering that should be presented outside becomes mixed with the blood of a sin-offering that should be presented inside, it is acceptable [only] if one made the presentation outside and then made the presentation inside. If, however, one made the presentation inside and then made the presentation outside, [the sacrifice whose blood was to be presented outside] is unacceptable. [The rationale is that] the blood of a sin-offering that was brought into the Temple building - even the blood of a sin-offering brought by an individual [whose meat] should be eaten - becomes forbidden, as [implied by **Leviticus 6:23**]: "Any sin-offering whose blood has been brought [into the Tent of Meeting... shall not be eaten]."

[The above applies] provided [the blood] is brought in through the gate to the Temple Building, for the prooftext speaks of it being "brought," implying an ordinary manner of entrance. If, however, it was brought in

through a wicket or through a window or the roof, it is not disqualified.

14 When the blood from a bull brought [because of the violation of a law] forgotten [by the High Court] or from a goat brought [because of the violation of the prohibition against] idol worship which should be brought into the Sanctuary was brought to the Holy of Holies, it is disqualified. For this place is inward with regard to the appropriate place for this blood.

Similarly, with regard to the bull and the goat brought on Yom Kippur whose blood is brought into the Holy of Holies, if the blood [of these offerings] was brought into the Holy of Holies and sprinkled there, was then taken to the Sanctuary and afterwards, returned to the Holy of Holies, it is disqualified. [The High Priest] should not complete the sprinkling [of the blood] in the Holy of Holies. Once he departs, he has departed.

Similarly, if he completed the sprinklings in the Holy of Holies, then brought the blood into the Sanctuary and made some of the sprinklings [required there], then took [the blood] out of the Sanctuary and afterwards returned it, he should not complete the sprinklings in the Sanctuary. [The rationale is that] since the blood was taken out of its place, it became disqualified.

15 If the blood of an [ordinary] sin-offering was received in two cups and one of them was taken outside, the one that remained inside is acceptable and the sprinklings may be performed. If, [by contrast,] one [of the cups] was taken into the Sanctuary and sprinkled there, even the one left outside is

disqualified, as [implied by the prooftext] : "whose blood has been brought in," i.e., even if only a portion of its blood was brought in to the Sanctuary to bring about atonement, it is disqualified.

16 [The following rules apply when] the blood of an [ordinary] sin-offering was taken into [the Sanctuary] to achieve atonement, but nothing was done and instead, he took it out without sprinkling it inside. If he brought it in unknowingly, [the blood] remains acceptable and should be sprinkled outside, for nothing to achieve atonement was done in the Sanctuary. If he brought it in intentionally, it is disqualified.

17 If the sin-offering itself was brought into the Sanctuary, it is acceptable, because [the prooftext] mentions "whose blood was brought in," [i.e., it is the blood] and not the meat [that disqualifies it].

18 When a sin-offering of a fowl moved in its death throes and entered the Sanctuary, it is acceptable.

19 If the blood of a sin-offering of a fowl was taken into the Sanctuary in its neck, there is an unresolved doubt whether its neck is considered a receptacle [which would disqualify the sacrifice].

20 If the blood of a sin-offering of a fowl was spilled and then collected, there is an unresolved question: Does the receptacle disqualify the blood or not? Therefore the fowl should be burnt like all the sin-offerings of fowl concerning which there are unresolved doubts.

21 When [a priest] received the blood of a sin-offering in four cups and made one presentation [on the altar] from each cup, the remainder of all four cups is poured on the altar's base, as [**Leviticus 4:30**] states: "And all of its blood shall be poured [on the base of the altar]." If he made all four presentations from one cup, the remnants of that cup should be poured on the altar's base and the other cups poured in the drainage canal.

22 When blood falls into water or into ordinary blood, it should not be sprinkled on the altar. If it was sprinkled, it is disqualified. When water fell into blood in a receptacle, if it has the appearance of blood, it is acceptable. If wine or ordinary blood fell into it, we make an assessment [as follows]: Were it to have been water would there have been enough to nullify the blood in the receptacle to the extent that it would no longer have the appearance of blood, he should not sprinkle from [the mixture]. If there would not have been enough to nullify its appearance, he should sprinkle from it.

23 When the blood of sacrificial animals becomes mixed with the blood of animals that are disqualified from the altar or with the blood of sacrificial animals that were disqualified because of unsatisfactory ritual slaughter, the entire mixture should be poured into the drainage canal. Even if all the cups [of blood] were offered aside from one, it should be poured into the drainage canal and all of those offerings are unacceptable.

If the [life-]blood [of a sacrificial animal] became mixed with blood concentrated [in the limbs], [the mixture] should be poured into the drainage canal. If, [however,] one did not ask and presented [the blood on

the altar], [the sacrifice] is acceptable.

24 If one cast the organs and fats offered on the altar, the limbs of burnt-offerings, the handfuls [of meal offered on the altar], the frankincense, or the meal-offerings that are to be burnt on the [altar's] pyre after they were consecrated in a sacred utensil, whether by hand or with a utensil, whether with one's right hand or with one's left hand, they are acceptable.

25 When wine or water was poured [on the altar as a libation] with a bowl, the *hin* measure, or another sacred utensil, it is acceptable. If they were poured with an ordinary vessel or by hand, they are unacceptable.

26 When one arranged the limbs [of a burnt-offering] or the handful [of meal from a meal-offering] and then arranged the logs for the altar's pyre above them or arranged them at the side of the limbs, there is an unresolved doubt whether this is considered as the typical way of having them consumed by fire or not. Therefore as an initial preference, one should not offer them in this manner, but if one did, it is acceptable.

Chapter 3

1 When sacrifices of the most sacred order were slaughtered on the top of the altar, it is as if they were slaughtered in the northern [portion of the Temple Courtyard], as [**Exodus 20:21**] states: "You shall slaughter upon it your burnt-offerings and your peace-offerings." This teaches that the entire altar is an appropriate place for the slaughter of burnt-offerings and peace-offerings.

2 When a burnt-offering was slaughtered on the top of the altar or it was slaughtered below [on the ground of the Temple Courtyard] and then brought up to the top of the altar, it should be skinned and cut into portions in that place. The inner organs should be taken down and washed below and then brought back [to the top of the altar]. The skin should be taken down and given to the priests.

3 Similarly, when [other] sacrifices that had been slaughtered were brought up to the altar, they should be skinned and cut into portions in that place. The inner organs should be taken down and washed below and then brought back [to the top of the altar]. The skin and the meat should be taken down and given to the owners. The remainder [of the sacrifice] should be offered on the altar's pyre.

Why shouldn't he bring down the entire [carcass] instead of skinning it and cutting it up on the top of the altar? Because anything that is fit to be offered on the pyre if it was brought up to the top of the altar should not be taken down, as [indicated by *ibid.* 29:36]: "Everything that touches the altar shall be sanctified."

Does [the above principle apply] even when [the entity brought to the top of the altar] is not fit [to be offered on the altar's pyre]? It is taught [**Leviticus 6:2**] "It is the burnt-offering on the pyre." Just as the burnt-offering is fit to be consumed by the altar's pyre should not be taken down once it was taken up [to the altar], so too, any entity that is fit for the altar's pyre if it is brought up, it should not be brought down.

4 When [an animal to be sacrificed as] a burnt-offering is brought up to the

top of the altar while alive, it should be brought down, because it is not yet fit [to be consumed by the altar's pyre].

5 Similarly, a handful of meal from a meal-offering that was not consecrated in a sacred vessel and all entities that are forbidden to be offered on the altarshould be taken down from the altar even if they were brought up, because from the outset, they were not fit [to be offered on the pyre].

6 Similarly, when a consecrated animal was slaughtered at night, its blood was spilled, or its [blood] was taken out of the Temple Courtyard, if it was taken up [to the altar's top], it should be taken down.

7 [Different rules apply] if, by contrast, sacrificial animals were left overnight - whether their blood, their meat, or their fats and organs were left overnight;
a sacrificial animal was taken out of the Temple Courtyard;
it became impure or disqualified because of a disqualifying thought concerning the time [it was to be eaten] or the place [it was to be eaten];
it was sacrificed for the sake of a different offering;
impure [priests] received its blood and cast it on the altar; [this is significant] since they are fit to perform Temple service when a sacrifice is brought in a state of impurity;
when the blood was presented in an improper place;
or sacrifices of the most sacred order were slaughtered in the southern portion of the Temple Courtyard or their blood was received there.
Although in all of these situations, [the sacrifices] are disqualified, if [the

meat, fats, and/or organs] were brought to the top of the altar, they should not be taken down.

8 [This is the general principle:] Whenever an entity is disqualified in the Temple Courtyard, the holiness [of the altar] accepts it. Just as when these entities were brought up, they should not be taken down, so too, if they were taken down, they should not be brought up a second time. For they have been disqualified.

9 If the [altar's] fire took hold of them [before they were brought down from the altar], they should be brought up again [so that] they will be consumed by its fire.

10 When the handful of meal [from the meal-offering] becomes disqualified as *piggul*, and a portion of it is on the ground and a portion took fire, the entire [handful] should be brought up [to the altar to be consumed].

11 When limbs, fats, and handfuls of meal were left overnight on the top of the altar, it is as if they were left overnight in the Temple Courtyard. If they were brought down from the altar, they should not be brought up again. If, however, they were not brought down, they should be offered on the altar's pyre in all situations.

12 The open space above the altar is considered as the altar. When one brought the fats and the organs of sacrifices of a lesser degree of sanctity up [to the altar] before their blood was poured on the altar, they should not be taken down, because they have become "the food of the altar."

13 [The following law applies when a person] sets aside two [animals for] a guilt-offering, one intended to serve as surety for the other. If he slaughtered both of them and brought the fats and organs of one up [to the altar] before [the blood] was cast [upon it], they should be brought down.

14 When an unacceptable sacrifice and unacceptable wine libations were brought up to the altar, the sacrifice should not be taken down as we explained. The wine libations, [by contrast,] should be taken down. Similarly, when wine libations are brought independently and they were disqualified and brought to the top of the altar, they should be taken down.

15 When *melikah* was performed on a fowl by a non-priest and then it was brought to the top of the altar, it should not be taken down. If, [by contrast,] a handful of meal was taken by a non-priest and brought to the top of the altar, it should be brought down. Even though both of these acts disqualify [the offerings], [the handful from the meal-offering] is considered as if it was never consecrated at all. [These laws apply to] a non-priest as well as to anyone else who is disqualified [from performing sacrificial service].

16 The following, however, should be taken down [even though] they were brought up to the top of the altar, anything that is not fit for the altar's pyre. [This includes:] the meat of sacrifices of the most sacred order, the meat of sacrifices of a lesser degree of sanctity, the remainder of the *omer*,

the remainder of the meal-offerings, the two breads [offered on Shavuot], the showbread, the incense offering, the wool that is on the heads of sheep, the hair on the beards of goats, the bones, the sinews, the horns, and the hoofs if they are not attached to [the animal's body]. [In all these instances,] if [these entities] were brought to the top [of the altar], they should be brought down.

17 If some of the oil from the handful of meal was squeezed out on a bone [that had been laying on the altar] and then the bone was taken down, it should be returned [to the altar]. [The rationale is that] there is an unresolved doubt whether entities attached to entities that should be brought up [to the altar] are considered as if they should be brought up as well.

18 The inner altar sanctifies unacceptable entities whether they are fit for it or not fit for it, but the outer altar only sanctifies unacceptable entities that are fit for it, as we explained.

What is implied? When sacrifices that were disqualified are brought up to the outer altar, they should not be brought down. If an unfitting incense offering was offered upon it, it should be brought down, because an incense offering is not fit for the outer altar. If, by contrast, a handful of meal from the meal-offering was placed on the inner altar, it should not be taken off, whether it was fit or not fit. Similar laws apply in all analogous situations.

Just as the altar sanctifies any entity that is fit for it, so too, the ramp, and other sacred utensils, sanctify what is fit for them. For with regard to the

sacred utensils, [**Exodus 30:29**] states: "Any entity that touches them will be sanctified." Thus when an entity that is fit for it reaches the ramp, it should not be brought down even though it is disqualified. Similarly, if any entity that is fit for a sacred vessel reaches a sacred vessel, it should never be redeemed even though it was disqualified, as stated in *Hilchot Issurei HaMizbeiach*.

19 Vessels made for liquids do not consecrate solids and vessels made for solids do not consecrate liquids.

To what does the above apply? To the liquid and dry measures that existed in the Temple which we mentioned in *Hilchot K'lei HaMikdash*. Receptacles, by contrast, consecrate both liquids and solids. Sacred utensils sanctify blood that was disqualified and cause it to be offered [on the altar].

20 Sacred vessels only consecrate [entities] in the Temple. Also, they only consecrate [entities placed in them] willfully, from their insides, and when intact. [The following rules apply if] a hole was made within them. If they could still be used to perform the original task for which they were used when intact, they consecrate what is placed within. If not, they do not consecrate [their contents].

They consecrate [their contents] only when they are full. The measures do not consecrate their contents when they are lacking unless one intends to fill them. If one does not intend to fill them, they consecrate their contents only in that [the contents] could [later] be disqualified, but not to have them offered.

21 [When an entity is placed] in a sacred vessel at an inappropriate time, it is consecrated only to the extent that it is disqualified, not that it should be offered.

What is implied? When an entity whose mitzvah is performed during the day is placed into a sacred vessel at night, it is disqualified. It should be burnt, but not sacrificed. For example, if a handful is taken from a meal-offering at night and that handful is placed in a sacred vessel, it should be burnt.

22 When an altar became damaged, all of the sacrificial animals that were in the Temple and had been slaughtered, but whose blood had not been cast on the altar, are disqualified. For there is no altar on which to cast the blood and [**Exodus 20:21**] states: "And you shall slaughter upon it your burnt-offerings and your peace-offerings." Implied is that when you slaughter [your offerings,] it shall be intact and not blemished.

23 Sacrificial animals that were alive and located in the Temple Courtyard at the time [the altar] became damaged are not disqualified. Instead, when the altar is repaired, they should be sacrificed. [The rationale is that] living animals are not deemed unacceptable forever.

24 If animals were consecrated before the altar was built, they should be sacrificed after the altar was built, for the fact that they could not [be sacrificed] originally is not a disqualifying factor.

25 Similarly, sacrificial meat should not be eaten while the altar is damaged, as [**Leviticus 10:12**] states: "You shall eat it as unleavened bread near the

altar." This also applies to sacrifices of a lesser degree of sanctity; they should not be eaten in Jerusalem while the altar is damaged until it is repaired.

Chapter 4

1 [All of the following:]
a) the offspring of [an animal designated as] a sin-offering,
b) an animal exchanged for [an animal designated as] a sin-offering,
c)[an animal designated as] a sin-offering whose owner dies, and
d) such animal that was lost and then found only after the owner secured atonement, should be consigned to die.
[In the latter instance, if the first animal designated as a sin-offering] was found after the second that was set aside was slaughtered, but before its blood was presented on the altar, there is an unresolved doubt if it should be consigned to death or left to pasture until it contracts a disqualifying blemish. Therefore it should be consigned to death.
What is meant by being consigned to death? Not that one should kill them with a utensil or by hand. Instead, they should be brought into a room, locked inside, [and left] until they die. All of these matters were conveyed by Moses our teacher.
All of the above applies only to a sin-offering designated by an individual. [An animal designated as] a communal sin-offering, by contrast, which was lost and then discovered after atonement was secured - whether it is fit [to be offered as a sacrifice] or unfit- should be left to pasture until it contracts a blemish and then sold. The proceeds should be used for

freewill offerings.

With regard to communal sin-offerings, it is impossible to speak of offspring, exchanges, or the owners dying, because all of the communal offerings are male. The community cannot exchange one sacrificial animal for another as will be explained. And the entire Jewish people will not die.

2 When the bull and/or the goat of Yom Kippur were lost, other [animals] were set aside instead of them [and sacrificed, and then the original animals were found], they should be left to pasture until they contract a disqualifying blemish. [Then] they should be sold and the proceeds used for freewill offerings. [The rationale is that] a communal sin-offering is never consigned to death. [This same law applies when] the goats sacrificed as [atonement for the worship of] false divinities are lost other [animals] were set aside instead of them [and sacrificed, and then the original animals were found].

Why are [the animals that were lost and then discovered] themselves not offered as freewill offerings, for they are male? This is a decree, forbidding [offering them] after atonement was achieved, [lest they be offered as freewill offerings] before atonement [was achieved].

3 [The following rules apply when a person] designated [an animal as] a sin-offering and it was lost, he designated another one instead of it, then the first one was found, and they both stood [before him]. If he took one of them and attained atonement through its [sacrifice], the other should be consigned to death. If he asks the advice [of the court], he is told to gain atonement through the one set aside first. The second should be left to

pasture until it contracts a disqualifying blemish. [Then] it should be sold and the proceeds used for a freewill offering.

If one of them was unblemished and the other had a disqualifying physical blemish, the unblemished one should be sacrificed and the blemished one should be redeemed. If, [after it was redeemed,] the blemished one was slaughtered before the blood of the unblemished one was cast [upon the altar], it is forbidden to benefit from [the blemished one]. If they were both blemished, they should both be sold, a sin-offering should be purchased from the proceeds, and the remainder used for freewill offerings.

4 [The following rules apply when a person] designated [an animal as] a sin-offering and it was lost, he designated another one instead of it and it was [also] lost, and he designated a third. Afterwards, the lost ones were found, and all three stood [before him]. If he received atonement through the first animal [that was set aside], the second should be consigned to death and the third left to pasture [until it contracts a disqualifying blemish]. If he received atonement through the third animal [that was set aside], the second should be consigned to death and the first left to pasture. If he received atonement through the second animal [that was set aside], the first and the third should be consigned to death.

5 When a person sets aside two [animals for] a sin-offering for surety, he may gain atonement through which one he desires, the second should be left to pasture until it contracts a disqualifying blemish. [Then it should be sold and] the proceeds used for a freewill offering.

6 When a person sets aside [an animal that] is pregnant as a sin-offering and it gives birth, it and its offspring are considered as two animals set aside for a sin-offering and as surety for it.

7 If one set aside a sin-offering and then its year passed, it should be left to pasture until it contracts a disqualifying blemish. [Then] it should be sold and the proceeds used to bring another animal in its place. Similarly, if [an animal] was set aside as a sin-offering and it contracted a disqualifying blemish, [it should be sold and] the proceeds used to bring another animal in its place.

8 Whenever [an animal designated as] a sin-offering was lost and then discovered before [the owner] achieved atonement, - even though when it was discovered it was blemished or its year had passed - it is not consigned to death. Instead, it should be left to pasture until it contracts a disqualifying blemish. [Then it should be sold and] the proceeds used for a freewill offering.

If it was found after [the owner] achieved atonement, even if it was discovered when it was blemished or its year had passed, since it was lost at the time atonement was achieved, it is consigned to death.

9 If [the animal] was stolen or robbed at the time atonement was achieved and afterwards returned, it is not consigned to death. Instead, it is allowed to pasture [until it becomes blemished], for all we heard from Moses our teacher was that [an animal] that was lost [should be consigned to death].

If it first was lost at night, even though it remained lost at the time

atonement was achieved, it is not consigned to death. Instead, it is allowed to pasture [until it becomes blemished].

10 If [the owner] considered [an animal designated as a sin-offering] lost, but the shepherd did not or the shepherd considered it lost, but the owner did not, it is not consigned to death [if it is discovered after another animal was offered in place of it]. Instead, it is allowed to pasture [until it becomes blemished].

11 All of those [animals mentioned in the above laws] that are allowed to pasture, may pasture until they contract a blemish. [Then they are sold and] the proceeds used to purchase a freewill offering.

12 If [the animal] was considered lost by both [the owner] and the shepherd, but another person - even in a far corner of the world - knows of its existence, there is an unresolved doubt whether it should be consigned to death. Therefore it should be consigned to death.

13 [If the animal designated as a sin-offering] was hiding behind a door or behind a stairwell, it is considered as lost, for no one will see it at the time atonement is gained. If it is in a field or in a swamp, there is a doubt whether it is lost, for perhaps there is a person who saw it at the time atonement is achieved. Therefore it is consigned to death because of the doubt.

14 When a person sends [an animal designated as] a sin-offering from a distant country, we sacrifice it under the assumption that he is alive.

When does the above apply? With regard to a sin-offering of a fowl or a sin-offering of an animal for a woman who does not perform *semichah*, as we explained. [Different rules apply with regard to an animal set aside as] an unconditional guilt-offering. [If] its owner died or received atonement, it should be left to pasture until it contracts a disqualifying blemish. [Then it should be sold and] the proceeds used for a freewill offering. Whenever it is deemed that [an animal designated as] a sin-offering should be consigned to death, [one designated as] a guilt-offering should be left to pasture until it contracts a disqualifying blemish. [Then it should be sold and] the proceeds used for a freewill offering.

15 [If] any [animal set aside as] a guilt-offering that is consigned to pasture [until it contracts a disqualifying blemish] is sacrificed as a burnt offering itself, it is acceptable. Why is it not the initial preference to offer it as a burnt-offering? [This is] a decree, [using such an animal for a burnt-offering] after [its owner] gained atonement [is forbidden] lest [such an animal be used for a burnt-offering] before [the owner] gained atonement.

16 When a person sets aside a female [animal] for a guilt-offering in which he [is obligated], it should be left to pasture until it contracts a disqualifying blemish. [Then] it should be sold and the proceeds used for a guilt-offering. If his guilt-offering was offered, the proceeds from the sale should be used to purchase a freewill offering. This also applies to her offspring.

17 When a person sets aside a female [animal] for a burnt-offering in which

he [is obligated] and she gives birth to a male, [the offspring] should be left to pasture until it contracts a disqualifying blemish. [Then] it should be sold and the proceeds used for a burnt-offering.

18 If, however, an ordinary person set aside a male [animal] for a sin-offering, a king set aside a she-goat as a sin-offering, or an anointed priest set aside a cow, these are not consecrated [at all], their physical person is not consecrated, nor is their worth consecrated. Therefore they may be sold [even] when unblemished.

19 [The following laws apply when a person] brought a conditional guilt-offering and then discovered that he did not sin or that he definitely sinned. [Should he become aware of this] before the animal was slaughtered, it should be left to pasture until it contracts a disqualifying blemish. [Then it should be sold and] the proceeds used for a freewill offering. [The rationale is that] a person's heart feels contrite because of his sins. Since he designated [the animal as a sacrifice] because of a doubt, [we assume that] he resolved to consecrate it [regardless]. If he designated [an animal as a conditional guilt-offering] even because of witnesses and the witnesses were disqualified through *hazamah*, [the above ruling applies and] the proceeds used for a freewill offering.

If this was discovered after [the animal] was slaughtered, the blood should be poured out and the meat burnt as prescribed with regard to other sacrifices that were disqualified. If this was discovered after the blood was cast [on the altar], the meat should be eaten by the priests like that of other guilt-offerings.

20 [This law] does not apply with regard to an unconditional guilt-offering. [In that instance,] if the person became aware that he did not sin before [the animal designated as a sacrifice was slaughtered], it should be allowed to go out and pasture among the flock like an ordinary animal. There is no holiness associated with it at all. If [he became aware of his innocence] after [the animal] was slaughtered, it should be buried. If [he became aware] after the blood was cast [on the altar], the meat should be taken to the place where [invalid sacrifices] are burnt like other sacrifices that were disqualified.

21 When a person became liable to offer a conditional guilt-offering and he set aside two [animals] as surety, he should gain atonement through one of them and the second should be left to pasture until it contracts a disqualifying blemish. [Then] it should be sold and the proceeds used for a freewill offering. Needless to say, this law applies with regard to an unconditional guilt-offering.

22 All of the guilt-offerings mentioned in the Torah should be brought when they are in their second year of life and their price should be [two] silver *shekalim* with the exception of the guilt-offering brought by a person afflicted by *tzara'at* and the guilt offering brought by a nazirite which should be brought in their first year of life and their cost has no limit.
A conditional guilt-offering comes from both young lambs and elder ones. According to the Oral Tradition, we learned that it be brought only from [two] silver *shekalim*.

23 If the price of rams decrease and a ram cannot be found for two silver *selaim*, the person has no means of correcting [his circumstance]. He must wait until their price inflates and then bring one for two *selaim*, for the Torah was precise about their price and gave it an explicit limit.

24 If a person set aside an animal as a guilt offering which was worth [only] one *sela* at the time it was set aside, but its worth appreciated to two at the time of atonement, it is acceptable. For the fact that it was initially unacceptable does not make it permanently disqualified, since it was not fit to be sacrificed until it was worth two [*selaim*]. Even though it increased in value on its own, a person can gain atonement through the increase in value of consecrated property.

If it was worth two *selaim* at the time it was set aside, but its worth depreciated to one at the time of atonement, it is unacceptable. If its value later appreciated to two, it becomes acceptable again. For living animals are never permanently disqualified, as we explained. To what can the matter be likened? To a physical blemish that was contracted, but which disappeared.

25 [The following rule applies when a person] set aside two *selaim* for a guilt-offering and purchased two rams for a guilt-offering with them. If one of them was worth two *selaim*, he should offer it as his guilt-offering and the other should be left to pasture until it contracts a blemish [and then sold]. The proceeds should be used for a freewill offering.

26 If a person was obligated to bring a guilt-offering that was a year old, and

instead, brought one that was two years old, brought one that was a year old when he was obligated to bring one that was two years old, or brought one when the time for him to bring it had not come, it is unacceptable. It should be [left] until the next day and then it should be taken to the place where sacrifices are burnt.

This is the general principle: Any factor that disqualifies a sin-offering disqualifies a guilt-offering except a guilt-offering that was slaughtered with the intent that it was another sacrifice, which is acceptable, as will be explained.

27 When a burnt-offering that must be brought by a nazirite, a woman who gives birth, or a person who is being purified after *tza'arat*, was slaughtered when it was more than twelve months old or the time for the owner to bring it had not come, it is acceptable and its accompanying offerings are required to be brought.

This is the general principle: Any factor that does not disqualify a burnt offering brought willingly does not disqualify a burnt-offering that is obligatory regardless of whether the one bringing it is considered to have fulfilled his obligation or not.

Chapter 5

1 When a person sets aside money for a sin-offering and dies, the money should be [thrown] to the Mediterranean Sea. Similarly, when a person sets aside money for a sin-offering, the money is lost, another sin-offering is offered in its place, and then the [initial] money is found after

atonement was achieved, [the money should be thrown] to the Mediterranean Sea.

2 When a person sets aside money for a sin-offering, the money is lost, and he set aside other money in its stead, but did not have the opportunity to purchase a sin-offering with the later funds before the first funds were found, he should purchase a sin-offering with the combined funds. The remainder should be used for freewill offerings.

3 When a person sets aside money for a sin-offering, the money is lost, and he set aside [an animal] as a sin-offering in its stead, but before he sacrificed it, the [original] funds were found and the [animal was discovered] to have a disqualifying physical blemish, it should be sold and he should purchase a sin-offering with the combined funds. The remainder should be used for freewill offerings.

4 When a person set aside [an animal] as a sin-offering, it was lost, he set aside money in its stead, but was not able to purchase [an animal] as a sin-offering with it before the [first] animal was found, but it [was discovered] to have a disqualifying physical blemish, it should be sold and he should purchase a sin-offering with the combined funds. The remainder should be used for freewill offerings.

5 If he set aside two piles of money for surety [that he will be able to purchase a sin-offering], he should gain atonement with one of them and the other should be used for freewill offerings.

6 If he set aside [an animal for] a sin-offering or the money for a sin-offering, because he thought that he was obligated [to bring one] and then he discovered that he was not so obligated, [the animal or the money] is of ordinary status; it is not consecrated.

If he set aside two [animals for] sin-offerings or the money for two [animals] because he thought he was obligated to bring both and then it was discovered that he was only liable to bring one, he should bring one as a sacrifice and the other should be used for freewill offerings.

7 When he picks up coins in his hand or was in the process of collecting them and said: "I will bring my sin-offering from these," the remainder are not consecrated. Similarly, it appears to me that an inference can be drawn [from this ruling] to [similar situations involving] other sacrifices and the remainder are not considered as consecrated.

8 When a person sets aside money for a meal-offering of a sinner and brings a meal-offering from those funds, or he set aside a meal-offering itself, and [in either of the above instances, money] was left over, the remainder should be used to bring a freewill meal-offering. Any extra [meal left after] the tenth of the *ephah* that is brought by the High Priest as his *chavitin* offering should be left to rot. Similarly, the remainder [of meal left after preparing] the bread for a thanksgiving offering or the bread for a nazirite's offering should be left to rot.

The remainder of money for wine libations should be used for freewill offerings. We have already explained in *[Hilchot] Shekalim*, that any money remaining from the half-*shekalim* are considered as ordinary funds.

9 [Any money] left over [from that set aside to purchase] pairs of doves for *zavim, zavot* or for women after childbirth, sin-offerings, or guilt-offerings should be used for freewill offerings. They should be offered as burnt-offerings, as explained.

[Any money] left over [from that set aside to purchase] burnt-offerings should be used for burnt-offerings, [to purchase] peace-offerings, for peace-offerings, [to purchase] meal-offerings, for meal-offerings, [to purchase] a Paschal sacrifice, for peace-offerings, [to purchase] nazirite-offerings, for nazirite-offerings, [to purchase] the offerings for a particular nazirite, for [freewill] offerings to be brought by that nazirite.

When does the ruling that [money] left over [from that set aside to purchase] a sin-offering should be used for freewill offerings apply? With regard to a fixed sin-offering. When, however, one was obligated to bring an adjustable guilt offering and set aside money for a sin-offering of an animal and became poor, he should bring a fowl instead. He may transfer the holiness from those funds to the fowl and benefit from them. Similarly, if he set aside money for a fowl and became poor, he should bring a [meal-offering] of a tenth of an *ephah* instead. He may transfer the holiness from those funds to [the meal] and benefit from them.

10 If a person set aside an animal [for an adjustable guilt-offering], it contracted a disqualifying physical blemish, [and he became poor], it may be sold and the proceeds used to purchase a fowl. If, however, he set aside a fowl [for such an offering], it was disqualified, [and he became poor], he may not sell it and bring a tenth of an *ephah* from the proceeds of the sale, for a fowl [that was consecrated] may not be redeemed, as stated in

[Hilchot] Issurei HaMizbeiach.

11 [The following rules apply to] all those obligated by the Torah to bring pairs of doves who set aside money for those doves. If they desired to use all the money for sin-offerings of fowl alone, they may. If they desire to use it for burnt-offerings of fowl, they may. Even if they had [originally] said: "This is the money for my sin-offering and this is the money for my burnt-offering," he may mix the money together and buy the two offerings together, or use the money solely for sin-offerings, or solely for burnt-offerings. [The rationale is that the identity of] pairs of doves is designated only when purchased by the owners or when offered by a priest.

12 Therefore if one set aside money for a pair of doves without making a determination and died, all of the money that was undetermined should be used for freewill offerings. [The rationale is that] it is all fit to used for a burnt-offering.

13 [The following laws apply when someone] was obligated to bring a sin-offering and he said: "I pledge a burnt-offering," and set aside money saying: "This is for my obligation." If he desires, he may use them to bring an animal as a sin-offering or he may use them to bring an animal as a burnt-offering. If he died and left the money, it should be taken to the Mediterranean Sea.

Chapter 6

1 If one of [the animals designated as] a sin-offering that was consigned to death or an ox that was condemned to be stoned becomes intermingled with any other sacrificial animals - even in a ratio of one to a myriad - they should all be consigned to death. [The rationale is that] living animals are important and are never considered insignificant [in a mixture].

If [the animals] were sacrificed, [the sacrifices] are acceptable, because living animals are never permanently disqualified.

2 If [sacrificial animals] became intermingled with [animals that are] forbidden to be offered on the altar, they should all be allowed to pasture until they contract disqualifying physical blemishes. They should then be sold and the proceeds from the sale of the choicest animal among them should be used to bring sacrifices from the type in which [the forbidden animal] became intermingled.

3 If sacrificial animals become intermingled with unblemished ordinary animals, the ordinary animals in the mixture should be sold as sacrifices of that type, and they should all be sacrificed.

What is implied? If four animals that were designated as peace-offerings became intermingled with four unblemished ordinary animals, the four ordinary animals should be sold to someone who is obligated to bring peace-offerings and they should all be offered as peace-offerings. Similar laws apply with regard to burnt-offerings and guilt-offerings.

The proceeds of the sale are considered as ordinary money, for they are the proceeds of the sale of ordinary animals.

4 When an ox that was consecrated became intermingled with ordinary animals, the largest among them is considered as the consecrated one and the others should be sold for sacrifices of that type. If sacrifices of the most sacred order became intermingled with animals consecrated for the same purpose, each one should be offered for the sake of its owner, even though none [of the owners] recognize their sacrificial animal.

When does the above apply? With regard to sacrifices to be brought by women in which there is no obligation for *semichah*. With regard to sacrifices to be brought by men, since each one of them is obligated to perform *semichah* on his sacrifice, these animals should not be offered until each one gives his portion [in the sacrificial animal] to his colleague or until they all become blemished and are sold. [In that instance,] each one should then bring a sacrificial animal equal in value to the more select of that type.

5 If [sacrificial animals of] two [different] types become intermingled, e.g., a peace-offering with a burnt-offering, they should not be sacrificed, even as the more sacred. [The rationale is that] we should not cause sacrificial animals to become disqualified.

6 Just as we may not reduce the time [in which sacrifices] may be eaten, so too, we may not limit the people eligible to partake of them, nor the place where they can be eaten. Instead, what should be done? All [of the sacrificial animals of mixed identity] should be allowed to pasture until they contract a disqualifying physical blemish. Then each one should be sold individually. He should purchase a sacrifice for each type of the value

of the most choice animal. He must suffer the loss from his own resources.

7 Even though the person already sacrificed the burnt-offering or the peace-offering which he was obligated to bring, he should nevertheless bring a different burnt-offering and peace-offering from the proceeds [of the sale] of the mixture.

8 When a sin-offering becomes intermingled with a peace-offering, [the two] should be allowed to pasture until they contracted disqualifying physical blemishes and were redeemed. He should bring a peace-offering of the value of the most choice animal and a sin-offering of the value of the most choice animal. If he took the initiative and offered another [animal as a] sin-offering for the sin-offering that was set aside for him first, they should all be consigned to death.

9 Similarly, if money for a sin-offering becomes mixed together with money for a guilt-offering, one should take two animals and transfer the holiness of the money for the sin-offering wherever it is on [the animal set aside as] a sin-offering and transfer the holiness of the money for the guilt-offering on [the animal set aside as] a guilt-offering.
If he already offered his sin-offering, all of the money should be taken and thrown to the Mediterranean Sea. If he had already offered his guilt-offering, all of the money should be used for freewill offerings.

10 When a thanksgiving-offering becomes mixed with an animal exchanged for it, they should both be offered and the bread [that accompanies the thanksgiving-offering] should be waved with [both of] them.

If a thanksgiving-offering becomes mixed with other sacrificial animals, even if the person offered [another animal as] his thanksgiving-offering, all [the sacrificial animals] should be allowed to pasture until they contract a blemish. He should then bring another thanks-offering of the value of the most choice animal and the other offering of the value of the most choice animal.

11 If [a thanksgiving-offering] becomes mixed with a nazirite's ram, they should both be sacrificed and the bread waved with them.

12 When a firstborn offering becomes intermingled with a Paschal sacrifice, they should both be allowed to pasture until they contract a disqualifying physical blemish, and then eaten as a [blemished] firstborn offering.
Why aren't they sacrificed? Because a Paschal sacrifice may be eaten by any person until midnight and the firstborn offering is eaten for two days and is eaten only by priests. [We follow the principles that] we do not cause sacrifices to be disqualified and we do not reduce the amount of people eligible to partake of them.

13 Similarly, when a tithe offering becomes intermingled with a Paschal sacrifice, when they contract a disqualifying physical blemish, they should be eaten according to the prescriptions regarding a tithe offering. When a firstborn and a tithe offering become intermingled, they may be eaten [as ordinary meat] after contracting a disqualifying physical blemish.

14 Similarly, when other sacrificial animals become intermingled with a firstborn or a tithe offering, they should be allowed to pasture until they

contract a disqualifying physical blemish. They may be eaten according to the restrictions applying to a firstborn offering or a tithe offering that became blemished.

15 When a guilt-offering became intermingled with a peace-offering, even though only the fats and the organs are offered and the meat is eaten, they should not be offered. Instead, they should be allowed to pasture until they contract a disqualifying blemish and he should bring a guilt-offering of the value of the more choice one and a peace-offering of the value of the more choice one. [The owner should] suffer the loss of the difference [between the value of these animals and the animals lost] from his own resources. If he took the initiative and offered his guilt-offering first, they should both [be allowed to pasture until they become blemished and sold, with the proceeds] used for freewill offerings.

16 It is possible for sacrificial animals of any type to become intermingled with other sacrificial animals of the same species with the exception of [animals consecrated] as sin-offerings and [those consecrated as] guilt-offerings, because guilt offerings may be brought only from male sheep and sin-offerings are brought from female sheep.

17 If any of the sacrificial animals [of two types] that were intermingled while alive were sacrificed, they are acceptable, because living animals are never permanently disqualified.

18 [The following rules apply with regard to] any animal found between Jerusalem and Migdal Eder or that radius to any other direction. If it is a

female [that can be estimated to be] a year old, it is placed in a closed room to die, lest it be a sin-offering. If it [appears to be] two years old, it should be brought as a peace-offering and bread should be brought with it, lest it be a thanksgiving-offering.

If a male that [appears to be] two years old is found, there is no way of correcting the situation, for it is possible that it is a guilt-offering whose owner has not yet received atonement.

If one found a male animal that is a year old, he should allow it to pasture until it becomes blemished, bring two animals in its stead and make a stipulation, stating: "If the [blemished animal] was a burnt-offering, this is designated as a burnt-offering in place of it. If it was a peace-offering, this is a peace-offering in place of it." He then offers the first as a burnt-offering. Its accompanying offerings should be brought from communal funds. The other should be brought as a peace-offering together with bread, lest it be a thanksgiving-offering.

What should be done with the animal that was found? It should be eaten after it contracts a blemish. For even if it was a firstborn offering or a tithe offering, it could be eaten after it was blemished. If it was a Paschal sacrifice whose time had passed, it is considered as a peace-offering. And during the time the Paschal sacrifice [must be offered], everyone is careful regarding it. If one might ask: Maybe it is a guilt-offering of a nazirite or a person purified from *tzara'at*? These are not frequently found. Therefore [the Sages] showed no concern about them.

19 If sacrifices became intermingled with other sacrifices after the animals were slaughtered, they should be eaten according to the laws pertaining to

the more severe category. If [such sacrifices] became intermingled with sacrificial animals that were disqualified or ordinary animals that were slaughtered in the Temple Courtyard, they should [be left] until their form is no longer recognizable and then be taken to the place where sacrifices are burnt.

20 When the limbs of a sin-offering become mixed with the limbs of a burnt-offering, the entire mixture should [be left] until their form is no longer recognizable. [Afterwards,] they should be burnt in the Temple Courtyard in the place where sacrificial animals that were disqualified are burnt.

21 When a limb from a blemished [sacrificial] animal becomes mixed with the limbs of sacrificial animals - even one in a thousand - they should all be taken to the place where sacrifices are burnt. Even if all the limbs [of the sacrifices] were offered except for one, it should be burnt in the Temple Courtyard in the place where sacrificial animals that were disqualified are burnt.

22 When pieces [of meat] from sacrifices of the most sacred order become mixed with sacrifices of a lesser degree of holiness or those which are eaten for one day become mixed with those eaten for two days, they should be eaten according to the prescriptions of the more severe of the two.

23 When a piece [of meat] from a sin-offering that has become impure becomes intermingled with 100 pieces of meat from a pure sin-offering or a slice of the showbread that has become impure becomes intermingled with 100 slices of the showbread that are pure, [the mixture] may be

considered acceptable, as we explained in *[Hilchot] Terumot*.

24 If, however, a piece [of meat] from a sin-offering became mixed with 100 pieces of ordinary meat or a piece of the showbread which is pure becomes mixed with 100 pieces of ordinary bread, [the mixture] should not be considered as acceptable. Instead, the entire mixture should be eaten by priests, as is true with regard to any mixture of consecrated food and ordinary food.

Chapter 7

1 Whenever anyone who is unacceptable to perform Temple service performs the rite of *melikah*, the *melikah* is unacceptable. [Nevertheless,] even though the dove [killed by such a *melikah*] is unacceptable, it is not considered as a *nevelah* of a kosher fowl with regard to the laws of ritual impurity.

Similarly, if one performed *melikah* at night or slaughtered an ordinary dove in [the Temple Courtyard] or a consecrated dove outside [the Temple Courtyard], they are not *nevelot*.

2 If one performed *melikah* on turtle-doves before they reached the appropriate age or on young doves who passed the appropriate age or on a dove whose wing shriveled, whose eye was lost or whose leg was cut off, it is considered as a *nevelah* in all contexts. This is the general principle: Any disqualifying factor that takes place after [a dove] entered the Temple Courtyard disqualifies it, but does not render it a *nevelah*. If the

disqualifying factor did not take place after it was brought into the Temple Courtyard, [the dove] is a *nevelah* in all contexts.

3 For this reason, when a person performs *melikah* and the animal is discovered to be *tereifah*, he performed *melikah* with a knife, or performed *melikah* on an ordinary dove in [the Temple Courtyard] or a consecrated dove outside [the Temple Courtyard], they are considered as a *nevelah* in all contexts. For *melikah* permits and purifies only a dove that is acceptable to [be offered on] the altar.

4 In contrast, if *melikah* was performed on a dove that was sodomized, set aside for pagan sacrifice, worshiped, given to a prostitute as her fee, exchanged for a dog, was a *tumtum* or an *androgynus,* it is considered as a *nevelah* in all contexts. It causes a person's garments to become impure when it [enters his] gut. The rationale is that the holiness [of a sacrifice] does not fall upon them and thus it is not considered as having been disqualified [after entering] the Temple Courtyard.

5 We already explained in *[Hilchot] Ma'aseh Hakorbanot*, that [the blood from] a sin-offering of fowl is presented on the lower [half of the altar] and [the blood from] a burnt-offering of fowl is presented on the upper [half of the altar]. When [the blood from] a sin-offering of fowl is presented on the upper [half of the altar], it is unacceptable. [This applies] whether the blood was presented in the manner of a sin-offering or in the manner of a burnt-offering, whether it was offered for the sake of a burnt-offering or for the sake of a sin-offering.

6 Similarly, when [the blood from] a burnt-offering of fowl was presented on the lower [half of the altar], even if he performed *melikah* on one of the signs of ritual slaughter on the lower half and the other sign on the upper half, it is unacceptable. [This applies] whether the *melikah* was performed in the manner of a burnt-offering or in the manner of a sin-offering, whether it was offered for the sake of a sin-offering or for the sake of a burnt-offering.

7 When *melikah* was performed on a sin-offering of a fowl on the lower half of the altar in the manner as it should be performed for a burnt-offering for the sake of a sin-offering, as it should be performed for a sin-offering for the sake of a burnt-offering, or as it should be performed for a burnt-offering for the sake of a burnt-offering, it is unacceptable.

8 Similarly, when a burnt-offering of a fowl was presented on the upper [half of the altar] in the manner as it should be performed for a sin-offering for the sake of a burnt-offering or as it should be performed for a sin-offering for the sake of a sin-offering, it is unacceptable. If, however, he performs it as it should be performed for a burnt-offering for the sake of a sin-offering, it is acceptable, but it is not considered as if the owner fulfilled his obligation.

9 All of these fowl that are disqualified because of the place [in the altar] where their blood was presented, because of the difference in the manner in which [*melikah*] is performed, or the intent for which they are offered, are not considered as a fowl that has become a *nevelah* with regard to the

laws of ritual impurity. Similarly, when a sin-offering or a burnt-offering of fowl becomes *piggul*, impure, or *notar* it does not cause impurity in one's gut as does a fowl that has become a *nevelah*, for all of these became disqualified [after having entered] the Temple Courtyard.

10 When a sin-offering of fowl is brought because of a doubt, it should be offered as required, but not eaten. Instead, it should be burnt like all other sacrificial animals that become disqualified.

When is such a sacrifice brought because of a doubt? When there is an unresolved question whether a woman is a *zavah*, impure because of childbirth, or the like. There is no concept of an animal being brought as a sin-offering because of a doubt, because if a person is unsure whether or not he committed a sin, he should bring a conditional guilt-offering, as will be explained in *Hilchot Shegagot*.

11 [The following rules apply when] a sin-offering of fowl is brought because of a doubt and then it is discovered that the woman is definitely obligated to bring [the sacrifice]. If she realized this before *melikah* was performed on [the dove], it should be offered with certainty and eaten. If she did not discover this until after *melikah* was performed, the sprinkling and presentation of its blood [on the altar] should be completed. Then it should be burnt, so that it will not be said that a sin-offering of fowl brought because of a doubt is eaten. For at the outset, [this offering] was brought because of a doubt.

12 If, after *melikah* was performed, she discovered that she was not obligated

to bring a sacrifice, it should be buried.

Chapter 8

1 When a sin-offering of a dove becomes intermingled with a burnt-offerings of doves or a burnt-offering of a dove becomes intermingled with sin-offerings of doves, even one in a myriad, they should all be consigned to death.

When does the above apply? When their identity had been explicitly determined when they were purchased by the owner, [saying]: "This is a sin-offering. This is a burnt-offering." Different rules apply, however, if one brought doves to fulfill his obligation, some [for] a sin-offering and some for a burnt-offering, without stating explicitly [what each was, instead, they were brought] without specification and then a [dove designated as] a sin-offering or as a burnt-offering became mixed with these undesignated [doves] brought to fulfill his obligation.

2 What are the appropriate laws? If [a dove designated as] a sin-offering becomes intermingled with this unspecified [group of doves] brought to fulfill one's obligation, only the number of doves to be brought as sin-offerings in the unspecified [group] are acceptable. The number of burnt-offerings in the unspecified [group] and the sin-offering that became intermingled with them are disqualified, for a sin-offering has become intermingled with burnt-offerings.

3 Therefore if the unspecified [group] is [at least] twice as large as the

number of sin-offerings [that became intermingled with them], half of the unspecified group is acceptable, and half are disqualified. It appears to me that [the priest offering the sacrifices] should offer all of them on the lower portion of the altar according to the rites appropriate for a sin-offering.

4 Similarly, if a burnt-offering becomes intermingled with this unspecified [group of doves], only the number of doves to be brought as burnt-offerings in the unspecified [group] are acceptable. The number of sin-offerings in the unspecified [group] and the burnt-offering that became intermingled with them are disqualified, for a burnt-offering has become intermingled with sin-offerings.

Whether there are more doves in the unspecified group than the number of burnt-offerings that became intermingled with them, there were more burnt-offerings than doves in the unspecified group, or they were of equal amounts, only the amount of burnt-offerings in the unspecified group are acceptable. Therefore if the unspecified group was twice as large as the number of doves that became intermingled with them, half of the unspecified group is acceptable, and half are disqualified. It appears to me that [the priest offering the sacrifices] should offer all of them on the upper portion of the altar according to the rites appropriate for a burnt-offering.

5 When one unspecified group becomes intermingled with another unspecified group - whether they were all for one purpose, e.g., doves brought by *zavim* together with doves brought by *zavim*, or for two

purposes, doves brought by *zavim* together with doves brought by women after childbirth, whether they were both brought by the same person, or they were brought by two separate people, if they were both similar, half are acceptable and half are disqualified. [This applies] whether [the priest] offered all of them on the upper portion of the altar or all on the lower portion of the altar, or half were offered on the upper portion of the altar and half on the lower portion, half are always acceptable and half are always disqualified, because half [of the mixture] are burnt-offerings and half are sin-offerings and a sin-offering is offered on the lower portion of the altar and a burnt-offering is offered on the upper portion.

[To explain:] If he offered them all on the upper portion, half are acceptable and they are burnt-offerings. If he offered them all on the lower portion, half are acceptable and they are sin-offerings. If half were offered on the lower portion of the altar and half on the upper portion, half of the half offered on the upper portion are acceptable [and the other half are disqualified,] because of the mixture. [The acceptable ones] are burnt-offerings. And half of the half of those offered on the lower portion are acceptable and they are sin-offerings.

6 [The following rules apply if] two unspecified groups became intermingled with each other and one was larger than the other, e.g., one had four doves and one had six. If he offered them all on the upper portion of the altar, or all on the lower portion, half are acceptable and half are disqualified for the reason we explained. [Different laws apply] if he offered half on the lower portion of the altar and half on the upper portion. If he did this after he asked, the lesser amount are acceptable. If

he did this on his own initiative, the greater amount are acceptable.

7 This is the general principle: Whenever, on his initiative, the priest offered half on the upper portion of the altar and half on the lower portion, and it is impossible that [the doves of] one [owner] will not have been offered on both halves of the altar, the greater amount is acceptable. Since it is known that a portion of [this person's] sacrifices will be [offered] on the upper portion of the altar and a portion on the lower half, all of his sacrifices are acceptable.

8 When two individuals purchase pairs of doves together or give the money for them to the priest [to purchase them], the priest may offer whichever he desires as sin-offerings and whichever he desires as burnt-offerings. For [the identity of the sacrifices] in the pair is determined only when purchased by the owners or when offered by the priest, as we explained.

9 If there were [groups of doves], some [groups of] sin-offerings and others, burnt-offerings, before a priest and he offered both [groups] on the upper portion of the altar or both on the lower portion, half are acceptable and half are not. If he offered half on the upper portion and half on the lower portion without knowing whether it was the sin-offerings or the burnt-offerings that he offered on the lower portion, they are all unacceptable. For we surmise that it was the burnt-offering that were offered on the lower portion and the sin-offerings on the upper portion.

10 If there were three groups of doves before him: one sin-offerings, one burnt-offerings, and one undefined, half burnt-offerings and half sin-

offerings, without the purpose [for any given dove] being defined, if he offered all of them on the upper portion or on the lower portion, half are acceptable and half are not.

11 If he offered half on the upper portion and half on the lower portion, only the group that was undefined that was offered half on the upper portion and half on the lower portion is acceptable. It is divided between the owners and [the portion allotted to] each one is considered as valid for them, for the priest does not know which groups were specified [as being sin-offerings] and which one was left undefined. The two specified groups are not acceptable, because it is not known which one was offered on the upper portion of the altar and which one, on the lower portion and it is possible that the burnt-offerings were offered on the lower portion and the sin-offerings on the upper portion.

Chapter 9

1 When a dove from an unspecified group flies to free spaces or among doves that are consigned to death, or one of the doves dies, a second one should be taken for its pair.

2 If it flies among [doves] that are fit to be offered, it is disqualified and it disqualifies one [of the group], for when a dove flies from an unspecified group to among those which will be offered, it becomes disqualified and it disqualifies another one corresponding to it.
What is implied? A dove from a group of unspecified doves flies to an

unspecified group of ten doves. If [the priest] offered five on the lower portion [of the altar] and six on the upper portion, five of the burnt-offerings from the six offered on the upper portion are acceptable and four of the sin-offerings from the five offered on the lower portion are acceptable. [The rationale is that] one says: "Perhaps the dove that flew is one of the five offered on the lower portion."

Similarly, if he offered six on the lower portion and five on the upper portion, five sin-offerings and four burnt-offerings are acceptable. For one might say: "Perhaps the dove [that flew] is one of the five offered on the upper portion." Thus from the ten [from the second group], nine are acceptable and [the dove] disqualified one.

3 [The following rules apply when there is one] unspecified group of four doves and another unspecified group of four doves. If one from the first group flew to the second group, it disqualified one of the second group. If, after it became intermingled among them, one of the second group flew to the first group, it disqualifies one of the first group. Thus there are only two doves in the first group that are acceptable.

4 If, again, one of the first group flew back to the second group, even if [they continue flying back and forth] the entire day, they do not add to the number disqualified, for even if they become entirely intermingled with each other, half are acceptable and half are disqualified, as we explained.

5 [The following rules apply when there is one] unspecified group of two

doves, a second group of four doves, a third of six, a fourth of eight, a fifth of ten, a sixth of twelve, and a seventh of fourteen. If one of the first group flew to the second, one of the second flew to the third, one of the third to the fourth, one of the fourth to the fifth, one of the fifth to the sixth, and one of the sixth to the seventh - and then, one flew back from group to group until one returned to the first group from which the original one had flown, one dove is disqualified in the first movement from group to group and one is disqualified in the return. Thus the first and second groups do not have any [acceptable doves]; the third group has two; the fourth, four; the fifth, six; the sixth, eight, and the seventh, twelve.

If one of the doves flew from [group] to [group] a second time and then one flew back from the last [group], going from group to group until it reaches the first, one dove is disqualified in the movement from group to group and one is disqualified in the return. The third and the fourth groups do not have any [acceptable doves]; the fifth group has two; the sixth, four, and the seventh, ten.

If one of the doves flew from [group] to [group] a third time and then one flew a fourth time, going from group to group, one dove is disqualified in the movement from group to group and one is disqualified in the return. Thus the fifth and the sixth are disqualified entirely and the seventh has eight acceptable doves remaining, i.e., when the fourteen doves are offered [on the altar], seven on the upper portion and seven on the lower portion, eight will be acceptable and six will be disqualified because of the intermingling of the doves that flew back and forth.

6 [The following laws apply when there was] a group of doves that was unspecified and another group [in which the doves for the sin-offering and the burnt-offering] had already been specified. If one of the doves from the unspecified group flew to the group that had been specified, [the owner of the unspecified group] should take a partner for the remaining dove.

If [the above group became intermingled and then one of the doves] returned [to the unspecified group] or [at the outset,] one of the doves from the specified group flew to the unspecified group and it was not known whether it was the one designated as a burnt-offering or the one designated as the sin-offering, all of the doves in the unspecified group should be consigned to death. [The rationale is that] if it was the one designated as a burnt-offering that became intermingled, all of the sin-offerings [in that group] are disqualified. And if it was the one designated as a sin-offering that became intermingled, all of the burnt-offerings [in that group] are disqualified. Therefore, they should all be consigned to death.

7 [The following laws apply when there were] a group of doves that were designated as sin-offerings on one side, others designated as burnt-offerings on the other side, and an unspecified group in the middle. If one of the unspecified group flew to the group on one side and another, to the other group, nothing is lost. Instead, the owner should say: "The one which flew to the sin-offerings is a sin-offering. The one which flew to the burnt-offerings is a burnt-offering."

If, after they became intermingled, one from each of the sides returned to

the center, the two in the center should be consigned to death, for they are a burnt-offering and a sin-offering mixed together and those on the sides should be offered - these as sin-offerings and these as burnt-offerings - as was their original state.

If those [which returned to] the center flew to the sides, they must all be consigned to death for perhaps the burnt-offering became intermingled with the sin-offerings and the sin-offering became intermingled with the burnt-offerings.

Chapter 10

1 When a woman says: "I pledge a pair of doves when I give birth to a male," when she gives birth to a male she must bring four doves: two because of her vow, they are burnt offerings, as we explained, and two which she is obligated to bring because of the birth, one, a burnt-offering and the other, a sin-offering. Therefore the priest must offer three doves on the upper portion of the altar and one dove on the lower portion.

If he erred and offered two on the upper portion and two on the lower portion, and he did not consult [with the woman], she must bring another dove and offer it on the upper portion of the altar.

When does the above apply? When she brought all four doves from one type; either they were all turtle doves or young doves. If, however, she brought two turtle doves and two young doves and two were offered on the upper portion [of the altar] and two on the lower portion, she must bring one more turtle dove and one more young dove on the upper portion to fulfill her obligation. For if at the outset, two turtle doves were

offered on the lower portion, another turtle dove must be brought on the upper portion to complete her obligation. [Or] if two young doves were offered on the lower portion, another young dove must be brought on the upper portion to complete her obligation. For a person should not bring a pair to fulfill his obligation that comprises one turtle dove and one young dove. Instead, either they should both be turtle doves or both be young doves.

2 If she made her vow explicit, telling the priest: "These are for my vow and these are for my obligation," and the priest offered two on the upper portion and two on the lower portion without knowing which ones he offered on the upper portion and which ones he offered on the lower portion, she must bring three doves, two for her vow and one to complete her obligation. The two should be offered on the upper portion of the altar. [The rationale is that] she made her vow explicit and possibly the two brought because of her vow were offered on the lower portion, thus disqualifying them.

When does the above apply? When she brought the four doves from which she explicitly defined two as being for her vow from one type. If, however, [she brought them from] two types, she must bring four other doves: the two from the type she designated explicitly for her vow should be offered for her vow and the other two may be from either type she desires for her obligation. One should be offered on the upper portion [of the altar] and one on the lower portion.

3 [The following laws apply if a woman] defined [which types of doves to

be offered to fulfill] her vow, saying: "If I give birth to a male, I pledge two turtle doves," and she gave birth and brought four doves: two for her vow and two for her obligation. The priest offered two on the upper portion [of the altar] and two on the lower portion, but did not know which were offered on the upper portion and which were offered on the lower portion and she also forgot and did not know the type of doves she had pledged for her vow, whether turtle doves or young doves. She should bring two turtle doves and two young doves for her vow. [All] four should be offered on the upper portion of the altar. She should bring another dove to complete her obligation and it should be offered on the lower portion.

When does the above apply? When originally she brought all of the four of one type. If, however, they were of two types, she must bring six other doves: two turtle doves and two young doves for her vow and for her obligation, she should bring either two turtle doves or two young doves and offer one on the upper portion of the altar and one on the lower portion.

Similarly, if she gave them to the priest and forgot what she gave him and the priest went and offered them, but was not aware where he offered all of the doves, whether he offered them all on the upper portion, all on the lower portion, or half above and half below, she should bring two turtle doves and two young doves for her vow and two turtle doves or two young doves for her obligation.

4 If she defined [which type of offering to be offered to fulfill] her obligation and [which types of doves to be offered to fulfill] her vow and

forgot what she defined, it is [also] possible that her obligation was a lamb for a burnt-offering and a dove - either a turtle dove or a young dove - as a sin-offering. Therefore she must bring six doves - four for her vow and two for her obligation. And she must bring one sin-offering, either a young dove or a turtle dove, with a lamb. Thus she will have brought seven doves and a lamb.

5 None of these sin-offerings should be eaten, because they are all offered because of a doubt.

Chapter 11

1 Whenever any of the persons who are disqualified from performing Temple service take the handful of meal from a meal-offering, the offering is disqualified. Similarly, if one of these individuals collected the frankincense, the offering is unacceptable, even if he did not take the handful of meal.

2 [In all the following situations, a meal-offering] is disqualified:
a) the handful [of meal] was taken by an acceptable [priest] and given to one who is not acceptable;
b) [the priest] took the handful with his right hand and then transferred it to his left hand and then placed it in a utensil;
c) he took the handful [of meal] from a sacred utensil and placed it in an ordinary utensil.

3 If [while] taking a handful of meal, he lifted up a pebble, a grain of salt, or

a particle of frankincense, it is disqualified.

4 If he took the handful when he was outside [the Temple Courtyard] and then entered [the Courtyard], he should take a handful inside the Courtyard and it is acceptable.

5 If the handful became scattered on the floor [of the Temple Courtyard], he should collect it again.

6 [In all the following instances,] a meal-offering [is unacceptable]:
it was not placed in a sacred utensil,
the handful of meal was not placed in a sacred utensil,
it was brought to the altar while not in a sacred utensil,
or it was mixed with oil outside the Temple Courtyard; [it is acceptable] only if it was mixed with oil in the Courtyard.

7 All of the meal-offerings are acceptable even if oil was poured over them by someone who was unacceptable for Temple service, e.g., a non-priest or the like, or such a person mixed [the oil with the meal], broke [wafers] into pieces, or put salt upon them. If [such a person] approached the altar with them or waved them, a priest should approach the altar with them and/or wave them again. If a priest did not approach the altar with them and/or wave them again, they are [nevertheless] acceptable. [This is derived from **Leviticus 2:2**:] "And he shall bring it to the sons of Aaron and [one] shall take a handful..." From taking the handful and onward, the mitzvah must be performed by a priest. Pouring and mixing [the oil] may be performed by a non-priest.

8 When even the slightest amount of oil from another meal-offering or oil that was not consecrated falls into a meal-offering, it is disqualified. If [the full measure of] its oil is lacking, it is disqualified. If, [by contrast, the full measure of] its frankincense is lacking, it is acceptable provided there are at least two particles of frankincense upon it. If there is only one particle, it is disqualified, as it is written: "on all its frankincense."

9 If he added to its [measure of] oil and frankincense, [including] up to two *lugim* for every *isaron* and [up to] two handfuls of frankincense for every meal offering, it is acceptable. If one uses two *lugim* or two handfuls or more, it is disqualified.

10 If one placed oil on the meal offering of a sinner or on the handful of meal taken from it, it is disqualified. If one placed frankincense on it, it should be gathered up. If [the frankincense] is ground, [the offering] is unacceptable because of the doubt, because it is impossible to gather [the frankincense].

11 If one placed oil on the remnants [of such a meal-offering] after the handful was removed, he is not liable for lashes, nor does he disqualify the offering, for the handful is acceptable.

12 If he placed even the smallest amount of oil on an olive-sized portion of the meal-offering, he disqualifies it because of the doubt involved. If, however, he placed oil on less than an olive-sized portion, he does not disqualify it. One does not disqualify [a meal-offering] with frankincense unless he places an olive-sized portion [on the offering].

13 Even if he placed frankincense on the smallest portion of the meal-offering, he disqualifies it until he gathers it.

14 If one mixed water with the meal and then took a handful, it is acceptable. [The Torah's requirement that the offering be] "dry" [refers only] to oil.

15 A meal-offering from which a handful was taken twice - or many times - is acceptable, provided an olive-sized portion is offered on the altar's pyre at once. For no less than an olive-sized portion may be offered on the altar.

16 If one offered the handful [of meal on the altar] without salt, it is unacceptable, for the salt is an absolute requirement for a meal-offering, as we explained. When a meal-offering was lacking before the handful was taken, he should bring [more meal] from home and complete the measure. For taking the handful is what defines [the meal as] an offering, not placing it into a sacred vessel.

17 When a person donates a handful of frankincense independently, it is unacceptable if it is lacking at all. Similarly, if the two bowls of frankincense that accompany the [show]bread are lacking even the slightest amount, they are unacceptable. They must contain two handfuls from the beginning until the end.

18 [The following rules apply when a] person set aside two handfuls [of frankincense] for one offering and one was lost. If this occurred before the handful [of meal] was taken, [the association between them and this

offering] was not [yet] established. If it occurred afterwards, [the association] has been established and [the offering] is unacceptable, because he increased its frankincense.

Similar [laws apply if one] sets aside four handfuls for the two bowls of the [show]bread and two were lost. If this occurred before the bowls were removed [from the showbread], [the association between them] was not established and they are acceptable. If it occurred after the bowls were removed, [the association] was established and they are disqualified, because of the extra amount.

19 When the handful taken from a meal offering became impure and then it was offered on the altar's pyre, the High Priest's forehead plate causes it to be considered acceptable, as [**Exodus 28:38**] states: "And Aaron shall bear [the iniquity....]"

If the handful was taken outside the Temple Courtyard and then brought in and offered on the altar's pyre, the forehead plate does not cause it to be considered acceptable. For the forehead plate causes [sacrifices tainted by] impurity to be considered acceptable, but not those which are taken outside the Temple Courtyard.

20 If one took the handful from a meal-offering and then the entire remainder [of the offering] became impure, was burnt, was taken out of the Temple Courtyard, or was lost, the handful should not be offered on the altar's pyre. [After the fact,] if it was offered, it is accepted [Above]. If a small amount of the remnants [of the offering] remained acceptable, the handful should be offered. [Nevertheless,] the remnant that remains is

forbidden to be eaten.

21 If there was a divider in the lower portion of a vessel containing an *isaron* [of flour] for a meal-offering, even though [the flour] is mixed together above, one should not take a handful. If one did, it is unacceptable.

22 If, [by contrast,] the container was separated by a divider above, but [the contents] were mixed together below, one may take a handful from it.

23 If one divided the *isaron* in a single container and thus the portions were not touching each other, but there was no divider between them, there is an unresolved doubt whether the container causes [the two portions to be considered as] combined or not. Therefore, [at the outset,] one should not take the handful [in such an instance]. If one did take the handful, it should not be offered on the altar's pyre. If it was offered, it is accepted [Above], but the remainder [of the offering] should not be eaten.

24 If one took a handful [of flour from a meal-offering] and placed the handful on the top of the [Golden] Table [elevated to] the height of the arrangement of the showbread, the Table causes it to be sanctified in that it can be disqualified, but it does not sanctify it so that it can be offered. For [the handful of flour] should not be sacrificed until it was sanctified in a sacred vessel fit for the handful [of flour].

25 If he attached the handful to the wall of the vessel and took it or overturned the vessel above his hand and took the handful while the opening of the vessel was turned downward, it should not be offered on

the altar's pyre. If it was offered, it is accepted [Above].

26 [The following rules apply when] an *isaron* was divided and one of its portions were lost, another portion was set aside in its stead, the lost portion was found and the three are all placed in one container, but are not touching each other. If the portion that was lost becomes impure, it is combined with the first portion and they are disqualified. The portion that was set aside [as a replacement] is not combined with them and it should be supplemented [to produce a full *isaron*].

If the portion set aside [as a replacement] becomes impure, it and the first portion are combined and disqualified. The portion that was [lost and] discovered is not combined with them. If the initial portion becomes impure, both the portion that was lost and the portion set aside because of it are combined with it.

27 Similar concepts apply with regard to taking the handful. If one took the handful from the portion that was [lost and then] discovered, the remainder of it and the first portion may be eaten and the portion that was set aside [afterwards] may not be eaten. If one took the handful from the portion that was set aside [afterwards] the remainder of it and the first portion may be eaten and the portion that was [lost and then] discovered may not be eaten. If one took the handful from the first portion, neither [of the other] two may be eaten. [The rationale is that] they are both extra portions. For together they are an entire *isaron* and thus resemble an entire *isaron* from which a handful was not taken and which is hence, forbidden.

[One might ask:] How can the handful [that was taken] be offered, since

there is an *isaron* and a half [in the vessel]? Because taking the handful is dependent on the intent of the priest and when he takes the handful, he has his mind on an *isaron* alone and the portions [of the *isaron*] are not touching each other.

28 When a handful [taken from] a meal-offering became mixed with a handful [taken from] another meal-offering, they should both be offered on the altar's pyre together and they are acceptable. Similarly, it is acceptable if a handful [taken from a meal-offering] became mixed with a meal-offering of a priest, the meal-offering from an accompanying offering, or the *chavitin* offering of the High Priest. They should be offered on the altar's pyre together. [The rationale is that all of these substances] are offered on [the altar's] fire in their entirety.

29 [The following rules apply when] two meal-offerings from which a handful had not been separated become mixed together. If [the priest] can remove a handful from each one separately, they are acceptable. If not, they are disqualified.

30 When a handful [taken from a meal-offering] becomes mixed together with a meal-offering from which a handful had not been taken, it should not be offered on the altar's pyre. If one did offer the entire mixture, the owner of [the offering] from which the handful was taken is considered to have fulfilled his obligation and the owner of the one from which the handful was not taken is not considered to have fulfilled his obligation.

31 If the handful [taken from a meal-offering] becomes mixed together with

the remaining portions of the offering or the remaining portions become mixed together with the remaining portions of another meal-offering, it should not be offered. If it was offered, the owner is considered to have fulfilled his obligation.

Chapter 12

1 If one adds to or subtracts from the measure for the two loaves [offered on Shavuot], the showbread, and the *omer* that is waved, they are disqualified.

2 With regard to the loaves for the thanksgiving-offering and the cakes of a nazirite that lacked [the required measure], before the blood from the sacrifice was cast on the altar, they are unacceptable. If the blood was already cast on the altar, they are acceptable.

3 Similarly, with regard to the two loaves, if they lacked [the required measure], before the blood from the sacrifice was cast on the altar, they are unacceptable. If the blood was already cast on the altar, they are acceptable.

4 And with regard to the showbread, if they lacked [the required measure], before the the bowls of frankincense were placed on the altar's pyre, it is unacceptable. If the bowls of frankincense were already placed on the altar's pyre, it is acceptable.

5 With regard to the accompanying offerings that lacked [the required

measure]: whether the sacrifice was offered or not, they are acceptable, but other accompanying offerings must be brought to complete [the required measure].

6 [The following rules apply when] accompanying offerings were sanctified in a sacred vessel and then the sacrifice was disqualified. If it was disqualified through ritual slaughter, the accompanying offerings have not been sanctified so that they must be offered. If it was disqualified from the reception of the blood and onward, the accompanying offerings have become sanctified, because what sanctifies the accompanying offerings so that they should be offered is solely the slaughter of the sacrifice [in an acceptable manner].

What should be done with [these accompanying offerings]? If there was another sacrifice that had already been slaughtered at that time, they should be offered together with it. If there was not another sacrifice that had already been slaughtered at that time, they are considered as if they were disqualified because they were left overnight and they should be destroyed by fire.

When does the above apply? With regard to communal sacrifices, because the heart of the court makes stipulations concerning them. [Different rules apply with regard to] individual sacrifices. Such [accompanying offerings] should not be offered together with another sacrifice even if it was sacrificed at that time. Instead, they should be left until they become disqualified because they remained overnight and then they should be destroyed by fire.

7 Whenever a sacrifice was offered for a purpose other than that for which it was consecrated, the accompanying offerings should be offered with it.

8 [The following laws apply with regard to] the offspring of a thanksgiving-offering, an animal onto which the holiness of a thanksgiving-offering was transferred, and [a situation in which] one separated his thanksgiving-offering, it was lost, and he separated another one instead of it. If [any of these animals] were to be offered after the owner's obligation was not satisfied with the original thanksgiving-offering, bread need not be brought with it. If the owner's obligation was satisfied with the original offering and it and the one separated in place of it, it and its offspring, or it and the animal onto which its holiness was transferred are both present before us, bread is required to be brought with both of them.

When does the above apply? When one vowed to bring a thanksgiving-offering. When, however, one designated an animal as a thanksgiving-offering, an animal set aside instead of it or one onto which its holiness was transferred require that bread [be offered with them]. Its offspring does not require bread. [This applies] whether or not the owner's obligation was already satisfied with the original offering.

9 [The following laws apply if one] set aside an animal as a thanksgiving-offering and it was lost, he set aside a second one in its stead and it was also lost, he then set aside a third animal in its place and then the first two were found. Thus the three animals are standing before us. If he fulfills his obligation with the first one, the second one does not require that bread be brought with it. The third one, however, requires bread.

If he fulfills his obligation with the third one, the second one does not require that bread be brought with it. The first one, however, requires bread. If he fulfills his obligation with the middle one, both the others do not require bread.

10 [The following laws apply when one] sets aside money for a thanksgiving-offering and it was lost, other money was set aside in its place, but [the owner] did not have the opportunity to buy a thanksgiving-offering until the first money was found. He should bring a thanksgiving-offering and its bread from a combination of the two. From the remainder, he should bring a thanksgiving-offering, but it does not require bread. It does, however, require accompanying offerings.

Similarly, when one sets aside [an animal for] a thanksgiving-offering and it was lost, money was set aside in its place, and afterwards [the original animal] was found, he should bring a thanksgiving-offering without bread with that money. Similarly, if one sets aside money for a thanksgiving-offering and it was lost, a thanksgiving-offering was set aside in its place, and then the money was found, the money should be used to purchase a thanksgiving-offering and its bread. The second thanksgiving-offering should be offered without bread.

11 [The following laws apply if a person] says: "This is a thanksgiving-offering and this is its bread." If the bread is lost, he should bring other bread, If the thanksgiving-offering is lost, he should not bring another thanksgiving-offering. [The rationale is that] the bread is brought because of the thanksgiving-offering, but the thanksgiving-offering is not brought

because of the bread.

12 When a person set aside money for his thanksgiving-offering and some remained, he should use it to bring bread. If he set aside money to bring bread and some remained, he should not use it to bring a thanksgiving-offering.

13 [The following rules apply when] one says: "This is a thanksgiving-offering," it becomes intermingled with an animal upon which its holiness was transferred, one died, but he does not know which is which. There is no way to correct the situation of the one which remains. Were one to bring bread with it, [it is possible that he will have erred,] for perhaps this is the animal upon which the holiness was transferred. [But] were he to bring it without bread, it is possible that it is the thanksgiving-offering. Therefore this animal should not be sacrificed at all. Instead, it should be allowed to pasture until it contracts a disqualifying blemish.

14 When one of the loaves of the bread brought with a thanksgiving-offering was broken in pieces, they are all disqualified. If a loaf was taken outside [the Temple Courtyard] or it became impure, the remainder of the breads are acceptable.

If the bread was broken in two, contracted impurity, or was taken outside [the Temple Courtyard] before the thanksgiving-offering was slaughtered, he should bring another bread and then slaughter [the sacrificial animal]. If the above occurred after [the animal] was slaughtered, the blood should be cast [upon the altar], the meat [of the sacrifice] should be eaten, but all

of the bread is disqualified. The person [bringing the sacrifice] does not fulfill his vow.

If the blood has been cast [upon the altar] and afterwards some of the breads were broken in two, became impure, or were taken outside, [the person bringing the sacrifice] should separate one of the whole loaves for [all the loaves of that type, including] the one which is broken, one of the pure for [all the others, including] the one which is impure, and one which is in [the Temple Courtyard] for [all the others, including] the one which was taken outside.

15 When a thanksgiving-offering was slaughtered in connection with 80 loaves, 40 of the 80 are not consecrated. If [the person bringing the sacrifice] says: "May 40 of these 80 become consecrated," he should take 40 from the 80 and separate one from each [category brought as] an offering. The other 40 should be redeemed and then they are considered as ordinary bread.

16 When a person slaughters a thanksgiving-offering, but its bread was located outside the walls of *Beit Pagi*, the bread is not consecrated. If, however, the bread was outside the Temple Courtyard, the bread becomes consecrated even though it is not inside the Courtyard.

17 If he slaughtered [an animal designated as a thanksgiving-offering] before the surface of the bread in the oven becomes hard, even if all of [the breads] became hard except for one, the bread is not consecrated.

18 If he slaughtered [the animal designated as a thanksgiving-offering] and its

slaughter was disqualified because of an improper intent concerning the time or the place [where the sacrifice will be offered or eaten] the bread is sanctified. If [the animal] is discovered to have a disqualifying physical blemish, it was *tereifah*, or it was slaughtered with an improper intent, the bread is not consecrated. These laws also apply with regard to the ram brought by a nazirite.

Chapter 13

1 There are three improper intents that disqualify sacrifices. They are: the intent [to offer a sacrifice] for a different purpose, the intent [to offer or partake of the sacrifice] in an [improper] place, and the intent [to offer or partake of the sacrifice] at an [improper] time.

What is meant by the term "the intent [to offer a sacrifice] for a different purpose"? [The animal was designated as] a burnt-offering and [the priest] had the intent that it was a peace-offering, he slaughtered it for the sake of a burnt-offering and a peace-offering, or for the sake of a peace-offering and a burnt-offering, or he did not slaughter the sacrifice for the sake of its owners. These are all examples of "intents [to offer a sacrifice] for a different purpose."

What is meant by the term "the intent [to offer or partake of the sacrifice] in an [improper] place"? [The priest] slaughtered the sacrificial animal for the correct purpose with the intent of casting its blood or offering a portion of it that was fit to be offered on the altar's pyre outside the Temple Courtyard or eating a portion of it that is fit to be eaten outside the place designated for it to be eaten. These are all examples of "intents

[to offer a sacrifice] in an [improper] place." Sacrifices [that were slaughtered] with such an intent are called sacrifices that were slaughtered outside their proper place.

What is meant by the term "the intent [to offer or partake of the sacrifice] at an [improper] time"? [The priest] slaughtered the sacrificial animal for the correct purpose with the intent of casting its blood [on the altar] after sunset which is not the time at which its blood may be cast, with intent of offering a portion of it that was fit to be offered on the altar's pyre] on the next day, after dawn, which is not the time when it may be offered, or to partake of a portion of it that is fit to be eaten after the time when it is fit to be eaten. These are all examples of "intents [to offer a sacrifice] at an [improper] time." Sacrifices [that were slaughtered] with such an intent are called sacrifices that were slaughtered outside their proper time. They are also referred to be the term *piggul*. This is the meaning of the term *piggul* mentioned in the Torah.

2 According to the Oral Tradition, we learned that the Torah's statements [**Leviticus 7:18**]: "If some of the meat of the peace-offering was eaten on the third day," [should not be interpreted literally]. Instead, it is speaking about one who has the intent while offering the sacrifice that it will be eaten on the third day. The same applies with regard to every sacrifice that, while offering it, one had the intent to partake of it after the time that is appropriate to partake of that type of sacrifice.

Similarly, [the sacrifice is disqualified] if one had the intent to offer portions of it that are fit to be offered on the altar's pyre after the time appropriate for them to be offered. According to the Oral Tradition, the

following concept was derived: With regard to both consumption by man and consumption by the altar, if one had the intent that [sacrifices] be consumed after the appropriate time, the sacrifice is considered as *piggul*.

3 When, however, a sacrifice was not disqualified because of an improper intent, but instead, its blood was cast on the altar in the proper manner, but it remained after the time allotted for it to be eaten, the portion that remains is considered *notar*. It is forbidden to eat it, but the sacrifice was already accepted and atonement was achieved. It is written with regard to the blood [of a sacrifice, **Leviticus 17:11**]: "And I gave it to you upon the altar to bring atonement." [Implied is that] since the blood reached the altar according to law, the owners achieved atonement and the sacrifice was acceptable. Therefore the concept of *piggul* applies only to entities that possess services that will enable [them to be consumed] either by men or by the altar, as will be explained.

The same laws apply if one had one of these three disqualifying intents when slaughtering a sacrifice, receiving its blood, taking its blood to the altar, or casting it on the altar.

4 We derive from the above that it is with regard to these four services that a sacrifice can be disqualified because of an [improper] intent: slaughter, receiving the blood, bringing it [to the altar], and casting it on the altar.

5 A fowl [can be disqualified because of an improper intent] in two services: *melikah* and squeezing out the blood [on the altar].

6 The meal-offerings from which a handful is taken [can be disqualified

because of an improper intent] in four services: taking the handful, placing the handful in a sacred utensil, bringing the utensil to the altar, and casting it on the pyre.

7 If, however, one had an improper intent while performing services other than these: e.g., one had such an intent when skinning [sacrificial animal], when cutting it into pieces, when bringing its internal organs and fats to altar, when mixing [the oil and flour of] a meal-offering, when bringing it close to the altar, or the like, that [improper] intent is of no consequence. [This applies] whether it is an intent [to offer a sacrifice] for a different purpose, an intent [to offer or partake of the sacrifice] in an [improper] place, or an intent [to offer or partake of the sacrifice] at an [improper] time.

8 Similarly, if when performing one of these four tasks or all of them, one has an [improper] intent other than these three intents, that undesirable intent does not disqualify [a sacrifice] at all.

What is implied? When slaughtering [a sacrificial animal], receiving [its blood], bringing [the blood to the altar], and casting [on the altar], a person had the intent to:

a) leave the blood of the sacrifice or the organs and fats to be burnt on the altar for the next day or to remove them from the Temple Courtyard,

b) or he had the intent to cast the blood on the [altar's] ramp, where it is not opposite the base

c) or [take] the blood of sacrifices that must be presented on the upper portion of the altar on the lower portion or those to be presented on the

lower portion on the upper portion,

d) or those to be presented on the outer altar on the inner altar, or those to be presented on the inner altar on the outer altar, or to bring the blood of a sin-offering into the inner chamber,

e) he had the intent that impure people or others disqualified from partaking of a sacrifice should partake of it,

f) that the sacrifice be offered by impure people or others who are disqualified from performing sacrificial service,

g) to mix the blood of the sacrifice with unacceptable blood;

h) he intended to break the bones of a Paschal sacrifice or to eat from it while it is not thoroughly cooked;

i) or he intended to burn a sin-offering that must be burnt outside its proper time or outside its proper place;

With regard to any of the above - or similar - intents, the sacrifice is acceptable. Similarly, if when taking the handful of meal, placing it into a vessel, bringing it to the altar, or casting it on the [altar's] pyre, one had the intent to leave the handful or the frankincense until the following day or to take them out of [the Temple Courtyard], the offering is acceptable.

9 We already explained that bringing [blood or limbs to the altar] in a way other than walking is not considered as bringing them. Therefore an undesirable intent does not disqualify [a sacrifice in such an instance]. Carrying [blood or a limb] to a place to which one need not is considered as carrying and [if one has] an undesirable intent while doing this, [the sacrifice] is disqualified.

What is implied? One received the blood and while standing in his place

extended his arm to cast it on the altar and while he extended his arm, he had an undesirable intent, that intent does not disqualify it. If, however, he received the blood inside [the Temple Courtyard] and did not carry it toward the altar, but instead, carried it and took it [toward the area] outside [the Courtyard], having a disqualifying intent, [like one] involving the time [the sacrifice would be eaten] or the like, he causes it to be disqualified.

Chapter 14

1 [With regard to the intent that could disqualify a sacrifice:] The only intent that is significant is that of the person performing the Temple service. The intent of the person bringing the sacrifice is of no consequence. Even when we heard that the owner had an intent which would cause the sacrifice to be considered as *piggul*, if the person performing the Temple service had the proper intent, the sacrifice is acceptable.

2 The intent of [the person performing sacrificial service] is significant only when he is fit to perform this service, he is performing service with an entity fit for service, and is doing so in a place fit for service.

What is implied? If a person who is unfit for Temple service receives the blood, brings it to the altar, or casts it on the altar and at the time he is performing this service has an unacceptable intent with regard to place or time, his intent does not disqualify the sacrifice, because he is not fit to perform Temple service. The blood that he received or a portion that

remained after he cast some [on the altar] should be poured into the drainage canal. If "the blood of the soul" remains [within the animal], a person who is fit to perform Temple service should receive it with a proper intent.

If, however, a person who is unfit for Temple service has a disqualifying intent at the time he slaughters [the animal], he disqualifies it with his intent, because ritual slaughter is acceptable if performed by an unfit person, as explained.

They are sacrifices that are acceptable if they are offered for an intent other than specified originally, as will be explained. Therefore, [in those instances,] if a priest who is not fit for Temple service receives the blood, carries it, or casts it on the altar, he disqualifies the sacrifice as if he offered it for the desired intent in which instance, it would be disqualified. Even if "the blood of the soul" remains and it was received by an acceptable [priest] and cast on the altar, the sacrifice was already disqualified. It was not disqualified because it was offered for a different purpose, but because [service] was performed by someone unfit for service, as we explained.

3 What is meant [by the concept that these principles apply only with regard] to "performing service with an entity fit for service"? [For example,] if a handful was taken from the meal-offering of the *omer* without the proper intent, it is considered as if it was taken with the proper intent and the remnants are eaten. [The rationale is that] it is offered from barley and barley is not a substance fit for other offerings.

Similarly, if one had a [disqualifying] intent with regard to the meal-offering of envy while frankincense was on it, before the frankincense was

removed, there is no consequence to that intent, because [it does not involve] an entity fit for service. Similar laws apply in all analogous situations.

4 What is meant [by the concept that these principles apply only with regard to "performing service] in a place fit for service"? When the altar has become damaged and [the priest offering the sacrifice] had a [disqualifying] intent with regard to the time or place [the sacrifice was to be offered or eaten], he did not disqualify the sacrifice with this intent, because the place was not fit for Temple service at that time.

If one took a handful of flour from a meal-offering outside the Temple Courtyard and had a [disqualifying] intent with regard to the time or place [the meal-offering was to be offered or eaten] while taking the handful, the intent is of no consequence.

5 These are elements of sacrificial [animals] that are not fit to be eaten, but are fit to be offered on the altar's pyre: its blood, its *eimorim*, the meat of a burnt-offering, and the handful of meal and the frankincense from the meal-offerings from which such a handful is removed.

6 These are the elements that are fit to be eaten and are not fit to be offered on the altar: the meat that is eaten from any of the sacrifices, whether eaten by the priests or by all other people, the remainder of the meal-offering, the two breads [offered on Shavuot], and the showbread.

7 These are the elements that are neither fit to be eaten, nor fit to be offered on the altar's pyre: the meat of the sin-offerings that are burnt [outside the

Temple Courtyard], the entire hide of an animal with the exception of the hide of the fat-tail which is fit to be eaten, [and] the *murah*, the thin membrane that clings to the hide and separates between it and the meat; it is not fit to be eaten. [This category] also [includes] the bones, the *giddim*, the horns, and the hoofs, the feathers of a fowl, its nails, its beak, the tips of its wings, and the end of its tail. Even with regard to the soft places of the above which cleave to the flesh and would cause bleeding if cut off from a living animal, since they are not important, they are considered as an entity that is not fit to be eaten with regard to the sacrifices. This also applies to the sauce [in which a sacrifice is cooked], the spices [with which it is cooked], a fetus, a placenta, the egg of a fowl, and meat that slipped by the knife at the time the animal was skinned and remains cleaving to the hide; it is called the *allal*. All of the above are not significant with regard to an intent [that could disqualify] sacrifices. They are considered as a matter that is not fit to be eaten.

8 A [disqualifying] intent is significant [even though] it concerns an entity that ultimately will be destroyed or that will ultimately be burnt.

If, while performing any or all of the four [significant] services, one has a [disqualifying] intent - whether concerning the place or the time - to partake of an entity that is not usually eaten or to offer on the altar's pyre an entity that is not usually offered there, the sacrifice is acceptable.

What is implied? One thought to drink the blood of a sacrifice or partake of its *eimorim* or of the handful of meal or the frankincense [taken from a meal offering] outside [the Temple Courtyard] or on the following day, the sacrifice is acceptable. [This ruling also applies] if one had the intent

of offering the meat of the sacrifice or what remains of the meal-offering outside [the Temple Courtyard] or on the following day.
Similarly, if one had a [disqualifying] intent - whether concerning the place or the time - to partake of or to offer on the altar's pyre the hide [of a sacrificial animal], its bones, *giddim*, sauce, *allal*, or the like, the sacrifice is acceptable. Similarly, if one had the intent to partake of the bulls or the goats that are burnt, outside [Temple Courtyard] or on the following day, the sacrifice is acceptable. Similar laws apply in all analogous situations.

9 If one had the intent that [other] persons who are impure or who are disqualified shall partake of an entity that is fit to be eaten or that these persons should offer an entity that is fit to be offered on the altar's pyre outside of the set times for it to be eaten or offered, the sacrifice is *piggul*, as we explained. If he [had the intent that they partake of it or offer it] outside the places designated for eating and offering, the sacrifice is unacceptable, but not *piggul*.

10 The concept of eating does not apply to a substance smaller than an olive, nor does the concept of offering an entity on the altar's pyre apply to a substance smaller than an olive. Therefore if a person had a [disqualifying] intent - whether concerning the place or the time - to partake of less than an olive size portion of an entity fit to be eaten or to offer less than an olive-sized portion of an entity fit to be offered, the sacrifice is acceptable.
If he had the intent to eat half of an olive-sized portion outside [the appropriate place] and offer half an olive-sized portion outside [the appropriate place] or he had the intent to eat half of an olive-sized portion

after [the appropriate] time for eating and offer half an olive-sized portion after [the appropriate] time for offering, the sacrifice is acceptable. [The rationale is that] eating and offering are not combined [to be considered as a single activity]. If, however, he used the wording *achilah*, saying: "Half an olive-sized portion should be eaten and half an olive-sized portion consumed by [the altar's] fire," the [two halves] are combined, for the wording of *achilah* is one.

If one had a [disqualifying] intent to eat or offer half an olive-sized portion and then in the same thought had an intent concerning another half of an olive-sized portion, the two can be combined. If one had a [disqualifying] intent - whether concerning the place or the time - to eat half of an olive-sized portion and that an animal or beast should eat half of an olive-sized portion, they can be combined because both are called eating.

If one had a [disqualifying] intent that two people partake of the sacrifice, the two are combined. Even though one intended to partake of an olive-sized portion in longer than the time it takes to eat a half a loaf of bread, the eating is combined. If at the time of slaughter, he had a [disqualifying] intent to eat half an olive-sized portion and at the time of casting [the blood on the altar], he had a [disqualifying] intent to eat half an olive-sized portion, the two intents - whether concerning the place or the time - are combined. Similarly, if one had a [disqualifying] intent concerning an olive-sized portion at the time he received [the blood] and [such an intent] concerning an olive-sized portion while bringing [it to the altar, they are combined]. For all the four services [mentioned above] are combined and can be considered as a single service.

If one had a [disqualifying] intent regarding offering half an olive-sized portion of the handful [of meal] and [a similar intent] regarding half an olive-sized portion of the frankincense, they are combined. For with regard to the meal-offering, the frankincense and the handful [of meal] are considered like the *eimorim* for an animal sacrifice. Therefore, if one had the intent to offer an olive-sized portion of frankincense at an improper time, [the meal-offering] is considered *piggul*, as we explained.

Whether one had the intent to cast all [of an animal's] blood outside [the Temple Courtyard] or on the following day or had the intent to cast [only] a portion of its blood outside [the Temple Courtyard] or on the following day, since he had a [disqualifying] intent concerning the amount of blood sufficient to present on the altar, [the sacrifice] is disqualified.

Chapter 15

1 Any of the sacrifices - whether individual sacrifices or communal sacrifices - that were sacrificed for a different purpose than that for which they were originally designated are acceptable, but they did not satisfy the obligation incumbent on their owner with the exception of a sin-offering and the Paschal sacrifice. If they are offered for a different purpose, they are unacceptable. [This applies whether] one changes the purpose of the sacrifice at the time of slaughter, at the time he receives its blood, at the time he brings it to the altar, or when he casts it upon it, as we explained.

What is meant by saying that [the owner] does not fulfill his obligation through such [a sacrifice]? For example, one slaughtered [an animal

designated as] a burnt-offering as a peace-offering. It does not fulfill the obligation of the owner, neither for the burnt-offering for which he is obligated or for a sin-offering. Instead, he is obligated to bring another sacrifice. Similarly, if one slaughtered a burnt-offering brought by Reuven for the sake of Shimon, it does not fulfill the obligation either of Reuven or of Shimon.

When does the above apply? When one changed the purpose of the sacrifice intentionally. If, however, one erred and had the impression that the [animal designated as] a burnt-offering was [designated as] a peace-offering and carried out all of its services for the sake of a peace-offering, the owner is considered to have fulfilled his obligation. Similarly, when one offered a sin-offering or a Paschal sacrifice for a different purpose in error, they are acceptable. For supplanting [a purpose] mistakenly is of no consequence.

Similarly, if one performs *melikah* on a fowl [designated as] a burnt-offering or squeezed out its blood for a different purpose, it is acceptable, but does not fulfill the obligation of the owner. And a sin-offering of fowl [brought for a different purpose] is unacceptable.

2 Similarly, all of the meal-offerings that were offered for a different intent than that originally conceived are acceptable, but the owners do not fulfill their obligation with the exception of a meal-offering of a sinner and a meal offering of a *sotah*. If while performing one of the four services one had an intent for a different purpose, [the meal-offering] is unacceptable.

What is implied? One separated a handful from a freewill meal-offering for the sake of a meal-offering of a sinner, from an offering intended to be

prepared in a deep frying-pan for the sake of one to be prepared in a flat frying-pan, or from an offering intended to be prepared in a flat frying-pan for the sake of one to be prepared in a deep frying-pan. Similar laws apply in all analogous situations.

3 It is forbidden to have an incorrect intent [when performing sacrificial service with] consecrated animals, as will be explained. Therefore if one slaughtered a sacrificial animal for a different purpose or took a handful from a meal-offering for a different purpose, whether intentionally or unintentionally, he is obligated to complete the remainder of the services for the proper purpose. Even if one slaughtered [the animal], received its blood, and brought it to the altar for an improper purpose, one is obligated to cast it on the altar for the proper purpose.

Why are the laws governing a sin-offering and the Paschal sacrifice different from those governing all other sacrifices and the laws governing a meal-offering of a sinner and that of a *sotah* different from those governing all other meal-offerings? Because the Torah singled them out. With regard to a sin-offering, [**Leviticus 4:33**] states: "And he shall slaughter it as a sin-offering," i.e., that it must be slaughtered for the sake of a sin-offering. Similarly, all of its other services [must be performed] for the proper intent, as [implied by *ibid.*:28]: "for his sin," i.e., that its service must be performed for the sake of [atoning for] that sin. And [*ibid.*:26] states: "And he will atone for him," i.e., [the service must be performed] for the sake of its owner.

And with regard to the Paschal sacrifice, [**Deuteronomy 16:1**] states: "And you shall offer a Paschal sacrifice to God, your Lord," implying that all of

the acts must be performed for the sake of the Paschal sacrifice. [**Exodus 12:27**] states: "And you shall say, 'It is a Paschal sacrifice unto God,' implying that it must be slaughtered for the sake of the Paschal sacrifice. Thus if one altered the purpose for which it was sacrificed or [offered for] a different owner, it is not acceptable.

And with regard to the meal-offering of a sinner, [**Leviticus 5:12**] states: "It is a sin-offering." And with regard to the meal-offering of a *sotah*, [**Numbers 5:15**] states: "It is a meal-offering [resulting from] envy." [The implication is that] all of the actions associated with them must be performed for that purpose.

4 When a sin-offering is offered for the sake of another sacrifice, e.g., it was offered for the sake of a burnt-offering, a guilt-offering, or a peace-offering, it is unacceptable, as we explained. If, however, it was slaughtered as an ordinary animal, it is acceptable, but the owner does not fulfill his obligation.

5 According to the Oral Tradition, it was derived that [an intent for] sacrificial purposes can disqualify sacrificial animals, but an intent for ordinary purposes does not.

6 If one slaughtered [an animal designated as a sin-offering to atone] for another sin, e.g., it was brought [to atone] for partaking of fat and one slaughtered it [to atone] for partaking of blood, it is unacceptable.

7 If one slaughtered [an animal designated as a sin-offering to atone] for the sake of another person who was obligated to bring a sin-offering, even an

adjustable guilt-offering, it is unacceptable.

8 If, however, one slaughtered it for the sake of another person who was obligated to bring a burnt-offering, it is acceptable, but the owner has not fulfilled his obligation.
[The concept mentioned previously derived from **Leviticus 4:26**:] "And he will atone for him," [i.e., "for him,"] and not for his colleague who is obligated to bring a sin-offering like he is.

9 If one slaughtered [an animal designated as a sin-offering] for the sake of a deceased person, it is acceptable, but it does not satisfy the obligation of the owner, because there is no atonement for the dead [through sacrifices]. If one slaughtered it for the sake of a person who is not obligated to bring a sacrifice at all, not a sin-offering, nor a burnt-offering, nor any other sacrifice, it is unacceptable. [The rationale is that] perhaps he is obligated [to bring a sacrifice], but does not know.

10 If one slaughtered [a sacrificial animal] with the desired intent, but at the time of slaughter had the intent to cast its blood on the altar for a different purpose, it is disqualified, for the intent one has for one service during the performance of another service [is significant]. Thus the intent one had during the time of slaughter is considered as if it was in [the priest's] mind at the time he cast [the blood on the altar]. Therefore [the sacrifice] is disqualified.

11 A Paschal sacrifice that was slaughtered for a different intent - whether for the sake of another sacrifice or whether as an ordinary animal - it is

unacceptable, as it is written: "And you shall say, 'It is a Paschal sacrifice unto God,'

When does the above apply? When it was slaughtered on its appropriate time, the day of the fourteenth of Nisan. Moreover, even if it was slaughtered in the morning of that day for a different intent, it is unacceptable. If, however, one slaughtered it with a different intent at a time not appropriate for its [sacrifice], it is acceptable.

[If it was slaughtered] for the sake of others and not for its owner, it is considered as if it did not have an owner on the day [when it should be sacrificed] and it is unacceptable.

12 When a Paschal sacrifice was slaughtered with the proper intent on the fourteenth of Nisan before noon, it is unacceptable, because this is not the time of the sacrifice. If it was older than one year and it was slaughtered at the appropriate time for the sake of a Paschal sacrifice and similarly, if one of the other sacrifices were slaughtered for the sake of a Paschal sacrifice, even if it was slaughtered after noon, they are acceptable, but the owners do not fulfill their obligation.

13 When a thanksgiving-offering is slaughtered for the sake of a peace-offering, the owner's obligation is fulfilled. When a peace-offering is slaughtered for the sake of a thanksgiving-offering, the owner's obligation is not fulfilled. [The rationale is that] a thanksgiving-offering is called a peace-offering, but a peace-offering is not called a thanksgiving-offering.

14 When a burnt-offering was slaughtered for the sake of another person

who was not obligated to bring a sacrifice at all, the owner does not fulfill his obligation, for it was not slaughtered for his sake. Although the person for whom it was sacrificed is not liable for any sacrifice in his own mind, it is impossible that he is not obligated [to seek] atonement from heaven, for there is no Jewish person who has never violated a positive commandment.

15 When a burnt-offering that was brought after the death [of the person who set it aside] was offered for the sake [of that person who set it aside and] not for the sake of its owner, the owner is considered to have fulfilled his obligation, for there is no conception of ownership after death.

16 When the two sheep to be brought on Shavuot were slaughtered with the intent that they were rams, the community is not considered to have fulfilled its obligation. If [the priests] thought they were rams and slaughtered them with the intent that they were rams, they are considered to have fulfilled their obligation, for the intent was uprooted in error.

17 When a guilt-offering of a person [to be purified from] *tzara'at* was slaughtered for the sake of another type of sacrifice or its blood was not placed on the thumb and large toe of the person seeking atonement, accompanying offerings are required. For if it was offered without accompanying offerings, it would be as if one offered a freewill offering. And a guilt-offering is never brought as a freewill offering.

18 When the sheep that is brought together with the *omer* offering was slaughtered for a different intent, one should not bring two *esronim* for its

accompanying offering. Instead, he should bring one *isaron*, as is brought for other freewill offerings. [The rationale is that] it did not satisfy the obligation.

Similarly, when [a lamb intended as] a continuous offering was slaughtered for a different intent, the two logs of wood should not be brought up with it, as is done for the other continuous offerings. [The rationale is that] it does not fulfill the obligation of the continuous offering, but instead, is like other freewill offerings.

19 When the sheep offered on Shavout were slaughtered for a different intent or were slaughtered before their appropriate time or after their appropriate time, the blood should be cast upon the altar and the meat eaten even though the obligation of the community was not fulfilled. If it was the Sabbath, the blood should not be cast [on the altar]. If it was cast [upon the altar], it is considered acceptable insomuch as the *eimorim* should be offered in the evening.

20 Similarly when the peace-offerings of a nazirite were offered for a different intent, even though the owner does not fulfill his obligation, they are eaten for a day and a night and do not require bread. Similarly, when the guilt-offering of a nazirite or the guilt-offering of one [to be purified from] *tzara'at* were offered for a different intent, they are eaten, even though the owner does not fulfill his obligation.

Chapter 16

1 We have already explained that when a person has a disqualifying intent with regard to the place [a sacrifice will be offered or eaten] while performing one of the four [specified] services, the sacrifice is disqualified, but it is not *piggul*. If he had a disqualifying intent with regard to the time [the sacrifice would be offered or eaten], it is *piggul*.

When does the above apply? When no other intent is combined together with the intent concerning time. If, however, an intent concerning the place - or with regard to the Paschal sacrifice or a sin-offering, an intent concerning the type of sacrifice - was combined with the intent concerning time, the sacrifice is disqualified, but it is not *piggul*.

What is implied? If one slaughtered, received [the blood], brought it [to the altar], and cast it [on the altar] with a [disqualifying] intent concerning time or [even if] he had a [disqualifying] intent concerning time while [perfoming] one of these services and his intent was proper or he had no intent while performing the other services, [the sacrifice] was *piggul*. If, however, one slaughtered with a [disqualifying] intent concerning time, but received [the blood], brought it [to the altar], and cast it [on the altar] with a [disqualifying] intent concerning place or slaughtered with a [disqualifying] intent concerning place, but received [the blood], brought it [to the altar], and cast [on the altar] with a [disqualifying] intent concerning time, [the sacrifice] is not *piggul*, merely disqualified.

Similarly, if a Paschal sacrifice or sin-offering were slaughtered for a different purpose, but one received [the blood], brought it [to the altar], and cast it [on the altar] with a [disqualifying] intent concerning time, or one slaughtered with a [disqualifying] intent concerning time, but

received [the blood], brought it [to the altar], and cast [on the altar] for a different purpose, [the sacrifice] is not *piggul*, merely disqualified.

The same principles apply with regard to offerings of fowl and meal-offerings. The term *piggul* applies only when a sacrifice is disqualified because of an intent concerning time, without a [disqualifying] intent concerning place combined with it, neither at the outset or at the end, nor is an intent concerning the type of sacrifice combined with it with regard to those sacrifices that are disqualified when offered for a different purpose.

2 When, while performing one or all of the four services, a person has the intent to eat an olive-sized portion of a substance that is fit to be eaten outside [the limits of where it may be eaten] and an olive-sized portion on the following day;

an olive-sized portion on the following day and an olive-sized portion outside [the limits of where it may be eaten],

half an olive-sized portion outside [the limits of where it may be eaten] and half an olive-sized portion on the following day, or

half an olive-sized portion on the following day and half an olive-sized portion outside [the limits of where it may be eaten], the sacrifice is disqualified, but not *piggul*. Similarly, if one combined another disqualifying intent regarding offering [a sacrifice with one regarding time, the sacrifice] is disqualified, but not *piggul*.

3 If one had the intent to eat or to offer half an olive-sized portion with a [disqualifying] intent concerning place and to eat or to offer an olive-sized

portion with a [disqualifying] intent concerning time, [the sacrifice] is *piggul*. [This applies] whether the [disqualifying] intent concerning the olive-sized portion was first or last. [The rationale is that] half an olive-sized portion is not significant in relation to an olive-sized portion.

4 If he had a [disqualifying] intent concerning time with regard to half an olive-sized portion and a [disqualifying] intent concerning place with regard to [another] half an olive-sized portion, and then a [disqualifying] intent concerning time with regard to [another] half an olive-sized portion, [the sacrifice] is *piggul*.

Similarly, if one had a [disqualifying] intent concerning time with regard to half an olive-sized portion and then a [disqualifying] intent with regard to an olive-sized portion: with regard to half, a [disqualifying] intent concerning time, and with regard to the other half, a [disqualifying] intent concerning place, [the sacrifice] is *piggul*.

5 If one had an intent to present blood that should be presented on the lower portion [of the altar] on the upper portion [of the altar] or he had an intent to present [blood] that should be presented on the upper portion [of the altar] on the lower portion [of the altar] or the like, [these] intents that do not disqualify [a sacrifice], as explained; if one combined a [disqualifying] intent concerning time, [the sacrifice] is *piggul*. If he combined a [disqualifying] intent concerning place alone, [the sacrifice] is unacceptable, but it is not *piggul*.

6 If one had an intent to present blood that should be presented on the

upper portion [of the altar] on the lower portion on the following day,
[an intent] to present blood that should be presented on the upper portion [of the altar] on the lower portion on the following day,
he had an intent to present blood that should be presented in the Sanctuary on the outer altar on the following day, or
he had an intent to present blood that should be presented on the outer altar in the Sanctuary on the following day, [the sacrifice] is not *piggul*. Even though he had an intent concerning the time, since he changed the place where the blood was presented in his mind, [the sacrifice] is disqualified, but is not *piggul*.

Since we have explained in these halachot that when blood is presented in a place other than the desired place, it is considered as if it was presented in the desired place, why is [the sacrifice] not considered as *piggul* because of this intent to present the blood outside of its desired place on the following day? [The rationale is that] even though the sacrifice is acceptable, since the blood was not presented in its proper place, it does not cause the meat to be permitted to be eaten, as we explained. [There is a general principle:] In any situation where blood is cast upon [the altar, but it] does cause the meat to be permitted to be eaten, if one had the intent to present it at a time [after the prescribed time], it is not *piggul*. Therefore, [in the circumstances mentioned above,] if one had a [disqualifying] intent concerning time with regard to this sacrifice, it is unacceptable, but it is not *piggul*.

7 If a person had a disqualifying intent concerning time at the time he took [the handful of flour from a meal-offering], but did not have such an

intent at the time he collected the frankincense or he had a disqualifying intent concerning time at the time he collected the frankincense, but did not have such an intent at the time he took [the handful of flour, the meal-offering] is disqualified, but is not *piggul*. [An offering becomes *piggul*] only when one has a disqualifying intent with regard to all [the substances which] cause it to be permitted [to be eaten], i.e., the handful of meal and the frankincense, at the time the handful is taken and the frankincense is collected, or when they are both placed into a sacred utensil, brought [to the altar], or cast [upon its pyre].

8 If at the time he cast the handful [of meal] on the altar's pyre, he had the intent to offer the frankincense on the following day, it is not *piggul*, because an intent to offer something on the altar's pyres while offering something else on the pyre does not cause the offering to be *piggul*. Similarly, if one offered only the frankincense or only the handful [of meal] and had the intent to eat the remainder on the following day, [the meal-offering] is disqualified, but is not *piggul*. [The rationale is that a disqualifying intent involving only] half [the substances which] cause an offering to be permitted [to be eaten], does not cause it to be considered as *piggul*.

If, [by contrast,] one offered only the handful [of meal] and had the intent to offer the frankincense on the following day and afterwards offered the frankincense and had the intent to partake of the remainder [of the offering] on the following day, [the offering] is *piggul*, for the [disqualifying] intent concerning time has spread throughout the entire meal-offering.

9 If one offered a portion of the handful [of meal] the size of a sesame seed together with the frankincense with the intent that he eat a sesame seed-sized portion of the remainder [of the offering] on the following day, [even if] he continues offering the entire handful [of meal] with the frankincense with [the same disqualifying] intent concerning time, [the meal-offering] is disqualified, but is not *piggul*. [The rationale is that] even though eating little by little is an ordinary manner of eating, this is not the ordinary manner in which entities are offered on the altar. Instead, it is like a meal-offering whose handful was not offered on the altar's pyre.

10 When there was frankincense placed on the meal-offering of a sinner or that of a *sotah* and one had a [disqualifying] intent involving time before the frankincense was removed, [the offerings] are disqualified, but are not *piggul*. If after he collected the frankincense he had a [disqualifying] intent concerning time with regard to the offering, it is *piggul*.

11 If the remaining portion [of a meal-offering] was diminished between the time the handful was taken and it was offered on the altar and then the handful was offered with a [disqualifying] intent concerning time, there is a doubt whether it was established [as fit to become] *piggul* and thus it is *piggul* or it was not established and it is not *piggul*.

Chapter 17

1 Whenever blood must be presented on the outer altar and the first presentation was made with a proper intent and a second or further

presentation was made for the sake of a different sacrifice or he had a [disqualifying] intent with regard to place or time, atonement is achieved and the sacrifice is acceptable.

If the first presentation [of blood] was made with a [disqualifying] intent with regard to time and [the priest] completed the presentation of the blood with a [disqualifying] intent with regard to place, [the sacrifice] is *piggul*. [The rationale is that] the first presentation of the blood is of fundamental importance.

In contrast, with regard to all of the presentations of blood on the inner altar - since they are all absolute requirements [for the offering of the sacrifice], as we explained - if one of presentations was not made as required, but instead, one had a disqualifying intent, the sacrifice is unacceptable, even if all the other presentations were made as required.

2 If one had a [disqualifying] intent with regard to time when making the first [of the presentations of the blood on the inner altar] and had no specific intent regarding the remainder or he presented all of them as required with the exception of the final one, which he presented with a [disqualifying] intent with regard to time, [the sacrifice] is disqualified, but it is not *piggul*. [It is not given that distinction] unless one makes [all] the presentations with a [disqualifying] intent with regard to time, for they are all considered as one presentation.

3 [Having a disqualifying intent while] immersing one's finger in the blood of a sin-offering [whose blood is offered] on the inner altar can cause a sacrifice to become *piggul*.

What is implied? If at the time [the priest] immersed his finger in the blood, he had a disqualifying intent concerning time, it is as if he had such an intent when presenting [the blood on the altar].

4 If a priest was standing in the Temple Courtyard and he had a disqualifying intent concerning time with regard to one of the sin-offerings [whose blood is offered] on the inner altar with regard to an aspect of the sacrifice that is performed in the Sanctuary, [the offering] is not *piggul*. If he had such an intent with regard to an aspect that is performed in the Temple Courtyard, it is *piggul*.

5 What is implied? If a priest was standing in the Temple Courtyard and said: "I am slaughtering [this animal] with the intent of presenting its blood tomorrow," [the offering] is not *piggul*, because presenting the blood is performed inside, in the Sanctuary.

6 If [a priest] was standing in the Sanctuary and he said: "I am presenting [the blood] with the intent to pour the remaining [blood] on the following day, [the offering] is not *piggul*, because he had a disqualifying intent inside [the Temple Sanctuary] regarding a service performed outside. If, however, he was standing in the Temple Courtyard and slaughtered [the animal] with the intent to pour out the remainder [of the blood] on the following day or to offer the fats and the organs on the following day, [the offering] is *piggul*, for he had a [disqualifying] intent while outside concerning a service that is performed outside.

7 A [disqualifying intent] concerning a thanksgiving-offering causes the

bread [that accompanies it] to become *piggul*, but a [disqualifying intent] concerning the bread does not cause the thanksgiving-offering to become *piggul*.

What is implied? When one slaughtered a thanksgiving-offering and had the intent to partake of its meat, cast its blood on the altar, or offer its fats and organs on the following day, the offering and the bread are *piggul*. If he had the intent to partake of the bread on the following day, the bread alone is *piggul*; the thanksgiving-offering is not *piggul*.

8 Similar concepts apply with regard to the two sheep offered on Shavuot with the two breads offered with them. If one had a [disqualifying] intent concerning time with regard to the sheep, the two breads are considered as *piggul*. If he had the intent to partake of the two breads on the following day, the two breads are *piggul* and the sheep are not *piggul*. If while performing one of the four [significant] services, [the priest] had the intent to partake of an olive-sized portion of the meat of the sacrifice together with the bread tomorrow, the bread alone is *piggul* and the thanksgiving-offering or the sheep are not *piggul*.

9 When [a priest] offers the two bowls of frankincense that accompany the showbread and, while offering them, had the intent to partake of the showbread on the following day, the bread is *piggul*.

10 When one slaughters the two sheep for Shavuot and has the intent to eat one of the loaves on the following day, they are both *piggul*.

11 If one offered the two bowls [of frankincense] and he had the intent to

partake of one of the two arrangements of bread on the following day, both arrangements are *piggul*.

12 Similarly, if one had a [disqualifying] thought concerning time with regard to one of the breads of the thanksgiving-offering or with regard to one of the breads of meal-offering baked in an oven, all of the breads are *piggul*.

13 If, by contrast, one of the two breads [of Shavuot], one of the two arrangements [of the showbread], or one of the breads of the thanksgiving offering- whether before the casting on the altar or afterwards - becomes impure, only that bread or that arrangement are forbidden to be eaten. What is pure may be eaten in its state of purity.

14 If, while performing the sacrificial service associated with one of the two sheep, [the priest] had the intent to eat an olive-sized portion of the two breads on the following day - and similarly, if while offering one of the two bowls [of frankincense], he had the intent to partake of an olive-sized portion of the showbread on the following day, the bread is disqualified, but it is not *piggul*. [It is given that distinction] only when he has a [disqualifying] intent while performing all the services that permit the bread to be eaten: [i.e.,] bringing both sheep and offering both bowls [of frankincense] on the altar's pyre.

15 If one slaughtered one [of the sheep] and had the intent to eat half an olive-sized portion from one loaf on the following day and slaughtered the second lamb and had the intent of eating half an olive-sized portion on

the following day, [the two intents] are combined to render the loaves *piggul*. Similar concepts apply with regard to the two bowls [of frankincense] and the two arrangements [of showbread].

16 If one had a [disqualifying] intent concerning time with regard to one of the two sheep and offered the second with a proper intent, the one that was offered with a [disqualifying] intent concerning time is *piggul* and the other is acceptable.

17 If one slaughtered one of [these two sheep] and had the intent while slaughtering it to partake of the meat of the other one on the following day, they are both acceptable. For the intent one has with regard to one is of no consequence regarding the second.

18 The two lambs [offered on] Shavuot do not cause the bread to be sanctified unless they are slaughtered.

What is implied? If one slaughtered them and cast their blood [on the altar] for the sake of another sacrifice, he did not sanctify the bread. If he slaughtered them with the proper intent and cast their blood [on the altar] for the sake of another sacrifice, the bread is sanctified, but is not sanctified.

If they slaughtered it for the sake of another sacrifice even though he cast [the blood] for the proper intent, the bread was not sanctified.

19 When the two loaves were taken out [of the Temple Courtyard] between the slaughter [of the two sheep] and the casting [of their blood] and the blood of the sheep was cast on the altar with a [disqualifying] intent

concerning time, the bread becomes *piggul* even though it is outside [the Temple Courtyard]. For casting [the blood] has an effect on [bread] that was taken out even though it is still outside [the Temple Courtyard].

20 When the two sheep offered on Shavuos were slaughtered with the proper intent and the breads were lost, they are disqualified if their blood was cast [on the altar] with the desired intent. If their blood was cast [on the altar] with a [disqualifying] intent concerning time after the bread was lost, there is an unresolved doubt if [the meat of the sheep] is permitted to be eaten or not.

Chapter 18

1 Anyone who has an incorrect intent [while performing] sacrificial service violates a negative commandment, for [**Leviticus 7:18**] states: "He may not intent this."

2 According to the Oral Tradition, it was taught that included in this prohibition is not to cause sacrificial offerings to be disqualified through thought, for this is comparable to causing a blemish in sacrificial animals. Nevertheless, [a transgressor] is not punished by lashes, for thought is not considered as deed.

3 Whenever a sacrifice is defined as unacceptable - whether it was disqualified because of an intent, an action, or something which caused it to be disqualified - anyone who partakes of an olive-sized portion of it intentionally is liable for lashes, as [a result of the prohibition,

Deuteronomy 14:3]: "Do not partake of anything abhorrent."

4 According to the Oral Tradition, we learned that the verse was warning solely against [partaking of] sacrificial animals that were disqualified.

5 Similarly, when sacrificial animals which were [intentionally] blemished, a person who eats an olive-sized portion of them is liable for lashes, for they are included in the category of "anything abhorrent." [It is forbidden to partake of them] until they contract another blemish, [at which time,] they may be eaten because of the blemish, as we explained. Whenever there is a unresolved doubt whether [a sacrificial animal] has been disqualified, lashes are not given.

6 Whenever a sacrifice has been deemed *piggul* because of a disqualifying intent concerning time, as we explained, anyone who partakes of an olive-sized portion of it intentionally is liable for *karet*, as [implied by **Leviticus 7:18**]: "The soul which partakes of it will bear its sin." If one partakes of [the meat of such a sacrifice] inadvertently, he should bring a fixed sin-offering.

7 One is not liable for *karet* unless one partakes of entities that were permitted for consumption, either by a person or by the altar. If, however, one eats of the entity that permits [the sacrifice to be eaten] itself, one is not liable for *karet.* Instead, he is liable for lashes like one who partakes of disqualified sacrificial animals for which the transgression of *karet* is not involved.

What is implied? When a meal-offering becomes *piggul*, one who partakes

of an olive-sized portion of the remaining [meal] intentionally, is liable for *karet*. If, however, he partakes of the handful [that is separated to be offered on the altar] or from the frankincense, he is not liable for *karet*, for these are the substances that enable [the meal to be eaten] by men. Similarly, when a sacrifice is deemed *piggul*, one who partakes of an olive-sized portion of its meat or of the fats and organs offered on the altar or from the meat of a burnt-offering is liable for *karet*. If, however, he partakes of an olive-sized portion of the blood, he is not liable for *karet*, because [the casting of] the blood permits the fats and the organs to be offered on the altar and [the offering of] the fats and the organs permit the meat [to be eaten by] a person. [Similarly,] the blood of a burnt-offering permits its meat [to be offered] on the altar. [The presentation of] the blood of a sin-offering of fowl permits its meat to be eaten by the priests. [The presentation of] the blood of a burnt-offering of fowl permits its meat to be offered on the altar.

[The presentation of] the blood of a sin-offering that is burnt permits its fats and the organs to be offered on the altar. Therefore one is liable for [partaking of] the fats and the organs as *piggul*. [Offering] the handful [of meal] and the frankincense permit a meal-offering to [be eaten by] the priests. [Offering] the two sheep on Shavuot permit the two loaves to [be eaten by] the priests. [Offering] the two bowls of frankincense permit the showbread to [be eaten by] the priests. Sacrificial entities that do not have entities that permit them [to be consumed either by the altar or by man], e.g., the meat of the sin-offerings that are burnt or the meal-offerings that are burnt, are never deemed as *piggul*.

8 These are the entities that are never deemed as *piggul*: the handful [of meal] and the frankincense; the incense-offering; the blood [of any sacrifice]; wine - whether wine that comes as part of the accompanying offerings or wine that is offered independently; and the meal-offerings that are burnt in their entirety; for there is not a handful that permits them, e.g., the meal-offering of a priest or the meal-offering of the accompanying offerings; the meat of the sin-offerings that are burnt; and the *log* of oil brought by a nazirite.

If one would ask [with regard to the latter instance]: Does not the blood of the guilt-offering [brought by the nazirite] permit the oil to be eaten? [In resolution, it can be said that] one is not dependent on the other, for a person may bring his guilt-offering one day and the *log* of oil after several days, as will be explained in the appropriate place.

9 It is forbidden to leave sacrificial meat beyond the time in which it may be eaten, as [**Leviticus 22:30**] states with regard to the thanksgiving-offering: "Do not leave it over until the morning." This same applies to all other sacrifices.

One who leaves over sacrificial meat is not liable for lashes, for Scripture enables [the transgression] to be corrected by [the fulfillment of] a positive commandment, as [**Exodus 12:10**] states: "That which remains from it until the morning should be burnt with fire."

10 One who partakes of an olive-sized portion of the meat of sacrifices that were left beyond their required time intentionally is liable for *karet*. If he did so unintentionally, he must bring a fixed sin-offering, as [**Leviticus**

19:8]: "He who partakes of it shall bear his sin, for he has desecrated what is holy unto God; [that soul] shall be cut off."

From when is a person held liable for partaking of *notar* [this left-over meat]? If it is from sacrifices of the most sacred order, he is liable from dawn. If it is from sacrifices of a lesser degree of sanctity, he is liable from sunset on the second day which is the beginning of the third day.

Where does the Torah warn against *piggul* and *notar*? With regard to [the sacrifices of] the dedication [of the Sanctuary], [**Exodus 29:34**] states: "[They shall not be eaten, for they are holy." This warns against [partaking of] any [sacrificial food] disqualified [in the Sanctuary], [stating] that there is a negative commandment against partaking of it.

11 *Piggul* and *notar* can be combined to reach the minimum measure of an olive-sized portion [for which one is held liable]. All sacrificial foods that became *piggul* or *notar* can be combined [for this purpose].

12 It is forbidden to cause sacrificial foods to contract impurity or to create a circumstance that makes them impure, for he disqualifies them. One who makes sacrificial foods impure is not liable for lashes, but a person who is pure who partakes of an olive-sized portion of sacred foods that have become impure is liable for lashes, as [**Leviticus 7:19**] states: "Meat that will touch anything impure should not be eaten."

The same also applies with regard to other sacrifices. [For example,] if one partakes of an olive-sized portion of the frankincense of a meal-offering that became impure after it was sanctified in a utensil is liable for lashes. [This refers] both to sacrificial food that became impure before atonement

was attained or afterwards, whether it became impure because of contact with a primary source of impurity or a derivative of impurity of Scriptural origin. If, however, sacrificial foods contracted impurity that is Rabbinic in origin, one is not liable for lashes for partaking of them; he does, however, receives stripes for rebellious conduct.

[Even one who partakes of sacrificial food that contracts impurity of Scriptural origin] is liable for lashes only when he partakes of it after its blood is cast [on the altar]. If, by contrast, he partakes of it before the casting of its blood, he is not liable for lashes because he partook of impure sacrificial food. He does, however, receive stripes for rebellious conduct.

13 Any person who contracted a form of impurity that would make him liable for *karet* for entering the Temple who ate an olive-sized portion of sacrificial food - whether the food is pure or impure - intentionally is liable for *karet*, as [**Leviticus 7:20**] states: "A soul that will partake... of the slaughter of the peace-offerings that are for God while his impurity is upon him and [that soul] shall be cut off." If he partakes of it inadvertently, he must bring an adjustable guilt-offering.

What is the source that teaches that the verse is speaking about a situation where the person's body is ritually impure? [**Leviticus 7:21**] states: "When a soul will touch any impurity, whether impurity of a human, an impure animal, or an impure creature and he partook of the meat of the slaughter of the peace-offerings that are for God while his impurity is upon him and [that soul] shall be cut off." The same applies to all other sacrifices of the altar.

Where did [the Torah] warn concerning this prohibition? With regard to a woman who gave birth, [**Leviticus 12:4**] states: "She shall not touch anything that is sanctified."

14 According to the Oral Tradition, it was taught that [the verse] is a warning to a person who is impure, that he or she should not partake of sacrificial food before he immerses himself [in a *mikveh*]. If one partakes of sacrificial food after immersion, before sunset of that day and before bringing the sacrifice that brings atonement, he or she is liable for lashes, but not for *karet*, for [**Leviticus 7:20**] states "while his impurity is upon him." [Implied is that] the full measure of impurity must be upon him.

15 If a person was impure because of impurity resulting from a Rabbinic ordinance, he is not liable for lashes [if he partakes of sacrificial food]. Needless to say, he is not liable for *karet*. He does, however, receive stripes for rebellious conduct.

16 One is not liable for *karet* for partaking of sacrificial food that is made permitted by a particular act unless one partakes of it after that act is performed. If, however, he partakes of the meat [of a sacrifice] before its blood is cast on the altar, he is not liable for lashes for partaking of sacrificial meat while impure.

This is the general principle: Whenever sacrificial food is permitted because [of the performance of] a particular act, one is not liable for the violation of any of the prohibitions against partaking of *piggul, notar*, or impure sacrificial food unless the act which permits partaking of the food

was performed according to law. Whenever there is not a given act that makes sacrificial food permitted, once it is sanctified in a consecrated vessel, one is liable for partaking of it if it becomes impure. Even if [sacrificial] meat becomes impure before the person partaking of it becomes impure, if the act [that would have] permitted the meat to be eaten was performed and the person partook of the sacrificial food, he is liable for *karet*. Similarly, if a person who is impure partakes of the meat of the sin-offerings that are burnt, after their blood is cast [on the altar], he is liable for *karet*.

17 It was already explained for you, that even entities for which one is not liable for *piggul*, one may be liable for *notar* or because the object contracted ritual impurity?

What is implied? There is no liability for *piggul* for sacrificial entities that do not have an activity that permits them [to be eaten], but one may be held liable [for partaking of them if they] became *notar* or impure in such circumstances.

Similarly, even though there cannot be liability for *piggul* for the very entities that cause the sacrificial meat to be permitted, as we explained, one can be liable [for partaking of such entities if the sacrificial meat] became *notar* or impure with the exception of the blood. For one is liable for only one transgression for partaking of it.

18 When a person who is impure partakes of the fats and organs to be offered on the altar, he is liable for *karet*.

19 [If an impure person] partook of a Paschal sacrifice that was not roasted, or breads of the thanksgiving-offering of which the breads [to be given to the priest] were not taken, he is liable for *karet* because of the impurity of [his] body even though they are not fit for their [purpose at this stage].

It is impossible for a person to be liable for the transgressions of *piggul* and *notar* with regard to consumption of the same sacrifice. [The rationale is that] *piggul* is a sacrifice that was disqualified because of an unacceptable thought concerning time. It does not fulfill the obligations of a sacrifice and is not acceptable at all. *Notar*, by contrast, refers to the remnants of a sacrifice that was offered as required which remained after the time [prescribed] for its consumption.

20 When one combined [different types of sacrificial food that were] *piggul, notar*, and impure and partook of them, he is liable. Even though there was more of one type of prohibited substance than another, it does not nullify it, because [these] prohibited substances do not nullify each other.

21 When [sacrificial meat] that was *piggul, notar,* or impure was brought up to the altar, once the fire takes hold of the majority of it, their prohibitions take flight.

The fat and the organs can be combined with the meat, both with regard to a burnt offering or to other sacrifices with regard to the prohibitions of *piggul, notar,* or [sacrificial meat] that has become impure.

22 When a sacrifice becomes *piggul* or *notar* after the time for its consumption passes and a person partakes of it, from its skin, from the

sauce or spices [in which it is cooked], the *allal*, the *murah*, from the *giddim*, the horns, and the hoofs, the nails, the beak [of a fowl], its feathers, or its eggs, he is not liable for *karet*. Similarly, if an impure person partakes of these substances from an acceptable sacrifice, he is not liable for *karet*. He is, however, given stripes for rebellious conduct.

23 If one partook of a fetus or a placenta, he is liable for [violating the prohibitions of] *piggul, notar,* or [sacrificial meat] that has become impure like one who partake of any other [portion of] the meat of a sacrifice.

24 [The prohibitions of] *piggul, notar,* or [sacrificial meat] that has become impure do not apply with regard to sacrifices brought by gentiles. Nor do they apply to sacrificial blood, as explained. Similarly, one is not liable for *karet* for [the prohibitions of] *piggul, notar,* or partaking of [sacrificial entities] while impure for partaking of frankincense, the incense offering, or the wood [of the altar].

Chapter 19

1 It is a positive commandment to burn all the sacrifices that have become impure, as [**Leviticus 7:19**] states: "And the meat that will touch anything that [imparts] impurity may not be eaten. It must be burnt with fire." Similarly, it is a mitzvah to burn *notar*, as [*ibid.*:17] states: "What remains from the meat of the sacrifice on the third day shall be burnt with fire." Included in [the category of] *notar* is *piggul* and all other sacrifices that were disqualified. They must all be burnt.

2 When a sacrifice becomes *piggul* or is [otherwise] disqualified, it should be burnt in the Temple immediately. Whenever there is a doubt whether a sacrifice has been disqualified, it should be left until the next day and then burnt in the Temple.

3 There is an unresolved doubt with regard to the bulls and the goats which are to be burnt whether leaving them overnight or taking them outside [the Temple Courtyard] before the time to take them out disqualifies their meat as it would their fats and organs or not. Therefore, as a stringency, it is considered as if they were disqualified and they should be burnt in the Temple Courtyard.

Similarly, there is an unresolved doubt if half [such] an animal was taken out [including] the majority of one limb. Therefore, as a stringency, it is considered as if it was disqualified and it should be burnt in the Temple Courtyard.

Similarly, if five people carried [such] an animal to take it outside the Temple Courtyard and three departed from [the Courtyard] and two remained, but the three removed half of the animal, [such animals] are disqualified because of the doubt and they should be burnt in the Temple Courtyard. It appears to me that in such instances, it is not necessary to wait until the following day. [The rationale is that] regardless [such animals] will be burnt, even if they are not disqualified.

4 [The following laws apply when] meat is found in the Temple Courtyard: [Whole] limbs are [considered as parts of] burnt-offerings. Pieces [of meat] are considered as parts of sin-offerings. Pieces which are found in

Jerusalem are considered as parts of peace-offerings. Everything should be left until the following day and then taken out to the place where sacrifices are burnt lest it be *notar*.

[One might ask: If so,] of what benefit will it be that it be considered as [part of] a burnt-offering, a sin-offering, or a peace-offering? [To define the law for one] who transgressed and partook of it.

Notar is burnt only during the day, as stated: "On the third day, [it] shall be burnt with fire."

5 Although peace-offerings are forbidden to be eaten from the beginning of the night of the third day, [the remainder] is only burnt during the day, whether [it is burnt] at the appropriate time or not at the appropriate time. Similarly, *piggul* is burnt only during the day.

Burning [sacrificial meat] that is impure, *notar*, or *piggul* does not supersede [the prohibitions against forbidden labor on] festivals. Needless to say, it does not supersede [the prohibition against work on] the Sabbath.

It is permitted to burn [sacrificial meat] that is impure, *notar*, and *piggul* together.

6 When the meat of a sacrifice of the most sacred order became impure in [the Temple Courtyard], it should be burnt in [the Temple Courtyard]. When it became impure outside [the Temple Courtyard], it should be burnt outside [the Temple Courtyard]. [This applies] whether it became impure because of a primary source of ritual impurity or a derivative of ritual impurity.

The priests never refrained from burning meat that contracted impurity from a primary source of impurity - and thus it is defined as impure to the first degree - with meat that contracted impurity from a derivative of impurity, even though this would increase the level of its impurity. For [an entity that is] of third degree impurity that touches an entity of first degree impurity is considered as of secondary impurity, as explained in [the appropriate] place. Moreover, even oil that became impure because it touched a person who immersed on that day, which is of third degree impurity is permitted to be burnt in a metal lamp that was touched by a person who is impure because of contact with a human corpse, in which instance, the lamp is a primary source of impurity. Although the oil becomes impure to the first degree when it touches the lamp, since it was already deemed impure, we are not concerned with the increase of the impurity. We are only careful that an entity that is pure will not become disqualified.

7 *Notar* left over from sacrifices of a lesser degree of holiness should be burnt by the persons bringing the sacrifice in their homes.

8 [The following rules apply when a person] left Jerusalem and remembered that he had sacrificial meat in his possession. If he already passed Mt. Scopus, he should burn it where he is. If not and it is the size of an olive-sized portion, he should return and burn it in Jerusalem. If he is a guest who does not have a home, he should burn it before the Temple with wood designated for the arrangement of wood [of the altar].

9 All of the bones of the sacrifices that do not have marrow need not be burnt with the exception of the bones of the Paschal sacrifice. We already explained that when a sacrifice was disqualified after it was skinned, its hide should be given to the priests or to the owners, in the instance of sacrifices of a lesser degree of holiness. If, however, [a sacrifice] was disqualified before it was skinned, the hide is considered as the meat and it should be burnt in its entirety.

Similarly, if a sacrifice was skinned and then it was discovered to be *tereifah* or it was disqualified because of an improper thought concerning time or place, since the sacrifice was not accepted, the hide should be burnt. [This applies] both to sacrifices of the highest degree of sanctity and to sacrifices of a lesser degree of sanctity. If, however, a sacrifice was offered for the sake of a different intent, even though the obligation of the owners was not fulfilled, since it is acceptable, the hide is given to the priests or the owners, as explained [above]. When a sacrifice was skinned before the blood was cast [on the altar and the sacrifice was disqualified afterwards, the hide] is not disqualified.

10 These are the entities that should be burnt: sacrificial meat that became impure, *notar*, or was disqualified, and also a meal-offering that became impure, *notar,* or was disqualified, a conditional guilt-offering in an instance when it became known to the transgressor that he definitely did not sin before its blood was cast [on the altar], a sin-offering of fowl that is brought because of a doubt, the hair of a nazirite who is ritually pure, and [produce that is] *orlah* or *kilei hakerem*. Entities that are not fit to be burnt - e.g., liquids that are *orlah* or *kilei hakerem* - should be buried.

11 These are the entities that should be buried: sacred animals that died, whether they were consecrated to [be offered on] the altar or for the sake of the Temple treasury - when sacred animals miscarry and discharge a fetus or a placenta, it should be buried - an ox that is stoned to death, a calf whose neck is broken, the fowl [used for the purification of] a person afflicted with *tzara'at*, the hair of a nazirite who became impure, a firstborn donkey [which was not redeemed], a mixture of milk and meat, and ordinary animals that were slaughtered in the Temple Courtyard.

12 When a person weaves the full length of a *sit* from the hair of a nazirite or a firstborn donkey with a weave of goatshair, it should be consigned to flames.

13 [If] any of the entities that must be buried [are burnt], it is forbidden to benefit from their ashes. It is permitted to benefit from the ashes of all of the entities that must be burnt, [even if] they are sacred, with the exception of the ashes of the outer and inner altars and the ashes of the *Menorah*.

14 None of the entities to be burnt should be buried and none of the entities to be buried should be burnt. [The rationale for the latter point is that] even though he is stringent by burning it, he is being lenient with regard to its ash, for the ashes of the entities that are buried are forbidden.

15 If a person was offering sacrifices together with [a priest] and he told him: "[The sacrifices became] *piggul*," or if he was involved with entities that are ritually pure with a person and he told him, "They became impure,"

his word is accepted. A Jew is not suspected of lying in such an instance. If, by contrast, he told him: "The sacrifices which I offered for you on this and this day became *piggul*" or "those pure objects became impure," [different rules apply]. If [the person is one] whom he trusts, he should rely on his word. If not, according to the letter of the law, his word [need] not be relied upon. One who wishes to be stringent is praiseworthy.

Mishneh Torah, Service on the Day of Atonement

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 On the fast day of Yom Kippur, we sacrifice a continuous offering in the morning and in the late afternoon according to the order followed every day. And the additional sacrifices of the day are offered: a bull, a ram, and seven sheep - all these are burnt-offerings - and a sin-offering of a goat whose service is performed outside and which is eaten in the evening.

Besides these additional offerings are sacrificed:

a) a young ox as a sin-offering; it is burnt;

b) a ram as a burnt-offering; both of these are brought by the High Priest;

c) the ram which is brought from communal funds that is mentioned in the passage *Acharei Mot*; it is the ram mentioned in the Book of Numbers as part of the additional offering; it is called the ram of the people.

In addition, two goats are brought from communal funds: one is offered as a sin-offering and it is burnt and the other is the goat sent to Azazel.

Thus there are a total of fifteen animals sacrificed on this day: two continuous offerings, a bull, two rams and seven sheep; these are all burnt-offerings, two goats as sin-offerings, one offered outside the Temple building which is eaten in the evening and one whose blood is offered in the Temple building and which is burnt, and the bull of the High Priest which is a sin-offering that is burnt.

2 The sacrificial service for all these fifteen animals that are offered on this

day may be performed only by the High Priest. This applies both to a High Priest anointed with the oil of anointment or initiated into office by wearing the garments of the High Priest.

If Yom Kippur fell on the Sabbath, even the additional offering of the Sabbath should be sacrificed only by the High Priest. Similarly, all of the other services performed on this day, the offering of the daily incense offering, the kindling of the *Menorah's* lamps, are all performed by a married High Priest, as **Leviticus 16:6** states: "And he shall atone for himself and his household." "His household" refers to his wife.

3 For seven days prior to Yom Kippur, the High Priest departs from his home and stays in his chamber in the Temple. This is a tradition received from Moses our teacher. He is separated from his wife for these seven days, lest his wife become a *niddah* in the midst of relations and he become impure for seven days and thus unable to perform the Temple service.

A substitute High Priest is prepared so that if this one becomes disqualified, the other may serve instead of him. Whether the disqualifying factor takes place when offering the continuous offering of the morning or the disqualifying factor occurred after he offered his sacrifice, the replacement need not be installed in his office by offering a special sacrifice. Instead, the performance of the sacrificial service of the day installs him. He should begin from the service where the other ceased. After Yom Kippur, the first High Priest resumes his position and the second ceases to serve in this capacity. All of the mitzvot incumbent on a High Priest are incumbent on him, but he does not carry out the service

of the High Priest. If he does perform that service, his service is acceptable. When the first dies, he is appointed in his place.

4 During these seven days, he is sprinkled with the ashes of the Red Heifer on the third day after he was separated and on the seventh day which is the day before Yom Kippur, lest he have contracted impurity from a corpse unknowingly. If the third or the seventh day of the sprinkling falls on the Sabbath, the sprinkling is not performed.

5 For all of these seven days, he is trained to perform the Temple service. He casts the blood on the altar, offers the incense, kindles the lamps, and offers the limbs of the continuous offering on the altar's pyre so that he will be familiar with the Temple service.

He is given sages from the elders of the court who read the relevant passages for him and teach him the service necessary to be performed on the holy day and its order. They tell him: "My sir, the High Priest, read by yourself, for perhaps you have forgotten or you never learned this point." On the day before Yom Kippur in the morning, they would have him stand in the eastern gates of the Temple Courtyard and cause bulls, rams, and sheep to pass before him so he would be familiar and accustomed with the Temple service.

6 Throughout these seven days food and drink are not withheld from him. Nevertheless, on the day before Yom Kippur before nightfall, they would not let him eat amply, for indulgence in food leads to sleep. And they would not let him sleep, lest he would have a seminal emission. They

would not feed him foods that increase semen, e.g., eggs, warm milk, and the like.

7 In the era of the Second Temple, heresy erupted in Israel, and the Sadducees emerged, may they speedily perish, who did not believe in the Oral Law and who maintained that the incense offering of Yom Kippur would be placed on fire in the Sanctuary outside the *Parochet* and when its smoke rose up, they would bring it into the Holy of Holies. Their rationale was that they interpreted the Torah's phrase **Leviticus 16:2**: "For in a cloud I will appear on the *Kaporet*,"as referring to the cloud of the incense offering. In contrast, according to the Oral Tradition, our Sages learned that the High Priest should place the incense on the coals only in the Holy of Holies, before the Ark, as *ibid.*:13 states: "And he shall place the incense on the fire before God." Since in the Second Temple era, the Sages suspected that the High Priests would tend towards such heresy, they would have him take an oath on the day preceding Yom Kippur. They would tell him: "My sir, the High Priest, we are agents of the court and you are our agent and an agent of the court, we administer an oath to you in the name of He Who causes His name to dwell in this house that you not deviate at all from what we told you."

The High Priest would turn away and cry because they suspected him of heresy and they would turn away and cry, because they placed suspicion on a person whose conduct was unknown. Maybe he had no such thoughts in his heart.

8 Throughout the entire night of Yom Kippur, the High Priest would sit

and expound Torah teachings if he was a sage. If he was a scholar, expositions were delivered in his presence. If he would frequently read the Bible, he would read aloud. If not, they would read for him so that he would not sleep.

What would they read for him? The Holy Scriptures. If he sought to doze off, the young Levites would snap their fingers before him and say: "My sir, the High Priest, stand up and cool your feet on the ground," so that he would not sleep. They would keep him busy until the time for the slaughter of the morning sacrifice arrived. They would not have the sacrificial animal slaughtered until they were certain that dawn had broken lest the animal be slaughtered at night.

Chapter 2

1 All of the procedures involving the offering of the continuous offerings and the additional offerings of this day are performed by the High Priest while he is wearing his golden garments. The unique services of this day, by contrast, are performed while he is wearing his white garments.

The unique services of the day are: the offering of the bull brought by the High Priest, the offering of the two goats including the one sent to Azazel, and the offering of the incense in the Holy of Holies. All of these services are performed while wearing white garments.

2 Whenever the High Priest must change his clothes, removing one set of garments and putting on the others, he must immerse himself in a *mikveh*, as **Leviticus 16:23-24**] states: "And he shall remove the linen garments...

and wash his flesh with water in a holy place and put on his garments." The High Priest would immerse himself five times and sanctify his hands and feet ten times on that day.

What is implied? At the outset, he would remove the ordinary garments he was wearing and immerse himself. He would ascend, dry himself, put on his golden garments and, sanctify his hands and feet. He would slaughter the continuous offering, offer the daily morning incense, and kindle the lamps of the *Menorah*. He would then offer the limbs of the continuous offering on the pyre of the altar together with the *chavitin* offering and the wine libations. Then he would offer the bull and the seven sheep of the additional offering of the day.

Afterwards, he would sanctify his hands and feet and remove his golden garments. He would immerse himself, ascend, dry himself, put on his white garments, and sanctify his hands and feet. He would then perform the unique service of the day, reciting all the confessions, performing the lottery of the goats, sprinkling the blood in the Temple building and offering the incense offering in the Holy of Holies. He would entrust the goat to the one who would send it to Azazel, remove the fats and organs of the bull and the goat that will be burnt and entrust the remainder to the one who will burn them.

Afterwards, he would sanctify his hands and feet and remove his white garments. He would immerse himself, ascend, dry himself, put on his golden garments, and sanctify his hands and feet. He would then offer the sin-offering of a goat of the additional offerings of the day, his ram and the ram of the people. These are all burnt-offerings. He would offer the fats and organs of the bull and the goat that were burnt, and offer the

continuous offering of the afternoon.

Afterwards, he would sanctify his hands and feet and remove his golden garments. He would immerse himself, ascend, dry himself, put on his white garments, and sanctify his hands and feet. He would then enter the Holy of Holies and remove the incense-ladle and the fire-pan. Afterwards, he would sanctify his hands and feet and remove his white garments. He would immerse himself, ascend, dry himself, put on his golden garments, and sanctify his hands and feet. He would then offer the daily, afternoon incense offering and kindle the lamps of the *Menorah* for the afternoon. He would then sanctify his hands and feet, remove his golden garments, put on his ordinary clothes and depart.

3 All of these immersions and the sanctification of his hands and feet were performed in the Temple Courtyard, as the verse states: "And he shall wash his flesh with water in a holy place," with the exception of the first immersion which he is permitted to perform outside the Temple, for it is only to heighten his awareness so that he will remember any old situation that caused him to become impure and separate himself from this impurity by immersing himself with that intent.

If a High Priest did not immerse himself between a change of clothes or did not sanctify his hands and feet between a change of clothes and between one type of service and another and still performed the service, his service is acceptable.

4 If the High Priest was elderly or sick, iron slabs should be made white-hot in fire from the previous day, and on the next day they would be cast into

the water to remove its chill. This is permitted because prohibitions defined as *shvut* need not be observed in the Temple. Alternatively, hot water is mixed with the *mikveh* water to remove its chill.

5 Every other day, the High Priest sanctifies his hands and feet from the basin like the other priests. On this day, he sanctifies them from a golden pitcher as an expression of honor for him.

Every day, the priests ascend on the eastern side of the ramp and descend on the western side. On this day, they ascend in the center and descend in the center before the High Priest to glorify him.

Every day, the priest who merited to bring the incense offering would gather coals in a silver fire-pan and then shift the fire into a golden fire-pan. On this day, the High Priest gathers the coals with a golden fire pan and enters the Temple Building with it so as not to weary him with additional service. Similarly, the fire-pan used every day holds four *kabbin* of coals and the one used on this day, three. The one used every day was heavy and the one used this day, light. The one used every day had a short handle and the one used this day, a long one. All of these were measures to make it easier for the High Priest so that he would not weary.

Every day, there were three arrangements of fire on the altar. On this day, there were four. Another arrangement was added in order to glorify the altar and adorn it.

6 The Torah's statements **Leviticus 16:17**: "And he shall atone for himself, for his household, and for the entire congregation of Israel" is interpreted by the Oral Tradition as referring to the recitation of the confessional.

Thus he recites three confessions on this day:
one for himself first;
one for himself together with the other priests; both of these are recited over the bull which he brings as a sin-offering;
and the third is recited for the entire Jewish people on the goat sent to Azazel. In each of these confessions, he recites God's explicit name three times.
What is implied? He says: "I beseech you, *HaShem*, I have sinned, transgressed, and committed iniquity before You. I beseech you, *HaShem*, please atone for the sins, transgressions, and iniquities that I committed..., as *ibid.*:30 states: "For on that day, he shall atone for you to purify yourselves for all your sins, before God you shall be purified." Thus he mentions God's name three times in his confession. And he does this in each of these confessions.
When he places the lot on the goat of the sin-offering, he proclaims: "A sin-offering for *HaShem*." Thus he mentions God's explicit name ten times on this day. On all occasions, he recites the name as it is written, pronouncing His explicit name.
Originally, the High Priest would raise his voice when pronouncing God's name. When the number of wanton people increased, he would recite it in a low voice, swallowing it in a sweet chant until even his priestly brethren could not recognize it.

7 When all the priests and the people standing in the Temple Courtyard would hear God's explicit name recited by the High Priest in holiness and purity, they would bow, prostrate themselves, and fall on their faces,

saying: "Blessed be the name of His glorious kingdom forever and ever." The rationale is that **Deuteronomy 32:3** states: "When I call out the name of God, ascribe greatness to our Lord."

During the three confessions, he would intend to complete the recitation of God's name while the people were blessing, and then he would say: "You shall be purified." It is acceptable to recite the confessional of Yom Kippur and the confessional over the bulls that are burnt throughout the entire day.

Chapter 3

1 There were two lots: upon one was written: "for God," and upon the other "for Azazel." It was acceptable to make them from any substance, whether from wood, from stone, or from metal. There should not, however, be one that is large and the other small, one that is silver and the other, gold. Instead, they should both be the same. Originally, they were made of wood and in the Second Temple era, they made them of gold.

The two lots would be placed in a container that could fit no more than the High Priest's two hands, so that he would insert both of his hands at the same time and remove the lots without having the intent to chose one. This container was not sacred. It was made out of wood and was called a *kalpi*.

2 Where was the lottery conducted? In the eastern portion of the Temple Courtyard, to the north of the altar. They would place the *kalpi* there and position the two goats facing the west with their rears to the east. The

High Priest approaches that place with the *segen* on his right and the head of the clan to his left. The two goats were in front of him, one to his left and one to his right.

3 He would quickly grab the lots from the *kalpi* and lift up the two lots in his two hands for the two goats. He would open his hands. If the lot "for God" was lifted up in his right hand, the *segen* would say: "My sir, the High Priest, raise your right hand." If it was lifted up in his left, the head of the clan would say: "My sir, the High Priest, raise your left hand."
He would then place the two lots on the two goats, the lot in his right hand on the goat to his right and the lot in his left, on the goat to his left. If he did not place the lots on the goats, the service was not disqualified, but the mitzvah was lacking. For placing the lots on the goats is a mitzvah that is not an absolute requirement. The selection of the lots, by contrast, is an absolute requirement, even though it is not an act of service. Therefore it is acceptable if a non-priest places the lots on the goats, but it is invalid if a non-priest lifts the lots from the *kalpi*.

4 He ties a crimson cord weighing two *selaim* on the head of the goat to be sent to Azazel and positions it in the direction where it will be sent and ties such a cord on the goat to be slaughtered, hanging it over the place where it will be slaughtered. He then slaughters both his sin-offering of a bull and the goat for which the lot "for God" was lifted up.

5 He brings their blood into the Temple Building, where he sprinkles each 43 times. The sprinklings are as follows: First he sprinkles the blood of the

bull eight times in the Holy of Holies between the staves of the ark within a handbreadth of the *kaporet*, as **Leviticus 16:14** states: "He shall sprinkle before the *kaporet*." He should sprinkle once upward and seven times downward. According to the Oral Tradition, we learned that when the above verse mentions the seven sprinklings, the intent is seven in addition to the first sprinkling.

He would count: one, one plus one, one plus two, one plus three, one plus four, one plus five, one plus six, and one plus seven. Why would he count in this manner? So that he would not forget and include the first sprinkling among the seven.

Afterwards, he would sprinkle the blood of the goat between the staves of the ark seven times, once upward and seven downward. He counts the sprinklings as he did for the blood of the bull.

He then goes and sprinkles the blood of the bull eight times in the Sanctuary on the *parochet*: once upward and seven downward. For with regard to the blood of the bull, the above prooftext states: "on the *kaporet* and before the *kaporet*." He counts as he counted within the Holy of Holies. He then sprinkles the blood of the goat eight times on the *parochet*, once upward and seven downward. For *ibid.*:15 states with regard to the blood of the goat: "And you shall do with its blood what you did with the blood of the bull." He also counts the sprinklings as he counted them inside the Holy of Holies. While performing all of these sprinklings, he would not intend to sprinkle above or below, but instead would be like one who is lashing.

After the sprinklings, he mixes both bloods - the blood of the bull and the blood of the goat - together and performs four sprinklings - one on each

of the corners of the golden altar in the Sanctuary - and seven sprinklings on the center of this altar.

6 For all these 43 sprinklings, he dips his finger in the blood of the sacrificial animal, dipping once for each sprinkling. He should not sprinkle twice from one dipping. He would pour out the remainder of the blood on the western portion of the altar's base.

7 Afterwards, he would send the living goat to be taken to the desert with a person prepared for this task. Anyone is acceptable to take the goat, but the High Priests ordained a fixed practice and they would not let an Israelite take it. Booths were built on the way from Jerusalem to the desert. One person or many people would spend the day in each booth so that they would accompany him from booth to booth. In each booth, they would say: "Here is food and here is water." If he became weak and it was necessary for him to eat, he would eat, but no one ever required this. The people in the last booth would stand at the end of the Sabbath limits and watch his actions from a distance.

What would he do? He would divide the crimson cord tied to the goat's horns.He would tie half to a rock and half between its two horns. He would then push it backward and it would roll over and descend. It would not reach half of the mountain before it was broken into separate limbs, He would then sit in the last booth until nightfall. Sentries would be positioned along the way who wave flags so that the people in the Temple would know that the goat reached the desert.

After sending the goat with the person who would take it to the desert,

the High Priest would return to his bull and the goat whose blood he sprinkled inside the Temple Building. He rips open their bellies and removes their fats and organs, places them in a container to offer them on the altar's pyre. He cuts up the remainder of their meat into large pieces that are still connected like a net. He does not separate them and he sends them with other persons to take them out to the place where they are burnt. There they are cut up together with their hide, as we explained.

8 After the goat reached the desert, the High Priest would go out to the Women's Courtyard to read from the Torah. While he would read, the bull and the goat were burnt in the ash-pile. Thus one who sees the High Priest reading does not see the bull and the goat being burnt. They may be burnt by a non-priest, as we explained.

9 This reading is not part of the Temple service. Therefore if the High Priest desires to read in his own ordinary white garments he may. If he desires to read while wearing his priestly white garments, he may. For the priestly garments were made with the intent that benefit could be derived from them at a time when one is not involved in sacrificial service, as we explained.

10 How would he read? He would sit in the Women's Courtyard while all the people stand in front of him. The attendant of the synagogue takes the Torah scroll and gives it to the head of the synagogue. The head of the synagogue gives it to the *segen* and the *segen* gives it to the High Priest.
The High Priest stands and accepts it and stands and reads the passage

Acharei Mot and *ach bieasor* which is in the passage of the festive offerings until the conclusion of the matter. He then roles close the Torah scroll and places it in his bosom and declares: "More than I have read for you is written here." He then reads the passage *ubieasor* in the Book of Numbers until its conclusion by heart.

Why does he read it by heart? Because we do not roll a Torah scroll from passage to passage in front of a congregation. Why does he not read it from another scroll? Because one person should not read from two Torah scrolls, because this will cast aspersions on the validity of the first.

11 When he reads, he recites a blessing before the reading and afterwards as one recites the blessing for the Torah reading in a synagogue. Afterwards, he adds seven blessings, which are *retzei, modim, selach lanu avinu ki chatanu*, he concludes the latter blessing: "Blessed are You, God, Who forgives the sins of His people Israel with mercy." Thus three blessings are recited as ordained.

He then recites a separate blessing for the Temple. Its theme is that the Temple should continue standing with the Divine Presence in it. He concludes it: "Blessed are You, God, Who dwells in Zion."

He then recites a separate blessing for the Jewish people. Its theme is that God should deliver the Jewish people and sovereignty should not depart from them. He concludes it: "Blessed are You, God, Who chooses Israel."

He then recites a separate blessing for the priests. Its theme is that the Omnipresent should find favor in their deeds and service and bless them. He concludes it: "Blessed are You, God, Who sanctifies the priests."

He then recites prayers, supplication, praises, and requests according to his

proficiency and concludes "God, deliver Your nation Israel, for Your nation Israel is in need of salvation. Blessed are You, God, Who heeds prayer."

Chapter 4

1 The order of all the practices carried out on this day is the following: At midnight, the lottery is held for the removal of the ashes of the altar. The wood for the altar is arranged and the ashes are removed from the altar as is done each day according to the order we explained until they reach the slaughter of the continuous offering.

When they reach the slaughter of the continuous offering, a linen sheet is spread out between the High Priest and the people. Why is linen used? So that all will realize that the special service of the day is performed in linen garments. The High Priest removes his ordinary garments, immerses himself in the *mikveh*, puts on his golden garments, and sanctifies his hands and feet. He slits the majority of the two signs for kosher slaughter on the animal sacrificed as the continuous offering, but allows another person to complete the slaughter. He receives the blood and casts it on the altar as is commanded.

Afterwards, he enters the Temple Sanctuary and offers the morning incense-offering and lights the lamps of the *Menorah*. He offers the limbs of the continuous offering and the *chavitin*-offering on the altar's pyre and pours the libations according to the order in which the continuous offering is brought every day, as we explained. After the continuous offering, he offers the bull and the seven sheep of the additional offering

of the day.

Afterwards, he sanctifies his hands and feet and removes his golden garments. He immerses himself, puts on his white garments, and sanctifies his hands and feet. He approaches his bull. The bull was standing between the Entrance Hall and the altar with its head to the south, but facing the west. The High Priest would stand to the east and face the west. He would place his two hands on the head of the bull and recite the confessional. He would say: "I beseech You, O God. I have sinned, transgressed, and committed iniquity, both I and my household. I beseech You, O God, atone for the sins, transgressions, and iniquities that I and my household have committed, as it is written in the Torah of Moses Your servant **Leviticus 16:30**: 'For on that day, he shall atone for you to purify yourselves for all their sins, before God you shall be purified.'

Afterwards, he performs the lottery for the two goats. He ties a crimson cord on the head of the goat to be sent to Azazel and positions it in the direction where it will be sent and ties such a cord on the goat to be slaughtered, hanging it over the place where it will be slaughtered. He approaches his bull a second time and places both his hands on its head and recites a second confessional. He would say: "I beseech You, O God. I have sinned, transgressed, and committed iniquity, I, my household, and the descendants of Aaron, Your holy nation. I beseech You, O God, atone for the sins, transgressions, and iniquities that I, my household, and the descendants of Aaron, Your holy nation, have committed, as it is written in the Torah of Moses Your servant **Leviticus 16:30**: 'For on that day.... '

Afterwards, he slaughters the bull and receives its blood. He gives it to another priest to stir so that it will not coagulate. He places it on the

fourth projection outside the Temple Building. He takes the fire pan and uses it to remove burning coals from the altar from those close to the western side, for *ibid.*:12 speaks of taking coals "from the altar before God." He places it on the projection in the Temple Courtyard. The *kaf* is taken out for him and a container filled with incense that is extremely fine. He would take a full handful of incense. The handfuls of incense should not be pressed closely to his hand, nor piled up upon it, but rather overlapping it slightly. A High Priest with large hands should take large handfuls; one with small hands, smaller handfuls. He should place the incense in the *kaf*.

We already explained, that carrying a sacrificial substance in one's left hand disqualifies it with regard to the blood of the sacrificial animals and other services. Hence, it would be appropriate that he should carry the firepan in his left hand and the *kaf* with the incense in his right hand. Nevertheless, because of the weight of the firepan - and because it is hot - he would not be able to carry it with his left hand until he reached the Holy Ark. Therefore he should carry the firepan in his right hand and the *kaf* with the incense in his left.

He proceeds through the Sanctuary until he reaches the Holy of Holies. He finds the *Parochet* folded over. He proceeds into the Holy of Holies until he reaches the Holy Ark. When he reaches the ark, he places the firepan down between the two staves. In the Second Temple, when there was no ark, he would place it on the Foundation Stone. He would hold the edge of the *kaf* with his fingertips or with his teeth and push the incense with his thumb into his hand until he has a full handful as before. This was one of the difficult tasks in the Temple.

He would pile the incense over the coals with his hands on the inner portion of the firepan so that the incense would be close to the Ark and far from his face so that he would not be burnt. He waits there until the entire chamber fills up with smoke and then departs.

He walks backwards little by little with his face to the Holy of Holies and his back to the Sanctuary until he departs from within the *parochet*. He recites a short prayer in the Sanctuary so as not to scare the people, lest they say: "He died in the Sanctuary." He would pray in this manner: "May it be Your will, God, our Lord, that if this year was to be arid, it should be rainy. May the sovereignty not depart from the House of Judah. May Your nation Israel not be in need of sustenance. And may You not accept the prayers of wayfarers."

2 When the incense-offering was brought in the Holy of Holies, all of the people would withdraw from the Sanctuary alone. They would not withdraw from the area between the Entrance Hall and the altar, for it is not necessary to depart from between the Entrance Hall and the altar except when bringing the daily incense-offering and when blood is being presented in the Sanctuary, as we explained in *Hilchot Temidim*.

Afterwards, he takes the blood of the bull from the priest who was stirring it and takes it into the Holy of Holies. He sprinkles it eight times between the staves of the Ark. He departs and places it down in the Sanctuary on a golden base located there. He then departs from the Sanctuary and slaughters the goat, receives its blood, and brings it into the Holy of Holies. He sprinkles it eight times between the staves of the Ark. He then departs and places it down on a second gold base in the Sanctuary.

Afterwards, he lifts up the blood of the bull from the base and sprinkles it on the *parochet* opposite the ark eight times. He puts down the blood of the bull and picks up the blood of the goat and sprinkles it on the *parochet* opposite the ark eight times.

Afterwards, he pours the blood of the bull into the blood of the goat and pours the entire mixture into the container where the blood of the bull had been held so that they will be mixed thoroughly and stands before the golden altar, between the *Menorah* and the golden altar. He begins to apply the mixture of blood on the corners of the golden altar. He proceeds to circle it, sprinkling the blood on its corners from the outside as he proceeds.

He begins from the northeast corner, proceeds to the northwest, the southwest, and then to the southeast. In all instances, he applies the blood from below upward with the exception of the last application in which instance, the corner is directly before him. Hence he applies the blood from above downward so that his garments will not become soiled. He then moves the coals and the ashes of the Golden Altar back and forth until its golden surface is revealed. He applies the blood of the mixture on the pure golden surface of the altar seven times on its southern side, the place where he completed applying the blood to the corners. He then departs from the Sanctuary and pours the remainder of the blood on the west base of the outer altar.

Afterwards, he approaches the goat to be sent to Azazel. He places his two hands on its head and recites the confessional, saying: "I beseech You, O God. Your nation, the House of Israel, have sinned, transgressed, and committed iniquity. I beseech You, O God, atone for the sins,

transgressions, and iniquities that Your nation, the House of Israel, have committed, as it is written in the Torah of Moses Your servant **Leviticus 16:30**: 'For on that day, he will atone for you.... ' Afterwards, he sends the goat to the desert.

He removes the fats and the organs from the bull and the goat that were slaughtered and whose blood was brought within the Temple Building and places them in a vessel. He sends the remainder to the ash pile to be burnt. He then goes out to the Women's Courtyard and reads the Torah there after the goat reaches the desert.

He then sanctifies his hands and feet, removes his white garments, immerses himself, puts on his golden garments, and sanctifies his hands and feet. He sacrifices the goat that is offered outside that is one of the additional offerings of the day and sacrifices his ram and the ram of the people, as *ibid.*:24 states: "And he goes out and offers his burnt-offering and the burnt-offering of the people." He offers the fats and organs of the bull and the goat which are burnt and offers the afternoon continuous offering.

Afterwards, he sanctifies his hands and feet, removes his golden garments, immerses himself, puts on his white garments, and sanctifies his hands and feet. He enters the Holy of Holies and removes the *kaf* and the firepan.

Afterwards, he sanctifies his hands and feet, removes his white garments, immerses himself, puts on his golden garments, and sanctifies his hands and feet. He offers the afternoon incense-offering and kindles the lamps of the *Menorah* for the evening as on other days. He then sanctifies his hands and feet, removes his golden garments, puts on his own clothes and goes

home. All of the people accompany him to his home. He would make a festive celebration because he departed from the holy place in peace.

Chapter 5

1 All of the services which the High Priest performs while wearing the white garments inside the Temple Building must be performed in the order in which we mentioned. If he performed one of them before another, his acts are of no consequence.

2 If the High Priest took a handful of incense before he slaughtered the bull, his act is of no consequence. Although taking the handful of incense is performed in the Courtyard, it is necessary for service performed inside the Temple Building. Similarly, if the goat was slaughtered before the blood of the bull was presented inside the Holy of Holies, the act is of no consequence. Although the slaughter is performed in the Temple Courtyard, its blood is brought within the Temple Building.

3 If the ram and the goat from the additional sacrifices of the day were offered before the service of the day in the Holy of Holies was performed, they are of no consequence.

4 If the blood of the goat was presented in the Holy of Holies before the blood of the bull, i.e., before the High Priest completes its service, he should sprinkle the blood of the bull as commanded. Afterwards, he should bring another goat, slaughter it, and sprinkle its blood as commanded. The first goat is disqualified.

If, when sprinkling the blood on the *parochet* in the Sanctuary, he sprinkled the blood of the goat before the blood of the bull, he should sprinkle the blood of the goat a second time after the blood of the bull.

5 If the blood of the goat spilled before he completed presenting it in the Holy of Holies, he should bring other blood and begin sprinkling it anew in the Holy of Holies.

6 If he completed the presentation of the blood in the Holy of Holies and began presenting it in the Sanctuary and the blood was spilled before he completed them, he should bring other blood and begin from the first sprinklings in the Sanctuary.

7 If he completed the first part of the presentation of the blood in the Sanctuary and began to apply the blood to the Golden Altar and the blood spilled before the applications were completed, he should bring other blood and begin from the first applications to the altar. For each set of presentations of blood represents a separate phase of atonement.

8 If he completed the application of the blood to the altar and then the blood spilled, he does not have to bring other blood, for pouring the remainder of the blood on the outer altar is not a binding requirement. If the blood of the bull was spilled before he completed all of the presentations, he should bring another bull and take a handful of incense before slaughtering the bull. He should offer the incense, then bring the blood of the second bull and sprinkle its blood.

9 The only one which causes the priests and their clothes to become impure and which is burnt in the ashpile is the last bull with which the atonement was completed.

10 If the blood of the bull became mixed with the blood of the goat before the High Priest completed the sprinklings, he should sprinkle from the mixture once upward and seven times downward for the sake of the bull and then sprinkle from the mixture once upward and seven times downward for the sake of the goat. If they became mixed together before the last sprinkling, he should sprinkle once downward for the sake of the bull and then sprinkle once upward and seven times downward for the sake of the goat.

11 If the cups containing the blood of the bull and the blood of the goat become mixed together and the High Priest does not know which is the cup containing the blood of the bull and which is the cup containing the blood of the goat, he should sprinkle from one of them once upward and seven times downward and then sprinkle from the second one, once upward and seven times downward. And then he sprinkles again from the blood in the first cup, once upward and seven times downward. Thus regardless he will have sprinkled from the blood of the bull and afterwards, from the blood of the goat.

12 The following rules apply when the High Priest received the blood of the bull in two cups and the blood of the goat in two cups and some of the cups became mixed together and it was not known which of the cups

contained the blood of the bull and which, the blood of the goat. He should perform all the sprinklings as required by law from the cups that were not mixed together. He should then pour the remainder of the blood from the cups from which he sprinkled on the base of the altar, as required. The cups that were mixed together should be poured into the drainage channel.

13 Even though the High Priest would purchase the bull sacrificed on Yom Kippur from his own resources, as implied by **Leviticus 16:6**: "The bull for the sin-offering that is his," the Omnipresent nullified his ownership of it in favor of all of his priestly brethren. For if they did not have a share of it, they could not derive atonement through its sacrifice.

Accordingly, if the High Priest died before the bull was slaughtered, the priest who assumes his position does not bring a different bull. Instead, he slaughters the first one. It is not considered a sin-offering whose owners have died which is itself consigned to death, for a sin-offering owned by many is never consigned to death.

If the High Priest slaughtered the bull, but died before sprinkling its blood to gain atonement, the second priest enters the Temple with this blood and performs the sprinkling that brings atonement.

14 The desired manner of performing the mitzvah is that the two goats of Yom Kippur should be alike with regard to their appearance, their size, and their worth. They should be purchased at the same time. Nevertheless, even if they were not alike, they were acceptable. Similarly, if one was purchased on one day and the other on the following day, it is

acceptable.

15 The following rules apply if one of these goats die. If it dies before the lottery was held, he should take another one as a pair for the remaining one. If it died after the lottery, he should bring two new goats and conduct the lottery again as he did originally.

He sees which one died. If it was the one to be sacrificed to G-d, he says: "This one for which the lot for God was chosen should replace it." If the dead goat was the one to be sent to Azazel, he says: "This one for which the lot for Azazel was chosen should replace it." The other one of the pair from which the second lottery was made should be left to pasture until it receives a disqualifying blemish. Then it should be sold and the proceeds used for freewill offerings. This course of action is taken, because a communal sin-offering is never consigned to death.

16 When the bull and/or the goat to be offered on Yom Kippur became lost, others were separated in their stead and offered and then the first ones were found, those first ones should pasture until they contract a disqualifying blemish. Afterwards, they should be redeemed and the proceeds used for freewill offerings. Similarly, if the first ones were found before the second were offered, the first ones should be sacrificed. The second ones should be allowed to pasture until they contract a disqualifying blemish. Afterwards, they should be redeemed and the proceeds used for freewill offerings. The rationale for these rulings is that a communal sin-offering is never consigned to death.

17 A disqualifying blemish - even a temporary blemish - renders the goat sent to Azazel unfit. Similarly, if it becomes unfit to be sacrificed because of a time factor, it is disqualified. For example, its mother was slaughtered to feed a sick person on Yom Kippur. Although the pertinent prohibition involves "slaughtering" an animal and its offspring on the same day, pushing the goat to Azazel is equivalent to slaughtering it.

18 If the goat was *treifah*, it is unacceptable, for **Leviticus 16:10** states: "It shall stand alive."

19 If the goat becomes sick and is unable to walk, the one taking it to Azazel should carry it on his shoulders, even on the Sabbath.

20 If the one designated to take it becomes sick, it should be sent with another person.

21 If the one designated to take it becomes impure, he should enter the Temple take it and depart, as **Leviticus 16:21** states: "to the desert in the hands of a designated person." Implied is that it should be sent in the hands of the one designated even if he became ritually impure.

22 If that person pushed the goat off the cliff and it did not die, he should descend after it and kill it with any article that will serve that purpose. It is permitted to benefit from the limbs of this goat.

23 If the roof of the Temple Building was opened, the High Priest should not sprinkle the blood of the bull and the blood of the goat, because *ibid.*:17

states: "in the Tent of Meeting."

24 When the inner altar had not been dedicated by the offering of incense previously, the High Priest should not sprinkle the blood upon it, as *ibid.* 4:7 states: "the altar of the incense offering."

25 If the incense offering was lacking one of its spices or the smoke-raising herb, the High Priest is liable for death, as **Leviticus 16:2** states: "He shall not die, because in a cloud I will appear on the *kaporet*." Similarly, he is liable for death for entering the Holy of Holies while he is not performing a mitzvah. Therefore, if he transgressed inadvertently by entering, but purposely offered an unacceptable incense offering or offered a complete incense offering together with the one that was lacking, he is liable for death.

26 If he offered an olive-sized portion of the incense offering to be offered in the Holy of Holies in the Sanctuary, he is liable for death.

27 Taking a handful of incense is considered as an element of the Temple service and improper thoughts can disqualify it. Similarly, the scooping of the coals for the incense offering can be disqualified by improper thoughts, for performance of the preparatory acts necessary to bring a sacrifice is considered as bringing the sacrifice itself.

28 There is doubt regarding the proper ruling in all of the following incidents:

a) he collected the incense with his fingertips, with the sides of his hands,

or scooped from below upward;

b) he gathered the incense with both hands and then brought them together;

c) the incense was scattered on the earth from his hand and he collected it;

d) a colleague gathered the incense and put it in his hands; or

e) a High Priest collected the incense and died and his replacement entered the Holy of Holies with the incense collected by the first.

In all these instances, as an initial preference, he should not offer such incense. If he did, it is acceptable.

Mishneh Torah, Trespass

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is forbidden for an ordinary person to benefit from articles sanctified unto God, whether they are entities that are offered on the altar or articles consecrated for the improvement of the Temple. Anyone who derives a *perutah'* worth of benefit from an article sanctified unto God, is considered as having misappropriated a consecrated article.

2 The concept of *me'ilah*, misappropriating consecrated articles, does not apply to sacrificial entities from the sacrifices that are permitted to be eaten, e.g., the meat of sin-offerings and guilt-offerings after their blood was cast on the altar, the two breads after the blood of the two sheep was cast on the altar. This applies even if these or the like are eaten by a non-priest. Since it is permitted for some people to benefit from them, anyone who benefits from them is not considered to have misappropriated consecrated articles. Even if they were disqualified and prohibited to be eaten, since there is a time when they are permitted to be eaten, one is not liable for *me'ilah*.

3 Anyone who purposely misappropriates consecrated articles is liable for lashes and must pay the value he decreased the value of the sacred articles. The warning against *me'ilah* is derived from **Deuteronomy 12:17**: "You may not partake of the tithes of your grain... your pledges... in your outlying cities." According to the Oral Tradition, we learned that this is a

warning against one who partakes of the meat of a burnt-offering for it must be offered entirely to God. The same applies to all other consecrated articles that are dedicated to God alone, whether something consecrated for the altar or for the improvement of the Temple. If one derives a *perutah's* worth of benefit, he is liable for lashes. If he misappropriated a consecrated article unknowingly, he must make restitution for the benefit he received and add a fifth. Also, he must bring a ram worth two *selaim* and have it sacrificed as a guilt-offering. This brings atonement for him and it is called: "the guilt-offering for misappropriation,] as **Leviticus 5:15-16** states "And he sinned inadvertently, misappropriating what was consecrated unto God and he shall bring his guilt-offering... and he should make restitution for what he misappropriated from the consecrated articles, adding a fifth." Paying the principal with the additional fifth and bringing the sacrifice is a positive commandment.

4 Payment of the principal and bringing the guilt-offering are essential for the atonement; payment of the additional fifth is not essential. This is derived from the prooftext that speaks of: "the ram of the *asham*." Our Sages interpreted the term *asham* as referring to the principal and stated: The ram and the payment of the principal are fundamental requirements. The additional fifth is not a fundamental requirement.

5 If the person brought the guilt-offering before he made restitution for the principal, he did not fulfill his obligation. If one is in doubt whether he derived benefit from a consecrated article or not, he is exempt from making restitution and bringing a sacrifice.

The additional fifth is considered as a consecrated article itself. If one benefits from it, he should add a fifth to the fifth. We have already explained several times that the fifth is one fourth of the principal so that the principal and the fifth will be five units.

6 There are articles for which one is not liable for *me'ilah* according to Scriptural Law, but from which it is forbidden to benefit according to Rabbinic decree. A person who derives benefit from them must only make restitution for the principal. He need not add a fifth, nor must he bring a guilt-offering.

7 All of the sacrifices offered on the altar - whether sacrifices of the highest degree of sanctity or sacrifices of a lesser degree of sanctity - are forbidden to be shorn and it is forbidden to perform work with them, as **Deuteronomy 15:19** states: "Do not perform work with the firstborn of your oxen and do not shear the firstborn of your sheep." The same applies to all other sacrificial animals. One who shears an ox or works with a sheep is liable for lashes according to Scriptural Law.

One who pulls out hair is not considered as if he shears it. It appears to me that one is not liable unless he shears double the width of a *sit*. This prohibition should not be more severe than the prohibition against shearing on the Sabbath.

8 When there is a doubt whether an animal is consecrated, e.g., an animal concerning which there is a question whether it is a firstborn or the like, it is forbidden to shear it or work with it, but one who shears it or works

with it, is not liable for lashes.

9 When a sacrificial animal contracted a physical blemish and it was redeemed as we explained, it is not permitted to shear it or to work with it. The prohibitions are still in effect until it is slaughtered. If it was slaughtered after it was redeemed, it is permitted to partake of it.

When does the above apply? When the animal was consecrated before it contracted a permanent blemish or it contracted a temporary blemish before it was consecrated. If, however, one consecrated an animal with a permanent physical blemish as a sacrifice for the altar, it is only forbidden to be shorn and for work to be performed with it according to Rabbinic Law. If it is redeemed, it is like an ordinary animal in all regards and like an ordinary animal, it may be shorn and work may be performed with it. The only exceptions to this principle are a firstborn animal and one separated as the tithes. In these instances, the holiness falls on their physical bodies even if at the outset they have permanent physical blemishes. They are never considered as ordinary animals entirely and it is always forbidden to shear them or perform work with them.

It is forbidden to mate an animal that is a firstborn or a sacrificial animal that was disqualified.

10 It is permitted, even as an initial preference, to pull off hair from a sacrificial animal in order to show a physical blemish to an expert. It is forbidden to benefit from the hair that was pulled off or which fell from a consecrated animal, a firstborn animal, or one designated as the tithes, even after it was redeemed and slaughtered because of its blemish. This is

a decree lest the sacrifice of such an animal be delayed, because it does not come to bring about atonement.

It is, by contrast, permitted to benefit from wool which fell from an animal designated as a sin-offering or a guilt-offering after it has been redeemed and slaughtered because of a physical blemish. The rationale is that since these offerings come to bring about atonement, the owners will not delay their sacrifice. There is an unresolved doubt if it is permitted to benefit from wool that was pulled off from a burnt-offering.

It is permitted to benefit from any wool that becomes pulled off from sacrificial animals after they have contracted a blemish, for it was not pulled off intentionally. The only exception is the wool of a firstborn animal and one designated as a tithe. In those instances, it is forbidden to benefit from wool even if it was pulled off from such an animal after it contracted a blemish.

11 When a person slaughters a firstborn or another consecrated animal, he may pull off the wool from either side to make a place for the knife, provided he does not remove the wool from its place.

12 It is forbidden to shear and perform work with animals consecrated for the improvement of the Temple according to Rabbinic decree. According to Scriptural Law, they are not forbidden. Therefore one who shears such animals or performs work with them is not liable for lashes. He does, however, receive stripes for rebellious conduct.

13 When one consecrates a fetus for the altar, it is forbidden to perform work

with its mother according to Rabbinic decree. The rationale for this decree is that work weakens the fetus. It is, however, permitted to shear the mother, because this does not harm the fetus.

When one consecrates one limb of an animal - whether for the improvement of the Temple or for the altar - there is an unresolved doubt whether or not the entire animal is forbidden to be sheared or for work to be performed with it. Therefore, if one performs such an activity, he is not liable for lashes.

Chapter 2

1 The prohibition against *me'ilah* does not apply to sacrifices of a lesser degree of sanctity until the blood has been cast on the altar. If the blood has been cast on the altar, the prohibition against *me'ilah* applies to the fats and organs until they are taken to the ash heap, for they are designated for the altar's pyre. The prohibition against *me'ilah* does not apply to an entity that is to be eaten, as explained.

Even if the fats and the organs were brought to the altar before the blood was cast upon it, the prohibition against *me'ilah* does not apply until the blood is cast. If the fats and the organs were taken outside the Temple Courtyard before the blood was cast, the prohibition against *me'ilah* does not apply until the blood is cast. If the blood was cast while they were outside and they had not been brought back in, the prohibition against *me'ilah* does apply, for casting the blood has an effect on the status of a sacrifice, whether it leads to a lenient ruling or a stringent one.

2 The prohibition against *me'ilah* applies to all the sacrifices of the most sacred order from the time they were consecrated until the blood is cast upon the altar. Once the blood is cast, the prohibition against *me'ilah* applies to the portions of them that are to be consumed entirely by the altar's pyre until they are burnt and taken to the ash heap. The prohibition against *me'ilah* does not apply to the portions that are to be eaten, as explained.

3 What is implied? The prohibition against *me'ilah* applies to a burnt-offering - both of fowl and of an animal, the handful of meal and the frankincense from a meal-offering, a meal-offering of priests, the *chavitin* offering of the High Priest, and the meal-offering of the accompanying offerings, from the time they were consecrated until they were taken out to the ash heap after being burnt on the altar.

4 Similarly, the prohibition against *me'ilah* applies to the bull and the goats that are burnt from the time they were consecrated until they are burnt - and their burning is complete - in the ash heap and their meat is burnt thoroughly, in their entirety. Before it is burnt thoroughly, the prohibition against *me'ilah* applies to it even though it is in the ash heap.

5 Similarly, the prohibition against *me'ilah* applies to the red heifer from the time it was consecrated until it was reduced to ash. Even though its status is that of an entity consecrated for the improvement of the Temple, concerning it, **Numbers 19:9** states: "It is a sin-offering." It is one of the conditions established by the court that a person does not violate the

prohibition against *me'ilah* with the ashes of the red heifer.

6 The prohibition against *me'ilah* applies to all the following: sin-offerings of animals, guilt-offerings, and communal peace-offerings from the time they were consecrated until the blood is cast on the altar. Once the blood is cast, the prohibition against *me'ilah* applies to their organs and fats until they are taken to the ash heap. The prohibition against *me'ilah* does not apply to the meat.

Similarly, the prohibition against *me'ilah* applies to a sin-offering of fowl from the time it is consecrated until its blood is presented on the altar. After its blood was presented, the prohibition against *me'ilah* does not apply. It is, however, forbidden to benefit from its *murah* and its feathers. If one benefits from them after the blood is presented, he does not violate the prohibition against *me'ilah*.

7 The prohibition against *me'ilah* applies to meal-offerings from the time they were consecrated, even though they have not become consecrated by being placed in a sacred utensil, until the handful of meal is offered on the altar's pyre. Once the handful is offered, the remainder of the offering is permitted to be eaten. If the remainder of the offering becomes disqualified or lacking in substance and then the handful is offered, a question arises. Since offering the handful does not cause the remainder to be permitted to be eaten in such a situation, there is an unresolved doubt if the meal-offering is absolved from the prohibition against *me'ilah* or not.

8 The prohibition against *me'ilah* applies to the showbread from the time it was consecrated - even though it was not baked - until the bowls of frankincense are offered on the altar's pyre. Once the bowls of frankincense were offered, it is permitted to be eaten. Similarly, the prohibition against *me'ilah* applies to the two loaves of Shavuot from the time they were consecrated, even before they were baked, until the blood of the sheep is cast on the altar. After the blood of the sheep was cast, they are permitted to be eaten.

9 The prohibition against *me'ilah* applies to the libations once they have been consecrated. Once they are poured and descend to the *shittin*,the prohibition against *me'ilah* no longer applies.
As long as the water which is poured as a libation on the Sukkot holiday is in the golden jug, benefit should not be derived from it, but one who benefits is not liable for *me'ilah*. If it was placed in the pitcher, the prohibition against *me'ilah* applies to it in its entirety, for it is one of the libations.

10 The prohibition against *me'ilah* applies to the *log* of oil brought by a person afflicted by *tzara'at* from the time that it was consecrated in a sacred vessel until the blood of the guilt offering was cast on the altar. Once the blood of the guilt-offering was cast, one should not benefit from it until the placements are made from it, but the prohibition against *me'ilah* no longer applies. After the placements were made, it is permitted for the priests to partake of the remainder of the oil like the meat of sin-offerings and guilt-offerings.

11 The prohibition against *me'ilah* does not apply to any of the blood of sacrificial animals that were slaughtered whether before atonement is attained or after atonement is attained until it flows out to the Kidron River. Once it flows out to the Kidron River, the prohibition against *me'ilah* applies to it because it was sold as fertilizer for gardens and the proceeds of the sale are consecrated. If, however, one lets the blood of a consecrated animal, it is forbidden to benefit from that blood and the prohibition of *me'ilah* applies to it. Since the animal cannot exist without blood, it is considered as its body.

12 With regard to the bones, the *giddim,* the horns, and the hoofs which were separated from sacrificial animals of the highest degree of sanctity. The prohibition against *me'ilah* applies to those separated before the blood was cast on the altar, but not to those which were separated after the blood was cast.

With regard to the bones of a burnt-offering that were separated before the blood was cast on the altar, once the blood is cast, the prohibition no longer applies. The casting of the blood causes them to be permitted. If they were separated after the blood was cast, the prohibition against *me'ilah* applies to them forever.

When the bones of a burnt-offering fly off the altar before midnight, the prohibition against *me'ilah* applies. After midnight, that prohibition no longer applies even though they flew off before midnight. The rationale is that since midnight arrived, all of the bones are considered as if they have been consumed by fire and as if they have been reduced to ash.

13 When a coal flies off the altar - whether before midnight or after midnight - it is forbidden to benefit from it, but the prohibition against *me'ilah* does not apply. The prohibition against *me'ilah* applies to a coal that was consecrated for the improvement of the Temple. It is forbidden to benefit from a flame, but the prohibition against *me'ilah* does not apply to it.

14 The prohibition against *me'ilah* applies to the ashes of the outer altar, both before the ash is removed from the altar and after it was removed.

15 With regard to the ashes of the inner altar and the ashes of the *Menorah,* we may not benefit from them, but the prohibition against *me'ilah* does not apply to them.

16 Whenever there is an animal that was consecrated for a sacrifice of the most sacred order that contracted a disqualifying physical blemish - whether the blemish preceded its consecration or came afterwards - the prohibition against *me'ilah* applies until it is redeemed. This even applies if the animal is unable to be sacrificed because of a time factor.

A different law applies with regard to turtle-doves whose time to be offered has not arrived and young doves whose time to be offered has passed that were consecrated to be offered on the altar. Even though it is forbidden to benefit from them, one who derives benefit has not violated the prohibition against *me'ilah*. The rationale is that since they are not fit to be redeemed, they are comparable to sin-offerings consigned to death. Therefore the prohibition against *me'ilah* does not apply to them.

Chapter 3

1 When animals consecrated as sacrifices for the altar die, the prohibition against *me'ilah* no longer applies to their carcasses according to Scriptural Law. Nevertheless, the prohibition continues to apply according to Rabbinic Law. Similarly, if sacrificial animals will become disqualified because of matters that disqualify such animals as we have already explained, the prohibition against *me'ilah* continues to apply according to Rabbinic decree.

When does the above apply? When there was no time that the sacrificial animal could be eaten by the priests. Different rules apply, however, if animals consecrated as sacrifices of the highest order of sanctity which are intended to be eaten had a time when they were permitted and then disqualified and forbidden to be eaten. Since they were permitted at a given time, the prohibition against *me'ilah* does not apply to those entities that are fit to be eaten, as we explained.

What is implied? When sacrifices of the highest order of sanctity were disqualified before their blood was presented on the altar according to law, e.g., they were slaughtered in the southern portion of the Temple Courtyard even though the blood was received in the north, they were slaughtered in the north, but the blood was received in the south, they were slaughtered during the day and the blood was cast on the altar at night, they were slaughtered at night, but the blood was cast during the day, they were offered with a disqualifying intent concerning time or place, the blood was received by unacceptable persons even though it was cast by acceptable ones, it was cast by unacceptable persons even though it

was received by acceptable ones, all of the blood and the meat were taken out of the Temple Courtyard before the blood was cast, or the blood remained overnight - in all these instances, the principle of *me'ilah* applies forever, because there was never a time when these offerings were permitted to be eaten.

If, however, the blood reached the altar as commanded, but afterwards the meat or the portions to be offered on the altar remained overnight, or the meat or those portions became impure, or were taken outside the Temple Courtyard, or a portion of the meat was taken outside before the blood was cast, in all these instances and the like, the prohibition against *me'ilah* does not apply to the remainder of the meat, because there was a time when it was permitted to be eaten, as explained above.

2 If persons who are unacceptable received a portion of the blood and cast it on the altar and then others who are acceptable to perform Temple service received the remainder of the animal's lifeblood and cast it on the altar, the prohibition against *me'ilah* no longer applies to the meat. The rationale is that the sacrifice is acceptable, because the unacceptable persons do not cause the remainder of the lifeblood to be considered as remnants unless he is unacceptable due to ritual impurity. In that instance, since he is fit for communal Temple service, he causes the remainder of the blood to be considered as remnants.

3 What is implied? If an impure priest received the blood and cast it on the altar, even if afterwards an acceptable person received the remainder of the life blood and cast it on the altar, this sacrificial animal never had a time

when its meat was permitted and the prohibition of *me'ilah* applies to the meat in its entirety. The rationale is that this blood is considered as "remnants" and the casting of "remnants" on the altar is not effective.

We have already explained that the prohibition against *me'ilah* does not apply to sacrifices of a lesser degree of sanctity except to the fats and organs after the blood is cast on the altar, provided the casting is effective. If, however, sacrifices of a lesser degree of sanctity have been disqualified as *piggul*, the prohibition against *me'ilah* does not apply to their fats and organs even though the blood has been cast. Similarly, if the blood was taken outside the Temple Courtyard, the prohibition against *me'ilah* does not apply to their fats and organs even though it was brought back in and cast on the altar.

4 It is forbidden to benefit from any of the sin-offerings that are consigned to death, e.g., the offspring of a sin-offering, an animal onto which its holiness was transferred, or the like. If one benefits, he does not violate the prohibition against *me'ilah*.

5 The prohibition against *me'ilah* applies to all the sin-offerings which should be allowed to pasture until they contract a blemish until they are redeemed.

6 The following laws apply if one set aside his sin-offering, it was lost, he set aside another one instead of it, afterwards, the first one was found, and they are both present. If both of them were slaughtered at the same time and the blood of one of them was cast, the prohibition against *me'ilah*

does not apply, neither to the meat whose blood was cast on the altar, nor to the meat of the other even though the second one is not fit to be eaten. The rationale is that if one desires one may cast the blood of this one or the other one. If, however, one slaughtered one after the other, the blood of the first one is not effective with regard to the other, even after it is cast on the altar, for there was no time that it was fit for its meat to be permitted.

7 The prohibition against *me'ilah* applies to all sin-offerings of fowl or burnt-offerings of fowl that were disqualified because of a deviation in the way they should have been offered or in the place where they were offered. An exception is a burnt-offering of a fowl on which *melikah* was performed on the lower half of the altar for the sake of a sin-offering. Although it did not fulfill the obligation of the owners, the prohibition of *me'ilah* does not apply, since he changed its intent, the place where it was offered, and the manner in which it was offered to a type of sacrifice to which the prohibition against *me'ilah* does not apply.

8 When a meal-offering was brought in a manner causing it to be deemed *piggul* or it was brought with a disqualifying intent regarding the place - and similarly, if the two breads of Shavuot or the showbread were brought in a manner causing them to be deemed *piggul* or were brought with a disqualifying intent regarding the place, the prohibition against *me'ilah* applies to them, because there was never a time when they were permitted to be eaten.

9 Similarly, if the handful of meal taken from a meal-offering was taken outside the Temple Courtyard or if it remained overnight, the prohibition against *me'ilah* applies to the remainder, because there was never a time when it was permitted to be eaten.

If, however, the handful became impure and it was offered on the altar's pyre, the prohibition against *me'ilah* does not apply to the remainder, because the High Priest's forehead plate brings about acceptance for the handful when it becomes impure, but not when it remained overnight or was taken outside the Courtyard.

When the remainder of the meal-offering was taken out or became impure and afterwards, the handful was offered on the altar's pyre, even though the remainder is forbidden to be eaten, the prohibition against *me'ilah* does not apply to it, for the handful was offered as commanded,

10 When one benefits from any of the sacrifices of the highest degree of sanctity before their blood is cast on the altar or from the fats and organs of the sacrifices of a lesser degree of sanctity even after their blood has been cast, one derives benefit from a burnt-offering, or from the handful of meal, the frankincense, a meal-offering brought by priests, or a *chavitin* offering, the value of the benefit he received should be used for free-will offerings. If he violated the prohibition against *me'ilah* with regard to a communal offering, the benefit he received should be given to the chamber.

11 If one benefits from the meat of sacrifices of the most sacred order that became impure before the casting of the blood or one benefits from the

fats and organs of sacrifices of a lesser degree of sanctity that became impure even though he brought them to the top of the altar before the casting of the blood, he is exempt.

12 It is forbidden to benefit from the milk or the eggs of animals or fowl consecrated as sacrifices for the altar, but one who benefits does not violate the prohibition against *me'ilah*. For that reason, the offspring of a consecrated animal or the offspring of an animal designated for the tithe-offering should not nurse from its mother, but rather from another animal that is not consecrated. A person may make a gift, saying: "The milk of this unconsecrated animal will be consecrated in order that the offspring of consecrated animals will nurse from it so that they do not die."

13 If one consecrated the value of an animal or a fowl to the altar, e.g., he said: "The value of this animal is consecrated for an accompanying offering" or "The value of this young dove is consecrated for a peace-offering," they are like entities consecrated for the improvement of the Temple. The prohibition against *me'ilah* applies to them, their milk, and their eggs, as will be explained.

Chapter 4

1 When a person sets aside money for a sin-offering, a burnt-offering, a guilt-offering, turtle-doves, or young doves, the prohibition against *me'ilah* applies to them from the time he set them aside. If he set them aside for peace-offerings, the prohibition against *me'ilah* does not apply.

2 When a person consecrated the value of one limb of an animal to the altar, there is an unresolved doubt whether the holiness spreads throughout the entire animal or not. Therefore it should be offered and not redeemed. If it is redeemed, the prohibition against *me'ilah* does not apply to the money used to redeem it.

3 When a person sets aside money for the sacrifices to be offered at the conclusion of his nazirite vow, it is forbidden to benefit from it. If one benefits from it, he does not violate the prohibition against *me'ilah*, because all of the funds are fit to be used to purchase a peace-offering and the prohibition against *me'ilah* does not apply to a peace-offering, except to its fats and organs after the blood has been cast. If he dies, the money should be used for freewill offerings.

If the money was explicitly designated for the particular sacrifices, the money for the sin offering should be taken to the Mediterranean Sea. One should not benefit from them, nor does the prohibition against *me'ilah* apply. The money for the burnt-offering should be used for a burnt-offering and the prohibition against *me'ilah* applies.

When the person said: "This money is for my sin-offering and the remainder for my nazirite offering, if he benefited from all the remaining money, he violates the prohibition against *me'ilah*. If he benefited only from part of it, he does not violate that prohibition. Similarly, were he to say: "This money is for my burnt-offering and the remainder for my nazirite offering, if he benefited from all the remaining money, he violates the prohibition against *me'ilah*. If he benefited only from part of it, he does not violate that prohibition. The rationale is that the prohibition

against *me'ilah* does not apply to a peace-offering.

If he set aside money and said: "This is for my burnt-offering; this is for my sin-offering; and this is for my peace-offering," and the money became intermingled, the prohibition against *me'ilah* applies both whether he benefited from the entire sum or only a portion of the money. What should he do to correct the situation? He should bring three animals and transfer the holiness of the money for the sin-offering wherever it is on one for a sin-offering, that of the money for the burnt-offering on one for a burnt-offering, and that of the money for the peace-offering on one for a peace-offering.

4 When one of the individuals obligated to bring a pair of doves separated money and said: "This is for my obligation," the prohibition against *me'ilah* applies whether he benefited from the entire sum or only a portion of the money. If the person dies, the money should be used for a freewill offering, as explained above with regard to a nazirite. The prohibition against *me'ilah* applies to it.

5 When a person sets aside a sin-offering for partaking of forbidden fat and brings it for partaking of blood, he does not secure atonement. Therefore he is not considered to have violated the prohibition against *me'ilah*. If he set aside money for a sin-offering to atone for partaking of forbidden fat and instead purchased a sin-offering to atone for partaking of blood with it inadvertently, he can secure atonement with that offering. Therefore he has violated the prohibition against *me'ilah* applies. If he did so intentionally, he cannot secure atonement with that offering. Therefore he

does not violate the prohibition against *me'ilah*.

6 When a person sets aside two *selaim* for a guilt-offering and uses them to purchase two rams as ordinary animals, he has committed *me'ilah*, for he purchased ordinary animals with money designated for a guilt-offering. He is obligated to pay ten *dinarim*, i.e., the two *selaim* and an additional fifth. He should use this money to buy a ram for a guilt-offering and should bring another guilt-offering to atone for his *me'ilah*. Therefore if one of the two rams that he had purchased is worth two *selaim* and the other is worth ten *dinarim*, he should bring the one worth ten [*dinarim*] as a guilt-offering for the money that he misappropriated and the additional fifth and he should bring the one worth two *selaim* as a guilt-offering for his violation of the prohibition of *me'ilah*.

Different rules apply if he purchased one of the rams as a guilt-offering and one as an ordinary animal. If the one purchased as a guilt-offering was worth two *selaim*, he should bring that for the first guilt-offering for which he was originally liable. Similarly, if the one purchased as an ordinary animal was worth two *selaim*, he should bring it as a guilt-offering for his misappropriation of consecrated funds, for he misappropriated one *sela* of the money originally set aside for a guilt-offering. He should pay five *dinarim* which should be used for a freewill offering.

7 When one benefits from money set aside for a sin-offering before the sin-offering is offered, he should add a fifth to the amount he benefited from and bring his sin-offering with this money. And he should bring a guilt-

offering for his misappropriation of consecrated funds.

Similarly, when one benefits from money set aside for a guilt-offering before the guilt-offering is offered, he should add a fifth to the amount he benefited from and bring his guilt-offering with this money. And he should bring a guilt-offering for his misappropriation of consecrated funds. The rationale is that the money paid for the misappropriation of animals consecrated to be offered on the altar should be used for such sacrifices. Money paid for the misappropriation of articles consecrated for the upkeep of the Temple should be used for that purpose.

In the instance mentioned above, if he discovered that he committed *me'ilah* with a portion of the money and afterwards, his sin-offering was sacrificed, but he did not set aside the money he misappropriated or he set it aside, but did not include it with the money for his sin-offering, the money he misappropriated and the additional fifth should be taken to the Mediterranean Sea. If he discovered that he committed *me'ilah* with a portion of the money and afterwards, his sin-offering was sacrificed, the money for the misappropriation and its additional fifth should be used for a freewill offering, for money is not set aside at the outset to be destroyed. In either instance, he must bring a guilt-offering for *me'ilah*.

Were the above situation to take place with regard to a guilt-offering, whether he discovered that he committed *me'ilah* before his guilt-offering was offered or afterwards, the money for the misappropriation and its additional fifth should be used for a freewill offering, because it is considered as money left over from a guilt-offering. And he must bring a guilt-offering for *me'ilah*.

8 A person who sells an animal designated as a burnt-offering or a peace-offering has done nothing of consequence. According to Scriptural Law, the money should be returned to its original state. Nevertheless, our Sages penalized the purchaser and required that the money be used for a freewill offering. Even if the animal was worth four *zuzim* and it was sold for five, all of the five should be used for a freewill offering. The prohibition against *me'ilah*, however, does not apply, neither according to Scriptural Law, nor according to Rabbinic Law.

9 The prohibition against *me'ilah* applies to articles set aside through vows. What is implied? A person said: "This loaf is considered like a sacrifice" or "...consecrated property for me." If he partakes of it, he violates the prohibition against *me'ilah*, even though the loaf is permitted to others. Therefore such an article cannot be redeemed, for it is only considered as consecrated for this person.

If he said: "This loaf is consecrated" or "...a sacrifice," whether he or someone else partakes of it, the prohibition against *me'ilah* is violated. Therefore it can be redeemed. If an ownerless loaf was before a person and he said: "This loaf is consecrated," should he take it to partake of it, he is considered to have misappropriated its entire value. If he took it to endow it to others, he is considered to have misappropriated the value of giving such a gift.

10 When a person tells a colleague: "My loaf is considered as consecrated property for you," and then gives it to that colleague, the recipient violates the prohibition against *me'ilah* when he uses it. The giver does not violate

this prohibition, because the article is not forbidden to him. Similar laws apply to all analogous situations applying to other types of vows; the prohibition against *me'ilah* applies to those forbidden to benefit from them.

All entities forbidden to a person because of a vow can be combined. If he derived a *p'rutah's* worth of benefit from the combination, he violates the prohibition against *me'ilah*.

11 When a person says: "These plantings are a sacrifice if they are not cut down today" or "This garment is a sacrifice if it is not burnt today," and the day passed without the plantings being cut down or the garment being burnt, they are consecrated and they should be redeemed like other consecrated property. Only afterwards may one benefit from them.

If, however, he says: "These plantings are a sacrifice until they are cut down," he cannot redeem them. For whenever they will be redeemed, they will become consecrated again until they are cut down and once they are cut down, they need not be redeemed, but one may benefit from them immediately.

When does the above apply? When the person who consecrated them redeemed them. If, however, another person redeemed them, they do become ordinary property even though they have not been cut down and they are permitted even to the person who consecrated them.

Chapter 5

1 The prohibition against *me'ilah* applies whether one consecrates an article

that is fit to be used for the improvement of the Temple, for that purpose, e.g., a stone or a beam, consecrates an article fit for the altar for the improvement of the Temple, e.g., sheep or doves, or consecrates an article that is fit to be used for the improvement of the Temple for the altar, e.g., a stone or a beam, or he consecrates for either of these purposes an article that is not fit for either of these purposes, e.g., he consecrated chickens, vinegar, brine, or land. This applies even if he consecrated a dungheap filled with fertilizer, dust, or ash. In all these instances, the prohibition against *me'ilah* applies from the time the entity was consecrated until it was redeemed if it is an article fit to be redeemed.

2 Any of the articles consecrated for the improvement of the Temple and those entities from entities consecrated to the altar for which the prohibition against *me'ilah* applies may be combined together to reach the minimum measure required for *me'ilah*. If one derives a *p'rutah's* worth of benefit from all of them, he violates the prohibition against *me'ilah*.

3 If one partook of consecrated food and fed a colleague, or derived benefit from a consecrated object and caused a colleague to benefit. His eating and his colleague's benefit or his colleague's eating and his benefit are all combined to make one liable for *me'ilah*. If a sum of benefit worth a *p'rutah* is reached, he violates the prohibition against *me'ilah*.

4 A combination making one liable for the prohibition against *me'ilah* can be made over an extended period of time.

What is implied? If one derived benefit from a consecrated article on one

day and then derived benefit again after the passage of several years in one continuous state of not knowing, the two events are combined for a *p'rutah's* worth and he violates the prohibition against *me'ilah*.

5 The prohibition against *me'ilah* applies only to articles that have been separated from the earth. If, however, one benefits from consecrated earth or from consecrated articles attached to the earth, he does not violate the prohibition against *me'ilah* even if blemishes that entity.

What is implied? If one plows a consecrated field or sows it, he is exempt. If he takes its earth, derives benefit from it, and damages the earth, he violates the prohibition against *me'ilah*. A person who threshes in a consecrated field violates the prohibition against *me'ilah*, because its dust benefits the field. Thus he has benefited from the dust and damaged the field. Similarly, if one plowed a consecrated field in order to raise dust for grass that was planted there and he took the grass, he violates the prohibition against *me'ilah*.

A person who dwells in a cave that is consecrated or in the shade of a tree or dovecote that is consecrated does not violate the prohibition against *me'ilah*, even though he benefited. Similarly, when one consecrates a house that was built, a person who dwells in it does not violate the prohibition against *me'ilah*. When, however, a person consecrates wood and stones and builds a house, a person who dwells in it violates the prohibition against *me'ilah*, as will be explained.

6 The prohibition against *me'ilah* applies to produce that grows on consecrated property.

What is implied? If one consecrated a field and it produced grass or one consecrated a tree and it produced fruit, the prohibition against *me'ilah* applies. If, however, one consecrated an empty cistern and afterwards, it became filled with water, a dungheap and it became filled with waste, or a dovecote and it became filled with doves, since these are not the products of the consecrated articles, the prohibition against *me'ilah* does not apply with regard to them. Similarly, one may not benefit - but the prohibition against *me'ilah* does not apply to - waste and dung in a courtyard that was consecrated. What should be done with them? They should be sold and the proceeds given to the Temple treasury.

When a spring emerges in a consecrated field, it is forbidden to benefit from the water that emerges in the field, but one who derives benefit does not violate the prohibition against *me'ilah*. If the water emerges outside the field, it is permitted to benefit from it. When a willow grows in a consecrated field, it is forbidden to benefit from it, but the prohibition against *me'ilah* does not apply.

The following rules apply when an ordinary tree is growing next to a consecrated field and its roots emerge in that field. If there are up to sixteen cubits between it and the consecrated field, it is forbidden to benefit from the roots in the field, but one who benefits from them does not violate the prohibition against *me'ilah*. If the tree was more than sixteen cubits away from the field, one who benefits from the roots violates the prohibition against *me'ilah*.

The converse applies when a consecrated tree is growing next to an ordinary field and its roots emerge in that field. If the roots emerge within sixteen cubits, the prohibition against *me'ilah* applies with regard to them.

If they emerge more than sixteen cubits away, one should not benefit from the roots in the ordinary field, but the prohibition against *me'ilah* does not apply with regard to them.

7 When there is a nest in the top of a consecrated tree that a fowl built from wood and grass and the like, one should not benefit from the nest and the eggs in it together with the chicks that require their mother. One who derives benefit does not violate the prohibition against *me'ilah*.

8 When one consecrates a forest, the prohibition against *me'ilah* applies to it in its entirety, the trees and the nests at the tops of the trees or between them.

9 When the Temple treasurers plant consecrated trees and cut them down, the prohibition against *me'ilah* applies to those small pieces of wood that were cut off when the trees were cut to size. The prohibition against *me'ilah* does not apply to the slivers, the sawdust, or to the *nivia* of the wood, i.e., a hard, round knot in the midst of the wood which resemble a wart, because it will not be useful for work.

10 When a person consecrates his servant, the prohibition against *me'ilah* does not apply to him, nor to his hair, even though his hair is fit to be cut off. The rationale is that the hair is still attached to the servant and as long as it is attached to him, it grows and increases in value.

11 When a person sows produce that was consecrated, he should redeem it when he sows it. Nevertheless, even if he does not redeem it, the produce

that grows from it is not consecrated and the prohibition against *me'ilah* does not apply to it. If one derived benefit from other consecrated property, he may not pay the principal and an additional fifth from such produce. One is obligated to separate *challah* from bread made from such grain.

12 When water was placed on consecrated grape dregs for the first, second, and third times, it is forbidden to benefit from it, but one who benefits does not violate the prohibition against *me'ilah*. The fourth time, the mixture is permitted.
When does the above apply? When the dregs had been consecrated for the Temple's improvement. If they were consecrated for the altar, even from the fourth time onward, they are always forbidden.

13 When a person consecrates a hen for the altar, the prohibition against *me'ilah* applies to it and its eggs. When a person consecrates a donkey for the altar, the prohibition against *me'ilah* applies to it and its milk. When a person consecrates a dove for the improvement of the Temple, the prohibition against *me'ilah* applies to it and its eggs, as we explained.

14 When the tunics of the priestly garments have worn out, the prohibition against *me'ilah* applies to them, as it does to other consecrated objects. If they are new, since it is permitted to benefit from them, the prohibition against *me'ilah* does not apply to them.

15 The following rules apply to articles consecrated by gentiles. If he consecrated them for the improvement of the Temple, the prohibition

against *me'ilah* applies. If they were consecrated for the altar, the prohibition against *me'ilah* does not apply according to Scriptural Law, for with regard to the sacrifices, **Leviticus 1:2** states: "Speak to the children of Israel." It is, however, forbidden to benefit from them according to Rabbinic Law.

16 With regard to sound, appearance, and fragrance from a consecrated object, it is forbidden to benefit from them, but the prohibition against *me'ilah* does not apply.

When does the above apply? When one smelt the fragrance of the incense offering after its cloud ascended. If, however, he smelt the fragrance of the incense offering as its cloud ascends, he violates the prohibition against *me'ilah*.

Chapter 6

1 There are different situations in which the prohibition against *me'ilah* applies. There are some articles from which a person benefits that are not ordinarily damageable, e.g., one who uses a pure golden utensil. There are other articles that are damageable, e.g., garments, and utensils made from silver, copper, iron, and the like.

When a person derives a *p'rutah's* worth of benefit from a consecrated substance that is not attached to the ground, if he benefits from an article that is not ordinarily damageable, e.g., he used a consecrated golden utensil, he violates the prohibition against *me'ilah*. If he benefits from an article that is damageable, e.g., he wore consecrated garments or chopped

with a consecrated axe, he does not violate the prohibition against *me'ilah* until he causes a *p'rutah's* worth of damage to consecrated property, i.e., the article from which he benefited itself, with the intent to benefit from it even though it causes damage at that time.

If he derived a half a *p'rutah* of benefit and damaged a half a *p'rutah* or he derived a *p'rutah* of benefit and damaged a *p'rutah's* worth of another article, but did not benefit from what he damaged or did not damage the article from which he benefited, he does not violate the prohibition against *me'ilah* unless he derives a *p'rutah's* worth of benefit and causes a *p'rutah's* worth of damage to that article while deriving benefit from it.

What is implied? A person removed a patch from a consecrated garment and sewed it unto his garment and wore it, deriving a *p'rutah's* worth of benefit and causing a *p'rutah's* worth of damage to the garment from which he removed it, without damaging the patch at all. He does not violate the prohibition against *me'ilah*, because he derived benefit from one article and damaged another. We already explained, that when a person derives benefit and causes a colleague to derive benefit, the two can be combined to reach the minimum measure of a *p'rutah's* worth even if there is a long interval between them.

2 When a person removes wool from unblemished animals consecrated as sacrifices of the highest order of sanctity, since he derived a *p'rutah's* worth of benefit, he violates the prohibition against *me'ilah* even though he did not damage the animals. The animals are comparable to a cup of gold, for the removal of their wool does not prevent them from being offered. If, however, sacrificial animals incurred a physical blemish, since they are

designated to be sold and being shorn causes their worth to decrease, the prohibition against *me'ilah* applies. Nevertheless, one does not violate that prohibition unless he derives a *p'rutah's* worth of benefit and causes that amount of damage.

If one removes wool from a sacrificial animal after it dies, since he derived benefit, he violates the prohibition against *me'ilah*, for there is no conception of reducing an animal's value once it has died. In this instance, this prohibition against *me'ilah* is of Rabbinic origin, as we explained.

3 When a person misappropriates articles consecrated for the improvement of the Temple unintentionally, since he did not act intentionally, the consecrated article loses its holiness. Anyone who benefits from it afterwards is not liable. If one intentionally misappropriates a consecrated article, since he is not obligated to bring a sacrifice to atone for *me'ilah*, the consecrated article does not lose its holiness. Instead, it remains in its consecrated state. Hence, if another person comes and benefits from it unintentionally, he violates the prohibition against *me'ilah*.

When does the above apply? When one misappropriated the article while it was consecrated, used it as if it was an ordinary article, and transferred ownership to another person. If, however, one derived benefit from it and damaged it, but did not transfer ownership to another person, there is the possibility of another person violating the prohibition against *me'ilah* with it, even though it has already been violated previously.

4 The concept of a second person violating the prohibition against *me'ilah* with a consecrated article after someone has already done so applies only

with regard to an animal and a utensil.

What is implied? One chopped with an axe that was consecrated, derived a *p'rutah's* worth of benefit, and damaged the axe. Then his colleague came, chopped with it, derived benefit, and damaged the axe; both violate the prohibition against *me'ilah*. If he gave it to his colleague as a present, he violates the prohibition against *me'ilah*, but his colleague does not.

If one drank from a golden goblet and derived a *p'rutah's* worth of benefit, his colleague came, drank, and derived benefit, and then another colleague came, drank, and derived benefit, they all violate the prohibition against *me'ilah*. If he took the goblet and gave it to his colleague as a present or sold it to him, he violates the prohibition against *me'ilah*, but his colleague does not.

If one rode on a donkey, derived a *p'rutah's* worth of benefit, and damaged the donkey, his colleague rode on it, derived benefit, and damaged it, and then another colleague came, rode on it, derived benefit, and damaged it, they all violate the prohibition against *me'ilah*. If he gave it to his colleague as a present, sold it to him, or rented it to him, he violates the prohibition against *me'ilah*, but his colleague does not.

Similarly, if he lends out a consecrated axe, he is considered to have misappropriated the amount of satisfaction he received from having lent out the axe. His colleague is permitted to chop with it even as an initial preference. Similar laws apply with regard to an animal.

5 These laws do not apply to an animal consecrated to the altar. Instead, there is the possibility for several individuals to violate the prohibition against *me'ilah*, one after the other.

What is implied? One removed wool from an animal that is a sin-offering, his colleague came and removed wool, and a third colleague came and removed wool, they all violate the prohibition against *me'ilah*. Similarly, if one gave it to a colleague and the colleague gave it to a third individual, they all violate the prohibition against *me'ilah*. It appears to me that the laws applying to meal-offerings, offerings of fowl, libations, and sacrificial utensils are the same as those applying to an animal to be offered as a sacrifice, for in all these instances, the very physical person of the entity is consecrated.

6 When an animal consecrated as a sacrifice of the most sacred order becomes blemished and it is fit to be redeemed, it is considered like an entity consecrated for the improvement of the Temple, whose worth is consecrated. If one gave it to a colleague and the colleague gave it to a third individual, only the first violates the prohibition against *me'ilah*.

7 Our Sages declared that one who takes a consecrated stone or beam intentionally and gives it to a colleague, they both violate the prohibition against *me'ilah*. If he gives it to the treasurer in whose possession the article was, that person violates the prohibition against *me'ilah*, but the treasurer does not.

It appears to me that these concepts were stated only with regard to a person who willfully misappropriates a consecrated object, in which instance the holiness of the consecrated article does not depart.

When a person takes a consecrated *p'rutah* with the conception that it is his own, he does not violate the prohibition against *me'ilah* until he uses it

for his own desires or gives it as a present. If he gives it to his colleague as a present, he violates the prohibition against *me'ilah*, but his colleague does not. For, with regard to other consecrated articles, one person violates the prohibition against *me'ilah*, but the one following him does not, as we explained. Similar laws apply in all analogous situations.

8 If he takes a consecrated stone or beam, he does not violate the prohibition against *me'ilah*, because he has not benefited as of yet. If he builds it into his home, he violates that prohibition. If he places it on top of a window in the room without attaching it, he does not violate the prohibition against *me'ilah* until he dwells under it for a *p'rutah's* worth of benefit, because merely placing it there is not considered as discernible benefit.

9 If one took a consecrated *p'rutah* gave it to a bath attendant, he violates the prohibition against *me'ilah* even though he has not bathed yet, for he benefits in that he could bathe whenever he desires. Similarly, if he gives it to another type of craftsman as payment for his services, he violates the prohibition even though the craftsman has not performed any work.

10 The following rules apply if one purchased an article with a consecrated *p'rutah*, but did not draw the article after him. If he purchased it from a gentile, he violates the prohibition against *me'ilah*; if, from a Jew, he does not violate that prohibition.

11 When a person spends consecrated money for his own needs with the understanding that they are ordinary funds, he violates the prohibition

against *me'ilah* even though he did not spend the money for ordinary matters.

What is implied? A person who brings his sin-offering, guilt-offering, or Paschal sacrifice from consecrated funds or a person who is lacking atonement who brings his atonement offering from consecrated funds violates the prohibition against *me'ilah*. None of the above violate the prohibition until the blood is cast on the altar. Therefore one who brings meal-offerings, libations, or the bread for a thanksgiving offering does not violate the prohibition against *me'ilah* even though he violates a transgression. The rationale is that these offerings do not involve casting blood on the altar to atone for the person.

12 If a person pays his half-*shekel* from consecrated funds, when money is taken from the collection of funds and even one animal is purchased and its blood is cast on the altar, the person who paid with the half-*shekel* violates the prohibition against *me'ilah*, because he has a portion in the animal whose blood was cast.

13 When a person sets aside his half-*shekel* and then uses it for his personal needs both he and his colleague violate the prohibition against *me'ilah*.

The following laws apply when one gives a half-*shekel* to a colleague to donate on the principal's behalf and the agent donates it on his own behalf. If the money for the sacrifices was already set aside, the agent who made the donation violates the prohibition against *me'ilah*, for the priest who sets aside the money takes also on behalf of the money that will be collected in the future, as we explained in *Hilchot Shekalim*. Thus it is

considered as if this *shekel* already reached the treasury. Therefore the agent violates the prohibition against *me'ilah*. If the money was not taken yet, he does not violate the prohibition against *me'ilah*.

The prohibition against *me'ilah* does not apply to money that remains in the chamber.

Chapter 7

1 The following rules apply when a person inadvertently took a consecrated article or consecrated money and gave it to an agent to use as ordinary property or money. If the agent carries out the mission with which he is charged, the principal is considered to have violated the prohibition against *me'ilah*. If the agent did not execute the agency, but instead acted on his own initiative, the agent is the one who violates the prohibition against *me'ilah*. What is implied? A person told his agent: "Give that meat to the guests," and instead, the agent gave them bread, or he told him to give them bread and he gave them meat.

If one told his agent, "Bring me from the window," and he brought him from the closet or he told him to bring from the closet and he brought from the window, the agent violates the prohibition against *me'ilah*. Similar laws apply in all analogous situations.

If the agent went and brought from the window as instructed, even though the principal told him: "In my heart, I wanted you to bring from the closet," the principal violates the prohibition against *me'ilah*, for the agent carried out the mission as he charged him. We follow the principle: "Matters in one's heart are not of consequence."

Even if the agent was a deafmute, a mentally or emotionally incompetent person, or a minor to whom the laws of agency do not apply, if they carry out the principal's instructions, the principal violates the prohibition against *me'ilah*. If they do not carry out his instructions, the principal is exempt.

If one tells his agent: "Give each one of the guests a piece of meat" and the agent told them: "Take two at a time," the principal violates the prohibition against *me'ilah*, because his instructions were carried out. The agent is exempt, because he is merely adding to the principal's agency. He is not eradicating it. If, however, the agent tells the guests: "Take two at a time on my responsibility," both he and the principal violate the prohibition against *me'ilah*. If the guests take three at a time, they also violate the prohibition against *me'ilah*, because each one of the individuals involved had performed the agency with which they were charged and added a further matter on his own initiative. Thus the other is also liable, because his instructions were carried out and the agency was not eradicated. And he is liable because of what he added on his own initiative.

2 When does the above apply? When the pieces of meat were consecrated for the improvement of the Temple. If they were meat from a burnt-offering or the like, only the person who partakes of them violates the prohibition against *me'ilah*. For he is obligated in another prohibition aside from *me'ilah* and, with regard to the entire Torah, there is no concept of a prohibition violated through agency except in the case of *me'ilah* alone and there, provided there is no other prohibition involved

with it.

3 When a person gives a *p'rutah* of consecrated funds to an agent and tells him: "With half, purchase lamps for me and with half, wicks," and the agent used the entire amount for lamps or for wicks, they are both exempt. This law also applies when he told him to use the entire amount for lamps or for wicks and he used half to purchase lamps and half to purchase wicks.

The rationale is that the principal does not violate the prohibition against *me'ilah*, because his agency was not completed with regard to a *p'rutah's* worth of value. The agent does not violate that prohibition, because he did not eradicate his agency for a *p'rutah's* worth.

If, however, one told an agent: "For half a *p'rutah*, bring me lamps from this-and-this place and for the other half, bring me wicks from that-and-that place," and the agent brought the lamps from the place mentioned for the wicks and the wicks from the place mentioned for the lamps, the agent violates the prohibition against *me'ilah*.

4 If a principal gave his agent two consecrated *p'rutot* and told him: "Bring me an *esrog*" and the agent went and brought him an *esrog* for a *p'rutah* and a pomegranate for a *p'rutah*, the agent violates the prohibition against *me'ilah*, but the principal is exempt. The rationale is that the principal sent the agent to purchase an *esrog* worth two *p'rutot* for him. Therefore if the *esrog* which the agent brought the principal that cost one *p'rutah* is worth two *p'rutot*, they both violate the prohibition against *me'ilah*.

5 When a person sent a *p'rutah* via an agent to purchase a particular article and then, before it reached the domain of the storekeeper, the principal remembered that the *p'rutah* is consecrated, the agent violates the prohibition against *me'ilah*, because he is acting unknowingly, while the principal has already remembered. As we explained, a person who acts knowingly is not liable for a sacrifice to atone for *me'ilah*.

If the agent also remembered and was conscious that the money was consecrated before it reached the storekeeper, they are both exempt from a sacrifice to atone for *me'ilah* and the storekeeper is liable when he uses that *p'rutah* which became mixed with his money, for he is acting unknowingly.

If the storekeeper was informed that the *p'rutah* he was given was consecrated, they are all exempt and the purchase is completed, with the article becoming consecrated.

6 What should be done in order to preclude the storekeeper from sinning so he will be permitted to use all the money he received? One should take a non-consecrated *p'rutah* or any non-consecrated utensil and say: "Wherever the consecrated *p'rutah* is its holiness should be transferred to this." The *p'rutah* or the utensil become consecrated and the storekeeper is permitted to use all the money he received.

Similarly, if a consecrated *p'rutah* becomes intermingled with all the money in a purse or one said: "A *p'rutah* in this purse is consecrated," he should transfer its holiness and afterwards, he may use all the coins in the purse. If he used coins from the purse without transferring the holiness of the consecrated coin, he does not definitely violate the prohibition against

me'ilah until he used all the coins in the purse.

7 If a person said: "One of my purses is consecrated" or "One of my oxen is consecrated," the prohibition against *me'ilah* applies to all of them and to some of them. What should he do? He should bring the largest of the purses or the oxen and say: "If this is consecrated, it should remain consecrated. If not, wherever the consecrated one is, its holiness should be transferred to this one." He may then use the smaller ones.

8 When a person misappropriates less than a *p'rutah's* worth of consecrated property, whether intentionally or unintentionally, he must make restitution for the principal, but he need not pay an additional fifth or bring a sacrifice. It appears to me that he is not liable for lashes for misappropriating less than a *p'rutah's* worth if he acted intentionally.

9 When a person entrusts consecrated money to a homeowner and the homeowner uses them and spends them, he violates the prohibition against *me'ilah*. The rationale is that he does not have permission to use these funds and the owner did not grant him license to.

10 Different rules apply if he entrusted them to a money-changer or a storekeeper and they were not sealed or tied close with an unusual knot. In these situations, since he is permitted to use them according to law, if he spent them, they are both exempt. The owner of the entrusted article is exempt because he did not tell the storekeeper or the money-changer to use them. And the store-keeper is exempt, because it is as if he used them with permission since they were not tied closed with an unusual knot or

sealed.

11 When a woman brought consecrated money to her husband's domain or her testator consecrated property and then died and the consecrated property fell to her as an inheritance, when her husband spends the money on his personal needs, he violates the prohibition against *me'ilah*.

Chapter 8

1 When workers are working in consecrated orchards, even though it was agreed that they would receive food, they should not eat consecrated figs. If they do, they violate the prohibition against *me'ilah*. Instead, the Temple treasury should give them money to purchase food.

2 When a person is threshing vetch that is consecrated, he must muzzle the ox. Although **Deuteronomy 25:4** states: "Do not muzzle an ox while it is threshing," the latter phrase can be interpreted as "threshing appropriate for it."

3 The holiness of consecrated property should not be transferred as payment for work, but only on money.
What is implied? When a craftsman performs a *maneh's* worth of work for the Temple treasury, he should not be given a consecrated animal, nor a consecrated garment as payment unless its holiness is first transferred to money. After the article became ordinary property, it can be given to the craftsman as his wages. If the treasurers desire, they may then purchase the animal from the Temple treasury.

4 When the Temple is being built, consecrated wood and stones should not be taken, nor should the building be built with the intent that it is consecrated. Instead, everything should be built from ordinary property. This is a decree lest one of the workers benefit from the shade of the building or lean on a stone or beam while working. After the building is completed, the holiness of consecrated funds is transferred to the building. If the treasurers need wood for the Temple for that day alone, they may purchase it with consecrated funds, for they are not delaying the matter for days in which instance it would be necessary to take precautions lest one lean on them and thus violate the prohibition against *me'ilah*.

5 When an agreement is made with workers to build in the Temple and its courtyards, the agreement is made for so-and-so many *selaim* for so-and-so many cubits, considering a cubit as containing 20 thumbbreadths. When a measurement is made of what they built, it is measured and payment determined, considering a cubit as containing 24 thumbbreadths, so that the workers will not take unfair benefit from the Temple treasury, because they are not exact in measurement.

6 It is a stipulation of the court that the priests may benefit from consecrated salt and wood while partaking of the sacrifices granted to them as their portion. They may not, however, use the salt of the Temple on their ordinary food.

7 The prohibition against *me'ilah* applies to salt that is on a limb from a sacrifice to be offered on the altar. It does not, however, apply to salt on

the ramp and the top of the altar.

8 It is appropriate for a person to meditate on the judgments of the holy Torah and know their ultimate purpose according to his capacity. If he cannot find a reason or a motivating rationale for a practice, he should not regard it lightly. Nor should he break through to ascend to God, lest God burst forth against him. One's thoughts concerning them should not be like his thoughts concerning other ordinary matters.

See how severe the Torah rules concerning misappropriating sacred property. Now if wood, stones, earth, and ash become holy because the name of the Lord of the world was called upon them through speech alone and anyone who treats them as ordinary articles violates the prohibition against *me'ilah* and even if he acted unknowingly, he is required to secure atonement, how much more so with regard to the mitzvot which God ordained for us should a person not treat them derisively, because he does not understand their rationale. He should not conjure up matters that are not true concerning God, nor should he think about them with his mind as he would ordinary matters. For **Leviticus 19:37** states: "And you shall guard all My decrees and all My judgments and perform them." Our Sages commented:This adjures us to guard and perform both the decrees and the judgments. The meaning of "performing" is well known, i.e,. that one should observe the decrees. "Guarding" means to treat them with caution and not think that they are any less than the judgments.

The judgments are those mitzvot whose motivating rationale is openly revealed and the benefit of their observance in this world is known, e.g.,

the prohibitions against robbery and bloodshed and honoring one's father and mother. The decrees are the mitzvot whose motivating rationales are not known. Our Sages said: "I ordained decrees and you have no license to question them." A person's natural inclination confronts him concerning them and the nations of the world challenge them, e.g., the prohibition of the meat of a pig, milk and meat, the calf whose neck is broken, the red heifer, and the goat sent to Azazel. To what degree did King David suffer because of the heretics and the idolaters who would issue challenges concerning the decrees! As long as they would pursue him with false retorts that they would arrange according to man's limited knowledge, he would increase his clinging to the Torah, as **Psalms 119:69** states: "Willful transgressors have stacked falsehoods against me, but I guard Your precepts with a full heart." And *ibid.*:86 states concerning this matter: "All of Your mitzvot are faithful; they pursue me with falsehood; help me."

All of the sacrifices are in the category of decrees. Our Sages said: "The world exists for the sake of the service of the sacrifices." For through the performance of the decrees and the judgments the righteous merit the life of the world to come. And between the two of them, the Torah gave precedence to the command for the decrees, as **Leviticus 18:5** states: "And you shall heed My decrees and judgments which a person will perform and live through them."

9 נגמר ספר שמיני והוא ספר עבודה:הלכותיו תשע:ופרקיו חמשה ותשעים:ואלו הן:הלכות בית הבחירה שמונה פרקים הלכות כלי

המקדש עשרה פרקים הלכות ביאת המקדש תשעה פרקים הלכות איסורי מזבח שבעה פרקים הלכות מעשה הקרבנות תשעה עשר פרקים הלכות תמידין ומוספין עשרה פרקים הלכות פסולי המוקדשין תשעה עשר פרקים הלכות עבודת יום הכפורים חמשה פרקים הלכות מעילה שמנה פרקים:

Mishneh Torah, Paschal Offering

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to offer the Paschal sacrifice on the fourteenth day of the month of Nisan after midday. This offering is brought only from lambs or goats, a male in its first year. Both men and women are obligated in this mitzvah.

2 One who willfully nullifies this mitzvah and allows the fourteenth of Nisan to pass without him offering the Paschal sacrifice despite the fact that he is not impure or not on a distant journey, he is liable for *karet*. If he neglected the offering of this sacrifice inadvertently, he is exempt.

3 The Paschal sacrifice may be slaughtered only in the Temple Courtyard like other sacrifices. Even when sacrificing in high places was permitted, the Paschal sacrifice would not be offered on an individual altar. Anyone who offers the Paschal sacrifice on an individual altar is liable for lashes as if he offered it in the market place, as **Deuteronomy 16:5** states" "You may not sacrifice the Paschal sacrifice in one of your gates." According to the Oral Tradition, it was taught that this is warning not to slaughter a Paschal sacrifice on an individual altar even during the time when sacrificing on the high places was permitted.

4 The slaughter of the Paschal sacrifice takes place after midday. It should not be slaughtered until the afternoon daily offering is slaughtered. After

the afternoon incense offering is brought and the lamps of the *Menorah* are kindled, they begin slaughtering the Paschal sacrifices and continue until the end of the day.

If one slaughtered the Paschal sacrifice after midday, but before the afternoon daily sacrifice was offered, it is acceptable, but one should stir the blood of the Paschal sacrifice until the blood of the daily offering is cast on the altar. Afterwards, the blood of the Paschal sacrifice should be cast after it. If, however, the blood of the Paschal sacrifice is cast before the blood of the daily offering, it is acceptable.

5 A person who slaughters the Paschal sacrifice at the appropriate time while possessing an olive-sized portion of *chametz* is liable for lashes, as **Exodus 23:18** states: "Do not slaughter sacrificial blood over *chametz*, i.e., that one should not offer the Paschal sacrifice while *chametz* continues to exist in his possession.

Whether one slaughters, casts the blood on the altar, or offers the organs and fats, if one of these individuals or one of the members of the company partaking of this Paschal sacrifice possessed *chametz* in his domain at the time it is offered, he is liable for lashes. The sacrifice is, however, acceptable.

6 The blood of the Paschal sacrifice should be poured out on the base of the altar. After the blood was poured, its belly should be opened up, the fats and organs to be offered on the altar removed. The fats of each Paschal sacrifice should be offered on the pyre individually. The owner of the sacrifice should take his Paschal sacrifice with its hide to his home in

Jerusalem.There he roasts it and eats it in the evening.

7 When one leaves these fats and organs and does not offer them until they remain overnight and thus become disqualified because they remained overnight, he violates a negative commandment, as **Exodus 23:18** states: "Do not leave over the festive fats until the morning." Even though he transgresses, he is not liable for lashes, for the prohibition does not involve a deed.

8 The fats of the Paschal sacrifice may be offered on the altar's pyre until dawn.

When does the above apply? When the fourteenth of Nisan falls on the Sabbath, for fats of sacrifices offered on the Sabbath may be offered on a festival. If, however, the fourteenth fell on a weekday, this leniency is not taken, because we do not offer the fats of sacrifices offered on a weekday on a festival.

9 The Paschal sacrifice should be offered in three groups, as implied by **Exodus 12:6** "And all of the congregation of the community of Israel shall slaughter it." Three collective terms are used "congregation," community," and "Israel." There should be no less than 30 people in each group.

10 If there were only 50 people who came to slaughter the Paschal sacrifice, thirty enter the Temple Courtyard and slaughter their sacrificial animals. Ten depart and another ten enter. Then ten more depart and another ten enter.

11 If there are less than 50 people who seek to offer Paschal sacrifices, the initial preference is not to offer that sacrifice. If, however, it was offered, it is acceptable. If all the Jewish people slaughtered their Paschal sacrifices at one time, it is acceptable.

How is the Paschal sacrifice slaughtered? The first group enters the Temple Courtyard until it is full. Its gates are locked and they begin slaughtering their Paschal sacrifices. As long as they are slaughtering and offering the blood, the Levites recite the *Hallel*. If they completed its recitation before the group completed its sacrifice, the *Hallel* is repeated. If they completed its repetition before the group completed its sacrifice, the *Hallel* is recited a third time. There was never a situation where the *Hallel* was completed a third time.

12 For every time the *Hallel* is read, three blasts are sounded with the trumpets, a *tekiah, teruah*, and *tekiah*. Since these sacrifices are not accompanied by libations for the trumpets to be sounded when they are offered, they are sounded when the sacrifices are slaughtered.

13 The priests stand in lines, holding silver and gold vessels in their hands. One line would all hold silver ones and another, all gold, without them mixing together so that it would be attractive.

The vessels did not have flat bottoms so that they would not be placed down and the blood allowed to coagulate.

14 A slaughterer slaughters the sacrificial animal and a priest receives its blood, gives it to his colleague, who gives it to his colleague - so that many

will be involved in the mitzvah - until the blood reaches the priest near the altar. He should pour it in a single action towards the altar's base. He receives a full vessel and returns the empty one.

Afterwards, the sacrificial animal is hung and skinned entirely. Its belly is ripped open and its innards are pressed until the filth and waste are removed from them. The organs and fats to be offered are removed, placed in a vessel, salted, and offered by a priest on the altar.

How is the sacrificial animal hung and skinned? There were iron pegs affixed in the walls and the pillars of the Temple Courtyard. The sacrificial animals were hung and skinned on them. For those who did not find a place to hang his animal, there were thin, smooth rods. One would place the rod on his shoulder and on his friend's shoulder and hang the sacrificial animal on it and skin it.

15 After the sacrifice was completed, the gates of the Temple Courtyard are opened. The first group departs and the second group enters. Then the second group departs and the third group enters. The manner in which it was offered the first time was repeated the second time and the third time. When the third group completed its sacrificial service and departed, the Temple Courtyard is washed.

16 If the fourteenth of Nisan fell on the Sabbath, it was offered on the Sabbath in the same way as it was offered during the week. The floor of the Temple Courtyard would be washed, for prohibitions of the category of *shvut* are not observed in the Temple, even when the matter is not necessary for the Temple service. For the prohibitions of *shvut* are released

entirely in the Temple.

17 No one would bring their Paschal sacrifices to their homes on the Sabbath. Instead, the first group would depart with their Paschal sacrifices and sit on the Temple Mount. The second group would depart with their Paschal sacrifices and sit on the surrounding rampart. And the third group would stand in their place in the Temple Courtyard. They would all wait until the conclusion of the Sabbath and then everyone would bring their Paschal sacrifice to his home.

18 The slaughter of the Paschal sacrifice, pouring its blood on the altar, pressing out its innards, and offering its fats supersede the Sabbath prohibitions. For it is impossible to perform these before the Sabbath, because the sacrifice has a fixed time, as implied by **Numbers 9:2** which states that the sacrifice must be brought "at its appointed time." Nevertheless, carrying it through the city, bringing it from outside the Sabbath limits, cutting off its wart with a utensil do not supersede the Sabbath prohibitions, because these activities could be performed before the Sabbath. If, however, he could cut it off by hand on the Sabbath, he may. If it was dried up, he may cut it off, even with a utensil, for the prohibitions defined as *shvut* do not apply in the Temple at all.
Similarly, roasting it and washing out its innards do not supersede the Sabbath prohibitions, because these activities can be performed after the Sabbath.

19 If one forgot and did not bring a knife, he should not bring it on the

Sabbath. Instead, he should place it between the horns of the lamb or in its wool and spur it on until it brings it to the Temple. There he should consecrate it. Although he is having an animal carry a burden for him on the Sabbath, since he is doing this in an abnormal manner and because of the mitzvah, it was permitted.

When does this apply? When he has not consecrated his Paschal sacrifice as of yet or said: "This is a Paschal sacrifice." If, however, he consecrated it, he should not have a knife carried upon it, because he is having work performed by a consecrated animal.

Why was a person permitted to consecrate his Paschal sacrifice on the Sabbath? Since the sacrifice has a fixed time, it is permitted to consecrate it on the Sabbath. Similarly, a person may consecrate his festive offering on a festival without any concern.

20 When a person slaughters his Paschal sacrifice and it is discovered to have a disqualifying physical blemish or it is *treifah*. he may slaughter another one whether on the weekday or on the Sabbath. He may proceed and slaughter one hundred one after the other until one is acceptable or until night falls and his offering of the sacrifice is postponed until the Second Pesach, because he was prevented by forces beyond his control.

Chapter 2

1 The Paschal sacrifice should be slaughtered only for the sake of those who were enumerated for partaking of it, as **Exodus 13:4** states: "Everyone... should be enumerated on the lamb." The implication is that one should

be enumerated on it while it is alive. Those enumerated on a Paschal sacrifice are referred to as "the members of the company."

2 When one individual sacrifices a Paschal sacrifice for himself alone, it is acceptable, provided he is capable of partaking of it in its entirety. As an initial preference, an endeavor is made not to sacrifice the Paschal sacrifice for the sake of one individual alone, for **Numbers 9:12** states: "They shall offer it."

3 The Paschal sacrifice should be slaughtered only for those who are fit to partake of it. If one of the members of the company was a minor, an elder person, or infirm, he may be counted among those for whom the Paschal sacrifice is slaughtered if he is capable of eating an olive-sized portion. If not, he may not be counted among them, as implied by **Exodus 12:4**: "A person according to his capacity to eat," indicating that he must be fit to partake of it. Even if the company includes 100, if any one of them is not capable of eating an olive-sized portion, he may not be counted among those for whom it is slaughtered.

4 A company should not be composed of solely women and servants or minors and servants so that frivolity will not be found among them. A company may, however, be made entirely of women even for the second Paschal sacrifice or entirely of servants. Minors may be counted among the company for whom the Paschal sacrifice is slaughtered, but a company may not be comprised solely of minors, for they are not intellectually mature.

Similarly, a company should not be made up solely of the infirm, the elderly, or those in an acute state of mourning. Even though they are capable of eating, since they will eat only a meager amount, it is possible that they will leave over from the Paschal sacrifice and cause it to become unacceptable. If they transgressed and had a Paschal sacrifice slaughtered for such a company, it is acceptable. Similarly, a company should not be made up solely of converts, lest they not be precise concerning it and cause it to be disqualified. If a Paschal sacrifice was slaughtered for such a company, it is acceptable.

5 If a Paschal sacrifice was slaughtered for people who were not enumerated upon it or for individuals whom none could eat an olive-sized portion or it was slaughtered for the uncircumcised or those impure, it is unacceptable. If it was slaughtered for one who could partake of it and one who could not partake of an olive-sized portion, for those enumerated on it and for others not enumerated on it, for circumcised and uncircumcised, for the pure and the impure, it is acceptable. Those who are fit to partake of it eat according to law; it is as if he did not have the others in mind.

6 If the Paschal sacrifice was slaughtered for the sake of the circumcised, but its blood was cast on the altar for the sake of the circumcised and the uncircumcised, it is unacceptable. The rationale is that casting the blood is more severe, because it is the fundamental dimension of the sacrifice.
If he slaughtered it for the circumcised so that the uncircumcised will derive atonement through it, it is unacceptable, because he had the

uncircumcised in mind when casting the blood. If he slaughtered it for the sake of those who would partake of it so that its blood would be cast for those who would not partake of it, the Paschal sacrifice is acceptable, but no one fulfills their obligation with it, because the ones who will partake of it were not in mind when the blood was cast.

7 When one was healthy at the time the sacrificial animal was slaughtered, but sick at the time its blood was cast or sick at the time of slaughter, but healthy at the time the blood was cast, the sacrificial animal should not be slaughtered, nor its blood cast for him unless he is healthy from the time it was slaughtered until its blood was cast.

8 A person may have a sacrificial animal slaughtered for the sake of his son or daughter who are below majority and for his Canaanite servants and maidservants, whether with their consent or without their consent. He may not, however, slaughter for the sake of his son or daughter who are above majority or for the sake of his Hebrew servants and maidservants or for the sake of his wife without their consent. If they were silent and did not protest, they are considered to have consented.

9 If one slaughtered a sacrificial animal for the sake of his son or daughter who are below majority and/or for his Canaanite servants and maidservants and they went and had one slaughtered for themselves, they fulfill their obligation by partaking of their master's sacrifice.

10 If one slaughtered a sacrificial animal for the sake of his wife, his son or daughter who are above majority and/or for his Hebrew servants and

maidservants and they went and had one slaughtered for themselves, there is no greater protest than this. They fulfill their obligation by partaking of their own sacrifice.

11 When a woman is living in her husband's home and her father slaughters for her and her husband slaughters for her, she should partake of her husband's. If she was hurrying to go to her father's home on the first festival after her wedding as is the pattern of all women and both her father and her husband slaughtered for her, she should partake of her father's. From this point onward, she should eat at the place she desires, provided it is clear where she desires to eat at the time of slaughter.
Similarly, if two guardians sacrifice on behalf of an orphan, the orphan should eat where he desires. When does the above apply? To an orphan below majority. If, however, he is above majority, it is as if he was enumerated on two Paschal sacrifices. And when one enumerates himself on two Paschal sacrifices, he may partake only of the one slaughtered first.

12 With regard to a Canaanite servant of two partners, if they are untrusting of each other, suspecting that the other will steal the servant, he should not partake of either of their Paschal sacrifice. If they are not untrusting, he may eat where he desires.

13 A person who is half a servant and half free, he should not partake of his masters, nor of his own until he attains his freedom.

14 To what extent can people be enumerated on a Paschal sacrifice? Until there is an olive-sized portion for each one.

One may be enumerated upon it and remove himself from it until it is slaughtered. Once it is slaughtered, he may not remove himself from it, for it was already slaughtered on his behalf.

The following rules apply when some people were enumerated on a sacrificial animal and others came and enumerated themselves on the same animal. If there is an olive-sized portion for the first, they may partake of it and are exempt from bringing a second Paschal sacrifice. The later ones who were added until there was not an olive-sized portion for each person should not partake of it and are obligated to offer a second Paschal sacrifice.

15 When a person enumerates others on his portion of the Paschal sacrifice without the other members of his company knowing, the members of the company are entitled to give him his portion after it was roasted at the time when the sacrifice is eaten. The members of the company partake of their portion and he eats together with the others whom he enumerated in a second company.

Similarly, if one of the members of a company is a glutton, the members of the company are permitted to remove him and give him his portion which he will eat in his own company. If he is not a glutton, they may not divide.

Chapter 3

1 The following rules apply when a person tells his servant: "Go and sacrifice a Paschal sacrifice for me." Even though his master usually

slaughters a lamb every year and the servant slaughtered a goat - or his master would usually slaughter a goat and he went and slaughtered a lamb, the master may partake of it, since he did not explicitly say: "Slaughter this particular type."

If the servant went and slaughtered both a kid and a lamb, the master may not partake of either of them. Instead, they should be taken to the place where sacrifices are burnt, because one may not be enumerated on two Paschal sacrifices. If, however, it was a king or queen who told his servant to sacrifice an animal for him and the servant slaughtered a kid and a lamb, the king or queen may partake of the one slaughtered first. This leniency was granted to placate the king.

2 When one tells his agent: "Go out and slaughter a Paschal sacrifice for me" and establishes that he wants either a kid or a lamb slaughtered, but the agent forgot what the principal told him, the agent should slaughter both a kid and a lamb and say: "If the principal told me to slaughter a kid, the kid should be his and the lamb, mine. If he told me to slaughter a lamb, the lamb should be his and the kid, mine."

In such a situation, if the principal also forgot what he told the agent, both animals should be taken to the place where sacrifices are burnt. If the principal forgot before the blood was cast on the altar, they are obligated to bring a second Paschal sacrifice. If he forgot after the blood was cast on the altar, he is exempt from bring a second Paschal sacrifice.

The same also applies if one tells a Canaanite servant: "Go and slaughter a Paschal sacrifice for me," and he established the type of sacrifice he desired and the servant forgot what his master told him, provided the shepherd of

his master gives him a kid and a lamb and tells him: "Slaughter both of them so that you will have slaughtered one according to the instructions of your master. And one shall be yours on the condition that your master has no portion in it." If the shepherd does this, it will be possible for the servant to make the stipulation described above.

3 The following rules apply if the members of a company tell a person: "Go and slaughter a Paschal sacrifice for us," and he tells them: "And you should slaughter for me." If they slaughtered an animal and he slaughtered an animal, they should eat from the animal slaughtered first and the one slaughtered last should be taken to the place where sacrifices are burnt.

4 The following laws apply when the animal designated as a Paschal sacrifice of a company is lost and they tell one of the members of the company: "Go, search for it, and slaughter it for us." He went, found the Paschal sacrifice that was lost, and slaughtered it and they took another animal for a Paschal sacrifice and slaughtered it. If his was slaughtered first, he partakes of his sacrifice and they partake of it with him and the second one should be burnt. If theirs was slaughtered first, they should partake of their sacrifice and he should partake of his own. If it is not known which was slaughtered first or they were both slaughtered at the same time, he should partake of his own, but they should not eat with him. Their sacrifice should be taken to the place where sacrifices are burnt, but they are exempt from bringing a second Paschal sacrifice.

5 The following laws apply when the agent told the members of the

company who sent him to search for the Paschal sacrifice that was lost and to slaughter it: "If I come late, slaughter a Paschal sacrifice for me," and then he went and found the lost animal and slaughtered it, but they also took another animal for a Paschal sacrifice and slaughtered it. If theirs is slaughtered first, they should partake of their own and he should eat with them. The second one should be burnt. If his is slaughtered first, he should partake of his own and they should partake of their own. If it is not known which was slaughtered first or they were both slaughtered at the same time, they should partake of theirs, but he does not partake of it with them. His sacrifice should be taken to the place where sacrifices are burnt, but he is exempt from bringing a second Paschal sacrifice.

6 The following laws apply if the Paschal sacrifice of a company was lost and the Paschal sacrifice of an individual was lost. He told them: "Go, search for it, and slaughter for me" and they told him: "Go, search for it, and slaughter for us." If he went, found the lost animal, and slaughtered it and they went, found the lost animal, and slaughtered it, they should all eat from the first one slaughtered and the second should be burnt. If it is not known which was slaughtered first or they were both slaughtered at the same time, they should both be burnt and they are all exempt from bringing a second Paschal sacrifice.

If he went to search for the lost animal and they went to search for the lost animal, but they did not tell each other anything, neither one has any responsibility to the other. Since they said nothing explicitly and did not tell each other anything, this applies even if, in their hearts, they had the intent that each one would slaughter for the other and there were gestures

and other matters from which it could be assessed that they all agreed that whoever finds the lost animal should slaughter for the sake of the other.

7 The following rules apply when the Paschal sacrifices of two companies become intermingled before they are slaughtered. One company takes one lamb from the mixture and the other takes the second. One of the members of one company should go to the other and one of the members of the second company should go the first. Each of the companies say to the person who came to join them: "If this Paschal sacrifice is ours, you are removed from your Paschal sacrifice and enumerated on ours. If, however, this Paschal sacrifice is yours, we are removed from our Paschal sacrifice and enumerated on yours."
Similarly, if there were five groups with at least five persons in each or ten groups of at least ten, a member of every company is taken to each other company and such stipulations are made. Afterwards, they slaughter the sacrificial animals.

8 When the Paschal sacrifices of two individuals become intermingled, one should take one of the Paschal sacrifices that are intermingled and the other should take the other. One should add another outsider to his Paschal sacrifice and the other should add an outsider, so that there be two companies. Afterwards, one of the two will go to the others and one of the others will go to the one and each one will stipulate with the person who came to him from the other company. Each should say: "If this Paschal sacrifice is mine, you are removed from your Paschal sacrifice and enumerated on mine. If, however, this Paschal sacrifice is yours, I am

removed from our Paschal sacrifice and enumerated on yours." Thus no one has lost anything.

9 When the hides of the Paschal sacrifices of five companies become intermingled and a disqualifying growth was discovered on the hide of one of them, all the sacrifices must be taken to the place where sacrifices are burnt. If they were intermingled before the blood was cast on the altar, they are all obligated to bring the second Paschal sacrifice.

If, however, the sacrificial animals became intermingled after the blood was cast, they are exempt from bringing the second Paschal sacrifice. For if they would offer a second Paschal sacrifice, the ones who offered an acceptable sacrifice on the first Pesach will be bringing non-sacrificial animals to the Temple Courtyard. If they would all be enumerated on one Paschal sacrifice, it would be slaughtered for those who are not obligated. That is equivalent to having it sacrificed for the sake of those who were not enumerated upon it. If each one of them brought a sacrifice for the second Paschal sacrifice and made a stipulation saying: "If it is not a Paschal sacrifice, it should be considered as a peace-offering," that is undesirable. For the blood of the Paschal sacrifice is poured on the altar, while the blood of a peace-offering is dashed and, as an initial preference, blood that should be dashed should not be poured. Hence they are exempt from a second Paschal sacrifice.

Chapter 4

1 We already explained in *Hilchot Pesulei HaMukdashim* that a Paschal

sacrifice is slaughtered only for the sake of a Paschal sacrifice and only for the sake of its owners. If it was slaughtered for the sake of another type of sacrifice, it is unacceptable.

When a person slaughters a Paschal sacrifice for the members of a company and, at a later time, told them: "That Paschal sacrifice that I slaughtered for you was not slaughtered with the proper intent," they should rely on his words if they consider him trustworthy. If not, according to the letter, his word is not accepted. If one desires to be stringent with himself and bring a second Paschal sacrifice, he is praiseworthy.

2 When the meat of the Paschal sacrifice becomes impure and one becomes aware of this before the blood is poured on the altar, it should not be poured on the altar even though the fats and organs are pure. The rationale is that the Paschal sacrifice is offered only with the intent that it be eaten. If the blood is poured on the altar, it is not acceptable.

If one does not become aware until the blood was poured, it is acceptable. For the High Priest's forehead plate generates appeasement for blood offered unintentionally when meat became impure, but it does not generate appeasement for intentional violation.

If a portion of the limbs of the Paschal sacrifice become impure, he should burn those which became impure and partake of those which are pure. If the fats and organs become impure while the meat is intact, the blood should be poured and the meat eaten in the evening.

If the owners become impure after the Paschal sacrifice was slaughtered, the blood should not be poured. If it is poured, it is not acceptable.

Therefore they are obligated to bring a second Paschal sacrifice. For the High Priest's forehead plate does not generate appeasement for bodily impurity unless the person became impure due to "impurity likened to the depths," as we explained in *Hilchot Bi'at HaMikdash*.

3 When a Paschal sacrifice was taken out of Jerusalem or it became impure on the fourteenth of Nisan, it should be burnt immediately. When the owners became impure, died, or remove themselves - even if they became impure or died before the blood was poured on the altar - it should be left overnight and burnt afterwards.

This is the general principle: Whenever there is a disqualifying factor involving the actual body of the sacrifice, it should be burnt immediately. If the disqualifying factor involves the blood or the owners, it should be left overnight and then burnt. Therefore if it was slaughtered after it was known that the owners removed themselves from the sacrifice, died, or became impure and thus their obligation was postponed until the second Pesach, their first Paschal sacrifice should be burnt immediately.

When does the statement that the Paschal sacrifice should be burnt if the owners become impure apply? When all of the members of the company become impure. If, however, only some of them become impure, those who remain pure acquire the portions of those who became impure. Even if those who became impure incurred their impurity after they began eating, those who were pure who did not begin eating as of yet, acquire their portion.

If, however, all of them began eating and some of them became impure, those who remain pure do not acquire the portions of those who became

impure. Instead, those who remain pure should partake of their portions and the portions of those who became impure should be burnt. This also applies if a portion of the owners died.

If the Paschal sacrifice became impure after those impure began eating, those who remained pure acquire their portions. If, however, they all had begun to eat and some of them became impure, those who remained pure do not acquire the portions of those who became impure. Instead, those who remained pure should eat their own portion and the portions of those who became impure should be burnt. These same laws apply if some of those enumerated on the sacrifice died.

If the entire Paschal sacrifice or its majority becomes impure, it should be burnt in front of the Temple in the presence of everyone to embarrass its owners, so that in the future they will show greater care. It should be burnt with wood designated for the altar so that suspicion about them will not be aroused and it be said: "They stole wood designated for the altar." Therefore if they burn it with straw and reeds and desire to burn it with their own straw, they may.

If less than half of it became impure, and similarly, any meat left over from the Paschal sacrifice, should be burnt in their own courtyards from their own wood. Wood designated for the altar should not be used, so that it will not remain in their possession and they misappropriate it.

4 If one set aside a female animal for his Paschal sacrifice or a male animal in its second or third year of life, it should be allowed to pasture until it contracts a disqualifying blemish. Then it should be sold and a Paschal sacrifice brought with the proceeds of the sale. If it did not contract a

blemish until after he offered his Paschal sacrifice, he should bring a peace-offering with the proceeds of the sale.

5 When a person sets aside a Paschal sacrifice and dies, his son should not bring it afterwards as a Paschal sacrifice, but as a peace-offering. If the son was enumerated on the Paschal sacrifice together with his father, he may bring it as a Paschal sacrifice.

When does the above apply? When his father dies after midday on the fourteenth of Nisan. If, however, he died before midday on the fourteenth, the son is deferred to the second Pesach, because he is in the acute state of *onain* mourning, as will be explained. He should bring this animal as a Paschal sacrifice on the second Pesach.

6 The following laws apply if a person's Paschal sacrifice was lost and then he found it after he set aside another Paschal sacrifice and they are both standing before him. He should sacrifice whichever one he desires for the sake of a Paschal sacrifice and the other should be offered as a peace-offering.

If he finds it after he slaughtered another animal as a Paschal sacrifice, the one that he found should be offered as a peace-offering. Similarly, if he transferred the holiness of the animal he found after the slaughter of its replacement, the animal unto which the holiness was transferred should be sacrificed as a peace-offering. If, however, he found it before the other he set aside was slaughtered, different rules apply. Since the animal that was found is fit to be offered as a Paschal sacrifice and it is fit to be offered as a peace-offering, as explained above, if he transferred the holiness of the

animal that was found whether before the slaughter of the one designated in its place or afterwards, the animal to which its holiness is transferred is not sacrificed. Instead, it is left to pasture until it contracts a blemish. Then a peace-offering is brought with the proceeds of its sale.

7 An animal designated as a Paschal sacrifice that becomes more than a year old or a peace-offering brought from an animal that was originally designated as Paschal sacrifice is considered as a peace-offering in all contexts. It requires *semichah*, accompanying offerings, and the waving of the breast and thigh. These requirements do not apply with regard to the Paschal sacrifice.

8 When an animal designated as a Paschal sacrifice becomes intermingled with animals designated as peace-offerings, they should all be brought as peace-offerings. If it became intermingled with an animal designated as another type of offering, the two should be allowed to pasture until they contract disqualifying physical blemishes. An animal equivalent to the value of the more expensive of the two should be brought for each type of sacrifice and the owner should forfeit the remainder from his resources, as explained in *Hilchot Pesulei HaMukdashim*.

If a Paschal sacrifice becomes intermingled with firstborn animals, they should be allowed to pasture until they contract disqualifying physical blemishes and then they should be eaten according to the laws pertaining to a blemished firstborn animal. And he should bring an animal equivalent to the most valuable one in the mixture and say: "Wherever the Paschal sacrifice is, its holiness should be transferred to this animal." That

animal should be brought as a peace-offering if his Paschal sacrifice was already offered.

9 When one sets aside an animal for a Paschal sacrifice before he converts and then converts or a Canaanite servant sets one aside before he is freed and then he is freed, or a child sets one aside before he manifests signs of physical maturity and then he manifests them, he may offer it for the sake of a Paschal sacrifice. The rationale is that living animals are not deemed unacceptable forever, as explained in *Hilchot Pesulei HaMukdashim*.

10 If one set aside money for his Paschal sacrifice and there was some left over, he should use the remainder for a peace-offering. If someone enumerates others on his Paschal sacrifice and festive offering, the money he takes from them for their portion is considered as ordinary funds. Even though this one set aside a lamb for his Paschal sacrifice and this one set aside money, and then one took that money and enumerated the other on his Paschal sacrifice, the money is considered as ordinary funds. For the Jews consecrated their Paschal sacrifices and festive offerings and the money for their Paschal sacrifices and festive offerings with this stipulation.

11 The wood used for roasting the Paschal sacrifice is equivalent to the Paschal sacrifice. Similarly, the *matzah* and bitter herbs, since they are necessary elements for the Paschal sacrifice, are equivalent to the Paschal sacrifice. If one took money from the money for the Paschal sacrifice from someone who was enumerated with him to enumerate him on the *matzah*

and the bitter herbs or so that he will own a portion of the wood used to roast it, the money is considered as ordinary funds.

Chapter 5

1 When someone was impure at the time of the slaughter of the Paschal sacrifice and the Paschal sacrifice could not be slaughtered for him, was "on a distant way," he was prevented because of other reasons, or inadvertently failed to offer the first Paschal sacrifice, he should bring a Paschal sacrifice on the fourteenth of the second month in the afternoon. Slaughtering this Paschal sacrifice is an independent positive commandment and supersedes the Sabbath prohibitions. For the second Pesach is not compensation for the first, but an independent festival. Therefore one is liable for *karet* for failing to bring the sacrifice.

2 What is implied? If a person inadvertently or because of forces beyond his control failed to offer the first Paschal sacrifice, if he intentionally refrained from offering the second, he is liable for *karet*. If he inadvertently did not offer the second Paschal sacrifice or was held back due to forces beyond his control, he is exempt from *karet*. If he intentionally did not offer the first Paschal sacrifice, he may offer the second. If he did not offer the second Paschal sacrifice, even if his lapse was unintentional, he is liable for *karet*. The rationale is that he did not offer God's sacrifice at the appointed time and was willful in his omission. If, however, he was impure or "on a distant way" and did not offer the first Paschal sacrifice, he is not liable for *karet* even though he willfully did

not bring the second. The rationale is that on the first Pesach, he was already exempt from *karet*.

3 When someone was "on a distant way" on the fourteenth of Nisan, but the Paschal sacrifice was nevertheless sacrificed on his behalf and the blood was poured on the altar for him, it is not accepted and he is obligated to offer a second Paschal sacrifice even though he came in the evening.

4 When a person is impure, but could purify himself to partake of the first Paschal sacrifice, and yet refrains from immersing himself and instead, remains in a state of impurity until the time for offering the sacrifices passes, he is considered as having intentionally failed to sacrifice the first Paschal sacrifice. This ruling also applies to an uncircumcised person who does not circumcise himself until the time for the sacrifice passes. Therefore if these individuals do not offer the second Paschal sacrifice - even if their failure to do so is inadvertent - they are liable for *karet*.

5 Just as the failure to circumcise oneself holds a person back from offering the Paschal sacrifice, so too, the failure to circumcise one's children below the age of majority and the failure to circumcise all of one's Canaanite servants, whether above majority or below majority, holds him back, as **Exodus 12:48** states: "He shall circumcise all males, then he will draw close to offer it." If one offered the Paschal sacrifice before circumcising the above individuals, the Paschal sacrifice is invalidated.
Similarly, the immersion of one's Canaanite maidservants in a *mikveh* for the sake of servitude holds one back from offering the Paschal sacrifice.

This matter is part of the received tradition: immersion for maidservants is equivalent to circumcision for servants.

6 The circumcision of his servants and the immersion of his maidservants does not prevent a minor from being enumerated on a Paschal sacrifice, as indicated by *ibid.*:44: "Any servant of a man." This excludes a minor.

7 A convert who converts between the first Pesach and the second Pesach and similarly, a child who comes of age between these two holidays are obligated to offer the second Paschal sacrifice. If one slaughtered the first Paschal sacrifice for the sake of the minor, the minor is exempt from bringing the second sacrifice.

8 When the obligation of women is postponed until the second Pesach, whether because of forces beyond their control, inadvertent omission, impurity, or because they were "on a distant way," offering the second Paschal sacrifice is optional for them. If they desire, they may have the offering slaughtered; if they do not desire, they don't. Therefore one should not slaughter a Paschal sacrifice only for women when the second Pesach falls on the Sabbath. If, however, a woman is part of the company offering a second Paschal sacrifice, it is permitted.
What is meant by the term "on a distant way" which exempts a person from bringing a Paschal sacrifice? Fifteen *mil* outside the walls of Jerusalem.

9 If one was fifteen *mil* or more outside of Jerusalem at the appearance of the sun on the fourteenth of Nisan, he is considered to be "on a distant

way." If he was closer than this, he is not considered to be "on a distant way," because he could reach Jerusalem after midday while walking comfortably by foot.

If he journeyed and did not reach Jerusalem in time, because he was held back by a press of animals or he was in Jerusalem, but was infirm in his legs and did not reach the Temple Courtyard until the time for the offering of the sacrifice passed, he is considered as having been held back by forces beyond his control, but not "on a distant way."

If someone was imprisoned outside the walls of Jerusalem and was promised to be released in the evening, the offering may be slaughtered on his behalf and when he is released in the evening, he may partake of it.

When does the above apply? When he was imprisoned by Jews. If, by contrast, he was imprisoned by gentiles, the Paschal sacrifice should not be slaughtered on his behalf until he is released. If, however, it was slaughtered on his behalf and he was released, he may partake of it. If he was not released, he is exempt from bringing a second Paschal sacrifice, since the sacrifice was slaughtered on his behalf.

Similar laws apply when a Paschal sacrifice was slaughtered for a person in the acute state of *onain* mourning, for an invalid, or for an elderly person who could have partaken of the sacrifice who became impure after the blood was poured on the altar and thus they are no longer able to partake of it. They are exempt from offering the second Paschal sacrifice.

Chapter 6

1 Which impure individuals are prevented from offering until the second

Pesach? Anyone who cannot partake of the Paschal sacrifice on the fifteenth of Nisan because of his impurity, e.g., *zavim*, *zavot*, *niddot*, women impure because of childbirth, and those who were intimate with a women in the *niddah* state. By contrast, those who are impure because they touched an animal corpse, a dead crawling animal, and the like on the day of the fourteenth of Nisan, should immerse themselves and the Paschal sacrifice should be sacrificed on their behalf after they immerse themselves. In the evening, when the day of their impurity is concluded, they may partake of the Paschal sacrifice.

2 When the seventh day of the purification process of one who is impure because of contact with a human corpse falls on the fourteenth of Nisan - even though he has immersed himself and had the ashes of the red heifer sprinkled upon him and thus he is fit to partake of sacrificial foods in the evening - the Paschal sacrifice should not be slaughtered for him. His offering is postponed until the second Pesach. This is derived from **Numbers 9:6** "And the men who were impure because of a human corpse and were not able to offer the Paschal sacrifice on that day." According to the Oral Tradition, it was taught that this occurred on the seventh day of their purification process. This is what they were asking: Should the Paschal sacrifice be slaughtered for them and they would partake of it in the evening? Moses explained to them that it should not be slaughtered for them.

When does the above apply? When one became impure because of one of the types of impurity for which a Nazirite would be required to shave. If, however, one became impure because of other types of impurity resulting

from contact with a corpse for which a Nazirite is not required to shave, the Paschal sacrifice may be slaughtered for him on the seventh day of his purification process after he immersed himself and had the ashes of the red heifer sprinkled upon him. In the evening, when the day of his impurity is concluded, he may partake of the Paschal sacrifice.

3 When a *zav* experiences two discharges and then counts seven clean days and immerses on the seventh day, the Paschal sacrifice may be sacrificed on his behalf and he may partake of it in the evening. If he experienced a *zav* discharge after the blood was cast on the altar, he is exempt from bringing the second Paschal sacrifice.

Similarly, a woman who is watching a day because of a discharge on the previous day may immerse on the day she is watching, as explained in the laws of forbidden relations. The Paschal sacrifice may be slaughtered on her behalf and she may partake of it in the evening. If she experiences uterine bleeding after the blood of the Paschal sacrifice was cast on the altar, she is exempt from bringing the second Paschal sacrifice.

A Paschal sacrifice is not slaughtered on behalf of a woman who is impure because of menstrual bleeding on her seventh day of impurity. For she may not immerse herself until the night of the eighth day and she is not fit to partake of sacrificial meat until the night of the ninth day.

4 When the day when one of those requiring atonement may bring his sacrifice falls on the fourteenth of Nisan, one may slaughter the Paschal sacrifice on their behalf. Their sacrifices may be offered on the fourteenth of Nisan, whether before the Paschal sacrifice is slaughtered or afterwards.

They may partake of their Paschal sacrifices in the evening.

We do not slaughter the Paschal sacrifice on their behalf until they entrust their sacrifices required to regain purity to the court, lest they be negligent and fail to offer them.

5 When the eighth day of the purification process of a person suffering from *tzara'at* falls on the fourteenth of Nissan, but he experiences a seminal emission that day, he may immerse himself, enter the Women's Courtyard, and bring his sacrifices. Although a person who immersed on a particular day is forbidden from entering the Temple Courtyard that day, as was explained in *Hilchot Bi'at HaMikdash*, since this is the day that the Paschal sacrifice is to be offered at its appointed time, a positive commandment whose omission is punishable by *karet* comes and supersedes a Rabbinic commandment.

6 When the seventh day of the purification process of one who became impure due to contact with a human corpse falls on the Sabbath, the ashes of the Red Heifer are not sprinkled upon him until the following day. Even if his seventh day falls on the thirteenth of Nisan which is a Sabbath, the sprinkling of the ashes should be postponed until the fourteenth. The ashes should be sprinkled upon him, but the Paschal sacrifice should not be slaughtered on his behalf, as we explained. Instead, his offering is postponed and he brings the second Paschal sacrifice.

One might argue: The prohibition against sprinkling the ashes on the Sabbath was instituted as a *shvut* and the failure to bring the Paschal sacrifice is punishable by *karet*. How then could the Sages uphold their

prohibition in the face of a prohibition punishable by *karet*? In resolution, it can be explained that the day on which he is forbidden to have the ashes sprinkled upon him is not the time when the sacrifice punishable by *karet* is obligated to be brought. Therefore they upheld their words as instituted, even though this matter will lead to it having to stand in a place punishable by *karet*.

7 When an uncircumcised Jew circumcises himself on the day before Pesach, the Paschal sacrifice may be slaughtered on his behalf after his circumcision. The Paschal sacrifice should not, by contrast, be slaughtered on behalf of a convert who converted on the fourteenth of Nisan and circumcised himself and immersed in a *mikveh*, for he may not partake of the sacrifice in the evening. He is like one who departs from a grave who requires seven days of purification and then can he become pure. This is a decree lest this convert become impure due to contact with a corpse in the following year on the fourteenth of Nisan and immerse himself and seek to partake of the Paschal sacrifice in the evening, saying: "Last year, the Jews did this for me, when I circumcised myself and immersed, and partook of the Paschal sacrifice in the evening."

Behold, this decree is of Rabbinic origin and the failure to bring the Paschal sacrifice is punishable by *karet*. How then could the Sages uphold their prohibition in the face of a prohibition punishable by *karet* on the day of the sacrifice which is the fourteenth of Nisan? The rationale is that the convert is not obligated in the observance of mitzvot until he circumcises himself and immerses himself in a *mikveh*. He should not immerse himself until he becomes healed from the circumcision, as we

explained with regard to the concept of conversion. Therefore they upheld their words in this instance, because this person who circumcised himself should not have immersed until he was healed. Thus he would not have incurred an obligation to bring the Paschal sacrifice at all.

8 If a person came through a *beit hapras*, he should proceed and sift, proceed and sift. If he did not find a bone and did not contract impurity, he should slaughter and partake of his Paschal sacrifice, even though he walked in a *beit hapras*. The rationale is that the impurity of a *beit hapras* is a Rabbinic institution, as will be explained in *Hilchot Tum'at Meit*, and the Sages did not uphold their decree in the face of an obligation punishable by *karet*, as we explained. Similarly, a *beit hapras* that was trod upon is pure with regard to bringing a Paschal sacrifice.

9 A person in the acute state of *onein* mourning is fit to partake of the Paschal sacrifice in the evening. The rationale is that the restrictions of *aninut* at night are Rabbinic in origin and our Sages did not uphold their decree in the face of an obligation punishable by *karet*. Instead, the Paschal sacrifice should be slaughtered on his behalf. He must immerse and afterwards partake of it. The immersion is necessary so that he makes a distinction from the state of *aninut* and does not divert his attention.

When does the above apply? When the deceased for whom he must mourn passes away after midday on the fourteenth of Nisan and thus he was already obligated to bring the Paschal sacrifice. If, however, the deceased passed away before midday, the Paschal sacrifice should not be slaughtered on his behalf. Instead, his offering is postponed until the

second Pesach. If, however, the Paschal sacrifice was slaughtered on his behalf and the blood poured on the altar, he should immerse himself and partake of it in the evening.

If the deceased relative passed away on the thirteenth of Nisan and was buried on the fourteenth, on the day of the burial, he must observe *aninut* according to Rabbinic decree and that decree does not encompass the night following the fourteenth. Therefore one may slaughter the Paschal sacrifice on his behalf. He should immerse and partake of it and other sacrifices in the evening. The day when one hears of a close relative's death and the day when one gathers the bones of one's dead is equivalent to the day of burial. Therefore if one had the bones of his dead gathered on the fourteenth of Nisan or heard that a close relative died, the Paschal sacrifice may be slaughtered on his behalf. He immerses himself and may partake of sacrificial food in the evening.

10 When a person is digging in a mound from an avalanche in search of the body of a deceased person, the Paschal sacrifice should not be slaughtered on his behalf, lest he find a corpse in the mound and he be impure at the time of slaughter. If the Paschal sacrifice was slaughtered on his behalf and a corpse was not found, he may partake of the sacrifice in the evening.

The following rules apply if the corpse was discovered after the blood was poured on the altar. If it became known to him that he was certainly impure at the time the blood was poured, e.g., the mound was round, he is obligated in the second Paschal sacrifice. If the matter is in doubt, i.e., maybe he was not standing over the impurity at the time the blood was poured and did not become impure until afterwards, he is exempt from

the second Paschal sacrifice.

11 The following rules apply when a person journeyed on a road and later a corpse was discovered lying across the width of the road. If the corpse could be deemed as the impurity likened to the depths, even though the person is considered as impure with regard to *terumah*, he is considered as pure with regard to the Paschal sacrifice. He may slaughter and partake of the Paschal sacrifice even though it is possible that he touched the corpse. Since the impurity is likened to the depths, he is pure with regard to the Paschal sacrifice. Even though the corpse is intact and extends from one end of the path to the other, he may offer his Paschal sacrifice unless he knows with certainty that he became impure because of it.

When does the above apply? When he was walking on foot, for it is possible that he did not touch it. If, however, he was riding on a beast or carrying a burden, he is impure even though it is impurity likened to the depths, for it is impossible that he will not have touched, moved, or stood over the corpse. We have already explained impurity likened to the depths in *Hilchot Nizirut*.

12 When a person offered the Paschal sacrifice under the presumption that he was pure and afterwards, it was discovered that he was impure due to impurity likened to the depths, he is not obligated in the second Paschal sacrifice. This is a law conveyed by the Oral Tradition. If, however, it becomes known to him that he was impure due to impurity that was known, he is obligated in the second Paschal sacrifice.

13 When a person contracted impurity from a human corpse and had the ashes of the red heifer sprinkled upon him on the third and seventh day [as required], but on his seventh day he unknowingly became impure because of a grave "likened to the depths" and brought a Paschal sacrifice under the presumption that he was pure and afterwards, he discovered that he had contracted the impurity "likened to the depths," he is not obligated in the second Paschal sacrifice, for once he immersed himself on the seventh day, his initial impurity ceased. If, however, he had contracted the impurity "likened to the depths" on the sixth day of his impurity and without knowing, he brought a Paschal sacrifice, he is obligated in the second Paschal sacrifice. The rationale is that a person who is impure must operate under the presumption that he is impure until he has definitely become pure, because there is a basis for the presumption of his impurity.

Chapter 7

1 The following rules apply when there were many individuals who were ritually impure due to contact with a human corpse on the first Pesach. If they were the lesser portion of the Jewish people, their offering is postponed to the second Pesach like other impure individuals. If, however, the majority of the Jewish people were impure due to contact with a human corpse or the priests or the sacred utensils were impure due to contact with a human corpse, their offering is not postponed. Instead, they should all offer the Paschal sacrifice in a state of ritual impurity, those ritually impure together with those who are pure.

This is derived from **Numbers 9:6** which states: "And the men who were

impure because of contact with the corpse of a human soul." Implied is that the offerings of individuals are postponed until the second Pesach, but those of the community are not postponed. This concept applies only with regard to the ritual impurity associated with a human corpse, as explained in *Hilchot Bi'at HaMikdash*.

2 If the Jewish people were half ritually pure and half impure, they should all offer the sacrifice on the first Pesach. Those who are pure offer the sacrifice by themselves in a state of ritual purity and those who are impure offer it by themselves in a state of impurity and partake of it in impurity. If the impure outnumbered the pure even by one, they should all offer it in impurity.

3 If the men were half impure due to contact with a human corpse and half pure and when you count the women together with the men, the majority will be pure, those who are pure should offer the first Paschal sacrifice. Those who are impure do not bring neither the first Paschal sacrifice or the second. They do not bring the first, because they are the lesser portion of the people. And they do not bring the second, because the women's offering of the second Paschal sacrifice is a matter of choice. Thus the impure persons are merely half the people and half the people do not bring the second Paschal sacrifice.

4 If the majority of the Jewish people were *zavim*, afflicted by *tzara'at*, or had relationships with *niddot* and the lesser portion were impure due to contact with a human corpse, those impure because of contact with a

corpse should not offer the first Paschal sacrifice, because they are the lesser portion of the people. Nor do they offer the second, because individuals do not bring the second except at the time the majority of the people offered the first Paschal sacrifice. In this instance, since the majority of the Jewish people did not offer the first Paschal sacrifice, the lesser portion who are impure because of contact with a corpse should not bring the second Paschal sacrifice.

5 If the majority of the Jewish people were impure because of contact with a human corpse and a lesser portion were *zavim* and the like, those who are impure because of contact with a corpse offer the first Paschal sacrifice, and those who are *zavim* and the like do not offer either the first Paschal sacrifice or the second. They do not offer the first, because the restrictions against offering in a state of impurity were suspended with regard to communal offerings only for those impure due to contact with a human corpse. Nor do they bring the second, because a second Paschal sacrifice is brought only when the first was brought in a state of ritual purity. If the first was brought in a state of impurity, there is no second offering.

6 The following laws apply when a third of the Jewish people were pure, a third were *zavim* and the like, and a third were impure because of contact with a human corpse. Those who were impure because of contact with a corpse should not offer the first Paschal sacrifice, nor the second. They do not offer the first, because they are the lesser portion when compared to the aggregate of those who are pure and the *zavvim*. They should not offer the second, because the lesser portion of the people offered the first, as we

explained.

How do we calculate whether the majority of the people are impure or pure? We do not make a calculation of all those who seek to partake of it, because it is possible that 20 people will be enumerated on one Paschal sacrifice and they will send it with one person to slaughter it on their behalf. Instead, we calculate all of those who seek to enter the Temple Courtyard while they are outside. Before the first group enters the Temple Courtyard, the calculation is made.

7 When an individual becomes impure because of a questionable situation regarding ritual impurity in a private domain, as will be explained in the appropriate place, his offering is postponed until the second Pesach. When the majority of the Jewish people become impure because of a questionable situation in a private domain, they should all offer it in a state of impurity.

8 When the Paschal sacrifice was offered in a state of impurity, it should also be eaten in a state of impurity, for from the outset, it was brought only to be eaten. It may not be eaten by all those who are impure, only by those impure because of contact with a human corpse. For them, this impurity is suspended. This also applies to those impure because of contact with other sources of impurity.

Those who are impure because of an impurity that results from a physical condition, e.g., *zavvim, zavot, niddot,* women after childbirth, those afflicted by *tzara'at,* should not partake of it. If, however, they do partake of it, they are exempt. According to the Oral Tradition, we learned that

when a sacrifice is eaten by those who are pure, those who are impure are liable for partaking of it in impurity. When it is eaten by those who are impure, there is no liability for partaking of it in impurity. Even if those who are impure because of contact with a human corpse partook of the fats and organs to be offered on the altar, they are exempt.

When does the statement that a Paschal sacrifice may be eaten while ritually impure apply? When the people became impure before the blood was poured on the altar. If, however, they became impure after the blood was poured, it should not be eaten.

9 If the Paschal sacrifice was slaughtered in a state of ritual purity and the majority of the Jewish people became impure before its blood was poured on the altar, the blood should be poured on the altar, but the Paschal sacrifice should not be eaten. This is a Rabbinical decree lest the majority of the people become impure after the blood was poured in a following year and it be eaten in a state of impurity.

The following rules apply if the sacred utensils were impure because of [contact with a dead crawling animal or the like. Although the sacred utensils do not cause the persons to become impure, as will be explained in the appropriate place, since they cause the meat to become impure, the Paschal sacrifice should only be brought by those who are pure and it should be eaten, even though it is impure. It is preferable that it be eaten when the meat is impure thus superseding only an ordinary negative prohibition than it be eaten by individuals whose bodies are impure. That would be a prohibition punishable by *karet*, as explained in *Hilchot Pesulei HaMukdashim*.

Chapter 8

1 Partaking of the meat of the Paschal sacrifice on the night of the fifteenth of Nisan is a positive commandment, as **Exodus 12:8** states: "And you shall eat the meat on this night, roasted on the fire. With *matzot* and bitter herbs shall you eat it."

2 *Matzah* and bitter herbs are not indispensable elements of the mitzvah. If one did not find *matzah* or bitter herbs, he fulfills his obligation by eating the meat of the Paschal sacrifice alone. There is no mitzvah to partake of bitter herbs without the Paschal sacrifice, as implied by **Numbers 9:11**: "Eat it with *matzot* and bitter herbs."

3 The optimum manner of performing the mitzvah is to partake of the Paschal sacrifice in a manner leading to satiation. Therefore if one sacrificed festive peace-offerings on the fourteenth of Nisan, one should partake of them first and then partake of the meat of the Paschal sacrifice to be satiated from the festive offering. Even if one does not eat more than an olive-size portion, he fulfills his obligation.
Similarly, partaking of the second Paschal sacrifice on the fifteenth of the month of Iyar is a positive commandment, as stated: "Eat it with *matzot* and bitter herbs."

4 Both of them are eaten only roasted with fire. One who partakes of an olive-sized portion from their meat lightly-roasted or cooked in liquid on the nights of Pesach is liable for lashes, as **Exodus 12:9** states: "Do not

partake of it lightly-roasted or cooked in water." If one partook of a Paschal sacrifice that was both lightly-roasted and cooked, he is liable for only one set of lashes, because both these forbidden activities are included in one prohibition.

If, before nightfall, one partakes of a Paschal sacrifice that was lightly-roasted or cooked, he is not liable for lashes, as can be inferred ffrom the continuation of the above verse: "except roasted in fire." Implied is that at the time it is a mitzvah to partake of the sacrifice roasted, one is liable for partaking of it lightly-roasted or cooked. If one partook of a sacrifice prepared in this manner while it was still day, he is exempt.

5 If one partook of an olive-sized portion of a roasted Paschal sacrifice while it is still day, he violates a positive commandment, as **Exodus 12:8** states: "And they shall eat the meat on that night," i.e., at night and not during the day. A prohibition resulting from a positive commandment is considered as a positive commandment.

6 The term *na* which the Torah mentioned in its prohibition refers to meat which began to be subjected to fire. It became roasted slightly, but was not yet fit for human consumption. If, however, one partakes of the meat of the Paschal sacrifice while raw, he is not liable for lashes, but he did nullify a positive commandment, for it is written: "roasted with fire." Implied is that if it is not roasted, it is prohibited.

If one roasted it to the full extent until it became charred, he is exempt.

7 The term "cooked" which the Torah mentioned in its prohibition refers to

cooking the meat in water, other liquids, or fruit juice. The use of the phrase *bashail mevushal* by **Exodus 12:9** includes all types of cooking.

8 If one roasted it and afterwards cooked it, cooked it and afterwards, roasted it, or pot-roasted it, and partook of it, he is liable. It is, however, permitted to baste it with wine, oil, honey, all other liquids, and fruit juice — except water. After it is roasted, it is permitted to dip the meat in liquids and in fruit juice.

9 One may not roast the Paschal sacrifice on a stoneware utensil or a metal utensil, for it is written: "roasted with fire," i.e., and not roasted by anything else. Therefore if the utensil was perforated so that the fire could affect the meat, one may roast with it. One may not roast it with a metal spit, because the entire spit will be hot and will roast the meat where it touches it.

10 When one kindles an oven, removes all the fire, and then hangs the Paschal sacrifice in the oven and roasts it, it is forbidden to partake of it, because this is not "roasted with fire." If the sacrificial animal was cut up and hung over coals, it is considered "roasted with fire." If he roasted it over lime, clay, or the hot springs of Tiberias, it is forbidden, because this is not "roasted with fire."

How is the animal offered as a Paschal sacrifice roasted? One pierces it from its mouth until its anus with a wooden spit and hangs it in an oven with the fire beneath it.. One hangs its legs and its intestines in the oven, outside of it. One should not place them inside of its body cavity, for this

is comparable to cooking. They would choose a pomegranate spit to roast it so that it will not cast its sap into the meat and cook it.

11 If the meat touches the earthenware sides or floor of the oven, one should skin off that place, because it is roasted because of the earthenware.

12 If its juices drip on the earthenware and then return to it, that place should be cut off. For any juice and liquid which it emits while being roasted is forbidden, for it is not roasted meat.

13 If its juices drip on flour, he should take a handful from the place the juice fell and discard it.

14 The following laws apply if one applied oil that is *terumah* to the Paschal sacrifice. If the company was made up of priests, they should partake of it. If the company was made up of Israelites and the meat is still raw, it should be washed and dried and then it may be roasted. If it has been roasted, the outer portion should be skinned off.

If oil from the second tithe was applied to it, one should not charge the other members of the company for its value, for the second tithe should not be redeemed in Jerusalem, as explained in the appropriate place.

We do not roast two Paschal sacrifices together lest they become intermingled. This applies even to a goat and a lamb.

15 We already stated in several places that the Paschal sacrifice should be eaten only until midnight to distance a person from transgression. According to Scriptural Law, one may partake of it throughout the entire

night until dawn.

We already explained in *Hilchot Chametz UMatzah* that the Paschal sacrifice requires the recitation of *Hallel* during the time that it is being eaten and that the members of the company do not partake of the meat after they fell asleep, even if they did so at the beginning of the night.

Chapter 9

1 Anyone who partakes of a Paschal sacrifice may partake of it only in one company. It may not be removed from the company to partake of it. If one removes an olive-sized portion of meat from a Paschal sacrifice from one company to another company on the night of the fifteenth of Nisan, he is liable for lashes, as **Exodus 12:46** states: "Do not remove the meat from the house to the outside, "for that prooftext uses a form of the word *hotza'ah* which is used with regard to the Sabbath. Therefore it is necessary that one remove the article from its initial place and place it down outside, as is true with regard to the prohibition against transferring an article from one domain to another on the Sabbath.

With regard to the Paschal sacrifice, one is not liable for removing meat from a company after it has already been removed once. Instead, since it was removed by the first person, it is disqualified.

From the doorframe of a house inward is considered as part of the house. From the doorframe outward, is considered as outside the house. The doorframe, i.e., the width of the entrance, is considered as outside. The windows and the width of the walls are considered as inside. The roofs and the lofts are not considered as part of the house.

2 When the meat of a Paschal sacrifice has been removed from its company - whether intentionally or inadvertently - it becomes forbidden to be eaten. It is comparable to the meat of sacrifices of the most sacred order that were taken outside the Temple Courtyard or sacrifices of a lesser degree of sanctity that were taken outside the walls of Jerusalem, in which instance, everything is considered like an animal that is *treifah*. One is liable for lashes for partaking of it, as stated in *Hilchot Ma'aseh HaKorbanot*.

When part of a limb of a sacrificial animal is removed from its designated area, one should cut through the meat, descending until he reaches the bone and then scrape off the meat. Whatever is within the designated area should be eaten. Whatever is outside should be burnt. When he reaches the bone, he should cut off the bone with a butcher's knife, if other sacrifices are involved. If it is a Paschal sacrifice - in which instance it is forbidden to break its bones, one should scrape off the meat until the joint, separate the limb whose portion was removed from the joint, and cast it outside.

3 When two companies are partaking of their Paschal sacrifices in one house, each company must delineate its borders with a partition. From the words "from the meat... outside," the Oral Tradition taught that the place outside the place where it is being eaten must be designated. Thus one company must turn their faces to one side and eat and the other must turn their faces to the other side and eat, so they will not appear as intermingled.

4 If the water with which they would mix their wines was in the center of the house, between the two companies, when the attendant rises to pour water, he should shut his mouth closed and then turn his face away from his company, keeping it closed until he returns to them. Only afterwards may he swallow what is in his mouth, for it is forbidden to partake of the Paschal sacrifice in two companies.

A bride is permitted to turn her face away from the company and partake of the Paschal sacrifice, because she is embarrassed to eat in their presence.

5 When the divider between two companies has been undone, they should not partake of their Paschal sacrifices. Similarly, if one company was partaking of a Paschal sacrifice and a divider was made separating some from the others, they should not partake of it until the divider is removed. The rationale is that a Paschal sacrifice may not be eaten in two companies and one should not move from one company to another.

6 The following rules apply when three or more members of a company come to partake of their Paschal sacrifice, but the other members of the company do not come. If they entered at the time most people partake of their Paschal sacrifices and the attendant called for the others and they did not come, they may enter and eat until satiation without waiting for the others. Even if those who came late come and see that the three consumed the entire sacrifice, they need not reimburse them for their portion. If, however, only two enter on time, they should wait.

When does this apply? When they enter to eat. When, however, they depart, no one has to wait for his colleague. Even if only one person

finished eating, he may depart. He need not wait for the others.

7 One who gives an olive-sized portion of a Paschal sacrifice - whether the first Paschal sacrifice or the second - to an apostate who worships false deities, to a resident alien, or a gentile worker, violates a negative commandment, but is not liable for lashes. He is, however, liable for stripes for rebellious conduct.

The term "foreigner" mentioned in the Torah refers to one who worships alien deities. One may not give a portion of the Paschal sacrifice to a gentile, even a resident alien or a worker, as **Exodus 12:45** states: "Neither a resident, nor an alien should partake of it."

8 An uncircumcised person who ate an olive-sized portion of the Paschal sacrifice is liable for lashes, as *ibid.*:48 states: "No uncircumcised person shall partake of it." That verse can also be interpreted as meaning: He may not partake "of it"; he may, however, partake of *matzah* and bitter herbs. Similarly, it is permitted to feed *matzah* and bitter herbs to a resident alien, or a gentile worker.

9 Just as the circumcision of one's sons and servants holds one back from slaughtering the Paschal sacrifice, so too, it holds him back from partaking of it, as *ibid.*:44 states: "He shall circumcise him, then he shall partake of it."

What is implied? One purchased a servant after the slaughter of the Paschal sacrifice or one had a son whose time for circumcision did not arrive until after the slaughter of the Paschal sacrifice. Such a person is

forbidden to partake of the Paschal sacrifice until he circumcises them.
How is it possible for the son to be fit to be circumcised after the slaughter of the Paschal sacrifice, but not to be fit to be circumcised before its slaughtered? For example, he had a fever and seven full days are needed from the time at which he became healed, his eye hurt severely and he was healed after the slaughter of the Paschal sacrifice, or he was a *tumtum* and he was operated on after the slaughter of the Paschal sacrifice and it was discovered that he was male.

Chapter 10

1 A person who breaks a bone in a pure Paschal sacrifice is liable for lashes, as **Exodus 12:46** states: "You shall not break a bone in it." And with regard to the second Paschal sacrifice, **Numbers 9:12** states: "He shall not break a bone in it."
When, however, the Paschal sacrifice is brought in a state of impurity, one is not liable for lashes. According to the Oral Tradition, it was taught: "You shall not break in it," i.e., in a pure sacrifice, not an impure one.
Whether one breaks a bone of the Paschal sacrifice on the night of the fifteenth of Nisan, while it is still day on the fourteenth, or even after several days, he is liable for lashes.

2 For this reason, the bones of the Paschal sacrifice are burnt with the remainder of its meat so that they will not cause misfortune.

3 One is liable only for breaking a bone upon which there was an olive-sized

portion of meat or which contains marrow. If, by contrast, a bone does not contain marrow and there is not an olive-sized portion of meat upon it, one is not liable for breaking it. If there was an olive-sized portion of meat on a bone, but one broke it in a place where there is no meat, he is liable, even though there is no meat where he broke the bone.

4 When one breaks a bone that is already broken, he is liable for lashes.

5 When one burns the bones of a Paschal sacrifice or cuts its sinews, he is not liable for breaking a bone.

6 When a Paschal sacrifice was lightly roasted or cooked and one broke a bone, he is liable for lashes. Even if it was disqualified because it contracted impurity, it was taken out of the home where it is being eaten, or the like, the prohibition against breaking its bones applies.

When does the above apply? When there was a time the Paschal sacrifice was acceptable and it was disqualified. If, however, there was never a time when it was acceptable, e.g., it became *piggul* or was brought with a disqualifying intent concerning time or with a disqualifying intent concerning the type of sacrifice, the prohibition against breaking a bone does not apply.

7 If one breaks the bone of the fat-tail, he is not liable, because it is not fit to be eaten.

8 Cartilage which is like soft bones are permitted to be eaten.

9 If the Paschal sacrifice was a small and tender kid goat whose bones are soft, they may not be eaten, because that is considered as breaking a bone. If one partakes of them he is liable for lashes, for the liability applies equally whether one breaks a firm bone or a soft bone,

This is the general principle: Whatever could be eaten in a large ox after it has been cooked may be eaten in a tender kid after it has been roasted, e.g., the cartilage around the joints and similar types of body tissue.

10 Soft sinews that will ultimately become firm, even though they are fit to be eaten at the time and may be eaten from the Paschal sacrifice, they are not considered when enumerating people on the sacrifice. Persons may be enumerated because of the brain in the head, because it is possible to remove it without breaking a bone. One may not be enumerated on the marrow in the hip bone - it is bone closed on both sides - because it is impossible to remove the marrow without breaking a bone.

11 When a person partakes of the Paschal sacrifice, he should cut off the meat and partake of it. He may cut off the bones at the joints and separate them if he desires.

When he reaches the sciatic nerve, he should remove it and place it with the remainder of sinews, bones, and membranes which are removed at the time of eating. It is not removed previously, as is done with regard to other meat.

The Paschal sacrifice should not be cut into pieces before it is roasted. Instead, it is roasted whole. If it was cut into pieces, it is acceptable, provided it is not lacking a limb.

A person should endeavor that none of the meat of the Paschal sacrifice remain until the morning, as **Exodus 12:10** states: "Do not leave over any of it until the morning." Similarly, with regard to the second Paschal sacrifice, **Exodus 12:10** states: "What remains from it, you shall burn in fire."

12 When the first Paschal sacrifice is offered, a peace-offering is sacrificed with it on the fourteenth of Nissan from cattle or from sheep, whether a large animal or a small one, like all other peace-offerings. It is called the festive-offering of the fourteenth. This is the intent of the Torah's statement **Deuteronomy 16:2**: "And you bring a Paschal offering to God your Lord from sheep and from cattle."

When is this festive-offering brought? When the Paschal sacrifice is offered during the week, in a state of ritual purity, and when there is a lack of Paschal sacrifices. If, however, the fourteenth of Nisan falls on the Sabbath, it is offered in a state of ritual impurity, or there are ample offerings, the festive-offering is not brought with it. Instead, only the Paschal sacrifices are brought.

13 The festive-offering brought on the fourteenth is a voluntary matter; it is not an obligation. It may be eaten for two days and one night like all other peace-offerings. It is forbidden to leave over the meat of the festive-offering of the fourteenth until the third day, as **Deuteronomy 16:4** states: "Do not leave any of the meat that you will sacrifice in the evening for the first day until the morning." According to the Oral Tradition, it was taught that this is a warning for a person who leaves over the meat of the

festive-offering of the fourteenth until the sixteenth. The term "until the morning" means until the morning of the second day. One who leaves over the meat is not liable for lashes. Instead, he should burn the left over meat in the same manner as meat left over from other sacrifices is burnt.

14 The meat of the festive-offering that was served on the table with the Paschal sacrifice and similarly, the other cooked dishes served with it should be burnt with it. They may only be eaten until midnight like the Paschal sacrifice itself. This is a decree lest a mixture occur.

15 What are the differences between the first Paschal sacrifice and the second Paschal sacrifice? At the time of the first, *chametz* is forbidden to be seen or possessed in one's domain. It may not be slaughtered while one is in possession of *chametz*. Its meat may not be removed from the company in which it was designated to be eaten. The *Hallel* must be recited when it is eaten. A festive-offering is brought with it. It may be brought in a state of impurity if the majority of the people are impure because of contact with a human corpse, as we explained.

With regard to the second Paschal sacrifice, by contrast, both *chametz* and *matzah* may be possessed by the person at home. *Hallel* is not recited while partaking of it. It may be taken out of the company in which it was designated to be eaten. A festive-offering is not brought with it and it may not be brought in a state of impurity.

Both are alike in that offering them supersedes the Sabbath prohibitions. *Hallel* is recited when they are offered. They are eaten roasted in one house together with matzah and bitter herbs. In neither instance may their

meat be left over until the next morning, nor may their bones be broken.

Why does the second Paschal sacrifice not resemble the first in all matters, as might be expected since **Numbers 9:12** states with regard to the second Paschal sacrifice: "It shall be offered according to all the statutes of the Paschal sacrifice"? Because some of the statutes of the Paschal sacrifice are explicitly mentioned with regard to it. This teaches that it is analogous to the first only in those matters which are stated explicitly regarding it. They are the mitzvot that concern the body of the sacrifice. They are "the statutes of the Paschal sacrifice" included in the general category.

The statements regarding the offering of the Paschal sacrifice in Egypt: that it should be set aside on the tenth of the month, that its blood should be applied to the lintel and the two doorposts with a bunch of hyssop, and that it should be eaten with haste, are not practices that are followed in future generations. They were observed only with regard to the Paschal sacrifice offered in Egypt.

Mishneh Torah, Festival Offering

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The Jewish people have been commanded to observe three positive commandments on each of the three pilgrimage festivals. They are:

a) to appear before the Divine presence, as **Exodus 23:17** states: "All of your males shall appear";

b) bringing a festive offering, as **Deuteronomy 16:15** states: "You shall bring a festive offering to God your Lord"; and

c) celebration, as *ibid.*:14 states: "And you shall rejoice in festivals."

The Torah's charge to appear before God mandates that one should appear in the Temple Courtyard on the first day of a festival and bring with him a burnt-offering, whether from fowl or from domesticated animals. One who comes to the Temple Courtyard on the first day of a festival without bringing a burnt-offering has not only failed to perform a positive commandment, but has violated a negative commandment, as **Exodus 23:15** states: "You shall not appear in My presence empty-handed." One is not liable for lashes for the violation of this prohibition, because he did not perform a deed.

The Torah's charge to bring a festive offering mandates that one offer a peace-offering on the first day of the festival when one comes to appear before the Divine presence. It is a known matter that peace-offerings are brought only from domesticated animals. Women are not obligated in these two mitzvot of appearing before the Divine presence and bringing a

festive sacrifice.

The Torah's charge to celebrate on festivals mandates that one offer peace-offerings in addition to the festive peace-offerings. These are called the festive celebratory peace-offerings, as **Deuteronomy 27:7** states: "You shall rejoice before God, your Lord." Women are obligated in this mitzvah.

2 According to Scriptural Law, there are no fixed measures with regard to the sacrifices brought when appearing before God or the festive offerings, as **Deuteronomy 16:17** states: "Each person according to what he gives." According to Rabbinic Law, however, limits were established. One should not bring a burnt-offering to mark one's appearance worth less that a silver *me'ah*, nor should one bring a festive peace-offering worth less than two silver *me'ah*. It is a mitzvah to bring these sacrifices proportionate to one's wealth, as implied by the phrase: "according to what one gives...."

3 Our Sages did not establish a minimum measure for the celebratory peace-offerings. When a person will ascend to Jerusalem for the festival, if he is in possession of the sacrifices required when presenting oneself, he should bring them or he should bring sufficient silver to purchase a sacrificial animal. If he does not possess silver, he should not bring articles of value equivalent to silver. Even if he is in possession of articles worth several gold pieces, it is forbidden for him to ascend to Jerusalem empty-handed without silver or a sacrificial animal.

Why was one forbidden to ascend while bringing articles worth money? Perhaps he will not be able to sell them or perhaps he will find impurities in the money he receives.

4 One who did not offer the burnt-offering marking his appearance and his festive peace-offering on the first day of the festival should offer them on the remaining days of the festival, as implied by **Deuteronomy 16:15**: "For seven days you shall celebrate unto God your Lord." This teaches that all of these days are fit for offering festive sacrifices. They are all compensation for the first day.

5 It is a mitzvah to be early and to offer these sacrifices on the first day. If, either inadvertently or intentionally, one did not offer them on the first day, they should be offered on the second day. Whoever delays is deserving of reproach. Concerning such a person is applied the words of censure, Tzefaniah 3:18: "I will gather in and break those who delay the festive prayers and offerings."

6 If the festival passed without one bringing these festive offerings, he is not obligated to bring them afterwards. Concerning such a situation and the like is applied the verse **Ecclesiastes 1:15**: "A wrong that cannot be righted."

7 When one did not bring the festive sacrifices on the first day of the Sukkos holiday, he may bring them throughout the entire festival and on the final holiday, which is the eighth day. For even the eighth day can serve as compensation for the first.

Similarly, one who did not bring the festive offerings on the holiday of Shavuot may bring them for seven days, i.e., he may compensate during the six days that following the festival of Shavuot. This concept - that the

festival of Shavuot is similar to the festival of Pesach with regard to compensation - was communicated through the Oral Tradition.

8 The burnt-offerings brought when appearing before God and the festive peace-offerings do not supersede either the Sabbath prohibitions or the restrictions against ritual impurity, because there is no fixed time when they are required to be brought like the communal offerings. For if one does not bring his festive offerings on one day, he may bring them on the next, as we explained.

They do, however, supersede the prohibitions of the holidays. Although sacrifices which one has vowed or pledged to bring are not offered on holidays, the burnt-offerings brought when appearing before God, the festive peace-offerings, and the celebratory peace-offerings are offered. The rationale is that these are not vows or pledges, but rather obligations.

9 When one brings the burnt-offerings brought when appearing before God, the festive peace-offerings, and the celebratory peace-offerings on a festival, he should lean on them with all his power as he does when bringing offerings on other days. Even though leaning on the animals is not an indispensable element of their sacrifice, as we explained in *Hilchot Ma'aseh HaKorbanot*, the Sages did not institute a decree forbidding this as a *shvut*.

10 When a person sets aside a burnt-offering brought when appearing before God and dies, his heirs are obligated to offer it.

It is permitted to offer sacrifices which one has vowed or pledged during

the intermediate days of a holiday, as **Numbers 29:39** states: "You will offer these to God on your festivals aside from your vowed and pledged offerings." It can be understood from this that those offerings are brought during the festivals.

That verse continues "for your burnt-offerings, your meal-offerings, and your peace-offerings." "For your burnt-offerings" includes a burnt-offering brought by a person afflicted by *tzara'at* and a woman after childbirth." "Your meal-offerings" include the meal offering brought by a sinner and the meal-offering brought by a woman whose husband accused her of adultery. "Your peace-offerings" includes the peace-offering brought by a nazirite. All of these are offered on the intermediate days of a festival, but are not offered on the sacred days.

11 When a person who ascended to Jerusalem for a pilgrimage festival had many members of his household to partake of the offerings, but limited means, he should bring many festive peace-offerings, and few burnt-offerings brought when appearing before God. If he has few members of his household to partake of the offerings, but ample means, he should bring many burnt-offerings brought when appearing before God, and few festive peace-offerings. If he has few of both, concerning that our Sages said: "One should not bring less than a *meah* for a burnt-offering and two silver *meah* for a peace-offering." If he was blessed amply with both, concerning this, our Sages applied the verse **Deuteronomy 16:17**: "According to the blessing of God your Lord which He granted you."

Chapter 2

1 Women and servants are exempt from the obligation to appear before God on festivals. All men are obligated to appear with the exception of a deaf person, a mute, one who is emotionally or intellectually incapable of controlling himself, a minor, a blind person, one who is limp, one who is impure, one who is uncircumcised, and similarly, one who is old, sick, very dainty and spoiled to the extent they cannot ascend by foot. All of these eleven persons are exempt. All other men are obligated to appear before God.

To explain these categories in greater detail: A deaf person is exempt even if he can speak. Even if he is deaf in only one ear, he is exempt from appearing. Similarly, one who is blind in one eye or limp in one leg, is exempt. A mute even though he hears is exempt. A *tumtum* and an *androgynus* are exempt, because there is a doubt whether they are female. A person who is half-servant and half-free is exempt, because of the side of him that is a servant.

What is the source that all the above are exempt from appearing before God? **Exodus 23:17** states: "All of your males shall appear"; this excludes women. And any positive commandment for which women are not obligated, servants are not obligated. Moreover, **Deuteronomy 31:11** "When all Israel come to appear"; this excludes servants.

The phrase "When all Israel come to appear" implies that just as they come to appear before God, so too, they come to see the glory of His holiness and the house where His presence rests. Thus it excludes a blind person who cannot see; he is exempt even if only one eye is blinded, because his sight is not perfect.

That passage continues: "So that they will hear." This excludes one whose

hearing is not perfect. And it states: "So that they will learn." This excludes one who does not speak, because everyone who is obligated to learn is also obligated to teach.

Exodus 34:24 states: "When you ascend to appear before the presence of God." The command is directed to one who can ascend by foot and thus excludes one who is limp, old, sick, or very dainty. And we have already explained in *Hilchot Bi'at HaMikdash* that a person who is impure is not fit to enter the Temple. And one is uncircumcised is loathsome like one who is impure.

2 A scraper, i.e., one whose task is to gather the excrement of dogs and the like to use for the processing of hides or for medicinal purposes, one who quarries copper in its mine, and a leatherworker, even though they are loathsome because of their profession, should purify their bodies and their garments and ascend to Jerusalem together with the Jewish people as a whole to appear before God.

3 Whenever a child can hold his father's hand and ascend from Jerusalem to the Temple Mount, his father is obligated to have him ascend and appear before God to train him in the observance of the mitzvot, as implied by the phrase: "All your males shall appear."

If the minor was limp, blind, or deaf, even in one of his organs, his father is not obligated to train him, even if his infirmity could be healed. The rationale is that if he was in this state when he was past majority, he would be exempt, as we explained.

4 Everyone who is obligated to appear before God is obligated to bring a festive offering. Everyone who is exempt from appearing is exempt from bringing a festive offering. They are all obligated in the celebratory peace-sacrifices with the exception of a deafmute, a mentally or emotionally incapable individual, a minor, an uncircumcised person, and one who is impure.

A deafmute, a mentally or emotionally incapable individual, and a minor are exempt, because they are not fit to be given any responsibility and they are exempt from all the mitzvot stated in the Torah. An uncircumcised person and one who is impure are exempt, because they may not partake of sacred foods and are not fit to enter the Temple, as explained in *Hilchot Biat HaMikdash* and *Hilchot Ma'aseh HaKorbanot*.

5 If one was limp or blind on the first day of a festival and was healed on the second day, he is exempt from appearing before God and bringing the festive offering, because all of the remaining days of the festival are compensation for the first day, as we explained. Similarly, if he became impure on the night of the first day of a festival, he is exempt, even though he purifies himself on the following day. If, however, he became impure on the first day of the festival, he is obligated to bring his festive offering and the burnt-offering brought when appearing before God during the remaining days of the festival when he regains ritual purity.

6 One who enters the Temple Courtyard during the days of a festival is not obligated to bring a burnt-offering whenever he enters, for the charge, "You shall not appear in My presence empty-handed," applies only on the

fundamental celebration of the festival, the first day or the day which compensates for the first day. If he brings such a sacrifice at any time, we accept it, and offer it as a burnt-offering brought when appearing before God, for there is no limit to these offerings.

7 When a person set aside ten animals for his festive offering, sacrificed some of them on the first day, and made an interruption, he should not offer the others, for he left them over. If he did not make an interruption, but instead, the day was pressing and he was not able to offer them all that day, he should offer the remainder on the following day.

8 The burnt-offering brought when appearing before God may be brought only from ordinary funds like other sacrifices for which a person is obligated.The festive peace-offerings, by contrast, may be brought from funds from the second tithe that are intermingled with ordinary funds. He may purchase an animal with the intermingled funds and offer it as a festive peace-offering, provided that the minimum measure which one must eat first could be purchased with the ordinary funds. The rationale is that the festive peace-offerings are an obligation and any obligation must be satisfied with ordinary funds.

9 A person may fulfill his obligation for festive peace-offering with animals designated as tithe-offerings. He should not, however, bring such an offering on the holiday. This is a decree, lest he tithe on the holiday.

10 An Israelite fulfills his obligation for celebratory peace-offerings with vowed and pledged offerings and with tithe-offerings. Priests may also do

so with their portions from the sin-offerings and the guilt-offerings, a firstborn offering, and the breast and fore-leg from a peace-offering. For this mitzvah involves rejoicing by eating sacrificial meat in God's presence and he has done that. Priests cannot fulfill their obligation by partaking of sin-offerings of fowl or of meal-offerings. For they are not meat that brings joy.

We already explained in the laws of the Paschal sacrifice, that the festive offering brought on the fourteenth of Nisan is a matter of choice. Therefore he does not fulfill his obligation for the festive offering with it. He does, however, fulfill his obligation for the celebratory peace-offering.

11 When a person who had peace-offerings which he vowed or pledged to bring, slaughtered them on the day before a festival, even though he partakes of them on the festival, he does not fulfill his obligation for the festive offering, because it may only be brought from ordinary animals. He may, however, fulfill his obligation for celebratory peace-offerings with them.

12 Even though he slaughtered them before the festival, since he partakes of them on the festival, he may fulfill his obligation with them, for he does not need to slaughter the celebratory peace-offerings at the time of celebration.

13 A person should not bring a thanksgiving offering on the day of the fourteenth of Nisan, because of the leaven it includes, for we do not cause sacred foods to be disqualified. If one brought such an offering, he may

fulfill his obligation for celebratory peace-offerings through it, as explained.

14 If one says: "I vow to bring a thanksgiving through which I can fulfill my obligation to bring a festive offering," he is obligated to bring a thanksgiving offering, but he does not fulfill his obligation for the festive offering. For a festive offering must be brought from ordinary funds.

When a person sacrifices festive and celebratory peace-offerings, he should not eat while secluded, together with his children and his wife and think he is performing a perfect mitzvah. Instead, he is obligated to bring joy to the poor and unfortunate. Thus **Deuteronomy 16:14** mentions: "the Levite, the stranger, the orphan, and the widow." One should grant them food and drink according to his wealth. If one partook of his sacrifices and did not bring joy to these together with him, to him are applied the words of censure, **Hoshea 9:4**: "Their sacrifices will be like the bread of those aggrieved for them, of which all who partake of it become impure. Instead, let their bread be for themselves."

The mitzvah is to give the Levite takes precedence over all the others, because he is not granted a portion and an ancestral heritage, nor is he given portions of the sacrificial meat. Therefore one must invite Levites to one's table and have them celebrate or give them presents of meat together with the tithes that are given to them, so that all their needs are met. Whoever forsakes a Levite, refrains from bringing him joy, and delays giving him the tithes during the festivals violates a negative commandment, as **Deuteronomy 12:19** states: "Beware lest you abandon the Levite."

Chapter 3

1 It is a positive commandment to gather together the entire Jewish people - men, women, and children - after every Sabbatical year when they ascend for the pilgrimage holiday and to read so that they hear passages from the Torah that encourage them to perfom mitzvot and strengthem them in the true faith, as **Deuteronomy 31:10-12** states: "At the end of a seven-year period, at the time of the Sabbatial year on the Sukkot holiday when all Israel come to appear... gather the nation, the men, the women, the children, and your stranger in your gates...."

2 All of those who are exempt from the mitzvah of appearing before God are exempt from the mitzvah of *hakhel* with the exception of women, children, and those uncircumcised. One who is ritually impure is, by contrast, exempt from the mitzvah of *Hakhel*, as implied by the phrase "When all Israel come...," for such a person is not fit to come to the Temple. It is clear that a *tumtum* and an *androgynus* are obligated, for women are obligated.

3 When would they read? On the day following the first day of the holiday of Sukkot which is the first day of *Chol HaMoed* of the eighth year. The kingwould read so the people would hear. The reading was held in the Women's Courtyard. He would read while seated. If he read while standing, it is praiseworthy.

From which passages in the Torah should he read? He starts from the beginning of the *chumash*: "These are the words..." until the end of the

passage *Shema*. He then skips to the passage *Vehayah Im Shamoa*,and then skips to the passage *asair te'asair*. He then reads from that passage in order until the end of the blessing and curses, i.e., until the phrase: "besides the covenant He established with them in Choreb where he concludes.

4 How is the reading conducted? Trumpets are sounded throughout Jerusalem to gather the people. A large wooden platform is brought and set up in the center of the Women's Courtyard. The king ascends and sits on it so that they will be able to hear his reading. All of the Jewish people who made the festive pilgrimage gather around him. The attendant of the synagogue would take the Torah scroll and give it to the head of the synagogue. He would give it to the *segen*, who would give it to the High Priest, who would give it to the king. The transfer involved many people as an expression of respect.

The king accepts the scroll while standing. If he desires, he may sit when reading. He opens it, looks at it, and recites the blessings like anyone who is reading the Torah in a synagogue. He reads the passages mentioned in the previous halachah until he completes them. He rolls the scroll closed and recites the blessing afterwards as it is done in synagogues. He adds seven blessings which are:

"Grant favor, God, our Lord, to Your people Israel...."

"We thankfully acknowledge You...."

"You chose us from all the nations..." until "Who sanctifies Israel and the festive seasons," as one recites in prayer. Thus there are three blessings with set texts.

For the fourth blessing, he prays for the Temple, that it should remain

standing and concludes: "Blessed are You, God, Who dwells in Zion."
For the fifth, he prays for the Jewish people, that their kingdom prevail, and concludes: "...Who chooses Israel."
For the sixth, he prays for the priests, that God should desire their service and concludes: "Blessed are You, God, Who sanctifies the priests."
For the seventh, he offers supplication and prays according to his ability and concludes: "God, deliver Your nation Israel, for Your nation Israel is in need of salvation. Blessed are You, God, Who heeds prayer."

5 The reading and the blessings are in the Holy Tongue, as implied by **Deuteronomy 31:11**: "Read this Torah," i.e., in its wording. This applies even though foreigners are present.

6 Converts who do not understand are obligated to concentrate their attention and direct their hearing, listening with reverence and awe, rejoicing while trembling as on the day the Torah was given at Sinai. Even great Sages who know the entire Torah are obligated to listen with exceedingly great concentration. One who is unable to hear should focus his attention on this reading, for Scripture established it solely to strengthen the true faith. He should see himself as if he was just now commanded regarding the Torah and heard it from the Almighty. For the king is an agent to make known the word of God.

7 If the day of *Hakhel* falls on the Sabbath, the gathering is delayed until after the Sabbath, because of the sounding of the trumpets and the supplications which do not supersede the Sabbath restrictions.

Mishneh Torah, Firstlings

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to set aside all the male first issues of the womb, whether among humans, kosher animals, and donkeys. This applies whether the animals are healthy or *treifot*. Thus **Exodus 13:2** states: "Consecrate unto Me all firstborn, the first issue of the womb among the children of Israel, in humans and in animals." All of the above are given to the priests."

2 Firstborn humans and firstborn donkeys are redeemed and the redemption is given to the priests. A firstborn kosher animal should be slaughtered in the Temple like other sacrifices of a lesser degree of sanctity. Its blood is cast on the altar and its fats and organs are burnt on the altar's pyre, as explained in *Hilchot Ma'aseh HaKorbanot*.

The remainder of the meat is eaten by the priests, as **Numbers 18:15-18** states: "You shall surely redeem firstborn humans and you shall redeem firstborn non-kosher animals, but firstborn oxen... you shall not redeem. They are holy.... Their flesh will be for you."

3 When a firstborn kosher animal is blemished - whether it was born blemished or contracted a blemish after being born unblemished - it should be given to a priest. If he desires, he may eat it anywhere, or sell it or feed to whoever he desires, even a gentile, because it is ordinary property, as **Deuteronomy 15:21-22** states: "If it has a blemish - lameness or

blindness... the pure and the impure shall partake of it, like a deer or a hart." It is the priest's private property.

4 It is a mitzvah to sanctify a firstborn kosher animal and say: "Behold, this is holy," as **Deuteronomy 15:19** states: "Every firstborn shall you sanctify unto God your Lord." Even if the owner did not sanctify it, it is sanctified as a matter of course. It is sanctified upon its emergence from the womb.

5 The mitzvah of the firstborn kosher animal is observed in *Eretz Yisrael* and in the Diaspora. Firstborn animals from the Diaspora should not be brought to *Eretz Yisrael*. This is derived from *ibid.* 14:23: "And you shall eat before God your Lord... the tithes of your grain, your wine, your oil, the firstborn of your herds and your sheep." Implied is that from the place where you bring "the tithes of your grain," you should bring firstborn cattle and sheep. From where you do not bring "the tithes of your grain," you should not bring firstborn cattle and sheep. Instead, those firstborn animals are like ordinary property and should be eaten after they become blemished. If one brings firstborn animals from the Diaspora to Jerusalem, they should not be accepted, nor should they be sacrificed. Instead, they should be eaten after they become blemished.

6 This mitzvah is observed whether the Temple is standing or not, like the tithes of grain. It does not apply to the offspring of consecrated animals - whether consecrated to be offered on the altar or consecrated for the Temple treasury - while they remain consecrated before they are redeemed.

7 Everyone is obligated in the mitzvah of setting aside a firstborn issue of a kosher animal: priests, Levites, and Israelites. Even though a firstborn issue is given to a priest, if a firstborn issue is born to a priest, he must offer its blood and fats and organs, as stated. And he must eat the remainder of the meat according to the laws pertaining to a firstborn, as **Deuteronomy 15:19** states: "Every firstborn that is born in your herds and your cattle, you shall sanctify." The priests and the Levites are, however, exempt with regard to the mitzvot applying to the firstborn of humans and the firstborn of non-kosher animals, as we explained in *Hilchot Matanot Kehunah*.

8 A firstborn animal should be eaten within the first year of its life, whether it is unblemished or blemished, as *ibid.*:20-22 states: "Eat it before God your Lord, year after year.... If it has a blemish,... eat it in your gates."
From when is the year calculated? If it is unblemished, it should be calculated from the eighth day of its life, for then it is fit to be offered as a sacrifice. If it was born blemished, the year should be calculated from the day of its birth, because it could be eaten on that day, provided it was born after a full-term pregnancy. If, however, it is not known whether it was born after a full-term pregnancy, the year should be calculated from the eighth day.

9 If a firstborn animal contracts a blemish in the midst of its year, it is permitted to keep it for twelve months. If it contracts a blemish at the end of its year, it is permitted to keep it for thirty days from the day it contracted the blemish, even though this delays eating it after its year.

What is implied? For example, it contracted a blemish on the fifteenth day before the end of its year, it is granted another fifteen days after its year. If it contracted a blemish after its year, he may not keep it more than 30 days. Afterwards, it must be eaten.

10 In the present age, a firstborn animal should be left until it contracts a blemish and then eaten.

11 If a blemish did not appear so that it could be shown to a sage, one may keep the animal for two or three years. Should a blemish appear so that it could be shown to a sage, if the blemish is contracted within a year, it is permitted to be kept for an entire twelve month period. If it contracts a blemish after its first year, one may maintain it for thirty days.

12 The year of a firstborn animal is a full lunar year, twelve months from day to day. If it was a leap year, it benefits from the addition and it is granted thirteen months.

If two lambs were born to a person, one on the fifteenth of the first Adar and one on the first day of the second Adar, when the first day of Adar in the following year arrives, the second lamb is considered to have its year completed. The one born in the middle of the first Adar, by contrast, is not considered to have its year completed until the middle of the Adar in the following year. Since it was born in the extra month, it is counted for it.

13 If a person transgressed and kept a firstborn animal for more than a year, although he violates a negative commandment, it is not disqualified from

being brought as an offering if it is unblemished. If it is blemished, it may be slaughtered anywhere as evident from the prooftext that states: "the tithes of your grain, your wine, your oil, the firstborn of your herds and your sheep." An association is made between the firstborn animal and the tithes. Just as the tithes are not disqualified from one year to the next, so too, a firstborn animal is not disqualified from one year to the next.

14 A firstborn animal should not be given to a priest directly after it was born, for this is not respectful to the priest. Instead, the owner of the animal should care for it until it matures slightly. Then he should give it to the priest.

For how long is an Israelite obligated to care for a firstborn animal? For a small animal, for 30 days. For a large animal, 50 days.

If a priest tells him: "Give it to me in the midst of this time and I will tend to it myself," he is not allowed to give it to him, for this is like a priest helping in order to receive his presents. We already explained in *Hilchot Terumot*that priests who assist in the granaries, the butcher shops, and among the shepherds should not be given their presents as wages.

15 If the firstborn animal was blemished and a priest told the owner in the interval mentioned above: "Give it to me so that I can partake of it now," or if it was unblemished and he told him: "Give it to me in this interval so that I can offer it now," he may give it to him.

It appears to me that a person may give a firstborn animal to any priest that he desires.

16 When a priest eats an olive-sized portion of an unblemished firstborn animal outside of Jerusalem, he is liable for lashes according to Scriptural Law, as **Deuteronomy 12:17** states: "You may not eat the tithes of your grain, your wine, your oil, the firstborn of your herds and your sheep... in your gates."

Similarly, a non-priest who partakes of an olive-sized portion of a firstborn animal whether before its blood was poured on the altar or afterwards is liable for lashes. According to the Oral Tradition, it was taught that this admonition applies also to a non-priest who partakes of a firstborn, whether before its blood was poured on the altar or afterwards.

17 A firstborn kosher animal should not be redeemed, as **Numbers 18:17** states: "But the firstborn of an ox, the firstborn of a sheep, or the firstborn of a goat should not be redeemed. Similarly, it should not be sold if it is unblemished. The rationale is that since the animal is intended as a sacrifice, the priest does not have the right to sell it.

In the present age, when there is no Temple, since the firstborn is intended to be eaten, it is permitted to sell it, even though it is presently unblemished. It may be sold either to a priest or to an Israelite.

18 A priest may sell a blemished firstborn animal, in every age, whether the Temple is standing, whether it is not standing, whether it is alive, whether it has been slaughtered.

When one sells a blemished firstborn, he should sell it at home, but not in the market-place, as we explained in *Hilchot Issurei Mizbeiach*. The meat of an unblemished firstborn animal, by contrast, should not be sold,

because it is consecrated meat. Priests who are partners in the ownership of a firstborn animal are permitted to weigh one portion against another.

19 When a person skins a blemished firstborn animal, he is permitted to skin it in any manner he desires. If he desires to employ the technique called *riggul*, he may. The same applies to other consecrated animals that were disqualified. If he desired to skin it from the foot up, he may skin it in that manner.

Chapter 2

1 If any of the permanent blemishes which disqualify consecrated animals and require them to be redeemed is contracted by a firstborn animal, it may be slaughtered for this reason in any place. We have already explained those blemishes in *Hilchot Issurei Mizbeiach*. Those that are appropriate to apply to a male animal number 67.

2 All of the conditions mentioned there which cause a sacrifice to be considered as less than desirable and hence, due to them, a consecrated animal is not offered, but also is not redeemed cause a firstborn not to be slaughtered due to them, nor offered. Instead, the animal remains until it contracts a permanent blemish. Similarly, if a firstborn contracts a temporary blemish, it should not be slaughtered in any place, nor should it be offered. Instead, it should pasture until it contracts a permanent blemish and is slaughtered because of it.

3 Similarly, if a transgression was performed with it or it killed a human

according to the testimony of only one witness or the owner, it was set aside to be worshiped as a false deity or it was worshiped, it should be left to pasture until it contracts a disqualifying blemish, as explained in *Hilchot Issurei Mizbeiach*.

4 Neither an animal born through Cesarean section, nor one born afterwards are considered as firstborn animals. The first is not, because it is not the first issue of the womb. And the second is not, because the first preceded it. Even if a female was born through Cesarean section and a male later emerged from the womb, it is not a firstborn.

5 When a firstborn animal is an *androgynus*, it does not have any sacred quality associated with it. It is like a female, concerning which the priest has no claim at all. One may perform labor with it and shear it like other ordinary animals.

When an animal is born as a *tumtum*, it is considered as a firstborn of doubtful status. It may be eaten by its owner after it contracts a blemish. This applies whether it urinates from a place that appears to indicate that it is male or it urinates from a place that appears to indicate that it is female.

6 When a sheep gives birth to an offspring that appears like a goat or a goat gives birth to an offspring that appears like a lamb, it is exempt from the mitzvah of a firstborn, as indicated by **Numbers 18:17** which speaks of "the firstborn of an ox." Implied is that it must be an ox and the firstborn must be an ox.

If it has some of the distinguishing characteristics of its mother, it is considered as a firstborn and it is considered as having a permanent blemish, for there is no blemish greater than a deviation from the norms of creation, as explained in *Hilchot Issurei Mizbeiach*.

Even if a cow gives birth to an offspring that resembles a donkey, but it has some of the signs of a cow, it is a firstborn that must be given to a priest. The rationale is that, with regard to the species of donkeys, there is a concept of a firstborn. If, however, it gave birth to an offspring resembling a horse or a camel, even if it has some of the signs of a cow, it is merely a firstborn of doubtful status. Therefore it may be eaten by its owners. If, however, a priest takes possession of it, it is not expropriated from his possession.

7 When a person imparts a blemish to a firstborn animal, since he performed a transgression, he is penalized. License is not granted to slaughter the firstborn because of this blemish until it contracts another blemish on its own accord. If, however, this transgressor dies, his son may slaughter the animal because of the blemish inflicted by his father, for his son was not penalized after him.

8 If one indirectly caused a firstborn to contract a physical blemish, e.g., one placed a fig on its ear, leaving it there until a dog came and took it and cut off its ear, he caused it to pass through jagged iron and pieces of glass so that its forefoot would be cut off and it was cut off, or he told a gentile to blemish it, the animal should not be slaughtered because of this blemish.

This is the general principle: Whenever a blemish was brought about with

a person's knowledge, it is forbidden for him to slaughter it because of this blemish. If it was brought about without his knowledge, it is permitted for him to slaughter it because of this blemish.

9 If one said: "If this firstborn animal would contract a blemish, I would slaughter it" and a gentile heard and caused it to become blemished, he may slaughter it, because it was not brought about with his knowledge.

10 If we saw a person perform a deed that would indirectly cause a firstborn to contract a blemish, it contracted a blemish, but we do not know whether he intended that this blemish be caused, he should not slaughter the firstborn, because of it.

What is implied? He placed barley in a narrow place where the walls were studded with thorns, when the firstborn ate the barley, its lip became split. Even if the owner was a Torah sage, he should not slaughter the firstborn because of it. Similar laws apply in all analogous situations.

11 If a firstborn animal was pursuing a person and he kicked it to divert it, or even if he kicked it because it pursued once before, should he have caused a blemish when he kicked it, he may slaughter the firstborn because of it.

12 When children caused a firstborn to become blemished through sport and similarly, if a gentile caused a blemish intentionally, the firstborn may be slaughtered because of it. If they did so in order to cause it to be permitted, it may not be slaughtered because of it.

13 When the blood of a firstborn ceased flowing freely, its blood may be let,

provided one does not intentionally cause a blemish. If a blemish was caused through the bloodletting, the animal may be slaughtered because of it.

14 It is permitted to cause a firstborn animal to become blemished before it emerges into the world and the firstborn may be slaughtered as a consequence.
When does this apply? When the Temple is not standing. Then leniency is granted, because ultimately the animal will be eaten after it becomes blemished. When, however, the Temple is standing, this is forbidden.

15 When one witness testifies in the name of another witness that a blemish was not brought about knowingly, his word is accepted. Even a woman's word is accepted if she says: "This blemish was caused on its own accord in my presence," and the animal may be slaughtered.

16 A shepherd's word is accepted when he states that any blemish that could have been caused by human activity came about on its own accord. The animal may be slaughtered because of such blemishes.
When does the above apply? When the shepherd was an Israelite and the firstborn animal is in the possession of a priest. If, however, the shepherd was a priest and the firstborn was still in the possession of its Israelite owner, the shepherd's word is not accepted and we suspect that perhaps he caused it to become blemished so that it would be given to him.

17 The word of a priest who testifies on behalf of another priest that a firstborn became blemished on its own accord is accepted. We do not

suspect that they are acting in collusion with each other.

The rationale is that all of the priests are suspect to cause a blemish to a firstborn so that they can partake of it outside the Temple Courtyard. Therefore their own word is not accepted with regard to their own concerns. A colleague may, however, testify on his behalf, because a person will not transgress on behalf of another. Even a priest's children and the members of his household may testify with regard to a firstborn on his behalf. His wife may not, however, because she is considered as his own person.

18 Leniency is, however, shown in the following instance. A firstborn animal was in the possession of a priest and it became blemished. One witness testified that the blemish came as a matter of course, but we do not know whether the blemish is of the type that enables a firstborn to be slaughtered or not. If the priest who is in possession of the firstborn states that he showed this blemish to an expert and he permitted the firstborn to be slaughtered because of it, his word is accepted. We do not suspect that he did not show the animal to the expert and that the firstborn is considered as unblemished. For the priests were not suspected of slaughtering consecrated animals outside the Temple Courtyard, because this is a sin punishable by *karet*, as we explained.

19 Similarly, a priest's word is accepted if he states concerning a blemished firstborn animal: "An Israelite gave me this firstborn animal after it was blemished. It did not become blemished in my domain." As a result, we do not suspect that he caused the blemish. The rationale is that the matter

will inevitably become revealed and the priest will be scared to lie, lest the Israelite owner be asked and state: "It was unblemished at the time it was given to him."

Chapter 3

1 A firstborn animal may not be slaughtered because of its blemish unless a ruling to that effect was delivered by an expert who was authorized to do so by the *nasi* and told by him: "Give license for slaughter of firstborn animals because of their blemishes." Even if a blemish was large and obvious to everyone, license to slaughter it should not be granted by anyone other than an expert who was granted authority.
Such an expert may inspect all firstborn animals except his own.

2 If there is no expert in a locale and the blemish was one of the blemishes that are obvious and distinct, e.g., the animal's eye was blinded, its forefoot was cut off, or its hindfoot was broken, it may be slaughtered with license of three members of the synagogue. Similarly, if a firstborn animal was taken to the Diaspora and contracted a distinct blemish, license for its slaughter can be granted by three members of the synagogue.

3 An expert should not inspect a firstborn animal in *Eretz Yisrael* unless he is accompanied by a priest, lest the expert tell the owner: "It is a blemish and it is permitted to slaughter the animal because of it," and he slaughter it for himself without giving it to the priest. For although he is not suspect

to slaughter sanctified animalsoutside the Temple Courtyard, he is suspect to steal the presents given to the priests.

Therefore if the owner was a wise man who is known to be careful in his observance, an animal may be inspected for him without a priest. If the blemish was something obvious to all, e.g., the firstborn's foreleg or hindleg was cut off, since he brought to a sage expert for inspection, we assume that he is careful in his observance. Hence the experts inspects the animal for him even though he is not accompanied by a priest.

4 When a person slaughters a firstborn animal and afterwards shows its blemish to an expert - even if the blemish is overtly recognizable and will not be affected by ritual slaughter, e.g., its foreleg or hindleg were cut off - since it was not slaughtered with license granted by an expert - it is forbidden to benefit from it and it should be buried like a firstborn animal that died.

5 When a firstborn had only one testicle, but two sacs, it was sat on its rear, and its genital area kneaded without finding the second testicle, an expert granted permission for its slaughter and it was slaughtered, it is permitted to be eaten even though the second testicle was found clinging to the flanks. Since its genital area was kneaded, the original ruling is not rescinded. If, however, its genital area was not kneaded, even though permission to slaughter it was granted by an expert, it must be buried.

6 When a person who is not an expert inspects a firstborn and has it slaughtered, it should be buried and he must make restitution from his

personal resources.

How much should he pay? A fourth of the worth of a small animal and half the worth of a large animal. Why does he not pay its entire worth? Because the owner of the animal was penalized so that he not delay offering the firstborn and so that he not raise a small animal in *Eretz Yisrael*.

7 When a person receives a wage for inspecting a firstborn animal for a blemish, the animal may not be slaughtered on the basis of his rulings unless he was a great expert and the sages knew that there were none like him and they allotted a fee to him for the visit and inspection whether a blemish was found or not.He should not take a fee for any given animal more than once and should continue to inspect it as long as it is brought to him, so that no suspicions will be aroused.

8 When a person is suspect to sell firstborn animals as ordinary animals, one may not purchase even the meat of deer from him, because it resembles the meat of a calf. One may not purchase from him hides that have not been processed, even the hides of a female animal, lest he cut off the place of the male organ and say: "This is the hide of a female animal."

One may not purchase wool from him, even wool that has been whitened. Needless to say, this refers to wool that is still soiled. We may, however, purchase from him spun wool, rolls of wool and processed hides. The rationale is that one will not process the hide from an unblemished firstborn animal, because he fears to leave it in his domain, lest the judges hear and penalize him according to his wickedness.

9 When one slaughtered a firstborn and sold its meat and afterwards, it became known that he did not show it to an expert, what was eaten was eaten. The owner should, however, return the money paid by the purchasers. What was not eaten should be burned and the money returned. This law also applies when one feeds meat from an animal that is *treifah*, as will be explained in *Hilchot Mikach UMemcar*.

10 The following rules apply when it is discovered that a firstborn was *treifah*. If it was unblemished and it was discovered to be *treifah* after it was skinned, the hide should be burnt, as explained in *Hilchot Pesulei HaMukdashim*, and the meat should be buried. If it was slaughtered because of a blemish, the meat should be buried and the priests should be allowed to benefit from its hide, provided it was slaughtered on the basis of the ruling of an expert.

11 When the meat of a firstborn animal, whether unblemished or blemished, has been eaten according to law, just as it is permitted to benefit from its hide, so too, is it permitted to benefit from its shearings. Nevertheless, it is forbidden to benefit from any wool which is cut off from it while it is alive - and even from wool that it shed, and even to wool that was shed after the animal contracted a blemish. Even after it was slaughtered, and, needless to say, after it died, the wool remains forbidden. For the same wool that was shed from the animal during its lifetime remains forbidden even after these events take place. These same laws apply with regard to the tithes of animals.

We have already explained in *Hilchot Me'ilah* that this decree was

instituted only with regard to the firstborn and tithe sacrifices, because they do not come to secure atonement. Hence with regard to these sacrifices, there is room to suspect that the owner will leave them in his domain to take all the wool that sheds from them. This is undesirable, because as we have already explained, it is a mitzvah to eat the firstborn in the first year of its life, whether it is unblemished or blemished.

12 The following rules apply when a firstborn has loose-hanging wooland it was slaughtered because of its blemish. It is permitted to benefit from the loose-hanging wool that resembles the animal's other wool. It is, however, forbidden to benefit from the loose-hanging wool that does not resemble the animal's other wool, i.e., its roots are turned in the opposite direction and face its tips, for this is considered as if it were shed while the animal was alive.

13 When the shearings of the wool from a firstborn animal, even one that was blemished, become intermingled with the shearings of ordinary animals - even one with several thousand - they are all forbidden. The rationale is that the shearings are a significant entity and even the slightest amount causes the entire mixture to be considered as consecrated.
When one weaves a full length of a *sit* of wool from a firstborn animal in a garment, it should be destroyed by burning. If wool from consecrated animals was used, even the slightest amount causes the entire garment to be consecrated.

Chapter 4

1 There is an obligation to apply the laws of a firstborn to an animal owned by partners. The terms "your cattle and your sheep" was used only to exclude an animal owned in partnership with a gentile. For if a gentile was a partner in the ownership of a cow or of the fetus it is carrying - even if the gentile owns only a thousandth share of the mother or the offspring, it is exempt from the requirements pertaining to the firstborn.
If the gentile owned one specific limb of one of them, e.g., a forefoot or a hindfoot, any limb which if cut off that limb would render the animal as blemished, exempts it. If the limb owned by the gentile could be cut off without disqualifying the animal as a firstborn, it is obligated in the laws of the firstborn.

2 When a person purchases a fetus being carried by a cow owned by a gentile or he sells a fetus being carried by his cow to a gentile, even though he is not permitted to do so, the fetus is exempt from the requirements of the firstborn. He is not penalized because of this matter.

3 When a person receives an animal from a gentile to care for it and the offspring would be shared or a gentile receives an animal from a Jew under such an arrangement, the offspring are exempt from the requirements of firstborn animals.This is implied by **Exodus 13:2**: "All the first issue of the womb among the children of Israel," i.e., everything must belong to a Jew.

4 The following laws apply when a Jew receives sheep from a gentile at a fixed price and agreed that the profit will be split between them, but if the worth of the animal is reduced, the loss is born by the Jew alone. Even

though the sheep are in the domain of the Jew and are his property, since if the gentile will not find any other resources to collect his debt for the lost sheep from him, he will take these sheep and their offspring, it is considered as if he has a lien on them and their offspring. Thus the gentile is considered as having a share of them and they and their offspring are exempt from the requirements of the firstborn. The offspring of their offspring, however, are liable for they belong to the Jew and the gentile has no authority over them.

5 When a Jews pays money to a gentile and thus acquires an animal from a gentile according to their law, even though he did not perform *meshichah*,he acquires the animal and the requirements of the firstborn apply to its offspring. Similarly, if a gentile acquired an animal from a Jew according to their laws and paid money, he acquires it even though he did not perform *meshichah* and its offspring are exempt from the requirements of the firstborn.

6 When a gentile converts and it is not known whether his cow gave birth before he converted or afterwards, it is considered a firstborn because of the doubt.

7 When a person purchases an animal from a gentile and does not know whether it gave birth already or not, if it gives birth in his possession, the offspring is considered a firstborn because of the doubt. It should be eaten by its masters after it becomes blemished, but is not given to a priest. The rationale is that when a person desires to expropriate property from a

colleague, the burden of proof is on the plaintiff.

8 When a person purchases an animal that is giving suck from a gentile, he need not suspect that it is giving suck to the offspring of another animal. Instead, we operate under the assumption that it has already given birth. Even if the animal to which it is giving suck is like another species, even if it is like a pig, it is exempt from the requirements of the firstborn.
Similarly, the offspring of an animal that is providing milk is exempt from the requirements of the firstborn. The rationale is that we rely on the assumption that most animals do not provide milk unless they have given birth previously.

9 When a person purchases an animal from a fellow Jew, we operate under the assumption that it already gave birth unless the seller states that it did not give birth yet. The rationale is that we assume a Jew will not remain silent and cause a fellow Jew to partake of a consecrated animal outside the Temple Courtyard. Hence we conclude that it certainly gave birth previously. Therefore the owner sold the mother without any qualification.

10 The following laws apply when a small animal miscarries and discharges a fetus whose form has not become very distinct and evident to all. It is called a *tinuf*. If the shepherds say: "It was a fetus, but its form has become marred," the future offspring of this animal is exempt from the requirements of the firstborn. It must, however, be shown to a shepherd who is knowledgeable.

Therefore if one purchases an animal from a gentile, even if it was small and gave birth within its first year of life, the offspring is considered as a firstborn of doubtful status, because it is possible that it discharged a *tinuf* while owned by the gentile.

Similarly, when a large animal discharges a placenta, it is a sign that it carried a fetus, for a placenta is never formed without a fetus and the offspring is exempt from the requirements of the firstborn. It is permitted to throw that fetus to the dogs for the following reasons. Only a male is sanctified as a firstborn. We assume that offspring are half male and half female. We have already explained that a male that does not have some of the distinguishing signs of its mother is not consecrated as a firstborn. Thus the lesser portion of animals' first offspring is consecrated as a firstborn. Hence since the probability is less than half, it is not considered. When, by contrast, a consecrated animal discharges a placenta, it must be buried. For the female offspring are bound by the same laws as the male.

11 When a large animal discharges a flow of blood, the future offspring of this animal is exempt from the requirements of the firstborn, for we assume that there was an offspring in it, but there was much more blood and it lost its form and its existence was nullified. We must bury the flow of blood like a stillborn firstborn animal, even though this flow of blood has no consecrated quality. Why is it buried? In order to publicize the matter that the offspring of this animal was exempted from the requirements of the firstborn.

12 We already explained with regard to the concept of a woman in the

niddah state that the form of a human fetus is completed on the fortieth day after conception. Thus when a woman miscarries after less than 40 days, she is not considered to have miscarried a fetus. Our Sages did not, however, conclusively determine the amount of days in which the form of an animal fetus is completed. They did, however, say that an animal which discharges a *tinuf* does not become pregnant, nor does it carry another fetus until after 30 days.

13 When an animal left pregnant and returned empty, her next offspring is considered as a firstborn because of the doubt involved. Perhaps what she discharged was not an entity that exempts her offspring from the requirements of the firstborn. A fetus that was miscarried is not considered to have "opened its mother's womb" unless its head was the size of top of the needle of the woof.

14 When an animal that is having difficulty giving birth to its firstborn, the offspring may be cut up limb by limb and the limbs extracted and thrown to the dogs immediately. The offspring that follows is a firstborn.

If the greater portion of a fetus emerges at one time, it must be buried and the future offspring of the mother is exempted from the requirements of the firstborn.

If one cut off a limb, extracted it, put it aside, cut off another limb, until the greater portion of the fetus is completed, all of the limbs are required to be buried and the future offspring of the mother is exempted from the requirements of the firstborn. [The rationale is that] since the greater part of the animal was taken out - whether whole or cut in pieces - and it is

present before us, it becomes consecrated retroactively.

15 When a third of the fetus emerged and it was sold to a gentile and then a second third emerged, it is consecrated retroactively and the future offspring of the mother is exempted from the requirements of the firstborn.

If a third of the offspring was removed by Caesarian section and, afterwards, two thirds emerged through the womb, it is not consecrated. The rationale is that the first larger portion did not emerge from the womb and the consecration would have been brought about retroactively.

16 The following laws apply when the lesser portion of one limb emerges from the womb together with the greater portion of the animal. Since the portion that emerges constitutes the greater portion of the fetus, the future offspring of the mother is exempted from the requirements of the firstborn and the portion that emerged should be buried..

If only half of the fetus emerges from the womb together with the greater portion of one limb, there is an unresolved doubt whether the future offspring of the mother is exempted from the requirements of the firstborn or not. Therefore the next offspring is a firstborn of doubtful status.

17 When a firstborn was wrapped in a fiber and removed from the womb without touching the womb or it was wrapped with a placenta of another animal or it was wounded up together with its sister and emerged, since it did not touch the womb, it is considered as a firstborn of doubtful status.

18 If one cleaved the wombs of two animals together and a fetus emerged from one and entered the other, there is an unresolved doubt: Is the future offspring of the animal to whose womb the firstborn entered exempted from the requirements of the firstborn, for its womb was "opened?" Or is it not exempted until it "opens its womb" when giving birth to its own offspring?

19 If the walls of the mother's womb opened and the firstborn emerged without touching the walls of the womb, there is an unresolved doubt: Is it consecrated because it touches the walls of the mother's womb? Or is it consecrated because it was in the space of the mother's womb?

20 If the walls of the the mother's womb were uprooted from their place and were suspended around the offspring's neck, there is an unresolved doubt: Do they cause the offspring to be consecrated only when they are in their place? Or do they cause it to be consecrated even if they are not in their place.

21 If the flesh supporting the walls of the womb decomposes, the offspring is not consecrated. If the walls of the womb are partially stripped off, but the portion that remained is greater than the portion that was stripped off and the offspring emerged through the open area or the portion that was stripped off is greater than the portion that remained and the offspring emerged through the portion that remained, the offspring is a firstborn of doubtful status.

Chapter 5

1 The following laws apply when a sheep that had not given birth before gives birth to two males. Even if both of their heads emerged at the same time, it is impossible that one did not emerge before the other. Since it is not known which emerged first, the priest should take the weaker one and the second one is a firstborn of doubtful status.

If one of them died, the priest does not receive anything, for the living offspring is of doubtful status and we follow the principle: "When one desires to expropriate property from a colleague, the burden of proof is on him." Similarly, if the mother gave birth to a male and a female, the male is of doubtful status, for perhaps the female emerged first. Therefore the priest does not receive anything, for when one desires to expropriate property from a colleague, the burden of proof is on him.

2 When there are two sheep that have not given birth previously and they give birth to two males, they are both given to the priest. If they gave birth to a male and a female and they become intermingled, the male is given to the priest. If they gave birth to two males and a female, the priest may take the weaker one. If one of them died, the priest does not receive anything. The rationale is that the male that is alive is a firstborn of doubtful status and when one desires to expropriate property from a colleague, the burden of proof is on him.

If the two sheep gave birth to two females and a male or two males and two females the males are firstborn of doubtful status. For it is possible to say that the female was born first and then the male. Hence the priest does

not receive anything, because when one desires to expropriate property from a colleague, the burden of proof is on him.

If one of the sheep had given birth beforehand and one had not, should they give birth to two males and they become intermingled, they are both firstborn of doubtful status and the priest may take the weaker one. If one dies, the priest does not receive anything, for the living offspring is of doubtful status. Similarly, if the two sheep give birth to a male and a female and it is not known which gave birth to which, the priest does not receive anything, for the male is of doubtful status.

3 Whenever a firstborn is of doubtful status, the law is that it should be allowed to pasture until it becomes blemished and then it may be eaten by its owner. If a priest takes possession of it, it is not expropriated from him. He must partake of it only after it becomes blemished. He may not offer it as a sacrifice, for only an offspring that is definitely a firstborn is offered as a sacrifice, lest one slaughter an ordinary animal in the Temple Courtyard.

4 When a person had both animals that had given birth before and animals that had not given birth before in his herd and they both gave birth while no one was present. If the owner entered and found those who had given birth previously giving suck to females and those who had not given birth previously giving suck to males, we do not suspect that the offspring of one went to another to suck and the offspring of the other went to the first. Instead, we follow the presumption that every animal is giving suck to its own offspring.

5 When two individuals entrusted male animals - one a firstborn and one an ordinary animal - with a shepherd and one of the animals died, the shepherd may leave the second animal between them and depart. This animal is considered a firstborn of doubtful status and should be divided between the two owners, because neither can identify his animal.

6 When a person entrusts a firstborn animal to another person who placed it together with his own ordinary animal and then one of them died, but they do not know which one, we follow the principle: When one desires to expropriate property from a colleague, the burden of proof is on him. The animal is considered a firstborn of doubtful status.

Even if a priest who is a shepherd leaves his firstborn animal in a person's courtyard together with that person's ordinary animal, should one of them die, we follow the principle: When one desires to expropriate property from a colleague, the burden of proof is on him. We may not expropriate property from a person's courtyard unless there is substantial proof, for it is with the consent of the owner of the firstborn that it was placed together with the ordinary animal belonging to the other person.

7 Israelites are not suspect to cause blemishes to firstborn animals. Therefore the word of an Israelite is accepted if he states: "This is a firstborn of doubtful status." We inspect the blemish and permit him to partake of the animal if it is blemished.

8 Whenever a consecrated animal received a permanent blemish before it was consecrated and was later redeemed, its offspring are governed by the

requirements of the firstborn. If they received a temporary blemish before they were consecrated or they were consecrated while unblemished and received a permanent blemish and were then redeemed, their offspring are exempt from the requirements of the firstborn. The rationale is that they did not become ordinary animals in all respects, as indicated by the fact that they are forbidden to be shorn and work is forbidden to be performed with them, as we explained in *Hilchot Me'ilah*.

9 When a person purchases an animal with money from the second tithes in Jerusalem, its offspring is obligated in the requirements of the firstborn. If, however, a person purchases an animal with the produce of the Sabbatical year, their offspring are exempt from the requirements of the firstborn. The rationale is that one is not allowed to perform commercial activity with the produce of the Sabbatical year, for concerning that, **Leviticus 25:6** states: "to partake of it." Implied is that license is granted "to partake of it" and not to perform commercial activity with it. And if its offspring were obligated in the requirements of the firstborn, it is considered as if he would be performing commercial activity with a firstborn, because it is released from the category of the produce of the Sabbatical year.

We already explained in *Hilchot Ma'achalot Assurot* that it is forbidden to perform commercial activity with substances that are forbidden to be eaten. And we already explained in *Hilchot Terumot* that it is forbidden to perform commercial activity with *terumot*. Similarly, it is forbidden to perform commercial activity with the firstborn even though it is permitted to sell them in the manner explained above.

10 If a person purchased a firstborn for a wedding feast for his son or for a festival and he did not need it, it is permitted to sell it.

11 We do not evaluate unblemished firstborn animals for Israelites, but we do evaluate blemished firstborn. We evaluate unblemished firstborn animals for priests in the present age, because ultimately, they will be eaten after they are blemished. Needless to say, we evaluate blemished animals for them.

Chapter 6

1 It is a positive commandment to separate one out of every ten kosher animals, which are born to a person each year. This mitzvah applies only to cattle and sheep, as **Leviticus 27:32** states: "All the tithes of your cattle and sheep...."

2 The tithing of animals applies with regard to ordinary animals, but not to consecrated ones. It applies in *Eretz Yisrael* and in the Diaspora, in the era that the Temple was standing and in the era when the Temple is not standing. Nevertheless, our Sages forbade tithing animals in the present era and ordained that they should be tithed only when the Temple is standing. This is a decree, lest the consecrated animal be eaten when it is unblemished and thus one will be violating a transgression punishable by *karet*: slaughtering consecrated animals outside the Temple Courtyard. If one transgressed and tithed in the present era, the animal is designated as a tithe offering and should be eaten after it contracts a disqualifying

blemish.

3 All are obligated in the tithing of their animals: priests, Levites, and Israelites.

4 The laws applying to a tithe offering of an animal are that it should be slaughtered in the Temple Courtyard and its blood cast in one heave towards the Altar's base. Its organs and fats are offered on the altar's pyre and the remainder of the meat is eaten by the owner in Jerusalem like other sacrifices of a lesser degree of sanctity. The priests do not receive any portion of it. Instead, it is given to its owner in its entirety, like the Paschal sacrifice.

If it was blemished, whether it became blemished after it was designated or it was blemished when it was set aside, it may be eaten in any place.

5 It is forbidden to sell an animal designated as a tithe offering when it is unblemished, for **Leviticus 27:33** states with regard to it: "It shall not be redeemed." According to the Oral Tradition, the phrase "It shall not be redeemed" also implies a prohibition against selling it; it is neither redeemed, nor sold at all.

It appears to me that when one sells an animal designated as a tithe offering, the sale is of no consequence and the animal is not acquired by the purchaser. For this reason, the seller is not liable for lashes like one who sells property designated as a dedication offering to the priests, in which instance, the purchaser does not acquire it, or like one who sells a female captive, as will be explained in its place.

6 According to Rabbinic Law, it is forbidden to sell an animal designated as a tithe offering when it is blemished and even when it is slaughtered. This is a decree, lest one sell such an animal when it is alive. For this reason, we may not weigh one portion against another, as is done when weighing portions of a firstborn animal, because it appears as if he is selling it.

7 An animal designated as a tithe offering that belongs to orphans is permitted to be sold in an ordinary manner after being slaughtered when blemished. To prevent the orphans from suffering a loss, our Sages did not uphold their decree in this instance.

8 When an animal designated as a tithe offering is slaughtered when blemished, it is permitted to sell its fats, sinews, hide, and bones. Only the sale of its meat was prohibited. If one included the price for its meat together with the price for its hide, fats, and sinews and sold everything in a collective price, the sale is permitted. If the price of the bones was high and he included the price of the meat in the price of the bones, it is permitted.

9 Anyone's word is accepted with regard to the blemishes of animals designated as tithe offerings if he says: "This blemish came about on its own accord; it was not brought about intentionally." Even the statements of those individuals whose word is not accepted with regard to the blemishes of a firstborn animal are accepted with regard to an animal designated as a tithe offering. Moreover, a person may inspect the blemishes of his animals designated as tithe offerings and permit their

slaughter if he is an expert. The rationale for these leniencies is that if a person desired, he could have blemished every animal in his flock and then tithed them. Thus from the outset, the tithed animal would be blemished.

10 When a person purchases lambs that were born this year or they were given to him as a present, he is not obligated to tithe them. The obligation applies only when the animals are born in his domain. Accordingly, if partners enter into a partnership with regard to animals: one brings 100 and the other brings 100 and they have them intermingle and own them jointly, these 200 are exempt from the requirement to tithe. The rationale is that each of the lambs is considered as having been sold. Similarly, if brothers inherit lambs in their first year of life from their father, they are exempt from the requirement to tithe.

The offspring born to the partners or the brothers after the partnership was established, by contrast, from their jointly owned animals are obligated to be tithed. Similarly, if a partnership was established with money or brothers purchased animals from the funds of the estate, the offspring born afterwards are obligated to be tithed, for they were born in their domain and they are considered as one person.

If the brothers and the partners divided their property after animals were born to them in their joint domain and then reestablished their partnership, the animals born previously are exempt from the requirement to tithe. The rationale is that when the assets of the partnership or the estate were divided, everything is considered as having been sold and animals that are sold are exempt. And when the partnership was

reestablished, no new offspring was born to them afterwards. Even though they divided kids for kids and lambs for lambs, and even if they divided them by tens, they are all exempt from the tithes and considered as having been purchased.

11 When brothers and partners divided the financial assets of the partnership, but did not divide the animals, the animals are obligated to be tithed, for they are not considered as having been purchased yet. If, however, the animals of the partnership were divided even though the financial assets were not, the offspring are exempt.

12 When a person purchases ten unborn fetuses in their mother's womb,they all enter the corral for tithing, for they were born in his domain.

13 When a priest received ten newborn animals because of the return of property stolen from a convert, they are exempt from the tithes. The rationale is that the priestly presents are comparable to ordinary presents. And we already explainedthat when one gives a present, it is exempt from the tithes.

14 All the animals in one's herd are brought into the corral for tithing, whether they are unblemished or blemished, even those which are forbidden to be offered on the altar with the exception of hybrids, animals that are *tereifah*, born through Caesarian section, or "lacking in age." For all of these are exempt from the tithes.

Similarly, an animal whose mother died or was slaughtered when it was born should not be tithed. These concepts are part of the Oral Tradition.

15 A purchaser is not exempt from the obligation to tithe unless he purchased the animals after they were fit to be tithed. Therefore one who purchases lambs in the seven days after their birth, is obligated to tithe them when the time comes.Since an animal that is "lacking in age" is not fit to be tithed, it is as if he purchased a fetus and it was born in his domain.

16 Whenever there is a doubt whether an animal is obligated to be tithed or exempt from being tithed, it is exempt from being tithed. Therefore when an orphaned lamb, a purchased one, or the like becomes intermingled with other lambs, they are all exempt from the tithes, because the status of each one of them is in doubt.

Chapter 7

1 When a person possesses ten lambs and he separates one as the tithes or he possesses 100 and he separates ten as the tithes, these are not tithes. What, instead, should he do? He should gather all of the lambs or all of the calves born that year in a corral. He then makes a small entrance so that two cannot emerge at the same time. He positions their mothers outside the corral and they bleat so that the lambs will hear their voices and leave the corral to meet them. This is necessary, as implied by **Leviticus 27:32** which states: "all that passes beneath the staff," i.e., they must pass on their own initiative; one should not remove them by hand.

As they leave the corral one by one, the owner begins to count them with a staff: one, two, three, four, five, six, seven, eight, nine. The tenth animal

that departs, whether male or female, whether unblemished or blemished, should be painted with red paint, and the owner should say: "This is the tithe."

If he did not paint the animals designated as the tithes with red paint, did not count them with a staff, or counted them while they are lying down or standing, the tithing takes effect. Since he counted them ten by ten and consecrated the tenth, it is considered a tithe.

2 It is not necessary to collect every animal born in a person's domain to one corral. Instead, the reckoning is made for every herd alone. If a person owned five lambs in Jerusalem and five in Acre, they are not combined into a single herd. Instead, they are all exempt from the tithes.

What is the distance required to be between two herds for them to be combined? Sixteen *mil*.

3 If there are three herds and there are sixteen *mil* between each one, the three are combined. What is implied? There were nine on one side, nine on the other side, and one in the center, all three herds are brought into the corral together to be tithed.

4 Tithes are not taken from sheep for cattle, nor from cattle for sheep. One must, however, tithe sheep for goats and goats for sheep. This is derived from **Leviticus 27:32**: "All the tithes of your cattle and *tzon*." Implied is that all light, domesticated animals are included as one category, for they are both referred to with the term *seh* and they are like one species.

5 We do not tithe animals born in one year with animals born in another

year just as we do not tithe the crops from the new year for the crops from the past year nor the crops from the past year for the crops of the new year, as **Deuteronomy 14:22**: "Which are produced by the field year for year."

It appears to me that if one tithed animals from one year for animals of another year, the tithing is binding because of the severity of consecrated animals. For the Torah did not explicitly emphasize that the tithing of animals must be from the same year.

6 All of the offspring born from the first of Tishrei until the twenty-ninth of Elul are combined and are tithed for each other. If five lambs are born on the twenty-ninth of Elul and five on the first of Tishrei of the following year, they are not combined. If an animal gave birth to offspring in its first year of life, it and its daughter should be brought into the corral together to be tithed.

7 The lambs which are born are not like *tevel* from which one may not eat until one tithes as explained in its place. Instead, one may sell or slaughter all the offspring one desires until one tithes. Then animal designated as the tithe offering will be consecrated and must be eaten according to law, as explained above.

8 Our Sages established three fixed times for the tithing of one's animals.When one of these dates arrives, it is forbidden for a person to sell or slaughter the offspring of his animals until he tithes. If he slaughters, the meat is permitted.

These are the three dates: the fifteenth day before the Paschal sacrifice, the fifteenth day before Shavuot, and the fifteenth day before Sukkot. Each of these times is called a "threshing floor" for the tithing of animals. Thus the "threshing floor" for the tithing of animals is on the last day of the month of Adar, on the thirty-fifth day of the Counting of the *Omer*, and on the last day of the month of Elul.

Why were the "threshing floors" established on these dates? So that the animals would be available to the festive pilgrims. For even though it is permitted to sell animal offspring before they were tithed, as we explained, the people would refrain from selling them until they would tithe them and perform the mitzvah.

9 When a person brought all his sheep or cattle into a corral and began to sanctify the tenth animal that departs until there remained less than ten in the corral, those should be left for the next "threshing floor" and they are joined together with those born and tithed and all are collected in one "threshing floor." Even though one knows that some will remain in the corral, he is obligated to bring them all into the corral and the remainder will be left over.

Chapter 8

1 The following laws apply when a person brought sheep into a corral, they began to depart one by one with him counting them as we explained, and he erred in numbering them, and called the eighth lamb or a lesser number, the tenth. In such a situation and, similarly, if he called the

twelfth or a greater number, the tenth, those animals are not consecrated. If, however, he called the ninth or the eleventh, the tenth, they become consecrated.

This matter is a halachah, [communicated by the Oral Tradition: that an error when tithing causes one greater than the tenth or one lesser than the tenth to be consecrated, but not those greater or lesser than they.

Even if one called the ninth, the tenth, the tenth, the ninth, and the eleventh, the tenth, whether in error or intentionally, all three are consecrated.

2 What are the laws that apply to them? The ninth is not sacrificed. Instead, it should be eaten after it becomes blemished. The tenth is the tithe offering and the eleventh should be offered as a peace offering. Accompanying offerings are required to be brought with it. Its holiness may not be transferred to another animal, because it is considered as an animal to which holiness has been transferred itself.

When does the above apply? When the person counting was the owner of the animals. When, however, a person appoints an agent to tithe for him and the agent errs with regard to the ninth or the eleventh, only the true tenth one is consecrated, for he was not appointed as an agent to err and to cause him a loss, only to consecrate the animals in the appropriate manner.

3 The statement that if one called the eleventh animal "the tenth," it becomes consecrated applies when one called the tenth, "the ninth." If, however, he called the tenth "the tenth," and called the eleventh, "the

tenth," the eleventh is not consecrated. The rationale is that the name "tenth" was not removed from the true tenth animal.

Moreover, even if the owner was silent when the tenth animal departed and did not call it "the tenth" or "the eleventh" and when the eleventh departed, he called it "the tenth," it is not consecrated. The rationale is that the tenth is consecrated as a matter of course, even though it was not explicitly called "the tenth." Hence, since the name "tenth" was not removed from the appropriate animal, the eleventh is not consecrated.

4 The following rules apply when the ninth and the tenth depart together. Whether the owner called both of them "the ninth" or both of them "the tenth," they are both consecrated. They both, however, should be eaten after they contract blemishes and neither should be sacrificed.

Similarly, if the tenth and the eleventh departed together, if he called them "the tenth," the tenth and the eleventh are considered as intermingled. It is as if a tithe offering becomes intermingled with a peace-offering, in which instance, the law is that they should be eaten after they contract blemishes, as we explained in *Hilchot Pesulei HaMukdashim*. If he called them "the eleventh," it is considered as if the tenth animal and an ordinary animal are intermingled and they should be eaten after they contract blemishes.

5 If, when the owner began counting, two animals, the first and the second, departed together, he should count all the animals in pairs and consecrate the tenth pair. Similarly, if he counted them all in sets of three or in sets of five, the tenth set becomes consecrated.

6 If, at the outset, two departed and he counted them as one, and then he called the third that departed after them, "the second," and continued counting one by one in the ordinary manner, the ninth and the tenth are both consecrated and should be eaten after they contract blemishes. The rationale is that the ninth is the true tenth, because two animals departed at the outset. And the one that he called "the tenth" is really, the eleventh and when the eleventh is called "the tenth," it is consecrated, as we explained.

7 If one counted backwards, i.e., when the first one departed, he counted it "ten;" when the second departed, he counted "nine;" until the tenth departed and he counted "one," it is consecrated, because the tenth is consecrated on its own accord.

8 If one mistakenly called the ninth, "the tenth" and the tenth remained in the corral, the ninth should be eaten after becoming blemished and the one that remained in the corral is the tithe. This applies even though it did not depart, nor was it designated as the tenth, because the tenth is consecrated on its own accord.

If the tenth died in the corral, the ninth should be eaten after becoming blemished and the eight which departed after being counted are exempt even though the tenth among them was not consecrated to be offered, but instead, died before departing, because once animals have been counted in a manner that was fitting for them to be tithed, they are exempt.

9 When one brought ten lambs into a corral and proceeded to count, if one

of those counted died, he should continue counting and complete the reckoning in its ordinary manner, consecrating the tenth, even though there are only nine that are alive at the time.

10 If after a person began counting, one of the animals in the corral died, those which were counted are exempt, because once animals have been counted in a manner that was fitting for them to be tithed even though one was not separated for them, they are exempt, as stated. Those that remained in the corral should be left for a later "threshing floor" until others are added to them.

Similar concepts apply when one had fourteen lambs and brought all of them into a corral and four departed through one opening and were counted, then six departed through another opening and were counted and four remained in the corral. If the four depart through the opening that the six departed, one should be taken as the tithe and all the others are exempt. The four that departed at first through the first opening are exempt, because once animals have been counted in a manner that was fitting for them to be tithed, they are exempt.

If the remaining four departed from the opening through which the first four departed, the four that departed at the outset and the six that departed afterwards through the second opening are exempt, because each one of them was counted in a manner that was fitting for them to be tithed. For at the time each of the groups departed, others remained in the corral to complete the counting and the tithing. The four that remained, however, although they departed through the first opening and were counted, were not counted in a manner appropriate for tithing. Therefore

they must be included in another "threshing floor."

The following laws apply if four departed through one opening, four departed through another opening, and six remained. If all six departed from the same one of the two openings, one should be taken as a tithe and all the lambs are exempt from being tithed again. If, however, the six departed from both openings, some from one and some from the other, the six are included in another "threshing floor." The eight that departed from the two openings at the outset, however, are exempt, for each set of four was counted in a manner appropriate for ten to be counted and the tithe taken, for there were six remaining in the corral.

11 If there were nineteen lambs in the corral and nine departed from one opening and nine departed from the other opening, the last one should be taken as the tithes and all the previous are exempt, for both sets of nine were counted in a manner appropriate for tithing.

12 If one was counting and a lamb stuck out its head and the majority of its body from the corral and then returned, it is considered as having been counted in all contexts.

13 If a person was counting and interrupted the reckoning because his colleague spoke to him or because night fell beginning the Sabbath, he should continue and complete his counting afterwards.

14 When one was counting those that departed one by one and one consecrated the tenth and one of those which had been counted jumped back into the corral, becoming intermingled with those which had not

been counted as of yet and which were not tithed, all of those in the corral are exempt. The rationale is that there is a doubt concerning every lamb in the corral: Is the one that was counted and jumped back in or is it another one? And we have already stated, that all those which were counted are exempt.

15 If one of the animals selected as the tithes jumped back into the corral and became intermingled with the remaining animals, they should all be left to pasture until they contract a disqualifying blemish. Then they should be eaten after acquiring the blemish.

Mishneh Torah, Offerings for Unintentional Transgressions

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whenever a person inadvertently violates one of the negative commandments that involve a deed and for which one is liable for *karet*, he is obligated to bring a sin-offering. It is a positive commandment for him to offer a sin-offering for his inadvertent transgression.

2 All transgressions for which one is liable for *karet* for their willful violation, one is liable to bring a sin-offering for their inadvertent violation except for three transgressions: blasphemy, negating circumcision, and negating the Paschal sacrifice. Negating circumcision and the Paschal sacrifice does not require such an offering, because they are positive commandments and a sin-offering is brought only for the inadvertent violation of a negative commandment, as **Leviticus 4:27** states that the offering should be brought for violating: "one of the commandments of God that forbids an act to be performed." And blasphemy does not involve a deed. Thus a sacrifice is not necessary, because **Leviticus 4:27** states: "Acting in violation of one."

3 With regard to all the transgressions punishable by *karet* in the Torah except for the three which were mentioned, if a private individual violated one of these prohibitions inadvertently, he must bring a fixed sin-offering with the exception of an impure person who partook of sacrificial meat and an impure person who entered the Temple. These two do not bring a

fixed sin-offering, but rather an adjustable guilt-offering, as will be explained.

4 Only an animal is brought as a fixed sin-offering. In contrast, an adjustable guilt-offering is a sacrifice whose object is not fixed. If one is rich, he must bring an animal as a sin-offering. If he is poor, he brings a fowl or a tenth of an *ephah* as a meal-offering, as will be explained. Thus all the sins for which a private person brings a fixed sin-offering are 43. They include:

a) one who is intimate with his mother,

b) one who is intimate with his wife's mother,

c) one who is intimate with his maternal grandmother,

d) one who is intimate with his paternal grandmother,

e) one who is intimate with his daughter,

f) one who is intimate with his daughter's daughter,

g) one who is intimate with his son's daughter,

h) one who is intimate with his wife's daughter,

i) one who is intimate with the daughter of his wife's daughter,

j) one who is intimate with the daughter of his wife's son,

k) one who is intimate with his sister,

l) one who is intimate with his sister who is the daughter of his father's wife,

m) one who is intimate with his father's sister,

n) m) one who is intimate with his mother's sister,

o) one who is intimate with his wife's sister,

p) one who is intimate with his father's wife,

q) one who is intimate with the wife of his father's brother,
r) one who is intimate with his son's wife,
s) one who is intimate with his brother's wife,
t) one who is intimate with another man's wife,
u) one who is intimate with a woman in the *niddah* state,
v) one who is intimate with a male,
w) one who is intimate with his father,
x) one who is intimate with his father's brother,
y) one who is intimate with an animal,
z) a woman who has an animal engage in relations with her. Thus all the prohibitions involving forbidden relations punishable by *karet* are 26.
Among other sins, there are seventeen. They are: a) one who serves a false deity by performing a deed,
b) one who gives his descendants to *Molech*,
c) one who divines through an *ov*,
d) one who performs a deed while divining with a *yidoni*,
e) one who desecrates the Sabbath,
f) one who performs forbidden labor on Yom Kippur,
g) one who eats or drinks on Yom Kippur,
h) one who eats *chametz* on Pesach,
i) one who partakes of fat,
j) one who partakes of blood,
k) one who partakes of sacrificial meat after the time for eating it passes,
l) one who partakes of sacrificial meat that was disqualified, because of an undesirable intent concerning time,
m) one who slaughters a sacrificial animal outside the Temple Courtyard,

n) one who offers a sacrifice outside the Temple Courtyard,
o) one who prepares anointing oil like that used in the Temple,
p) one who prepares incense like that used in the Temple,and
q) one who anoints himself with the anointing oil of the Temple. These are the 43 transgressions for which one brings a fixed sin-offering for their inadvertent violation.

What is the sacrifice that a person who inadvertently violates one of these transgressions should bring? If he inadvertently violated the prohibition against worshiping a false deity, he must bring a female goat in the first year of its life. This is the sacrifice mentioned in the portion *Shelach Lecha*. This applies whether the transgressor is an ordinary person, a king, a High Priest, or the priest anointed to lead the people in war. Every one is equal with regard to the inadvertent transgression of the worship of false divinities.

If, however, one inadvertently violated one of the other 42 transgressions mentioned above, different rules apply. If the transgressor was an ordinary person, he should bring a she-goat or a ewe. This is the sin offering of one of the common people mentioned in the portion *Vayikra*. If the king inadvertently violated one of these trangressions, he should bring a male goat as a sin-offering. If the transgressor is an anointed priest, he should bring a bull, the offspring of an ox as a sin-offering. It is burnt, as described there.

5 The same laws apply whether one person inadvertently violates one of these transgressions or many do, as implied by **Numbers 15:29**: "There will be one law for those who transgress inadvertently."

What is implied? If the people of a city inadvertently transgressed and thought the day was an ordinary day, but it was Yom Kippur. As a result, they all ate and performed work, each one of the transgressors should bring two sin-offerings, ewes or she-goats. Similarly, if they all inadvertently transgressed and offered incense to a false deity, each one of the transgressors must bring a goat in its first year of life as a sin-offering.

Chapter 2

1 A person is not liable for a sin-offering for an inadvertent transgression unless he acts inadvertently from the beginning to the end. If, however, he acted inadvertently at the beginning, but acted willfully at the end or began acting willfully, but acted inadvertently at the end, he is exempt from the obligation to bring a sin-offering.

What is implied? A person transferred an article from one domain to another on the Sabbath. If one lifted up the article willfully, but placed it down inadvertently or lifted it up inadvertently, but placed it down willfully, he is exempt. To be liable for a sin-offering, he must lift it up inadvertently and place it down inadvertently. Similar laws apply in all analogous situations.

2 If a person violated a transgression knowing that involved violation of a negative commandment, but he did not know that he is liable for *karet* for its violation, he is considered to have transgressed inadvertently and he must bring a sin-offering. If, however, he did know that it was punishable by *karet*, but was unaware of the obligation for a sacrifice, i.e., he did not

know whether or not he was liable for a sacrifice for the transgression, he is considered to have acted willfully. For the lack of knowledge concerning a sacrifice is not considered as a lack of knowledge concerning these transgressions for which one is liable for *karet*.

3 When a person does not know the nature of the transgression that he violated, even though he definitely knows that he violated a negative commandment punishable by *karet*, he is exempt from bringing a sin-offering, as implied by **Leviticus 4:23**: "that he transgressed with regard to it," implying that he must know the transgression that he violated.
What is implied? There was a piece of forbidden fat and meat from a sacrifice left beyond its permitted time before him and he partook of one of them, but did not know which he ate; his wife who was in the *niddah* state and his sister were at home, he inadvertently was intimate with one of them, but did not know with whom he had relations; the Sabbath and Yom Kippur passed, he performed a forbidden labor on one of them, but did not know on which, he is exempt from the obligation to bring a sin-offering.

4 If a person transgressed, became aware of the transgression, and then forgot which transgression he violated, he should bring a sin-offering for whichever transgression he violated. This offering should be eaten, like the other sin-offerings that are eaten.

5 If one inadvertently committed one transgression, but there are two persons involved and he is unaware of the one with whom he committed

the transgression, he is liable.

What is implied? There were two women in the *niddah* state. Inadvertently, he was intimate with one of them, but he did not know with whom. He had two sisters. Inadvertently, he was intimate with one of them, but he did not know with whom. In these instances, he is liable for a sin-offering. To what can this be compared? To two lamps that are burning and one extinguished one of them on the Sabbath without knowing which one he extinguished or two pots of forbidden fat from which he ate one and yet, he did not know the identity of the one from which he ate.In these instances, he is liable. Similar laws apply in all analogous situations.

6 In all situations when a person is obligated to bring a fixed sin-offering for his inadvertent transgression and he transgressed inadvertently and he becomes aware of the transgression after violating it, he is liable for a sin-offering, even though initially, he was not aware that this act is a a transgression.

What is implied? A child was captured by gentiles and raised by them without knowing who are the Jewish people or what their faith is. He performed labor on the Sabbath, ate forbidden fat, blood, and the like. When he discovers that he is Jewish and commanded to eschew all of the above, he is obligated to bring a sin-offering for every particular sin. Similar laws apply in all analogous situations.

7 When a person transgresses unintentionally by engaging in forbidden sexual relations or partaking of forbidden foods, he is liable for a sin-

offering. If he does so with regard to the Sabbath, he is exempt from the obligation of a sin-offering.

What is implied? If he was acting casually with a woman and engaged in relations with her without intending to engage in relations and she is forbidden to him as an *ervah*, he is liable for a sin-offering. This ruling also applies if he thought that what was in his mouth was spittle and he swallowed it without the intent of eating at all and then he discovered that it was forbidden fat. If, by contrast, his intent was to lift up produce that was already cut and instead, he cut off a plant that was growing without intending to cut it off, he is exempt from a sin-offering, for the Torah forbade only the performance of purposeful labor, as explained in the appropriate place.

8 Whenever one performs one of the mitzvot and while he was performing it, a transgression punishable by *karet* was violated inadvertently, he is not liable for a sin-offering, because the person was acting with license.

What is implied? A man engaged in intimacy with his *yevamah*. She was in the *niddah* state, but he was unaware. He is exempt from a sin-offering, for he acted with license. If, by contrast, one was intimate with his wife when she was in the *niddah* state, he is liable, because he did not ask her before engaging in relations. With regard to his *yevamah*, however, he is not familiar with her, so that he might ask her.

Similarly, if a person had two infants to circumcise, one, on the Sabbath, and one on Friday or on Sunday, should he have forgotten and circumcised them both on the Sabbath, he is exempt from bringing a sin-offering. For he was licensed to circumcise one of them on the Sabbath,

the Sabbath laws are suspended in his regard, and he performed a mitzvah. Even though two bodies are involved, since it is a pressing time, he is not precise. If, however, neither of the children was scheduled to be circumcised on the Sabbath and on the Sabbath, he circumcised a person who was not fit to be circumcised on the Sabbath, he is liable for a sin-offering.

9 The following rules apply when a proficient expert comes to circumcise a child before sunset on the Sabbath and he is told: "There is not enough time in the day left to perform the circumcision. If you begin circumcising, you will not be able to complete the act before the Sabbath departs. Thus you will have made a wound on the Sabbath without performing a mitzvah." If he says: "I am familiar with the task and deft and I will circumcise him speedily," should he not complete the circumcision until after the conclusion of the Sabbath, he is liable for a sin-offering, for they warned him.

10 When a person takes a *lulav* out to the public domain on the first day of Sukkot which falls on the Sabbath in order to fulfill his obligation or carries it four cubits in the public domain inadvertently, he is exempt from a sin-offering, because he acted with license.

Similarly, if one slaughters an animal for a Paschal sacrifice on the fourteenth of Nisan which fell on the Sabbath and afterwards, he discovered that the owners removed their connection from it, they died or became impure before it was slaughtered, or it became *tereifah* in a hidden place, e.g., its intestines or lungs were perforated, he is exempt, because he

slaughtered it with license. If, however, it was discovered to be blemished or there was a readily apparent factor that caused it to be deemed *tereifah*, he is liable for a sin-offering, since he should have checked it before slaughtering. Similar laws apply in all analogous situations.

11 If one slaughtered a Paschal sacrifice on the Sabbath for the sake of another sacrifice in error, he is exempt, because the sacrifice is acceptable. For supplanting the designation of a sacrifice in error is not considered of consequence, as explained in *Hilchot Pesulei HaMukdashim*.

12 The following rules apply if, on the Sabbath, one slaughtered animals designated for other sacrifices for the sake of a Paschal sacrifice in error. If they are fit to serve as a Paschal sacrifice, he is free from the obligation of bringing a sin-offering, because he slaughtered with license. If they are not fit to serve as a Paschal sacrifice, e.g., the animal was female or in its second year of life, he is liable for a sin-offering, because they are not fitting for this sacrifice.

Similarly, one is liable for a sin-offering if he slaughtered an animal as a Paschal sacrifice on the Sabbath for the sake of individuals who cannot partake of it, for those who were not enumerated on it, for the uncircumcised, or for the ritually impure. If, however, he slaughtered it on the Sabbath for the sake of individuals who can partake of it and for those who cannot partake of it, for those enumerated on it and for those who were not enumerated on it, for the circumcised and for the uncircumcised, or for the pure and for the impure, he is exempt from bringing a sin-offering, because the Paschal sacrifice is acceptable. Similar

laws apply in all analogous situations.

13 When a person slaughters an animal designated for a communal sacrifice on the Sabbath for an intent other than that for which it was designated, he is obligated to bring a sin-offering. Nevertheless, the fats and the organs from the sacrificial animal should be offered on the altar's pyre on Saturday evening. Similarly, if on the Sabbath one slaughtered other animals besides those required as the day's obligations, he is liable for a sin-offering for the additional animal.

14 A person who slaughters animals for individual sacrifices whose offering does not supersede the Sabbath prohibitions on the Sabbath inadvertently is liable for a sin-offering. One is, however, permitted to benefit from the meat of those sacrifices and the blood should not be cast on the altar. If he transgressed and cast the blood on the altar for the intent of those sacrifices whether without knowing it is a transgression or knowingly, the owner is considered to have fulfilled his obligation, the organs and fats may be offered on the altar's pyre, and the meat should be eaten. The one who slaughtered the animal should bring a sin-offering for his inadvertent violation.

15 The following laws apply when, on the Sabbath, there were two animals designated for communal offerings before a priest, one lean, and one stocky, and the sacrificial obligation of the day required - as either a sin-offeringor a burnt-offering - the offering of only one of them and he inadvertently slaughtered them both. If he slaughtered the lean one first

and afterwards, slaughtered the stocky one, he is exempt from the obligation to bring a sin-offering. Indeed, he is told: "Bring the stocky animal and slaughter it as an initial preference." If, however, he slaughtered the stocky animal initially and then the lean one, he is liable for a sin-offering for the additional slaughter.

Nevertheless, in the latter instance, there is room for leniency if the stocky animal was slaughtered first and discovered to be *tereifah* because of a disqualifying factor in its intestines. Even though he did not know that the stocky one was *tereifah* when he slaughtered the lean one and he did not have that intent, since the last one was slaughtered as required by law, he is exempt from a sin-offering for its slaughter.

A similar law also applies if one spreads out a net to catch fish at sea on the Sabbath unknowingly and lifts up a child with the fish, he is exempt from bringing a sin-offering. Even though his intent was only to catch fish, since he acted unknowingly and lifted up a child with the fish, he is exempt whether he heard that a child had fallen into the sea or not, he is exempt. Similar laws apply in all analogous situations.

16 When, on the night of Pesach, a person had roasted meat from the Paschal sacrifice and meat that was left over from other sacrifices before him and intended to partake of the roasted meat which is a mitzvah and inadvertently partook of the leftover meat, he is liable for a sin-offering, since he did not perform a mitzvah when eating. Similar laws apply in all analogous situations.

Chapter 3

1 When witnesses testify that a person violated a transgression that is punishable by a fixed sin-offering, but they did not warn him, instead, they told him: "We saw that you performed forbidden labor on the Sabbath" or "...that you partook of forbidden fat" and he replied: "I know that I did not perform that act," he is not liable for a sin-offering. The rationale is that since he would be exempt from bringing the sacrifice if he said: "I acted intentionally," when he says: "I did not eat" or "I did not perform," it is as if he said: "I did not eat inadvertently, but rather intentionally," in which instance, he is exempt from bringing the sacrifice and did not contradict the witnesses.

2 If the alleged transgressor remained silent and did not contradict the witnesses - indeed, even if a woman told him: "You partook of forbidden fat" or "...performed forbidden labor on the Sabbath" and he remained silent - he is liable to bring a sin-offering. If one witness told him: "This is forbidden fat" and he remained silentand then he partook of it inadvertently, he must bring a sin-offering. If he warned him, he is liable for lashes, even though the essence of the testimony depends on one witness.

3 We already explained in *Hilchot Pesulei HaMukdashim* that a person who set aside a sin-offering for eating forbidden fat should not bring it for the desecration of the Sabbath or for partaking of blood, as implied by **Leviticus 4:28** which states: "And he shall bring his sacrifice, a she-goat... for the transgression that he committed." The sacrifice must be for the sake of the particular sin; one should not offer one designated for one sin

for another. If he offered it, he disqualifies it.

In addition, our Sages said that if one set aside a sin-offering for forbidden fat that he ate on the previous day, he should not bring it for fat that he eats on the present day. Nevertheless, if he brings it for that purpose, he finds atonement. Needless to say, if a father sets aside a sin-offering and dies and the son was liable for that same transgression, the son should not bring his father's sacrifice for his transgression, as explained there.

4 When a person brings an animal as a sin-offering for two transgressions, it should be left to pasture until it contracts a disqualifying blemish and be sold. Half of the proceeds should be used to bring a sin-offering for one transgression and half for a sin-offering for the second transgression.

Similarly, if two people bring one animal as a sin-offering for two transgressions, it should be left to pasture until it contracts a disqualifying blemish and be sold. One should bring his sin-offering with half of the proceeds and the other should bring his sin-offering with the other half.

5 If one brings two animals as sin-offerings for one transgression, he should sacrifice whichever one he desires. The second should be left to pasture until it contracts a disqualifying blemish and be sold. A freewill offering should be brought with the proceeds.

6 If, however, a person brings two animals for sin-offerings for two transgressions without specifying the transgression for which each sacrifice is being brought, he should make that determination and slaughter one for one transgression and the other for the second.

7 We already explained in *Hilchot Ma'aseh HaKorbanot*, that no sacrifices at all are accepted from an apostate who worships idols or desecrates the Sabbath in public. When a person is an apostate with regard to a particular sin, we do not accept a sin-offering for him for that sin.

What is implied? If a person was an apostate with regard to partaking of forbidden fat and then he inadvertently partook of fat and brought a sin-offering for this transgression, it is not accepted until he repents.

Even if he was an apostate with regard to partaking of forbidden fat to fulfill his desires and once he accidentally partook of forbidden fat instead of permitted fat and he brought a sacrifice in atonement, it is not accepted from him. Since he partook of the forbidden fat willfully, whether to purposefully anger God or merely to fulfill his desires, he is considered as an apostate with regard to that transgression.

If a person was an apostate with regard to partaking of forbidden fat and then he inadvertently partook of blood, we accept a sin-offering he brings for partaking of blood, as we explained.

8 When a person committed a transgression punishable by *karet* inadvertently and set aside an animal as a sin-offering, and afterwards, became an apostate and then repented or he lost control of his intellectual or emotional faculties and then regained control, that animal may be brought as a sacrifice even though there was a time when it was not to be offered. The rationale is that living animals are not deemed unacceptable forever, as we explained in *Hilchot Pesulei HaMukdashim*. Therefore that animal itself should be sacrificed. Just like if it contracted a temporary blemish and was healed, it returns to an acceptable state, so too, if the

owners became disqualified and then became acceptable, it should be sacrificed.

9 Those liable for sin-offerings and definitive guilt-offerings remain obligated to bring those offerings even after Yom Kippur passed. Those liable for tentative guilt-offerings, by contrast, are exempt after Yom Kippur passes, as indicated by **Leviticus 16:30**: "From all of your sins before God will you be purified." According to the Oral Tradition, it was taught: Any sin that only God recognizes will be granted atonement. Therefore if a person enters a situation where he is in doubt of whether he transgressed on Yom Kippur, even at nightfall, he is exempt from the obligation to bring a tentative guilt-offering, for the entire day of Yom Kippur generates atonement.

Thus we learn that a conditional guilt-offering is not brought for a situation concerning which one does not know which occurred on Yom Kippur, unless Yom Kippur will not generate atonement for that person, as will be explained.

10 Yom Kippur, sin-offerings and guilt-offerings do not generate atonement unless one repents and believes in the atonement they grant. If, however, one rebels against them, they do not generate atonement for him.

What is implied? A person was in a state of rebellion, but brought a sin-offering or a guilt-offering, saying or thinking in his heart that these will not generate atonement. Accordingly, even though they were offered as commanded, they do not generate atonement for him. When he repents from his rebellion, he must bring another sin-offering and/or guilt-

offering.

Similarly, when one is in a state of rebellion on Yom Kippur, Yom Kippur does not atone for him. Therefore if he was obligated to bring a tentative guilt-offering and Yom Kippur passed while he was in a state of rebellion, Yom Kippur does not generate atonement for him. When he repents after Yom Kippur, he is obligated to bring all the tentative guilt-offerings for which he is liable.

11 All of the guilt-offerings required by the Torah hold back atonement with the exception of the guilt-offering of a nazirite. A person who is in doubt whether he or she is required to bring a nazirite offering or an offering brought by one lacking atonement and a *sotah* who bring an offering because of doubt must bring their offerings after Yom Kippur.

12 The following laws apply when a person is obligated to bring a sin-offering or a guilt-offering and he is being taken out of the court to be executed. If the animal to be offered had already been slaughtered, we let him tarry until the blood is cast on the altar and then he is executed. If, however, the animal to be offered has not been slaughtered, we do not let him tarry until it is offered on his behalf.

Chapter 4

1 When a person performs many transgressions for which one is required to bring a sin-offering in one lapse of awareness, he is liable for a sin-offering for every individual transgression. Even if he performs all the 43

transgressions that we listed in one lapse of awareness, he is liable for 43 sin-offerings.

Similarly, if a person performed one deed for which he is liable for many transgressions, he is liable for every transgression, provided all of the prohibitions involved take effect at once, the latter prohibition causes the entity to be forbidden to additional people, or the scope of the latter prohibition encompasses other entities together with the entity that was originally prohibited.

What is implied? A person who slaughters consecrated animals outside the Temple, on the Sabbath, for the sake of a false divinity is liable for three sin-offerings, one for slaughtering consecrated animals outside the Temple Courtyard, one for desecrating the Sabbath, and one for serving false divinities, for the three transgressions take effect at the same time.

When does the above apply? When the person serving the false divinity states that he is serving it at the conclusion of the slaughter of the animal. If, however, this was not his intent, as soon as he performed a portion of the slaughter for the sake of a false divinity, it becomes forbidden. Since he is not liable for slaughtering an animal outside the Temple Courtyard until he slits the two organs, necessary to slit for ritual slaughter or the larger portion of these two organs, when he completed the slaughter, he will have slaughtered an animal that is forbidden to be offered as a sacrifice, in which instance, he is not liable for slaughtering it outside the Temple Courtyard, as we explained.

If it was a sin-offering of fowl and half of its windpipe was cut and a person increased the slit even the slightest amount on the Sabbath for the sake of a false divinity, he is liable for three sin-offerings, for the three

prohibitions take effect at the same time.

Similarly, a person who performs forbidden labor on Yom Kippur when it occurs on the Sabbath, is liable to bring two sin-offerings, because the two prohibitions take effect at the same time. Also, a person who is intimate with the wife of his brother who is alive while she is in the *niddah* state, he must bring three sin-offerings: one because he was intimate with a married woman and one, because she was his brother's wife; these are two prohibitions that take effect at the same time; and one, because she was in the *niddah* state, which is a prohibition that forbids additional entities besides the entity that was originally prohibited. Since this prohibition would apply with regard to her husband, it also applies to her brother-in-law.

In the same vein, one who sodomizes his father is liable for two sin-offerings, one because of the prohibition, **Leviticus 18:7**: "Do not reveal the nakedness of your father" and one because of the prohibition, *ibid.*:22: "Do not lie with a man." Similarly, one who sodomizes his father's brother is liable for two sin-offerings, one because it is written *ibid.*:14: "Do not reveal the nakedness of your father's brother" and one because of the general prohibition against sodomy.

When one sodomizes a male and has a male sodomize him in one lapse of awareness, he is liable for only one sin-offering, even though there are two bodies involved. This is derived from the prohibition: "Do not lie with a man" which makes both positions equally liable. Similarly, when one sodomizes an animal and has an animal sodomize him in one lapse of awareness, he is liable for only one sin-offering. One is deemed equally liable for either position of intimacy when engaging in relations with an

animal or a male.

2 It is possible that there be an instance where a person engages in a single act of intimacy and he is liable for eight sin-offerings.

What is implied? Jacob begat a daughter whose name was Timna from his wife Zilpa. Lavan married Timna and begat a daughter named Serach from her. Lavan does not have any daughters other than Rachel. Thus Serach is the daughter of Jacob's daughter, and his wife's sister on her father's side. These are two prohibitions that take effect at the same time. Serach married Reuven. She became forbidden to Jacob's other sons and thus became forbidden to Jacob as well, as his son's wife. If Reuven died or divorced her and Serach married Jacob's maternal brother, since she became forbidden to Jacob's other brothers through this marriage, she becomes forbidden to Jacob on another count, because she is the wife of his brother. If her husband died or divorced her and Serach married Yishmael, since she becomes forbidden to Yishmael's other brothers, a further prohibition takes effect with regard to Jacob, the prohibition against relations with the wife of his father's brother. If Yishmael died and Serach became eligible to undergo *yibbum* with Isaac and Isaac transgressed and performed *yibbum* with her even though she is forbidden to him as a secondary relation, since she became forbidden to Jacob's other paternal brothers, she also became forbidden to Jacob because she is his father's wife and because she is a married woman, for these are two prohibitions that take effect at the same time.

Now if Jacob acted inadvertently and was intimate with Serach when she was in the *niddah* state, during the lifetime of Isaac, her husband, and

during the lifetime of Rachel, Jacob's wife, he is liable for eight sin-offerings because of his relations with her. She is his daughter's daughter, his wife's sister, his daughter-in-law, the wife of his brother, the wife of his father's brother, the wife of his father, a married woman, and in the *niddah* state. Similar laws apply in all analogous situations.

3 In all situations when a woman who is forbidden as a relative becomes forbidden again due a prohibition that causes the entity to be forbidden to additional people, those additional people must be alive at that time, so that she will be forbidden to them. Then, as a result, since she becomes forbidden to them, a prohibition is also added applying to this individual. If, however, they are not alive, we do not say that since, would this man have had brothers or sons, she would have been forbidden to them, hence she is forbidden to the elder person. For at present, he has neither a son, nor a brother. Similar laws apply in all analogous situations.

4 The following laws apply when a man is married to three woman and he is intimate with the mother of one of them, and she is the mother of the mother of his second wife and the mother of the father of his third wife. Even though this elderly woman is his mother-in-law, the mother of his mother-in-law, and the mother of his father-in-law, and these are three distinct prohibitions and they all took effect at the same time, he is liable for only one sin-offering. The rationale is that the Torah uses the same phrase, **Leviticus 18:17**: "They are close relatives; it is a depraved design" with regard to relations with a woman and her daughter, her son's daughter, and her daughter's daughter. Thus the Torah considered the

three as one body. Therefore the three prohibitions are considered as one.

5 If, however, one is intimate with his sister who is also the sister of his father and the sister of his mother, he is liable for three sin-offerings, as implied by **Leviticus 20:17**: "He revealed the nakedness of his sister." One might infer that he is liable for relations with his sister independently even though she is also the sister of his mother and the sister of his father.

How is such a situation possible? A man was intimate with his mother and begat two daughters with her. He was intimate with one of these daughters and begat a son. If this illegitimate child will be intimate with the other daughter, who is the sister of his illegitimate mother, who is his paternal sister, who is also the maternal sister of his father, he will be liable for three sin-offerings. Similar laws apply in all analogous situations.

Chapter 5

1 When a man is intimate with a woman who is forbidden to him as an *ervah* many times in a single period of lapse of awareness, it is all considered as one inadvertent violation and he is liable only for one sin-offering. Even though there were many times between each experience of intimacy, since he did not become aware in the interim, and she is only one person, he is only liable once.

If, by contrast, one inadvertently engaged in relations with her, the transgression became known to him afterwards, and then he inadvertently engaged in relations with that same woman, the transgression became known to him afterwards, and then he inadvertently engaged in relations

with that same woman again, he is liable for a sin-offering for every time he engaged in relations. For his awareness separates between the inadvertent transgressions.

2 When a man engages in relation with a woman forbidden as an *ervah* many times in one ongoing state of lapsed awareness, but the woman with whom he engaged in relations became aware of the transgression between each experience of intimacy, thus from her perspective, the relations involved several lapses of awareness, he brings one sin-offering and she brings a sin-offering for every time they engaged in relations.

If he had knowledge of the transgressions in the interim and she act in one ongoing state of lapsed awareness, he brings many sin-offerings and she brings one sin-offering.

3 When a man engages in relations with many women forbidden to him as *ariyos* in one ongoing state of lapsed awareness, he is liable for a sin-offering for every one of them. This applies even if they are all forbidden because of the same prohibition, because they are separate persons.

What is implied? A man was intimate with five women in the *niddah* state, he was intimate with five of his sisters or five of his daughters in one ongoing state of lapsed awareness, he is liable for a sin-offering for every person.

From this ruling, we learned the following interpretation of our Sages' statement that a person who sodomized a male and was sodomized by a male in one state of lapsed awareness is liable for only one sin-offering. When does this apply? When the same male was involved. If, however,

there were two other males involved, whether he sodomized both or sodomized one and one sodomized him, he is liable for each person. The same laws also apply when one sodomizes an animal and has an animal sodomize him.

4 When a women has many animals engage in relations with her in one period of lapsed awareness, she is liable for a sin-offering for every animal, for there are different bodies involved. It is like engaging in relations with many men in period of lapsed awareness in which instance, she is liable for a sin-offering for every man with whom she was intimate.

5 When a woman's husband went overseas and she heard that he died or witnesses came and testified that he died and she married, whether on her own initiative or according to the counsel of the court, and then she discovered that her first husband is alive, she is liable only for one sin-offering. If she married many men or was promiscuous with many men, she is liable for a sin-offering for every man with whom she was intimate, for they are different persons even though she acted in one state of lapsed awareness.

The following rules applies when a man was intimate with a woman in the *niddah* state inadvertently, then she became purified from her *niddah* state, immersed herself, then became a *niddah* again and they were intimate a second time in the same period of lapsed awareness. He is liable for a sin-offering for every span of time in which she is in the *niddah* state, even though it is in one state of lapsed awareness and only one person is involved. The rationale is that one span of time in which she is in the

niddah state is distinct from another span of time in which she is in the *niddah* state. It is as if he was intimate with two different women in the *niddah* state.

6 When a man is intimate with his wife at a time when she is not expected to menstruate and she menstruates in the midst of relations, they are exempt from bringing a sin-offering. This is considered as a situation beyond their control and not an inadvertent transgression. For with regard to an inadvertent transgression, the transgressor carries a certain amount of culpability, for he should have checked and been careful. Had he examined the matter thoroughly and been careful in asking questions, he would not have transgressed. Since he did not take the trouble to examine and research the matter before acting, he requires atonement. In this situation, however, what should the person have done? She was pure and they were intimate at a time when menstruation was not expected. This is considered as a matter beyond their control. Therefore, whether the blood was found on her inspection cloth or his, they are exempt.

If, however, the man transgressed and was intimate with her close to the time when she could have been expected to menstruate, thinking that they could be intimate and separate before she would menstruate, and instead, she menstruated in the midst of relations, they are liable to bring a sin-offering, for this is an inadvertent transgression. Therefore, if blood is found on his inspection cloth, they are both impure and are obligated to bring a sacrifice. Slightly more lenient rules apply if blood was found on her examination cloth. If she cleaned herself immediately after separating from her husband, without waiting, they are both impure and are

obligated to bring a sacrifice. If, however, she waited long enough so that she could have stretched her hand under the pillow or under the bolster and take an inspection cloth to examine herself and afterwards, she cleaned herself, they are both are considered to have contracted impurity of doubtful status and are exempt from bringing a sacrifice. If she waited long enough so that she could have descended from the bed and washedand afterwards, she cleaned herself and discovered blood, her husband is pure.

7 When a man transgressed and was intimate with his wife close to the time when she could have been expected to menstruate with the intent that he would complete relations before she began to menstruate and the woman felt that she became impure in the midst of relations and informed her husband of this, he should not withdraw while erect, as we explained in *Hilchot Issurei Bi'ah*. If he did not know that it is forbidden for him to withdraw immediately and he withdrew while erect, he is liable for two sin-offerings: one for entering, for he was intimate with a *niddah,* and one, for withdrawing, since withdrawing also afforded him pleasure, as entering did.

When does the above apply? When he knew that it was forbidden to be intimate close to the time when she could have been expected to menstruate, but had the intent that he would complete relations before she began to menstruate and did not know that it is forbidden to withdraw while erect. Thus it is as if he has two lapses of awareness regarding two experiences of intimacy. If, however, he did not know that it was forbidden to be intimate close to the time when she could have

been expected to menstruate and did not know that it is forbidden to withdraw from an impure woman immediately, he is liable for only one sin-offering even when he withdrew immediately, while erect. The rationale is that his entry and his withdrawal are considered as two experiences of intimacy performed during one lapse of awareness.

The same principle applies with regard to other forbidden sexual relations. If one inadvertently was intimate with a woman under the conception that she was permitted and, while in the midst of intimacy, he became aware that she was forbidden, he should not withdraw immediately, for withdrawing also affords him pleasure, as entering does. If he does not know that it is forbidden to separate immediately and separates while he is erect, he is only liable for one sin-offering, for the act is considered as one inadvertent transgression.

Chapter 6

1 The laws concerning inadvertent consumption of foods are the same as those concerning inadvertent intimate relations. Therefore if one partook of the same type of forbidden food many times in one lapse of awareness, he is only liable for one sin-offering even though there were many days in the interim.

What is implied? One partook of forbidden fat on a given day and did so also on the following day, and the day following that in one state of lapsed awareness, he is liable for only one sin-offering, even if they were cooked in different pots. If, by contrast, one inadvertently partook of an olive-sized portion of forbidden fat, he became aware of the transgression and

then again inadvertently partook of an olive-sized portion of forbidden fat and became aware of the transgression, he is liable for each time he ate. For gaining awareness causes each inadvertent transgression to be considered as distinct.

If one partook of half an olive-sized portion of forbidden fat and then partook of another half of an olive-sized portion of forbidden fat in one state of lapsed awareness, they are joined together, even though they were cooked and served in different pots and he made an interruption between partaking of them. For the different pots do not cause the inadvertent transgressions to be considered as distinct. This applies provided he did not take more than the time to eat three eggs between the two times he ate, as explained in *Hilchot Ma'achalot Assurot*. Just as anything eaten in this time is combined to comprise a minimum measure to make a person who did so willfully liable for lashes, so too, anything eaten in this time is combined to comprise a minimum measure to make a person who did so inadvertently liable to bring a sacrifice.

2 If a person partook of *notar* from five different sacrifices, an olive-sized portion from each sacrifice, in one lapse of awareness, he is liable for only one sin-offering, even if he partook of them in five different pots. The rationale is that they are all included in one prohibition and the different pots do not cause the inadvertent transgressions to be considered as distinct. Nor do the different bodies of the sacrifices cause the inadvertent transgressions to be considered as distinct. There is no difference whether one partakes of meat that is *notar* from one sacrifice or from many sacrifices.

Similarly, when one slaughters five sacrificial animals outside the Temple Courtyard in one lapse of awareness, he is only liable for one sin-offering. To what can the matter be compared? To one who bows down to five forbidden images in one lapse of awareness.

3 If one let the blood of his animal and received it in two cups and drank them both in one lapse of awareness, he is liable for only one sin-offering.

4 When a person eats foods that are forbidden because of different prohibitions in one lapse of awareness, he is liable for one sin-offering for every type of prohibition.

What is implied? One partook of an olive-sized portion of each of the following: forbidden fat, blood, *notar*, and *piggul*, in one lapse of awareness must bring four sin-offerings. Similar laws apply in all analogous situations.

Anyone who eats a single olive-sized portion of food that is forbidden because of many different prohibitions in one lapse of awareness must bring a sin-offering for every prohibition, provided the prohibitions either cause the entity to be forbidden to additional people, the scope of the latter prohibition encompasses other entities together with the entity that was originally prohibited, or the two prohibitions take effect at the same time.

For this reason, if a person who is ritually impure partook of an olive-sized portion of forbidden fat that was *notar* on Yom Kippur, he must bring four sin-offerings and a guilt-offering: one sin-offering, because he was impure and he partook of consecrated food, one, because he partook of

forbidden fat, one, because he partook of *notar*, and one, because he ate on Yom Kippur, provided another food is combined with this olive-sized portion so that it comprises a date-sized portion. And he must bring a guilt-offering for the misappropriation of consecrated property, for he inadvertently derived benefit from consecrated property.

5 When a person eats and drinks on Yom Kippur in one lapse of awareness, he is only liable for one sin-offering. Eating and drinking is considered as a single act.

6 When a person performs a forbidden labor on Yom Kippur that falls on the Sabbath, he is liable for two sin-offerings, because they are two prohibitions that take effect at the same time.

7 When a person eats a half of an olive-sized portion of forbidden fat and half an olive-sized portion of blood in one lapse of awareness, he is not liable for an offering. Just as the prohibitions are not combined to make one liable for lashes, as explained in *Hilchot Ma'achalot Assurot*, so too, they are not combined to make him liable for a sacrifice.

8 When a person inadvertently partook of half an olive-sized portion of a forbidden substance and then became aware of his transgression, but forgot and partook of another half an olive-sized portion of the same substance in a second lapse of awareness, he is not liable for an offering. The rationale is that he became aware in the interim and awareness causes a distinction to be made even with regard to half the required measure.
Similarly, if one wrote one letter on the Sabbath inadvertently and then

became aware of the matter and then forgot and then wrote another letter next to the first in a second lapse of awareness, he is not liable for a sin-offering. Similar laws apply in all analogous situations.

In a like vein, if a person transferred an article two cubits in the public domain on the Sabbath inadvertently, transferred it another two cubits in conscious violation of the Sabbath laws and then transferred it two cubits inadvertently, he is liable if he transferred it by throwing it. The rationale is not that his gaining awareness after half the measure is not significant, but rather that, after throwing the article, he is unable to bring it back. Therefore the awareness he gained in the interim is of no avail. If he transferred the article by passing it, he is exempt, because gaining awareness after half the required measure has been completed is significant.

9 The following rules apply when a person ate an olive-sized portion of forbidden fat and then a second olive-sized portion of forbidden fat in one lapse of awareness. If he became aware of the first transgression and then became aware of the second, he must bring two sin-offerings, because the difference in his becoming aware of the transgressions creates a distinction even though he did not set a side a sacrificial animal yet. If, however, he became aware of both of them at the same time, he should bring only one sin-offering. Similarly, it appears to me that the law is the same with regard to forbidden sexual relations.

10 If one ate an olive-sized portion and a half of forbidden fat in a single lapse of awareness, then became aware that he partook of the olive-sized

portion and then, partook of another half of an olive-sized portion while he is unaware of partaking of the other half, he is only liable for one sin-offering. The rationale is that the second half of an olive-sized portion is not combined with the first half, even though it was eaten during its lapse of awareness, because he had become aware of part of the transgression performed in the initial lapse of awareness.

11 A person partook of two olive-sized portions of forbidden fat and then became aware of eating one of them. He then partook of another olive-sized portion while he was unaware of the second transgression and then brought a sin-offering to atone for the first transgression. The first and the second transgressions are atoned for by this sacrifice, but not the third. Instead, when he becomes aware of it, he should bring another sin-offering.

If he brought a sin-offering for the third transgression, it secures atonement for the second and the third, because they both were committed during a single lapse of awareness, but atonement for the first is not secured by this sacrifice.

If he brought a sin-offering for the middle transgression, atonement is secured for all three. The rationale is that both the first and the third were performed during the same lapse of awareness that involved the second. Hence when he becomes aware of the first and the third transgressions, he does not have to bring an additional sin-offering.

12 A person ate one of two pieces of fat, one kosher and one forbidden, and he was unsure whether he had eaten the permitted fat or the forbidden fat

and then he ate another piece in a similar mixture and again he was unsure whether he had eaten the permitted fat or the forbidden fat. If, afterwards, he gained definitive knowledge that he ate forbidden fat on both occasions, he is only liable for one sin-offering. Although the lack of certainty concerning whether or not he transgressed is sufficient to create a distinction with regard to a tentative guilt-offering, it is not considered as gaining awareness to require a distinction between the sin-offerings brought for atonement.

Chapter 7

1 When a person prostrates himself to a false deity, poured a libation to it, offers a burnt-offering to it, and slaughters an animal as a sacrifice to it in one lapse of awareness, he is liable for four sin-offerings. Similarly, if he defecated to Peor or threw a rock to Mercury in one lapse of awareness, he is liable for two sin-offerings. Similar laws apply in all analogous situations. The person will be liable for every act of service performed.

When does the above apply? When he consciously desired to serve a false deity, but was unaware that these acts constituted service. If, however, he willfully performed these acts, but inadvertently served a false deity, he is liable for only one sin-offering.

What is implied? He knew that a particular image was a false deity and that it is forbidden to serve it, but did not know that bowing down to it or pouring a libation constituted a transgression and bowed down and poured a libation, he is liable for two sin-offerings. If, however, he knew that these were ways in which false deities were served and that it is

forbidden to perform these acts in service of a false deity, but did not know that a particular image was considered a false deity, because it was not made of gold or silver and he was under the mistaken impression that only images of gold and silver were considered as false deities and hence, performed all these acts of service to it, he is liable for only one sin-offering.

2 A great general principle was stated with regard to the violation of the Sabbath prohibitions: Anyone who forgets the fundamental principle of the Sabbath, failing to recall that the Jews were commanded to observe the Sabbath or was captured and taken among gentiles while a child or converted in his childhood and remained living among gentiles, he is liable for only one sin-offering even though he performed many forbidden labors on many different Sabbaths, for it is all one lapse of awareness.
Similarly, he is liable for one sin-offering for all the forbidden fat that he ate, one sin-offering for all the blood that he ate. Similar laws apply to all analogous situations regarding these sins. Whenever one knows the fundamental principle of the Sabbath, but forgot that a given day was the Sabbath and thought it was an ordinary day, he is liable for only one sin-offering for the entire day, even though he performed many forbidden labors on it. Similarly, he is liable for a sin-offering for every Sabbath that he inadvertently desecrated.

3 Anyone who knows that a given day is the Sabbath, but inadvertently performed forbidden labors without knowing that these labors are forbidden or knew that they were forbidden, but did not know that one

was liable for *karet* for their violation, is liable for a sin-offering for every general category of forbidden labor. Even if he performed all 39 forbidden labors in one lapse of awareness, he must bring 39 sin-offerings.

4 If he forgot that the day is the Sabbath and also forgot that these labors were forbidden, he is only liable for one sin-offering.

5 When a person performs an action that is the primary forbidden activity of a particular category of labor and also a derivative in one lapse of awareness, he is only liable for one sin-offering. Needless to day, if he performs many derivatives of one category of forbidden labor, he is only liable for one sin-offering.

6 If he performs derivatives of one category of forbidden labor and derivatives of another category of forbidden labor in one lapse of awareness, it appears to me that he is liable for two sin-offerings.

7 If he performs several activities comprising a single category of forbidden labor in one lapse of awareness, e.g., he sowed, extended a vine by replanting one of its branches, grafted a branch onto a tree, he is liable for only one sin-offering. In *Hilchot Shabbat*, it has already been explained which activities are primary labors, which are derivatives, and which activities comprise a single category of forbidden labor.

8 When a person performs activities comprising a single category of forbidden labor on many Sabbaths, whether he was aware that it was the Sabbath, but unaware that he was performing forbidden labors or he was

unaware that it was the Sabbath, but aware that the labor he performed is forbidden on the Sabbath, he is liable for a sin-offering for every forbidden labor he performs.

What is implied? He knew that it was the Sabbath and sowed on that day, because he did not know that sowing constituted forbidden labor. Similarly, on the following Sabbath, he knew that it was the Sabbath and planted because he did not know that planting constituted forbidden labor. Similarly, on the third Sabbath, he extended a vine, because he did not know that extending constituted forbidden labor, he is liable for a sin-offering for each one, even though they all comprise a single category of forbidden labor, because the different Sabbaths are considered like different bodies.

9 When a person was unaware that it was the Sabbath and sowed upon it, although he knew that sowing is a forbidden labor, on the following Sabbath, he forgot that it was Sabbath and planted, although he knew that planting is a forbidden labor, and on the third Sabbath, he forgot that it was Sabbath and extended, although he knew that extending is a forbidden labor, he is liable for a sin-offering for every Sabbath. The rationale is that the days between each Sabbath are considered equivalent to gaining awareness of one's transgression and create a distinction.

10 When a person harvested and ground a dried-fig-sized measure of grain without being aware that it is Sabbath, but knowing that these labors are forbidden on the Sabbath, he is only liable for one sin-offering. Afterwards, he harvested and ground a dried-fig-sized measure of grain

while aware that it is the Sabbath, but forgetting that these labors were forbidden, in which instance, he is liable for a sin-offering for every forbidden labor. He then became aware of the harvesting performed without being aware that it is Sabbath, but knowing that these labors are forbidden on the Sabbath. In such an instance, the one act of harvesting draws the other after it and the one act of grinding draws the other after it. Thus it is as if he performed all four acts without being aware that it is Sabbath, but knowing that these labors are forbidden on the Sabbath, in which instance he is liable for only one sin-offering. After he brings that sin-offering, he has secured atonement for all the other forbidden labors he performed. When he later becomes aware of them, he does not have to bring another sin-offering.

If, however, he first becomes conscious of the harvesting performed while aware that it is the Sabbath, but forgetting that these labors were forbidden, and brings a sin-offering, he receives atonement for the harvesting that he became aware of and on the harvesting and grinding performed without being aware that it is Sabbath, but knowing that these labors are forbidden, because the two are considered as one labor and the harvesting and grinding are drawn after the harvesting performed when he was aware that it was the Sabbath. Thus there remains without atonement, only the grinding performed when he was aware that it was the Sabbath until he becomes aware of it and brings a second sin-offering.

If a person harvested half a dried-fig-sized measure without being aware that it is Sabbath, but knowing that this labor is forbidden and then harvested half a dried-fig-sized measure while aware that it is Sabbath, but not aware that this labor is forbidden, these two activities are combined.

One harvesting draws the other after it. Similar laws apply in all analogous situations with regard to the other forbidden labors.

11 When, on the Sabbath, a person had the intent to cut an object that was already severed from the ground, but instead, cut an object that was connected to the ground, even though he had the intent to cut, since his desired intent was not fulfilled, he is exempt from a sin-offering. He is considered as one who is merely busying himself and the Torah forbade only purposeful labor, as we explained several times.

12 The following rule applies when a person stirs coals on the Sabbath, in which instance, he extinguishes the upper ones and ignites the lower ones. If he intended to extinguish and ignite, he is liable for two sin-offerings. If he stirred the coals to become warm and they were ignited on their own, he is liable, because one is liable for performing a forbidden labor even if he has no need for the actual labor he performed, as explained in *Hilchot Shabbat*. Just as he is liable for *karet* for the intentional performance of forbidden labor, he is liable for a sin-offering for unintentional violation.

Chapter 8

1 Every transgression for which one is liable for a fixed sin-offering if he transgressed inadvertently carries liability for a provisional guilt-offering if he is unsure whether he violated it.

What does being unsure mean? If a person is in doubt whether he inadvertently violated this transgression or not, he is obligated to bring a

guilt-offering, as **Leviticus 5:17-18** states: "If he was unaware and became guilty, he shall bear his iniquity. He shall bring an unblemished ram from sheep, of the given value, as a guilt-offering." This is referred to as a provisional guilt-offering, for it brings atonement when the person is in doubt, tentatively, until he knows with certainty that he sinned inadvertently, at which time, he brings a sin-offering.

2 A person is not liable for a provisional guilt-offering unless there is a prohibition that is established. What is implied? A person partook of forbidden fat, but was in doubt whether there was an olive-sized portion or not. There was a piece of forbidden fat and a piece of permitted fat before a person and he partook of one of them, but he did not know which one he ate. His wife and his sister were with him at home. He was intimate with one of them, but did not know with whom. Both the Sabbath and a weekday passed and he performed a forbidden labor on one of them, but did not know the day on which he acted. He performed a deed on the Sabbath, but did not know whether it falls into a category of forbidden labor. In all these and similar instances, he should bring a provisional guilt-offering.

If, however, a prohibition has not definitely been established, he is not liable for a provisional guilt-offering. Thus if there was one piece of fat before a person and he was unsure whether it was permitted or forbidden and he partook of it, he is exempt, for there is no established prohibition. Similarly, one who partakes of the fat of a ko'i is exempt from a provisional guilt-offering, for there is not an established prohibition.Similarly, when a man is intimate with a woman who is

unsure whether or not she is in the *niddah* state or we are unsure whether she is an *ervah* due to family connections, he is exempt from a provisional guilt-offering.

Therefore a man who is intimate with a woman is exempt from this sacrifice, if: a) she finds blood on the examination cloth she uses after time has transpired, or

b) he married his *yevamah* within three months of his brother's death and she gave birth and it is not known whether the child was conceived by her first husband and was born after a nine-month pregnancy or he was conceived by her second husband and was born after a seven-month pregnancy.Similar laws apply in all analogous situations, for there is no established prohibition.

3 An individual can be required to bring a provisional guilt-offering in the following circumstances:

a) he who ate a piece of fat and one witness states: "What you ate was forbidden fat," while the other states; "You did not partake of forbidden fat;

b) a woman said that he partook of forbidden fat and another woman said that he did not. Since he does not know whether he partook of the forbidden fat or not and the existence of the prohibited substance has been established, he is obligated to bring a provisional guilt-offering.

Similarly, if one was intimate with a married woman about whom one witness states: "Her husband died," but another states: "He did not die," he is obligated to bring a provisional guilt-offering. This law also applies when there is a question if a woman is divorced, for the prohibition was

established.If, however, there is a doubt whether or not a woman was consecrated, one who is intimate with her is not liable, because the prohibition has not been established.

4 A person is liable for a provisional guilt-offering in the following situations: There were two pieces of fat before him: one forbidden and one permitted. He ate one inadvertently and a gentile or a dog came and ate the second. The gentile or the dog ate the first and a Jew ate the second. One ate the first intentionally and the second, inadvertently, or he ate the first inadvertently and the second, intentionally. In all these situations, he is liable, because the existence of a prohibited substance had been established.

If, however, he partook of both of them intentionally, he is exempt from bringing a sacrifice. And if he ate them both inadvertently, he must bring a sin-offering. If he ate the first inadvertently and another person came and ate the second inadvertently, they are both obligated to bring a provisional guilt-offering. Similar laws apply in all analogous situations.

5 A transgressor is exempt from bringing a sacrifice in the following situations. There was a piece of forbidden fat and piece of *notar* before him. He ate one of them inadvertently, but did not know which one he ate. His wife who was in the *niddah* state and his sister were at home with him. He was intimate with one of them inadvertently, but did not know which one. The Sabbath and Yom Kippur followed directly after each other, he performed a forbidden labor in the twilight between them. He does not bring a sin-offering, because he does not know which

transgression he performed, as we explained. Nor does he bring a provisional guilt-offering, because he knows with certainty that he transgressed.

6 Whenever a person performs a deed that obligates him for one fixed sin-offering when he knows with certainty that he transgressed, he is liable for a provisional guilt-offering if he is unsure whether he transgressed. Whenever a person performs a deed that obligates him for many fixed sin-offerings when he knows with certainty that he transgressed, he is liable for many provisional guilt-offerings, matching the number of sin-offerings, if he is unsure whether he transgressed.

What is implied? Just as a person who ate forbidden fat, blood, *notar*, and *piggul* in one lapse of awareness is liable for four sin-offerings,so, too, if he is uncertain whether he partook of them or not, he must bring four provisional guilt-offerings. Similarly, if he is unsure if the woman with whom he was intimate is his wife or so-and-so, another woman who is forbidden to him as an *ervah* and for whom he would be liable eight sin-offerings if he was intimate with her, he must bring eight provisional guilt-offerings.

7 When a person ate one of two pieces of fat and he was unsure whether he ate forbidden fat or permitted fat, and after that doubt arose in his mind, he ate another one of two pieces of fat and he was unsure whether he ate forbidden fat or permitted fat, he must bring two provisional guilt-offerings.

8 Just as the definitive knowledge that one transgressed creates a distinction with regard to sin-offerings, so too, the awareness that one possibly transgressed creates a distinction with regard to provisional guilt-offerings. Therefore if one partook of five olive-sized portions of forbidden fat in one lapse of awareness and then became aware of the possibility that he sinned with regard to one of them and later, became aware of the possibility that he sinned with regard to a second one, and then with regard to the subsequent ones, he is liable for a provisional guilt-offering for each one.

9 When there is a piece of permitted fat and a piece of forbidden fat and a person ate one of them without knowing which and thus brought a provisional guilt-offering and then partook of the second piece of fat, he must bring a sin-offering. If another person partook of the second piece, that second person must bring a provisional guilt-offering, as stated.

10 When there is a piece of forbidden fat and a piece of forbidden fat that is *notar* and a person ate one of them without knowing which one, he must bring a sin-offering to atone for partaking of forbidden fat and a provisional guilt-offering because of the possibility that he partook of *notar*. If he ate the second piece in a second lapse of awareness, he must bring three sin-offerings. If the piece of *notar* was worth a *p'rutah*, he must also bring a definitive guilt-offering because of the misappropriation of consecrated articles.

If he ate one of the two pieces and another person came and ate the second, he should bring a sin-offering and a provisional guilt-offering and

the second person should bring a sin-offering and a provisional guilt-offering. Similar laws apply in all analogous situations.

Chapter 9

1 There are five sins for whose violation one must bring a guilt-offering. It is called a definitive guilt-offering, because it is not brought because of a doubt. They are: a) intimacy with a consecrated maid-servant, b) robbery, c) misappropriation of sacred articles, d) the contraction of ritual impurity by a nazirite, and e) purification from the infliction of *tzara'at*.
What is implied by intimacy with a consecrated maid-servant? When a man is intimate with a consecrated maid-servant whether intentionally or inadvertently, he must bring a guilt-offering, provided she is past majority, aware of the transgression, willfully participating, and she had previously engaged in relations in the ordinary manner, and the relations were completed, so that she will also be liable for lashes, as **Leviticus 19:20-21** states: "There will be an investigation... and he will bring his guilt-offering," i.e., she receives lashes and he brings a sacrifice.

2 According to the Oral Tradition, it was taught, in a situation where she is liable for lashes, he is liable for a sacrifice. When she is exempt from lashes, he is exempt from a sacrifice.

3 When a youth who is nine years old is intimate with a consecrated maidservant, she is liable for lashes and he is obligated to bring a sacrifice. It appears to me that he does not bring the sacrifice until he comes of age

and attains intellectual maturity.

4 We have already explained in *Hilchot Bi'ot Assurot*, the definition of the term *shifchah charufah* used in the Torah and that the two are not liable until he is intimate with her in an ordinary manner and the relations were completed. Therefore if two people tell him: "You were intimate with a consecrated maidservant," and he said: "I was not intimate with her," his word is accepted and he does not bring a sacrifice as a result of their statements. For he knows whether or not he completed the relations and his statement: "I was not intimate" can be interpreted as "I did not complete relations."

5 Although a man is intimate with a consecrated maidservant many times, he is only liable for one guilt-offering. What is implied? A man was intimate with a consecrated maidservant many times intentionally or was intimate with her inadvertently, he became aware of the matter, and then he was intimate with her inadvertently again and became aware of the matter - even if the sequence occurs 100 times in 100 lapses of awareness, he is only liable for one guilt-offering. It atones for him for everything, for both his intentional and inadvertent transgressions with her.

When does the above apply? When he was intimate with only one consecrated maidservant. If, however, he was intimate with many consecrated maidservants, even in one lapse of awareness, he is liable for a guilt-offering for every consecrated maidservant.

6 If a man was intimate with a consecrated maidservant, set aside his guilt-

offering and then was intimate with her again afterwards, he is liable for every time they were intimate. Setting aside a sacrifice creates a distinction. Thus it is as if he offered the sacrifice and then was intimate with the consecrated maidservant again.

Similarly, if a man was intimate with one consecrated maidservant five times in a single lapse of awareness, he then became aware of one transgression and set aside a guilt-offering and then became aware of the second, he must set aside another one even though both transgression were committed in a single lapse of awareness. Since he did not become aware of the transgression until after he set aside the offering, it is as if he was intimate with her after he set aside the offering. For the laws pertaining to one who acts inadvertently and one who acts intentionally are the same with regard to a consecrated maidservant.

7 In which instance is one obligated to bring a guilt-offering for robbery? Whenever anyone has in his possession a *p'rutah's* worth or more of Jewish money, whether he obtained it by robbery or theft, or it was entrusted to him, lent to him, came to him as part of partnership agreement, or in another way, and he denied possession of it, taking a false oath, whether intentionally or inadvertently, he must bring a guilt-offering to atone for his transgression. This is called a guilt-offering for robbery.

It is explicitly stated in the Torah that a person will not receive atonement through a guilt-offering until he returned the money in his possession to its owner. The payment of the additional fifth does not, however, hold back the atonement.

We already explained in *Hilchot Sh'vuot* the types of oaths for which a

person will be liable to bring this guilt-offering and when he is exempt from it, in which instances one would be liable for many guilt-offerings commensurate with the number of oaths he is obligated to take and in which instances, he would be liable for only one guilt-offering.

8 In which instance is one obligated to bring a guilt-offering for misappropriating consecrated property? Anyone who inadvertently derives a *p'rutah's* worth of benefit from consecrated property must make restitution for the benefit he derived, add a fifth, and bring a sacrifice to receive atonement. We already explained in *Hilchot Me'ilah* that bringing the sacrifice and making restitution for the principal prevent atonement from being granted. The additional fifth does not prevent atonement from being granted.

9 When a person partakes of food for which one is liable for misappropriating consecrated property in five different dishes in one lapse of awareness, he is liable for a guilt-offering for each one, even though the meat comes from one sacrifice, provided he derives a *p'rutah's* worth of benefit each time he eats. The rationale is that the different dishes create a distinction and they are considered as different types of food even though they are not considered as different transgressions with regard to the liability for *karet*. The rationale for this is that there is an added dimension of severity to the prohibition against misappropriating consecrated property, for one who causes others to derive benefit is liable just as one who benefits, the measure for which one is liable can be accumulated over time, and when an agent performs the mission with

which he is charged, the principal is liable. These concepts do not apply with regard to other prohibitions.

10 Whenever a person is obligated to bring a definitive guilt-offering, he must become aware of his transgression beforehand and then offer his guilt-offering. If, by contrast, he offers the sacrifice before he becomes aware of the transgression and afterwards, becomes aware of it, he does not fulfill his obligation with it.

A king and an anointed priest bring the same sacrifice as an ordinary person for every transgression for which one is obligated to bring a definitive guilt-offering.

11 Whenever a doubt arises in a person's mind whether or not he committed a transgression for which he is liable to bring a definitive guilt-offering, he is entirely exempt. Therefore if a doubt arises whether one caused the misappropriation of consecrated property, he is not liable at all, as stated in *Hilchot Me'ilah*.

12 When there was a piece of ordinary meat and a piece of sacrificial meat before a person and he partook of one without knowing which one it is, he is exempt. If, afterwards, he partook of the second, he must bring a guilt-offering for the misappropriation of consecrated property. If another person comes and partakes of the second piece, they are both exempt.

13 When there are a piece of forbidden fat and a piece of sacrificial meat before a person and he eats one of them without knowing which it is, he must bring a provisional guilt-offering, because of the possibility that he

partook of the forbidden fat. If he ate the second one as well, he must bring a sin-offering for partaking of the forbidden fat and a definitive guilt-offering for misappropriating consecrated property. If another person came and partook of the second piece, that other person must also bring provisional guilt-offering.

When there are a piece of forbidden fat and a piece of sacrificial forbidden fat before a person and he eats one of them without knowing which it is, he must bring a sin-offering. If he ate the second after he became aware that he ate the first, he must bring two sin-offerings and a definitive guilt-offering to atone for misappropriating sacred property. If another person came and ate the second piece, each one should bring only a sin-offering.

In *Hilchot Ma'achalot Assurot*, we explained the rationale why the prohibition against benefiting from consecrated property falls on forbidden fat. Similar laws apply in all analogous situations concerning other prohibitions.

Chapter 10

1 There are six individuals who are commanded to bring an adjustable guilt-offering. They are: one who becomes purified from *tzara'at*, a woman who gives birth, a person who takes an oath denying the knowledge of testimony whether intentionally or inadvertently, one who takes a false *sh'vuat bitu'i* inadvertently, an impure person who partook of consecrated food inadvertently and an impure person who entered the Temple inadvertently.

2 With regard to the sacrifice brought by a woman after childbirth: If she is wealthy, she brings a sheep in its first year of life as a burnt-offering and a young dove or a turtle dove for a sin-offering. If she does not have the means, her obligation for a sacrifice is reduced and she must bring merely two turtle doves or two young doves, one as a burnt-offering and one, as a sin-offering. Even if she has the means to bring a sheep, but does not have the means to bring its accompanying offerings, she should bring the offering of a poor woman.

3 When a person afflicted by *tazara'at* becomes purified, he must bring three animals as sacrifices: two sheep, one, as a burnt-offering and one, as a guilt-offering, and a ewe, as a sin-offering. If he does not have the means, he must bring two turtle doves or two young doves, one, as a burnt-offering and one, as a sin-offering, and a sheep, as a guilt-offering.

4 One who takes a false *sh'vuah* concerning testimony, inadvertently takes a false *sh'vuat habitu'i*, or inadvertently enters the Temple or partakes of consecrated food while in a state of ritual impurity must bring a ewe or a she-goat, like other fixed sin-offerings. If he does not have the means, he must bring two turtle doves or two young doves, one, as a burnt-offering and one, as a sin-offering. If he does not have the means to purchase the fowl, he should bring a tenth of an *ephah* of flour. This is referred to as "the meal-offering of a sinner." The manner in which it is offered has been described in *Hilchot Ma'aseh HaKorbanot*.

5 All of these sacrifices are explicitly mentioned in the Torah and it is

explicitly mentioned that these individuals are obligated to bring them with the exception of an impure person who inadvertently entered the Temple or partook of consecrated food. For it is written in **Leviticus 5:1-5**: "When a soul will sin and hear a voice of adjuration... or a soul that will touch any impure thing.... or a soul that will take an oath, explicitly stating it with his lips,... and one will be guilty with regard to one of these." According to the Oral Tradition, it was taught that the obligation for an impure person to bring a sacrifice refers to a person who became impure and then entered the Temple or partook of consecrated food without knowing of the prohibition. Although this interpretation was conveyed by the Oral tradition, it is as if it was stated explicitly, for the Torah explicitly obligated an impure person who partook of consecrated food or who entered the Temple for *karet*. With regard to an impure person who partakes of consecrated food, **Leviticus 7:20** states: "And a soul that will partake of meat from a peace-offering brought to God while he is impure will be cut off." And with regard to one who entered the Temple, **Numbers 19:20** states: "And the soul shall be cut off from the congregation, because he made the Sanctuary of God impure." Since the Torah obligated one who entered the Temple or partook of consecrated food while impure for *karet*, it is understood that here it stated the sacrifice that must be brought because of the inadvertent violation of these prohibitions.

6 Whenever a woman is obligated to bring a sacrifice, her husband is obligated to bring it on her behalf. If he is poor, he brings the offering of a poor person. If he is wealthy, he brings the sacrifice of a wealthy person on

her behalf. A person may bring an offering of a poor person on behalf of his son, his daughter, his servant and his maid-servant and have them partake of the offerings.

7 A king and an anointed priest must bring the same sacrifices for a false oath regarding testimony, a false *sh'vuat bitu'i*, and for entering the Temple or partaking of sacrificial food while ritually impure as others. For the Torah did not distinguish between the sacrifices brought by a king or an anointed priest and ordinary individuals except with regard to those commandments for which one is obligated to bring a fixed sin-offering for their inadvertent transgression, as we explained. With regard to an adjustable guilt-offering, by contrast, all are equal.

We already explained in *Hilchot Sh'vuot*, when one is liable for a sacrifice for a false oath concerning testimony and a false *sh'vuat bitu'i* and when one is exempt, in which instances he would be liable for many sacrifices according to the number of oaths he took and in which instances, he would be liable for only one sacrifice. In *Hilchot Mechusrei Kaparah*, I will explain in which instances a woman who gave birth and a person becoming purified from *tzara'at* will be liable for many sacrifices and in which instance, they will be liable for only one sacrifice.

8 With regard to all sins that one must bring a sacrifice whether he transgressed willfully or inadvertently, if a person violates them due to factors under duress, he is exempt from bringing a sacrifice. Needless to say, this applies with regard to other sins for which he is liable for a sin-offering only when he transgresses inadvertently. If he sins under duress,

he is exempt.

9 When a person set aside money for a ewe for a sin-offering and then needed it for another purpose, he may bring a she-goat and transfer the holiness of the money to the she-goat and derive benefit from the money. Similarly, if he set aside money for a she-goat and purchased a ewe, he may derive benefit from the money.

10 When a person set aside money for an animal and then became poor, he should take two turtledoves or two young doves and transfer the holiness of the money to them. Then he may benefit from the remainder.

If one set aside money for young doves or turtledoves and became poor, he should take an tenth of an *ephah* and transfer the holiness of the money to it. Then he may benefit from the money. Conversely, if he was poor and set aside money for a tenth of an *ephah* and became wealthier, he should add to that amount and bring a fowl. If he set aside money for a fowl and became wealthy, he should add to it and bring a ewe or a she-goat.

Even if a person was fit to inherit money and the testator was on his deathbed, he is still considered as poor until the testator dies and he inherits his estate.

11 When a wealthy person set aside a ewe or a she-goat and it contracted a blemish and then he became poor, if he desires, he may bring a fowl with the proceeds of its sale. If, however, he set aside a fowl and it was disqualified, he may not bring a tenth of an *ephah* of meal with the

proceeds of its sale. It may not be sold, since there is no concept of redeeming a fowl.

12 When a person set aside a tenth of an *ephah* and then became wealthy before the meal was consecrated by placing it in a sacred utensil, it is like all other meal offerings and may be redeemed and eaten. Once it has been consecrated in a sacred utensil, it cannot be redeemed. Instead, it should be left overnight and then taken to the place where sacrifices are burnt.

13 When a wealthy person set aside a pair of doves to be sold with the intent of using the proceeds of the sale as part of the funds for a ewe or a she-goat and then became poor, he may bring this pair of doves even though they were consecrated only for their worth and thus originally disqualified as sacrifices.

Why are these doves not disqualified forever? Because when they were disqualified originally, they were not disqualified in an ultimate sense. For this pair of doves is now fit for sacrifice.

When a poor person brings the sacrifice of a rich person, he fulfills his obligation. Conversely, when a rich person brings the sacrifice of a poor person, he does not fulfill his obligation.

Chapter 11

1 There is a difference with regard to the inadvertent violation of the prohibitions against entering into the Temple and partaking of consecrated food while ritually impure that does not apply with regard to

other transgressions punishable by *karet*. With regard to all the other transgressions punishable by *karet*, if one transgressed inadvertently and ultimately, became aware that he transgressed, he is liable for a sin-offering, even though he did not have any knowledge of the transgression beforehand. With regard to the prohibitions against entering into the Temple and partaking of consecrated food while ritually impure, by contrast, one does not bring an adjustable guilt-offering unless he was aware of his ritual impurity and aware of the consecrated nature of the Temple or the food at the outset and aware of his ritual impurity and aware of the consecrated nature of the Temple or the food afterwards, and there was a lapse of awareness in the interim.

What is implied? He unknowingly contracted impurity and entered the Temple or partook of consecrated food and afterwards, he became aware that he had contracted impurity, that he was impure at the time he ate or entered, and that it was consecrated food that he ate or the Temple that he entered, he is exempt from the obligation to bring a sacrifice. He is not obligated unless he knew that he contracted impurity and that it was consecrated food or the Temple, before he entered or ate.

What is implied? He contracted impurity and became aware that he contracted impurity and knew that the building was the Temple or the food was consecrated. Afterwards, he had a lapse of awareness regarding the impurity, forgetting that he had contracted impurity, and entered the Temple or ate consecrated food, knowing that this was the Temple or that this was consecrated food. Alternatively, he had a lapse of awareness and forgot that this was the Temple or that this was consecrated meat, but he was aware that he was ritually impure, and he entered or partook of the

meat. Or he acted inadvertently or forgot that he contracted impurity, forgot that this was consecrated meat, or that this was the Temple and entered and ate. Then afterwards, he became aware of the matters of which he had been unaware, he must bring an adjustable guilt-offering in all these six possible instances.

How do we know that this is the law regarding the inadvertent violation of the prohibitions concerning the Temple and consecrated food? Because with regard to other inadvertent transgressions, **Leviticus 4:27-28** states: "Acting in violation of one of the commandments of God that forbids an act to be performed and he was guilty or if the sin that he committed becomes known to him," implying that he is liable if he ultimately knew of the transgression even if he was not aware of it originally. With regard to entering the Temple or partaking of consecrated food while ritually impure, *ibid.* 5:3 states: "And it became hidden from him, he became aware, and he became guilty." Since the verse states "And it became hidden from him," the implication is that he had knowledge of the matter beforehand. And since it is written: "he became aware, and he became guilty," he ultimately had knowledge. Thus we have learned that he must have awareness initially and ultimately and a lapse of awareness in the interim.

2 If a person contracts impurity and knows that he is impure and is aware of the Temple or that food is consecrated, but does not know the type of impurity that he contracted, then forgot that he became impure and entered the Temple or ate consecrated food, and after entering or eating became aware of the type of impurity that he had contracted, he is liable

to bring a sacrifice. Although at the outset, he did not know the type of impurity he had contracted, since he knew that he was ritually impure, it is considered as if he was aware of his impurity at the outset.

If, however, he suffered a lapse of awareness concerning the laws of ritual impurity, e.g., he became impure because of contact with a lentil-sized portion of the carcass of a crawling animal, and he knew that the carcass of a crawling animal imparted ritual impurity, but did not know the measure that imparts impurity and then forgot entirely that he touched the carcass of a crawling animal and entered the Temple or ate consecrated food, and then became aware that he touched a lentil-sized portion of the carcass of a crawling animal, there is an unresolved doubt whether or not he is liable for a sacrifice.

A similar issue arises when a person who never saw the Temple and never was aware of its place, became impure and knew that he was impure, entered the Temple without knowing at the outset that this was its place, since he never saw it, and afterwards, remembered that he had contracted impurity and became aware that this was the Temple. There is an unresolved doubt if the knowledge that there is a Temple in the world is considered as awareness of the Temple or it is necessary for a person to know of the Temple's place.

It appears to me that those for whom a doubt exists regarding their obligation to bring a sacrifice should not bring a sacrifice, lest they be bringing a non-consecrated animal into the Temple Courtyard. If one would say: A sin-offering of fowl is brought even in a case of doubt although it is not eaten. There is a difference between the two. A sin-offering of fowl is brought, because the one bringing it is possibly lacking

atonement and is forbidden to partake of sacrificial food until he brings a sacrifice as atonement. When, however, one is not lacking in atonement, he should not bring a sacrifice when there is a doubt involved.

3 When a person contracts ritual impurity in the Temple Courtyard, to be liable for the abovementioned offering, he must initially know that he contracted impurity and that he is in the Temple. Afterwards, if he loses awareness that he contracted impurity, but remembered that he was in the Temple or he lost awareness that he was in the Temple, but did not forget that he was ritually impure, or he lost awareness of both matters, when he regains awareness, he should bring an adjustable guilt-offering. The above applies provided he waits the minimum amount of time, as we explained in *Hilchot Bi'at HaMikdash*.

4 When a person intentionally made himself ritually impure, but did not remain in the Temple Courtyard for the minimum amount of time specified, there is an unresolved doubt with regard to his obligation. Does the concept of a minimum amount of time apply only to one who contracted impurity due to forces beyond his control or does it also apply to one who willfully contracted impurity? Therefore if such a person loses awareness of his ritual impurity, but nonetheless leaves the Temple Courtyard without tarrying, he should not bring a sacrifice.

Similarly, there is an unresolved question if an impure person suspended himself in the space above the Temple Courtyard. It is unresolved whether the space above the Temple Courtyard is considered as the Temple Courtyard or not.

5 When a person is in doubt whether or not he entered the Temple or partook of consecrated food while ritually impure, he does not bring a provisional guilt-offering. For a person does not bring such a sacrifice unless he is unsure of the violation of a prohibition punishable by *karet* for which one brings a fixed sin-offering to atone for his inadvertent transgression.

6 The following rules apply when there where two paths in front of a person, one pure and one impure. and he walked down the first and then walked down the second, and at the time he walked down the second, he forgot that he walked down the first. If he lost awareness of this ritual impurity and entered the Temple or partook of consecrated food, he is liable. Even though originally, he did not have a definitive knowledge of his ritual impurity, but merely a partial knowledge, because he did not know that he walked down both paths so that he would definitely be impure, he is, nevertheless, liable for a sin-offering. For partial knowledge is considered as complete knowledge.

If he only walked down the first path and entered the Temple or partook of consecrated food, he is exempt, because it is not certain that he contracted ritually impurity.

7 If, in the previous situation, he had the ashes of the Red Heifer sprinkled upon him on the third and seventh days and immersed himself after entering the Temple and then walked down the second path and entered the Temple, he is certainly liable, for he has certainly entered the Temple in a state of ritual impurity, either the first time or the second time.

Although on each occasion he was in a state of uncertainty, for the status of both paths is a matter of question, here, with regard to the impurity of the Temple and consecrated objects, uncertain knowledge is considered as definite knowledge.

8 If a person was ritually impure and two witnesses tell him: "You entered the Temple," and he tells them: "I did not enter," his word is accepted and he does not bring a sacrifice. For if he desired, he could have said: "I entered intentionally."

The following rules apply if two witnesses tell a person: "You were impure when you entered the Temple. You contracted ritual impurity in our presence and you knew you were impure." Even though there was an interim of many days between the contraction of impurity which they testified about and his entry into the Temple and thus he could have said: "I already immersed myself," since he denies the statement of the witnesses and says: "I never contracted impurity," the statement of the witnesses is accepted and he is required to bring a sacrifice because of them. The rationale is that if two witnesses can cause him to receive as severe a punishment as execution, certainly, they can obligate him for an easier punishment, bringing a sacrifice, for he denied their testimony.

9 When a person entered the Temple or partook of consecrated food in a state of ritual impurity had a knowledge of the situation at the outset, but ultimately did not have knowledge of the matter, the goat whose blood is sprinkled in the Holy of Holies and Yom Kippur bring about tentative atonement until he becomes aware and brings an adjustable guilt-offering.

When he does not have knowledge at the outset, the goat offered in the Temple Courtyard and Yom Kippur bring about atonement. If he did not have knowledge neither at the outset, nor ultimately, the goats offered on the festivals and on Rosh Chodesh, bring about atonement. If one purposefully entered the Temple or partook of consecrated food while ritually impure, the bull offered by the High Priest on Yom Kippur brings about atonement if the transgressor was a priest. If he was an Israelite, the blood of the goat which is sprinkled in the Holy of Holies and Yom Kippur bring about atonement, as **Leviticus 16:16** states concerning that goat: "And he shall atone for the holy place, because of the impurity of the children of Israel."

Chapter 12

1 The following rule applies with regard to every transgression for which an individual is obligated to bring a fixed sin-offering. If the High Court inadvertently erred in their ruling and ruled that a forbidden substance is permitted and as a result of their ruling, the people erred inadvertently and acted in transgression of the prohibition, while relying on the ruling of the court, and afterwards, the court discovered that they had erred, the court is obligated to bring a sin-offering for their erroneous ruling. Even if the judges themselves did not perform a deed in violation of the prohibition, they must bring this sacrifice. For we do not consider the deeds of the judges at all, what they did or did not do, only their ruling. The remainder of the people are exempt from bringing a sacrifice as individuals, even though they performed the transgression, because they

relied on the court.

Which sacrifice do they bring for this erroneous ruling? If their erroneous ruling concerned the worship of false deities, they must bring a bull as a burnt-offering and a goat as a sin-offering from every tribe. This is the sacrifice referred to in *Parshat Shelach Lecha,* which states **Numbers 15:24**: "If due to the seers of the congregation, a transgression was erroneously violated...." According to the Oral Tradition, it was taught that this is referring to an erroneous ruling concerning the worship of false deities.

If they ruled erroneously with regard to other transgressions punishable by *karet* for which a fixed sin-offering is brought for their inadvertent violation, every tribe must bring a bull as a sin-offering. This sacrifice is mentioned in *Parshat Vayikra* which states **Leviticus 4:3**: "If the entire congregation of Israel shall inadvertently err...."

Thus we have learned that if the High Court rules erroneously with regard to the worship of false deities, the entire congregation bring twelve bulls as burnt-offerings and twelve goats as sin-offerings. They are burnt, because their blood is taken into the inner chamber. They are called the goats offered because of the worship of false deities.

If they ruled erroneously with regard to other mitzvot, they bring twelve bulls as sin-offerings and they are burnt, because their blood is taken into the inner chamber. Each one of the bulls is called a bull brought due to a lapse of awareness by the congregation, as *ibid.*:14 states: "And the congregation shall offer...," i.e., every congregation. Every tribe is referred to as a congregation, as **II Chronicles 20:5** states: "And Yehoshefat stood in the congregation of Judah."

A bull is brought for every tribe - and for the worship of false deities, a

bull and a goat are brought for every tribe whether the entire Jewish people in *Eretz Yisrael* transgressed because of the ruling of the court, the majority of the Jewish people transgressed even though they comprised only a lesser portion of the tribes, or the majority of the tribes transgressed, even though they comprise a lesser portion of the entire Jewish people. Even those tribes who did not transgress bring because of the transgressors. Even if only one tribe transgressed, but it constituted the majority of the congregation, the entire congregation bring twelve bulls, and for the worship of false deities, twelve bulls and twelve goats.

2 When the court is in doubt whether or not they ruled erroneously concerning a matter, they are not required to bring a provisional guilt-offering, as implied by **Leviticus 4:14**: "And the sin becomes known," i.e. only when the matter becomes known to them are they liable for a sacrifice, as will be explained.

When does the concept that the court is liable for a sacrifice and those who act upon their ruling are exempt apply? When the following conditions are met:

a) when those who deliver the ruling are the High Court of 71 judges;

b) when the head of the academy, participates in the ruling with them;

c) when they are all fit to deliver rulings;

d) when all - or the majority - of them err in the ruling they delivered;

e) that they rule explicitly and tell the people: "You are permitted to do this"; similarly those who heard from the court must have told others: "You are permitted to do this"; and the majority of the people or all of them must act because of their ruling;

f) those who commit the transgression must act in error because of them, thinking that the court ruled according to law;
g) they must rule to negate part of a commandment, but to preserve part of it, but not to displace the entire commandment; h) when they become aware of their error, they must know the precise matter concerning which they ruled erroneously.
When all of these conditions are met, the court is liable to bring a sacrifice and those who act upon their rulings are exempt. If, however, one of these conditions is not met, the court is exempt from the sacrifice and anyone who unknowingly performed a transgression must bring a fixed sin-offering for his inadvertent transgression.

Chapter 13

1 What is meant by the statement that if one of the conditions mentioned the court will be exempt and the transgressors liable?
If the court of one of the tribes ruled that the fat of the stomach is permitted and the people of that locale ate it as a result of these statements, that court is exempt and all of those who partook of it must bring a fixed sin-offering for his inadvertent transgression.
Similarly, if the High Court ruled that the blood that collects in the heart is permitted, but the head of the academy was not with them one of them was not fit to be appointed to the *Sanhedrin*, e.g., he was a convert, a bastard, an old man, childless, or the like, and the people acted on their ruling and partook of the blood that collects in the heart, the court is exempt and all of those who partook of it must bring a fixed sin-offering

for his inadvertent transgression.

What is the source that teaches that the verse is referring only to the High Court? **Leviticus 4:13** states: "If the entire congregation of Israel shall inadvertently err...." What is the source that teaches that all must be fit to deliver rules? **Numbers 15:40**: "If the seers of the congregation....," i.e., you must regard them as seers, and **Numbers 35:24** states:"And the congregation shall judge." Just as the term "congregation" used in reference to capital cases must be comprised entirely of judges fit to render judgment, so too, the term "congregation," used in reference to this inadvertent violation must be comprised only of judges fit to render judgment.

Similarly, if the court issued a ruling and one of them knew that they erred and protested: "You are making an error," but those who sought to permit the matter outnumbered him and permitted it, the court is exempt and all of those who acted on their ruling must bring a fixed sin-offering for his inadvertent transgression, as Leviticus, *op. cit.* states: "If the entire congregation of Israel shall inadvertently err...," i.e., the entire *Sanhedrin*.

If one or a lesser part of the *Sanhedrin* knew that those who sought to permit the matter erred, but he or they remained silent, since the ruling was issued, and there was no dissenting view, and the ruling was disseminated among the entire people, the court is liable and all of those who acted on their ruling are exempt. If those who remained silent act upon the court's ruling, they are liable for a sin-offering, because they did not rely on the court.

Similarly, if the court debated the issue and stated "This matter is permitted," but did not issue a ruling and did not explicitly tell them:

"You are permitted to act in this manner," and a person heard their decision that the matter is permitted and went and acted according to what he heard, anyone who performs a transgression is liable for a fixed sin-offering, The court is exempt, for it did not issue a specific ruling to act.

Similarly, if they issued a ruling and the lesser portion of the congregation acted according to their ruling and the error became known, the court is exempt and the lesser portion of the people who acted upon their directive must bring a sin-offering.

2 When the members of the *Sanhedrin* themselves act according to their ruling they are not counted when determining if a majority followed their ruling. Instead, the majority must be comprised of others aside from the members of the *Sanhedrin*.

If the majority of the inhabitants of *Eretz Yisrael* acted according to the erroneous ruling even if the transgressors were only from one tribe, and, similarly, if the majority of the tribes acted according to the erroneous ruling even if they are the lesser portion of the congregation, the court is liable for this sacrifice and the transgressors are exempt.

What is implied? There were 600,001 inhabitants of *Eretz Yisrael*. Those who acted according to the ruling of the court were 300,001 and they were all members of the tribe of Judah alone - or they were members of seven tribes even if they numbered only 100,000 the court is liable for this sacrifice and the transgressors are exempt.

We are not concerned with the inhabitants of the Diaspora, for the term *kahal* ("congregation") applies only to the inhabitants of *Eretz Yisrael*. The

tribes of Efraim and Menashe are not considered as two tribes in this context. Instead, they are counted as one tribe.

3 If at the time the transgression was committed, the transgressors constituted the majority of the people, but at the time they became aware that a transgression had been committed, they were the lesser portion of the people, or they were the lesser portion at the time of the transgression, but the majority at the time they became aware, the ruling whether or not the court is required to bring a sacrifice depends on the proportion at the time of the transgression.

4 The people at large are exempt in the following instance. The court issued a ruling that one of the types of forbidden fat was permitted and the lesser portion of the congregation partook of it because of their ruling. They became aware that they sinned and retracted the ruling. Afterwards, they ruled that a particular form of worship of false deities was permitted and a lesser portion of the congregation performed that form of worship because of their ruling. If a majority of the congregation would be reached when the number of those who partook of the forbidden fat were added to the number were added to those who worshiped the false deity, the two numbers are combined and the people exempted even though the court became aware of their first error in the interim.

When does the above apply? When it was one court that delivered the rulings. If, however, the members of the court that issued the ruling died and another court arose and issued the second ruling, the two groups of transgressors are not combined.

5 Even if two courts issued rulings concerning one matter, e.g., concerning two types of forbidden fat or two types of blood and similarly, if the transgressors did not inadvertently sin because of the ruling, the court is exempt and all of the transgressors are liable.

What is implied? The court ruled that it is permissible to partake of that fat of the stomach in its entirety. One of the members of the congregation knew that the court erred and that the fat of the stomach is prohibited. He, nevertheless, partook of the forbidden fat, because he thought that it was a mitzvah to listen to the court even though they erred. This person who partook of the fat is liable to bring a fixed sin-offering for partaking of it. He is not included among the number of those who transgressed inadvertently because of their ruling.

When does the above apply? When the person who knew the error was a sage or a student who had attained the knowledge that enables him to issue a ruling. If, however, he is a common person, he is exempt, because his knowledge regarding the Torah's prohibitions is not definitive. He is thus included among those who transgressed inadvertently because of their ruling.

Similarly, if one did not know that the court erred and intended to eat permitted fat, but instead ate the fat of the stomach which they erroneously permitted, but he did not know that it was the fat of the stomach, that individual is liable for an individual sin-offering. The rationale is that his eating came as a result of his own inadvertent error, not because of their ruling. He is not included in the number of those who transgressed inadvertently because of their ruling. These concepts are alluded to by **Numbers 15:26**;: "For the entire nation has erred

unknowingly." Implied is that the entire nation committed the same error. Similarly, if the person acted on his own initiative and partook of the fat of the stomach that the court ruled was permitted, not because of their ruling, but because he considered it as permitted, he is obligated to bring a fixed sin-offering individually.

This is the general principle: Whenever one relies on the court, he is exempt, provided all of the conditions that were mentioned were fulfilled. Anyone who is individually liable is not included when calculating whether a majority transgressed inadvertently.

6 When the court intentionally ruled incorrectly and permitted something that is forbidden and the congregation erroneously acted on their ruling, the court is exempt from bringing a sacrifice, because they acted intentionally. Each of the people who acted upon their ruling is obligated to bring a sin-offering individually, because he transgressed inadvertently.

If the court delivered an erroneous ruling unknowingly and the congregation knew that they erred and that it is not correct to accept their ruling, and yet they acted in accordance with it, both the people and the court are exempt from bringing a sacrifice. The court is exempt, because the congregation did not act according to their erroneous ruling. And all the transgressors are exempt, because they are considered as having acted willfully, because they knew that the court erred and that it was not correct to act according to their ruling.

Chapter 14

1 When the court inadvertently err and rule to eliminate one of the Torah's fundamental laws and the entire people acted according to their ruling, the court is exempt and each of the transgressors is obligated to bring a fixed sin-offering, as implied by **Leviticus 4:13**: "And a matter will lapse...," i.e., a matter, but not an entire fundamental law.

2 The court is never liable for a sacrifice unless they issue a ruling, nullifying a certain aspect of a prohibition, but maintaining others regarding matters that are not explicitly stated and elaborated upon in the Torah. Only in such a situation will the court be obligated to bring a sacrifice and those who follow their ruling exempt.

What is implied? They erred and ruled that it is permitted to bow down to a false deity, that it is permitted to transfer an article from one domain to another on the Sabbath, or that it is permitted to be intimate with a woman who is watching day to day because of *zivah* bleeding. This is considered as one who stated that there is no prohibition in the Torah against performing labor on the Sabbath, worshiping false deities, or being intimate with a *niddah*, eliminating the entire prohibition. This is not considered as an erroneous ruling, but rather as forgetting the matter. Therefore the court is exempt from bringing a sacrifice and anyone who acted upon their ruling is liable for a sin-offering individually.

If, however, they erred and issued a ruling, saying that one who transfers an article from one domain to another is liable, as implied by **Exodus 16:29**: "A man should not depart from his place," but it is permitted for one to throw or pass an article from one domain to another - alternatively, they eliminated one of the primary categories of forbidden labor, ruling

that it is not considered as forbidden labor - they are liable.

Similarly, they are liable if they erred and issued a ruling, saying that someone who prostrates himself, spreading out his hands and feet is liable, as *ibid.* 34:14 states: "Do not prostrate yourself to a foreign god," but it is permitted for one to kneel on the ground without spreading out his hands and feet.

Similarly, they are liable if they erred and issued a ruling, saying that one who is intimate with a woman who is watching day to day because of *zivah* bleeding, as implied by **Leviticus 15:26** "all the days of her flow," but if she discovered bleeding at night, it is permitted to be intimate with her - alternatively, they issued a ruling, saying that one whose wife began to experience menstrual bleeding in the midst of intimacy is permitted to withdraw from her while erect.

Similarly, they are liable if they erred and stated that one is liable for partaking of blood which emerges from an animal at the time of ritual slaughter, but one who partakes of blood that collects in the heart is not liable. Similar laws apply with regard to all analogous errors. If they issued such rulings and the majority of the congregation acted because of their ruling, the people are exempt and the court must bring a sacrifice because of their error.

3 If the court ruled that the Sabbath ended because the sun became covered with clouds and it appeared to have set, and then it shined forth again, this is not considered as a mistaken ruling, but as an error. Any individual who performed a forbidden labor as a result is obligated to bring a sin-offering, but the court is exempt.

Similarly, if the court granted a married woman license to remarry, because testimony was delivered in their presence that her husband had died and then her husband appeared this is not considered as a mistaken ruling, but as an error. The woman and her second husband are obligated to bring a sin-offering for their inadvertent transgression. Similar laws apply in all analogous situations.

4 When a court delivers an erroneous ruling and then forgot the nature of the prohibition concerning which they ruled, they are exempt and those who transgressed as a result of their ruling are liable. This applies even if they have definite knowledge that they erroneously caused the violation of a prohibition and even when the people inform them about their ruling, telling them: "You ruled concerning this-and-this." This is derived from **Leviticus 4:14**: "And the transgression which they caused to be violated became known to them," i.e., they became aware of it on their own, rather than being informed about it by the transgressors.

What is implied? The court erred and ruled that the fat on the stomach was permitted and the majority of the people partook of it. Afterwards, they became aware that they issued an erroneous ruling and permitted an entity for which one would be liable for *karet* had one partaken of it willfully or a fixed sin-offering if one partook of it inadvertently. They were in doubt, however, if they ruled that some forbidden fat was permitted or that some forbidden blood was permitted. In such a situation, the court is exempt and all those who partook of the forbidden fat must bring a fixed sin-offering.

5 The following rules apply when the court ruled erroneously and then became aware of their error. Whether they already brought a sacrifice as atonement or did not yet bring one, whenever one transgresses because of their erroneous ruling that was disseminated throughout the Jewish people after they became aware of their error, the transgressor must bring a provisional guilt-offering. The rationale is that since he should have continually inquired about the new developments in the court, but failed to do, he is considered like one who is in doubt whether he transgressed or not.

To whom does the above apply? To one who is in the same region as the court. If, however, one saw the initial, erroneous ruling and then journeyed to another region, he is exempt even if he transgressed after the court became aware of their error, because he relied upon them and cannot inquire about their rulings in his present place. Moreover, even if a person who is hurrying to depart, but has not yet set out on his journey, acts on their ruling after they became aware of their error, he is also exempt from bringing a provisional guilt-offering.

Chapter 15

1 We have already explained that for every transgression for which an ordinary person must bring a ewe or a she-goat as a fixed sin-offering, a *nasi*who violates it inadvertently must bring a he-goat. And if an anointed priest violates it inadvertently, he must bring a bull.

When does the statement that an anointed priest brings a bull because of his inadvertent transgression apply? When he errs in issuing a ruling and

acts according to his ruling alone. And to be liable he must be a sage of distinction, as implied by **Leviticus 4:3**: "If the anointed priest will sin, bringing guilt to the nation," i.e., an equivalence is established between the anointed priest and the people as a whole. Just as the community, i.e., the court, are not obligated to bring a sacrifice unless the judges are sages fit to deliver rulings, they deliver an erroneous ruling, the transgressors err because of this ruling, and they ruled to nullify certain aspects of a prohibition and maintain others, so too, an anointed priest is not liable unless all these stipulations are met.

2 What is implied? If the anointed priest ruled erroneously for himself and thought that it was permitted to throw an article from one domain to another on the Sabbath and acted in this manner, relying on his judgment, when he becomes aware of his transgression, he should bring a bull as a sin-offering. If, however, he did not rely on his ruling, but instead, acted inadvertently and threw an article, or he relied on his ruling, but was not a distinguished sage, or he nullified a prohibition in its entirety when ruling for himself, or he ruled erroneously to negate only a portion of the prohibition, but did not act while relying on his ruling, but instead, performed the transgression inadvertently for another reason, or he purposely delivered an erroneous ruling, but performed the transgression inadvertently, he is exempt from bringing a sacrifice entirely. For the laws that apply to an anointed priest's ruling for himself are identical to those applying to the congregation with regard to the ruling of the court in all regards.

If he delivered a ruling for himself and then forgot the rationale

motivating the ruling and at the time he acted said: "I am acting on the basis of my previous ruling," he must bring a bull as a sin-offering.

3 If he delivered a ruling for himself to nullify certain aspects of the prohibition against the worship of false deities and maintain others and he acted according to his ruling, he brings a she-goat, as does an ordinary person, provided he erred in his ruling, as we explained. For the anointed priest is not obligated to bring a sacrifice unless he has a lapse of awareness while delivering a ruling and then acts inadvertently as is the law with regard to the community as a whole. If, however, he merely acted inadvertently without delivering a ruling, whether he violated the prohibition against the worship of false deities or other commandments, he does not bring a sacrifice at all.

4 When the anointed priest ruled together with the High Court and he and they both erred in their ruling, the anointed priest is exempt even though he acted according to the mistaken ruling that he issued. The rationale is that he did not rely only on his ruling alone, but his ruling together with that of the court. Hence it is not necessary for him to bring a sacrifice for atonement individually. Instead, if the court bring a sacrifice, he receives atonement together with the community at large. And if the transgressors bring a sacrifice, he does not bring a sacrifice, because he does not bring a sacrifice individually.

5 If he together with the court ruled erroneously, they ruled concerning forbidden blood and he ruled concerning forbidden fats, he does not

receive atonement together with the community. Instead, he brings a bull on his own accord.

6 When an anointed priest is in doubt of whether or not he committed this type of advertent transgression - i.e., he ruled in error and acted accordingly - he does not bring a provisional guilt offering, for he is comparable to the community at large who do not bring a provisional guilt-offering. When, by contrast, a *nasi* is in doubt whether he transgressed or did not transgress, he should bring a provisional guilt-offering like other ordinary people, because his obligation for an inadvertent transgression is not dependent on his ruling.

What is the connotation of the term *nasi* used in the Torah? A king who is not under the jurisdiction of any other man in Israel. There is no one superior to him in his sovereignty except, God, his Lord. This applies whether he is of the Davidic dynasty or of other tribes. If there were several kings and one is not subject to the other, each one should bring a goat for his inadvertent transgression.

What is meant by the term "anointed priest"? This refers to a High Priest who was anointed with the oil of anointment, not one who was installed in his office through wearing the priestly garments.

7 When a High Priest who had been anointed with the anointing oil, but was removed from his office, because of a physical blemish, old age, or the like and inadvertently violated a transgression in this manner, he must bring a bull for his inadvertent transgression. For there is no difference between an anointed priest who serves and one who was removed from his

office except the bull offered on Yom Kippur and the tenth of an *ephah* offered each day. These are brought only by a High Priest who is serving in his office, but with regard to the bull brought for the inadvertent violation of all the mitzvot, the two are governed by the same laws.

8 When a *nasi* performs a transgression together with the community, because of a ruling of the court, he receives atonement together with the people at large. If the court were offering a sacrifice due to their error, the entire nation and the king are exempt from a sacrifice, as we explained. If those who transgressed due to the court's ruling were obligated to bring a sacrifice and the king was one of them who transgressed, he should bring a goat. For the goat brought by the *nasi* takes the place of a ewe or a she-goat that an ordinary person brings.

9 When a *nasi* becomes afflicted by *tzara'at* and is removed from his office or he is removed from his office for other reasons, he is considered as an ordinary person. If a *nasi* transgressed while in office and then was removed, he must still bring a goat, as can be inferred from **Leviticus 4:22**: "because of his transgression that he violated," i.e., the sacrifice that he brings depends on his status at the time he transgresses.

10 When an anointed priest or a king violate a transgression requiring a sacrifice before they are appointed to their office, they must bring a sacrifice like an ordinary person even if they become aware of it after they become appointed. This is derived from **Leviticus 4:22**: "When a *nasi* transgresses," and *ibid.*:3: "If the anointed priest will transgress...," i.e.,

these sacrifices are required only when he transgresses while a *nasi* or while anointed.

Accordingly, if a priest ate a piece of fat concerning which there was a question whether it was forbidden and he became aware of this question after he was appointed as a High Priest, he must bring a provisional guilt-offering.

If one ate half an olive-sized portion of forbidden fat while he was an ordinary person and another half after becoming a *nasi* in one lapse of awareness or he ate half an olive-sized portion while he was a *nasi* and half after leaving his office, they are not combined and he is exempt.

If one ate half an olive-sized portion when he was an ordinary person, he was appointed as a *nasi* and then was removed from his office, there is an unresolved doubt if the two times he ate are combined to make him liable or his service as a *nasi* creates a distinction between the two.

Mishneh Torah, Offerings for Those with Incomplete Ato…

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 There are four individuals who are referred to as "requiring atonement": a *zavah*, a woman after childbirth, a *zav*, and a person afflicted by *tzara'at*. Why are they referred to as "requiring atonement"? Because even after each one of them has become pure from the condition that caused his impurity, he has immersed in a *mikveh*, and the day of the immersion has passed, the person's status is still lacking. His attainment of purity is not complete to the extent that he may partake of sacrificial foods until he brings the sacrifice required of him. Before he brings this sacrifice, he is forbidden to partake of sacrificial food as explained in *Hilchot Pesulei HaMukdashim*.

2 When a convert becomes circumcised, but has not brought his sacrifice, although he is forbidden to partake of sacrificial food until he brings his sacrifice, he is not considered as one requiring in atonement. It is merely that failing to bring his sacrifice prevents him from being a complete convert and being from the full-fledged members of the Jewish people. Accordingly, he may not partake of sacrificial foods, because he has not become a full-fledged member of the Jewish people. Once he brings his sacrifice and becomes a full-fledged member of the Jewish people, he may partake of sacrificial foods in the evening.

If he brings one dove as a sacrifice in the morning, he may partake of

sacrificial foods and bring the second dove at a later time. For the sacrifice of a convert is an animal brought as a burnt-offering or two young doves or two turtle doves both brought as burnt-offerings, as explained in *Hilchot Ma'aseh HaKorbanot*.

3 The sacrifice brought by either a *zav* or a *zavah* is two turtle doves or two young doves, one brought as a burnt-offering and one brought as a sin-offering. The sacrifice of a woman after childbirth is a sheep as a burnt-offering and a young dove or turtle dove as a sin-offering. If she lacks the means for that offering, she must bring two turtle doves or two young doves, one as a burnt-offering and one as a sin-offering. The sacrifice of a person afflicted by *tzara'at* is three sheep, one as a burnt-offering, one as a guilt offering, and a ewe as a sin-offering. If he does not have the means, he may bring two doves, one as a burnt-offering and one as a sin-offering, and a sheep as a guilt-offering.

4 Each of the three, a *zav*, a *zavah*, and a person afflicted by *tzara'at*, bring the sacrifices for their atonement on the eighth day after they become purified from their condition. For each one of them must count seven days of purity, immerse on the seventh day, wait until the conclusion of that day, and offer his sacrifices on the eighth day.

5 A woman does not bring her sacrifices on the fortieth day after the birth of a male or the eightieth day after the birth of a female. Instead, she waits until that day is completed and on the following day, the forty-first day after the birth of a male and the eighty-first day after the birth of a female.

This is the day concerning which **Leviticus 12:6** states: "And upon completion of her days of purity for a son or for a daughter, she shall bring...." If she brings the sacrifices in the midst of these days, she does not fulfill her obligation. Even if she brings these sacrifices for a previous birth in the midst of the days of purity for her present offspring, she does not fulfill her obligation.

If these days passed and the individuals mentioned above did not bring the sacrifices for their atonement, they should offer them afterwards. As long as they have not brought the sin-offering for which they are liable, they are forbidden to partake of sacrificial foods. Failure to bring their burnt-offering and guilt-offering does not hold them back.

We already explained in *Hilchot Ma'aseh HaKorbanot* that a sacrifice may not be brought on behalf of anyone obligated to bring it without their consent with the exception of the sacrifices of those requiring atonement. In this instance, the consent of the principals is not required, as evident from the fact that a person may bring sacrifices on behalf of his sons and daughters who are below majority if they require atonement and allow them to partake of sacrifices.

6 What is meant by a *zavah*? A woman who experienced uterine bleeding for three consecutive days at a time other than the days when she usually menstruates. She is considered a greater *zavah* and is required to count seven spotless days and bring a sacrifice. We have already explained with regard to the laws of *nidah*, when a woman will be considered as a *zavah* because of uterine bleeding that she discovers and when she will not be a *zavah*, but rather a *nidah* or ritually pure, and when there will be a

question whether she is a *zavah*. In all situations that we said that she was a *zavah* and should count seven "spotless" days, she is obligated to bring a sacrifice and her sin-offering should be eaten. Whenever we said that there is a question of whether she was a *zavah*, she should bring a sacrifice, but her sacrifice is not eaten. We have already explained that a sin-offering of fowl brought because of a questionable situation should be burnt.

We have already explained what type of birth or miscarriage will cause a woman to contract impurity because of birth and which will not cause her to contract impurity. Whenever we stated that she contracts impurity because of birth, she must bring a sacrifice and her sacrifice is eaten. Whenever we stated that she is not impure because of birth, she is exempt from bringing a sacrifice.

7 When a woman was uncertain whether or not she was pregnant and then miscarried and she did not know the nature of the fetus that she miscarried, whether she was required to bring a sacrifice for it or not, she is considered as a woman in childbirth of doubtful status. She must bring a sacrifice, but her sin-offering is not eaten. Similarly, if two women both miscarried, the fetus that one had carried was mature enough to warrant a sacrifice, but the other fetus was not, and the women did not know which of them had carried which fetus, they should each bring a sacrifice because of the doubt, but neither of their sin-offerings are eaten. For a sin-offering of fowl that is brought because of an unresolved question is burnt, lest the woman bringing it not be liable. In such a situation, this sin-offering would be a non-consecrated animal slaughtered in the Temple Courtyard, from which it is forbidden to benefit, as explained in *Hilchot Shechitah*.

8 Whether a woman who gives birth or miscarries gives birth or miscarries to one offspring or many offspring, she may bring one sacrifice that includes all of them. This applies provided the births or the miscarriages take place within the days associated with the prior birth or miscarriage. If, however, they take place afterwards, a separate sacrifice must be brought for the second birth or miscarriage.

What is implied? When a woman gives birth to a girl, any miscarriages that occur from the day of that child's birth until the conclusion of the eightieth day are grouped together with the first child. It is as if she gave birth to twins, one after the other, and she is only required to bring one sacrifice. If she miscarried on the eighty-first day or from that date onward, should it be mature enough to require a sacrifice, she must bring a sacrifice for it independently.

Should she have given birth to a girl and after sixty or seventy days, miscarry a female fetus, she is exempt from bringing a sacrifice for any fetus she miscarries within the eighty days associated with this second female. Similarly, if she miscarries a third female after sixty or seventy days since the miscarriage of the second female, she is exempt from bringing a sacrifice for any fetus she miscarries within the eighty days associated with this third female. The rationale is that it is taken into account with the third miscarriage and the third birth is taken account with the second birth, because it is within the days associated with it. The second birth is taken into account with the first birth. Thus the woman is required to bring only one sacrifice for everything.

9 When a woman gives birth to a *tumtum* or an *androgynus*, and then

miscarries after forty days from the birth of the first child, she should bring a sacrifice for this miscarriage, for perhaps the first one was a male and thus the miscarriage took place after the days associated with its birth. Nevertheless, her sin-offering is not eaten, lest the first birth have been a female and thus the miscarriage took place in the days associated with its birth, in which instance, she is exempt from a second sacrifice.

10 When there are five births or miscarriages of questionable status for which a woman might be liable or five states of *zivah* of questionable status for which she might be liable, she may bring one set of sacrifices and partake of sacrificial food. The remainder are not considered as an obligation that she must requite. If she was obligated to bring sacrifices for five definite births or five definite *zavah* bleedings, she may bring one set of sacrifices and partake of sacrificial food. The remainder are considered as an obligation that she must requite. Similar concepts apply to a *zav*.

If a woman is liable for five definite births or miscarriages and five births or miscarriages of questionable status or five definite births or miscarriages and five *zivah* bleedings of questionable status, she must bring two sets of sacrifices. One is for the definite obligations. That sin-offering is eaten; the sacrifices for the other definite births remain an obligation for her. And she brings one set of sacrifices for the questionable situations. That sin-offering is not eaten; the sacrifices for the other questionable situations do not remain an obligation for her. She may then partake of sacrificial food.

11 When a woman converted and it was not known whether she gave birth

before she converted or afterwards, because of the doubt, she must bring a sacrifice for the birth, but the sin-offering is not eaten.

In *Hilchot Shegagot*, we already explained that whenever there is an unresolved question whether or not a person requires atonement and Yom Kippur passes, they must bring the sacrifices after Yom Kippur, because it is these sacrifices which make them fit to partake of sacrificial food.

12 When a woman is obligated to bring a sacrifice for a birth or a *zivah*, she should bring money for the set of doves and place it in the appropriate chest. She may then partake of sacrificial food in the evening, relying on the assumption that the court of priests will not depart from the Temple until all of the money in the chest is used and sets of doves are offered for it, as we explained in *Hilchot Shekalim* and in *Hilchot K'lei HaMikdash VeHaOvdim Bo*.

13 When a woman brought her sin-offering and then died, her heirs should bring her burnt-offering even if she did not separate it during her lifetime. The rationale is that a lien for the sacrifice was already established on her property and this lien has the power of Scriptural Law.

Chapter 2

1 The term *zav* used by the Torah refers to a discharge of sperm that is released because of an internal sickness that effects the organs of the body in which it collects. When a *zav* emission is discharged, it is not released with an erection like semen and its release does not involve any desire or

satisfaction. Instead, it is drawn out like a barley dough and is dark like the white of an unfertilized egg. In contrast, viable sperm is white and adhesive like the white of a fertilized egg.

2 If a person releases a discharge which would have caused him to be deemed a *zav* because of another sickness or because of factors beyond his control, he is not deemed a *zav*, as implied by **Leviticus 15:2**: "A man who will release discharges from his flesh." That phrase can be interpreted to mean: He will become impure "because of his flesh," and not due to any other factor.

On this basis, our Sages said: we check a *zav* with regard to seven factors: food, drink, burdens, jumping, infirmity, provocative sights, and thoughts.

What is implied? If a person overate or overdrank or he ate or drank foods or beverages that lead to the discharge of seed, he carried a heavy burden, he jumped from place to place, included in this category is also his being beaten on his back, he was sick, he saw a woman and desired intimacy with her, or he thought about sexual relations even if he did not think specifically about a particular woman whom he knew - if any of these factors preceded his discovery of a *zav* discharge, we account the discharge to it and it does not render him impure.

3 When a person has a seminal emission, he is not rendered impure as a *zav* for an entire 24-hour period, for the *zav* comes as a result of the seminal emission. Similarly, we attribute a discharge to provocative sights and lustful thoughts for 24 hours afterwards. By contrast, with regard to food,

drink, jumping, and a burden, we attribute a discharge to them only for as long as this factor causes discomfort.

4 When a man, whether a gentile or a Jew, becomes circumcised and then sees a discharge, we attribute it to the circumcision as long as he is suffering. When a gentile has a seminal discharge and converts afterwards, he can become impure because of *zivah* immediately. We do not attribute any discharges in a 24-hour period to the seminal emission.

When a minor has a discharge, we do not attribute it to provocative sights and lustful thoughts, for there are no provocative sights and lustful thoughts that will cause a minor to have a discharge. Therefore we check him only with regard to five factors.

5 Just as we attribute the discharges of a minor to his sickness, so too, we attribute his discharges to the sickness of his mother if he is nursing or in need of her care.

When does the statement that we check a *zav* with regard to these matters apply? With regard to his second discharge of *zivah*, for that characterizes him as a *zav*, as will be explained. If, however, he has one discharge due to factors beyond his control and one "because of his flesh," he is impure with the impurity of *zivah*. Nevertheless, he should also be checked initially, in order to count three discharges so that he will be liable for a sacrifice.

He is not checked for the third discharge. Instead, even if he experiences it due to factors beyond his control, since he was already categorized as impure - because the first two discharges that caused him to be

characterized as a *zav* were "because of his flesh" - he is therefore obligated to bring a sacrifice.

6 When a person experiences one *zav* discharge, his status is equivalent to that of one who had a seminal emission. If he experiences two discharges, this is a *zav* condition. He must count seven clean days and immerse in "living water." He is not, however, obligated to bring a sacrifice.
If he experiences three discharges, he is a *zav* in the full sense of the term and is obligated to bring a sacrifice. There is no difference between a *zav* who experienced two discharges and one who experienced three except the obligation to bring a sacrifice. All of these matters are part of the Oral Tradition conveyed from Moses from Sinai.

7 Whether a person experiences two discharges or three in one hour one after the other or experienced one discharge a day for three consecutive days, he is categorized as a *zav*. For the Torah made the categorization of a *zavah* dependent on days, as **Leviticus 15:25** states: "If she will experience a flow of blood for many days," It did not make the categorization of a *zav* dependent on days.

8 If the *zav* experienced an interruption of an entire day between one discharge and another, they are not linked together.
What is implied? A man experienced a discharge on the Sabbath and a second discharge on Monday, they are not linked together and he is not categorized as a *zav*. Similarly, if he experienced a second discharge on Sunday ands experienced a third discharge on Tuesday, he is not obligated

to bring a sacrifice, for it is not linked to the first two, for there was an interruption of a day between them. If, however, he experienced a discharge during the day and another, on the following night, they are linked together. Needless to say, if he experienced one discharge at night and the second, on the following day, that they are linked together. Similarly, if he experienced three discharges, one on each of three consecutive nights, they are linked together.

9 There is no minimum measure for the discharge of a *zav*. Instead, even a discharge of the slightest size renders him impure, as **Leviticus 15:3** states: "or whether it seals his flesh." Implied is any discharge that is apparent on his flesh renders him as ritually impure.

10 The following rules apply when a *zav* discharge flowed without interruption for an extended time. If the time that elapsed from the beginning of the discharge until its end was as long as it takes to immerse oneself and dry or longer, it is considered as two discharges, because it takes as long a time as two would. If it did not take that long, even if it ceased in the middle, and he had a second discharge within that time period, it is considered as one discharge.

Similarly, if one discharge lasted the amount of time that three discharges would take - i.e., from its beginning to its end, there was enough time for a man to immerse himself and dry himself twice - it is considered as three discharges and he must bring a sacrifice.

11 If a person experienced a discharge during the day, it ceased for the

amount of time it takes to immerse and dry oneself and afterwards, he experienced another two discharges or one discharge that lasts as long as two or if he experienced two discharges or one discharge that lasts as long as two, and then it ceased for the amount of time it takes to immerse and dry oneself and afterwards, he experienced another discharge, he is a *zav* in a full sense.

12 A discharge is considered as two discharges even though it did not last for the time two discharges last, if part of it was experienced at the end of the day and part at the beginning of the night. The rationale is that the change of dates divides the discharge as it were, and causes it to be considered as two.

Therefore if a man experiences a discharge *bein hashamashamot* concerning which there is an unresolved doubt whether it is considered as day or as night, there is an unresolved doubt whether he is impure.

13 If a man experiences one discharge during the day and another *bein hashamashot*, he has definitely contracted the impurity of a *zav*, but there is an unresolved doubt whether he must bring a sacrifice. He must bring a set of doves as sacrifices, but the sin-offering is not eaten.

14 If a person experienced a discharge during *bein hashamashot* on the night of the Sabbath and another discharge on the night following the Sabbath there is an unresolved doubt whether he contracted *zav* impurity and there is an unresolved doubt whether he is obligated for a sacrifice.

There is an unresolved doubt whether he has contracted *zav* impurity, for

perhaps the first discharged took place on Friday and the second on Saturday night. Thus the Sabbath intervened between them and there is no concept of *zav* impurity at all. And there is an unresolved doubt whether he is obligated to bring a sacrifice, for perhaps one of them took place, partially during the day and partially during the night, in which instance, it is considered as two. Thus he would have experienced three discharges and would be liable for a sacrifice. Therefore he brings a sacrifice, but it is not eaten.

Chapter 3

1 During all the days when a *zav* experiences *zav* discharges, he is ritually impure. When the *zav* discharges cease, he counts seven clean days, like a *zavah* must, immerses himself on the seventh day, and waits until nightfall. On the eighth day, he brings his sacrifice if he had experienced three discharges.

If he experienced a *zav* discharge even at the end of the seventh day after he immersed himself, he negates his entire counting and must begin to count seven clean days from the day of his last discharge.

2 When a *zav* has a seminal emission during the seven clean days he counts, he only nullifies that day. From the following day onward, he completes the seven days and then brings his sacrifice.

What is implied? He had a seminal emission on the fifth day, He counts another three clean days afterwards, immerses himself on the third day and brings his sacrifice on the fourth day.

3 When a *zav* checks himself on the first day of his counting and finds himself pure and does not check himself for the remainder of the seven days until the seventh day when he checks himself and finds himself pure, he may rely on the presumption that he is pure. Even if he checked on the day when he had an impure discharge and saw that he was pure and that the discharge had ended and he did not check himself throughout the seven days, but did check himself on the seventh dayor the eighth day, should he find himself pure, the days of counting are significant and he may rely on the presumption that he is pure.

4 Any discharge that causes the counting of the days to be nullified does not bring about an obligation for a sacrifice.

What is implied? A man experienced two discharges and then had an interruption for a day or two and thus he began counting his seven clean days. Although he experienced a *zav* discharge in the midst of the seven days, it is not combined with the previous two. Instead, it nullifies the counting and he must begin to count over again, as we explained.

Moreover, even if he experienced three consecutive discharges in the midst of the counting - even if he experienced them on one day, and even if that was on the conclusion of the seventh day of the seven clean days - he should not bring a sacrifice. For these discharges are considered as nullifying the clean days that were being counted. If he experienced three discharges on the night of the eighth day, he must bring a sacrifice, because these discharges do not nullify the previous counting.

To whom does the above apply? To a *zav* who has experienced two discharges. A *zav* who experienced three discharges previously, by contrast,

who experiences three discharges on the eighth night after the seven clean days does not bring a second sacrifice because of these three discharges, only one sacrifice for the first three discharges. Although these three discharges do not nullify the clean days that were counted, the man has not entered a time when it is fit for him to bring a sacrifice, since the preceding night is considered as "lacking in time," with regard to all Torah laws, with the exception of a woman after childbirth who miscarried on the night of the eighty-first day. She brings a second sacrifice, as we explained. This concept was communicated by the Oral Tradition.

5 If a man experienced one discharge on the eighth night and two discharges on the eighth day, they are linked together and he is required to bring a sacrifice because of the two latter discharges. The rationale is that a *zav's* first discharge is considered as a seminal emission. If he experiences two others afterwards, it is combined together with them to obligate him for a sacrifice. If, however, he experienced two discharges on the eighth night and one on the eighth day, they are not linked together and he is not required to bring a second sacrifice because of the latter *zav* discharges.

6 Every male can contract *zav* impurity, even an infant on the day of his birth, a convert, a servant, a deafmute, and an intellectually and/or emotionally unstable person. It appears to me that atonement is brought for them so that it is possible for them to partake of sacrificial food. Their sin-offering should be eaten, for they are like a child who is not intellectually capable.

A person who was castrated or one who is born sexually impotent may contract impurity because of a *zav* discharge like other men.

7 The stringencies that apply both to males and females are placed upon a *tumtum* and an *androgynus* They contract ritual impurity because of uterine bleeding like a woman or because of clear discharges like a man. Their impurity is of questionable status. Therefore if one such person had three *zav* discharges or discovered *zavah* bleeding for three consecutive days, he must bring a sacrifice, but it is not eaten. If he was counting seven clean days to purify himself from a *zav* discharge and he experienced uterine bleeding or he was counting to purify himself from uterine bleeding and experienced a *zav* discharge, the counting is not disrupted.

Chapter 4

1 When a person afflicted by *tzara'at* is healed of his affliction, and he has been purified with a cedar branch, a hyssop, a crimson thread, and two birds, all of his flesh is shaved and he is immersed in a *mikveh*. After this entire process, he may enter Jerusalem. He then counts seven days and on the seventh day, he shaves a second time like the first shaving. He then immerses himself. His status is then that of a *t'vul yom*. He waits until the evening. On the morrow, on the eighth day, he immerses a second time and then he brings his sacrifices.

Why must he immerse himself on the eighth day if he immersed himself previously? Because he had become habituated to contracting lesser types of impurity during the days that he was identified as one afflicted by

tzara'at and he would not show care not to contract impurity and perhaps he contracted impurity after he immersed. Therefore, he would immerse himself on the eighth day in the Women's Courtyard, in the Chamber for those Afflicted by *Tzara'at*,even though he did not divert his attention after his immersion.

2 If he delayed and did not shave on the seventh day, but instead, shaved on the eighth day or after several days, on the day that he shaves, he should immerse and wait until the evening. On the following day, he brings his sacrifices after immersing himself a second time, as we explained.

What are the rites performed for him? The person who had been afflicted with *tzara'at* stands outside the Courtyard of the Israelites, in front of the eastern entrance, at the lintel of the Gate of Nicanor, facing west. There all those who require atonement stand at the time they are being purified and a *sotah* is forced to drink the bitter waters there.

The priest takes the sheep to be offered as the guilt-offering of the afflicted person while it is alive and performs *tenufah* with it together with the *log* of oil in the eastern portion of the Temple Courtyard where all *tenufot* are performed. If *tenufah* was performed with the sheep and the oil each separately, the person fulfills his obligation.

Afterwards, the guilt-offering of the afflicted person is brought to the entrance to the Temple Courtyard. The afflicted person inserts his two hands into the Courtyard and places them on his sheep. It is then slaughtered immediately. Two priests receive its blood. One receives it in a receptacle and casts it on the altar and one receives it in his right hand. He pours it into his left hand and sprinkles it with the index finger of his

right hand. If he deviated and received it in his left hand first, it is disqualified.

The priest who received a portion of the blood in a receptacle should carry it and cast it on the altar first. Afterwards, the priest who received the blood in his palm should approach the afflicted person at the entrance. The priest stands inside and the afflicted person outside. The afflicted person inserts his head and the priests applies some of the blood in his hand on the middle lobe of his right ear. Afterwards, the afflicted person inserts his right hand and the priest applies the blood to his thumb. Afterwards, he inserts his right foot and the priest applies the blood to his large toe. If he applies it the left organs, the afflicted person does not fulfill his obligation. Afterwards, his sin-offerings and burnt-offering are sacrificed.

After he applied the blood to his thumb and toe, the priest takes the *log* of oil and pours it into the left palm of a colleague. If he pours it into his own palm, the person fulfills his obligation. He dips his right index finger in the oil in his palm and sprinkles seven times toward the Holy of Holies. Each time he sprinkles the oil, he dips his finger into it. If he sprinkled it, but did not direct it toward the Holy of Holies, it is acceptable.

Afterwards, he approaches the afflicted person and applies the oil to the place where he applied the blood on the middle lobe of his ear, his thumb, and his large toe. He then applies the remainder of the oil to the head of the person seeking purification. If he did not apply it, he does not achieve atonement. The remainder of the *log* is divided among the priests.

3 The remainder of the *log* of oil may be eaten only in the Temple

Courtyard by males of the priestly family like other sacrifices of the most holy order,for an association was established between it and the guilt-offering. It is forbidden to partake of the *log* of oil until after the seven sprinklings and the application of blood to the thumbs and toes were performed. If one partakes of it, he is liable for lashes, like one who partook of the meat of sacrifices of the most holy order before their blood was cast upon the altar.

Chapter 5

1 What is meant by the term "the *tinuch* of the ear"? The middle lobe.
If the priest applied the oil to the sides of the thumb and the large toe, it is acceptable. If he applied it to their lower surface, it is invalid. Whether the priest applies the oil to the blood of the guilt-offering directly above it or he applied it at the side of the blood, even if the blood was cleaned off before he placed the oil on the thumb and the toe, he fulfills his obligation, as implied by **Leviticus 14:28** which states that the oil must be applied "on the place of the blood of the guilt-offering."
If an afflicted person does not have a right hand, a right foot, or a right ear, he can never regain ritual purity.

2 When a guilt offering of an afflicted person was slaughtered without the proper intent or its blood was not applied to the person's thumb and toe, it should be brought to the altar and it requires additional offerings like those offered for a guilt-offering of one afflicted with *tzara'at*. The afflicted person must bring another guilt-offering for his purificiation.

3 If the afflicted person's sin-offering was offered before his guilt-offering, we do not say that one should stir the blood of the sin-offering until the guilt-offering was offered. Instead, it should be left overnight and then taken to the place where sacrifices are burnt.

4 A person may bring his guilt-offering one day and his *log* of oil even after ten days. If he desires to alter the designation of the *log* and designate it for the guilt-offering of another afflicted person, he may although he has already had it consecrated in a sacred utensil. If the amount of oil decreased before it was poured into the priest's hand and was less than a *log*, the measure should be refilled. If it decreased after it was poured, another *log* should be brought instead.

5 The following laws apply if the oil was poured into the priest's hand, his colleague began to sprinkle it and then the *log* spilled. If it spilled before he completed the seven sprinklings, he should bring another *log* of oil and begin the seven sprinklings. If he completed the seven sprinklings and then the *log* of oil spilled, he should bring another *log* and begin applying the oil to the thumb and toe. If he already began applying the oil to the thumb and toe and the *log* spilled before he could complete it, he should bring another *log* and begin applying the oil to the thumb and toe. If he completed applying the oil to the thumb and toe and the *log* spilled before he placed the remainder of the oil on the head of the person being purified, he does not have to bring another *log*, for the application of the oil to his head is not an indispensable requirement, as implied by **Leviticus 14:17**, 18 which mentions "the remainder of the oil," and "the additional

oil."

6 If the priest applied the oil before he applied the blood, he should fill the *log* container with additional oil and apply the oil after the blood. If the oil was applied to the thumb and toe before the seven sprinklings were made, the *log* container should be filled with additional oil which should be applied to the thumb and toe after the seven sprinklings. These laws are derived from **Leviticus 14:2** which states: "This is the law applying to one afflicted with *tzara'at*." Implied is that the entire law should be carried out according to the prescribed sequence.

7 If the seven sprinklings were made without the proper intent, the offering does not find favor Above, but the afflicted person regains his status of purity.

8 When a person who had been afflicted with *tzara'at* becomes afflicted again after bringing his guilt-offering, he must bring another set of sacrifices for the second affliction. Similarly, if he brings his guilt-offering for the second affliction and becomes afflicted again, he must bring a sacrifice for every time he became afflicted. If, however, he became afflicted and was healed and brought the birds and then became afflicted again, when he was healed a second time and brings his birds, it is sufficient to bring one set of sacrifices for all the times he was afflicted.

9 The following laws apply when an afflicted person brings the sacrifices required of a poor person and then he becomes rich, or he brought the sacrifices required of a rich person and he became poor. Everything

depends on his status at the time he brings his guilt-offering. If he was wealthy at the time the guilt-offering was slaughtered, he should complete the offering of a wealthy person. If he was poor at that time, he should complete the offering of a poor person.

10 There were two afflicted persons whose sacrifices became intermingled and the blood of one of the sin-offerings was sprinkled on the altar and then one of the afflicted persons died. What should the afflicted person who is alive do? He may not bring an animal as a sin-offering, for perhaps the sin-offering whose blood was cast on the altar was his and we follow the principle: an animal is not brought as a sin-offering when there is a doubt whether one is liable. He may not bring a sin-offering of fowl, because a rich man who brings a poor man's offering does not fulfill his obligation.

What then should he do? He should sign all his property over to another person. Thus he will be poor. Hence he may bring a sin-offering of fowl, because of the doubt. It is not eaten, as we explained. He may then partake of sacrificial foods.

11 When a rich man says: "I take responsibility for the sacrifices of this afflicted person," and the afflicted person was poor, he must bring the sacrifices of a wealthy man, for the person who took the vow has the financial capacity. If a poor person said: "I take responsibility for the sacrifices of this afflicted person," and the afflicted person was wealthy, he must bring the sacrifices of a wealthy man, for the person who took the vow obligated himself to bring the sacrifices of a wealthy man.

Mishneh Torah, Substitution

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Anyone who transfers holiness from one animal to another is liable for lashes for every animal from which he transferred the holiness, as **Leviticus 27:10** states: "Do not exchange it and do not transfer its holiness," even though he did not perform a deed. According to the Oral Tradition, it was taught that any negative commandment that does not involve a deed is not punishable by lashes with the exception of one who takes a false or unnecessary oath, one who transfers the holiness of a sacrificial animal, and one who curses a colleague mentioning God's name. These three negative commandments can never involve a deed at all, and yet one is liable for lashes for their violation.

Why is one liable for lashes for transferring the holiness of an animal, it is a negative commandment that can be corrected by a positive commandment, as *ibid.*:33 states: "If he will transfer its holiness, it and the animal to which its holiness will be transferred shall be consecrated"? Because it has one positive commandment and two negative commandments and because the negative commandment it involves is not of the same nature as the positive commandment.This is reflected in the ruling that if the Jewish community or partners try to transfer the holiness of a sacrificial animal, the transfer is not effective. Nevertheless, they are warned not to transfer the holiness. Thus when an individual transfers the holiness of a sacrificial animal, the animal to which he transferred the

holiness is consecrated. Even if he transfers holiness on the Sabbath, he is liable for forty lashes. If, by contrast, a partner in a sacrificial animal endeavors to transfer its holiness or an endeavor is made to transfer the holiness of an animal designated for a communal sacrifice - since that person has a share in these sacrifices he is liable for lashes, but the animal to which he endeavored to transfer the holiness is not consecrated.

2 Whether one transfers the holiness of an animal as an intentional transgression or one does so inadvertently, the transfer of holiness is effective and the person is liable for lashes.

What is implied? One intended to say: "This animal should be considered as an exchange for an animal consecrated as a burnt-offering that I possess," and instead, he said: "This animal should be considered as an exchange for an animal consecrated as a peace-offering that I possess," the transfer of holiness is effective and he is liable for lashes. If, however, he thought that it was permitted to transfer holiness or he said: "I will enter that house and transfer the holiness of a sacrificial animal willfully," and instead, he entered and transferred the holiness of the animal unknowingly, the transfer of holiness is effective, but he is not liable for lashes for it.

3 A person cannot transfer the holiness of a sacrificial animal that does not belong to him. If the owner of a sacrificial animal says: "Whoever desires to transfer the holiness of my sacrificial animal may come and do so," another person may transfer the holiness of that animal.

If a person transferred the holiness of a sacrificial animal belonging to him

to another animal that does not belong to him, the transfer is not effective. The rationale is that a person cannot consecrate an entity that does not belong to him.

4 It is the one who will receive atonement who has the potential to exchange the holiness of a sacrificial animal, not the person who consecrates it.
What is implied? A person consecrated an animal so that his colleague could gain atonement through its sacrifice, e.g., one consecrated the animals required for the sacrifices of a nazirite so that so-and-so, the nazirite, could gain atonement thereby. It is that nazirite who can transfer their holiness, but not the person who consecrated them, because they do not belong to him.

5 An heir can transfer the holiness of a sacrificial animal he inherits. If a person dies, leaving a sacrificial animal to his two sons, this animal should be offered, but its holiness cannot be transferred. The rationale is that the sons are partners and partners cannot transfer the holiness of a sacrificial animal, as we explained.

6 The holiness of sacrificial animals consecrated by gentiles may not be transferred according to Scriptural Law. According to Rabbinic Law, however, if a gentile transfers the holiness of a sacrificial animal, the transfer is effective. If a gentile consecrated a sacrificial animal with the intent that a Jew receive atonement through its being offered and then the gentile transferred its holiness to another animal, there is an unresolved question whether the transfer is effective.

7 When either a man or a woman seek to transfer the holiness of a sacrificial animal, the transfer is effective.

8 Even though he is not liable for lashes, there is an unresolved question whether a transfer of holiness made by a minor who has reached the age when his vows are binding is effective or not.

9 The priests cannot transfer the holiness of animals to be sacrificed as sin-offerings and guilt-offerings that were given to them to offer. Although portions of the animal belong to them, they do not acquire them during the lifetime of the animal, for they do not receive a portion of the meat until the blood is cast on the altar.

A priest cannot transfer the holiness of a firstborn animal; even though he does acquire it while it is alive, he does not acquire it at the outset. On the contrary, at the outset, it should be in the home of the Israelite. When, by contrast, an owner transfers the holiness of a firstborn animal, as long as it is in his household, the transfer is binding.Similarly, when a priest transfers the holiness of a firstborn animal born in his herd, not a firstborn animal given to him by an Israelite, the transfer is binding.

10 The holiness of the ram of the High Priest can be transferred to another animal. The holiness of his bull, by contrast, cannot be transferred to another animal. Even though it is brought from his own resources, since his priestly brethren derive atonement through its sacrifice, they are considered as partners in it.

11 The holiness of fowl and meal-offerings cannot be transferred, for the

relevant verses mention only animals.

12 The holiness of animals consecrated for the upkeep of the Temple may not be transferred, for with regard to the tithe offering, **Leviticus 27:33** states: "He shall not distinguish between good and bad and he should not transfer its holiness." Now the tithe offering was part of the general category of all the sacrifices, why was it singled out?To teach us a concept that applies to the entire general category. The tithe-offering is the sacrifice of an individual, thus excluding communal offerings and sacrificial animals owned by partners. The tithe-offering is a sacrifice offered on the altar, thus excluding animals consecrated for the sake of the upkeep of the Temple. There is an association between the tithe-offerings and the tithes of the crops in which are obligated Jews and not non-Jews; thus excluding sacrifices of the gentiles whose holiness cannot be exchanged as stated.

13 When a person consecrates an animal that has a permanent disqualifying blemish, its holiness cannot be transferred to another animal, because its body has not been consecrated in a complete way; only its worth was consecrated. If, however, one consecrates an animal with a temporary blemish or one consecrates an unblemished animal and then it contracted a permanent blemish, its holiness can be transferred.

14 Whether one transfers the holiness of a blemished animal to an unblemished one or that of an unblemished animal to a blemished one, one transferred the holiness of sheep to cattle, or the holiness of cattle to

sheep, or that of goats to sheep or that of sheep to goats, or that of males to females or that of females to males, or transferred the holiness of 100 animals to one or that of one to 100, whether he did so all at once or one after another, the transfer is effective and he is liable for the same number of sets of lashes as animals to which he transferred holiness.

15 The holiness of an animal to which holiness has been transferred cannot be transferred to another animal, nor may the holiness of the offspring of a consecrated animal be transferred to another animal. This is derived from **Leviticus 27:10**: "And it and the animal to which its holiness was transferred shall be holy." Implied is "it" and not its offspring, "the animal to which its holiness was transferred" and not an animal to which there was an attempt to transfer the holiness of the animal to which its holiness was transferred. If, however, one transferred the holiness of an animal and then transferred its holiness a second time, even 1000 times, the holiness has been transferred to each of them, and one is liable for lashes for each transfer, as we explained.

16 The holiness of an entire animal may not be transferred to limbs or fetuses, nor may the holiness of the latter be transferred to an entire animal.

What is implied? If one says: "The hindfoot of this animal..." or "Its forefoot should be substituted for this burnt-offering," or he said: "The fetus of this animal should be substituted for this burnt-offering," the holiness is not transferred. Similarly, if one says: "This animal should be substituted for the forefoot..." or "the hindfoot of this burnt-offering," or

he said: "This animal should be substituted for the fetus of this sin-offering," the holiness is not transferred.

17 When one seeks to transfer the holiness of a consecrated animal to a hybrid, an animal that is *tereifah*, one born of Caesarian section, a *tumtum*, or an *adrogynus*, the holiness is not transferred to them and it is as if one sought to transfer the holiness of a sacrificial animal to a camel or a donkey. The rationale is that this type of animal is not fit for sacrifice. Therefore one who tries to transfer the holiness of a sacrificial animal to it is not liable for lashes.

What is the difference between these and an animal that is blemished? There is the possibility of the type of animal that is blemished serving as a sacrifice, while these types of animals cannot serve as sacrifices.

18 An animal that was engaged in intercourse with humans - whether it acted as the male or female - is considered as a blemished animal and the holiness of a sacrificial animal can be transferred to it. Similar laws apply in all analogous situations.

19 When an animal was half consecrated and half unconsecrated, holiness cannot be transferred to it, nor may its holiness be transferred.

20 The holiness of all of the sin-offerings that are consigned to death may not be transferred to another animal. By contrast, the holiness of all of the sin-offerings that are designated to pasture until they contract a blemish and are sold may be transferred to another animal.

21 When a person sets aside a female animal for his Paschal sacrifice, burnt-offering, or guilt-offering, its holiness can be transferred even though it is not fit to be offered. The rationale is that since its worth is consecrated and it is unblemished, it is considered as if its body was consecrated.

If, by contrast, one separated a goat as a sin-offering, a king separated a she-goat as a sin-offering, and a High Priest separated a cow as a sin-offering, their holiness cannot be transferred. The rationale is that anyone who deviates from the commandments prescribed for a sin-offering does not cause the designated animal to be consecrated at all, not even its worth, as we explained in *Hilchot Pesulei HaMukdashim*.

Chapter 2

1 The act of transferring the holiness of a sacrificial animal involves the owner of the animal saying with regard to an ordinary animal that he possesses: "This should be substituted for this" or "This is a replacement for this." Needless to say, holiness is transferred if one says: "This should be substituted for this sin-offering" or "... substituted for this burnt-offering." Similarly, holiness is transferred if one says: "This should be substituted for the sin-offering I possess at home" or "...substituted for the burnt-offering I possess in such-and-such a place."

If, by contrast, one said with regard to an ordinary animal: "This should be substituted for a burnt-offering" or "This is substituted for a sin-offering," his words are of no consequence. If he states: "The holiness of this is conveyed to this," a transfer of holiness is not brought about.

2 The following rules apply when there were two animals before a person, one ordinary animal and one consecrated animal that became blemished. If he placed his hand on the ordinary animal and said: "This one is substituted for this," he has brought about a forbidden exchange of holiness and he is liable for lashes. If, by contrast, he placed his hand on the consecrated animal and said: "This is substituted for this," he has exchanged its holiness and transferred it to the ordinary animal. This is not a forbidden exchange of holiness, but instead, is comparable to redeeming the blemished sacrificial animal with this ordinary animal.

3 The following rule applies when there were three animals consecrated for the altar before a person and one of them was blemished and awaiting redemption and also three unblemished ordinary animals. If he says: "These are substituted for these," the holiness of two of the consecrated animals is transferred to two of the ordinary animals through the convention of *temurah* and he is liable for two sets of lashes. The third ordinary animal is substituted for the blemished animal through the convention of *chillul*. We assume that he sought to use that convention rather than the convention of *temurah*. The rationale is that since the person had a forbidden course of action, *temurah* and a permitted course of action, *chillul*, we operate under the assumption that a person will not abandon the permitted course of action and follow the forbidden one. Therefore he is not liable for three sets of lashes.

Similarly, if one says: "These ten ordinary animals are substituted for these ten consecrated animals," and one of the consecrated animals is blemished, the person is liable for only nine sets of lashes, for he intended

to transfer the holiness of the tenth animal through the convention of *chillul*. Even though he had established a halachic presumption by being liable for many sets of lashes, since there is a permitted way for him to transfer the animal's holiness, we presume that he will not abandon the permitted course of action and follow the forbidden one.

When there are two consecrated animals and one of them is blemished and two ordinary animals and one of them is blemished, and one says: "These are substituted for these," the holiness of the unblemished animal is transferred to the unblemished animal through the convention of *temurah* and he is liable for one set of lashes and the holiness of the blemished animal is transferred to the blemished animal through the convention of *chillul*. The rationale is that we presume that he will not abandon the permitted course of action and follow the forbidden one.

4 When one says: "The holiness of an animal designated as a burnt-offering and one designated as a peace-offering is transferred to this animal," his statements are of consequence. The animal should be sold and half of the proceeds used to bring the exchange of a burnt-offering and half used to bring the exchange of a peace-offering.

If one said: "The holiness of an animal designated as a burnt-offering and the holiness of an animal dedicated as a peace-offering are transferred to this animal," we examine if that was his original intent. If it was, his words are of consequence. If his original intent was merely to transfer the holiness of a burnt-offering, and he afterwards, added "the holiness of a peace-offering" later, only his original statements are of consequence. Even though he retracted them immediately thereafter, only the holiness of a

burnt-offering was transferred to the animal.

Chapter 3

1 What are the laws governing the offering of an animal to which holiness was transferred? A male animal to which the holiness of a burnt-offering was transferred should be sacrificed as a burnt-offering. If the animal to which the holiness of a burnt-offering was transferred was female or blemished, the female should be left to pasture until it contracts a disqualifying blemish. Then it should be sold and a burnt-offering brought with the proceeds of the sale.

An animal to which the holiness of a sin-offering was transferred should be consigned to death, as we explained in *Hilchot Pesulei HaMukdashim*.

An animal to which the holiness of a guilt-offering was transferred should be left to pasture until it contracts a disqualifying blemish. Then it should be sold and freewill offerings brought with the proceeds of the sale. An animal to which the holiness of a peace-offering was transferred is like a peace-offering in all respects: It requires *semichah*, accompanying offerings, and the waving of the breast and the thigh.

An animal to which the holiness of a thanksgiving-offering was transferred is like a thanksgiving-offering except that it does not require bread, as we explained in *Hilchot Pesulei HaMukdashim*.The following laws apply to an animal to which the holiness of a Paschal sacrifice was transferred. If the transfer was made before noon on the fourteenth of Nisan, the animal to which the holiness was transferred is not offered. Instead, it should be left to pasture until it contracts a disqualifying blemish. Then it should be

sold and a peace-offering brought with the proceeds of the sale. If the transfer was made after noon, the animal to which the holiness was transferred should itself be sacrificed as a peace-offering.

An animal to which the holiness of a firstborn offering or a tithe offering was transferred should never be sacrificed. This is derived from **Leviticus 27:26** which states with regard to a firstborn: "It is God's." According to the Oral Tradition, it was taught: "It" is sacrificed, but an animal to which its holiness is transferred is not sacrificed. The laws pertaining to the tithe offering are the same as those pertaining to the firstborn offering. An animal to which the holiness of these offerings was transferred should be left to pasture until it contracts a disqualifying blemish. Afterwards, it may be eaten.

2 An animal to which the holiness of a firstborn is transferred should be given to the priests and an animal to which the holiness of a tithe offering was transferred is given to its owners. Just as a firstborn animal or a tithe offering that contracts a disqualifying physical blemish is not redeemed, as explained in *Hilchot Issurei Mizbeiach*, so too, an animal to which their holiness is transferred is not redeemed.

3 When an animal was consecrated half as a burnt-offering and half as a peace-offering, an animal to which its holiness was transferred is given the same status. Similarly, when the holiness of any consecrated animal which should not be sacrificed because of a difficulty at the time of its consecration was transferred to another animal, that second animal should also not be sacrificed.

If one said: "The holiness of a sacrificial animal should be transferred to half this animal and the other half should be consecrated as a burnt-offering," it should be offered as a burnt-offering. If he consecrated it half as a burnt-offering and half, as a tithe offering, it should be sacrificed as a burnt-offering. If he transferred the holiness of a sacrificial animal to half of it and he consecrated half as a tithe offering, its status is in doubt and it should not be sacrificed.

4 The following rules apply when a person consecrates an animal with a temporary blemish or, needless to say, an unblemished animal and then it contracts a permanent blemish and it is redeemed. If one endeavored to transfer its holiness after it was redeemed, the transfer is binding, but the animal to which the transfer was made should neither be sacrificed, nor redeemed. Instead, it should be left until it dies. It should not be sacrificed, because it comes from holiness that was already deferred. Nor may it be redeemed, because its holiness does not have the strength to encompass the entity used to redeem it.

5 When any animal to which holiness was transferred was permanently blemished from the outset, they should be redeemed. Nevertheless, they do not become ordinary animals in a complete sense to the extent that it is permitted to shear them or perform work with them after they are redeemed. For holiness that is transferred can encompass an animal that possesses a permanent blemish, as evident from **Leviticus 27:10** which speaks of transferring holiness "from the good to the bad." Here the intent of the term "bad" is an animal that is blemished or the like and thus is not

fit to serve as a sacrifice. Nevertheless, concerning it, the verse continues: "It shall be consecrated."

6 The following laws apply when an animal consecrated as a burnt-offering became intermingled with sacrificial animals consecrated as peace-offerings and one transferred the holiness of one of the animals in the mixture to an ordinary animal.One should bring another animal and consecrate it, saying: "If this one had the holiness of a burnt-offering transferred to it, this animal is a peace-offering. And if this one had the holiness of a peace-offering transferred to it, this animal is a burnt-offering." Thus the animal which he brought together with the animal to which the holiness of the animal was transferred are like animals consecrated as burnt-offerings and as peace-offerings that became intermingled.

If the person transformed the holiness of one of these two to a third animal and it is not known which one's holiness he transferred, he should bring another animal fit for sacrifice from his home and consecrate it conditionally, saying with regard to the second animal to which holiness is being transferred: "If this is an animal to which the holiness of an animal was transferred, the animal that was brought remains an ordinary animal. If this animal is an animal to which the holiness of a burnt-offering or a peace-offering was transferred, the animal that was brought is a burnt-offering or a peace-offering." Thus the animal which he brought with the second animal to which holiness was transferred is like a sacrificial animal that became intermingled with an animal to which holiness was transferred. We have already explained the laws pertaining to the

intermingling of animals to which holiness was transferred in *Hilchot Pesulei HaMukdashim*.

7 When an animal consecrated as a peace-offering became intermingled with a firstborn animal or a tithe offering and one transferred the holiness of one of the animals of the mixture to another animal, that animal should not be offered. Instead, it should be left to pasture until it contracts a disqualifying blemish and then be redeemed, and then it should be eaten in the same manner as a blemished firstborn or tithe offering, as explained.

Chapter 4

1 What are the laws pertaining to the offspring of consecrated animals? The offspring of an animal consecrated as a peace-offering and the offspring of an animal to which the holiness of a peace-offering was transferred are like peace-offerings and they should be treated like peace-offerings in all respects. Similarly, the offspring of an animal consecrated as a thanksgiving-offering and the offspring of an animal to which the holiness of a thanksgiving-offering was transferred should be sacrificed like a thanksgiving-offering, except that they do not require bread. For bread is brought only for a thanksgiving-offering itself. This is derived from **Leviticus 7:12** which states: "He shall offer on the slaughtering of the thanksgiving-offering...." Implied is on its slaughtering, and not on the slaughtering of its offspring or on that of an animal to which its holiness was transferred, as we explained.

To what does the above apply? To the offspring themselves. But the offspring of the offspring should not be sacrificed. From his conduct, it is obvious that he is delaying their offering to raise herds from them. Hence, he is penalized and should not offer them.

2 The offspring of a sin-offering, and, needless to say, the offspring of an animal to which the holiness of a sin offering was transferred, should be consigned to death.

3 If a person slaughters an animal offered as a sin-offering and discovers that it was carrying a four-month old fetus that was alive, it may be eaten like the meat of the sin-offering. For the offspring of consecrated animals while they are in their mother's womb are like the consecrated animals themselves.

4 The offspring of an animal to which the holiness of a guilt-offering was transferred, the offspring of its offspring, and so too until the end of time should be allowed to pasture until they contract a disqualifying blemish. Then they should be sold and the proceeds used to purchase freewill offerings. If the animal to which the holiness of the guilt-offering was transferred gave birth to a male after the guilt-offering is sacrificed, the offspring itself should be sacrificed as a burnt-offering.If one set aside a female animal as a guilt-offering and it gave birth, it and its offspring should be allowed to pasture until they become blemished. Then they should be sold and the person's guilt-offering purchased with the proceeds of the sale. If he already sacrificed his guilt-offering, the proceeds of their

sale should be used to purchase freewill offerings.

5 The male offspring of an animal to which the holiness of a burnt-offering was transferred, the offspring of its offspring, and so too until the end of time are considered as burnt-offerings and should themselves be offered as burnt-offerings.

If one set aside a female as a burnt-offering and it gave birth, even though it gave birth to a male, the offspring should be allowed to pasture until it contracts a disqualifying blemish and then the proceeds of the sale should be used to bring a burnt-offering.

We already explained in *Hilchot Ma'aseh HaKorbanot* that whenever we use the expression "the proceeds of the sale should be used to purchase freewill offerings" the intent is that the money should be placed in the chests that existed in the Temple whose number we explained in *Hilchot Shekalim*. The court sacrifices freewill burnt-offerings with that money. The accompanying offeringsare brought from communal funds and they do not require *semichah*. Whenever, by contrast, we use the expression "it itself should be offered as a burnt-offering" or "he should bring a burnt-offering with the proceeds," the sacrifice requires *semichah* and the owner must bring the accompanying offerings.

6 The offspring born to an animal selected as a tithe offering, the offspring of an animal to which the holiness of a tithe offering was transferred, and the offspring of an animal to which the holiness of a firstborn animal was transferred, and the offspring of their offspring until the end of time should not be offered. Instead, they should be allowed to pasture until

they contract a disqualifying blemish and then they should be eaten according to the laws applying to a blemished firstborn animal and tithe offering.

The offspring of an animal to which the holiness of a firstborn animal was transferred belongs to the priest. The offspring of an animal selected as a tithe offering and the offspring of an animal to which the holiness of a animal designated as a tithe offering was transferred belong to the owner.

7 The laws that apply to the offspring of an animal to which the holiness of a Paschal sacrifice was transferred are the same as those applying to an animal to which the holiness of a Paschal sacrifice was transferred itself. If its mother should be sacrificed as a peace-offering, its offspring should be offered as a peace-offering. If the law was that the mother should be allowed to pasture until it contracts a blemish and then be sold and the proceeds used to purchase a peace-offering, this same law applies to its offspring.

If one designated a female for one's Paschal sacrifice and it gave birth or he designated it for that sacrifice while pregnant, it and its offspring should be allowed to pasture until they contract a disqualifying blemish and a Paschal sacrifice should be brought with the proceeds of their sale. If this female remained unblemished until after Pesach or it gave birth after Pesach, it and its offspring should be allowed to pasture until they contract a disqualifying blemish and a peace-offering should be brought with the proceeds of their sale.

8 When the offspring of sacrificial animals were born through Caesarian

section, as a *tumtum*, an *androgynus*, a hybrid, or a *tereifah*, they should be redeemed and a sacrificial animal that is fit to be brought with the money from the sale of these offspring should be brought.

9 The offspring of a blemished consecrated animal is like the offspring of an unblemished consecrated animal in all respects and it should be offered in the appropriate manner.

10 When a consecrated animal discharges a stillborn animal or a placenta, it should be buried and it is forbidden to benefit from it.

11 A person who changes the purpose for which an article was consecrated from one holy purpose to another violates a prohibition. This is derived from **Leviticus 27:26** which states with regard to a firstborn animal: "A person may not consecrate it," i.e., he may not designate it as a burnt-offering or a peace-offering. The same applies to other consecrated animals. They may not be changed to a purpose other than that for which they were originally consecrated. This applies both to animals consecrated for the altar and animals consecrated for the improvement of the Temple. What is implied? If an article was consecrated for the improvement of the Temple Sanctuary, it should not be changed and the money used for the improvement of the altar. Similar laws apply in all analogous situations. One is not liable for lashes for the violation of this prohibition.

12 What clever technique can be used with regard to a firstborn to consecrate it to the altar for another sacrifice? One may consecrate it in its mother's womb, before it is born. This is derived from **Leviticus 27:26**: "which will

become a firstborn for God among the livestock - a man shall not consecrate it." Implied is that when it is born, one may not consecrate it, but one may consecrate it in its mother's womb.

Therefore one may say: "If the fetus in the womb of this cow that has not given birth previously is male, it is consecrated as a burnt-offering." He may not, however, designate it as a peace-offering, for he cannot remove it from the holiness of the firstborn in order to benefit from it. If one said: "It should be a burnt-offering when the majority of its head emerges," it is a firstborn and not a burnt-offering.

13 One may not use a clever technique to change the fetus of a consecrated animal to another purpose. Instead, it is consecrated with the holiness of its mother. The rationale is that the offspring of a consecrated animal become consecrated in the womb, as we explained. Thus every fetus is consecrated with the holiness of its mother and its holiness cannot be changed in the womb as one may with regard to a firstborn animal. The rationale is that a firstborn animal becomes consecrated only when it emerges from the womb.

Although all of the statutes of the Torah are decrees, as we explained in the conclusion of *Hilchot Me'ilah*, it is fit to meditate upon them and wherever it is possible to provide a reason, one should provide a reason. The Sages of the early generations said that King Solomon understood most of the rationales for all the statutes of the Torah.

It appears to me that the verse **Leviticus 27:10**: "It and the animal to which its holiness will be transferred shall be consecrated" shares a similar motivating rationale as the verse *ibid.*:15: "If the one who consecrates it

shall redeem his house, he shall add a fifth of the money of the redemption valuation to it." The principle behind these laws is that the Torah descended to the bottom of a person's thoughts and the scope of his evil inclination. For human nature tends to increase his property and attach importance to his money. Even though he made a vow or consecrated something, it is possible that he will reconsider, change his mind, and redeem it for less than its worth. Hence the Torah states: "If he redeems it for himself, he must add a fifth." Similarly, if he consecrated an animal in a manner that its physical person becomes consecrated, he might reconsider. In this instance, since he cannot redeem it, he will exchange it for a lesser one. If he was given permission to exchange an inferior animal for a superior one, he will exchange a superior one for an inferior one and claim that it was superior. Therefore, the Torah removed that option, forbidding all exchanges and penalized him that if he made an exchange, "It and the animal to which its holiness will be transferred shall be consecrated."

All of these ordinances are to subjugate one's evil inclination and improve one's character. Similarly, most of the Torah's laws are nothing other than "counsels given from distance" from "He Who is of great counsel" to improve one's character and make one's conduct upright. And so it is written **Proverbs 22:20-21**: "Behold, I have written for you in the Torah prominent matters, to inform you of the veracity of the words of truth, so that you will respond truthfully to those who send to you."

ספר תשיעי והוא ספר הקרבנות הלכותיו ששה ופרקיו חמשה וארבעים:ואלו הן:הלכות קרבן פסח עשרה פרקים הלכות חגיגה

שלשה פרקים הלכות בכורות שמונה פרקים הלכות שגגות חמשה עשר פרקים הלכות מחוסרי כפרה חמשה פרקים הלכות תמורה ארבעה פרקים:

Mishneh Torah, Defilement by a Corpse

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 A human corpse imparts ritual impurity that persists for a minimum of seven days when it is touched or carried or when one is under the same structure (*ohel*). The impurity imparted by touching a corpse or being under the same structure is explicitly mentioned in the Torah, as **Numbers 19:11** states: "One who touches a corpse of any human being will be impure for seven days" and *ibid.*:14 states: "Anyone who enters the tent and anything in the tent will be impure for seven days.

2 The impurity stemming from carrying a human corpse is derived from the Oral Tradition. It is based on an inference from a lesser matter to a more severe one. If the carcass of animal makes a person impure only until the evening, but does not cause a person to incur ritual impurity when under the same shelter, and yet causes him to incur impurity when carrying it, as **Leviticus 11:40** states: "One who carries their carcasses," how much more so should this apply with regard to a human corpse. And the process of reasoning continues: if touching an animal carcass causes one to become impure until the evening and carrying it causes a person to be impure until the evening, so too, since touching a corpse causes a person to be impure for seven days, it should cause him to be impure for seven days if he carries it. The impurity resulting from carrying a corpse is not considered of Rabbinic origin, but is instead, a Scriptural Law. It appears

to me that Scripture remained silent concerning this type of impurity in the same way that it remained silent concerning the prohibition against relations with one's daughter, because it explicitly forbade relations with the daughter of one's daughter. And it remained silent concerning the prohibition against partaking of meat cooked with milk, because it explicitly forbade cooking it. Similarly, Scripture did not mention the impurity incurred by carrying a human corpse because it explicitly mentioned that one who was under the same shelter as a corpse incurs impurity. Thus one can infer that this certainly applies to one who carries it.

3 The impurity incurred by touching mentioned in all situations, whether involving a human corpse or another source of impurity, is brought about by a person touching the source of impurity itself. Whether he touches it with his flesh, his hand, his foot, or any other portion of his body, even with his tongue, he becomes impure. Similarly, it appears to me that if a person touches a source of impurity with his nails or with his teeth, he becomes impure. The rationale is since they are connected to the body, they are considered as the body itself. If, however, a person took a source of impurity, skewered it with a weaving needle, and inserted it into the throat of a person who is ritually pure without it touching his tongue or inserted it within the womb of a woman from below without touching her flesh, the person who swallowed the source of impurity does not become impure because his inner organs came in contact with the source of impurity. The rationale is that contact between a source of impurity and one's inner organs is not considered as touch.

4 A scab over a bruise is considered as skin with regard to touching sources of impurity. The underdeveloped body hair of a child, by contrast, is not considered as skin.

What is implied? If a source of impurity touches a person on the scab over a bruise, he is impure; it is as if it touched his flesh. Conversely, if it touched the thin hair on the body of a child, he does not become impure.

Similarly, if an impure person has a bruise and a pure person touched the scab on the bruise, he becomes ritually impure. If a minor was impure and a pure person touched the underdeveloped hair on his body, he does not become impure. This applies both with regard to impurity stemming from a human corpse or other types of impurity.

Similarly, blotches of filth, mud, or similar things that are not considered as intervening substances or dried pieces of filth and things that are considered as intervening substances are not considered as flesh, neither to impart ritual impurity to others, nor to contract ritual impurity.

5 Just as a person becomes impure when he comes into contact with a source of impurity, so too, *keilim* become impure when a source of impurity touches them with the exception of an earthenware utensil that incurs ritual impurity only when a source of impurity enters its inner space, as will be explained in *Hilchot Keilim*.

This is an inclusive general principle that applies with regard to ritual impurity: Whatever causes a person to contract ritual impurity when touching him, causes *keilim* to contract ritual impurity. Whatever does not cause a person to contract ritual impurity when touching him, does not cause *keilim* to contract ritual impurity. A person and *keilim* contract

ritual impurity only from a primary source of ritual impurity.

6 The impurity incurred by carrying mentioned in all situations - whether involving a human corpse or another object that conveys impurity by carrying - is brought about by a person carrying a source of impurity even though he did not touch it. Even if there is a stone between the person and the source of impurity, since he carried it, he becomes impure.
The above applies whether he carries it on his head, his hand, or another portion of his body. And it applies whether the person lifted up the source of impurity himself or another person lifted it up and put it on him; since he carried it on his person in any way, he becomes impure. Even if the source of impurity was hanging on a string or a hair and he hung the string from his hand and lifted the source of impurity to the slightest degree, he is considered to have carried it and he becomes impure.

7 Moving an article is considered as carrying it. Any article that imparts impurity when it is carried imparts impurity when moved.
What is implied? There was a beam resting on a wall and on its side was a human corpse, an animal carcass, or the like. A pure person came to the other end of the beam and moved it. Since he moved the impurity at the other end of the beam, he becomes impure for carrying the source of impurity. Needless to say, this applies if he pulled the other end of the beam toward the earth until the source of impurity was lifted up or he dragged it on the ground, for this is certainly considered as carrying. The above situation and anything similar refers to the activity of moving that imparts ritual impurity, as mentioned in all instances.

8 When a person carries a source of impurity in a hidden part of his body, he becomes impure. Even though touching such portions of the body is not considered as touch, carrying an article there is considered as carrying unless the source of impurity is swallowed up in the person's digestive system. Once a source of impurity reaches a person's stomach, it is not considered as if he touched or carried it. If such a person immerses in a *mikveh* he regains purity, even though the source of impurity is in his digestive system.

9 Only a human being becomes impure for carrying a source of impurity, not *keilim*.

What is implied? Ten containers were placed on a person's hand, one on top of the other, and the carcass of an animal or another source of impurity was placed in the uppermost container. The person is considered impure, because he carried the carcass of an animal. The containers on his hand, by contrast, are all pure except for the uppermost one which was touched by the source of impurity. Similar laws apply in all analogous situations.

10 The ritual impurity of *ohel* does not apply with regard to other sources of impurity, only with regard to a human corpse. Whether a person and/or a *k'li*, even a needle, was extended over a corpse, a corpse was extended over a person and/or a *k'li*, or a corpse and a person and/or a *k'li* were under one shelter, they are impure.

11 The impurity of *ohel* mentioned in all places refers to impurity imparted

by a source of impurity to a person or *keilim* in one of these three ways.

Whether a person enters entirely to the shelter where a corpse is located or part of his body enters, he becomes impure because of the *ohel*. Even if he inserted merely his hand, his fingertips, or his nose into the shelter where a corpse is located, his entire person becomes impure. If he joined his hand to the lintel of the doorway of such a shelter, he becomes impure as if part of his body entered. If he touched the doorframe from a handbreadth and below above the ground, he is pure. From a handbreadth and above, he is impure. It appears to me that this impurity is of Rabbinic origin.

12 Corpses of both Jews and gentiles impart impurity through touch or through carrying.

13 The corpse of a gentile does not impart ritual impurity through *ohel*. This matter was conveyed by the Oral Tradition. With regard to the war with Midian, **Numbers 31:19** states: "All who touch a corpse...", but does not mention an *ohel*.

Similarly, a gentile does not contract the impurity connected with a corpse. Instead, if a gentile touches a corpse, carries it, or stands over it, it is as if he did not touch it. To what can the matter be compared? To an animal that touched a corpse or stood over a corpse.

Not only the impurity imparted by a human corpse, but all types of impurity do not cause gentiles and animals to become impure.

14 According to Rabbinic Law, gentiles are considered as *zavim*, According to

Scriptural Law, there is no type of living being that contracts ritual impurity while alive or imparts ritual impurity while alive, except a human, and even then, only when he is Jewish.

Both a Jewish adult and a minor can contract all forms of ritual impurity, even the impurity stemming from a corpse, concerning which **Numbers 19:20** states: "A man who shall become impure." Nevertheless, both an adult and a minor can contract this impurity, for *ibid.*:18 states: "for all the souls that were there." Even a newborn infant that touched, carried, or extended a limb over a corpse becomes impure and he is considered impure because of contact with a human corpse.

The above applies provided the baby was born after a nine month pregnancy. If he is born after an eight month pregnancy, he is considered as a stone and he does not contract ritual impurity.

15 A corpse does not impart ritual impurity until the person actually dies. Even if one's veins have been cut, or he is in his death-throes, even if his two vital signs have been slit, he does not impart ritual impurity until his soul expires, as *ibid.*:13 states: "The soul of a man who dies...."

If his backbone is broken together with most of the surrounding flesh, he was torn apart like a fish from his back, he was decapitated, or he was cut in half from his stomach, he imparts impurity, even though some of his limbs are still making convulsive movements.

Chapter 2

1 A stillborn fetus, even though it is underdeveloped and its limbs have not

been firmly connected with their sinews, imparts ritual impurity when it is touched, carried, or when one is under the same structure as it, like the corpse of an adult that has died, as implied by **Numbers 19:11**: "One who touches a corpse of the soul of any man."

Similarly, an olive-sized measure from the flesh of a corpse imparts impurity like an entire corpse, whether it still retains its moisture or it has become dry like a shard. *Netzal* is like flesh and imparts impurity when an olive-sized portion is present.

What is meant by the term *netzal*? Flesh that has decomposed and turned into a putrid liquid mass, provided that the liquid mass that resulted from the corpse coagulates. For if it coagulates, it is apparent that it comes from the flesh of the corpse. If it does not coagulate, it does not impart impurity, for perhaps it is from the deceased's phlegm or other body fluids.

2 Even though these measures were all conveyed as *halachot* to Moses at Sinai, our Sages said: At the onset of his conception, man's body is the size of an olive. Therefore the measure for which his flesh imparts ritual impurity is the size of an olive.

3 A limb that was cut off from a living person is considered as an entire corpse and imparts impurity when it is touched, carried, or one is under the same structure. This applies even to a limb of a newborn infant, for there is no minimum measure that applies with regard to complete limbs. This is derived from **Numbers 19:16** which states: "Anyone who touches a corpse slain by the sword... on the open field." It is a known matter that

the laws applying to one slain by the sword are the same as one slain by a stone or through other means. According to the Oral Tradition, we learned that the verse comes only to deem a limb severed by a sword as impure.

When does the above apply? When the limb was intact as it was when it came into being with flesh, sinews, and bones, as the abovementioned verse states: "Or the bone of a man." Implied is that the bone must be like a man, i.e., a human corpse. Just as a human corpse has flesh, sinews, and bones, so too, a limb from a living person must be intact as it was when it came into being and have flesh, sinews, and bones. In contrast, a kidney and a tongue, and the like, even though they are considered as complete organs, since they do not contain bones, they are considered as the remainder of a person's flesh.

If even the slightest amount of bone was missing from a limb severed from a living person, the entire limb is pure. The following rules apply if some of its flesh was missing: If there remained enough flesh on it that, were the person to be alive, his flesh would regenerate, be healed, and return to a state of wholeness, the limb imparts impurity when it is touched, carried, or when one is under the same structure. If not, it imparts impurity when it is touched, carried, but not when one is under the same structure.

Flesh that is separated from a living person is ritually pure. Similarly, a bone without flesh that is separated from a living person is ritually pure.

4 When a limb is separated from a corpse, it imparts impurity as a corpse does when it is touched, carried, or when one is under the same structure, provided it is intact as it was when it came into being with flesh, sinews,

and bones.

If a portion of the bone was lacking, when there is at least an olive-sized portion of flesh on it, it imparts impurity like an entire corpse. The following rules apply if some of the flesh was lacking, but none of the bone. If there remained enough flesh on it that, were the person to be alive, his flesh would regenerate, it imparts impurity like an entire corpse. If not, it is like other bones of a corpse on which there is no flesh.

5 The marrow of a bone causes flesh to regenerate on the bone's surface. Therefore if the hipbone of a corpse, a bone that is closed on both of its sides, has sufficient marrow to cause the flesh to regenerate, it is considered as an entire corpse.

The following laws apply if a bone has marrow that has dried out and rattles within. If there is an olive-sized portion of marrow, the bone imparts impurity when one is under the same shelter. Even though the bone is closed on all sides, the impurity breaks through and ascends and breaks through and descends, as will be explained. For the marrow is considered like flesh in all contexts.

6 The following laws apply when there is a limb and/or flesh limply hanging from a person. Even though they cannot be restored to their natural state and vitality, they are pure. If the person dies, the flesh is pure and the limb imparts ritual impurity according to the laws pertaining to a limb severed from a living body and not according to the laws pertaining to a limb severed from a corpse.

What are the differences between the laws pertaining to a limb severed

from a living body and the laws pertaining to a limb severed from a corpse? Flesh and bones that become separated from a limb severed from a living person are pure. Flesh and bones that become separated from a limb severed from a corpse are considered as if they were separate from an entire corpse and impart impurity according to the appropriate measures.

7 There is no minimum measure for either a limb severed from a living body or a limb severed from a corpse.

A man has 248 limbs, every one of them comprising flesh, sinews, and bones. The teeth are not included in this number. There are 251 in a woman.

Any limb that became separated while intact as it was when it came into being, whether it was separated while the person was alive or after his death imparts impurity when it is touched, carried, or one is under the same structure with the exception of the three extra limbs possessed by a woman. The latter do not convey impurity when one is under the same structure.

Similarly, an extra finger that has a bone, but does not have a nail, can be counted as part of the sum of the majority of a person's limbs if it is counted on his hand together with his other fingers. If it is not counted on his hand together with his other fingers, it can, nevertheless, impart impurity when it is touched or carried. It does not, however, impart impurity when one is under the same shelter. The impurity it imparts is of Rabbinic origin. If it has a nail, it is considered as other limbs.

Why did the Sages rule that a finger that is not counted should impart impurity? This decree was a safeguard lest the impurity that could be

imparted by one that is counted would be ignored. Why did they rule that it does not impart impurity when under the same shelter? They established a point of distinction to make it known that the impurity it imparts originates in a Rabbinic decree so that *terumah* and sacrificial meat will not be burnt because of this type of impurity.

8 If there is no flesh on the bones of a corpse, they impart impurity like an entire corpse when they are touched or carried or when one is under the same structure, provided it is apparent that they have the form of bones, for one can still refer to them as "the bones of a man." These are the bones that impart the ritual impurity of a corpse: the backbone, the skull, the majority of the body's structure, and the majority of the number of bones in the body.

What is meant by the backbone causing impurity? When the backbone is intact, it is considered as an entire corpse. If even one of the eighteen vertebrae is missing, they are considered as other bones.

What is meant by the skull causing impurity? When the skull is intact, it is considered as an entire corpse. If it is missing a portion as large as a *sela*, it is considered as other bones. If it has small holes, their area is added together to see if it compromises that of a *sela*.

The entire structure of a man is: the two shins, the hips, the ribs, and the backbone. The majority of the structure of a corpse is considered as an entire corpse. What is implied? For example, if his two shins and one hip are present, it is as if the entire corpse was present. If even the slightest amount is missing from "the majority of the structure," the bones are considered as other bones.

What is meant by the majority of the number of the bones? The majority of the number of bones, e.g., 125 bones. If there are 124, they are considered as other bones. Even though this particular person had extra limbs or fewer limbs, this figure is calculated according to the number of bones of the majority of people unless the extra limb is a finger that has a nail or which is counted on his hand together with his other fingers. Such a finger is counted in the sum of a person's bones, as stated.

9 The following laws apply to the remaining bones of a corpse when among them, there is not the majority of the number, nor the majority of the structure of the corpse, and not an intact backbone, nor an intact skull. If there are a fourth of a *kab* of bones, they impart impurity like an entire corpse when they are touched or carried or one is under the same structure. If there are less than a fourth of a *kab* - this applies even to a bone merely the size of a barley-corn - they impart impurity when they are touched or carried. They do not, however, impart impurity through being under the same structure.

10 If there is one bone, even if it is a fourth of a *kab* in size, it imparts impurity when it is touched or carried. It does not, however, impart impurity through being under the same structure.

The impurity imparted by one bone is a *halachah* conveyed by the Oral Tradition. **Numbers 19:18** states: "And all who touch the bone." The Oral Tradition teaches that even a bone the size of a barley-corn imparts impurity when it is touched or carried. Since this impurity is taught as *halachah* by the Oral Tradition, it is considered as Scriptural Law and not

as a Rabbinic decree.

11 When the bones of a corpse decompose in the grave and become a *rekev*, two handfuls of that *rekev* impart impurity when that quantity is carried or it is located under the same structure as a person or object. It does not, however, impart impurity when it is touched, because it is impossible to touch it in its entirety, because it is not a whole entity. Even if it was mixed with water, the different portions are not considered as joined together.

12 The blood of a corpse imparts impurity like the corpse itself when it is touched, carried, or one is under the same structure, for **Numbers 19:13** speaks of: "the soul of man" and **Deuteronomy 12:23** states: "the blood is the soul."

What is the measure of blood that imparts impurity? A *revi'it*. Even the liquid left after blood coagulates imparts impurity when one is under the same structure, as a corpse does, as long as it is red in color.

13 Blood from a living person, even if it is the blood that flows out when the person is stabbed in the throat, is pure as long as the person is alive. If the blood which flows from his body at the end, i.e., before his death, becomes mixed with the blood which flows from his body after he died and the entire mixture is a *revi'it*, and it is not known how much flowed out while he was alive and how much flowed out after his death, even if half a *revi'it* flowed out while he was alive and half after his death, this is referred to as "weltering blood." It imparts impurity when it is touched,

carried, or when one is under the same structure. This impurity is, however, of Rabbinic origin.

14 The following laws apply when the corpse of a person who was slain was lying on a bed. His blood had been dripping from his body while he was alive and descending into a hole. At one point, he died. After he died, the blood continued dripping and descending into that hole. All of the blood is pure. For the drops of blood are nullified one by one, as they become mixed with the blood that flowed from his body during his lifetime.
If only a *revi'it* of blood flowed out from the person's body and there is a doubt whether it all flowed out during the person's life or afterwards, this is a questionable situation of ritual impurity like other questionable situations. One who touches it in a private domain is impure. In a public domain, he is pure, as will be explained in the appropriate place.

15 According to Scriptural Law, as long as the source of impurity is in a grave, the grave imparts impurity when it is touched or when one is under the same structure, as a corpse does, for **Numbers 19:16** mentions touching "a corpse, the bone of a man, or a grave." A person is impure whether he touches the covering of a grave or its sides, provided it is built and totally enclosed. Afterwards, in such a situation, the grave imparts impurity in its entirety when it is touched or when one is under the same structure.
If, however, one places *keilim*, stones, or the like at the side of a corpse and covers the corpse with *keilim*, stones, or the like, the covering that shelters the corpse from above is called a *gollel*. And the objects at the side that support the *gollel* and upon which it rests are called a *dofek*. Both of

them, the *gollel* and the *dofek* impart impurity when they are touched or when one is under the same structure, as is true with regard to a grave. The impurity they impart is of Rabbinic origin. They do not impart impurity when carried. Accordingly, if one drags a *gollel* with ropes until it covers a corpse or drags it or pulls it away from being above a corpse, or one dragged a *dofek* until he positioned the *gollel* above it or pulled it by ropes from under the *dofek*, the person is pure.

Entities that support the *dofek* are called *dofek dofekkim* and they are pure.

16 When a field containing a grave was plowed and the bones of the corpse were lost in its earth, this is called a *beit hapras*. Its earth imparts impurity when it is touched or carried, for perhaps it contains a bone the size of a barley corn, but it does not impart impurity when one is under the same structure.

Similarly, the earth in the entire Diaspora imparts impurity when it is touched or carried, because of the possibility of the presence of bones, for they are not careful about burying them. The impurity of a *beit hapras* and the earth of the Diaspora is of Rabbinic origin, as will be explained.

Chapter 3

1 The following entities impart ritual impurity when they are touched, carried, or one is under the same structure: a) a corpse, even a stillborn fetus whose limbs have not become attached to its body with sinews, b) an olive-sized portion of flesh from a corpse, c) an olive-sized portion of *netzal*, d) a limb from a living person that has the required amount of

flesh, e) a limb from a corpse that has the required amount of flesh, f) the backbone of a corpse, g) its skull, h) the majority of its structure, i) the majority of the number of its bones, j) a fourth of a *kab* of bones in any instance, even if they do not comprise the majority of the structure of the number of the bones of the corpse, k) a *revi'it* of blood, and l) a *revi'it* of blood of "weltering blood"; twelve entities in total.

2 The following entities impart ritual impurity when they are touched or carried, but not when one is under the same structure: a) a limb from a living person that is lacking enough flesh to regenerate itself, b) a limb from a corpse that is lacking either flesh or bone and does not have enough flesh to regenerate itself or the bone is lacking, even if has enough flesh to regenerate itself, c) a backbone that is lacking and does not possess a fourth of a *kab* of bones, d) a skull that is lacking and does not possess a fourth of a *kab* of bones, e) a bone, even if it is the size of a barley corn, f) the earth of the nations, and g) a *beit hapras*; seven entities in total.

3 A *gollel* and a *dofek* impart ritual impurity when they are touched or when one is under the same shelter, like a grave. They do not impart ritual impurity when carried. The decomposed mass of a corpse imparts ritual impurity when it is carried or when one is under the same shelter. It does not impart ritual impurity when touched.

It appears to me that the ritual impurity imparted by a fourth of a *kab* of bones when one is under the same structure, a *revi'it* of blood, a limb that does not have the sufficient amount of flesh, whether from a corpse or from a living person is not of Scriptural origin, as evidenced by the fact

that a nazirite need not shave his hair because of them, as we explained in *Hilchot Nizirut*. Nor is one liable for entering the Temple after having contracted such impurity and when a person is impure due to an impurity of Scriptural origin, he is liable for entering the Temple. Therefore I maintain that all sources of impurity from a corpse that do not require a nazirite to shave are not of Scriptural origin.

4 The decomposed mass of a corpse does not impart ritual impurity unless it is buried naked in a coffin of marble, glass, or the like, and it was totally intact at the time of burial. If it was lacking a limb, it was buried in its garments, or it was buried in a coffin of wood or metal, the decomposed mass does not impart ritual impurity. The rationale is that the rot of the garment or the wood and the rust of the metal will become mixed with the decomposed mass of the corpse.

When any amount of earth becomes mixed with the decomposed mass of a corpse, it remains impure. These laws of *rekev* applies only to the corpse of one who died naturally. They do not apply to one who was slain.

5 When two corpses are buried together, a deceased's hair or nails were trimmed and then buried with him, or a pregnant woman was buried with the fetus she was carrying, the laws of *rekev* do not apply.

6 If one ground a corpse until it became a decomposed mass, it does not convey the impurity of *rekev*. Those laws do not apply unless it decomposes as part of a natural process.

7 If one ground a corpse and then left its remains until they decomposed

naturally or a portion of the body decomposed while the person was alive, he died, and then the entire body decomposed, there is an unresolved doubt concerning the ruling. Hence, if a person becomes impure because of two handfuls of this *rekev*, he must consider himself impure, because of this unresolved doubt.

8 The following laws applies when there are two handfuls and more of earth that was found under a corpse or in a grave and it is not known what it comprises: whether it is *rekev* that imparts impurity when under the same shelter or it is merely earth that has become soiled with the *netzal* and the blood of the corpse. It imparts impurity when carried and when one is under the same shelter, because this mass that is more than two handfuls contains two full handfuls of *rekev*. It appears to me that also this impurity is a Rabbinic decree.

9 When a corpse was burned and its skeleton - i.e., the backbone and the ribs - is intact, it conveys impurity like an entire corpse. Needless to say, this applies if the flesh is merely charred. If, however, it is burnt to the extent that its form is destroyed, it is ritually pure.
Similarly, if a miscarried embryo which had already begun to have its limbs take form was mixed with water, it is pure, because its form was destroyed.

10 When the flesh of a corpse has become powdery and flourlike, it is ritually pure. Similarly, the ashes of corpses that were burnt are ritually pure. Similarly, worms which come into existence from the flesh of a corpse,

whether they are alive or dead, are ritually pure.

We have already explained that bone marrow is considered as flesh in all instances, whether with regard to a human corpse or with regard to the carcass of an animal or crawling animal.

11 A person's skin is considered as his flesh. If it was processed entirely or trodden upon as is necessary for processing, it is considered as pure according to Scriptural Law. According to Rabbinic Law, however, an olive-sized portion imparts impurity like the flesh of a corpse. This is a decree, enacted so that people do not become accustomed to processing human skin and using it.

12 The skin that appears opposite the face of a infant when he is born, whether both he and his mother survive the birth or he and his mother die in the process of the birth, is considered as ritually pure. The rationale is that it is like a waste produce, like filth, vomit, or the like.

13 Every element of a corpse is impure with the exception of the teeth, the hair, and the nails, for they are replaced. While they are attached to the body, they are all impure.

What is implied? When a corpse is outside a house and his hair which is attached to his body is inside, everything in the house becomes impure. Similarly, one who touches hair, teeth, or nails while they are attached to a corpse becomes impure. When the hair of the deceased was ready to be cut or his nails were ready to be trimmed, their halachic status is in doubt because they are prepared to be cut off. Therefore, one who touches them

is considered as ritually impure because of the doubt.
Any liquid that flows out from a corpse is pure except for its blood. Any liquid with the color of blood that flows from a corpse is impure, as we explained. Why wasn't a decree made with regard to liquids that flow from a corpse as was made with regard to liquids flowing from other impure individuals? Since everyone withdraws from a corpse, they did not feel the need to enact a decree regarding liquids that flow from it.

14 When a liver has decomposed, a *revi'it* of it imparts impurity, because it is considered like blood that has coagulated.
If all the blood of an infant flows out, but it does not amount to a *revi'it*, it is pure even though it comprises all the blood in his body.

15 If even the slightest amount of these measures are lacking, the substances are pure: a) a *revi'it* of blood, b) a piece of bone the size of a barley-corn, c) an olive-sized portion of flesh, d) an olive-sized portion of *netzal*, e) two handfuls of *rekev*, and f) a limb from a living person from which the slightest portion of the bone was lacking.

Chapter 4

1 When a *revi'it* of blood comes from two corpses, it is pure. To impart impurity, the entire *revi'it* must come from one corpse. When a backbone was put together from two corpses, e.g., some of the vertebrae came from one corpse and others, from another, when a skull was put together from two corpses, or a fourth of a *kab* of bones came from two corpses or a

limb came from two corpses: in all these instances, impurity is not imparted when one is under the same structure, only through touching and carrying, as is true with regard to other bones.

2 When a limb from a living person comes from two people, it is pure. Even if it comes from one person, it is pure if it was cut into two.

3 An olive-sized portion of flesh that comes from two corpses, an olive-sized portion of *netzal* that comes from two corpses, and two handfuls of *rekev* that come from two corpses when the laws of *rekev* apply to each one of them, can be combined. Similarly, a half of an olive-sized portion of flesh and a half an olive-sized portion of *netzal* can be combined with each other. All of the other sources of impurity stemming from a corpse are not combined with each other, because they are not of equal measures.

4 When a bone the size of a barley-corn is divided into two, it imparts impurity when carried. Similarly, when a quarter of a *kab* of bones were crushed, although none of them are the size of a barley-corn, they impart impurity when one is under the same shelter as if they were not crushed.

5 When an olive-sized portion from a corpse was cut into small pieces, flattened, and pressed together, it imparts impurity when under the same shelter and when carried, but it does not impart impurity when one touches a portion of it, even when the pieces are joined together, because anything joined together by man is not considered as joined.

6 When an olive-sized portion of fat that was intact was liquefied, it is

impure. If it was separated and it was liquefied, it is pure.

7 When the majority of the vertebrae were taken from a backbone, it does not impart impurity when under the same shelter, even through its form remains. If it is in the grave, even if it is broken and even if it is crushed, it imparts impurity when under the same shelter. The rationale is that the grave joins it together.

8 Whenever a substance that imparts impurity when under the same shelter was divided and then both portions are brought into a house, it is considered as joined together by the shelter and impurity is imparted by them because of it.

9 When there is an olive-sized portion of flesh that grew on a bone through the influence of heaven, and a portion of that bone was brought inside a house, the house contracts ritual impurity. If the flesh had been pushed into the bones by humans, the house is pure. The rationale is that anything joined by man is not considered as joined.

10 When two handfuls of *rekev* are spread out throughout a house, the house is impure.

11 When a *revi'it* is absorbed in a house, in the future, the
house is pure. Anything that was in the house at the time the blood was absorbed in the earth, is impure.

12 When an olive-sized portion of a corpse was lost inside a house and it was

searched for and not found, the house is assumed to be pure. If it is discovered afterwards, the house is deemed impure retroactively from the time it was lost until the time it was discovered.

13 The following laws apply when a *revi'it* of blood was poured in an open space. If it coagulated or it was in a place where it could collect, i.e., a low place like a pit and an entity projects over even a portion of it, that entity is impure. If it was spilled on the doorstep which was on an incline, whether to the inside or outside, the house is pure. The rationale is that the blood did not come to rest on the doorstep. If the doorstep was a place where the blood could collect or it coagulated there, the house is impure.

The following laws apply when a *revi'it* of blood is absorbed in a garment. If it could be washed and a *revi'it* of blood would be discharged from it, the garment imparts impurity when touched, carried, or when one is under the same shelter. If not, it does not impart impurity when one is under the same shelter and it is considered as a garment that came into contact with a corpse. The rationale is that whenever something absorbed cannot be discharged, it is considered as pure.

How is the quantity of blood measured? The garment should be washed in water. Then an equal quantity of water should be brought and a *revi'it* of blood placed in it. If their appearance was the same or the water in which the garment was washed was of a redder hue than the mixture, it is apparent that a *revi'it* was discharged.

14 Carrying, touching, and being under the same structure are three different

categories. Whenever activities come from one category, they can be combined and impart impurity. If they are from two categories, they are not combined and are pure.

What is implied? A person becomes impure in all of the following situations, for the activities that are combined are from the same category:

a) He touches two portions of a corpse that are half the size of an olive at the same time or carries two portions of a corpse that are half the size of an olive at the same time.

b) He stands over two portions of a corpse that are half the size of an olive.

c) He stands over a portion of a corpse that is half the size of an olive and has a similar portion hang over his body.

d) He and a portion of a corpse half the size of an olive were under one shelter and a portion of his body stood over another similar portion, or a similar portion was suspended over his body.

One is, by contrast, pure in all of the following situations. He touches a portion of a corpse half the size of an olive or carries such a portion and:

a) another entity covers both him and another such portion from a corpse;

b) another such portion was suspended over a portion of his body; c) he stood over such a portion, or

d) he touched such a portion and carried such a portion. The rationale is that a quantity that is touched is not combined with one that is carried, neither with regard to a corpse, nor with regard to other forms of impurity. Similarly, a quantity that is touched is not combined with one that is governed by the laws of *ohel*, nor is one governed by the laws of *ohel* combined with one that is carried, because they are not from the

same category.

Chapter 5

1 All entities - whether humans or *keilim* - that become impure because of contact with a human corpse contract impurity that lasts seven days.
What is implied? When a person or a *k'li* touch an entity that imparts the impurity associated with a corpse when touched or contract impurity through *ohel* from one of the entities that impart impurity through *ohel*, or carry an entity that imparts the impurity associated with a corpse when carried, he or it contract impurity that lasts seven days, as **Numbers 19:14** states: "Anyone who enters the tent and anything that is inside the tent will be impure for seven days."

2 A person who becomes impure because of a corpse and *keilim* which such a person touches contract impurity that lasts seven days, as **Numbers 31:24** states: "And you shall wash your garments on the seventh day and become pure."
If, by contrast, a person touches a person who contracted impurity because of a corpse - whether he touched him after he disengaged himself from the corpse that imparted impurity to him or whether he is still touching the corpse - the second person is impure only until the evening, as *ibid.* 19:22 states: "And the soul that touches it will be impure until the evening."
This is the Scriptural Law. According to Rabbinic Law, if one touches a corpse and touches another person while he is still touching the corpse,

they both contract impurity that lasts seven days, as if the second person touched the corpse itself.

In what context does this apply? With regard to partaking of *terumah* and sacrificial food. By contrast, a nazirite or one who brings a Paschal sacrifice who are touched by a person who touched a corpse only becomes impure until the evening as is Scriptural Law, whether the first person is still touching the corpse or whether he is not.

3 When *keilim* become impure due to contact with a corpse, whether because they were touched or because they were under the same shelter, one who touches them is considered like one who touches a corpse itself. Just as a corpse imparts impurity that lasts seven days to whatever touches it, whether a person or a *k'li*, so too, when a *k'li* became impure due to contact with a corpse, it and other *keilim*, or a person who touches it contract impurity that lasts seven days, as implied by **Numbers 19:16**: "one slain by the sword or a corpse." According to the Oral Tradition, it was taught that a sword is like a corpse. This also applies to other *keilim*, whether they are metal utensils, *keilim* that can be purified by immersion, or garments.

These concepts can also be inferred from *ibid.* 31:19 which states: "Everyone who killed a person and everyone who touched a corpse must purify himself." Would one think that a person who shot an arrow or threw a stone and killed another person would become impure for seven days? Instead, this is speaking about a person who kills with a sword or the like who becomes impure because he touched the *k'li* with which he killed, for that *k'li* touched a corpse.

What is the source from which we learn that *keilim* that touch a person who touched *keilim* that became impure because of contact with a corpse become impure? It is written: "And you shall wash your garments on the seventh day and become pure." This teaches that any person who contracts impurity that lasts seven days imparts impurity that lasts seven days to his garments.

4 Thus in summary: When a person touches a corpse and then touches another person, the first contracts impurity that lasts seven days and the second, impurity that lasts until the evening. When *keilim* touch a corpse and then other *keilim* touch them, they both contract impurity that lasts seven days. An entity whose connection is of the third degree, whether a person or a *k'li*, contracts only the impurity that lasts until the evening.
When *keilim* are touching a corpse and a person touches those *keilim* and other *keilim*, all three contract the impurity that lasts seven days. An entity whose connection is of the fourth degree contracts only the impurity that lasts until the evening.

5 When does the above apply? With regard to *terumah* and sacrificial food. With regard to liability for *karet* for entering the Temple or partaking of sacrificial foods, by contrast, only the first two are liable - the first person who touched the corpse and the second person who touched him - as mandated by Scriptural Law, as **Numbers 19:22** states: "Everything which is touched by the impure person becomes impure."
When, by contrast, one touches *keilim* that were touched by an impure person or one touches a person who touches *keilim* that touched a corpse,

he is exempt, as we explained in *Hilchot Bi'at HaMikdash*. For these matters, although part of the Oral Tradition, are not considered as Scriptural Law. The rationale is that it was only explicitly stated in the Torah that one who became impure because of contact with a corpse becomes a primary source of impurity and secondly, that an entity, whether a person or a *k'li*,that touches him becomes impure, becoming a first degree derivative of impurity.

6 When an earthenware container touched a corpse or was in the same structure as it, it contracts ritual impurity. It does not impart ritual impurity, neither to a person, nor to another earthenware container, nor to any other *k'li*. For an earthenware container never becomes a primary source of ritual impurity, neither with regard to impurity stemming from a corpse or other sources of impurity. This is Scriptural Law, even though it is part of Oral Tradition.

7 This is a great general principle with regard to ritual impurity. Any primary source of ritual impurity imparts ritual impurity to humans, garments, and utensils, whether metal implements, utensils that can be purified by immersion, or earthenware containers. Any entity that imparts impurity to a person or *keilim* when touched is called a primary source of ritual impurity. Any derivative of ritual impurity imparts ritual impurity to food and drink, but it does not impart impurity to a person or *keilim*, neither to earthenware containers, nor to other *keilim* and garments.

8 Any entity that touches a primary source of impurity is referred to as a

derivative of the first degree. Anything that touches a derivative of the first degree is referred to as a derivative of the second degree. Anything that touches a derivative of the second degree is referred to as a derivative of the third degree. And anything that touches a derivative of the third degree is referred to as a derivative of the fourth degree. A derivative of the first degree and those on a lesser level are called "the offspring of impurity."

9 Any entity, whether a person or a *k'li*, which contracts impurity that lasts seven days as a result of contact with a corpse is referred to as *tamei meit*. The person or the *k'li* is a primary source of impurity with regard to imparting impurity to *terumah* and sacrificial food, as we explained. From it, are counted a first degree derivative and a second degree derivative to impart impurity to people and *keilim* when it is touched, like other primary sources of impurity. It does not impart impurity when carried.

10 Any entity that contracts impurity that lasts until the evening as a result of contact with an entity that contracted impurity from a corpse is considered as the offspring of impurity. It is a derivative of impurity of the first degree. It is possible that a fourth degree contact with a corpse can be a first derivative of impurity, as we explained with regard to *terumah* and sacrificial foods.

11 When a person or *keilim* contract impurity because of contact with the lands of the nations or a *beit hapras* or because he carried such earth or he touched weltering blood, a *gollel* or a *dofek*, or entered a shelter where they

were located or carried weltering blood, in all instances, these individuals or *keilim* and the like are all primary sources of impurity by Rabbinic decree. Similarly, garments that contract impurity that lasts seven days because of these entities are all primary sources of impurity by Rabbinic decree.

12 A tent itself which encompasses a source of impurity contracts impurity that lasts seven days according to Scriptural Law even though the impurity did not touch it. It is like garments that were touched by a corpse, as implied by **Numbers 19:18**: "And he shall sprinkle on the tent."

When does the above apply? When the tent was made from cloth, sackcloth, or a wooden *k'li*, or a hide, either a hide from an animal or beast that is permitted to be eaten or one which is forbidden to be eaten. These concepts are derived from **Exodus 40:19**: "And he spread the tent over the Sanctuary." The term "tent" applies only to an entity that is woven or made from hides, as in the Sanctuary. If, by contrast, the structure was made from slats of wood, like a roof, a mat, or the like, or it was bone, or made of metal, it is pure. Needless to say, if it was made from building materials, it is pure.

Whenever the Torah uses the expression, "the house is impure," the intent is the person and the *keilim* in the house. There is no product of wood that becomes impure as a tent except flax.

13 When garments touch a corpse, even though they are considered as a corpse with regard to imparting impurity that lasts seven days to other entities that touch them, they are not considered as a corpse with regard

to imparting impurity when one is under their shelter or when one carries them. The rationale is that the impurity stemming from carrying a corpse itself is not explicitly stated in the Torah, as we explained. And with regard to the impurity imparted by a tent, **Numbers 19:14** states: "A man when he will die in a tent." Therefore if one carried garments that touched a corpse without touching the garments, or if one stands over them, they are held over him, or they were in a structure with him, he is pure.
Similarly, when a person contracted impurity from a corpse and stood over *keilim*, they are pure. For one who contracts impurity from a corpse imparts impurity through touch alone.

14 A corpse does not impart impurity to a seat or a couch that is below him, nor to articles that are placed upon him, only to a *k'li* that touches a corpse whether it was at its side or it was below the corpse or on top of it.
What is implied? There were ten garments one on top of the other and the corpse was on top of them and then there were ten garments on top of him. The garment that is touching him and the second garment which is touching the garment touching him both contract the impurity that lasts seven days. The third garment, whether on top or below, contracts the impurity which lasts until the evening.
When does the above - that all the garments or *keilim* above him and below him are pure - apply? When the impurity was not *retzutzah*, the laws of *ohel* do not apply, or there was a stone intervening between them, as will be explained in the appropriate place.

Chapter 6

1 When one makes *keilim* out of the bones of a fish or its skin, they are not susceptible to ritual impurity, neither according to Scriptural Law, nor according to Rabbinic Law. Similar concepts apply with regard to the green moss that appears at the surface of the water and the like. For all entities that come from the sea are pure, as will be explained in *Hilchot Keilim*. Accordingly, when one makes a tent from the skin of a fish or from moss growing in the sea, the tent itself is not susceptible to impurity although it conveys impurity to everything under it like other tents.

2 *Keilim* made from animal turds, stone implements, or implements made from earth (raw dirt), are not susceptible to ritual impurity, neither according to Scriptural Law, nor according to Rabbinic Law. This applies to the impurity stemming from a human corpse and to other types of impurity.

Similarly, containers that are made to be left in place semi-permanently, e.g., a chest, a cabinet, a container shaped like a beehive which can contain 40 *se'ah* of a liquid and have a base are not susceptible to ritual impurity, neither according to Scriptural Law, nor according to Rabbinic Law. They are called: oversized wooden containers.

3 When implements are made from wood, those which are flat are pure, while those that can serve as a container are susceptible to impurity. Similarly, with regard to earthenware implements: those which are flat are pure, while those that can serve as a container are susceptible to impurity. The latter are susceptible to impurity only from their inner space or when moved by a *zav*. Even when a corpse touches the outer surface of an

earthenware container, the container does not contract impurity. If any of the sources of impurity enter the inner space of such a container, they impart impurity even though they do not touch the container.

If an earthenware container was in the same tent as a corpse, it contracts impurity, because the impurity enters its inner space. If it had a cover fastened to it, it and everything in it is pure, as stated in the Torah, for impurity enters it only through its opening and when it is moved by a *zav*. In the latter instance, it is impure, because he is considered to have touched it in its entirety.

4 When one makes a *gollel* from an object that is not susceptible to impurity, e.g., he placed a stone, a vessel made from earth, an oversized wooden container, an earthenware container that was fastened closed, or a fish skin or its bone, on a grave, one who touches these articles contracts the impurity that lasts seven days, because he has touched a *gollel*. If they ceased serving as a *gollel*, or the corpse was removed from beneath them, they are pure,

Similarly, when an animal is tied down and made a *gollel*, anyone who touches it contracts the impurity that lasts seven days as long as it serves as a *gollel*. If the animal is released, it is pure, like all other animals. Similarly, if a barrel filled with liquids that was fastened closed was made into a *gollel* for a corpse, one who touches it contracts the impurity that lasts seven days. The barrel and the liquids are pure.

5 When a beam is used as a *gollel* for a grave, whether it is standing upright or lying on its side, only the portion that is above the opening of the grave

becomes impure. One who touches the end of it which is lying outside the grave is pure.

If one made its head a *gollel* for a grave and it is standing over the grave like a tree, anyone who touches it within the four handbreadths that are immediately above the grave is impure because of the laws of *gollel*. If he touches it above four handbreadths, he is pure.

When does the above apply? When he will cut off the upper portions of the beam in the future. If he is not planning to cut them off, the beam is considered as a *gollel* in its entirety.

6 If two large stones, four handbreadths by four handbreadths, were used as a *gollel*, when one stands over either of them, he is impure. If one of them was removed, one who stands over the other is pure. The rationale is that the impurity has a path through which to depart.

7 When one uses a mound of small stones as a *gollel* for a grave, only the inner layer which covers the grave per se imparts impurity. One who touches the remainder of the stones is pure.

8 When a burial vault was hewed out of a large stone, the corpse was placed inside and then one covered it with a *gollel*, one who touches any portion of the stone is pure. One who touches the *gollel* is impure. To what can this be compared? To a large pit filled with corpses with a large stone covering its opening. Only the portion above the open space imparts impurity. If one builds a structure over it, it is considered as a closed grave which imparts impurity from all sides.

If a burial vault hewn into the stone was wide at its bottom and narrow at its top, and a corpse was placed within, one who touches it from below is pure, but one who touches it from above is impure. The rationale is that the side portions above are resting over the corpse and are considered like a *gollel*.

If a burial vault hewn into the stone was wide at its top and narrow at its bottom, one who touches any place on it is impure. If its sides are straight, one who touches it from the handbreadth next to the bottom of the grave and upwards, is impure. If he touches from that handbreadth and lower, he is pure. If one hollowed out a burial vault in a stone and inserted the corpse in it like a nail, one who touches anywhere on the stone's surface is pure, except for the opening through which the corpse was inserted.

9 The following laws apply to a cave in which a grave is located and to the courtyard in front of the cave. When the courtyard is open, one standing in it is pure as long as he does not touch the lintel of the cave. Different laws apply when the courtyard is covered. If there is an area four handbreadths by four handbreadths or more that is open at the side of the cave, anyone who enters the courtyard is pure. If the open space was less than four handbreadths by four handbreadths, one who enters the courtyard is impure, even though he did not touch the entrance to the cave.

Chapter 7

1 When a corpse is located in a closed structure or in one which had an

opening, but its doorframe was destroyed and it was closed up, it imparts impurity to all its surroundings. Anyone who touches the back or the roof of the structure contracts the impurity that lasts seven days, because it is like a closed grave.

If an entrance had been opened in it, even if it was closed up, as long as the doorframe was not destroyed, one who touches the back of the structure or its roof, is pure. Only the area in front of the door is impure.

How large is the measure of a doorway? If an entire corpse is in the building, the entrance must be four handbreadths. If there is only an olive-sized portion of a corpse, the entrance must be a handbreadth. Any portion larger than an olive-sized portion is considered as an entire corpse and requires an entrance of four handbreadths

2 The following rules apply when there is a corpse in a building that has many entrances. When they are all closed, they all impart ritual impurity. One who sits near any of the entrances under the roof that protrudes over the entrance becomes impure.

If one of them was opened or one intended to remove the corpse through one of them even though he had this thought after the person died and even if he intended to remove it through a window that is four handbreadths by four handbreadths, this saves all the other entrances. Only the entrance that is open or about which he thought imparts impurity. The others are pure, because they are closed and the building is not considered as a closed grave. Similarly, if one began hollowing out an opening through which to remove the corpse, when he has hollowed out an area four handbreadths by four handbreadths, this saves all the other

entrances.

If there was a closed entrance and he intended to remove the corpse through it and began to open it, once he opens it, it saves all the other entrances. If the building had many windows, but they were all closed, they are all pure. If they are open, they all impart impurity, but they do not save the entrances.

When there is a small entrance inside a large entrance, anything that covers either of them imparts impurity. If one intended to remove the corpse through the smaller entrance, the smaller entrance purifies the larger one. If they are both of equal size, anything that covers either of them imparts impurity. If one intended to remove the corpse through either of them, it purifies the other.

If the building had one entrance in the north and one entrance in the south and one intended to remove the corpse through the northern entrance, that entrance imparts impurity. If, afterwards, the brother or the relatives of the deceased came and said: "We will remove it only from the southern entrance," the southern entrance replaces and purifies the northern entrance provided one does not say so as a ruse. If he says so as a ruse, they both impart impurity.

3 The following rules apply when several houses open to an exedra and a corpse is located in one of the houses. If the usual practice was to remove the corpse through the exedra, the gateway and the houses become impure. If not, the gateway is impure and the houses are pure.

If there is a closed room in a house and a corpse was brought into the room through an open window, the outer portion of the house is pure.

The rationale is that the impurity goes back and departs through the same window that it entered.

4 A grave does not impart impurity to the area around it unless there is empty space a handbreadth long, a handbreadth wide and a handbreadth high above the corpse. Should that condition be met, even if one built a structure over the space of one cubic handbreadth until the heavens, it imparts impurity in its entirety, because the entire structure is considered as a grave.

If the impurity was flush against the covering and there was not an empty space of a cubic handbreadth, the impurity pierces through and ascends and pierces through and descends. The only ones who are impure are those who touch the space above the impurity, stand over it from above, touch the space below it, or stand below it. If, however, one touches the side of the building, he is pure.

5 This is a great general principle with regard to the impurity stemming from a corpse: If the impurity is flush with its covering, the impurity pierces through and ascends until the heavens and pierces through and descends until the depths, but does not impart impurity to those on the sides.

What is implied? There is a heap of grain or a pile of stones with an olive-sized portion of a corpse in its midst. There are *keilim* next to the source of impurity, but they are not touching it. Those *keilim* are pure, but any *k'li* in the pile that is directly above or below the impurity is impure, because the impurity pierces through and ascends and pierces through and

descends. If there was empty space, a handbreadth long, a handbreadth wide and a handbreadth high above the corpse, it is considered as a closed grave and it imparts impurity from all sides.

6 When a building was filled with earth or pebbles, it is as if the house no longer exists. It is like a pile of earth or pebbles. If there was a source of impurity in the midst of the earth, the impurity pierces through and ascends and pierces through and descends, but the *keilim* in the earth at its sides are pure.

7 When impurity that was flush against its covering was in a wall and one rested a *sukkah* against the wall, the *sukkah* is impure. The rationale is that the wall became one of the sides of a structure containing a corpse. Although the sides of the structure would be pure when touched by a person if it did not have a roof, once a roof was placed over them, everything in the structure is impure, because the impurity is contained in the structure.

Chapter 8

1 When a grave became lost in a field, its earth imparts ritual impurity when one touches or carries it like the earth of a *beit hap'ras,* for perhaps the grave that was there was crushed and there are bones the size of a barley-corn in its earth. Similarly, one who stands over any portion of the field contracts ritual impurity. If one builds a structure there, everything inside the structure contracts impurity, for perhaps the structure he

constructed in that field is constructed over the grave.

2 The following laws apply when a person built a house and a loft on top of it in such a field. If the entrance to the loft was directly above the entrance to the house, the loft is pure. Even if the grave was under the lintel of the house, the loft is pure, for there is one structure on top of another structure, as will be explained. If they were not directly above each other, the loft is also impure, for perhaps the entrance to the loft is above the grave and thus the loft is projecting over the grave.

3 It is permitted to sow any type of seeds in this field, because the roots of the plants growing from the seeds do not reach the grave. One should not, however, plant any fruit trees inside of it, because their roots will reach the corpse.

We operate under the presumption that low hills that are close to a town and near to a cemetery or to the road leading to the cemetery, whether ancient or new, are impure, because women bury fetuses that they miscarry there and lepers bury their limbs there. Different rules apply to those hills which are distant from a town. The new ones are pure, but the ancient ones are impure. The rationale is that perhaps they were close to a town that was destroyed or a road that was lost.

What is meant by a hill close to a town? Any hill that does not have another one closer than it. What is meant by an ancient one? One that no one remembers whether there was a cemetery there or not.

4 The following laws apply to a field for weeping, i.e., a place near a

cemetery where women sit and weep over the departed: Even though its earth is pure, because it has not been established that a corpse is buried there, trees should not be planted there, nor should crops be sown there, so as not to have people frequent it, for perhaps a corpse was buried there. Our Sages had this suspicion, because its owner will have despaired of its use, because it is close to the cemetery. Therefore it is possible that a person will come and bury a corpse there.

One may use the earth of such a place to make ovens to cook sacrificial meat, because it has not been established that impurity was there.

5 When a grave is discovered on one's property, it is permitted to disinter the corpse and rebury it elsewhere. If it was reburied, the place around the first grave is impure and it is forbidden to benefit from it until it is checked, as will be explained. When it is known that a grave is located in a field, it is forbidden to disinter the corpse and rebury it elsewhere. If it was reburied, the place around the first grave is pure and it is permitted to benefit from it.

6 When a grave causes harm to people at large, the corpse should be disinterred. Its place is impure and it is forbidden to benefit from it.

7 The following laws apply when a person encounter a *meit mitzvah*. If he finds it within the city's Sabbath limits, he should bring it to the cemetery. If he found it outside the Sabbath limits, even in a field of saffron, it acquires its place and should be buried where it is found.

If he found it in the public thoroughfare, he should move it to the side. If

an uncultivated field was on one side and a plowed field was on the other side, he should bury it in the uncultivated field. If there was a plowed field on one side and a field that had been sown on the other side, he should bury it in the plowed field. If a field that had been sown was on one side and a vineyard on the other side, it should be buried in the field that had been sown. If there was an orchard on one side and a vineyard on the other, he should bury it in the vineyard, because of the impurity of *ohel*. If both fields were of equal value, he may bury it wherever he chooses.

8 When a grave is discovered, it imparts impurity retroactively. If someone comes and says: "it is definitely clear to me that there was not a grave here," even if he is speaking about a period twenty years earlier, the grave does not impart impurity except from the time of its discovery onward.

9 Whenever a person discovers a grave, a corpse, or a portion of a corpse that would impart impurity through *ohel*, he should designate it, so that it will not create an obstacle for others.

During *Chol HaMoed*, agents of the court go out to designate the graves. A designation is not made over a portion of a corpse that is exactly the size of an olive, because ultimately, its size will be reduced in the earth.

With what is the designation made? With lime. It should be mixed and poured over the place of the impurity. The designation should not be placed on the exact perimeters of the impurity, but instead, should extend somewhat on either side so as not to ruin pure articles. The designation should not be extended much beyond the place of the impurity so as not to spoil *Eretz Yisrael*. A designation is not made on places that are

definitely known to be used for burial, for their identity is universally known, only on the places that are doubtful, e.g., a field in which a grave was lost, the low-hanging branches of trees, or rocks jutting out from a wall.

10 When a person discovers a field that has been designated and does not know what the nature of the problem is, he should follow these guidelines. If it does not have trees, he should assume that a grave was lost in it. If it has trees in it, he should assume that a grave was plowed over in it, as will be explained.

11 When a person finds a stone that is designated, the area under it is impure. Should there be two such stones, if there is lime between them, the area between them is impure. If there is no lime between them, only on top of them, the following laws apply: If there is a shard between them, they are pure, because they are the remnants of a building. If there is no shard between them, and a light layer of lime was smoothed out over their heads on either side, we assume that this is a designation and they are impure.

If one boundary line of a field is designated, it is impure and the remainder of the field is pure. This applies also if a second or a third boundary line is designated. If all four boundary lines are designated, they are pure and the entire field is impure, for the sign should not be placed far from the place of the impurity.

Chapter 9

1 When a person was digging in a field and he found many corpses in a one pit, one on top of the other or one next to the other, or he found the bodies of people who were slain, or he found a corpse sitting or with its head between its knees, he need not be concerned that perhaps this was a cemetery. Instead he should take the corpses and all the soft earth beneath it and then dig down three fingerbreadths He should then take all of this away. The remainder of the field is considered as pure just as it was before the corpse was discovered. This earth and the three fingerbreadths of virgin soil is called the *tevusah* of the corpse.

2 When the bodies of slain corpses are found in a field, one should collect all the bones from the field and then, it is pure. Similarly, when one disinters a corpse from a grave in his field, he should gather all the bones one by one and then it is pure. Similarly, a pit into which miscarried fetuses or slain corpses are cast, one should gather all the bones one by one and then it is pure.

3 If one was digging and he discovered a corpse buried in an ordinary manner, he should remove it and the earth of their *tevusah*. Similarly, if he discovered two corpses buried in an ordinary manner, he should remove both of them and the earth of their *tevusah*, and the entire field is pure. More stringent laws apply when one finds three corpses, each one lying in the manner in which corpses are usually buried. If there are between four and eight cubits between one grave and the other - i.e., the space for a bier and the buriers - it is necessary to check an additional twenty cubits - i.e., the space for two burial crypts and the open space between them from the

last grave. If he does not find another corpse in this space, those twenty cubits that he checked are pure, even though they are in an area close to graves.

If he finds another corpse at the end of the 20 cubit area, it is necessary to check another twenty cubits from it, for there is a basis for the assumption that other graves will be found.

If one of the corpses that was found originally or ultimately had been slain, was sitting, or lying in an unordinary manner, e.g., its head was between its knees, it is not necessary to check another twenty cubits. Instead, one must merely remove the remains of the corpse and its *tevusah*, The rationale is that we operate on the presumption that the corpses are of gentiles.

4 The laws governing the impurity of graves do not apply to those of gentiles since the impurity of *ohel* does not apply with regard to them. One who touches their graves is pure unless he touches the corpse itself or carries it.

5 When a corpse is lacking a limb or an organ that, were it to be removed from a living person, he would die, there is no requirement to remove the *tevusah*, nor is there an obligation to check the area around the grave. When corpses are found lying openly on the surface of a field, there is no requirement to remove the *tevusah*, nor is there an obligation to check the area around the grave. Instead, one should merely gather bone after bone, and the area is pure.

When a corpse is buried without permission of the owner of the field,

there is a requirement to remove the *tevusah*, but there is no obligation to check the area around the grave.

6 When one finds three corpses buried in an ordinary manner at the outset, three hollows in the wall of a cave, or a hollow, a grave, and a crypt, it is considered as a burial area.

If one finds two and the existence of one had been known previously, there is a requirement to remove the *tevusah*, but there is no obligation to check the area around the grave. The rationale is that a grave whose existence is known does not cause a place to be considered as a burial area. It was said only that when one finds three graves at the outset, then an inspection is required.

How should the inspection of the twenty cubits mentioned be carried out? One should dig until he reaches a rock or virgin earth, i.e., earth that appears that it has never been tilled. If one dug even 100 cubits deep and discovered earth that was plowed, the original requirement remains and one must dig deeper until he reaches virgin earth. If one reaches water, it is as if he reached virgin earth.

7 When making this inspection, a person does not have to dig a trench extending from the beginning of the twenty cubits until their end. Instead, it is sufficient for him to dig a trench one cubit by one cubit, leave a cubit as is, and dig another cubit by cubit trench, continuing this pattern until the end. The rationale is that there is never less than a cubit between one grave and another.

8 If while one was checking, within the twenty cubits, he reached a river, an irrigation channel, or a public thoroughfare, he should cease. There is no need to search further, because the burial area has been interrupted.

9 The person who removes the earth which is searched is considered as pure unless impurity is discovered in the place which was dug up. Before it is discovered, he may partake of *terumah*.

One who is digging up a landslide may not partake of *terumah*, for it is certain that there are corpses under the landslide. It is only that he is not aware of their location.

10 The following laws apply when an impure landslide becomes intermingled with two pure landslides. If one inspected one of them and found it to be pure, it is considered pure and the others impure. If he inspected two of them and found them to be pure, they are considered pure and the other impure. If he inspected all three and found them to be pure, they are all presumed to be impure until he inspects the three of them to the extent that he reaches a stone or virgin earth and discovers all three to be pure.

11 When there is a pit into which miscarried fetuses are cast, one who stands over it is impure according to Scriptural Law. Although moles and hyenas are found there, a mere possibility does not change the definitive ruling based on prior conditions. If, however, a woman cast a miscarried fetus there and it was not determined whether she miscarried something which imparts impurity or not, since there are moles and hyenas there, the multiple doubts cause the place to be deemed pure.

12 It is well known that all these and other similar instances which are ruled impure although there is a doubt involved are Rabbinic safeguards. According to Scriptural Law, only one who has definitely contracted impurity is deemed impure. All stringencies stemming from doubt, whether with regard to ritual impurity, forbidden foods, forbidden intimate relations, or the observance of the Sabbath, are only Rabbinic in origin, as we explained in *Hilchot Issurei Bi'ah* and in other places. Nevertheless, when there is a situation where one would be liable for *karet* for an intentional violation, it is forbidden by Scriptural Law to act in a manner that allows for the possibility that one committed such a violation, as evidenced by the fact that one who performs such an act is obligated to bring a provisional guilt-offering, as stated in *Hilchot Shegagot*.

Chapter 10

1 What is meant by a *beit hapras*? A place where a grave was plowed over. Since, in such a situation, the bones of the corpse are crushed and dispersed throughout the field, our Sages decreed that any field where a grave was plowed over is impure. This applies even if one plowed over a coffin and even when the corpse was placed under stone tablets or rocks. Even if there are two stories high of earth above a coffin, since one plowed over the grave, the field is considered as a *beit hapras*.

How large an area is considered as a *beit hapras*? 100 cubits by 100 cubits from the place of the grave.

2 All of this square, which is an area in which four *se'ah* of grain can be sown is a *beit hapras*. Its earth imparts impurity when it is touched or carried, as we explained. It does not impart impurity because of *ohel*. Similarly, one who stands over a *beit hapras* is pure.

3 If one began to plow and plowed over a grave, and while continuing to plow, before he completed the 100 cubits, shook out the plow or knocked it against a rock or a fence, he makes the field a *beit hapras* only to that point. The remainder of the 100 cubits are pure, because he did not reach it while continuing to plow.

If he plowed 50 cubits or more and then continued plowing until he completed the 100 cubits, the entire area is considered a *beit hapras*. If he continued plowing beyond the 100 cubits, the area beyond 100 cubits is pure, because the bones in the grave will not be carried more than 100 cubits.

4 We operate under the assumption that bones that were buried are human unless it is known that they came from an animal. Conversely, we operate under the assumption that any bones that are openly revealed are from an animal unless it is known that they are human.

When there was a trench filled with human bones or there were human bones piled on earth, and one plowed these bones together with a field or one plowed a field in which a grave was lost or one in which a grave was discovered, a *beit hapras* is not created. For our Sages deemed impure only a field in which a grave whose identity was definitely known was plowed. Similarly, when one plows the body of a corpse together with a field, it is

not deemed a *beit hapras*. The rationale is that all these are uncommon situations and our Sages instituted their decree only with regard to a field that was plowed, for this is a common situation.

5 When a person plows a grave in a field that does not belong to him, he does not create a *beit hapras*, because a person cannot cause an article that does not belong to him to become forbidden. Even a partner, a sharecropper, or a guardian does not create a *beit hapras*.
When a person plowed over a grave in a field which belongs to him and to a colleague as one, he creates a *beit hapras* in his portion, but not in the portion belonging to his colleague.

6 When a gentile plows a grave in his field, he does not create a *beit hapras*, because the concept of a *beit hapras* does not apply with regard to gentiles.

7 When there is a field which is a *beit hapras* above and a field that is pure below and rain washes the earth from the *beit hapras* to the pure field, it remains pure. These laws apply even the earth of the lower field was red and it became white or it was white and it became red. The rationale is that a *beit hapras* does not make a second *beit hapras* and impurity was decreed only on the earth in its original state.

8 It is permitted to plant any tree or bush in a *beit hapras*, because their roots extend below three handbreadths and the area below three handbreadths in a *beit hapras* is pure, for the bones from the grave are spread out over the surface of the field. We do not, by contrast, sow in it any seeds from which grow crops that are not reaped.

If one sowed crops in such a field and harvested them by uprooting them, one must collect the grainheap in that field and sift the grain with two sifters - and if one grew beans, with three sifters - lest one find a bone the size of a barley corn. One must burn the chaff of the grain and beans there. This is a decree lest there be a bone the size of a barley corn among it. If one were allowed to benefit from the chaff, he would take it out of the field and sell it and thus spread the impurity.

9 When there is a field that is presumed to be a *beit hapras*, we continue to operate under this assumption even if it is large enough to grow four *kor* of grain, even if it is to the side of a place of soft mud which is not plowed, and thus does not become a *beit hapras*, and even if a pure field surrounds it on all four sides.

10 When a person discovers a field that has been designated and does not know what the nature of the problem is, he should follow these guidelines. If it has trees in it, he should assume that a grave was plowed over in it. If it does not have trees, he should assume that a grave was lost in it, as has been explained. The above applies provided there is an elder or a Torah scholar in this place, because not every person is knowledgeable concerning such matters and is not aware that it is permitted to plant in this type of field and forbidden to plant in another.

11 When a person walks through a *beit hapras* on stones that do not wobble under a person's feet when he is walking on them or he enters it when he is riding on a person or an animal of formidable strength, he is pure. If,

however, he walks on stones that usually shake while he treads upon them, even if he was careful and walked so that they would not shake, he is impure, as if he walked upon the ground itself. Similarly, if he was riding on a person who was not strong to the extent that his knees would knock against each other and his thighs would shake when he carried him or on an animal which was not strong to the extent that it would defecate when it carried him, he is impure as if he had walked on the field with his feet.

12 When a person purifies a *beit hapras*, he must purify it in the presence of two Torah scholars.

How does he purify it? He gathers together all the earth that he can move from the surface of the entire field and places it in a sieve with small holes. He breaks the earth into small pieces and removes any bone that is the size of a barley-corn. Alternatively, it is pure if he places three handbreadths of earth from another place upon it or removed three handbreadths of earth from its entire surface.

If he removed three handbreadths of earth from half the field and placed three handbreadths of earth over the other half, it is pure. If he removed a handbreadth and a half from its surface and placed another handbreadth and a half of earth from another place upon it, his actions are of no consequence. Similarly, if he leveled it and checked it from above and below while removing the rocks, his actions are of no consequence. If he paved it with stones that will not shake when a man walks upon it, it is pure.

Chapter 11

1 With regard to the earth of the Diaspora: our Sages instituted a decree regarding a clod of earth - that it be considered like a *beit hapras*. They would only deem impure one who walked on it or touched or carried its earth. Afterwards, they decreed that even its space imparts impurity, even if one did not touch or carry its earth. Instead, even when one merely inserted his head and the majority of his body into the space of the Diaspora, he becomes impure. Similarly, if the open space of an earthenware implement was taken into the Diaspora or the larger portion of other types of implements were taken into the open space of the Diaspora, they contract impurity.

2 The impurity of the open space of the Diaspora is not as severe as the impurity of its earth, but instead, is more lenient. Because of the impurity of its earth, *terumot* and sacrificial foods are burnt and one who carries such earth contracts the impurity that lasts seven days and the ashes of the Red Heifer must be sprinkled on him on the third and seventh days. When, by contrast, one contracts impurity through entering its open space, it is not required that the ashes of the Red Heifer be sprinkled on him on the third and seventh days, merely that he immerse himself in a *mikveh* and wait until sunset. Similarly, the ruling concerning *terumot* and sacrificial foods that contracted impurity through entering its open space is held in abeyance; they are not eaten, nor are they burnt.

3 The earth of the Diaspora and the earth of a *beit hapras* impart impurity when touched or carried, as explained.

What is the measure that imparts impurity? The amount of earth

necessary for a seal for sacks. This is the size of the large ball of a sack-maker's needle.

The following rules apply when the earth of the Diaspora or the earth of a *beit hapras* comes attached to a vegetable. If there is an amount the size of the seal of a sack in one place, it imparts impurity. If not, the various pieces of earth are not combined. The rationale is that our Sages instituted a decree only on a clod of earth in its natural state. An incident occurred when letters from the Diaspora were coming to the sons of the High Priests and there were about a *se'ah* or two of seals. They nevertheless did not show any concern regarding their impurity, because not one of the seals was as large as the seal of a sack.

4 The following rules apply when a person brings ovens, cups, and other earthenware utensils from the Diaspora. Until they were fired in a kiln, they are considered impure because of the earth of the Diaspora. Once they were fired, they are considered impure like an earthenware utensil that became impure in the lands of the Diaspora. Such a utensil does not impart impurity to people or utensils, as we explained.

5 When a person is walking on mountains and boulders in the Diaspora, he contracts the impurity that lasts seven days. If he proceeds in the sea or in a place where the waves of the sea wash up, he is pure despite the decree against touching the earth of the Diaspora, but is impure because of the decree against entering its open space.

One who enters the Diaspora in a cabinet, chest, or closet which are carried in the air is impure, because a tent that is movable, is not

considered as a tent.

6 The earth of Syria is impure like the earth of the Diaspora. Its open space is pure, because a decree was not imposed concerning it.
Therefore if there was a portion of Syria next to *Eretz Yisrael*, one edge to the other edge without the earth of the Diaspora, a cemetery, or a *beit hapras* interposing between them, one could enter there in a state of purity in a cabinet, chest, or closet, provided he did not touch its earth. Similarly, if there is a portion of the earth of the Diaspora next to *Eretz Yisrael* and there is no place of impurity between them, it may be checked and is considered as pure.

7 A place where gentiles dwelled in *Eretz Yisrael* is considered impure like the earth of the Diaspora until it is inspected, lest a miscarried fetus have been buried there.

8 The ruling concerning *terumah* and sacrificial food that became impure because they were brought into a dwelling of the gentiles should be held in abeyance; they are not eaten, nor are they burnt.
How long must gentiles stay in a dwelling for it to require an inspection? 40 days, sufficient time for a woman to become pregnant and miscarry a fetus that conveys impurity. Even if a gentile man without a wife stays in a dwelling for 40 days, it is impure until it is inspected. This is a decree, instituted because of a dwelling where there is a woman. Even a servant, a eunuch, a woman, or a minor of nine years of age causes a dwelling to be considered as "the dwelling of a gentile."

9 If there was a Jewish servant, woman, or minor who was nine years old in a dwelling of the gentiles, guarding so that a fetus would not be buried there, an inspection is not required.

What do they inspect? The deep septic drains and the cisterns of squalid water. Wherever a pig or a mole could drag out the fetus, an inspection is not necessary, because it can be assumed that they will drag it out.

When a dwelling of the gentiles is destroyed, it is still considered impure, until it is inspected.

10 A covered walkway is not included in the decree concerning the dwellings of the gentiles because it is open and there is no place to hide a miscarried fetus.

There are ten places where the decree concerning the dwellings of the gentiles does not apply. Since these are not permanent dwellings, a decree considering them impure was not instituted with regard to them. These are the ten places: a) Arab tents, b) *sukkot*, c) rubber tents, d) storage areas, e) roofed areas above pillars without walls; people would dwell there in the summer, f) guard houses, g) the open space of a courtyard, h) a bathhouse, i) a workshop where arrows and other weapons are fashioned, and j) soldiers' barracks.

11 The decree applying to the dwellings of gentiles does not pertain to a store unless a gentile dwells there. When a courtyard is impure as a result of the decree applying to the dwelling of gentiles, its gatehouse and the open space above it are impure like it. The decree applying to the dwellings of gentiles and the concept of a *beit hapras* do not apply in the Diaspora.

12 The decree concerning the impurity of the earth of the Diaspora does not apply to gentile cities enclosed within the boundaries of *Eretz Yisrael*, e.g., Sisis and its suburbs, Ashkelon and its suburbs, despite the fact that they are exempt from the tithes and from the obligations of the Sabbatical year, Although the roadways taken by festive pilgrims from Babylon are surrounded by the earth of the Diaspora, they are presumed to be pure.

Chapter 12

1 A covering that is a square, a handbreadth by a handbreadth and a handbreadth high brings ritual impurity and intervenes between ritual impurity according to Scriptural Law. For an *ohel* is given that distinction only when it is a handbreadth by a handbreadth and a handbreadth high or more.

What is implied? There was an olive-sized portion of a corpse lying with open space above it and implements (*keilim*), e.g., needles and spits, were at its side, without touching it. If one covered the portion of the corpse and the implements with an *ohel* that was a handbreadth by a handbreadth and was more than a handbreadth above the ground, the covering conveys impurity to the implements and renders them impure.

If there were other implements on top of this *ohel* that was a handbreadth by a handbreadth, they are pure, because the *ohel* intervenes between them and the impurity. Thus we have learnt that just as an *ohel* imparts impurity to everything that is under it, it preserves the purity of anything outside it, and intervenes between the impurity and the implements that are on top of it. Similarly, if the impurity was above the *ohel* and the

implements were below it, the implements are pure, because the *ohel* intervenes in the face of impurity.

If the *ohel* was less than a handbreadth high or less than a handbreadth by a handbreadth, even if it was several handbreadths high, the implements that are next to the impurity are pure. Any of the implements that are above this *ohel* and are directly above the impurity are impure. The rationale is that they were positioned over the impurity and there was no *ohel* intervening in the face of the impurity. Similarly, if there was impurity above this *ohel* and implements beneath it, any implements that are directly beneath the impurity are impure, for the impurity was hanging over them and there is no *ohel* intervening in the face of the impurity. The rationale is that whenever there is less than a handbreadth of open space, it is considered as touching and the impurity under it is considered as "flush," as we explained.

When does the above apply? When the *ohel* was not a person or an implement. If, however, a person or an implement serves as an *ohel* over the impurity, whether they were the covering itself or the support for the covering, even if the implements were such that themselves do not contract impurity, they convey impurity and do not intervene in the face of impurity.

What is implied? If there was a board placed upon four men or on four implements, even stone implements or the like that do not contract impurity or, needless to say, if they were placed on four spits or four reeds that were a handbreadth high, and there was impurity and other implements beneath it, those implements are impure. If the implements were on top of the board, even if they were not directly above the

impurity, they are impure. If there was impurity above the board and implements below it, all of the implements below the board are impure. If, however, the board was placed on four stones or on an animal or a beast and there was impurity under it, the implements on top of it are pure.

2 If there was impurity on top of a board, all of the implements under it are pure, because the *ohel* intervenes in the face of the impurity. Implements made from animal turds, stone implements, or implements made from earth that are oversized are considered as *ohalim* and not as implements. Therefore, they intervene in the face of impurity.

3 The following laws apply when a board was placed on top of a new oven and it protrudes beyond the oven on either side for more than a handbreadth. If there was impurity below the board, implements that are on top of it are pure. If there was impurity on top of it, the implements below it are pure. The rationale is that a new oven is not considered as a *k'li* in this context. If the oven was old, everything is impure.

4 When a board was placed over two ovens, even if they are old, and it protrudes beyond each oven and there is impurity below it, between the two ovens, only the space between them is impure. *Keilim* that are beneath the two ends that are beyond the ovens are pure, for the area beneath the ends and that beneath the ovens are considered as two tents, one next to the other.

Similarly, if a board was placed over an oven, even an old one, and it

protruded a handbreadth at both ends, but not from the sides, should there be impurity under one end, *keilim* under the other end are not considered as impure.

5 The following laws apply when a person carries a *k'li*, e.g., a plow or the like, and one side of the *k'li* hung over impurity. If the circumference of the *k'li* was a handbreadth, even though its width was only a finger breadth and a third, it imparts impurity to the person carrying it. Impurity is conveyed to him according to Rabbinic Law, for our Sages decreed impurity for a *k'li* whose circumference is a handbreadth as a safeguard lest one be lenient when there is one whose width is a handbreadth. It does not, however, convey impurity to *keilim* that are below it or other people over which it hangs unless its width is a handbreadth.

6 Wooden coffins in which a corpse is placed are not considered as graves. Instead, if there is a handbreadth of empty space between the covering of the coffin and corpse, the cover is considered as an intervening substance and one who stands on the cover is considered as pure according to Scriptural Law. Nevertheless, although most coffins have an empty space of a handbreadth, since there are some which do not have such space, our Sages degreed that no coffin would be considered as an intervening substance. Thus one who walks on a coffin is considered as if he touched a corpse or a grave.

7 The following laws apply when a beam extended from one wall to another

wall and there was impurity under it. If it was a handbreadth wide, it conveys impurity to everything under its entire span. Any *keilim* or persons under it are impure. This applies even if its width is not the same along the entire span and some portions are less than a handbreadth wide. The rationale is that these portions are considered as part of an *ohel*. If it is not a handbreadth wide, the impurity pierces through and ascends and pierces through and descends, as we explained.

How much must the circumference be for the board to have a width of a handbreadth? If it is round, three handbreadths. If it is square, four handbreadths.

8 When a barrel a *se'ah* in size was on its side in an open area, it does not convey impurity to everything under its entire expanse unless it is approximately four and half handbreadths in circumference. In this way, its upper portion will be a handbreadth and a half above the ground and there will be a portion of it, a handbreadth by a handbreadth a handbreadth above the ground. Accordingly, if it was suspended half a handbreadth above the ground and its circumference was three handbreadths, it conveys impurity.

Similarly, if there is a round pillar lying in an open space and resting on the earth, it does not convey impurity under its side unless it is 24 handbreadths in circumference. If it is not 24 handbreadths in circumference, the impurity pierces through and ascends and pierces through and descends. The reason that 24 handbreadths are required is that whenever there is a circumference of three, there is a width of one. Whenever there is a square, a handbreadth by a handbreadth, its diagonal

will be a handbreadth and two fifths. Therefore if the pillar's circumference was 24 handbreadths, there is a little bit more than a handbreadth by a handbreadth that is a handbreadth high under its entire side. All of these calculations are approximations. This is its form.

Chapter 13

1 Whenever there is a covering that is a handbreadth by a handbreadth that is a handbreadth high, it is considered an *ohel*, as we explained. It intervenes in the face of ritual impurity and conveys ritual impurity whether it was made as a shelter or came into being as a matter of course. Even if it was brought into being without human activity, it conveys ritual impurity and intervenes in the face of it.

What is implied? If there was a cavern that was hollowed out by water or crawling animals or even if the earth itself cratered or one gathered stone and beams and created a covered space of a handbreadth, it is considered as an *ohel* and it conveys ritual impurity and intervenes in the face of it.

2 When does the above apply? When the *ohel* was strong and sturdy. A unstable *ohel*, by contrast, does not convey ritual impurity, nor does it intervene in the face of ritual impurity according to Scriptural Law. According to Rabbinic Law, by contrast, it conveys ritual impurity, but does not intervene in the face of it.

What is implied? When branches of trees that hang over the earth which are called *sichachot* and stones which project outward from a wall that hang over the earth and are called *peraot* are sturdy enough to carry an

average ceiling and remain standing, they convey impurity and intervene in the face of it according to Scriptural Law. If they are not sturdy enough to carry an average ceiling and would fall, they convey impurity according to Rabbinic decree and do not intervene in the face of it. Similar laws apply in all analogous situations.

3 These substances convey ritual impurity and intervene in the face of it: oversized wooden vessels, *keilim* made from stone, animal turds, or earth that are oversized, simple leather *keilim*, a curtain, a sheet, or a reed mat that are made like tents, animals or beasts, whether kosher or non-kosher, provided the head of one is placed between the legs of another and they are flush against each other, a bird that rests, one who digs out a place for a child in a grainheap to save him from the sun, and food that was not made ready to be susceptible to ritual impurity so that it would not become impure.

When vegetables continue to grow in the summer and the winter, they are considered like trees and convey ritual impurity and intervene in the face of it. Among those in this category are: mint, bindweed, wild gourd, and Greek squash. Similarly, all of the following - branches of trees that hang over the earth, stones which project outward from a wall, projections, balconies, dovecotes, the clefts of stones, stones that stick out of a wall, the arches of a wall, and stony precipices - convey ritual impurity and intervene in the face of it.

4 The following convey ritual impurity, but do not intervene in the face of it: a human being, wooden vessels that are not oversized, because they are

like all other *keilim* and convey ritual impurity, simple leather *keilim*, a curtain, a sheet, or a reed mat that are not made like tents, but merely extended outward, without being on a slant or having walls, an animal or a beast that died, and impure foods or foods that were made susceptible to ritual impurity, for an impure substance does not intervene in the face of ritual impurity, and a hand mill, because it is in the category of stone *keilim*. All of these convey ritual impurity, but do not intervene in the face of it.

5 The following articles neither convey ritual impurity, nor do they intervene in the face of it: seeds, vegetables that are still connected to the ground with the exception of the four vegetables mentioned, a mound of hail, snow, sleet, ice, or salt, one who skips from place to place, one who runs from place to place, a bird that flies freely, a garment flying in the wind, or a ship that floats on the water. All these neither convey ritual impurity, nor do they intervene in the face of it. Although they create a covering, the covering is not lasting.

6 If one tied a ship to something that could anchor it or covered the corner of a garment with a stone, it conveys ritual impurity.

7 When there is a board floating in the water and there is impurity under one of its sides, the *keilim* under its other side are pure. The rationale is that, as we already explained, a ship that is floating does not convey impurity.

8 The following entities intervene in the face of ritual impurity, but do not

convey impurity]: the threads of the woof on a weaver's loom, the cords of a bed, a net on which fertilizer is held, and lattice shades for windows.

How do they intervene in the face of impurity? If there was a window between two houses, impurity was found in one house, and one of these entities is extended over this window and covers it, it serves as an intervening substance and prevents impurity from entering the second house. This applies even if there is open space within the intervening article, provided there is not a square handbreadth of empty space in this lattice work, net, or cords. If there is a square handbreadth of empty space, impurity will enter as will be explained.

Chapter 14

1 Impurity does not enter a shelter, nor does it depart from it if there is an opening less than a handbreadth by a handbreadth.

What is implied? When there is a window between one house and another or between a house and a loft, if it is a square handbreadth by a handbreadth and there was impurity in one of the structures, the other structure is also impure. If the window does not comprise a handbreadth by a handbreadth, impurity does not depart from it, nor does it enter the second structure.

When does the above apply? With regard to a window made by a person for functional purposes. When, by contrast, a window was made by man for illumination, that light should enter, its measure is the size of *pundiyon*. Then ritual impurity departs through it.

What is implied? There was impurity in a house. A person came and

stood on the outside, near this window for light or placed a *k'li* there, or there was a covering on the other side of the wall, the person, the *k'li*, and everything under the covering to which the impurity passes through becomes impure. A window made for light is one that is not covered by a roof, but instead, is open to the sun.

2 When an aperture was not made through intentional human activity, e.g., it was hollowed out by water or crawling animals, the earth itself cratered, a window had been shuttered close and the shutter was removed, or it had been covered by glass and the glass broke, the minimum measure is the full span of a shingle which is the size of the head of an ordinary man.
The above applies provided that the owner did not think of using that aperture for functional purposes. If, however, he thought of using it, the minimum measure is an opening of a handbreadth by a handbreadth. If he thought to use it for light, its measure is the size of a *pundiyon*. The rationale is that, in these instances, thought is considered equivalent to deed.

3 The following rules apply when a person began closing a window opened for light and did not complete the task because he did not have sufficient cement or a colleague called him, night fell initiating the Sabbath, and there remained a small amount open. If a portion the height of two fingerbreadths and the width of a thumbbreadth remain, it conveys ritual impurity. If it is less than that, it is as if it was closed.

4 The following rules apply when there was a large window made for light

covered by a lattice or the like. If there was one place where there is a hole as large as a *pundiyon*, it conveys ritual impurity and allows ritual impurity to depart. If the holes of the lattice are small and not one of them is the size of a *pundiyon*, it is considered as closed. Similarly, when there was a large window made for functional purposes and it was covered by thatchwork coverings or shades, if there was empty space a handbreadth by a handbreadth square, it conveys ritual impurity and allows ritual impurity to depart. Otherwise, it is considered as closed.

5 When a window is exposed to the open air, its minimum measure is the size of a *pundiyon*, because it is made solely for the purpose of light, as we explained. If one builds a house outside this window and thus the window is now under a roof, it is considered as if it is between two structures and its measure is a handbreadth by a handbreadth of empty space. If the roof was built in the middle of the window, the measure for the lower portion that is below the roof is a handbreadth by a handbreadth of empty space. The measure of the upper portion that is above the roof is the size of a *pundiyon*, because it is exposed to the open air.

6 The following rules apply in the situations to be described: There is a hole in a door, a carpenter left an empty place above or below or hung two swinging doors and did not complete adjusting them and thus there was empty space between the two doors, or he closed the door and it was blown open by the wind. In all these situations, if the opening was the size of a shingle, the impurity leaves through this opening and enters through it. If the opening is less than the size of a shingle, it is considered as closed.

7 When a person makes a hole in a wall in order to place a rod or a large nail there, to see those who pass by, or to speak to his colleague, it is considered as a window made for functional purposes and its minimum measure is a space a handbreadth by a handbreadth.

Chapter 15

1 The following laws apply when a functional window was closed entirely or closed to the extent that less than a handbreadth by a handbreadth remained. If it was closed with an entity that intervenes in the face of ritual impurity it is considered as closed, provided it is an entity that the owner does not intend to move.

Therefore if he closed a window or reduced its size with foods that were not made susceptible to contract ritual impurity, they do not intervene. Even though they are not susceptible to ritual impurity and they are pure, his intent is to move them. If they were rotting, they intervene. Similarly, straw that is rotting intervenes. If it is not rotting, it does not intervene, because we assume that the owner intends to move it.

When grain grew and blocked a window or reduced its size, it does not intervene, because the owner's intent is to remove it, lest it damage the wall. If its roots were distant from the wall, but the heads of the stalks grew on an incline and blocked the window, it intervenes. Similar laws apply in all analogous situations.

2 The following rules apply when a barrel that is filled with rotting dried figs which were never made susceptible to ritual impurity and are not fit

to be eaten were placed in a window and the opening of the window faced a source of impurity. The barrel itself is impure, In such a situation, and similarly, if a container is filled with rotten straw that is not fit to be used as animal fodder, for mortar for building, or for kindling that was placed in the window: when the figs or the straw would be able to remain standing independently were their container to be removed, they would be considered as intervening. If not, they do not intervene.

The following entities all reduce the size of a window:

a) bitter grasses that are not fit for animal fodder,

b) patches that are not three fingerbreadths by three fingerbreadths, that are filthy and firm, so that they are not fit to clean blood off a scratch,

c) a limb or flesh that was hanging limply from an impure animal, provided the animal was lean and unfit to be sold to a gentile and tethered so that it will not flee,

d) an impure fowl resting in a window, provided it is one which scratches, so that it would not be fit for a child to play with,

e) a gentile who is bound, because he is one of the prisoners of the king whom another person may not release,

f) an infant born after an eighth month pregnancy on the Sabbath, because it is forbidden to move him,

g) salt that is mixed with thorns that is not fit to be used for food, nor for leatherworking, provided it is placed on a shard so that it will not damage the wall.

The rationale is that these substances are not susceptible to ritual impurity, nor does the owner intend to move them, because they are not fit for work. Similarly, when a Torah scroll was worn out and placed in a

window, if the owner had decided that it would be entombed there, it reduces the size of the window. In contrast, snow, hail, sleet, ice, and water do not reduce the size of a window, for they are susceptible to ritual impurity.

3 If one reduced the size of the handbreadth with less than an olive-sized portion of the flesh of a corpse, less than an olive-sized portion of the meat of a dead animal, a portion of bone from a corpse that is less than the size of a barley-corn, or a portion less than a lentil from a crawling animal, these substances intervene in the presence of ritual impurity. The rationale is that they are all pure and since they are not important to the owner, he does not intend to move them. Similarly, less than an egg-sized portion of food that was not made susceptible to ritual impurity is not important, he does not consider moving it. Hence, all of the above reduce the measure of the handbreadth.

4 If one closed a window with an earthenware vessel whose opening faced outward, it intervenes. The rationale is that it does not contract impurity from its outer side and thus it is pure. Therefore this earthenware vessel must be disgusting and perforated so that it is not fit to be used for anything, not even bloodletting, so that the person will not think of moving it.

5 The following laws apply if there was a corpse, a fourth of a *kab* of bones, or the like from bones that impart impurity through *ohel* in a house and the owner sought to reduce the size of the window of this house with a

bone that is less than a barley-corn. Its size is not reduced, because the bone in the window is considered as part of the bones that generate impurity.

Similarly, if a corpse or an olive-sized portion from the flesh of a corpse was in a home and the owner sought to reduce the size of the window with a portion of flesh from a corpse, its size is not reduced, because the flesh is combined with the other flesh. Nevertheless, a bone that is less than the size of a barley-corn reduces the size of a window and thus prevents the spread of impurity brought about by an olive-sized portion of flesh. And less than an olive-sized portion of flesh reduces [the size of a window and thus prevents the spread of impurity brought about by] a fourth [of a kab] of bones or the like.

If one sought to reduce the size of a handbreadth with the woof and the warp of cloth that is afflicted with *tzara'at* or with a clod of earth from a *beit hapras*, its size is not reduced. The rationale is that an impure object does not intervene in the face of ritual impurity.

If one made a brick from the earth of a *beit hapras*, it is pure and can reduce the size of a window. Our Sages' decree concerned only a clod of earth in its natural state.

The following rules apply if the handbreadth was closed or reduced in size by a spider web. If its strands were substantial, it is considered as an intervening substance. If not, it does not intervene.

Chapter 16

1 The following rule applies when there is an aperture - whether it is the size

of a handbreadth by a handbreadth or it is less than a handbreadth by a handbreadth - in the midst of the roof of a house and there is a source of impurity under the roof of the house: The space directly below the aperture is pure, because it is open to free space and the remainder of the house is impure. If the impurity was solely under the aperture, the entire house is pure.

The following rules apply when the source of impurity was partially under the roof and partially under the aperture. If the aperture comprised a handbreadth by a handbreadth of open space, the house is impure entirely and the space below the entire aperture is impure. If it does not comprise a handbreadth by a handbreadth of open space, different rules apply. If the impurity is large enough so that if it was divided, a minimum measure would be found below the roof and also a minimum measure would be below the aperture, everything is impure. If not, the house is impure, but the space under the aperture is pure.

If the aperture comprised a handbreadth by a handbreadth of open space and a person put his foot on top of the aperture, everything becomes considered as one *ohel*. Therefore whether there was impurity only under the roof or only under the aperture, everything is impure, the house and the space below the aperture. Moreover, the person who conveyed the impurity to this place is impure, because he became part of an *ohel* over impurity. If the aperture did not comprise a handbreadth by a handbreadth of open space and the impurity is under the roof, the person who placed his foot over the aperture is not impure, because impurity does not depart through less than a handbreadth of open space.

The following laws apply if the impurity was under the aperture and a

person closed it with his foot. If the impurity was there before his foot, he is impure, because he stood over the impurity. If his foot was there before the impurity, he is pure, because his foot is part of the *ohel* and the impurity does not depart to him.

2 If there was an olive-sized portion of a corpse in the mouth of a raven that held it over an aperture in the roof of a house and thus the olive-sized portion was found in the space of the aperture, the house is impure even though the aperture does not comprise a handbreadth by a handbreadth of open space.

3 The following rules apply when there is a house with an aperture in its roof, a loft built above it with an aperture in its roof, and the two apertures are positioned one on top of the other. Whether the apertures comprise a handbreadth by a handbreadth of open space or not, if there is impurity in the house, the space under the apertures is pure and everything else is impure. If the impurity is under the apertures, the entire house is pure.

If the apertures comprised a handbreadth by a handbreadth of open space, whether the impurity was under the roof of the house or under the apertures, were an entity that is susceptible to impurity to have been placed either above the aperture of the house or above the aperture of the loft, everything is impure. The rationale is that an impure entity does not intervene in the face of ritual impurity.

If one placed an entity that is not susceptible to ritual impurity over the aperture of the house, the house is impure and the loft is pure. If such an

article was placed on the aperture of the loft, the house and the loft are impure and the space directly above the aperture until the heavens is pure.
If the apertures did not comprise a handbreadth by a handbreadth of open space, impurity was found under the roof of the house, and one placed an object - whether an object that is susceptible to ritual impurity or one which is not susceptible to ritual impurity - on either the aperture of the house or the aperture of the loft, only the house becomes ritually impure. The rationale is that impurity does not depart to the loft unless there is an open space of a handbreadth by a handbreadth.
If the impurity was beneath the apertures and one placed an entity that was susceptible to ritual impurity over either the lower or the upper aperture, both the house and the loft are impure, because one has extended the impurity. If he placed an entity that is not susceptible to ritual impurity over either the lower or the upper aperture, only the house is impure.
All of these laws apply only when one purposely makes an aperture. If, however, a roof is opened as a matter of course, the measure which conveys ritual impurity is the full size of a rafter, as we explained.

4 The following laws apply when one opens a ceiling to make an aperture in the roof of a house so that the leg of a bed can be inserted into it and the leg of the bed closes the aperture. If the aperture comprises a handbreadth by a handbreadth of open space and there is impurity in the house, the loft is also impure, because a *k'li* that can contract ritual impurity does not intervene. If it does not comprise a handbreadth by a handbreadth, the loft is pure, and the foot of the bed that extends below is impure, like a

k'li that hangs over impurity. If, however, a roof is opened as a matter of course, the measure which conveys ritual impurity is the full size of a rafter, as we explained.

5 The following laws apply when there is an aperture in the roof of a house and there is an earthenware pot placed on the earth directly aligned with the aperture so that if it was lifted up, it would be able to be lifted through the aperture without leaving any space at all. If there was impurity beneath the pot, flush between it and the earth, or there was impurity inside the pot, or on its outer surface, the impurity pierces through and ascends and pierces through and descends and only objects that are directly above it or below it are impure. The remainder of the house is pure in its entirety.

If the pot was a handbreadth above the ground and there was impurity under it or under the roof of the house, the house is impure in its entirety and whatever is under the pot is impure, because it serves as a shelter. The inner space of the pot are pure, because an earthenware container cannot become impure from its outer surface and the open space of the pot is under the open space of the world at large. If there is a *k'li* in it or on its outer surface, the *k'li* is pure. If the impurity is in [the pot] or on its outer surface, the entire house is pure, for the impurity is only directly under the aperture.

If the pot was under the aperture and the aperture was greater than the pot to the extent that if the pot was lifted up there would be an open space of more than a handbreadth by a handbreadth between it and the edge of the aperture, even if the pot is a handbreadth above the ground

and there is impurity in it, on its outer surface, or below it, the house is pure.

The following laws apply when the pot was placed next to the doorstep of a house in a way that if lifted up, a handbreadth of the space of its opening will be within the outer border of the lintel. If the impurity was flush under the pot, if the pot was a handbreadth above the ground and the impurity was under it or in the house, the area under it and the house are impure, because it is all considered as one structure and its inner space and outer surface are pure. If there was impurity in it and there was impurity below it, only the area below the pot is impure, the house, by contrast, is pure.

6 The following laws apply when there are beams of a house and loft without a ceiling over them stretching from one side of a structure to another. If the beams of the house and the loft are aligned one beam directly over the other, the empty space between them is aligned one over the other, the width of a beam is a handbreadth, the width of the empty space is a handbreadth and there is impurity beneath one of the beams, only the area beneath it is impure. If the impurity was between the lower beam and the upper beam, only the space between them is impure. If the impurity was on top of an upper beam, the space above it until the heavens is impure.

If the upper beams were aligned above the empty space between the lower beams and there was impurity below one of them, the area beneath all of them is impure. If the impurity was on top of an upper beam, the space above it until the heavens is impure.

If the beams were not a handbreadth wide, whether they were aligned one above the other or whether the upper ones were aligned above the space between the lower ones, were impurity to be beneath them, between them, or on top of them, the impurity pierces through and ascends and pierces through and descends, and it imparts impurity only to entities under it or over it. The rationale is that any impurity that is not under a covering that is a handbreadth wide and a handbreadth high is considered as "flush."

When the roof and the walls of a building are split into halves and there was impurity in the outer portion where the entrance was, the *keilim* in the inner portion are all pure. Different laws apply when there was impurity in the inner portion. If the split was as wide as a plumb line, the *keilim* in the outer portion are pure. If the the split was less than this, they are impure.

7 When an *exedra* was split and there was impurity in one side, the *keilim* on the other side are pure. For it is like two tents next to each other with space in between them, for the split runs across the entire exedra.

If he placed his foot or a reed above, over the crack, he joins the impurity to the other side of the *exedra*. If one placed a reed, or even a large *k'li*, on the earth, directly under the crack, it does not join the impurity unless the *k'li* is under the crack and is a handbreadth high.

If a person was lying on the ground below the crack, he joins the impurity to the other side. The rationale is that a person is hollow and his upper portion can be considered as a tent that is a handbreadth high. Similarly, if there were folded garments placed on the ground, one on top of the

other and the upper one was a handbreadth above the ground, it joins the impurity to the other side. All of the garments below it are considered as garments that are under a tent.

Chapter 17

1 When a projection protrudes from the side of an entrance to a home facing downward and it is twelve handbreadths or less above the earth, it conveys ritual impurity regardless of how small it is. It is clear that such a conveyance of impurity is merely a Rabbinic ordinance. Similarly, any analogous instance where impurity is conveyed by something that is not a sturdy *ohel* is only a Rabbinic ordinance.

Projections that are more than twelve handbreadths high or which face upward and similarly, the crowns and the ornamental embellishments that project from a structure, do not convey impurity unless they are a handbreadth by a handbreadth in area. This also applies to a projection that extends over an entrance from a lintel. Even if there was a reed at the side of the lintel as wide as the entrance, it does not convey ritual impurity unless it is a handbreadth by a handbreadth in area.

2 When a projection surrounds an entire building and encompasses a handbreadth at the entrance to the house, it conveys ritual impurity. If it encompasses less than a handbreadth at the entrance of the house and there is impurity in the house, *keilim* under it are impure. If there is impurity under it, it does not convey impurity to the house. Similar laws apply with regard to a courtyard that is surrounded by an *exedra*.

3 When a window serves a functional purpose and a projection protrudes across the entire window, even if it was only as wide as a thumbbreadth, it conveys ritual impurity. This applies provided it is two fingerbreadths or less above the window. If it is more than two fingerbreadths higher than the window, it does not convey ritual impurity unless it is a handbreadth wide. When there is a projection over a window that is made for light, it conveys ritual impurity regardless of its size and regardless of its height.

When there is a structure that protrudes in front of a window upon which a person looking out from the window leans while looking, it does not convey ritual impurity. If it has a projection over it, we consider the structure as if it does not exist and the projection above it conveys ritual impurity.

How do all these projections convey ritual impurity? If there was impurity under them or under the house, everything is impure - whether it is in the house or under the projection.

4 When there are two projections one on top of the other, each one of them is a handbreadth by a handbreadth in area, there is a handbreadth of space between them, and there is impurity below the lower one, only the space below it is impure. If there is impurity between them, only the space between them is impure. If there is impurity above the upper one, the space above it until the heavens is impure.

If the upper one extended beyond the lower one for a handbreadth and there was impurity below the lower one or between them, the space beneath them and between them is impure. If there is impurity above the upper one, the space above it until the heavens is impure.

If the upper one extended beyond the lower one for less than a handbreadth and there was impurity beneath them, the space beneath them and between them is impure. If the impurity was between them or under only the extra portion of the upper projection, the space between them and under the extra portion is impure, but the space below the lower projection is pure.

If each of the projections were a handbreadth by a handbreadth in size, but there was not a handbreadth between them, and there was impurity below the lower one, only the space below it is impure. If there was impurity between them or on top of the upper one, the space directly above it until the heavens is impure.

If the projections were not a handbreadth by a handbreadth in size, whether there was a space of a handbreadth between them or not, whether the impurity was beneath the lower one, between them, or on top of the upper one, the impurity pierces through and ascends and pierces through and descends, because it is flush. Similar laws apply when there are two curtains that are a handbreadth above the ground and placed one on top of the other.

When there are *keilim*, garments, or wooden tablets placed on top of each other and impurity was flush between them, if the impurity was a handbreadth above the earth, the *k'li* that is above it is considered as creating an *ohel* over the space of a handbreadth and it imparts impurity to all the *keilim* under it. If there were stone tablets, even if they were a thousand cubits above the ground, the impurity pierces through and ascends and pierces through and descends, because they are considered as earth.

5 When tablets of wood are touching each other at their corners, they are a handbreadth above the ground, and there is impurity under one of them, the *keilim* which are under the second are pure, because it is not touching the other one over the space of a handbreadth. A person who touches the second tablet is considered as one who touched *keilim* that touched a covering over a corpse.

Different rules apply, by contrast, with regard to all those *keilim* which we said convey ritual impurity and do not intervene in the face of it. If such a *k'li* was positioned above a corpse, all of the *keilim* that are above it are impure, as we explained. They are deemed impure as *keilim* that were held over a corpse. Even the *keilim* over it that are not directly over the impurity are impure. They are considered *keilim* that touched *keilim* that were held over a corpse.

6 When an earthenware jug was standing on its base in open space and there was an olive-sized portion from a corpse inside of it or below it, directly below its inner space, the impurity pierces through and ascends, pierces through and descends. The jug is impure, because the impurity pierces its bottom and its inner space becomes impure.

If the impurity is located under the thickness of its walls, the impurity pierces through and ascends, pierces through and descends, but the jug is pure. Why is the jug pure? Because the impurity does not pierce through into its inner space, but only to its walls and an earthenware container contracts impurity only from its inner space.

If some of the impurity was below the thickness of its walls and some below its inner space, the impurity pierces through and ascends, pierces

through and descends. If the walls were a handbreadth in thickness, it is entirely impure but the space aligned with its opening is pure, for the impurity has spread only throughout the walls.

When does the above apply? When the jug was pure. If, however, the jug was impure, it was a handbreadth raised above the earth, it was covered, or it was turned upside down, and the impurity was in it or on top of it, everything is impure and anything that touches it in its entirety is impure. If it had a cover fastened to it and was placed over a corpse, any food and drink inside of it are pure, but the *keilim* over it are impure.

When jugs are resting on their bases or leaning on their sides in open space, they touch each other over a handbreadth of space, and there is impurity below one of them, the impurity pierces through and ascends, pierces through and descends, because it is flush.

When does the above apply? When the jugs are pure. If, however, they are impure or they are raised a handbreadth above the ground, and there is impurity under one of them, the space below all of them is impure, because they are considered as a single *ohel*.

Chapter 18

1 The following rules apply when a person held one hand over a corpse and one hand over *keilim* or he touched a corpse and held his hand over *keilim*. If each of his hands cover a handbreadth of space, the *keilim* are impure. If they are smaller, they are pure.

Similarly, if there are two buildings near each other and there is a portion of a corpse the size of half an olive in each of them and a person inserted

one hand into one building and the other into the second building, if each of his hands cover a handbreadth of space, he has joined the impurity together. Everything is considered as one *ohel* and he and the buildings are impure. If they are smaller, he does not join the impurity together.

2 When a person looks out from a window and leans over impurity, he conveys impurity to the house in which he is located. The entire house becomes impure. If he was lying on the doorstep, part of his body being in the house and part being outside the house and impurity was positioned above the portion outside the house, the house is impure, because a person is hollow and the upper portion of his body is a handbreadth high. Since impurity was held over him, it is as if he stood over it and he conveys the impurity.

Similarly, if there was impurity within a house and pure people stood over the portion of a man lying outside, over the doorstep, they are impure. The rationale is that he is considered as if he is covering impurity and a person conveys impurity, but does not intervene against it, as we explained.

3 The following rules apply when the people carrying a corpse passed under an *exedra*, one of them closed the door to a house and locked it with a key so that the house would not become impure or if there was a person inside or outside who closed the door. If the door could stand close by itself, the house is pure. If not, the house is impure. The rationale is that in the latter situation, it was the person who intervened in the face of ritual impurity. As we explained, a person and *keilim* convey ritual impurity and

do not intervene in the face of it.

4 When an oven standing in a house has a dome-shaped opening that extends outside, if people carrying a corpse carried it over the opening that extends outside, the oven is impure, but the house is pure. The rationale is that the oven is not upraised above the ground so that it would bring impurity to the house.

When an oversized closet standing in an entrance opens to the outside and there is impurity in it, the house is pure. When there is impurity in the house, what is in the closet is impure, because it is open in the entrance and it is the nature of impurity to depart and not to enter. If its drawer was extended behind it, projecting less than a handbreadth, and could not be separated from the closet and there was impurity there opposite the boards of the roof of the house, the house is pure. The rationale is that even though it projects outward, it cannot be separated and it does not extend a handbreadth. This applies provided it is a handbreadth by a handbreadth and a handbreadth in height. If the drawer does not have an empty space of a handbreadth, the impurity is considered as flush within the house and the house is impure.

If the closet was standing in the house itself and there was impurity in it or in a chest within it, even though there is not an opening of a handbreadth through which the impurity could depart, the house is impure. If there is impurity in the house, everything in the closet is pure. The rationale is that the nature of impurity is to depart and not to enter.

5 If there are *keilim* between the closet and the ground, between it and the

wall, or between it and the ceiling, they are impure if there is a handbreadth of empty space there. If not, they are pure, because we considered it is if the beams of the ceiling descend and close the space between it and the closet.

6 If there is impurity under the closet, between it and the earth, between it and the boards of the ceilings, or between it and the wall, the house is impure whether there is an open space of a handbreadth or not.

If the closet was standing under the open air and there was impurity in it, the *keilim* within the breadth of its walls are pure. If there is impurity within the breadth of its walls, the *keilim* inside of it are pure.

7 All the slanted walls of tents are considered as the tents themselves.

What is implied? When a tent slants downward and ends within a fingerbreadth of the ground and there is impurity in the tent, the *keilim* under the slanted side are impure. If there is impurity under the slanted wall, the *keilim* in the tent are impure.

If there is impurity within the slanted wall, one who touches its inner side contracts impurity that lasts a week. One who touches its outer side contracts impurity that lasts until the evening, for the outer side of the slanting wall is considered as a *k'li* that touches a tent that has become impure.

If there is impurity on the outer side of the slanted wall, one who touches its outer side contracts impurity that lasts a week. One who touches the inner side of the slanting wall contracts impurity that lasts until the evening.

If there was half an olive-sized portion of a corpse inside the tent and half behind it, one who touches it - whether from inside or outside - contracts impurity that lasts until the evening. The tent itself contracts impurity that lasts for seven days.

8 If the edges of the tent were spread out on the ground and there was impurity on the ground under an edge of the tent spread out or above it, the impurity pierces through and ascends, pierces through and descends.

Chapter 19

1 The following rules apply with regard to a beehive-like container lying on the ground, in the entrance of a building with its opening facing the outside and an olive-sized portion of a corpse under or on top of the portion outside the building. Whatever is directly under or above the olive-sized portion below or above the container is impure. Whatever is in its inner space is pure except a *k'li* that is directly above or below the impurity. The building is pure.

If there is impurity in the building, only the building is impure, but *keilim* that are in the container or under it or above it outside of the building are pure. If there was impurity in the container, everything is impure, i.e., everything in the building and everything in the container, everything above it and everything below it that is opposite the impurity, as we explained.

If the container was raised a handbreadth above the ground and there was impurity under it, in the building, or above it, everything is impure, i.e.,

everything in the building, everything below it and everything above it. Whatever is in its inner space, by contrast, is pure except a *k'li* that is directly above or below the impurity. If there was impurity in the container, everything is impure, i.e., everything in the container and everything in the building, everything below it and everything above it. The rationale is that *keilim* or people who become an *ohel* over impurity or who have impurity above them convey impurity and do not intervene in the face of it, as we explained.

When does the above apply? When the container is a *k'li* and hollow. Different laws apply, however, if it was damaged and broken open and the open portion was plugged with straw and thus it is not considered as a *k'li*, or it was filled with straw so there was not an empty space of a handbreadth by a handbreadth and a handbreadth high, but instead, it was stuffed and there was not an empty space of a handbreadth in one place. If it was a handbreadth raised above the ground and there was impurity under it or in the building, the building and all the space under it are impure, because everything constitutes one *ohel*. Its inner space and anything on top of it on the outside of the building are pure, because it is considered an *ohel* of wood and it is not a container. If there was impurity inside of it, only what is inside of it is impure. If the impurity was above it, the space above it until the heavens is impure.

If such a container was placed on the ground, it opened to the outside, and an olive-sized portion of a corpse was under it, the space under it until the depths is impure. If the impurity was above it, the space above it until the heavens is impure. If there was impurity in the building, only the building is impure. If there is impurity within the container, only its inner

space is impure.

2 When a beehive-like container is lying on the ground in the entrance to a building, it opens up to the inside of the building, it is intact and hollow and there is an olive-sized portion of a corpse below it or above it, everything that is directly below the olive-sized portion of impurity or over it is impure. Everything that is in its inner space is pure except those *keilim* that are directly above or directly below the impurity and the building is pure.

If it was raised a handbreadth above the ground and there was impurity under it, in it, above it, or in the building, everything is impure: everything that is in the building and everything under it, because it and the building constitute one *ohel*.

If it was damaged and broken opened and the open portion was plugged with straw or stuffed, was raised a handbreadth above the ground and there was impurity under it, in the building, or in it, everything is impure except the articles above it. If the impurity was above it, the space above the impurity until the heavens is impure, but its inner space is pure and the space under it, the building, and everything in them is pure. Since it is not a *k'li*, it intervenes in the face of impurity.

If such a container was placed on the ground, it opened to the inside, and an olive-sized portion of a corpse was under it, the space under it until the depths is impure If [the impurity] was above it, the space above it until the heavens is impure. If there was impurity within it or within the building, its inner space and the building are impure.

3 The following laws apply when there is a beehive-like container inside a building, it fills the entire height of the building, its opening is positioned toward the ceiling of the building, and it reaches the ceiling so that there is less than a handbreadth of space between it and the ceiling. If there is impurity in it, the building is impure. If there is impurity in the building, its contents are pure. The rationale is that when there is less than a handbreadth of open space, it is the nature of impurity to depart towards the building, but not to enter the container.

This law applies whether the container was standing upright or leaning on its side, with its opening to the wall and there was less than a handbreadth between it and the wall, whether there was one beehive-like container or two beehive-like containers, one above the other, and there was not a handbreadth of empty space between the upper container and the ceiling or the upper container and the wall.

When such a container was standing in the entrance to a building with its opening facing upward and there was less than a handbreadth between it and the lintel, if there is impurity in it, the building is pure. If there is impurity in the building, the contents of the container are impure. The rationale is that it is the nature of impurity to depart and not to enter.

4 The following laws apply when there is a hollow beehive-like container that is intact and resting on its side in the open and there is an olive-sized portion of a corpse below it or above it. Anything that is directly above or directly below the olive-size portion is impure. Whatever is within its inner space, is pure except what is directly above or below the impurity. Whatever is not directly above or below the impurity inside the container

is pure. If there is impurity inside of it, everything is impure: everything inside of it and everything below the container or above it that is directly above or below the impurity.

If it was raised a handbreadth above the ground and there was impurity under it or above it, everything that is below it and everything that is above it is impure, but everything that is inside of it is pure except a *k'li* that is directly above or below the impurity.

If there is impurity inside of it, everything is impure, everything inside of it, everything below it, and everything resting upon it from above. The rationale is that *keilim* convey ritual impurity, but do not intervene in the face of it, as we explained. Accordingly, if this beehive-like container that was lying on the earth was damaged and then plugged with straw or it is an oversized wooden container and there is an olive-sized portion from a corpse under it, anything below it until the depths is impure. If the impurity is on top of it, anything above it until the heavens is impure. If the impurity is inside of it, only the *keilim* inside of it are impure.

If [such] a container was raised a handbreadth above the earth and there was impurity under it, the space beneath it alone is impure. If [the impurity] was inside of it, only its inner space is impure. If [the impurity] was on top of it, the space above [the impurity] until the heavens is impure. We have already explained that an oversized wooden container is considered as an *ohel* and not as a *k'li*. Therefore, it intervenes in the face [of impurity].

5 When an intact beehive-like container was resting on its base in the open space and there was impurity under it, inside of it, or on top of it, the

impurity pierces through and ascends and pierces through and descends. If, however, it was raised a handbreadth above the ground, covered, or standing upside down and there was impurity below it, in it, or above it, everything is impure: everything inside of it, everything below it, everything above it if the impurity was below it, for a *k'li* conveys ritual impurity and does not intervene in the face of it, as we explained.

Accordingly, if the container was damaged and plugged with straw and there is impurity under it, in it, or above it, the impurity pierces through and ascends and pierces through and descends. If it was raised a handbreadth above the ground and there was impurity below it, the space below it alone is impure. If the impurity was inside of it or on top of it, anything above it until the heavens is impure, but the *keilim* under it are pure, because it is a *ohel* and intervenes.

6 If there is a camel standing in the open space and there was impurity below it, the *keilim* above it are pure. If there is impurity above it, the *keilim* under it are pure. If it was lying down and there was impurity under it, the impurity pierces through and ascends and pierces through and descends. Similarly, if there was impurity flush under its foot or above its foot, the impurity pierces through and ascends and pierces through and descends.

We already explained in *Hilchot Nizirut* that if a nazirite and an olive-size portion of a corpse were both under a camel, a bed, or another similar *k'li*, even though he contracts impurity that lasts seven days, he does not shave. From this, we can derive that all of the impurity mentioned with regard to an *ohel* created by a person, an animal, or a *k'li* have their source in the

words of the Sages. Some of them are part of the Oral Tradition and others are decrees and safeguards. Therefore a nazirite does not shave because of any of these impurities and one is not liable for *karet* for entering the Temple or partaking of consecrated food. All of the statements regarding the impurity conveyed in this manner are relevant only with regard to the ritual impurity of *terumah* and sacrificial foods, as we explained.

Chapter 20

1 There are three conditions that protect an entity located under the same *ohel* as a corpse from contracting impurity: a sealed covering, an *ohel*, and the fact that something was swallowed. Being swallowed prevents pure entities from contracting impurity and prevents impurity that was swallowed from departing and spreading that impurity. In contrast, a sealed cover and an *ohel* prevent pure entities from contracting impurity, but they do not prevent the impurity from departing and causing other entities to become impure.

What is implied? If there is a container that is sealed in a house that is impure, everything in the container is pure. Similarly, if there is an *ohel* in such a house, all of the *keilim* in that *ohel* are pure. If, however, there was an olive-sized portion from a corpse placed in containers that were sealed close and then they were brought into a house, the house is impure. Similarly, if there was one *ohel* inside another *ohel* and an olive-sized portion of a corpse in the inner *ohel*, all of the *keilim* in the outer *ohel* are impure.

2 In contrast, when entities are swallowed, pure articles are prevented from contracting impurity and impurity is prevented from spreading.

What is implied? When a dog ate the flesh of a human corpse and entered a house, the house is pure. When a ring was swallowed, even by a person, and then the person who swallowed it entered an *ohel* where a corpse was located, even though the person contracts the impurity that lasts seven days, the ring remains pure. Similarly, the fact that an entity was swallowed by a beast, a domesticated animal, a fowl, or a fish prevents it from contracting impurity as long as they are alive. If, however, they die and the flesh of a human corpse or *keilim* are in their intestines, it is as if these articles were not swallowed.

3 If the majority of one of a fowl's determining signs for ritual slaughter was slit or the majority of both an animal's signs were slit, even though the living beings were still in their death throes, they are considered as dead. They no longer protect the *keilim* that are swallowed in their intestines, nor do they prevent impurity that is in their intestines from spreading outward and imparting impurity.

4 How long may the impurity remain in their intestines and still impart impurity when they die? For a dog three full days, i.e., three twenty-four hour periods. For other wild beasts, domesticated animals, fowl, or fish, one full day.

When does the above apply? When the flesh of the corpse remains in their intestines. If, however, a wolf swallows a baby and then expels it through its anus, the flesh is pure, but the bones are impure.

5 Entities that are swallowed are protected from impurity only in the digestive organs of a living creature, as we explained. Those, however, which are concealed in the body of a *k'li* or a stone are not protected.

What is implied? If there is a spindle in which a metal hook was concealed, into which the iron point was driven, or a brick in which a ring was found that were brought into an *ohel* in which a corpse was found, the articles are impure even though they are not visible and they are covered. The rationale is that articles encompassed by *keilim* are protected from impurity only by a sealed cover.

Similarly, if there was a pin or a ring covered in the clay used to reinforce an oven and the oven became impure because it was in an *ohel* where a corpse was located or a dead crawling animal fell into its inner space, the *keilim* in the clay become impure. If, however, the oven was sealed close, since the oven itself is pure, the *keilim* that are covered up by the clay on top of it are also pure.

Similarly, if a jug is sealed closed and there is a needle or a ring in the clay sealing at its side, they are impure, and they are not saved in an *ohel* where a corpse was located. If they were in the sealing of the jug over its opening and they could be seen from the inside of the jug, but do not enter its inner space, they are pure. If they enter its inner space, they are impure. The rationale is that an earthenware container that is sealed close does not protect the *keilim* that are inside of it, as will be explained. If there is a layer of clay, even as thin as a garlic shell under them, they are pure, even though they project into the inner space of the jug.

6 All *keilim* that are embedded in the earth of a house are impure and they

are not protected. The rationale is that the earth of an *ohel* has the same status of the *ohel* itself until the very depths of the earth. This does not apply with regard to its walls, as will be explained.

What is implied? If there is impurity in a house and there are *keilim* embedded in its earth, even if they are deeper than 100 cubits, they are impure. If, however, there is a handbreadth by a handbreadth by a handbreadth of empty space in their place, they are pure, because it is as if they are in another *ohel*. To what can the matter be compared? To a loft that is built over a house. If there is impurity in the loft, the house is pure.

Similarly, if one divided a house with a partition that runs parallel to the ground and there was impurity between the partition and the earth, the *keilim* that are in the house above the partition are impure, because an *ohel* does not prevent the spread of impurity, as we explained. If there was impurity above the partition, the *keilim* between the partition and the earth are pure, because the *ohel* protects them. If there is not a space of a handbreadth between the partition and the ground, the *keilim* are considered as if they are embedded in the earth of the house and they are impure.

7 The following laws apply when there is a covered drain extending under a house and the drain is a handbreadth by a handbreadth by a handbreadth and its opening outside the house is a cubic handbreadth in size. If there is impurity in the drainage channel, the house is pure. If there is impurity in the house, the contents of the drainage channel are pure.

If the drain was a cubic handbreadth in size, but its opening on the outside was not a cubic handbreadth in size and there was impurity in it,

the house is impure. If there is impurity in the house, the contents of the drainage channel are pure. The rationale is that it is not the way of impurity to enter a secondary entity like a drain.

If the drain was not a cubic handbreadth in size and its opening on the outside was not a cubic handbreadth in size and there was impurity in it, the house is impure. It is as if the impurity is in the house. If there is impurity in the house, the contents of the drain are impure. The rationale is that they are considered like *keilim* buried in the earth and the earth of a house has the same status as the house itself until the very depths.

8 When there are two jugs, each containing half of an olive-sized portion of a corpse and each is sealed close, placed within a house, they are pure, because a partial measure of impurity does not impart impurity. The house is impure, because there is an olive-sized portion of a corpse in the house and a sealed cover does not prevent the spread of impurity outward. The jugs do not become impure because of the house, because they are sealed close. If one of the jugs are open, it and the house are impure and the other jug is pure.

Similarly, if there are two rooms open to each other and to the main room of a house and there is half of an olive-sized portion of a corpse in the inner room or the middle room and half of an olive-sized portion of a corpse in the outer room, the outer room is impure. The inner room and the middle room are pure. If there is half of an olive-sized portion of a corpse in the inner room and half of an olive-sized portion of a corpse in the middle room, the inner room is pure. The middle and the outer rooms are impure, because it is the way of impurity to depart and not to

enter.

Chapter 21

1 What is the source that teaches that a sealed covering saves the contents of a container from contracting ritual impurity in a shelter in which a corpse is located? **Numbers 19:15** states: "Any open container that does not have a sealed covering on top of it is impure." One can derive from this that if there is a sealed covering on it, it is pure.

According to the Oral Tradition, it was taught that the verse is speaking only about an earthenware container, for it is a container that contracts impurity only through its opening. Therefore, if its opening is closed with a sealed covering, all of its contents are protected.

From this, we can infer that the contents of any of the containers which are not susceptible to ritual impurity are protected when the container is closed with a sealed covering. Such containers include: containers made from cow turds, stone containers, containers made from earth, containers made from the bones or skin of a fish or the bones of a fowl, oversized wooden containers, wooden boards that are flat and are not containers, metal *keilim* which have not been completely fashioned. The contents of all of these are protected by a sealed covering.

Now if the contents of a utensil closed with a sealed covering are protected, we can infer that this also applies to *keilim* that are swallowed or under an *ohel*. What is the difference between *ohalim* and containers that protect because of a sealed covering? That the covering of the containers must be sealed close, while for an *ohel*, any covering is

sufficient.

2 If a funnel is turned upside down, it protects anything it covers from impurity. Although its other end has a small hole, it is considered as if it were closed.

3 All containers that protect their contents when sealed closed also protect anything that is under them to the very depths if they are turned upside down and stood on the earth, when their inner space is a handbreadth by a handbreadth by a handbreadth, even though one did not spread clay around the sides to seal them. The rationale is, in that position, they are like an *ohel* and an *ohel* protects from impurity. The only exception is an earthenware container, for an *ohel* formed by an earthenware container does not protect from impurity.

What is implied? When an earthenware jug is turned upside down, even if one smeared clay on its sides everything under it is impure, for the prooftext speaks of "a sealed covering on top of it," and not a closed covering on its back. If one attached its opening to the wall and smeared clay on its sides, it protects everything inside of it and everything opposite its opening in the wall. If one did not smear clay on its sides, it does not protect its contents, because an earthenware container does not protect as an *ohel*, as we explained.

All of the other containers that protect their contents when sealed close protect their contents when their openings are attached to the walls of a house even when they do not have a sealed covering, because they protect as an *ohel*. Therefore it is necessary that the walls of the utensil be at least

a handbreadth high, for containers do not protect their contents with their walls as an *ohel* unless the wall of the container is at least a handbreadth.

If the wall of the container was half a handbreadth, there was a border of half a handbreadth protruding from the wall, and they were attached to each other, it is not considered as an *ohel* and does not protect its contents even though there is a handbreadth of empty space. It is necessary that the handbreadth come from one entity.

4 Just as such containers protect their contents from impurity when they are inside an *ohel* and attached to its walls, so too, do they protect their contents when they are outside the *ohel* if they are attached to the *ohel*, for the *ohel* is considered as a covering in all instances.

What is implied? A samovar that has walls that are a cubit high was placed on its side on staves outside an *ohel* and its opening was placed immediately next to the wall of the tent. If there is impurity under it, the *keilim* inside of it are pure. If it was placed next to the wall of a courtyard or the wall of a garden, it does not protect its contents, because these are not the walls of a tent. Therefore any *keilim* in the container are impure, for they were held above the impurity.

5 If there is a beam that is a handbreadth wide running from wall to wall, there is impurity below it, a pot was hanging from the beam and the beam was touching the entire opening of the pot and covering it, the *keilim* in the pot are pure. The rationale is that they were saved by the *ohel* covering them. If the opening of the pot was not covered by the beam, but instead

there was some empty space between them, everything in the pot is impure and the pot itself is impure.

6 The following laws apply when there is a cistern in a building, there is impurity in the building, and there are *keilim* in the cistern. If the cistern was covered with a flat board or a container that can protect its contents from impurity because it has a wall that is a handbreadth high, everything that is in the cistern is pure. If the cistern had a border built around its opening that was a handbreadth above the ground, whether he covered it with a container that can protect from impurity because it has a wall or whether the container did not have a wall, the container protects the contents of the cistern from impurity, because there is a wall of a handbreadth from another source.

7 The following rules apply when a cistern is built inside a building and there is a lamp in it with its flower protruding and covering the opening of the cistern. One placed a container that can protect from impurity in an *ohel* where a corpse is located over the opening to the cistern and it is resting on the flower of the lamp. We see if the container that can protect from impurity would remain in its position if the lamp was removed. When this is the case, it protects everything that is in the cistern from impurity. The *keilim* that are between the edge of the container that serves as a cover and the edge of the cistern are pure until the very depths. Even the lamp is pure despite the fact that the edge of the flower is visible between the covering and the cistern. If the container would not remain in position, everything is impure.

8 The following laws apply when a cistern is built inside a house and a container that could protect its contents from ritual impurity was placed over its opening. If there was impurity between the edge of the container and the edge of the cistern or within the cistern, the house is impure. The rationale is that an *ohel* inside a building does not prevent the spread of impurity, as we explained.

If there was impurity in the house and there is a handbreadth by a handbreadth by a handbreadth of empty space in the cistern, the *keilim* stored in the walls of the cistern are pure. If not, they are impure.

If the width of the walls of the cistern extends outside the house, they are nevertheless pure. The rationale is that they are not the walls of the house and just as the inside of the cistern is protected from impurity, so too, its walls protect.

We have already explained that an old oven is like all other *keilim* that convey impurity and is not considered as an *ohal*. For this reason, it does not protect its contents from ritual impurity unless it is sealed close like other containers that protect their contents. We have already explained that an oven is not considered as a *k'li* in this context and does serve as an *ohel*. Therefore it protects its contents from impurity merely by covering them without the cover being sealed close like other *ohalim*. The covering of an oven is called a *serida*.

9 The following rules apply when there is impurity in a house and there is an old oven inside a new oven, a *serida* resting on the new oven and that cover is being supported by the opening of the old oven. We see whether, when the old oven was removed, the cover would fall. If so, it does not

protect from impurity and everything inside of it is impure. If the cover would not fall, everything is pure.

When there is a new oven inside an old oven and the *serida* is resting on the opening of the old oven, if there is less than a handbreadth between the new oven and the cover, everything in the new oven is pure. It is considered as if the covering was resting on its opening.

10 When there is a covering of earthenware that has a border and extends beyond the edge of the oven and the oven is closed with a sealed covering, even if there is impurity under the covering or on top of it, everything above or below the impurity is impure. Nevertheless, the portion opposite the inner space of the oven is pure.

If there is impurity on the covering above the inner space of the oven, the space above it until the heavens is impure. Anything inside of the oven is pure.

11 When there is impurity in a house and an earthenware pot was turned over and placed on the opening of a jug and then clay was smeared on its walls and the jug to seal it close, it protects everything inside of it and everything between it and the edge of the jug from impurity.

If one placed it on the opening of the jug upright and smeared clay around it to seal it, it does not protect it. The rationale is that the pot becomes impure from its inner space and an impure utensil does not protect another utensil from impurity, as we explained.

Chapter 22

1 The handles of a large earthenware container, the bulges at the bottom of such a container, and the back of its walls do not protect their contents when sealed close in a tent where a corpse is located. If one cut them off, planed them, and made them into containers, they protect their contents if sealed close. The rationale is that the concept of sealing something close applies only to containers.

2 When clay is put into an earthenware container and filled half of it, it does not nullify it from being considered as a container. If *keilim* are sunk in that clay and the container is sealed close, the contents are protected from impurity.

3 An earthenware container protects its contents from impurity when sealed close unless it is perforated with a hole large enough for a pomegranate to fall through. If it is large, the majority of it must be damaged and open for it to be disqualified.

What is implied? If there was a large container and half was damaged, it was sealed close, including the damaged portion, it protects its contents from impurity even though it is not considered a utensil with regard to impurity. If, however, a container that was sealed close had a hole or a crack and the hole was not closed, it becomes impure and does not protect its contents.

How large must the hole be to disqualify the container? If the container was used for foods, the measure is a hole large enough for olives to fall through. If it was used for liquids, its measure is that the hole must be large enough to enable liquids to seep in when the container is placed in

them. If it is used for both these purposes, we rule stringently and if a hole was made that was large enough for liquids to seep in, it does not protect its contents until the hole is closed or reduced in size.

4 The following rules apply when there was an oven in an *ohel* where a corpse was located. The oven had a covering upon it, it was sealed close, but it was cracked. If the crack was as wide as the opening of the rod of a plow which is a handbreadth in circumference, the oven is impure even though the rod could not be inserted into the oven through the hole, but the hole was equal to its size. If the hole was smaller than this, the oven is pure.

If the covering was cracked to the extent that the rod of a plow could enter, it is impure. If it is less, it protects its contents with a sealed covering. If the crack is round, we do not consider it as if it was long. Instead, the measure is dependent on whether the opening of the rod of a plow could be inserted.

5 The following rules apply when an oven that is sealed close has an eye that was partially closed with clay. If the hole was large enough for a reed to be inserted and taken out while it was burning, the contents of the oven are impure. If the hole is smaller than this, the contents are protected.

6 When an oven has a hole at its side, the size of the hole that causes it to not to be considered as sealed is enough space for a reed to be inserted and taken out even when it was not burning. Similarly, when the clay seal of a jug was perforated, the measure is space for the second joint of a rye stalk

to be inserted in the hole. Similarly, when large casks were perforated, the measure is space for the second joint of a reed to be inserted. If they are less than this, they are pure.

When does the above apply? When they were made to store wine. If, however, they were made to store other liquids, a hole of even the slightest size causes them to contract impurity and the fact that they are sealed close is not effective unless the hole was closed. Moreover, even if they were made for wine, the above applies only when they were not perforated by human hands. If, however, they were perforated by human hands, even the slightest hole causes them to contract impurity and they are not protected unless the hole is closed.

7 When a jug that is filled with pure liquids has an earthenware tube in it, it is considered as sealed close. If it is located in an *ohel* where a corpse is found, the jug and the liquid are pure. The tube is impure, because one end of it is in the jug which is sealed close and the second end is open in the *ohel* where the corpse is found and it is not closed. Even though it is crooked, this does not cause it to be considered as closed.

8 When a jug that was sealed close had a hole on its side, but that hole was closed by wine dregs, it protects its contents from impurity. If the owner plugged half the hole and the dregs closed the other half, there is an unresolved question whether the contents are protected or not.

If one plugged the hole with a twig, it is not considered as closed unless one smears clay around the sides. If one closed it with two slivers of wood, one must smear clay from the sides and between one sliver and the other.

Similarly, if a board was placed over the opening to an oven and one smeared clay at the sides, it is protected from impurity. If there were two boards, one must smear clay from the sides and between one board and the other. If, however, one joined the boards together with wooden pegs or the like or with cork, it is not necessary to smear clay in the middle.
With what can a jug be sealed close? With lime, clay, gypsum, pitch, wax, mud, filth, mortar, or any substance that can be smeared. We do not seal with tin or lead, because it will not be a seal, nor will it close the container tightly. A plump fig that was not prepared to contract ritual impurity may be used as a seal. This also applies with regard to a dough that was kneaded with fruit juice so that it will not become impure. These qualifications are necessary, because an impure object cannot intervene in the face of impurity.

9 When the covering of a jug has become loose, even when it does not slip off, it no longer protects the contents, for it is not considered as sealed.
When a rubber ball or strands tied together were placed on a jug and clay was smeared at the sides, it does not protect the contents unless clay was smeared on the entire ball or collection of strands from below upward. Similar concepts apply with regard to a patch of cloth that was tied to a container. If a covering of paper or leather was tied over a container with string, it protects the contents if one merely smeared clay at the sides.

10 When a jug was enwrapped in a container made from the skin of a fish or from paper and it was tied close from below, the contents are protected. If it was not tied, it does not protect the contents, even if clay was smeared

at the sides.

11 The following rules apply when there was a jug that was covered with pitch from the inside and then a portion of the clay of the jug was peeled off, but the pitch remained standing. If one placed a covering on the pitch and pressed it down until it became attached to the pitch and thus the pitch was standing between the covering and the base of the jug, its contents are protected.

Similar concepts apply with regard to a container used for fish brine or the like. If one of the substances that is smeared as insulation for the container was standing between the covering and the container like a border, since everything was attached together, the contents are protected.

Chapter 23

1 When the contents of any implement that is sealed close are protected from impurity, all of the contents are protected: food, liquids, clothes, and *keilim* that can be purified in a *mikveh*.

This is the Scriptural Law. According to Rabbinic Law, however, earthenware containers which are sealed close protect only foods, liquids, and other earthenware containers inside of it. If, however, *keilim* that can be purified in a *mikveh* or garments were in an earthenware container that was sealed close, they are impure.

Why did the Sages decree that they do not protect everything like other containers that protect their contents from impurity? Because the other containers that protect their contents do not contract impurity and

earthenware containers do contract impurity. An impure container does not intervene in the face of impurity and all of the containers of the common people can be assumed to be ritually impure, as will be explained.

Why did the Sages not decree: an earthenware container of a common person does not protect anything from impurity, but a container belong to a *chaver* does protect everything because it is pure? Because a common person does not consider himself as impure. He will say: Since an earthenware container that is sealed close protects all its contents, there is no difference between me and a *chaver*. Therefore the Sages decreed that the seal should not protect everything.

Why did they say that it protects food, liquids, and earthenware containers from impurity? Because [regardless] these three types of entities are impure because they come from a common person – before they were located in an *ohel* where a corpse is located or after they had been located in such a place – [although they were in a container] that was sealed closed. A *chaver* will never borrow food, liquids, or earthenware containers from a common person except under the assumption that they are impure, for these entities can never be purified. Thus a stumbling block will never arise.

A *chaver* will, however, borrow *keilim* that can be purified in a *mikveh* from a common person. He will immerse them in a *mikveh* to purify them from the impurity they contracted from being touched by a common person, leave them until the evening and then use them for pure food. Therefore our Sages were concerned that a *chaver* will borrow *keilim* that can be purified in a *mikveh* from a common person that were sealed close

in one of his earthenware containers. Now the common person will think that this container was protected, when in truth it has contracted the impurity that lasts seven days. The *chaver* will immerse these containers, leave them until the evening and then use them for pure food. Thus a stumbling block will arise. This is the reason it was decreed that sealing an earthenware container close would not protect the *keilim* that can be purified in a *mikveh* which were in it.

2 When a person was placed inside a cask that was sealed close, he is pure. This applies even if the cask was made a covering for a grave. It appears to me that the Sages did not decree that an earthenware container sealed close would not protect a person from impurity, because it is an infrequent situation. And our Sages did not enact decrees concerning infrequent situations.

3 The word of common people is accepted with regard to a container used for the ashes of the red heifer or sacred foods if they say they are pure. The rationale is that even common people are very careful in this regard. Therefore all entities are protected from impurity when their container is sealed close even though it is of earthenware.

4 The following laws apply when there is an aperture between a home and a loft and there is an earthenware dish placed over the aperture. If the dish has a hole large enough to allow liquids to seep in, the dish is impure, but the loft is pure.

If the dish is intact, everything in the loft - food, liquids, and earthenware

containers - is pure, but a person and *keilim* that can be purified in a *mikveh* are impure, for an earthenware container intervenes in the face of impurity only for food, liquids, and earthenware containers. Everything in the loft is pure, as if it is in an earthenware container that is sealed close. A person in the loft was deemed impure, because that is a common situation. Therefore if there was a metal container or the like filled with liquids in this loft, the container contracts the impurity that lasts seven days, but the liquids are pure.

If there was a woman kneading dough in a wooden kneading trough in this loft, the woman and the kneading trough contract the impurity that lasts seven days, but the dough is pure as long as the woman is kneading it. If she ceased and then touched it again, she imparts impurity to it. Similarly, if one moved the dough or the liquids to another one of the *keilim* that can be purified in a *mikveh* that were in the loft, they become impure due to contact with the other container.

If the *k'li* covering the aperture was one that was not susceptible to impurity and which protect their contents when sealed close, as we explained, in which instance, contact with a common person does not render them impure, or the *k'li* was an earthenware container that was pure and intended to be used for the ashes of the red heifer or for consecrated foods – in which instance everyone's word is accepted with regard to their purity – it protects everything in the loft. If there was a tent erected in the loft and a portion of its fabric was draped over the aperture between the house and the loft, it protects [everything in the loft] even though its roof is not positioned over the loft. [The rationale is that] a tent protects when it covers, as we explained.

Chapter 24

1 The following rules apply when one divided a house by making a barrier of pure earthenware jugs from the ground until the roof and there is impurity in one side of the house. If the opening of the jugs was facing the pure side of the house, they protect the house from the spread of impurity. If the openings were facing the impurity, they do not protect it. If, when they were facing the impurity, he applied mud to them, whether from the inside, or the outside, we see whether the mud is able to stand on its own or not. If it can, it protects the house from impurity. If not, it does not and the entire house is considered as one *ohel*.

2 The following rules apply when a house was divided in two with boards or with curtains, whether it was divided lengthwise or widthwise or facing the ceiling. If there was impurity in the remainder of the house, *keilim* between the partition and the wall or between the partition and the ceiling are pure. If there is impurity between the partition and the wall or between the partition and the ceiling, the *keilim* in the house are impure, because the partition does not prevent the impurity from departing and imparting impurity, as we explained with regard to a tent inside a house.
The following laws apply when there are *keilim* in the midst of the thickness of the partition itself, whether the impurity was within the area set off by the partition or within the house. If the place where the *keilim* were located was a handbreadth by a handbreadth or more, the *keilim* are impure. If it is smaller than that, they are pure. We have already explained the laws pertaining to a house that was divided horizontally.

3 The following rules apply when there is a house that is filled with straw and there is not a cubic handbreadth of space between the straw and the ceiling. If there is impurity in the inner portion of the house, whether within the straw or in the space between the straw and the ceiling, all of the *keilim* that are opposite the space through which the impurity will depart in the entire open space of the entranceway are impure.

The following laws apply if the impurity was outside the straw, anywhere in the open space of the entranceway. If there are *keilim* within the straw and there is a handbreadth by a handbreadth by a handbreadth of open space, they are pure. If not, they are impure. If there is a cubic handbreadth of space between the straw and the ceiling, the *keilim* are impure regardless, for the straw does not intervene, because we can assume that the person's intention is to remove the straw.

4 When there is a wall between two houses and there is impurity in the midst of the wall, the house that is closest to the impurity is impure, while that which is closest to purity is pure. If the impurity was equidistant from them, they are both impure.

The following rules apply when the impurity was in one of the houses and the *keilim* were in the midst of the wall. If the *keilim* were located from the center towards the impurity, they are impure; from the center towards the pure side, they are pure. If they are equidistant, they are impure.

Similar principles apply when there is a ceiling between a house and a loft and there is impurity in the ceiling. If it was located from the center downward, the house is impure and the loft is pure; from the center, upward, the loft is impure and the house is pure. If it is equidistant from

them, they are both impure.

When there is impurity in either the house or the loft and there were *keilim* in the ceiling, if the *keilim* were located from the center towards the impurity, they are impure; from the center towards the pure side, they are pure. If they are equidistant, they are impure.

The following rules apply if the ceiling had nothing but open space above it and there was impurity in it. If the impurity was located from the center downward, the house is impure and a person standing on the roof - even if he is directly above the impurity - is pure, because the impurity spreads throughout the house. If the impurity was located from the center upward, the house is pure and a person standing on the roof directly above the impurity is impure. If the impurity was in the center of the ceiling, the house is impure and a person standing on the roof directly above the impurity is impure, because it is impossible to make an exact calculation.

5 Similarly, if there is a wall that serves a house, it is considered as half and half.

What is implied? There is a wall that has open space on one side. The roof of the house is supported by the wall, but does not rest on the wall and there is impurity flush inside the wall. If the impurity is from the halfway point of the wall inward, the house is impure. A person standing on top of the wall is pure like someone standing on the roof of the house.

If the impurity is from the halfway point outward, the house is pure. A person standing on top of the wall, above the impurity is impure, because the impurity did not spread out in the house. If the impurity was in the

center of the wall, the house is impure, but a person standing above it is pure, because the impurity spread within the house.

If one removed part of the wall from the inside or added to the outer portion of the wall until the impurity was in the inner half of the wall, the house is impure. If he removed part of the wall from the outside or added to the thickness of the inner portion of the wall until the impurity was in the outer half of the wall, the house is pure. If the impurity was placed on the top of the wall, even if it is on the inside, the house is pure.

6 When there is a structure that serves a wall, as long as there is part of the wall as thin as a garlic peel, the structure is considered as separate from the wall.

What is implied? A person dug two burial vaults or two burial caves one next to the other and thus there were two structures dug into the ground with a wall dividing between them. If there is impurity in the structures and *keilim* in the wall, as long as there is a portion of the wall as thin as a garlic peel covering them, they are pure. If there is impurity in the wall and *keilim* in the structures, if it is covered by a portion of the wall as thin as a garlic peel, they are pure.

Thus we can learn the following general principles: When there is a wall that was built from building materials, the status of the house depends on the half of the wall in which the impurity is located. When the wall was made of stone or of the thickness of the earth when one dug from either side, as long as there is part of the wall as thin as a garlic peel, the structure is considered as separate from the wall.

7 When half of the thickness of a wall was constructed and half was a rock, the status of the house depends on the half of the wall in which the impurity is located.

8 If there was impurity between the beams of the roof of a house, even if there is only a portion of a board as thin as as a garlic peel under it, the house is pure. We consider the impurity as if it were flush in the earth and only the area directly below it or directly above it is impure. If there is a handbreadth by a handbreadth of empty space in its place, everything is impure. Similarly, if the impurity could be seen from the house, the house is impure regardless.

If there are two entrances, one on top of the other, and there is impurity in the wall between them, if it can be seen from one of them, that entrance is impure and the other is pure. If not, their status depends on the half of the wall in which the impurity is located.

Chapter 25

1 If there is a pillar standing in a house and impurity is flush under it, the impurity pierces through and ascends and pierces through and descends. It imparts impurity only to entities that are directly above or below the impurity. If there is a flower, projecting from the pillar and there are *keilim* under the flower, the *keilim* are pure. Impurity is imparted only to the entities under or above the impurity.

2 If there is open space a handbreadth by a handbreadth and a handbreadth

high in the pillar where the impurity is located, it is considered as a closed grave and it imparts impurity to all its surroundings. The entire house is impure because it is standing over a grave.

3 When there is impurity in a wall and it is an open space a handbreadth by a handbreadth and a handbreadth high, all of the stories built on this wall - even ten - are impure. The rationale is that the wall is considered a closed grave until its highest point. It is the wall for these upper stories and every upper storey is considered to be an *ohel* over the grave.
If he built a structure next to that wall on one side and another structure next to the wall on the other side and a second storey that spans both those structures and thus the top of the impure wall is in the middle of the floor of the second storey, the second storey is impure because it serves as an *ohel* over a grave. A third storey built over it is pure, because they are one on top of the other and the impure wall is not one of the walls of this storey.

4 The following rules apply when there is a large hole in the thickness of a wall which people would employ for functional purposes which was called a *pardisek*. If there was impurity within it and it had closed doors, the house is pure. If there is impurity flush in its floor, its wall, or its roof, we consider the entire hole as if it is a solid mass and see where the impurity is located. If it is located in the inner portion of the thickness of the wall, the house is impure. If it is in the outer portion, the house is pure. If it is in the exact center, the house is impure.

5 If there are two *pardiskin* - one next to the other or one on top of the other - and there is impurity located in one of them and it is opened, it and the house are impure, but the other one is pure. If there was impurity flush in the walls of the building, we consider the *pardiskin* as if they were a solid mass and the status of the house depends on the half of the wall in which the impurity is located.

6 If there is an olive-sized portion of a corpse attached to the doorstep of the house from the outside, the house is pure. If it was flush below the doorstep, the status of the house depends on the half of the doorstep in which the impurity is located. If it is attached to the lintel, the house is impure.

7 When a dog ate the flesh of a corpse, died within three days of doing so, and was lying on the doorstep of a house, we consider the place where the impurity is located in his body. If it is under the lintel and inward, the house is impure. If it is beyond the lintel and outward, the house is pure.

8 The following laws apply when the fetus being carried by a woman dies in her womb. If its head has reached the size of a weaving needle, when her womb opens and the head becomes visible, the house becomes impure because of the fetus even if it has not emerged yet.

9 If a woman was in the midst of labor and went from one house to another and miscarried in the second house, the first house is still impure because of a doubt: perhaps the head of the fetus had emerged while she was there. When does the above apply? When its head did not reach the size of a

weaving needle. If, however, its head reached the size of a weaving needle, the first house is pure. For if her womb had opened to that degree, she would not be able to walk unsupported. Therefore if she was being supported by her shoulders and taken from one house to the other, the first is impure because of a doubt, even though its head reached the size of a weaving needle.

10 When a woman discharged a placenta, the house in which she was located is certainly impure. It can be presumed that there is no placenta without a fetus.

11 The following laws apply when a woman gave birth to two children, one a viable birth and the other, stillborn. If the stillborn child emerged first, the living child is pure, because he did not touch the stillborn child after he emerged into the world. If the living child emerged first, he is impure, because it is impossible that the stillborn child did not touch him, for the stillborn tumbles out after the living child like a stone that does not have any vitality and cannot hold itself back.

12 When a woman discharges a stillborn infant - even, as we explained, a tiny fetus - she contracts the impurity that lasts seven days. If the fetus dies within her womb and the midwife extended her hand inside the womb and touched it, the midwife contracts the impurity that lasts seven days, but the woman is pure until the fetus emerges.
The impurity of the midwife is a Rabbinical decree, instituted since she may have touched the fetus after it emerged into the vaginal channel.

According to Scriptural Law, touching a hidden portion of the body is not considered as touching. Since the fetus is in the mother's inner organs, anyone who touches it is pure. Similar laws apply to one who swallowed an impure ring and then swallowed a pure ring. Although the two certainly touched each other in his digestive system, this is not considered as touch. The impure one is considered as impure and the pure one, as pure.

Mishneh Torah, Red Heifer

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The commandment involving the red heifer is to offer such an animal in its third or fourth year of life. If it is older, it is acceptable, but we do not wait for it to age longer, lest its hairs become black.

The Jewish community does not purchase a calf and raise it, for **Numbers 19:2** states: "And you shall take unto yourselves a heifer," i.e., a heifer, not a calf. If only a calf was found, a price is established for it and it should remain in its owner's possession until it matures and becomes a cow. It should be purchased with money from the Temple treasury.

2 The Torah's description of this heifer as "perfect" means "perfectly red," not perfect in stature. Even if it is dwarfsize, it is acceptable, as is the law regarding other sacrifices. If it had two white hairs or black hairs growing from one follicle or from two cavities and they are lying on top of each other, it is unacceptable.

3 If there were two hairs, their roots reddish and their heads blackish, or their roots blackish and their heads reddish, their status follows the roots entirely. One should cut off the blackish head with scissors. He need not be concerned about the prohibition against shearing consecrated animals, because his intention is not to shear.

4 Enough of the red hair must remain so that it can be pulled out by

tweezers. For if a hair is not large enough to be pulled out by tweezers, it is considered as if it does not exist. Therefore if there were two white or black hairs that are so small that they cannot be pulled out by tweezers, it is acceptable.

5 If its horns or hooves are black, they may be cut off and it is acceptable. The color of the eyeballs, the teeth, and the tongue do not disqualify a heifer.

6 If it had an abnormal growth of another color and one cut it off, even though red hair grew in its place, it is unacceptable.

7 All of the physical blemishes that disqualify sacrificial animals, also disqualify a red heifer, for the prooftext cited above states: "Which does not possess a blemish." If the heifer was born by Caesarian section, was exchanged for a dog, was a present given a prostitute, was *treifah*, or had been sodomized, it is unacceptable. For any factor that invalidates a sacrificial animal for the altar invalidates the red heifer even though it is considered only as consecrated for the upkeep of the Temple, for Scripture has called it a sin-offering. It is permitted to purchase a red heifer from a gentile. We do not suspect that the gentile sodomized it, for he would not destroy the value of his animal.

There is a more severe element to the red heifer than to animals consecrated as sacrifices: work disqualifies it, for **Numbers 19:2** states: "upon which a yoke was never placed." Now concerning a calf whose neck is broken, **Deuteronomy 21:3** states: "With which no work was performed

and which was not led with a yoke." Just as with regard to the yoke mentioned in connection with this calf, the Torah equated other labor with a yoke, so too, with regard to the red heifer, other forms of labor also disqualify it like a yoke does. There is, however, a greater stringency that applies with regard to a yoke. A yoke disqualifies the heifer whether it was placed upon it during work or not during work and other forms of labor disqualify it only when work was actually performed.

What is implied? If one tied a yoke upon it, it is disqualified even if one did not plow with it. If one placed it in a threshing team, it is not disqualified unless it actually threshed. Similar principles apply in analogous situations.

If one rode upon it, leaned upon it, hung on to its tail, crossed a river using it for support while swimming, folded its lead rope on top of it, placed his garment on it, placed a covering of sacks on it, it is disqualified. If one tied it with a rope because it was rebellious and required to be safeguarded, it is acceptable. If not, it is disqualified, for any safeguarding that is unnecessary is a burden.

If one shod its hooves so that it would not slip or spread his garment over it to protect it from flies, it is acceptable. This is the general principle: If anything is done for its own needs, it remains acceptable. If it is performed for another purpose, it is disqualified.

When work was performed with it as a matter of course or a yoke was placed over it as a matter of course, if the owner is pleased, it is disqualified. The rationale is that the verse above states: "With which no work was performed." The implication is that if work was performed with it and the owner would be satisfied, it is as if he performed work with it.

Therefore, if a bird rested upon it, it is acceptable. If a male mounted it, it is unacceptable. Needless to say, a pregnant heifer is unacceptable.
If one placed it among a team of animals and it threshed grain on its own accord, it remains acceptable. If he placed it among the team so that it would nurse and thresh, it is disqualified, for he is satisfied that the work is performed. Similar laws apply in all analogous situations.

8 When a disqualifying factor invalidates a red heifer, it should be redeemed. Similarly, if it dies, it should be redeemed so that its hide can be used. This, however, should not be done in order to feed its meat to the dogs.

9 If it was slaughtered to be used as an ordinary animal, it should be redeemed and it does not bring about atonement. If it was slaughtered on top of the arrangement of wood set up for burning it, it can never be redeemed.

10 If a red heifer was purchased and then one found a more attractive one, the first may be redeemed even if it does not have a blemish.

11 Even an ordinary priest is acceptable to perform the burning of the red heifer, as **Numbers 9:3** states: "And you shall give it to Elazar, the priest." At that time, Aaron was still alive. According to the Oral Tradition, it was taught: That red heifer was offered by Elazar. The remainder of the red heifers could be offered either by a High Priest or an ordinary priest.

12 The person offering the red heifer should wear the four garments of an

ordinary priest. This applies whether it was offered by an ordinary priest or a High Priest.

13 All of those who were involved in the offering of the red heifer from the beginning to the end who had immersed that day are acceptable for the services associated with the red heifer, to consecrate the water used for sprinkling, and for sprinkling its ashes even though they did not wait until the nightfall after their immersion. The rationale is that the term "a pure man" used throughout that passage refers to one who is pure with regard to partaking of the second tithe, even though he is not pure with regard to partaking of *terumah* until nightfall. Such a person is pure with regard to the red heifer.

14 The Sadducees would say that the offering of the red heifer was acceptable only when those bringing it had waited until nightfall after immersion. Therefore in the Second Temple, the court would cause the priest who burned the red heifer to become ritually impure through contact with the carcass of a crawling animal or the like. He would immerse and then offer the red heifer to nullify the words of these brazen ones who issue rulings according to their whims without basis in the received tradition. Similarly, all of the containers into which the ashes of the red heifer were placed were all immersed that day.

15 For the same reason, a person who cuts the stalk of a reed to place the ashes of a red heifer upon it so they can be placed in water to consecrate it for sprinkling, should make it impure, immerse it, and then place the

ashes in it. The one who cuts it and the one who immerses it must immerse themselves, because that reed was considered as an entity that came in contact with a corpse on the seventh day of its purification process. Therefore it does not need to have the ashes of the red heifer sprinkled on it. Instead, it is made impure to show the Sadducees that the Oral Tradition should be upheld. It is then immersed and the ashes of the red heifer are placed in it.

Chapter 2

1 Extra stringencies were employed with regard to the purity observed in preparation for offering the red heifer and great extremes were taken to keep a distance from the ritual impurity associated with a human corpse in all the activities associated with its offering. The rationale is that since it is acceptable for a person who immersed that day to bring it, our Sages were concerned that people would treat this offering with disdain.
For this reason, when the priest who burns it is isolated, he is isolated to a prepared chamber in the Temple Courtyard. It was called the House of Stone, because all of the utensils in it were stone utensils that do not contract impurity. He would use the stone utensils throughout the seven days that he is isolated. His priestly brethren would not touch him in order to increase his purity.

2 For seven days before the burning of the red heifer, the priest who would burn it is isolated from his home, just like the High Priest is isolated for the sake of the service of Yom Kippur. This was received as part of the

Oral Tradition from Moses. Similarly, he is isolated from his wife, lest it be discovered that she was a *nidah* and he be impure for seven days.

3 The chamber in which this priest would abide for all these seven days was in the northeast portion of the Temple Courtyard. It was positioned there to remind the priest that the red heifer is like a sin-offering that is slaughtered in the northern portion of the Temple Courtyard, even though the red heifer is slaughtered outside the Temple.

4 On every one of the seven days of his isolation, water with the ashes of the red heifer should be sprinkled upon him lest he unknowingly have contracted impurity due to contact with a corpse with the exception of the fourth day of his isolation. That day does not require sprinkling. The rationale is that it is impossible for it to be the third day of his impurity or the seventh day of his impurity. For the sprinkling of the ashes on the seventh day is not considered as the sprinkling of the seventh day unless the ashes were sprinkled on the third day before it. According to law, there is no need to sprinkle the ashes upon him on any days other than the third and the seventh days of isolation. The sprinkling day after day is an extra stringency enacted with regard to the red heifer.

5 He would be isolated on Wednesday, so that the fourth day of his isolation would fall on the Sabbath, for the sprinkling of the ashes of the red heifer does not supersede the Sabbath prohibitions, and the fourth day does not require the sprinkling of the ashes.

6 On all the days of his isolation when the ashes of the red heifer are

sprinkled upon him, the ashes of all the red heifers that were burnt previously were sprinkled on him. If, however, there were only ashes from one red heifer, those ashes are used for all six days.

7 When the ashes of the red heifer are sprinkled upon him during the days of his isolation, the sprinkling should be performed by a man who never contracted the ritual impurity stemming from a human corpse. The rationale is that the person sprinkling the ashes must be pure. If one would say: "Let so-and-so, a person who had contracted impurity, but then had the ashes of the red heifer sprinkled upon him, sprinkle the ashes on the priest who will burn the red heifer," that suggestion is not followed. The rationale is that it is possible that the person who sprinkled the ashes upon so-and-so was not pure from the impurity associated with a corpse. Similarly, the utensils that are used to be filled and consecrated to sprinkle on the priest who burns the red heifer were all stone utensils that are not susceptible to ritual impurity. All of these practices are extra stringencies enacted with regard to the red heifer.

How is it possible to find a person who has never contracted the impurity associated with a human corpse? There were courtyards in Jerusalem built on slabs of stone and the space under them was hollow lest there be a grave in the depths of the earth. Pregnant women were brought there; they would give birth there, and raise their sons there. When they wanted to sprinkle ashes on the priest who would burn the red heifer, they would bring oxen - because they have ample bellies - and place doors on their backs and have the children sit on the boards so that there would be an *ohel* intervening between them and the earth lest they contract impurity

from a grave in the depths of the earth. They would have cups of stone in their hands and would go to the Shiloach spring. When they reached the Shiloach, the children would descend and fill the cups. We do not suspect that they will contract impurity from a grave in the depths of the earth at the spring, because it is not ordinary practice to bury the dead in streams.

They would ascend and sit on the doors and proceed upward until they reach the Temple Mount. When they reached the Temple Mount, they would descend and proceed on their feet, because the entire area of the Temple Mount and its courtyards was built over a hollow cavity, lest there be a grave in the depths of the earth.

They would proceed to the entrance to the Temple Courtyard. At the entrance to the Temple Courtyard, there was a pitcher of ashes. They would take the ashes and place them on the water in the cups and sprinkle them on the priest who burns the heifer.

The children who would fill the water, would consecrate it with the ashes and sprinkle it on the priest who burns the heifer must immerse in a *mikveh*. Even though they are pure with regard to the impurity associated with a human corpse, it is possible that they contracted other forms of impurity.

8 When a child immersed himself in a *mikveh* in order to fill pitchers with water and sprinkle it, another child should not fill those containers with water even though he immersed himself.

When a child immersed himself to sprinkle the water of the ashes on one priest, he may not sprinkle the water on another priest until he immerses again for the sake of purifying that priest. Similarly, when utensils or

people were purified for the sake of offering one red heifer, they should not become involved in the offering of another red heifer until they immerse themselves for its sake. All of these are extra stringencies required for the offering of the red heifer.

Chapter 3

1 The red heifer should be burnt only outside the Temple Mount, as **Numbers 19:3** states: "And you shall take it outside the camp." They would burn it on the Mount of Olives. A ramp was built from the Temple Mount to the Mount of Olives. Below it were arches upon arches, i.e., an arch on two arches, so that there would be empty space under it, lest there be a grave in the depths of the earth. Similarly, the place where the heifer was burnt and the place of immersion on the Mount of Olives had the space under them hollowed, lest there be a grave in the depths of the earth.

The red heifer, the one who would burn it, and all those who assist in its burning go from the Temple Mount to the Mount of Olives on this ramp.

2 How was the red heifer burnt? The elders of Israel would walk to the Mount of Olives first. There was a *mikveh* there. The priest, those assisting in burning it, and the heifer would go out on the ramp and come to the Mount of Olives.

There they would make the priest impure. The elders would rest their hands on the priest and tell him: "Immerse yourself." If he was a High Priest, they would tell him: "My sir, the High Priest, immerse yourself."

He would descend, immerse himself, ascend, and dry himself.

There was wood arranged there: cedar wood, oak wood, pine wood, and smooth fig wood. An arrangement like a tower was made and windows were made in the midst of it, so that the fire would flame in them. The front of the arrangement was in the west.

The heifer would be tied with a rope of love grass and it would be brought onto the arrangement with its head to the south and its face to the west. The priest would stand to the east with his head facing west. He would slaughter the heifer with his right hand and receive its blood in his left hand. With his right finger, he would sprinkle from the blood in his left palm seven times toward the Holy of Holies. He would dip his finger in the blood for every sprinkling. The remainder of the blood on his finger was disqualified for sprinkling, Therefore, after every sprinkling, he would clean his finger on the body of the heifer.

When he completed sprinkling, he would clean his hands on the body of the heifer and descend from the arrangement. He would light the fire with small kindling twigs and place them below the wood of the arrangement. The fire would begin to catch in it. The priest would stand at a distance and watch it until the fire catches in its larger portion and its belly becomes ripped open.

Afterwards, he takes a branch of a cedar tree and hyssop that is at least a handbreadth long, and wool dyed crimson weighing five *selaim*. He asks the people standing there: "Is this a piece of cedar?" "Is this a piece of cedar?" "Is this a piece of cedar?" "Is this hyssop?" "Is this hyssop?" "Is this hyssop?" "Is this a crimson thread?" "Is this a crimson thread?" "Is this a crimson thread?", asking each question three times. They answer: "Yes!"

"Yes!" "Yes!", three times for each set of questions.

Why is all this necessary? Because there are seven species of cedar, four species of hyssop, and several options to produce red dye. Some dye with madder and some dye with lacca sap, and some dye with *tola'at*. *Tola'at* refers to very red berries that resemble carob seeds. They are like sumach berries. There is a bug, like a gnat, in every berry. Since there are different types of species for each of the entities involved, the priest notifies everyone and informs them that these are the species mentioned in the Torah.

The hyssop mentioned in the Torah is the type of hyssop eaten by home-owners and used as a condiment in certain dishes. The hyssop, cedar, and wool dyed crimson are all absolute requirements, without one of which, the others are not acceptable. The priest should bind the hyssop together with the cedar branch with the crimson thread and then throw them into the belly of the heifer, as **Numbers 19:6** states: "He shall cast them into the midst of the conflagration of the heifer."

He should not cast them into the heifer until the fire has caught hold of the larger portion of it and not after it has been reduced to ashes. If he casts them at those times, it is unacceptable, as indicated by the phrase: "into the midst of the conflagration," i.e., not before the fire has caught onto its larger portion and not after it was reduced to ashes. Whether one cast all three of them together or one after the other, whether one cast them into the heifer's body or into the fire, whether its belly burst open on its own accord or the priest ripped it open by hand or with a utensil, it is acceptable.

3 When the process of burning it has been completed, its remnants and all of the pieces of wood in its arrangement that were burnt with it are beaten with clubs and everything is raked out with rakes. Anything - whether from its flesh or from the wood - that has been blackened and is possible to be crushed and reduced to ashes, should be crushed and reduced to ashes. If something has no trace of ash on it, it is left. Any piece of bone that remains from the heifer's bones that was not burnt should be crushed regardless.

4 None of its ashes are brought into the Temple Courtyard for storage, as *ibid.*:9 states: "And he shall place it outside the camp." The ashes were divided into three portions: one was placed in the *chayl*, one on the Mount of Olives, and one was divided among all the priestly guardposts.

The one that was divided among all the priestly watches was used by the priests to sanctify themselves. The one that was placed on the Mount of Olives was used by the entire Jewish people for sprinkling. And the one that was placed in the *chayl* was prepared and hidden away, as implied by *ibid.* which states: "It will be a security for the congregation of Israel." This teaches that it was put away for safekeeping.

Indeed, in the *chayl*, they would put away for safekeeping a portion of the ashes from every red heifer that was burnt. Nine red heifers were offered from the time that they were commanded to fulfill this mitzvah until the time when the Temple was destroyed a second time. The first was brought by Moses our teacher. The second was brought by Ezra. Seven others were offered until the destruction of the Second Temple. And the tenth will be brought by the king *Mashiach*; may he speedily be revealed. *Amen*, so may

it be G-d's will.

Chapter 4

1 Two red heifers should not be slaughtered at the same time, as **Numbers 19:3** states: "And you shall slaughter it."

2 If the red heifer did not desire to go out, a black one should not be taken out with it, so that it would not be said: "They slaughtered a black one." Nor is another red one taken out, so that it would not be said: "They slaughtered two at once."

3 When a red heifer was slaughtered with another intent in mind or its blood was received or sprinkled with another intent in mind, with the proper intent and another intent in mind, or with another intent and the proper intent in mind, it was offered by someone other than a priest, or it was offered by a priest lacking one or more of the priestly garments, while wearing the golden garments, or while wearing ordinary garments, it is unacceptable.

If it was slaughtered with the intent of partaking of its flesh or drinking its blood, it is acceptable. The rationale is that the expression "a pleasant fragrance" was not stated with regard to it.

4 If its blood was received in a container, it is unacceptable, as **Numbers 19:4** states: "And Elazar the priest will take the blood with his finger." The mitzvah is performed with the finger and not with a utensil.

5 If he sprinkled the blood, even one sprinkling with a utensil, the sprinkling is unacceptable. If he performed one sprinkling with his left hand, it is unacceptable. If seven priests sprinkled the blood at the same time, their sprinkling is unacceptable. If they did so one after the other, it is acceptable.

If he sprinkled the blood, but did not direct it to the Sanctuary, it is unacceptable, as *ibid.* states: "opposite the front of the Tent of Meeting." Implied is that he should direct it toward the Sanctuary and see the Sanctuary. Similarly, if he slaughtered it or burnt it not opposite the Sanctuary, it is unacceptable, as implied by **Numbers 19:3**: "He shall slaughter it before him."

6 When does the above apply? When he sprinkled the blood or burnt or slaughtered the heifer southward or northward, or with his back to the Sanctuary. If, however, he stood between the east and the west and faced the Sanctuary, even if he did not direct himself toward the Sanctuary exactly, it is acceptable.

7 If one of the sprinklings is lacking, it is unacceptable. If one dipped his finger in the blood twice and sprinkled once, the sprinkling is unacceptable. If he dipped his finger once and sprinkled twice, even if he did not count the second sprinkling and instead, dipped his finger and sprinkled a second time, it is unacceptable.

What is implied? He dipped his finger in the blood for the sixth time and performed the sixth and seventh sprinklings, it is unacceptable, even if he dipped his finger in the blood again and sprinkled it a seventh time. If,

after dipping his finger into the blood for the seventh time, he performed a seventh and eighth sprinkling - even if he dipped his finger into the blood an eighth time and then sprinkled it an eighth time, it is acceptable, for any addition over the seven is of no consequence, provided it is another priest making the addition. If, however, the priest burning it made the additional sprinkling, it is unacceptable, because he involved himself in an unnecessary activity while burning it.

8 If one removed the blood from its arrangement and then sprinkled it, it is invalid.

9 If one sprinkled its blood at night - even if one performed seven sprinklings during the day and one at night - it is unacceptable.

10 If one slaughtered it outside the place where it is burnt, even if one slaughtered it within the walls of Jerusalem, it is unacceptable.

11 If one burnt it outside the arrangement on which it was slaughtered, it was divided in two and burnt in two arrangements, or two heifers were burned on one arrangement, it is disqualified. If it was already reduced to ashes, one may bring another one and slaughter it over the ashes of the first without any qualms.

12 If one skinned it and cut it into pieces and then burnt it in its entirety, it is acceptable. If any slight part of its substance, even its dung, is lacking, it is unacceptable. If an olive-sized portion of its skin, meat, or even its hair flew off its pyre, it should be returned. If he did not return it, it is

unacceptable.

If it flew outside its arrangement, one should place much wood over it and burn it in its place. If its horns, its hooves, or its dung flew off, they need not be returned to the pyre.

13 The red heifer is not disqualified if it is left overnight without being burnt. Therefore if it was slaughtered on one day and its blood sprinkled as required and then it was burned on the following day, it is acceptable.

14 If the priest who burns it is in the acute state of *onein* mourning or is lacking atonement, it is acceptable.

15 If one burnt it without sanctifying his hands and feet, it is invalid, because the process of offering the red heifer is comparable to sacrificial worship.

Where does he sanctify his hands and feet? From a consecrated vessel in the Temple Courtyard. If one consecrated them outside the Temple Courtyard with an ordinary vessel, even with a tiny earthenware cup, it is acceptable, because the entire process of offering the heifer is performed outside.

When the priest who burns the red heifer immerses himself after he is made impure, as we explained, he need not sanctify his hands and feet again, since the entire process of offering it is performed by those who immersed that day.

16 If one burnt it without wood or with all types of wood, even with straw and stubble, it is acceptable, The optimum way of performing the mitzvah is not to reduce the wood less than is appropriate. On the contrary, one

should add to it bundles of hyssop and Greek hyssop while it is burning to increase the amount of ashes. One may add to its conflagration until the heifer itself is reduced to ashes. Once it is reduced to ashes, if one added even one piece of wood to it, it is like one who mixed ashes from a range with the ashes of the red heifer.

17 All of the activities performed with the red heifer from the beginning to the end must be performed only during the day and by male priests and the performance of work disqualifies it until it is reduced to ashes. Once it is reduced to ashes, it is acceptable even if its ashes were collected at night, by a woman, or one performed another task while collecting them.

What is the source that teaches that the collection of the ashes is acceptable if performed by any person with the exception of a deafmute, an intellectually or emotionally incapable person, or a minor? It is written **Numbers 19:9**: "And a pure man shall gather the ashes of the heifer." It can be derived that a priest is not required. Moreover, it is as if it said "a pure person," i.e., either a man or a woman.

What source teaches that the performance of work disqualifies it? *Ibid.*:3 states: "And he shall slaughter it." According to the Oral Tradition, we learned that this phrase comes solely to teach that if the priest becomes involved in another task at the time of slaughter, it is unacceptable. And *ibid.*:5 states: "And the heifer shall be burnt before his eyes," i.e., his eyes should be concentrated on it. This teaches that the performance of work causes it to be disqualified from the time of its slaughter until it is reduced to ashes. Anyone involved in burning it who performs another task disqualifies it until it is reduced to ashes.

18 If one slaughtered the heifer and another animal was slaughtered with it or a gourd was cut with it, it is acceptable because he did not intend to perform work. This applies even though the animal that was slaughtered with it is acceptable to be eaten, for the slaughter of ordinary animals does not require concentrated intent. If, however, one had the intent of cutting the gourd and it was cut while he was slaughtering the red heifer, the heifer is disqualified, because work was performed during its slaughter.

Chapter 5

1 All of those involved in offering the red heifer from the beginning to the end become impure and impart impurity to their garments as long as they are involved in its being offered. This concept is derived as follows: With regard to the one who slaughters the heifer and one who casts the cedar wood into its belly, **Numbers 19:7** states: "The priest shall launder his clothes and wash his flesh." And with regard to the one who burns it, *ibid.*:8 states: "The one who burns it shall launder his clothes," and *ibid.*:10 states: "The one who gathers the ashes of the heifer shall launder...."

These verses teach that all those involved in offering it from the beginning until the end impart impurity to their clothes, must immerse themselves, and wait for nightfall to regain purity according to Scriptural Law. One who guards the heifer at the time it is being offered imparts impurity to his garments according to Rabbinic Law. This is a decree lest he move one of its limbs.

2 Whenever the Torah states with regard to impurity: "One shall launder his clothes," it does not come merely to teach that the clothes on a person are impure. Instead, it teaches that every garment or implement that this impure person will touch while he is still in contact with the object that imparted impurity to him becomes impure. After he separates himself from the object that imparted impurity to him, he does not impart impurity to his garments or to other objects.

What is implied? A person who carries an animal carcass imparts impurity to the clothes he is wearing and to any implement he touches as long as he is carrying it. They are considered as a first degree derivative of impurity. Similarly, the one who carries the animal carcass is considered as impure to the first degree. If he ceased contact with the object that imparted ritual impurity, casting away the animal carcass, he remains impure to the first degree as before. If, however, he touches an implement or a garment, he does not impart impurity to it, for a derivative of ritual impurity does not impart impurity to implements, as we explained in the beginning of this text. Similar laws apply to all types of impurity analogous to that imparted by an animal carcass.

Similarly, with regard to all those involved in offering the red heifer: If they touch a garment or an implement at the time they are slaughtering or burning the heifer, it becomes impure. After such an individual ceased the tasks involved with it, however, even though he has not yet immersed, he does not impart impurity to an implement that he touches, because he is merely a derivative of impurity.

The red heifer itself does not impart impurity to a person or to implements that touch it. It is only those involved in its offering who

become impure, must immerse themselves, and impart impurity to their garments, as long as they are involved in its offering.

3 When does the above apply? When the red heifer was burnt as prescribed. If, however, it was disqualified, those involved in offering it are pure. If a disqualifying factor occurred during its slaughter, it does not cause a person's garments to become impure. If a disqualifying factor occurs during the sprinkling of its blood, those who were involved with its offering before it was disqualified impart impurity to their garments. Those involved after its disqualification do not impart impurity to their garments.

4 When the collection of its ashes was completed, anyone who is involved with it - i.e., with the division of its ashes or with setting them aside for safekeeping - or who touches it, is pure.

These principles do not apply to the red heifer alone, but also to all the sin-offerings of bulls and goats that are burnt. One who burns them imparts impurity to his garments while he is burning them until they are reduced to ashes. For behold, with regard to the bull and the goat burned on Yom Kippur, **Leviticus 16:25** states: "The one who burns them shall launder his garments." According to the Oral Tradition, it was taught that this is a general rule applying to all those who burn sacrificial offerings, teaching that they impart impurity to their garments until the offerings are reduced to ashes.

When does the above apply? When no disqualifying factor occurred and they were burned in the ashheap as prescribed. If, however, they were

disqualified in the Temple Courtyard, they are burned there like disqualified offerings and the one who burns them is ritually pure. Similarly, one who is involved with these offerings after they have been reduced to ashes does not impart impurity to his garments.

Who is considered as "one who burns" it? Anyone who helps in burning it, for example, one who turns over the meat, one who places wood upon it, one who fans the fire, one who stirs the coals so that the fire will burn, and the like. In contrast, one who kindles the flame and one who builds the arrangement are pure.

According to the Oral Tradition, it was taught that one who carries the bulls and the goats that are burnt to transport them to the ashheap to burn them is ritually impure and imparts impurity to his garments according to Scriptural Law as long as he is involved in transporting them. To regain purity, he is required to immerse himself in a *mikveh* and wait until nightfall like the one who sends the goat to Azazel. The latter imparts impurity to all the garments and all the implements that he touches that are on him throughout the time he is involved in sending the goat to its destination, as *ibid.*:26 states: "The one who sends the goat to Azazel shall launder his garments."

5 From when do those who carry the bulls and goats that are burnt impart impurity to their garments? When they take them out of the Temple Courtyard. If they carried them with poles and some of those carrying them left the walls of the Temple Courtyard and others did not depart, those that departed impart impurity to their garments. Those who did not yet depart do not impart impurity to their garments until they depart.

If they depart and then return to the Temple Courtyard and transfer the carcasses to others, the others who carry them in the Temple Courtyard are pure until they take them out.

If a person was standing outside the Courtyard and was pulling the poles on which the carcasses were hanging from the Courtyard after they were returned there, he is considered as being impure of doubtful status, since the sacrificial animals had already been taken outside and the one pulling them was standing outside.

6 When does the person who sends the goat to Azazel impart impurity to his garments? From the time he departs Jerusalem until he pushes the goat off the cliff to Azazel. After he pushes it off the cliff, if he touches implements or garments, they are pure.

7 When an entity - whether a person, an implement, food, or liquid - touches the bodies of the bulls and the goats that are burnt, even after they have been taken out of the Temple Courtyard, everything is pure. Similarly, if they would touch the goat sent to Azazel itself while it is being carried there, they would be pure. For these sacrificial animals impart impurity only to one who is involved with carrying them, as indicated by **Leviticus 16:28**: "The one who burns them shall launder his garments." One who touches, by contrast, is pure.

Chapter 6

1 The water upon which the ashes of the red heifer are placed must be

drawn only with a container and only from a spring or flowing river, as **Numbers 19:17** states: "And he shall place upon it living water in a vessel." Placing the ashes of the heifer on the water that was drawn is called sanctification. The water on which the ashes were placed is called *mei chatat* and sanctified water. Scripture **Numbers 19:9** refers to them as *mei nidah*, "sprinkling water."

2 Everyone is acceptable to draw the water for the ashes of the red heifer, except a deafmute, an intellectually or emotionally compromised person, and a minor. Similarly, everyone is acceptable to sanctify the water except a deafmute, an intellectually or emotionally compromised person, and a minor.

One must draw such water and sanctify it only with a vessel and one may sprinkle the ashes only from a vessel. Drawing this water and sanctifying it is acceptable at night, but the sprinkling and the immersion of the hyssop in the water is acceptable only during the day. The entire day is fit for the sprinkling and this immersion.

3 One may draw this water, sprinkle it when mixed with the ashes, and sanctify it with all vessels, even vessels made of animal turds, stone, or earth, or a ship. This applies to earthenware utensils and all other utensils. One may not, however, draw this water, sprinkle the water, or sanctify it with the walls of a vessel, the base of an earthenware distributor of water, the sealing of a jug, one's hands, an egg-shell, or a trough within a natural rock. One may, however, used an egg made by a potter, because it is considered as a vessel made from earth.

4 We may not sanctify with the base of a wooden vessel, that of a glass vessel, or that of a bone vessel unless they were smoothed down, repaired, and made into vessels in their own right. Similarly, if the sealing of a jug was fixed to serve as a vessel, one may sanctify the water with it. An ostrich egg is acceptable for sanctification. Needless to say, it is acceptable to be used to draw this water and sprinkle from it.

5 When a utensil was attached to the earth or to rock, even if it was attached with lime, one may sanctify in it or sprinkle from it. The following laws apply if one made a border of clay around such a container and the water in the container was filled beyond its limits until it is held within the border. If the border remains intact when the container is moved, the water in it is acceptable. It is as if it is in a container made from earth. If not, it is as if one formed a border of clay on a rock or on the earth and filled it with water. This would be unacceptable, because the water is not in a container.

6 When an earthenware container has been perforated to the extent that water would enter it, one may not draw this water or sanctify it with it. If, however, its hole is smaller and water will leak out, but will not enter, one may sanctify with it.

7 When a container has been perforated from below and plugged close with rags, it is invalid. The rationale is that the water in it is not resting on the base of the utensil, but on the plug. If it was perforated from the side and plugged, it is acceptable to draw this water, sanctify it, and sprinkle it

using such a container.

8 When someone splashes water from a spring with his hands or his feet or with shards, causing them to enter a barrel, the water is unacceptable to be used for a red heifer, because it was not drawn with a utensil. Even if one placed the barrel in the water and pushed the water with his hands or feet or with vegetable leaves so that it flows into the barrel, it is unacceptable. Similarly, if one submerged articles into water so that the water would rise and flow into the barrel, it is unacceptable. If one did the above with the leaves of reeds or nut shells, the water is acceptable.

This is the general principle: If one uses something that is fit to contract ritual impurity to help move the water so that the container will become full, the water is unacceptable. If one used something that is not susceptible to ritual impurity, it is acceptable.

9 If one causes a spring to flow into a vat or into a pool and then drew water with a container from that pool or vat, it is unacceptable. For at the outset, one must draw water from the spring with a container.

10 The Great Sea is considered like a *mikveh* and not like a spring. Therefore water to be sanctified may not be drawn from it. Water from all of the rivers is unacceptable to be sanctified to serve as the water for the ashes of the red heifer. Other seas or lakes are like springs.

11 Water that flows out from other seas is called running water and is unacceptable. Water flowing from a stream is considered as the stream itself and is acceptable.

12 Spoiled springs and "lying" waters are unacceptable. The following types of springs are termed spoiled: salty springs or hot springs. "Lying" waters refer to springs that sometimes flow and sometimes, run dry and are arid. Even if they run dry only once in seven years, they are unacceptable. If, however, they run dry only in years of drought or less frequently than once in seven years, or their waters were, at times, abundant and, at times, sparse, but they do not run entirely dry, they are acceptable. When a stream is first discovered, it is deemed acceptable. There is no need to see whether it will run dry in certain years.

13 Swamps and waters like those of the Jordan and the Yarmuch are unacceptable, because they are mixed waters. This is what is meant by the term "mixed waters": water that is fit to be sanctified that is mixed with water that is unfit. Water should not be drawn from such a mixture. When, by contrast, water that is acceptable becomes mixed with other water that is acceptable, e.g., the water of two streams become mixed and flow together, water for the ashes of a red heifer may be drawn from them.

14 If the appearance or flavor of water changes because of itself, it is acceptable.

15 If a shard or earth fell into a well and caused its water to become murky, one may still draw water for the ashes of a red heifer from it. It is not necessary to wait until the water clears. If a flow of rainwater falls into it, one should wait until the water becomes clear.

16 It is acceptable to draw water for the ashes of the red heifer from an

irrigation canal that brings water from a distance, since it originates in a wellspring, provided one is careful that a person does not interrupt the flow. Were that to happen, one would be drawing water that originated in a wellspring, but was interrupted; this is not acceptable.

Chapter 7

1 The performance of work disqualifies water that was drawn for the ashes of the red heifer before it is sanctified, but it does not disqualify the sprinkling of the ashes. These rulings are stated in the Oral Tradition.

What is implied? If one draws water for sanctification with the ashes and was involved with another activity while drawing it, carrying the water that was drawn, or pouring it from one container to another, he disqualifies it.

The performance of an activity disqualifies the water until the ashes are placed on it. If one placed the ashes on the water and sanctified it, causing it to be fit for sprinkling, the performance of another activity does not disqualify it. If one carries sanctified water from place to place or pours it from one container to another while being occupied with another activity, it is of no consequence. This also applies if one sprinkles it with one hand and performs an activity with the other hand.

2 The payment of a wage disqualifies the sanctification of the water and the sprinkling of it, but it does not disqualify the drawing of it.

What is implied? When one takes a wage for sanctifying the water for the ashes of the red heifer or sprinkling it, the water is considered as the water

of a cavern and the ashes, as ashes from a range, which are of no halachic significance. One may, however, take a wage for drawing the water or transporting it. One should sanctify it without charge and the one who sprinkles it, should sprinkle it without charge.

If the one sanctifying or sprinkling the water was old and unable to walk and an impure person came and asked him to go with him to a distant place to sanctify such water or sprinkle it, he may have him ride on a donkey and pay him a wage as befits an unemployed worker who had previously worked at that profession. Similarly, if he was a priest and because he would accompany him, he would contract an impurity that prevents him from partaking of *terumah*, he should feed him, give him beverages, and oil to anoint himself during the time he travels with him to sanctify or sprinkle the water. If he causes him to cease working, he should pay him a wage as befits an unemployed worker who had previously worked at that profession.

The rationale is that all of these considerations are not wages he is being paid for sanctifying or sprinkling the water, for he did not profit at all. He only took compensation for what he lost.

3 When a person draws water with one hand and performs work with his other hand, the water is unacceptable. Similarly, if he drew water for himself and for another person or he drew water for two people at the same time, both are unacceptable. For drawing water is considered as work. Thus during each of the drawings of water, it is as if he performed another task at that time. And we have already stated that the performance of an activity disqualifies the drawing of water, whether one

draws for himself or for others.

4 When a person draws water for the ashes of the red heifer for others - even if he filled one thousand barrels one after the other for one thousand different people - they are all acceptable. Each person should take his water and sanctify it.

The following rules apply if one drew water for himself, one barrel after another. If he intended to collect all the water in one container, cast the ashes upon it, and sanctify all at once, it is all acceptable, for it is all considered as one drawing of water. If, however, he intended to sanctify every barrel individually, they are all unacceptable except for the last one. The rationale is that the first becomes disqualified due to the work - i.e., the drawing of the second barrel - that was performed before it was sanctified. Similarly, the second is disqualified by the drawing of the third. Thus it is only the last which is acceptable.

5 When five people fill five barrels with spring water to sanctify them for five different sanctifications, e.g., they intended to cast the ashes on each one individually and then changed their minds and decided to mix them all together and sanctify them at once; alternatively, they filled the barrels to sanctify them all in one container and then changed their minds and decided to sanctify each of the five independently, they are all acceptable, because the person drawing the water did not become involved in drawing other water afterwards. When, by contrast, an individual fills five barrels to sanctify each of the five independently, only the last one is acceptable,

If he filled the barrels to sanctify all the water in one container and he

changed his mind and sanctified each of the five individually, only the one that he sanctified first is acceptable. Similarly, if a person told a colleague: "Sanctify these for yourself," only the bucket that is sanctified first is acceptable. If, however, he told him: "Sanctify these for me," they are all acceptable, because they were all filled to be sanctified in one container. Even though he changed his mind and decided to sanctify each of the five individually, he himself did not perform the sanctification, someone else did.

6 When a person seeks to draw water to sanctify it and other water for his own purposes, he should draw the water he desires for his own purposes first and tie the barrels and load them behind him. Afterwards, he fills the buckets he intended to use for the water for the ashes of the red heifer so that he will not be involved in any work after drawing it. He places it in front of him, and proceeds.

7 The following laws apply when two people were drawing water individually and one helped the other lift his water to load it on his back or one removed a thorn from the other's hand or body when he was drawing the water. If they both drew the water to sanctify it in a single container, all of the water is acceptable. If each of them drew the water to sanctify it independently, the one who helped his colleague lift his water or removed the thorn, disqualified his own water.

8 When a person borrows a rope to draw water for the ashes of the red heifer, draws the water, takes the rope in his hand, and the water on his

shoulders, and meets the owner of the rope while he is on his way, the water remains acceptable even though he give him the rope while he is walking. If he went out of his way to bring the rope to its owner, he disqualified the water.

9 If someone who was drawing water for the ashes of the red heifer cast the rope he used to draw the water on the ground and after he drew the water gathered the rope in his hand, he disqualified the water. If, while drawing the water, he gathered the rope, winding it around his hand, the water is acceptable.

10 When one was drawing water with a small jug and pouring the water into a larger barrel and he put aside the larger barrel so that it would not break while he was drawing the water or he turned it upside down to dry it so he could fill it, the water is acceptable, for these activities were performed for the sake of drawing the water. If, however, before sanctifying the water he had drawn, he set the barrel aside or dried it to transport the water he would sanctify, he disqualified the water, because he performed a task that was not for the purpose of drawing the water. Similar laws apply when one who was drawing water and pouring the water into a trough within a stone removed shards from the trough while filling it. If his intent was so that the trough would hold more water, the water is acceptable, for this is considered as for the purpose of drawing water. If his intent is that the shards should prevent the water from flowing out when he seeks to draw off the water with which he filled the trough, the water is unacceptable.

11 The following rules apply when a person thinks of filling a bucket of water to drink and changes his mind and decides to use the water for the ashes of the red heifer]. If he changed his mind before the bucket reached the water, he must pour the water out, but he does not have to dry out the bucket. If he changed his mind after the bucket reached the water, he must pour it out and he must dry it. Only afterwards, may he fill it with water for the ashes of the red heifer.

If he lowered the bucket towards the water with the intent of using the water to drink and the rope broke away from his hand, if he changed his mind before the bucket reached the water, he must pour the water out, but he does not have to dry out the bucket. If he changed his mind while the bucket was still in the water and intended to use the water for the ashes of the red heifer, he must pour it out, but does not have to dry the bucket.

When a person drew water to use for the ashes of the red heifer and, after drawing it, thought to drink it, the water is disqualified from the time he inclined the container to drink from it, even though he did not drink from it at all.

Chapter 8

1 When a person was carrying water for the ashes of the red heifer on his shoulders and he stood and delivered a *halachic* ruling for others, rendered a judgment, a woman performed *chalitzah* in his presence, a girl performed *mi'un* in his presence, he gave directions to others, killed a snake or scorpion that did not present a threat to him, or took food from

the market to set aside, the water is disqualified. The rationale is that he occupied himself with another activity before placing the ashes on the water.

If, however, he took food in order to eat and ate while he was proceeding on his way or killed a snake or scorpion that was preventing his progress, the water is acceptable, for these activities are necessary to carry the water. This is the general principle: Any activity that is considered as work which was performed before placing the ashes on the water, whether he stood still or not, disqualifies the water. When he performs an activity that is not considered as work, if he does not stand still, the water is acceptable. If he stands still, it is disqualified.

If he was walking while carrying such water and, while he was walking, he made an opening to walk through, the water he is carrying is acceptable, even though he made the opening with the intent of closing it afterwards. If he closes it before placing the ashes on the water, the water is disqualified. Similarly, if he dries fruit to eat, even if later he intends to dry the remainder, the water is acceptable. If he dries the remaining fruit before placing the ashes on the water, it is disqualified.

2 The following laws apply if one was eating while carrying such water; he left over some food and cast the leftovers under a fig tree or under a net used to dry figs. If his intent was to prevent the food from perishing, the water is disqualified, because he performed work. If he cast it away because he no longer needs it, the water is acceptable.

When a person drew water to sanctify it and entrusted it to a watchman to oversee, the water is not disqualified if the owner performed work,

because he entrusted it to a watchman. If the watchman performs work, he disqualifies it, because the water is in his domain and he takes the place of the owner.

If two people are watching such water and one performs work, the water is acceptable, because the other is watching. If the first returned to his watch and the second stood up and performed work, the water is acceptable. The water's status is maintained unless all of the watchmen perform work at the same time.

3 The following rules apply when a person sanctifies water with one hand and performs work with another. If he sanctifies the water for himself, he disqualifies it, because he performed work before casting the ashes on the water. If he sanctified water for his colleague, the water is acceptable, because a person does not disqualify a colleague's water with the performance of such work. For the performance of work does not disqualify the act of sanctification; it disqualifies only the water, and that, only when the one performing the work is a watchman or the owner.

4 When a person sanctifies water for himself and a colleague at the same time, his water is disqualified because of the activity he performed in sanctifying his colleague's water. If, however, he sanctifies water belonging to two other people at the same time, they are both acceptable, because the performance of work does not disqualify water belonging to others.

5 When a person fills two buckets with his two hands for himself and sanctifies them at once, they are disqualified. If he sanctifies them

individually, they are acceptable. If he sanctifies water for himself with both hands at the same time in one sanctification, it is acceptable. If he sanctified two buckets at the same time, they are both disqualified. If, with his two hands, he filled one bucket of water and sanctified another existing bucket for himself, they are both disqualified.

If he filled two buckets with his two hands for another person at the same time, when they are sanctified at once, they are both acceptable. If they were sanctified individually, they are disqualified. If he sanctifies water for another person with both hands at the same time as one sanctification it is acceptable. If, with his two hands, he filled one bucket of water and sanctified another existing bucket for another person, the bucket he filled is disqualified, but the bucket he sanctified is acceptable.

This is the general principle: Whenever work was performed when water was drawn, whether one drew the water for himself or for another person, it is disqualified, Whenever water was drawn according to law and then one performed work before placing the ashes upon it, if the water belonged to him, it is disqualified. If it belongs to someone else, it is acceptable.

In any situation when the water is in his hand and he performs work, whether there is a watchman who does not perform work or whether there is no watchman, the water is disqualified. When the water is not in his hand and he performed work, if there is a watchman, it is not disqualified. If there is no watchman, it is disqualified.

6 When a person tells a colleague: "Sanctify water for me and I will sanctify water for you," and they sanctified water for each other, the first is

acceptable and the second is disqualified, because he received a wage for sanctifying.

If one tells the other: "Draw water for me and I will draw water for you," and they drew water for each other, the first is unacceptable. The rationale is that since his intent was that his colleague should draw water for him in exchange, it is considered as if he drew water for himself and another person at the same time, in which instance, the water is disqualified. The second bucket is acceptable, because it is permitted to receive payment for drawing water and he did not perform work after drawing the water, nor did have an intent regarding another drawing of water.

7 When a person tells a friend: "Sanctify water for me and I will draw water for you," they are both acceptable. The rationale is that work does not disqualify sanctification and it permitted to receive a wage for drawing water.

If one tells the other: "Draw water for me and I will sanctify water for you," they are both disqualified. The water drawn originally is disqualified, because it is considered as if he drew water and sanctified it at the same time and thus caused the water he drew to be disqualified because of the performance of work. And the water sanctified afterwards is disqualified, because it is as if he sanctified water for a wage, because it is as if he was repaying a debt for which he was liable.

8 When a person goes to sanctify water for the ashes of the red heifer, he may take the key to the closet where the ashes are kept and open it to take out the ashes. If it is necessary to dig out the ashes, he may take a hatchet.

He may take a ladder and carry it from place to place to bring the ashes. In all these circumstances, the water and the ashes remain acceptable. If after taking the ashes for the sanctification, he covered the container in which the ashes were held, locked the door of the closet, or stood the container where the ashes were held upright on the ground before casting the ashes on the water, the water is disqualified, but the ashes are acceptable to sanctify other water.

If, by contrast, he stood the container in which the ashes were held upright in his hand so that the remaining ashes would not be scattered, it is acceptable, because it is impossible to do otherwise. If he places it down on the ground, the water is disqualified and if he covers it, the water is disqualified.

If he took ashes and saw that the amount was excessive and returned some, it is acceptable. If he cast the ashes on the water and then returned some, the water is acceptable. If he cast the ashes on the water and saw that the amount was excessive and took some to sanctify other water, it is acceptable.

If he trimmed an olive leaf to use to cast the ashes, the ruling depends on his intent. If his intent was so that the leaf would not hold much ashes, the water is disqualified. If his intent was to direct the flow of the ashes so that they would enter the container holding the water, the water is acceptable.

Chapter 9

1 How is the water sanctified with the ashes of the red heifer? One should

place the water that was drawn for this purpose in a container and then place ashes on the water so that they will be seen on the surface of the water. This is sufficient even though it is a large barrel filled with water. He should then mix the entire contents. If he placed the ashes in the container first and then placed the water upon them, it is disqualified.

What then is meant by the Torah's statement **Numbers 19:17**: "And he shall place living water upon it"? That the ash should be mixed with the water.

2 A person sanctifying must focus his concentration. He must cast the ashes on the water by hand. These concepts are implied by the phrase *ibid.*: "And he shall take for the impure person...." The latter words indicate that he must have a specific intent while sanctifying, drawing, and sprinkling.

Thus if the ashes of the red heifer fell from the container holding them into the water, he took the ashes with his hand, but then a friend or the wind thrust him and the ashes fell from his hand onto the water, or the ashes fell from his hand onto the side of the container or onto his hand and then onto the water, the water is disqualified,

3 If one sanctified an amount of water insufficient for sprinkling in one container and sanctified another amount of water insufficient for sprinkling in another container, they are not sanctified. If the ashes were floating on the surface of the water and one gathered some from above and sanctified other water with it, it is sanctified. By contrast, any ashes that touched the water may not be used to sanctify water again even if

they were dried. Indeed, even if ashes were blown onto water by the wind they may not be dried and used to sanctify other water.

4 The following rules apply when there was a small container placed inside a large container, they were both filled with water drawn for the ashes of the red heifer, and their waters were intermingled. When one placed ashes on the water in the large container, all of the water in the small container became sanctified even though its opening is very narrow and no ashes entered there. The rationale is that the waters were intermingled.

5 When there was a sponge in the water at the time one placed the ashes upon it, the water in the sponge is disqualified because it is not in a container.

What should the person do to remove the water? He should pour off all the water until he reaches the sponge, but should not touch the sponge. If he touches the sponge, no matter how much water is above it, all of the water is disqualified, because the water in the sponge is released and mixes with the acceptable water.

If a sponge falls into sanctified water, one should take it and squeeze it outside the container and the water in the container remains acceptable.

6 When there are two adjacent troughs in one stone and ashes were placed into one of them, the water in the other is not sanctified. When there was a hole the size of a mouthpiece of a leather drinking pouch connecting the two or there was a layer of water even as thin as a garlic peel connecting them from above, if one placed the ashes into one, the water in the second

is sanctified.

7 When two stones are placed together to form a trough, two kneading troughs are placed together, or a stone trough was divided and then the two portions held together, were the ashes of the red heifer to be placed in one, the water between them is not sanctified. If the two entities were connected with lime or with plaster and they could be carried as one, the water between them is sanctified.

8 When even the smallest amount of other water - even water that was drawn for the sake of the ashes of the red heifer - becomes mixed with sanctified water, it is disqualified. Similarly, if dew descends into such water, it is disqualified. If other liquids or fruit juices fall into it, the entire quantity should be poured out. The container must be dried; only afterwards can other sanctified water be placed in it.

If ink, black earth, or dark earth, or any entity that leaves a mark falls into such water, it must be poured out, but there is no need to dry the container. The rationale is that if any portion of the entity that leaves a mark will remain, it will be apparent.

9 When a person immerses a container for water for the ashes of the red heifer in water that is not fit to be sanctified, he must dry it before he sanctifies other water in it. If he immersed it in water that is fit to be sanctified, he does not have to dry out the container. If, however, he immersed it with the intent of using it to hold sanctified water, he must dry it in any case.

10 When a gourd was immersed in water that was fit to be sanctified, one may sanctify water in it. But one may not collect water that has already been sanctified with the ashes in it. The rationale is that the water in which it was immersed becomes absorbed in its substance; afterwards, it emerges, becomes mixed with the sanctified water, and disqualifies it.
If it became impure, even if it was immersed, we do not sanctify water in it. The rationale is that impure water is absorbed in its substance. It will flow out and become mixed with the water that is being sanctified in it.

11 When crawling animals or teeming animals fell into water that was sanctified and broke open or caused its color to change, the water is disqualified. This applies even if they were very dry like an ant, moth, or louse that is found in grain. If he placed beetles in such water, it is disqualified even if they did not break open or cause the color of the water to change. The rationale is that they are like tubes and the water enters their body and departs from it, mixed with their body fluids.

12 When a domesticated or wild animal drinks from sanctified water, the water is disqualified. Similarly, all birds disqualify it with the exception of a dove, because it sucks water and saliva does not flow from its mouth and become mixed in the water. Similarly, if any of the crawling animals drink from sanctified water, they do not disqualify it with the exception of the mole. It licks the water with its tongue and thus moisture will be released from its mouth into the water.

13 When the appearance of water sanctified with the ashes of the red heifer

changes without any external cause, it is acceptable. If it changes color because of smoke, it is disqualified. If it froze and then melted, it is acceptable, even if it melted in the sun. If, however, it was melted by fire, it is disqualified.

14 When the appearance of the ashes of the red heifer changed without any external cause or because of smoke, they are acceptable. If their appearance changed because of dust, because lime or gypsum fell into them, or because even the slightest amount of oven ash fell into them, they are disqualified.

15 When a person thinks about drinking water sanctified with the ashes of the red heifer, he does not disqualify it until he actually drinks from it. If he poured from the container directly to his throat without his lips touching the water in the container, he does not disqualify it.

16 When a container in which the water for the ashes of the red heifer had been placed was left open and then one discovered it closed, the water is disqualified. We suspect that maybe a person who had not purified himself for dealing with the water for the ashes of the red heifer touched it, for it is certain that a person covered it.

The following rules apply if one left it covered and found it open. If a mole could have drunk from it or dew could have descended upon it at night, it is disqualified. If not, it is acceptable. The rationale is that two undeterminable factors are involved. It is unknown whether it was uncovered by a person or a domesticated animal, wild animal, or crawling

animal. And if you would say that it was uncovered by a person, it is unknown whether he was pure with regard to the water of the ashes of the red heifer.

17 When a person transfers sanctified water or water that was drawn to be sanctified to an impure person to watch, the water is disqualified.

18 When two people are watching water and one becomes impure, the water is still acceptable, because it is in the domain of the other watchman. If the first purified himself and the other watchman became impure, it is acceptable because the water is in the domain of the first. If they both became impure at once, the water is disqualified.

Chapter 10

1 When a person draws water to be sanctified, he does not have to be the person who sanctified and sprinkles the water on an impure person. Instead, another person may sanctify it and another may sprinkle it. Similarly, a person may draw water with one container and pour it from container to container. And he may sanctify it in a different container, pour the sanctified water from one container to another, and sprinkle it from a different container.

2 A person may draw water for the ashes of the red heifer and keep it in his possession without sanctifying it for as long as he desires. There is no difficulty in this. He may transport it from place to place and from city to city and then place ashes upon it and sanctify it whenever he desires.

Similarly, a person may keep sanctified water in his possession for many days or years and sprinkle from it on any day that he needs to until it is used up. He may transport it from place to place and from city to city. Similarly, a person may keep the ashes of the red heifer in his possession and transport it from place to place and from city to city. Once a container in which the ashes of the red heifer were held was transported in a ship on the Jordan River and an olive-sized portion of a corpse was discovered on the bottom of the ship, making the water impure. At that time, the High Court decreed that the water for the ashes of the red heifer and the ashes themselves should not be transported on a river, nor on a ship. Similarly, one should not float them on water, nor should a person stand on one side of a river and throw them to the other. A person may, however, pass through water until it reaches his neck while holding the ashes of the red heifer or sanctified water.

Similarly, a person and empty containers that were purified for the ashes of the red heifer and water that was drawn for the sake of the ashes of the red heifer that was not sanctified may be transported on a river and on a ship.

3 Sanctified water may be transported on the Mediterranean Sea and it may be floated on such water. The decree encompassed only sanctified water and ashes on a river.

4 When a person is transporting water to be sanctified - and, needless to say, water that has been sanctified - he should not sling the container over his back, but instead, should carry it in front of him, as implied by **Numbers**

19:9: "as safekeeping, as water for sprinkling." One can infer when it is watched, it may be used as water for sprinkling. If not, it is disqualified. If one filled two jugs, he should carry one in front of him and one behind him, because it is impossible to do otherwise.

5 When water for the ashes of the red heifer was weighed on a scale, it is disqualified if one diverted his attention from it. If not, it is acceptable. If, however, one weighed other entities with water for the ashes of the red heifer, it is disqualified. The rationale is that since one used it as a weight, it is not considered as having been "watched."

All of the pure individuals who draw water, sanctify it, and sprinkle it and, similarly, all of the utensils used for drawing water, sanctifying it, and sprinkling it are acceptable if they were immersed on that day even though night has not fallen upon them. For all of the activities involving the red heifer, drawing the water, and sprinkling it are acceptable when performed by individuals who had immersed that day, as we explained.

Because of the Sadducees, all of the utensils that can be purified are made impure, immersed, and then used for the water for the ashes of the red heifer.

6 Everyone is acceptable to sprinkle the water with the ashes of the red heifer with the exception of a woman, a *tumtum*, an *androgynus*, a deafmute, an intellectually and/or emotionally compromised person, and a minor who is not intellectually mature. [Similarly,] an uncircumcised person is acceptable, for an uncircumcised person is not impure.

When an intellectually mature minor sprinkles such water and a woman

helps him, she holds the water in her hand, his sprinkling is acceptable provided she does not hold his hand while he is sprinkling. If she held his hand while he is sprinkling, the sprinkling is unacceptable.

7 The person sprinkling the water must have the intent to sprinkle on the impure person to purify him. If he sprinkled without such an intent, the sprinkling is invalid. The person upon whom the water is sprinkled, by contrast, does not need to have any intent. Instead, water may be sprinkled on a person with his knowledge or without his knowledge.

When a person has the intent to sprinkle such water in front of himself and he sprinkles behind himself, or he had the intent of sprinkling water behind himself and he sprinkled in front of himself, his sprinkling is invalid. If he had the intent to sprinkle such water in front of himself and he sprinkled in front, but to the sides, his sprinkling is acceptable.

8 The person sprinkling the water need not dip the hyssop in the water for every sprinkling. Instead, he may dip the hyssop and sprinkle once and again until the water was completed. He may sprinkle on many people or many utensils - even 100 - at a time. Anyone who was touched by even the slightest amount of the water is pure, provided the one sprinkling had the intent of sprinkling on him.

If one dipped the hyssop with the intent of sprinkling on an entity that is susceptible to ritual impurity or on a person and, instead, sprinkled the water on an entity that was not susceptible to ritually impurity or on an animal, he need not dip the hyssop again if water remained on it. Instead, he may sprinkle the remainder on an impure person or utensil. The

rationale is that, at the outset, he dipped it in the water in an acceptable manner. If, by contrast, he dipped the hyssop in the water in order to sprinkle it on an entity that is not susceptible to ritual impurity or on an animal, and sprinkled it on an impure man or utensil, the sprinkling is invalid until he dips the hyssop in the water a second time, while having the intent to sprinkle on a person or on an entity that is susceptible to ritual impurity.

9 If he dipped the hyssop in the water with the intent of sprinkling on an entity that is not susceptible to ritual impurity, the water that drips from the hyssop are still acceptable. Therefore if it drips into a container and one dips the hyssop in it with the intent of sprinkling it on an entity that is susceptible to ritual impurity, the sprinkling is acceptable.

10 Although the volume of the water of the ashes of the red heifer has been reduced, one may dip even the tips of the hyssop stalks and sprinkle, provided one does not use it like a sponge. When a flask has a thin opening, he may dip and withdraw the hyssop in the ordinary manner and then sprinkle with it. He need not be careful that it does not touch the sides of the container a second time.

Chapter 11

1 How is a person who is impure because of contact with a human corpse purified by the water of sprinkling? A person who is pure takes three stalks of hyssop and binds them with one bond. Each stalk should have at least

one bud. He should dip the top of the buds in the sprinkling water while it is in a container, focus his intent, and sprinkle it on the impure person or utensil on the third and seventh days after sunrise. If one sprinkled after dawn, it is acceptable. After the water has been sprinkled on a person on the seventh day, he should immerse in a *mikveh* during the day, wait until nightfall, and then, in the evening, he is pure.

If one dipped the hyssop [in the water] at night and sprinkled it during the day or dipped it [into the water] during the day and sprinkled it at night, the sprinkling is invalid. Moreover, the water imparts impurity just as the water of the ashes of the red heifer does, as will be explained. [The sprinkling is not valid] unless the hyssop is dipped in the water and it is sprinkled from it on the third and seventh days after sunrise. If one transgressed and performed [these activities] after dawn, it is acceptable, as explained [above].

2 When a person became impure due to a corpse and remained several days without having the water sprinkled upon him, when he comes to have the water sprinkled upon him, he should count three days in our presence. The water is sprinkled upon him on the third and seventh days. He immerses in a *mikveh* on the seventh day and waits until nightfall.

To whom does the above apply? To a common person who comes to have the water sprinkled upon him. Even if he says that this is the third day after he contracted impurity, his word is not accepted, for perhaps he became impure on this day. Therefore, he must count the days in our presence. If, by contrast, a *chaver* comes to have the water sprinkled upon him, it may be sprinkled on him and his implements immediately.

When such water was sprinkled on a person on the third day, but it was not sprinkled upon him on the seventh day, he may immerse in a *mikveh* whenever he desires after the seventh day, whether during the night or during the day and the water should be sprinkled on him during the day, whether before immersion or after immersion. Even if he immersed on the night of the ninth day or the night of the tenth day, the water may be sprinkled on him on the following day after sunrise.

3 It is acceptable for all of those who are impure to have this water sprinkled upon them. What is implied? The water may be sprinkled on *zavim*, *zavot*, women in the *niddah* state, women impure because of childbirth, on the third and seventh days after they contract the ritual impurity connected with a human corpse. After the sprinkling, they are purified from that impurity although they are still impure because of another type of impurity, as implied by **Numbers 19:19**: "And the pure person shall sprinkle on the impure," i.e., one may derive that the sprinkling is effective for him even though he is impure.

Similarly, a person who is uncircumcised may have this water sprinkled upon him. What is implied? If an uncircumcised person contracted the impurity connected with a corpse and had the water sprinkled upon him on the third and seventh days, he is pure from this impurity. When he is circumcised, he must immerse himself and may eat sacrificial foods in the evening.

4 The optimum way of fulfilling the mitzvah of the hyssop is to use three stalks and for each stalk to have one bud. If at first there were three buds

and then only two remained or if one took two at first and bound them together, it is acceptable. Should the buds open and the leaves fall off, even if only the slightest portion of each remain, it is acceptable, because as long as the smallest amount remains from a hyssop, it is acceptable.

When a stalk has three buds, one should separate one from the other and afterwards, bind them together, for the mitzvah is for them to be bound, even though this is not explicitly stated in the Torah. If one separated them, but did not bind them, or bound them without separating them, or used them for sprinkling without separating them or binding them, the sprinkling is valid.

When a hyssop is short, one should bind it with a string on a weaving needle or the like, dip it into the water, lift it up, and then hold the hyssop in one's hand and sprinkle with it. If he did not do so, but instead, sprinkled with it while bound to the needle and he was uncertain whether he sprinkled from the string, from the needle, or from the bud, the sprinkling is invalid.

5 One should not sprinkle with underdeveloped stalks of hyssop, nor with the seed pods, but with stalks. This is what is meant by underdeveloped stalks: stalks which have not reached maturity. Nevertheless, if the water of the ashes of the red heifer was sprinkled on a person with an underdeveloped hyssop and that person entered the Temple, he is not liable.

From which point should a hyssop be used for sprinkling? From the time it buds. When a hyssop has been used for the sprinkling of this water, it may be used to purify a person afflicted by *tzara'at*.

Whenever a hyssop is described by an additional term, it is not acceptable. The hyssop that is called a hyssop alone is the one which is acceptable. It is the hyssop that is eaten domestically. The species which are called Greek hyssop, red hyssop, desert hyssop, or Roman hyssop are invalid.

6 A hyssop that was worshiped as an *asherah*, came from a city that was led astray, belonged to a false deity, or came from impure *terumah*, is invalid. If it comes from pure *terumah*, as an initial preference, one should not sprinkle with it. If one did, the sprinkling is acceptable.

7 When a hyssop was gathered to be used for kindling and liquids fell upon it, one may dry it, and it will remain acceptable for sprinkling. If it was reaped for use as food, even if the water was dried, it is unacceptable, because it is considered as impure for sprinkling. For all liquids, foods, and implements are considered as impure with regard to the purification process using the water of the ashes of the red heifer, as will be explained. If a hyssop was reaped to use for the purification process, it is as if it was reaped for kindling. Thus if a liquid fell on it, it may be dried and used for sprinkling.

Chapter 12

1 When the water of the ashes of the red heifer was sprinkled on a person who became impure due to contact with a human corpse, if even the slightest amount of the water touches any portion of the body of the impure person, the sprinkling is effective. This applies even if the

sprinkling fell on the tips of his fingers or on the tip of his lips. If, however, the water touched his tongue, it is of no consequence. Even though the tongue is considered as a revealed organ with regard to contracting ritual impurity, as we explained, it is not considered as one of the revealed organs with regard to sprinkling and immersion.

Similarly, when a *k'li* contracted impurity from a corpse and the water was sprinkled on it, if even the slightest amount of the sprinkling water touches the body of the *k'li*, the sprinkling is effective.

2 When one intended to sprinkle on two *keilim* or two people at the same time and one sprinkled water on one of them and then it dripped from the first to the second, the second remains impure until water falls upon him from the sprinkling and not from the concentration of water in another place.

If one sprinkled on two *keilim* and one was in doubt whether he sprinkled on both at once or the water dripped from one to the other, the sprinkling is invalid.

3 When a needle was placed on a shard and one intended to sprinkle water on it, but a doubt arose whether he sprinkled on the needle or the water dripped on it from the shard, the sprinkling is invalid.

4 The following laws apply when there are *keilim* that have several parts which are connected to each other with nails, e.g., a scissors that comes apart, the blade of a plane, or the like. At the time of work, they are considered as joined, with regard to both impurity and sprinkling. When

work is not being performed with them, neither is considered as joined to the other.

What is meant by saying that they are considered as joined, with regard to both impurity and sprinkling? That if one of the parts contracts impurity at the time work is being performed, the second also contracts impurity. Conversely, if water was sprinkled on one while work was being performed with them, the sprinkling is also effective with regard to the other and it is as if they are a single entity.

What is meant by saying that they are not considered as joined, with regard to both impurity and sprinkling? That if one contracts impurity while work is not being performed with it, the other does not contract impurity. And if both had contracted impurity and one sprinkled the water on one at a time when work was not being performed, the other does not become pure, even though they were joined together at that time.

This is the Scriptural Law. According to Rabbinic Law, however, it was decreed that they should be considered as joined with regard to impurity even at a time when work was not being performed. This decree was instituted as a safeguard for the law applying when work was being performed. Whenever impurity touches one of them, the other also becomes impure.

They also decreed that they should not be considered as joined with regard to sprinkling, even at a time when work was being performed. This decree was instituted as a safeguard for the law applying when work was not being performed. Whenever one sprinkles the water on one of them, the other does not regain purity until the water is also sprinkled on the

other. From this, it can be inferred that whenever it is mentioned that two entities are considered as joined with regard to impurity, but not with regard to sprinkling, this is merely a Rabbinic decree, following the pattern explained above.

5 When two articles are joined together to the extent that they are considered as a single entity, e.g., one sewed together two garments or two parchments, they are considered as joined for both impurity and sprinkling, because they are a single entity.

6 A launderer's sewing and a garment that is sewn with a forbidden mixture of fabrics that are about to be separated are not considered as joined with regard to sprinkling, but are considered as joined with regard to impurity. Baskets joined as a carrier, a threshing utensil, the feet of a bed, drinking horns of travelers, and a chain of keys, are considered as joined with regard to impurity, but are not considered as joined with regard to sprinkling. Instead, the water that is sprinkled must reach each individual basket, each individual key, each individual horn, and every beam of the bed that is assembled.

7 When a person joins three blankets of wool or six of linen or three sheets or twelve kerchiefs, they are considered as joined with regard both to impurity and sprinkling. Any more than the above quantities are considered as joined with regard to impurity, but are not considered as joined with regard to sprinkling. One cloak, one garment, and one *klubkerin*, are considered as joined with regard to impurity and sprinkling,

even if they are very long or very wide, no matter how large they are.
What is a *klubkerin*? Two garments are taken. Cotton is placed between them as a lining and then they are sewn together as one and worn as an outer garment for the winter.

8 When the covering of a samovar is connected by chains, when one sprinkles on the samovar, everything is purified. If one sprinkled on the cover, one did not purify the samovar. It is necessary to sprinkle on it directly.

9 A bell and its clanger are considered as joined with regard both to impurity and sprinkling. If one sprinkled on one of them, they both regain their purity.

10 A spindle on which flax is spun or ropes are made is composed of three parts: a) the rod around which the thread is wound; it is called a *kush*;
b) the copper or iron hook at the top of the rod with which one spins and makes threads; it is called a *tzinorah*;
c) the ball that is in the center of the rod; it is called the *pika*.
When the spindle on which ropes are wound becomes impure, one should not sprinkle on the *pika* or the *kush*, only on the *tzinora*. After the fact, if one sprinkled on one of the three, everything is purified. If a spindle is used for flax, one may sprinkle on any of the three as an initial preference, for the three are joined together.

11 A piece of leather used to cover a cradle that is connected by buttons is considered as joined with regard both to impurity and sprinkling. The

wooden frame placed on top of a bed is not considered as joined, neither with regard to impurity, nor with regard to sprinkling.

12 All of the hollow handles of *keilim* - e.g., a knife handle and the like, i.e., the handle has an opening and the iron shaft enters it - are considered as joined with regard both to impurity and sprinkling. All protruding handles - e.g., the handle of a javelin in which a portion of the wood is inserted into the iron shaft - are not considered as joined with regard to sprinkling.

Chapter 13

1 Extra stringencies were instituted with regard to the purification process involving the ashes of the red heifer. A person who was pure - even if he immersed himself in a *mikveh* for the sake of sacrificial service and stood and served on the altar - is not pure with regard to the purification process involving the ashes of the red heifer, nor with regard to the burning of the red heifer, drawing its water, sanctifying it, or sprinkling it unless he immerses himself for the sake of the purification process involving the ashes of the red heifer. Afterwards, he is considered pure for that purpose. Similarly, *keilim* - even a receptacle taken from the Temple Courtyard - are not considered as pure with regard to the purification process involving the ashes of the red heifer unless they were immersed for that purpose. Similarly, all foods and liquids - even if they are pure - are considered as impure in this context.

2 Any entity that is fit to lie on or sit on, even though it is pure with regard to sacrificial foods is considered like an entity to which a *zav* imparted impurity with regard to the purification process involving the ashes of the red heifer until it was immersed with that intent in mind. Yochanan ben Gudgada would always eat according to the strictures of ritual purity required for sacrificial foods. Yet his head cloth was like an entity to which a *zav* imparted impurity with regard to the purification process involving the ashes of the red heifer.

3 A derivative of impurity does not impart impurity to a person or to a *k'li*, even with regard to sacrificial articles, as we explained. Nevertheless, it imparts impurity to persons and *keilim* with regard to the purification process involving the ashes of the red heifer. Therefore it was said that a person who sanctifies the water used for the purification process should not wear a sandal, lest liquids fall on the sandal and the sandal contract impurity. The rationale is that all liquids are considered as impure with regard to the purification process involving the ashes of the red heifer. Then the person sanctifying the water will contract impurity by touching the sandal and thus the purifying water will become impure.

4 When only a person's hands become impure due to causes that render hands impure, e.g., he touched foods or liquids or the like, although he is considered as pure with regard to sacrificial food, and all that is necessary is that he wash his hands as will be explained, with regard to the purification process involving the ashes of the red heifer, his entire body is considered to have contracted impurity and he must immerse in a *mikveh*.

Even if only one hand contracted impurity, it is as if his entire body contracted impurity. He is considered as impure to the first degree.

5 Any person who is required to be immersed in a *mikveh*, whether according to Scriptural Law or Rabbinic Law, imparts impurity to the water sanctified with the ashes of the red heifer, the ashes themselves, and the one who sprinkles them, through touching or carrying them. Similarly, he imparts impurity to a hyssop that has been made fit to contract impurity, water that has been drawn for this process but has not yet been sanctified, and an empty container that has been purified for this purification process. The latter three entities contract impurity only through touch, but not through being carried.
When an impure person touches a small portion of ashes of the red heifer, it is considered as if he touched all of them.

6 Primary, secondary, and tertiary levels of impurity are not counted with regard to the purification process involving the ashes of the red heifer as are counted with regard to *terumah* and sacrificial foods.
What is implied? If there were ten persons who immersed themselves for the sake of this purification process and one became impure, even if he became impure only with regard to this purification process, e.g., his hands became impure, should he touch a colleague and that colleague touch another, and that one another, even if there are 100, they all become impure with regard to this purification process.
Similarly, when there are *keilim* that were purified for this purification process and one of them contracted impurity - even if only its outside

contracted impurity for this purification process, e.g., liquids touched its outside - and this *k'li* touched a second *k'li* and the second touched a third, all of the *keilim*, even if there are 100, become impure with regard to this purification process.

7 Whenever an article that is fit to contract impurity if it would support a *zav* - even though it is pure with regard to sacrificial foods - was moved by a person who purified himself for the sake of this purification process, he contracts impurity, even though he did not touch it.

Similarly, when a person who purified himself for the sake of this purification process moves a person who is not pure in this context or he moves the spittle or the urine of the latter person, he becomes impure, even though he did not touch him. A *k'li* that is not fit to contract impurity if it would support a *zav*, by contrast, does not impart impurity to a person who has purified himself for the sake of this purification process unless he touches it.

8 If a *k'li* that is impure because of contact with a human corpse is moved by a person who has purified himself for the purification process involving the ashes of the red heifer, he becomes impure even though he did not touch it and even though generally an article that is impure because of contact with a corpse does not impart impurity when carried, as we explained.

What is implied? There was a key that was impure due to contact with a corpse that was hanging from a door. A person who purified himself for this purification process closed the door. Since he moved the key which

was impure, he himself contracts impurity. Similarly, if he moves the carcass of a crawling animal or semen, he becomes impure with regard to this purification process even though generally these do not impart impurity when carried, as will be explained.

9 When a person who purified himself for this purification process touches articles that were above a *zav* or the like, these are called *madaf*, he is considered impure with regard to this purification process, even though he is pure with regard to sacrificial foods. Similarly, when a *k'li* that was purified for this purification process touches a *madaf*, it contracts impurity with regard to this purification process.

10 The following laws apply when a person who purified himself for this purification process touches foods or liquids, whether impure or pure. No distinction is made between them, because there are no foods or liquids that are considered as pure with regard to this purification process.

If a person touches foods or liquids with his hands, his entire body becomes impure, as we explained. If he touches them with his foot or other portions of his body, or moves them with his hands without touching them, he remains pure. Similarly, if, with his hands, he touched an oven or the like, i.e., other articles that were not purified for the sake of this purification process, his entire body contracts impurity. If, however, he touches such articles with his feet, his status of purity remains unchanged, even with regard to this purification process.

11 When a person who purified himself for this purification process inserted

his head and the majority of his body into water that was drawn for the sake of this purification process, he contracts impurity, because the water has been drawn. For it is a Rabbinical decree that anyone who inserts his head and the majority of his body into water that was drawn contracts impurity, as will be explained.

12 Everyone's word is accepted with regard to the ritual purity of articles and persons involved in this purification process, even that of the common people. The rationale is that because of all the stringencies and extra measures applied to it, everyone is careful with regard to it. This is alluded to in the Torah which states **Numbers 19:9**: "And it will be for the congregation of Israel for safekeeping." Implied is that all of Israel are fit for its safekeeping.

Therefore if a common person brings an earthenware container from his home and says: "This container is pure for the purification process involving the ashes of the red heifer," it is considered as pure. Water may be sanctified in it and sprinkled from it even though this container would be considered as impure for sacrificial foods and for *terumah*. Similarly, if a common person says: "I have purified myself for the purification process involving the ashes of the red heifer" or the water for this process was in his possession and he says that it is pure, his word is accepted. For no Jewish person treats this purification process lightly.

Chapter 14

1 When an earthenware container that held the ashes of a red heifer was

touched by the carcass of a crawling animal on its side, it is pure, for an earthenware container does not contract impurity from its outside, even with regard to this purification process. If, however, one placed the container on top of the carcass of the crawling animal, the ashes contract impurity, even though the container remains pure, as indicated by **Numbers 19:9**: states: "And he shall place them down outside the camp in a pure place," and this is not a pure place.

Not only does placing the ashes on the carcass of a crawling animal render them impure, they contract impurity even if they are placed on food which is a secondary derivative of impurity or the like which are less substantial types of impurity originating in Rabbinic decrees. For it is written: "A pure place," i.e., that they should not be placed on any impurity whatsoever.

Similar rulings apply if an earthenware container holding the ashes of the red heifer was placed on an aperture in an impure house. If the container was hanging within the inner space of the house, the ashes contract impurity even if the aperture was not a handbreadth by a handbreadth in size. If it was not hanging into the inner space of the house, it is impure if the aperture is a handbreadth by a handbreadth in size.

2 If the container was made of stone, the ashes are pure, whether the aperture is a handbreadth by a handbreadth or not.

3 Similarly, when a container that has the ashes of the red heifer or sanctified water was sealed closed and placed under the same shelter as a corpse, the ashes and/or the water are impure. The rationale is that articles

associated with the purification process of the red heifer are not protected by a closed seal, for with regard to them, it is written: "a pure place," and this is not a pure place.

4 Similarly, sacrificial foods and liquids are not protected from impurity by being in a sealed container. Nevertheless, water that had not been sanctified and an empty container that was purified for use in this purification process are protected by a sealed container.

When does the above apply? When the owner was pure. If, however, the owner contracted impurity, the water is disqualified, no matter where it is located.

What is implied? If a person's water was in a sealed container and he and it were both under the same shelter as a corpse, they are both impure. If he is outside and water that is not sanctified is inside, they are both pure. If he is inside and the water is outside, just as he becomes impure, his water is also disqualified.

5 The following laws apply when a person who had purified himself for the sake of this purification process was standing on an oven or a similar implement that had not been purified for this process and he extended his hands outside the space of the oven while holding a receptacle containing the water for this purification process. Similar laws apply if a bar was placed over an oven and receptacles holding water for this purification process were hanging from either side. The receptacles are impure, because they are not in a place that is pure for this purification process. Since they are supported by the oven, it is as if they are placed on top of it.

If, however, one was standing on an oven while holding an empty receptacle that was purified for this purification process or water that was not yet sanctified, their prior state of purity remains unchanged. If one was standing away from an oven and stretched out his hand and took a container that had water sanctified for this purification process and carried it over the oven, it remains pure. Similarly, if when one sprinkled this water, it passed over an impure place, e.g., a place where one sits or lies that became impure or the like, it is pure.

6 When a receptacle containing water for the purification process involving the ashes of the red heifer touches a receptacle containing consecrated food, the receptacle that contains the sanctified water and everything inside of it is considered as impure. The receptacle containing sacrificial food, by contrast, remains pure. Similarly, if a person who purified himself for this purification process touched both of these receptacles, each one with one of his hands while they are placed on the ground, the receptacle containing the sanctified water, becomes impure. The rationale is that the person who had purified himself for this process contracted impurity when touching a container that had not been purified for this purpose, as we explained, and then, he imparts impurity to the sanctified water.

7 If he lifted up both receptacles, each with a different hand, they are both impure. The receptacle containing the sanctified water becomes impure because it was touched by a person who touched a container that was not purified for the sake of this purification process. And the one containing the sacrificial food became impure because it was lifted up by a person

who became impure by carrying sanctified water. For the water conveys impurity when carried, because it contracted impurity from the receptacle containing sacrificial food.

For this reason, if the receptacle containing the sacrificial food was wrapped in paper and he lifted it up in the paper without touching the receptacle itself, and he lifted up the receptacle containing the sanctified water in his other hand, they are both pure. He did not contract impurity with regard to the purification process involving the ashes of the red heifer since he did not touch the other receptacle. If, however, he touched the receptacle containing the sacrificial food with his hand, they both contract impurity even though the receptacle containing the sanctified water was wrapped in paper.

8 If he moved the two receptacles with his hands simultaneously without touching them, they are both pure. For a receptacle that was not purified for this purification process does not impart impurity to a person who purified himself for that purpose unless he touches it with his hands unless it is fit to contract impurity when a *zav* lies or sits upon it, as we explained.

9 In all of the situations where there is a question with regard to impurity and the ruling is that one is pure with regard to *terumah*, as will be explained, he is also considered pure with regard to this purification process. With regard to all of the situations where *terumah* is left for its status to be determined, were such a situation to occur with regard to the water or the ashes designated for this process, they should be disposed of.

If pure entities were used on the above utensils or if a person became involved in such a situation where the doubt causes the ashes and/or the water to be disposed of, the status of the pure entities is left in the balance. Rafters are not considered as utensils. Hence, they are pure with regard to *terumah*, sacrificial foods, and the purification process involving the ashes of the red heifer.

10 The following laws apply when a dried fig that is *terumah* fell into water sanctified for this purification process and then it was taken out and eaten. If it is the size of an egg, the water becomes impure whether the fig was impure or pure. The rationale is that all foods, even sanctified foods, are not pure with regard to this purification process. One who partakes of it is liable for death, because he partook of *terumah* after contracting impurity from the sanctified water. If the fig is not the size of an egg, the water remains pure, because food does not impart impurity to other entities unless it is the size of an egg. This applies with regard to *terumah*, to sacrificial foods, and to this purification process.

Chapter 15

1 Any person or article which touches sanctified water for a purpose other than sprinkling contracts impurity. The person does not impart impurity to his clothes, however, even when touching the water, as **Numbers 19:21** states: "One who touches the sprinkling water will become impure until the evening." Thus it is derived that the sprinkling water is a primary source of impurity according to Scriptural Law and even the slightest

amount of it imparts ritual impurity.

If there is enough water to sprinkle, it imparts impurity when touched and when carried and one who touches it or carries it for a purpose other than sprinkling imparts impurity to his clothes when touching it or carrying it until he separates himself from the source of his impurity, as implied by *ibid.* which states: "One who sprinkles the water shall launder his garments." Now this is not speaking about someone who sprinkles water on an impure person, for if he purifies an impure person, one can certainly infer that he himself remains pure. According to the Oral Tradition, it was taught that the Torah's statement "One who sprinkles the water shall launder his garments" was stated only to teach the measure that imparts impurity; i.e., that if one touches or carries a measure of sanctified water that could be sprinkled for an intent other than sprinkling, he is impure and he imparts impurity to his garments according to Scriptural Law.

How much is a measure of sprinkling? Enough to immerse the tops of the stalks of hyssop in the water.

When does the statement that the water for this purification imparts impurity apply? When one touched it or carried it for an intent other than sprinkling before they were used for their mitzvah. After they were used for their mitzvah, by contrast, they do not impart impurity at all.

What is implied? One immersed the hyssop in the sanctified water and sprinkled it on an impure person or *keilim* and the water was dripping and descending from the impure person to the ground or when he sprinkled the water, water was sprinkled on the ground or on a pure person, that water is pure and one who touches or carries it is pure.

If one immersed the hyssop to sprinkle water on an object that is not susceptible to ritual impurity, the water which drips from it is fit to be sprinkled again, as we explained. Therefore they impart the impurity of sanctified water to one who touches or carries them because they were not used for their mitzvah, for the immersion of the hyssop was for the intent of sprinkling on something that is not susceptible to ritual impurity.

2 The water for the purification process involving the ashes of the red heifer does not impart impurity to anything before its mitzvah is performed unless it is pure and acceptable to be used for sprinkling. Different rules apply, however, if this water was disqualified - e.g., other water was mixed with it, an animal drank from it, or other factors that disqualify it arose. If a person who is pure with regard to *terumah* touches it, he contracts impurity whether he touches it with his hand or with other parts of his body. If a person who is pure with regard to this purification process touches it, even with his hand, he remains pure, as he was originally.

3 If sanctified water contracted impurity and a person who was pure with regard to *terumah* touched it, whether with his hands or with his body, after it contracted impurity, he contracts impurity. If a person who had purified himself for this purification process touches it with his hands, he contracts impurity. If he touches it with the remainder of his body, he remains pure, as he was originally.

4 The following rules apply if water from a spring, a *mikveh*, or fruit juice falls into sanctified water. If the majority is sanctified water, the mixture

imparts impurity when carried. If the majority is fruit juice, it does not impart impurity. If it is half and half, it imparts impurity.

The following laws apply if the ashes of the red heifer become mixed with ashes from an oven and a person sanctified water with the entire mixture. If the majority of the mixture are the ashes of the red heifer, the water imparts impurity like sanctified water. If the majority are oven ashes, the water does not impart impurity when touched, but does impart impurity when carried.

5 When acceptable ashes were sprinkled on water that was not fit to be sanctified and then a person who was pure with regard to *terumah* touched the water with his hands or with his body, he contracts impurity. If a person who purified himself for this purification process touched such water, even with his hands, he remains pure, as he was originally.

6 When sanctified water is disqualified, it should not be mixed with mud, so as not to create a stumbling block for others, lest they touch the mud and become impure. For the sanctified water does not become nullified in the mud, as implied by **Numbers 19:9**: "It is a sin-offering."

7 When a cow drinks from sanctified water, its meat is pure even if it was slaughtered within 24 hours of drinking, as can be inferred from *ibid.*: "as safekeeping, as water for sprinkling." Implied is that when the water is kept safe, it is not nullified. If, however, a cow drank from it, it is nullified, because it was not kept safe.

8 When water is sprinkled on a person from a window from which water is

sprinkled on many individuals, he entered the Temple, and then it is discovered that the water was disqualified, he is exempt. The rationale is that one can assume that the water that is sprinkled on many people is acceptable. Hence, he is considered as one who transgressed because of factors beyond his control.

If, however, water was sprinkled on a person from the window of a private individual and he entered the Temple and afterwards, it was discovered that the water was disqualified, he is obligated to bring an adjustable guilt-offering. The rationale is that he should have investigated the status of the water and only afterwards, entered the Temple.

Even if people would slip on water that had been sprinkled from a window from which water is sprinkled on many individuals and was flowing on the ground and they would tread on it, they would enter the Temple without being concerned that they had been disqualified.

9 When a person sprinkles such water, using a hyssop that is impure with regard to this sacrificial process, if it is the size of an egg, the water is impure and the sprinkling is unacceptable. If it is less than the size of an egg, the water is pure, but the sprinkling is unacceptable. This hyssop can impart impurity to another, and that other, to still another, even when the chain reaches 100, because levels of impurity are not counted with regard to the purification process involving the ashes of the red heifer.

10 When a person lifts up a *k'li* upon which this water has been sprinkled and enough water to be sprinkled remains upon it, he is pure. Once the water has performed its mitzvah, it does not impart impurity, as we

explained.

Mishneh Torah, Defilement by Leprosy

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When there is a *tzara'at* affliction of human skin, the skin turns white, becoming as white as the membrane of an egg or whiter. Whiteness that is not as white as this membrane is not deemed *tzara'at*, but is instead a *bohak*.

2 There are four shades of white that appear on human skin that cause a person to be deemed afflicted by *tzara'at*:

a) very intense white that resembles snow on human skin; it is called *baheret*.

b) a white that is slightly darker than that; it resembles the cleaned wool of a newborn sheep; it is called *si'ait*;

c) a white that is slightly darker than *si'ait*; it resembles the lime of the Temple building; it is a derivative of the *baheret* and is called *sapachat*;

d) a white that is slightly darker than the lime of the Temple building and which resembles the membrane of an egg; it is a derivative of the *si'ait* and is also called *sapachat*.

Thus one has learnt that the shade that is like the lime of the Temple building is a *sapachat* of the *baheret* and the shade that is like the membrane of an egg is a *sapachat* of the *si'ait*. For the meaning of the term *sapachat* is subsidiary. Based on the above, our Sages said: "The shades of *tzara'at* blemishes are two which are four:" *baheret* and its subsidiary and

si'ait and its subsidiary.

3 These four shades of *tzara'at* blemishes can all be joined with each other and are considered as a single blemish, whether this produces a more lenient ruling or a more stringent ruling, whether at the beginning of the observation of the blemish or at the conclusion of the seven days, whether after the person afflicted with *tzara'at* was released from impurity or definitely categorized as afflicted.

What is implied? Whether a blemish is entirely white like snow or like the lime of the Temple building or like clean wool or like the membrane of an egg or a blemish was varied in appearance, part of its whiteness was the shade of *baheret* and part was like the shade of *si'ait*, and part like the shade of *sapachat*, they are all considered as one appearance.

If so, why did the Sages count them and say, "The shades of *tzara'at* blemishes are two which are four?" So that one will understand the different appearances. For any priest who does not recognize the different appearances and their names when he is taught and informed, should not assess a blemish until he understands them and recognizes them and can say: "This is *baheret* and this is its subsidiary. This is *si'ait* and this is its subsidiary."

4 If in one of these four shades of a white hue there is a slight redness mixed in, it is also considered as a *tzara'at* blemish, as **Leviticus 13:19** states: "a white *baheret* with redness." This also applies to *si'ait* and to the subsidiary of *si'ait* and to the subsidiary of *baheret*. This hue that is a mixture of whiteness with a little redness is called *petuch*.

What is the appearance of *petuch* in these four shades? It is as if there are four cups filled with milk. In the first was mixed two drops of blood; in the second, there were four drops; in the third, eight drops; and in the fourth, sixteen drops. The *petuch* of a *baheret* is the fourth shade; the *petuch* of *si'ait* is the shade of the third cup; the *petuch* of the *sapachat* of a *baheret* is the shade of the second cup, and the *petuch* of the *sapachat* of *si'ait* is the shade of the first cup.

5 All of these shades - whether the white or the *petuch* - can be joined with each other and are considered as a single appearance. This applies whether the blemish was entirely white or part of it was white and part with redness, it is all considered as a single blemish whether this leads to a more lenient ruling or a more stringent one.

6 Any appearance of *tzara'at* on the skin of human flesh is not considered as a blemish and does not impart impurity unless the appearance of the blemish is deep, under the surface of the skin of the flesh. The intent is not only a blemish that can be felt as deep in the flesh, but also one that appears such; it appears like the sun's light that appears to the eye to be deeper than a shadow. If, however, the white shade or the *petuch* is on the same level as the remainder of the flesh or raised above the flesh, it is not a *tzara'at* blemish, but rather a rash like other rashes that erupt on the body.

7 The minimum measure for all blemishes of *tzara'at*, whether *tzara'at* of humans or *tzara'at* of garments, is the size of a Cilikian *gris*, which is square. This is a square place on the skin of the flesh where 36 hairs could

grow, i.e., six hairs in length and six hairs in width. Anything smaller than this is not considered as a *tzara'at* blemish.

8 When the width of a blemish is only a place to grow five hairs, it is pure and it is not considered as a *tzara'at* blemish, even if it was a cubit in length. It must be at least a square *gris* in size. All of the minimum measures are halachot transmitted to Moses at Sinai.

9 Whenever a *baheret* is spoken of, the same laws apply to the remainder of the four shades of white or those of a *petuch*, provided the blemish is a *gris* in size and is deeper than the surface of the skin of the flesh. This is what we refer to as a *baheret* without further explanation.
A *baheret* that is very intense white, like snow appears dark on the flesh of an albino. And one that is dark appears intensely white on a black man. Therefore we consider the shade as it would appear on a person of average complexion, neither an albino or a black man.

10 There are three signs that indicate ritual impurity with regard to *tzara'at* on the skin of human flesh: white hair, healthy flesh in the midst of a blemish, and expansion. All three are explicitly mentioned in the Torah.
What is implied? If a *baheret* erupts on a person's skin and in its midst there is white hair or a portion of healthy flesh, when the priest sees it, he will rule definitely, saying: "He is impure." If it does not have either white hairs or healthy flesh, he should be isolated for seven days. On the seventh day, the priest sees him again. If the *baheret* grew white hair or healthy flesh or if it expanded and increased, he is definitively categorized as

impure. If neither white hair nor healthy flesh grew, nor did the *baheret* expand on his skin, he should be isolated for a second week. If any of the three signs occur, he is definitively categorized as impure. If not, he is pure and he is sent away. The rationale is that blemishes on the skin of human flesh do not require isolation for more than two weeks. If the blemish expands - or white hair or healthy flesh grows in it - after he was sent away and deemed pure, he is definitively categorized as impure.

11 When a *baheret* was originally intensely white like snow and, after isolation, it appeared only as the membrane of an egg, or, originally, it appeared like the membrane of an egg and its intensity increased and it appeared as snow, it is considered in its original state, for an increase in the intensity of the appearance of a blemish is not a sign of impurity, nor is a darkening of it a sign of purity unless it becomes darker than the four shades described above, i.e., darker than the membrane of an egg. In such an instance, it is classified as a *bohak* and he is pure. If so, what is meant by the Torah's statement: "The blemish became darker and did not expand on the flesh, the priest should declare him pure?" That if it became darker than the four shades, he is pure, Similarly, if it did not become darker, but did not expand, nor grew white hair or healthy flesh, he is pure.

Chapter 2

1 The white hair that is a sign of impurity for *tzara'at* is not less than two hairs. How long must they be? Long enough to be pulled out by tweezers.

If one was long and the other was shorter than this measure or one was black and one white, or one was whole below but split in two above and so it appeared as two, or its base was black, but its top was white, the person is pure. If its base was white and its top dark, even though only the slightest amount was white, he is impure.

2 When there are two white hairs in a blemish, even though there is black hair between them and they are scattered, one in this portion and one in another portion, they serve as a sign of impurity. Even if the blemish was exactly the size of a *gris*, the space of the black hair does not reduce its size. Whether the two hairs are in the midst of the *baheret* and it surrounds them or they are at its edge, the person is impure. If, however, they are at its side, outside of it, he is pure. The skin from which the two white hairs grow must be white in order to impart impurity.
If the two hairs originate in the midst of the blemish, but lie out of it, he is impure. If they originate outside of it, but lie within it, they are not a sign of impurity.

3 Any shade of whiteness in the hair causes the person to be deemed impure, whether they were white as snow or a very weak shade of whiteness. Since they appear white, he is impure.

4 White hair is not a sign of impurity unless it is inside the *baheret* itself.
What is implied? If there is a *baheret* and in its midst there is a boil, burnt skin, a *bohak*, a boil that has healed, a burn that has healed and there were two white hairs in the boil, the burnt flesh, or the *bohak* that is in the

midst of the blemish, they are not signs of impurity. It is like a *baheret* that does not have white hair, in which instance, the person should be isolated. This ruling is rendered even though the *baheret* surrounds the boil, the burnt flesh, the healed boil or burnt flesh or the *bohak* in which the two hairs were located.

Similarly, if the boil, the burnt flesh, the healed boil or burnt flesh or the *bohak* surround the two hairs, they are not a sign of impurity. The *baheret* is like a *baheret* that does not have white hair and the person should be isolated.

5 If the boil, the *bohak*, or the burnt flesh that surround, are next to, or divide the white hairs disappear and thus the two hairs are found in the *baheret* itself at the end of the first week or the end of the second week of the isolation period, the person is declared as definitively impure. If these abnormal skin features do not disappear, he should be released from the process of inspection.

6 White hair is not a sign of impurity unless the *baheret* precedes the white hair. This can be inferred from **Leviticus 13:10**: "And it turned hair to white." Implied is that the *baheret* caused it to turn white. If, however, the white hair existed before the *baheret*, it is like a *baheret* that does not have a sign and the person should be isolated.

7 The following rule applies when a person had a *baheret* which contained white hair which caused him to be deemed definitively impure, and afterwards, the *baheret* disappeared and left the white hair in its place. He

was then deemed pure. Afterwards, another *baheret* returned to the place of the first *baheret* and thus there was white hair in its midst. This hair is called "entrusted hair." It is not a sign of impurity. The phrase "And it turned hair to white" implies that the *baheret* in question must cause the color of the hair to change and not another *baheret*.

8 The following rules apply if a person had a *baheret* the size of a *gris*, it contained two white hairs, and therefore he was deemed definitively impure. A portion half the size of a *gris* disappeared and he was deemed pure. The two hairs were located in the portion half the size of a *gris* that remained. Afterwards, half a *gris* returned to the place where the half that disappeared was. Thus there were two white hairs in a *baheret* the size of a *gris*. This is not considered a sign of impurity, for one entire *baheret* must cause the color of the two hairs to change.

9 When a person had a *baheret* that was half the size of a *gris* without any white hair inside of it and then another *baheret* that was half the size of a *gris* which contained one white hair erupted at its side, the person should be isolated. If a person had a *baheret* that was half the size of a *gris* with one white hair inside of it and then another *baheret* that was half the size of a *gris* which contained one white hair erupted at its side, the person should be isolated. When a person had a *baheret* that was half the size of a *gris* which contained two white hairs and then another *baheret* that was half the size of a *gris* which contained one white hair erupted at its side, this person should be isolated. When a person had a *baheret* that was half the size of a *gris* without any white hair inside of it and then another

baheret that was half the size of a *gris* which contained two white hairs erupted at its side, the person should be deemed definitively impure. The rationale is that a *baheret* preceded the two white hairs.
When there is a doubt whether the white hair came first or the *baheret* came first, the person is deemed impure. It appears to me that this impurity is of a questionable nature.

Chapter 3

1 Flesh that heals is not considered as a sign of impurity unless it is the size of a lentil when a square is imposed upon it or more. How large is that? Enough for four hairs to grow, two lengthwise and two widthwise. The flesh that heals must be in the center of the *baheret* and the *baheret* must surround it on all sides with there being a margin of the size of two hairs or more between the healthy flesh and the edge of the *baheret*. If, however, the healthy flesh is at the side of the *baheret*, it is not a sign of impurity.
If the healthy flesh was scattered in different places in the *baheret*, e.g., there was healthy flesh the size of a mustard seed in one place and healthy flesh the size of a mustard seed in another place, they are not combined to be considered as the size of a lentil even though they are both in the midst of the same *baheret*. Instead, there must be healthy flesh the size of a lentil when a square is imposed upon it or more in one place in the midst of the *baheret*.

2 Healthy flesh imparts impurity regardless of its shade; it can be red, black, or white provided it is not one of the four shades of whiteness that we

described.

3 Flesh that healed is not a sign of impurity unless it is in the *baheret* itself. What is implied? In the midst of a *baheret*, there was a boil, burnt flesh, or a healed boil or burnt flesh, or a *bohak* and there was totally healthy flesh in the midst of these abnormal skin features. Even though the healthy flesh is in the midst of the *baheret*, it is not a sign of impurity, because it is within the boil, the burnt flesh, the *bohak*, or their healed flesh. Similarly, if a boil or its healed flesh, burnt flesh or its healed flesh, or a *bohak* surrounds the healthy flesh, or one of these abnormal skin features is directly next to the healthy flesh at its side, or one of these abnormal skin features divides the healthy flesh and enters within it, it is not a sign of impurity. This is like a *baheret* that does not have any sign of impurity and the person should be isolated.

If the boil, the burnt flesh, or the *bohak* in which the healthy flesh was found, that was at its side, that surrounded it, or that entered it disappeared and thus the healthy flesh alone was found within the *baheret* at the end of the first week or at the end of the second week, the person should be deemed definitively impure. If they did not depart, he should be released from the process of inspection.

4 Healthy flesh is always a sign of impurity, whether the healthy flesh existed before the *baheret* or the *baheret* existed before the healthy flesh, because concerning it, the Torah does not state: "And it turned." Although the Torah does state **Leviticus 13:10**: "And it turned hair to white and there was healthy flesh in the *si'ait*," there is no need for a

blemish to have both white hair and healthy flesh. Instead, each one independently is a sign of impurity. They were mentioned together only to identify the measure of healthy flesh that imparts impurity: enough to contain enough white hair to cause a person to be deemed impure, i.e., two hairs.

5 When a *baheret* is exactly the size of a *gris* and, in its midst, there is healthy flesh exactly the size of a lentil, the afflicted person should be deemed definitively impure. If the size of the *baheret* or the size of the healthy flesh was diminished, he is pure. Similarly, if the size of the healthy flesh in this *baheret* increased, he is pure. The rationale is that a *baheret* does not impart impurity because of healthy flesh until it has a margin of afflicted flesh the width of two hairs on every side.

If the healthy flesh was less than a lentil and then it increased until it reached the size of a lentil, the afflicted person should be deemed definitively impure. If the size of the healthy flesh then diminished or disappeared, its status returns to its initial state and there is no sign of impurity.

6 If a *baheret* is larger than a *gris* and it contains healthy flesh that is larger than a lentil, the afflicted person is impure whether they increase or decrease in size, provided the size of the *baheret* does not decrease to less than a *gris*, the size of the healthy flesh does not decrease to less than a lentil, and the healthy flesh does not come within two hairsbreadth of the edge of the *baheret*, as we explained.

7 When the *baheret* is the size of *gris* and there is healthy flesh the size of a lentil or more surrounding it from the outside and a second *baheret* surrounding the healthy flesh, the inner *baheret* would cause the afflicted person to be isolated, for it does not have a sign of impurity. The outer *baheret* causes him to be deemed definitively impure, because there is healthy flesh in its midst.

If the healthy flesh that was between the two blemishes was diminished or disappeared entirely - whether it was diminished or reduced from the inside or was diminished from the outside, the two are considered as one *baheret* that does not have a sign of impurity.

8 When a *baheret* is located at the tip of one of the limbs and there is healthy flesh in its midst at the tip, it is not considered as a sign of impurity, because the healthy flesh divides the blemish into two. Thus one portion streams down one side of the limb and another portion streams down the other. The person is thus not deemed impure, because **Leviticus 13:5** states: "And the priest shall see it." Implied is that he shall see the entire blemish as a single entity.

These are the 24 tips of the limbs that do not impart impurity when healthy flesh is found upon them: the tips of the fingers and the toes, the tips of the ear and the nose, the tip of the corona of the male organ, and the tips of a woman's breasts. The tips of a man's breasts, warts, and blisters, by contrast, impart impurity if there is a *baheret* and healthy flesh upon them.

9 When there was a flat surface the size of a *gris* at the tip of any of these

limbs, a blemish imparts impurity. If they were round as is the case for most people, blemishes are pure.

What is implied? If there is a *baheret* the size of a *gris* at the tip of one's nose or the tip of one's finger, descending to either direction, he is pure, as implied by the phrase: "And the priest shall see it." Implied is that he shall see the entire blemish as a single entity.

Chapter 4

1 The increase of a blemish imparts impurity regardless of its size, provided the increase was one of the shades of blemishes that impart impurity. If, however, the increase was the color of a *bohak*, it is not considered as an increase. An increase of a blemish is a sign of impurity only when it spreads beyond the blemish. If, however, it spreads within the blemish, the person's original status is unchanged.

What is implied? There was a *baheret* with less than a lentil of healthy flesh inside of it. He was therefore isolated. At the end of a week, if the size of the healthy flesh was diminished or it disappeared entirely, it is not considered as an increase. For, to be significant, an increase of a *baheret* may not spread within its own midst, but rather outside of it.

2 An increase is not considered as a sign of impurity unless it comes after isolation. If, however, a person came at the outset and the priest saw the blemish increasing, he does not deem the person definitively impure. Instead, he isolates him until the end of the week and then observes it.

3 To be significant, an increase may not spread into a boil or into burnt flesh or into a healed boil or burn, nor on the head, nor on the beard even though they became bald and the hair was removed from them, as implied by **Leviticus 13:7**: "If the blemish will spread on the skin." If, however, a *baheret* spreads to a *bohak*, it is considered an increase.

4 If a boil, burnt flesh, a *bohak*, or a healed boil or burn separate between an increase and the original blemish, it is not a sign of impurity. If the person was isolated and these skin conditions departed and this increase was immediately adjacent to the original blemish, he is deemed definitively impure.

5 When there was a *baheret* the size of a *gris* and it spread more than a half a *gris*, but approximately half a *gris* of the original blemish disappeared, the person is pure even though together, there remained more than a *gris* from the original blemish and the increase.

If the original blemish was the size of a *gris* and it spread more than a *gris*, but the original blemish disappeared entirely, it should be given an initial observation and isolated week after week. If a person has a *baheret* and was isolated and the *baheret* disappeared at the end of the days of isolation, and then the *baheret* returned to its original place, it is given its initial status. If it became diminished during the days of his isolation and then expanded and returned to its original size at the end of the week or increased and then the increased blemish diminished and returned to its original size at the end of the week, he should continue in isolation or is released from the process of inspection.

6 If a *baheret* was the size of a *gris*, it then increased the size of a *gris*, then healthy flesh or white hair erupted in it, and then the original blemish disappeared, it should be given an initial observation.

The following rules apply if a person had a *baheret* the size of a *gris* and he was isolated. At the end of the week, the blemish was the size of a *sela*, but there was a doubt whether it was the original blemish or a new one that came in its place, it is impure.

7 The following rules apply when there is a *baheret* more than the size of a *gris* and a stretch of afflicted flesh emerging from it. If the stretch is two hairs wide, it requires white hair or an increase in size for the person to be considered impure. If, however, healthy flesh appears in it, this ruling does not apply. The rationale is that healthy flesh is not considered as a sign of impurity unless it is surrounded by a *baheret* and there is a space where two hairs can grow between the edge of the healthy flesh and the edge of the *baheret*.

The following laws apply when there were two *baharot* and a stretch of afflicted flesh extending from one to the other. If it is two hairsbreadth wide, they are considered as being joined together. If not, they are not considered as joined.

When the afflicted person was isolated as a result of a blemish for one week after another and a sign of impurity did not appear and, as a result, he was released from the process of inspection, but after he was released from the process of inspection, the blemish increased in size even slightly, he should be deemed definitively impure.

8 When a *baheret* was declared pure either after the afflicted person was isolated or deemed definitively impure, i.e., the signs of impurity disappeared, he should not be isolated again.

9 When a *baheret* diminished after the person was released from the process of inspection after isolation and then increased to its original size or it increased and then decreased to its original size, the person remains in his state of purity.

10 The following laws apply when there is a *baheret* the size of a *gris* and healthy flesh the size of a lentil in it and white hair in the midst of the healthy flesh. The afflicted person was deemed definitively impure. After that determination was made, the healthy flesh disappeared. He is still impure because of the white hair. If the white hair disappeared, he is impure because of the healthy flesh.

If the white hair was located in the *baheret* and not in the healthy flesh and then the white hair disappeared, the afflicted person is impure because of the healthy flesh. If the healthy flesh disappeared, he is still impure because of the white hair.

11 The following rules apply when after a person with a *baheret* was isolated for a week, he was deemed impure, because there was healthy flesh in the *baheret* and it increased in size. If later the healthy flesh disappeared, he is impure because of the increase. If the increase disappeared, he is impure because of the healthy flesh.

If a person was deemed definitively impure because of white hair, that

white hair disappeared, but other white hair appeared, healthy flesh appeared, or the size of the blemish increased, his status of impurity remains unchanged. This law also applies if a person was deemed definitively impure because of healthy flesh and the healthy flesh disappeared, but other healthy flesh or white hair appeared or the size of the blemish increased or he was deemed definitively impure because the size of the blemish increased, that increase disappeared, but there was another increase or healthy flesh or white hair appeared.

Whether an afflicted person was deemed impure when he originally appeared before the priest, at the end of the first week of isolation, at the end of the second week, or after he was released from the process of inspection, since he was deemed definitively impure in any instance, he is not pure until no sign of impurity remains upon him, neither the sign for which he was deemed impure or any other sign.

Chapter 5

1 The following principles apply with regard to a person who had a wound on the flesh of his skin and the skin peeled away because of the wound. If the wound came about because of fire, e.g., he was burnt by a coal, embers, iron or stone that were heated in fire, or the like, it is called *michveh*, a burn. If the wound did not come about because of fire, e.g., he received a blister from stone, wood, or the like, or the wound came about because of an infirmity within the body, a wart or eczema that ruined the skin or swelling lesions, feverous swellings, or infections that ruin the skin, it is called *sh'chin*, a boil.

2 The following laws apply if one heated a spit and hit another person with it. If its end was rounded, the wound it produces is considered as a burn. If its end was pointed, there is an unresolved question if it is considered as a burn or a boil.

When a person suffers a burn because of the hot springs of Tiberias, olive dregs, or the like, the affliction is considered as a boil.

3 As long as boils and burns are fresh, festering wounds, they are called *mordin* and do not impart impurity because of *tzara'at* at all. If a boil or a burn heals and the afflicted person's flesh was entirely restored - even though there is a scar on the place and it is not entirely like other skin - it is considered like ordinary skin with regard to all matters. Such a person is deemed impure because of the three signs mentioned above and he is isolated for two weeks as part of the process of determination as explained.

4 If the boil or the burn began to heal and be restored, with a scab like the thickness of a garlic peel forming over them, this is the "scarring of the boil" mentioned in the Torah and the "healing burn" mentioned there. They impart impurity because of two signs: white hair or an increase in the size of the blemish and such a blemish is isolated only for one week.

What is implied? There was a *baheret* on the scarring of a boil or the healing of a burn. If it contained two white hairs, the person should be deemed definitively impure. If it does not contain white hair, he should be isolated for a week and examined at the end of the week. If white hair grew or size of the blemish increased, he should be deemed definitively impure. If there was no new development, he should be released from the

inspection process. If size of the blemish increased or white hair grew after he was released from the inspection process, he should be deemed definitively impure.

5 A healing boil and a healing burn cannot be combined with each other. For that reason, the Torah described them separately, to teach that they are not to be combined, nor can they expand into each other, They do not expand into ordinary flesh and a *baheret* that is on ordinary flesh does not expand into them.

What is implied? If there is a boil next to a burn and a *baheret* that comprises a *gris* extending over both of them, the person is pure. If a *baheret* was in either of them and it extended into the other or it extended into ordinary skin, he is pure. If there was a *baheret* on ordinary skin and it extended to one of these, it is not considered as an extension.

When a person had a healed boil that was the size of a *gris* with a *baheret* the size of a *gris* on the palm of his hand, he should nevertheless be isolated. Although it is not fit to grow white hair, nor to expand, there is the possibility that he will develop another boil next to it and the *baheret* will spread into it.

6 When a boil became a burn, the burn nullifies the boil. When a burn became a boil, the boil nullifies the burn. If it is not known whether a blemish was a boil or a burn, it is not significant, for they both contract impurity due to the same signs and the impurity is the same. Scripture differentiates between them only to teach that they are not to be combined.

7 If a person was isolated because of a *baheret* in a boil and at the end of the week, the boil healed and became ordinary flesh or he was isolated because of a *baheret* on ordinary flesh and at the end of the week, it became a boil, he should be given an initial examination.

8 When all the hair on a person's head falls off, whether due to sickness, due to a wound that makes him unfit to grow hair, or due to eating foods that cause hair to fall off or applied lotions that cause hair to fall off, since he lost all of his hair at this particular moment, he is called a *keireiach* or a *gibeiach*, even though he is fit to grow hair at a later time.

If his hair from the top of his forehead and downward, descending backward until the first vertebra of his neck falls off, he is called a *keireiach*. If his hair from the top of his forehead and downward, descending frontward until it is level with his forehead falls off, he is called a *gibeiach*.

9 With regard to both of these types of baldness, a person can contract impurity when a *baheret* appears on the skin through two signs: healthy skin and an increase in size. They should be isolated for two weeks, for **Leviticus 13:43** states: "Like the appearance of *tzara'at* on the flesh of the skin." Since these portions of the body do not grow hair, the appearance of white hair is not a sign of impurity for them.

What is meant by incurring impurity through either of two signs and that a person may be isolated for two weeks. If there was a *baheret* in a bald spot whether at the back of a person's head or at its front and there was healthy flesh in it, he should be deemed definitively impure. If it does not

have healthy flesh in it, he should be isolated and examined after the end of one week. If healthy flesh appeared or the blemish increased in size, he should be deemed definitively impure. If nothing changed, he should be isolated for a second week. If the blemish increased in size or healthy flesh appeared, he should be deemed definitively impure. If nothing changed, he should be released from the inspection process. If the blemish increased in size or healthy flesh appeared after he was released from the inspection process, he should be deemed definitively impure.

10 These two forms of baldness are not combined with each other, as indicated by **Leviticus 13:42**, which makes a distinction, stating: "on his *karachet* or on his *gabachet*." This teaches that they are two types of conditions and blemishes do not spread from one to the other, from either of them to ordinary flesh, or from ordinary flesh to them.

11 When there is a boil or a burn on a *karachet*, on a *gabachet*, or on a beard that has lost its hair, they are deemed impure in the same way as is a boil or a burn on ordinary flesh. For when one loses the hair of his head or of his beard, these parts of the body are considered as ordinary flesh with regard to all matters except that they do not contract impurity because of the emergence of white hair.

When hair has never grown on one's head or on one's chin or when there is a blister on one's head or chin, the surface is considered as ordinary flesh and they are deemed impure because of three signs and requires isolation for two weeks. Similar laws also apply to the chin of a woman and a sexually inadequate male. Until hair grows on these surfaces, they

are considered as ordinary flesh. If they grew hair, they are considered as the chin of a male and incur impurity as a *netek* does, as will be explained. They do not incur impurity because of a *baheret*.

Chapter 6

1 These are the places in the human body which do not incur impurity because of a *baheret*: the inside of the eye, the inside of the ear, the inside of the nose, the inside of the mouth, the folds of the stomach, the folds of the neck, under the breasts, the armpits, the underside of the foot, a nail, the head and the chin where hair grows, and open boils and burns.
All of these surfaces do not become impure because of blemishes, nor can they be combined with blemishes. A blemish cannot expand into them; they are not considered as healthy flesh in the midst of a blemish, nor does the absence of *tzara'at* on them prevent a person whose entire body is afflicted from being placed in that category. These concepts are derived from **Leviticus 12:2** which speaks of a blemish being "on the skin of one's flesh." None of the above surfaces can be considered as revealed flesh. Some of them are not flesh and some are flesh, but they are covered and not revealed.
The red portions of the lips are considered as "hidden places" and cannot incur impurity from blemishes.

2 When all the hair of the head and the chin fell off or a boil or a burn developed a scab, they may incur impurity due to a *baheret*, as we explained. Blemishes on these surfaces are not combined with each other,

nor can a blemish on ordinary skin expand into them, nor are they considered as healthy flesh in the midst of a blemish. The absence of *tzara'at* on them does, however, prevent a person whose entire body is afflicted from being placed in this category.

3 When there is a *baheret* next to the head, the eye, the ear, or the like or next to a boil or a burn, it is pure. This is derived from **Leviticus 13:3**: "And the priest shall see the blemish in the flesh of the skin." Implied is that the entire area immediately outside the blemish must be ordinary flesh that is fit for the blemish to spread into.

4 The following are *beharot* that are pure:

a) A gentile who had a *baheret* and converted.

b) A *baheret* existed on a fetus and then the infant was born.

c) A *baheret* existed in a crease of a person's flesh and then it was revealed.

d) A *baheret* existed on the head and/or the chin where hair grew, and then all the hair fell off and the *baheret* was revealed.

e) There was a *baheret* on ordinary skin, either a boil or a burn formed on its place, and then they healed, and became like ordinary skin. Even though the initial and ultimate condition of the skin is susceptible to impurity, since it was pure in the interim, it remains pure.

In all the above instances, if the shade of the blemish changes, whether the whiteness becomes stronger or weaker, it should be given an initial examination. What is implied? A gentile had a *baheret* that was white like the membrane of an egg. After he converted, it became white as snow. Or originally, it was white as snow and after he converted, it became like the

membrane of an egg, it should be given an initial examination. Similarly, when an infant is born, the creases of a person's skin straighten, a person's head or chin become bald, or a boil or a burn heal, if the shade of these blemishes change, they should be given an initial examination. If not, they are considered pure.

5 Until a person has been deemed impure, all questionable situations regarding blemishes are considered as pure except for the two questionable situations we mentioned already. When, however, a person has been deemed impure, a questionable situation is considered as impure.
What is implied? Two people came to a priest, one had a *baheret* the size of a *gris* and the other, one the size of a *sela*. He had both of them isolated. At the end of the week, they both had blemishes the size of a *sela* and it was not known which blemish increased in size, they are both considered pure. Not only does this apply with regard to two people, it also applies with regard to two blemishes on the body of one person. Even though a blemish on this person's flesh definitely increased, since it is not known which blemish increased, he is deemed pure until the identity of the blemish for which he will be deemed impure is known.

6 Once a person has been deemed impure, any questionable situation is also considered impure. What is implied? Two people came to a priest. One had a *baheret* the size of a *gris* and the other, one the size of a *sela*. He had both of them isolated. At the end of the week, they came to the priest and they both had blemishes that were larger than a *sela*. They are both deemed impure. If they both shrank to the size of a *sela* and thus the

increase receded from one of them, since it is not known which one originally had the blemish of this size, they are both impure until both their blemishes recede to the size of a *gris*. This is what is meant by the statement when a person has been deemed impure, a questionable situation is considered as impure.

Similar concepts apply when a person had a *baheret* and there was white hair within it that had existed before the *baheret* and other hair that was turned white by the *baheret* and the priest does not know how to distinguish between the hair that existed before the *baheret* and that which was turned white. If the doubt arose while the person was in isolation, he is pure. If the doubt arose after he was definitively deemed impure, he remains impure even if one of the hairs fell off and he does not know which fell off, the hair that was sign of impurity or the other hair.

7 When a person comes to a priest and he sees that he needs to be isolated or that he should be released from the inspection process and before he isolates him or releases him, signs of impurity erupt, he should be deemed definitively impure. Similarly, if he saw that he had signs of impurity and before he deemed him definitively impure and told him: "You are impure," those signs of impurity disappeared, the stringent ruling should not be delivered. Instead, if he is coming for his initial examination or at the end of the first week, he should be isolated. If he is coming after the conclusion of his second week or after he has been released from the inspection process, he should be released.

Chapter 7

1 When a person had a *baheret* and - whether at the outset or after isolation - he was definitively deemed as impure because of one of the signs of impurity or he was isolated and then the *tzara'at* spread over his entire body and his skin turned white, he is pure. This applies whether it turned while he was isolated or after he was deemed definitively as impure.
If, however, he was isolated and no sign of impurity emerged and as a result, he was released from the inspection process, but after being released, the *tzara'at* covered his entire body, he is deemed definitively impure.

2 The following rules apply when a person comes initially while he is entirely white with *tzara'at*. If he has a patch of healthy skin or two white hairs, he is deemed definitively impure. If there is no sign of impurity, he is isolated for one week. If white hair or a patch of healthy skin emerges, he is deemed definitively impure. If no sign emerges, he is isolated for a second week. If no sign emerges, he is deemed pure, for the laws applying to this large *baheret* are the same as those governing a small one.
If he was deemed impure because of two white hairs that emerged and either both or one of them turned black, either both or one of them became short, a boil grew next to either of them or one of them or encompassed both of them or one of them, a boil, a healed boil, a burn, a healed burn, or a *bohak* divided one hair from the other, he is pure. If white hair or healthy flesh emerges, he is impure, because he came initially while entirely white.
Whether the *tzara'at* spread over the person's entire skin all at once or whether it spread little by little until he became entirely white, if this

occurred while the person was isolated or while he was deemed definitively impure, he is pure. If it occurred after he was released from the inspection process, he is impure. And if it occurred at the outset, he should be isolated. Similarly, it is irrelevant whether the blemish is entirely of one shade or that it is entirely white, but has the four shades of white and the four shades of *petuch* intermingled. All of these shades can be combined and considered as a single blemish, whether to cause the person to be declared pure or to be declared impure, as we explained.

3 The following rules apply when a person had a *baheret* the size of a *gris* in which there was a patch of healthy flesh the size of a lentil and he was deemed definitively impure because of the healthy flesh. Afterwards, the *tzara'at* spread over his entire body and the healthy flesh disappeared. Alternatively, the healthy flesh disappeared and then the *tzara'at* spread over his entire body. He is considered as pure. This applies even if white hair emerges. If, however, healthy skin emerges, he is impure, as **Leviticus 12:14** states: "On the day he exhibits healthy flesh, he will be deemed impure," provided the healthy flesh is the size of a square superimposed on a lentil or larger.

Different rules apply if one had a *baheret* with white hair and he was deemed impure because of it and afterwards, the *tzara'at* spread over his entire body. Even though the white hair remains in place, he is pure, as can be derived from the verse: "On the day he exhibits healthy flesh, he will be deemed impure." Implied is that a person whose entire skin turned white after being deemed definitively impure or being isolated becomes impure because of healthy flesh, but not because of white hair. If he was

deemed impure because his blemish spread and then it continued to spread and covered his entire body, he is pure. If he exhibits any healthy flesh, he is impure.

4 Even the tips of limbs that do not impart impurity as healthy flesh when they are located in the midst of a *baheret*, do impart impurity and prevent a person from being deemed pure if his entire flesh turns white.

What is implied? If a person who was definitively deemed impure or who was isolated whose entire flesh turned white because of *tzara'at* with the exception of a lentil's size of healthy flesh, even if the healthy flesh is located on his fingertip, the tip of his nose, or the like, he remains impure. Similarly, if a person's entire flesh turned white and he was declared pure and then a lentil's size of healthy flesh returned, even at the tips of one of his limbs, he should be definitively deemed impure. If his flesh turned entirely to a shade of *tzara'at* except for a lentil's size portion - even on the tips of his limbs that turned to a *bohak*, he should be deemed definitively impure, as can be derived from **Leviticus 13:12**: "If... the *tzara'at* will cover the entire skin...." Implied is that it must be covered by *tzara'at*, not a *bohak*. Even if part of the lentil's size portion was healthy flesh and part was a *bohak*, it is a sign of impurity.

If a person's entire flesh turned to one of the shades of *tzara'at* and he was declared pure and then a portion of his flesh turned to the color of a *bohak*, he remains pure until he exhibits a lentil's size of healthy flesh, as implied by the verse: "On the day he exhibits healthy flesh...." Implied is that he must exhibit healthy flesh, not a *bohak*. If a lentil's size portion of flesh [changed appearance, part was healthy flesh and part was a *bohak*, it

is not considered a sign of impurity and the person is still considered as pure.

5 Whenever *tzara'at* spreads over the entire body of an impure person, he becomes pure. If a lentil's size portion of healthy flesh was revealed, he is impure. If his entire flesh was again covered with *tzara'at*, he is pure, If healthy flesh was again revealed, he is impure. These rulings are given even if the cycle repeats itself 100 times.
If healthy flesh began to be revealed and it continues to grow and the size of the *tzara'at* shrinks, the person remains impure until the *baheret* becomes smaller than a *gris*.

6 Any portion of skin that is fit to contract impurity because of *baheret* but remains healthy prevents a person whose entire flesh is becoming white from being placed in that category. Any portion of skin that is not fit to contract impurity because of *baheret* does not prevent a person whose entire flesh is becoming white from being placed in that category although that portion of skin remains healthy.
What is implied? When *tzara'at* spreads over a person's entire skin, but not on his head or his chin, nor onto a festering boil or burn or there is less than a lentil's size portion of healthy flesh next to a festering boil or burn or to his head or chin, he is pure. If the hair fell from the head and the chin or if a scab formed over the boil or the burn, the person is impure until the *tzara'at* spreads to them, for they are fit to contract impurity because of a *baheret*.
If there were two *beharot*, one had a sign of impurity and one was pure,

the pure one spread to the impure and then covered the person's skin entirely, he is deemed pure. The rationale is that he was previously deemed definitively impure, even though it was the pure one that spread. Furthermore, this ruling applies even if one of the *beharot* was on his upper lip and the other on his lower lip or on two of his fingers or on his two eyelids, and thus when they are closed together, the two *beharot* appear as one. Nevertheless, since *tzara'at* spread over the person's entire skin, he is pure.

7 There are those who show their blemishes to a priest and benefit from doing so, because they showed it to him early and did not delay, and others who suffer from doing so.

What is implied? A person was definitively deemed impure. His signs of impurity disappeared, but he did not have the opportunity to show this development to a priest before the *tzara'at* spread over his entire body. He is pure. If, however, he had acted earlier and showed it to the priest previously, he would have been released from the inspection process before it spread over his entire body. Thus it would have spread after he was released, in which instance, he would be deemed definitively impure, as we explained.

If he had a *baheret* without any signs of impurity and he did not have the opportunity to show it to a priest before it spread over his entire body, he is impure and must be isolated. If, however, he had acted earlier and had shown it to the priest, he would have been isolated before it spread. Thus it would have spread after he was isolated, in which instance, he would be pure, as we explained.

Chapter 8

1 With regard to blemishes of the head and the chin, if the hair would fall out from its roots and leave a portion of skin bare of hair, it is called a *netek*. A *netek* may not be less than the size of a *gris* that is square. This applies whether it appears deep or not. The term "deep" was mentioned with regard to a *netek* only to teach you: Just as a shade that is deep comes about through the hand of heaven, so too, a *netek* must come about through the hand of heaven. This excludes a blemish on a portion of the head or chin whose hair was removed by a person. Such a blemish is pure.
When a woman or a *seris* grow hair on their chins, they can contract the impurity of a *netek* if it falls off.

2 *Netakim* become impure due to two signs: short, golden hair and spreading. There is an isolation period of two weeks. All of this is explicitly stated in the Torah.
What is implied? When a *netek* appears on a man's head or in his beard, if it contains two or more short, gold hairs, and there is no black hair in the *netek* at all, he should be deemed definitively impure. If it did not contain any hair - neither black, nor golden - he should be isolated for a week. On the seventh day, a priest should examine him. If short golden hair emerged or the *netek* spread, the afflicted person should be deemed definitively as impure. If two black hairs emerged, he should be released from the inspection process.
If it neither spread and neither golden nor black hair emerged, the priest should shave around the *netek*, but not the hair directly adjacent to the

netek and isolate him for a second week. The priest should examine him again at the end of the second week. If the *netek* spread or short golden hair emerged, he should be deemed definitively as impure. If nothing changes, he is released from the inspection process. For *netakim* do not require isolation for more than two weeks. If golden hair appears or the *netek* expands after he was released, he is definitively categorized as impure.

3 How is the *netek* shaved? One shaves the area around it and leaves two hairs next to it on every side so that any spread will be noticeable.
This shaving is acceptable no matter which person performs it, as implied by **Leviticus 13:33**: "And he will be shaved." Similarly, the shaving may be performed with any instrument. Even if one is a nazirite, he should shave. If, however, he isolated him without shaving, the isolation is effective.

4 The golden hair mentioned by the Torah must have a golden hue. The term *dak* mentioned there implies that the hair must be short. If, however, they were long, even though they are of a golden hue, it is not a sign of impurity.

5 Two short golden hairs are a sign of impurity. Whether they are adjacent to each other or distant from each other, whether they are in the center of the *netek* or at its extremities, whether the *netek* existed before the golden hair or the golden hair existed before the *netek*, they are a sign of impurity, provided they can be pulled out by tweezers, as explained with regard to white hair.

6 For black hair to save a blemish from being considered a *netek*, there must be two hairs. They do not prevent that categorization unless they are long enough to be bent in half, with their point touching their base. If that criterion is met, their presence is significant whether they are adjacent to each other or distant from each other, provided they are in the center of the *netek* and there is enough empty skin for two hairs to grow between the two black hairs that are located in the *netek* and the hair that is outside it. If, however, the two hairs remain at the extremity of the *netek*, they do not prevent it from being placed in that category.

How do they prevent the *netek* from being considered as *tzara'at*? If two black hairs remain in the *netek*, even though there are golden hairs in the *netek* or it spread, the person is pure. If the person was deemed definitively impure because of golden hair or the spreading of the *netek* and two black hairs grew in it, the *netek* is considered as pure and they counteract the spreading or the golden hair. This applies whether they grew in the middle of the *netek* or at its extremities. For hair that grows prevents a *netek* from being considered as impure in every place within the *netek*, while hair that remains is effective only when it is two hairsbreadth away from healthy hair.

7 The fact that two hairs grow in a *netek*, one black and one white, or gold, or one long and one short, does not prevent a *netek* from being categorized as impure.

8 The following rule applies when a *netek* was deemed definitively impure because of golden hair or spreading and then black hair grew in it and it

was declared pure. Even though the black hair disappeared, the person is pure until other golden hair emerges or the *netek* spread further, as **Leviticus 13:37** states: "The *netek* has been healed; he is pure." Since it was healed, he is pure, even though the original signs of impurity remain unchanged.

9 If a person was deemed definitively impure because of golden hair - whether he was categorized as such originally, after a week of isolation, after two weeks of isolation, or after he was released from the inspection process - and then the golden hair which caused him to be deemed impure disappeared, but other golden hair grew in that *netek* or the *netek* spread, the person is definitively impure, as he was before.
Similarly, if he was deemed impure because a *netek* spread - whether he was categorized as such after a week of isolation, after two weeks of isolation, or after he was released from the inspection process - and then the area to which the *netek* spread healed, but it spread elsewhere or golden hair grew in it, he remains definitively impure as he was. He remains in that state until no sign of impurity remains or two black hairs grow.

10 The following rules apply when there were two *netakim* next to each other and a line of black hair dividing them. If the line of black hair was broken and the *netek* covered it in one place, the original situation prevails, for the black hair that remains is still at the side of the *netakim*. If the *netek* broke through the line of hair in two places, he is pure, because the remainder of the line is now in the middle of the *netek*.

How large must the break between them be? No less than a space sufficient for two hairs to grow. If there was a break in one place the size of a *gris*, the person is impure, because the break itself is considered as another *netek*, because the black hair is at its side and not in its midst.
The following rules apply when there is a *netek* that is surrounded by black hair and there is another *netek* surrounding the black hair. If the hair between them is broken through in one place, the person is impure. The rationale is that the inner *netek* is not saved, because the black hair is at its side, not in its midst. If the hair was broken through in two places, he is pure, even if the broken space is a *gris* in size. The rationale is that the inner *netek* and the outer *netek* became a single entity with black hair in the middle. This applies provided the open space is large enough for two hairs to grow or larger.

11 The following rules apply when there is a *netek* with a strand of bald skin extending from it or two *netakim* with a strand of bald skin connecting them. If this strand is wide enough for two hairs to grow, it can bring about impurity if short golden hair grows in it or its size increases. And new black hair that grows in it can prevent it from being declared impure. The black hair that remains in that strand, by contrast, does not prevent such a categorization unless the strand is as wide as a *gris*.

12 When a person had a *netek* the size of a *gris* on his head and the *netek* expanded until it covered his entire head and no hair was left at all with the exception of less than two hairs, he is pure. This applies whether he became entirely bald while isolated, while deemed definitively impure, or

after he was released from the inspection process, as **Leviticus 13:40** states: "He is entirely bald; he is pure."

Similarly, if a *netek* was on the place of his beard and he lost all his facial hair, he is pure. Although this is not stated in the Written Law, it is part of the Oral Tradition that if all of one's facial hair falls off, he is pure. In such a situation, the skin on his face that became hairless can become impure according to the laws that govern blemishes on the skin, as we explained.

13 When a person comes at the outset with a *netek* covering his entire head or the entire area of his beard, he should be isolated for one week. If golden hair does not grow, he should be isolated for a second week. If short golden hair grows, he should be deemed impure. If not, he should be released from the inspection process. If, however, golden hair grows after he is released, he is deemed as definitively impure. If black hair grows, he is pure.

If someone comes at the outset with a *netek* covering his entire head or the entire area of his beard and black hair appeared, he is pure as stated. If the black hair disappears, he is impure, because the *netek* spread.

14 Total baldness on the head and the area of the beard are not dependent one on the other. The two areas are not combined together, nor is there a concept of *tzara'at* spreading from one to the other. This is derived from **Leviticus 13:30** which speaks of: "*tzara'at* of the head or of the beard," teaching that they are considered as two different categories.

What is the area where the beard grows? From the joint of the upper jawbone until the Adam's apple. A virtual line is drawn from one ear to

the other. Any place where hair grows that is from the line and above is considered as part of the head. From the line and below, it is considered as part of the area of the beard.

Chapter 9

1 Everyone can become impure due to *tzara'at* blemishes, even a new-born baby or servants, but not gentiles or resident aliens. Anyone is acceptable to inspect such blemishes. A person can inspect all blemishes except his own.

2 Even though everyone is acceptable to assess blemishes, the designation of a person as impure or pure is dependent on a priest.
What is implied? If there is a priest who does not know how to assess blemishes, a sage should observe them and instruct him: "Say 'You are impure,'" and the priest says: "You are impure;" "Say 'You are pure,'" and the priest says: "You are pure." "Isolate him," and he isolates him. The pronouncement must be made by a priest, because **Deuteronomy 21:5** states: "Their statements will determine every quarrel and every blemish." Even if a priest is a minor or intellectually or emotionally incapable, the sage instructs him and he declares the person definitively impure, releases him from the inspection process, or isolates him.
When does the above apply? When the priest relies on the words of the sage. If, however, the priest assesses the blemish and relies on his own understanding, it is forbidden for him to assess any blemish unless he is instructed by a master and is thoroughly versed in all the blemishes and

their names, including the blemishes that affect a person and those that affect clothes and houses.

3 A priest who declared a person who was pure as impure or a person who was impure as pure does not affect his status, as can be inferred from **Leviticus 13:44**: "He is impure and the priest shall deem him impure" and *ibid.*:37: "He is pure and the priest shall declare him pure." When a person who contacted *tzara'at* is healed, either after isolation or after having been deemed definitively impure, he remains impure even for several years,until a priest tells him: "You are pure."

4 A priest is not permitted to deem a person impure until he focuses his sight on the blemish when compared to the flesh outside of it. The priest who inspected a blemish initially should be the one who inspects it at the end of the first week and at the end of the second week. He is the one who places the person in isolation, deems him definitively impure, or releases him from the inspection process.

If the priest who initially inspected the blemish dies or becomes sick, another priest should inspect it. The second priest cannot deem it impure because its size increased, because only the first priest can tell whether it increased or not.

A priest's word is accepted if he says: "This blemish increased in size" or "This blemish did not increase in size," "This white hair preceded the blemish," or "This blemish preceded the white hair."

5 A *challal* is not acceptable to inspect blemishes, as can be inferred from

Leviticus 13:2: "One of the descendants of Aaron, the priests," i.e., when their priestly status is intact. One who is disqualified from serving in the Temple because of physical blemishes is fit to inspect blemishes, provided he is not blind, even in one eye. Indeed, even a priest whose eyesight has become impaired should not inspect blemishes, as is derived from *ibid*:12: "the entire vision of the eyes of the priest."

6 Blemishes may be inspected only during the day, whether to isolate a person, to deem him definitively impure, or to release him from the inspection process as pure, for throughout the passage the term "on the day" is used.

A blemish should not be inspected in the early morning, nor towards evening, nor inside a building, nor on a cloudy day, because then a darker hue of white will look brighter. Nor should it be inspected at noon, because then a brighter hue of white will look darker.

When should it be inspected? In the fourth hour after sunrise, in the fifth hour, in the eighth hour, and in the ninth hour. This applies to blemishes on a person's body, those on garments, and those on buildings.

7 Blemishes can be inspected on any day with the exception of the Sabbath and the holidays. If the seventh day of a person's isolation falls on the Sabbath or a holiday, the inspection is postponed. This leads to both leniencies and stringencies. For it is possible that the blemish would have been deemed impure on the Sabbath and, on the following day, the signs of impurity will have disappeared. Conversely, it is possible that, on the Sabbath, the blemish would have been deemed pure and on the following

day, signs of impurity will appear. The determination of one's status is made only at the time of the inspection after the Sabbath.

8 When a blemish appears on a bridegroom, he is given all seven days of celebration. Similarly, if a blemish appears on his garments or his home, it is not inspected until after the seven days of his celebration. Similarly, during a festival, he is given all the days of the festival before an inspection is made, as indicated by **Leviticus 14:36**: "And the priest shall give a command and they will empty the home." Now if the Torah postponed the matter for the sake of concerns that are merely permitted, i.e., so that one's utensils not be deemed impure, the inference can certainly be made, that judgment should be postponed for a mitzvah.

9 A person should not be isolated, deemed definitively impure, or sent away except on the day the blemish was first inspected, the seventh day afterwards, or the thirteenth. This applies with regard to blemishes for which the isolation period is two weeks, because the seventh day is counted when calculating the first week and the second week. It is valid for all blemishes, those on a person's body, those on garments, and those on buildings.

10 A person should not be isolated a second time in the midst of a period of isolation. Nor is one deemed definitively impure if a sign of impurity appears during the days of isolation. Nor is one who has been deemed definitively impure deemed definitively impure for another blemish that appeared, nor is he sent into isolation for a blemish that is fit to require

isolation if it appears in the time he is definitively impure.

If, however, a person has two blemishes and a priest sees one and then the other, it is permitted for him to say: "You are isolated because of this one and deemed definitively impure because of the other one" or "You are deemed definitively impure because of this one and isolated because of the other one." This applies whether at the time of the initial examination, at the conclusion of the first week or at the conclusion of the second week.

Two blemishes should not be seen at the same time, whether on one person or on two people, as implied by **Leviticus 13:3**: "And the priest shall see *the blemish*."

11 When a blemished person comes to a priest for an examination, he should not tell him: "Go and return." Instead, he should attend to him immediately. If two people come before him, he should examine the first and then isolate him, release him from the inspection process, or deem him definitively impure and then examine the second person.

12 It is not necessary for a priest to look carefully at the blemished person's underarms, between his testicles, or in the creases of his flesh, lest there be a blemish there, as implied by **Leviticus 13:12**: "the entire vision of the eyes of the priest." This also applies when a person has become entirely white.

How should a person with a blemish stand before a priest to be inspected? If male, he is inspected while naked, standing like one who is hoeing and like one who is harvesting olives. If female, she is inspected while naked, sitting on the ground like one who is kneading dough, like one who

nurses her child, or like one who weaves with a standing loom, in which instance she raises her right hand until she reveals her underarm.
If a blemish can be detected when a man or a woman is in these positions, he or she is impure. If it cannot be detected in such a position, no attention is paid to it. Just as a person appears for the inspection of his blemish, so must he appear for his shaving. If hair could be found on any portion of his flesh when a man is standing naked like one who is hoeing or like one who is harvesting olives or a woman is sitting in the position described, the shaving is acceptable. The priest is not required to search in other places to see if hair remains, even though he is required to remove all the person's hair, as will be explained.

Chapter 10

1 A person who removes the signs of impurity, whether all of them or part of them, or who burns the healthy flesh in a *baheret*, whether partially or entirely, or who removes an entire blemish from his flesh, a garment, or a building, violates a negative commandment, as **Deuteronomy 24:8** states: "Be very careful with regard to a *tzara'at* blemish, to watch it carefully, and to act according to everything that the priest, the Levites, will instruct you, as you were commanded, you shall heed." Implied is that one should not remove hair nor cut off any sign. This applies before the priest comes for an initial examination, after the person has been isolated, after he has been deemed definitively impure, or after he has been sent away as pure.
He is not, however, liable for lashes unless his acts are effective. If his acts are not effective, he is not liable for lashes. What is implied? If a person

had a *baheret* with three white hairs and he pulled out one or he burnt a portion of the healthy flesh in a *baheret*, but a lentil-sized portion remained, he is not liable for lashes, because he is impure, as was his status previously. Similar laws apply in all analogous situations. He is, however, given stripes for rebellious conduct.

Similarly, one who shaves the hairs next to a *netek* is liable for lashes, as **Leviticus 13:33** states: "He shall not shave the *netek*." He is not liable unless he shaves the entire area around the *netek* with a razor.

It is permitted for a person afflicted with *tzara'at* to carry a pole on his shoulder on which there is a *tzara'at* blemish or to tie palm bast on his foot on which there is a blemish. If the signs of impurity are removed, they are removed, provided he does not have the intent of removing them.

2 A person who removes signs of impurity or who burns healthy flesh before the inspection performed by a priest is pure. Similarly, if he does so in the days of his isolation, he will be considered pure after the days of his isolation. If, however, he removed them after he was deemed definitively impure because of them, he remains impure as was his status. He cannot regain purity unless the *tzara'at* covers his entire body or unless his *baheret* becomes smaller than a *gris*.

3 When a person cuts off his entire *baheret* unintentionally, he is pure. Different rules apply if he cut it off intentionally. If he cut off all the healthy flesh surrounding the *baheret*, even a hair's width, he can never become pure. If he cut it off exactly, he cannot regain purity unless the *baheret* covers his entire body.

4 When one pulls out one white hair and the second fell off on its own accord, the person is pure. If there were three and he pulled out two and one fell off on its own, he remains impure.

If there was a portion of healthy flesh in a *baheret* the size of a lentil and one burnt half of it and half disappeared, he is pure. If the healthy flesh was larger than a lentil, one burnt off the part greater than a lentil and the lentil sized portion disappeared naturally, he is pure. If he burnt off the portion the size of a lentil and the remainder disappeared, he is impure.

5 When a person has a *baheret* on his foreskin, he should be circumcised even though the circumcision is not being performed on the designated day. The rationale is that the performance of a positive commandment supersedes the observance of a negative commandment in all instances.

If the person was circumcised and the removal of the foreskin also caused the removal of the sign that caused him to be deemed impure, he is obligated to bring the sacrifices of a person becoming purified from *tzara'at*.

6 It is a positive commandment for a man afflicted with *tzara'at* who was deemed as definitively impure to cover his head throughout the time he is impure, he should be cloaked until his lips like a mourner, his clothes should be torn and he must notify those who pass by him that he is impure, as **Leviticus 13:45** states: "And the person afflicted with *tzara'at* who has the blemish shall...." Even a High Priest who becomes afflicted with leprosy covers his head and tears his clothes, for a positive commandment supersedes a negative commandment.

He is forbidden to greet others throughout the time he is deemed impure, as a mourner is, as can be inferred from the continuation of the above verse: "he shall cover his lips," i.e., his lips shall be closed together. He may, however, read Scripture, study Mishnah, and elucidate Torah teachings.

He is forbidden to have his hair cut and launder his clothes throughout the time he is deemed definitively impure. He must conduct himself with these restrictions even on Sabbaths and holidays. He is, however, permitted to wash, anoint himself, wear shoes, engage in physical intimacy, and have his bed stand upright like other people.

7 The law is that a person afflicted by *tzara'at* should have a dwelling alone outside the town, as indicated by **Leviticus 13:46**: "outside the camp where he dwells." This restriction applies only in walled cities in *Eretz Yisrael*.

8 A woman afflicted by *tzara'at* does not cover her head, rend her garments, or cloak her face. She does, however, dwell outside her town and inform others that she is impure. Indeed, not only those afflicted by *tzara'at*, but all those who impart impurity to other people are obligated to inform everyone that they are impure so that they will separate themselves from them, as implied by *ibid.*:45: "'Impure, impure,' he shall call out." That can be interpreted to mean "The impure person shall inform others that he is impure."

9 A *tumtum* and an *androgynus* should cover their heads, rend their garments, and cloak their faces, because their status is in doubt.

10 The same laws apply to both a person afflicted with *tzara'at* who is isolated and one who is definitively deemed impure. With regard to impurity, there is no difference between a person afflicted with *tzara'at* who is isolated and one who is definitively deemed impure except covering one's head, rending one's garments, shaving, and bringing fowl. One who is deemed pure after being isolated is exempt from shaving and bringing fowl, while one who is deemed pure after having been deemed impure has these obligations. Nevertheless, with regard to impurity, they are equal in all matters.

11 A person afflicted with *tzara'at* is a primary source of impurity. He imparts impurity to humans and implements through touching them and to earthenware containers when a portion of his body enters their inner space. He imparts impurity to a person when carried by him and an object over which he lies or sits even if there is a stone intervening between him and their surface, as is the law regarding a *zav* and a *zavah*. This is derived from **Leviticus 13:6**: "He shall launder his garments." According to the Oral Tradition, it was taught that he becomes pure with regard to imparting impurity to the objects on which he lies or sits. All of these laws apply equally to one isolated because of *tzara'at* and one deemed definitively impure].

12 There is an additional dimension of severity with regard to a person afflicted by *tzara'at*. He imparts impurity to a building when he enters it, whether he is in the midst of the time when he has been deemed impure or whether he is during his period of isolation.

What is implied? If he enters a building, everything - whether humans or implements - that is in the building contracts impurity. Even though the afflicted person did not touch them, they become primary derivatives of impurity. The impurity of the building which the afflicted person enters is derived from the phrase, **Leviticus 13:46**: "outside the camp where he dwells." Implied is that just as he is impure, his dwelling is impure.

If he was standing under a tree and a person who was ritually pure passed under the tree, that person contracts impurity. If a person who was pure was standing under the tree and a person afflicted by *tzara'at* passed under it, he does not impart impurity to him. If the afflicted person stood, the other person became impure, because the place became the afflicted person's dwelling. If it is unknown whether he stood or not, the other person is pure.

If a person afflicted by *tzara'at* inserted his head and the majority of his body into a building, everything in the building becomes impure. If he desires to enter a synagogue, a partition that is ten handbreadths high and encompasses an area four cubits by four cubits should be constructed for him. He should enter first and leave last so that he will be dwelling alone and will not stand together with the other people and impart impurity to them.

Chapter 11

1 The purification of a person afflicted with *tzara'at* is a positive commandment and his shaving is also a positive commandment.

How is a person who had been afflicted by *tzara'at* purified? He should

bring a new earthenware container - the Received Tradition teaches that it must be new. A fourth of a *log* of "living water" that is fit to be sanctified as water for the sprinkling of the ashes of the red heifer is placed in it. This measure is a Rabbinic institution.

Two sparrows that are kosher must be brought for the sake of purifying a *tzara'at* affliction, as **Leviticus 14:4** states: "For the one who is to be purified will be taken...." He should slaughter the healthier of the two over the water in the earthenware vessel and squeeze out the blood until it is apparent over the water. He then digs a hole and buries the slaughtered bird in the presence of the afflicted person. This is one of the points received through the Oral Tradition.

He takes a cedar branch - the mitzvah is that it be a cubit long and a fourth the thickness of a bedpost. And he takes a hyssop whose name is not described by an additional term, as we explained, that is not less than a handbreadth long, and a crimson strand weighing a *shekel*. If one used the dye for another purpose, it is disqualified, as is the rule regarding dyeing wool with blue dye to use for *tzitzit*. All of these measures are laws transmitted to Moses at Sinai.

A priest takes the three items mentioned above together with the living fowl. All these four items are fundamental requirements. When the cedar branch and the hyssop have been peeled, they are invalid. The hyssop should be bound together with the cedar branch with the crimson thread. The tips of the wings and the tips of the tail of the living bird should be held close to them and the four should be dipped in the water in the container and the blood floating on top of it. He then sprinkles with them seven times on the back of the hand of the afflicted person and sends away

the fowl.

How does he send the fowl away? He stands in the town and casts it outside the wall. He does not turn its head to the sea, to the town, or to the desert, as *ibid.*:53 states: "Outside the city, towards the field." If he sends away and it returns, he should send it away again, even 100 times.

Afterwards, the priest shaves the afflicted person. How does he shave him? He passes a razor over all his skin that is visible including his underarms and pubic region until his entire flesh is smooth like a squash, as *ibid.*:9 states: "He shall shave all of his hair." If so, why does the verse mention his beard and his eye-brows? To include everything like them and to exclude the hair in the nose, because it is not visible.

Afterwards, he "launders" his garments, immerses himself, and becomes pure with regard to conveying impurity when he enters a building or to the article on which he lies or sits. He may enter within the town's wall. He counts seven days. During them, he is forbidden to engage in physical intimacy, as alluded to by *ibid.*:8: "outside his tent." This teaches that he is forbidden physical intimacy. A woman afflicted by *tzara'at*, by contrast, is permitted physical intimacy.

2 For the duration of these seven days, he is still considered as a primary source of impurity and imparts impurity to people and to utensils when touching them, but not when being carried by them. This is indicated by **Leviticus 14:9** which states: "And it shall be on the seventh day,... he shall launder his garments...." This teaches that before then, he imparted impurity to his garments. Just as he would impart impurity to his garments by touching them, so too, he would impart impurity to a person

when touching him, for any source of impurity that imparts impurity to garments, imparts impurity to humans.

On the seventh day, the priests shaves him a second time like the first. He "launders" and immerses himself, thus becoming pure with regarding to imparting impurity to others. He is like all those who immersed and will become pure in the evening. He may partake of the second tithe. After nightfall, he may partake of *terumah*. Once he brings his atonement offerings, he may partake of sacrificial foods, as we explained.

3 When he shaves these two times, he must shave only with a razor. If he shaves with something other than a razor or left two hairs, his actions are of no consequence. The shavings should be performed only by a priest. If he left two hairs in the first shaving and shaved them off in the second shaving, he is considered to have performed only one shaving.

The entire day is acceptable for the shaving of a person afflicted by *tzara'at*.

4 The shaving of a person afflicted by *tzara'at*, his immersion, and sprinkling the blood of the slaughtered bird upon him are not dependent on each other. Each of the other actions involved in his purification are dependent on each other.

5 The slaughter of the fowl, the shaving, and the sprinkling of the blood must be performed during the day. The remainder of the actions may be performed either during the day or at night. The above three must be performed by males. The remainder may be performed by men or by

women. The above three must be performed by priests. The remainder may be performed by priests or Israelites.

6 The purification of a person afflicted by *tzara'at* is carried out in *Eretz Yisrael* and in the Diaspora, while the Temple is standing and in the era when the Temple is not standing.

It is a mitzvah for the priest who deemed the person impure to perform his purification as indicated by **Leviticus 13:59** which states: "to purify him or deem him impure."

Every one is acceptable to perform the purification of a person afflicted by *tzara'at*, even a *zav* or one who is impure due to contact with a corpse may perform this purification. One person afflicted with *tzara'at* may not perform the purification for another. Two people afflicted with *tzara'at* should not be purified at the same time, for mitzvot should not be performed in bundles.

7 The cedar branch, the hyssop, and the scarlet cord that were used to purify one person afflicted with *tzara'at* may be used to purify others. Similarly, it is permitted to use a fowl that was sent away to purify other people afflicted with *tzara'at* and it is permitted to be eaten. It is, however, forbidden to benefit from the fowl that was slaughtered. From when is it forbidden? From the time that it was slaughtered.

When it was slaughtered, but there was no hyssop, cedar branch, or scarlet cord, it is nevertheless, forbidden to benefit from the slaughtered fowl. The rationale is that slaughter which is not befitting is still considered as slaughter. A person who partakes of an olive-sized portion of the

slaughtered fowl violates a positive commandment and a negative commandment. For **Deuteronomy 14:12** states: "These are what you may not eat from them." According to the Oral Tradition, it was taught that the wording also includes the fowl that was slaughtered in this purification process. And it is written *ibid.*:11: "You shall eat all pure fowl." This is a positive commandment. From it, however, one can infer a prohibition: that other species may not be eaten. When a prohibition is derived from a positive commandment, it is considered as a positive commandment.

8 The two fowl may not be taken from the fowl of a condemned city, nor from fowl exchanged for idols, nor from fowl that killed a person. The optimum way of performing the mitzvah is for the two fowl to be alike in appearance, size, and value, and to be purchased at the same time. Nevertheless, even if they are not alike, or one purchased one on one day and the other on the next, it is acceptable.

If one purchased two fowl for the sake of the purification of a man, it is acceptable to use them for the purification of a woman. Conversely, two purchased for the purification of a woman are acceptable to be used for the purification of a man. If they were taken to purify an afflicted house, they are acceptable to be used for purifying a person. If they were taken to purify a person, they are acceptable to be used for purifying an afflicted house. These concepts may be inferred from **Leviticus 14:4** which states: "For the one who is to be purified will be taken...."

9 If one of them was slaughtered and discovered not to be a sparrow, another one should be taken for the second. It is permitted to partake of

the one that was slaughtered. If one of them was slaughtered and discovered to be *tereifah*, another one should be taken for the second. It is permitted to benefit from the one that was slaughtered.

10 If the blood was spilled, the fowl that would have been sent away is left until it dies. If the fowl to be sent away dies before the sprinkling, the blood is poured out and two other fowl are taken.

Chapter 12

1 The minimum measure for a *tzara'at* affliction for garments is a *gris* like an affliction for humans. An affliction smaller than a *gris* is pure. There are three distinguishing marks for the afflictions of garments: intense green, intense red, and the spreading of the affliction. All three are explicitly mentioned in the Torah.

"Intense green" refers to a dark green hue, like the wings of a peacock or the leaves of a date palm. "Intense red" refers to a dark red hue, a deep red, like fine scarlet thread. These two signs can be combined with each other.

When an affliction is intense green or red, the garment is placed in isolation. If this sign remains for two consecutive weeks, the garment is deemed impure and burnt. Similarly, if the size of the affliction increases, the garment is deemed impure and burnt.

What is implied? When an intense green or an intense red affliction is visible on a garment, it should be isolated for seven days. On the seventh day, it should be inspected. If it expanded, it is deemed definitively

impure and burnt. If its appearance remained unchanged, but it did not increase in size, or it increased, but its color faded from the two colors because of which it was isolated, or its color became more intensely red or green, but it did not increase in size, the place of the blemish should be washed, and the garment isolated for a second seven day period. At the end of the second week, i.e., the thirteenth day, it should be assessed. If it turned to a third color, the garment should be washed and it is pure. If the color of the blemish changed from its original hue, i.e., initially, it was intense green, and it became intense red, or initially, it was intense red and then it became intense green, the place of the blemish should be ripped out and a patch sewn in the place that was ripped out. The remainder of the garment is released from the inspection process. It should be laundered a second time, immersed in the *mikveh* and then it is pure.
If, at the time of the second inspection, the blemish retained the appearance for which it was initially isolated, it should be deemed definitively impure and should be burnt in its entirety.

2 When a blemish that was intense green increased in size, but the new portion was intense red, or it was intense red and increased, but the increase was green, it is considered as an increase.

3 When in the midst of a blemish, there was a portion of the garment that was unsoiled and unblemished and then the blemish spread into it, the blemish is not considered to have increased in size. It must increase outward. An increase within the blemish itself is not considered as an increase, not for a blemish on a person's body, nor for one on garments or

on buildings.

4 If a blemish spreads to the place immediately adjacent to it, even the slightest spread is considered a sign of impurity. If a blemish appears on a distant place on the garment or one returns after the initial blemish disappeared or was removed, it must be a *gris* in size.
What is implied? If a garment was isolated and then another blemish the size of a *gris* emerged some distance from the blemish for which it was isolated, it is considered to have spread and it is burned. If the second blemish is less than a *gris*, no attention is paid to it. Similarly, when a blemished portion was removed from a garment as explained and then a blemish the size of a *gris* returned, it should be burnt. Similarly, if a blemish increased in size after the garment was released from the inspection process, the garment should be burnt.

5 When a person washes a blemish at the end of the first week as we explained, one should also wash part of the garment that is adjacent to it, as implied by **Leviticus 13:54**: "that on which the blemish is found." Whenever blemishes on a garment must be washed, we use the seven detergents that are used when checking a bloodstain, as explained with regard to *nidah* impurity.

6 The following laws apply when the blemished portion of a garment was torn out and a patch sewn in its place, as we explained. If a blemish the size of a *gris* returned to a different place on the garment, the patch may be removed and saved, while the remainder of the garment must be burnt.

If the blemish returned and appeared on the patch, the entire garment must be burnt.

7 The following rules apply when a person takes a patch of cloth from a garment that was isolated and sews it on a pure garment. If a blemish became manifest on the initial garment again, the patch should be burnt together with it. If the blemish appears again on the patch, the first garment must be burnt and the patch obligates the garment on which it is sewn to be assessed for signs of impurity. If the blemish remains unchanged for two weeks or increases in size, the entire second garment is burnt.

8 When a garment comes initially entirely intense green or intense red, it should be isolated for one week after another. If the blemish remains unchanged for two weeks, the garment should be burnt. If, however, a garment was isolated because of a blemish and the blemish spread over the entire garment, causing it to become entirely intense green or intense red or the garment was released from the inspection process and after it was released, the blemish returned entirely intense green or intense red, it is pure.

If a blemish was washed and it spread, the garment should be burnt.

9 When the loose strands of the fabric of a garment extend beyond the fabric of the weave, e.g., a coarse woolen blanket, and a blemish appears in those strands, the blanket is not impure unless the blemish appears in the fabric and the weave itself.

The terms used by **Leviticus 13:55** with regard to garment *bikarachto* and *bigabachto* mean the following: *Karachto* refers to worn out garments; *gabachto*, to new ones.

10 Colored garments do not contract impurity due to blemishes of *tzara'at*. This applies whether they were dyed by human activity or naturally colored. To contract such impurity, they must be white. If the warp of a garment was colored and its woof, white, or if its woof was colored and its warp, white, everything follows its appearance.
When there is a knit that is less than three fingerbreadths by three fingerbreadths, it does not contract impurity due to blemishes of *tzara'at*.

11 When a cloth was woven less than three fingerbreadths by three fingerbreadths and a blemish was discovered on it and afterwards, one increased its size and made it more than three by three, it is pure.

12 When a person sews patches together, each one being less than three fingerbreadths by three fingerbreadths, and makes a garment from them, it can contract impurity due to blemishes. The rationale is that sewing is like weaving and it is considered as one garment.

13 If a garment was made from many patches, some colored and some, white, and a *tzara'at* blemish was discovered on a white patch, it should be isolated. If the blemish remains unchanged for two weeks, the entire garment is deemed impure and burnt. Similarly, if the blemish spreads to another white patch, the blemish is considered to have increased in size even though a colored patch intervenes between them.

If the garment was entirely colored except for one line, even if only a *gris*, it should be isolated if a blemish appears on it. For if it remains with the original color, without increasing its intensity or fading for two weeks, the garment should be burnt.

Chapter 13

1 The only garments that contract impurity due to *tzara'at* blemishes are wool and linen garments, cloths where the warp or woof is made of wool or linen, and any leather utensil, whether hard or soft. Even leather that is colored naturally is susceptible to impurity because of blemishes. Felt is considered like garments and is susceptible to impurity because of blemishes. Tents are susceptible to impurity because of blemishes whether they are made from wool or linen or they are leather.

2 All garments of wool and linen are susceptible to impurity except those belonging to gentiles. When a person purchases a garment from gentiles, if *tzara'at* appears on it, it should be viewed as if for the first time. When a garment is made from mixed species - wool and linen - it can incur impurity because of *tzara'at* blemishes.

3 The following rules apply when camels' wool and sheep's wool were spun together: If the majority is camels' wool, it does not contract impurity because of blemishes. If the majority is sheep's wool, it does. If equal amounts are used, it can incur impurity. The same laws apply when flax and hemp are mixed together.

The wool of a sheep born from a goat does not contract impurity because of blemishes. When the warp of a garment was linen and its woof, hemp, or its warp hemp and its woof, linen, it does not contract impurity because of blemishes. Similarly, if its warp or woof was linen or wool and the remainder goat's hair or the like, it does not contract impurity because of blemishes.

4 A hide that was not processed does not contract impurity because of blemishes. Similarly, a hide that is an unformed mass before implements were made from it, does not contract impurity because of blemishes. This can be inferred from **Leviticus 13:52** which speaks of "leather articles." Nevertheless, all leather articles - whether flat or receptacles - are susceptible to impurity because of blemishes.

5 The hides of sea-animals do not contract impurity because of blemishes. If anything that grows on the earth was connected to such a hide, even a strand or string of wool or flax or the hide of an animal or a beast that was processed to any degree, and an implement was made, *tzara'at* blemishes can cause it to contract impurity, provided it was connected to it in a manner that garments are connected with regard to impurity.

6 All utensils that are fit to contract other types of impurity - even though they are not fit to contract the impurity that results when a *zav* treads on them, because they are not meant to be lied upon or sat upon - are susceptible to impurity because of blemishes. To cite examples: a ship's sail, a curtain, a barber's sheet, a mantle for scrolls, a belt and laces for

shoes and sandals that are a *gris* wide. These all contract impurity because of blemishes. Needless to say, other articles do, e.g., pillows and cushions.
A leather drinking pouch and a carrying case should be inspected in their ordinary fashion. A blemish is considered to have increased in size when it spreads from their inner side to their outer side or from their outer side to their inner side. Similar laws apply in all analogous situations with regard to all two-sided leather utensils.

7 When a sheet is creased, its creases are straightened out and then its blemishes are inspected.

8 The thread for the warp and the woof - whether of wool or of linen - are susceptible to impurity because of blemishes immediately after it has been spun even though the linen has not been whitened, nor the wool soaked in hot water.
How much thread must be on a ball of thread for it to contract impurity because of blemishes? Enough to weave a cloth three fingerbreadths by three fingerbreadths from it, both the warp and the woof. This applies whether it was all warp threads or all woof threads. If the ball of thread was collected from separate threads, it is not susceptible to impurity because of blemishes.

9 The following law applies when a) they are two balls of thread connected to each other with a thread, b) part of the warp thread is wound over the top frame of the loom and part over the bottom frame of the loom, or c) one side of a cloak is connected to the other with one strand. If a blemish

is discovered on one of these entities, the other is pure even though the strand connects them.

If a blemish is discovered in the weaving thread and in the warp that has not yet been woven, even though a portion of the blemish exists on the cloth and a portion on the warp, it is impure. If, however, the blemish appears on the unwoven warp alone, the woven cloth is pure. If the blemish appears on the woven portion alone, the unwoven warp is pure.

If a blemish appears on a wrapping blanket, the strands protruding from it should be burnt with it. If the blemish appears on the strands, the wrapping blanket is pure. If the blemish spreads from the strands to the wrapping blanket, the wrapping blanket is impure.

10 When a blemish is discovered in a cloak, its borders may be saved. Even if the border is made of wool or linen, it can be saved and should not be burnt.

11 When a garment that was isolated because of a blemish was dyed or sold to a gentile, it is pure. Similarly, if it became mixed with others, they are all deemed pure. If the owner cut it up and made it into small strands, each one less than three fingerbreadths by three fingerbreadths, it is pure and it is permitted to benefit from it. If one of the strands was three fingerbreadths by three fingerbreadths and the blemish was discovered on it, it alone is impure.

12 When a garment that had been definitively deemed impure became mixed with others, they are all considered impure and must be burned. This

applies even if one is mixed with several thousands. Similarly, even if it was cut up into strands, there are all impure and it is forbidden to benefit from them.

13 With regard to ritual impurity, a garment or a leather utensil or threads for the warp or the woof that were isolated or deemed impure is considered a primary category of ritual impurity and is analogous to a person who contracted *tzara'at* in all respects. It imparts impurity when touched, when carried, when brought into a building, and imparts impurity to couches and seats on which it is placed even if they are under a stone.

What is implied? When one brings even an olive-sized portion of a garment or a leather utensil or threads for the warp or the woof that were blemished into a building that is ritually pure, everything in the building - humans and utensils - become primary derivatives of impurity. Similarly, if there is a couch or a seat located under a stone and one places an olive-sized portion on the stone, the couch or the seat becomes impure.

14 When a cloth is three fingerbreadths by three fingerbreadths even though it does not possess the mass of an olive-sized portion, it renders a house that was pure impure when brought inside. If it was the size of several olive-sized portions, once an olive-size portion is brought into a building that is pure, it renders it impure.

Although all the measures are halachot transmitted to Moses at Sinai there is an allusion in the Torah to the concept that an olive-sized portion of a blemished garment conveys impurity. For **Leviticus 14:54-55** states: "For

all blemishes of *tzara'at*, for a *netek*, for the *tzara'at* of garments and of houses." An association is made between blemishes affecting humans and those affecting garments and houses. Now a person afflicted by *tzara'at* is equated with a human corpse, as **Numbers 12:12** states: "Let her not be as a corpse." Hence, just as the minimum measure for a portion of a human corpse that imparts impurity is an olive-sized portion, the minimum measure for these is an olive-sized portion.

15 Blemished garments are sent outside a city, whether it is surrounded by a wall or not. This reflects a stringency relevant to garments over humans.

Chapter 14

1 Houses with *tzara'at* blemishes are deemed impure when the blemishes are the length of two *grisim*. Thus the width of the blemish is approximately the size of a place where six hairs grow on the body and its length is a place for 12 hairs. It must be rectangular. Any blemish on a house smaller than this measure is pure. All of the measures are halachot transmitted to Moses at Sinai.

2 There are three distinguishing marks of impurity for *tzara'at* in houses: an intense green or intense red appearance and the spreading of the affliction. These are all explicitly mentioned in the Torah.

The two abnormal appearances can be combined with each other. If a blemish spreads to the place immediately adjacent to it, even the slightest spread is considered a sign of impurity. If it spreads to a distant place, the

new blemish must be a *gris*. When a blemish returns after the house is plastered, it must be two *grisim*.

3 Blemishes on buildings do not impart impurity until the abnormal appearance is seen below the surface of the wall, as implied by the term *shika'rurot*, interpreted as meaning "sunk in the walls," used by **Leviticus 14:37**. A blemish with either of these two appearances causes the building to be isolated or definitively deemed impure. If it increases in size, it should be torn down and if it spread after it was replastered, the entire house must be torn down, as will be explained.

4 When a blemish appears in a house, even a sage who knows that it is definitely a blemish should not definitively say: "A blemish appeared in my house." Instead, he should tell the priest, "It appears that a blemish appeared in my house. The priest will then issue an order to remove everything from the house, even bundles of wood and bundles of reeds. Afterwards, the priest will come and inspect the blemish.

5 We do not open windows in a closed house to inspect its blemishes. Instead, if a blemish is not visible in its present state, it is pure.

After a priest will inspect a blemish, he should depart and stand at the entrance to the house, near the lintel and either isolate, deem definitively impure, or release the house from the inspection process, as *ibid.*:38 states: "And the priest shall leave the house, going to its entrance... and he shall isolate the house." He should not isolate a house while he is in his own house, in the blemished house, or under its lintel. Instead, he should stand

at the side of its entrance. If he stood under the lintel or went to his own house and isolated a house, it is isolated.

6 A house is not deemed impure because of a blemish unless it is four cubits by four cubits or more, it has four walls, and it is built on the earth with stones, earth, and wood, for **Leviticus 14:45** mentions: "its stones, its wood, and its earth." If, however, it is less than four cubits by four cubits, it is round, triangular, or pentagonal, it was built on a ship or suspended on four beams, it is not susceptible to the impurity stemming from a blemish. If it was built on four pillars, it is susceptible to the impurity stemming from a blemish.

7 How many stones must be in a house? No less than eight, two stones on each wall so that every wall would be fit to have a blemish. For a house it is not susceptible to the impurity stemming from a blemish unless a blemish the size of two *grisim* appears on two stones, as indicated by **Leviticus 14:40** which mentions: "the stones in which the blemish is located."

How many boards must it contain? Enough to place under the lintel. How much earth? Enough to place between one broken stone and another. If a house contained less than these measures, it is not susceptible to the impurity stemming from a blemish.

8 Neither bricks nor marble are considered as stones in this context. When there is a house that one of its walls is coated with marble, another is made from a boulder, the third, of stones, and the fourth, from earth, it is

not susceptible to the impurity stemming from a blemish.

9 When a house did not have the required measure of stone, wood, and earth and a *tzara'at* blemish was discovered in it and then additional stones, wood, and earth was brought for it, it is pure.

10 When plants were used as the covering for a house, they are considered as a permanent part of it. Since they are serving the purpose of wood, they are considered as wood. If the house becomes impure, they contract the severe impurity associated with it, as will be explained.

11 Houses located in Jerusalem and the Diaspora are not susceptible to the impurity stemming from blemishes, as implied by **Leviticus 14:34**: "in a house in the land of your ancestral heritage." Jerusalem is thus excluded, because it was not divided among the tribes. The houses of gentiles in *Eretz Yisrael* are not susceptible to the impurity stemming from blemishes.

12 When one purchases houses from gentiles, they should be given an initial inspection.

13 When a gentile lives on one side of a house and a Jew on the other side or one side of a house was in *Eretz Yisrael* and the other in the Diaspora, it is not susceptible to the impurity stemming from blemishes. All other buildings in *Eretz Yisrael* are susceptible to the impurity stemming from blemishes. This applies regardless of whether they were colored naturally or colored because of human activity.

14 The house of a woman, a house belonging to partners, a synagogue or a house of study that has a dwelling for attendants or students is susceptible to the impurity stemming from blemishes.

15 The walls of a feeding stall and the walls of a partition in a house are not susceptible to the impurity stemming from blemishes.

Chapter 15

1 There is an isolation period of three weeks, i.e., nineteen days, for blemishes on houses. For the seventh day counts for the first and the second week and the thirteenth day counts for the second and the third week. Thus if three weeks are necessary, an inspection is made on the seventh day, the thirteenth day, and the nineteenth day. The isolation of a house for three weeks is not explicitly mentioned in the Torah. Similarly, most of the laws applying to blemishes on houses were conveyed by the Oral Tradition.

2 The explicit laws pertaining to them that are stated in the Torah and the Received Tradition are as follows: When a priest comes to see a intense green or intense red blemish that is sunk beneath the surface on the wall of a dwelling, as we explained, he should isolate the house for seven days. Even if at the outset, it was entirely intense green or intense red, he should isolate it. On the seventh day, he should inspect it. If the blemish faded or, needless to say, if it disappeared, he should scrape away the place of the blemish and the house is deemed pure.

If its color remained, but it did not spread, it should be isolated for another week and inspected on the thirteenth day. If it faded or, needless to say, if it disappeared, he should scrape away the place of the blemish and purify the house with fowl.

If, at the end of the second week, he discovered that the blemish had spread or retained its color, he should remove the stones on which the blemish had been manifest, scrape off the mortar that had supported them and deposit it outside the city. He should plaster the entire house and isolate it for a third week.

On the nineteenth day, he should inspect it. If the blemish returned and comprised two *grisim*, this is considered to be spreading after plastering and the entire house should be destroyed. If the blemish did not return, he should purify the house with fowl. If, however, at any time before it is purified with fowl, the blemish returns, the house should be destroyed. If another blemish appears in the house after it was purified, it should be inspected as if for the first time.

Similarly, if the blemish spread at the end of the first week, he should remove the stones on which the blemish had been manifest, scrape off the mortar that had supported them and deposit it outside the city. He should plaster the entire house and isolate it for a second week. Afterwards, he should inspect it. If the blemish returned and comprised two *grisim*, this is considered to be spreading after plastering and the entire house should be destroyed. If the blemish did not return, he should purify the house with fowl. If, however, at any time before it is purified with fowl, the blemish returns, the house should be destroyed. If another blemish appears in the house after it was purified, it should be inspected as if for the first time.

3 When the priest removes the stones on which the blemish was found, he should not remove less than two stones. He may not take stones from one side of the house and bring them to the other, for **Leviticus 14:42** states: "And they shall take other stones." Similarly, he may not take mortar from one side of the house and bring it to the other, for that verse states: "And he shall take other mortar and plaster the house."

He may not plaster the house with lime, only with mortar, for the verse states: "And he shall take other mortar." He should not bring one larger stone in place of two that he removed or two smaller stones in place of one that he removed. Instead, he should bring two in place of two. He may, however, bring two in place of three.

4 If there was a blemish on a wall between one person's house and another's, they both must remove the stones; they both must scrape away the mortar, and they both must bring other stones. The owner of the blemished house alone brings the new mortar, as implied by **Leviticus 14:42** states: "And he shall take other mortar and plaster the house." From the use of a singular form, we learn that his neighbor does not join with him in the plastering.

5 The following laws apply when there is a blemish on a stone in the corner of a house. When the owner removes the stone, he removes it entirely. If he must destroy the house, he must destroy only his own and leave his neighbor's. There is an unresolved question if the part of the stone that projects into his neighbor's house is considered as a handle to his stone and brings impurity to it.

6 When a blemish was discovered in a house and there was a loft built over it, the beams of the ceiling should be left for the loft. If it was discovered in the loft, the beams should be left for the house. If there was no loft on top of it, all of its stones, wood, and mortar are destroyed with it. The partitions on the roof and the lattice of the windows may be saved.

7 When a person takes stones from a house that had been isolated and builds them into a house that is pure, if the blemish returns to the house that had been isolated, he should remove those stones from the pure house. If the blemish appears on the stones that he added, the isolated house should be destroyed and the second house isolated, as is the law with regard to a house on which a blemish is first discovered.

8 How is a house on which there was a blemish purified after the stones were removed and it was plastered? One should bring "living water" in an earthenware container, two fowl, a cedar branch, a hyssop, a crimson strand, like the purification of a man in every respect. The difference is in the purification process of a man, one sprinkles the blood seven times on the back of the hand of the afflicted person. And in the purification process of a house, one sprinkles the blood seven times on the lintel of the house from the outside. The remainder of the practices are the same.

Chapter 16

1 A blemished house is a primary source of impurity. Anyone who touches it contracts impurity. Similarly, the stones that are removed from it after it

was isolated or the stones, the wood, and the mortar of the house when it is destroyed are all considered as primary sources of impurity. An olive-sized portion of them imparts impurity to a person and to implements when touched or carried or when such a substance is brought into a house.

What is implied? If an olive-sized portion of such a substance is brought into a house, everything in the house - people and implements - contract impurity. For all these substances impart impurity when brought into a house like a person afflicted with *tzara'at* and it is forbidden to benefit from all of them. If one burns them and makes lime, it is forbidden to benefit from it, as implied by **Leviticus 14:44**: "accursed *tzara'at*," which can be interpreted as a command: "Consider it a curse and do not benefit from it." All these materials should be discarded outside the city even if it is not surrounded by a wall.

2 A house that is isolated imparts impurity only from the inside, as **Leviticus 14:46** states: "One who enters the house throughout the days of its isolation shall become impure until the evening." A house that has been deemed definitively impure, by contrast, imparts impurity from its inside and from its outside, i.e., one who touches its back contracts impurity, as implied by *ibid.*:44: "It is accursed *tzara'at* in the house; it is impure." Now was it pure beforehand? Rather, the intent is to increase its impurity over and above that which existed previously and have it deemed impure in its entirety. Hence, it imparts impurity even from the outside. Similarly, the stones on which the blemish is found in an isolated house impart impurity from their outside as well.

3 Both a house that is isolated and one that is deemed definitively impure impart impurity when they exist inside another structure.

What is implied? When there was a house built over a blemished house - whether one that was isolated or one that was deemed definitively impure - or there was a tree that stood over such a house, a person who stands under the tree or who enters the outer house is impure. The rationale is that he and the impure house are under one covering. Similarly, if a blemished stone was brought inside a structure and placed down there, everything in the house becomes impure. If such a stone was placed under a tree and pure person passed there, he becomes impure. If the pure person was standing under a tree and a person carrying a blemished stone passed by there, he does not contract impurity. If he placed it down there, he does contract impurity. The rationale is that the place of a blemished entity has the same status as he does. This applies to blemished persons, implements, stones, wood, and mortar.

4 When a person holds his hand over a blemished stone or a blemished stone is held over him, he is pure unless he touches it.

5 When a ritually pure person enters an impure house backwards, even if his entire body enters aside from his nose, he remains pure. This is derived from **Leviticus 14:46** which mentions: "The one who comes into the house." Implied is that the Torah prescribed impurity only when one enters in an ordinary manner.

6 When a ritually pure person inserted his head and the majority of his

body into an impure house, he contracts impurity. Similarly, when a portion of a ritually pure garment three fingerbreadths by three fingerbreadths is brought into an impure house, it becomes impure. And when any portion of the inner space of an earthenware container enters an impure house, it becomes impure. Other *keilim*, by contrast, do not contract impurity unless the majority of the *k'li* is brought in. Once the majority is brought in, it contracts impurity immediately.

When does the above apply? To garments that were taken into a house when no one was wearing them. If, however, a Jewish person entered a blemished house wearing his clothes, his shoes on his feet, and his rings on his hands, the person becomes impure immediately and his garments are pure until he remains there for the amount of time a person could sit there and eat three egg-sized portions of bread from wheat together with accompanying food, as implied by **Leviticus 14:47**: "One who lies in the house will launder his garments and one who eats in the house will launder his garments." Now would one think that a person's garments do not contract impurity until he eats in the blemished house? Instead, the intent of the verse mentioning eating is to establish an equation between eating and lying, to clarify that the measure of time necessary for one who lies there to contract impurity is the measure of time associated with eating. And the same laws apply to one who lies, one who sits, or one who stands. If he remains there for long enough to eat the above-mentioned measure of food, his garments contract impurity.

7 When a person entered an afflicted house carrying his garments on his shoulder, his shoe and his rings in his hands, he and they are impure

immediately, for the only garments that are saved from becoming impure immediately are the garments that he is wearing. Similarly, when a gentile or an animal entered an afflicted house while wearing garments, the garments contract impurity immediately. The gentile, like the animal, does not contract impurity.

8 When a person who was standing in a blemished house extended his hands outside the house while wearing his rings on his hands, the rings contract impurity even though they are outside the house if he remains there for the amount of time necessary to eat the measure of food mentioned.

Similarly, if a person is standing outside and he inserted his hands inside an afflicted house, his hands alone contract impurity. If he kept them there for the amount of time necessary to eat the measure of food mentioned, his rings contract impurity. If not, they are pure.

9 Whenever the contents of a container are saved from contracting impurity because of a sealed covering under a shelter where a corpse is found, they are saved from contracting impurity in an afflicted house, when the container is covered. Whenever the contents of a container are saved from contracting impurity because they are covered in a shelter where a corpse is found, they remain pure even if they are uncovered in an afflicted house.

What is implied? When there are earthenware, stone, or earthen containers or the like containing food, beverages, and implements and they were covered in an afflicted house, the containers and everything they

contain remain pure even though they are not sealed close. When there is either a storage pit or a cistern in an afflicted house, the implements in them are pure, even though they are open.

10 *Tzara'at* is a collective term including many afflictions that do not resemble each other. For the whitening of a person's skin is called *tzara'at*, as is the falling out of some of the hair of his head or beard, and the change of the color of clothes or houses.

This change that affects clothes and houses which the Torah described with the general term of *tzara'at* is not a natural occurrence. Instead it is a sign and a wonder prevalent among the Jewish people to warn them against *lashon hora*, "undesirable speech." When a person speaks *lashon hora*, the walls of his house change color. If he repents, the house will be purified. If, however, he persists in his wickedness until the house is destroyed, the leather implements in his house upon which he sits and lies change color. If he repents, they will be purified. If persists in his wickedness until they are burnt, the clothes he wears change color. If he repents, they will be purified. If he persists in his wickedness until they are burnt, his skin undergoes changes and he develops *tzara'at*. This causes him to be isolated and for it to be made known that he must remain alone so that he will not be involved in the talk of the wicked which is folly and *lashon hora*.

The Torah warns about this, stating **Deuteronomy 24:8-9**: "Take care with regard to a *tzara'at* blemish.... Remember what God your Lord did to Miriam." Now, this is what the Torah is implying: Contemplate what happened to the prophetess Miriam. She spoke against her brother. She

was older than he was; she had raised him; and she had endangered herself to save him from the sea. She did not speak pejoratively of him; she merely erred in equating him with the other prophets. Moses did not object to any of this, as **Numbers 12:3** relates: "And the man Moses was exceedingly humble." Nevertheless, she was immediately punished with *tzara'at*. Certainly, an inference can be made with regard to the wicked and foolish men who speak extensively about great and wondrous matters. Therefore a person who seeks to structure his course of conduct should distance himself from their gatherings and from speaking to them so that he will not become caught up in the web of their wickedness and foolishness.

This is the path followed by the gathering of wicked fools: In the beginning, they speak excessively about empty matters, as **Ecclesiastes 5:2** states: "The talk of a fool is characterized by a multitude of words." As a result of this, they come to speak negatively of the righteous, as reflected by the verse **Psalms 31:19**: "May the lying lips be silenced; those which speak falsehood about a righteous man." As a consequence, they will become accustomed to speaking against the prophets and casting aspersions on their words, as reflected by the verse **II Chronicles 36:16**: "They would abuse the messengers of God, scorn His words, and mock His prophets." And this would lead them to deny God's existence entirely, as reflected in the verse **II Kings 17:9**: "And the children of Israel spoke in secret things that were not true against God, their Lord."

In this vein, **Psalms 73:9** states: "They set their mouths against Heaven and their tongues strut on earth." What caused them to "set their mouths against Heaven"? Their tongues which previously were given free reign on

earth. This is the speech of the wicked that is caused by loitering on the streetcorners, frequenting the assemblies of commoners, and spending time at the parties of drunkards.

In contrast, the speech of proper Jewish people only concerns words of Torah and wisdom. Therefore, the Holy One, blessed be He, assists them and grants them merit because of it, as **Malachi 3:16** states: "Then those who fear God conversed, each person with his fellow and God listened and paid heed. And a book of remembrance was composed before Him for those who fear God and contemplate His name."

Mishneh Torah, Those Who Defile Bed or Seat

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 A *zav*, a *zavah*, a woman in the *nidah* state, and a woman after childbirth: all these four types of individuals are primary sources of impurity. They impart impurity to implements through touching them and impart impurity to other persons by touching them or carrying them. They impart impurity to the objects on which they lie, sit, or ride and cause them to also be considered as a primary source of impurity. And they impart impurity to the objects above them.

2 Whether a woman is a minor *zavah* or a major *zavah*, whether her bleeding is natural or comes as a result of an outside cause, and whether a *zav* experienced two *zav* emissions or three, her or his impurity is the same with regard to imparting impurity to others.

3 An infant girl one day old can contract *nidah* impurity. At ten days old, she can contract *zivah* impurity. A female of three years old can impart impurity to a man with whom she engages in relations, as will be explained.

4 A male minor can contract *zav* impurity at the age of one day. Converts, servants, and natural-born Jews are all the same with regard to contracting the impurity of *nidah* and *zivah*.

5 A person who was castrated or one who is born sexually impotent may contract impurity because of a *zav* discharge like other men.

6 A woman does not contract impurity because of a *zav* discharge, nor does a man contract impurity because of reddish discharge. Instead, only a woman contracts impurity because of reddish discharge, and a man, because of a *zav* discharge.

7 The stringencies applying to both males and females are applied to a *tumtum* and an *androgynus*. They contract impurity because of a *zav* discharge like a man and because of uterine bleeding like a female. Their impure status is a matter of question. Hence *terumah* or sacrificial food that they touch is not burnt, nor are they held liable for entering the Temple or partaking of sacrificial food in a state of impurity. If a *zav* discharge and uterine bleeding is secreted from such a person at the same time, *terumah* or sacrificial food that they touch is burnt. Nevertheless, they are not held liable for entering the Temple or partaking of sacrificial food in a state of impurity, as **Numbers 5:3**: "Male and female alike shall you send forth." Implied is that the impurity of a male must be definitive and the impurity of the female must be definitive.

Similarly, even if one touches a *zav* discharge and uterine bleeding from such a person simultaneously, he is not liable for entering the Temple in a state of impurity or for partaking of sacrificial foods in such a state. If a *tumtum* and an *androgynus* himself touched both a *zav* discharge and uterine bleeding that secreted from him, he is liable for entering the Temple in a state of impurity.

8 Even the slightest amount of the blood of *nidah*, the blood of *zivah*, or the blood of a woman who gave birth imparts impurity when touched or carried, as implied by **Leviticus 15:33**: "A woman who suffers because of her *nidah* state and one who experiences a flow...." According to the Oral Tradition, it was taught her secretion imparts impurity like she does.
We already explained with regard to the prohibition of a *nidah*, that there are five shades of impure bleeding experienced by a woman. If, however, she secretes a green blood-like discharge, it is pure. It does not resemble her saliva or other fluids that she discharges. The difference is that saliva collects and is discharged as drops, while this flows out and descends.

9 When a woman gives birth to a child through Cesarean section and uterine blood was released from her body together with the child, that blood is a primary source of impurity like the blood of *nidah*, childbirth, or *zivah*. The rationale is that the uterus is a place of impurity for all blood that emerges from it. The woman is ritually pure unless the blood flows out through her vaginal channel.

10 When the uterus of a woman is ripped away from its place and falls to the earth, the woman is impure until the evening. Similarly, if the uterus discharged two pearl-like drops of fluid, the woman is impure until the evening. She is, however, not a *nidah* unless she discharges one of the five types of blood that render her impure.

11 If a woman discharged one drop of a white fluid, she remains pure, for that certainly comes from outside the uterus.

12 The discharge of a *zav* is considered as a primary source of impurity like a *zav* himself, as implied by **Leviticus 15:2**: "His discharge is impure." Even the slightest amount of it imparts impurity when touched or when carried.

The first discharge of a *zav* does not impart impurity when carried. It is considered like semen. This applies whether it was discharged by an adult man or a male child. Similarly, any bed or seat on which such a person sat between the first discharge and the second discharge is pure, for one is not categorized as a *zav* until he experiences two discharges, as we explained in *Hilchot Mechusrei Kapparah*. If he experiences one discharge that lasts as long as two, only one who moves the last drop contracts impurity.

13 The first *zav* discharge of a person afflicted by *tzara'at* imparts impurity when touched or when carried, as implied by **Numbers 5:2**: "All those afflicted with *tzara'at*, every *zav*, and all those impure because of contact with a corpse." The verse establishes an association between a person afflicted with *tzara'at* and *zav* in the complete sense of the term. Just as the discharge of a *zav* in the complete sense of the term imparts impurity when carried, so too, even the first discharge of a person afflicted with *tzara'at* imparts impurity.

14 The saliva, semen, and urine of a *zav* - all three of them are primary source of impurity according to Scriptural Law. Even the smallest amount of each of them imparts impurity when touched or carried. These concepts are derived as follows. With regard to the saliva of a *zav*, **Leviticus 15:8** states: "When a *zav* will spit upon a pure person,... he shall

be impure until the evening." And it is impossible that the urine or the semen of a *zav* will not have some drops of his *zav* discharge.

15 The same laws that apply to a *zav* apply also to a *nidah*, a woman after childbirth, and a *zavah*. The saliva and the urine of each of them is a primary source of impurity like that of a *zav*. Similarly, whenever the term *zav* is used in these laws, the intent is either a *zav* or one of the other three.

16 There are nine types of fluids produced by a *zav*. Three of them are primary sources of impurity: his saliva, his semen, and his urine. Even the slightest amount of them imparts ritual impurity to a person or an implement, as we explained.

Three of them are considered as a derivative of impurity: tears, blood from a wound, and a woman's milk. Each one of these is considered as an impure fluid that does not impart impurity to humans, but does impart to implements according to Rabbinic Law, as will be explained. And there are three which are pure: sweat, puss, and feces. The laws that apply to these three fluids from a *zav* and the others like him are the same as when these fluids that are discharged by an ordinary person who is pure.

His phlegm, spittle, and mucus are considered like saliva in all contexts and they are included in the term saliva. When blood flows from the male organ or from the mouth, it is considered as the blood of a wound. If a person sucks a wound and spits out the blood, it imparts impurity like saliva does. For it is impossible that the blood that he sucks will not have drops of saliva.

Chapter 2

1 Uterine bleeding of a *nidah*, a *zavah*, or a woman in childbirth, imparts impurity whether it is moist or dry. Nevertheless, the discharge of a *zav*, his saliva, and his semen impart impurity only when moist. If, however, they are overly dry, they do not impart impurity.

To what extent must these substances be dry not to impart impurity? If they would return to their natural state after being soaked in lukewarm water for 24 hours, they impart impurity as if they were moist. If they would not return to their natural state after this, they are considered as having been dried out, even if the water was lukewarm at the outset even though it was not lukewarm at the end of the 24 hour period. All of these matters are part of the received tradition.

2 When flax was spun by a woman in the *nidah* state, one who moves it is pure. If it was moist, it imparts impurity because of the saliva from her mouth.

3 When a *zav* places his mouth on a cup and then changes his mind and decides not to drink from it, one who moves the cup remains pure. If the *zav* drank even the slightest amount from it, a person who moves it is impure because of the liquid from the mouth of the *zav*.

4 When a *zav* bites into a piece of bread or an onion, a person who moves them is considered pure. If he bites into a zucchini or a cucumber, one who moves them is impure, because of the liquid from the mouth of the

zav which becomes mixed with them.

5 When the shells of beans and vetch were cut off by a gentile, one who moves them is impure, because gentiles are considered like *zavim* in all contexts, as will be explained. The ruling concerning shells in the marketplace depends on the majority.

6 When impure blood becomes mixed with water, the entire mixture is pure if there is no appearance of blood. If such blood becomes mixed with pure blood and/or with wine, we consider the wine and the blood as if they were water.

Similar laws apply if impure saliva becomes mixed with water. If the saliva remains a viscous entity as is its natural state, it is impure. If it is reduced to nothing in the water and it is no longer visible as a distinct entity, everything is pure. If it becomes mixed with other saliva, we consider the pure saliva as if it was water.

Similarly, when the urine of such an impure person becomes mixed with water, if it is no longer visible as a distinct entity, the entire mixture is pure. If not, it is impure. If it is mixed with wine or pure urine, we consider the wine or the pure urine as if it was water.

If the urine of a Jew becomes mixed with the urine of a gentile, the ruling is determined by the majority. What is implied? When there is a urinal into which both gentiles and Jews would urinate, if the majority of those who use the urinal are gentiles, all its contents are impure. If the majority are Jewish, all its contents are pure. If equal numbers use it, all its contents are impure. Similarly, if the urine of one gentile is mixed with the urine of

one Jew, the ruling is determined by the majority.

7 Urine can be borrowed from Jews in all situations. We do not suspect that it is from a *nidah*, for Jewish women were not suspect to save their urine when in the *nidah* state.

8 When a urinal into which a *zav* or a *zavah* would urinate was washed once or twice, the fluid with which it was washed is deemed impure. After the third washing, whether it was washed with water or other urine, the fluid is pure, because it can be assumed that none of the impure urine remained.

9 When at the conclusion of the seven spotless days she is required to count, a *zavah* felt that she had already begun to urinate, but nevertheless contained herself, descended to a *mikveh* immersed herself, and only urinated after the immersion, the status of the urine is in doubt. It is unresolved whether we consider the urine as if it had emerged originally while she was a *zavah* or after it actually emerged when she is pure. Similarly, if a gentile woman who had already begun to urinate, but nevertheless contained herself, converted, immersed herself, and only urinated after the immersion, the status of the urine is in doubt. It is unresolved whether we consider the urine as if it had emerged originally and it is considered as the urine of a gentile woman or after it actually emerged, and is considered as the urine of a pure Jewish women.

10 Canaanite maidservants and servants contract impurity due to *zivah, nidah*, and childbirth, like Jews do. Gentiles, by contrast, do not contract

impurity not through *zivah, nidah*, or childbirth according to Scriptural Law, as can be inferred from **Leviticus 15:2** which states: "Speak to the children of Israel and tell them: 'A man should he experience a discharge.'" Implied is that the children of Israel contract impurity through *zivah*, but not the gentiles.

Our Sages, however, decreed that all gentiles impart impurity like *zavim* in all contexts, both males and females, provided the male is nine years old or more and the female is three years old or more. They did not decree that children under these ages contract impurity, for the primary reason for the decree is that a Jewish child will not be involved in sodomy with gentiles and there is no concept of sexual intimacy for children of younger ages.

When this decree was instituted, they did not decree against the semen of a gentile. Instead, the semen of a gentile is pure, as is its status according to Scriptural Law. Why was a decree not instituted to render it impure? To make it known that the gentiles' impurity is of Rabbinic origin. For everyone knows that if their status as *zavim* was Scriptural in origin, their semen would be impure like the semen of a *zav*. And since they know a gentile's impurity is of Rabbinic origin, they will not burn *terumah* and sacrificial food to which they imparted impurity.

Thus we can infer that all of the following: a gentile male's *zav* discharge, a gentile woman's *nidah* blood, her *zivah* blood, and the blood that comes at childbirth, a gentile man and a gentile woman, even though they are pure from any uterine bleeding and discharges, the saliva of gentiles, their urine, the couches on which they lie, the saddles on which they ride, and one who has relations with a gentile woman are all primary sources of

impurity according to Rabbinic Law.

Therefore, one is not liable for entering the Temple or partaking of sacrificial food if one contracted impurity from one of these sources, nor is *terumah* burnt if it contracted impurity from such a source. All of them do, however, impart impurity to people and implements through physical contact and impart impurity to a person when carried as a *zav* does in all contexts. It is just that the impurity is of Rabbinic origin, as stated above.

Blood from a gentile woman's uterine bleeding is considered as her saliva and her urine and it imparts impurity when moist, but not when dry.

Chapter 3

1 A person who has intimate relations with a *nidah* is impure like she is. He is one of the primary sources of impurity according to Scriptural Law. He imparts impurity to *keilim* by touching them and imparts impurity to people through carrying, touching, and moving, and he imparts impurity to the surface on which he lies or rides like a *nidah* does.

2 The status of the impurity imparted by a man who was intimate with a *nidah* to a surface on which one lies or rides is not the same as that imparted by a *nidah* to a surface on which one lies or rides. For a surface on which one lies or rides that was stepped on by a *nidah* is a primary source of ritual impurity. In contrast, a surface on which one lies or rides that was stepped on by a man who was intimate with a *nidah* is a derivative of ritual impurity like *keilim* that he touched which do not impart impurity to other people or to other *keilim*, only to foods and

liquids.

Why is the impurity that he imparts of a lesser status than the impurity that she imparts? Because with regard to a man who was intimate with a *nidah*, **Leviticus 15:24** states: "Her *nidah* impurity will be imparted to him and he will be impure for seven days" and continues: "Any surface on which he lies shall be impure." Now, since it is stated: "Her *nidah* impurity will be imparted to him," would it not be obvious that he imparts impurity to a surface on which one lies? Why then was it stated? According to the Oral Tradition, it was taught that the Torah removed it from the severe category of impurity in which it imparts impurity to people and *keilim* and placed it in a lesser category in which a surface on which he lies is a derivative and does not impart impurity to people and *keilim*, only to foods and liquids like other derivatives of impurity.

3 A man contracts the impurity of one who is intimate with a *nidah* or a *zavah* when he is intimate with such a woman or if he is intimate with a woman who is watching one day because of a day of impurity, or a woman after childbirth, whether the two engaged in vaginal or anal intercourse, whether he inserted only the corona or inserted the entire male organ, and whether it was an adult male who was intimate with a minor or a male minor who was intimate with an adult woman.

When does the above apply? When the male involved is at least nine years old and the woman involved at least three years old. If, however, either is younger than this, the male does not contract the impurity of one who has relations with a *nidah*, only that of one who touches a woman in the *nidah* state. His impurity is thus considered a derivative; he is not a

primary source. Similarly, one who sodomizes a *zav* is considered as one who touches a *zav*. Also, the same laws that apply to one who touches a *zav* apply to a woman who is intimate with such a person.

4 All of the following - *nidah*, a *zavah*, a woman who is watching one day because of a day of impurity, or a woman after childbirth even if she did not experience uterine bleeding - contract impurity retroactively for a twenty-four hour period or until the last vaginal inspection the woman made. This is referred to as the twenty-four period of a *nidah*.

What is implied? A woman who did not have a fixed time when she would menstruate was pure. She made a vaginal inspection in the morning and found that she was pure. At noon, she made another vaginal inspection and discovered blood. Accordingly, any ritually pure entities that she touched between the first inspection and the second inspection are impure retroactively. Similarly, if she made a vaginal inspection one day and found herself pure and made another inspection two or three days afterwards and discovered uterine bleeding, all of the articles she touched within twenty-four hours before the inspection during which she discovered the bleeding are considered as impure retroactively.

A checking cloth used after intimacy is considered as a vaginal inspection, but one used before intimacy is not, because she does not make a thorough inspection with it.

5 A woman who has a fixed time when she menstruates and discovers uterine bleeding at that time is impure only from that time onward. She is not impure retroactively. If the fixed time when she menstruates arrives

and she did not inspect herself and then inspected herself after the passage of several days and discovered uterine bleeding, she is considered as impure retroactively and is assumed to be a *nidah* from the fixed time that she usually menstruates. This is the impurity associated with the fixed time for menstruation referred to universally.

If the woman discovered that she was pure when she inspected herself after her fixed time for menstruation, she is pure.

6 Whenever a woman has a fixed time during which she menstruates, she will also experience physical symptoms at the onset of menstruation, e.g., she will yawn, sneeze, feel heaviness and strain at the opening to her stomach and lower body, become overcome by trembling, or feel that her head and limbs are heavy, or the like.

There are women whose pattern is to experience bleeding immediately after one of these physical symptoms begins. And there are other women who will wait, and continue experiencing these symptoms for an hour or two and experience bleeding only at the end of the expected time. When a woman's pattern is to experience bleeding at the beginning of the expected time, any pure articles she touches during the expected time are impure. If her pattern is to experience bleeding at the end of the expected time, any pure articles she touches during the expected time are pure. She is only concerned about the articles she touched from the time she is accustomed to experience bleeding until she actually discovers bleeding.

7 When a woman discovers a bloodstain, she is retroactively impure until the time she made an inspection. Similarly, a garment on which a stain

was discovered is retroactively impure.

Until when? Until such a time concerning which the woman says: "I checked this garment and it did not have a bloodstain." Even if she washed the garment, but did not inspect it, it is impure retroactively from before she washed it until the time when it was inspected. Even if a moist stain was found, she is considered impure retroactively until the time she made an inspection. The rationale is that there is reason to say that it was there previously and now water fell upon it and caused it to become moist.

8 A bloodstain discovered by any of the women who are impure only from the time they discover uterine bleeding onward is equivalent to the discovery of uterine bleeding and does not cause her to contract impurity retroactively.

Any of the women who contract impurity retroactively, whether they discovered uterine bleeding or a bloodstain, also impart impurity retroactively to surfaces upon which one lies or rides, causing them to impart impurity to a person or to garments. Similarly, their saliva and urine impart impurity retroactively. They even impart impurity retroactively to an earthenware container that is sealed closed.

They do not, however, impart the severe impurity associated with intimacy with a *nidah* to a man who is intimate with them. He is considered only as if he touched them. Whenever a woman discovers a bloodstain, a man who is intimate with her after she discovered the stain is considered impure as one who was intimate with a *nidah*.

9 When a fetus sticks out his hand from the womb of a pregnant woman, his mother contracts the impurity of a woman who gave birth.

The impurity of a woman whose fetus sticks out its hand, the impurity imposed retroactively for 24 hours or until the previous inspection that was mentioned, the impurity associated with the fixed time when a woman usually menstruates, and the ritual impurity associated with bloodstains are all Rabbinic decrees and were instituted because of a doubt. Therefore *terumah* and sacrificial foods are not burnt because of them. Instead, the ruling concerning them is held in abeyance. Similarly, the ruling concerning ordinary foods that were treated with the sanctity associated with sacrificial foods that contracted impurity from one of these sources is held in abeyance. Nevertheless, ordinary food that is treated with the sanctity associated with *terumah* and ordinary food from which *challah* has not yet been separated do not contract impurity from any of these sources, for they are Rabbinic decrees.

Thus one can conclude that: all of these women mentioned previously in this halachah, an object on which one lies or rides to which they imparted impurity, their saliva, their urine, one who is intimate with a woman who discovered a bloodstain after the bloodstain was discovered, one who was intimate with a woman after the fetus stuck out a limb and then returned it, are all primary sources of impurity according to Rabbinic decree.

Chapter 4

1 There are four women who are impure only from the time they discover uterine bleeding onward. They do not impart impurity retroactively. They

are: a woman who is pregnant, one who is nursing, a maiden, or one who is elderly.

What is meant by a pregnant woman? A woman whose pregnancy has become obvious. If she was considered as pregnant and then experienced uterine bleeding and discharged a sack full of air or an entity that is not considered as a fetus, her status continues without and she is impure only from the time she discovers uterine bleeding onward. If she experienced uterine bleeding and directly afterwards, her pregnancy became obvious, she becomes impure retroactively like other women.

What is meant by a woman who is nursing? A woman within 24 months of childbirth, even if her child died within this time, she weaned him, or gave him to a nursemaid, she is impure only from the time bleeding is discovered. After 24 months, even if she continues to nurse, she becomes impure retroactively like other women.

What is meant by the term "a maiden"? A girl who has never menstruated, i.e., the intent is a maiden with regard to menstruation and not a maiden with regard to hymeneal bleeding. What is implied? Even if she was married and experienced uterine bleeding because of marriage or she gave birth and experienced uterine bleeding because of birth, she is still considered as a maiden with regard to the ruling that she is impure only from the time she discovers uterine bleeding onward.

What is meant by the term "elderly woman"? A woman who did not menstruate for three months as she approached advanced age. When is she considered elderly? When she is called an old woman by others in her presence and she does not protest. If three 30-day intervals pass and then she menstruates, another three 30-day intervals or more or less pass, and

she menstruates, she is considered like other women and imparts impurity retroactively.

2 When a girl menstruates for the first time, even if her blood is flowing or dripping for all seven days, it is considered as if she experienced bleeding once. If she experienced bleeding, it stopped and then started again, it is considered as if she experienced bleeding twice.

3 When a young girl who had not yet reached the age when she is expected to menstruate experiences uterine bleeding for the first and second times, she is impure only from the time she discovers uterine bleeding onward. If she experiences bleeding a third time, she imparts impurity retroactively. If three months then pass without her menstruating and then she menstruates, she is impure only from the time she discovers uterine bleeding onward. If three other months then pass without her menstruating and then she menstruates, she is impure only from the time she discovers uterine bleeding onward. If three other months then pass without her menstruating and then she menstruates, she is impure retroactively.

4 When a young girl reaches the age when she can be expected to menstruate and experiences uterine bleeding for the first time, she is impure only from the time she discovers uterine bleeding onward. From the second occasion onward, she imparts impurity retroactively. If three months then pass without her menstruating and then she menstruates, she is impure only from the time she discovers uterine bleeding onward. If

three other months then pass without her menstruating and then she menstruates, she is impure retroactively.

5 If a pregnant woman, one who is nursing or elderly, or a girl who has never menstruated, but has reached the age when that is likely experiences uterine bleeding once, she is impure only from the time she discovers uterine bleeding onward. If such a woman experiences bleeding a second time, she imparts impurity retroactively like all other women, as explained. If, however, the first time she experienced bleeding, it came because of external factors, she is impure only from the time she discovers uterine bleeding onward, even if she experiences bleeding a second time.

6 When a pregnant or nursing woman experienced uterine bleeding and then a three month interval passed before she experienced bleeding again, she is impure only from the time she discovers uterine bleeding onward. If another three months pass without her menstruating and then she experiences uterine bleeding again, i.e., a third experience of bleeding when counting the first, she imparts impurity retroactively.

When a woman experiences uterine bleeding within 24 hours of experiencing "the bleeding of purity," she is impure only from the time she discovers uterine bleeding onward.

Any woman about whom it is said, "she is impure only from the time she discovers uterine bleeding onward," must continuously inspect herself even though she does not impart impurity retroactively. All women who inspect themselves frequently are praiseworthy, with the exception of a woman in the *nidah* state and a woman who is granted "the bleeding of

purity," for whom the inspections are of no consequence whatsoever.

7 The Sages ordained that Jewish women should inspect themselves every day in the morning because of the pure articles that they touched the previous evening and in the evening, because of the pure articles they touched in the morning. Whenever a woman partakes of *terumah*, she should inspect herself when she partakes of the *terumah*.

Every woman should inspect herself before she is intimate with her husband, because she also inspects herself for the sake of pure articles. If, however, she does not have to do with pure articles, she need not inspect herself for the sake of intimacy with her husband. For every woman who has a fixed time when she is expected to menstruate can operate on the presumption that at other times, she is pure with regard to relations with her husband, as we explained with regard to the laws of *nidah*.

8 Jewish young girls who have not reached puberty may operate under the assumption that they are pure. It is not necessary that women inspect them. Once they reach puberty, they must undergo an inspection and they should be inspected by mature women.

9 When a woman who is a deafmute, an intellectually or emotionally compromised woman, or one who lost control of her mental faculties due to sickness has an intellectually capable woman who cares for her, they may partake of *terumah*.

10 Any garments stained with blood coming from Jewish homes are assumed to be impure. Those coming from gentile homes are considered to be

pure. Those found in Jewish cities are considered to be pure. For Jews are not suspected of casting away their bloodstained garments. Instead, they are hidden away.

Accordingly, any bloodstained garments that are discovered are considered as pure with the exception of those in holes and around an impure room. In all instances, the impurity is only a decree, imposed because of doubt, as we explained.

11 Whenever a bloodstained garment is found, it should be treated with seven detergent agents. Afterwards, whether or not the stain is purged, the garment is immersed in a *mikveh* and then is deemed pure.

The rationale is that if it is not purged at all, it was a tint. If it was purged or its color faded, it is assumed to be a bloodstain. Since it was treated with these seven detergents, the blood has already been nullified even though a trace of it is still apparent. Even when a stain definitely came from *nidah* bleeding, once it was treated with these seven detergent agents, the blood is considered as nullified. The garment may be immersed and then used in connection with ritually pure entities.

12 When a bloodstain on a garment is no longer detectable, the entire garment should be treated with the seven detergent agents and then immersed.

The following laws apply when semen is no longer detectable on a garment: If it the garment was new, it should be checked with a needle. If the garment was worn, it should be inspected in the sun.

13 The following laws apply when a garment that was stained was immersed in the *mikveh* and then brought into contact with ritually pure articles. If afterwards it was treated with the seven detergent agents and was not purged, it is a tint. The ritually pure articles with which it came into contact remain ritually pure and there is no need to immerse it again. If the stain was purged or faded, it is a bloodstain. The pure articles are impure, because the person was concerned with the stain as evidenced by his removal of it. The garment must be immersed a second time to purify it.

14 When a stain was treated with six of the seven detergent agents and it was not purged and then it was treated with soap and it was purged, the pure articles with which it came into contact contract impurity. Although soap removes tints as well, since the garment was not treated with all seven detergent agents, it is presumed that it was a bloodstain and that, had the seventh agent been used, it would have been purged.

If one treated a stained garment with all seven detergent agents and the stain was not purged and then treated it with them again and it was purged, but a trace remained, all of the pure articles with which it came into contact between the first washing and the second washing are pure. All of the pure articles with which it came into contact after the second washing are impure. The rationale is that since he showed his intent that he objects to any trace of the stain and desires to remove all remnants of it, the garment is impure until all remnants are nullified and it is immersed in a *mikveh*.

In *Hilchot Issurei Bi'ah*, we already explained the seven detergent agents

with which a stain is treated and how it is treated with them.

15 When a woman dies and afterwards menstrual blood flows from her body, it imparts impurity to garments it stains. The rationale is that the uterus is an impure place. Hence, even though the blood flowed out after she died and the laws of *nidah* no longer apply, since it emerged from an impure place, it imparts *nidah* impurity to garments it stains. If it comprises a *revi'it*, it imparts impurity to everything under the same shelter and it imparts impurity to garments it stains.

Chapter 5

1 A *zav*, a *zavah*, a *nidah*, and a woman after childbirth remain impure and impart impurity to humans, articles, and articles on which one sits or lies until they immerse. Even if they remained several years without an impure emission, but did not immerse, they remain impure.

2 When a woman after childbirth does not immerse after the seven days of impurity obligated after the birth of a male child and the fourteen days obligated after the birth of a female child, any blood that will be discharged afterwards even though it is discharged during her days of purity, is like the blood of a *nidah* and imparts impurity whether it is moist or dry. Scripture did not make the matter dependent on days alone, but on days and immersion.

3 When a woman who gave birth descended to immerse herself to make the transition from impurity to purity and she discharged blood as she was

descending and emerged from the inner space of her uterus, it is impure. Immersion has no effect on this blood even though it is still within her body. If she discharges it as she ascends from immersion in the *mikveh*, it is pure. For it is "pure blood" and the immersion is effective with regard to all the blood that is within her body and causes it to be considered as "pure blood."

4 When a woman after childbirth immersed after the seven impure days that follow the birth of a male, after the fourteen impure days that follow the birth of a female, or after counting seven spotless days if she gave birth in a state of *zivah*, throughout her days of purity, she is considered as an impure person who immersed but nightfall has not arrived. She is not required to undergo another immersion at the conclusion of her days of purity. Instead, when those days are completed, she is like a person who immersed in the *mikveh* and the day passed.

In which contexts is she considered as a person who has immersed that day? With regard to *terumah* and the second tithe. But with regard to sacrificial food, she is like a person who is a derivative of impurity who did not immerse. She is like a person who touched a *nidah* or a person who is impure due to contact with a corpse who has not yet immersed, or the like. Thus it can be concluded that a woman in the midst of her days of purity may partake of the second tithe and disqualifies *terumah* like a person who has immersed that day does, as will be explained.

If some of her saliva or her pure blood fell on a loaf of bread that was *terumah*, the loaf remains pure. For fluids coming from a person who immersed that day are pure, as will be explained. Such fluids do, however,

impart impurity to sacrificial foods as a derivative of impurity would until her days of purity are completed and she is pure in all respects. It appears to me that since she imparts impurity to sacrificial foods during these days of purity, she must immerse herself at the end of her days of purity and only then may she touch sacrificial food. This applies even though she does not require another immersion to partake of *terumah*.

5 When a woman who gave birth and who is afflicted by *tzara'at* immersed herself after the seven days of impurity required after giving birth to a male or the fourteen days required after a female, her "pure blood" is impure like her saliva and her urine. They are all considered as impure fluids, for all fluids that become impure that are discharged from impure people are like liquids that they touch with the exception of a *zav* and the like. For the three fluids they discharge are sources of ritual impurity, as we explained.

6 When a minor *zavah* immerses on the day she is watching after sunrise, the status of the articles she touches and a man with whom she is intimate is indefinite, as we explained with regard to the prohibitions of *nidah*. If she completes the day without experiencing further uterine bleeding, anything she touches is pure and one who is intimate with her is pure and he is exempt. If she experiences uterine bleeding after she immerses, any pure objects that she touched are impure, the laws concerning the impurity imparted by a *zav* to an article on which one lies or rides apply and a man who is intimate with her is liable for a sin-offering.

If she immersed herself before dawn during the night before the day on

which she should be cautious, it is as if she never immersed and the laws concerning the impurity imparted by a *zav* to an article on which one lies or rides apply.

7 When a woman experiences uterine bleeding on the eleventh day of *zivah*. and immersed herself in the evening, on the night of the twelfth, the laws concerning the impurity imparted by a *zav* to an article on which one lies or rides apply even though she is not fit to become a major *zavah*, as we explained with regard to the prohibitions of *nidah*.

8 If she immersed on the twelfth day after sunrise, although she is forbidden to engage in intimacy until the evening, if she was intimate, the man with whom she was intimate is pure and articles on which one lies or rides that she touches are pure even if she experiences uterine bleeding on the twelfth day after immersion. The rationale is that this day is the beginning of the days of *nidah*, as we explained with regard to the prohibitions of *nidah*. The twelfth day is never joined to the eleventh day. Therefore even if she experiences bleeding on the eleventh day, she need not be cautious regarding the twelfth day. Instead, she may immerse herself and touch articles that are ritually pure.

If, by contrast, she experiences uterine bleeding on the tenth day, she should immerse herself on the eleventh day and be cautious with regard to it. For if she experiences uterine bleeding after immersing herself all the pure articles she touches become impure. Similarly, a man with whom she engages in relations becomes impure, even though she will never become a major *zavah* as a result of this bleeding, as we explained with regard to the

prohibitions of *nidah*.

9 When a *zav* and a major *zavah* immerse on their seventh spotless day as we explained, they should not touch articles that are ritually pure until the evening, lest they experience an impure discharge that day. In such an instance, that would disqualify the seven days which were counted and retroactively, the pure articles would become impure. Although the laws concerning the impurity imparted by a *zav* to an article on which one lies or rides apply retroactively, they do not retroactively impart impurity to an earthenware utensil that they moved after they immersed even though they experienced an impure discharge after immersing and disqualified all the days that they had counted. Nevertheless, any earthenware utensil that they touched until they experienced the discharge is pure.

Chapter 6

1 We have already explained that a *zav* and the others in that category impart impurity to an article on which one lies, sits, or rides.

An article on which one lies and one on which he sits are essentially the same. Why then did the Torah mention them separately? To teach that although a seat is fit for sitting and a couch is fit for lying, whether one sits on a couch or lies on a seat, he causes it to become impure. Therefore I will mention a surface on which one lies alone and it should be understood that the same applies to a surface on which one sits.

What is meant by a surface on which one rides? The surface on which one sits when riding, e.g., a donkey's packsaddle or a horse's saddlecloth.

2 Any article on which one lies or rides to which a *zav* or the like imparted impurity becomes a primary source of impurity according to Scriptural Law. It imparts impurity to a person and *keilim* when touching them and to a person when being carried by them.

What is the difference between the laws pertaining to an article on which one lies and one on which one rides? With regard to touching an article on which one lies, if a person touches clothes and other *keilim* while he is still touching the impure article, he imparts impurity to them and makes them a primary derivative of impurity. One who touches an article on which one rides, by contrast, does not impart impurity to clothes and *keilim* even when he touches them while touching the impure article. Nevertheless, one who carries either an article on which one lies or rides imparts impurity to clothes and other *keilim* until he severs contact with the source of his impurity.

What is the source that teaches that a distinction is made between touching and carrying with regard to the impurity of an object on which one rides and no such distinction is made with regard to the impurity of an object on which one lies? With regard to an object on which one lies, **Leviticus 15:5** states: "A man who touches his couch.... shall launder his clothes," while with regard to an object on which one rides, *ibid.*: 9-10 states: "Any object on which he will ride... anyone who touches anything that will be beneath him will be impure until the evening." In the latter instance, it is not said that he must launder his garments. This teaches that he does not impart impurity to his garments when touching the source of impurity. And it is written *ibid.*: "One who carries them shall launder his garments." This applies equally to one who carries an article

on which one rides and an article on which one lies.

Thus it can be concluded that a *zav*, a *zavah*, a *nidah*, and a woman after childbirth, the articles on which they lie, their saliva, their urine, the blood of a *nidah*, a *zavah*, and a woman after childbirth, and the discharge of a *zav* are all primary sources of impurity. If a person touches any of these or carries them, he imparts impurity to his clothes and other *keilim* while he is touching them or carrying them. He does not, however, impart impurity to another person or to an earthenware container. For any entity that imparts impurity to a human imparts impurity to an earthenware container and any entity that does not impart impurity to a human does not impart impurity to an earthenware container.

Thus it can be concluded that whenever it is said about an impure person: "He shall launder his clothes," he imparts impurity to clothes that he touches as long as he does not separate from the entity imparting impurity to him. He makes those garments primary derivatives of impurity, like he is. He imparts impurity to other *keilim* like garments with the exception of earthenware containers. For he does not impart impurity to another person or to earthenware containers even though he has not separated from the entity imparting impurity to him.

Whenever, by contrast, Scripture does not say about an impure person: "He shall launder his clothes," his status is the same before he separates from the entity imparting impurity to him as it is afterwards. He does not impart impurity to garments, because he is merely a derivative of impurity. Needless to say, he does not impart impurity to another person or to earthenware containers. Therefore a person who touches an article on which a *zav* rode does not impart impurity to garments when touching

it. One who carries such an article, by contrast, imparts impurity when carrying it, as we explained.

3 All *keilim* that rest above a *zav* or the like are called *madaf*. They are considered as articles that he touches and they do not impart impurity to another person or to an earthenware container. They do, however, impart impurity to food or liquids like other derivatives of impurity. The impurity of *madaf* is a Rabbinic decree.

4 When a *zav*, a *zavah*, a *nidah*, a woman after childbirth, or a person afflicted by *tzara'at* die, they impart impurity to an object on which they lied or rode after their death just as they would during their lifetime until their flesh decomposes. This is a Rabbinic safeguard, decreed lest one of these individuals lose consciousness and it appear that they died, but they did not actually die. Thus a surface on which one of these lie or ride after death is a primary source of impurity by Rabbinic decree. When, by contrast, a gentile dies, a surface on which he lies after death is not considered as a source of impurity, for even when he is alive, he imparts impurity only due to Rabbinic decree, as we explained.

5 Whenever you hear the terms "the impurity of an object upon which one lies or rides," the intent is not necessarily that the impure person touch the object on which one lies or rides while resting on them. Instead, even if there are large stones above the entity made to lie or ride on and the *zav* rested on the stones from above, the surface on which one lies or rides becomes a primary source of impurity. Even when there are 1000 surfaces

on which a person lies or rides one on top of another and a stone is on the uppermost and a person who imparts impurity to an object on which he or she lies or sits on top of the stone, everything becomes impure. Both the article on which one lies that touches the earth and the uppermost one become primary sources of impurity when they are affected by the *zav's* lying down.

Similarly, if one of the individuals who impart impurity to an object on which he or she lies or sits was below, there was a stone on top of him, and food, liquids, *keilim*, and/or a person on the stone, one on top of the other, they are all impure and are considered as primary derivatives of impurity. Whether a *k'li*, food, a liquid, or a person touches a *zav* or the *k'li*, food, liquid, or person was on a stone that was above the *zav*, there is no difference. In both instances everything is considered as a derivative of impurity and does not impart impurity to a person or to *keilim*. The only exception is a person who is above a *zav* who is still in contact with the *zav* who imparted impurity to him. He imparts impurity to other *keilim*, as we explained.

6 When food, liquids, and *keilim* that are not made to lie, sit, or ride upon were below other articles and a *zav* or the like sat above them without touching them, they are all pure. If, however, a person was below and a *zav* was above, he is impure even if he does not touch him, because he is carrying the *zav*, like anyone who carries an article that imparts impurity when carried. The one carrying it becomes a primary derivative of impurity.

Thus one can conclude that anything that is above a *zav* is impure,

whether a person, articles on which one lies, sits, or rides, all other *keilim*, food, and liquids. Everything is a primary derivative of impurity. Everything that is below a *zav* and does not touch him is pure except a person or an article made to lie, sit, or ride upon. There is a difference between them. The person is a derivative of impurity and the article made to lie, sit, or ride upon is a primary sources of impurity, as we explained.

Chapter 7

1 A *zav* imparts impurity to articles on which one lies, sits, or rides in five ways: by standing above them, sitting above them, lying above them, hanging from them, or leaning on them.

What is implied? When there is an article on which one lies, sits, or rides - even if it is under a stone - if one of the persons who imparts impurity to articles on which one lies stands, sits, lies on the stone, hangs from it, or leans on it, since he was in someway supported by the article, it becomes a primary source of impurity. Any of these five acts is included in the term *midras* whenever it is used.

2 Similarly, an object on which one lies and rides imparts impurity to a person in seven ways, in the five listed in the previous halachah, by touching and by carrying.

What is implied? When a *zav* was supported by an article on which one lies or rides and thus imparted impurity to it, if a person touches or carries that article, he contracts impurity. Similarly, one contracts impurity if one sits on it, stands on it, lies on it, hangs from it, or leans on it, even if there

is a stone separating between the person who was pure and the impure support, as **Leviticus 15:6** states: "One who sits on the article on which the *zav* had sat." According to the Oral Tradition, it was taught that the place on which a *zav* sits and imparts impurity causes a person who is pure who sits there to contract impurity. Now just as a *zav* imparts impurity to an object on which one rides or sits that is beneath a stone, so too, a pure person can contract impurity from an object on which one rides or sits that is beneath a stone, even though the *zav* is not on the object on which one sits. A person who contracts impurity who is above the *midras* imparts impurity to his garments as long as he does not separate from the article that imparted impurity to him, as we explained.

3 A *zav* does not impart impurity to an object upon which one lies until the majority of his body is supported by the object upon which one lies, sits, or rides. Similarly, when a pure person is supported by a *midras* made impure by a *zav*, he does not contract impurity because of the *midras* until the majority of his body is supported by it. If, however, only the lesser portion of his body is supported by it, since he did not touch it, he remains pure.

What is implied? If the lesser portion of an impure person's body is on a surface on which one lies and the lesser portion of the pure person's body is on that same surface, the surface is pure and the pure person whose body was supported in part by it is pure. When the majority of the impure person's body was supported by the lesser portion of the surface on which one lies or rides, that surface becomes impure in its entirety. Similarly, if the majority of a pure person's body was supported by the

lesser portion of an impure *midras*, he becomes impure even though he was supported only by the lesser portion of the object on which one sits.

4 When a *zav* was sprawled over five benches that are positioned lengthwise, they are all impure, because each one of them supported the majority of his body. If they were positioned widthwise, they are pure, because the majority of his body was not supported by any of them. If he slept upon the benches, they are all impure, because maybe he turned over and each one supported the majority of his body at a given time.

If he was sprawled over six supports, each of his two hands on one, each of his two feet on one, his head on one and his trunk on one, the only one which is impure as a surface on which one lies is the one under his trunk, because the majority of his body is supported by it.

If he is standing on two supports, one foot on one and the other on the second, they are both impure.

5 If a person was sitting on a bed and there were four surfaces, each one under one of the four legs of the bed, they are all impure. The rationale is that the bed cannot stand merely on three.

6 If a *zav* was riding on an animal and there were four surfaces, one under each of the animal's four feet, they are all pure. The rationale is that the animal can stand on three feet. Thus the fourth is merely an assist and an assist is not significant. Thus each of the legs is fit to be considered as merely an assist. Since we do not know which forefoot or hindfoot the animal was not using for support, none of them are considered as impure.

Hence they all remain pure.

Therefore if one support was under the two forefeet of the animal, its two hindfeet, or a forefoot and a hindfoot, the support is impure, for this support definitely served as a base for the *zav*, for an animal cannot stand on only two feet.

7 When an impure person sat on the beam in an olive press, all of the *keilim* in the net are impure, for they are pressed directly under the beam. When, by contrast, a person sits on a launderer's press, the garments under the board in the press are pure. The press rests on its own feet and not on the garments that are under it. Thus if a person would desire to insert a knife or the like between the garments that are under the press and the press, he would be able to, even though the press is tied close.

8 When a *zav* used for support an implement that was not made for one to lie, sit, or ride on, since he did not touch it, it is pure even though it could have been used to lie on. The rationale is that we tell him: "Stand up and let us perform our work with this article."

What is implied? If one turned over a measuring container for grain or a kneading trough and sat on it, or sat on a curtain or the sail of a ship, they are pure, as implied by **Leviticus 15:4** which states "that he sits upon," indicating an article set aside for sitting and not one concerning which would be said: "Stand up and let us perform our work," for this article was not made for sitting.

If the article was used to be sat upon together with the purpose it was made, it can contract impurity as a *midras*, for example, a veil, a cloak, an

outer garment, a drinking pouch, and a carrying bag. Even though none of these entities were made to lie upon, if such an article could be used to lie upon together with the purpose for which it was made. Similar laws apply in all analogous situations. In *Hilchot Keilim*, I will explain which *keilim* can contract impurity through *midras* and which do not, which *keilim* are fit for sitting, which are fit for lying, and which are fit for riding.

Chapter 8

1 At the beginning of this text, we explained that with regard to other types of impurity, if a person moves a source of impurity which imparts impurity when carried, he contracts impurity. If, however, the source of impurity caused a person to move, he does not contract impurity.

2 None of the sources of impurity imparts impurity when moving a pure person or a pure *k'li* except a *zav* and the like. This is the extra dimension of impurity - that if a *zav* moves something that is pure, that entity contracts impurity - that exists with regard to a *zav* that has no comparison in the entire Torah.

What is implied? A beam was positioned on top of a fence and a pure person or pure *keilim*, even earthenware containers, were on one side and a *zav* moved the other side. Since the person or the *keilim* were moved by the *zav*, it is as if he touched them. They become impure and are considered as a primary derivative of impurity according to Scriptural Law. Needless to say, the person or the *keilim* become impure if the *zav*

lifted them up. All the laws that apply to a *zav* also apply to a *zavah*, a *nidah*, and a woman after childbirth.

Thus it can be concluded that when a pure person moves a *zav*, he is impure because it is as if he carried a *zav*. And when a *zav* moves a pure entity, whether a person or a *k'li*, even an earthenware container, that entity is impure, because having the *zav* move other entities is equivalent to him touching them.

3 There is a more stringent dimension to the impurity imparted by a *zav* moving an entity than to the impurity he imparts by touching it. If a *zav* touches an earthenware container that is firmly sealed close, it is pure. If, however, the *zav* moves the article, it becomes impure.

A similar stringency applies to an earthenware container that is hollow like a ball for which an opening was not made, e.g., a double frying pan. If it was moved by a *zav*, it is impure, even though it would be considered pure were it to have been located in a tent containing a human corpse, for it is like an earthenware container that is sealed close, for its opening is sealed. Similarly, when a needle is entirely embedded in a piece of wood or a ring is entirely embedded in a brick, if a *zav* moves the wood or the brick, the *keilim* embedded within become impure. Similar laws apply in all analogous situations.

4 When a *zav* inserts his hand or foot into the inner space of an earthenware container, since he did not touch the inside of the container, nor did he move it, it remains pure. The rationale is that a *nidah* or the like do not impart impurity through their limbs alone.

5 When a *zav* had a rod held fast in the folds of his skin and used the end of the rod to move a person or a *k'li*, he or it remain pure, as implied by **Leviticus 15:11**: "Anything that will be touched by the *zav* when his hands were not washed in water." According to the Oral Tradition, it was taught that this verse is speaking about a *zav* moving entities. It uses the wording "touch" to teach the following concept: Just as touch involves one's hand and other parts of the body like one's hands, i.e., revealed limbs that can touch, so too, moving an object must be performed by a revealed portion of the body and not by a hidden portion.

If a rod was in the folds of the skin of a pure person and he moved a *zav* with it, he contracts impurity. For one who moves an impure object is considered as if he carried it. Hence, just as one who carries an article in the hidden portions of his body contracts impurity, as we stated at the beginning of this book, so too, one who moves an impure object with the hidden portions of his body contracts impurity.

6 The following laws apply when a *zav* was on one side of a scale and a *k'li* made to lie on or ride on was placed on the other side. If the *zav* outweighed them, causing them to rise, they are considered as *keilim* which he touched, for he moved them. If they outweighed him, they contract the impurity associated with articles on which one lies and become a primary source of impurity. The rationale is that they lifted up the *zav*. Thus it is as if he stood on them.

If there were other *keilim*, foods, liquids, or another person on the other side of the scale, whether they outweighed the *zav* or he outweighed them, they are all considered a primary derivative of impurity.

7 The following laws apply when a *zav* and a pure person:

a) were sitting on opposite ends of a bench or a board that moved up and down,

b) both climbed a tree that was not strong, i.e., its trunk is not thick enough for a cavity fit to contain a fourth of a *kab* to be hollowed out within,

c) ascended a booth that is not strong, i.e., one that can be bent over by a person's hand and when he does so, he presses it and moves it,

d) climbed an Egyptian ladder that was not affixed with nails, or

e) ascended a ramp, a beam, or a door which was not firmly held in place with mortar.

In all these instances, they are impure because the entity they are ascending will shake back and forth and it would be as if the *zav* is moving the pure person. If, however, they sat in a large boat which would not be affected by the movement of one person, on a board or a bench that was not shaky, or climbed a tree or a booth that was strong, or an Egyptian ladder that was nailed down, or a ramp, a beam, or a door that was held in place with mortar, the pure person remains pure, even if they ascended from the same side.

8 When both a *zav* and a pure person were closing or opening a door at the same time, the pure person remains pure. If one was closing the door and the other opening it, the pure person contracts impurity.

The following laws apply when one lifted the other out of a pit. If the impure person lifted out the pure person, he imparted impurity to him, because he moved him. If the pure person lifted up the impure person, he

contracts impurity, because it is as if he carried the impure person, as we explained.

9 When a *zav* and a pure person where pulling ropes back and forth, one pulling in one direction and the other, in the other direction, the pure person contracts impurity. If they were weaving together, whether standing or sitting, or working a mill, unloading or loading a donkey, if their burden is heavy, the pure person contracts impurity. If it is light, he remains pure.

10 When a pure person was administering lashes to a *zav*, he is pure. When a *zav* is administering lashes to a pure person, he is impure. The rationale is that that if the pure person will move, the impure person will fall. Thus he is leaning on him. Accordingly, even the clothes of the pure person contract impurity.

11 When a portion of a *zav's* body was resting above a pure person or a portion of a pure person's body was resting above a *zav*, the pure person contracts impurity.

What is implied? If a finger of a *zav* was placed above a pure person or a pure person placed his finger above a *zav*, even if there is a stone, a beam, or the like between them, the pure person contracts impurity.

Similarly, when entities joined to a *zav's* body rest on a pure person or entities joined to a pure person's body rest on the *zav*, the pure person contracts impurity. It is as if each one carried the body of the other. These are what is meant by the term "entities joined to the body": the teeth, the

nails, and the hair. It appears to me that this impurity is of Rabbinic origin.

Chapter 9

1 The following laws apply when a support is firmly joined to the earth or nailed down. If it is sound and strong and a *zav* banged upon it and when doing so, a *k'li*, food, or liquids that were resting on it were moved or caused to fall from the power of his blow, they are pure. If the support was not sound or strong, but shaky and a *zav* banged upon it and caused *keilim*, food, or liquids to fall or move from the power of his blow, they are impure. It is as if he moved them, because they fell as a result of his power.

This is the general principle: Whatever falls as a direct result of the power of the *zav's* movement is impure. Anything that falls due to the trembling of the support is pure.

What is implied? If he knocked on a tree or a booth that were not sturdy, on an Egyptian ladder that was not affixed with nails, on a ramp, a beam, or a door that was not firmly held in place with mortar or he knocked on a door-bolt, a lock, or an oar, and when he knocked upon these entities, he caused food, liquids, or *keilim* to fall - or even caused them to shake without falling - they are impure. If, however, he knocked on a tree or a booth that was strong, or an Egyptian ladder that was nailed down, or a ramp, a beam, or a door that was held in place with mortar, a central building beam or an oven, and when he knocked on that entity, *keilim*, foods, and liquids on it were moved - and even if they fell - they remain

pure. Similar laws apply in all analogous situations.

2 When there was a loaf of bread attached to the wall of an oven and a *zav* knocked on the oven and caused the loaf to fall, it is pure, even if the loaf is *terumah*. If a shard from the oven is clinging to the loaf that fell, it is impure, even if the loaf is ordinary food.

3 A surface on which one lies or rides that has contracted *midras* impurity does not impart impurity to *keilim*, foods, or liquids, unless it touches them. If, however, the *keilim*, foods, or liquids were above the impure *midras* or the impure *midras* was above them, as long as they do not touch it, even if there is only a paper separating between them, they are pure. Similarly, if an object on which one sits caused *keilim*, foods, or liquids to move, they are pure.

4 When a *zav* and a pure person were sitting in a small boat that could tip due to the movement of one person, on a dinghy, or riding an animal together, even if their clothes are not touching each other, the clothes of the pure person are considered to have contracted *midras* impurity. This impurity comes as a result of a doubt; perhaps the *zav* stepped upon them. Similarly, if a woman in the *nidah* state sat together with a woman who is pure on a bed, the other woman's clothes are impure because of *midras* impurity, with the exception of the cap on her head. Similarly, when a *zav* was in a small boat, clothes on top of the masthead are pure.

5 When one pushes into a mill in which a gentile, a *zav*, or the like is located, his clothes contract *midras* impurity.

With regard to which type of mill was this said? One that shakes the ground to the extent that it will raise the person standing there and force him from his place.

It is obvious that this impurity was decreed due to a doubt: perhaps the impure person was displaced and stepped on the clothes of the pure person.

Chapter 10

1 An unlearned person, even though he is Jewish and observant of the Torah and its mitzvot, is assumed to be impure and his clothes are considered a *midras* if they come into contact with pure substances. If his clothes touch food or liquids, they are impure. If he touches an earthenware container from the inside, he imparts impurity to it. *Terumah* should be burnt if such a person touches it, even though his impurity is of doubtful status.

The word of such persons is not accepted regarding the status of pure articles, because they are not knowledgeable regarding the intricacies of the laws of purity and impurity. We continue to operate under this presumption and the person's word is not accepted until he resolves to accept the restrictions of a *chavair*. What is meant by the restrictions of a *chavair* that he must resolve to accept? That he be careful with regard to sources of impurity, not to contract impurity from them; that he be careful with regard to pure articles that he not impart impurity to them; that he be careful with regard to washing hands and maintaining their purity; that he not take moist foods from an unlearned person; that he not accept his hospitality; nor offer hospitality to him while the unlearned

person is wearing his own garments.

2 When a person seeks to accept upon himself all the practices of a *chavair* except one, he is not accepted. If we see he carries out these practices privately in his own home, we accept him and then we teach him the concepts of impurity and purity. If we do not see him conducting himself in this manner privately at home, we teach him and then we accept him.

First, a person is accepted with regard to maintaining the purity of his hands. Afterwards, he is accepted with regard to dealing with pure objects. If he said: "I only accept upon myself, the purity of hands," he is accepted. If he sought to accept the restrictions regarding pure objects, but not those that apply to the purity of hands, we do not accept him, even for pure objects.

When he is accepted, we are cautious with regard to his conduct for 30 days until he learns the intricacies of the laws and is used to dealing with pure objects. Once 30 days have passed since he accepted the customs of a *chavair*, his clothes are considered as pure and all of his food and liquids are considered as pure. His word is accepted with regard to pure objects like all other *chavairim* even though he is not a Torah scholar.

3 Torah scholars are assumed to be *chavairim*. Their word is accepted regarding pure articles and they do not have to undertake a formal acceptance of the practices of *chaveirim*. Nevertheless, after the destruction of the Temple, the priests adopted an additional measure of stringency among themselves and they would not give pure objects to anyone, even Torah scholars, until they formally accepted the practices of

chaveirim.

4 An elder who is a member of a Talmudic academy does not need to formally accept these practices, for he already accepted them at the time he became a member of the academy.

5 When a person seeks to accept the practices of a *chavair*, he must formalize this acceptance in the presence of three *chaveirim*. His sons and the members of his household need not formalize this acceptance in the presence of three *chaveirim*, because he will teach them and train them in the ways of purity. The wife of a *chavair*, his sons, the members of his household, and his servants are considered like a *chavair*. If a *chavair* dies, his wife, his sons, and the members of his household are considered as *chavairim* until their conduct arouses suspicion.

6 When the widow of an unlearned person or the daughter of one marries a *chavair* or the servant of a such a person is sold to a *chavair*, the woman or the servant must accept the practices of a *chavair* as at the outset. When, by contrast, the widow of a *chavair* or his daughter marries an unlearned person or his servant is sold to an unlearned person, there is no need for them to accept the practices of a *chavair* as at the outset.

7 When an unlearned person accepts the practices of a *chavair*, but had pure articles that remained from the time that he was unlearned, although he says: "I know with certainty that they did not contract impurity when others were involved with them," they are forbidden, as was their status initially. If he personally was involved with these pure articles before his

status changed, the articles are permitted to him, but they are forbidden to all others.

A *chavair* may be asked about the state of his pure articles and he may rule in his own favor, that they are permitted. We do not harbor suspicions about him in this context.

8 When a *chavair* becomes a tax collector, a collector of customs duty, or the like, he is stripped of his status as a *chavair*. If he abandons his evil deeds, he is considered as every other person. He must accept the practices of a *chavair* as at the outset.

9 When an unlearned person accepted the practices of a *chavair* and then becomes suspect with regard to a particular matter, he is suspect only with regard to that particular matter. Nevertheless, one who became suspect with regard to a severe matter is suspect with regard to a slighter matter. If he becomes suspect for a slight matter, he is not considered suspect for a more severe matter.

10 When a *chavair* becomes suspect with regard to permissiveness in connection with ritually pure articles, e.g., he sold ritually impure foods with the presumption that they were pure, he is no longer considered as trustworthy until it becomes known that he repented completely.

11 When a person is suspect with regard to the violation of the laws regarding the Sabbatical year or with regard to selling *terumah* as ordinary produce, he is considered to be suspect with regard to violating the restrictions concerning ritual purity. For a person who is suspect with

regard to a Scriptural prohibition is considered suspect with regard to Rabbinic safeguards. And impure foods impart impurity to other entities only by virtue of Rabbinic decree, as will be explained.

Any person who is suspect with regard to a particular matter is, nevertheless, permitted to deliver testimony regarding such a matter with regard to others and to serve as a judge with regard to others. The rationale is that we operate under the assumption that a person will not transgress so that others will benefit.

Chapter 11

1 We have already explained that the word of unlearned persons is accepted with regard to the purification process of the red heifer. Because of the severity involved, the matter is never treated lightly. Similarly, their word is accepted with regard to the wine and oil intended for the accompanying offerings of a sacrifice. If they say that they are pure, they are assumed to be pure. Because this is a very severe matter, they are mindful of it.

Similarly, their word is accepted with regard to the purity of *terumah* during the time when winepresses and olive vats are active, for all people purify themselves and their utensils to prepare their wine in a state of purity. When the time when winepresses and olive vats are active passes, their word is no longer accepted.

2 When an unlearned person brings a priest a barrel of wine or oil that is *terumah*, he should not accept it from him, because it is assumed to be impure. If the unlearned person left it in his own possession until the next

time of the winepresses and olive vats and brought it to the priest, he should accept it even though he knows it is from the previous year. For no impurity was decreed on unlearned people during the time when winepresses and olive vats are active.

3 When an unlearned person locks his olive press or wine vat when the people completed pressing and brought the key to a priest, even though several days pass since the pressing season was completed, there is room for leniency. The priest may come, open the press or vat in the unlearned person's presence, have him immerse himself, press the olives or grapes and take *terumah* in a state of ritual purity.

If he did not do this, he should only take olives and grapes that were not made fit to contract impurity from an unlearned person, for they will not contract impurity.

4 If an unlearned person brought a priest a barrel of *terumah* wine or oil during the remainder of the year and told him: "I have separated consecrated wine or oil from it," even if only a *revi'it*, since his word is accepted with regard to the purity of the consecrated wine or oil, his word is accepted with regard to the entire amount.

Even during the time when winepresses and olive vats are active and the word of unlearned people is accepted with regard to *terumah*, their word is not accepted with regard to the empty containers to say that they are pure and may be used for *terumah*. Similarly, their word is never accepted with regard to empty containers to say that they are pure and may be used for consecrated liquids.

5 When there was a container of wine or oil and we saw an unlearned person waiting and protecting it so that he could take accompanying offerings from it, his word is accepted with regard to the purity of the container for even 70 days before the time when winepresses and olive vats are active. Before these 70 days, by contrast, their word is not accepted.

Where does the above apply? In the other portions of the land of Israel. In Jerusalem, by contrast, the word of unlearned people that empty earthenware containers are pure for consecrated articles is always accepted. This applies with regard to small utensils or large ones, whether they are full or empty. Implied is that the word of an unlearned person that a container is pure is accepted even though the liquids in the container are impure. Even if the garment of the unlearned person which is considered as impure due to *midras* enters the container, the container is assumed to be pure with regard to sacrificial foods. Why was such leniency shown? Because kilns for earthenware containers are not made in Jerusalem.

6 From Modi'it and closer, the word of unlearned people is accepted with regard to earthenware containers. Outside that area, their word is not accepted. Modi'it itself is sometimes considered as within that area and sometimes as outside.

What is implied? If a *chavair* was entering that town and an unlearned person carrying an earthenware container was departing, his word - that the container is pure with regard to sacrificial food - is accepted in Modi'it. If they were both either entering or departing, the word of the unlearned person is not accepted unless he is closer to Jerusalem than

Modi'it.

7 The following rules apply when a potter brings pots and places them down closer to Jerusalem than Modi'it. Potential customers come and he tells them that it is pure. If a *chavair* purchases a pot and brings it in, it is considered as pure with regard to sacrificial food, but not with regard to *terumah*, as we explained. If he purchased a pot and took it outside of Modi'it, it is impure, both for sacrificial foods and for *terumah*. This applies even though these are the same pots and the same potter. His word is accepted only within a radius beginning from Modi'it.

8 When one takes earthenware containers from a kiln no matter where it is located, they are considered pure, both with regard to sacrificial foods and with regard to *terumah*. We do not suspect that perhaps an unlearned person touched them. Even if they were taken from the first row and even if the kiln was open and half of its contents were already taken, containers taken by a *chavair* are considered as pure. For a decree was not established concerning utensils in a kiln.

9 During the pilgrimage festivals, the impurity decreed upon the unlearned is suspended and they are considered as pure. For the entire Jewish people are considered as *chavairim* during the pilgrimage festivals. All of their utensils, their food, and their liquids are considered as pure during the festivals, for everyone purifies themselves and ascends to Jerusalem on the festivals. Therefore their word is accepted - whether with regard to sacrificial foods or with regard to *terumah* - throughout the festivals. After

the festival passes, they are considered as impure again.

10 When a person opened his barrel of wine or of oil or began selling his dough during the festival, once the festival passes, the remainder of the contents of the barrel and the remainder of the dough are assumed to be impure, for they were touched by an unlearned person. Although he touched them only during the time that he is considered as a *chavair*, they are only considered as pure during the days of the festival.

11 After the festival, on the night following the festival, the priests would immerse all the utensils that were in the Temple in a *mikveh*, because the unlearned people had touched them during the festival. Therefore they would tell the people: "Do not touch the Golden Table," when they would show it to the festive pilgrims so that, after the festival, it would not be considered as impure because they touched it and thus would require immersion and waiting until nightfall before it would regain purity. This is undesirable, because with regard to the showbread, **Exodus 25:30** states: "It should be before Me continuously."

All of the sacred utensils require immersion and waiting until nightfall with the exception of the Golden Altar and the Copper Altar. They do not contract impurity, because their metal plating is considered as subsidiary to their inner material.

12 When an unlearned person says: "I have not contracted the impurity associated with a human corpse," or "This *k'li* has not contracted the impurity associated with a human corpse," his word is accepted. He or the

k'li is immersed only because of the impurity associated with unlearned people and must wait until nightfall. There is, however, no need for the ashes of the red heifer to be sprinkled on him or it.

When does the above apply? When he is asked and he says that it is pure. When, however, a person takes a *k'li* from the domain of an unlearned person without clarification, it is suspected that it contracted the impurity associated with a human corpse and the ashes of the red heifer are sprinkled on it on the third and seventh days, as is the law regarding *keilim* that are found in any place outside of Jerusalem. As will be explained with regard to situations where impurity is questionable, a decree was not established with regard to the impurity of *keilim* found in Jerusalem.

Chapter 12

1 When a person entrusts *keilim* to an unlearned person or gives a *k'li* to an unlearned artisan to fix, they are considered to be impure because of the impurity associated with a human corpse and the impurity of *midras*. If the watchman is familiar with the owner of the *keilim* and knows that he is a priest who partakes of *terumah*, they are considered as pure with regard to the impurity associated with a corpse, but are considered to have contracted *midras* impurity. The rationale is that it is suspected that his wife sat on them while she was in the *nidah* state without his knowledge, since care is not taken with regard to ritual impurity in the homes of unlearned people.

2 When a person places his *keilim* down before an unlearned person and tells him: "Watch these for me," they are considered to have contracted *midras* impurity, but not the impurity associated with a human corpse. If he placed them on the shoulder of the unlearned person, they are considered to have contracted both types of impurity.

If one left his *keilim* in a synagogue, they are considered as pure, for it is not entirely a domain of unlearned persons. If he left his *keilim* in a bathhouse and found them as he left them, they are pure, but he is taught not to do this in the future.

If one left his vat or his cistern unattended, even if he entered a city and returned and found an unlearned person next to the vat or the cistern, they are considered as pure, because the unlearned person does not have license to enter.

3 When a person entrusts the key to his house to an unlearned person, everything in the house is considered as pure, for he entrusted only the key to him for safekeeping.

4 When a person places his *keilim* in the lockers of a bathhouse and locked them, the *keilim* are pure, even if he gave the key to an unlearned person. Similarly, if he sealed the locker or made a sign on it, his *keilim* are pure even if the seal has been broken.

5 When a *chavair* leaves an unlearned person in his house to watch it and the owner sits a certain distance away, when he sees the people who enter and depart, all the foods, liquids, and earthenware containers that are not

tightly sealed are impure. By contrast, surfaces on which one lies or rides and earthenware containers that are tightly sealed are pure. If the owner cannot see the people who enter or depart, everything in the house is impure. Even if the unlearned person he left in the home was bound or had his hands and feet cut off, everything is considered as impure, because it was in the domain of an unlearned person.

6 When a *chavair* slept in the home of an unlearned person and his clothes were folded and placed under his head and his sandal and his jug were placed before him, they are considered as pure, because they are assumed to be guarded by their owner. The unlearned person will not touch them for he will say to himself: "Now he will wake up and see me."

7 When an unlearned person borrows a bed from a *chavair* and sleeps on it in the house of the *chavair*, only that bed and the area which he can touch when extending his hand from the bed are impure.

8 When a *chavair* told an unlearned person: "Watch this cow for me so that it will not enter the house" or "...break these utensils," the house and the utensils are pure, for he charged him only with guarding the cow. If, however, he told him: "Watch this house for me so that the cow will not enter it" or "Watch these utensils so that it will not break them," the house and the utensils are impure.

9 The following rules apply when one leaves an unlearned person lying down in his house and departs. Whether he left him awake and discovered him awake when he returned, he left him sleeping and found him

sleeping, or left him awake and found him sleeping, everything in the house is pure. If he left him asleep and he found him awake, any place that is close to him to which he can extend his hand and touch is impure. Similarly, if one leaves craftsmen in his house, only the places that they can reach when they extend their hands and touch are impure. We do not say that perhaps they climbed onto a chair or a ladder and touched a *k'li* or food that was hanging on a high place on the wall.

10 When the wife of a *chavair* leaves the wife of an unlearned person - or two such women - to grind flour in her home, only the places which the wife of the unlearned person can reach when she extends her hand and touch are impure. This applies even if the mill stops for a time. We do not say that while one was grinding, the other searched through everything in the house and maybe even suspended herself and ascended to high places.

11 When a woman standing at the entrance to her house went in to take out a loaf of bread for a poor man and when she came out, found him standing at the side of loaves of bread, they are pure - even if they are *terumah*. The rationale is that it can be assumed that he would not touch anything without permission. Similarly, if a woman departed and when she returned, found the wife of an unlearned person stirring the coals that are under her pot, the pot is pure.

12 When tax-collectors for the ruling kingdom entered a house to take security for money that is owed, everything in the house is impure. If they are accompanied by a gentile, their word is accepted if they say they did

not touch something, because they are possessed by fear of the gentile.
When does the above apply? When there are witnesses that they entered or they have security which they took in their hands. If, however, they say on their own initiative: "We entered, but did not touch anything," their word is accepted. The rationale is: the same person whose words aroused our suspicion also allayed it.

13 When thieves entered a house, only the path where the thieves walked is impure. The rationale is that they are afraid to search through the entire house. Instead, they take only what is at hand.
To what do they impart impurity on the path where they walk? To food, liquids, and open earthenware containers. Surfaces on which one lies or rides and earthenware containers that are sealed closed are pure. If there is a gentile or a woman among them, everything is impure.

14 When tax-collectors and thieves repent and return the articles they took on their own initiative, and not because of fear, and when doing so, say: "When we entered, we did not touch anything that was in the house except what we took," their word is accepted even with regard to articles that were in their path.

15 When a person leaves his house open and finds it open or finds it locked - and even if he left it locked and found it open - and nothing was stolen from it, everything in the house is pure. We assume that thieves opened the door and then changed their minds and did not enter.

16 When a hatchet is lost in a house or left in one corner and found in

another corner, all the contents of the house are impure, for we assume that an impure person entered the house and took it.

17 When a person lives together with an unlearned person and shares a common courtyard, if he forgot articles in the courtyard - even barrels that were sealed close or an oven that was sealed close - they are considered as impure. For them to be considered as pure, he must construct a barrier ten handbreadths high around the oven so that it will not be in the domain of an unlearned person.

18 When a *chavair* has a partition or a hut before the entrance to an unlearned person's home or an unlearned person has a partition or a hut before the entrance to a *chavair's* home, *keilim* in the hut or in the partition are impure, because the unlearned person has the right to enter this hut or this partition.

19 When the roof of a *chavair* is above the roof of an unlearned person, the*chavair* may lay out utensils there and place pure foods there under the presumption that their status has not changed, even though the unlearned person could extend his hand and touch them. Similarly, if his neighbor is a gentile, he need not be concerned about impurity or wine used for libations to a false deity.

If the roofs were next to each other on the same level or the roof of the unlearned person was higher and the *chavair* laid out utensils or left pure foods on his roof, every place to which the unlearned person could extend his hand and touch is considered to be impure.

20 When there are two courtyards, one inside the other, the inner one belonging to a *chavair* and the outer one, belonging to an unlearned person, the *chavair* may place his utensils in his courtyard and spread out his produce there, even though the unlearned person's hand could reach there. There is no suspicion that the unlearned person would touch them, because he would be considered as a thief.

21 When a courtyard is divided by a lattice-work barrier, with a *chavair's* domain on one side and an unlearned person's domain on the other side, the pure food belonging to the *chavair* is considered as pure, even though the unlearned person's hand could reach there. There is no suspicion that the unlearned person would touch it, because it is in the domain of the *chavair*.

22 When the bucket of a *chavair* fell into the well of an unlearned person and the *chavair* went to get materials to lift it up, it is considered as impure. The rationale is that it was left unattended in the domain of an unlearned person for a given time.

23 When the wife of an unlearned person enters the house of a *chavair* to take out the son or the daughter of the *chavair* or his animal, everything in the house is pure, because she entered without permission.
When a potter who is a *chavair* brings his pots to sell and he descends to a well to drink, those on the inner rows are pure, but those on the outer rows are impure. When does the above apply? When he placed them near the public domain, because the passersby will touch the outer ones as they

walk by.

Different rules apply if they were placed down distant from the public domain. If he was carrying the tools of his trade in his hand, they are all impure, because his tools indicate that they were placed down to be sold and everyone will touch them. If he was not carrying the tools of his trade, they are all pure, for it can be assumed that no one touched them.

When a *chavair* places food or liquids down at the entrance to his store and enters, they are considered impure, for the passersby will touch them.

Chapter 13

1 When a priest purifies his *keilim* for the grape-pressing season and then sets them aside for the following grape-pressing season, it is assumed that their status remains unchanged, for unlearned people will not touch the *keilim* of a priest when they are in his winepress, because he partakes of pure food. If an Israelite puts away his *keilim* in a similar manner, by contrast, they are considered impure, unless he says: "Within my heart, there was a resolve to guard against an unlearned person entering the winepress and touching the *keilim*."

2 When a person desires to make wine that is ritually pure while using workers who are unlearned, he must make sure that those who harvest the grapes immerse themselves in a *mikveh*. Similarly, if they were involved in producing oil, he should have those who work in the olive-press immerse themselves. He must stand over the workers and have them immerse themselves in his presence, for they are not familiar with the laws of

immersion and intervening substances.

If the workers left the entrance to the olive-press and went outside to defecate behind a fence and returned, they are still considered as ritually pure. How far may they go and still be considered as ritually pure? Until they are hidden from the *chavair's* sight. If, however, they go out of his sight, they return to a state of impurity until he has them immerse again and they wait until nightfall.

3 When a source of impurity was found in the presence of olive-press workers and grape harvesters, if they say, "We did not touch it," their word is accepted. This also applies if their children say: "We did not touch the wine or the oil."

4 The following laws apply when a person purifies olive-press workers, brings them into the vat, and locks it. If there were *keilim* there that had contracted *midras* impurity, the entire olive-press is impure, for perhaps they touched those *keilim*. Even if the *chavair* saw them previously showing care not to touch those *keilim*, the olive-press is impure, for perhaps they moved them and thus contracted impurity and they think that a person who moves *keilim* with *midras* impurity is not impure. For unlearned people are not familiar with the impurity contracted by moving *keilim*.

5 When a *chavair's* donkey-drivers and porters were loaded with pure foods and they were proceeding in front of him, even if they were more than a *mil* ahead of him, they are pure. The rationale is that they assume that he

is watching them. Hence, they are afraid to allow others to touch impurity, for they will say: "He will come now, for he is following after us." If, however, he tells them: "Go and I will follow you," as soon as they proceed beyond his sight, the foods are impure.

6 The following laws apply when a *chavair* was wearing a tunic and wrapped in a cloak while proceeding on his way. If he said: "In my heart, I intended to guard the tunic from contracting impurity and I was careful about it, but I diverted my attention from the cloak," the tunic remains pure, while the cloak is considered impure, because it is possible that an unlearned person touched it.

If there was a basket on his shoulder with a pitchfork in the basket and he said: "In my heart, I intended to guard the basket and to guard the pitchfork from something that would make it a source of impurity, but not from something which disqualifies it," the basket is pure, the pitchfork is impure, and all the *terumah* in the basket is impure. The rationale is that the impure pitchfork disqualifies the food in the basket.

If *chavairim* were using a barrel while in a state of purity under the assumption that its contents were ordinary food and it was discovered that they were *terumah,* even though it is pure, it is forbidden to be eaten, for perhaps it was touched by a person who had immersed in the *mikveh* that day. Such a person disqualifies *terumah*, even though ordinary food he touches is pure, as will be explained. Guarding *terumah* is not the same as guarding ordinary food. If, however, he states: "In my heart, I intended to guard it from even an entity that will disqualify it," it is permitted to be eaten.

If a person's Sabbath garments become exchanged with his weekday garments and he wore his Sabbath garments on an ordinary weekday, they become impure, for one does not guard his weekday garments to the same degree as he guards his Sabbath garments.

An incident occurred concerning the wives of two *chavarim* whose clothes became exchanged in the bathhouse. The matter was brought to the attention of the Sages and they ruled that the garments were impure. Even if one's scarf fell and he asked a *chavair* to give it to him and he gave it to him, it becomes impure. This is a decree, enacted lest an unlearned person give it to him or lest the *chavair* not guard it, for a person will not guard articles that do not belong to him like he guards his own articles unless the other person notifies him and relies on him.

7 When a *chavair* dies and leaves pure foods, they are considered as pure. When he leaves *keilim*, they are impure. The rationale is that we suspect that perhaps they became impure and he had the ashes of the red heifer sprinkled on them on the third day of their impurity, and not on the seventh day. Or perhaps he had the ashes sprinkled on them on the seventh day, but did not immerse them. Or perhaps he did not have the ashes sprinkled on them on the seventh day at all.

8 When one witness tells a person, "Your pure foods have contracted impurity," and the owner remains silent, his word is accepted and the foods are considered as impure. If he contradicts him and maintains that they did not contract impurity, it is assumed that their status has not changed unless two witnesses testify that they contracted impurity.

If a person was working together with a colleague with pure foods or sacrificial offerings and after a while, the colleague found him and told him when he met him: "The pure foods with which I was working with you became impure or the sacrificial offerings that I was offering with you became *piggul*, his word is accepted. If, however, he met him and did not say anything and afterwards met him a second time and he told him the above, his word is not accepted. Instead, his sacrifices are assumed to be acceptable and his pure foods are assumed to be pure.

Mishneh Torah, Other Sources of Defilement

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The carcass of a dead animal is a primary source of impurity. An olive-sized portion of its meat imparts impurity to a person and *keilim* when touched and to an earthenware container when it enters its inner space. And it imparts impurity to a person when being carried to the extent that his clothes become impure, as is the law regarding a surface on which one rides that contracted impurity from a *zav*.

What is implied? When a person touches the carcass of a dead animal, he is considered as a primary derivative of impurity. If he touches *keilim* - even at the same time that he is touching the carcass - they are pure. Similarly, the clothes that he is wearing are pure, for he is a derivative of impurity and a derivative does not impart impurity to *keilim*.

When, by contrast, one carries the carcass of a dead animal, he imparts impurity to *keilim* while he is carrying it, as **Leviticus 11:28** states: "One who carries their carcasses must launder his garments." Those garments are considered as primary derivatives of impurity. He does not impart impurity to another person or to earthenware containers even when he is carrying the carcass, as we explained in *Hilchot Metamei Mishkav UMoshav*.

2 These laws apply regarding both the carcasses of a domesticated animal and a wild animal, whether of a species permitted to be eaten or one

forbidden to be eaten. If any of these types of animals die, an olive-sized portion of their meat imparts impurity. The ritual slaughter of a kosher domesticated animal or a kosher wild animal purifies it in all circumstances. Even if one slaughtered an ordinary animal in the Temple Courtyard or a consecrated animal outside the Temple Courtyard, they are pure. If a disqualifying factor occurs in the process of ritual slaughter, the carcass is considered like that of an animal that died. It imparts impurity when carried, as stated in *Hilchot Shechitah*.

3 Ritual slaughter has no effect on the status of a non-kosher domesticated animal or a non-kosher wild animal. Whether one slaughters such an animal, stabs it in the throat, strangles it, or it dies naturally, it is considered as an animal carcass. Flesh from all carcasses - both from kosher species and from non-kosher species can be combined to reach the minimum measure of an olive-sized portion that imparts ritual impurity.

4 The marrow of a bone is considered like flesh. The blood of an animal carcass does not impart impurity like an animal carcass. Instead, it is considered as an impure liquid which does not impart impurity to a person or to utensils according to Scriptural Law.

5 The fat of a kosher animal that died without ritual slaughter is ritually pure, as implied by **Leviticus 7:24**: "The fat of a domesticated animal that died or the fat of a domesticated animal that was torn to death may be used for any purpose." The license granted by this verse applies to an entity forbidden only because the animal had died or was torn to death. If

such fat was made fit to contract impurity due to contact with liquids that convey that status, it is considered as impure food and not as the meat of a dead animal.

Nevertheless, when one touches the fat the surrounds the kidney of a kosher domesticated animal that died without ritual slaughter before it was separated from the kidney, he is impure like one who touches the kidney itself. The rationale is that several strands of flesh from the kidney itself extend into the fat.

With regard to a non-kosher domesticated animal and a wild animal, whether kosher or non-kosher, the same laws apply to both its meat and its fat with regard to ritual impurity. An olive-sized portion imparts impurity to a person and to *keilim* like the meat of a dead animal.

6 The fat of a *ko'i* imparts impurity like its meat does, but this impurity is of doubtful status. Therefore *terumah* and sacrificial foods are not burnt because of it, nor is one liable for *karet* for entering the Temple or partaking of sacrificial foods after touching it.

7 These are the parts of a carcass that do not impart impurity: the bones, the horns, and the hoofs; this includes even their soft portions that if cut off from a living animal would cause bleeding, the hide, even if has not been processed to use for other purposes, the pieces of flesh that remain attached to the hide when an animal is skinned, the sinews, sauce, and spices cooked with such meat.

When does the above apply? When they were separated from an animal's carcass. If, however, one touches any of these entities while they are still

attached to the meat of a carcass, he contracts impurity, provided there is an olive-sized portion of meat. For none of these can be included as part of that required olive-sized portion.

8 The pieces of flesh that remain attached to the hide when an animal is skinned whether separated by a wild beast or by a knife should not be considered as part of an olive-sized portion. If the different pieces of flesh were collected and they comprised an olive-sized portion, they impart impurity.

9 These are the parts of animals for which the hide is considered as their meat: the hide of a domesticated pig, the soft hide of a camel hump, the skin of the genital area, the skin of a fetus, and the skin below the fat-tail. Such portions of an animal carcass impart impurity. If one processed them or trod upon them to the extent necessary to process them, they are pure. If one performed a deed that negated their use as meat, they are pure even though he did not trod upon them to the extent necessary to process them.

What is implied? If one used the ear of a donkey as the handle for his basket, it is pure. For how long must one tread on a hide in order to process it? For as long as it takes to walk four *millin*. What is meant by a soft camel hump? One that was never used for a burden. If a camel reached the age when it was fit to carry burdens, but one did not use it for that purpose or one used it for that purpose before it reached the appropriate age, it is questionable whether its status changes.

10 The following laws apply when one skins the carcass of a domesticated or a wild animal, whether from a kosher species or a non-kosher one, whether it is a small animal or a large animal. If he skins it to use as a mat, as soon as he skins a portion of the hide sufficient to hold onto, i.e., two handbreadths, one who touches the hide that was skinned is pure. Before it is skinned two handbreadths, one who touches the hide is like one who touches meat.

If one skins the animal in order to use its hide for a flask, the hide is considered as connected to the carcass until one skins the entire breast. If one skins an animal from its feet alone, the entire hide is considered as connected. One who touches the hide is like one who touches the meat until the hide is entirely separated from the meat. Similarly, when one skins the hide of crawling animals, the hide is considered as connected until it is skinned in its entirety. Similarly, the hide that is around an animal's neck is considered as connected until it is removed in its entirety.

Any hide that is considered as connected with regard to imparting ritual impurity is also considered as connected with regard to contracting ritual impurity, i.e., if an animal was slaughtered and impurity touched this hide that was connected to the meat, the meat contracts impurity.

11 When there is a hide that has an olive-sized portion of meat from a carcass on it, if one touches a strand of the hide that extends outward from the meat or the hair on the other side of the hide that is opposite the meat, he contracts impurity. The rationale is that the hide and its hair are considered as "protecting" the meat.

When does the above apply? When the meat was left over by an animal.

When it was left over by a knife, it is considered insignificant with regard to the hide if it was thin.

12 When there are two pieces of meat, each half the size of an olive-sized portion on a hide, the hide causes them to be considered as insignificant. They do not impart impurity, neither when touched, nor when carried. The rationale is that any portion of a carcass that does not impart impurity when touched does not impart impurity when carried.

If, however, one skewered two pieces, each half the size of an olive-sized portion, one who carries them is impure because he carried an olive-sized portion of meat from a carcass. One who touches them, by contrast, is pure, because something joined by man is not considered as joined. The liability for carrying the pieces of meat applies provided both pieces are flattened and stuck together so that they are picked up together. If, however, the two half olive-sized portion were separate entities, but held on the same skewer, the person is pure even if he carries them back and forth the entire day.

13 When the meat of a carcass decomposes, becomes spoiled, and is no longer fit for a dog to eat, it is pure. Accordingly, there is an unresolved doubt whether the *netzal* of an animal carcass imparts impurity or not.

The following laws apply when the meat from a carcass dries out. If it would return to a moist state and be fit for a dog to eat when left to soak in lukewarm water for an entire day, it imparts impurity. If not, it is pure. It does not even impart impurity like impure foods do.

14 When the meat of an animal carcass was decomposed at the outset and was not fit for human consumption, it is pure, as can be inferred from **Deuteronomy 14:21**: "Give it to the stranger in your gate and he will eat it." At the outset, it must be fit for a stranger to eat.

15 A placenta found in an animal carcass is considered as waste matter and feces. It does not impart impurity like a carcass. If the person had in mind to eat it, it is susceptible to the impurity associated with food. The dried milk in the stomach and the liquid milk in the stomach of a carcass are entirely pure.

16 When an animal discharges coagulated blood, even though such a discharge makes it exempt from the laws of the firstborn, it does not impart impurity, neither when touched, nor when carried unless there is the form of a fetus recognizable. The rationale is that it is nullified because there is a majority of other substances that are discharged with it. Therefore, it is pure even though it was initially fit for a stranger to eat together with its mother.

17 The following laws apply when the carcass of an animal that was not slaughtered became intermingled with that of a slaughtered animal. If the majority of the meat is from the ritually slaughtered animal, the meat from the carcass is considered as insignificant and none of the mixture imparts impurity when touched. If, however, one carries the entire mixture, he contracts impurity.

The reason why the meat of the carcass can be considered insignificant is

that it is impossible for the ritually slaughtered meat to be considered as a carcass, but the carcass can become pure if it becomes putrefied. Therefore it can become nullified.

Chapter 2

1 When a non-kosher domesticated animal or wild animal was slaughtered, it does not impart the impurity of a carcass as long as it is in its death-throes unless its head is cut off. Instead, it is considered as impure food. If it is killed by being stabbed in the throat and it is in its death throes, as long as it makes convulsive movements, it is not even considered as impure food.

A limb that is separated from an animal that is making convulsive movements is forbidden to a Noachide, as if it were separated from a living animal. And meat that is separated from it is considered as having been separated from a living animal. Similarly, when a kosher animal is slaughtered in an unacceptable manner and it is still making convulsive movements or one of its signs or the majority of one was slit, it is not considered impure at all until it dies.

If one divides an animal in half or one removes its thigh and its inner cavity, it is considered as a carcass and it imparts impurity when carried and when touched, even though it shows signs of life. Similarly, if it was ripped apart from its back or its back bone was broken and the majority of the meat around it severed, it is considered as a carcass in all contexts.

2 When the fetus of an animal dies within its womb and a shepherd inserts

his hand and touches it - whether it is a non-kosher species or a kosher species - the shepherd who touches it is considered pure until he removes the stillborn animal from the womb.

3 Meat that is separated from a domesticated or wild animal - whether from a kosher species or a non-kosher species - in their lifetime is ritually pure and does not impart impurity as a carcass does. When, however, an entire limb is separated from a living animal, it does impart impurity as a carcass does. This applies to a limb from a living animal itself or from a fetus in its womb.

There is no minimum measure to the size of a limb. Even if it is the size of a barley-corn or smaller, it imparts impurity provided it was intact as when it came into being with flesh, sinews, and bones. It must have enough flesh to regenerate and return to a state of wholeness. If the limb did not have enough flesh to return to a state of wholeness or the bone was lacking, it is pure.

4 A kidney, the tongue, the lips, and like - even though they are organs and will not regenerate - are considered as meat in this context, because they do not have bones.

5 The flesh or a limb of a domesticated or wild animal that could not regain its vitality and reconnect with the remainder of the body does not impart impurity as a carcass does as long as the animal is alive. Instead, they are considered as like other edible substances. If they were made fit to contract impurity, they can contract impurity while attached to the

animal.

If the animal was slaughtered, the slaughter causes the flesh or the limb that had been maimed to be considered fit to contract impurity, but they do not impart impurity as a carcass does. For the slaughter of the animal does not cause them to be considered as if they were separated from the animal during its lifetime. If, by contrast, the animal died, the flesh that was hanging loosely from it during its lifetime must be made fit to contract ritual impurity and a limb that had been hanging loosely imparts impurity as a limb from a living animal and not as a limb from a carcass.

What is the difference between a limb from a living animal and a limb from a carcass? Meat that was cut from a limb separated from a living animal is pure, while meat cut from a carcass imparts impurity when touched or carried if an olive-sized portion is present. The same measure applies in both instances.

6 When an animal that was *tereifah* was slaughtered in a proper manner, even though it is forbidden to be eaten, it is pure. Similarly, when a person slaughters an animal and discovers a dead fetus, the slaughter of its mother purifies it from imparting the impurity associated with a carcass.

If one discovers a fetus that is in its eighth month and is alive, it is considered as a *tereifah*. Even if it is slaughtered after it was deemed *tereifah*, the slaughter does not prevent it from imparting the impurity associated with a carcass. The rationale is that there is no concept of ritual slaughter for an animal of this type.

Based on this logic, when the offspring of an animal was not kept for seven full days before it was slaughtered, the slaughter does not prevent it

from imparting the impurity associated with a carcass, because such an animal is considered like a non-viable offspring.

7 As explained, when a person slaughters an animal and finds a living fetus that has been carried for nine months, ritual slaughter is not required before it steps on the ground, because the slaughter of its mother causes it to be considered as pure. Nevertheless, if its mother becomes impure before the fetus was removed, the fetus does not contract impurity. If the slaughter of its mother was not performed successfully and the mother became considered as a carcass, the living fetus remains pure. The rationale is that a living being does not contract impurity at all, not the impurity associated with foods, nor the impurity associated with a carcass, even though it is considered as one of the limbs of the mother. If it dies before it steps on the ground, it is pure, because the slaughter of its mother causes it to be deemed pure.

8 When an animal that is *tereifah* was slaughtered, even though its meat is pure according to Scriptural Law, if meat from a sacrificial animal touches it, the sacrificial meat contracts impurity according to Rabbinic Law. This is an added stringency applied with regard to consecrated foods.

9 The following laws apply when an animal had difficulty birthing its offspring. If, after the fetus stuck out its foot and it was cut off, the mother was then slaughtered, the limb that was cut off is considered as if it was from a carcass, but the remainder of the meat of the fetus is pure.
If the mother was slaughtered and then the limb was cut off, the limb is

considered as the meat of a *tereifah* animal that was slaughtered. The remainder of the meat of the fetus is considered as meat that touched a *tereifah* animal that was slaughtered which imparts impurity to consecrated foods, but not to *terumah*.

If the fetus stuck out its foot between the slaughter of one sign and the other and it was cut off, the slitting of the second sign is joined to the slitting of the first to purify the limb from imparting impurity as a carcass does.

10 When a non-Jew slaughters an animal, it is considered as a carcass and imparts impurity when carried. This applies even when a Jew is supervising him and even if he slaughtered it properly with an acceptable knife. Whether the slaughterer is a gentile, a Samaritan, or a resident alien, his slaughter causes the animal to be considered as a carcass.

According to my estimation, this is also a Rabbinical decree, for the impurity imparted by false deities and objects offered to them is a Rabbinical decree, as will be explained. And it is because of their worship of false deities that the Samaritans were distanced and their slaughter forbidden. If you will ask: According to Scriptural Law, it is forbidden to partake of an animal which they slaughtered? In resolution, it can be said that not everything that is forbidden to be eaten imparts impurity. For an animal that is *tereifah*, but which was slaughtered properly, is forbidden to be eaten, but is ritually pure. It is impossible to obligate a person for *karet* for such impurity for entering the Temple or for partaking of sacrificial foods unless one can clearly prove his assertion that he contracted impurity.

11 When a person touches or carries the thigh bone of a dead animal, he is pure. The rationale is that any portion of an animal's carcass that does not impart impurity when touched, does not impart impurity when carried. If, however, it was perforated to the slightest degree, one who touches it or carries it contracts impurity.

When does the above apply? When the marrow in it rattles, for, in that state, it would not regenerate flesh were the animal to be alive. If, however, it is in its natural place and it has sufficient marrow that it could regenerate flesh on the outside of the bone, it imparts impurity when touched or carried like other limbs. We have already explained that a thigh-bone is closed on all sides.

12 When a person thought of perforating a thigh bone, but had not done so as of yet, one who touches it contracts impurity of a doubtful status. For there is an unresolved question whether the fact that he has not perforated the bone as of yet is considered as not having carried out a significant deed or not.

Chapter 3

1 The carcass of a kosher fowl that was not ritually slaughtered imparts impurity according to Scriptural Law. According to the Oral Tradition, it is taught that **Leviticus 17:15**: "Any soul that will partake of the carcass of a fowl or one that is *tereifah* - whether a native or a convert - shall launder his garments and bathe in water" is speaking only about one who partakes of the carcass of a fowl from a kosher species that is forbidden because it is

a carcass or *tereifah*.

How is its impurity defined? It does not impart impurity when touched or when carried or when it is in one's mouth, only in one's gullet. This is implied by the phrase: "Any soul that will partake...," i.e., it imparts impurity only when it has been ingested in "the chamber of the soul." It uses the term "partake" to define that the minimum measure that imparts impurity is the measure to which the prohibition against eating applies, i.e., an olive-sized portion. Moreover, it is written: "shall launder his garments;" this teaches that one who contracts impurity from such a carcass imparts impurity to his garments until he separates himself from the object that imparted impurity to him, as we explained.

What is implied? When one swallows an olive-sized portion of the carcass of a fowl from a kosher species and touched *keilim* while swallowing it, they become impure and are considered a primary derivative of impurity. If he was touching a person or earthenware containers while swallowing it, he does not impart impurity to them, as we stated with regard to other primary categories of impurity. After he has ingested the meat from the fowl, he does not impart impurity to other *keilim*. He is like a *k'li* that is a primary derivative of impurity that has been separated from the substance that imparted impurity to him. For even though he must immerse himself and wait for nightfall to regain ritual purity, he does not impart impurity to *keilim*.

2 It is not necessary for one to have the intent to consider the carcass of a fowl from a kosher species as food to impart this severe type of impurity. Instead, whenever one swallows an olive-size portion of such a carcass, it

imparts impurity when in the person's gullet.

If one thought to partake of it, it imparts the impurity of foods. It is considered as a primary derivative of impurity even though it did not touch another source of impurity, nor must it be made fit to contract impurity.

3 The above does not apply to a red heifer and goats that are to be burned. Even though they impart impurity to those involved in offering them, if one considers partaking of them, it is necessary for them to come in contact with a source of impurity. Only then, do they contract the impurity associated with food.

4 When a person skewered an olive-size portion of an animal carcass with a weaving needle and inserted it into the inner organs of a woman from below or inserted it into the gullet of a colleague in a place where the carcass of a fowl from a kosher species would impart impurity, the person contracts impurity, because he or she is carrying the impurity, not because he touches it, as we explained in the beginning of this book.

5 If a person wound an olive-sized portion of the carcass of a fowl from a kosher species in lettuce or the like and swallowed it, he is impure, even if it did not touch his throat. If he wound it with tree bast and swallowed it, he is pure.

6 If a person swallowed an olive-sized portion of the carcass of a fowl from a kosher species and, after swallowing it, vomited it before it was digested, he does not impart impurity to his garments when it passes his throat

when vomiting it. For it imparts impurity in the gullet only when it is swallowed, but not when it is vomited.

7 The following rules apply when a person swallowed part of an intestine of a kosher species of fowl, part of it was in his gullet, and part was in his mouth. If there is an olive-sized portion in his gullet at one time, he is impure. If not, he remains pure.

8 When a person swallows an entire limb that is not as large as an olive-sized portion from such a carcass, it does not impart impurity. Even if he took an entire fowl and swallowed it, if it is as large as an olive, he becomes impure. If not, he remains pure.

9 Although the thin feathers and the wooly hairs on the carcass of a fowl are considered as food and contract and impart the impurity associated with food, they are not included when reckoning an olive-sized portion of the carcass of a kosher species of fowl.

In contrast, the soft portions of the beak and the nails that are close to the flesh are considered like meat and are included in the reckoning of an olive-sized portion. The tips of the wings, the tip of the tail, and the bones, even those which are soft, are not included.

10 When a person partakes of the soft bones, the sinews, underdeveloped eggs while in the mother's body, or the blood of the carcass of a fowl from a kosher species or meat cut from such a fowl while it was alive, he is pure. If, however, one partook of the meat to which the underdeveloped eggs were attached, the gizzard, or the intestines of such a fowl after it died, or

he liquefied the fat in fire and drank it, he is impure like one who partakes of its meat. One who drinks is like who eats. If he liquefied it in the sun and partook of it, he is pure, for he has caused it to become rancid.

11 When the carcass of a fowl of a kosher species has decomposed to the extent that it is unfit to be eaten by a dog, it is pure. Similarly, if it becomes dry like a shard and would not return to its original state if left in lukewarm water for an entire day, it is pure. One who partakes of the *netzel* of the carcass of a fowl of a kosher species is pure.

12 When a fowl from a kosher species becomes *tereifah*, but was slaughtered in a kosher manner, the slaughter causes it to be considered pure. This applies even if it was slaughtered in the Temple Courtyard. If its head was snipped off through *melikah* and it was discovered to be *tereifah*, the *melikah* does not cause it to be considered as pure. Thus it can be inferred that when one slaughters a fowl from a kosher species, whether outside the Temple Courtyard or inside of it, whether the fowl is consecrated or not, it is pure. Whether one performs *melikah* on ordinary fowl within the Temple Courtyard or consecrated fowl outside the Temple Courtyard, they impart impurity to a person and his garments when in the gullet.

13 When one performs *melikah* on consecrated fowl in the Temple Courtyard, if they are fit for a sacrifice and do not have disqualifying blemishes, as explained in its place, they are pure. Similarly, when a calf that has its neck broken as required by law, it is pure, for "atonement" is mentioned with regard to it, as with regard to sacrificial offerings.

Similarly, if it was slaughtered after it was taken down to the wadi, even though it is forbidden to benefit from it, the slaughter prevents it from being considered as an impure carcass.

14 The carcass of a fowl from a non-kosher species is pure and does not impart impurity in the gullet. If one thought to partake of it and it was made fit to contract impurity, it is considered as an impure food which is a primary derivative of impurity. The thin feathers, the wooly hairs, and the soft portions of its beak and its nails are considered as its meat.

15 When a limb is separated from a living fowl - whether from a kosher species or a non-kosher species - it is pure and does not impart impurity at all, as can be inferred from **Leviticus 11:24-26**: "Because of these, you will contract impurity... because of all the animals." This excludes fowl, because it does not have a hoof. According to the Oral Tradition, it was taught that the verse comes solely to teach that a limb from a living domesticated or wild animal is impure.

16 A limb separated from the carcass of a fowl is considered like the carcass of the fowl from which it was separated. If it was from the carcass of a kosher fowl, an olive-sized portion of it imparts severe impurity in the gullet. If one thought of partaking of it, it contracts the impurity associated with impure foods. If the carcass was from a non-kosher fowl, it contracts the impurity associated with impure foods if one thought of partaking of it and it was made fit to contract impurity. It does not impart impurity to other foods unless it is the size of an egg. This is the measure required for

all foods to contract impurity, as will be explained.

Chapter 4

1 The eight crawling animals that are mentioned in the Torah are: the weasel, the mouse, the ferret, the hedgehog, the chameleon, the lizard, the snail, and the mole. The impurity of them all is the same. They are each referred to as a *sheretz* with regard to impurity.

2 A *sheretz* is considered as a primary source of impurity and imparts impurity to persons and *keilim* when touched and to an earthenware container, when it enters its inner space. It does not impart impurity when carried and one who touches it does not impart impurity to his clothes when touching it. The minimum measure that imparts impurity is a lentil-sized portion. All the *sh'ratzim* can be combined to reach this measure.

3 There is no minimum measure for the limbs of a *sheretz* to impart impurity. To impart impurity a limb of a *sheretz* must be intact as when it came into being.

4 A limb from a *sheretz* that is intact with flesh, sinews, and bones that is less than a lentil-sized portion - whether it was separated from the *sheretz* while it is alive or after it died - imparts impurity. It must have enough flesh or marrow within the bone to regenerate and return to a state of wholeness.

5 When flesh is separated from a living *sheretz*, it is pure. Only a limb which is comparable to an entire *sheretz* imparts impurity. What is meant by comparable? Just as a *sheretz* possesses flesh, sinews, and bones, so too, a limb separated from it must possess flesh, sinews, and bones.

6 A kidney, a liver, the tongue, and the like, even though they are considered as organs and will not regenerate, are considered as flesh in this context. If they were separated from a living *sheretz*, they are pure.

7 The blood of a *sheretz* is considered as its flesh. It can be combined to reach the minimum measure of a lentil-sized portion, as long as it is connected to its flesh.

8 The bones of a *sheretz*, its sinews, and its nails are pure. The hides of the weasel, the mouse, the ferret, and the mole are pure. This applies even though it is still fresh and was not processed or trodden upon. The hides of the hedgehog, the chameleon, the lizard, and the snail, by contrast, are considered as their flesh and a lentil-sized portion of it imparts impurity. If it was processed or trodden upon to the extent that it is processed, it is pure. For how long must one tread on a hide in order to process it? For as long as it takes to walk four *millin*.

9 When a person touches the thigh bone of a *sheretz*, he is pure, even though it is filled with marrow, provided the marrow in it rattles, for then it could not regenerate flesh were the *sheretz* to have been alive. If, however, it is in its natural place and it has sufficient marrow that it could regenerate flesh on the outside of the bone, one who touches it is impure,

as is true with regard to all the limbs that could regenerate flesh as we explained. If the thigh bone was perforated to even the slightest degree, one who touches any part of it is impure.

10 An egg of a *sheretz* in which the embryo has begun to take form is pure, even though the embryonic *sheretz* can be seen within it. If it is perforated to the slightest degree, one who touches it is impure.

11 The following laws apply with regard to the carcass of a *sheretz* that is half flesh and half earth. If one touched the flesh, he is impure. If he touched the earth, he is pure. If the form of the *sheretz* was already apparent over its entire length, even one who touches the earth that has not yet been formed into a *sheretz* is impure.

12 When the flesh of a *sheretz* has decomposed and become spoiled and is unfit to be eaten by a dog, it is pure.

The following laws apply if the carcass of a *sheretz* dries out like a shard. If it would return to a moist state and be fit for a dog to eat when left to soak in lukewarm water for an entire day, it imparts impurity. If not, it is pure. It does not even impart impurity like impure foods do.

When does the above apply? With regard to a portion of a *sheretz*. If, however, an entire *sheretz* has become dry and its skeleton remains intact or it was burned and its skeleton remains intact, since its entire form remains, it imparts impurity. In my eyes, this impurity is a Rabbinic decree.

13 An olive-sized portion of meat from an animal carcass or a lentil-sized

portion from the carcass of a *sheretz* that shrank and was reduced in size is pure. If a piece of flesh from a *sheretz* that is less than a lentil or one from an animal carcass that was less than an olive swelled and increased to the size of the minimum measure, they impart impurity according to Rabbinic decree. If, originally, they were the size of the minimum measure and then shrank, but afterwards swelled until they regained the size of the minimum measure, according to Scriptural law, they impart impurity like they did previously. Similar laws apply with regard to an olive-sized portion from a human corpse.

14 A *sheretz* does not impart impurity until it dies. If it has been decapitated, even if the head is still connected to the skin of the body, and it is still in its death throes as happens with regard to the tail of a lizard, it imparts impurity.

All the other teeming and creeping animals, e.g., a frog, a snake, a scorpion, or the like, even though it is forbidden to partake of them, do not impart impurity at all. They are not even considered as impure foods. There are no teeming animals that impart impurity except the eight species mentioned in the Torah.

Chapter 5

1 Semen is a primary source of impurity and imparts impurity to persons and implements when touched and to an earthenware container, when it enters its inner space. It does not impart impurity when carried and one who touches it does not impart impurity to his clothes even when

touching it. It imparts impurity both to one who touches it and one who discharges it. They are both primary derivatives of impurity according to Scriptural Law.

What is the measure that imparts impurity? For one who touches it, an amount the size of a lentil. For one who discharges it, the slightest amount. A man who discharges it is not impure until it leaves his body, reaching the orifice of the male organ, as implied by **Leviticus 22:4**: "From whom is discharged semen." Therefore even one who discharges semen through a reed, is impure because the semen reached the orifice of the male organ.

One is impure whether he discharges semen as a natural physical reaction or due to forces beyond his control.

2 The semen of a minor does not impart ritual impurity until he is nine years old.

3 Semen that is red is pure. It does not impart impurity unless it is white and viscous.

4 Whenever a person's body does not feel the discharge of semen, it does not impart impurity. Therefore if a person discharges semen without an erection and without desire, it does not impart the impurity associated with semen. If there was a sensation when the discharge began, he is impure even though when it departed from his body, there was no sensation.

5 When a person thinks about sexual matters at night and dreams that he

had intercourse and awakes to find his organ warm, he is impure even though he did not find traces of semen. It is presumed that since, in his dreams, he had the sensation that he was involved in intercourse, he discharged semen with a physical sensation. That is why his organ was warm. The discharge, however, was small and it was absorbed on his flesh or on his clothes. Therefore, he did not find any moisture. If he had sexual thoughts, but did not find his organ warm or found his organ warm, but did not have sexual thoughts, he is pure.

6 If a person's urine was slippery or murky at the outset, he is pure. If the slipperiness or the murkiness was seen in the middle of his urination or at the end, he is impure. If, from the beginning to the end, the urine was slippery and murky, he is pure. If it was white and viscous, he is impure. One who releases thick drops from his male organ is pure.

7 When a man who experienced a seminal emission immerses himself and had not urinated before he immersed himself, he becomes impure when he urinates. For there are remnants of semen that are not discharged until he urinates.

To whom does the above apply? To one who is sick or elderly. A healthy youth, by contrast, is pure, for he ejaculates semen powerfully, like an arrow and it clears the orifice of the male organ entirely.

Until when is a male considered a youth in this context? As long as he can stand on one foot and put on or remove his other shoe. If he cannot do this because he is sick, he is considered as infirm in this context.

8 Any woman who engaged in physical intimacy and then went and immersed herself before she washed her vaginal area thoroughly remains impure.

9 Both a man and a woman who engage in physical intimacy are impure. Both of them are considered as primary derivatives of impurity according to Scriptural Law. The woman is not impure because she touched the semen, because the semen touched the inner part of her body, and touching the inner part of the body is not considered as touch. Instead, a woman who engages in intercourse is considered as a man who ejaculates. The above applies provided the female is at least three years old, as implied by **Leviticus 15:18**: "A woman with whom a man lies." If a minor is less than three, she does not become impure because of the physical intimacy itself. She can, however, become impure because she touched the semen if it touches the outer surface of her flesh. Based on this logic, when a man engages in anal intercourse with an adult woman, she is pure, for Scripture only dictated that a woman becomes impure although the impurity only touched her internal organs when intercourse was carried out in the ordinary manner.

10 When a man engages in intercourse with a woman and does not ejaculate, he is pure even though the corona entered the vagina. Similarly, the woman is pure until the man ejaculates.

11 The following rules apply when semen seeps from a woman after relations. If she discharges it within three twelve-hour periods after

intercourse, she is impure like a man who has a seminal emission. Therefore, she misses one day if she is a *zavah*, like a man who had a seminal emission. Even the slightest amount of semen renders her impure even if it does not emerge outside her body, but is just discharged between the folds of her vagina, she is impure, for semen is like vaginal bleeding. Just as vaginal bleeding imparts impurity while inside the woman's body, so too, semen that she discharges makes her impure while it is within her body.

12 Semen itself that was discharged within three twelve-hour periods imparts impurity to others who touch it as it imparts impurity to the woman who discharges it.

If she discharged it after three twelve-hour periods, the woman is considered as pure. Similarly, the semen itself that was discharged after such a time is pure, for its substance has already putrefied.

13 What is meant by a twelve-hour period? A full day or a full night. The period in which relations took place is not counted.

What is implied? If relations took place on Friday night, the three twelve-hour periods are: the Sabbath day, Saturday night, and during the day on Sunday. If she discharged semen during this time, she is impure. If she discharged it from Sunday night onward, she is pure.

When a man was sodomized, the semen he discharges is impure, as long as it is moist, even after several twelve-hour periods. Similarly, the man who discharges it is impure.

14 Semen does not impart impurity unless it is moist. If it becomes dry like a shard it is pure. If it would return to its original state when left to soak in lukewarm water for an entire day, it imparts impurity.

15 In this chapter, we have already explained that a man who ejaculates, a woman who engages in relations with a man, and one who touches semen, are impure according to Scriptural law. Similarly, a woman who discharges semen within three twelve-hour periods after relations is impure according to Scriptural Law like one who has a seminal emission. All of the others about whom it was said in this chapter that they are impure, e.g., one who has sexual thoughts in his dreams or has questionable substances in his urine, are impure only due to Rabbinic decree. That decree applies only to *terumah*, but for ordinary foods, they are pure.

16 When a gentile woman discharges the semen of a Jew within three twelve-hour periods - or when an animal discharges the semen of a Jew within this time - the semen discharged is impure. If it was released after this time, there is an unresolved question whether it is considered to have putrefied or not.

17 In *Hilchot Metamei Mishkav UMoshav*, we already explained that the semen of a gentile is absolutely pure. Therefore if a Jewish woman discharges the semen of a gentile even within three twelve-hour periods, she is pure.

18 When a gentile felt the release of semen, converted and went to immerse

himself and released the semen that he felt initially after he immersed, there is a question whether or not he is impure.

19 When a minor less than nine years old - or a gentile or an animal - engages in relations with a mature female, she is pure, as indicated by **Leviticus 15:18**: "And a man who will lie with a woman." Implied is that the male must be a mature man and Jewish, as we explained.

Chapter 6

1 The impurity of false deities is of Rabbinic origin. There is an allusion to it in the Torah **Genesis 35:2**: "Remove the foreign gods that are in your midst. Purify yourselves and change your garments."
There are four primary categories of ritual impurity associated with the worship of false deities: the false deities themselves, their accessories, something offered to it, and a wine libation offered to it. The impurity associated with all of these is of Rabbinic origin.

2 A false deity itself imparts impurity to persons and *keilim* when touched and to an earthenware container, when it enters its inner space. Like the carcass of a teeming animal, it does not impart impurity when carried, as implied by **Deuteronomy 7:26**: "You shall certainly regard it as disgusting."
The minimum measure that imparts impurity is an olive-sized portion; it should not be more stringent than a portion of a corpse. If an image is less than an olive in size, it is pure.

3 If one cut off a limb from it, even if it is as large as the steering rod of a

plow, it is pure. The rationale is that a false deity does not impart impurity when separated into limbs, only when the entire image is intact, as can be inferred from **Isaiah 30:22**: "Cast your idols away like someone impure." Just as the limbs of an impure person do not impart impurity, so too, the limbs of a false deity do not impart impurity.

Its impurity was established according to the leniencies applying to all the primary categories of impurity. Since its impurity is of Rabbinic origin, it was considered as the carcass of a teeming animal in that it does not impart impurity when carried, like a corpse in that an olive-sized portion is required, and like a *nidah* in that a limb of it does not impart impurity.

4 When a false deity was separated into parts, even though it could be reassembled by an ordinary person and all of its parts are present, it does not impart impurity.

5 All of the accessories of a false deity are like the carcass of a teeming animal. They impart impurity to persons and *keilim* when touched and to an earthenware container, when they enter its inner space. They do not impart impurity when carried. The minimum measure that imparts impurity is an olive-sized portion. Even if one cut off an olive-sized portion from an implement, it imparts impurity like the carcass of a teeming animal. In this context, the law applying to the accessories of a false deity is more stringent than that applying to the false deity itself.

With regard to a shrine in which a false deity is worshiped: Its stones, its beams, and its earth all impart impurity when an olive-sized portion of them is touched, as all of the other accessories of a false deity.

6 When a person inserts his head and the majority of his body into a shrine of a false deity, he becomes impure, as if he touched it. Similarly, if the inner space of an earthenware vessel was brought inside a shrine of a false deity, it becomes impure. When the greater portion of a bench or a couch was brought into a shrine of a false deity, it contracts impurity. They are considered as primary derivatives of impurity.

7 An offering brought to a false deity imparts impurity when touched and when carried like the carcass of a dead animal. The minimum measure that imparts impurity is an olive-sized portion.

Any entity offered to a false deity, whether meat or other foods or beverages, is considered like an animal carcass, for Scripture **Psalms 106:28** refers to them as "sacrifices of the dead." Although foods that were sacrificed to false deities may never be nullified in a manner that enables one to benefit from them, if their connection with the false deity was nullified, it is questionable whether or not they impart impurity. When, by contrast, the connection between an implement offered to a false deity and that deity was nullified, it is pure. Similarly, a false deity and its accessories that were nullified are pure.

8 When wine was poured as a libation to a false deity, it imparts impurity to persons and *keilim* when touched and to an earthenware container, when it enters its inner space. It imparts impurity to a person when carried, as an animal carcass does. The minimum measure for its impurity is an olive-sized portion, as can be inferred from **Deuteronomy 32:38**: "Who eat the fat of its sacrifices, who drink the wine of its libations."

This impurity is imparted only by wine that was poured out by hand before a false deity. Ordinary wine belonging to a non-Jew imparts a lesser impurity like all other impure beverages.

9 From everything that we have explained from the beginning of this book until here, one may conclude that there are primary categories of impurity, some of Scriptural origin and some of Rabbinic origin.

10 Any entity that contracts impurity from a primary source of impurity of Scriptural origin is considered as a derivative of impurity of Scriptural origin. Any entity that contracts impurity from a primary source of impurity of Rabbinic origin is considered as a derivative of impurity of Rabbinic origin.

11 Any primary source of impurity – whether of Scriptural or Rabbinic origin – that imparts impurity [to a person] through touch, but does not impart impurity when carried, does not impart impurity to the clothes a person who touches it is wearing. [This applies even] while he is touching [the source of impurity]. Nor does he impart impurity to another person or to earthenware utensils even though he has not yet separated himself from the source of impurity. Both after and before he separates himself from the source of impurity, his status is that of a derivative of impurity who imparts impurity to foods and makes them a secondary derivative of impurity, for he is a primary derivative.

12 When a person touches or carries any primary source of impurity - whether of Scriptural or Rabbinic origin - that imparts impurity through

touch or when carried, that person imparts impurity to his clothes at the time he is touching the source of impurity or carrying it. He causes the garments to be considered as a primary derivative of impurity. Similarly, if he touches foods, he makes them a primary derivative of impurity as long as he has not ceased contact with the source of his impurity. If he ceases contact with the source of his impurity, he is considered as a primary derivative of impurity in all contexts and he does not impart impurity to his garments. If he touches foods, they are deemed as secondary derivatives.

When does the above apply? With regard to all the primary sources of impurity with the exception of an animal carcass and a surface on which a *zav* rides. With regard to these two sources of impurity, even though they impart impurity when touched or when carried, a person who touches them does not impart impurity to his clothes when he is touching them. If he touches foods, they are secondary derivatives of impurity. One who carries such entities imparts impurity to his clothes when carrying them. If he touches foods before he separates from the source of his impurity, they are primary derivatives of impurity, as we explained.

13 When there is a sufficient amount of water upon which the ashes of the red heifer have been placed to sprinkle it, it is considered like an animal carcass and a surface on which a *zav* rides and only one who carries it imparts impurity to his garments. Nevertheless, one who touches such water imparts impurity to his garments while touching them, because it is as if he is carrying the water. For it is impossible to touch water without moving it and we have already explained that the laws that apply to

carrying a source of impurity also apply when moving it.
Similarly, one who touches the wool of an animal carcass or who touches the strands protruding from a surface on which a *zav* rides imparts impurity to his clothes when he touches these entities because it is as if he is carrying them. For it is impossible to touch them without moving them. Therefore he imparts impurity to his garments until he separates himself from the source of impurity like one who carries.

14 When one swallows the carcass of a fowl from a kosher species, he imparts impurity to his garments at the time he swallows it as we explained. They are considered as primary derivatives of impurity. Similarly, if he touches foods at that time, they are primary derivatives of impurity. After he swallows it, he is considered to have separated from the entity that imparted impurity to him.

15 Although all of the following - one who burns the red heifer or the goats that are burnt and one who sends away the goat to Azazel - impart impurity to their garments while performing their tasks, as we explained, if they touched foods, even while performing their tasks, the foods are deemed a secondary derivative of impurity.

16 When a person touches a primary source of impurity that had been cast into a *mikveh*, e.g., an animal carcass, the carcass of a teeming animal, or a surface on which a *zav* rides was in a *mikveh* and a person touched it, he is impure, as can be inferred from **Leviticus 11:36**: "But a spring and a cistern in which water collects will be pure. One who touches their

carcasses contracts impurity." Implied is that even when they are in a *mikveh*, they impart impurity. When the person who touched the source of impurity immerses and ascends from the *mikveh*, he is pure.

Similarly, if a *zav* treads on a surface on which one rides that was pure while it was found in a *mikveh*, the surface contracts impurity. When the surface is lifted up from the *mikveh*, it regains purity, for it is considered as if it was immersed.

When an individual who touches an impure surface on which one rides while he was in a *mikveh* sticks his hand outside the *mikveh* and touches objects, he imparts impurity to garments. Needless to say, he imparts impurity to foods and beverages.

Chapter 7

1 It is explicitly stated in the Torah that foods and liquids contract ritual impurity, as **Leviticus 11:34** states: "Of all foods that will be eaten that were exposed to water will become impure and any beverage which one will drink in any vessel will become impure."

Food that contracted impurity does not impart impurity to other foods according to Scriptural Law. Nor do liquids that contracted impurity impart impurity to other entities according to Scriptural Law. Nevertheless, according to Rabbinic Law, it was decreed that impure food that touched other foods would impart impurity to them. Similarly, if impure foods touched liquids, the liquids are impure. Food does not, by contrast, ever impart impurity to a container that it touches even according to Rabbinic Law. Similarly, the Sages decreed that impure

liquids should impart impurity to foods, liquids, and *keilim* that they touch.

2 There are no derivatives of impurity that impart impurity to *keilim* other than impure liquids. This impurity is a Rabbinic decree. It applies provided the original source of the liquid's impurity is a primary category of impurity, whether of Scriptural or Rabbinic origin.

Why did they decree that impure liquids should impart impurity to *keilim*? Because of a similarity to the liquids that emanate from a *zav*, which are a primary source of impurity and impart impurity to *keilim* according to Scriptural Law, as *ibid.* 15:8 states: "When a *zav* shall spit on a person who is pure," as we explained.

3 When the Sages decreed that impure liquids should impart impurity to containers, they decreed that they should impart impurity from their inner surfaces.

What is implied? If impure liquids fell into the inner space of an earthenware container, it becomes impure in its entirety. It is considered as a secondary derivative. If they touch other containers on their inner surface, they become impure in their entirety and are considered as secondary derivatives of impurity. If, however, impure liquids touch the outer surface of a container, whether it be an earthenware container, a *k'li* that can be purified by immersion, or a metal *k'li*, only the outer surface becomes impure. The outer surface is considered as a secondary derivative, but its inner surface does not become impure.

In what context does the above apply? To *terumah*. For sacrificial foods, by

contrast, when the outside of a container becomes impure, it becomes impure in its entirety and it is considered a secondary derivative of impurity in its entirety.

4 We already explained, that foods do not impart impurity to utensils, but that liquids do. Why did our Sages make the above distinction - that when the outer surface of a container was touched by impure liquids, its inner surface does not become impure for *terumah*? To make it known that the impurity of these *keilim* is a Rabbinic institution so that *terumah* and sacrificial foods will not be burnt as a result.

5 We already explained that foods and liquids that touch one of the primary sources of impurity become primary derivatives of impurity. Similarly, if food touched a person or a *k'li* that had contracted impurity from a source of impurity, that food becomes a second derivative of impurity. Food that touches this secondary derivative is considered a tertiary derivative of impurity and if the tertiary derivative touches a fourth food, it is considered a fourth degree derivative of impurity.

To what does the above apply? To foods. With regard to liquids, by contrast, whether a liquid touches a primary source of impurity, a primary derivative or a secondary derivative, that liquid is considered as a primary derivative. It imparts impurity to another liquid, which in turn can impart impurity to another liquid, even if there is a chain of a hundred. For there is no concept of degrees of impurity with regard to liquids.

What is implied? When wine touched a primary source of impurity or a primary or secondary derivative, the wine is considered as a primary

derivative of impurity. Similarly, if this wine touched oil, that oil touched milk, that milk touched honey, that honey touched water, and that water touched wine, in an endless chain, all the liquids are considered as primary derivatives. It is as if each one of them contracted impurity from a primary source. They all impart impurity to *keilim*. Similarly, if the outer surface of a container contracted impurity from a liquid and other liquids touched that impure outer surface, even if the other liquids are not sacred, the other liquids are considered as a primary derivative of impurity and impart impurity to other containers, making them secondary derivatives of impurity. Needless to say, they impart impurity to other foods and liquids.

6 When the outer surface of a container contracted impurity and then foods - even food that are *terumah* - touched this impure outer surface, the foods are pure. For when only the outer surface of a container contracts impurity, it does not impart impurity to foods with the exception of sacrificial foods. For when the outer surface of a container contracts impurity, it is considered as entirely impure with regard to sacrificial foods, as we explained. Therefore, it imparts impurity to sacrificial foods.

Chapter 8

1 Whenever one touches a primary derivative of impurity with his hands, whether that primary derivative was an impure person, *k'li*, food, or liquid, his hands - until his joints - alone become impure. Similarly, if a person inserts his hands into the inner space of an earthenware container

that contracted impurity from a primary source of impurity or he inserted his hands into a house that is deemed impure due to *tzara'at*, his hands become impure. The impurity of hands is a Rabbinic decree.

2 Hands that contracted impurity are always considered as a secondary derivative according to Rabbinic Law. For their impurity is a Rabbinic decree, and when it was decreed that they would be impure, it was decreed that their status would be that of a secondary derivative. Even when one inserts his hands into a house that is deemed impure due to *tzara'at* or touches with his hands a person who imparts impurity to his garments before that person has separated himself from the source of his impurity, the person's hands are secondary derivatives.

3 *Piggul, notar,* and remnants of flour from the meal offerings are considered as primary derivatives of impurity. Primary and secondary derivatives are counted if other entities come in contact with them. Therefore, an egg-sized portion of them imparts impurity to hands.
Piggul and *notar* may not be combined to reach an egg-sized measure even though they both share that same measure. The rationale is that the impurity of hands is a Rabbinic safeguard. Other impure foods, by contrast, are combined to reach that measure. For impure foods do not impart impurity unless there is an egg-sized portion present.

4 Even though the thigh bone of a sacrificial animal that was either *piggul* or *notar* is intact, when a person touches it with his hands, his hands contract ritual impurity. For the bones of sacrificial animals that became either

piggul or *notar* impart impurity to hands, because they serve as the base for a forbidden entity.

5 When sacrificial meat is taken outside its appropriate place, there is an unresolved question whether it imparts impurity to hands or not. Therefore, it does not impart impurity, for if there is a doubt with regard to the impurity of hands, they are considered pure, as will be explained. If meat from a Paschal sacrifice was taken outside the home where it is being eaten, it is pure. We assume that the members of the company are vigilant.

6 The concept of impurity of hands does not apply in the Temple. At the time that Sages established their decree regarding the impurity of hands, they did not apply it to the Temple. Instead, if a person touches impure foods or the like - whether he touched them in the Temple or outside the Temple - and then touched sacrificial foods in the Temple, he does not impart impurity to them. If he touches sacrificial foods outside the Temple, he imparts impurity to them. Similarly, he disqualifies *terumah*, as will be explained.

7 When one of a person's hands become impure and he touches the other one, the other remains pure. It is sufficient for him to wash the impure hand.

When does the above apply? With regard to *terumah*. With regard to sacrificial foods, by contrast, if one of a person's hands become impure and he touches the other one, he imparts impurity to the other. Both of

them must be immersed in a *mikveh* before touching sacrificial foods. For *terumah*, by contrast, it is sufficient to wash one's hands to purify them.

8 King Solomon and his court decreed that hands are always considered as secondary derivatives of impurity, even if one does not know with certainty that they contracted impurity, for "hands are busy."
Solomon decreed that hands were impure only with regard to sacrificial foods. Afterwards, the later Sages extended the decree also with regard to *terumah*. Therefore it is necessary to wash one's hands before partaking of *terumah*. If one touched *terumah* before he washed his hands, the *terumah* is disqualified. It is burnt because of this impurity.

9 A person may wrap his hands in a napkin and partake of *terumah* without washing his hands. We do not suspect that he will touch the *terumah*. He should not do this when partaking of ordinary food that is being eaten under the stringencies that apply to the purity of sacrificial food or *terumah*, lest he touch it, for he is not that careful with regard to it.

10 Since a person's hands are considered second degree derivatives of impurity, if they touch liquids, they cause them to be considered as primary derivatives. If such liquids touch foods, they cause them to be considered as secondary derivatives. If such liquids touch other liquids, they cause them to be considered as primary derivatives, for liquids are always considered as primary derivatives, as we explained. Such liquids that contracted impurity due to contact with hands do not impart impurity to *keilim*, for the fundamental impurity of the hands is of

Rabbinic origin.

Similarly, our Sages decreed that any person who partook of impure foods - whether the foods were primary or secondary derivatives of impurity - or who drank impure liquids should be considered as a secondary derivative of impurity until he immerses in a *mikveh*. If he touches foods, he causes them to be considered as a tertiary derivative. If he touches liquids, even ordinary liquids, he causes them to be considered as a primary derivative and they impart impurity to other foods and liquids. They do not impart impurity to *keilim*, because the impurity contracted by this person is fundamentally a Rabbinic decree.

Why was it decreed that a person who partakes of impure foods contracts impurity? For perhaps he will partake of food that is a primary or secondary derivative of impurity and, at the same time, drink a liquid that is *terumah*. The liquid that is *terumah* will contract impurity from the food in his mouth. Similarly, if a person is drinking impure liquids, there was concern that he might eat food that is *terumah* with them and impart impurity to it because of the liquids in his mouth. We have already explained in *Hilchot Terumah* that it is forbidden to partake of impure *terumah*.

11 A person who contracts impurity because he partook of impure foods does not contract impurity unless he partakes of a quarter of a loaf of bread which is the size of an egg and a half when judged generously. Similarly, one who contracts impurity from drinking does not contract impurity unless he drinks a *revi'it* of impure liquids. All types of foods can be combined to comprise the sum of a quarter of a loaf that disqualifies the

body of a person who partakes of them. And all liquids can be combined to comprise the sum of a *revi'it*. If one eats or drinks less than these measures, he is pure.

The following rule applies if one ate a small amount, then waited, and then ate some more. If he ate the required measure within the time it usually takes to eat half a loaf, the quantities are combined. If not, they are not combined. Similarly, if he drank a small amount, then waited, and then drank some more, if he drank the required measure] within the time it usually takes to eat half a loaf, the quantities are combined. If not, they are not combined.

The following rule applies if one ate less than the minimum measure, immersed in a *mikveh*, ascended, and immediately ate more. If he did not wait between eating and there is less time than it usually takes to eat half a loaf between the eating that preceded the immersion and the eating that followed it, they can be combined.

12 When a woman who is a primary derivative of impurity nurses her son, her son is pure. The Sages did not decree that he would be impure. Even if one would say that the infant nursed a *revi'it* of milk, it is possible that from the beginning to the end, doing so took more time than it usually takes to eat half a loaf, for he does not nurse all at once.

13 Because of the danger, our Sages granted a pregnant woman license to partake of less than the minimum measure, even though ultimately, she will partake of a larger amount. She does not need to immerse herself. Instead, she is pure.

Chapter 9

1 When a person immerses his head and the majority of his body in drawn water or three *lugim* of drawn water fall on his head and the majority of his body, he is a secondary derivative of impurity until he immerses himself in a *mikveh*. If he touches foods, he causes them to be considered as a tertiary derivative. If he touches liquids, he imparts impurity to them, causing them to be considered as a primary derivative and they impart impurity to other foods and liquids. They do not, however, impart impurity to *keilim*.

Why did the Sages decree that such a person should be impure? Because people would immerse in caves where the water was foul and then they would wash with fresh drawn water for the sake of cleanliness. This became such a widespread practice that the majority of people got the impression that the drawn water in which the people would ultimately wash was the agent that conveyed ritual purity and not the immersion in the waters of the *mikveh*. Therefore, they would immerse themselves carelessly, without attention to details. Accordingly, our Sages decreed that when a person immerses his head and the majority of his body in drawn water or three *lugim* of drawn water fall on his head and the majority of his body, he becomes a secondary derivative of impurity. Even when three *lugim* of drawn water falls on the head and the majority of the body of a person who was pure or he immerses his head and the majority of his body in drawn water, he becomes a secondary derivative of impurity until he immerses himself.

After a person who contracted impurity in such a manner immerses

himself, he need not wait until nightfall to regain purity, for the impurity contracted by this person is fundamentally a Rabbinic decree. Similarly, a person who contracted impurity because he ate impure foods or drank impure liquids and then immersed himself need not wait until nightfall to regain purity. Similarly, when *keilim* become impure due to contact with impure liquids, once they were immersed, they become pure. There is no need to wait until nightfall, because these impurities are fundamentally Rabbinic decrees.

2 The following laws apply when three *lugim* of drawn water fall on a person from two or three different containers. If water began to flow from the second before it concluded flowing from the first, they can be combined to reach the sum of three *lugim*. If water falls from four containers, it is not combined. Even if one began to flow before the other ceased flowing, the person is pure.

If the water fell on his head, but not on the majority of his body or fell on the majority of his body, but not on his head, or fell on his head from above and on the majority of his body from the side or from below, he is pure. To impart impurity, the water must fall on his head and the majority of his body that is close to his head in an ordinary manner. Similarly, if his head entered drawn water, but not his body or his body entered, but not his head, or his head was inserted in drawn water and then other drawn water engulfed his body from the side or from below, he is pure. To contract impurity, his head and the majority of his body close to his head must enter the water in an ordinary manner.

3 When a portion of a person's head and half the majority of his body were inserted in drawn water and drawn water falls on the other half of his head and the majority of his body, since water fell on half and half was inserted in water, he is pure.

4 When the three *lugim* of water which fell upon a person or into which he inserted his head and body were a combination of drawn water and natural water or they were mixed with wine, honey, or milk, he is pure. The three *lugim* must be entirely drawn water.

The status of these three *lugim* of water which fell on a pure person or in which he inserted his head and body and from which he contracted impurity also changes. Since the person became a secondary derivative of impurity, the water is also impure for it touched a secondary derivative. It is as if the water tells the pure person: "I made you impure and you made me impure."

5 Initially, they would place loaves of *terumah* next to sacred scrolls, saying: "These are holy and these are holy." Mice would come and tear the sacred scrolls. Therefore, the Sages decreed that any *terumah* that touches the Holy Scriptures would become impure. It is considered as a tertiary derivative of impurity, as if it touched a secondary derivative. Thus all the Holy Scriptures disqualify *terumah* like a secondary derivative.

Moreover, when anyone whose hands were pure touched one of the Holy Scriptures, his hands become secondary derivatives of impurity and impart impurity to *terumah* and to liquids. Although generally, hands only contract impurity from a primary derivative of impurity, as we explained,

they contract impurity from a scroll.

6 *Tefillin* straps when connected to the *tefillin*, the blank parchment of the margins above or below the scroll and at its beginning or end when connected to the scroll, a scroll that was erased, but at least 85 letters remained, and a scroll on which at least 85 letters from the Torah are written, as in the passage **Numbers 10:35-36**: "And when the ark set forth...," all impart impurity to hands. Not only the words of the Torah, but the words of all the Holy Scriptures, including the Song of Songs and Ecclesiastes which are words of wisdom, impart impurity to hands.

7 The Aramaic portions in the Books of Ezra and Daniel are considered as part of the Holy Scriptures. If, by contrast, one translated an Aramaic portion into Hebrew or a Hebrew portion into Aramaic, or wrote the Holy Scriptures in the *Ivri* script, they do not impart impurity to hands. That applies only when Scripture is written in the *Ashuri* script, on parchment, with ink.

8 Although it is forbidden to do so, if one writes *Hallel* or the *Shema* for a child to study, they impart impurity to hands.

9 Although it is forbidden to maintain them, as long as the strings and the straps sewed within a Torah scroll are attached to the scroll, they impart impurity to hands.

10 When the case of a scroll, an ark, or the mantle of a scroll are sewn to the scroll itself, they impart impurity to hands. By contrast, although passages

of blessings, contain the letters of God's name and many Torah concepts, they do not impart impurity to hands.

11 Scrolls written by heretics do not impart impurity to hands. Since the passage of a *sotah* is intended to be blotted out, it does not impart impurity to hands.

Chapter 10

1 As we explained, every entity, whether a person or a *k'li*, that contracts impurity from a primary source of impurity is considered as a primary derivative of impurity until immersion in a *mikveh*. After immersion, he or it is considered like a secondary derivative of impurity until nightfall, as implied by **Leviticus 11:32**: "It shall be inserted into water and it will be impure until evening, when it will become pure." Thus Scripture refers to an entity immersed that day as impure.

2 The same status applies both to one who immersed to purify himself from severe impurity, e.g., that of a *zav*, that connected with a human corpse, or *tzara'at*, and one who immersed to purify himself from the impurity stemming from the carcass of a teeming animal and the like. Any entity, whether a person or a *k'li*, that must wait until nightfall to regain purity, regardless of whether the impurity stems from Scriptural Law or the words of the Rabbis, is considered as a secondary derivative until nightfall.

3 Contact with a person who immersed himself that day disqualifies foods that are *terumah*, liquids that are *terumah*, sacrificial foods, and

consecrated liquids. It disqualifies everything.

What is implied? If a person who immersed that day touches food that is *terumah,* he causes it to be considered a tertiary derivative of impurity, for he is a secondary derivative. Similarly, if he touches liquids that are *terumah*, he imparts impurity to them and they are considered tertiary derivatives of impurity. In the same vein, if such a person touches consecrated liquids, he imparts impurity to them and they are a fourth degree derivative of impurity. Similarly, if he touches consecrated food, he causes them to be considered a fourth degree derivative of impurity. If, however, he touches ordinary foods or ordinary liquids, they remain pure. The laws that apply to those who are lacking atonement and one who immersed himself are the same with regard to touching consecrated food.

From this entire discussion, one has learnt that liquids are never considered a secondary derivative. They are always considered as primary derivatives with the exception of liquids touched by a person who immersed himself that day which are considered as tertiary derivatives if they were *terumah* or a fourth degree derivative if they are consecrated foods.

4 Fluids, e.g., saliva or urine, produced by any of those who impart impurity - whether severe or light - are governed by the same laws as the liquids that they touch. They are all primary derivatives of impurity, as we explained, with the exception of those produced or touched by a *zav* and those like him. The fluids such individuals produce are primary sources of impurity, while the liquids they touch are primary derivatives of impurity. Even when a person contracts impurity by eating impure foods or

drinking impure liquids, the fluids he produces are governed by the same laws as the liquids he touches, i.e., they are primary derivatives.

Similarly, the fluids produced by a person who immersed and is waiting for nightfall are governed by the same laws as the liquids he touches; they do not impart impurity to other entities at all. Instead, if such fluids touch ordinary liquids, they are pure. If they touch liquids that are *terumah*, they become tertiary derivatives of impurity. And if they touch consecrated liquids, they become fourth degree derivatives.

5 From the above, it should be clear that a tertiary derivative that is *terumah* or a fourth degree derivative that is consecrated does not impart impurity to other liquids or other foods. Needless to say, it does not impart impurity to *keilim*.

Therefore, the following rules apply when there was a pot full of liquids and a person who had immersed that day touches it. If they were ordinary liquids, everything is pure. If the liquids were *terumah*, the liquids are disqualified, but the pot is pure. If only the person's hands were impure, the liquids are impure, whether they are *terumah* or ordinary liquids. This is a stringency observed with regard to impure hands that does not apply to a person who immersed that day.

There is a stringency observed with regard to a person who immersed that day that does not apply to impure hands: If there is a question regarding the status of a person who immersed that day, he disqualifies foods and liquids he touches because of that question. If, by contrast, the status of a person's hands is in doubt, the entities he touches are pure, as will be explained.

6 Both a person who was pure, but his hands contracted impurity and a person who immersed that day whose hands contracted impurity, impart impurity to ordinary liquids to cause them to be considered as primary derivatives of impurity that impart impurity to foods and liquids, as we explained.

Since the fluids discharged by a person who immersed that day are governed by the same laws as the liquids he touches, if the saliva or the urine of a person who immersed that day falls on a loaf of bread that is *terumah*, it is pure, because the fluids are like the liquids that he touches.

7 From all the concepts that we have stated previously, it is possible to comprehend that a person may become a source of impurity and he may be a primary derivative of impurity according to Scriptural Law. A person will be considered as a secondary derivative only according to Rabbinic Law. This refers to one who partakes of impure foods or drinks impure beverages or one who inserts his head and the majority of his body into drawn water. In all of these instances, the person is a secondary derivative of impurity according to Rabbinic Law.

Similarly, all types of *keilim* with the exception of earthenware containers can become primary sources of impurity or primary derivatives of impurity according to Scriptural Law. A *k'li* will be considered as a secondary derivative only according to Rabbinic Law; i.e., if it contracted impurity from impure liquids, it will be a secondary derivative according to Rabbinic Law, as we explained.

8 We already explained, that an earthenware container will never become a

primary source of impurity, neither according to Scriptural Law, nor according to Rabbinic Law. It may become a primary derivative of impurity according to Scriptural Law and a secondary derivative according to Rabbinic Law if it contracted impurity from liquids, like other *keilim*. Neither persons, nor *keilim* ever become a third degree or a fourth degree derivative of impurity, neither according to Scriptural Law, nor according to Rabbinic Law.

9 Foods will never become a primary source of impurity, neither according to Scriptural Law, nor according to Rabbinic Law. They may become primary and secondary derivatives of impurity according to Scriptural Law. For if a person or *k'li* that is a primary derivative of impurity touches food, it causes it to be considered a secondary derivative.
According to the Sages alone, foods may become third degree derivatives or fourth degree derivatives.

10 Liquids, e.g., the water on which the ashes of the red heifer have been sprinkled or the saliva or urine of a *zav*, may become primary sources of impurity according to Scriptural Law. And they may become primary derivatives of impurity according to Scriptural Law, e.g., if they touched a primary source of impurity. Similarly, if liquids touched a derivative of impurity - whether a person or a *k'li* - they contract impurity according to Scriptural Law and are considered as primary derivatives to impart impurity to other entities according to Rabbinic decree. Similarly, if liquids touched a secondary derivative of impurity - whether a person, a *k'li*, or foods, they are considered as primary derivatives to impart

impurity to other entities according to Rabbinic decree, as we explained.
Similarly, liquids can become third degree derivatives or fourth degree derivatives according to Rabbinic decree. What is implied? If a person who immersed that day touches a liquid that is *terumah*, he causes it to be considered a third degree derivative. If he touches a consecrated liquid, he causes it to be considered a fourth degree derivative. There is no concept of a liquid being considered as a secondary derivative or indeed, anything other than a primary derivative except liquids touched by or fluids discharged by a person who immersed that day or one who is lacking atonement with regard to consecrated liquids, in which instance, he disqualifies them, but does not make them impure, as we explained.

Chapter 11

1 Whenever the term "disqualified" is used with regard to foods, the intent is that the food itself is considered as impure, but it does not impart impurity to other similar foods. Instead, if it touches another food, it is pure.

2 With regard to ordinary foods, a primary derivative of impurity contracts impurity and imparts impurity to others. A secondary derivative is disqualified, but does not impart impurity, for a secondary derivative does not create a tertiary derivative with regard to ordinary food.
What is the source that teaches that ordinary food which is a secondary derivative is disqualified? **Leviticus 11:33** states: "Whenever one of them falls into its inner space, everything in its inner space contracts impurity."

Now, a carcass of a crawling animal is a primary source of impurity. The earthenware container into whose inner space it falls is a primary derivative of impurity. Thus the food in the container is a secondary derivative and yet Scripture calls it impure.

Similarly, if the carcass of a crawling animal falls into an oven, bread in the oven is a secondary derivative, for the oven is a primary derivative.

3 With regard to *terumah*, primary and secondary derivatives of impurity contract impurity and impart impurity. A tertiary derivative is disqualified, but does not impart impurity, for a tertiary derivative does not create a derivative of the fourth degree with regard to *terumah*.

What is the source that teaches that food that is *terumah* which is a tertiary derivative is disqualified? **Leviticus 22:7** states: "And the sun will set and he will become pure. Afterwards, he shall partake of consecrated food." Thus a person who immersed that day is forbidden to partake of *terumah* until nightfall. If he touches it, he disqualifies it. A person who immerses is like a secondary derivative. Thus one can conclude a secondary derivative makes a tertiary derivative with regard to *terumah*.

4 With regard to consecrated food, primary, secondary, and tertiary derivatives contract impurity and impart impurity. A derivative to the fourth degree is disqualified, but does not impart impurity, for a derivative to the fourth degree does not ever create a derivative to the fifth degree.

What is the source that teaches that a tertiary derivative is impure with regard to consecrated foods? **Leviticus 7:19** states: "Meat that touches anything that is impure shall not be eaten." And Scripture has already

referred to a secondary derivative of impurity as "impure," as stated: "Everything in its inner space contracts impurity." Thus one can conclude that consecrated meat that touches a secondary derivative contracts impurity and must be burnt.

What is the source that teaches that a fourth degree derivative disqualifies consecrated foods? It is derived through an inference from a more lenient matter to a more stringent one: A person who is lacking atonement is permitted to partake of *terumah*, but is forbidden to partake of sacrificial food until he brings the offerings that secure atonement for him. If so, should not a tertiary derivative of impurity which disqualifies *terumah* cause a derivative to the fourth degree to become impure? Nevertheless, a fifth degree derivative is pure.

5 Even though ordinary meat is pure, our Sages decreed that it should be considered as a tertiary derivative of impurity and convey impurity to sacrificial food. It does not impart impurity to *terumah*. It appears to me that the Sages enforced their decree against it solely so that ordinary meat not become mixed with sacrificial meat. Were that to happen, an error could be made and inadvertently, one might think that the meat is ordinary and eat it while he is impure, although in truth it is consecrated.

6 When foods are joined together by liquid, they are considered as joined with regard to contracting the impurity associated with foods. There is an unresolved question if they are considered as a single entity from which to count primary, secondary, and tertiary derivatives or the food that was touched by the impurity is a primary derivative and the food that is joined

to it as a secondary derivative.

7 Impure food that is a secondary derivative disqualifies food that is *terumah* and causes it to be considered as a tertiary derivative. If it touches ordinary liquids, it imparts impurity to them. Needless to say, if it touches liquids that are *terumah* or consecrated, it imparts impurity to the entire quantity.

8 *Terumah* that is a tertiary derivative of impurity that touched consecrated food disqualifies it and causes it to be considered as a fourth degree derivative. If it touches consecrated liquids, it imparts impurity to them and causes them to be considered as primary derivatives. If, however, *terumah* that is a tertiary derivative touches a liquid that is *terumah*, it is pure. Similarly, if consecrated food that is a fourth degree derivative touches a consecrated liquid, it is pure.

9 When ordinary food is prepared with the stringencies of *terumah*, if it becomes a tertiary derivative, it is disqualified, as is true with regard to *terumah*. Nevertheless, if such food touches consecrated food, it does not cause it to be considered as a fourth degree derivative. It does not even disqualify consecrated liquids. When ordinary food is prepared with the stringencies of consecrated food, a tertiary derivative is pure like ordinary food.

10 A person who partakes of consecrated food that is a fourth degree derivative of impurity is forbidden to partake of other consecrated foods. He is permitted to touch consecrated foods and does not disqualify them. Even when there is cooked food in which consecrated food was mixed,

but there is less than an olive-sized portion of consecrated food in a mixture the size of half a loaf of bread, a person who partook of consecrated food that was a fourth degree derivative of impurity should not partake of this mixture. It may be eaten only by one who partook of consecrated food that was removed from impurity by the fifth degree. For he is pure, as we explained.

11 When a person partakes of *terumah* or ordinary food prepared with the stringencies of *terumah* that was a tertiary derivative of impurity, he is forbidden to partake of *terumah* until he immerses himself in a *mikveh*. He is permitted to touch *terumah*, and if he does, it is ritually pure. The Sages imposed a stringency with regard to eating, not with regard to touching.

When does the above apply? To *terumah* itself. If, however, *terumah* was mixed into cooked food and there is less than an olive-sized portion of *terumah* in a mixture the size of half a loaf of bread, such a person is permitted to partake of the mixture, just as he is permitted to touch *terumah*.

12 Although a person who partakes of *terumah* or ordinary food prepared with the stringencies of *terumah* that was a tertiary derivative of impurity is considered as pure with regard to touching *terumah*, he is considered as a secondary derivative with regard to consecrated foods. For something that is pure with regard to *terumah* is impure with regard to consecrated food.

When, by contrast, one partakes of ordinary food prepared with the

stringencies of consecrated food that was a tertiary derivative of impurity, he is pure. There is nothing that creates a fourth degree derivative of impurity with regard to consecrated foods except consecrated food itself.

13 The term "consecrated food" employed with regard to the impurity of foods and liquids refers to sacrificial foods, e.g., meat from sacrifices of the highest order of sanctity, meat from sacrifices of a lesser degree of sanctity, bread from a thanksgiving offering and cakes of a nazirite's offering for which their sacrifice was slaughtered, flour offerings that were sanctified in a consecrated vessel, the two loaves offered on Shavuot and the showbreads when their surface became hardened in the oven. By contrast, the loaves of the thanksgiving offerings and the cakes of nazirite's offering for which their sacrifice was not slaughtered and flour offerings that were not sanctified in a consecrated vessel are not considered as consecrated food, nor as ordinary food. Instead, their status is the same as *terumah*.

14 *Challah*, the first-fruits, restitution made for *terumah* and the additional fifth are considered as *terumah*.

15 *Tevel*, a mixture of ordinary produce and *terumah*, produce that grew from *terumah* that was planted, the second and first tithes, and a dough from which *challah* had not yet been separated are considered like ordinary produce. A primary derivative is impure. A secondary derivative is disqualified and there is no concept of a tertiary derivative.

16 Our Sages decreed that whenever an entity would impart impurity to ordinary food according to Scriptural Law if one was certain that they

came into contact, when one is in doubt whether it came into contact with dough from which *challah* was taken, that dough should be prepared in a state of ritual purity. *Challah* is separated from it, but its status is held in abeyance. It is neither eaten, nor burnt.

Chapter 12

1 Our Sages established eleven stringencies applying to consecrated foods that do not apply to *terumah*. They are the following:

A person may immerse *keilim* inside other *keilim* to use for *terumah*, but not those to be used for consecrated foods. This is a decree lest the opening of the container be narrow and not be as wide as the mouthpiece of a drinking pouch. Thus the *keilim* inside of it would be considered as if they were immersed in the waters of the *k'li* and not in the waters of the *mikveh*. When does the above apply? When the large container in which the small impure *keilim* were placed was pure. If, however, it was impure, since the immersion is valid for it, it is also valid for the *keilim* inside of it, even though they were to be used for consecrated foods.

2 When the outer surface of a container contracted impurity because it touched liquids, its inner space does not become impure, nor does the fingerhold on its rim. Any liquids in its inner space or on its fingerhold are pure. One may drink from it. There is no need to worry that the liquids in his mouth will touch the outer surface of the container and then flow back in, causing its inner space to become impure.

With regard to what does the above apply? To containers used for

terumah. If, by contrast, they are used for consecrated foods, when the outer surface becomes impure, the *k'li* becomes impure in its totality.

3 When a person carries an article on which a *zav* had been supported, he is permitted to carry *terumah* together with it. Since the person carrying the support is not touching the *terumah* and the *terumah* is not touching the support, the *terumah* is pure. This leniency does not apply to consecrated foods.

An incident occurred with a person who was carrying a jug of consecrated wine and he caused it to contract impurity because of an impure support he was carrying with it. At that time, the Sages decreed that one who carries such a support should not carry consecrated food. The decree was only instituted with regard to carrying such a support with consecrated food, as in the incident that occurred. If the person transgressed and carried the two together, since the support did not touch the consecrated food, the consecrated food is pure.

4 The clothes of people who partake of *terumah*, even though they are pure and they are careful not to contract impurity, are considered as the support of a *zav* with regard to consecrated foods.

5 When a *k'li* is made up of several component parts and its surfaces and beams are tied together, e.g., a bed or the like, if it contracts impurity and must be immersed for *terumah*, it may be immersed in its entirety, as one entity, while tied together. If it must be immersed for consecrated foods, he must untie all the component parts, wipe each of them down, lest there

be an intervening substance upon them and immerse them one by one. Afterwards, he may retie them.

6 When the fashioning of utensils is completed in a state of purity, even if the one fashioning them is a Torah scholar who was scrupulous in keeping them pure, they must be immersed before they are used for consecrated food. It is not, however, necessary to wait until nightfall. For *terumah*, however, they may be used without being immersed, because they were fashioned in a state of purity.

Why did the Sages require that such a *k'li* be immersed before being used for consecrated food? This is a decree, lest the spittle of an unlearned person have touched it while it was being fashioned and was still moist when it was completed.

7 Everything inside of a container is considered as joined with regard to consecrated food, but not with regard to *terumah*.

What is implied? When there is a container filled with fruits that are separate from each other, e.g., raisins and dried figs, if a source of impurity touches one of them, everything that is in the container is impure with regard to consecrated foods, but not with regard to *terumah*.

All of these stringencies are Rabbinic in origin. There is, however, an allusion to this stringency in the Torah. **Numbers 7:14** states: "One golden ladle, weighing ten *shekalim*, filled with incense." Our Sages said: Everything that is in the ladle is considered as one entity. Even if a *k'li* does not have a hollow space, everything that is upon it is considered as joined together with regard to consecrated foods. For example, figs were

collected on a board or on a hide; even though they are not touching each other, they are considered as a single entity.

8 The following rules apply when there were two masses within a container, another entity separating them from each other, and one of the masses becomes impure. If the entity between them is required by the container, everything is joined together and it all becomes impure. If it is not required by the container, only the mass that was touched by the impurity contracts impurity.

9 If there were two masses in a container and one mass was connected to water that was behind the container, should an impure person touch the second mass, they both contract impurity, because they are joined by the container. Moreover, even though it is behind the container, the water that is behind the container becomes impure, because of the food that is connected to it.

If an impure person touched the water that is behind the container, the food that is connected to it contracts impurity. There is an unresolved question whether the other mass of food becomes impure because it is considered joined by the container or it is not considered as impure although it is joined.

10 When consecrated food that became impure was placed in a container which also held other consecrated food that was pure, as long as they do not touch each other, the one that is pure remains pure and the one that is impure remains impure. If a person who immersed that day comes and

touches the impure food, an unresolved doubt arises: Does the principle that a container joins the masses it holds cause the pure food to become disqualified because the impure food was touched by the person who immersed or is it not disqualified, because the person who immersed only touched food that had already been saturated with impurity and he did not add anything else to it.

11 Consecrated food that is a fourth degree derivative of impurity is disqualified, but if it were *terumah* it would be pure. Similarly, if *terumah* that was a tertiary derivative touched a consecrated liquid, it contracts impurity, as we explained. When, by contrast, *terumah* or consecrated food that is a tertiary derivative touched a liquid that is *terumah*, it is not disqualified.

12 When one of a person's hands contracted impurity and he then touched his other hand or the hand of another person, he disqualified the other hand and it is considered as a tertiary derivative. If his hand was moist with liquid, the other hand contracts impurity even if it was not touched. He must immerse both of them in a *mikveh*. Only afterwards may he touch consecrated food.

With regard to *terumah*, by contrast, if one of his hands contracts impurity, the other does not, even if he touched it, provided the first was dry. He need not immerse the hand that contracted impurity. It is sufficient to wash it in the ritual manner. He may then touch *terumah*.

13 Dry foods that have not become susceptible to contract impurity may be

eaten with impure hands. With regard to what does the above apply? To *terumah*. With regard to consecrated food, by contrast, the cherished quality of consecrated food causes it to be considered as susceptible to impurity and it is forbidden for someone whose hands are impure to eat consecrated food even if it was not made susceptible to impurity by contact with liquids.

Even if the person with impure hands did not actually touch the consecrated food with his hands, only with a weaving needle or his friend inserted it into his mouth, this is forbidden. Needless to say, if a source of impurity touched consecrated food that was not made susceptible to impurity by contact with liquids, it becomes impure, because the cherished quality of consecrated food causes it to be considered as susceptible to impurity.

14 In which instances does the above principle apply? With regard to disqualifying the food itself and to cause it to become forbidden to be eaten. There is, however, an unresolved question with regard to counting primary or secondary derivatives if other entities come in contact with such consecrated food.

What is implied? If consecrated food contracted impurity without being made susceptible to impurity by contact with liquids with other food that was made susceptible to impurity by contact with liquids, there is an unresolved doubt, because the first food had not become susceptible to impurity because of contact with liquids.

15 Even after a mourner's period of acute mourning ends or after a person

who was lacking atonement brings the sacrifices that bring him atonement, he must immerse in a *mikveh* before partaking of consecrated food, but not before partaking of *terumah*. For a person in a state of acute mourning and one who is lacking atonement may partake of *terumah*.
Why did the Sages require immersion before partaking of consecrated food? Because until this time, such individuals were forbidden to partake of consecrated food. Hence it is possible that they diverted their attention from their bodies and contracted impurity without knowing of it. This stringency was imposed only with regard to eating, but not with regard to touching. Such individuals may touch consecrated foods before immersion.

16 The first six stringencies were imposed both with regard to consecrated foods and with regard to ordinary foods prepared with the stringencies of consecrated foods. The last five stringencies, beginning with "everything inside a utensil is considered as joined" applies only to consecrated food alone, but not to ordinary foods prepared with the stringencies of consecrated foods. With regard to these five matters, such food is considered as ordinary food. Therefore, with regard to ordinary foods prepared with the stringencies of consecrated foods, a primary derivative is impure, a secondary derivative disqualified, and a tertiary derivative is pure with regard to ordinary foods, as we explained.

Chapter 13

1 Our Sages established five categories with regard to the ritual purity of

clothes. They are the following:

a) The clothes of an unlearned person are considered as a *midras*, an article on which a *zav* had been supported, for people who partake of ordinary food in a state of purity. Similarly, the unlearned people themselves are considered as *zavvim* with regard to pure substances, as we explained.

b) The clothes of people who partake of ordinary food in a state of purity are considered as a *midras* for those who partake of the second tithe. The people who partake of ordinary food in a state of purity themselves - they are called *perushim* - are not considered as *zavvim*. Even with regard to *terumah*, a *perush* is considered pure, even if he touches *terumah* with his hands.

c) The clothes of people who partake of the second tithe are considered as a *midras* for those who partake of *terumah*.

d) The clothes of people who partake of *terumah* are considered as a *midras* for those who partake of consecrated food. The people who partake of *terumah* themselves are, however, not considered as *zavvim* with regard to consecrated articles.

e) The clothes of those who partake of consecrated foods are considered as a *midras* with regard to the offering of the red heifer, as explained in *Hilchot Parah Adumah*. A person who is pure with regard to consecrated foods is not considered as a *zav* with regard to the offering of the red heifer.

2 Similarly, our Sages established categories with regard to ritual immersion: What is implied? If someone immersed himself without any intent, he is

pure with regard to ordinary food, but he is forbidden to partake of the second tithe until he had the intent to immerse for the sake of the second tithe. If he immersed for the second tithe, he is assumed to be pure for the second tithe, but forbidden to partake of *terumah*. If he immersed for *terumah*, he is assumed to be pure for *terumah*, but forbidden to partake of consecrated foods. If he immersed for consecrated food, he is assumed to be pure for consecrated food, but forbidden to participate in the offering of the red heifer. If he immersed with the intent of participating in the offering of the red heifer, he is assumed to be pure for everything, for one who immerses for the sake of a more stringent circumstance is considered acceptable for a more lenient one.

If a person immersed without any intent, i.e., without thinking of any of these situations, he is pure only with regard to ordinary food and is considered impure as he was previously, even for the second tithe. Similarly, when a person washes his hands or immerses them, he must focus his attention, even if he desires only to partake of the second tithe. From that tithe and any level of sanctity higher, one must focus his intent. For ordinary food, however, it is not necessary for him to focus his intent.

All of these stringencies originate in Rabbinic Law. According to Scriptural Law, since the person immersed himself, he is pure with regard to all matters.

3 When a person who was pure with regard to *terumah* diverted his attention from partaking of it, the diversion of attention causes him to contract impurity. He is forbidden to partake of *terumah* until he immerses himself a second time. He need not, however, wait until

nightfall.

If his hands were pure for *terumah*, but he diverted his attention from eating, even though he says: "I know that my hands did not contract impurity," his hands are impure because of his diversion of attention, for hands are busy. If this applies with regard to *terumah*, it can be inferred that the same principles apply with regard to consecrated food. Anyone who diverts his attention must immerse himself.

When a person did not guard himself from the impurity associated with a human corpse, if he is not certain that he did not contract impurity, he must have the ashes of the red heifer sprinkled on him on the third and seventh days after the doubt arouse, because of his diversion of attention. If he is certain that he did not contract the impurity associated with a corpse, but diverted his attention from other forms of impurity, he must immerse himself and wait until nightfall even for *terumah*. It is clear that all these immersions are Rabbinic safeguards.

4 Similarly, our Sages decreed that *keilim* that are discovered in marketplaces and streets - even in deserts - should be assumed to be impure, lest they have contracted impurity from a corpse or a *zav*. Similarly, saliva found in such places is considered to be impure, lest it be the saliva of a *zav* or the like.

5 All of the *keilim* found in Jerusalem are pure even if they were found on the way descending to a place of immersion. For the Sages did not institute a decree concerning *keilim* found in Jerusalem with the exception of knives for the slaughter of sacrificial animals. This was instituted

because of the severity involving sacrificial animals.

When does the above stringency apply? To knives found in Jerusalem throughout the year. If, however, one finds a knife in Jerusalem on the fourteenth of Nisan, one may slaughter sacrificial animals with it immediately. This applies even if the fourteenth of Nisan fell on the Sabbath, for no decree was made with regard to knives found on that day. Similarly, if a knife was found on a festival, one may slaughter with it immediately. For it is assumed that all *keilim* are pure on the festivals.

6 If one found a knife on the thirteenth of Nisan, the ashes of the red heifer should be sprinkled on it, it should be immersed, and one may slaughter with it on the following day. For, on this day, our Sages considered it as if the thirteenth of Nisan was the seventh day of its purification with the ashes of the red heifer.

7 If one finds a knife tied to a knife whose status he knows, whether on a festival or on other days, its status is the same as that knife. If the one is pure, it is pure; if it is impure, it is impure.

8 Our Sages decreed that any saliva of unknown origin found in the middle of the road in Jerusalem is impure like saliva of unknown origin found anywhere. Any saliva found on the side of the road in Jerusalem is pure, for the *perushim* walk on the sides so that they will not contract impurity through contact with unlearned people. During the festivals, the converse is true. Saliva in the middle of the road is pure, for all Israel are pure during the festivals. At the side of the road, it is impure. For there are few

individuals who are impure during the festivals, and they move to the sides.

9 Just like a primary derivative of impurity creates a secondary derivative and a secondary derivative creates a tertiary derivative, when there is an unresolved doubt that an entity is a primary derivative it creates a secondary derivative of doubtful status, and a secondary derivative of doubtful status creates a tertiary derivative of doubtful status.

10 When there is a question whether *terumah* or consecrated food contracted impurity from a primary source of impurity of Scriptural origin - there is a question if the foods touched the impurity or not - they should be burnt because of this impurity.

11 There are situations where there is a question about a food's status for which the ruling is held in abeyance; they are not eaten, nor are they burnt. And there are other questionable situations that warrant the burning of *terumah* and, needless to say, consecrated foods.

12 If, however, there is a compounded doubt concerning the impurity of *terumah* - and needless to say, of consecrated food - they should not be burnt. Instead, the ruling concerning them is held in abeyance. They are not eaten, nor are they burnt.

13 There are six doubtful situations for which *terumah* is burnt. These are all Rabbinic decrees: a) a *beit hapras*, b) earth from the Diaspora, c) the clothes of unlearned people, d) *keilim* that are discovered, e) saliva of

unknown origin that is discovered, and f) the urine of an impure person that became mixed with an equal amount of urine from an animal and it is not known whether the appearance of the mixture was that of a person's urine was nullified or whether that appearance was nullified.

What is implied? If *terumah* contracted impurity due to contact with one of these entities, even though the fundamental dimension of their impurity is doubtful, the *terumah* should be burnt. The rationale is that were one certain that any of these impurities were present, the impurity would be Scriptural in nature, for a corpse and a *zav* are Scriptural sources of impurity.

Whether *terumah* touched one of these six entities or contracted impurity due to one of these entities and thus it is a tertiary derivative from them, the *terumah* should be burnt. If, however, there is a question whether or not the entity touched the *beit hapras*, the earth of the nations, or if it touched the garments, the saliva, the *keilim*, or the urine, the ruling concerning the *terumah* is held in abeyance. The rationale is that a) the fundamental dimension of their impurity is doubtful, perhaps it is impure, perhaps it is pure; and

b) even if you say they are impure, it is possible that there was contact with the *terumah*, but it is possible that there was no contact. Thus two unresolved questions are involved. When there are two unresolved questions, *terumah* is not burnt, the ruling concerning it is held in abeyance, as explained.

Chapter 14

1 Our Sages deemed that twelve questionable situations are deemed as pure: They are:

a) A doubt concerning drawn water in a *mikveh*,

b) a doubt concerning impurity floating on water,

c) a doubt whether liquids imparted impurity to other entities; with regard to their own status, however, they are considered impure when a doubt arises,

d) a doubt concerning the impurity of hands whether regarding the impurity of the hands themselves, such hands imparting impurity to other substances, or a doubt regarding the purification of such hands from this impurity,

e) a doubt concerning impurity of Rabbinic origin,

f) a doubt concerning ordinary food prepared with the stringencies of consecrated food,

g) a doubt concerning sacrifices that are required to be brought,

h) a doubt concerning *tzara'at* blemishes,

i) a doubt when a person afflicted with *tzara'at* stood still or passed,

j) a doubt concerning the carcass of a creeping animal,

k) a doubt that arose in the public domain,

l) a doubt concerning two domains.

2 What is meant by the principle: a doubt concerning drawn water in a *mikveh*? Three *lugim* of drawn water that fall into a *mikveh* disqualify it. If there is a doubt whether or not such water fell into a *mikveh* or even if it is certain that the water fell, but there is a question whether the minimum measure was present or not, we consider an article immersed in the

mikveh as pure and the *mikveh* as acceptable. Nevertheless, a person should not be instructed to immerse in such a *mikveh* and to be involved with pure substances as an initial preference. If he immersed and was involved with pure substances, they are considered to be pure.

3 What is meant by the principle: a doubt concerning impurity floating on water? There was a carcass of a creeping animal floating on water, whether the water was in a container or in a pool in the earth and a person descended into the water, unless he is certain that he touched the carcass, he is considered as pure. This applies even if there is no space for anything in the container or the pool but the person and the impurity.

The principle, a doubt concerning impurity floating on water is pure, was stated only concerning a carcass of creeping animal. If the carcass of a creeping animal is suspended from above and floating on water or is being dragged over water, it is considered as being placed down and not as floating.

4 When the carcass of a creeping animal is placed in a container and the container is floating on the surface of water or it was placed on a human corpse, an animal carcass - even if the carcass or the corpse below it has decomposed - or semen that is floating on the water, it is considered as if it was placed on the earth, in which instance, a doubtful situation that arises in a private domain is considered as impure, as will be explained.

If the carcass of one creeping animal was lying on that of another creeping animal that was floating on water, it is considered as thick impurity and a doubtful situation that arises is considered as pure. There is an unresolved

doubt whether the carcass of a creeping animal that was floating on water on which the ashes of the red heifer had been sprinkled which in turn was floating on other water is considered as placed down on the earth or not. Therefore it appears to me that the doubtful situation is considered as pure.

5 Just as our Sages deemed a doubtful situation concerning impurity that was floating on water, whether in a container or on the earth, as pure, so too, they deemed as pure a situation involving something pure that was floating on water, whether in a container or on the earth.

What is implied? There was a kneading trough that was impure due to contact with a human corpse and there was a loaf of bread that was *terumah* wrapped in tree-bast or in paper placed inside of it. Water descended into the kneading trough and filled it. The paper spread out and thus the loaf was floating on the water with the paper separating between it and the water. If there is a question whether or not the loaf touched the side of the kneading trough, it is considered as pure, because it is floating.

6 The following laws apply when the carcass of a creeping animal was floating on a cistern in a winepress. With regard to *terumah*, when there is a doubt, it is deemed impure. With regard to the workers, when there is a doubt, it is deemed pure, because the impurity is floating.

7 When a doubt arises whether liquids imparted impurity to other entities, they are considered as pure. With regard to their own status, however,

they are considered impure.

What is implied? A person was holding a staff that contained impure liquids on its top and he threw it among pure loaves of bread. If there is a doubt whether the liquids touched the loaves or not, they are deemed pure. Similarly, if a doubt arose whether impure liquids touched a given container or not, the container is pure. Similarly, if a doubt arose if these impure liquids touched other liquids or not, the other liquids are pure. If, however, an impure person extended his hand or his foot into a place where there are pure liquids and there is a doubt whether or not he touched the liquids, they are impure because of the doubt. Similar laws apply in all analogous situations.

8 The following rule applies when there was a jug that was filled with liquids and an impure person extended his hand into its inner space. If there is a doubt whether or not he touched the liquids, the liquids are impure, but the jug is pure, for liquids whose purity is of a doubtful status do not impart impurity.

Similarly, if liquids which are questionably impure enter into the inner space of a jug, the jug is pure and the liquids in it are pure, for they contract impurity only from the jug. If the liquids that were questionably impure became mixed with the liquids in the jug, all of the liquids are questionably impure, but the jug is pure. Similarly, if these liquids fall into an oven, any bread that is in the oven and the oven itself are pure.

9 When a person poured or sprinkled impure liquids in his house and there were ritually pure objects there, if there is a question whether some of the

liquid sprayed on them or not, they are considered pure despite the doubt.

10 If one sprinkled both pure and impure liquids in a house and, afterwards, liquids were found on a loaf of bread that was *terumah*, should one take it and inquire about its status, it is deemed pure, for when there is a question whether liquids imparted impurity, the object is deemed pure. If, however, one left the bread until the water dried, it contracts impurity because of the doubt. For when there is a question concerning impurity in a private domain, the object is deemed impure, as will be explained. At the time the inquiry is being made, no liquids are present, only the loaf and there is a question whether it is pure or impure.

11 When there is a doubt concerning the impurity of hands whether regarding the impurity of the hands themselves, such hands imparting impurity to other substances, or a doubt regarding the purification of such hands from this impurity, the object in question is deemed pure.

What is implied? If a person's hands were pure and there were two impure loaves before him, should a question arise whether he touched the loaves or not, the status of his hands and the loaves is the same as it was previously. This same ruling applies if:

a) a person's hands were impure and there were two pure loaves before him and there is a question whether he touched the loaves or not;

b) one of the person's hands was pure, the other was impure; there were two pure loaves before him, he touched one of them and it was unknown whether he touched it with the impure hand or the pure hand;

c) both his hands were pure; there were two loaves before him, one pure

and one impure; he touched one of them and he did not know whether he touched the one that was impure or the one that was pure;

d) one of his hands was pure and one was impure and there was both an impure and a pure loaf before him; he touched both of them and he is unsure whether the impure hand touched the impure loaf and the pure hand, the pure loaf or whether the impure hand touched the pure loaf and the pure hand, the impure loaf.

Similar concepts apply if a person's hands were impure and he immersed them in a *mikveh* or washed them in the ritual manner. If there is a doubt whether or not the water with which he purified them is acceptable for hands or unacceptable, whether or not the required measure of water was present, whether or not there was an intervening substance on his hands, his hands are considered as pure.

12 If one of a person's hands was impure and he did not know which one it was, he is instructed not to be involved with pure articles until he washes both his hands. If he touches pure objects with one hand before he washed them, the pure articles remain pure.

Chapter 15

1 What is meant by a doubt concerning a point of Rabbinic Law? For example, if there is a doubt whether or not a person ate impure foods or drank impure liquids, or there is a doubt whether or not a person inserted his head and the majority of his body in drawn water or three *lugim* of drawn water fell upon him, he is pure. Similarly, if a person ate impure

foods or drank impure liquids or inserted his head and the majority of his body in drawn water or had three *lugim* of drawn water fall upon him and then a question arose whether or not he touched particular pure entities, those pure entities remain pure. Similarly, if he ate foods that are questionably impure or drank liquids that are questionably impure, he is deemed pure. Similarly, one who partakes of *terumah* whose status is held in abeyance, is pure. Similarly, in all analogous situations where there is a question regarding the status of derivatives of impurity, the person or the object is deemed pure.

If, however, there is a question regarding a source of impurity, even one of Rabbinic origin, the person or the object is deemed impure unless the source of impurity was itself of doubtful status, e.g., a *beit hapras* or the earth of the Diaspora. *Terumah* is not burned because of a doubt whether it touched such substances, as was explained.

2 What is meant by the principle: a doubt that arises regarding ordinary food, i.e., the purity of the food prepared by those who partake of ordinary foods in a state of purity, the people called *perushim*?

When a question arises regarding the purity of the ordinary food that is treated as pure by people who partake of ordinary foods in a state of purity, the objects are deemed pure. This applies with regard to all questions that arise. Only when impurity is definite is it of consequence in such instances.

3 What is meant by the principle: a doubt that arises concerning sacrifices?

If a person lacking atonement was in doubt regarding an obligation to

bring five sacrifices, e.g., a woman who was in doubt regarding five situations that could have rendered her impure due to *zivah* or due to childbirth, she may bring only one sacrifice. Afterwards, she is pure with regard to partaking of sacrificial foods. The remainder of the offerings are not considered as obligations that must be fulfilled, as explained in *Hilchot Mechusrei Kapparah*.

4 What is meant by a doubt concerning *tzara'at* blemishes? Until a person is categorized as impure, with regard to all questions concerning his status, he is considered as pure, as explained in *Hilchot Negayim*, ch. 6.

5 What is meant by a doubt when a person afflicted with *tzara'at* stood still or passed? When a person afflicted with *tzara'at* was sitting under a tree, a person who was ritually pure passed by, and there was a question whether or not he passed under the tree, he is pure. This ruling also applies if a person who was ritually pure was sitting under a tree, a person afflicted with *tzara'at* passed under the tree, and there was a question whether or not he stood still.

6 What is meant by a doubt concerning the carcass of a creeping animal, i.e., a creeping animal that was thrown? One threw the carcass of a creeping animal or another impure entity among loaves of bread and, in both instances, when there is a question whether or not the pure loaf was touched by impurity, they are considered as pure. The rationale is that the status of all questions of ritual impurity depends on the situation at the time the matter is discovered. We do not say: Maybe it touched the pure

or impure object and then fell to its side? Instead, the ruling is given according to its state when it was discovered.

7 When there was a carcass of a creeping animal in the mouth of a mole that was walking over loaves of bread that were *terumah* and there was a question whether or not the carcass touched the loaves, it is pure, because the impurity did not come to rest. If the mole was walking on the loaves and touching them with the teeming animal, but there was a question whether or not it was alive, the loaves are pure.

When does the above apply? When the mole seized the creeping animal when it was alive and then departed. If, however, the creeping animal was discovered dead in the mole's mouth, the loaves are impure. If, however, it was seen to be alive while it was in the mole's mouth even though it was discovered dead in front of it afterwards, the loaves are pure.

Similarly, when there is a carcass of a creeping animal in the mouth of a mole and the carcass of an animal in the mouth of a dog and they passed between pure substances or pure substances passed between them, the status of the pure substances does not change despite the question. This leniency is granted, because the impurity does not have a fixed place. If they were pecking with them on the ground, they are considered to have been placed in a fixed position and they impart impurity retroactively because of the doubt if they were located in a private domain, as will be explained.

8 What is meant by a doubt that arose in the public domain? When impurity was located in the public domain and there is a doubt whether a

person or a substance touched it or not, it is considered to be pure. If such a situation arose in a private domain and there is a doubt whether a person or a substance touched it or not, it is considered to be impure.

All of these questionable situations which the Sages ruled as pure are given that status even if the situation occurs in a private domain, because the objects involved do not have the knowledge to inquire regarding their status, as will be explained.

9 What is meant by a doubt involving two domains? An impure entity was located in a private domain and there was a pure entity in a public domain or vice versa and a person touched one of them, but did not know which one he touched, he is pure. The same ruling applies if he moved one of them and did not know which one he moved if the impure entity would impart impurity when carried or one of them would impart impurity when one holds a portion of his body over it and he held a portion of his body over one of them, but does not know which one. Even though this involves a doubt in the public domain, he is considered as pure.

When he inquires about his status, we tell him: "If you immerse, you have not lost anything." If he immerses, it is praiseworthy. If he does not immerse and touches entities that are pure, they remain pure, because when there is a doubt in the public domain, the entity is considered as pure.

10 When the carcass of a creeping animal that was burnt was found on food, or a garment that was worn out or a needle that was broken or rusty was

found among *keilim*, the *keilim* are pure. This applies whether they are found in a public domain or a private domain. We do not say, perhaps the carcass was burnt only after it came into contact with the foods or after the *keilim* contracted ritual impurity because of contact with the garment or the needle, the needle broke or became rusty and the garment became worn out. For we follow the principle: the status of all questions of ritual impurity depends on the situation at the time the matter is discovered.

11 The following rules apply when two witnesses tell a person: "You contracted impurity," and he says: "I am pure.' His word is accepted with regard to his own status. Nevertheless, we do not tell him to involve himself with pure articles, but if he did involve himself with pure articles, they are pure, but he should take his own precautions.

If one witness says: "He became impure," and two witnesses state: "He did not become impure," whether this occurred in a public domain or a private domain, he is pure. If two witnesses say: "He became impure," and one witness states: "He did not become impure," whether this occurred in a public domain or a private domain, he is impure. When one witness says: "He became impure," and one witness states: "He did not become impure," if this occurred in a private domain, he is impure. If this occurred in a public domain, he is pure.

Chapter 16

1 Why did the Sages rule that when there is a question of impurity in the public domain, the person should be considered pure? Because the

community offers the Paschal sacrifice in a state of impurity when the majority of the people are impure. Now, if ritual impurity that was definitely established is superseded by the presence of the community, certainly this would apply to a mere question of the presence of impurity. For all stringencies observed because of doubt were instituted by the Sages, as we explained in *Hilchot Bi'ot Assurot*.

Why did they rule stringently concerning a doubt in a private domain? For in the instance of a *sotah* who entered into privacy with the person concerning whom she was warned, even though there is only a doubt that she committed adultery, she is considered as impure with regard to her husband until she drinks the *sotah* waters.

2 Just as a *sotah* and the person suspected of relations with her are two, so too, when there are questions of impurity that involve two individuals, it is assumed that the person or the article is not pure. If, however, there are three people in a private domain, when there is a question concerning impurity that occurs there, it is assumed that the person or the article is pure, as if the question arose in the public domain.

When does the above apply? When the person who could have contracted impurity has the knowledge to be asked and be examined regarding the details that occurred, as is true with regard to a *sotah*. When, however, there is a deafmute, an emotionally or intellectually compromised person, or a minor who does not know the details and is unable to respond to questions that are asked involved in a private domain, if a doubtful situation arises, it is assumed that the person or the article is pure.

What is implied? When a deafmute, an emotionally or intellectually

compromised person, or a minor who does not know how to respond to questions are found in a courtyard or an alley where there is impurity and there is a question whether or not they came in contact with it, they are considered as pure. Similarly, in all instances where no one has the knowledge to respond to questions, even though the question arises in a private domain, they are considered as pure.

3 When a person is blind, sleeping, or walking at night, if there is a question whether or not they contracted impurity in a private domain, they are impure, because they have the knowledge to respond to questions.

When do we apply the principle that whenever there is a question involving one who does not have the knowledge to respond to questions, it is assumed that the person or the article is pure? When the possibilities are equally balanced and there is no established presumption regarding its status. If, however, it is known that, in a given situation, one could be assumed to have contracted impurity, he is considered impure.

What is implied? An impure child was standing next to some dough and there was also dough on his hand, the dough is deemed impure, for a child's habit is to pat dough and it can be assumed that he did so. Nevertheless, *terumah* should not be burnt because of this assumption.

4 When impure liquids, a pure dough that is *terumah*, and domesticated animals, beasts, or fowl were all located in the same place, and teeth marks were found in the dough, it is presumed that the animals drank the liquids and then bit the dough and thus imparted impurity to it. If a cow was there and the distance between the liquids and the dough was sufficient

for the cow to wipe its tongue on its lips, the dough is pure. The same principle applies with regard to other animals if there was enough place for the animals to dry their mouths with their tongues. If there is less space than this, the dough is impure. If a dog was there, the dough is pure even if it is located next to the liquids, for it is not the habit of a dog to leave food and go to water.

The following laws apply if there are signs of chickens pecking at the dough. If there is enough space between the liquids and the dough for them to dry their mouths on the ground, the dough is pure. If not, it is not, for it can be assumed that they drank and pecked at the dough while the liquids were still in their mouths.

When does the above apply? When the water is clear enough for a child's shadow to be recognized in them. If, however, the water was murky, the dough is pure, because if the chickens pecked with the liquids, the marks of the liquid would be observable in the dough. If the liquid was clear, although the dough is assumed to be impure, it should not be burnt due to this assumption. Instead, the determination of its status is held in abeyance.

5 What is an example of a presumption due to which *terumah* is burnt when a question of impurity arises in a private domain? There is a dough in a house, both creeping animals and frogs are becoming stuck in it, and pieces of their flesh was found in the dough. If most of those becoming stuck in the dough are creeping animals, the dough is deemed impure and should be burnt. If the majority are frogs, it is deemed as pure.

6 The following rules apply when there were pure substances next to or above sources of impurity and when a person clothed himself in his garment, a question arose whether it touched the impurity and the pure substances or not. If this took place in a private domain, it is deemed impure because of the doubt, because when there is a question of impurity that arises due to human activity, they can be questioned concerning it. Even if there is a *k'li* placed on the ground, it is considered as if there is someone to be questioned about it. If the pure substances and the source of impurity were in a public domain and a question arises, the substances are deemed pure. If it is impossible that the garment did not touch both of them, even though there is some doubt, the substances are deemed impure.

7 When a loaf of bread that is *terumah* is positioned on a board and a support that contracted impurity from a *zav* is positioned below it in a manner in which it is impossible for the loaf to fall without touching the support, even though the support is inclined, should one find the loaf in another place, its status of purity remains unchanged, for it is possible to say that another person came, took it, and put it in that place. If one can say: "I am certain that no person came here," it is impure, because it certainly fell and touched the support when it fell.

8 When a child is found standing next to a cemetery holding roses, even when there are roses only in the place of impurity, he is pure because there is a doubt; it is possible that another person gathered them and gave them to him.

Similarly, when a donkey is standing in a cemetery, the *keilim* on him are pure. We do not say that he pressed himself against them when lying on the ground and touched a grave while doing so. The rationale for both instances is that the child and the donkey do not have the knowledge to respond to questions. Hence, we follow the principle that all questions of impurity are judged according to the circumstances at the time that they were discovered.

9 When a child was holding his father's hand or was riding on his father's shoulders, he is deemed impure with regard to any question concerning ritual impurity that arises in a private domain, for his father could be asked with regard to his status.

10 There are four questionable situations that our Sages discussed with regard to a child:

a) When a child cannot walk and his mother placed him down in one place and found him as he was in that place, he is pure. We do not say that perhaps an impure woman came and kissed him and hugged him.

b) When the child matured to the extent that he began to leave one domain and enter others on his own, his clothes are pure. They are not considered as a *midras* as are the clothes of unlearned people. Nevertheless, as an initial preference, they should not be brought into contact with pure entities.

c) If he matured to the extent that he has the knowledge to answer questions, in a private domain, whenever there is a doubt whether he contracted impurity, he is considered as impure.

d) If he matured to the extent that he has the knowledge to guard his body from contracting impurity, one may partake of pure foods that touched his body. If he has the knowledge to guard his hands, pure foods that touched them may be eaten.

How do we check him? He is immersed and given ordinary food which he is told to treat as *terumah*. If he has the knowledge to guard his body, one may partake of pure foods that touched his body. If he has the knowledge to guard his hands, pure foods that touched them may be eaten.

Chapter 17

1 When there is an olive-sized portion of a human corpse in the mouth of a raven and there is a doubt whether or not it flew over a person or *keilim* in a private domain, the person is impure because of the doubt, provided he has the knowledge to respond to questions. The *keilim* are pure, because they do not have the capacity to respond to questions.

Similarly, when a person was drawing water with one container and pouring it into ten others and the carcass of a creeping animal was found in one of the ten, that container is impure and the others are pure. Although there is a question whether they are all impure, for perhaps the the carcass of the creeping animal had been in the container used to draw water, we rule leniently, because *keilim* are involved and they do not have the capacity to respond to questions. If the container with which he drew the water possessed a rim, since it is possible for the water to have been poured out, but for the carcass of the creeping animal to have remained, they are all impure.

Similarly, when one draws water with ten buckets, one after the other, and pours the water into ten containers, each bucket into a separate container, and it is not known which container was first and which was last, if the carcass of a creeping animal was found in one of them, the other nine containers and the ten buckets are pure, for one could say perhaps the carcass of the creeping animal was in the container originally. If the buckets have rims, all of the buckets and all of the containers are impure.

When one pours from one container to another and the carcass of a creeping animal is found in the lower container, the upper container is pure. We do not say that it fell from the upper container. Instead, it is possible that it had been in the lower container. The rationale for this leniency is that *keilim* are involved and they do not have the capacity of responding to questions. Similar laws apply in all analogous situations.

2 The following laws apply when there was a container that was used for pure substances and the carcass of a creeping animal was found in it. If it has a base or it has a rim, even if it does not have a base, all of the pure substances that were contained in it are impure. This applies even if it was checked before the substances were placed in it and covered afterwards, lest the the carcass of the creeping animal fell there when he lifted up his hand after checking.

Even if one used it for pure substances in one corner and then moved it to another corner and the carcass of the creeping animal was discovered inside, all the pure substances are impure. For the assumption that impurity was present in an article is not changed when that article is moved from place to place. All the above applies with regard to holding

the status of the pure substances in abeyance, but not to burn them.

3 The following laws apply when a person draws liquids from a cistern and fills barrels from them. If he would immerse each and every barrel in the cistern to fill them and a carcass of a creeping animal was found in the first one, they are all impure. If it was found in the last one, it alone is impure and all the others are pure. The rationale is that we surmise that the creeping animal fell into the cistern after the first barrels were filled.
If he was drawing the liquids with one container and pouring them into barrels until they were full and a carcass of a creeping animal was found in one of them, it alone is impure and all the others and the cistern are pure. The rationale is that it can be said that the carcass of the creeping animal fell into this one alone or it was there before the liquid was poured into it. Accordingly, if the person checked all the barrels, then poured wine into them, and covered them afterwards and the carcass of a creeping animal was found in one of them, they are all impure. Similarly, if the carcass of a creeping animal was found in the cistern or the container used to draw from it, everything is impure.

4 When one would gather olives from the pit in which they were stored and bring them up to a roof to dry, if the carcass of a creeping animal was found on the roof, the olives in the pit are pure. If it was found in the pit, the pit and the olives contained there are impure. If the carcass was found in the pit between the wall and the olives, the olives are pure.
The following laws apply if the creeping animal was found in a mound of olives and the mound was on the roof. If this occurred within three days

of the olives being placed there, the pit is also impure, for it can be said that the mound was taken from the pit with the creeping animal in it. If the creeping animal was found three days after the mound had been taken to the roof, the pit is pure, because maybe the olives became compressed and formed a mound within these three days.

5 When a person breaks off a piece of dough from a larger quantity and the carcass of a creeping animal was found on the smaller piece, that piece alone is impure. If the carcass was found in the larger dough, only that dough is impure. If it was found in the midst of the smaller portion of dough, even the larger portion is impure.

6 When the seed of an impure food was found in a loaf [of bread] or on hot food, [the loaf or the food] are impure, even if there is no liquid present on it. [The rationale is that] it can be said that the entire [piece of impure] food fell there, but was dissolved – in the loaf or the food because of the boiling – and only the seed remained.

If the seed was found on top of a loaf or in the midst of cold food, [the loaf or the food] are pure, even if there is liquid present. [The rationale is that] it can be said that the seed alone fell into [the loaf or the food] after the [impure food] was removed from it and [the seed] does not impart impurity.

7 If there was pure food and impure food in a home and a seed was found inside a loaf of bread or in boiling food, the determination of its status is made according to the majority. Similarly, if there was pure blood and

impure blood in a home and blood was found on food, the determination of its status is made according to the majority. An incident occurred with a loaf of bread that was *terumah* upon which blood was found. The incident was brought before the Sages and they ruled that the loaf was pure. For even if it could be said that the blood was that of a creeping animal, it is possible to say that it was the blood of a living creeping animal which is pure.

8 When there are carcasses of both animals that died without ritual slaughter and slaughtered animals in a city, if meat is found in the streets of the city, the determination of its status is made according to the majority.

Similarly, if the carcass of an animal was found and there is a doubt whether it is a creeping animal or a frog, the determination of its status is made according to the majority of animals in that town at that time. This is the general principle: When a questionable entity is found, the determination of its status is made according to the majority.

9 When a woman was collecting fertilizer in a courtyard and the carcass of a creeping animal is found in the fertilizer, she is pure, because the carcass of a creeping animal does not impart impurity when carried. If it was found on top of the fertilizer, she is impure, for perhaps she touched it.

If she was sifting kernels of grain with a sieve and the carcass of a creeping animal was found in the kernels in the sieve, she is pure. If it is found on top of the sieve, she is considered impure because of the doubt, for perhaps she touched it. We follow the principle: whenever a question of

impurity arises in a private domain, the person or object in question is deemed impure, as we explained.

Chapter 18

1 No matter to what degree doubts and compounded doubts are multiplied in a public domain, the person or object involved is pure. In a private domain, by contrast, he is impure.

What is implied? If one entered an alley and there was impurity in the courtyard to which the alley led. If there was a question whether or not he entered the courtyard, he is impure because of the doubt, because an alley is considered a private domain. This same ruling applies if:

a) there is impurity in a house and there is a doubt whether one entered the house or not, or

b) even if one entered, but there was a doubt whether there was impurity there or not, or

c) even if one would say that impurity was present when one entered, there is a doubt whether it comprises the required measure or not, or

d) even if the substance certainly comprises the required measure, there is a doubt whether it is impure or not, or

e) even if it is certainly impure, there is a doubt whether or not one touched it.

2 If there are nine carcasses of frogs and one carcass of a creeping animal in a private domain and a person touched one of the carcasses, but did not know which one, he is impure because of the doubt. If there are nine

carcasses of creeping animals and one carcass of a frog in a public domain and a person touched one, he is pure despite the doubt.

This is the general principle: Any time there is a question concerning impurity in the public domain, the person is pure unless he says: "I certainly contracted impurity." Any time there is such a question in a private domain, he is impure unless he says: "It is certain that I did not contract impurity."

Accordingly, if there are bones from a human corpse and bones from an animal carcass in the public domain or clods of pure earth and clods of earth from a *beit hapras* or from the Diaspora and one touched or moved one of them, but does not know what he touched or moved, he is pure. This same ruling applies if there was an olive-sized portion from a human corpse and an olive-sized portion of an animal carcass and one held a portion of his body over one of them, but did not know over which one he held a portion of his body. And it applies if there are two paths, one pure and one impure, one walked down one of them, but did not know which one he walked down, he touched a person on the road, but did not know whether he was pure or impure, or there were two people, one impure and one pure, he touched one, but he did not know which one he touched.

3 The following laws apply when a person journeyed on a road and found a corpse lying across the width of the road. If it was intact and it extended from one side of the road to the other, he is impure with regard to *terumah*, for it can be assumed that he touched it. If he had space on either side to pass by or the corpse was dismembered and torn into pieces

so that he could have passed between his hips and the other portions of his body, he is pure.

If a grave extended over the entire width of the road, the entire corpse is considered as a single entity because of the grave, and one who passes over it is impure. This instance does not resemble other questionable situations. Instead, it is assumed that he touched the grave.

4 When the carcass of a creeping animal is found in an alley, it imparts impurity retroactively to all those who passed through until the time that one said: "I checked this alley on this and this day and there was no carcass of a creeping animal there." Even if the alley was swept, if it was not checked, it imparts impurity to those who passed through from before the time it was swept and afterwards.

When does the above apply? When the carcass that was discovered was dry. If it was fresh, it does not impart impurity retroactively for that length of time, only for the length of time in which the animal could have died and remained as fresh as it was found.

5 The following laws apply when there were two spots of saliva in a private domain. One was pure and one was of unknown origin when discovered and hence, was decreed to be impure, as explained previously. If one touched or moved one of them, but does not know which, the status of *terumah* which he touches is held in abeyance, because a compounded doubt is involved: Perhaps he touched the saliva that was known to be pure and perhaps he touched the one that was found whose status was unknown. Even if he touched the one that was found, perhaps it was

impure, but perhaps it was pure.

Different laws apply if there were two spots of saliva in the public domain. If they were dry and deposited there and a person touched one of them, he is pure, despite the doubt. If he carried one of them, the status of articles he touches is held in abeyance. The rationale is that after he carried it up, it is no longer deposited in the public domain. Similarly, if one of them was moist and the moist saliva became attached to him, the status of articles he touches is held in abeyance, for since it is on his garment, we can no longer apply the principle: when something is deposited in the public domain, it is pure despite the doubt.

We already explained that, in all situations, if one touched, carried, or moved saliva of unknown origin that is discovered, *terumah* should be burnt because of it, like a *beit hapras*, and the like, in which instances, *terumah* is burnt in all situations when one has definitely made contact.

6 The following laws apply when a person was sitting in the public domain and another person whose status is unknown came and trod on his garments or spat and the saliva touched the person who was sitting. *Terumah* which he touches is burnt because of the saliva. With regard to the status of his clothes, the determination is made based on the status of the majority of the town's inhabitants. If most are impure, his clothes are considered to have contracted *midras* impurity. If most are pure, he is pure.

7 When a person lost a *k'li* and discovered it in a private domain, it is considered to have contracted *midras* impurity and the impurity

connected with a human corpse. If he found it in the public domain, it is pure, provided he lost it during the day and found it that day. If he lost it during the day and found it at night, lost it at night and found it during the day, or lost it during the day and found it on the following day, it is presumed to be impure.

This is the general principle: Whenever the night - or a portion of it - passed while an article was lost, it is impure.

8 If a person deposited or forgot a *k'li* in the public domain, it is pure even when the night passed while it was there. If he deposited or forgot it in a private domain, it is considered to have contracted *midras* impurity, but not the impurity connected with a human corpse.

Why did the Sages not rule as stringently with regard to one who deposited or forgot an article as they did with regard to one who lost an article? Because depositing or forgetting an article in the public domain is not that common a circumstance. Hence, they did not institute a decree concerning it.

9 When a person loses an article and finds it at home, it is pure, because it can be assumed to be protected.

10 When a person spreads utensils out in the public domain, they are pure. In a private domain, they are impure, lest impure people have touched them. If he was watching them, they are pure. If they fell and he went to get them, they are impure, because they went out of his sight. Similarly, if one lost his utensils in a private domain and found them, even that day,

they are considered to have contracted *midras* impurity and the impurity connected with a human corpse, as we explained.

11 If there is one intellectually or emotionally compromised woman or gentile woman in a town, all of the saliva of unknown origin discovered in any place in the town is always considered as impure.

12 The following laws apply when a woman trod on the clothes of a person or sat with him on a small boat: If she recognizes him and knows that he partakes of *terumah*, his clothes are pure. If not, he should ask her concerning her state.

13 When a person slept in the public domain and arose, his garments are pure.

14 When a person touched another person in the public domain at night and did not know if he was alive or dead, but when he arose in the morning, he found him dead, he is impure, for the status of all questions of ritual impurity depends on the situation at the time the matter is discovered. If he saw him alive in the evening and, in the morning, discovered that he died, this is considered to be a doubt in the public domain, and he is pure.

15 The following rules apply when a person in a private domain is dangerously ill, he fainted, and it was not known whether he died or was still living; he was taken to the public domain and then brought back into a private domain. When he is in a private domain, any questionable

situations brought about by his condition are considered impure. When he is in a public domain, any questionable situations brought about by his condition are considered pure.

An incident occurred with a person who was sick and was carried from town to town in a bed. The people who carried him took turns. Ultimately, it was discovered that he had died, but the Sages ruled that only the last group of people who carried him was impure.

16 The following rules apply when an impure person was standing and speaking while at the edge of a cistern, a drop of saliva shot forth from his mouth, and there was a question whether or not it reached the cistern. If the cistern contained oil and was in a private domain, it is impure because of the doubt. If the cistern contained wine, it is pure in all places despite the doubt, because the border of the cistern will prevent it from entering.

Chapter 19

1 The following rules apply when there are two paths, one impure and one pure, and a person walked down one of them, but he did not know which one he walked down. Afterwards, he came in contact with pure foods and they were eaten. He then had the ashes of the red heifer sprinkled upon himself on the third and seventh days, and then, immersed to purify himself. He then walked down the other path and came in contact with pure foods. Those foods are considered as pure.

If the foods he touched first still exist, the status of both is held in abeyance. The rationale is that one of the sets of pure food is definitely

impure. If the person did not purify himself in the interim, the status of the first set is held in abeyance, while the second set should be burnt. The rationale is that these foods are certainly impure, since the person is impure because he walked down both paths.

Similar laws apply if there was a carcass of both a creeping animal and a frog in the public domain and their form was no longer recognizable and it was impossible to determine which was the creeping animal. If one touched one of the carcasses and then came in contact with pure foods which were eaten, immersed himself, touched the other one and then came in contact with pure foods, they are pure. If the foods he touched first still exist, the status of both is held in abeyance. If he did not immerse himself, the status of the first set is held in abeyance, while the second set should be burnt.

2 Different rules apply when there are two paths, one impure and one pure, a person walked down one of them and came in contact with pure foods and another person walked down the other and came in contact with pure foods. If they came and inquired about their status one after the other, a ruling is given to each one that he is pure. If they both came together or one came and asked about his status and that of his friend, saying: "We were two people. We walked down the two paths and we both came in contact with pure foods," they are both deemed impure and the pure foods with which they came in contact should be burnt.

Similar principles apply if they contracted impurity from a lesser source. What is implied? There were two loaves of bread, one pure and one impure. A person ate one of them and came in contact with pure foods.

Another person came and ate the second and came in contact with pure foods. If they inquired about their status one after the other, they are both pure, because this is a doubt involving a question of Rabbinic Law which is one of the doubtful situations that our Sages ruled were pure, as we explained. If they both asked together or one asked about his status and that of his friend, they are both considered impure because of the doubt and the pure foods should be burnt, for certainly, one of them is impure. Even if there is one impure loaf mixed with 100 pure loaves, they are all impure and must be burnt.

3 When an impure loaf of bread became mixed with nine pure loaves and five people came and ate five loaves and five others came and ate the five remaining, the ones who came first are deemed impure, because they have no one else to hold accountable. The five last men are pure, because they can hold the first five accountable.

4 When there are two paths, one impure and one pure, and each of two people, one pure and one impure - or even one whose status was being held in abeyance - walked down one of these paths, the one who is pure can place the onus on the one who is impure or whose status is held in abeyance. We say: The person who was pure walked down the pure path and his status is still considered as pure and the one whose status was held in abeyance walked down the impure path. This applies even if they inquired about their status at the same time.

Chapter 20

1 Any place designated as a public domain with regard to the Sabbath is also considered as a public domain with regard to the laws of impurity.

2 The four cubits that are adjacent to the public domain are considered as a public domain with regard to the laws of impurity. Similarly, a *karmelit*, e.g., the sea or a covered walkway, is considered as a public domain with regard to the laws of impurity.

3 There are places which, though they are considered as private domains with regard to the Sabbath, are considered as public domains with regard to the laws of impurity. They are the paths leading to storage caverns, cisterns, and wine presses, an enclosed valley in the summer, a basilica of kings, i.e., a building that is very wide with space for the king's carriage drivers to stay; it has many openings to the public domain, and a *poren*, i.e., a large building with two openings, one opposite the other, and a courtyard to which many people would enter through one opening and depart through the other. Also, the lanes leading to a sea or a river, although they are fenced in from either side, are considered as a public domain with regard to the laws of impurity if people can climb over the fences. Pillars and bathhouses are also placed in this category. Similarly, the entire Temple Courtyard is considered as a public domain with regard to the laws of impurity.

4 Gardens in a city over which the thoroughfare of a city pass are considered as a public domain with regard to the concept of impurity.

5 When a garden is guarded, it is a private domain. When it is not

protected, it is a public domain with regard to impurity. Similarly, a large basilica, when its gates are opened, is a public domain with regard to impurity. When it is closed, it is a private domain in all aspects.

6 When a valley is enclosed with a fence, in the winter, it is a private domain with regard to the Sabbath and ritual impurity. If it was not enclosed, it is a private domain with regard to impurity alone. When, however, the winter passed after a valley was fenced in, it is considered as a private domain with regard to impurity even in the summer.

This is what is meant by "the summer": When the grain is harvested from the valley. This is what is meant by "the winter": When the second rain begins.

The area between the round barrel of grapes and the pile of grape pomace is considered a public domain with regard to impurity.

7 With regard to ritual impurity, a vineyard in front of the harvesters is considered as a private domain; the portion behind the harvesters, as a public domain. When does the above apply? When many people enter from one direction and leave from the opposite direction.

The law pertaining to other places aside from those which we mentioned is: Just as they are a private domain with regard to the laws of the Sabbath, so too, they are a private domain with regard to the laws of impurity.

8 There are places that are not considered as a private domain with regard to the Sabbath laws, but are, nevertheless, considered as a private domain with regard to the laws of impurity, because the people do not use them.

They are: trees and holes in the walls of the public domain even if they are not four handbreadths by four handbreadths.

What is implied? There was a tree standing in the public domain with impurity in it. One climbed to the top of the tree and he is in doubt whether or not he touched the impurity, he is impure because of the doubt. One inserted his hand into a hole in which impurity is situated and he is in doubt whether or not he touched it, he is impure because of the doubt.

9 When there is a store that is impure which is open to the public domain, and a person is in doubt whether or not he entered, he is pure despite the doubt. For the entire store is considered as the carcass of a creeping animal lying in the public domain in which instance, if a question arose whether one touched it, he is pure.

If there are two stores, one pure and one impure, in the public domain, and a person entered one, but he is in doubt whether or not he entered the impure store or the pure store, he is impure because of the doubt. This is considered as a doubt that arose in a private domain, because a store is considered as a private domain.

Similarly, if, in the winter, there is a valley that contains many fields, with at least one field known to be impure and one, pure, and a person said: "I entered this valley and I do not know if I entered that field or not," he is impure because of the doubt. The rationale is that when a doubt arises in a private domain - even a doubt whether one entered - the person is impure.

10 When a place was considered a private domain, it then became a public domain, and then it became a private domain, the ruling depends on its immediate status. While it is a private domain, when there is a doubt, the person is impure. While it is a public domain, when there is a doubt, the person is pure.

11 Entities that are situated in the public domain are considered as the public domain.

What is implied? There was a container ten handbreadths high in the public domain in which was situated a source of impurity. If one is in doubt whether he touched the container, he is pure despite the doubt. If he inserted his hand into the container, but he was in doubt whether he touched the impurity, he is impure because of the doubt.

If there was a stone container resting on his shoulder and a loaf of bread that was terumah wrapped in tree bast or paper contained within it and there was a doubt whether or not another person touched it, it is impure because of the doubt.

12 When there is a donkey in the public domain that was ten handbreadths high, impurity was placed on it and a doubt arose whether a person touched the donkey's back, he is pure despite the doubt. If he extended his hand above the donkey and he was in doubt whether or not he touched the impurity, he is impure because of the doubt.

Similarly, if there was a rock that was ten handbreadths high placed in the public domain and impurity was placed on it, if there was a doubt whether or not one touched the top of the rock, he is pure despite the

doubt. If he climbed on top of the rock, but he was in doubt whether or not he touched the impurity, he is impure because of the doubt.

13 In all off the following situations:

a) a zav was riding on his donkey; another person was riding on another donkey and they were riding on the way and the person was in doubt whether or not he touched the zav;

b) an impure child was being carried on his father's shoulder and a pure child was being carried on his father's shoulder, the fathers were walking next to each other and a doubt arose whether one child touched the other;

c) a person was carrying a package on his shoulder; there was unidentified saliva stuck to the wall and a doubt arose whether or not it touched it;

d) utensils were spread out on a surface more than ten handbreadths high in the public domain; an impure person passed by and a doubt arose whether he moved them or not. In all these instances, the person or the article is pure.

Mishneh Torah, Defilement of Foods

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 All foods that are designated for human consumption, e.g., bread, meat, grapes, olives, and the like, are susceptible to ritual impurity. All foods that are not designated for human consumption are pure and are not susceptible to ritual impurity unless one had a specific intent and set them aside for human consumption. No foods are susceptible to ritual impurity unless it was first dampened with one of the seven liquids. This dampening is referred to as *hechsher*. These concepts are derived from **Leviticus 11:38** which states: "When water will be placed on a seed...."

2 These are the seven liquids that make foods susceptible to impurity: water, dew, oil, wine, milk, blood, and honey.

They do not make foods susceptible to impurity unless they fall upon them as desired by the owner. Nor may they be squalid, for squalid liquids do not make food fit to contract impurity.

Once food has been made susceptible to ritual impurity, it retains that status after it is dry, with no liquid on it.

3 When food has been dampened with fruit juice, e.g., berry juice or pomegranate juice, even though it is wet and was touched by a *zav* or the flesh of a corpse, it is pure, because it was not made susceptible to impurity by one of the seven liquids.

4 Only the seven liquids that we mentioned are considered liquids that are susceptible to ritual impurity. Other fruit juices, by contrast, neither make foods susceptible to ritual impurity, nor do they contract ritual impurity themselves at all.

5 When grapes and olives have not reached a third of their maturity, the liquids they produce do not make foods susceptible to ritual impurity, nor are these liquids themselves susceptible to ritual impurity. Instead, they are like other fruit juices and they are pure forever.

6 The following herbs are not susceptible to ritual impurity even though people eat them. The rationale is that they are not eaten to receive benefit from them as independent entities, but because they impart flavor, aroma, or appearance to other foods. They include: ginger, *aldartzini*, the primary spices, asafetida root, asafetida, pepper, or safflower. Similar laws apply with regard to all analogous substances.

7 Dill can be assumed to be used to be eaten itself like other vegetables of the field. If it is intended to flavor a cooked dish, it does not contract the impurity of foods. Once dill has imparted flavor to a cooked dish, it is considered as a waste product and it does not contract the impurity of foods.

8 Dates and dried figs that were placed in a cooked dish as spices still contract the impurity associated with foods until they become spoiled to the point that they are not fit for human consumption.

9 If vetch was designated for human consumption, it contracts the impurity associated with foods.

10 Hearts of palm are considered as wood in every way. If they were cooked and fried, they contract the impurity associated with foods.

11 Grape seeds and grape pomace, even though they were collected to serve as food, do not contract the impurity associated with foods.

12 Hard olives and grapes that slip out and emerge from under the beam of the press while the produce is being pressed are not susceptible to ritual impurity.

To what degree is this leniency granted? For four *kabbin* for every *kor*. If more than that amount emerge, they are susceptible to ritual impurity. If they were set aside to be eaten, even if there are less than four *kabbin*, they are susceptible to ritual impurity.

13 Budding dates, budding fruit, underdeveloped fruit, and black cumin are all considered as foods and they are susceptible to ritual impurity.

14 Budding leaves from branches, carob trees, pepperweed and wild onions are not susceptible to impurity until they are sweetened.

15 Mustard seeds, lupine beans, and other foods that are pickled are susceptible to the impurity associated with foods both after they have been sweetened and before they have been sweetened.

16 When olives have been pickled together with their leaves, the leaves are

not susceptible to ritual impurity, for they have not been pickled to be eaten, only for the sake of their appearance.

17 The hairs of zucchini and its flower are not susceptible to ritual impurity, because they are not food.

18 When honey is in its beehive, it is susceptible to the ritual impurity associated with foods, even if one does not designate it as food in his mind. When one begins removing the honey, when the honey combs are broken, the honey is susceptible to impurity as a liquid. When honey flows out of a beehive, it is susceptible to impurity as a liquid. If one considers it as a food, it is susceptible to impurity as a food.

19 Oil that has congealed is neither considered as food, nor a liquid in this context. Even if one thinks of it while it is congealed as a food or a liquid, his thought is of no consequence. Similarly, when blood has congealed, it is neither considered as food, nor a liquid. If one thinks of it as a food, it is susceptible to the ritual impurity associated with foods. If one thinks of it as a liquid, his thought is of no consequence.

20 When milk has congealed, it is neither considered as food, nor a liquid. If one thinks of it as a food, it is susceptible to the ritual impurity associated with foods. If one thinks of it as a liquid, his thought is of no consequence.

21 Date honey is neither considered as food, nor a liquid. If one thinks of it as a food, it is susceptible to the ritual impurity associated with foods. If

one thinks of it as a liquid, his thought is of no consequence. All other fruit juices are neither considered as foods, nor liquids with regard to ritual impurity. If one thinks of one as a food or a liquid, his thought is of no consequence.

22 Snow is neither considered as food, nor a liquid. If one thinks of it as a food, his thought is of no consequence. If one thinks of it as a liquid, it is susceptible to the ritual impurity associated with liquids. If a portion of it contracted impurity, the entire quantity is not considered as impure. If the snow was passed over an impure earthenware container, all of it becomes impure.

23 When one had in mind to use milk that is in the teats of a slaughtered animal, his thought is of no consequence and it is pure. If he had the intent to use congealed milk that is in the stomach of a slaughtered nursing animal, it is susceptible to the ritual impurity associated with foods.

24 When grapes have been trodden upon, once one has crisscrossed over them, they are susceptible to the ritual impurity associated with liquids. If whole grapes remain, those grapes are susceptible to the ritual impurity associated with foods.

Similarly, when olives are loaded in an olive press, they are susceptible to the ritual impurity associated with liquids. If whole olives remain, those olives are susceptible to the ritual impurity associated with foods.

25 Although it is forbidden to benefit from any of the following: produce

that is *orlah*, mixed species that grew in a vineyard, the meat of an ox sentenced to be stoned that was slaughtered, the meat of a calf designated to have its neck broken, whether it was slaughtered beforehand or whether its neck was broken, the birds used to purify a person afflicted with *tzara'at*, a firstling donkey, a mixture of milk and meat, the meat of the red heifer, and meat from a sacrifice that is *piggul* or *notar* are all susceptible to the ritual impurity associated with foods.

Chapter 2

1 All foods that grow from the earth are not susceptible to ritual impurity until they are uprooted from the ground. As long as they are connected to the earth - even by a small root, as long as they can sustain themselves from it - they are not susceptible to impurity.

2 When a branch of a fig tree was broken off, yet it is still connected by its bark, but it cannot sustain itself from it, all the fruit on it are susceptible to ritual impurity. There is an unresolved doubt with regard to this matter: Is the remainder of the tree considered as a handle to this broken branch or not?

3 When vegetables become dried out while budding, e.g., cabbage or squash that becomes dried out while budding, they are not susceptible to the impurity associated with foods. If produce was harvested with the intent of it being dried, it is considered as food until it becomes totally dry and hard like wood.

4 When the branches of a tree that contained fruit were broken off, the fruit is considered as having been harvested. Similarly, if a tree containing fruit dried out, the fruit is considered as having been harvested.

5 When figs dry out when budding, they contract impurity in their place.

6 All foods that come from living animals are not susceptible to ritual impurity until the animals die. If one slaughtered a domesticated animal, wild animal, or fowl, even though it is still in its death throes, it is susceptible to ritual impurity.

When do fish contract impurity? When they die. If a factor arose that caused a fish to be considered as *tereifah* and it contracted impurity when it is in its their death throes, there is an unresolved question: Is it considered as if it had died, because it already became *tereifah*? Or is it not susceptible to ritual impurity until it becomes inanimate like stone and does not move?

If a limb or meat that was loosely hanging from a domesticated or wild animal and could not rejuvenate itself was made fit to contract impurity, it is susceptible to impurity even when in its place attached to the animal, because it is already considered as food that has been separated. If the animal was slaughtered, the slaughter makes it fit to contract impurity, because the entire animal is considered as a "handle," to this limb. And when a "handle" is made susceptible to ritual impurity, the entire organ becomes susceptible, as will be explained. There is an unresolved question if an animal can become a "handle" to a loosely hanging limb or flesh in the animal's lifetime.

7 When one slaughters a domesticated animal, wild animal, or fowl, all of its meat becomes susceptible to ritual impurity because of the blood that emerges at the time of ritual slaughter. Therefore, if no blood emerges at the time of ritual slaughter, all of the meat must be made susceptible to ritual impurity like all other foods that were not yet made susceptible to impurity.

8 When foods are made susceptible to impurity while they are attached to the earth or they were made susceptible with water that was attached to the ground, they are not susceptible to impurity. They receive this status only after coming in contact with water that is not in contact with the earth or with other liquids after the produce has been detached from the earth, as implied by **Leviticus 11:34**: "in any container." It can be inferred that a liquid does not make food susceptible to impurity unless it was lifted from the ground, like water in a container. If one drew water with a container and then poured it on the ground, it does not make food susceptible to impurity.

9 When a zucchini was planted in a flowerpot and it grew, even though portions of it emerged outside the flowerpot, it is not susceptible to ritual impurity. The rationale is that when a flowerpot has a hole through which a small root can protrude, produce growing in it is considered as attached to the earth and anything planted in it is not susceptible to ritual impurity. Similarly, if there was water in it, the water does not make produce susceptible to impurity.

10 When a flowerpot does not have a hole, anything growing in it is susceptible to ritual impurity. If there is water in it, that water makes produce susceptible to impurity.

11 Vessels made from animal turds or earth from which roots can break through and protrude do not cause plants to become susceptible to impurity. Even though they do not have a hole, they are considered as if they have a hole.

12 When a flowerpot was filled with earth until its edge, it is no longer considered as a container. Instead, it is considered as a flat surface that does not have an edge, for it is no longer a receptacle.

13 When impure liquids fall on foods, the foods become impure even though they fell contrary to the desire of the owner. The rationale is that the food's contraction of impurity occurs at the same time as it became susceptible to impurity. This applies provided the liquids are not on the earth.

14 Whenever food has spoiled and rotted to the point that it is no longer fit for human consumption, it is not susceptible to ritual impurity. Similarly, a liquid that has spoiled and become foul to the point that it is no longer fit for human consumption is not susceptible to ritual impurity, just as it does not make foods susceptible to ritual impurity, as implied by **Leviticus 11:34**: "which he shall drink."

15 When one cooked an animal's hide or thought of partaking of a placenta,

they contract ritual impurity as an independent entity.

16 When one cooks the hide of a donkey, there is an unresolved question whether it contracts ritual impurity as an independent entity, because it was cooked or it does not contract impurity, because it is very disgusting.

17 Kernels of wheat that are found in cattle turds or barley that is found in animal turds that were collected are not susceptible to ritual impurity. If one thought of partaking of them, they contract the ritual impurity associated with foods.

18 When food became impure and after it became impure, it spoiled and rotted, if it became unfit for a dog to eat or it became dry like a shard, it is pure. If it became unfit for human consumption, but it is still fit for a dog, it remains impure as it was beforehand.
Whenever food becomes impure, it cannot regain purity by being immersed in a *mikveh*.

19 When one sows impure seeds, the plant that grows from them is pure, even if it is an entity whose seed does not decompose. The above applies provided the seeds sprout roots. If, however, they do not sprout roots, they remain impure even if the seed decomposes.

20 When food is attached to a utensil, it is no longer considered as food. If the utensil becomes impure, it contracts the impurity of the utensil. Since the food serves as wood, it is considered as wood.

21 Whenever a liquid contracts impurity and afterwards spoils and becomes foul, it remains impure forever. For the impurity of a liquid never departs, even if it becomes unfit for a dog to drink. Liquid that becomes impure can never regain purity. The only exception is water, i.e., if one immersed impure water in a *mikveh*, when the water of the *mikveh* covers the impure water, it regains purity.

Hot impure water can be immersed in a cold *mikveh*. Similarly, cold water can be immersed in hot water, foul water can be immersed in pleasant water, and pleasant water in foul water.

22 When a staff was thoroughly wet with impure liquids, if a portion of it was immersed, the water on the other portion is not purified until it is immersed in its entirety.

23 When snow becomes impure and a portion of it is joined to the waters of a *mikveh*, since a portion became pure, it becomes pure in its entirety.

24 *Temed* that became impure - whether it became impure after the water was mixed with the grape dregs or whether the grape dregs were mixed with impure water - until it becomes vinegary, it can be brought into contact with a *mikveh* and purified, for it is like water. Once it becomes vinegary, it's like wine and it cannot be purified in a *mikveh*.

25 When a pot was filled with liquids, e.g., honey, wine, or the like, and placed in a *mikveh* and then a person who was a primary derivative of impurity extended his hand outward and touched the liquids, the liquids become impure even though they are in the *mikveh*. And the pot contracts

impurity from the liquids in it, even though it is in the *mikveh*.

If, by contrast, the pot contained water, the pot is pure, because a derivative of impurity never imparts impurity to an earthenware container. Nor does the water it contains contract impurity, for it is mixed with the water of the *mikveh*. If, however, a person who is considered a source of impurity extended his hand and touched it, the pot becomes impure, for a *mikveh* does not impart purity to an earthenware container.

26 Drainage water can be assumed to be impure. If rain water descended upon it to the extent that it became the majority, the mixture is pure. If they are of equal quantities, everything is impure, whether the water is found in a container or on the earth.

When does this apply? When the drainage water came first. If, however, the rain water came first and then even the slightest amount of drainage water fell upon them, everything is impure, for when impure liquids descend into pure liquids, even the slightest amount imparts impurity.

27 When a person spreads mud on the roof of his house or if he washes his clothes and water is dripping from them and then it rained and the dripping increased, we conclude that the majority is rain water and the water that drips is pure.

28 The following rules apply when a person applied ritually pure oil to his body and afterwards contracted impurity. If he immersed himself while the oil is still on his body, if merely the amount of oil to rub on a small finger was applied, the oil is pure as it was originally.

If a person applies impure oil to his body and immerses himself, the oil on his body does not regain purity. Instead, if there is moist oil on his body, the oil remains impure. If there is not enough that feels moist, it is nullified because of the small amount that is there.

Chapter 3

1 We have already explained that food does not contract impurity until it is made fit to do so and that all food that is not designated for human consumption does not contract ritual impurity until it is designated for human consumption.

2 The following rules apply when food is designated for human consumption in one locale, but is not designated for human consumption in another place. In a place where it is so designated, special intent is not necessary to designate it for human consumption. In a place where it is not so designated, one must have a special intent to designate it for human consumption and then it will be susceptible to ritual impurity. Any food that will ultimately impart impurity to a person or to *keilim* need not be exposed to liquids to become susceptible to ritual impurity.

3 There are foods that require exposure to liquids, but do not require a special intent. There are foods that require a special intent, but do not require exposure to liquids, foods that require special intent and exposure to liquids, and foods that require neither special intent, nor exposure to liquids.

What is implied? All foods that are designated for human consumption in any place require exposure to liquids, but do not require special intent. Kosher fish and kosher locusts in all places and non-kosher locusts and fish in rural areas are considered as designated for human consumption and require exposure to liquids, but do not require a special intent. Similarly, in all places, the fat of a kosher animal that died requires exposure to liquids, but does not require special intent.

The following require special intent and exposure to liquids: Meat that was separated from a living being, whether a human, animal, or fowl, the carcass of a non-kosher fowl, in rural areas, the fat of a kosher domesticated animal that was ritually slaughtered - even though it was exposed to liquids when slaughtered, it requires a second exposure after one had the intent to partake of it, and all wild vegetables, e.g., very pungent onions and mushrooms. Similarly, in rural areas, small locusts and fish require a special intent. When endives were sown for animal fodder and then the owner changed his mind and thought of using them for human consumption, they are not subject to ritual impurity unless he had such intent after they were picked. For an intent that one had while produce is connected to the earth is not significant. When one collected endives for an animal, washed them, and then thought to serve them to a human being, they must be exposed to liquids again after the change of mind. Similar laws apply in all analogous situations.

If one thought of partaking of the the *allal*, it can contract the impurity associated with foods. If not, it is considered as wood and it is not susceptible to ritual impurity. Similarly, bones that are joined to meat, the *giddim*, the soft portions of the horns and the hoofs, the thin feathers and

the wooly hairs of a fowl, the soft portion of its nails and its beak that are embedded in its flesh require special intent and exposure to liquids.

The following require neither special intent, nor exposure to liquids: the carcass of an animal from a kosher species, the carcass of a fowl from a kosher species, and the fat of a domesticated animal in large cities. None of these require either special intent, or exposure to liquids. The rationale is that since they are designated for human consumption, there is no need for special intent. They do not require exposure to liquids for ultimately, an olive-sized portion of them can impart impurity to a person or to a *k'li* and any substance that imparts impurity of a more severe type does not require exposure to liquids.

The following require special intent, but not exposure to liquids: The carcass of a fowl from a kosher species in rural areas and the carcass of an animal from a non-kosher species in all places. The above applies when one has in mind to partake of less than an olive-sized portion. An olive-sized portion, by contrast, is a primary source of impurity.

4 When a Jew slaughters a non-kosher animal for a gentile and slits the two - or the majority of the two - signs of ritual slaughter, it becomes susceptible to the impurity associated with food as long as it is in its death-throes. It does not require a specific intent, for when a Jew slaughters an animal for a gentile to eat, there is no greater special intent. It does not require exposure to liquids, for ultimately, it will impart impurity of a more severe type.

If he only slit one of the signs of ritual slaughter or stabbed it in the throat, it does not contract the impurity associated with foods. Similarly,

if a gentile slaughtered a kosher animal for a Jew, slitting the two - or the majority of the two - signs of ritual slaughter, it imparts the impurity associated with food as long as it is in its death-throes and it does not need to be exposed to liquids. If he only slit one of the signs of ritual slaughter or stabbed it in the throat, it does not contract the impurity associated with foods and is considered like other animal carcasses.

5 When a person cuts meat from a limb severed from a living animal and, afterwards, considered using it as food, it requires exposure to liquids to become susceptible to impurity. If he thought of using it as food and then severed it, it does not require exposure to liquids, because it imparts the severe impurity associated with an animal carcass. And whenever a substance imparts severe impurity, it need not be exposed to liquids.

6 When a person has in mind to partake of less than an olive-sized portion of the carcass of a non-kosher animal and combined it with other foods to complete the egg-sized portion of impure foods required to impart impurity, the entire amount need not be exposed to water. The rationale is that were one to increase the portion that is less than an olive-sized portion in the egg-sized portion until it was the size of an olive, it would impart severe impurity.

Similarly, when there is an olive-sized portion of meat from an animal that one had in mind to eat that was covered with dough until it reached the size of an egg, since it does not impart impurity when touched because of the dough, it is necessary that one have in mind to use it as food. The dough need not be exposed to liquids to contract impurity. The rationale

is that the entire measure can impart impurity when carried, because of the olive-sized portion of the animal carcass it contains. Even though it does not impart impurity when touched, it is considered as if it is ultimately capable of imparting more severe impurity. Therefore it need not be exposed to liquids.

7 When there is less than an olive-sized portion of a human corpse to which other foods were added so that an egg-sized portion of food would be reached, one must have in mind partaking of the entire amount for it to become susceptible to impurity, since generally, the entire amount is considered of no importance by all people. The entire amount does not require to be exposed to water, because of the meat from the corpse that it contains.

8 When an olive-sized portion of a human corpse is covered with dough, the entire amount imparts the severe impurity associated with a human corpse.

9 When a person cuts flesh from a living human being to feed to an animal, if afterwards, he thinks of using it as food for humans, for it to impart the impurity associated with foods, he must have such an intent, but it need not be exposed to water.

10 When a chick falls into a vat of wine and dies, even though the vat is located in a city, it becomes repulsive in the vat. Therefore to become susceptible to ritual impurity, one must have a specific intent to partake of it.

If, when one lifted it out of the vat, he thought of feeding it to a gentile, it imparts impurity, for he thought of using it for human consumption. If he thought of feeding it to a dog, it does not contract the impurity associated with foods. If the person who thought of feeding it to a person was a deafmute, a mentally or emotionally compromised person, or a minor, it is pure. If such individuals lifted it out of the vat to feed it to a person, it is impure, for their deeds are significant, but not their intent.

Chapter 4

1 What is the minimum measure for the impurity of foods? For them to contract impurity, even the slightest amount. Even a sesame or mustard seed contracts impurity, as **Leviticus 11:34** states: "Any food that shall be eaten," including even the slightest amount.

Food does not impart impurity to other foods or liquids or a person's hands until it is the size of an egg without its shell. And a person who partakes of impure foods is not disqualified from partaking of *terumah* and sacrificial foods unless he partakes of a portion of impure food the size of an egg and a half. This is half a *p'ras*.

2 Even the slightest amount of liquid can contract ritual impurity and impart ritual impurity. Even a drop of an impure liquid the size of a mustard seed that touched foods, *keilim*, or other liquids causes them to become impure. Nevertheless, a person who drinks impure liquids does not become disqualified unless he drinks a *revi'it*, as we explained.

3 All liquids can be combined to comprise the minimum measure and disqualify a person's body if he drank a *revi'it*. All foods can be combined to comprise the minimum measure of an egg-sized portion that imparts the impurity associated with foods and to a half a *pras* to disqualify a person. Even wheat can be combined with flour, with dough, with figs, with meat and the like. Everything can be combined.

4 When an animal's hide is connected to its meat, the juice it secretes, the spices, the meat connected to the hide - although one had the intent to eat part of it and did not have the intent to eat the remainder, even though part of it was separated by a beast of prey and part of it was separated by a knife - the bones that are connected to the meat, the *giddim*, the soft portions of the horns and the hoofs, the thin feathers and the wooly hairs of a fowl, the soft portion of its nails and the beak that are embedded in its flesh: all of these contract impurity, impart impurity, and are included in an egg-sized portion or half a *pras*.

5 When an egg-sized portion of impure food was left in the sun and it shrank, it does not impart impurity. Similarly, an olive-sized portion from a human corpse or an animal carcass and a lentil-sized portion from a dead creeping animal that was left in the sun and shrank are pure.

6 When an olive-sized portion of fat, blood, *notar*, or *piggul* was left in the sun and it shrank, one is not liable for *karet* for partaking of them. If he left them in the rain and they swelled, returning to the specified volume, they return to their original status, whether that involves severe impurity,

a lesser impurity, or a prohibition against partaking of the substance.

7 Onion leaves and onion shoots that are hollow which possess sap are measured according to their present size. If they are hollow and empty, their hollow should be compressed before their volume is measured.

8 A puffy bread is measured as it is. If it has a cavity, the cavity should be compressed.

9 When the meat of a calf expands or the meat of an older animal shrinks, its volume should be measured in its present state.

10 The volume of nuts, dates, and almonds that have dried are measured in their present state.

11 All entities whose type of impurity and minimum measures are similar can be combined with each other to reach that measure. If their impurity was similar, but not the minimum measures or the minimum measures, but not the impurity, they should not be combined, not even to impart the lesser type of impurity. What is meant by the type of its impurity, but not the minimum measure? E.g., the flesh of a corpse and the decomposed mass from it. What is meant by its minimum measure, but not its type? E.g., the flesh of a human corpse and the flesh of an animal carcass. Needless to say, impure entities that are not similar, neither in their measure and their type of impurity, e.g., the flesh of an animal carcass and the flesh of a dead crawling animal, are not combined.

12 The measure of all impure food is the same. For all impure foods do not impart impurity unless there is an egg-sized portion present. And their impurity is of the same type, for all impure foods impart impurity only through touch and they do not impart impurity to humans or to *keilim*. Therefore, they can be combined to impart impurity according to the lesser level of impurity among them.

What is implied? When there was a half an egg-sized portion of food that was a primary derivative of impurity and a half of an egg-sized portion of food that was a secondary derivative that were mixed together, they are considered as an egg-sized portion that is a secondary derivative. If the mixture touches food that was *terumah*, it disqualifies it.

When there was a half an egg-sized portion of food that was a secondary derivative of impurity and a half of an egg-sized portion of food that was a tertiary derivative that were mixed together, they are considered as an egg-sized portion that is a tertiary derivative. Similar laws apply in all analogous situations. Even when there was a half an egg-sized portion of food that was a primary derivative and a half of an egg-sized portion of sacrificial food that was a fourth degree derivative that were mixed together, they are considered as an egg-sized portion that is a fourth degree derivative.

13 When an egg-sized portion of food that was a primary derivative of impurity and an egg-sized portion of food that was a secondary derivative were mixed together, the entire mixture is considered as a primary derivative. If the mixture was divided, each portion is a secondary derivative.

If one of the portions of the mixture that was divided fell on a loaf of bread that was *terumah* and then the other fell upon it, they disqualify it. If the two fell at the same time, they cause it to be considered as a secondary derivative.

14 When an egg-sized portion of food that was a secondary derivative of impurity and an egg-sized portion of food that was a tertiary derivative were mixed together, the entire mixture is considered as a secondary derivative. If the mixture was divided, each portion is a tertiary derivative. If one of the portions of the mixture that was divided fell on a loaf of bread that was *terumah* and then the other fell upon it, they do not disqualify it. If the two fell at the same time, they cause it to be considered as a tertiary derivative.

15 When an egg-sized portion of food that was a primary derivative of impurity and an egg-sized portion of food that was a tertiary derivative were mixed together, the entire mixture is considered as a primary derivative. If the mixture was divided, each portion is a secondary derivative. The rationale is that when a tertiary derivative touches a primary derivative, it becomes a secondary derivative.

16 When two egg-sized portions of food that were primary derivatives of impurity and two egg-sized portions of food that were secondary derivatives were mixed together, the entire mixture is considered as a primary derivative. If the mixture was divided in half, each portion is a primary derivative. If they were divided into three or four portions, each

one of them is considered a secondary derivative.

Similarly, when two egg-sized portions of food that were secondary derivatives of impurity and two egg-sized portions of food that were tertiary derivatives were mixed together, the entire mixture is considered as a secondary derivative. If the mixture was divided in half, each portion is a secondary derivative. If they were divided into three or four portions, each one of them is considered a tertiary derivative.

Chapter 5

1 The term *yad* when used in connection with food refers to the thin stems that are close to fruit from which the fruit hangs from the tree, e.g. the stems of figs and pears and the edges of a grape cluster. In a similar category are included seeds and other entities required by the foods and any *shomrim* for foods, i.e., the shell over the foods that protects it. Similar laws apply to all analogous substances.

2 Any substance that is a *yad*, but not a *shomer* is susceptible to impurity, imparts impurity, but is not considered as part of the food. Any substance that is a *shomer*, even though it is not a *yad* is susceptible to impurity, imparts impurity, and is combined together with the food. Any entity that is not a *shomer*, nor a *yad*, is neither susceptible to impurity, nor does it impart impurity. Needless to say, it is not considered as part of the food.

What is meant by saying "it is susceptible to impurity, imparts impurity, but is not considered as part of the food"? If impurity touched the *yad*, the food suspended from it becomes impure. If impurity touched the

food, the *yad* becomes impure. The *yad* is not combined with the food to comprise an egg-sized portion or a half a *pras*. If, however, an entity is a *shomer* it is considered as part of an egg-sized portion or a half a *pras*.

3 Just as there is a concept of a *yad* with regard to contracting impurity, so too, there is a concept of a *yad* with regard to making foods susceptible to impurity through exposure to liquids. If the *yad* was exposed to a liquid, all of the food hanging from it is susceptible to impurity.

The concept of a *yad* applies even though the fruit is smaller than an olive-sized portion and the concept of a *shomer* applies even though the fruit is smaller than a bean. When a *shomer* is divided, it no longer is combined with the food.

4 What is the source that teaches that the *shomerim* of food contract impurity together with the food when they are connected to it? **Leviticus 11:37** states: "On any type of kernels of seed that will be sown." Implied is that the kernels are considered in the form which people use to sow, e.g., wheat in its coating, barley in its shell, lentils in their coverings. Similar laws apply to other *shomerim*.

5 What is the source that teaches that the *yadot* of food are susceptible to impurity and impart impurity when they are connected to foods? It is written *ibid.:* 38: "They shall be impure for you," included is anything necessary for you so that the food can be eaten.

6 When a person harvests grapes for a winepress, there is no concept of *yadot*, for he has no need of the *yad*, because it absorbs the liquid.

7 When one harvests produce to use as a covering for his *sukkah*, there is no concept of *yadot*, for he has no need of the *yad*.

8 Whenever the *yadot* of food were crushed in the granary, they are pure.

9 When a sprig of a cluster is stripped of its grapes, it is pure. If one grape remained, it is considered as a *yad* for that grape and it is susceptible to impurity. Similarly, if a stalk from a date palm was stripped of its dates, it is pure. If one date remained, it is impure. Similarly, if a pod of legumes was emptied, it is pure. If one legume remained, it is susceptible to impurity.

10 There can never be a concept of a *shomer* for a *shomer*. Only the protective covering that is closest to the food is considered as part of it.

11 There are three peels to an onion: the inner peel, whether it is whole or cut, it is combined with the food. When the middle peel is whole, it is combined. If it is cut, it is not combined. The outer peel is pure in both instances.

12 All shells become susceptible to impurity, impart impurity, and are combined together with the food because they are *shomerim*. When the pods of beans and vetch are discarded, they do not become susceptible to impurity. If they were saved to be served as food, they do become susceptible to impurity. If food remains inside them, they are susceptible to impurity regardless.

Cucumber peels are susceptible to the impurity of foods, even though

they are not connected to the cucumber at all. When barley kernels are dry, their shell is included with them. If the kernels are fresh, the shells are not included with them. The shells of wheat kernels are included with them in all instances.

13 All seeds become susceptible to impurity, impart impurity, but are not combined together with the food with the exception of a fresh date seed. The seed of a dried date, by contrast, is not combined with the food.

14 The covering of a fresh date seed is not combined with the fruit. The covering of a dry date seed, by contrast, is combined with the fruit. Since it cleaves to the fruit, it is considered as part of the fruit.

15 When a portion of a date seed projects outside the fruit, the portion that has food around it is combined with it. The portion that projects beyond it does not.

Similarly, when there is a bone with meat on it, any portion of the bone that has meat around it is combined with the meat. If it has meat on it only from one side, only the portion of bone under the meat is combined with it and only the upper portion of the bone until its cavity. If a bone does not have a cavity, we consider it as the thickness of a hyssop stem. Only that portion is combined with the meat; the remainder is not combined. The rationale is that the bones are considered like *shomerim* for the meat.

16 A thigh bone that has meat - even a mere bean-size portion - upon it causes the entire bone to be included in the reckoning for impurity.

17 Even if olive and date seeds were cooked to be eaten they are not susceptible to impurity.

18 Even though one collected carob seeds with the intent of eating them, they are not susceptible to impurity. If one cooked them with the intent of eating them, they are susceptible to impurity.

19 The following are susceptible to impurity, impart impurity, and are combined together with the food: the roots of garlic, onions, and leek, when they are fresh, their protuberance, whether fresh or dry, their stalk which is opposite the food, the roots of lettuce and Israeli radishes, and the main root of large radishes are combined with the food. The thin roots of large radishes, by contrast, are not combined. The roots of mint and rue and the roots of wild vegetables that were uprooted with the intent of replanting them, the center stalk of grain and the husks of its kernels, the stems of figs, dried figs, thin figs, and carobs are susceptible to impurity, impart impurity, and are combined together with the food.

20 The following are susceptible to impurity, impart impurity, but are not combined together with the food: the roots of garlic, onions, and leek, when they are dry, stalks growing from them that are not opposite their central portion, the *mila'in* of grain stalks, i.e., the dark hairs on top of a grain stalk that resemble the teeth of a saw, the stems of pears, small pears, quince, and crabapples, the handbreadth of the stem of squash that is closest to the vegetable itself, a handbreadth of the stem of an artichoke, and similarly, a handbreadth from either side of a branch from which a

twig of a grape vine grows. From the twig of a grape vine grow many clusters. This same ruling is applied to the stem of a cluster regardless of its size. The *yad* of the tail end of the shoot of the cluster from which the grapes were removed and that of a branch of a date palm is four handbreadths long. The term branch refers to the red branch that the stalks hang from; the dates hang from the stalks. Three handbreadths of the stem of the grainstalk are considered as a *yad*. Similarly, three handbreadths of the stem of all plants that are reaped are considered as a *yad*. If plants are not reaped, their stems and roots are considered as *yadot* regardless of their length.

All of the aforementioned are susceptible to impurity, impart impurity, but are not combined together with the food, because they are *yadot*.

21 The following are not susceptible to impurity, do not impart impurity, and are not combined together with the food: other stems, the roots of cabbage heads, the roots of beets, the roots of turnips - this refers to the deep roots that remain when the cabbage and turnips are harvested from which the plants grow a second time - and all the roots that are cut off when they are uprooted together with the food.

The button of a pomegranate is combined together with the fruit. The buds that grow from it are not combined.

22 When part of a pomegranate or a watermelon decomposed, the remainder is not considered as joined to the part that decomposed. The remainder of the peel is not combined with the fruit, for its protection of the fruit is of no benefit. Similarly, if such fruit was intact on either side, but rotten in

the center, the portions of fruit on the sides are not considered as joined to each other, nor is the peel combined with the food.
The green leaves of vegetables are combined with the foods. The white leaves are not, because they are of no benefit.

Chapter 6

1 When the shells of nuts and almonds are cracked, they are still considered as attached to the food until the shell is shattered.

2 Once a perforation has been made through which to suck out the contents of a soft-roasted egg, the remainder of the shell is not considered as connected to it. When an egg has been cooked, its shell is considered as connected to it until it is shattered. If the shell has been spiced, even if it is shattered entirely, it is still considered as connected.

3 When a bone contains marrow, the bone is considered as connected to the marrow until it is shattered. The wool on the heads of sheep and the hair on a goat's beard even when charred with fire are still considered as connected to the food until one begins removing them.

4 Even though one already passed a knife over the wings of locusts or the scales of fish, they are considered as connected until one begins actually peeling them off. When the seeds of a pomegranate have separated, they are still considered as connected until one strikes it with a reed.

5 The stalks of a date palm are not considered as connected to each other.

6 When one cut a cucumber and placed it on the table, the portions are considered as connected until one begins to separate one from the other. If one begins to separate, a piece and anything that ascends with it is considered as connected. The remainder is not considered as connected. The lower tip is considered as connected to itself and not to the other pieces.

When there were two or three cucumbers, one cut each one of them and placed them on the table and began eating one of them, the one he began eating is considered as connected and the others are not considered as connected. Even if he said: "I am eating half in the morning and half in the evening," the half with which he began is considered as connected and the remainder is not considered as connected.

7 When a person cuts vegetables and the like to cook them, even though he did not finish cutting them to the extent that they were separated, they are no longer considered as connected. Instead, if one piece contracts impurity, the other does not contract impurity even though they remain attached.

If one cuts a vegetable to pickle, to cook lightly, or to serve on the table, the pieces are considered as connected, even if he begins to separate what he cut.

8 Any food that was still not separated is considered as connected. If part of it contracts impurity, it is impure in its entirety.

9 The following rules apply when food was divided, but the pieces were still

partially attached and an impure person touched one piece. Were he to hold the piece that he touched, the other piece would ascend with it, they are considered as connected. If when one holds the impure piece and lifts it up, the other one would break off and fall, they are not considered as connected. Instead, the second piece is considered as touching the piece that contracted impurity.

10 The following laws apply whenever leaves or stems are connected to foods. Those that are usually held by their leaves, should be held by their leaves. If they are held by their stalks, they should be held by their stalks. If the food remains hanging from the leaves or the stems, it is considered as connected when touched by a person who immersed in a *mikveh* that day. Needless to say, this applies to other impurities.

Similarly, if a fruit has a part that could be considered as a handle, it should be held by the handle. If it has both leaves and a handle, it should be held by whichever one desires. If it has neither leaves nor a handle, concerning such a situation, our Sages said: If when one holds the impure piece and lifts it up, the other one ascends with it, they are considered connected. If not, they are not considered connected.

11 When one cut off nuts with their stems when they are soft and joined them together like a rope or joined onions together in a like manner, they are considered as joined. If he begins separating the nuts or cutting off the onions, the remainder are not considered as joined. Even if there were 100 *kor* left, they are all not considered as connected, because he has indicated that his intent is to undo all of them.

12 When there is a braided chain of garlic heads and liquids fell on one of them, it is impure, but those joined to it are pure. For articles joined together by humans are not considered as joined together for all matters. Similarly, when an *esrog* was separated into pieces and skewered by a weaving needle or a sliver of wood, the pieces are not considered as joined.

13 When a dough was kneaded with fruit juice, the portions of the dough are not considered as joined, for the only entities that join food are the seven liquids.

14 When one crushes foods together and amasses them, e.g., dried figs, dates, or raisins that were amassed and made into a single block, they are not considered as joined. Therefore, when impure liquids fell on a portion of a ring of dried figs, one may remove the portion on which the liquids fell and the remainder is pure.

15 If one cooked dates and dried figs together and made them a single mass, they are considered as joined.

16 When olives were stored and combined together in a single mass, they are considered as joined, since at the outset, they were placed in the pit with the intent that their fluids flow from one to another.

Therefore if the carcass of a creeping animal was found on a mound of olives, i.e., olives that have become a single mass, even if it touched only a barley-sized portion of the mass, the entire amount is impure, because it is all a single entity.

If a person had a mass of olives and he was planning to turn it over, once

he inserts the spade into the mass, they are no longer considered as connected even though there are many lumps. If a mass is formed after they were turned over, they are not considered as joined.

17 When separate foods are all collected in the same place and are clinging to each other, even though they are not considered as joined with regard to the contraction of impurity, and they are not considered as a single mass, as explained, they are still combined to produce the measure of an egg-sized portion to impart impurity to other foods. If the foods were not collected as one mass, but instead were separate like cooked food and legumes, they are not considered as a combined entity even in that context until they are collected and formed into a single mass.

When there were many lumps of food, one next to another and a primary source of impurity touched one of them, that lump is considered as a primary derivative of impurity. The lump next to it is considered as a secondary derivative, the one next to the second, a tertiary derivative, and the one next to the third, a derivative of the fourth degree.

18 If a loaf that was *terumah* was a primary derivative of impurity became attached to others, they are all considered as primary derivatives. If it was separated, it is considered as a primary derivative and the others, as secondary derivatives. If it was a secondary derivative and it became attached to others, they are all considered as secondary derivatives. If it was separated, it is considered as a secondary derivative and the others, as tertiary derivatives. If it was a tertiary derivative and it became attached to others, it remains a tertiary derivative and they are all considered as pure,

whether they were separated or not.

19 When loaves that are *terumah* are attached to each other and one of them contracted impurity from the carcass of a crawling animal, they are all considered as primary derivatives even if they are separated afterwards. If one of them contracted impurity from impure liquids, they are all considered as secondary derivatives even if they are separated afterwards. If one contracted impurity from impure hands, they are all considered as tertiary derivatives even if they are separated afterwards. The rationale for this law is that the loaves were a single entity at the time the impurity was contracted.

Chapter 7

1 A column of liquid being poured is not considered as joined, neither to an impure entity nor to one that is pure.

What is implied? If one was pouring pure liquids into an impure container or even on the carcass of a crawling animal itself, the column of liquid being poured is pure. If one would collect some of the liquids that are being poured while they are in the air, what he collects is pure. Needless to say, that the liquids in the container from which one is pouring are pure.

2 When does the above apply? When one is pouring cold liquids to cold liquids, hot liquids to hot liquids, or hot liquids to cold ones. If, however, one pours pure cold liquids into impure hot liquids, the column of liquids

being poured is considered as joined. The liquids are considered as a primary derivative of impurity. They impart impurity to the container in which they are held.

Why did the Sages say that when one who pours cold liquids into hot liquids, the liquids are considered as joined? Because the vapors of the hot liquids ascend like a pillar of smoke. It becomes intermingled with the column of liquid being poured and the liquid in the upper container, causing it to become impure. For the vapor ascending from the hot liquid is also considered as liquid.

3 For this reason, when a woman whose hands were pure was stirring a hot pot that was impure and liquid collected on her hand because of the vapor of the pot, her hands contract impurity. It is as if they touched the liquids in the pot. Similarly, if her hands were impure, she stirred a hot pot, and liquid collected on her hand because of the vapor of the pot, all of the contents of the pot contract impurity, as if she touched the liquids in the pot.

4 When honey from Zif and Tzapachat is poured, the column of honey is considered as joined even if one is pouring from a cold container to a cold container. The rationale is that the honey remains attached to them and they are extended like glue. Therefore the column of all other foods which are poured are not considered as joined even if they are very thick, e.g., cooked groats, melted fat, or the like, because they do not remain attached. Similarly, with regard to other liquids, a column of poured liquid is not considered as joined unless one is pouring from cold to hot,

as we explained.

5 Similarly, a column of liquid is not considered as joined to a pure entity. What is implied? If one poured impure water from a stone container or the like into a *mikveh*, we do not say that when the edge of the column being poured reaches the water, it is purified. Instead, it is considered as impure until it is all connected to the *mikveh* from one side, as we explained.

Similarly, when there is an incline that has tangible moisture upon it, the moisture is not considered as joined to other liquids on that incline, neither to render them impure or pure. Liquids that are collected on the ground, by contrast, are all considered as joined, whether this renders them impure or pure.

6 When a kneading trough is on an incline, there is tangible moisture on it, and there are three impure pieces of food, together an egg-sized portion in size, positioned on it, one below the other, they are not combined. If there are two, they are combined. If there was standing liquid beneath the food, even if the pieces are all the size of mustard seeds, the liquid combines them all.

7 We have already explained that a person who immersed to purify himself on the same day does not impart impurity to ordinary foods at all. Instead, he disqualifies foods that are *terumah* and liquids that are *terumah,* making them all tertiary derivatives. Similarly, if he touches sacrificial foods or sacrificial liquids, he disqualifies them and causes them

to be considered as fourth degree derivatives.

8 There are certain situations where articles are not considered as joined when one of them is touched by a person who immersed that day even though they are considered as joined with regard to all forms of impurity. Instead, if a person who immersed that day touched them, he disqualifies only the article he touched. If, instead of such a person, those articles had been touched by another impure person, he would have disqualified all of them. Even if the person who touched them merely partook of impure foods or drank impure liquids and thus his impurity is light, he disqualifies everything. In contrast, a person who immersed that day does not disqualify it. Needless, to say, if a person is a primary source of impurity or a primary derivative of impurity, he imparts impurity to everything.

Why was leniency granted to a person who immersed that day? Because he already purified himself and he is lacking only nightfall to attain purity.

A further leniency was granted with regard to a person who immersed that day. There are foods that are designated for human consumption and hence susceptible to all types of impurity, but they are pure if touched by a person who immersed that day. They are barley and spelt when they are not shelled. If, however, they are shelled, and, similarly, wheat, even if it is not shelled, black cumin, and sesame seeds are disqualified when touched by a person who immersed that day. Needless to say, they contract all forms of impurity.

9 All of the "handles" of food that are considered as joined to the food with

regard to a primary source of impurity are also considered as joined with regard to a person who immersed that day. Similarly, whenever food has been sliced, but is still somewhat connected and thus is considered joined with regard to a primary source of impurity, it is also considered as joined with regard to a person who immersed that day. Whenever leniency is granted and objects are not considered as joined with regard to a person who immersed that day, they are considered as joined with regard to the impurity of hands. This is also a stringency that applies with regard to the impurity of hands that does not apply with regard to a person who immersed that day.

Chapter 8

1 The following rule applies when loaves or breads were inserted into an oven and were attached to each other - although one had the intent to separate them - or one baked one loaf over another in an oven and its surface did not yet harden. If a person who immersed that day touched one of them, he only disqualifies the loaf that he touched.

Similarly, in the following instances, water was boiled and made large bubbles, groats were boiled for the first time, fresh wine began to ferment, or rice was boiled, if a person who immersed that day touched the bubbles, he disqualifies only the bubbles. With regard to other impurity, by contrast, whether lenient or stringent, everything is considered as joined.

If, however, loaves were attached to each other and the person did not intend to separate them; he baked one loaf over another and they became

attached after the surfaces hardened in the oven; water bubbled and the bubbles were not empty as large bubbles are; groats boiled for a second time; aged wine fermented and produced bubbles; oil - whether fresh or aged - bubbled; lentils bubbled - all these situations are considered as joined even when touched by a person who immersed that day. Needless to say, this applies with regard to other impurities.

2 The following rules apply if dough is taken out at the time of baking and left to harden, so there is a projection like a nail in the midst of a loaf or the end of the dough is extended and becomes burnt while the loaf is baking; it is called a *chirchor*. If they were smaller than a fingerbreadth in size and a person who immersed that day touched them, he disqualified the entire loaf. Similarly, if such a person touched a small granule of salt in the loaf, he disqualified the entire loaf. Needless to say, these laws apply with regard to other impurities.

If, however, there is a pebble in a loaf, a vetch bean, a large granule of salt, a *chichor* that is larger than a fingerbreadth, even if a primary source of impurity touches them, the loaf is pure. Needless to say, this applies with regard to a person who immersed that day.

3 When half of a roll is burnt and half remains edible, the two are not considered as joined. If the center of a roll became burnt, but the sides remain edible, they are not considered as joined to each other. This applies even with regard to a primary source of impurity. Needless to say, this applies with regard to a person who immersed that day.

If the sauce in which sacrificial meat was being cooked congealed around

it and a person who immersed that day touched this gel, the meat is permitted. If he touched a piece of the meat, that piece and anything that ascends with it are considered joined. Similar laws apply if cooked legumes congeal on pieces of bread.

When oil is floating on wine and a person who immersed that day touches the oil, he disqualifies only the oil.

4 When there is an egg that is stirred placed on a vegetable that is *terumah* and a person who immersed that day touches the egg, he disqualifies only the stalk of the vegetable below the place he touched. If the egg bubbled like a helmet, it is not considered as joined to the vegetable.

5 The following laws apply when a strand from an egg congealed on the wall of a frying pan and a person who immersed that day touched it. If he touched a portion of the egg that was on the rim or further inward, it is considered as joined to the food. If the portion he touched was beyond the rim and to the outside, the egg is not considered as joined. The same laws apply with regard to cooked legumes whose broth congeals on the rim of a pot.

6 If there was a barrel that was perforated, whether from its base or from its side, and a person who immersed that day closed the hole with his hand, the contents of the entire barrel are disqualified.

7 When a person was pouring liquids from one container to another and a person who immersed that day touched the column of liquids, we estimate whether the liquids that he touched were less than a 101th

portion of the entire amount. The rationale is that impure *terumah* that is mixed with 101 times its volume is considered insignificant because of its minimal size, as we explained in *Hilchot Terumot*.

8 The following laws apply when a person who had immersed that day was separating *terumah* from a cistern of wine. An open jug of wine that was *terumah* fell from his hand and became submerged in the cistern of wine. He sought to retrieve the jug and touched the jug of wine in the cistern. If his hand touched only from the rim of the jug and outward, the wine he touched is not considered as joined to the wine in the jug. If his hand extended beyond the rim of the jug inward, it is considered as joined.
If the cistern was a giant container, even an immense tank that holds 100 *kor*, all of the wine is considered as joined. If a person who immersed that day touched some of the wine, he disqualifies even the *terumah* in a jug in the bottom of the large container.

9 When a person who immersed that day touches some of the flour for the meal offerings, frankincense, the incense offering, or coals, he disqualifies the entire amount that are held together in a container.
To what does the above apply? To the coals that one collects in the firepan used on Yom Kippur, for the coals in that firepan are taken into the Sanctuary. It does not apply to the coals that are taken every day, for they do not posses holiness. This is evidenced by the fact that if some of the coals are scattered when he pours from the silver firepan to the golden firepan, they do not possess holiness and are swept into the drainage canal.

10 When oil that is *terumah* is resting upon a thick stew or an unbaked cake of ordinary food and a person who immersed that day touched the oil, he disqualifies only the oil. If he mixed the oil with the stew or the dough, any place the oil reached is disqualified.

11 If one cooked a vegetable that was ordinary food with *terumah* oil and a person who immersed that day touched it, he disqualifies only the place he touches.

12 When there is a thick stew that is *terumah* and garlic and oil that are ordinary food and a person who immersed that day touched part of the stew, the oil, or the garlic, he disqualifies everything.

13 If the stew was ordinary food and the garlic and oil were *terumah* and a person who immersed that day touched a portion, he disqualifies only the place he touched. If there was a majority of garlic, the ruling depends on the majority.

When does the above apply? When the garlic is a mass in a bowl. If, however, it was spread out in a pestle and one touched a portion of it, he disqualifies only the portion that he touched. It is not considered as joined, because he desires that it be dispersed.

With regard to other condiments that are crushed into liquids like garlic is crushed into oil, if they were crushed without liquids and collected, even though they are like a single entity in a bowl, he disqualifies only the place where he touches. For the condiments are considered like a roll of dried figs, in which instance, the ruling is that if a portion of it contracted

impurity, the entire roll does not contract impurity.

14 When a portion in the northern or southern part of a dough is designated as *challah* and similarly, when a portion in the northern or southern part of a zucchini was designated as *terumah*, the *terumah* or the *challah* are considered as joined to the entire dough or zucchini. Thus if a person who immersed that day touched part of the dough, the *challah* is disqualified. If the *challah* was removed from the remainder of the dough and then returned to it, it is not considered as joined.

15 When a dough that was ordinary food became mixed with *terumah* or became leavened with yeast that is *terumah*, it is not disqualified when touched by a person who immersed that day.

16 If the grains from which the flour used to make a dough had been exposed to liquids and thus made susceptible to ritual impurity and then the flour was kneaded with fruit juice, should a person who immersed that day touch the dough, he disqualifies only the place he touches.

17 When food that is the first tithe was exposed to liquids and thus made susceptible to ritual impurity and a person who immersed that day or one with impure hands touched that food, *terumat ma'aser* should be separated from it in a state of purity. The rationale is that the first tithe is considered as ordinary food and neither a person who immersed that day nor one whose hands are impure disqualifies ordinary food, for ordinary food that is a tertiary derivative of impurity is pure, as we explained.
Similarly, a woman who immersed that day may knead dough, cut off a

portion as *challah*, set it aside, place it in a container, put it together with the other dough in one container so that they are considered as one entity, so that it can be separated while the two are one entity. Afterwards, she designates it as *challah*, saying "This is *challah*." Once she designates it, she should not touch it, lest she disqualify it. She should follow a similar pattern if she was kneading in a kneading trough that had been immersed that day.

18 When a person fills bottles that were immersed that day from a jug of wine that is from the tithes from which *terumat ma'aser* had not been separated and says: "May this be *terumat ma'aser* for the wine in the jug at nightfall," it is pure *terumah*. The rationale is that the separated wine does not become *terumat ma'aser* until nightfall, as he stipulated. And at night, the day in which they were in an intermediate state will have ended for the bottles and they will become pure.

If the jug from which the wine was taken breaks before nightfall, the wine in the bottles is considered as *tevel*. If the bottles break, the wine in the jug is considered as *tevel*.

19 A person who immersed after purifying himself from the impurity associated with a human corpse or the impurity that results from relations with a *nidah* may work in an olive press.

Similarly, other impure people who immersed themselves to regain purity may work with ordinary food that is pure with the exception of a *zav* and a *zavah* on their seventh day. Even though these individuals immersed themselves, they should not work in an olive press or become involved

with pure foods lest they experience a discharge. In such an instance, they are considered impure retroactively, for the discharge disqualifies all the seven pure days, as we explained.

Chapter 9

1 When oil or honey contract impurity, coagulate and become solid, and then return to a liquid state, they are considered as first degree derivatives of impurity forever, because they are liquids. This applies even if they solidify after contracting impurity.

2 When sauce, groats, or milk solidify, they are considered as foods and intent is required for them to become susceptible to ritual impurity. If food that was a primary derivative of impurity or an impure liquid touches them, they are considered as secondary derivatives. If there was moist liquid on them, they are considered as liquids and they are deemed primary derivatives.

If they contracted impurity while they were liquids and then froze and solidified, they are considered as secondary derivatives, like food that contracted impurity from impure liquids. Different laws apply if they contracted impurity when they were solid and then melted and became liquid. If they were exactly the size of an egg or less, the liquids are pure. If they are larger than an egg, the liquids are impure. The rationale is that when the first drop melted, it contracted impurity from the egg-sized portion of frozen liquid from which it melted. That drop will then impart impurity to all of the liquids that will melt afterwards.

Similar laws apply if a person who was impure due to contact with a human corpse squeezed a mass of olives or grapes that were made susceptible to ritual impurity. If the fruits were only the size of an egg, the liquids produced are pure, provided the person does not touch that place from which the liquids are dripping. The rationale for the leniency is that the liquids are set aside in the food; it is as if the food was a separate entity.

If the grapes or olives were larger than the size of an egg, the liquids that emerge from them are impure. For once the first drop emerged from them, it became impure due to contact with an egg-sized portion of impure food and it imparts impurity to all the liquids.

If the person squeezing the grapes was a *zav*, a *zavah*, or the like even if they squeezed only one grape which had not been made susceptible to ritual impurity, and they did not touch the liquid, the liquid is impure. The rationale is that when the first drop emerged, it became impure because it was carried by a *zav*. For a *zav* who carries food or liquids imparts impurity to them, as we explained. Similarly, when a *zav* milks a goat, the milk is impure. For when the first drop emerged, it became impure because it was carried by a *zav*.

3 The following laws apply when there was a pot filled with vegetables left to pickle, their leaves extended outside the pot, and a primary source or a primary derivative of impurity touched the leaf that was outside the pot in a dry place. Even though the leaf was the size of an egg, it is impure, but everything else is pure. If it is returned to the pot, it imparts impurity to all the liquids in it. As a result, the pot and all the vegetables contract

impurity. More stringent rules apply if the impure person touched a leaf that was outside the pot that had liquid on it. If the leaf is the size of an egg, everything is impure. The rationale is that the leaf imparts impurity to the liquid on it. That liquid imparts impurity to all the liquids in the pot and they impart impurity to the pot.

A pot that was filled with pickled vegetables that were *terumah* was shaken by a person who immersed that day. He discovered liquids on his hand and was in doubt whether they were sprayed from the pot or whether a stalk from a moist vegetable in the pot touched his hand. The ruling is that the vegetables are disqualified, but the pot is pure.

4 The following laws apply when an impure person was partaking of grapes that had been made susceptible to ritual impurity and one grape fell into a wine press. If the grape was complete and its stem had not been removed from it, the grapes in the wine press are pure. If its stem was removed and the grapes from which he took the grape that fell were stored in a storage pit and prepared to be crushed - indicating that he desires the liquid that emerges from them - the grapes in the wine press contract impurity from the drop of liquid that emerges from the place of the stem.

Should grapes fall from the hands of the impure person and he crushed them in an open place, the liquids that emerge from them are pure if the grapes were exactly the size of an egg or less, as we explained. If there is more than an egg-sized portion, the liquid that emerges is impure. Once one drop emerges, it contracts impurity from an egg-sized portion of impure foods and then it imparts impurity to all the liquids that emerge afterwards.

5 The following laws apply when there was a mound of impure olives that were collected and pressed together until they were considered as joined which was thrown into an oven that was then kindled. If the olives were exactly the size of an egg or less, the oven is pure. The rationale is that impure food does not impart impurity to *keilim* and the oil that emerges from them is pure, as we explained. If the mound was larger than an egg, the oven contracts impurity. For when one drop emerges, it contracts impurity from an egg-sized portion of impure foods and then it imparts impurity to the oven. Therefore if the impure olives are separate and not in a mound, even if there are 100 of them, the oven is pure.

6 When wood that absorbed impure liquids was kindled as fuel for an oven, the oven is pure, because the liquids are considered insignificant while absorbed in the wood. Even if the person took the wood out so that rain would fall on it and thus it is considered as desirable for him that the rain fell on it, the oven is pure. The rain- water that is on the wood does not contract impurity from the liquids that are absorbed in it.
One should not kindle the oven with this wood unless one's hands are pure. This is a decree lest an impure person kindle the oven with such wood and thus the liquids on it would make the oven impure.

7 When the carcass of a creeping animal is found in an olive mill, only the portion which it touches contracts impurity. If there is liquid flowing, everything is impure, for once a little of the liquid becomes impure, the entire amount becomes impure and then, the oil will impart impurity to the olives.

If the carcass is found on the leaves above the olives, the workers should be questioned. If they say that they did not touch the carcass, their word is accepted. If the carcass was found on a compressed mass of olives, the entire mass becomes impure, as we explained.

If the carcass is found on separate olives, but it is touching a compressed mass the size of an egg, everything is impure. For food the size of an olive will impart impurity to liquid mixed with it. The liquid will then impart impurity to the other olives. If there were separate olives piled on other separate olives and the oil was below them, even if the carcass was touching a mass the size of an egg, only the place it touches contracts impurity.

8 When an unlearned person extended his hand to a winepress and touched the clusters of grapes, the clusters he touched and those around them are impure, but the clusters in the winepress as a whole are pure. For the clusters that are around the clusters that he touched separate it and the remainder of those in the winepress.

9 When impure people tread over the waste products of olives or grapes from which oil or wine was produced in a state of purity and afterwards, liquid emerged from them, this liquid is pure. The rationale is that originally, the oil or the wine was produced in a state of purity. If originally, the oil or the wine was produced in a state of impurity and afterwards, through the actions of these people, liquid emerged, it is impure.

10 The following laws apply when workers at an olive press would enter and depart and there was impure liquid on the floor of the olive press. If there is sufficient space between the liquids and the olives so that they could dry their feet on the ground, the olives are pure, because a person who touches impure liquids with limbs other than his hands is pure, even with regard to consecrated foods.

Stringency is required in the following instance. There were loaves that were consecrated. They had hollows and there were consecrated liquids in the hollows. The carcass of a creeping animal touched one of them and then the first loaf touched a second, the second, a third - even if this continues to 100, the loaves are considered as primary derivatives of impurity, because of the liquid in the hollows. Due to the cherished nature of consecrated food, they are all considered as liquids from which secondary and tertiary derivatives are not counted.

If, however, the loaves were *terumah*, only the third loaf is disqualified. From the third onward, the loaves are pure. If there was liquid that could be felt on all the loaves, even were the loaves *terumah*, they would all be impure. They are all secondary derivatives except for the first that was touched by the carcass of the creeping animal. It is a primary derivative.

11 The following laws apply when there is a bubble in the side of a jug and it is like another container at its side. When the bubble was perforated to the inner space of the jug and perforated on the other side outward with the two holes on the same level or the inner hole was lower than the outer hole, if both the bubble and the jug contained liquids and a primary source of impurity touched the liquids in the bubble, all of the liquids in

the jug contract impurity. Also, when the jug has a sealed covering and it is located in a building where a corpse is located, it contracts impurity because of the hole in the bubble, since it reaches into its inner space.
Similarly, if the inner hole was higher than the outer hole, the jug is not protected from impurity by its sealed covering. If, however, a primary source of impurity touched the bubble, the liquids in the jug do not contract impurity and they are considered as separate from the liquids in the bubble.

Chapter 10

1 We already explained that there are only seven liquids that contract impurity and make foods susceptible to impurity. Other liquids are referred to as fruit juices and they neither contract impurity, nor make foods susceptible to impurity. The derivatives of the seven liquids that we mentioned are governed by the same laws as they are.

2 The derivatives of water are: fluids secreted by the eye, the ear, the nose, and the mouth, and human urine whether from adults or minors. Anything excreted by man is considered as a liquid whether it was excreted consciously or unconsciously. The urine of animals and salt that was liquefied are considered as fruit juices. They neither contract impurity, nor make substances susceptible to impurity.

3 The blood that is counted as a liquid is the blood that flows from a kosher domesticated or undomesticated animal or fowl at the end of its slaughter.

Blood that flows at the beginning of the slaughter, by contrast, does not make food susceptible to ritual impurity, because the animal is still alive. It resembles the blood of a wound or blood that is let.

When a person slaughters an animal and its blood sputters on to food, but that blood is cleaned between the slitting of one of the signs and the other, there is a doubt concerning the matter. Therefore the ruling is held in abeyance. The food is neither eaten, nor is it burnt.

A derivative of blood is blood let by a human being that was released with the intent of it being drunk. If, however, it was released as a medical treatment, it is pure and it does not make foods susceptible to impurity. Similarly, the blood released during the slaughter of non-kosher domesticated or undomesticated animal or fowl, the blood that is released with mucous or with feces, or the blood of boils, blisters, and blood concentrated in flesh, all neither contract impurity, nor make substances susceptible to impurity. Instead, they are like other fruit juices.

The blood of a crawling animal is like its flesh, it imparts impurity, but does not make foods susceptible to impurity. There are no entities analogous to it.

4 Whey is considered like milk. Human milk that is not needed is not placed in the halachic category of a liquid. It does not make foods susceptible to impurity, nor does it contract impurity. Therefore, milk excreted by a male is not placed in the halachic category of a liquid. This also applies to the milk of a domesticated or undomesticated animal that was released without human intent, e.g., it flowed out from the animal's teats spontaneously or it was milked without intent. The milk of a

woman, whether it was released intentionally or unintentionally, is generally placed in the halachic category of a liquid. It makes foods susceptible to impurity and it can contract impurity, because it is fit to be drunk by an infant.

5 Liquids released by those impure people whose impurity causes these liquids to be considered as a primary source of impurity, impart impurity even though the foods had not been made susceptible to ritual impurity beforehand. For the food's susceptibility to impurity and that impurity come simultaneously. They are: the secretion of a *zav*, his semen, and his urine, a *revi'it* of blood from a human corpse, and the blood of a *nidah*. Similarly, the blood of the wound of a *zav* and others like him, the milk of such a woman, their tears and the other derivatives of water that they release impart impurity like impure liquids which impart impurity without any specific intent. For impure liquids impart impurity when they are brought into contact with food intentionally or when they come into contact unintentionally. Accordingly, if milk drips from the breast of a *nidah* or a *zavah* into the inner space of an oven, the oven and all its contents contract impurity.

6 We have already explained that the liquids released by a person who immersed that day do not impart impurity. Therefore, even if they fall on a loaf of bread that is *terumah*, it does not become susceptible to impurity unless they fall on it intentionally, as is the law regarding other pure liquids which do not make food susceptible to impurity unless they fall on it intentionally.

7 Sweat, pus or vomit, feces, the liquids released by a fetus born in the eighth month, the diarrhea of a person who drank the waters of the hot springs of Tiberias or the like, even if it is clear, are all not placed in the halachic category of liquids. They do not contract impurity, nor do they make foods susceptible to impurity.

8 When a person drinks other liquids and releases them, they are considered liquids as they were previously, for other liquids do not regain purity in a person's body.

What is implied? If one drank impure water and then regurgitated it, it is still impure. It did not become purified when released. If one drank impure water, immersed in a *mikveh* and then regurgitated it, or it became loathsome and then he regurgitated it, or it was released as urine, even if he did not immerse himself, it is pure.

If one drank other impure liquids or ate other impure foods, even though he immersed and then regurgitated them, they are still impure. They do not become purified in a person's body. If they became loathsome or were released as urine or as feces, they are pure.

9 We already explained that sweat is not placed in the halachic category of liquids. Even if a person drank impure liquids and excreted them by sweating, his sweat is pure. If, however, a person bathes in drawn water and then sweated, his sweat is impure. If he dried himself from the water and then sweated, his sweat is pure.

10 Moisture that collects on the walls of homes, trenches, caves, and cisterns

is not placed in the halachic category of liquids. Even if the house is impure, the moisture that collects is pure. The moisture that collects in a bathhouse, by contrast, is considered as water. If water in the bathhouse was impure, the moisture that collects there is also impure. If one brought produce into such a house and moisture collects upon it, it becomes susceptible to impurity. If he brings containers there and moisture collects upon them, the moisture is considered as separated intentionally and it makes foods susceptible to impurity.

11 When there is a pool in a house and moisture collects on the walls of the house because of it, if the pool contains impure water, all the moisture that collects in the house because of it is impure.

12 When there are two pools in a house, one containing impure water and one containing pure water, if moisture collects close to the impure pool, it is impure. If it collects close to the pure one, it is pure. If it is equidistant from the two of them, it is impure.

13 The black liquid that flows from olives without their being pressed is considered like oil. The liquid that drips from the baskets of olives and grapes when they are harvested is not placed in the halachic category of liquids. It does not contract impurity, nor does it make foods susceptible to impurity unless it is collected in a container.

14 When a person weighs grapes in a weighing pan, the wine left in the weighing pan is not placed in the halachic category of liquids unless it is poured into a container. It resembles the liquid that drips from the baskets

of olives and grapes mentioned in the previous halachah.

15 When a person pushes grapes that are *terumah* into a jug, even though the wine flows over his hands, everything is pure.

16 The liquids that flow in the butchering area in the Temple Courtyard, i.e., the blood of the sacrificial animals and the water used to clean them, are always considered as pure. They do not contract impurity, nor do they make foods susceptible to ritual impurity. This matter is a halachah conveyed by the Oral Tradition. Therefore all the blood of the sacrificial animals is not susceptible to ritual impurity, nor does it make foods susceptible to ritual impurity.

Since the blood of the sacrificial animals does not make food susceptible to ritual impurity, the sacrificial animals that were slaughtered in the Temple Courtyard were not made susceptible to ritual impurity through the blood of their slaughter. The meat of these sacrificial animals does not become susceptible to ritual impurity unless liquids other than those of the butchering area of the Temple come into contact with them.

17 When a cow that was consecrated as a sacrificial animal was made to cross a river and was then slaughtered while it still had tangible moisture on it, it has become susceptible to impurity. Therefore, if an impure pin was found in its flesh, the meat is impure.

Similarly, if the cow's mouth was sealed closed outside of Jerusalem, even though the status of the pin found in its meat is unknown, the meat is impure. The rationale is that it touched implements outside of Jerusalem.

If the pin was found in its wastes, the meat is pure. In either instance, the hands of the people involved in cutting up the animal are pure, because the decree involving the impurity of hands does not apply in the Temple, as we explained. In which context does the above apply? For the meat to be considered impure according to Scriptural Law. To incur impurity of Rabbinic origin, by contrast, consecrated food does not require exposure to liquids to make it susceptible to ritual impurity. Instead, the cherished nature of consecrated foods itself makes the meat susceptible to impurity. If any impurity, whether minor or severe, touches it, it becomes disqualified, even though it was not exposed to liquids, as we explained.

Chapter 11

1 When one harvests grapes to sell in the marketplace or dry, they do not become susceptible to impurity unless they come into contact with liquids when the owner desires that they do, as other foods.

If, by contrast, one harvests grapes to crush them and make wine, they become susceptible to impurity even if they had no contact with liquids at all. If they were touched by an impure object, they contract impurity. This a decree of Rabbinic origin.

Why did the Sages decree that when one harvests grapes for the wine press, they become susceptible to impurity? For there are times when a person enters into his vineyard to see if the grapes are ready to harvest. He will squeeze a cluster of grapes to check them and then cast it on the grapes that have already been harvested, for all of the grapes are prepared to be crushed for their juice. Moreover, he is not careful regarding the

cluster and will allow it to be pressed by the other grapes, causing its liquid to flow out. He is careful concerning the liquid, desiring that it not flow out on the ground. Thus all the grapes will become susceptible to impurity because of it. Therefore our Sages decreed that when anyone harvests grapes for the wine press, they become susceptible to ritual impurity.

2 When a person harvests grapes with the intent that, if he will not find purchasers for them, he will bring them back to the wine press, they do not become susceptible to ritual impurity until they are brought into the wine press. Similarly, olives that are brought into the olive press become susceptible to impurity, as will be explained.

3 When a person harvests grapes and places them in a storage pit or spreads them out on leaves, they become susceptible to impurity because of the liquids that are released by them, since he is concerned with the liquids. That is the reason he placed them on leaves or in a storage pit that is like a cistern. Therefore, if someone who was impure or merely whose hands were impure takes some of them, he imparts impurity to them.

If, however, he harvested the grapes and placed them in baskets or spread them out on the earth, they do not become susceptible to impurity, because he is not concerned with the liquid they release. Therefore an impure person may take them and partake of them. Even though they have split open and juice is dripping from them into the wine press, the grapes in the wine press are pure, because the grapes from which the liquid dripped were not made susceptible to impurity and were harvested

for the purpose of consumption.

A similar ruling applies in the following instance. A person took the grapes from the baskets or from the earth where they were spread out and partook of them, leaving over a *se'ah* or two which he cast into the winepress. Even though the juice is sprinkled over the grapes in the wine press, they are not made susceptible to ritual impurity.

4 When one takes grapes that were in baskets or spread out on the earth to crush for wine, they become susceptible to ritual impurity. Hence they must be taken with pure hands, lest an impure person take from them and impart impurity to them.

5 When a vineyard grows in a *beit hapras* and one harvests the grapes for the wine press, they are not considered as susceptible to impurity as long as they are in the *beit hapras*. The rationale is that since the impurity of a *beit hapras* is a Rabbinic decree and the concept that when a person harvests grapes for the wine press they become susceptible to ritual impurity is a Rabbinic decree, the Sages were lenient regarding this decree in this instance and did not consider the grapes as susceptible to ritual impurity until they were taken out of the *beit hapras*.

Accordingly, a person who desires to harvest grapes growing in a *beit hapras* for the wine press in a state of ritual purity must do the following. He must purify the harvesters and the utensils, having the ashes of the red heifer sprinkled upon them on the third and seventh day. They must wait until nightfall of the seventh day so that it is obvious that leniency is being taken with the impurity of a *beit hapras*, only because it is a doubtful

situation. Afterwards, they enter, harvest the grapes, and take them outside the *beit hapras*. Other pure porters receive the grapes from them and take them to the wine press. If the harvesters touch the porters, the porters contract ritual impurity and make the grapes impure. For the people in the *beit hapras* are impure and they impart impurity to those outside, causing them to be considered as primary derivatives of impurity. They then impart impurity to the grapes, for they became susceptible to ritual impurity when they were taken out of the *beit hapras*.

6 When a person harvests olives with the intent of pickling them or selling them on the market place, they do not become susceptible to ritual impurity unless they come into contact with liquids as desired by their owner, as is the law with regard to other foods. Similarly, when a person harvests olives to crush in an olive press, they do not become susceptible to ritual impurity until the work required to prepare them for pressing is complete.

Why are olives susceptible to ritual impurity when the work required to prepare them for pressing is complete? Because it can be assumed that they became susceptible to impurity because of contact with the fluid of the olives, for the owner desires it so that the olives will soften and be easier to crush. Before the work required to prepare them for pressing is complete, the fluid released by the olives does not make them susceptible to ritual impurity, because it is not desired.

Accordingly, when the work required to prepare olives for pressing has not been completed and impure liquids fall upon them, only the places touched by the liquids contract impurity, as is the law regarding all foods

that have not become susceptible to impurity. When impure liquids fall upon them after the work required to prepare them for pressing has been completed, all the olives contract impurity. The rationale is that the impure liquids impart impurity to the fluid that flows from them and that fluid imparts impurity to all of them, for the fluid that is released by them after the work required to prepare them for pressing has been completed is considered as a liquid in the context of the laws of impurity and makes foods susceptible to impurity and imparts impurity to them.

7 When there is a jug of olives that are salted and pressed together, it is necessary to make a hole in the jug so that that fluid will drain off. If he does not make such a hole, the olives become susceptible to ritual impurity. If he made a hole for the liquid to drain off, but it became plugged by olive dregs and thus the olives became saturated with this fluid, they are not susceptible to impurity for their exposure to liquids was not desired by the owner, as indicated by his making the hole.

8 When is the work to prepare olives for pressing considered to be completed? When the entire harvest has been completed and they are deposited in one place, prepared to be pressed. Even though liquids did not fall upon them and liquids did not emerge from them, since the work necessary to prepare them was completed, they become susceptible to ritual impurity. Before the work necessary to prepare them was completed, by contrast, even though they were crushed, secreted liquids, and became stuck together because of the liquids, they do not become susceptible to impurity.

If one completed harvesting his olives, but intended to purchase other olives in the future and add them to them, even if only a *kab* or two *kabbim,* they are not susceptible to ritual impurity. If, however, he acts with guile, they become susceptible to ritual impurity.

If he completed his purchase of olives, but intended to borrow money and purchase more, but he was prevented by forces beyond his control or he became involved in a celebration and therefore did not add more, it is still considered as if the work necessary to prepare the olives for pressing was not completed and the olives are not susceptible to ritual impurity. Even though *zavim* and *zavot* tread upon them, they remain pure.

9 When a person stores his olives in two olive presses, when he completes loading one of them, the olives in that press become susceptible to ritual impurity.

10 When a person harvests his olives in the Upper Galilee and he has the intent to bring them to the Lower Galilee in the future, they do not become susceptible to ritual impurity until he brings them there. This applies provided he had this intent before he harvested them. If he does not have this intent until after he harvests them, his intent is of no consequence and they become susceptible to impurity. If he completed storing his olives, but had the intent of selling them in the future, they do not become susceptible to impurity. If he had the intent of covering them with leaves, they become susceptible to impurity.

11 The following law applies when a person purchases a storage vat of olives

from a gentile. Even if there are olives to harvest on the earth, he should process the olives in a state of impurity, for it can be assumed that the gentile completed the harvest of that vat.
The word of an unlearned person is accepted when he says: "I did not complete storing olives in this vat."

12 When a person wishes to take and crush for oil some olives from a storage vat that has not been completely filled, he may take them while ritually impure, bring them to the olive press in a state of ritual impurity, and cover the olives remaining in the storage vat in a state of ritual impurity, because the olives in the storage vat had not become susceptible to impurity.

13 When a person places his olives in an olive press, so that they will soften and be easy to crush, they become susceptible to ritual impurity. If he left them to soften, so that he will salt them after they soften, they do not become susceptible to ritual impurity, for his intent is to pickle them.

14 When a person rubs or breaks apart olives that are *terumah* with impure hands, he disqualifies them, because breaking them open completes the work associated with them. If, however, he broke open the olives with the intent of salting them, they do not become susceptible to impurity. Similarly, if he broke them open in order to check them to see whether they have oil and are ready to be harvested, they do not become susceptible to impurity.

15 When a person leaves olives on a roof for them to desiccate and dry out,

they do not become susceptible to impurity even if they are cubit high. If he brought them into the house to spoil some even though he will take them to the roof in the future or he brought them to the roof in a mound to spoil, even though he will break it open and spread them out to dry in the future, they become susceptible to ritual impurity. If he brought them into his house until he will make his roof fit for them or until he takes them to another place, they do not become susceptible to ritual impurity, because the work involved in their preparation has not been completed.

16 When a person stores his olives in a domain belonging to an unlearned person, and locks and seals the door, he need not suspect that the unlearned person has another key and seal. Even if he discovers the seal broken and the lock open, the olives are pure. The seal mentioned could be even a stone or a sliver of wood.

If there were holes and cracks in the storeroom, he need not suspect that the unlearned person inserted a rod and moved the olives. If there are windows four handbreadths by four handbreadths, they are considered as an entrance.

17 How should a person who crushed his olives in a state of impurity and, afterwards, sought to purify the utensils in the olive-press and the borders from the impure liquids that were absorbed in them act?

Keilim made of wood or stone should be washed thoroughly. If they are from reeds or the like, they should be dried. If they are from resinous cane, they should be left for twelve months, exposed to hot water or water in which olives were cooked, or placed under a drainpipe of running water

or into a stream of flowing water for 12 hours.
Afterwards, he should immerse in a *mikveh* those *keilim* that require immersion and use them in a state of purity.

Chapter 12

1 All the laws involving making foods susceptible to ritual impurity originate in the Oral Tradition. According to that tradition, it was taught that the verse **Leviticus 11:38**: "When water will be placed on seeds," refers not only to water, but to all the other seven liquids as well. And it applies only when the crops were exposed to the liquids willfully by the owner after the crops were uprooted from the earth. This is logical, for it is well known that there are no crops that were not exposed to water while they were connected to the ground. "When water will be placed..." applies only after the crops were uprooted and the liquids also were displaced.

2 When a liquid fell on food and originally, it was desired by the owner, but ultimately, he was not pleased, or ultimately, he would be satisfied, even though initially, he was not, it becomes susceptible to impurity. If the food was exposed to liquids against his will, it does not make them susceptible to impurity. Even if the owner exposed his foods to liquids because of danger or out of necessity, but he does not desire that they become wet, they do not become susceptible to impurity.
What is implied? When a person hides his crops in water because of thieves or places them in a flowing river to transport them with him, they do not become susceptible to impurity.

3 When liquids were uprooted from the ground against a person's will, they do not impart impurity to foods. Therefore if a person, a *k'li*, or produce became wet with moisture and then was picked up from the ground against the person's will, even though foods came in contact with those liquids willfully, they do not become susceptible to ritual impurity. The rationale is that the water was uprooted from the ground against the person's will. Thus it is as if it is still on the ground and it does not make foods susceptible to impurity.

If there was water on a person, on a *k'li*, or foods that were uprooted willfully and foods touched them willfully, the foods become susceptible to impurity.

What is implied? If a person turns a bowl upside down on a wall so that it would be washed, the water it collects can make foods susceptible to impurity. If produce was placed in the water intentionally, it becomes susceptible to impurity, because the water was intentionally caused to enter the bowl. If he placed the bowl there so that the water would not damage the wall, the water the bowl contains is not considered to have been uprooted from the ground. Therefore if he placed foods in it, they do not become susceptible to impurity.

Different laws apply if he turned the bowl over with the intent that the wall be washed. If the wall was the wall of a house, the water makes foods susceptible to impurity. The rationale is that the walls of the house are considered as an independent entity, even though they are connected to the ground, because an entity that was separate and then connected to the ground, is considered as separate from the ground with regard to making foods susceptible to impurity. Thus the water on this wall is like water in

containers. If it is the wall of a cave which was not built, but instead, it is part of the ground itself, the water on it is not considered as uprooted from the ground.

4 When a person bends down to drink, the water that ascends on his mustache and mouth is considered to have been uprooted willfully, for it is well known that one who drinks will raise up water on his mouth and mustache. Water that ascends on his nose, his beard, and his head, is not considered as having been uprooted willfully.

5 When a person fills a jug from a well, the water that ascends after it, on the rope that is wrapped around its opening, and on the portion of the rope that is required to lift it up is considered as having been uprooted willfully. The water on the portion of the rope that is not required to lift it up are not considered as having been uprooted willfully.
If a person placed a jug beneath a drainpipe, all of the water on its outside and on the rope are not considered as having been uprooted willfully. Therefore water found there does not make foods susceptible to impurity.

6 When rain falls upon a person, even if he is a primary source of impurity, the water on his body is pure, even though it runs down from the upper portion to the lower portion, provided he shakes it off immediately with all of his power. If, however, the water flows and runs down slowly, it does contract impurity at the time it is separated from him. If the water is pure, while it is on his body or clothes, it does not make foods susceptible to ritual impurity, for it did not flow on to him willfully. If he shakes the

water off his clothes, it is considered as willful.

If he stood under a drainpipe to cool off or to wash himself, he is considered to have come into contact with water willfully. If he was impure, the water that is on his body is impure.

7 When a barrel was filled with produce and water from a drainpipe from a roof spilled into it, the owner should pour the water off the produce. It is not considered as susceptible to impurity even though he desired that the water be in the barrel until he pours it off.

8 When water from a drainpipe flows into a kneading trough, the drops that sputter off and the water that flows over the edge are not considered as having been uprooted willfully. Even if the owner picks up the kneading trough to pour out the water, the water it contains is not considered as having been uprooted willfully. If he left the trough for the water to drain into it, the drops that sputter off and the water that flows over the edge are not considered as having been uprooted willfully. If he picks up the kneading trough to pour out the water, it makes foods susceptible to impurity. The rationale is that since he did not overturn it and pour the water out in its place, it is considered as having been uprooted willfully.

9 When a person immerses his *keilim* in a *mikveh* or washes his clothes in a cave, the water that ascends on his hands is considered as drawn willfully. The water on his feet is not considered as having been uprooted willfully.

10 When fruits fell into water and one extended his hand and took them,

they do not become susceptible to impurity. If he intended that his hand would be rinsed while picking them up, they become susceptible to impurity because of the water on his hand. For the water on his hand and on the produce are considered as having been uprooted willfully.

11 When a person willfully placed his produce in water, if the water is on the ground, the produce does not become susceptible to impurity as long as it is in the water. If he removed the produce, it becomes susceptible to impurity because of the water on it or on his hands, because it was uprooted willfully.

What is implied? If there were radishes or turnips in water in a cave, a woman who is a *nidah*, may wash it there and it is still pure. If she raised it out of the water at all, it became impure because of her touch.

12 When a container was filled with *turmos* beans and placed in a *mikveh*, a person who is impure may extend his hand and take beans from it and they are pure. The rationale is that they were not made susceptible to impurity inside of it and he does not desire the water that is upon them.

If he lifted the entire container from the water, the beans that are touching the container are impure, because they became susceptible to impurity due to the water in the container that was willfully raised from the *mikveh*. The remainder of the beans in the container are pure.

Chapter 13

1 When a person draws water with a cylinder, the water remaining in the

cylinder is considered as having been willfully uprooted for three days. After being left for three days, however, it is not considered to have been uprooted willfully. Instead, if liquid remains there, it does not make foods subject to impurity.

2 When wood was exposed to liquids willfully, but rain fell upon it against the person's will, if there was more rain than liquid, all of the liquid on the wood is considered to have come against the person's will. If he brought wood out so that the rain would fall upon it, even though there is a majority of rainwater, all of the liquid is considered as having been poured on the wood willfully.
When a person's feet or the feet of his animal were filled with mud and he crossed a river and rinsed them, if he was happy, the water on his or their feet is considered to have been uprooted willfully. If he was not happy, they are not considered as uprooted willfully.

3 When a person brings wooden wheels and implements used for oxen into water during the summer when the east wind blows so that the cracks in the wood will seal, the water that ascends with them is considered as having been uprooted willfully.

4 When a person leads an animal down to a stream to drink, the water that ascend with its mouth is considered as having been uprooted willfully. The water that ascends on its feet are not considered as having been uprooted willfully, unless he had the intent that its feet be rinsed. When the animal's feet are diseased, and in the threshing season, even the water

on its feet is considered as having been uprooted willfully.

If a deafmute, a mentally or emotionally compromised person, or a minor brought the animal to drink, even if he intended that its feet be washed, the water that ascends on its feet is not considered to have been uprooted willfully, because the deeds of such individuals are halachically significant, but their intent is not.

5 When a person immerses himself in water, the water on his body is considered to have been uprooted willfully. If, however, one passes through water, all of the water on his body is not considered to have been willfully uprooted.

6 When a person immerses himself in a river and there was another river before him and he crossed it, the second water nullifies the presence of the first water and the water on his body is not considered as having been uprooted willfully.

Similarly, if a person's friend pushed him or his animal into a pool, the presence of the first water is nullified. If, however, he pushed him in jest, the second water does not nullify the first and the water that is on his body is considered as having been uprooted willfully.

If a person immerses himself in a river and ascended and then, rain fell upon him, should there be more rainwater than river water on his body, the rainwater nullifies the presence of the first water and the water on his body is not considered as having been uprooted willfully.

7 When a person is swimming on the surface of water, the water he splashes

is not considered as having been uprooted willfully. The water on his body, however, is considered as having been uprooted willfully. If he intended to splash water on a friend, the water he splashes is considered as uprooted willfully.

8 When a person makes a squirting spout in the water, the water squirted from it and within it are not considered as uprooted willfully.

9 When a person measures a cistern to find out how deep it is, the water that ascends on his hand and on the article with which he measures is considered as having been uprooted willfully. If he measures its width, the water that ascends on his hand and on the article with which he measures is not considered as having been uprooted willfully.

If a person extends his hand or foot into a cistern to see whether it contains water, the water that ascends on his hand or foot is not considered as having been uprooted willfully. If he extends them to see how much water is there, the water that ascends on his hand or foot is considered as having been uprooted willfully. If he casts a stone into a cistern to see if it contains water, the water that is splashed is not considered as uprooted willfully. Similarly, the water on the stone is not considered as uprooted willfully.

10 If a person beats a hide from which the wool has not been separated while it is outside the water, the water that is expelled from it is considered as having been uprooted willfully, for his desire is that the water be expelled. If, however, he beats it while it is in the water, the water is not considered

as having been uprooted willfully.

11 The water that ascends on a ship, its reservoir, and its oars is not considered to have been uprooted willfully. Similarly, the water on the snares, nets, and meshes is not considered to have been uprooted willfully. If one shakes them out, it is considered to have been uprooted willfully. Similarly, the water on the table-coverings or coverings for bricks is not considered to have been uprooted willfully. If one shakes them out, it is considered to have been uprooted willfully.

12 When a person takes a ship out to the Mediterranean Sea to strengthen it, takes a peg out to the rain to harden it, or takes a firebrand out to the rain to make it a coal, the water on them is considered to have been uprooted willfully. If, however, one takes a glowing peg or a firebrand out to the rain to quench their fire, the water on them is not considered to have been uprooted willfully.

13 When one lowers a chain with a hook into a cistern to lift up a container or a pitcher or one lowered a basket into a cistern so that a chicken would sit on it, the water on these objects is not considered to have been uprooted willfully.

14 When one smoothes out cress to remove the water on it or one squeezes the water on his hair into his garments, the water that emerges is considered to have been uprooted willfully. The water that remains is not considered to have been uprooted willfully, because he desired that all of the water be purged originally.

The cress itself becomes susceptible to impurity, because the water makes it susceptible to impurity when it departs. If he removed the water from it with all his power, it does not become susceptible to impurity.

15 When a person shakes a tree to cause food that had been placed there or an impure object to descend, the water which sputters from it is not considered to have been uprooted willfully. If he shook it to remove the liquids, the liquids that fall are considered to have been uprooted willfully. The liquids that remain inside it are not considered to have been uprooted willfully even though they moved from place to place, because his intent was that they be removed entirely. Similarly, if the liquids sputter on produce that is connected to the ground, they are not considered to have been uprooted willfully.

16 When a person shakes a tree and water from it falls on another tree or a branch and then the water fell on other branches under which there were plants and vegetables attached to the ground, the water on the plants or the vegetables are not considered to have been uprooted willfully.

17 As explained in *Hilchot Terumot* , when one poured water over wine dregs that were *terumah*, the first and second batches produced are forbidden to non-priests. If the dregs had come from grapes consecrated for improvements for the Temple, even the third batch is forbidden. And if the grapes were consecrated for use for the Altar, all mixtures are forbidden. If the grapes are definitely from the second tithe, only the first batch is forbidden.

Just as these groundrules were established with regard to prohibitions, so too, they are applied with regard to the mixture making foods susceptible to ritual impurity. For example, water became mixed with dregs on its own accord and an animal drank one mixture after another. An animal is mentioned, because if, by contrast, a person would remove the first water, even though the water fell on its own accord, since a person gave thought to it and objected to its presence, it is considered significant and imparts impurity.

Chapter 14

1 When water from a drainpipe descends into produce and the owner mixed the produce so that it would dry, the produce does not become susceptible to impurity.

2 When a person brings his produce to the roof so that it does not become worm-infested and dew descends upon it, it does not become susceptible to impurity. If he intended that the dew descend upon it, it becomes susceptible to impurity. Therefore, if a deafmute, a intellectually or emotionally compromised individual, or a minor brought the produce up to the roof, even if they had the intent that dew descend upon it, it does not become susceptible to impurity. The rationale is that their deeds are significant according to Scriptural Law, but their intent is not significant, even according to Rabbinic Law.

If minors turned the produce over on the roof, it becomes susceptible to impurity. For if the intent of a minor is obvious from his actions, his

intent has an effect according to Rabbinic Law.

3 When a person brings bundles of vegetables, dried figs, or garlic to a roof so that they will be preserved and dew descended upon them, they do not become susceptible to ritual impurity. We do not say that since everyone knows that dew will descend, it is as if he willfully exposed them to water. The rationale is that he brought them up to the roof solely so that they should be preserved.

4 When a person brings wheat to be ground into flour and rain falls upon it, if he was happy, it becomes susceptible to impurity. When his olives had been placed on the roof and rain descended, if he was happy, they were made susceptible to impurity. When donkey-drivers were crossing a river and their sacks fell into the water, and they lifted them up, if they were happy that the produce became wet, the produce was made susceptible to impurity. The water that is on the sacks is considered as having been uprooted willfully, for they were happy that the sacks became wet.

5 When a sack that was filled with seeds and was placed on the edge of a river, at the opening to a cistern, or on the steps leading to a storage cavern of water, if they absorbed water, they become susceptible to impurity.

6 When an earthenware jug containing produce was placed in liquids or a jug containing liquids was placed among produce and the produce absorbed the liquids, it becomes susceptible to impurity.

With regard to which liquids was the above said: With regard to water, wine, and vinegar. Other liquids are not absorbed through the walls of earthenware containers causing produce to be made susceptible to ritual impurity.

7 The following rules apply when a person removes a hot loaf of bread from an oven and places it on the opening of a jug of wine: If the loaf was from wheat flour, it does not become susceptible to impurity. If it was from barley flour, it does become susceptible to impurity, because barley is absorbent. Similarly, if the wine was impure, if the loaf was from wheat, it is pure. If it was from barley, it becomes impure, because it absorbed impure liquids.

8 When a person sprinkles water on the floor of his house and then placed wheat upon it and it became moist, if it became moist because of the water, it becomes susceptible to impurity. If it became moist because of the stone, it does not become susceptible to impurity.

When a person washes his garment in a kneading trough and afterwards he placed wheat in it and it became moist, if it became moist because of the water, it becomes susceptible to impurity. If it became moist because of the kneading trough, it does not become susceptible to impurity.

9 When a person buries his produce in sand so that it will become moist, it becomes subject to impurity. When he buries it in dry mud, if the mud is moist enough that a hand that touches it will become wet, the produce becomes subject to impurity. If not, it does not.

10 When a person sprinkles water on his threshing floor, he need not worry that his wheat became susceptible to impurity if the kernels came in contact with water even though he is satisfied that this happened.

11 When a person gathers grasses upon which dew had descended to use for covering wheat, the wheat does not become susceptible to impurity. If this was his intent, it does become susceptible.

12 When a person sprinkles impure water on the floor of his house and then placed stalks of grain there and they become moist, they become impure if there is enough moisture upon them that the hand of one who touches them also becomes moist. If not, they are pure.

13 When a person shakes a bunch of vegetables that had liquid on them and the liquid descended from the upper ones to the lower ones, they do not become susceptible to impurity.

14 When a person lifts sacks full of produce from the river and places them one on top of the other, the lower one becomes susceptible to impurity because of the water descending from the upper one, for he willfully placed one on top of the other.

15 When a person blows on lentils to see if they are good for the purpose of cooking, if water collects on them, they become susceptible to impurity because of the moisture in his breath which is a derivative of water. Similarly, when a person eats sesame seeds with his finger, they become susceptible to impurity because of the moisture in his breath and on his

finger.

16 When a person bites food and then it falls from his hand, the liquid on the food is not considered as having been placed there willfully. If a person was eating olives that had been broken open, moist dates, or any other produce whose pit he desired to suck, but it fell from his mouth, the liquid on it is considered as having been placed there willfully. If he was eating dry olives, dried dates, any other produce whose pit he does not desire to suck, and it fell from his mouth, the liquid on it is not considered as having been placed there willfully.

17 We have already explained that when a person gathered endives for an animal and washed them, but changed his mind afterwards and thought to use them for human consumption, they need to be exposed to water a second time to make foods susceptible to impurity. If, however, there was tangible moisture on them when he thought to use them for human consumption, they are susceptible to impurity.

Chapter 15

1 Water that is in a container contracts impurity, whether it entered the container willfully or against one's desires. It imparts impurity to foods and *keilim* whether it came in contact with them willfully or against one's will. Water collected on the earth, by contrast, e.g., water in a cistern, storage trench, or storage cavern or water in a pit that does not contain 40 *se'ah*, does not contract impurity unless it comes in contact with the

source of impurity willfully, nor does it impart impurity unless it comes in contact with the food willfully.

What is implied? When there was less than 40 *se'ah* of water collected on the ground, whether it was drawn or it was not drawn, and a human corpse fell into this water or an impure person walked through it, it is pure. If, however, an impure person drank from this water, one filled an impure container with it, or impure liquids willfully fell into it, the water becomes impure even though it is still collected on the ground. If a pure person drank from this water after it became impure on the ground or one filled a pure container with it, the person who drank and the container with which the water was drawn becomes impure, because he drank or the container was filled intentionally.

If a loaf that was *terumah* fell into such water, it is pure as it was originally, because the water imparts impurity only when foods come in contact with it willfully. Therefore, if one washed his hand and removed a loaf, the loaf contracts impurity from the water on the person's hand, because it was removed willfully.

2 The following laws apply to water that is collected in a pit and other types of water collected on the ground, e.g., water in a cistern, storage trench, or storage cavern, rainwater that stopped flowing and collected in one place or *mikveot* that do not contain 40 *se'ah* that became impure. If rain then descended, causing there to be more rainwater than the water originally collected, even if the original water did not flow out, those bodies of water become pure. Therefore, during the rainy season, all water collected on the ground, e.g., water collected in a pit or the like, is assumed to be pure.

3 Different laws apply when the rains cease. When such bodies of water are close to a town or a thoroughfare, they are impure, because it can be assumed that an impure person drank from them and/or water was drawn from them in impure containers. Those that are distant are pure until the majority of people begin walking. Once they do, they are all assumed to impure, because those who journey on caravans drink from them.

When does the above apply? With regard to water in a pit from which it is possible to drink. If, however, there is water in a pit that it is impossible to drink from except through great effort, it is assumed to be pure unless the footprints of a person or large animal were evident. If, however, the footprints of a small animal were found, the water is pure, because it is possible that the animal descended on its own accord.

4 In the rainy season, it can be assumed that the mud and the water in the hollows at the entrance of stores in the public domain are pure. When the rains cease, they are considered as drainage water. The ruling concerning water in the marketplace depends on the majority. .

When wine, milk, or honey fall into a pit filled with water, the ruling depends on the majority. When oil falls into it, the mixture can contract and impart impurity without the owner's desire even when it congeals. The rationale is that it is impossible that droplets will not remain mixed with the water.

5 Oil and other liquids aside from water are governed by the same laws whether they are collected in the earth or in containers.

6 Streams of rainwater that are still flowing - even if they do not contain 40 *se'ah*, since they are on the earth and their water is flowing - do not contract ritual impurity. Even if an impure person drank from them, drew water from them with an impure container, or poured impure water into them, they are still pure with regard to all matters.

7 When a person was eating *terumah* with impure hands, e.g., a dried fig that had not come into contact with water, if he inserted his hand into his mouth to remove a pebble, were he to turn over his finger while doing so, the fig would become impure because of his saliva. For the saliva would become impure because of the person's hand, because he uprooted the saliva from its place. If, however, he did not turn over his finger, it is pure. The rationale is that, before he turns over his finger or sucks it, the liquid in his mouth is comparable to water on the earth that was not uprooted from its place, but instead, is on the ground. As explained, such water only contracts and imparts impurity due to willful actions. This person desired only to remove the pebble.

The following rules apply when, in addition to the dried fig, there was a *pundiyon* in his mouth and he extended his hand to remove it and the fig from his mouth. If he had placed the coin in his mouth because he was thirsty, the saliva on it is considered as removed from its place and the fig contracts impurity from the moisture in his mouth that contracted impurity because of his hand.

8 The following rules apply when a woman was partaking of food that is *terumah* which had not been made susceptible to impurity while she was

removing the coals from an impure oven. If she was poked by a splinter that caused her to bleed and she was sucking her finger because of the blood or she burnt her finger and inserted it into her mouth, the *terumah* in her mouth contracted impurity, because she desired to remove the liquid from her mouth, taking it [from its place] by sucking her finger.

Chapter 16

1 All bundles of vegetables in the marketplaces and all the flour and fine flour in the marketplaces can be assumed to have been made susceptible to ritual impurity: the bundles of vegetables, because it is common practice to continually sprinkle water upon them and flour and fine flour, because the kernels of grain are washed and afterwards, they are ground. Similarly, when kernels of wheat are crushed in a mill into two or three pieces in order to be cooked as groats or the like, it can be assumed that they were made susceptible to ritual impurity in all places, whether they are from the marketplaces or from private homes, because they are washed to remove their shells.

2 All of the above that are assumed to have become susceptible to ritual impurity are also assumed to have contracted impurity, because everyone touches them and they have already become susceptible to impurity. In all such situations, the word of an unlearned person is accepted if he says: "They were not made susceptible to impurity." Needless to say, with regard to other foods about which such assumptions are not made, the word of an unlearned person is accepted if he says: "They were not made

susceptible to impurity."

3 It is assumed that all fish have been made susceptible to ritual impurity. In this instance, if an unlearned person says that they were not made susceptible to impurity, his word is not accepted. For this reason, fish are always assumed to be impure.

Whether fish are caught in a large net, a small net, or a snare, if it was not turned over upon them, they do not become susceptible to impurity. If it is turned over upon them, they do become susceptible to impurity. The word of an unlearned person is not accepted if he says: "I did not turn the snare over upon them." It is assumed that they are impure unless one had the intent to catch them in a state of purity.

4 It is assumed that all fish brine has been made susceptible to ritual impurity. When even the slightest amount of water falls into pure fish brine, the entire mixture is considered as a liquid. It makes substances susceptible to ritual impurity and it itself can contract the impurity that affects liquids. Therefore it is assumed to be impure.

If wine, honey, or milk fall into fish brine, the ruling is determined by the majority of the mixture. Similarly, if fruit juices become mixed with liquids that are susceptible to impurity aside from water, the ruling is determined by the majority of the mixture. If the fruit juice becomes mixed with even the slightest amount of water, the entire mixture is considered as a liquid that imparts impurity and it is susceptible to contracting impurity as liquids do and it makes other foods susceptible to impurity.

Brine from unkosher locusts does not make foods susceptible to impurity, but it does contract the impurity associated with liquids.

5 When a person purchases fish brine from an unlearned person, he can make it pure by connecting it to the water of a *mikveh*. The rationale is as follows: If the majority of the brine is water, the water regains purity because of the *mikveh*. If the majority is fish brine, it is not susceptible to impurity and the water within the mixture is considered as negligible because of the small amount that is present.

When does the above apply? When one seeks to dip bread in the mixture. If, however, one seeks to cook it in a pot containing water, one type finds its fellow and it becomes significant. Thus the majority of the water is impure, since the minimal amount that was in the brine was not purified in a *mikveh*.

6 Produce is always considered as pure, even if the seller is a gentile unless it is known that they became susceptible to impurity through contact with water or are from the types of produce that we can assume became susceptible to impurity.

7 In all places, sumach berries can be assumed to be impure. Similarly, all zucchini, squash, and other vegetables that are hung by reeds at the entrance to stores can be assumed to have been susceptible to impurity and to have contracted impurity.

8 All that is written in the Torah and the words of Scripture concerning the laws of ritual purity and impurity apply only with regard to the Sanctuary,

sacrifices consecrated for it, *terumah*, and the second tithe. For individuals who are ritually impure were warned against entering the Sanctuary or partaking of sacrificial foods, *terumah*, or the second tithe while impure. There is no prohibition at all against partaking of ordinary foods while impure. Instead, it is permitted to eat ordinary foods that are impure and partake of ordinary beverages that are impure. Behold, it is written in the Torah **Leviticus 7:19**: "The meat that will come in contact with any impurity should not be eaten." It can be inferred that that it is permissible to partake of ordinary foods while impure, because the verse is speaking only about sacrificial foods.

If so, what is the intent of the statement: Ordinary food that is a primary derivative of impurity is impure and that which is a secondary derivative is disqualified?. The intent is not that the food itself is forbidden to be eaten, instead, its status is important only when counting levels with regard to *terumah* and sacrificial foods. For if ordinary food that is a secondary derivative of impurity touches *terumah*, it disqualifies it and causes it to be considered as a tertiary derivative. Similarly, if it touches sacrificial food, it imparts impurity to it and causes it to be considered as a tertiary derivative, as we explained. Similarly, if a person who ate ordinary food that was a secondary derivative of impurity touches *terumah*, he disqualifies it.

9 Just as it is permitted to eat impure ordinary food and drink impure ordinary beverages, so too, it is permitted to impart impurity to ordinary food in *Eretz Yisrael.* Even as an initial preference, one may impart impurity to food from which *terumah* and the tithes were separated.

Similarly, it is permissible for a person to touch all sources of impurity and contract impurity from them. This is evident from the fact that the Torah warned a priest and a nazirite from becoming impure through contact with a human corpse. One can infer from this that all other members of the people are permitted. Moreover, even priests and nazirites are permitted to contract impurity from all other sources of impurity with the exception of a human corpse.

10 All Israelites are warned to be pure on every pilgrimage festival, because at that time, they are ready to enter the Sanctuary and partake of consecrated foods. The Torah's statement **Leviticus 11:8**: "You shall not touch their carcasses," applies only on the festivals. Moreover, if a person does contract impurity, he is not liable for lashes. During the remainder of the year, one is not prohibited at all.

11 "The impure and the pure may partake of it" [**Deuteronomy 12:22**. According to the Oral Tradition, it was taught: an impure person and a pure person may eat from the same plate. Nevertheless, a husband may not eat from the same plate as his wife when she is in the *nidah* state, nor may he drink with her, nor may he pour her a cup of beverage for her, as we explained. Similarly, a *zav* should not eat with a *zavah* because familiarity may lead to sin, for perhaps they will engage in intimate relations.

12 Even though it is permitted to eat impure foods and drink impure beverages, the pious men of the early generations would partake of their

ordinary food in a state of ritual purity and would avoid all of the sources of impurity throughout their lives. They are called *perushim*.

This is an extra measure of holiness and a path to piety: to be separate from people at large, to hold oneself apart from them, not to touch them, nor eat and drink with them. For setting oneself apart leads to the purification of the body from wicked actions. Purifying one's body leads to sanctifying one's soul from wicked character traits. And the holiness of the soul causes one to resemble the Divine presence, as **Leviticus 11:44** states: "And you shall make yourselves holy; and you shall be holy, because I, God, Who makes you holy, am holy."

Mishneh Torah, Vessels

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 There are seven types of *keilim* that are susceptible to impurity according to Scriptural Law. They are: clothes, *keilim* from sackcloth, leather *keilim*, *keilim* made from bone, metal *keilim*, wooden *keilim*, and earthenware *keilim*. For **Leviticus 11:32** states: "From all wooden implements, garments, leather articles, or sackcloth." And with regard to metal utensils, **Numbers 31:22** states: "But the gold and the silver...." And with regard to earthenware utensils, **Leviticus 11:33** states: "And every earthenware container into whose inner space one of them will fall, everything inside of it will contract impurity and the container should be broken."

2 According to the Oral Tradition, it was taught that the Torah's statement **Numbers 31:20**: "And anything made from goats" includes *keilim* made from the horns, hooves, and bones of goats. The same applies to *keilim* made from the body parts of other domesticated and undomesticated animals. *keilim* made from the bones of fowl, by contrast, are not susceptible to impurity with the sole exception of *keilim* made from the wings of an osprey and an ostrich egg that was coated. Since they resemble bones, they are susceptible to ritual impurity as a bone implement is. It appears to me that their impurity is of Rabbinic origin.

3 *keilim* that are fashioned from the bones or the hide of sea-animals are pure. Everything from the sea is pure and is not susceptible to any form of

impurity, including the impurity stemming from articles that contracted impurity from a *zav*. Even if one weaves a garment with "wool" growing in the sea, it is not susceptible to impurity.

This is implied by the phrase: "garments or leather articles." According to the Oral Tradition, it was taught "Just as it is only a garment that comes from plants that grow on the earth that is susceptible to ritual impurity, so too, only leather *keilim* that come from plants that grow on the earth are susceptible to ritual impurity.

The following law applies if one connected fabric from plants that grow in the sea with fabric from plants that grow on the earth, even if only by a thread or a fringe. If they were connected in a way that they are considered a single entity with regard to ritual impurity, i.e., if one became impure, the other became impure, the entire entity becomes susceptible to impurity.

4 It appears to me that utensils made from the skin of a fowl are not susceptible to impurity like its bones. One might object, saying: Such skin is acceptable to have *tefillin* written upon it like the hide of a domesticated or undomesticated animal. [That objection can be refuted as follows:] The skin of a fish is not susceptible to ritual impurity. [Nevertheless,] were it not for its filth which never ceases, it would be acceptable to be used for *tefillin*. Thus it is derived that even an entity that is not susceptible to ritual impurity is acceptable to be used for *tefillin* if it is not characterized by filth.

5 Glass *keilim* are not susceptible to ritual impurity according to Scriptural

Law. Our Sages decreed that they would be susceptible to impurity. The rationale is that since, at the outset, they are made from sand like earthenware utensils, they are considered as earthenware utensils. Since their inside can be seen like their outside, the Sages did not decree that they would contract impurity from their inner space. Instead, the impurity must touch them, whether on the inside or the outside, as is true with regard to metal utensils. They did not establish this decree with regard to flat glass *keilim*, only those that serve as containers. Once such containers contract impurity, they cannot be purified in a *mikveh*. *Terumah* and sacrificial food is not burnt after contact with them, for it was decreed only that their state would be held in abeyance.

6 Utensils made from animal turds, stone, or earth are always pure. They are not susceptible to any form of impurity, nor to the impurity that stems from articles that contracted impurity from a *zav*, neither according to Scriptural Law, nor according to Rabbinic Law, neither flat *keilim*, nor containers.

7 When an elephant swallows thin branches and then excretes them as feces, if one fashions utensils from them, their status is unresolved. It was not determined whether they are considered as utensils made from feces or utensils made from wood as they would have been had they not been swallowed. When, however, a basket that had contracted impurity was swallowed by an elephant and was excreted as feces, it remains impure.

8 Flat earthenware utensils, e.g., a lamp, a chair, a table, or the like made of

earthenware are not susceptible to any of the types of impurity, nor to the impurity that stems from articles that contracted impurity from a *zav*, neither according to Scriptural Law, nor according to Rabbinic Law, as implied by the phrase, **Leviticus 11:33**: "Into whose inner space one of them will fall." One can infer that any earthenware utensil that has a receptacle is susceptible to impurity. If it does not have a receptacle, it is pure.

9 Metal *keilim*, whether flat, like knives or scissors, or containers like pots or kettles, are all susceptible to ritual impurity, as implied by **Numbers 31:23**: "Any entity that will pass through fire," i.e., whether a container or a flat implement. Even a chest or a drawer, or the like that are made from metal and which contain 40 *se'ah* of liquid measure or more are susceptible to ritual impurity, as implied by the phrase: "Any entity that will pass through fire."

10 Containers made from wood, leather, or bone, e.g., a kneading trough, a drinking pouch, or the like, are susceptible to ritual impurity according to Scriptural Law. *Keilim* made from wood, leather, or bone that are flat, e.g., tablets, a chair, a leather mat on which one eats, and the like, by contrast, are susceptible to ritual impurity only according to Rabbinic Law, as implied by the phrase: "From all wooden *keilim*... or sackcloth." According to the Oral Tradition, it was taught: "Just as the sackcloth which is susceptible to ritual impurity has a receptacle, so too, *keilim* made from all the other substances mentioned must have a receptacle. *keilim* made from bone are governed by the same laws as those made from

wood in all matters.

When does the statement that flat utensils made from these substances are susceptible to impurity only according to Rabbinic Law apply? With regard to all impurities other than the impurity contracted from a support that contracted impurity from a *zav*. With regard to the impurity resulting from a support that contracted impurity from a *zav* or others like him, they contract impurity according to Scriptural Law, as implied by **Leviticus 15:4**: "Any surface on which one lies upon which a *zav* will lie." This includes everything made to lie upon or ride upon, as we explained. Similarly, glass *keilim* made to lie upon contract impurity according to Rabbinic Law.

11 Any article that is woven, whether from wool, from linen, hemp, silk, or other fabrics that grow on land, is called a garment with regard to impurity. Felt is like a garment with regard to all matters.

12 Sackcloth refers to threads of hair that are braided like a chain or woven like garments, whether they are made from goats' hair, camels' wool, the hairs of a tail of a horse or cow or the like. This applies whether they are woven like sacks or braided like a band for donkeys or the like. Ropes or strands, whether they are spun from goats' hair or from wool or linen are not susceptible to ritual impurity on their own accord.

13 All utensils that are fashioned from reeds, from willow-branches, from bulrushes, from date branches, from leaves and branches, the bark of the tree, and grasses, e.g., small baskets, large baskets, rugs, or mats are all

considered as wooden utensils, for anything that grows from the earth is considered as wood.

The same laws that govern earthenware utensils govern sandstone utensils. Any utensil that is made from earth or sand and is then burnt in a kiln is considered as an earthenware utensil. An oven, a range, a stove or the like, i.e., structures in which food is baked or cooked, all are susceptible to ritual impurity according to Scriptural Law. The laws governing their impurity are the same as those governing that of an earthenware utensil.

Chapter 2

1 Whenever a person makes a receptacle, it is susceptible to impurity according to Scriptural Law regardless of its size. There is no minimum measure for a receptacle, provided it is made from a lasting substance that will be maintained.

What is implied? When a person makes a utensil from a hide that was not processed at all, from paper, even though the paper itself is not susceptible to impurity, or from the shells of pomegranates, nuts, or acorns, even if children hollowed out the shells to measure earth or they were prepared to be used for scales, the utensils are susceptible to ritual impurity. The rationale is that the deeds of a child, a deafmute, a mentally or emotionally compromised person and a minor are halachically significant, although their intent is not halachically significant.

If, however, one makes a utensil from a dried turnip, *esrog*, or squash, hollowing them out to measure with them or the like, they are pure, for it is impossible that they will last longer than a short while.

2 All of the following - the horizontal rod of a scale and a leveling rod that have a receptacle where metal can be place, a peddler's pole that has a receptacle where coins can be stored, a wooden pole that has a place where water is stored, a staff that has a receptacle for a *mezuzah* or a place for a pearl, a wooden sharpener that has a receptacle for oil, a wooden writing tablet that has a receptacle for wax - are susceptible to ritual impurity according to Scriptural Law, because they have a receptacle, even though it may be of the smallest size.

According to Scriptural Law, it is only the receptacle that these *keilim* contain and the part of the *k'li* that serves the receptacle and that the receptacle requires that is susceptible to impurity. The remainder of a flat *k'li* that is not necessary for the receptacle, is pure according to Scriptural Law. It is susceptible to impurity according to Rabbinic Law, as we explained.

3 When a receptacle is intended to be filled, it is not considered as a receptacle. What is implied? When a receptacle is hollowed out from a block of wood and then a metal anvil is inserted into it, if it is a blacksmith's, it is not susceptible to ritual impurity. Although it has a receptacle, it was made to be filled. Similar laws apply in all analogous situations.

If the anvil was for jewelers, the *k'li* is susceptible to ritual impurity, because whenever they desire, they lift up the iron and collect the filings of gold and silver that collect there, under the anvil. Thus the hollow is meant to serve as a receptacle. Similar laws apply in all analogous situations.

4 When a cup is carved below the legs of beds, chests, and the like, even though it is a receptacle, it is pure. It is considered as if it does not have a receptacle, because it is not intended to collect anything, but rather to support furniture.

A hollow piece of straw is susceptible to impurity like any wooden *k'li* that is susceptible to impurity even if it can only take in one drop. A hollow reed is not susceptible to impurity until all the white sap in it is removed. If it was not cut for the sake of taking in other substances, it is considered like other flat wooden *keilim*. The hollow stems of gall and the like are not considered as *keilim*, but rather as foods.

5 When one cuts a straw, inserted a *mezuzah* inside of it, and then placed it inside a wall, it is susceptible to impurity even if he placed it in the wall with its open part pointed downward. If he affixed it to the wall, affixing it with its open part pointed upward, it is susceptible to impurity. If the open part is pointed downward, it is pure.

Should one place the straw in the wall and then insert the *mezuzah* inside, if the open part was pointing upward, it is susceptible to impurity. If the open part is pointing downward, it is pure. If he affixed it to the wall, even if its open part is pointing upward, it is pure.

6 The following laws apply to a *k'li* that is made by weaving pieces of wood or *sh'am* for the purpose of spreading clothes over it while incense is burned below it so that they become fragrant. If it was made like a beehive that has no base, it is pure. if it has an opening where a covering can be placed, it is susceptible to impurity.

7 A metal foot-covering for an animal is impure. If it is made from *sh'am*, it is pure, because that is not considered as a receptacle.

8 When a person bundles a pearl in a hide and, after he removes it, a hollow is left, it is susceptible to impurity until it is smoothed out. For any container is considered a receptacle if it can hold even the slightest amount and, in the above instance, something resembling a small pocket is left. If, however, one bundles coins in a hide, it is not susceptible to impurity, because such a bundle does not have the form of container at all.

Chapter 3

1 Any wooden *k'li* that is made with the intent that it remain in one place, even though it is made to contain only a small amount, is not susceptible to ritual impurity, neither according to Scriptural Law, nor according to Rabbinic Law. Conversely, any wooden *k'li* that is intended to be carried whether full or empty like a sack - even if it holds 100 *se'ah* and it has a base, since it is not intended to remain in one place - it is susceptible to ritual impurity according to Scriptural Law like other receptacles.

Whenever a *k'li's* use is undefined, if it has a base to rest upon on the ground so that it is not easily rolled and it could hold 40 *se'ah* of liquid measure which equals two *kor* in dry measure, it is not susceptible to impurity at all, neither according to Scriptural Law nor Rabbinic Law, because it can be assumed that it is not intended to be moved.

These principles are part of our received tradition. According to the Oral

Tradition, it was taught that just as a sack is carried whether full or empty, so too, a wooden implement is not susceptible to impurity unless it would be carried full or empty. This excludes a wooden implement that is intended to remain in one place.

2 *Keilim* that are made to remain in one place, e.g., a chest, a counter, a closet, a bee-hive like container made of reeds, a reservoir of drinking water for a large ship, and the like, if they contain 40 *se'ah*, they are not susceptible to ritual impurity.

The following are wooden *keilim* that are intended to be moved even when they are full: a large barrel of water that is placed on a wagon, a food trolley of kings, a leather maker's trough, the water reservoir of a small ship that cannot sail on a large sea, and a coffin. Even though all of these five types of wooden *keilim* contain more than 40 *se'ah*, they are susceptible to impurity, because initially they were made to be carried while full.

It can be assumed that all other wooden containers that are made to hold 40 *se'ah* and that have a base are not meant to be carried when full. Therefore they are not susceptible to ritual impurity. Similarly, containers made of bone or leather that hold 40 *se'ah* of liquid measure are not susceptible to impurity unless they were initially made to be carried when they were full.

3 Large chests, counters, and closets of glass are pure. Other glass containers, even if they hold more than 40 *se'ah*, are susceptible to ritual impurity. This is an added stringency that applies to glass *keilim* over

wooden *keilim*.

4 Whenever the volume of a container is one cubit by one cubit with a height of three cubits, it will contain 40 *se'ah* of liquid measure. When the container is measured, it is measured from the outside. If it is one cubit by one cubit with a height of three cubits, it is pure even though its inner space is less than that. For the thickness of the walls does not reduce its size. The breadth of its legs and the breadth of its border, if it has one, is not included in its measure.

5 If there was a drawer in a small counter, e.g., a drawer in a chest, it is not included in the measure of its volume if it can be removed. It is not considered as attached to it, nor is it protected from impurity by it in a shelter that is impure due to the presence of a human corpse. If it cannot be removed, it is measured with it and they are considered as one utensil.

6 When a large container has a domed cover, if it is permanently affixed to it, it is included in its measurement. If it is not permanently affixed, it is not. If it has drawers that open to the inside, they are measured with it. If they open to the outside, they are not measured with it.

7 Even though a wooden container does not hold 40 *se'ah* when standing upright, if it could hold such an amount when leaned on its side or supported by another entity, since it is ultimately capable of holding more than 40 *se'ah*, it is pure.

8 When one of the legs of a chest, a counter, or a closet was removed - even

though it was not perforated and thus they can still serve as containers - they are pure. The rationale is that they still have a base and it can be assumed that the intent is still that they will not be moved like they were originally.

Chapter 4

1 There are three categories of wooden implements that are not intended to serve as containers:

a) Any wooden implement that is made solely for human use, e.g., a ladder. It is pure. It is not susceptible to impurity at all, nor did our Sages decree that it should be included among the implements susceptible to impurity.

b) Any wooden implement that is made to be used for other implements and by a human, e.g., a table, a counter-top, a bed and the like. They are susceptible to ritual impurity. How is it known that they serve both a person and his accessories? Because one places plates on the table, cups on the counter-top, and spreads on the bed.

c) Any wooden implement that is made solely for the use of implements; thus it serves entities that serve man. If it only serves other implements during the time work is being performed with them, it is entirely pure, e.g., a wooden candelabrum that serves a lamp while it burns.

Similar laws apply to an implement placed under an implement while it is being used and all molds. If, however, it serves implements during the time work is being performed with them and when work is not being performed with them, they are susceptible to ritual impurity. Examples of

such implements are: the covering for a box and the like; a sheath for a sword, a knife, a spear, scissors, a razor, a spoon used for blue eye paint, or a stylus used to write; a well used to store blue eye paint; a case for a writing tablet or a leather placemat, a carrier for arrows, a case for wide arrows, and a case for flutes. All of these and anything like them are susceptible to impurity even though they are only used to serve other implements. The rationale is that they are necessary for the implements both at the time work is being performed with them and also when work is not being performed with them.

There are, by contrast, other somewhat similar implements that are pure, for example: the covering for a wardrobe, the covering for a chest, the covering for a basket, a carpenter's press, a chair placed under a chest or a domed covering for it, the mold over which a leather covering for a Torah scroll is made, a wooden covering for a door bolt, or the covering for a latch or a *mezuzah*, a case for lyres and harps, a bust on which the makers of turbans wrap that head-covering, a mold on which *tefillin* are made, a wooden horse used by a singer, rhythm sticks used by mourners, a sun-shield of a poor man, support beams for a bed, the pillars of a bed, and a board used as a support for a bed. All of these and implements like them are pure, because they serve other implements only when they are being used.

2 With regard to the headboard of a bed: if it is capped and has legs that are connected to the bed, it contracts impurity together with the bed, because it is placed at the head of the bed and it is considered as one of its components. If it was placed on two of the bedposts, and thus it is higher

than the bed, even though the headboard is tied to the bed with cords, since it does not have feet, it is pure. The rationale is that the headboard only serves other implements at the time work is being performed with them, like the hanging boards of the Levites, upon which they would hang their harps and their instruments, which are pure.

3 A press used by shoemakers over which leather is pulled tightly is pure, because he places the stone in the hollow inside of it and uses it. Thus it is made to serve implements only at the time work is being performed with it. It does not contract impurity because of its receptacle, because the hollow within it is meant to be filled with a stone.

4 The coating of a bed is pure. Similarly, any ornamental covering - whether it is made from wood, bone, leather, or metal - is pure. This concept is derived from **Leviticus 11:32** which states "with which work will be performed with them." This excludes the ornamental covering of implements.

Similarly, a wooden or bone implement that has a receptacle, but which was plated with metal is pure and it is not susceptible to impurity. The rationale is that the plating causes the implement itself to be considered insignificant and the plating itself is pure, as explained.

5 The following rules apply when a person makes a utensil partially of wood and partially of metal. If the wood serves the metal, it is susceptible to impurity. If the metal serves the wood, everything is pure.

What is implied? If a key was made of wood and its teeth - or even one of

its teeth - were metal, it is susceptible to impurity. If it was metal and its teeth, wood, everything is pure.

6 If a ring is made of metal and its signet is of coral, it is susceptible to impurity. If it was made of coral and its signet was of metal, it is not susceptible to impurity.

7 When there is a tooth from a key or a signet of metal, it is susceptible to impurity independently if it was not connected to wood. Similarly, if one of the wooden teeth of a pitchfork, a farming prong, a winnow or a comb for a girl's head was removed and replaced by a metal one, the implements are susceptible to ritual impurity.

8 When a metal projection shaped like a pomegranate was placed on a wooden staff to use as a handle, it is not susceptible to ritual impurity. If the staff was made with a metal cap so that the earth would not destroy the wood, it is susceptible to impurity.

9 Similarly, if spikes were affixed to a stick to use as a weapon, it is susceptible to ritual impurity, for the wood is serving the metal. If they were placed there for decorative purposes, it is not susceptible to ritual impurity, for the metal is serving the wood.

10 Similarly, if a tube of metal was affixed to a staff or a door for decorative purposes, it is pure. Similar principles apply in all analogous situations involving other implements.

Chapter 5

1 No *keilim* are susceptible to ritual impurity until the work involved in fashioning them is completed. When do wooden *keilim* become susceptible to ritual impurity? A bed and a cradle, when they are rubbed with fish skin. If one decided not to rub them, they become susceptible to impurity when they are fashioned.

Wooden baskets are considered as completed when their borders are sealed and the ends of the branches and small pieces of wood that emerge over the rim of the basket are trimmed. If the baskets were made of palm leaves, they are susceptible to impurity even though one did not trim the ends of the leaves on the inside, because they are left like that. A hanging basket is considered as completed when its border is sealed, the ends of the branches are trimmed, and the loop on which it hangs is completed. A basket for cups or for jugs is susceptible to impurity even though the leaves were not cut off on the inside of the basket. Wicker servers and reed bowls become susceptible to impurity when their borders are sealed and the branches that stick out are cut off.

Large wicker serving trays and containers become susceptible to impurity when two circles are wound around their width. A sifter, a sieve, or a weighing pan become susceptible to impurity when one circle is wound around their width. A large basket becomes susceptible to impurity when two circles are wound around their width. A long, narrow basket becomes susceptible to impurity when one circle is wound around its width. Even though the walls of these baskets are not completed, they become susceptible to ritual impurity, because they have already become fit for the

purpose for which they were fashioned and they already have taken on the form of that utensil. To what can the matter be compared? To a garment that has been partially woven.

The task of fashioning a mat is completed when the long leaves from which it is made are trimmed. All *keilim* made from thin shoots of wood do not become susceptible to impurity until their borders are sealed. Unfinished wooden *keilim* become susceptible to impurity when the *keilim* are fashioned into their desired shape even though in the future one will paint designs onto them with dye, even them with a compass, improve their appearance with a plane, to perform similar tasks. Although they are still unfinished, since there is no need to make engravings and their shape has been hewn out, they are susceptible to impurity.

All unfinished wooden *keilim* become susceptible to impurity except those made from boxwood, because a *k'li* made from such wood is not considered as a *k'li* until it has been finished. It appears to me that *keilim* made of bone are like those made of boxwood and unfinished *keilim* made from bone are not susceptible to ritual impurity.

A wooden object that has not been formed into a *k'li* is not susceptible to ritual impurity even though it is being used as a *k'li*. Long wooden trays used by bakers upon which loaves are arranged while they are still dough are susceptible to ritual impurity, because they are considered to have the shape of a *k'li*. Those used by ordinary private persons are not susceptible to impurity. If, however, they were painted with red dye, saffron, or the like, they are susceptible to impurity, because they have been given the form of a *k'li*.

A baker's accessory in which water used to daub the dough is placed is

impure. Those used by ordinary private persons are pure. If a private person made a rim around its four sides, it is susceptible to impurity. If the rim is broken down on one side, it is pure. The board on which loaves are arranged is susceptible to impurity. The container into which the sifters of flour would sift flour is susceptible to impurity. That used by ordinary private persons is pure.

A winnowing shovel for beans is susceptible to impurity. One used for gathering kernels into a storehouse is pure. One used for gathering wastes from the vat is susceptible to impurity. One used for gathering grain into a grainheap is pure. This is the general principle: A *k'li* made to serve as a receptacle is susceptible to impurity. If it is made to gather items together, it is pure.

2 All loops are pure with the exception of the loops for a sifter of flour makers, the loop for a sieve used in granaries, the loop for a handheld sickle, and the loop for a staff used by inspectors because they are of assistance when work is being performed. This is the general principle: Anything made to be of assistance at the time work is being performed is susceptible to impurity. If it only serves as a hanger for the *k'li*, it is pure.

3 Lyres of singers are susceptible to ritual impurity, but the lyres of the Levites that were used to play in the Temple were pure. A guitar, a standing harp, and a drum are susceptible to ritual impurity.

4 A trap for moles is susceptible to ritual impurity; one for mice is pure. The rationale is that it does not have a receptacle and it is not made in the

form of a *k'li*.

5 A basket that is woven from branches in which figs are placed and the like are susceptible to ritual impurity. Those which are woven into the form of a large silo where wheat is stored are pure, because they do not have the form of a *k'li*.

6 When leaves are woven like a divider around produce, they are pure. If, however, one made a divider from twigs, it is susceptible to impurity.

7 With regard to a pocket made of palm branches into which fresh dates and the like are placed: if one places fruit inside of it and removes it from it, it is susceptible to ritual impurity. If one cannot take the fruit stored in it unless he tears it or undoes it or one intends to eat the fruit inside of it and cast away the pocket, it is pure.
Similarly, a horn that is used and then discarded is not susceptible to impurity. If one thinks of using it as a utensil, it is susceptible to impurity.

8 A ram's horn is not susceptible to ritual impurity. If it was cut to be used as a useful *k'li*, it is susceptible to ritual impurity.

9 The following rules apply when a bowl was permanently affixed to a chest, counter, or closet. If it is affixed in a way that it still serves as a container, it is susceptible to ritual impurity. If it was affixed to the wall of the chest - and thus cannot serve as a container unless the chest is turned on its side, it is considered as part of the chest and is pure.

10 A fishing trap, a trap for fowl, and a wooden cage are pure.

11 A flat trap for fowl, a snare for fowl, and the snare in a dam are susceptible to ritual impurity because they do have the form of a *k'li*.

12 Benches set up in inns and by the teachers of young children are pure even though they have holes into which legs are inserted. If the legs were affixed to them with nails, they are susceptible to impurity.
This is the general principle: Whenever a seat is portable and its legs are not carried with it, it is pure. Any seat that is portable and its legs are carried with it is susceptible to impurity. If both of its legs are made of wood or bone, it is susceptible to impurity. If one of them was made of stone, it is not susceptible to impurity.

Chapter 6

1 Whenever a *k'li* contracted impurity and, after it contracted impurity, it was broken to the point that its form was ruined and it could no longer serve the purpose for which it was made, it regains purity by being broken. Similarly, when *keilim* that were pure are broken, their broken pieces are not susceptible to ritual impurity.

2 To what extent must a wooden or bone *k'li* be broken before it regains ritual purity? All *keilim* belonging to ordinary, private persons are pure when they are broken to the extent that they cannot contain a pomegranate.
What is implied? If a container was perforated to the extent that a

pomegranate would fall through, it is pure. The pomegranate about which we are speaking is one of intermediate size, one that an onlooker would neither consider large or small and we are speaking about an instance where there are three pomegranates in a container, one touching the other. If a *k'li* that had contracted impurity became perforated to the extent that an olive would fall from it, the owner patched it, it then was perforated again in a different place to the extent that an olive would fall from it, the owner patched it, and this pattern continued until the hole is large enough that a pomegranate would fall from it, even though it is patched entirely, it is pure, because it is a new entity.

3 When *keilim* were originally made in a manner that pomegranates would fall from them, e.g., a basket and a rope-net carrier borne by camels and trellises, for vines are susceptible to ritual impurity unless their greater portion is torn.

4 Even though rods were attached to trellises above them and below them to reinforce them, the trellises are pure. If a frame of any size was made for them, even if the entire trellis has holes large enough for pomegranates to fall through, it is susceptible to ritual impurity.

5 The size of a hole that renders as pure all vessels that cannot contain pomegranates, e.g., a container of a fourth of a *kab*, half a fourth of a *kab*, and wicker servers, is one sufficient for olives to fall through. Although their borders have been ruined, if there remains enough of the vessel to contain even the slightest amount, it is impure.

6 Breadbaskets are rendered as pure if they possess a hole large enough for a loaf of bread to fall through.

7 Gardeners' bushels are rendered as pure if they possess a hole large enough for a bundle of vegetables to fall through. Bushels of homeowners are rendered as pure when they possess a hole large enough for a bundle of straw to fall through. Those used by bathhouse attendants are rendered as pure when they possess a hole large enough for stubble to fall through.

8 A chest for bowls that cannot hold bowls is nevertheless susceptible to ritual impurity, because it can hold pots. Similarly, even if a chamber pot cannot contain liquids, since it can contain feces, it is susceptible to impurity.

9 Any wooden container that is divided in two is pure even though its walls could serve as a container, as a frying pan does, with the exception of wooden utensils that half or a portion of them is considered as an independent utensil from its fashioning at the outset. Examples of the latter include a double table that at the outset was made in two parts and it is folded over and extended, a pot with compartments for different types of food which includes many bowls, each of its compartments having complete bowls, a double bench, and the like.

Similarly, when one of the holders in a wooden case for bottles or cups was ruined, the one that is ruined is pure and is not considered as joined to the other holders. If a second one is ruined, it is pure and is not considered as joined to the case. If all three are ruined, they are pure.

Similar laws apply in situations involving comparable types of *keilim*.

10 When the center of a wicker crate used to spread fertilizer is upraised and its sides are lower, it is still susceptible to impurity if one side is ruined, because it can still contain fertilizer from the other side. If the other side is also ruined, it is pure.

When part of a table or a counter for drinks is ruined, it is still susceptible to impurity until it was divided and separated into its component parts entirely. If one of its legs was removed, it is pure. This ruling also applies if the second was removed. If the third was also removed and one had the intent to eat on this table or counter like one eats on a serving board, it is susceptible to impurity. If not, it is pure.

11 Wicker utensils whose borders have fallen off are pure. If even the slightest bit of the seal around their border remains, they are susceptible to impurity.

12 When a serving board was filled with pieces of wood that were attached to it, it is pure. If it is covered with boards, it is susceptible to impurity.

13 When a bench falls apart, it is pure. If one tied it together with straps or ropes, it is susceptible to impurity.

14 A camel's saddle-baskets that were released are pure. If the driver returned and tied them, they are susceptible to impurity. Thus they can become susceptible to impurity and then released from impurity even ten times a day.

15 When a table or a counter for drinks were covered with marble, but the place where cups are placed was left uncovered, it is susceptible to ritual impurity. If one covered the entire surface, it is pure. This ruling applies whether the coating is permanently affixed or not, whether it covers its frame or not, whether the table was made from valuable wood like boxwood or the like or from other wood, since it was covered, it is pure, as we explained.

Chapter 7

1 At which point does a leather *k'li* become susceptible to ritual impurity?
A shepherd's satchel - From the time its edges are folded over and sealed close to make a border, one trims the tiny pieces that project beyond the leather, and makes straps with which it could be closed.
A leather mat - When its borders are trimmed and its ornament is made.
A leather bedsheet - When its borders are sealed and trimmed.
A leather pillow or cushion - When its borders are sealed and the strands that emerge are trimmed. Similar laws apply in all analogous situations.
Tefillin - When one finishes the cube. Even though one will later add the strap, it is susceptible to impurity at this stage.
A leather base for a cradle for which loops will be made - When those loops are made.
A sandal - When its leather will be bent over.
A shoe - When it is placed on its mold. If, in the future, one will color it yellow and make designs, it is not susceptible to impurity until one colors it and makes designs.

2 When a hide does not have the shape of a *k'li*, it is not susceptible to impurity. Therefore a leather hand-covering which people who gather thorns tie around their hands so that they will not be wounded by a thorn is not susceptible to impurity, for it is a simple hide and it does not have the form of a *k'li*. Similarly, a hide used to collect cow turds, a hide used to muzzle the mouth of an animal, a hide used to chase away bees when gathering honey, and a hide used as a fan because of the heat are pure and are not susceptible to impurity.

3 All finger-coverings of leather are pure except those of fruit reapers. They are impure, because they are used to collect sumach berries. If they are torn and cannot hold the major portion of a sumach berry, they are pure.

4 Leather belts and the pieces of leather amputees place on their stumps so they can walk on them on the ground are susceptible to impurity, because they have the form of a *k'li*. Similarly, leather rings which craftsmen place on their arms to hold up their garments to prevent them from interfering with them during their work are susceptible to impurity like other simple leather *keilim*.

5 When a piece of leather is sewn to cover the hands and the arms of those who winnow grainheaps, travelers, or those who make flax, it is susceptible to ritual impurity. If it is used by painters or blacksmiths, it is not susceptible to impurity.

This is the general principle: Anything that is made as a receptacle, to protect one from thorns, or so that one will have a good grip is susceptible

to impurity. Anything that is made as protection against sweat, i.e., so that the article with which one is working not be ruined because of the sweat of one's hands is not susceptible to impurity.

6 How large must a hole in a leather *k'li* be for it to be pure? A carrying case for food - when its hole is large enough for a ball of the warp thread to fall through. If it cannot contain the warp, but it does contain the woof, it is susceptible to impurity unless the hole comprises the majority of the container.

7 A leather satchel whose inner pocket was ripped is still susceptible to impurity. It is not considered as attached to the pocket.

8 The following laws apply when a drinking pouch was made from the hide of an animal, the scrotum was often left and was used as part of the container. If it was opened, it is pure, because it cannot contain liquids in the ordinary manner.

9 When leather *keilim* have loops and straps - e.g., sandals worn on flat land or a pouch tied close with a strand - even though when they are untied, they do not have the shape of a *k'li*, they are still susceptible to impurity in that state. The rationale is that even an ordinary person can insert the strands in the loops and return the *k'li* to its previous shape. Similarly, if they contracted impurity and the straps were removed from them and their shape was undone, they are pure even though it is possible to restore them without a craftsman's activity.

10 Although the strands from a pouch closed by strands have been removed, it is still susceptible to impurity, because it can still serve as a container. If it was straightened out and returned to the form of a simple piece of leather, it is pure. If one attached a hook from which it could be hung from below, it is susceptible to impurity even when it is straightened out, because it has the form of a *k'li*.

11 A piece of leather used to wrap an amulet is susceptible to impurity. If one straightens it out, it is pure. If one uses it again to wrap an amulet, it is susceptible to impurity. It can become impure and pure, even ten times during a day.

The parchment on which one writes an amulet is pure. If one cut off a piece and made a ring to use it as an ornament, it is susceptible to impurity.

12 The head *tefillin* is considered as four separate containers. Should it contract impurity from a human corpse and one remove the first compartment and then restore it, it is still a primary source of impurity as it was. This ruling also applies if one removes the second compartment and restores it. If one removed the third and restored it and removed also the fourth and restored it, the entire *tefillin* is considered a primary derivative of impurity. For he removed each one of them and then restored them all, thus it is as if this "second" *tefillin* touched the original *tefillin*.

If he then removed the first compartment a second time and then restored it, the *tefillin* remains a primary derivative as before. This ruling also

applies if one also removed the second and the third compartments. If one removed also the fourth compartment and then restored the *tefillin*, it is entirely pure. For a primary derivative of impurity does not impart impurity to articles, because it is a derivative itself, as we explained.

Similarly, when a sandal was impure because of contact with a *zav* or the like and one of its pegs was detached and it was repaired, it is still impure as before. If the other one also became detached and he repaired it, the sandal is purified from the impurity, because it has new pegs. It is, however, impure due to contact with an article that is impure because of contact with a *zav*. If he did not repair the first until the second was detached, the heel or the toe of the sandal was removed, or it was divided in two, it is pure.

13 When a shoe was damaged, if it does not cover the majority of the foot, it is pure.

14 When do *tefillin* that have contracted impurity become pure again? The arm *tefillin* - when it is released from the base on three sides. The head *tefillin* - when it is released from the base on three sides and each of the compartments are separated from each other.

15 When a ball, a mold, an amulet, or *tefillin* were torn after they contracted impurity from a human corpse, one who touches them is impure. If he touches their contents, he is pure.

When a saddle that is impure is torn, one who touches its insides is impure, because the sewing attaches it to the saddle itself and it is

considered as a single entity.

Chapter 8

1 All metal *keilim* are not susceptible to ritual impurity until the tasks involved in fashioning them are totally completed and they are no further tasks to be performed with them at all. Unfinished metal *keilim*, by contrast, are not susceptible to impurity at all.

2 The following are unfinished metal utensils: anything that will be smoothed with a file, have its surfaced leveled, have its uneven points scraped away, be polished, be pounded with a hammer, or is lacking a handle or a rim. Such a utensil is not susceptible to impurity until it was finished and beautified to the extent that no work is required for it at all.
What is implied? A sword does not contract impurity until it has been smoothed, nor a knife until it has been sharpened. Similar concepts apply with regard to other comparable acts. Accordingly, when one makes utensils from a block of iron ore, a bar of metal, or the iron surface of a wheel, from plates, from the coverings of utensils, from the base of utensils, from the rims of utensils, from the handles of utensils, from metal scrap removed from utensils or pieces cut away from utensils, they are pure. For all of these are considered as unfinished metal utensils.
If, however, one fashions a utensil from broken metal utensils or from utensils that have worn out over the course of time, or from nails that were made from utensils, these are susceptible to impurity, because they are not in an unfinished state. If, however, it is not known whether nails

were made from utensils or from blocks of iron ore, they are pure. Even if they were formed into a *k'li*, they are not susceptible to impurity.

3 When a metal *k'li* is only lacking a cover, it is susceptible to ritual impurity. For the cover is not considered as part of the *k'li* itself.

4 When a needle was made without a hole, but instead was smoothed and prepared for use in such a state at the outset, it is susceptible to impurity, because it can be used to remove a splinter. If, ultimately, however, one intends to make a hole in it, it is like other unfinished metal utensils and is not susceptible to impurity.

5 We have explained that, according to Scriptural Law, unfinished metal *keilim* are pure and unfinished wooden *keilim* are impure and conversely, flat metal *keilim* are impure and flat wooden *keilim* are pure. Thus *keilim* that are impure when made from wood are pure when made from metal. And *keilim* that are impure when made from metal are pure when made from wood.

6 All articles of war, e.g., a sword, a spear, a helmet, armor, soldiers' boots, and the like are susceptible to ritual impurity. All ornaments for humans, e.g., a necklace, earrings, rings - whether with a seal or without a seal - or the like, are susceptible to ritual impurity. Even if a *dinar* was disqualified for use and it was adapted to be hung from the neck of a girl, it is susceptible to impurity. Similarly, a metal amulet is susceptible to impurity like other jewelry for humans.

7 All ornaments used for animals and *keilim*, by contrast - e.g., the rings made for the neck of an animal and for the handles of *keilim* are pure and are not susceptible to impurity independently with the exception of the bell of an animal or a *k'li* that creates a sound desired by humans.
What is implied? When one makes bells for a spice mill, a cradle, book-covers, and children's diapers, they are pure. If one made clappers for them, they are susceptible to impurity. Since they were made to create a sound for a person, they are considered as ornaments for humans. Even if the clapper was removed afterwards, they are still susceptible to impurity, because it is still fit to generate a sound by banging it on a shard.

8 The following rules apply when a bell was made for a person. If it was made for a minor, it is not susceptible to impurity unless it has its clapper, because it was meant to produce a sound. If it was made for an adult, it is considered as an ornament and is susceptible to impurity even though it does not have a clapper.

9 All masks are susceptible to impurity. All seals are pure with the exception of a metal seal that is used to imprint a seal. All rings are pure except the rings worn on a finger. In contrast, the ring used to gird one's loins or one that is tied between one's shoulders is pure. A ring used as an animal collar is susceptible to impurity, because a person uses it to pull the animal. Similarly, a staff made of metal used to control an animal is susceptible to impurity.

10 All *keilim* can become susceptible to impurity through thought, but do

not lose that susceptibility unless a deed is performed to change their function. A deed negates the influence of a previous deed or thought, but thought does not negate the influence of a previous thought or deed.

What is implied? A ring used for an animal or a *k'li* that one thought to use as a ring for a person. That thought itself causes a change in the ring's status and makes it subject to ritual impurity, as if originally it was made with the intent of being used for a human. If, afterwards, one reconsidered and thought to leave it as a ring for an animal as it was, it remains susceptible to impurity, even though a person never used it as an ornament. For one thought does not negate the effect of another thought unless one performs a deed in the actual physical substance of the entity, for example, to polish it or to adjust it as is done for an animal.

If there was a ring used for humans and one thought to use it for an animal, it is still susceptible to impurity as it was originally, for a *k'li*'s susceptibility to impurity cannot be nullified by thought. If one performed a deed, changing it into an animal's ring, it is not susceptible to impurity, for deed can negate the influence of a previous deed.

11 The deeds of a deafmute, a mentally or emotionally compromised individual, or a minor are significant. Their thoughts are not significant, as explained above with regard to making foods susceptible to impurity.

12 When one thought of using a bell used for a door for an animal, it is susceptible to impurity. When one made the bell of an animal suitable for a door, even if he attached it to the ground and even when he attached it with a nail, it remains susceptible to impurity until one performs a deed

affecting the substance of the bell itself.

13 The following laws apply when a craftsman makes - and carries a stock - of bells for both animals and doors. If the majority of his stock is made for entities that cause them to be susceptible to impurity, the entire stock is considered as susceptible to ritual impurity unless he sets aside a portion specifically for entities that do not cause them to be susceptible to impurity. If the majority is made for entities that do not cause them to be susceptible to impurity, the entire stock is not considered as susceptible to ritual impurity unless he sets aside a portion of the stock specifically for entities that cause them to be susceptible to impurity.

14 Wherever bells are found, they are susceptible to impurity, except in large cities, for there the majority are made for doors.

15 If a person tells a craftsman: "Make me two bells, one for a door and one for an animal," "...two mats, one to lie on and one to use in constructing a tent," "...two sheets, one for designs and one for a curtain for a tent," they both are susceptible to impurity unless he explicitly states: "This is for this purpose and this is for the other.
"

Chapter 9

1 All metal *keilim* that have independent names are susceptible to impurity except a door, a bolt, a lock, a holder for a door hinge a hinge, a beam, and a drainpipe. The latter are not susceptible to impurity, because they

serve the earth or wood. This applies even before they are affixed to a building or to wood.

Any metal *k'li* that has an auxiliary name does not contract impurity independently because it is only part of a *k'li*. What is implied? The "scorpion" of a muzzle is impure and the iron plates placed on the cheeks of the animal on both sides are pure, because they do not have an independent name. When all these articles are connected to the reins, everything is susceptible to impurity.

2 When metal plates are placed on a person's cheeks for protection at the time of battle, they are not susceptible to impurity, because they do not have an independent name. If, however, they have a receptacle for water, they are susceptible to impurity like all receptacles.

3 When a ring is fashioned like a bowl from below and a lentil from above, and the bowl becomes detached, it is susceptible to impurity in its own right, for it has a receptacle. The lentil is susceptible to impurity, because it has an independent name. The ring's wire, i.e., the portion that enters the ear or the nose, is not susceptible to impurity in its own right.

If a ring is made like a cluster of grapes and it becomes separated, it is pure. The rationale is that it does not have a receptacle, none of the "berries" has an independent name, and while broken up, it is not fit to be used as an ornament.

4 A ring worn by young girls around a leg is referred to as a *birit*. It is not susceptible to impurity, because it does not have the form of an ornament.

Instead, it is like a ring of a *k'li* or a ring one ties between his shoulders. The set of two rings which young girls put around their legs with a chain connecting one to the other is susceptible to ritual impurity. The rationale is that it is an ornament for young girls. This set is called *kevalim*.

5 When there is a necklace with metal links on a string of wool or linen and the string snaps, each of the links is susceptible to impurity, because each is considered as a *k'li* independently. If the strand was of metal and the links of jewels, pearls, or glass and the links broke, but the chain remained, the chain is susceptible to impurity independently. The remnants of a necklace continue to impart impurity and to be susceptible to impurity as long as they are large enough to go around the neck of a young girl.

6 All of the metal coverings of receptacles are pure. They are not susceptible to impurity, because they do not have an independent name with the exception of the covering of a samovar and the covering of doctor's prescription box. Since bandages are placed in it, it becomes a receptacle.

7 When one scrapes down and polishes the metal cover of a container, making it into a mirror, it is susceptible to impurity.

8 All metal weights are susceptible to impurity. They are called *unkiyot.* The wooden crossbeam of a scale is susceptible to impurity, because of the weights hanging from it.

When does the above apply? To the crossbeams of the scales of flax merchants and wool merchants. The crossbeams of the scales of private

persons are not susceptible to impurity unless the weights are permanently affixed to it.

9 When weights have been broken, even though one brought the pieces together and weighed objects with them, they are not susceptible to impurity. If one designated the broken pieces as half-*litra* weights, one-third-*litra* weights, or one-quarter-*litra* weights, they are susceptible to impurity.

10 When a *sela* was disqualified, if it was adjusted to use as a weight, it is susceptible to impurity.

11 A porter's hook is pure. Hooks used by perfume salesmen are susceptible to impurity. The hooks of bed-poles are pure. Those of a small platform are susceptible to impurity.

The hooks of the bee-hived-shaped snare used by fishermen to catch fish are pure. Those of a chest are susceptible to impurity. The hooks of wooden lamps are pure. Those of a table are susceptible to impurity.

This is the general principle: Whenever a *k'li* is susceptible to impurity in and of itself according to Scriptural Law, its metal hook and its chain are susceptible to impurity. Whenever a *k'li* is not susceptible to impurity, e.g., flat wooden *keilim*, oversized wooden *keilim*, and the like, its metal hook and its chain are not susceptible to impurity. When either of them is considered independently, it is pure, because neither a hook or a chain is considered as a *k'li* in its own right; they are only as parts of a *k'li*. Even hooks on the wall upon which *keilim*, clothes, and the like are hung are

pure.

12 When a chain has a lock, it is susceptible to impurity. If it is meant to secure an entity, it is pure.

13 Chains used by wholesalers are susceptible to impurity, because they are used to lock the stores. Those owned by private persons are pure, because they are meant only as ornaments.

14 The chains of the measurers of land and the pegs that they insert into the ground at the time they conduct their measurement are susceptible to impurity. Those used by gatherers of wood are pure, because they serve wood.

15 The four handbreadths of a chain for a large bucket that are closest to the bucket contract impurity with the bucket for it is necessary for its use. The remainder is pure, because it does not have an independent name. Ten handbreadths of the chain of a small bucket are susceptible to impurity.

16 All of the following: a metal ball, an anvil, an iron shaft of a builder, a carpenter's leveling tool, a smith's "donkey," plumb-weights used by builders, the iron beams used to press olives, a metal dispenser for a mill, the blade with which scribes cut off the tips of the reeds with which they write, a metal pen, a stylus and a ruler with which scribes rule lines are all susceptible to impurity. For each one of these articles has an independent name.

Chapter 10

1 Pegs that reinforce a ceiling that are made to be pounded into wood are not susceptible to impurity. Similarly, this ruling applies to pegs that are pounded into walls to serve as hangers. If they are made to serve as an independent *k'li*, they are susceptible to impurity.
What is implied? A hook that was installed to enable one to open and lock a door, to remove a wick, or it was placed in a handmill or a mill powered by a donkey is susceptible to impurity. If it was made to open a barrel, it is pure unless its point is sharpened.

2 A peg that is made as a sign to guard an entrance is not susceptible to impurity. Similarly, the peg of a money-changer on which he hangs his scale and his purse is pure. Similarly, pegs for metal brushes are pure even though these pegs have a different form than other pegs used as hangers.

3 A bloodletter's needle, i.e., the utensil with which he draws blood, is susceptible to impurity. The pointer of a sundial is pure.

4 A weaver's needle, i.e., the long needle that is like a spit which the weaver inserts into a cylinder coming from a reed or wood around which he winds the threads is susceptible to impurity.

5 These are the metal *keilim* in a wagon that are susceptible to impurity: the metal shaft, the wooden yoke, the wings into which the straps are inserted, the metal rod below the necks of the animals, the support, the "limper," the containers, the bell, the hook, and the pegs which attach all

the different parts of the wagon together.

These are the components of a wagon that are pure: a plated wooden shaft, the wings that are made only as ornamental articles, a reed that makes a sound, a lead plate hanging from the neck of an animal, the metal rimming of a wheel, ornamental plates, and coatings. Similarly, all other pegs it contains are pure.

6 The scorpion of the olive press is susceptible to ritual impurity. Even though a chest for ground lentils is pure, if there is a metal carriage below it, it is susceptible to impurity.

7 A pepper mill is susceptible to ritual impurity because of each of the three *keilim* of which it is comprised: one is susceptible to impurity because it is a metal *k'li*, another, because it is a receptacle, and the third, because it is a sieve.

8 A metal door in a cabinet of a homeowner is not susceptible to impurity. Such a door in a cabinet of a doctor is susceptible to impurity, because bandages are placed there and scissors are hung from it.

9 Metal plates on which a hot pot is placed are susceptible to impurity. Those that are affixed to a range are pure.

10 Tongs with which one squeezes the wick are susceptible to impurity. The metal bars that hold up a mill from its front are not susceptible to impurity, because they are made only in order to reinforce the mill.

11 A bolt that locks double-doors: if it is made of metal, it is impure. If it is made of wood coated with metal, it is pure.

12 The pointed end of a lock and the base of a lock are impure.

13 The ball of a weaving needle is pure, because it serves the wood.

14 A weaving needle, a spindle, a walking stick, and a symphonia or flute of metal are susceptible to impurity. If they are made of wood and coated with metal, they are pure with the exception of a symphonia which, if it has a receptacle for wings, is impure even if it is coated.

15 With regard to a trumpet that is split up into different pieces: If only a craftsman would know how to put it together, it is susceptible to impurity while the pieces are connected. If anyone can take it apart and reconstruct it, it is not susceptible to impurity.

16 The end of the round trumpet on which one places his mouth when blowing is susceptible to impurity independently. The wide portion is not susceptible to impurity independently. While they are connected, everything is susceptible to impurity.
A similar ruling: The branches of a candelabrum are not susceptible to impurity, because they have an accompanying name. Its flower and its base are susceptible to impurity. While they are connected, all the components are susceptible to impurity.

17 A target for arrows that has metal strips is susceptible to impurity. A metal

boot placed on prisoners' feet is pure. A metal collar is susceptible to impurity.

A saw whose teeth were inserted into a slit in a lintel and project into the doorway is not susceptible to impurity even though one makes use of it. If he inserted it in the slit of the doorway after it became impure, it remains impure until one affixes it with a nail. If he turned it over, whether from above, from below or from the sides, it is pure.

Chapter 11

1 To what degree must metal *keilim* be broken so as not to be susceptible to ritual impurity or to be purified from ritual impurity? Everything depends on the nature of the *k'li* involved.

2 As long as the *k'li* can be used in a way resembling its intended task, it is considered as a *k'li* and is considered like a complete *k'li*.

What is implied? A metal bucket that was broken but still can be used to draw water is considered a *k'li* as it was before. An urn is still susceptible to impurity if it can be used to heat water; a samovar, if it can contain *selaim*; a large pot, if it can contain metal pitchers; a metal pitcher, if it can contain *perutot*, wine measures, if they can measure wine; oil measures, if they can measure oil.

When three holes, one next to the other, in the bottom of a strainer for mustard seed, were widened, it is pure, because it is no longer fit for its original task. When the hollow of a builder's shovel is removed, it is pure, even though it appears like a hammer, for it is no longer useful for its

original purpose, but instead, as a hammer, and it was not made to pound objects as a hammer does. Similar laws apply in all analogous situations.

3 When the teeth of a comb for wool have been removed, it is impure as long as three teeth remain in one place. If, however, one of the external teeth was one of the three, it is pure, because it is no longer useful for combing flax, because the exterior tooth is not effective when combing. Hence we follow the principle: Whenever a metal *k'li* can no longer be used for its intended purpose, it is pure.

If two teeth were taken and made into tweezers, they are impure. If one was removed and it is used for the sake of a lamp or for thread to be wound around it for embroidering, it is susceptible to impurity. If it was a thick and large tooth, even though it was not prepared for a particular function, it contracts impurity independently.

4 When the teeth of a comb for flax were removed, but two remained, it is impure. If only one remains, it is pure.

5 When a *kedum* is broken, but its hooks are intact, they are still impure, because it is possible to use them to remove a bucket from a well as before.

6 When the teeth of a saw are removed in an alternating pattern, it is pure. If a portion the full length of a *sit* remained intact in one place, it is impure, because it is possible to saw with the portion that remains.

7 A hatchet, a blade, a plane, a drill, that have been damaged are still susceptible to impurity. If their steel portion is removed, they are pure. If

any of them is divided into two, they are impure with the exception of the drill, because it is no longer possible to make holes with it. A *runkey* alone is not susceptible to impurity, because it is only part of a *k'li*.

8 When a sword, a knife, a knife that is curved like a sickle, a spear, a hand sickle, a harvesting sickle, a small household scissors, or a larger barber's scissors are divided in two, each of their components is susceptible to impurity, because it is still able to be used for a task resembling its primary function.

9 When a shaver is divided into two, it is pure, because in that state it can only remove hair with difficulty.

10 When armor is divided along its length, it is pure. When divided along its width, if it still can serve its initial purpose, it is impure. When does it become pure? When it becomes worn out to the extent that it can no longer perform its original task.

The following rules apply if it became worn out, but its major portion remained intact. If the upper portion remains, it is impure. If it covers the lower portion, it is pure. If one cut of part of the armor and made it a link for an ornament, it is susceptible to ritual impurity.

11 A bellows used by goldsmiths, glassmakers, blacksmiths, and glaziers that was divided into two lengthwise, is pure. If it is split widthwise, when it can serve its initial purpose, it is impure. If not, it is pure.

12 When tongs used by barbers, doctors, or glassmakers are divided into two,

they are pure. Those used by blacksmiths that are divided are impure. The rationale is that at the outset, they are used to stir coals and in their present state, they can be used to stir coals.

13 When a metal mirror was broken or became scratched, if it does not reflect the majority of the face, it is pure. If it reflects the majority of the face, it is still considered a *k'li* as it was previously.

14 When either the eye or the point of a needle was removed, it is pure. If an adjustment was made with it so that thread could be wound around it and it could be used as an embroidery needle, it is impure. In contrast, when the eye of a sackmaker's needle is removed, it is impure, because the other end can still be used as a stylus.

15 Different rules apply to a needle around which scarlet thread, gold thread, or the like is wound as is the practice of embroiderers. Whether the eye or the point is removed, it is still impure, because it is not used to sew.

16 When a needle has become rusty, if the rust prevents sewing, it is pure. If not, it is impure.

17 When a sword or a knife become rusty, they are pure. If they are then smoothed or sharpened, they return to their initial impurity. Similarly, the hook on top of a flax spindle that was straightened is pure. If it was bent back again, it returns to its initial impurity.

18 A key that is curved like a knee which is broken in the middle of its curve

is pure. Similarly, a key that is shaped like a *gamma* which is broken at its vertex is pure. In both instances, they can no longer be used to open locks and thus they are not able to be used for their initial purpose.

If the broken portion has teeth and holes, it is impure, because it still can be used as a key. If its teeth are removed, it is impure because of the holes. If the holes are filled, it is impure because of the teeth. If the teeth were removed and the holes filled or the holes were expanded until they were joined, it is pure.

19 The following rules apply when a *k'li* consists of a rod with a cup on one side used to pick up ash and a fork on the other side used to roast meat. If the cup was removed, it is impure because of the fork's teeth. If the fork's teeth are removed, it is impure because of the cup. Similarly, with regard to a utensil used to paint one's eyes, if the cup with which the dye is collected is removed, it is impure because of the applier used to dye the eye. If the applier is removed, it is impure because of the cup.

20 Similar laws apply with regard to a *k'li* that has an iron net on one end on which food is roasted and teeth to remove meat from a pot or from a fire on the other end. If the net was removed, it is impure because of the teeth. If the teeth are removed, it is impure because of the net.

The same principles apply with regard to a metal pen which has one end that is used to write and another end that is used to erase. If the writing utensil is removed, it is impure, because of the eraser. If the eraser is removed, it is impure because of the writing utensil. Similar laws apply in all analogous situations provided the remaining instrument can still be

used for its initial purpose.

What is implied? When the eraser is removed from a pen, but the writing utensil remains, if it is long enough to reach his knuckles, it is impure because it is possible to hold it and write with it. When the writing instrument is removed and the eraser remains, if its length matches the width of one's hand, it is impure, because one can erase with it. If less remains, it is pure. Similar laws apply in all analogous situations.

21 When the narrow edge of a hatchet - i.e., the side that a carpenter uses to carve - is removed, it is impure, because of the side used to chop. If the side used to chop is removed, it is impure because of the narrow edge. If the socket into which the handle is inserted is broken, it is pure.

22 When a lance is damaged, it is still considered as a *k'li* until its major portion is removed. If, however, the socket into which the head of the lance is inserted is removed, it is pure.

23 A plow is also called a *malmad*. It is comprised of a long, thick beam with something like a sharp peg implanted in its end from above. This metal peg is called a *darvan*. On the other end below is a metal projection like a spear. The wood that is inserted into it and this iron piece is called a lance.

24 When a metal pipe which is like a tube becomes impure, if it is affixed to a staff or a door and is thus attached to wood, it becomes pure. If it did not contract impurity and it was affixed to a staff or a door, it is susceptible to impurity in its place. For any metal *k'li* that was fixed to a beam or a wall is susceptible to impurity until its function is changed.

Therefore a metal baker's sheet that was affixed to a wall is impure. Similar laws apply in all analogous situations involving other metal objects that were affixed to wooden objects whether containers or flat *keilim*. They are susceptible to impurity as they were beforehand.

Chapter 12

1 When wood *keilim*, leather *keilim*, or bone *keilim* are broken, they are purified of their ritual impurity. If one then made a *k'li* from the broken pieces or one collected the broken pieces and made other *keilim* from them, these are considered like other pure *keilim* that had never contracted impurity previously and are susceptible to impurity from the time they were fashioned onward.

All metal *keilim* that are broken after they contracted impurity regain purity. If one melted them down and made other *keilim* from them, they return to their previous impurity. A metal *k'li* cannot become utterly pure unless it was immersed in a *mikveh* while intact or it remains broken.

2 The return of metal *keilim* to ritual impurity is a Rabbinic decree. Why did the Sages decree that metal *keilim* should return to their former impurity? This is a decree, enacted as a safeguard lest a person's *k'li* contract impurity and he melt it down and make it into a new *k'li* on that day. If it is considered as pure as is its status according to Scriptural Law, one might come to say: Breaking a *k'li* purifies it and immersing it purifies it. Just as when it is broken, melted down and fashioned into a new *k'li*, it is pure on that day, so too, if it is immersed, even though it is intact, one

may mistakenly think that it is pure on that day and he will say that it is not necessary to wait until nightfall for *keilim* to regain purity. Due to this concern, the Sages decreed that they are impure.

3 Whether a *k'li* contracted impurity from a corpse or another type of impurity and was then melted down, it returns to its former impurity until the ashes of the red heifer are sprinkled upon it and/or it is immersed in a *mikveh*.

If a *k'li* contracted impurity from a corpse and the ashes of the red heifer were sprinkled upon it on the third day and afterwards, it was melted down, another*k'li* was made from it and then ashes were sprinkled on it on the seventh day and it was immersed, it is still considered impure. The sprinkling before it was melted down is not linked to the sprinkling after it was melted down. It cannot regain purity unless ashes were sprinkled on it on the third and seventh days and it was immersed while it was a *k'li* before it was melted down or ashes would be sprinkled on it on the third and seventh days and it was immersed once it was made into a new *k'li* after it was melted down.

4 The following laws apply when impure iron was mixed with pure iron. If the majority was from the impure metal, it is considered as impure. If the majority was from the pure metal, it is pure. If there were equal amounts, it is impure. Similarly, when mud is mixed with turds and the mixture was fired in a kiln and made into a *k'li*, if the majority was from the mud, it is susceptible to impurity, because it is an earthenware *k'li*. If the majority was from the turds, it is not susceptible to impurity.

5 When pure metal *keilim* were coated with an impure coating, they are impure. If, however, one fashions *keilim* from an impure coating, they are pure.

6 When the thick side of a hatchet was made from pure iron and its blade from impure metal, it is impure. If the blade was made from pure metal and the thick side from impure metal, it is pure. The status of the entire tool is determined by that of the portion with which work is performed.

7 A pure hatchet that was coated with impure iron is pure.

8 When the mouth of a pitcher was made from impure metal and its base from pure metal, it is pure. When it was made of pure metal and its base from impure metal, it is impure, because the status of the entire implement is determined by that of the container, for it is the portion with which the task is performed.

9 When a metal *k'li* contracted impurity of Rabbinic origin, e.g., it contracted impurity from a false divinity or the like, then it was broken, melted down, and fashioned into a different *k'li*, there is an unresolved doubt whether it returns to its former impurity or not.

10 When glass *keilim* became impure and then broke, they are pure like all other *keilim*. Even if they were melted down and new *keilim* were made from them, they do not return to their former impurity. The rationale is that, as we explained, their impurity is primarily of Rabbinic origin. Hence, it was not decreed that they return to their former impurity.

Similarly, if glass utensils were broken, even though the broken pieces are themselves *keilim* and fit to be used, since they are components of broken utensils, they are not susceptible to impurity, because they do not resemble earthenware *keilim*.

What is implied? When a glass bowl is broken and one made its base fit to be used as a *k'li*, the base is not susceptible to impurity, even though it is like a bowl. If one leveled the broken portion and filed it down, it is susceptible to impurity.

11 When the mouth of a small bottle that can be carried with one hand is removed, it is still susceptible to impurity, because one does not use it by inserting one's hand in it, but by pouring from it. By contrast, when the mouth of a large bottle that is held with both hands is removed, it is pure, because it will injure one's hand when it is inserted within it. Similarly, even though a flask of perfume is small, if its mouth is removed, it is pure, because it would injure one's finger when one removes the perfume from it.

12 Large pitchers whose mouths were removed are still considered *keilim* because they are used for pickling.

13 When the major portion of a glass cup is damaged, it is pure. If a third of the circumference over the major portion of its height is damaged, it is pure. If a hole was made in it and he plugged it with tin or tar, it is pure. When a hole was made in a cup or a bottle, whether in its upper portion or its lower portion, it is pure.

14 When a hole was made in the upper portion of a large pot or a bowl, it is impure. If it is in its lower portion, it is pure. If such utensils are cracked, but can still contain hot liquids just as cold liquids, they are impure. If not, they are pure.

15 Cups that have been chinked, even though their rims scratch a person's mouth, nevertheless, remain susceptible to ritual impurity.

16 A glass dispenser is pure, because it is like a distributor, for it is not a container.

17 When a glass item is used as a pane, it is pure, even if it can contain liquids, because it was not made to serve as a container. A glass ladle is considered as a container even though when it is placed on a table, it will turn to its side and not serve as a container; it is still susceptible to impurity.

18 When a glass pot is made into a pane, it remains susceptible to impurity. If it was made intentionally for the purpose of sight, i.e., that the objects placed inside of it could be seen from its other side, it is pure. All glass utensils are not susceptible to ritual impurity until the tasks to fashion them are completed, as is true with regard to other utensils.

Chapter 13

1 In several places, we have already explained that an earthenware container contracts impurity only from its inner space or when moved by a *zav*. In

contrast, all other *keilim* contract impurity when touched by impurity, but if impurity enters their inner space without touching them, they remain pure.

Thus what makes an earthenware container impure leaves other *keilim* pure. And what makes other *keilim* impure, leaves an earthenware container pure, for an earthenware container contracts impurity only from its inner space, as **Leviticus 11:33** states: "Any earthenware container into whose inner space one of these will fall." It contracts impurity from its inner space and not from its outer side.

2 Just as it contracts impurity from its inner space, so too, it imparts impurity to food and liquids from its inner space. What is implied?

When food and/or liquids enter the inner space of an earthenware container that contracted impurity, they contract impurity even though they never touched, as *ibid.* states: "Everything inside it shall contract impurity." Other impure *keilim* do not impart impurity to an impure *k'li* unless they touch it.

3 An earthenware container does not impart impurity to *keilim* - whether earthenware *keilim* or other *keilim* - through their entry into its inner space.

What is implied? When there is a large earthenware container with other containers in it and impurity enters its inner space, it contracts impurity, but all the containers inside of it remain pure. If there also were liquids inside of them, the liquids contract impurity because of their presence within the inner space of the large container and they then impart

impurity to the smaller containers. It is as the smaller containers say: "The one that imparted impurity to you did not impart impurity to me, but you imparted impurity to me."

4 When impure liquids touch only the outer surface of an earthenware container, its outer surface contracts impurity like other *keilim*.
When does the above apply? When it is a container that has inner space. If, however, it is an implement that does not have inner space and impure liquids touch it, it is pure. For the outer surface of any earthenware *k'li* that does not have inner space does not contract impurity from liquids.
If foods or liquids touch the outer surface of an impure earthenware container, they are impure. Earthenware containers and other *keilim* are governed by the same laws in this context. For when foods or liquids touch any impure utensil whether on its inner surface or its outer surface, they contract impurity.

5 The same laws that apply when impurity enters the inner space of an earthenware container apply when one turns it over, covering impurity that is lying on the ground and serving as a tent over it, for the impurity is within its inner space. According to the Oral Tradition, it was taught that the phrase, *ibid.,* "into whose inner space" also includes containers that serve as tents.

6 When there is a pit with the carcass of a crawling animal inside of it and an earthenware container is turned over the pit, it does not contract impurity. For the phrase "Within its inner space" implies that the

impurity itself must enter its inner space.

For this reason, if the carcass of a crawling animal is found beneath the earth below an oven, the oven is pure, for we assume that it was alive when it fell into the pit and it died while in that pit. Similarly, if a needle or a ring is found beneath the earth below an oven, the oven is pure even though any *keilim* that are found are considered impure, as we explained. For we assume that the *keilim* were there before the oven was placed there and the oven was built over them without them having fallen inside of it. If these *keilim* were found in the ash removed from the oven, the oven is impure, because there is nothing on which the person can base a supposition for leniency.

The following laws apply if these *keilim* were found in the earth below an oven; they were visible, but did not enter the inner space of the oven. If when one bakes dough, they will touch it, the oven is impure as if they were within its inner space. If not, the oven is pure as if they were beneath the earth below it. Concerning what type of dough was this said? An ordinary dough that was neither overly soft, nor overly firm.

7 The following laws apply if the carcass of a crawling animal was found in the eye of an oven, the eye of a range for two pots, or the eye of a range for one pot. If the crawling animal was within the inner edge of the hole or further toward the outside, the oven or range is pure, because it did not enter the inner space of the oven or the range. Instead, it is suspended below the thickness of its walls. The oven or the range is pure even if an olive-sized portion of a human corpse is found in that place unless the opening of the eye is a handbreadth. In the latter instance, the oven would

be impure because a hole of that size brings impurity to the inner space of the oven, as explained with regard to the impurity of a human corpse.

8 When the carcass of a crawling animal is found in the place where wood is placed, if it is found from the inner edge of the range and further outward, the range is pure. If it is found in the place where the bath attendant sits or the dyer sits, or the place where those who cook olives sit, everything is pure.

9 Neither an oven, a range, nor other places of cooking contract impurity unless the impurity is found from the sealing and inward.

10 There are earthenware containers from which homeowners drink water that have an earthenware screen in their center and projections like a comb above that screen. It is called a *tzirtzur*. If impurity entered the space enclosed by the comb above the screen, the entire *k'li* is impure, for this is "the inner space" of this container.

11 The following laws apply when there is an earthenware container that has three walls, one further inside than the other. If the interior wall was the highest and impurity entered its inner space, all foods and liquids that are in the space between the inner wall and middle wall or the outer wall are pure. If the middle wall was the highest and its inner space became impure, the area from this wall inward is impure. The area outside of it is pure. If the exterior wall was the highest and its inner space became impure, everything is impure. If the walls are of the same height, any enclosure whose inner space contracts impurity is impure and the

remainder are pure.

12 If several frying pans are placed one inside the other and their rims are of the same height, should the carcass of a crawling animal be found in the uppermost frying pan or the lowest one, the frying pan containing the carcass is impure and the other frying pans and the food inside of them are pure.

If all of the frying pans had a hole that would allow liquid to seep in and the carcass was in the uppermost one, all of the foods and liquids in all the frying pans are impure, because the impurity is considered in the inner space of all of them, as will be explained. If the impurity was in the bottom one, it is impure and all the others are pure, because the carcass of the crawling animal did not enter the inner space of the uppermost one and the rim of the lowest one is not higher than it, so that it would impart impurity to all the food and liquids contained in it.

If the carcass was located in the uppermost one and the rim of the lower one was higher, the uppermost one is impure, because the carcass is located within it. Similarly, the bottom one is impure, because its rim is higher and thus the carcass is in its inner space. The remainder of the frying pans that are located in the bottom one are pure, because an earthenware container does not impart impurity to other *keilim* inside of it. If there was liquid that could be felt between the frying pans, any pan that has liquid on it contracts impurity. For the liquid contracts impurity because of its presence in the inner space of the bottom pan whose edges extend above the higher pan. It then imparts impurity to the pan that it touches.

13 When an earthenware tabletop had bowls attached to it from the time that it was initially made, although it is all a single *k'li*, if one bowl contracts impurity, they all do not contract impurity. If the table top has an upraised border, all of the bowls are considered in its inner space. Thus if one contracts impurity, they all become impure. Similar laws apply to an earthenware spice box and a split inkwell that are made in analogous manner.

14 When one of the compartments of a wooden spice box contracts impurity from liquids, the remainder of its compartments do not contract impurity. If it has an upraised border and thus all of the compartments are considered within its inner space and one of them contracts impurity from liquids, they all contract impurity, for it is considered as a single container and when the inner space of a container contracts impurity from liquids, the entire container becomes impure.

If the compartments were attached to it by nails, they are considered as joined both with regard to contracting impurity and with regard to sprinkling the ashes of the red heifer. If they are merely wedged together, they are considered as joined with regard to contracting impurity, but not with regard to sprinkling the ashes of the red heifer. If the compartments could be easily removed and returned, they are not considered as joined, neither with regard to contracting impurity, nor with regard to sprinkling the ashes of the red heifer.

Chapter 14

1 Any entity that protects from ritual impurity as a sealed covering in a structure that is impure because of a human corpse, protects from ritual impurity as a sealed covering in the inner space of an earthenware container. If it can prevent an entity from contracting ritual impurity from a severe form of impurity, i.e., a structure that is impure because of a human corpse, it can be assumed that it will also prevent impurity in the more lenient instance of an earthenware container. Any entity that does not protect from ritual impurity in a structure that is impure because of a human corpse, does not protect from ritual impurity in the inner space of an earthenware container.

2 Just as a sealed covering does not prevent impurity from escaping in a structure that is impure because of] a human corpse, so too, it does not prevent impurity from escaping into the inner space of an earthenware container.

What is implied? If a pot was filled with food and liquids and sealed closed and placed in an impure oven, the pot and its contents are pure. When the pot contained the carcass of a crawling animal or impure liquids, even though it is sealed closed, if it is placed in the inner space of an oven, the oven contracts impurity. Similar laws apply in all analogous situations.

3 When an impure ring was enclosed within a brick or an impure needle was enclosed within a block of wood that fell into the inner space of an earthenware container, it contracts impurity. Even though a loaf of bread that is *terumah* that would touch this wood or brick would be pure, these

articles impart impurity to an earthenware container by virtue of their presence in its inner space.

4 When a rooster swallows the carcass of a crawling animal or flesh from a human corpse and falls into the inner space of an oven, the oven is pure. If the rooster dies there, the oven contracts impurity. The rationale is that the fact that these entities were swallowed by a living being generates protection from the impurity in an earthenware container, just as it generates protection from impurity in a structure that is impure because of a human corpse.

5 Entities in a person's mouth or in the folds of his body are not considered as swallowed.

What is implied? A person had impure liquids in his mouth. If he closes his mouth and inserts his head into the inner space of an earthenware container, he imparts impurity to it. Similarly, if a pure person who had food and liquids in his mouth inserted his head into the inner space of an impure oven, the food and the liquids in his mouth contract impurity. If he had a lentil-sized portion of the carcass of a crawling animal and inserted it in the inner space of an oven, the oven contracts impurity even though the source of impurity is found in the folds of the person's body.

6 When a sponge absorbed impure liquids, even though its surface is dry, if it fell into the inner space of an earthenware container, it imparts impurity to the container, because ultimately, the impurity will emerge. Similar laws apply to a piece of turnip or a reed.

When shards that were used for impure liquids became dry and fell into the inner space of an earthenware container, they do not impart impurity to it. If they fell into an oven and it was heated, they impart impurity to it, because ultimately, the liquids will emerge.

When does the above apply? With regard to impure liquids of a lesser severity. When, however, the impurity of the liquids is severe, e.g., the blood of a woman in the *nidah* state or her urine, if it is possible that they will emerge and the person is concerned that they emerge, they impart impurity to the oven even if was not heated. If he is not concerned that they emerge, they do not impart impurity until the oven is heated and the liquid emerges.

Similarly, when new olive dregs that come from impure liquids are used as kindling fuel for an oven, it contracts impurity, for, ultimately, the liquids will emerge. If, however, the olive dregs are old, the oven is pure. When are dregs considered old? After twelve months. When, however, it is known that liquids will emerge from the dregs when the oven will be heated, the oven contracts impurity when heated even if the dregs are three years old.

7 Even though an earthenware container was divided with a partition extending from its rim until its bottom, if impurity enters the inner space of one of the portions, the entire container contracts impurity. The rationale is that it is not common practice for people to divide earthenware containers as they divide structures. Therefore, if an oven is divided with boards or curtains and the carcass of a crawling animal is found in one place, the entire oven is impure.

8 When a container in which impurity was located was inserted into the inner space of an earthenware container, if the edge of the impure container extends outside the earthenware container, the earthenware container is ritually pure even though the impurity is positioned inside of it, for **Leviticus 11:33** states: "Into whose inner space one of these will fall." Implied is that the presence of impurity in the inner space of a container conveys impurity but not its presence in the inner space of a container in the inner space of a second container.

9 A similar concept applies if there was an impure earthenware container and another container holding food or liquids was inserted into its inner space. If the edges of the other container extend beyond the impure earthenware container, the food and the liquids remain pure. This is derived from the continuation of the above verse: "Everything in its inner space shall contract impurity," i.e., "in its inner space," and not in the inner space of a container in its inner space.

What is implied? When a bee-hive shaped container, a basket, a pot, a flask, or the like contained the carcass of a crawling animal and then one lowered the basket or the like into the inner space of a barrel or into the inner space of an oven, even though the carcass of the crawling animal is positioned inside the inner space of the barrel or the oven since the edge of the basket or the flask extends above the edge of the barrel or the edge of the oven, the barrel or the oven is pure. In such a situation, if there were pure food or liquids in a flask, in a pot, or the like and one lowered them into the inner space of an impure oven or barrel, the food and liquids are pure.

If, however, the bee-hive shaped container, the basket, the flask, or the like had a hole, they do not save entities from ritual impurity. Instead, if they contained the carcass of a crawling animal and they were lowered into the inner space of a pure earthenware container, it contracts impurity. If there were pure food or liquids and one lowered them into the inner space of an impure earthenware container, the food and the liquids contract impurity.
How large must the hole be for these laws to apply? In *keilim* that can be purified by immersion: large enough for an olive to fall out. If it was an earthenware container made to hold foods, the measure of the hole is: enough for olives to fall out. If it was intended to hold liquids, the measure is: enough for liquids to seep in when the container is placed in them. If it was made for both these purposes, it is judged stringently and when this earthenware container has a hole large enough for liquids to seep in, it does not save entities from impurity when inserted in the inner space of an earthenware container.

10 The following rules apply if one sealed a hole in an earthenware container with tar. If the carcass of a crawling animal was in such a container and it was lowered into the inner space of a pure oven, the oven contracts impurity. For a sealed covering does not protect entities from contracting impurity, as we explained.
If, however, this container held pure food or liquids and it was lowered into the inner space of an impure oven, the food and the liquids are pure, because the hole has been sealed. When holes in all other types of containers were sealed close with tar and the like, they do not protect their contents from contracting ritual impurity from an earthenware container.

11 When a bee-hive shaped container has an opening, even though the opening was closed with straw, it no longer protects its contents from contracting impurity from an earthenware container, because it is not a container.

12 Although a flask or stone container was opened to the extent that a pomegranate would fall from them - and thus they were no longer considered in the category of *keilim* - they still save entities from contracting impurity due to their presence in the inner space of an earthenware container, provided the opening is above the outer edge of the earthenware container and the receptacle is lowered within the inner space of the earthenware container.

13 When a simple hide or the like is hanging into the inner space of an earthenware container or into the inner space of an oven and there is a carcass of a crawling animal on the hide, the oven contracts impurity. If the carcass was inside the oven, any food or liquids on the hide are impure. The rationale is that the only type of entity that can prevent impurity from spreading due to the inner space of an earthenware container is a container that has a receptacle, e.g., a basket, a bin, or a flask.

14 When there is impurity in the inner space of an earthenware container and there was another pure earthenware container turned upside and resting on the impure container, even though their inner space is combined, the impure one is impure and the pure one is pure. This same

ruling applies if the impurity was attached to the wall of one container and it was overturned and resting on a pure container. The rationale is that the impurity itself has not entered the inner space of the pure earthenware container.

Therefore, if a barrel that was filled with pure liquids was found below an oven and the carcass of a crawling animal fell into the oven, the barrel and the liquids are pure, even though the inner space of the oven is combined with the inner space of the barrel. Similarly, if the barrel is turned facing the opening of the oven and its mouth opens to the inner space of the oven, even the liquid at the base of the barrel is pure.

Chapter 15

1 An earthenware container does not become susceptible to ritual impurity until the tasks necessary to finish it are completed.

When are the tasks necessary to finish it completed? When they are fired in a kiln. An oven: When it is heated to bake donuts. A range with two openings: When it is heated so that a stirred egg can be baked over it in a frying pan. A range with one opening: If it was made for baking, the measure is the same as that of an oven. If it was made for cooking, the measure is the same as that of a range.

2 When one has begun building an oven, if it is large, once one has begun building it for four handbreadths and heats it, it is susceptible to impurity. If it is small, once one has begun building it a for a handbreadth and heats it, it becomes susceptible to impurity. A range with two openings,

becomes susceptible to impurity, once one has begun building it for three fingerbreadths and heats it. With regard to a range with one opening: If it was made for baking, the measure is the same as that of an oven. If it was made for cooking, the measure is the same as that of a range.

3 When an oven was heated from behind, heated in the shop of the craftsman, or heated unintentionally, since it was nevertheless heated, it is susceptible to impurity. An incident occurred when a fire broke out in an oven in a village. The incident was brought before the court for a ruling and it determined that it is susceptible to impurity.

4 When an oven was heated to roast food in it, it is susceptible to impurity. When it was heated to whiten bundles of flax, it is pure, because he is not doing work that affects the substance of the oven.

5 When an oven was divided into half and one of its portions was heated and then contracted impurity from liquids, that portion is impure, but the other portion remains pure. If it contracted impurity from the carcass of a crawling animal or other similar impurities of Scriptural origin, everything is impure. The thickness of the partition separating them is impure.

If they were both heated and only one portion contracted impurity from liquids in its inner space, we divide the thickness of the partition. That which is used by the impure portion is impure; that which is used by the pure portion is pure.

When does the above apply? When it was divided and then heated. If, however, it was heated and then divided, if only one of them became

impure, even only due to liquids, everything contracts impurity.

6 An oven or a range made from stone is always pure. A metal one is pure with regard to the laws of an oven or a range. This is derived from **Leviticus 11:35** which states that an impure oven "must be smashed," i.e., these laws apply to an entity that can be smashed. A metal oven or range, is, however, susceptible to the impurity of a metal *k'li*.

What is implied? Such ovens and ranges do not contract impurity due to the presence of a source of impurity within their inner space, nor do they contract impurity when attached to the ground as an earthenware oven or a range does. And if a source of impurity touches them even from the outside, they contract impurity like all metal *keilim*. If they contract impurity from a human corpse, they become a primary source of impurity and they can regain purity after contracting other types of impurity through immersion in a *mikveh*.

7 When a metal oven was perforated, blemished, or cracked and one patched it with clay or one made it a coating or an upper surface of clay, it contracts impurity as an earthenware oven does.

How large must the hole be for the above law to apply? Large enough for fire to emerge through it.

Similar concepts apply with regard to a metal range. If pot-rests of clay are made for it, it contracts impurity as an earthenware range does. If one smears clay on a metal range, whether inside or outside, it is still not susceptible to impurity.

8 Although an earthenware oven is not fixed to the ground - even if it is hanging from the neck of a camel - it is susceptible to ritual impurity as an earthenware oven is, as implied by *ibid.*: "They are impure," i.e., in any place they are located.

9 A furnace used by smelters of metal that has a place where a pot can be placed contracts impurity as a range does. Similarly, if a range used by glassmakers has a place where a pot can be placed, it contracts impurity as a range does.

10 A furnace used to produce lime, glass, or pottery, is pure. An oven with an opening at its side - if it has a border at its side, it is susceptible to impurity.

11 The following laws apply when stones were joined to each other and formed into an oven. If one made a coating for it on the inside and on the outside, it is considered as an oven in all contexts and contracts impurity from the presence of a source of impurity within its inner space. If it was coated from the outside alone, it contracts impurity from contact with a source of impurity, but not from the presence of a source of impurity within its inner space.

If stones were connected to an oven, but were not connected to each other, they contract impurity together with the oven. If they were connected with each other, but were not connected to the oven, they are like a *tira*. If one dug in the earth and fashioned a *tira* of earth, it is pure. A *tira* of a range is pure.

12 When two barrels and two frying pans are combined to make a range, they contract impurity from the presence of a source of impurity within its inner space and from contact with a source of impurity. The inner space of the barrels is pure. The thickness of the walls of the barrels is divided: That which serves the range is susceptible to impurity; that which serves the inside of the barrels is pure.

13 When a person affixes the three earthenware stands of a trivet in the earth and connects them with clay so that he can place a pot on them, they are susceptible to impurity like a range. If he affixed three pegs in the earth so that he can place a pot on them, even though he used clay to make a place on which the pot would sit, they are pure, like a metal range. Similarly, stones that were not coated with clay on which one places a pot are not susceptible to impurity. It is like they are a stone range.

14 When a person makes two stones into a range and connects them with clay, they are susceptible to impurity. If he connected one with clay but he did not connect the other with clay, it does not contract impurity.

15 When a person rests a pot on a stone and on an oven, on it and on a range with an opening for one pot, or it and on a range with an opening for two pots, it is susceptible to impurity. ...On it and on a wall or on it and on a rock, it is not susceptible to impurity.

16 With regard to a range made by a cook - in which instance, one stone is placed at the side of another stone, and then another is placed at its side in a continuous chain and they are all connected with clay: If one of them

contacts impurity, they all do not contract impurity.

17 The following rules apply when there are three stones that were connected with clay and were made into two ranges, whether they were connected to each other and not connected to the ground or connected to the ground and not connected to each other. If one of the two ranges contracts impurity, the portion of the middle stone which serves the impure range contracts impurity. The portion which serves the pure range, by contrast, remains] pure. If one removed the outer stone of the pure range, the middle stone has been definitively classified and is impure in its entirety. If the outer stone of the impure range is removed, the middle stone is purified in its entirety.

The following rules apply if both ranges contracted impurity. If the middle stone is large, one allocates a portion large enough for a pot to be placed down on it on one side for one range and a portion large enough for a pot to be placed down on it on the other side for the other range, but the remainder of the stone is pure. If it was small, everything contracts impurity.

If the middle stone was removed, different laws apply: If a large pot can be placed down on the two outer ones, the range is impure. If they are further apart, the range is pure. If one returned the middle stone, everything is pure as it was. If one coated it with clay, it is susceptible to ritual impurity in the future, provided one heats each of them sufficiently to cook an egg.

18 When two stones were made into a range and contracted impurity, but

afterwards one added one stone to the stone on one side and another stone to the stone on the other side, half of each of the two stones from the first range is impure and half is pure. If the two pure stones that were added were later removed, the two stones of the first range return to their initial impurity.

19 An earthenware heating counter that has receptacles in which a mixture of ash and coals were placed and which were used for pots is pure with regard to the laws pertaining to a range, but it is susceptible to impurity as a *k'li* with a receptacle. Therefore, if it was attached to the ground, it is pure as are other *keilim*. And if it has a hole, it is not susceptible to impurity like other *keilim*. These laws do not apply to a range.
An entity that touches the sides of the counter does not contract impurity like one which touches a range. Its wide portion where one can sit while the food is cooking contracts impurity if the counter contracts impurity.
Similarly, if one turned over a basket and built a range on top of it, it contracts impurity according to the laws pertaining to a wooden *k'li* and not according to those applying to a range. Therefore, it does not contract impurity from the presence of a source of impurity in its inner space as a range does.

Chapter 16

1 The remnants of a larger oven are four handbreadths. The remnants of a small oven are its larger portion.
What is implied? If a large oven is broken, as long as four handbreadths

remain, it is susceptible to impurity. And if a small oven is broken, as long as its larger portion remains, it is susceptible to impurity. Similarly, if a large oven contracted impurity and it was smashed to the extent that less than four handbreaths remain, it is pure. A small oven becomes pure when less than its larger portion remains. If more than four handbreadths of a large oven remain or the larger portion of a small oven, it remains impure.

The remnants of a range with two openings are three handbreadths. For a range with one opening: If it was made for baking, the measure is the same as that of an oven. If it was made for cooking, the measure is the same as that of a range.

2 How can the owner restore the purity of an oven that contracted impurity that he does not want to destroy? It should be divided into three portions and the coating removed from the shards so that each shard is standing on the earth without a coating of clay.

If he divided it in two, leaving one large portion and one smaller portion, the larger portion is impure and the smaller portion is pure. If they are both of equal size, they are both impure, because it is impossible to make an exact determination which is larger. When, by contrast, an earthenware tabletop with a wall was divided in two equal portions, they are both pure. If one was larger and one smaller, the larger one is impure.

3 When an impure oven is divided into three portions and one is as large as the other two, the large portion is impure.

The following laws apply if such an oven was cut into circular portions,

widthwise. If the height of every ring was less than four handbreadths, it is pure. If, afterwards, one arranges the rings one on top of the other and coats them with clay, making them into an oven as they were before, it is as if he made a different oven. It is susceptible to impurity only from the time it was reconstructed, provided it was heated to the extent that doughnuts could be baked in it after it was coated with clay.

If one separated the clay coating from the substance of the oven itself and placed sand or pebbles between the rings and the coating, it never becomes susceptible to impurity. Concerning this type of oven, it was said: A woman who is a *nidah* and one who is pure may both bake inside of it and everything is pure.

If it has one ring that is four handbreadths high and that ring contracts impurity through physical contact with a source of impurity and not from the presence of impurity within its inner space, the remainder of the rings are pure.

4 The following rules apply when an oven comes cut in pieces from the craftsman's shop and one makes supports for it so that they will be joined together as a single entity. If one placed them there while it was pure and it contracted impurity, when one removes the supports, it regains purity. Even after he returns them, it remains pure. If one coated the portions of the oven with clay, they become susceptible to impurity from that time onward. It is not necessary to heat the oven, because it was already heated the first time it was assembled.

5 When an oven was cut into rings, sand placed between each ring, and the

entire structure coated with clay from the outside, it is susceptible to ritual impurity.

6 A pit used by Arabs - i.e., one digs in the earth, coats the pit with clay, and bakes in it - is governed by the following rules: If the clay could stand independently, it is susceptible to ritual impurity. If not, it is pure.

7 When one brings earthenware shards and sticks them together and forms an oven from them, making a coating for them from the inside and from the outside, after he heats it, it becomes susceptible to impurity, even though none of the shards is of the size required.

8 When one removed the base of a large barrel and made it into an oven, coating its exterior with clay, it is pure even though its walls are capable of containing the required amount. The rationale is that once an earthenware container is classified as not being susceptible to impurity, it never becomes susceptible again unless one makes it into an oven and coats it on the inside and on the outside.

9 When there is an oven with cracks for which a coating was made for each of the pieces, but the place of the cracks was left open, it is not susceptible to impurity. If clay, lime, or gypsum were placed on the cracks, it is susceptible to impurity. If one patched it with a paste made from ground earthenware and water, tar, sulfur, beeswax, yeast, dough, or animal turds, it is pure. This is the general principle: An entity from which an oven is not usually made is not considered as being sufficient to patch the cracks.

10 When the crack in an oven is positioned in a corner, even though one smeared clay at the sides, it is pure.

11 When a shelf outside an oven was placed in a corner in order to bake with it, it is pure. If it comprises the majority of the oven, it is susceptible to impurity.

12 The following rules apply when a person filled half of an oven with earth. If the oven contracted impurity from its inner space alone, only the portion above the earth contracts impurity. If it contracted impurity from contact with a source of impurity and the impurity touched its inside, the entire oven contracts impurity, even the portion below the earth.

13 The term *kirah* refers to a range with a place for two pots to rest; the term *kopach* refers to a range with a place for one pot to rest. Therefore if a *kirah* is divided lengthwise, it is pure. If it is split across its width, it is still susceptible to impurity. When, by contrast, a *kopach* is split, it is pure whether it is split lengthwise or widthwise.

14 The following rules apply when there is an opening in the upper surface of the base used by homeowners placed below a range. If the opening is less than three handbreadths deep, the range is susceptible to impurity, because if the kindling fuel is less than three handbreadths from the bottom of the range, a pot placed above will cook. If the opening is three handbreadths or more deep, it is not susceptible to impurity, because the fire will be too far from the pot and it will not cook.

If one places a stone or a rock over the opening, the range is still pure. If

one coated the stone with clay, it becomes the base of the range and the range is susceptible to impurity in the future.

Chapter 17

1 All accessories of *keilim* are considered as the *k'li* itself. If the *k'li* contracts impurity, an accessory that is required to enable it to be used also contracts impurity. If the accessory is not required to enable it to be used, it is pure, as will be explained. Therefore when a stone protrudes a handbreadth from an oven or three fingerbreadths from a range with a place for two pots, it is considered as connected. Hence, if the oven or the range contract impurity, these stones also do. If foods or liquids touch these stones, they contract impurity. If they touch a place that is beyond a handbreadth from an oven or beyond three fingerbreadths from a range, they are pure.

2 When a range with a place for one pot was made for baking, the measure is the same as that of an oven. If it was made for cooking, the measure is the same as that of a range.

3 With regard to the extra layer of earth placed on top of an oven: that of homeowners is pure; that of bakers is susceptible to impurity like the oven is, because it is used as support for a spit. A similar law: an addition built around a pot used by those who cook olives is impure. One used by dyers is pure.

4 The "crown" of a range is pure. The following laws apply to the *tira* of an

oven, i.e., a place built at the side of an oven where a loaf is placed when it is removed from the oven. If it is four handbreadths high, it contracts impurity together with the oven. If it is less than four handbreadths high, it is pure, because it is not connected to the oven. If it was connected to the oven, even on three stones, it can contract impurity.

5 The following laws apply to a place at the side of a range for a cruse of oil to be stored, for spices to be stored, or for a lamp to be placed. If the range contracted impurity by contact with a source of impurity, all of the above also contract impurity. If the range contracts impurity due to the presence of a source of impurity in its inner space, they do not contract impurity, because they are considered as joined to the range only by Rabbinic decree. Therefore our Sages made a distinction in this regard, so that *terumah* and sacrificial food that come in contact with it should not be burnt.

Similarly, any object concerning which it is stated that it contracts impurity through contact with a source of impurity, but it does not contract impurity due to the presence of a source of impurity in its inner space is considered as connected to an object that is fully susceptible to ritual impurity only according to Rabbinic Law. A distinction was made in its regard so that consecrated foods should not be burnt because of it, but instead, they should be held in abeyance.

6 The open space in front of a range is considered as joined to the range when it is elevated three fingerbreadths above the ground. If either the range or its open space contracts impurity either due to the presence of a

source of impurity in its inner space or through contact with a source of impurity, the other entity also contracts impurity.

If the open space was lower than that and one contracted impurity through contact with a source of impurity, the other entity also contracts impurity. If, however, one contracts impurity only due to the presence of a source of impurity in its inner space, the other entity is not impure. The rationale is that it is only considered as connected according to Rabbinic decree.

When the open space in front of a range was separate from it, when it is three fingerbreadths high, it is considered as joined to the range, both with regard to impurity stemming from contact with a source of impurity or the impurity that arises due to the presence of impurity in its inner space. If it was lower than this or the open space was flat and did not have a border, it is not considered as joined to the range. If the range contracts impurity - whether due to the presence of a source of impurity in its inner space or through contact with a source of impurity - the open space is pure. Conversely, if the open space contracts impurity, the range is pure.

7 The following laws apply with regard to trivets on which a pot is placed on a range. If each of them was three fingerbreadths high or less, if the range contracts impurity - whether through contact with a source of impurity or due to the presence of a source of impurity in its inner space - all three contract impurity. Similar laws apply if there are four protrusions on which a pot is placed.

If one of the protrusions of the trivet is removed, a slight leniency is granted. If the range contracts impurity from contact with a source of

impurity, the two remaining protrusions also contract impurity. But if the range contracts impurity due to the presence of impurity in its inner space, the protrusions do not contract impurity.

If at the outset only two protrusions - one opposite the other - were made to support a pot on a range, similar laws apply. If the range contracts impurity from contact with a source of impurity, the protrusions also contract impurity. But if the range contracts impurity due to the presence of impurity in its inner space, the protrusions do not contract impurity.

When the trivet was more than three fingerbreadths high, the portions that are three fingerbreadths high and lower contract impurity together with the range whether through contact with a source of impurity or due to the presence of a source of impurity in its inner space. The portions higher than three fingerbreadths contract impurity together with the range if it contracts impurity through contact with a source of impurity. If, however, it contracts impurity due to the presence of a source of impurity in its inner space, it does not contract impurity with it.

If the protrusions are removed from the rim of the range, when they are located within three fingerbreadths of the rim, they contract impurity together with the range whether through contact with a source of impurity or due to the presence of a source of impurity in its inner space. When they are located beyond three fingerbreadths from the rim, they contract impurity together with the range if it contracts impurity through contact with a source of impurity. If, however, it contracts impurity due to the presence of a source of impurity in its inner space, the protrusions do not contract impurity with it.

We are not extremely meticulous with regard to these measurments, for

they are all of Rabbinic origin.

Chapter 18

1 An earthenware *k'li* is not susceptible to ritual impurity unless it has a receptacle and was made with the intent that it serve as a receptacle. If, by contrast it does not have a receptacle or even if it has a receptacle, but it was not made to serve that purpose, it is not susceptible to impurity at all, neither according to Scriptural Law, nor Rabbinic decree. Accordingly, a chair, a bed, a bench, a candelabra, or a table made of earthenware or any similar *k'li* that does not have a receptacle are not susceptible to impurity. Similarly, a large pipe even though water passes though it, and even it is curved, and even when it holds water, is pure, because it was not intended to contain water, but rather that the water should pass through it. Similarly, a barrel used by swimmers is not susceptible to impurity. This ruling also applies to a cask at the side of the base of a large barrel , because it was made to serve as a handle for those who carry the large barrel and was not intended to serve as a receptacle.

2 A lantern that has a receptacle for oil is susceptible to ritual impurity. If it lacks one, it is pure. Similarly, a potter's frame that has a receptacle is susceptible to impurity.

3 A homeowner's funnel is pure. A perfumer's funnel is susceptible to impurity, because he turns it on its side so that his customers can smell the fragrance.

4 Covers for jugs of wine, jugs of oil, and barrels are pure, for they were not made to serve as receptacles. If a cover was altered so that it could be functional, it is susceptible to impurity.

5 When the cover of a frying pan has a hole or a protrusion on its top, it is pure. If it does not have a hole or a protrusion, it is susceptible to impurity, because a woman will use it to drain off the sauce in which vegetables were cooked. This is the general principle: Anything that serves an earthenware container while it is turned upside down is pure.

6 A *titrus*, even though it has holes and water drips out from them, is nevertheless susceptible to impurity, because the water collects at its sides, and they are intended to serve as receptacles.

7 An earthenware torch into which patches of cloth and oil are placed to burn, is susceptible to impurity. Similarly, a receptacle that is placed under a lamp to collect drops of oil is susceptible to impurity.

8 A base that is placed under containers to collect the liquids that flow from the container is susceptible to impurity.

9 A boat made of earthenware, even though it serves as a receptacle, is not susceptible to impurity. The rationale is that a boat is not in the category of the *keilim* mentioned in the Torah. This applies whether it is made of earthenware or of wood and whether it is large or small.

10 Whenever *keilim* have been broken and their form has been destroyed,

their broken fragments are not susceptible to impurity even if those fragments are functional with the exception of the fragments of earthenware containers. With regard to them, we follow the principle: If there is an earthenware fragment that can serve as a receptacle, it is susceptible to impurity. This is derived from **Leviticus 11:33** which states: "Any earthenware container." According to the Oral Tradition, it was understood that this phrase was mentioned only to include the broken shards of earthenware containers.

When does the above apply? When the earthenware shard has a receptacle that can hold liquids when the shard is resting on its base and not leaning. If, however, it is fit to hold liquids only when it is leaned against a support, it is not susceptible to impurity.

11 When an earthenware container cannot rest on its base because of a handle or it has a protrusion and the protrusion causes it to lean to one side, it is pure even though the handle was removed or the protrusion was broken. The rationale is that whenever an earthenware container is considered as pure for even one moment, it is never susceptible to impurity again.

12 When there is an earthenware container that has a pointed base, e.g., a basin with a pointed base, that was broken and its base is still able to serve as a container, even though the base cannot hold liquids unless it is supported, e.g., the bases of containers used to draw water and the bases of goblets, they are susceptible to ritual impurity, for this is the way they were made at the outset, that their bases would contain liquids when they

would be supported or held.

13 How much liquid must the broken pieces of an earthenware container be able to contain to be susceptible to impurity? When the container while intact was between the size that would enable it to contain enough liquid to rub on a small person and the size of a barrel that could container a *se'ah* or close to that and it was broken, if the shards - either from the base or the wall - were able to contain a *revi'it*, they are susceptible to impurity.

14 If the vessel was a large barrel that could contain between a *se'ah* and two *se'ah* or more, if the shard that remains is large enough to contain half a *log*, it is susceptible to impurity. If originally the vessel was extremely large - from a barrel that could contain two *se'ah* until a large vat - and it broke, if a shard that remained could contain a *log*, it is susceptible to impurity. If the shards would contain less than these measures, they are not susceptible to impurity.

15 When a small earthenware container, e.g., a cruse or the like, breaks, but there remains from its bottom a shard that can hold even the slightest amount of liquid when resting on its base, even though it is very narrow, as thin as possible for a small container, it is susceptible to impurity. If a shard from its walls that could contain liquids remains, it is not susceptible to impurity. The rationale is that the walls of these containers and the like are fundamentally flat; they do not have a hollow that is apparent. Thus they are like flat earthenware implements.

16 The prevailing assumption is that wherever shards are found, they are pure

except those found in a potter's workshop, because the majority of those are considered as bases for *keilim*. And a base for an implement is susceptible to impurity even if it is a broken vessel.

Chapter 19

1 To what degree is it necessary for an earthenware utensil to be broken so that it can no longer serve as an effective container and, hence, have its impurity nullified if it was impure or no longer be considered as susceptible to impurity if it was pure?

For a container made for food - when it has a hole through which olives can fall. For a container made for liquids - when it has a hole through which liquids can seep in; i.e., when it is inserted into liquids, the liquids will seep into the container through the hole. If it was made for both foods and liquids, it is judged stringently and it is susceptible to impurity unless it has a hole large enough for olives to fall through.

The measure "enough for liquids to seep out" was stated only with regard to a base for containers, because it is made to collect liquids that flow from containers and if liquids seep from it, it no longer serves its function.

2 There are five categories applicable with regard to an earthenware container:

a) if it has a hole through which liquids can seep out, it is pure with regard to contracting impurity as a base for containers, but it is still considered a container with regard to the consecration of water for the ashes of the red heifer;

b) if it has a hole that allows liquid to seep in, it is no longer considered as a container with regard to the consecration of water for the ashes of the red heifer, but it is still considered a container with regard to making produce subject to ritual impurity because of the liquids contained within it, as we explained;

c) if it has a hole large enough for a small root to emerge from it, the water it contains do not make produce subject to ritual impurity because the liquids contained within it are considered as if they are not in a container; nevertheless, it is still considered as a container with regard to holding olives and hence, it is susceptible to impurity;

d) if it has a hole large enough for olives to fall through, it is pure and it is regarded as a *k'li* made from animal turds or stone that is not susceptible to impurity, nevertheless, it is still considered as a container with regard to saving its contents when sealed closed in a building where a corpse is located unless its larger portion is broken, as we explained in *Hilchot Tum'at Meit*.

3 The size of a hole necessary for a barrel not to contract impurity is one through which nuts would fall. The size of a hole necessary for a frying pan or a pot not to contract impurity is one through which olives would fall. Similarly, even when an earthenware kneading trough is large and contains 40 *se'ah* of liquids, if it has holes large enough for olives to fall through, even though one turns it on its side and kneads with it, it is pure, for it was not made with this intent at the outset.

4 The size of a hole necessary for a cruse and a container not to contract

impurity is one through which oil can seep through. The size of a hole necessary for a pitcher not to contract impurity is one through which water can seep in.

5 When the opening of a lamp is removed, it is pure. A lamp of earth whose mouth was fired by the wick is not susceptible to impurity and is not considered as an earthenware container until the entire lamp was fired in a kiln like an earthenware container.

6 When a barrel is broken, but it can hold liquids when it is turned on its side or if it was split and it is like two kneading troughs, it is still susceptible to impurity. If it became cracked and cannot be carried while holding half a *kab* of dried figs, it is pure.

7 When the handles of a barrel are removed, it is considered as a base placed under a container. This is true even if only one handle was removed. If it was cracked below its handles, even though its handles are intact, it is also considered only as a base. If initially it was made without handles, it is considered as a barrel.

8 The following laws apply when a barrel became cracked in the oven and thus two bases for containers were produced. If it cracked after the work necessary to fashion it was completed, each of the bases is susceptible to ritual impurity. If it was cracked before the work necessary to complete it was finished and afterwards, it was fired in the kiln, it is pure.
How can this matter be determined? If the broken pieces were flat and the clay was red beneath the surface, it can be assumed that it was broken

before the work necessary to fashion it was completed. If the broken pieces were not flat and the clay was not red beneath the surface, it can be assumed that it was broken after the work necessary to fashion it was completed. Hence it is susceptible to impurity like other broken earthenware containers that are fit to be used.

9 When a base to be placed under containers is cracked and it is not suitable to hold liquids, it is pure even though it is still suitable to hold food. The rationale is that it is made only to collect liquids that seep out as we explained. If it would leak, it would be useless, because a base is not placed under another base.
Similarly, a base that is broken or divided into two is pure, because it was not said that the remnants of remnants are susceptible to impurity. Instead, it is only the remnants of earthenware containers themselves that are susceptible to impurity.

10 If there are protrusions emerging from a base, whether it is resting upright or leaning on its side, whenever the protrusions can hold olives if the base is filled with olives, it contracts impurity when the base is touched by impurity and when impurity enters the inner space opposite it. If it cannot hold olives, it contracts impurity when the base is touched by impurity, but does not contract impurity when impurity enters the inner space opposite it.

11 What is meant by the statement: it contracts impurity when the base is touched by impurity, but does not contract impurity when impurity

enters the inner space opposite it? If impurity touches the actual body of the inside of the base, the protrusion contracts impurity. If impurity enters the inner space of the base, even if it is directly opposite the protrusion, the protrusion does not contract impurity.

12 What is meant by the statement that a base contracts impurity when impurity enters the inner space opposite it? That if impurity enters the inner space of the base opposite the protrusion, the protrusion contracts impurity together with the base.

Similar concepts apply whenever it is stated that an earthenware container, an oven, or a range contract impurity if touched by impurity, they contract impurity when impurity enters the inner space opposite them, or that they do not contract impurity when impurity enters the inner space opposite them. Similarly, whenever the concept of contracting impurity through contact is mentioned with regard to an earthenware container, an oven or a range, the intent is that the impurity will touch the inside of these entities. Contracting impurity via their inner space means that the impurity will not touch them at all, merely enter into their inner space.

13 When a barrel was cracked and one held it together by smearing animal turds upon it - even though the shards would fall if the turds were removed - it remains susceptible to impurity, because its classification as a *k'li* was never nullified.

If it was broken and, after the shards fell apart, one stuck them together with turds or one brought shards from another place and stuck them together with turds - even though the shards would stand as a unit if the

turds were removed - it is pure, because there was a time when it was no longer considered as a *k'li*. If one of the shards could hold a *revi'it*, that shard alone contracts impurity if impurity enters its inner space, because it is considered as a *k'li* in its own right. The remainder of the barrel does not contract impurity unless impurity touches it from the inside, because it is not a whole *k'li*.

14 The following laws apply if a barrel was perforated, one plugged the hole with tar, and then the barrel was broken. If the shard plugged with tar could hold a *revi'it*, it is susceptible to impurity, because it is considered as a broken portion of a barrel and its classification as a *k'li* was never nullified.

If, however, one plugged a hole in a shard with tar after it was separated from the *k'li*, it is pure, even though it is now capable of holding a *revi'it*. The rationale is that when a shard is perforated, it is no longer considered as a *k'li* and it is pure. And once an earthenware container has been considered as pure for even one moment, it never becomes susceptible to impurity again.

15 When a kettle was perforated and it was patched with tar, it is pure, because it cannot hold hot liquids as it holds cold ones. Similarly, *keilim* made from tar, beeswax, or the like are pure and are not considered as *keilim*.

16 When an earthenware funnel was plugged with tar, it is not susceptible to impurity, because the tar does not cause it to be considered as a container.

If, however, a wooden funnel is plugged in this manner, it is considered as a container and it is susceptible to impurity.

Chapter 20

1 We already explained that every accessory that is required by an implement when it is being used is considered as an integral element of the implement with regard to both contracting and imparting impurity. Therefore, when one coats an earthenware container which is intact and strong, if the container contracts impurity and foods and/or liquids touch the coating, they are pure. The rationale is that the container does not require this coating.

If, however, one coats an unsound earthenware container, the coating is considered as an integral element of the container. Similarly, when one reinforces an earthenware jug used to draw water by covering it with leather, parchment, or the like, if the jug was unsound, the coating is considered as an integral element of the container.

2 When one coats an earthenware container in order to cook with it, the coating is not considered as joined to it. If one coats implements in order to heat tar in them, the coating is considered as joined to them.

3 When there was a hole in a barrel and one plugged it with tar, tin, sulfur, lime, or gypsum, the filling is not considered as joined to it. If one plugged it with other substances, the filling is considered as joined to it.

4 Moist substances that can be stretched that are used to coat casks of water

so that water will not drip from the container are considered as integral elements of the container. Even if the container contracted impurity because of the presence of impurity within its inner space, food and/or liquids that touch the coating are impure.

Similarly, the coating of an oven is considered as the earthenware substance of the oven itself, provided the coating is no more than a handbreadth thick, because that it is what is necessary for an oven. Anything more than a handbreadth is not necessary for an oven and entities that touch a portion of the coating that is more than a handbreadth thick are pure. The coating necessary for a range is three fingerbreadths thick.

5 When there was a hole in a barrel and one plugged it with more tar than was necessary, an entity that touches the portion that is necessary to plug it is impure. If it touches the portion that is not necessary, it is pure. When tar dripped onto a barrel, an entity that touches it is pure.

6 When a samovar that was coated with both mortar and pieces of ground shards contracts impurity, one who touches the mortar contracts impurity. One who touches the ground shards does not contract impurity, because the ground shards do not attach themselves thoroughly to the container.

7 When a coating was applied to the cover of a barrel and to the barrel, the covering is not considered as connected to it. If impure liquids touch the barrel, the cover does not contract impurity. If such liquids touch the cover, the outside of the barrel does not contract impurity.

8 When a metal implement is covered with tar, the tar is not considered as joined to it. If it was designated for wine, the coating is considered an integral part of the container.

9 The following laws apply when the carcass of a crawling animal comes in contact with dough that is in the cracks of a kneading trough. On Pesach, since there is a significant prohibition against the possession of dough, it is considered as an intervening substance and the contact of the carcass with it does not impart impurity to the kneading trough. Different laws apply throughout the year. If one is particular about it, the kneading trough does not contract impurity. If one desires that the dough remain, it is considered as part of the kneading trough and the kneading trough contracts impurity.

10 The following laws apply to the strands and the straps attached to covers for books or handkerchiefs for children. Those that are sewn are considered as attached, while those that are merely tied are not. Similar laws apply to the straps attached to a hoe, a sack, and a bushel. Those joined to the handles of an earthenware container, by contrast, are not considered as attached - even if they are sewn - because there is no way they can be attached to an earthenware container.

11 The following rules apply with regard to the extension of the handle of a hatchet: Within three fingerbreadths of the head is considered as joined. Anything that touches beyond three fingerbreadths is pure.

With regard to the portion of the handle that is held, the handbreadth

next to the head is considered as attached. Anything that touches beyond that measure is pure.

12 For the implement to be susceptible to impurity, the remnant of the shaft of a compass must be a handbreadth long. The handle of a jewelers' hammer must be a handbreadth. The handle of a goldsmith's hammer must be two handbreadths long, that of a carpenter, three handbreadths. The remnant of a plow drawn by oxen is four handbreadths close to the metal peg implanted in its upper end. The handle of the hatchet with which one digs irrigation ditches is four handbreadths. The handle of a hatchet used to prune trees is five handbreadths. The handle of a small hammer is five handbreadths and that of an ordinary hammer is six. The handle of a hatchet used to chop firewood and that of one use to break up earth is six handbreadths. The handle of a hammer used by stonecutters is six handbreadths. The remnants of a plow that is close to the metal edge at the plow's end must be seven handbreadths. The handle of a ladle is eight handbreadths, that used by appliers of lime is ten handbreadths. With regard to any greater measure, if one desires to keep it, it is susceptible to impurity. The handles of any implements used when cooking over a fire, e.g., spits and skewers, are susceptible to impurity even if they are very long.

13 When a staff is temporarily used as a handle for a hatchet, it is considered as attached to it at the time one is working with it. If a source of impurity comes in contact with the staff while one is breaking up earth or chopping with it, the head of the hatchet contracts impurity. If impurity touches the

head, the staff contracts impurity.

Similarly, a *diyustar* which is made up of two wooden implements held together by a peg with which one sets up a loom is considered as attached at the time one works with it. If one affixed the *diyustar* to a beam, it is still susceptible to impurity and the beam is not considered as attached to it. If one made part of the beam a *diyustar*, any part of the beam that is necessary for the *diyustar* is considered as part of the *diyustar*. However, a person who touches the remainder of the beam is pure because the entire beam is not considered as joined to the *diyustar*.

14 When a wagon contracts impurity, one who touches the metal bar, the wooden yoke, the eye, and the thick ropes - even at the time work is being performed - is pure.

One who touches the swordlike beam of wood, the kneelike piece of wood, the handle, a metal ring, the "cheeks" of the yoke, and the articles hanging from it are impure.

Similarly, when a saw manned by two people becomes impure, one who touches either side contracts impurity. One who touches the strap, the band, the shaft, or its supports remains pure, for these are not considered as attached to it. In contrast, one who touches the frame of a large saw is impure.

15 When the lance in a carpenter's press becomes impure, one who touches the press itself is pure. When a drill becomes impure, one who touches the bow wound around it is pure, because it is not considered as attached to the drill.

When a bow was extended and the arrow extended within it, if the arrow contracts impurity, one who touches the bowstring or the bow does not contract impurity. This applies even when it is extended. Similarly, if the lance of a trap for field mice becomes impure, the trap does not contract impurity, even if it has been set.

Similarly, when a loom that is extended contracts impurity in the weaving process, one who touches all of the following: the upper beam and the lower beam, the heddles, the weaver's comb, the thread that is passed over purple thread when weaving a sheet of fabric, and a strand extending from the weave that will not be integrated within it is pure. The rationale is that all of these are not considered as joined to the garment. One, however, who touches the woof that has not yet been tightened, the woof that is standing, a thread that is woven as part of a purple fabric, and a strand extending from the weave that will be integrated with it is impure. The rationale is that all of these are considered as joined to the garment.

16 One who touches wool that is on the base of a spindle of a loom or on a rod is pure. One who touches a spool before it has been uncovered, is impure. After it has been uncovered, he is pure.

17 When a string is threaded through a needle, even if it is tied on both sides, it is not considered as joined to it. If it was inserted into a garment, the string is considered as connected to the garment, but the needle is not considered as connected to the garment. Moreover, not even the entire string is considered as connected to the garment, only what is necessary for sewing. What is not necessary is not considered as connected.

When a thread has unraveled from a garment, even if it is 100 cubits long, the entire thread is considered to be attached to the garment. When a rope is attached to an earthenware container, even if it is 100 cubits long, the entire rope is considered to be attached to it. If one tied another rope to the initial rope, the portion on the inside of the knot is considered as attached. The portion outside the knot is not considered as attached. When a rope is attached to a basket, it is not considered as attached unless one sewed one to the other.

Chapter 21

1 The strands that emerge from the weave and those at the beginning of the sheet of fabric and at its end are called *nimin*. Until what measure are they considered as part of the fabric? For a sheet, for a headcovering, a scarf, or a veil, six fingerbreadths. For a cloak that is open across its entire length and which is then closed with loops, the measure of its strands is ten fingerbreadths; a thick blanket, a mantle, a cloak, three fingerbreadths. Even if the garment is impure due to the impurity of a *zav* or because of another form of impurity, if one touches a strand beyond these measures, he remains pure. Needless to say that if impurity touched the additional portion, the garment does not contract impurity.

2 There is no minimum measure for the strands that emerge from a headcovering, a mask worn by the Arabs over their faces, a belt made of goats' hair, undergarments worn by a person close to his flesh, a handkerchief, and a curtain placed over entrances like a drape.

3 When a plumb line contracts impurity, the twelve handbreadths of its strand are considered as joined to it. Anyone who touches a portion beyond twelve handbreadths is pure. A plumb line of carpenters is eighteen handbreadths; one used by the builders of large structures is 50 cubits. When one touches any portion beyond these measures, even if the owner desires that it be preserved, he is pure.

4 Plumb lines used by roofers and artists are impure regardless of their length.

5 The length of the chain of a scale of goldsmiths, an ordinary balance scale, or a scale used by those who weigh precious purple cloth which is held by the seller, suspending the scale from his hand, is three fingerbreadths. Its horizontal beam and its strings have no specific length.

The length of the chain of the scale of sellers of scrap metal and the like is three handbreadths. Its beam and its strings are twelve handbreadths. The length of the chain of a scale used by merchants and homeowners is a handbreadth. Its beam and its strings are six handbreadths. The length of the chain of a scale used by wool merchants and those who weigh glass is two handbreadths. Its beam and its strings are nine handbreadths. Anything more than these measures is not considered as joined to the scale.

6 When is the cord used to tie the supports for a bed considered as joined to the bed? When one ties three squares. One who touches the cord from the point where it is tied and further inward is impure. For three

fingerbreadths, the length of the cord on the outside of the knot is impure, because that measure is necessary for the knot and is considered as part of the bed. Anything outside of three fingerbreadths is pure, because it is not necessary for the *k'li*. Even if it is cut off, the knot will not become undone.

7 When a person touches a cord extending out from a bed that is impure, until the end of four handbreadths, he is pure. The rationale is that this measure is not considered as necessary for the bed, since it is not fit for any purpose. From the beginning of the fifth handbreadth until the end of the tenth handbreadth, he is impure, because the cord is used to tie the beds when they are hung from the walls. From ten handbreadths and more, he is pure, because it is more than what is necessary for the bed.

8 The woven band tied around a bed to reinforce the connection between its components is called a *mizran*. The following rules apply with regard to the portion that extends outside the bed. For ten handbreadths, it is considered as necessary for the bed. Anything more than that is not necessary for the bed.

When a *mizran* has worn out, if seven handbreadths of it - enough to make a girdle for a donkey - remain, it is susceptible to impurity.

9 When a bed was impure because it served as a support for a *zav* and a portion of its *mizran* protrudes from it, for ten handbreadths, it is a primary source of impurity like the bed itself. Everything is considered as a support to which a *zav* imparted impurity. Beyond ten handbreadths,

the extra portion of the *mizran* is impure like an object that was touched by a support to which a *zav* imparted impurity.

When a *zav* steps on the extension of a *mizran*, if he steps on the first ten handbreadths, the entire bed is considered as a support to which a *zav* imparted impurity. If he steps on the portion, outside of ten handbreadths, the bed is pure.

With regard to what does the above apply? With regard to impurity stemming from serving as support for a *zav*. With regard to other types of impurity, even 100 cubits is considered as attached to the bed.

What is implied? When a *mizran* is wound around a bed and one brought its end into a structure in which a human corpse was found, the carcass of a crawling animal touched its end, or impure liquids fell on its end, the bed contracts impurity even if the end of the *mizran* that contracted impurity is 100 cubits away from the bed itself.

10 When a bed was impure because it was used as a support for a *zav* and one wound a *mizran* around it, everything contracts that impurity. If one separated them afterwards, the bed retains its original status, but the *mizran* is considered merely as an object that touched a support for a *zav*.

If the bed had contracted impurity that lasts seven days and one wound a *mizran* around it, everything contracts that impurity. If one separated them afterwards, the bed retains its original status, but the *mizran* is impure merely until nightfall. If the bed was impure until nightfall and one wound a *mizran* around it, everything contracts that impurity. If one separated them afterwards, the bed retains its original status, but the *mizran* is pure.

11 If there was a *mizran* wound around a bed and a human corpse touched them, everything contracts impurity that lasts seven days. If they are separated, they both remain impure for that time. If the carcass of a crawling animal or the like touches them, they contract impurity that lasts until nightfall. If they are separated, they both remain impure for that time.

12 When a bedpost that was deemed impure as a support for a *zav* was connected to a bed that had been pure, the entire bed is considered as such a support. If they were separated afterwards, the bedpost retains its original status and the bed is impure because of contact with such a support. Similarly, if a bedpost that had contracted impurity that lasts seven days was connected to a bed, the entire bed is impure for seven days as if a corpse had touched its bedpost. If one sprinkled the ashes of the red heifer on the bed, it is purified and the bedpost is purified together with it. If the bedpost was separated from the bed before the ashes of the red heifer were sprinkled, the bedpost retains its original status and the bed is impure until the evening.

If a bedpost that was impure until the evening was connected to a bed, everything is impure until the evening. If the bedpost was separated from the bed, the bedpost retains its original status and the bed is pure, for an article that it is impure until the evening as a derivative of impurity stemming from a corpse does not impart impurity, neither to a person, nor to a *k'li*, because it is merely a derivative, as we explained. Similar laws apply with regard to a tooth of a plow that contracted impurity from a corpse and was then joined to the plow.

Chapter 22

1 What is the minimum measure for a cloth to contract impurity? Three handbreadths by three handbreadths to contract the impurity of a support for a *zav*, precisely three fingerbreadths by three fingerbreadths together with the loose hanging strands to contract the impurity stemming from a human corpse or other types of impurity.

With regard to what does the above apply? To clothes of wool or flax. If, however, clothes were made from other fabrics, they do not contract any type of impurity unless they are three handbreadths by three handbreadths. This is derived from **Leviticus 11:32** which states: "or a garment." According to the Oral Tradition, it was taught that "or" serves as an inclusion, teaching that a garment three handbreadths by three handbreadths from other fabrics is susceptible to impurity.

When does the above apply? With regard to torn pieces from a garment. When, however, one weaves a garment independently, it is susceptible to any impurity no matter how small it is, with the exception of the impurity of a support for a *zav* to which only those articles fit to serve as a support are susceptible.

2 Very thick cloths, e.g., felt or firm, thick blankets, or very thin clothes, e.g., the linen garments of the Egyptians through which the flesh can be seen, are not susceptible to impurity unless the torn fabric is three handbreadths by three handbreadths. This applies both with regard to the impurity of a support for a *zav* or other types of impurity.

3 All woven nets are susceptible to impurity like clothes are. This applies equally to one who weaves strands together and makes them into a thick cord or who weaves them together to make a belt, with the exception of a net made by wool merchants to hold wool which is pure.

When the portion of a slingshot where a stone rests is woven or made of leather, it is susceptible to impurity. If the place where one places his finger is slit, it is pure. If the handle of the slingshot is slit, it is still susceptible to impurity.

Different types of fishing nets are susceptible to impurity. A fishing net with a closely-woven pocket is susceptible to impurity because of that pocket. Since its holes are so small, it is considered like a garment. When one makes a garment from such a net, it is pure. When one makes a garment from the pocket, it is susceptible to impurity.

4 When one made a cloak from a cloth used as a filter of liquids, if it is three handbreadths by three handbreadths, it is susceptible to impurity.

5 When a cloth used as a filter for wine becomes worn out, if it is still useful for its initial purpose, it is susceptible to impurity. If not, it is pure.

6 Cloth covers for scrolls on which designs were made are not susceptible to impurity, because they do not serve humans. The designs indicate that they were made for the scrolls. If there were no designs on them, they are susceptible to types of impurity other than that contracted by the support of a *zav*, because were one to sit on such a cover, he would be told: "Stand up and let us perform our work," as we explained concerning *Hilchot*

Metamei Mishkav UMoshav.

7 A cushion that porters place on their shoulders because of the yoke they carry is susceptible to the impurity contracted by the support of a *zav*. A cloth used as a filter for wine is not susceptible to that type of impurity.

8 When one originally had in mind using a cloth for designs, it is not susceptible to impurity. If the person nullified his original intent, it is susceptible to impurity. When a homeowner made covers to hang over walls or pillars, they are not susceptible to impurity.

9 A cloak that is made like a veil in order to entertain drinkers is not susceptible to impurity.

10 A woman's head kerchief that was used to cover a scroll is not susceptible to the impurity contracted by the support of a *zav*. It is, however, susceptible to the impurity associated with a human corpse and other types of impurity.

11 When one makes a bandage, whether from leather or from cloth, even though the bandage is of the minimum measure to contract impurity, it is pure. If one applies a compress to cloth, it is not susceptible to impurity, because it becomes soiled and is not fit to be sat upon. If it is applied to leather, it is susceptible to impurity, because it is cleaned easily and is then fit to lie upon.

12 At what point does a cloth become susceptible to ritual impurity? When a

portion three fingerbreadths by three fingerbreadths will be woven. All garments that are woven with needles, e.g., pockets and leggings, are not susceptible to impurity until the work to complete them has been finished.

13 All *keilim* that are made with needlework, e.g., a trap, become susceptible to impurity when the receptacle that enables the intended task to be performed with them is completed.

14 With regard to the headcovering worn by young women: If one began making it from its opening, it does not become susceptible to impurity until one completes its base. If one began from the base, it does not become susceptible to impurity until one completes the opening.
An ornament for a headcovering is susceptible to impurity independently. The strands that attach the head-covering to the woman's hair are considered as joined to the head-covering, both to impart impurity and to contract impurity.

15 When a head covering is torn, if it no longer can cover the greater portion of the hair on the woman's head, it is pure.

16 When is the fashioning of a cloak made from fabric, felt, or paper completed? When one makes the opening for the head. This depends on the person for whom the cloak is made. For someone who is large, the opening is made for his size; for someone who is small, the opening is made for his size.
When does such a cloak regain purity? When it is worn out to the extent

that it can no longer serve its original purpose. If its upper portion comprises the larger part of the cloak and it remains intact, the cloak still retains its impure status. If the bottom portion comprises the larger part of the cloak and it remains intact, the cloak is pure. If the border around its opening is torn, it is pure.

17 If one makes a belt from the collar of a garment or the side of a sheet, it is not susceptible to ritual impurity until one makes a border at its edge. If one makes it from the middle of garment or the sheet, it is not susceptible to impurity until one makes a border at the other side as well.

18 When both edges of a belt have worn out, but its middle portion is intact, it remains impure.

19 When a border was separated from a garment and was adapted to use for girding one's loins, it is susceptible to impurity, because it is like a belt.

20 The following laws apply to a garment of a poor person that has become worn out: If the greater portion of its edges are intact, even if it does not have a portion three fingerbreadths by three fingerbreadths that is intact, it is susceptible to impurity. If its edges are not intact, but it has a portion three fingerbreadths by three fingerbreadths that is strong and intact, it is susceptible to impurity. If not, it is not susceptible to impurity. Similar concepts apply to other clothes of poor people.

21 Patches that are smaller than three handbreadths by three handbreadths are not susceptible to impurity. If one had in mind to use them for a given

purpose and prepared them with that intent, they are susceptible to impurity unless they are less than three fingerbreadths by three fingerbreadths. For anything less than three fingerbreadths by three fingerbreadths is not susceptible to impurity at all, even though it was prepared to be used.

22 When a cloth that is smaller than three handbreadths by three handbreadths which had been prepared to be used to plug a bathhouse, as a hand guard when turning over a pot, to clean a mill, or the like was cast on a dung heap, it is no longer susceptible to impurity.

If it was hung on a hook or placed behind the door, it is as if one placed it among his clothes. It is still significant for him and it is susceptible to impurities other than that of a support of a *zav*. It is not susceptible to that impurity, because it is less than three handbreadths by three handbreadths.

23 When a cloth three handbreadths by three handbreadths was cast in the dung heap, if it was whole and durable so that it could be used to hold a fourth of a *kab* of coarse salt without tearing, it is susceptible to the impurity associated with the support of a *zav*. If not, it is not susceptible to impurity. If, however, it was in the house and it was durable, even if it could not be used to hold salt or if it was used to hold salt even if it was not durable, it is susceptible to the impurity associated with the support of a *zav*.

24 The following laws apply when a cloth three handbreadths by three

handbreadths was torn, but the pieces were not separated from each other. If it was placed on a chair and when one sat on it, his flesh would touch the chair itself, it is pure. If not, it is susceptible to the impurity associated with the support of a *zav*.

25 If a cloth three fingerbreadths by three fingerbreadths had even one thread that was very worn out, there was a knot in it, or two strands ran together with each other, it is pure.

26 If a cloth three fingerbreadths by three fingerbreadths was thrown into the dung heap, it is pure. If he took it back, it is susceptible to impurity. In a continuous cycle, casting it away purifies it, taking it back makes it susceptible to impurity. The only exceptions are remnants of purple fabric and fine red silk. Even if they were cast in the dungheap, they are susceptible to impurity, because they are valuable.

27 When a cloth three fingerbreadths by three fingerbreadths was placed in a ball of fabric or it was made into a ball of fabric itself, it is pure. If, however, a cloth three handbreadths by three handbreadths was placed in a ball, its status is the same as it was previously and it is susceptible to the impurity associated with the support of a *zav*. If such a cloth was made into a ball itself, it is not susceptible to the impurity associated with the support of a *zav*, because the sewing necessary to make it into a ball reduces it from the size of three handbreadths by three handbreadths.

Chapter 23

1 A *mapatz* is a mat made by interweaving cords, reeds, grasses, or the like. A *mapatz* is not one of the *keiliim* mentioned by the Torah. Nevertheless, it is susceptible to the impurity associated with the support of a *zav* according to Scriptural Law. The rationale is that **Leviticus 15:4** states "All surfaces on which one lies," expanding the category of articles susceptible to impurity. A mat is thus included, because it is fit to lie on and is indeed made for that purpose. Similarly, it contracts impurity from contact with a human corpse and other sources of impurity according to Rabbinic Law, like all other flat wooden *keiliim*, as we explained. This is a great general principle: Any entity that is susceptible to the impurity associated with the support of a *zav* is susceptible to other types of impurity.

2 We already explained that a piece of cloth three fingerbreadths by three fingerbreadths is susceptible to other types of impurity and one three handbreadths by three handbreadths is susceptible to the impurity associated with the support of a *zav*.

3 The measure for a cloth of goats' hair to be susceptible to impurity is four handbreadths by four handbreadths; for leather, five handbreadths by five handbreadths, for a mat, six handbreadths by six handbreadths, both with regard to the impurity associated with the support of a *zav* and with regard to other types of impurity. Anything smaller than these measures is pure on all accounts.

In which instance does the above apply? When a piece of fabric was torn from such a cloth unintentionally. If, however, one intentionally cuts a piece off, even if it is merely one handbreadth by one handbreadth for a

seat or three handbreadths by three handbreadths for a surface on which one lies, it is susceptible to the impurity associated with the support of a *zav*. This applies whether the piece one handbreadth by one handbreadth or three handbreadths by three handbreadths was a cloth, from goats' hair, leather, or a mat. Similarly, if one sets aside a fragment of such fabrics to hold, i.e., to hold in one's hand as the harvesters of figs do so that their fingers will not be damaged, the fragment is impure whatever its size, provided it is not less than three fingerbreadths by three fingerbreadths. For any fragment less than three fingerbreadths by three fingerbreadths is pure under all conditions.

4 If one joins two handbreadths from a cloth to one handbreadth from a cloth of goats' hair, three handbreadths from a cloth of goats' hair to one handbreadth from leather, four handbreadths from leather and one from a mat, the article is pure. If, by contrast, one joined five handbreadths from a mat and one from leather, four handbreadths from leather and one from goats' hair, three handbreadths from goats' hair and one from cloth, the article is susceptible to the impurity associated with the support of a *zav*.
This is the general principle: Whenever one completes the minimum measure with a substance governed by a more stringent law, it is susceptible to impurity. If it is completed] with a substance governed by a less stringent law, it is pure.

5 When a sifter or a sieve that became worn out was adjusted to be used as a seat, it is pure. They are not susceptible to impurity until the edges are cut and straightened. Afterwards, it is considered as a mat.

6 A cloak of a child is not susceptible to impurity unless it comprises the minimum measure: three handbreadths by three handbreadths. Both of its sides are measured as one, for that is the way it is made.

These are the garments whose sides are measured as one: garments that are worn over the feet, the shins, and the head, pants, undergarments with pockets. When a patch was sewn over the edge of a garment, if it was extended to its full length, it is measured as its full length. If it was folded over, it is measured as it is folded over.

7 When exactly three handbreadths by three handbreadths of a garment were woven and it contracted the impurity associated with the support of a *zav* and afterwards, the entire garment was completed, the entirety of the garment is impure on that level of impurity. If one removed one strand from the beginning of the original garment, it is no longer considered in that category of impurity. It is, however, impure like an article that came in contact with a support that contracted the impurity of a *zav*. It is a primary derivative, like a *k'li* that touched such a support. If one removed one strand from the beginning of the original garment and then completed the entire garment, the entire garment is impure like an article that came in contact with a support that contracted the impurity of a *zav*.

Similarly, when three fingerbreadths by three fingerbreadths of a cloth were woven, it contracted the impurity associated with a human corpse, and then one completed the entire garment, the entire garment is impure with the impurity associated with a human corpse. If one removed one strand from the beginning of the original garment, it is no longer

considered in that category of impurity. It is, however, impure like an article that came in contact with such impurity. If one removed one strand from the beginning of the original garment and then completed the entire garment, the entire garment is pure.

Why is the entire garment pure? Because it was said that when the size of a cloth three fingerbreadths by three fingerbreadths was reduced, it is pure entirely. By contrast, although a cloth three handbreadths by three handbreadths whose size was reduced is no longer susceptible to the impurity associated with the support of a *zav*, it is susceptible to other types of impurity.

8 When a patch that had contracted the impurity associated with a support of a *zav* was attached to a basket or a hide, the entire entity is considered as a primary derivative of impurity. If, afterwards, one separated the patch from it, the basket or the hide remain a primary derivative, because they came in contact with a support. The patch, however, is pure, since it was attached and detached, its identity was subsumed to that of the basket or hide.

If he attached the patch to a cloth of linen or wool or of goats' hair, the entire cloth is considered as a primary source of the impurity associated with a *zav*. If, afterwards, the patch was separated, the cloth or the goats' hair is considered as a primary derivative and the patch is a primary source of impurity, as it was originally. For it is not subsumed to the weave.

When he attached the impure patch to the garment, if he sewed it on one side or even on two sides, but like a *gamma*, it is not considered as joined together, nor is the entire garment considered as a primary source of

impurity. Instead, it is only considered to have come in contact with a support of a *zav*. If it was sewn on two sides, one opposite the other, it is considered as joined to the garment, and the entire garment is considered as a primary source of impurity.

9 When a cloth three handbreadths by three handbreadths that had contracted the impurity associated with a support of a *zav* was afterwards divided, it is purified and the remnants are not impure at all. Their status is like that of the broken pieces of a *k'li* that had contracted impurity. When, by contrast, one cut a piece three fingerbreadths by three fingerbreadths from a large cloth that had contracted the impurity associated with a support of a *zav*, that piece has been purified from that level of impurity. It, nevertheless, is impure, as an object that touched such a support, because at the time it was separated from the larger cloth, it contracted that level of impurity through contact with the impure cloth.

10 When a cloak that had contracted the impurity associated with a support of a *zav* was afterwards made into a curtain, it is purified from that impurity.

When is it purified from that impurity? When one attaches to it loops from which it will be hung like other curtains.

11 When a garment that had contracted the impurity associated with a support of a *zav* was immersed in a *mikveh*, but before nightfall that day, one began tearing fragments from it, once the majority of it was torn, it is no longer considered as joined together and the entire garment is pure

even though there still remained a portion large enough for a scarf that was not torn. The rationale is he has the intent to continue to tear it.

With regard to what does the above apply? With regard to an article that was immersed that day. Since he did not care for it enough not to refrain from immersing it, it can be assumed that he will also not care for it enough not to refrain from tearing it in its entirety. Therefore, the entire garment is pure.

Chapter 24

1 These are the hides that can contract the impurity associated with the support of a *zav* (*midras*): a hide that one intended to use as a carpet, a hide placed on top of beds to sleep upon, a hide placed on a donkey under the burden it carries, a hide placed in a basinet under a baby, a hide used for a pillow, a hide used for a cushion, a hide placed beneath the table while eating so that crumbs will fall upon it; it is susceptible to impurity, because one leans his feet upon it, a hide worn by a potter, a hide worn by a flax-carder when he cards flax, a hide a porter places on his shoulders when he is carrying burdens, and a hide which a doctor places on his knees when he is puncturing boils. These hides are susceptible to impurity, because a person will sit upon them.

The hide placed over a child's heart upon which spittle descends so that his clothes will not be spoiled, a hide meant to place over a person's heart during the harvest, because of the heat, a hide wrapped around a garment, and a hide sewed into a chest in which clothes are placed are all susceptible to impurity. The rationale is that they are all turned upside

down and used as supports.

2 All of the hides that are susceptible to *midras* impurity are not susceptible to that impurity unless they are of the minimum size: five handbreadths by five handbreadths.

The following hides are not susceptible to *midras* impurity: a hide a person who combs wool wears while combing, a hide wrapped around combed wool, a hide wrapped around fine purple cloth, and a carrying case for fine purple cloth sewn from leather. All of these hides are susceptible to other types of impurity.

3 When leather was made into a cover for a *k'li*, it is pure with regard to all types of impurity. If it was made as a cover for weights, it is susceptible to other types of impurity, because it was made to serve as a receptacle. It is not susceptible to *midras* impurity.

4 If a hide made to protect one's heel and the sole of one's foot, covers the greater portion of the foot, it is susceptible to impurity. If not, it is pure.

5 A shoe that is on the mold, even though it has not been worn by a person yet, is still susceptible to *midras* impurity, because the tasks associated with it have been completed.

6 All hides that are fit to become susceptible to *midras* impurity and are not lacking the performance of any tasks to make them functional become susceptible to impurity through thought alone, i.e., if one intended to use it as a mat for a table or the like, it becomes susceptible to *midras*

impurity. If the performance of a task is necessary to make them functional, one's intent does not change their status until that task is completed. There is an exception: a hide used to cover a saddle to guard it against dust. In this instance, the person's intent has an effect even though the deed necessary to make it functional has not been completed.
With regard to what does the above apply? To hides owned by a private person. Hides owned by a leather maker, by contrast, can be assumed to be set aside for sale. Hence, one's intent does not have an effect on their status unless one performs a deed with them preparing them to serve as a support.

7 A person does not impart *midras* impurity to a surface on which one lies or sits unless it belongs to him, as indicated by **Leviticus 15:5**: "One who touches his couch...." If one obtained a surface on which one lies through robbery and used it as a support without touching it, it is pure. If the owner despaired of its recovery, it contracts impurity. If one stole a surface on which one lies and sat on it, it contracts impurity, for it can be presumed that the owner despaired of its recovery, because he does not know who stole it. If it is known that the owner has not despaired, the surface is pure. Therefore, if a thief stole a hide and intended to use it to lie on, his intent alone is sufficient to change its status and it can contract *midras* impurity from him. The intent of a robber, by contrast, does not change the status of an article unless the owner despairs of its return.

8 When a hide contracted *midras* impurity and the owner began tearing straps from it, it remains impure until its size was reduced to less than five

handbreadths by five handbreadths.

9 The following rules apply to all leather *keilim* that had contracted *midras* impurity from a *zav* and, afterwards, were fashioned into another type of *k'li*. If a leather article was changed from one flat implement to another such implement, it remains impure. If it was changed from a simple implement to a receptacle or from a receptacle to a simple implement, it is pure. And with regard to articles from cloth, everything is impure.
What is implied? If one made a leather drinking pouch into a rug or a rug into a leather drinking pouch, it is pure. If, however, a leather drinking pouch was made into a satchel or a satchel into a drinking pouch, they are considered as impure due to *midras* as they were before.

10 When a cloth pillow that had contracted *midras* impurity was made into a cloak, a cloak was made into a pillow, a cushion or a garment was made into a cover, or a cover was made into a cushion, they remain impure due to *midras* as they were before.

11 The following laws apply to articles that are fundamentally made to function both as receptacles and surfaces on which one can sit or lie, for example, pillows, cushions, sacks, carrying bags. If they were damaged and unable to hold substances, even though they are pure with regard to susceptibility to the impurity associated with a human corpse and other impurities, because they are no longer fit to serve as receptacles, they are still susceptible to *midras* impurity, for they are still fit to serve as supports.

Different rules apply when, by contrast, *keilim* that are made primarily to serve as a receptacle, e.g., a drinking pouch or a satchel. If they are large enough that they are fit to sit upon, since they are sat upon due to their size, they are susceptible to *midras* impurity as long as they are intact. If they are damaged and unable to hold substances, even though it is still possible to sit upon them, they are not susceptible to *midras* impurity. The rationale is that they are made primarily to serve as receptacles. Since they become unfit to serve as receptacles, they became pure and are not susceptible to any type of impurity, neither *midras*, nor any other type.

What is the measure that makes these *keilim* subject to *midras* impurity? A drinking pouch, seven *kabbin*; a carrying case, five *kabbin*; a feeding bag in which barley is hung from the head of an animal, four; a leather sack with which water is poured, a *se'ah*. Anything less than these sizes is not fit to be used as a support and it is not common to be used for people to sit upon.

If they were damaged and one bound up the damaged portion, they are pure; it is as if the damaged portion was not tied closed. All of the drinking pouches that were damaged and bound closed are pure except those of Arabs, because it is always their practice to bind them closed. A bag pipe is not susceptible to *midras* impurity, because it is not common to use it as a support.

Chapter 25

1 All flat wooden implements made to sit, lie, or ride upon are susceptible to *midras* impurity, e.g., a bed, a chair, or the like.

2 The bier, the pillow, and the cushion of a corpse, the chair of a bride, the birthing chair of a woman in childbirth, the chair of a launderer on which he washes clothes, and the chair of a child that has legs, even though it is not a handbreadth high, are all susceptible to *midras* impurity.

3 An iron seat covered with leather that is used in a lavatory is susceptible to *midras* impurity and to other types of impurity. If the leather covering was removed, that leather is susceptible to *midras* impurity. The metal seat is susceptible to other types of impurity, but not to *midras* impurity.

4 A small basket made from reeds or the like that is covered with leather is susceptible to *midras* impurity and to other types of impurity. If the leather covering was removed, that leather is susceptible to *midras* impurity, but the basket is entirely pure, for it is considered like other broken *keilim*.

5 When the two legs of benches in a bathhouse are made of wood, they are susceptible to *midras* impurity. If one was made of wood and the other of marble, it is not susceptible to impurity.

6 When boards of a bathhouse were covered with cork, they are not susceptible to impurity, for they are not made to be sat upon, but so that the water will flow under them.

7 When a large basket or wicker holder was filled with straw or fragments of cloth, even though they were adapted to be sat upon, they are not susceptible to *midras* impurity, because they are not fit to be sat upon. If

they were laced with reeds or string over their opening, they are susceptible to *midras* impurity.

8 When one made a seat on one of the ends of a beam of an olive press, it is not susceptible to *midras* impurity, for if a person were to sit there, he would be told: "Stand up and let us do our work." If, however, a chair was affixed to the beam of an olive press, the chair is susceptible to *midras* impurity. Nevertheless, if a *zav* trod on the beam, the chair does not contract impurity.

Similarly, if one affixed a chair to a large beam or made a chair at the end of a large beam, only the place of the chair itself is susceptible to impurity. The remainder of the beam is pure. The same law applies to a chair that is affixed to a kneading trough; it is pure.

9 When a stonecutter prepares the edge of a beam to sit upon, the place where he sits is susceptible to *midras* impurity. The place where a person sits in the back of a carriage is not susceptible to impurity, because it is uncomfortable to sit there.

10 The tops of beams on which craftsmen sit and smooth stones or the like are pure. Similarly, a piece hewn from a date palm upon which one sits is pure even if it is a handbreadth high. The rationale is that this is not a *k'li*. Similarly, a lump of wood, even if it was colored red or saffron and made part of the façade of a gateway or the like, is not considered a *k'li*, nor is it susceptible to impurity unless one engraves decorative designs in the wood.

11 The following laws apply to heads of beams that have been hewn out. If they were hewn out with the intent that one sit upon them, they are susceptible to *midras* impurity. If one intended to sit upon them, they are susceptible to impurity from this time onward. If a deaf-mute, an intellectually or emotionally challenged person, a minor or a person to whom they did not belong intended to sit upon them, they are pure. For the only intent that is effective in changing the status of an entity vis-à-vis ritual impurity is the intent of the owner who is sound of mind.

12 When a person makes a mound from dried yeast and designates it as a seat, it is nullified as a food and susceptible to *midras* impurity, for it serves the purpose of a wooden article.

13 A straw mat is susceptible to *midras* impurity. One made of reeds or grass is pure, because they are not fit to serve as supports. With regard to other types of mats, if they were made to lie on, they are susceptible to impurity, if they were made to give shade, they are pure. If they were made without any specific intent, the ruling is dependent on its size. If they are large, it can be assumed that they were made for shade. If they are small, it can be assumed that they were made to lie upon.

14 If reeds were attached to a mat lengthwise for reinforcement, it is susceptible to *midras* impurity, because it is still fit to lie upon. If they were attached in the form of the Greek letter chi, it is pure. If the reeds were attached widthwise and there were less than four handbreadths between them, it is pure.

A mat that was divided across its width is still susceptible to impurity. If it was divided across its length, different rules apply. If three bonds of six handbreadths remain, it is still fit to use as a support and is susceptible to impurity. If a smaller portion remains, it is pure. Similarly, if one released the bonds, the mat is pure.
A mat will not become susceptible even to *midras* impurity until the work involved with its fashioning is completed and its edges are trimmed, as we explained.

15 A chest that opens from above is pure with regard to *midras* impurity, because it is not fit to sit upon. It is, however, susceptible to other types of impurity. If it opens from its side, it is susceptible to *midras* impurity and other types of impurity.

16 The carriage of a child is susceptible to *midras* impurity, because he will lean upon it.

17 A walking stick used by an old man is absolutely pure, because it is only an aid.

18 A sandal used by limeworkers - which is made of wood - is susceptible to *midras* impurity, because, at times, a limeworker will wear it while walking until he reaches his home.

19 A prosthetic leg of a person whose leg was amputated that has a receptacle for the remnants of his flesh is susceptible to other types of impurity, because of the receptacle and is susceptible to *midras* impurity, because he

leans upon it.

20 These items are susceptible to impurity, because they are surfaces upon which one rides: the saddle-blanket of a donkey, the saddle of a horse, the cushion for a camel, the saddle of a female camel, and the like.
The boards that are placed on a donkey, after which, a burden is placed upon them, are pure. If it is fit to be used as a saddle, it is susceptible to impurity.

Chapter 26

1 The following rules apply to wooden *keilim* that are fit to serve as supports that were permanently affixed to a wall in a building. If they were fixed in a wall, but nothing was built upon them or something was built upon them, but they were not permanently attached to the wall, they are still susceptible to *midras* impurity, as before. If they were affixed to the wall with nails and then one built over them, they are pure.
Similarly, when a mat was placed over beams, if it was affixed there, but a ceiling was not built over it or a ceiling was built over it, but it was not affixed, it is still susceptible to *midras* impurity. If it was affixed and a ceiling was built over it, it is pure.

2 When one of the legs of a bench was removed, it is still susceptible to *midras* impurity. If the other leg is also removed, it is pure. If, however, it is a handbreadth high, it is susceptible to *midras* impurity.

3 When the ornamental coating of a bride's chair was removed, it is pure. If

the coating of a chair did not project outward and was removed, the chair is still susceptible to *midras* impurity, because it is the ordinary practice to turn it on its side and sit on it.

4 When the coating of a chair was removed and it is still fit to be sat upon, it is susceptible to impurity. If two of its coatings, one next to the other, were removed, it is pure.

5 When the upper portion of a closet is removed, it is still impure because of the lower portion, because that portion is fit to use as a support. If the bottom portion was removed, it is impure because of the upper portion. If they were both removed, the side frames are pure.

6 When a chest is broken open at its side, it is susceptible to *midras* impurity and other types of impurity, because it is still fit to sit on, and indeed everyone sits on it. If it was broken open from above, it is pure with regard to *midras* impurity, for it is no longer fit to sit on. It is, however, susceptible to other impurities, because it is still a receptacle. If it is broken open from below, it is pure from all types of impurity. The rationale is that even though it is still possible to sit on it like a chair, since its fundamental purpose was to serve as a receptacle and that fundamental purpose has been nullified, its secondary purpose is not considered significant. Its drawers are subject to impurity and are not considered as joined to it.

Similarly, a basket that serves as a dispenser which is broken open to the extent that it cannot hold pomegranates is entirely pure even though it is

still fit to serve as a support. The rationale is that its fundamental purpose was to serve as a receptacle and since that fundamental purpose has been nullified, the secondary purpose is also nullified.

7 A mixing trough made from wood in which building materials and gypsum are mixed is not susceptible to *midras* impurity even though it is susceptible to other forms of impurity.

When a kneading trough used to knead dough that holds between two *luggin* and nine *kabbin* has been cracked to the extent that one cannot wash even one foot in it because of the crack, it is susceptible to *midras* impurity. The rationale is that mostly likely it will be turned upside down and sat upon, because of its size and because of its crack.

If the cracked kneading trough was left in the rain until its wood swelled and the crack closed, it is no longer susceptible to *midras* impurity, for in its present state, it is fit to knead dough and, initially, that was its purpose. It is susceptible to other types of impurity. If, afterwards, one left it exposed to the east wind, and the crack opened, it becomes susceptible to *midras* impurity again and is pure with regard to other types of impurity.

8 When a large kneading trough that can hold more than nine *kabbin* that was damaged and cannot hold pomegranates was prepared to be sat upon, it is pure even from *midras* impurity until the corners were trimmed. The rationale is that one's intent does not have an effect on the status of a large kneading trough that was damaged unless one performs a deed to make it fit for that purpose. If he made it a feeding trough for animals, it is susceptible to all types of impurity even if it was affixed to a wall.

9 When the two long sideboards of a bed were removed after it contracted impurity and new sideboards were made for it, but the holes used to attach the sideboards to the headboards were not changed, the bed, including the new sideboards remains impure. Even if the new sideboards are broken, the bed is still impure. If the old sideboards are broken, it is pure, because the status of the entire bed depends on the old sideboards.

10 When a bed had contracted *midras* impurity and a short board and its two legs were removed, it is still impure, because it still has the form of a bed. If one of the sideboards and its two legs were removed, it is pure.

11 If one cut off two of the cornerposts of a bed on a diagonal, cut off two of the bedposts by a handbreadth by a handbreadth on a diagonal, or reduced their size to less than a handbreadth, the bed is considered as broken and it is pure.

If one of the sideboards were broken and fixed, the bed is still considered as a primary source of impurity, as it was before. If also the second sideboard was broken and fixed, it is free of *midras* impurity. It is, however, impure because it touched a support to which a *zav* imparted impurity. If one was not able to fix the first before the second was broken, the bed is pure.

12 When a bed had contracted *midras* impurity or other types of impurity and then half of it was stolen or lost, or brothers or partners divided it, it is pure. It is like a broken *k'li*. If it was put back together, it is susceptible to impurity in the future. It is like someone who made a *k'li* from the

broken pieces of impure *keilim*. The new *k'li* is pure and is susceptible to impurity in the future.

13 The following laws apply when the components of a bed were taken apart. If one sideboard and two bedposts or one headboard or footboard and two bedposts were broken, it is still impure, because it can be propped against a wall and slept upon.

14 Even when an entire bed contracted impurity, if it was immersed component by component, it is pure.

15 When one takes a bed apart to immerse it, a person who touches its cords, is pure.

Chapter 27

1 There are three types of chests:
a) a chest that was broken open from its side; it is susceptible to *midras* impurity;
b) one that was broken open from above; it is susceptible to the impurity associated with a human corpse;
c) an oversized one; it is pure entirely.

2 There are three types of kneading troughs:
a) a kneading trough that contains between two *lugin* and nine *kabbin* that was cracked; it is susceptible to *midras* impurity;
b) one that is intact; it is susceptible to the impurity associated with a

human corpse;

c) an oversized one; it is pure entirely.

3 There are three types of wagons:

a) a wagon made like a chair; it is susceptible to *midras* impurity;

b) one that is made like a bed; it is susceptible to the impurity associated with a human corpse;

c) one made to transport large stones; it is pure entirely.

4 There are three types of shields:

a) a shield that is bent over; it is susceptible to *midras* impurity;

b) one used for sport in a stadium; it is susceptible to the impurity associated with a human corpse;

c) one made for Arabs to play with; it is pure entirely. The rationale is that it is made only to use as a shape and does not serve a functional purpose for people. Any *k'li* that does not serve a functional purpose for people is not susceptible to impurity at all.

5 There are three types of leather wrappers:

a) one used by bloodletters; it is susceptible to *midras* impurity;

b) one upon which people eat; it is susceptible to the impurity associated with a human corpse;

c) one upon which olives are spread; it is pure entirely, because it is not used for a purpose directly benefitting man.

6 There are three types of bases:

a) one placed before a bed or before scribes; it is susceptible to *midras*

impurity;

b) one for a table; it is susceptible to the impurity associated with a human corpse;

c) one for a closet; it is pure entirely, because it is considered as part of the closet and its shape indicates such.

7 There are three types of beds:

a) one made to lie on; it is susceptible to *midras* impurity;

b) one for glass workers upon which they place glass utensils; it is susceptible to the impurity associated with a human corpse;

c) one for weavers upon which they weave clothes; it is pure entirely, because it is not used for a purpose directly benefitting man.

8 There are three types of baskets that serve as dispensers:

a) one for fertilizer; it is susceptible to *midras* impurity;

b) one for straw; it is susceptible to the impurity associated with a human corpse;

c) a rope net carrier borne by camels; it is pure entirely, because its ropes are very coarse and thick, nor is it fit to serve as a container for straw and the like. Thus it is not considered as a *k'li* at all; it is only ropes.

9 There are three types of mats:

a) one made for sitting; it is susceptible to *midras* impurity;

b) one on which dyers place their garments; it is susceptible to the impurity associated with a human corpse;

c) those used for vats upon which grapes are placed and which are used as

covers; they are pure entirely, because they are not used for a purpose directly benefitting man.

10 There are three types of leather pouches and three types of leather satchels:
a) those that contained the specified measures susceptible to *midras* impurity. What are their specified measures? For a leather pouch, four *kabbin* and for a satchel, five.
b) those that do not contain the specified measure are susceptible to the impurity associated with a human corpse; and
c) those made from the skin of a fish are pure entirely.

11 There are three types of hides:
a) one made to serve as a rug; it is susceptible to *midras* impurity;
b) one used to wrap *keilim*; it is susceptible to the impurity associated with a human corpse;
c) one used for straps and for sandals; it is pure entirely, because it does not have the form of a *k'li*.

12 There are three types of sheets:
a) one made to lie upon; it is susceptible to *midras* impurity;
b) one used for a curtain; it is susceptible to the impurity associated with a human corpse;
c) one with forms used for an embroiderer to learn from; it is pure entirely, because it is not used for a purpose directly benefitting man.

13 There are three types of clothes:
a) a cloth napkin; it is susceptible to *midras* impurity;

b) one used for scrolls; it is susceptible to the impurity associated with a human corpse;
c) the shrouds of a corpse and the wrappings for the harps of the Levites; they are pure entirely, because they are not used for a purpose directly benefitting man.

14 A leather garment made in the shape of a hand into which one inserts one's hand and fingers because of the cold and the like is called a *firaklin* (a glove). There are three types of gloves:
a) one used by trappers of wild beasts and fowl; it is susceptible to *midras* impurity, because the trapper rests against it;
b) one used to catch grasshoppers; it is susceptible to the impurity associated with a human corpse, because the grasshoppers are placed inside of it;
c) one of harvesters with which fruit is harvested; it is pure entirely, because it is not used for a purpose directly benefitting man.

15 There are three types of hairnets:
a) one worn by girls; it is susceptible to *midras* impurity;
b) one worn by an older woman; it is susceptible to the impurity associated with a human corpse;
c) one worn to entertain drinkers; it is pure entirely, because it is not used for a purpose directly benefitting man.

16 There are three types of sandals:
a) those worn by humans; they are susceptible to *midras* impurity;

b) metal shoes for animals; they are susceptible to the impurity associated with a human corpse;

c) those made of cork or reeds; they are pure entirely.

The general principle is: Any entity that is not fit to sit upon or to ride upon - or which could be used for those purposes, but was not made for those purposes, but for another reason - is not susceptible to *midras* impurity. If it was made for another purpose, but is also used for sitting, e.g., a cloak or a veil; it is susceptible to *midras* impurity.

Whenever an article is susceptible to *midras* impurity; it is also susceptible to the impurity associated with a human corpse. There are, however, articles that are susceptible to the impurity associated with a human corpse, but are not susceptible to *midras* impurity, as we explained. Whenever an article is susceptible to the impurity associated with a human corpse; it is also susceptible to the other types of impurity, whether of Scriptural origin or of Rabbinic origin, and they are susceptible to impurity imparted by liquids.

17 There are three general principles applying to storage baskets:

a) when a worn-out one is patched on to one that is intact, the status of the one that is intact determines the ruling;

b) if a small one is patched on to a large one, the status of the large one determines the ruling;

c) if they are equal in size, the status of the inner one determines the ruling.

What is meant by saying: its status determines the ruling? That if it is perforated to the extent that a pomegranate would fall through it, they are

both pure.

18 There are three types of tablets:
a) one which scrolls are placed upon; it is susceptible to *midras* impurity;
b) a writing tablet that has a receptacle for wax; it is susceptible to the impurity associated with a human corpse;
c) those that are flat are entirely pure, because they do not have the form of a *k'li* and they are not fit to sit or lie upon.

Chapter 28

1 Whenever the external surface of a *k'li* that has a receptacle contracts impurity from liquids, its inner side does not contract impurity vis-à-vis *terumah*. Nor does the outer side of the *k'li*'s neck, its handles, or the fingerhold on the rim of the *k'li* contract impurity. If the inner portion of the *k'li* contracts impurity, all of the above components also contract impurity.
If impure liquids fall on the bases of *keilim*, their rims, their projections, or handles of *keilim* with receptacles, one should dry them and the receptacle is pure. Even the entire outer surface does not become impure.

2 The following law applies to *keilim* made from goats hair, e.g., sacks and carrying bags, leather *keilim*, e.g., pillows and bolsters, and wooden *keilim*, even baskets and dispensers. If their external surface contracts impurity from liquids, their inner portion does not contract impurity.

3 Flat *keilim* that can be purified by immersion, that are not fit to sit or lie

upon, e.g., a table or countertop that does not have a side are not susceptible to impurity according to Scriptural Law. Accordingly, if the external surface of such a *k'li* contracts impurity from liquids, its inner surface does not contract impurity. If, however, flat *keilim* that can be purified by immersion are fit to sit or lie upon, e.g., a bed, a hide on which one sleeps, a chair or the like, the distinction between an inner surface and an outer surface does not apply. Instead, whether impure liquids touch their inner surface or their outer surface, the entire *k'li* contracts impurity.

Similarly, the distinction between an inner surface and an outer surface does not apply with regard to measures for wine and oil, a two-sided cooking *k'li*, a filter for mustard, and a filter for wine. If impure liquids fell on a portion of the *k'li*, the entire *k'li* contracts impurity, as is the law with regard to garments.

4 A concept paralleling an external surface and an inner surface apply with regard to a plow.

What is implied? If impure liquids fall on the lance, only seven handbreadths of the beam adjacent to the lance become impure and the remainder of the beam is pure. Similarly, if impure liquids fall on the metal peg, only the four handbreadths of the beam that is adjacent to the metal peg become impure. If the liquids fell beyond the seven handbreadths and the four handbreadths, the situation resembles a receptacle whose outer surface was touched by impure liquids, in which instance, only the place where the liquids touched and the outer surface contract impurity.

5 When there is a pouch with an inner pocket and one of the two contracted impurity due to contact with impure liquids, the other does not contract impurity.

When does the above apply? When their rims are on the same level. If, however, the external one overlaps the inner one, and the inner one contracts impurity, the external one also contracts impurity. If the external one contracts impurity, the inner one does not contract impurity. If the impurity stems from the carcass of a crawling animal, in all instances, if one contracted impurity, the others also did.

6 When one carves out a measure of a *revi'it* and half a *revi'it* into one piece of wood and one of them contracted impurity from impure liquids, the other does not contract impurity even though they are on the same piece of wood.

What is implied? If impure liquids touched the inner surface of the *revi'it* measure, that measure and its outer side are impure, the half-*revi'it* measure and its outer side are pure. If the liquids touched the inner surface of the half-*revi'it* measure, that measure and its outer side are impure, the *revi'it* measure and its outer side are pure.

When one immerses this piece of wood in a *mikveh*, it should be immersed in its entirety all at one time. If the outer surface of the *revi'it* measure or of the half-*revi'it* measure contracted impurity from liquids, the entire outer surface of the piece of wood contracts impurity, because an outer surface is not divided.

7 When the outer surface of a kettle was impure and it was boiling, we do

not suspect that maybe liquids flowed out from it, touched its outer surface, and then receded back inside it. Instead, the liquids that are inside it are pure with regard to *terumah*.

Mishneh Torah, Immersion Pools

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 All impure entities - whether humans or *keilim*, whether they contracted a severe impurity of Scriptural origin or whether they contracted Rabbinic impurity - regain purity only through immersion in water that is collected in a pool in the ground.

2 Whenever the Torah mentions washing one's flesh or laundering one's garments from impurity, the intent is solely the immersion of the entire body or article in a *mikveh*. The phrase, **Leviticus 15:11**: "And he did not wash his hands in water," also refers to the immersion of the entire body. This also applies to other impure people. If one immersed himself entirely with the exception of the tip of his little finger, he is still ritually impure.

Although all of these matters have their source in the Oral Tradition, **Leviticus 11:32** does state: "He shall enter water; he remains impure until the evening and then he becomes pure." This rule is then applied with regard to all those impure: They must enter water.

3 All *keilim* that contract impurity can be purified through immersion in a *mikveh* with the exception of an earthenware container, a glass *k'li*, and a reed mat.

With regard to an earthenware container, **Leviticus 11:33** states: "You shall break it," implying that its purification comes only through breaking it. Even if it was joined to the earth, even affixed to it with a nail, and even if

it was filled with lime or gypsum, it retains its impurity until it is broken. Our Sages considered glass *keilim* like earthenware containers in this respect.

4 A reed mat is not included among the *keilim* that are susceptible to other types of impurity. Since it does not have a receptacle, it is not in the category of the wooden *keilim* mentioned by the Torah. Nevertheless, since it is fit to lie upon, it was included among the *keilim* susceptible to *midras* impurity according to Scriptural Law. Now since there is no explicit mention of its association with purity and impurity in the Torah and yet, it was included among the articles that contract impurity, it was not included with regard to purification through immersion in a *mikveh*. For only *keilim* mentioned in the Torah can be purified in a *mikveh*. A reed mat can be purified only by being torn to the extent that there remain less than six handbreadths by six handbreadths.

5 A *zav* can be purified only through immersion in a stream, for **Leviticus 15:13** states that he must immerse "in living water." A *zavah* and other persons and *keilim* that are impure may immerse or be immersed in a *mikveh*.

6 All those obligated to immerse may immerse during the day with the exception of a *nidah* and a woman after childbirth. They must immerse at night, as we explained with regard to the laws of *nidah*. One who has a seminal emission may immerse throughout the entire day from the beginning of the night. This is derived from **Deuteronomy 23:12** which

states: "And it shall be that toward evening, he shall immerse in water." This teaches that he may immerse and continue in his state from the beginning of the night until the night falls the following day.

7 All those who immerse should immerse their entire bodies while naked at one time. If the person has hair, all of his hair must be immersed; it is considered as part of his body according to Scriptural Law.

Whenever impure individuals immersed while wearing clothes, the immersion is acceptable, because the water passes through the clothes and they do not intervene. Similarly, if a *nidah* immerses in her clothes, she is permitted to resume relations with her husband.

8 All those who immerse must have the intent to purify themselves through immersion. If one did not have such an intent, the immersion is acceptable with regard to ordinary foods. Even a *nidah* who immerses without intent, e.g., she fell into water or descended into water to cool off, is permitted to her husband. Nevertheless, with regard to *terumah* and sacrificial food, she is not considered pure until she immerses with the proper intent.

9 When a person ties his hands and feet and is seated in an irrigation canal, if the water covers his body entirely, he is pure.

When a person jumps into a *mikveh*, it is reprehensible. When one immerses in a *mikveh* twice, it is reprehensible. When one tells a friend: "Place your hand upon me in the *mikveh*," it is reprehensible.

10 Water from the *mikveh* need not seep into the non-visible portions or the

creases of a person's body, as implied by the verse: "And he did not wash his hands in water." It can be inferred that it is necessary only that visible portions of the body be in contact with the water. Nevertheless, the non-visible portions must be fit for water to reach them without there being any intervening substances upon them. Therefore, our Sages instructed: At home, a person should always teach that a woman should rinse between the folds of her body and then immerse.

A woman should immerse as she stands normally when weaving or when nursing her child.

11 A woman should not immerse in a harbor, because she will be embarrassed because of the inhabitants of the city and will not immerse properly. If mats were erected as a screen for the purpose of modesty, she may immerse in a harbor. A woman should not immerse while standing on an earthenware container, on a basket, or the like, because she will be afraid of falling and the immersion will not be acceptable.

12 When either a human or a *k'li* is immersed, there should not be any intervening substance between them and the water. If there is an any intervening substance between them and the water - for example, there was dough or mud clinging to the flesh of a person or the substance of a *k'li* - the person or the *k'li* is impure as it was originally and the immersion is invaild.

According to Scriptural Law, if there is an intervening substance covering the larger portion of the person's body or the larger portion of the *k'li*, the immersion is invalid, provided he objects to the intervening substance and

would like to remove it. If, however, he does not object to it and does not pay attention whether it would be removed or not, it is not considered an intervening substance, even if it covers the major portion of the person or the *k'li*. Similarly, if it covers less than half a person's body, it is not considered as an intervening substance even if he objects to it. According to Rabbinic decree, any intervening substance that one objects to invalidates an immersion even if it covers only the lesser portion of the person's body. This is a decree, lest such a substance cover the greater portion of the person's body. And any intervening substance that covers the larger portion of the person's body disqualifies the immersion even if he does not object to it. This is a decree, lest a substance that one objects to cover the greater portion of his body.

Thus if even a drop the size of a mustard seed of an intervening substance, e.g., dough, tar, or the like, was on a person's flesh or on the substance of a *k'li*, and he objects to it, his immersion is disqualified. If he does not object to it, the immersion is acceptable unless the intervening substance covers the major portion of the *k'li* or the person, as explained.

Chapter 2

1 These are the substances that intervene for a person: the secretion outside the eye, the fluid outside a wound that crusts, dried blood over a wound, a bandage over a wound, crusts of filth on one's flesh, dough or mud under one's nails, particles of mud or dough that collect on one's flesh, thick mud, potters' clay, and mud that is found in the thoroughfares at all times, even in the summer. All of these substances intervene. Other mud

does not intervene when wet, because it will dissolve in the water. When it is dry, it is considered as an intervening substance.

2 When the following: honey, ink, milk, blood, and the sap of berry bushes, fig trees, wild fig trees, and carob trees are dry, they are considered intervening substances. When they are moist, they are not. The sap of other fruits are considered as intervening substances whether moist or dry. Blood that sticks to the flesh, even if it is moist, is considered an intervening substance. A loosely hanging limb or flesh is considered an intervening substance.

3 A woman's hidden area is considered to have intervening substances present unless she washes before her immersion, because that portion of the body is always sweaty and dust collects there and intervenes.
To whom does the above apply? To a married woman. Different rules apply for an unmarried woman. Since she is not concerned about the cleanliness of that area, it is not considered to have intervening substances present.

4 The following rules apply to bandages on a wound, metal plates on a broken bone, necklaces, noserings, choker necklaces, and rings. When they are firm and cling to the flesh, they are considered as intervening substances. If they are loose, they are not considered as intervening substances.

5 Strands of wool, strands of flax, and straps that women tie to their heads as adornments are intervening substances, because they separate between

the body and the water. Strands of hair are not considered intervening substances, because water penetrates through them, even when they are not loose.

6 Strands tied around one's neck, even of flax, are not considered as intervening substances, because a woman does not strangle herself with them. Tight necklaces, e.g., choker necklaces and necklets, are intervening substances, because a woman chokes herself with them to look fat.

7 Hair over the heart that became tangled and matted and similarly, matted hairs of the beard are intervening substances.

8 When an arrow is stuck in a person's flesh, if it is visible, it is considered an intervening substance. If it is not visible, he may immerse in a *mikveh* and partake of *terumah* in the evening even though the arrow itself is impure. Similarly, if a person swallowed an impure ring and immersed, he is pure. If he vomited it out after immersing, he contracts impurity, because of contact with it. For, as we explained, any entities swallowed within the body of a living being, do not impart impurity or contract impurity.

If pebbles or splinters enter the cracks on the soles of a person's feet, they are considered as intervening substances.

9 When there is a bandage, a compress, or a dressing over the hidden parts of a person's body, they are considered as intervening substances. The rationale is that even though water need not enter these parts, they must be fit for water to enter them and not have any intervening substances

upon them, as we explained.

If there was one or two hairs that were outside the wound, but their tips were stuck to the wound, there were two hairs with mud or filth stuck to their tips, or there were two hairs from one's upper eyelashes that were perforated and hairs from one's lower eyelashes were threaded through them, they are considered an intervening substance.

10 A person should not immerse with dust on his feet. If, however, he did, the dust is not an intervening substance.

11 When one holds another person or an implement and immerses them, they remain impure. This applies even if he loosens his hand and allows water to reach the person or the article being immersed. This is a decree, lest he not loosen his hand. If he rinses his hand in water first, the immersion is acceptable.

12 When a woman slings her infant son over her back and immerses, the immersion is not acceptable, for perhaps there was mud on the infant's feet or hands and it became attached to his mother at the time of her immersion and intervened between her body and the water, but it fell off after she emerged.

13 When a woman who was a *nidah* put her hair in her mouth, clenched her fists, pursed her lips, or a bone was discovered between her teeth, it is as if she did not immerse. This applies to other impure individuals as well.

If she placed coins in her mouth and descended and immersed, she is purified from *nidah* impurity, but she is impure because of her spittle.

Thus she is a primary derivative of impurity, like one who touched the spittle of a *nidah*. The same laws apply with regard to a *zav*.

14 These are the substances that do not intervene for a human: the matted hair of the head, the arm pits, and the hidden parts of a man, the secretions of the eye, the scab above a wound, moist drops of filth on his skin, filth that is under a nail, a loose-hanging nail, and the thin hair that is on the skin of a child. All of these substances are not considered as intervening.

15 When two or more hairs are knotted in one knot, they are not considered as an intervening substance, because the water can penetrate through them. If one hair is knotted, it is considered an intervening substance, provided the person is particular about it. If, however, he is not particular about it, his immersion is acceptable unless the larger portion of his hair is tied individually hair by hair. This is the ruling of the *Geonim*.

It appears to me that a person's hair is considered like his body with regard to immersion and is not a separate entity to the extent that it is inappropriate to speak of "the larger portion of his hair." Instead, even though all of a person's hair is tied hair by hair, if the person is not particular about the matter, his immersion is acceptable unless the hairs are combined with another intervening substance on his body and thus there are intervening substances covering the larger portion of his body, as we explained. The laws mentioned here apply equally to a woman in the *nidah* state and to other impure people who have hair on their heads.

16 Ezra ordained that a woman should comb out her hair and then immerse. If it is possible for her to comb out her hair at night and immerse immediately thereafter, it is praiseworthy. In a pressing situation or when there is a question of sickness, she may comb out her hair - say - on Friday and immerse Saturday night.

17 The following rules apply when a woman immersed and then an intervening substance was found upon her that disqualified her immersion. If she immersed on the same day that she prepared herself, she does not have to prepare herself again. Instead, she may remove the intervening substance and immerse again immediately. If not, she must prepare herself a second time and then immerse.

18 A woman should not comb out her hair with natron, because it causes the hairs to snap, nor with oak sap, because it snarls the hair. Instead, she should use hot water, even water heated in the sun, because it hardens the hair and enables it to be combed out. Cold water, by contrast, tangles the hair and causes it to contract and thus become intertwined.

19 When a *nidah* gave cooked food to her son and then immersed, the immersion is invalid because of the fatty substances on her hand.

20 The following laws apply if a woman scratched her skin to the extent that it bled and then immersed. If the immersion was within three days of the bleeding, the place of the scratches is not considered as intervening. After three days, it is considered as intervening because the blood coagulates there, like a scab on the wound.

Similar concepts apply with regard to secretion in the eye. If it is dry and has begun to change color, it is considered as an intervening substance for a *nidah*.

21 Blue ointment in the eye is not considered as an intervening substance. If it is outside the eye, it is considered as an intervening substance. If her eyes open and close frequently, even the ointment outside the eye, it is not considered as an intervening substance.

22 If, while immersing, a woman opened her eyes to a great extent or closed them very firmly, the immersion is not acceptable.

With regard to what does the above apply? With regard to immersion to partake or touch pure foods. With regard to permitting intimacy with her husband, by contrast, she is permitted even if she gave cooked food to her son, she had an old scratch, there was blue ointment above her eye, or she opened her eyes very widely or closed them tightly. The rationale is that all of these matters and other similar ones are considered as intervening only according to Rabbinic Law and the Sages ordained their decree with regard to pure foods, but not with regard to intimacy.

Whenever a substance is considered as intervening for a *nidah* with regard to pure foods, it is considered as intervening for other impure people with regard to pure foods and as intervening for a convert when immersing during conversion.

23 When a person immersed and after he ascended an intervening substance was found upon his body, even though he was involved with that

substance for the entire day after the immersion, he is considered as impure unless he says: "I know with certainty that this substance was not upon me before the immersion." The rationale is that since he was categorized as impure, he is presumed to remain in that state until it is known for certain that he regained purity.

Chapter 3

1 These are the substances that intervene with regard to the immersion of *keilim*: Pitch, mortar, and the like.

When tar is on a cup or a bottle, it is considered an intervening substance if it is on the inside. If it is on the outside, it is not an intervening substance. When does the above apply? To a *k'li* in a craftsman's shop. When one belongs to a homeowner, whether the tar is on the inside or on the outside, it is an intervening substance.

When there is tar on a large pot or on a bowl, whether it is on the inside or on the outside, whether it belongs to a homeowner or comes from a craftsman's shop, it is considered as intervening.

2 Musk and black earth are considered as intervening substances, whether in a cup, a bottle, a large pot, or a bowl, whether it belongs to a homeowner or comes from a craftsman's shop.

If pitch or mortar and the like are found on a counter-top, on a table, or on a small chair and they are clean, the foreign substances are considered as intervening, because the owner objects to their presence. If the surfaces are dirty, the foreign substances are not considered as intervening, because

he does not object to their presence.

3 If such substances were on the bed of an ordinary homeowner, they are considered intervening. If they were found on the bed of a poor person, they are not considered as intervening. If they were found on the saddle placed on a donkey belonging to an ordinary homeowner, they are considered intervening. If found on the wineskins placed on a donkey, they are not considered as intervening; on both sides of its saddle-blanket, they are considered intervening.

4 If pitch, mortar, or the like were found on the clothes of Torah scholars, even on one side, they are considered as intervening substances, because they are careful to keep their clothes clean. If such substances are found on both sides of the clothes of unlearned people, they are considered as intervening. If they are only on one side, they are not considered as intervening.

5 If such substances were found on the handkerchiefs of men who work with tar, potters, or tree-pruners, they are not considered intervening substances.

6 When there is blood on the garments of a butcher, it is not considered as an intervening substance, because he does not object to its presence.

7 When oily substances are found on the garments of one who sells such substances, they are not considered as intervening. Similar laws apply in all analogous situations.

If a butcher also sold oily substances and both blood and oily substances were found on his clothes, there is an unresolved question whether they are considered as intervening, because there are two stains, or whether they are not considered as intervening, since this is his work and hence he does not object to their presence.

8 If tar, mortar, or the like were present on the inside of a sandal, on its upper surface, it is intervening; on its lower surface, it is not intervening. If they were found on a bench, on the upper surface or on the sides, they are intervening. On the lower surface, they are not intervening.

9 Spots of filth on a chair and a carriage top that have been laundered, whether in the inside or on the outside, whether below or on the sides, are not intervening, because the water will wash them away. Filth coming from dregs left in a cup and a bottle, cotton on the inside of a necklace or inside a bell, and mud or dough on the handle of a hatchet or a rake are not considered as intervening. Should they harden, they are considered as intervening.

10 It is clear that whenever we have said that tar, mortar, or the like do not intervene for *keilim*, the rationale is that the owner does not object to their presence. Therefore, if the larger portion of the *k'li* was covered with tar, mortar, or the like, its immersion is invalid, even though the owner does not object, as we explained. There is no difference in this context regarding any particular type of *k'li*. Instead, all *keilim* are the same in this regard.

11 Whenever the handles of a *k'li* are hollow and were inserted into a *mikveh* upside down, they were inserted in the ordinary manner, but they were not thoroughly washed out, or they were of metal and they were bent out of shape, their immersion is invalid.

12 When one turned the opening of a container upside down and immersed it, it is as if it was not immersed, because the water will not enter it entirely. If a utensil has a portion into which water will not enter unless it is tilted to its side, its immersion is not valid until it is tilted to its side.

13 When a utensil is narrow on either side and wide in the center, it does not regain purity unless one turns it on its side in the water.

14 When the rim of the opening of a bottle is turned over, it does not regain purity unless one turns it on its side in the water.

15 An inkwell does not regain purity until a hole was made at its side so that water can enter its curved portions.

16 When the collar of an animal was loose and it contracted impurity, it can be immersed in its place.

17 A person should not immerse a kettle with its coals unless he moves the coals with his hands.

18 When a container was filled with liquids and immersed in a *mikveh*, it is as if it was not immersed. If the container was filled with water and one immersed it in a *mikveh*, the water and the container regain purity

simultaneously. The rationale is that water can be purified in a *mikveh*, as we explained in *Hilchot Tum'at Ochalin*.

If there was urine in the container, it is considered as if it were water. The following rules apply to a container holding water mixed with the ashes of the red heifer. If the greater portion of the container was empty, so that the quantity of *mikveh* water would be greater than that of the water mixed with the ashes of the red heifer, the container is pure. If not, it is impure, as if the water is another liquid that intervenes between the substance of the container and the water of the *mikveh*.

19 When the inside of a container was pure, but the outside was impure, it was filled with white wine or milk, and immersed in a *mikveh*, the ruling depends on which is the greater quantity. If the greater portion of the container was empty so that there would be more water than milk or wine, it is pure. This leniency is granted, because the impurity is of Rabbinic origin. If it contained red wine or other liquids, the immersion is not effective.

20 The following law applies to a container that is filled with impure water which had its opening closed with moist mud which was extending into the water of the container. If one immersed it, it is pure. If it was closed with thick mud, it is as if it was not immersed.

Similarly, if a ring was placed in a brick of moist mud and immersed, it is pure. If the brick is made from thick mud, it is as if it was not immersed.

21 Water need not penetrate through the following articles for their

immersion to be effective:

a) knots in the clothes of poor people as a rule; if they are particular about them, they

are intervening; by contrast, as a rule, knots in the garments of homeowners, intervene;

if they are not particular about them, they do not intervene:

b) knots in the fringes of clothes that became tied unintentionally:

c) the loops of sandals:

d) the head *tefilah* when its cube is firmly attached to its strand;

e) the arm *tefilah* when it does not move up and down freely:

f) the handles of a leather drinking pouch or a satchel; and

g) any similar entity that is tied or sewed and will not be untied in the future.

22 Water must be able to penetrate the following articles for their immersion to be effective:

a) the knots in the openings of a cloak which are made like loops;

b) the knots that serve as loops on the shoulder;

c) the border of a sheet that must be extended:

d) the head *tefilah* when its cube is not attached to its strand:

e) the arm *tefilah* when it moves up and down freely:

f) the laces of a sandal; and knots in the fringes of clothes that were tied by humans; and

g) any similar entity that will be laid open or extended.

With regard to baskets used in winepresses and olivepresses, if the strands of material that make up the basket are firm, one must scratch out around

them. If they are loose, one must shake them out. For their immersion to be effective, water must penetrate into leather pillows and cushions.

23 Water does not have to penetrate into the inner space of a round leather cushion, a ball, a mold, an amulet, and *tefillin* for their immersion to be valid. This is the general principle: Whenever it is not common to remove and insert entities in the inner space of an object, it may be immersed while closed.

24 When one immerses clothes that have been laundered, the water must penetrate through them to the extent that air bubbles arise. If they were immersed while dry, they must remain in the water until air bubbles arise and then cease arising.

25 Whenever the accessories of a *k'li* are longer than necessary and one will ultimately cut them off, one may immerse them to the extent necessary.
What is implied? For the chain of a large bucket, the measure is four handbreadths; for a small one, ten handbreadths. It is necessary to immerse only this much of the chain, the remainder is pure.

26 When one placed other *keilim* in an impure *k'li* and immersed them together, the immersion is effective for all of them, even if the opening of the *k'li* is very narrow. The rationale is that the water is able to enter it and since the immersion is acceptable for the larger *k'li*, it is also acceptable for the *keilim* inside of it. If he inclined it on its side and immersed it, the immersion is not acceptable for the *keilim* inside of it unless the opening is as wide as the mouthpiece of a drinking pouch. Similarly, if the larger

k'li is pure and one placed impure *keilim* and immersed them together, the immersion is not acceptable for the *keilim* inside of it unless the opening is as wide as the mouthpiece of a drinking pouch.

When does the above apply? With regard to *terumah*, but with regard to consecrated food, *keilim* should not be immersed inside pure *keilim* at all, even if they were in a basket or a storage bin, as explained in its place.

Chapter 4

1 According to Scriptural Law, it is permissible to immerse in any collected body of water, as implied by **Leviticus 11:36**: "a gathering of water," i.e., any gathering, provided it contains enough water for the entire body of a human being to immerse in it at one time. Our Sages measured this figure as a cubit by a cubit by a height of three cubits. This measure contains 40 *se'ah* of water. According to Scriptural Law, the water is acceptable whether drawn or not.

2 According to Rabbinic Law, water that is drawn is invalid for immersion. Moreover, if there was a body of water that was not drawn and three *lugim* of drawn water fell into it, the entire body of water is invalidated.

Although the disqualification of drawn water is a Rabbinic decree, our Sages explained it based on an association found in a Biblical verse. Leviticus, *op. cit.*, states: "Only a spring, a cistern, or a gathering of water shall be pure." Based on a comparison of the terms used in the verse, they explained: The water of "a spring" is not dependent on man's activity at all. The water of "a cistern" is entirely dependent on man's activity, for it

contains drawn water entirely. Our Sages said: The "gathering of water" should not be entirely made up of drawn water like a cistern, nor need it come entirely from the hand of heaven. Instead, if it came into being partially through human effort, it is acceptable.

3 What is implied? When a person places barrels on top of a roof to dry, but it rained and they became filled with water, even though it is during the rainy season, he may break the barrels or turn them over and the water collected from them is acceptable for immersion. Even though all of this water had been contained in vessels, the *mikveh* is acceptable, because the person did not fill it up by hand. Therefore if he lifted up the barrels and overturned them, all of the water in them is considered as drawn.

4 When a person places containers under a drainage pipe at any time and any season, both small containers and large containers, even containers of stone and the like that are not susceptible to ritual impurity, if they became filled with rainwater, the water is not acceptable for a *mikveh*. Even if he turned them over or broke them, the water collected from them is considered as drawn in every respect. For the containers were filled as a result of his intent, since it can be assumed that a drainpipe will conduct water. Even if one forgot containers under a drainpipe, the water is unacceptable for a *mikveh*. Our Sages issued a decree against one who forgot, lest a person place them there intentionally.

Similarly, if one placed containers in a courtyard when the sky was densely cloudy and they became filled with rainwater afterwards, the water inside of them is unacceptable for a *mikveh*, since they were filled as a result of

his intent. Moreover, our Sages issued a decree against one who forgot containers in a courtyard, lest a person place them there intentionally.

If one placed containers in a courtyard when the clouds were dispersed and then the sky became cloudy and the containers became filled with rainwater, the water is acceptable for a *mikveh*, like that in containers left on top of a roof to dry. Similarly, when one left containers in a courtyard when the sky was densely cloudy, the clouds dispersed, and then became dense again and the containers became filled with rainwater, the water is acceptable. If he breaks the containers or turns them over, the water collected from them is acceptable for a *mikveh*.

5 When one who applies lime forgot a large container in a *mikveh* and it became full with water, even if only a small quantity of water remained in the *mikveh* and the majority of the water of the *mikveh* is in the container, he may break the container in its place. Thus the entire *mikveh* will be acceptable.

Similarly, when one arranged containers in a *mikveh* to seal them and they became filled with water, even though the *mikveh* absorbed its water and no water remained except the water in the containers, one may break the containers. The water that collects from them forms an acceptable *mikveh*.

6 How do three *lugim* of drawn water invalidate a *mikveh*? If there were less than 40 *se'ah* of acceptable water in a *mikveh* and three *lugim* of water fell in, making the entire amount 40 *se'ah*, all of the water is disqualified for use. If, however, there are 40 *se'ah* of water that was not drawn in a *mikveh* and then one drew water with a pitcher and poured it into the *mikveh*

throughout the entire day, it is acceptable. Furthermore, when there are two *mikveot*, one above the other, and the upper *mikveh* had 40 *se'ah* of acceptable water and one was drawing water by hand and pouring it into that *mikveh* until the amount of water increased to the extent that 40 *se'ah* overflowed and descended into the lower *mikveh*, the lower *mikveh* is acceptable.

7 When a *mikveh* contained exactly 40 *se'ah* and one added a *se'ah* of drawn water and then removed a *se'ah* of water from it, the *mikveh* is acceptable. Similarly, if he added a *se'ah* of drawn water and removed a *se'ah* of water from the *mikveh*, the *mikveh* is acceptable provided the greater portion of the original water remained.

8 Drawn water does not disqualify the water of a *mikveh* when three *lugin* fall in unless they fall into the *mikveh* from a container. If, by contrast, the drawn water flows on the ground outside the *mikveh* and continues streaming until it descends into the *mikveh*, it does not disqualify the *mikveh* unless it constitutes half or more of the original 40 *seah* of water. If, however, the majority of the original 40 *se'ah* of water was acceptable, the *mikveh* is acceptable.

What is implied? When a *mikveh* contains a little bit more than 20 *se'ah* of acceptable water, one drew water and poured it outside the *mikveh*, and then the water flowed and descended into the *mikveh*, it is acceptable, even if it reached a total of 1000 *se'ah*. This applies whether the water flowed on the ground or through a conduit or the like that does not disqualify a *mikveh*. The rationale is that drawn water that was caused to

flow is acceptable if the majority of 40 *se'ah* water is acceptable.

Similarly, if there was a little more than 20 *se'ah* of rainwater on an enclosed roof and one drew water by hand and poured less than 20 *se'ah* of water into the water, the entire quantity is unacceptable. Nevertheless, if one opened the drainage pipe and caused all the water to flow into one place, it constitutes an acceptable *mikveh*. The rationale is that when an entire quantity of drawn water was caused to flow, it is acceptable, provided the majority of the water was acceptable.

9 Some of the scholars of the west ruled that since the Sages declared "An entire quantity of drawn water that was caused to flow is pure," it is not necessary that the majority of the water be acceptable. Instead, the perspective that required both a majority of acceptable water and that it be caused to flow are the words of only one Sage and they were already rebutted, for the conclusion of the passage states: "An entire quantity of drawn water that was caused to flow is pure."

According to the words of the scholars of the west, if one would fill a container with water and pour it out and the water would flow to one place where it collects, it would be an acceptable *mikveh*. Similarly, all the pools in our bathhouses would be kosher *mikveot*, for all the water they contain was drawn and then flowed through pipes. Never have we seen anyone who performed such a deed, i.e., ruling that such pools are acceptable for immersion.

10 The following laws apply when rainwater and drawn water were mixed together in a courtyard and flowed into a cavity or they were mixed

together on the steps leading to an underground cavern and then descended into the cavern. If the majority of the water was acceptable, the *mikveh* is acceptable. If the majority of the water was unacceptable, it is unacceptable.

When does the above apply? When they became mixed together before they reached the *mikveh*, but instead, flowed and descended together. If, however, the acceptable water and the unacceptable water were descending directly into the *mikveh*, different rules apply. If it is known that 40 *se'ah* of acceptable water fell into the *mikveh* before three *lugim* of drawn water, the *mikveh* is acceptable. If not, it is unacceptable.

Chapter 5

1 When three *lugim* of drawn water fall into a *mikveh* - whether from one *k'li* or from two or three *keilim* - they can be combined to reach a quantity that disqualifies the *mikveh*, provided the water begins descending from the second before it concludes descending from the first. If descends from four *keilim*, the water from them is not combined.

When does the above apply? When one did not intend to increase the amount of water in the *mikveh*. If, however, one intended to increase the amount of water in the *mikveh*, even if a *dinar*-size measure was added each year, they are all combined to reach the sum of three *lugim*, whether the drawn water was present there before the acceptable water, the acceptable water was present there before the drawn water, or they both fell into the *mikveh* at the same time. Since three *lugim* of water fell into 40 *se'ah* combining with the acceptable water to reach that amount or into

less than 40 *se'ah* of water, the entire amount is invalidated and considered as drawn.

2 When two people each poured a *log* and a half into a *mikveh*, or one wrung out his garment and lifted it up, causing the water it contained to fall from several places, it invalidates a *mikveh*. A similar ruling applies when one pours from a distributor that causes water to pour from several places at the same time.

3 When one immerses a pillow or a cushion of leather into a *mikveh* that has exactly 40 *se'ah*, when he lifts their edges out of the water, the water inside of them is considered as drawn water.
What should he do? He should immerse them and lift them up by their ends. With regard to a basket and a sack, he should immerse them and lift them up in the ordinary manner without showing any concern.

4 The following law applies to a *mikveh* that had three pockets of drawn water with a *log* in each of the pockets and then acceptable water fell into it. If it is known that 40 *se'ah* of acceptable water fell into it before the water reached the third pocket, it is acceptable, If not, it is disqualified.

5 When there are two *mikveot*, neither containing 40 *se'ah*, a *log* and a half fell into each one of them, and then the *mikveot* became mixed together, they are acceptable. The rationale is that neither one of them had been designated as unacceptable.
If, by contrast, three *lugim* of drawn water fell into a *mikveh* that does not contain 40 *se'ah* [of acceptable water and afterwards, it was divided into

two, even though enough acceptable water was added to each one to constitute an acceptable *mikveh*, they are invalid. The rationale is that whenever a *mikveh* is disqualified, all of its contents are considered as drawn water. It is as if all of the water had been drawn with a container.

6 When a cistern is filled with drawn water and a canal of rainwater flows into it and out of it, it is still considered as unacceptable until it can be calculated that not even three *lugim* of the drawn water that originally was in the cistern remain.

When three *lugim* of unacceptable water fall into a *mikveh* containing less than 40 *se'ah* of acceptable water, all of its contents are disqualified. Even if afterwards, he added enough acceptable water until the measure of 40 *se'ah* is reached, the *mikveh* remains invalid until all the water that was contained within it flows out and less than three *lugim* of the drawn water remain.

What is implied? A *mikveh* contains 20 *se'ah* of rainwater and a *se'ah* of drawn water fell into it. Afterwards, more acceptable water was added to it. It remains unacceptable until one knows that the 20 *se'ah* it originally contained and more than five and a quarter *kabbin* of the added water flowed out and less than three *lugim* of the entire quantity remain. Similarly, if one made a *mikveh* that contains 40 *se'ah* of acceptable water and joined it to this invalid *mikveh*, the acceptable water purifies the unacceptable water.

7 If one was moving mud from the bottom of the *mikveh* to the sides and, as a result, three *lugim* of water flowed into the *mikveh*, it remains

acceptable. If one was removing the mud and lifted it up by hand, separating it from the *mikveh* and placing it on the *mikveh's* sides and three *lugim* flowed into the *mikveh* from it, they disqualify it.

8 When a legion is passing from one place to another - or similarly, an animal is passing from one place to another - and three *lugim* of water was splashed into a *mikveh* by their hands and feet, it is acceptable. Moreover, even if they made a *mikveh* in this manner initially, it is acceptable.

9 When a *mikveh* does not contain 40 *se'ah* and less than three *lugim* of impure, drawn water fell into it, the water is acceptable with regard to *challah* and *terumah* and one may use it for the ritual washing of hands. It is, however, invalid to be used as the base for the collection of water for an acceptable *mikveh*. If rainwater descended upon it to the extent that the rainwater constituted the majority of the mixture, the mixture is acceptable to be used as the base for the collection of water for an acceptable *mikveh*.

When three *lugim* of impure, drawn water fell into it, the water is unacceptable for *challah* and *terumah*. One may not use it for the ritual washing of hands, nor may it be used as the base for the collection of water for an acceptable *mikveh*. If rainwater descended upon it to the extent that the rainwater constituted the majority of the mixture, the mixture is acceptable with regard to *challah* and *terumah* and one may use it for the ritual washing of hands. It is, however, invalid to be used as the base for the collection of water for an acceptable *mikveh* until all of the original water that became considered as drawn flowed out and less than

three *lugim* of it remained.

Similarly, if there was a *mikveh* that contained only a *dinar*-size measure less than 40 *se'ah* and three *lugim* of impure, drawn water fell into it, the water is unacceptable for *challah* and *terumah*. One may not use it for the ritual washing of hands, nor may it be used as the base for the collection of water for an acceptable *mikveh*. If less than three *lugim* of water fell into it - even if the water was all impure - and then a *dinar*-size measure of rainwater fell into it, causing it to comprise a complete measure of 40 *se'ah*, it is acceptable. Just as it is considered as pure with regard to immersion, it is considered pure in every respect.

Chapter 6

1 Whenever water passes over *keilim* that contain a receptacle or water falls into them, it is considered as drawn water and disqualifies a *mikveh*, provided that the receptacle was made to serve that purpose. Even containers that are not susceptible to ritual impurity, e.g., stone containers and containers made from earth, disqualify water.

2 Whenever a *k'li* was not made with the intent that it serve as a receptacle, even though it does serve as a receptacle, the water it contains does not disqualify a *mikveh*, for example, large pipes through which water flows. Even though they are wide in the middle and serve as receptacles, the water they contain does not disqualify a *mikveh*. This applies whether they were made of metal or of earthenware.

3 The water contained in a trough in a stone does not disqualify a *mikveh*, because the trough is not a *k'li*. If, however, one joins a *k'li* to a stone, water contained in it disqualifies a *mikveh*, even if it was joined with cement. If one made a hole from below or one as wide as the mouthpiece of a drinking pouch in the trough from the side, it is acceptable and water contained within it does not disqualify a *mikveh*.

4 When a person takes a large barrel or a large kneading trough and makes a hole large enough to purify it from susceptibility to impurity, and then permanently affixes it within the ground, making it into a *mikveh*, it is acceptable. Similarly, if one plugged the hole with lime and with building materials, this does not disqualify the barrel and the water collected within forms an acceptable *mikveh*. If one plugged it with lime or with gypsum, the water it contains makes a *mikveh* unacceptable, unless it was permanently affixed to the earth or made part of a building. If it was taken and placed on the surface of the earth or on lime and mud was smeared on its sides, it is acceptable to use as a *mikveh*.

5 The following laws apply when one places a tablet under a drainage pipe and water flows over it into a *mikveh*. If the tablet had borders on its sides, this water would disqualify the *mikveh*. If not, it does not disqualify it. If one stood the tablet upright on its point, at an angle under the drainage pipe to wash it, even though it has borders, it does not disqualify the water, because in this position, it was not intended to serve as a receptacle.

6 The following laws apply when one carves a place in a pipe for pebbles

that are carried with the water to collect so that they will not descend together with the water. If it was a wooden pipe and he carved out even the slightest hollow, it disqualifies the water, because all of the water passes through a utensil that was made to serve as a receptacle. This applies even if one permanently affixed the pipe to the earth after he carved out the hollow. The rationale is that the pipe had already been considered as a *k'li* when it was unattached. If, by contrast, it was permanently affixed to the earth and then he carved out the receptacle, it does not disqualify the water. If the pipe was made from earthenware, it does not disqualify the water unless the hollow is large enough to contain a *revi'it*.

Even though the hollow in the pipe becomes filled with the pebbles that dribble into it, it remains a disqualifying factor. It is not considered as having been stopped up. If earth or pebbles descended into the hollow and stopped it up, because they were compressed there, the water is acceptable.

7 When either a sponge or a bucket that contains three *lugim* of drawn water falls into a *mikveh*, it does not disqualify it. For it was said only that three *lugim* of water that fall into it disqualify it, not a container into which drawn water had fallen.

8 When there is a closet or a chest in the sea, one may not immerse in them unless they have a hole the size of the mouthpiece of a drinking pouch. If there was a sack or a basket in the sea, one may immerse in them. Similarly, if one places a sack or a basket under a drainage pipe, the water that flows through them does not disqualify a *mikveh*.

9 When one immersed *keilim* over an impure base for a container that was placed inside a *mikveh*, even though the edge of the base extends above the water, the *keilim* are purified from their impurity. If, however, one lifts them up from the water into the inner space of the base, the water that is on the *keilim* contracts impurity because it is within the inner space of the base. The water in turn imparts impurity to the *keilim*.

Similarly, if a spring emerges from under an earthenware oven and a person descended and immersed in it, he is pure, but his hands contract impurity from the inner space of the oven unless the water extends above the oven for at least the height of his hands. Thus when he immersed, his hands will be above the oven. The difficulties arise, because earthenware *keilim* do not regain purity through immersion in a *mikveh*, as we explained.

10 When a barrel full of water falls into a sea, even into the Mediterranean Sea, one who immerses there is not considered to have immersed. The rationale is that it is impossible that there will not be three *lugim* of water from the barrel in one place. If a loaf of *terumah* falls there, it becomes impure. It contracts impurity due to contact with drawn water, for the water is standing there. If such a situation would take place in a river or the like, one would be able to immerse there, since it flows.

11 When there was a pool of drawn water next to a *mikveh* that contains less than 40 *seah*, even though it is touching the water of the *mikveh*, it does not disqualify it, because it is like a *mikveh* next to a *mikveh*. If the pool of the drawn water was in the middle of the *mikveh*, it disqualifies it.

12 The following rule applies when there are two pools of water, one above the other, they are separated by a wall, and the upper one is filled with acceptable water, but the lower one is filled with drawn water, and there is a hole in the wall between the upper pool and the lower one. If there are three *lugim* of drawn water opposite the hole, the upper pool is disqualified. The rationale is that it is considered as if the hole was in the center of the upper pool, not at its side.

13 How large must the hole be for there to be three *lugim* there? Everything depends on the quantity of water contained in the pool. If the lower pool contains 40 *se'ah*, the hole must be 1/320th of the pool. If the pool contains 20 *se'ah*, the hole must be 1/160th of the pool. Continue calculating according to this ratio for other amounts. A *se'ah* is six *kabbin*, a *kab* is four *lugim*, and a *log* is the size of six eggs.

14 The following laws apply when there are three *mikveot*, each containing exactly 20 *se'ah*, next to each other, and one [of those on the side contained drawn water. If three people descended and immersed themselves, causing all the water to rise and mix on the floor outside the *mikveot*, both the *mikveot* and the people who immersed themselves are pure. The rationale is that the entire amount totaled 60 *se'ah*, of which 40 *se'ah* of acceptable water came from two pools located next to each other. And drawn water does not disqualify a *mikveh* that contains 40 *se'ah*, as we explained.

If the pool containing drawn water was in the middle and they descended and immersed themselves, causing the water to rise and the *mikveot* thus

to become joined, the status of the *mikveot* is the same as it was previously and those who immersed themselves are impure as they were previously. The rationale is that 40 *se'ah* of acceptable water did not mix together, because their pools were not located next to each other, for the pool of drawn water separates between them.

Chapter 7

1 A *mikveh* is not disqualified, neither because of a change of its water's taste, nor a change of its smell, only because its color changes. Any substance that may not be used to constitute a *mikveh* initially disqualifies one, if it causes its color to change.

What is implied? Wine, milk, blood, or other liquids that are classified as fruit juices do not disqualify a *mikveh* if three *lugim* of them fall into it, because it was only said that three *lugim* of drawn water disqualify a *mikveh*. They do, however, disqualify it if they change the color of its water.

Even when a *mikveh* contains 100 *se'ah* and a *log* of wine or fruit juice falls into it and changes its color, it is unacceptable. Similarly, if a *mikveh* contains 20 *se'ah* or less of acceptable water and a *se'ah* of wine or fruit juice fell into it without changing its color, the water is acceptable as it was beforehand. The *se'ah* of wine or fruit juice, however, is not counted in the measure of the *mikveh*. If another 20 *se'ah* of acceptable water were added to the original 20, it is an acceptable *mikveh*.

2 There are substances that cause a *mikveh* to be considered acceptable and

do not disqualify it; others that disqualify it and do not cause it to be considered acceptable, and others that neither cause it to be acceptable nor disqualify it.

3 These are the substances that cause a *mikveh* to be considered acceptable and do not disqualify it: snow, hail, sleet, ice, salt, and flowing mud. What is implied? When a *mikveh* contains 39 *se'ah* of water and a *se'ah* of one of these substances falls into it, the *mikveh* is acceptable and complete. Thus they cause a *mikveh* to be considered acceptable and do not disqualify it.
Even if one brought 40 *se'ah* of snow initially and placed them in a cavity and crushed it there, the *mikveh* is complete and acceptable.

4 These are the substances that disqualify a *mikveh* and never cause it to be considered acceptable: drawn water, whether pure or impure, water that was used for pickling, water that was used for cooking, a mixture of water and grape dregs before they become vinegar, and beer.
What is implied? When a *mikveh* contains 40 *se'ah* minus the weight of a *dinar* and the weight of a *dinar* of one of these liquids falls into it, it is not included in the measure of a *mikveh* and does not complete it. If three *lugim* of one of these liquids falls into a *mikveh*, it disqualifies it.

5 These are the substances that neither disqualify a *mikveh*, nor cause it to be considered acceptable: other liquids, fruit juice, fish brine, fish oil, and a mixture of water and grape dregs that became vinegar.
What is implied? If there was a *mikveh* that contained 39 *se'ah* and a *se'ah* of these liquids fell into it, it does not cause it to be acceptable.

Nevertheless, the water the *mikveh* contains is acceptable as it was beforehand, for these liquids disqualify a *mikveh* only if they change its color, as explained.

6 There are times when the latter liquids cause a *mikveh* to be considered as acceptable. What is implied? A *mikveh* contained 40 *se'ah*, a *se'ah* of these liquids fell in, and then a *se'ah* was removed from the *mikveh's* waters. The 40 *se'ah* that remain still constitute an acceptable *mikveh*.

7 When one washed baskets used to collect olives or grapes in a *mikveh*, causing the water's color to change, it is acceptable.

8 Water of dyes disqualify a *mikveh* if three *lugim* fall in, but do not disqualify it because they changed its color.

9 When wine, black fluid from olives, or other fruit juices fall into a *mikveh* and change the color of its water, disqualifying it, how can it be rectified? If the *mikveh* contains less than 40 *se'ah*, one should wait until rain descends and changes its color back to water's natural color. If the *mikveh* contains 40 *se'ah* of acceptable water, one may fill buckets and pour water into it until its color reverts to water's natural color.

If wine, the black fluid from olives, or the like falls into a *mikveh* and changes the color of some of its water, if it does not have 40 *se'ah* of water whose color has not changed, one should not immerse in it. Even if it contains 40 *se'ah*, if one immerses in a place whose color has changed, his immersion is invalid. Even if a barrel of wine was broken and fell into the Mediterranean Sea and the color of the water in that place is the color of

wine, one who immerses in that place is not considered to have immersed.

10 When even a *dinar*-sized portion of wine fell into three *lugim* of drawn water and change their color, so that they are all the color of wine and then they fell into a *mikveh* they do not disqualify it, unless they change its color.

11 When there are three *lugim* minus a *dinar*-sized portion of water and milk or fruit juice falls into the water, but its color remains that of water, it does not disqualify a *mikveh* if it falls into it. A *mikveh* is not disqualified unless three *lugim* of drawn water fall into it that were not mixed with any other liquid or with fruit juice.

12 When the color of a *mikveh* changes on its own accord without anything falling into it, it is acceptable. It is only disqualified if its color changed due to another liquid.

Chapter 8

1 Any body of water that is in contact with a *mikveh*, is considered as the *mikveh* itself and it can be used for immersion. When cavities that are next to the opening of a *mikveh* or the footprints left by animals share a point of contact with the water of the *mikveh* that is as large as the mouthpiece of a drinking pouch, they may be used for immersion.

2 Cavities at the side of the *mikveh* or crevices at the side of *mikveh* may be used for immersion even if they have only the slightest point of contact

with the water of the *mikveh*.

3 When a needle was placed on the steps leading to a *mikveh*, one may move his hand back and forth in the water to create waves. Once the wave passes over the needle, it regains purity.

4 The following laws apply to a hidden reservoir in a *mikveh*: If the ground that separates between the *mikveh* and the reservoir is sturdy and capable of remaining over the course of time, one may not use the water in the reservoir for immersion unless it shares a point of contact with the *mikveh* as large as the mouthpiece of a drinking pouch. If it is not capable of remaining for an extended period, one may immerse in its water as long as it shares any contact whatsoever with the water of the *mikveh*.

5 When the wall between two *mikveot* is cracked in half, the two *mikveot* are considered as joined. If together they contain 40 *se'ah*, either of them may be used for immersion. If the wall is cracked horizontally, they are not considered as joined unless there is a point of contact the size of the mouthpiece of a drinking pouch. If the water is joined above the wall, they are considered as joined provided there is a layer of water even as thin as a garlic peel connecting them over the width of a space the size of the mouthpiece of a drinking pouch.

6 How large is the measure of a hole the size of the mouthpiece of a drinking pouch? A circle with a diameter the width sufficient to enable two average-sized fingers of an ordinary person to rotate within it. The fingers mentioned do not refer to the thumb, but to the first two of the

four on the palm of one's hand.

Any entity present in the hole the size of the mouthpiece of a drinking pouch reduces that measure. This applies even to entities that were created from the water.

If there is a doubt whether a hole is the size of the mouthpiece of a drinking pouch or not, the *mikveot* are not considered as joined. The rationale is that the primary obligation to immerse is Scriptural. And whenever the primary obligation is Scriptural, even when the measure stated is conveyed by the Oral Tradition, we rule stringently when there is an unresolved doubt regarding its measure.

7 *Mikveot* may be purified from each other, an upper *mikveh* from a lower one and a far-away *mikveh* from one that is close.

What is implied? An earthenware or lead pipe - for pipes do not disqualify a *mikveh* - is brought and inserted into the acceptable *mikveh*. One places his hand under it until it becomes full and then takes it and connects it so that the water in the pipe will become intermingled with the water of the other *mikveh*. Even if the point where they become intermingled is only a hairsbreadth, it is sufficient. Then the two *mikveot* connected by the pipe are considered as one.

8 The following rules apply when there are three cavities in a wadi, the higher one and the lower one contain only 20 *se'ah*, the middle one contains 40 *se'ah*, and a current of rain water flows through the wadi. Although the current of water flows into the cavities and out of them, it does not join the cavities as one. Hence, only the middle one is acceptable

for immersion. The rationale is that water that is flowing does not join *mikveot* unless it collects in one place.

9 Soft mud from which a cow drinks may be measured as part of a *mikveh*. If it is so thick that a cow would not drink from it, it should not be measured as part of it.

10 When a *mikveh* contains 40 *se'ah* of water and mud, one may immerse in both the mud and the water. In which mud may one immerse? In soft mud over which water collects. If the water was on one side and the soft mud on the other side, one may immerse in the water, but not in the mud.

11 Any substance that was created from the water, e.g., red worms, is acceptable for immersion. One may immerse in the eye of a giant fish.

12 When a *mikveh* contains exactly 40 *se'ah* of water and two people descended and immersed, one after the other, the first is pure and the second remains impure. The rationale is that some of the water contained in the original 40 *se'ah* was removed. This stringency applies even in the feet of the first person were still in the water when the second immerses.

If one immersed a thick sponge or the like in such a *mikveh* and lifted it up, as long as part of the sponge is touching the water, one who immerses afterwards is pure. The rationale is that all of the water is considered as intermingled.

When one immerses a bed or the like, even though he pushed its legs into the thick mud on the bottom of the *mikveh* until the water covers it from

above, it is pure. The rationale is that it does not become sunk in the water until it becomes immersed in the water first.

When one immerses a large pot in a *mikveh* with a limited amount of water, it is impure, as it was beforehand, because the water will splash out of the *mikveh*. Thus the *mikveh* will be less than 40 *se'ah*. What should he do? He should lower it via its opening, turn it over in the *mikveh*, immerse it, and lift it up by its base, so that the water inside will not become "drawn," and return to the *mikveh* and disqualify it.

13 When the water in a *mikveh* is dispersed, one may press even bundles of straw and bundles of reeds into the water from the sides until the water level will rise and one can descend and immerse within.

Chapter 9

1 There are six categories of *mikveot*, one superior to another. The first is the water of pit, cisterns, storage trenches, storage caverns, and the like, where water is collected on the earth. Even though the water was "drawn" and even though there were less than 40 *se'ah*, since the water only contracts impurity through willful activity, as we explained, the prevailing assumption is that it is pure. It is fit to use such water to make dough from which *challah* must be separated or to wash one's hands, provided he washes his hands with a container, as we explained.

2 On a superior level is rainwater that has not ceased flowing, i.e., the rain is still descending and the mountains are still gushing with water and that

water flows down and collects on the ground. It is not "drawn;" however, there are not 40 *se'ah*. Such water is acceptable for *terumah*, for the washing of hands, and for the immersion of water that became impure.
If the rains ceased descending, but the water was still flowing from the mountains, such water is still considered in this category. If water is no longer flowing from mountains and they are not gushing, it is considered as water collected in a pit.

3 When one digs at the side of the sea, a river, or a swamp, and water from these bodies flows into the pit that was dug, the water is considered like water that has not ceased flowing.

4 When one digs at the side of a spring, as long as the water emerges because of the spring, even though at times, its flow is interrupted, but then it flows again, it is considered as a spring. If it ceased flowing entirely, it is considered as water collected in a pit.

5 On a superior level is a *mikveh* that contains 40 *se'ah* of water that was not drawn. Every person can immerse in such a *mikveh* to regain purity except a male *zav*. All impure *keilim* and hands that must be immersed to touch sacrificial foods are immersed in such a *mikveh*, as we explained.

6 On a superior level is a natural spring whose water is minimal and drawn water was added to it. The laws governing it resemble those governing a *mikveh* in that it does not impart purity through immersion in the water that flows from it, only in water that is collected and stationary in a reservoir. And they resemble those governing a natural spring in that even

the smallest amount of its water imparts purity. For there is no minimum measure required for the water of a natural spring. Even the slightest amount can impart purity.

7 On a superior level is a natural spring in which drawn water was not mixed, but its water was spoiled; it was bitter or salty. It imparts purity when its water is flowing, i.e., the water emerges and streams forth from the spring.

8 On a superior level is a natural spring whose water is "living water." In such springs alone may male *zavim* immerse and from them alone water may be taken for the purification of a person afflicted with *tzara'at* and for the sanctification of the water used for the ashes of the red heifer.
What are the differences between the laws governing a natural spring and a *mikveh*? A *mikveh* does not impart purity unless it contains 40 *se'ah* of water, while even the smallest amount of water from a natural spring imparts purity. And the water of a *mikveh* imparts purity only if it is collected in a reservoir. Any water flowing out from it does not impart purity. The water of a natural spring, by contrast, imparts purity when flowing. Also, immersion in a *mikveh* is not effective for *zavim*, while a *zav* may immerse in a natural spring of "living water."

9 When the waters of a spring flow outward and into a receptacle in a stone and afterwards emerge from the receptacle and flow further, all of the water in the receptacle and all that flowed out of it is unacceptable for immersion. If some of the water from the spring - even the slightest

amount - was flowing over the edge of the receptacle, the water outside the receptacle is acceptable for immersion. The rationale is that a natural spring purifies water as long as it shares even the slightest amount of contact with it.

When water from a natural spring was flowing into a pool that was filled with water and collects there, that pool is considered as a *mikveh*. If the water flows outside the pool, that water is not acceptable for the purification of *zavim* and those afflicted with *tzara'at* or for the sanctification of the water for the ashes of the red heifer until one is certain that all of the collected water that was originally in the pool has flowed out.

10 When the waters of a spring flow over articles that do not have a receptacle, e.g., a table, a bench, or the like, the water is considered as a *mikveh*, provided one does not immerse above the articles themselves.

11 When there was a natural spring with small irrigation ditches flowing out from it and one poured water into the spring so that the water in the ditches would increase and flow powerfully, the water is considered as a spring in all regards.

If the water of the spring was stationary and not flowing and one added water until it flowed into the irrigation ditches, the water that flows into those ditches is comparable to a *mikveh* in that it imparts purity only when collected in a reservoir and it is comparable to a spring in that even the slightest amount imparts purity.

12 All of the seas impart purity despite the fact that their water is flowing, but they are invalid for the purification of *zavim* and persons afflicted with *tzara'at* and for the sanctification of the water used for the ashes of the red heifer.

13 Water that flows from a natural spring is considered as an extension of the spring in all contexts. Water that drips from a spring, even though the dripping is continuous, is considered only as a *mikveh* and does not impart purity unless there are 40 *se'ah* standing in one place. Such water is not acceptable for the purification of *zavim* and those afflicted with *tzara'at* or for the sanctification of the water for the ashes of the red heifer. If the water flowing from the spring becomes mixed with water dripping from it, it is considered like a stream in all respects. If, however, the amount of the water of the stream that was dripping was greater than that which was flowing, or if an amount of rainwater greater than the water in a river flowed into it, the water does not impart purity when flowing, only when in a reservoir. Therefore one must use a mat or the like to surround the portion of the river where the water is mixed until the water will be gathered in a single place so that one can immerse in it.

14 When one caused water that was dripping to flow, e.g., one placed a smooth earthenware tablet next to a *mikveh* whose water was dripping and thus the water was flowing as it descended down the tablet, it is acceptable. Any article that is susceptible to impurity, even by Rabbinic decree, should not be used as a conduit for water.

15 When one uses the external green shell of a nut to change the direction of the flow of water the water is acceptable as water from a spring, as it was before. It is not disqualified, because a fresh nut shell which imparts color is not considered as a container.

16 When rainwater is cascading down a hill, flowing as it descends, even though there are more than 40 *se'ah* of water from the beginning of the torrent to its end, it is not acceptable for immersion while it is flowing. It must be collected in a reservoir containing 40 *se'ah*. If one surrounded the water with containers, having them serve as partitions, i.e., walls for a body of water to collect, and 40 *se'ah* of rainwater flowed into it and collected there, it is acceptable for immersion. The containers with which one surrounded the water are not considered to have been immersed.

17 When a wave becomes separated from the sea and falls on a person or on *keilim*, they are pure for ordinary purposes, provided the wave contains 40 *se'ah*, for a person who immerses does not have to have a specific intent, as we explained in *Hilchot Sha'ar Avot HaTum'ah*. If the person focused his intent on purifying himself for a specific level of purity, and was waiting in anticipation of the wave falling upon him, he is considered to have purified himself for the activity for which he desired to purify himself.

18 One may not immerse in a wave when it is in the air before it falls on the earth even if it contains 40 *se'ah* of water. The rationale is that just as we do not immerse in water that is flowing, how much more so do we not immerse in water that is in the air. When the two ends of a wave are

touching the earth, we can immerse in it. We do not, however, immerse in its crest, because that water is in the air.

Chapter 10

1 What is meant by an unresolved doubt regarding drawn water that our Sages ruled as pure? A *mikveh* about which one was unsure whether drawn water fell into it. Or even if one was certain that drawn water fell into it, but was in doubt whether there were three *lugim* or not. Or even when one was certain that there were three *lugim* of drawn water, but there was a doubt whether the *mikveh* into which the water fell contained 40 *se'ah* or not. In all instances, the *mikveh* is acceptable.

2 The following law applies when there are two *mikveot*, one containing 40 *se'ah* and one containing a lesser amount. Three *lugim* of drawn water fell into one of them, but it is not known into which they fell. Because of the doubt, we rule that the acceptable *mikveh* is pure, because there is a factor on which one can rely.

If they both contained less than 40 *se'ah* and three *lugim* fell into one of them, they are both disqualified, because there is no factor on which one can rely. If the drawn water fell into one, it would be disqualified and if it fell into the other, it would be disqualified.

3 When one left a *mikveh* empty, and returned and found it full, it is acceptable, for there is an unresolved doubt whether the water for this *mikveh* was drawn.

4 When a pipe carried water into a *mikveh*, but there is a mill next to it, if there is a doubt whether water flowed into the *mikveh* from the pipe or from the mill, it is unacceptable, because the disqualifying factor is evident. If, however, the *mikveh* contains a majority of acceptable water, it is acceptable because the doubt involves drawn water and there is an acceptable *mikveh* whose presence had been established.

5 All of the *mikveot* found in the lands of the nations are invalid for immersion, for we operate under the presumption that the water is drawn. All of the *mikveot* found in *Eretz Yisrael*, in the cities, within the gates are assumed to be invalid, because the inhabitants of the cities wash their garments in them and pour drawn water into them at all times. All of the *mikveot* found in *Eretz Yisrael* outside the gates of a city are presumed to be pure. For it is assumed that they came from rainwater.

6 In all the following situations, when an impure person descends to purify himself and:

a) there is a doubt whether he immersed or did not immerse,

b) even if it was known that he immersed, but there is a doubt whether the *mikveh* contained 40 *se'ah* or not, or

c) there were two *mikveot*, one containing 40 *se'ah* and one that did not contain 40 *se'ah*, he immersed in one of them and did not know in which one he immersed, he is impure because of the doubt. The rationale is that we presume that the impure person is impure until it is certain that he immersed in the proper manner.

Similarly, if a *mikveh* was measured and it was discovered that it did not

contain the required amount of water, whether the *mikveh* was located in the public domain or a private domain, all of the pure articles that were immersed in it are considered as impure retroactively until a time when it was measured and it was complete.

When does the above apply? When the immersion was intended to purify the person or the article from severe impurity. When, however, the immersion was because of a light impurity, e.g., one ate impure foods or drank impure beverages, his head and the majority of his body entered drawn water, or three *lugim* of drawn water fell on his head and on the majority of his body, since the primary aspect of these types of impurity are Rabbinical in origin, he is pure despite the doubt, as we explained. Even though the person is in doubt whether he immersed or not, the *mikveh* in which he immersed was discovered to be lacking afterwards, or other doubts of this nature arise, he is pure.

7 When there were two *mikveot*, one kosher and one unacceptable, a person immersed in one to purify himself from a severe type of impurity, and touched pure foods, their status is questionable. If he immersed in the second *mikveh* as well and touched pure foods, the status of the first remains questionable as before and the second ones are pure. If these two batches of foods touch each other, the status of the first remain questionable and the second should be consigned to fire. This ruling also applies if in the interim he contracted impurity from a light source of impurity, as we explained, immersed in the second *mikveh* and touched pure foods.

If, however, he immersed in one of the *mikveot* because of a light impurity

and then touched pure foods and then contracted a severe type of impurity, immersed in the second, and then touched pure foods, the first batch are pure and the status of the second is questionable. If these two batches of foods touch each other, the first should be consigned to fire and the status of the second remains the same as before.

The following rules apply if one of two *mikveot* contained 40 *se'ah* of acceptable water and the other was filled entirely with drawn water and two people immersed in them without knowing which one immersed in the acceptable *mikveh* and which immersed in the unacceptable one. One of the two had contracted a severe type of impurity and one had contracted a light type of impurity. They both touched pure foods. The status of the foods touched by the one who immersed because of a severe type of impurity is questionable, but those touched by the one who immersed because of the light type of impurity are pure.

In the situation described in the above clause, if one person was impure and descended to immerse and the other was pure and descended merely to cool off, pure foods touched by the one who descended to immerse in one of them are of questionable status, as we explained. And the one who descended to cool off is pure as he was previously. The rationale is that this is a doubt concerning drawn water, for the question is: perhaps he immersed in the pool of drawn water when he cooled off and thus contracted impurity.

8 The following rules apply when there are two *mikveot*, each containing 20 *se'ah*, one of drawn water and one of acceptable water. If a person cooled off in one of them and then touched pure foods, they are considered pure.

If afterwards, he cooled off in the second and touched pure foods, they should be consigned to fire. For his head and the larger greater of his body certainly entered drawn water, as we explained.

Chapter 11

1 We already explained that washing one's hands and/or immersing them is a Rabbinic requirement. Hands that must be immersed may be immersed solely in an acceptable *mikveh* that contains 40 *se'ah*. For only in a place where a person immerses his body may he immerse *keilim* and hands. When, however, hands need only to be washed, if they were immersed in the water of a *mikveh*, they are pure. If they were immersed in drawn water, whether in a container or on the earth, the person's hands are not purified. Instead, drawn water poured from a container must fall upon his hands. For hands may only be washed from containers and using human effort, as we explained in *Hilchot Berachot*.

2 Any substance that intervenes for one's entire body when immersing also intervenes for one's hands, both when immersing them and when washing them. Any substance that is included in the measure of a *mikveh*, e.g., flowing mud, is also included in the measure of a *revi'it* required for the washing of hands. Everyone who washes his hands must rub them together.

3 When a person washes both of his hands to partake of *terumah*, he must wash them a second time with other water to remove the water that is on

his hands. For the water with which he washed them first - it is called the first water - contracted impurity from his hands. Therefore if a loaf of bread that was *terumah* fell into the water with which one first washed his hands, it contracts impurity. If it fell into the water of the second washing, it does not contract impurity. If one poured the water of the first washing and the second washing into one place and a loaf that was *terumah* fell there, it contracts impurity.

If one washed one's hands with the first water, an intervening object was found on his hands, and he removed it and washed again, his hands are impure as they were before, because the second water imparts purity only to what remains of the first water on his hands.

4 Hands contract impurity and are purified until the joint.

What is implied? One washed his hands the first time until the joint. The second time, he washed them, the water poured beyond the joint, his hands are pure. The rationale is that the second water is pure.

If, when he washed his hands the first time and the second time, the water poured beyond the joint and it returned to his hand, his hand contracts impurity. The rationale is that the first water that poured beyond the wrist contracted impurity because of his hand. The second water does not purify the water outside the joint. Hence, since the water that was beyond the joint returned to his hand, it imparts impurity to it.

5 If the first time, he washed one hand and changed his mind and washed both his hands together the second time, they are impure. The rationale is that the second water contracts impurity because of the hand that was not

washed the first time and then they impart impurity to the other hand.
If he washed both his hands the first time and washed only one hand the second time, that one is pure. If he washed one hand and then rubbed it against his other hand which was not washed at all, the water upon the washed hand contracts impurity because of the unwashed hand and then imparts impurity to the hand which was washed. If he rubs it on his head or against the wall, it is pure.

6 If one washes both hands with one washing, they are pure. We do not say that it is like washing one hand with the water that descended from the other hand. Moreover, even four or five people, one next to each other or one on top of the other, may wash in this manner, as long as they hold their hands open so that the water can flow over the entire hand.

7 If one washed a portion of his hand and then washed the rest of his hand, his hand is impure as it was originally. If there is enough water to impart moisture to another substance on the portion of the hand washed first [while the other part was being washed, the hand] is pure.
When does the above apply? To the water of the first washing. With regard to the second washing, one may wash a portion of his hand and then wash again, adding to the portion washed.

8 The minimum measure of water with which one may wash one's hands initially is a *revi'it* for each and every person for both their hands. No less than this measure is acceptable, as explained with regarding to washing before partaking of bread.

With regard to the second washing, by contrast, two people may wash their hands with a *revi'it*, and half a *log* may be used for three or four. And from a *log*, even 100 may wash. The rationale is that the second water does not come to purify, but merely to wash off the first water.

9 When there was a container that held a *revi'it* of water that was acceptable for the washing of hands and one added to it a small amount of water that is not acceptable for that purpose, the mixture is acceptable. If one removed the amount of water he added from the container and there remained only a *revi'it* as there was originally, it is unacceptable. The rationale is that water that is unacceptable made up the measure of the *revi'it*.

10 Any water that is deemed unacceptable for the first washing is unacceptable for the second washing. Any container that may not be used for the first washing is also unacceptable for the second washing. Just as the water of the first washing must be poured by human effort, so too, must the water of the second washing.

11 We already explained in *Hilchot Berachot* all of the factors that could disqualify water for the washing of hands and what makes them acceptable, all of the containers that may be used for the washing of the hands and those that may not be used, Just as any doubt regarding the washing of hands is considered as pure with regard to partaking of ordinary food, as explained there, so too, with regard to *terumah*, any doubt regarding the washing of hands is considered as pure.

12 It is a clear and apparent matter that the concepts of purity and impurity are Scriptural decrees and they are not matters determined by a person's understanding and they are included in the category of *chukim*. Similarly, immersion in a *mikveh* to ascend from impurity is included in the category of *chukim*, because impurity is not mud or filth that can be washed away with water. Instead, the immersion is a Scriptural decree and requires the focusing the intent of one's heart. Therefore our Sages said: "When one immersed, but did not intend to purify himself," it is as if he did not immerse.

Although it is a Scriptural decree, there is an allusion involved: One who focuses his heart on purifying himself becomes purified once he immerses, even though there was no change in his body. Similarly, one who focuses his heart on purifying his soul from the impurities of the soul, which are wicked thoughts and bad character traits, becomes purified when he resolves within his heart to distance himself from such counsel and immerse his soul in the waters of knowledge. And **Ezekiel 36:25** states: "I will pour over you pure water and you will be purified from all your impurities and from all your false deities, I will purify you."

Mishneh Torah, Damages to Property

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whenever a living animal owned by a person causes damages, the owner is required to pay, for the damage was caused by his property. [This is implied by **Exodus 21:35**:] "When a person's ox will gore an ox belonging to a colleague...." These laws apply equally to an ox and to any other animal, beast or fowl. The verse mentions an ox only because that is a common instance.

2 How much must [the owner] pay? If [the animal] caused damage through the performance of an act that it performs frequently and that is its natural habit - e.g., an animal ate straw or fodder, or it caused damage by [treading on an object] with its feet while walking - [the owner] is obligated to pay the full amount of the damage, [giving up, if necessary,] his most choice property, as stated in [**Exodus 22:4**]: "Payment should be exacted from his choice field and his choice vineyard." If [the animal] deviated from its ordinary habit and performed acts that it does not usually perform and caused damage in this manner - e.g., a ox gored or bit [another animal] - the owner is obligated to pay half the damages caused. [The payment must be exacted] from the animal that caused the damage, as [**Exodus 21:35**] states: "And they shall sell the ox that is alive and divide the money."

3 What is implied? When an ox that is worth a *maneh*gores an ox that is

worth 20 *zuz* and kills it, [leaving] a corpse that is worth four *zuz*, the owner of the ox [that caused the damage] is liable to pay eight *zuz*, half of the loss [suffered by the owner of the ox that was killed]. The payment must be exacted from the body of the animal that caused the damage, as it is written: "And they shall sell the ox that is alive." Therefore, if an ox that was worth 20 *zuz* killed an ox that was worth 200 *zuz* and its carcass was worth [only] a *maneh*, the owner of the dead ox cannot compel the owner of the living ox to give him 50 [*zuz*]. Instead, he should tell him: "Here is the ox that caused the damage. Take it and depart."[This applies] even if the [ox that gored] is worth only a *dinar*. Similar principles apply in all analogous situations.

4 [An animal] that performs a deed it is accustomed to performing by nature is called a *mu'ad*. [When an animal] deviates from its ordinary pattern and performs an act that its species does not usually perform - e.g., an ox gores or bites - it is called a *tam*. If the animal continues to follow the deviant pattern on several occasions, it is considered to be *mu'ad* with regard to the deviation to which it has become habituated, as [implied by **Exodus 21:36**]: "Or it is known that it is a goring ox."

5 Five types of activities are considered to be abnormal for an animal. If it repeatedly performs any of them, it is considered to be *mu'ad* with regard to that activity. An animal is not considered to be prone to gore, to butt, to bite, to lie down on large utensils or to kick. If it becomes accustomed to such an activity, its owner should be forewarned. At the outset, [an animal] is, however, considered prone to eat foods that are appropriate for

it and to break utensils [on which it treads] as it walks. Similarly, an animal is considered prone to lie down on small utensils and crush them.

6 Five species of animals are considered prone to cause damage from the beginning of their existence. [This applies] even if they have become domesticated. Therefore, if they cause damage or death by goring, biting, treading, lying down upon, or the like, [the owner] is liable for the entire amount of the damages. They are a wolf, a lion, a bear, a tiger and a leopard. Similarly, a snake that bites is considered to be *mu'ad*, even if it has been domesticated.

7 Whenever [an animal] is *mu'ad*, [the owner] must pay the entire amount of the damage, [even if this requires expropriating] his most choice property. Whenever, by contrast, an animal is considered a *tam*, [the owner] is required to pay [only] half the amount of the damages. [Moreover,] that half is taken only from the animal itself. When does the above apply? When the animal entered into the domain belonging to the person to whom damage was caused, and caused damage. When, however, the person to whom damage was caused entered into the domain of the person [whose animal] caused the damage, [the owner] is not liable for anything. For he can tell [the party who suffered the damages]: "If you had not entered my domain, you would not have suffered any damages." Indeed, this is explicitly stated in the Torah, as [**Exodus 22:4**] states: "And if he shall send forth his animals, and they pasture in another's field."

8 [The following rules apply when a person's] animal causes damage in the

public domain or in a courtyard that belongs neither to the owner of [the animal that] caused the damage nor to the party who suffered the damages, or in a courtyard owned jointly by both parties that is set aside to leave produce there and/or to harbor an animal - e.g., a valley. If [the animal] caused damage by eating or treading in its ordinary manner, the owner is not liable. For [the animal] has permission to go from here to there, and it is the habit of an animal to go and eat as it proceeds and to break [anything lying in its way] as it proceeds.[Different rules apply if] it [caused damage by] goring, butting, kicking or biting. If its status is *tam*, [the owner] must pay for half the damages. If its status is *mu'ad*, [the owner] must pay the entire amount of the damages.

9 When a courtyard owned jointly by both parties is designated for produce and not for harboring an animal, and one of the parties lets his animal in and it causes damage, [the owner] is liable even for damage caused by eating or treading. Similarly, if both of them had the right to harbor an animal there, but only one had the right to keep produce there, if [an animal belonging to the other] damaged [that person's] produce, [its owner] is liable even for damage caused by eating or treading.

10 There are three categories of damages [caused by] an ox: a) goring, b) eating and c) treading. The derivatives of goring are butting, biting, lying upon and kicking.The derivatives of eating are causing damage when scratching itself on a wall for its benefit, and soiling produce for its benefit. The derivatives of treading are causing damage with its body while walking; causing damage with its hair while walking or by swishing

its tail, or with its saddle, the bit in its mouth or the bell around its neck. Similarly, a donkey that causes damage with its burden while walking or a calf that is pulling a cart that causes damage while pulling it. All of these are derivatives of treading. In a public domain [the owner] is not liable, and in a domain belonging to the party who suffered the damages, he must pay for the entire amount of the damages.

11 When [an animal] swishes its tail repeatedly in an abnormal manner and causes damage in the public domain, or when it swishes its sexual organ and causes damage in the public domain, [the owner] is not held liable. If the person whose property was damaged seizes possession [of property belonging to the owner], he may take payment for half of the damages. [The rationale for that ruling is that] there is an unresolved question whether these acts are derivatives of goring, in which case [the owner] is liable [for damage caused] in the public domain, or whether they are derivatives of treading, in which case [the owner] is not liable [for damage caused] in the public domain, as has been explained.

Chapter 2

1 [The following laws apply with regard to] the major categories of damages and their derivatives. [If a person's property is considered] *mu'ad* with regard to the major category, it is considered *mu'ad* with regard to its derivatives. [If it is considered] *tam* with regard to the major category, the same law applies with regard to its derivatives. From the outset, [a person's property is considered] to be *mu'ad* with regard to all the major categories

of damage and their derivatives, with the exception of goring and its derivatives. In that instance, [an animal is considered] *tam* until it has been deemed prone [to goring], as explained.

2 All the derivatives of a category of damages are governed by the same laws as the major category, with the exception of stones that are propelled by an animal while walking. This activity is considered a derivative of the category of treading, and one is therefore not liable for damage caused in the public domain. Nevertheless, if such stones cause damage in a person's private domain, [the owner of the animal] must pay [for the damages] from his most choice property, as he must pay for damages caused by treading, the major category. And yet, he is required to pay only half the amount of the damages.

3 What is implied? When an animal enters a courtyard belonging to another person and proceeds to walk, and in doing so propels stones from under its feet that break utensils, [the owner of the animal] must pay half the amount of the damage from his most choice property. This matter is a law communicated by the Oral Tradition.

4 Similarly, if [an animal] was proceeding in the public domain and stones were propelled from under its feet into a domain belonging to someone else, and they broke utensils there, [the owner of the animal] must pay half the damages. If [an animal] treads on a utensil in a domain belonging to someone else and breaks it, and shards from the broken utensil fall on another utensil and break it, [the owner of the animal] must pay the entire

[damages for the destruction of] the first utensil, and half [the damages for the destruction of] the second utensil.

5 If an animal was walking in the public domain and it kicked [the ground] and propelled stones that caused damage in the public domain, [the owner] is not liable. If the person whose property was damaged seized a fourth [of the cost] of the damages, it should not be expropriated from him. [The rationale is that] there is a doubt regarding the matter: perhaps this is considered a deviation from the ordinary pattern and it is not a derivative of treading, for [the animal] kicked.

6 If the animal kicked the earth in the domain belonging to another person and stones were propelled because of its kick and caused damages, [the owner] is liable to pay a fourth of the damages, for this is a deviation from the ordinary manner of propelling stones. If the person whose property was damaged seized half [of the cost] of the damages, it should not be expropriated from him. Even if an animal was walking in a place where it would be impossible for it not to propel stones, and it kicked [the earth] and propelled stones, [the owner] is liable to pay a fourth of the damages. If the person whose property was damaged seized half [of the cost] of the damages, it should not be expropriated from him.

7 Whenever a person must pay full damages, the payment is considered to be a monetary obligation that he is liable to pay, as if he had borrowed [money] from his colleague. When, by contrast, a person must pay half the damages, the monetary obligation is considered a fine, with the

exception of the half damages liable from stones, which is a halachah [transmitted by the Oral Tradition], as we have explained.

8 This is the operating principle: Whenever a person pays for the damage that he caused, it is considered a monetary obligation. Whenever he pays more or less - e.g., the double payment (for theft) or half the amount of damages - the amount that is greater or less than the principal is considered to be a fine. A fine is required only when one is obligated through the testimony of witnesses. When a person admits that he is liable for a fine, he is absolved of the obligation.

9 [The following rules apply when] a rooster sticks its head inside a glass container, crows while doing so and breaks it [as a result of the sound]. If there were spices or the like inside [the container, and the rooster] stuck its head in to eat them, [the owner] must pay full damages for the spices and half the damages for the container, as one pays half damages for stones [that are propelled]. [The rationale is that this is the animal's] ordinary pattern. If, however, the container is empty, this is a deviation from the norm, and [the owner] is liable to pay half the damages, as in the case with other fines.

10 Similarly, if a horse yelped or a donkey bellowed and utensils were broken as a result, the owner is obligated to pay only half the damages. Roosters are considered prone to break utensils as they proceed in their ordinary pattern. If there was a string or a strap tied to [a rooster's] legs and a utensil became entangled with the string and rolled and broke, [the

owner] is required to pay half the damages.When does the above apply? When the string was tied to the rooster by a person. If, however, the string became ensnarled around the rooster's foot, its owner is not liable. If that string was owned by a given person, rather than being ownerless, the owner of the string is liable to pay half the damages, because the string is like a moving pit.

11 If the owner of the string hid the string, and the roosters trod on it and took it out, and then it became ensnarled around their feet, and as a result utensils were broken, the owner of the string is also freed of liability, for [the damage] was beyond his control.

12 [The following rules apply when] roosters flew from place to place and broke utensils. If they broke the utensils with their wings, [the owner] is liable for the entire damage. If the utensils were broken by the wind generated by [the roosters'] wings, [the owner] is liable for half the damages.

13 [If roosters] were digging at dough or at produce and soiled it or pecked at it, [the owner] is liable for the entire damage. If they caused damages with the dust or stones that they raised with their feet or with their wings, [the owner] is liable for half the damages.

14 If [roosters] were pecking at a rope [that held a bucket], the rope tore, and the bucket broke, [the owner] is liable for the entire damage. [This applies when] the bucket rolled until it fell and broke because of them. If there was food on the rope, and the rope tore while they were eating, they are

liable to pay the entire amount of the damage to the rope as well.

15 When a dog or a goat jumps from a roof downward and breaks utensils, [the owner] is liable for the entire damages, because they are prone to this. Similarly, if they fell and caused damages, [their owner is liable], because the fact that they climbed to the roof is considered negligence. [Therefore,] even if they fell because of forces beyond [the owner's] control, [he is liable], because whenever a person is negligent at the outset, and damage subsequently occurs because of forces beyond his control, he is liable.

16 If [the animals] jump upward [and cause damage], [the owner] is liable for half. This applies when a goat climbs upward or a dog jumps. If, however, a dog climbed upward and a goat leaps, whether upward or downward, [the owner] is liable for the entire damage. Similarly, if a rooster jumps either upward or downward, [the owner] is liable to pay for the entire amount of the damage.

17 [The following laws apply when] a dog takes a cake [from a fire where it is cooking, a coal is stuck to the cake], and [the dog] takes [the cake] to a grain heap. If it places [the cake] down on the grain heap, eats the cake and kindles the grain heap, [the owner] is liable to pay the full damages for the cake and the place where it placed the cake [in the grain heap]. For the remainder of the grain heap, he is required to pay only half the damages. If [the dog] dragged the cake all over the grain heap, burning it as it proceeded, [the owner] is liable to pay the entire damages for the

cake. For the place of the coals, [the owner] is liable to pay half the damages, and for the remainder of the grain heap he is not liable at all.

18 When does the above apply? When the owner of the coal guarded his fire and closed the door, and yet the dog dug underneath [until it could enter and] take the cake from the fire. If, however, he did not guard his fire, the owner of the fire is liable for the burning of the grain heap, and the owner of the dog is liable for the cake and the place where it was placed.

19 When a person sets a dog belonging to a colleague on a [third] individual, he is not held liable by mortal courts; the laws of heaven, however, obligate him to pay. The owner of the dog is liable to pay half the damages. Since he knows that if his dog is set upon [a person] maliciously he will bite him, he should not have allowed [his dog to be left to do this]. If [a person] set a dog [belonging to a colleague] to bite the person himself, the owner of the dog is not liable. For when there is already a deviation from the norm, and a person brings about a further deviation, [the owner] is not liable.

20 When there are two cows in the public domain, one lying down and one walking, if the one walking kicks the one lying down, [the owner] is liable for half the damages. Even though it would be the ordinary practice for [the cow] to tread on the cow that is lying down, it is not its ordinary practice to kick it.

Chapter 3

1 It is taken for granted that an animal is prone to eat fruit, vegetables or the like. Therefore, if [an animal] enters a domain belonging to another person and eats produce that it would normally eat, [the owner of the animal] is liable for the entire amount of the damages, as stated [in **Exodus 22:4**]: "And if he shall send forth his animals, and they shall pasture in another's field, payment should be exacted from his choice field." If [the animal] ate produce belonging to another person in the public domain, [the owner] is not liable. If [the animal] benefits [from eating the produce], the owner must pay for the benefit [his animal received], but not for the damages caused.

2 What is implied? If [an animal] entered another person's domain and ate sesame seeds, chestnuts or the like that were worth a *dinar*, [the owner] must pay a *dinar*. If [the animal ate these foods] in the public domain and derived benefit, we consider [these foods] as if they were barley or fodder, and [the owner is required to] pay the wholesale price of fodder or barley.

3 If the animal ate foods that are harmful to it - e.g., it ate wheat - since it did not derive any benefit, [the owner] is not liable. If it ate substances that it would not usually eat - e.g., it ate a garment or a utensil - [the owner] should pay half the damages. [This applies] both in a private domain and in a public domain. [The rationale is that] this is a deviation. [Hence, the owner is liable for only half the damages. He is liable for damage caused in the public domain, however] because it is the ordinary practice of people to leave their utensils or garments in the public domain while they rest.

4 There is a doubt [regarding the liability of the owner when his] animal is standing in a private domain, but takes produce [belonging to the owner of the private domain] from the public domain and eats it in that private domain. Therefore, [the owner] is liable only for the benefit [his animal] derived. If, however, the person whose property was damaged seizes possession of the full worth of the damage [caused by the animal], it should not be expropriated from him, for [the produce] was eaten in his domain.

5 When a dog entered a courtyard, took bread or meat, brought it into the public domain or to another courtyard and ate it there, [the owner] should pay for the benefit [the dog] received. If [the dog] ate [the food] in a field belonging to the owner of the courtyard, the [dog's owner] must pay the full extent of the damages as if it had been eaten in the courtyard, because it was eaten in a domain belonging to the person whose property was damaged. The same [laws] apply in all analogous situations.

6 [The following rules apply when] an animal eats foods that it would not ordinarily eat, but would eat under constraint: e.g., a cow that ate barley, a donkey that ate vetch or fish, a pig that ate a piece of meat, a dog that licked oil, a cat that ate dates and the like. If the foods were eaten in a domain belonging to the person whose property was damaged, [the owner] must pay the entire amount of the damage. [If the foods were eaten] in the public domain, he is not liable. If [the animal] benefited, the owner must pay for that benefit.

7 When a beast enters a private domain and seizes an animal or meat and eats it, [its owner] must pay the full extent of the damages, for this is its ordinary course of behavior. When, however, a dog eats small sheep, or a cat eats large cocks, this is considered to be a deviation, and [the owner] is liable for [only] half the damages.

8 When there is a basket of bread [in a private domain], and a donkey enters and breaks the basket and eats the bread, [the owner] is liable for the full extent of the damages, for this is [a donkey's] ordinary behavior. Similarly, if a goat sees a turnip or the like on the opening of a jug, stumbles over the jug and eats the turnip and breaks the jug, [the owner] must pay the full damages for both, for it is the ordinary pattern [for such an animal] to hang on to utensils and climb on them in order to eat. The same applies in all analogous situations. If, however, a donkey came in and ate bread and then broke a basket, [the owner] is liable for full damages for the bread, but only half damages for the basket. The same applies in all analogous situations.

9 When an animal eats [produce] in the marketplace, whether when walking or when standing, [its owner] must pay [only] for the benefit it received. This applies even if the animal turns [its head] to the corners of the marketplace and eats. If, however, the animal left the marketplace and went and stood at the corner of the marketplace and ate [produce], [its owner] must pay for the damages. If the animal ate from [produce in] the storefront, [the owner] must pay [only] for the benefit it received. If it ate from [produce] within the store, he must pay the full extent of the

damages.

10 If an animal was walking in the public domain and stretched out its neck and ate from [produce] that was [loaded onto] another animal's back, [its owner] must pay [only] for the benefit it received, for it is common for animals to eat from [a load] being carried by another. [This law applies] even when [the animal] stands. If it jumped to eat from the [produce] that was [loaded onto] another animal's back, [its owner] must pay the full extent of the damages, because the back of another animal is considered to be the private domain of the person who suffered the damage.

11 If an animal slips on a stone or on its urine and falls into a garden of fruit or vegetables or if it eats from the garden, [the owner] is required to pay [only] for the benefit it receives. Even if it walks from one row to another row, and even if it stays there the entire day, he is required to pay [only] for the benefit it receives. What benefit could it receive from falling? That it fell on a soft place and did not crush its limbs. If, by contrast, an animal descended [into private property] in an ordinary manner and ate produce, [the owner] must pay the full extent of the damages. Even if it soiled produce with its afterbirth, [the owner] must pay the full extent of the damages, because the first stage involved negligence. Similarly, if it was pushed by another animal and fell, [the owner] must pay the full extent of the damages, because he should have had them pass one by one so that they would not push each other.

12 If it slipped and fell [into another person's garden], departed and then

returned to that garden, [the owner] must pay the full extent of the damages, even if it returned without his knowledge. He was obligated to watch it, [and prevent it] from returning. For it is known that if an animal knows the way to a garden, it will return on its own initiative.

13 When a potter brings his wares into a person's courtyard without his permission, and an animal belonging to the owner [of the courtyard] broke the pottery, [the owner] is not liable. [Moreover,] if the animal is injured, the potter is liable. If he brought his wares in with [the owner's] permission, [the potter is not liable [for the animal's injury]. If the owner made a commitment to guard the pottery, he is liable [for the damages].

14 Similarly, if [a person] brought produce into a courtyard belonging to another individual without his permission and the animal belonging to the owner [of the courtyard] ate it, [the owner of the courtyard] is not liable. If the animal slipped on it and suffered injuries, the owner of the produce is liable. If he brought the produce in with [the owner's] permission, [the owner of the produce] is not liable [for the animal's injury]. If the owner [of the courtyard] made a commitment to guard the produce, he is liable [for the damages to the produce]. If the person brought produce [into a courtyard] without permission, and an animal belonging to the owner of the courtyard ate it and suffered injury because it ate it, the owner of the produce is not liable. The animal should not have eaten it. When the owner of a courtyard allowed a person to bring his produce into [the courtyard] and left [the owner of the produce] to watch it, if an animal belonging to the owner of the courtyard ate from

the produce and suffered damages, the owner of the produce is liable. Since he saw the animal eating produce that could damage it and took no action, he is liable. For the owner of the courtyard is not present to banish his animal from them. An incident occurred when a woman entered to bake in the house of her neighbors. They left her alone, so that they would not see her while she was kneading and baking. A goat belonging to the owner came and ate from [her raw] dough and died. The Sages obligated her to reimburse [the owners] for the goat. These principles apply in all similar situations.

15 When a person made a grain heap in a field belonging to a colleague without the latter's permission, and an animal belonging to the owner of the field ate it, [the owner of the field] is not liable. If the animal slipped on it and suffered injuries, the owner of the produce is liable. If the animal ate it and suffered injury because it ate it, [the owner of the produce] is not liable. If he had permission to make the grain heap, the owner of the field is liable, even if he did not accept the responsibility to guard [the grain pile]. Once a watchman in the granaries says: "Make your grain heap here," it is as if he told him: "Make your grain heap and I will guard it for you."

Chapter 4

1 When a person gathers sheep in a corral and locks them in with a gate that can withstand an ordinary wind, and [yet the sheep were able to] leave and cause damage, the owner is not liable. If [the gate] cannot

withstand an ordinary wind or if the walls of the corral are shaky, [the owner] is not considered to have enclosed [the sheep] in a proper manner. [Thus, if they are able to] leave and cause damage, he is liable. Even if [the sheep] dug beneath [the gate to] get out, [the gate] was broken at night, or thieves broke it down, the owner of the sheep is liable [for the damage his sheep cause]. If, however, the gate was strong and it was broken at night or thieves broke in, and then [the sheep] departed and caused damage, [the owner] is not liable. If the thieves took the sheep out and then they caused damage, the thieves are liable.

2 [The following rules apply when] a person breaks down a fence in front of an animal belonging to a colleague. If the fence was strong and sturdy, he is liable. If the wall was shaky, he cannot be held liable according to mortal law, but he has a moral obligation. Similarly, if a person places poison in front of an animal belonging to a colleague, he cannot be held liable according to mortal law, but he has a moral obligation.

3 When a person brings an animal belonging to a colleague to crops belonging to a third individual, the person who brought the animal there is liable. Similarly, if a colleague hit an animal with a switch until it walked to crops belonging to a third individual, the person who switched it is liable.

4 When a person entrusts his animal to an unpaid watchman, a paid watchman, a renter or a borrower, these individuals assume the owner's responsibilities. If [the animal] causes damages, the watchman is held

liable. When does the above apply? When he did not guard the animal at all. If, however, he guarded the animal in an excellent manner, as he should, and it got loose and caused damage, the watchman is not liable, and the owners are liable, even if the animal kills a human being.Should the watchman guard the animal in an inferior manner, he is not held liable if he is an unpaid watchman. If he is a paid watchman, a renter or a borrower, he is held liable.

5 If [a person] leaves an animal in the sun and it gets loose and causes damage, even if it must dig [under the fence to do so], the one who left it in the sun is liable. [The rationale is that because of] the discomfort [the animal] feels, it will do anything it possibly can to flee.

6 When [a person] gives his animal to a deaf mute, a mentally incompetent individual or a minor to watch, the owner is liable. [This applies] even if the ox is tied, for an ox - and similarly other [animals] - will break open the knot and go out and cause damage. Even if the animal was guarded in an excellent manner, and it dug [under the fence] and escaped and caused damage, the owners are liable.

7 [The following rules apply when] a person entrusts his ox to five men, one of them was negligent, and the ox escaped and caused damage. If all five are required to guard the ox, the person who was negligent is liable. If the ox can still be watched by the others, they share in the liability.

8 [The following rules apply if a person] borrowed an ox under the presumption that it was an ordinary ox, and it was discovered that it had

already been classified as one that gores. If the borrower knew that it had a tendency to gore, the owners are required to pay half the damages, for wherever the ox goes, it remains the owner's property. The borrower is also required to pay half the damages, because even if it had been an ordinary ox, as he had thought, he would have been required to pay half the damages, for he knew that the ox had a tendency to gore. If, however, the borrower did not know of this tendency, he is not liable at all, and the owners must pay the entire amount of the damages.

9 When a borrower borrows an ox that is classified as an ordinary ox, and it becomes classified as a goring ox when in the possession of the borrower, it is removed from that category when it is returned to its owner. Since the domain [under which the animal is] changes, its classification also changes. [If the ox gores,] the owners must pay half the damages, and the borrower is not held liable at all, for he returned it to its owners.

10 When a watchman accepts responsibility only for watching the body of an animal [entrusted to him], but [does not accept responsibility] for the damage it causes, if [the animal] causes damage the watchman is not held liable, and its owners are. If [the watchman] accepted responsibility [only] for the damages [the animal] causes, he is liable if it causes damage. If it is injured, the watchman is not liable, and the owners should sue the person who caused the injury.

11 When a watchman entrusts [an animal] to another watchman, [and it causes damage], the first watchman is liable to pay the person whose

property was damaged. For whenever one watchman delegates [an entrusted object] to another watchman, he is liable. For the person whose property was damaged will tell him: "Why didn't you watch it yourself instead of delegating it to someone else? Pay me yourself, and sue the watchman to whom you delegated it." If, however, the watchman entrusted [the animal] to his son, a member of his household or one of his helpers, they assume the responsibility that was the watchman's, and they are liable.

12 [The following rule applies when] a watchman is liable to pay [for the damages an animal caused], but he is insolvent. If the animal that caused the damage is considered to be an ordinary animal, in which case half the damages must be paid from the body of the animal itself, the person whose property was damaged should take his due from the animal, and the sum that he collects should be considered to be a debt owed by the watchman to the owner of the animal.

13 Whenever an animal causes damage to crops that are growing, the damage is assessed by comparison with a field sixty times the size of the crops that were damaged. The one who is liable - either the owner or the watchman - is obligated to pay that sum. What is implied? If [an animal] ate the amount of produce that would grow when a *se'ah* [of seeds] were sown in that field, we calculate the worth of an area in which sixty *se'ah* [of seeds] could be sown in that field, [evaluating] how much it would be worth [before the animal ate from it] and how much it is worth now. [The owner or the watchman] is liable for the remainder. Similarly, if the

animal ate an amount of produce that would grow when a *kav* or a quarter of a *kav* were sown - [or even if it ate] one stalk of grain - the damages are assessed by comparison with a field sixty times the size of the crops that were damaged.

14 When, [by contrast,] an animal ate fruit that ripened and no longer needed [the nurture of] the land, [the owner of the animal is required to] pay the full value of ripe produce. If [the animal ate] a *se'ah*, he must pay for a *se'ah*. If [it ate] two *se'ah*, he must pay for two *se'ah*. [The following laws apply if an animal] ate the fruit of one date palm, or a person gathered the fruit of a colleague's date palm and ate it. If it was a Roman date palm, whose fruit is not of very high quality, it should be measured in comparison with a orchard of date palms sixty times the size of its land. If it was a Persian date palm or the like, whose fruit is of very high quality, the date palm should be evaluated individually. An assessment should be made of its worth before the fruit was eaten and its worth after the fruit was eaten.

Chapter 5

1 [The following laws apply when] an animal was pasturing and entered fields and vineyards [belonging to others]. Even though it did not cause any damage, a warning should be given to its owner on three occasions. [Afterwards,] if he does not watch his animal and prevent it from pasturing [in other people's fields], the owner of the field has the right to slaughter the animal in a ritually acceptable manner, and tell its owners:

"Come and sell your meat." [The rationale is that] it is forbidden for a person to cause damages and then to pay for the damages he caused. Even being an [indirect] cause of damage is forbidden.

2 For this reason, our Sages forbade [our people] from raising small animals and small beasts in *Eretz Yisrael*, where there are fields and vineyards. One may, however, raise these animals in the forests and deserts of *Eretz Yisrael*.In Syria, it is permitted to raise these animals everywhere.

3 Joshua and his court established ten conditions at the time they divided the land [into ancestral plots]: a) One may pasture a small animal in forests that are thick with trees; one may not, however, pasture a large animal there. In a forest that is not thick with trees, one may not pasture either a large animal or a small animal without the permission of the owners. b) Any person is permitted to collect wood from a field belonging to a colleague. This refers to wood that is not valuable - comparable to thorns, brambles and prickly shrubs. Moreover, this refers to fresh twigs that are still connected to their source of nurture, and applies only when the person will not uproot them entirely. It is forbidden to take other types of wood. c) Any person may collect grass that is growing on its own accord anywhere, except for a field of fenugrec that was sown to be used as animal fodder. d) A person may cut off a branch from any tree in any place, except from the branches left in an old olive tree. One may not, however, cut off closer than the length of an egg from the place where the branches begin to spread from an olive tree. And one may cut only from the place where a shoot is joined to the trunk of a reed or a vine. With

regard to other trees, one may cut from the center of the tree and not from its higher branches. [Although] permission was granted to cut off a branch, this applies only to [cutting] from a new branch that does not yet produce fruit, but not from an old branch that produces fruit. One may cut off [a branch] only from a portion of the tree that is not exposed to the sun. e) When a new spring of water emerges, the inhabitants of the city in whose territory it emerges may make use of it, even though its source is elsewhere. No others may take water from it together with them. f) Any person may catch fish in Lake Kinneret, provided he fishes with a small net. Only the tribe to which the lake was awarded as part of their ancestral portion may spread out large nets that will prevent the passage of other boats. g) Any person who needs to relieve himself may turn off the path, go behind any fence he sees and defecate there. [This applies] even with regard to a field of saffron. One may pick up a stone from there and clean oneself with it. h) Any person who loses his way in a vineyard or the like may break through the vines and ascend, or break through the vines and descend until he is able to find his way. i) When the public thoroughfare is filled with mud, or the ravines are filled with water, passersby may take side paths, even though they are private property. j) A corpse that has no one to bury it acquires its place and should be buried there by the person who finds it. This applies provided the corpse is not lying lengthwise across the path, or within the Sabbath boundaries of a city. In those instances, the corpse should be transported to a cemetery.

4 King Solomon ordained that passersby are permitted to walk on private paths in the fields during the summer months until the second phase of

fall rains descend.

5 These rules apply in all places, even in the diaspora.

6 From the time dew descends in Babylonia, it is forbidden to walk through private pathways belonging to others.

7 Although it is forbidden to raise a small animal in *Eretz Yisrael*, one may maintain possession of one for 30 days prior to a pilgrimage festival, or prior to the wedding of one's son. A butcher may buy an animal for slaughter and may leave it for a certain time until he slaughters it, as long as it does not pasture with the flock. Instead, whoever maintains possession of a small animal must keep it within his house, so that it does not cause damage.

8 [Our Sages] established an equation between Babylonia and Israel, prohibiting the raising of small animals and beasts there as well. For [in Talmudic times,] the majority of the fields and vineyards there belonged to Jews.

9 Similarly, our Sages forbade raising pigs in all places. Also, [our Sages forbade raising] dogs unless they are tied by a chain. One may, however, raise dogs in a city near the border. During the day [the dogs] should be chained, and at night let loose. Our Sages said: "Cursed be one who raises dogs and pigs, because they frequently cause a great degree of damage."

10 When a shepherd repents, he should not be obligated to sell [his entire

herd] immediately. Instead, he should sell a bit at a time. Similarly, if a person has inherited dogs and pigs, he is not required to sell all of them immediately, but instead may sell them bit by bit.

Chapter 6

1 What is meant by the term *mu'ad*? [An animal regarding which] testimony was given on three [different] days. If, however, an animal gored [other animals] on one day, or it bit, lay upon, kicked or butted [other animals many] - even one hundred - times in one day, it should not be considered to be *mu'ad*. If three pairs of witnesses gave testimony [concerning an animal] on one day, there is an [unresolved] doubt whether it is classified as *mu'ad* or not.

2 The warning administered to an owner [for an animal] must be administered in the owner's presence, as [implied by **Exodus 21:29**]: "And the owners shall be warned." The warning must be administered in a court.

3 When an ox belonging to a deaf mute, a mentally incompetent individual, a minor or a person who is overseas gores, [the owner] is not liable. The court should, however, appoint a guardian for the ox and administer the warning to the guardian.

4 [The following rules apply when this ox] causes damage after the warning was administered to the guardian: If the ox is still classified as a *tam*, an ordinary animal, half the damages must be paid from the body [of the ox].

If a warning was administered on three [different] days, and afterwards [the ox] causes damage, the guardian must pay for the damage from the choicest properties he owns. When the orphans attain majority, they must enter into litigation with the guardian and repay him.

5 When oxen are used for sport, and they are trained to gore each other, they are not considered to be *mu'adim* [to gore] each other. [Moreover,] even if they kill a human, they should not be executed, for [**Exodus 21:28**] states: "When an ox gores...," [implying that it does so on its own initiative,] not that it was prompted to gore.

6 When an ox was sold or given away as a present after its owners had been warned, its status reverts back to that of a *tam*. With the change in ownership, its status changes. If, however, an ox was borrowed or entrusted to a watchman, its status remains unchanged. Similarly, if a warning regarding an ox was given to a guardian, and then the owner who was a deaf mute regained his faculties, or the owner who was mentally incompetent regained competence, or the owner who was a minor attains majority, the status of the ox remains unchanged, for it remains in the domain of the [same] owner.

7 When an animal was classified as *mu'ad*, and then it changes its conduct, its status changes and it is considered to be a *tam*. What is implied? If an ox was classified as *mu'ad* with regard to goring and it ceased goring, it is considered to be a *tam* with regard to goring, even though it still butts. When is it considered to have ceased [goring]? When children play with it

and it does not gore them. Similarly with regard to other tendencies regarding which warnings were given, [the status of the animal remains unchanged] until [children] play with it, and it does not do [what it was wont to do previously].

8 When an ox has been classified as *mu'ad* with regard to [other oxen], it is not considered to be *mu'ad* with regard to other types of animals. An ox that has been classified as *mu'ad* with regard to humans is not considered to be *mu'ad* with regard to animals. If it has been classified as *mu'ad* with regard to young animals, it is not considered to be *mu'ad* with regard to older animals. Therefore, if it caused damage of the type regarding which the warning was given, the owner is liable for the full amount of the damages. If it caused damages of another type, regarding which a warning was not given, [the owners] must pay [only] half the damages. If it has been classified as *mu'ad* with regard to Sabbaths, it is not considered to be *mu'ad* with regard to weekdays. If it causes damage on the Sabbath, the owner is liable for the full amount of the damages. During the week, [the owners] must pay [only] half the damages. When is the warning rescinded? When children will play with it on the day concerning which the warning was given, and it does not harm them in the way it is known to cause harm.

9 If [an ox] gored another ox on one day, a donkey on the following day, and a camel on the day afterwards, it is classified as *mu'ad* for all [these three] types [of animals]. [A warning should also be administered to an owner in the following situation. His ox] saw another ox on one day and

gored it. On the next day, it saw another ox but did not gore it. On the third day, it saw another ox and gored it. On the fourth day, it saw another ox but did not gore it. On the fifth day, it saw another ox and gored it, and on the sixth day, it saw another ox but did not gore it. [In these circumstances, the ox] becomes classified as *mu'ad* to gore oxen on alternate days. Similar laws apply in other analogous situations.

10 [Similarly, a warning should also be administered to an owner in the following situation. His ox] saw another ox on one day and gored it. On the next day, it saw a donkey, but did not gore it. On the third day, it saw a horse and gored it. On the fourth day, it saw a camel but did not gore it. On the fifth day, it saw a mule and gored it, and on the sixth day, it saw a wild ass but did not gore it. [In these circumstances, the ox] becomes classified as *mu'ad* to gore all [these three] types [of animals] on alternate days. If it gores one of these types of animals that it had gored on alternate days on a day on which it is *mu'ad*, [the owner must pay the full damages, as is required for an ox that is] *mu'ad*.

11 [When an ox] gores [an animal] on the fifteenth of one month, on the sixteenth of the following month, and on the seventeenth of the third month, it is not classified as *mu'ad* until it adds a day a third time, in the fourth month. If an ox hears a shofar blast and gores on three [successive] occasions, it is considered *mu'ad* [to gore after hearing] shofar blasts. Similar laws apply in other analogous situations.

12 [There is an unresolved doubt in the following situations.] An ox gored

three other oxen on three successive days. On the fourth day it gored a donkey, and on the fifth day it gored a camel. Or at first it gored a donkey and a camel, and then it gored three oxen one after another. There is a doubt if it is classified as *mu'ad* only for oxen or for all three types of animals. Similarly, if an ox gores on three successive Sabbaths and then on the Sunday and the Monday [following the third Sabbath], or it gored on Thursday, on Friday and then on three successive Sabbaths, there is a doubt whether it is classified as *mu'ad* only for Sabbaths or for a block of three days, two of which are ordinary weekdays.

13 With regard to these unresolved questions and the like, [the owner of the ox] that caused the damage is required to pay for only half the damages. If the person whose property was damaged seizes property belonging to the other person equivalent to the full amount of the damages, it is not expropriated from him.

Chapter 7

1 [The following rules apply when] an ox breaks loose and causes damage after its owner had tied it with a rope and locked it [in a corral] in an acceptable manner. If it is a *tam*, he is required to pay only half the damages. If it is *mu'ad*, he is not liable at all, as [implied by **Exodus 21:29**]: "[If the owners were warned,] and they did not guard him." [One can infer that] if they did guard, they are not liable. [And in the above instance, the ox] was guarded.Similarly, if an ox caused damage through an activity for which he is *mu'ad* at the outset - e.g., it ate a type of food

that it usually eats or it broke objects by treading on them - [the owner] is not liable [in the above instance].

2 If the ox has been classified as *mu'ad* with regard to its right horn, but it is not *mu'ad* with regard to its left horn, and it got loose after it had been guarded in an acceptable manner, [the owner is required to] pay half the damages. [This applies] regardless of whether it gored with its right horn or its left horn.

3 [The following rules apply when] an animal injures a human being, whether intentionally or unintentionally. If the animal is a *tam*, half the damages must be paid from the body of the animal. If it is *mu'ad*, [the owner] must pay the entire amount of the damages. He is, however, not liable for compensation for unemployment, embarrassment, pain and medical expenses. For the Torah required redress for these matters only when one person injured a colleague. When, by contrast, it is an animal which caused the injury, it is as if [the animal] damaged the person's property, and [the owner] is liable for only half of the damages.For this reason, if a person's ox causes [another individual] embarrassment, he is not liable. If, however, he causes that embarrassment himself, he is liable, as will be explained.If a person's ox injures his father or mother, or it sets fire to a person's grain heap on the Sabbath, [the owner] is liable, although if the person performed these same actions himself, he would not be liable.

4 [The following rules apply when] a person brings his ox into a courtyard

belonging to another person without his permission. If the [uninvited ox] was gored by an ox belonging to the owner or bitten by the owner's dog, the owner is not liable. If the [uninvited ox] gored an ox belonging to the owner [of the courtyard], [the owner of the uninvited ox is liable.] If [his ox] is *tam*, [its owner] must pay half the damages. If it is *mu'ad*, he must pay the entire damages, as if it had gored [the other ox] in the public domain.

5 [In the above situation, the following rules apply if the uninvited ox] falls into a cistern in this courtyard and spoils its water. If it spoiled the water immediately upon falling within, [the owner of the ox] is liable for the loss caused by the ruining of the water. If [the water] was not spoiled until afterwards, [the owner] is not liable. [The rationale is that] the ox is considered to be an obstruction in the cistern, and the water is considered to be a utensil. And one is never liable for damage to utensils caused by an obstruction. If [the owner of the ox received] permission to bring in his ox, the owner of the ox is not liable for any damage the ox caused. If the owner of the courtyard accepted responsibility for the ox, he is liable for the damages it suffers from falling into the cistern.

6 [The following rules also apply when] a person brings his ox into a courtyard belonging to another person without his permission. If the [uninvited ox] injures the owner of the courtyard, the owner of the courtyard suffers injury [because of the ox], or [the ox] digs pits or trenches, or burrows in the courtyard, the owner of the ox is liable for the damage to the courtyard [or to the owner]. [If another person] is injured

because of these pits, the owner of the courtyard is liable, for it is his responsibility to fill them up.

7 [The following rules apply if] the owner of the courtyard damaged the ox: If he caused the damage unknowingly, he is not liable. For he can tell [the owner of the ox], "Why did you bring [your ox] in without permission. I was not aware of it until I [damaged it] unknowingly." If he caused the damage knowingly, he is liable for the full extent of the damage. He has the right to take the [intruding animal] out of his property; he does not have the right to damage it.

8 We evaluate the amount of damages caused. What is implied? If either a person or his ox broke a utensil belonging to a colleague, we do not tell the person who caused the damage, "Take the broken utensil and pay its worth to its owner." Instead, we evaluate the loss caused to the utensil. This amount is paid by the person who caused the damage. [If the damage was caused by his ox, and the ox] was *mu'ad*, he is liable for the full amount of the damages. If it is *tam*, he is liable for half the damages.[This is implied by **Exodus 21:36**]: "And the carcass will be his" - i.e., it belongs to the one whose property was damaged. If the carcass loses value, the person whose property was damaged suffers the loss. If its value rises, the increase is divided between the person who caused the damage and the person whose property was damaged.

9 What is implied? When an ox that is worth 200 [*zuz*] is gored and dies - its carcass was worth 100 [*zuz*] at the time of its death, but at the time of

the trial, it decreased in value and was worth only 80. [In such an instance,] the person whose [ox] caused the damage is required to pay only 100 [*zuz*], if [the ox] was *mu'ad*. If it was a *tam*, the owner is required to pay only 50 [*zuz*] from the body of the ox.

10 If the value of the carcass increased, and it is worth 120 [*zuz*] at the time of the trial, the one who caused the damage must pay 90 if the ox was *mu'ad*, and 45 from the body of the ox if it was a *tam*. [This is implied by **Exodus 21:35**]: "And they shall also divide the dead [ox]" - i.e., they shall divide the profit from the dead ox.

11 [The amount that the person whose ox caused the damage must pay is subject to change in some, but not in all, circumstances. To illustrate:] An ox that was worth 200 [*zuz*] gored another ox worth 200 [*zuz*], causing it to depreciate 50 [*zuz*]. At the time of the trial, its value increased and it was worth 400 *zuz*. If, however, it had not been gored, it would have been worth 800 [*zuz*]. Whether its value increased because it was fattened or because of market fluctuations, the damages are evaluated according to the loss at the time the damage took place. If the ox became weak because of the injury it received and the damages amounted to 100 *zuz* at the time of the trial, the damages are evaluated according to the loss at the time of the trial.

12 [The following rules apply if] the value of the ox that caused the damage increased at the time of the trial. If its value increased because the owner fattened it, only its value at the time it caused the damage is considered to

be on lien for payment. If its value increased because of market fluctuations, half of the damages may be collected from its value at the time of the trial.

13 It is the responsibility of the person who caused the damage to make the effort to bring the carcass of the ox that was damaged to the person [whose ox] was damaged. What is implied? An ox fell into a cistern and died. [The owner of the cistern] must raise the carcass [of the ox] from the cistern and give it to its owner. Then we evaluate the extent of the loss. [This is derived from **Exodus 21:34**]: "He shall give monetary recompense to the owners, and the carcass will be [the owners']." This teaches that he is obligated to return the carcass and the decrease in the value of the ox [from the time] when it was alive, to its owner. If [the ox that caused the damage was a *tam*], [its owner is required to pay only] half the damages, as explained above.

Chapter 8

1 When an ox belonging to an Israelite gores an ox that was consecrated or an ox that was consecrated gores an ox belonging to an Israelite, [the owner of the goring ox] is not liable, [as implied by **Exodus 21:35**]: "[If one person's ox injures] an ox belonging to a colleague...." All consecrated entities for which one is held liable for using them for one's own purposes are not bound by the laws of damages. Animals that were consecrated and then disqualified are bound by the laws of damages. This applies regardless of whether it is they who cause the damage, or they who are

damaged. For they have been redeemed and can be considered ordinary.

2 When [an animal consecrated for] a peace offering causes damage, the damages may be collected from its meat. [The person whose property was damaged] does not, however, collect his due from the portions burned on the altar. For the prohibition against using consecrated property for one's own purposes applies to the portions of sacrifices of lesser sanctity burned on the altar, as explained in *Hilchot Me'ilah*. Similarly, [if an animal consecrated for] a thanksgiving offering causes damage, the damages may be collected from its meat. They may not, however, be collected from the bread that accompanies it, for the bread is not considered to be part of the meat.

3 How can [the person whose property was damaged] collect [his due]? He and his company should eat, in a holy manner, a portion of the meat equivalent to half the damages he suffered. What is meant by the statement that [the person whose property was damaged] does not, however, collect his due from the portions burned on the altar? That if half the damages he suffered was equivalent to a *dinar*, and the meat and the portions to be offered on the altar together were worth two *dinarim*, but the meat without the portions to be offered was worth only a *dinar* and a half, [the person whose property was damaged] receives only half the meat, and not two thirds of the meat.

4 Similarly, an ox that is ownerless and causes damage is also not held responsible for the damage it causes. [This is also derived from the

phrase,] "an ox belonging to a colleague," implying that the ox must be defined as the property of an owner. What is implied? When an ox that is ownerless gores [another ox], and before the person whose property was damaged takes possession of [the goring ox] another person does so, that other person is not liable for the damages.Moreover, even if an ox that is defined as the property of an owner causes damage, and afterwards the owner consecrates it or declares it ownerless, [payment is] not expropriated [from the body of the ox]. [For payment to be expropriated], it must be owned by one person at the time it caused the damage and at the time of the trial.

5 When an ox - whether a *tam* or a *mu'ad* - belonging to a Jew gores an ox belonging to a gentile, [the Jew] is not liable. [The rationale is] that the gentiles do not hold a person responsible for damage caused by his livestock. Therefore we judge this case according to their laws. When, by contrast, an ox - whether a *tam* or a *mu'ad* - belonging to a gentile gores an ox belonging to a Jew, [the gentile] must pay the entire amount of the damages. This is a penalty imposed upon the gentiles because they are not careful about [the observance of] the mitzvot, and they do not remove factors that can cause damage. If we will not hold them liable for the damage caused by their animals, they will not guard them, and [the animals] will destroy other people's property.

6 When an ox that is *tam* causes damage and then is sold by its owner before the trial takes place, the person whose property was damaged may collect his due from it despite the fact that it was sold. Afterwards, the

purchaser should collect that sum from the [previous] owner who sold it to him. [The rationale for this ruling is] that once an ox has gored, the matter becomes known, and the purchaser should not have purchased the animal until the one whose property was damaged had collected his due.

7 If [the owner of an ox that] caused damage consecrates [the ox], it is consecrated. [This law was instituted] so that people will not say, "An animal that was consecrated can lose its status without being redeemed." [If the owner] slaughters the ox, [the person whose property was damaged] may collect his due from the meat. [If the owner] gives it away as a present, [the present] is binding, but [the person whose property was damaged] may collect his due from [the animal].

8 If [an ox] caused damage, there was a trial, and afterwards, [the owner] sold it, the sale is of no consequence. If he consecrated it, it is not consecrated, and if he gave it away as a present, the present is of no consequence. If the creditors of the owner [of the ox] seize it first, [to collect their due from it], they are not entitled to retain possession. Instead, the person whose property was damaged collects his due from it. This applies whether the debt was undertaken before the damage was done or afterwards. [The rationale is] that even if it belonged to the creditors at the outset and caused damage, [the person whose property was damaged] would be entitled to collect his due.

9 [The following rules apply when] an ox that is *mu'ad* causes damage: Regardless of whether the trial took place already or not, if [the owner]

has consecrated it, sold it, given it as a present or slaughtered it, his deed is binding. If the creditors of the owner lead [the ox] away before [the person whose property was damaged takes possession of it], they acquire it. [This applies] whether the debt owed them was made before the damage took place or afterwards. [The rationale is that] the person whose property was damaged is entitled to collect his due from the choicest property belonging to the owner. All of [the owner's] property is on lien because of the damage caused.

10 When the court is required to expropriate property belonging to the person who caused the damages for the person whose property was damaged, the movable property [of the person who caused the damages] should be expropriated first. If he does not own any movable property, or the property he owns is not sufficient to pay for all the damages, the remainder should be expropriated from the choicest properties he owns. As long as movable property is found, even property of inferior quality, landed property should not be expropriated.

11 If the person who caused the damage dies before he pays, the court does not expropriate the movable property belonging to his heirs. Instead, [they expropriate] the landed property [in the estate], taking that of least value. [The rationale is that] the person whose property was damaged becomes one of the creditors [of the person who caused the damage], and movable property is never considered to be on lien to a creditor. If the person whose property was damaged [seized] possession of movable property [belonging to] the person who caused the damage in the latter's lifetime,

payment for the damages may be collected from this [movable property] after his death.

12 The *Geonim* have already ordained that a debt owed a creditor can be expropriated from the movable property [in the estate]. This ruling has been accepted by all the [Jewish] courts of law. Therefore, damages may also be expropriated from movable property left to heirs. If [the deceased] did not leave any movable property, [the creditor] may expropriate the landed property of least value. For as explained [in the previous halachah], whenever a person seeks to expropriate property from heirs, he is given the property of the least value.

13 Damages should not be collected, nor is an atonement fine imposed, nor is an animal executed unless definite proof is brought [as substantiated] by acceptable witnesses. We do not say that since only shepherds, servants, and the like are found in the stables of horses, the stalls of cattle and the corrals of sheep, their testimony should be accepted if they testify that one animal damaged another. Similarly, if minors or women testify that one person injured another or caused another type of damage, [one might think] that we rely on them. This is not so. Instead, financial redress is required because of the testimony of witnesses only when the witnesses are acceptable and fit to testify with regard to other matters, and they give testimony, [on which basis] the court obligates the one who caused the damage to pay.

14 When an ox was pasturing at the edge of a river, and another ox is found

dead near him, even though the dead ox was gored, and this ox was prone to gore - or the dead ox was bitten and this ox was prone to bite - we do not say: "One can be certain that this bit it, or this gored it." Even if one of a group of camels is known to bite, and another camel is found dead at its side, we do not say that it is certain that this one killed it, unless the matter was observed by acceptable witnesses.

Chapter 9

1 When an animal that is pregnant causes damage, the sum of half the damages may be expropriated from the mother and its offspring, for the offspring are considered to be part of its body. When, by contrast, a chicken causes damage, the amount due may not be collected from its eggs. [The rationale is that a chicken's] eggs are not considered to be part of its body, but rather separate and distinct from it.

2 When a cow that is pregnant gored [another cow], and the calf [of the goring cow] is found at its side, but it is not known whether it had given birth before it gored or not, the sum of half the damages may be collected from the cow [alone]. Nothing may be collected from the calf, unless [the plaintiff can bring proof that it was pregnant when it gored. [The rationale is that] when a person desires to expropriate money from a colleague, the burden of proof is upon him.

3 [Similarly,] if a bull gores a pregnant cow and we find its calf stillborn at her side, and we do not know if it gave birth to the stillborn calf before it

was gored, or it gave birth to the stillborn calf because it was gored, [the owner of the bull] is required to pay for [only] the damage to the cow and not the damage to the calf. For when a person desires to expropriate money from a colleague, the burden of proof is upon him.

4 When [an ox] gores a pregnant cow and causes it to miscarry, we do not evaluate the damage to the cow separately and the damage to the calf separately, [and obligate the owner of the ox for the total]. Instead, we evaluate the worth of the cow when it was pregnant and healthy and compare it to its present worth and that of the body of the fetus. The owner of the ox must pay the difference [if it was *mu'ad*] or half the difference if it was *tam*.

5 If the cow was owned by one person and the calf by another, the loss in the fat of the cow [caused by the miscarriage] is owed to the owner of the cow; the loss of the cow's bulk is divided between the owner of the cow and the owner of the calf. The carcass of the calf belongs to the owner of the calf.

6 [The following rules apply when] one ox was pursuing another ox, and one was damaged. [If the owner of the ox] that was damaged said: "It was your ox that caused the damage," and [the owner of the other ox] said, "I do not know, perhaps it was damaged by a rock," the burden of proof is upon the one who wishes to exact payment. [This ruling applies] even though the one whose property was damaged states: "I am certain [that your ox caused the damages], and the other person says: "I do not know."

If the person whose property was damaged claims: "You certainly know that your ox caused the damage," if [his ox] was *mu'ad*, [the other person] is required to take a Rabbinic oath that he does not know [that his ox caused the damage]. If, however, [his ox] was *tam*, he is not required to take a Rabbinic oath. [The rationale is that] even if he admitted [that his ox had caused the damage], he would not be liable. For the liability for half the damages is a fine, and a person who admits culpability for a fine [when there are no witnesses to obligate him] is not liable.

7 [A person whose ox was damaged has no legal redress in the following instance.] Two [oxen belonging to two separate owners] were pursuing a third ox. Witnesses saw that one of the oxen caused the third ox damage, but were not able to identify which ox caused the damage. [Since] one of the owners claims, "Your ox caused the damage," and the other claims, "Your ox caused the damage," neither is liable. If both oxen belong to the same person, he is liable to pay from the body of the less valuable [ox, if that ox is *tam*]. If both oxen are *mu'adim*, he must pay the full amount of the damage from his property.

8 When does the above apply? When both oxen are present before us. If, however, one of the oxen died or was lost, and it was *tam*, [their owner] is not liable even though they both belong to him. For he can tell the person whose property was damaged: "Prove to me that it was the ox that is here that caused the damage, and I will pay you."

9 [Similar principles apply in a case where an ox was damaged by one of two

oxen belonging to the same owner.] One of the two oxen that pursued [the damaged ox] was large and one was small. If the person whose ox was damaged claims that it was the larger one that caused the damage, and the person whose oxen caused the damage claims that the smaller one caused the damage, [the burden of proof is upon the one who wishes to exact payment]. [Similarly,] if one of the oxen was *tam* and the other *mu'ad*, and the person whose ox was damaged claims that it was the *mu'ad* that caused the damage, and the person whose oxen caused the damage claims that the *tam* caused the damage, the burden of proof is upon the one who wishes to exact payment.

10 If there was no clear proof which of the oxen caused the damage, but witnesses testify that one of the two oxen [owned by this person] caused the damage, the person whose oxen caused the damage must pay the amount he admits. If the person whose property was damaged claimed, "You know that the damage was caused by the other ox in your presence," the person whose ox caused the damage must take an oath mandated by Scriptural law. He then pays the amount he admitted. [The oath is required] because he admitted a portion [of the claim levied against him].

11 [The following rules apply when] two oxen were damaged, one large and one small, and there were two oxen that caused the damage, one large and one small. The person whose oxen were damaged claims: the large ox damaged the large ox, and the small ox damaged the small ox. The person whose oxen caused the damage, by contrast claims: "No. It was the small ox that damaged the large one, and the large ox that damaged the small

one." [A similar dispute arises if] one [of the oxen that caused the damage] was *mu'ad* and the other *tam*. The person whose oxen were damaged claims: the ox that was *mu'ad* damaged the large ox, and the ox that was *tam* damaged the small ox. By contrast, the person whose oxen caused the damage claims: "It was the ox that was *tam* that damaged the large one, and the ox that was *mu'ad* that damaged the small one." [In both these instances,] the burden of proof is upon the one who wishes to exact payment. If there is no proof, the one who caused the damage is not liable [at all]. To what can this be compared? To an instance where a person claims that a colleague owes him wheat, and the colleague admits to owing him barley. In such a case, [the defendant] is required to take a Rabbinic oath and then is not liable, even for the barley, as will be explained in *Hilchot To'en*.If the person whose oxen were damaged seizes possession [of property belonging to the person whose oxen caused the damage], he may take payment for the damages to the small ox from the body of the large ox and may take payment for the damages to the large ox from the body of the small ox, as the person who caused the damages admitted. If he did not seize possession [of such property], however, no money at all is expropriated from the person whose oxen caused the damage.

12 When one ox gores [another ox] and then gores a third ox, the owner of the first ox that was gored and the owner [of the goring ox] are considered to be partners. What is implied? When an ox that is worth 200 [*zuz*] gores another ox that is worth 200 [*zuz*] and the carcass is not worth anything, the owner of the damaged ox is entitled to 100 [*zuz* from the ox that

gored] and its owner 100 [*zuz*]. If that ox gores another ox that is worth 200 [*zuz*] and its carcass is of no value, the owner of the latter ox is entitled to 100 [*zuz*] and the owner of the first ox and the original owner of the ox are each entitled to 50 [*zuz*]. If that ox gores another ox that is worth 200 [*zuz*] and its carcass is of no value, the owner of the latter ox is entitled to 100 [*zuz*], the owner of the second ox that was gored is entitled to 50 [*zuz*], and the owner of the first ox and the original owner of the ox are each entitled to 25 [*zuz*]. This pattern is followed in the future [if the ox continues to gore].

13 When a person whose [ox] was damaged seizes the animal that caused the damage in order to collect half the damages from its body, he is considered to be a paid watchman with regard to any damages it causes. Therefore, if it causes damages, the person whose ox was first damaged is liable, and its owner is not liable. What is implied? An ox that is worth 200 [*zuz*] gored [another ox], causing damages of 200 [*zuz*]. The person whose ox was damaged seized [the goring ox] in order to collect the 100 [*zuz*] that is due him, Afterwards, [the ox that caused the damage] gored [another ox], causing damages of 140 [*zuz*]. The person whose property was damaged last receives 70 [*zuz*], the person who took possession of the ox because it damaged his property receives the remainder of the damage done to his ox - 30 *zuz* - and the original owner, 100 *zuz*. The same principles apply in other similar situations.

14 When two oxen that are *tamim* gore one another, half of the remainder of the damages must be paid to the one whose ox suffered the greater

damage. If both oxen were *mu'adim* or an ox that was *mu'ad* and a man injured one another, the entire amount of the remainder of the damages must be paid to the one whose ox [or the man] who suffered the greatest damage. [The following rules apply if] one of the oxen is *tam* and one is *mu'ad*. If [the larger amount of the damage was caused by] the ox that is *mu'ad*, the entire amount of the remainder of the damages must be paid [to the owner of the *tam*]. If [the larger amount of the damage was caused by] the ox that is *tam*, half of the remainder of the damages must be paid [to the owner of the *mu'ad*. What is implied? When one ox that is *tam* causes 100 [*zuz*] worth of damage to another ox that is *tam*, and the other ox causes 40 [*zuz*] worth of damage to the first ox, the owner of the first ox must pay 30 [*zuz*] to the owner of the second ox. If they were both *mu'adim*, the owner of the first ox must pay 60 [*zuz*] to the owner of the second ox. If the first ox was *mu'ad* and the second ox was *tam*, the owner of the first ox must pay 80. If the first ox was *tam* and the second ox was *mu'ad*, the owner of the first ox must pay 10.

Chapter 10

1 Wherever an ox kills a [Jew], whether an adult or a child, whether a servant or a free man, whether the ox is *tam* or *mu'ad*, [the ox] must be stoned to death.If an ox kills a gentile, it is not executed, for this is their law.

2 [Not only] an ox, but any other animal, beast or fowl that kills a human should be stoned to death. What is the difference then between an *ox* that

is *tam* killing a person, and that act being performed by an *ox* that is *mu'ad*? [The owner of] an ox that is *tam* is not liable for the atonement fine, while [the owner of] an ox that is *mu'ad* is liable, when his ox is *mu'ad* to kill.

3 Since every animal, beast or fowl that kills a human being should be stoned to death, how is it possible to find an animal that is *mu'ad* to kill, so that its owner will be liable to pay an atonement fine? It killed three gentiles, and then it killed a Jew. For an ox that is *mu'ad* [to kill] a gentile, is also *mu'ad* for a Jew. Alternatively, it killed three Jews who were classified as *t'refot*, and then killed a healthy person. [Other possible situations are the following:] [On three occasions,] it killed a person and then fled, and it was captured on the fourth occasion. [We must say that it was captured, because] the owners are not obligated to pay an atonement fine unless the ox is executed. It mortally wounded three individuals at the same time [and they and the fourth person the ox gored all died at the time]. It killed three animals. In all these instances, it is deemed as *mu'ad* to kill, and the owner is liable to pay an atonement fine. There is also another instance. On three occasions [one of the oxen belonging to a person killed a human]; on each of these occasions, the witnesses recognized the owner, but did not recognize the ox. On the fourth occasion, they saw an ox that killed a person [and were able to recognize it afterwards]. They did not, however, know if this was the same ox that had killed [people] on the three previous occasions or not.[In this instance, the owner of the ox is liable to pay an atonement fine. The rationale is that] since the owner was warned that he had an ox in his herd that had killed

[people] on three occasions, he should have guarded all his oxen [more carefully]. Since he did not, he must pay the atonement fine.

4 The Oral Tradition interprets the Torah's statement [**Exodus 21:29**]: "And its owner shall also be put to death," as implying death by the hand of God [and not execution by a mortal court]. If [the owner] pays an atonement fine for the person killed, he is pardoned. Although the obligation of the atonement fine is for [the owner's spiritual] pardon, the property of a person who is obligated to pay an atonement fine is forcefully expropriated, [even] against his will.

5 When an ox belonging to two partners kills [a man], each of [the partners] must pay an entire atonement fine. For each requires a full measure of atonement.

6 If an ox is owned by a person, the adjudication of the ox must be concluded in its owner's presence. If the ox does not have an owner - e.g., a wild ox, an ox that was consecrated, an ox belonging to a convert who died without leaving any heirs - it should be executed [if it kills a human], and its judgment is concluded despite the fact that it lacks an owner. Similarly, an ox belonging to a woman, a minor, or a guardian is stoned [if it kills a human]. The guardians are not required to pay the atonement fine, for that fine is [as implied by its name] for the purpose of atonement. Minors, deaf mutes and mental incompetents are not men of responsibility who require atonement.

7 When an ox that is a *t'refah* or an ox belonging to a person who is *t'refah*

kills a human, the ox is not executed. [This is derived from **Exodus 21:29**:] "And its owner shall also be put to death." [This is interpreted to mean] that a parallel is established between the owner and the ox being put to death. Since the owner is [already] considered as if he is dead and need not be put to death [by God], so too, the ox is not held liable.

8 When a person sets a dog upon a colleague, and [the dog] kills him, the dog is not stoned to death. The same law applies if he sets another animal or beast upon him. If, however, he sets a snake upon him, even if he actually places the snake's mouth on the other person, the snake is stoned to death. [The rationale is that] the snake releases the lethal venom on its own volition. For this reason, the person who sets the snake upon a colleague is not liable to be executed by [an earthly] court.

9 An animal that kills [a person] is not stoned to death unless it had the intent to kill a person for whom it would be executed. If, however, an ox intended to kill an animal and instead killed a human being, it intended to kill a gentile and instead killed a Jew, or it intended to gore a stillborn child and instead killed an ordinary child, [the ox] is not executed. If [the ox] was *mu'ad*, the owners are liable to pay the atonement fine or the fine paid for killing a servant. [This applies] even [if the ox] killed unintentionally. [The owners are held responsible] because [the ox] is *mu'ad* [to kill].

10 [The owner of an ox is liable to pay an atonement fine in the following instances. An ox] was *mu'ad* to leap on people in pits. It saw a vegetable in

a pit, leapt into the pit, [and fell] on a person there and killed him. It was *mu'ad* to rub itself against walls and knock them over onto people, and it rubbed itself against a wall for its own benefit, and caused the wall to fall on a person and kill him. [In both these instances,] the ox is not liable to be executed, because it did not intend to kill. The owners are, nevertheless, liable for the atonement fine, because the ox is *mu'ad* to leap into pits on people or to knock walls over onto them. How can we know whether any animal is rubbing itself against a wall for its own benefit? If it continues rubbing itself after it knocks the wall down and kills.

11 The owners are not liable to pay the atonement fine unless their animal kills [the person] outside their property. If, however, [their animal] kills [a person] in a domain belonging to [the owner of the animal], the owner is not liable for the atonement fine, although the animal is stoned to death. What is implied? If a person enters a courtyard belonging to a person without his permission - even if he enters to demand payment for wages or a debt [owed to him] - and an ox belonging to the owner of the courtyard gores him and kills him, the ox should be stoned to death. The owner is, however, free from the atonement fine, because [the deceased] did not have permission to enter his property without his consent.

12 [The owner is not required to pay an atonement fine in the following situation. A person] stood at the entrance and called to the owner, and the latter said: "Yes." [The guest] entered and he was gored by an ox belonging to the owner. The owner is not liable. For "yes" does [not necessarily] mean [more than] "Stand where you are, until I [come] to

speak to you."

13 When an animal enters a courtyard belonging to another person and kills a child by treading on it as it proceeds, the owner [of the animal] must pay an atonement fine. [The rationale is that an animal is considered to be] *mu'ad* to tread on things as it proceeds, and in the domain of another person [the owner of animal] is liable for the damages it causes by eating or treading, as explained. Thus, one can conclude: When an animal that is *mu'ad* kills intentionally, it should be stoned to death, and the owners must pay the atonement fine. If it killed unintentionally, it is not liable to be executed, but the owners must pay the atonement fine. When [an animal that is] *tam* kills unintentionally, it is not liable to be executed, nor must the owners pay the atonement fine. If it intended to kill, it should be stoned to death. The owners, however, are not liable for the atonement fine or for the fine paid for killing a servant.

14 It appears to me that even though [the owner of an ox that is] *tam* that killed a servant or a maid-servant intentionally is not liable for the fine of 30 *selaim* mentioned in the Torah, if it killed [a servant or maid-servant] unintentionally, [the owner] must pay half the value of the servant or the maid-servant from the body of the ox, as if [the ox] had killed another ox or donkey belonging to his colleague.

Chapter 11

1 How much is the atonement fine? The amount the judges evaluate as

being the worth of the person who was killed; everything depends on his worth, as [implied by **Exodus 21:30**]: "And he shall give the ransom of his soul according to all that will be imposed upon him." The atonement fine for a servant, whether an adult or a minor, whether a male or a female, is the amount determined by the Torah: 30 *selaim* of fine silver. [This applies] whether the servant was worth 100 *maneh* or only one *dinar*.If a servant is lacking only a bill of release, a fine is not imposed, for he does not have a master, for he has already attained his freedom.

2 To whom is the atonement fine paid? To the heirs of the deceased. If a woman is killed, the atonement fine is paid to her heirs [as though she had not married], and not to her husband. If a person who is half a servant, and half a freed man is killed, half of the fine should be given to the owner, and the other half is fit to be given, but there is no one to take it.

3 When an ox gores a pregnant woman and causes her to miscarry, its owners are not liable for the value of the fetus. [This law applies] even when the ox is *mu'ad* to gore. For the obligation [stated in] the Torah to pay for the value of the fetus applies only when it is a human who causes the damages.

4 If, however, an ox [that is *mu'ad*] gores a maid-servant and causes her to miscarry, [the owner] is required to pay for the value of the fetus. For this is equivalent to having gored a pregnant donkey. If the ox is *tam*, [the owner] must pay half the value of the fetus from the body of the ox.

5 How is this sum evaluated? We assess the value of this maid-servant when she was pregnant, and how much she is worth now. [The owner of the ox] must pay [the owner of the maid-servant] the difference or half the difference. If [the ox] kills the maid-servant, [despite the fact that she is pregnant, its owner] need pay only the fine determined by the Torah, as we have explained.

6 When an ox intended to gore an animal and instead gored a man, [the owner is not liable], even if the man dies, as explained. Nevertheless, if [the ox] injures him, [the owner of the ox] is liable for the damages. If the ox is *tam*, he should pay half the damages from the body of the ox. If it is *mu'ad*, he must pay the entire amount of the damages.

7 When an ox that is *tam* kills [a man] and then causes damage, it is sentenced to execution, but there is no financial claim on its owners. If an ox that is *mu'ad* kills and then causes damage, the liability [resulting from the damages] is determined, and then it is sentenced to execution. If it is sentenced to execution first, the liability [resulting from the damages] is determined afterwards.

8 How is this money collected? From the profit that will accrue from the labor of the ox after it has been sentenced. [This step is taken] because once it is sentenced to be stoned to death, it no longer has owners who are considered liable for the damages it caused. If [in the above situation] it was sentenced to death and then it fled, no liability [resulting from the damages] is assigned.

9 When an ox killed a human, and afterwards its owner consecrates it, it is not consecrated. Similarly, if he declares it ownerless, it is not ownerless. If he sells it, the sale is not effective. If a watchman returns it to its owner, it is not considered to have been returned. If it is slaughtered, one is forbidden to benefit from its meat. When does the above apply? After it has already been sentenced to death. If, however, it had not been sentenced to death [different rules apply]. If its owner consecrates it, it is consecrated. If he declares it ownerless, it is ownerless. If he sells it, the sale is effective. If a watchman returns it to its owner, it is considered to have been returned. If it is slaughtered first, one is not forbidden to benefit from its meat.

10 When an ox [that killed a human] becomes intermingled with other oxen before it was sentenced to death, they are all not held liable. [The rationale is that] just as the judgment of a human being [must be concluded in the presence of that person], so too, the judgment of the ox must be concluded in the presence of the ox. If an ox becomes intermingled with other oxen - even 1000 - after it was sentenced to death, they all must be stoned to death. It is forbidden to benefit from them, and their carcasses must be buried, as is required whenever an animal is stoned to death.

11 When a pregnant cow kills a person - and similarly, all animals that were used for a sinful purpose [that requires their execution] - the laws that apply to it apply to its calf. For it and its calf gored; it and its calf were sodomized.

12 [The following rules apply if a cow] gored a person to death and then became pregnant: If it became pregnant and bore a calf before it was sentenced to death, the calf is permitted. If it bore a calf after the sentence was delivered, the calf is forbidden, for a fetus is considered an extension of its mother. If [the calf] became intermingled with other calves, they must all be enclosed in a closed room until they die.

13 When the witnesses whose testimony caused an ox to be sentenced for execution are disqualified because they lied, whoever first takes possession of the ox acquires it as his own. [The rationale is that] once it was sentenced to death, the owners gave up their ownership of it. If witnesses testify that the owner [of an ox sodomized his animal] and they were disqualified because they lied, the ox remains the property of its [original] owner. Although another person drew it after him, he does not acquire it. [The rationale is that] since the owner knows that he did not sin, and that these are false witnesses, he was planning to have them disqualified. Therefore, he did not give up ownership [of his animal].

Chapter 12

1 When a person digs a cistern in the public domain, and an ox or a donkey falls into it and dies, the owner of the cistern is liable and is required to pay the full amount of the damages, as [**Exodus 21:34**] states: "The owner of the cistern must pay." [This applies] even if the cistern was filled with wads of wool or the like. [The intent] is not only an ox or a donkey, but any animal, beast or fowl. An ox and a donkey are mentioned only

because these are the commonplace [examples].

2 [The above applies] regardless of whether the person digs a cistern in the public domain, he digs it in his own property - but it is open to the public domain or to a domain belonging to a colleague - or he digs it in his own property with the opening to his own property, but afterwards, he declares the property - but not the cistern - ownerless. In all these instances, [the person who digs the cistern] is liable for the damages suffered. If, however, he declared his domain and the cistern ownerless, or he declared the cistern ownerless [while retaining possession of] his domain, or he consecrated it, he is not liable. [This is derived from the phrase:] "The owner of the cistern will pay." [Implied is that the cistern] must have an owner, while this cistern is ownerless. [Moreover, it cannot be compared to a cistern dug in the public domain,] since at the outset he was permitted to dig [the cistern], because it was on his property.

3 [The above applies whether the person] dug the cistern himself, it came into being [on his property] through natural means, or it was dug by an animal or a beast. Since he is required to fill it up or cover it, and he did not, he is liable for the damages. [Similarly, the above applies] whether the person digs [the cistern himself] or purchases or receives as a present [a domain with a cistern]. This is derived from the phrase:] "The owner of the cistern will pay." [Implied is that if the cistern] has an owner [he is liable].

4 Just as a person who digs [a cistern is liable], so too, is one who opens a

cistern that was covered, as [**Exodus 21:33**] states: "If a person opens a cistern, or if a person digs a cistern." If [an owner] covered up a cistern in an appropriate manner and the cover decayed from within, and [because of this], an ox fell into the cistern and died, the owner is not liable. For the above verse continues: "And he did not cover it." And in this case, he covered it. [The following laws apply if the owner] covered [the cistern] with a covering that was strong enough to have oxen tread on it, but was not strong enough to have camels tread on it, camels trod on it and it became weakened, and then oxen trod on it and fell in. If camels are not [usually] found in such a place, [the owner] is not liable, for this is considered a factor beyond his control. If camels pass through this place, even infrequently, he is liable.

5 If [the cover] decayed from within and oxen fell into [the cistern], [the owner] is not liable. [This applies even when] camels frequent this area, and [the owner] is consider negligent with regard to the camels. Nevertheless, since the oxen fell into [the cistern], because [the cover] decayed [it is considered to be a loss beyond the owner's control]. The same applies in all similar situations.

6 When a person discovers a cistern and covers it, and afterwards uncovers it, the owner of the cistern is liable, and the person who [covered and uncovered it] is not liable. If, however, he filled [the cistern] with earth and then removed the earth, he [and not the original owner of the cistern] is liable. Since he filled the cistern with earth, the actions of the person who originally [dug the cistern] are considered to have been nullified.

7 [The following rules apply when] a cistern is owned by two partners. If the first passed by and did not cover it, and then the second passed by and did not cover it, the first is liable until he gives his buckets to the second [partner]. Once he gives his buckets to the second partner to draw water from it, the first is freed of liability, and the second becomes liable. If the first [partner] covered it, and the second partner passed by and saw it uncovered and left it so, he is liable. Until when does the second [partner] bear the sole responsibility of covering it? Until the first [partner] becomes aware that it is open and has the opportunity to hire workers to cut down trees and cover it. If any animal dies during this time, the second partner alone is liable. If an animal dies afterwards, both [partners] are liable, for they both were negligent.

8 When a person transfers [the responsibility for] his cistern to a watchman, [the watchman] is liable for the damages. If, however, the owner gave it to a deaf mute, a mentally incompetent individual or a minor to watch, the owner is liable. [This applies] even if he left it covered, because it is likely that a cistern will be uncovered, and these individuals are not mentally competent [to know that it must be covered at all times].

9 When a person covers his cistern with buckets belonging to a colleague, and then the owner of the buckets comes and takes them, the owner [of the cistern] is liable.

10 [The above laws apply whether] one digs a cistern, a ditch, a cave or a trench. Why does the Torah mention a cistern? [To teach that its depth]

must be sufficient to kill. How much is considered sufficient to kill? A depth of ten handbreadths. If a cistern was less than ten handbreadths deep and an ox or another animal, beast or fowl falls in and dies, [the one responsible for the obstruction] is not liable. If the animal is damaged, the one responsible for the obstruction must pay the full extent of the damages.

11 If a cistern was nine handbreadths deep, and one of those handbreadths was filled with water, [the owner] is liable [if an animal falls in and dies]. [The rationale is] that one handbreadth with water is considered equivalent to two handbreadths without water. If [the cistern] was eight [handbreadths] deep and two handbreadths [were filled with] water, or it was seven [handbreadths] deep and three handbreadths [were filled with] water, and an ox or the like fell in and died, [the owner of the cistern] is not held liable to pay [for the death of the animal]. If [the owner of the animal seized [compensation for his loss from the owner of the cistern's property], [the property he seized] is not expropriated from him. [The rationale is] that there is a doubt regarding this issue.

12 When one person digs a cistern ten handbreadths deep, a second person comes and [digs deeper], making it twenty handbreadths deep, and a third person comes and [digs deeper], making it thirty handbreadths deep, they all share in the liability. When the first digs even one handbreadth less than ten handbreadths, and another makes it ten handbreadths deep - either by digging another handbreadth deeper or building a rim of a handbreadth at its edge - the latter person [alone] is liable. If afterwards he

filled up the handbreadth he added or destroyed the rim he built, it is unresolved whether the first person's deed is no longer considered of consequence [and therefore, he is not liable,] or whether his actions are still considered significant.

13 [The following rules apply when a person] dug a deep cistern, another person came and made it wider, and an ox fell into it and died. If [it is obvious that the ox] died because of the air within the cistern, the second person is not liable, for [his act] improved [the quality of] the air. If [it is obvious that the ox] died because of the blow [it received], the second person is liable, for [his act] brought closer [the possibility] that this cistern would cause damage. Similarly, if the ox fell from the side that the person widened, [and died because of the air of the cistern], the second person is held liable despite the fact that [the ox] died from [the cistern's foul] air. If [the ox] fell from the side that was dug by the first person, the first person is liable, for the second person improved [the quality of] the air.

14 The liability that the Torah imposed for [damages caused by falling into] a cistern applies even when the animal died merely because of the [foul] air within the cistern. Needless to say, it applies when the animal dies because of the blow it received. If the width of the cistern was the same as its depth, it will not have [foul] air. Thus, if the animal did not receive a blow [when it fell] and yet it died, [the owner of the cistern] is not liable. If the depth exceeds its width, it has [foul] air. If an animal dies [after falling in], [the owner] is liable, even though it did not receive a blow

from the bottom [of the cistern].

15 [The following rules apply when] a person erects a high mound in the public domain, and an animal receives a blow from it and dies.If [the mound] was ten handbreadths high, he is liable to pay [for the damages]. If it was less than ten handbreadths high, he is not liable if the animal dies. If, however, an animal is merely injured, he is liable for the full extent of the damages. Even if a mound is of minimal height, or one digs [a pit of] minimal depth, [and an animal is injured, one is liable]. For it is a frequent occurrence for injuries to be caused by a mound or a pit of minimal height or depth. For [an animal] to die because of such a mound or pit is not a frequent occurrence; it is considered to be an event beyond one's control.

16 Similarly, a person is not liable for the death of an animal that [fell] into a cistern or that received a blow from a mound unless the animal was small, a deaf mute or mentally incompetent,or it was blind, or it fell at night. If, however, the animal was mentally competent, and it fell into [the cistern] during the day, [the owner of the cistern] is not liable. This is considered like an event beyond a person's control. For it is the ordinary practice for an animal to see where it is going and to avoid obstacles. Similarly, if a human fell into the pit and died, the owner is not liable. This applies even if he was blind or fell at night, and regardless of whether he was a free man or a servant. If a mentally competent human or animal suffered injury because of [the cistern], [the owner] is liable for the full extent of the damages, as explained [in the previous halachah].

17 If an ox that had been consecrated as a sacrificial offering and then disqualified fell into [the cistern] and died, the owner is not liable. [This law is derived as follows. **Exodus 21:34**] states: "The dead body will belong to [its owner]." [The liability for the animal's death stated in the verse applies only] when the dead body belongs to [the owner]. This excludes the case at hand, for it is forbidden to benefit from [the body of this animal], and it must be buried.

18 [The following laws apply when] a person was digging a cistern and the noise of the digging caused an animal to fall into the pit and die. If [the animal] fell forwards, [the owner of the cistern] is liable. If it fell backwards - i.e., it was startled [by the sound] and retreated and then fell - [the owner] is not liable. [The latter law is derived as follows. **Exodus 21:33** states: "When an ox...] falls," [implied is that for the person to be liable], the ox must fall in an ordinary manner. If [the animal] fell forward outside the cistern because of the sound of the digging and died, the court does not hold the owner of the cistern liable. If the person [whose ox died] seizes property [belonging to the owner of the cistern], it is not expropriated from him. If [the animal] fell backward outside the cistern and died or was injured, the owner of the cistern is not liable.

19 [The following rules apply when] an ox pushes another animal into a cistern and it dies. If [the ox] is *mu'ad*, the owner of the cistern is required to pay half [the damages], and the owner of the ox the [other] half. If [the ox] is *tam*, the owner of the ox must pay one-fourth [of the damages] from the body of the ox, while the owner of the cistern must pay three-

fourths of the damage from his most choice property. For the owner of the dead animal may say to the owner of the cistern: "You owe me for the depreciation in value of this dead animal. Although it was a mature animal and mentally competent, it is as if it fell at night. I will collect whatever I can from the owner of the ox. You are liable to pay me the remainder."

20 Similarly, if a person places a stone at the edge of a cistern, and an ox stumbles over it and falls into the cistern and dies, the person who placed the stone there must pay [half the damages], and the owner of the cistern must pay the [other] half.

21 Similarly, [the following laws apply when] an ordinary ox and an ox that was consecrated as a sacrifice and then disqualified gored another ox together. If the ordinary ox is a *tam*, [its owner] should pay half the damages. If it is *mu'ad*, [its owner] must pay the entire damages. [The entire burden falls on this person,] because the owner of the ox that suffered the damage will say to him: "I will collect all that I can from the other ox, and you are liable for the remainder. In this instance, since the other ox is consecrated and therefore [its owner is] not held liable, you must pay me the entire amount."

22 When a person was digging a cistern in the public domain, and an ox fell upon him and killed him, the owner of the ox is not liable. If the ox dies, the owner of the ox may collect the value of his ox from the heirs of the owner of the cistern.

Chapter 13

1 When utensils fall into a cistern and break, the owner of the cistern is not liable. [This is derived from **Exodus 21:33**, which] states: "And an ox or a donkey fell there." The Oral Tradition interprets this as an exclusion: "'An ox' and not a man; 'a donkey' and not utensils." Even when an ox fell [into a cistern] when carrying utensils and died and broke the utensils, the owner is liable for the ox, but not for the utensils.

2 A cistern is considered one of the general categories of causes of damage. Its derivatives, like it, are considered *mu'adim* from the outset. Whenever a person leaves an obstacle [in the path of other living beings], it is considered to be a derivative of a cistern. If a person or an animal is injured because of it, the person who caused the obstacle to exist is liable, whether or not he renounced ownership of it. If it caused damage to utensils, [the person responsible] is not held liable.

3 What is implied? When a person leaves his stone, his knife, his straw, his burden or the like in the public domain, and they cause injury to another human or to an animal, [the first person] is liable for the full amount of the damages. Similarly, if he left such items on his property and declared his property - but not these items - ownerless, and a person stumbled on the ground and received a blow from such an item that caused him injury, the person who caused the obstacle to exist is liable. If the person's utensils became damaged or soiled in such a situation, [the person who caused the obstacle to exist] is not liable.

4 If a person brought his ox into a courtyard belonging to another person without permission, the ox defecated, and the feces soiled utensils belonging to the owner, [the owner of the ox] is not liable. For the feces are considered to be a derivative of a cistern, and [the owner of] a cistern is never liable for damage to utensils.

5 [The following laws apply when a person] leaves his jug in the public domain, and a passerby stumbles over it and breaks it. The passerby is not liable, because it is not the practice of people to look out on the way as they walk. If [the passerby] was injured, the owner of the jug is liable for his injury. [This applies] even if he declared his jug ownerless. For whenever a person declares ownerless an obstacle that he has created in a domain in which he has no permission to place it at the outset, he is liable, as if he had never declared it ownerless.

6 If the person placed the jug down in a place where he had permission to place it - e.g., the marketplace before the wine vats or the like - and a passerby stumbles over it and breaks it, [the passerby] is liable. If the passerby was injured, the owner of the jug is not liable, because [the passerby] should have looked to see [if there was anything in his way]. If it was dark or [if the owner of the jugs] filled the entire path with jugs, the passerby is not liable for breaking it. If he is injured, the owner of the jugs is liable. Similar laws apply in all analogous situations.

7 [The following rules apply when] a jug belonging to a person breaks [accidentally] in the public domain, and another person slips on the water

[that spilled] or receives a blow from its shards. The owner cannot be held liable by an earthly court, because [the jug] was broken by accident. He has, however, a moral and a spiritual obligation, because he did not gather the shards. The shards and the water are like ownerless entities, [even though] he did not rescind his ownership until after the accident, he is not held liable. If he intended to take possession of the shards, and another person was damaged by them, he is liable. Similar laws apply to a person whose camel fell and he did not raise it up, or the like. In all these situations, if utensils were damaged, the owner of the obstacle is not liable, whether he declared his object ownerless or not, as we have explained.

8 [The following laws apply when] two potters were following each other on a path, the first tripped and fell, and the second tripped over the first. If the first could have stood up but failed to do so, he is liable for the damages suffered by the second. Although he accidentally fell, the accident did not [force him to remain] lying in the road. [Therefore,] since he could have stood up, [he is liable]. If he was unable to have risen [before the second potter tripped over him], he is not liable. [This applies] even though he did not warn [the potter] who tripped over him. [The rationale is] that he is concerned with his own [difficulties].

9 When do we say that he is liable for the damages to the second [potter]? When he suffers damage to his body. If, however, his utensils are damaged, [the first potter] is not liable. For [an owner of] a cistern is not liable for the damage to utensils, and any obstacle is considered to be a derivative of a cistern, as explained above.

10 [The following rules apply when] potters, glass blowers and the like were walking one after the other, the first one tripped and fell, the second tripped over the first one, and the third tripped over the second. Each of them had time to stand up, but failed to do so. The first is liable for the damages to the body of the second, regardless of whether he was injured by the body of the first person who is lying on the earth, or he was injured by his burden. The second is liable for the injuries suffered by the body of the third person if he was injured by the second person's body. If, however, he was injured by the second person's burden, [the second person] is not liable. For he will say: "I did not dig this cistern - i.e., my burden." For it was the first person who caused the second person and his burden to fall. In all cases, [if the person who fell] warned [the person who tripped over him or his burden], [the person who fell] is not liable.

11 If the first person fell and was lying lengthwise across the road and one person tripped over his head, another [tripped] over his legs and a third over his abdomen, he is liable for the injuries each suffered, for he had the potential to arise.

12 When a person pours water into the public domain, and another person is injured by it, [the one who poured out the water] is liable for the damages. If the other person's garments were soiled, [the one who poured out the water] is not liable, as we have explained. If the water was absorbed by the earth, but the earth remained slippery, and a person slipped and fell and was injured by the ground, [the one who poured out the water] is liable.

13 All those who open their sewage vats and rake out their cesspools do not have permission to pour this water into the public domain during the summer months. In the rainy season, a person has permission [to release such sewage]. Nevertheless, if a person or an animal is damaged by the water, the one who released it is responsible for the entire sum of the damages.

14 A person should not take his straw and hay out to the public domain so that it will be trod upon and become fit to use as fertilizer. If he did take it out, our Sages penalized him and declared the straw to be ownerless. The first person to take possession of it acquires it as his own, once it has been trod upon and its value has increased. If a person took possession of it before that time - i.e., directly after it was taken out to the public domain - it should not be expropriated from him. Although the straw and the hay are ownerless, if [they cause damage to] a person or an animal, the person who brought it out [to the public domain] must compensate [for the damages].

15 A person may take out compost and manure to the public domain at a time when everyone does so and amass them there for 30 days so that they will be trodden upon by people and animals. Although [permission is granted], if these substances cause damage the owner is liable for the damages. [If another person takes] this manure, he is liable for theft. Since its value will not increase [appreciably] by being trodden upon, [our Sages] did not penalize him [by declaring it ownerless].

16 Mortar may not be left to soak in the public domain, nor may bricks be fashioned there. One may, however, mix mortar in the public domain. One may not, however, mix bricks.

17 When a person constructs a building in the public domain, the one who brings stones may bring stones, and the one who builds may build. If any of them causes damage, they are obligated to pay for the entire sum of the damages.

18 When a quarrier hews out a stone and gives it to a stonecutter, and it causes damage to a human or an animal, the stonecutter is liable. If the stonecutter gives it to a donkey-driver [and it causes damage], the donkey-driver is liable. If the donkey-driver gives it to a porter [and it causes damage], the porter is liable. If the porter gives it to a builder [and it causes damage], the builder is liable. If the builder gives it to the person who positions it on the building [and it causes damage], the latter is liable. If they were working as contractors [in a partnership], and after it was positioned in its place on the building it fell and caused damage, they all share in the liability. If they are hired laborers, the one [who positioned the stone in its place] is liable, and the others are not liable.

19 When a wall or a tree falls into the public domain and causes damage, the owner is not required to compensate [for the damages]. [This applies] even when he declared [the tree or the wall] ownerless. [The rationale is that these entities] do not resemble a cistern, for at the outset, [it is not likely] that they will cause damage. If they were not sturdy, the court sets a

time for the person by which he must cut down the tree and tear down the wall. How much time is granted him? Thirty days. If the tree or the wall falls within this time and causes damage, he is not liable. [If it falls] afterwards, he is liable, because he delayed [beyond the limits set].

20 When a person places thorns or glass [within a wall], or when a person makes a fence of thorns that project into the public domain, and it causes damage to another person, he is liable for the full extent of the damages. If he makes a fence of thorns that are contained within his property, he is not held liable, for it is not ordinary for people to rub against a wall [in the public domain].

21 [The following laws apply when] a person hid his thorns and [fragments of] glass in a wall belonging to a colleague, the owner of the wall came and tore down his wall into the public domain, and [the thorns or glass] caused damage. If the wall was shaky, the person who hid [the thorns or glass] is liable. If the wall was strong, its owner is liable.

22 The pious men of the early generations would bury thorns and [fragments of] glass in their fields [at least] three handbreadths below the ground, so they would not be lifted up by a plow. Others would burn them in fire. Still others would throw them to the sea or to the river so that other people would not be injured by them.

23 A person should not clear stones from his private property into the public domain. One should not dig a cavity, a cistern, a trench or a cave under the public domain. [This applies] even when [the covering of the cavity is

so strong] that it can support a carriage laden with stones, for there is the possibility that [at a later date] it will open from below without his knowledge. It is permitted for a person to dig a cistern for the needs of people at large.

24 One should not build projections and balconies that protrude into the public domain unless it is possible for a camel and its rider to pass beneath, and provided it does not cast shadows on the people in the public domain. If he desires, he can withdraw the walls [of his building into his own domain] and build [the projection]. If he did withdraw the walls [of his building], but has not built [a projection], he may do so at any time he desires. Never, however, may he return the walls to their original place. Once people at large have been granted permission to pass through a particular property, it cannot be withdrawn.

25 When a person purchased a courtyard with projections and balconies protruding into the public domain, we operate under the presumption [that they were built legally]. If the building falls, he is allowed to rebuild it according to its original proportions.

26 When [the foliage of] a tree leans into the public domain, it should be trimmed so that a camel and its rider can pass under it. An empty space should be left next to the banks on both sides of a river wide enough for the crewmen who descend and pull a boat. Any tree that is found in this space should be cut down immediately. A warning need not be given to its owner, for it blocks the crewmen from pulling ships.

27 [The following rules apply when] there was a path for people at large passing through a person's field, he expropriated the path and prepared a new path at the side of the field. What he granted them, they acquire possession of, but he does not acquire possession of [the land] he took. How wide is a path for people at large? Not less than sixteen cubits.

Chapter 14

1 When a person kindles a fire in a field belonging to someone else and the fire spreads and causes damage, [the person who kindled it] is liable to pay the full extent of the damages, as [**Exodus 22:5**] states: "When a fire spreads through thorns and consumes bound or standing grain..., [the one who started the fire] must pay." Kindling a fire is considered one of the major categories of sources of damage.

2 When a person kindles [a fire] on his own property, he must retreat a sufficient distance from his boundary to ensure that the fire will not spread to a field belonging to a colleague. How far must he move? Everything depends on the height of the fire. If he did not retreat an adequate distance and the fire spread and caused damage, he is liable to pay the full extent of the damages. If he retreated an appropriate distance, and [the fire] nevertheless spread and caused damage, he is not liable. This is considered an act of heaven. Similarly, if [the fire] crossed a stream or a pond of rainwater that was [at least] eight cubits wide, [the person who kindled the fire] is not liable.

3 If the fire passed a wall, we measure the height of the wall and the height of the fire and the amount of foliage and bramble found there. If the fire was not of sufficient size to pass the wall ordinarily, he is not liable. If it is large enough, he is liable. When does the above apply? To a piercing flame]. If, however, the flame ascends upward and warps downward because of the height of the flame, and there were trees there, we do not make an estimation. Even if the fire spread for 1000 cubits, [the person who kindled it] is liable.

4 [The following rules apply when] a fire breaks out in a person's domain, and his wall falls from causes other than the fire. If he had had the opportunity to rebuild the wall that fell, and he neglected to do so, he is liable. To what can the matter be compared? To a person's ox that broke loose and caused damage. For [the owner] was responsible for guarding him, and he failed to do so.

5 A person who sends a fire in the hands of a deaf mute, a mentally incompetent person or a child is not held liable by an earthly court; he does, however, have a moral and a spiritual obligation [to make restitution for the damages]. When does the above apply? When he gave them a coal and they fanned it into a flame, for it is normal for a coal to burn out before it causes a flame. If, however, [the person] gave them a flame, he is liable, for his deeds caused the damage.

6 When a person sends a fire with a mentally competent individual, the agent who spread the flame is liable, and the principal is free of liability.

Similarly, if he charged a watchman with guarding a fire, [and the fire nevertheless caused damage,] the watchman is liable.

7 When one person brings a flame, and [then] another person brings the wood, [and a fire is started, which causes damage], the person who brought the wood is liable. When one person brings the wood, and [then] another person brings a flame, [and a fire is started, which causes damage,] the person who brought the flame is liable. If another person comes and fans the fire, he is liable. If the fire is fanned by an uncommon wind, none of them is held liable. If a person fanned a fire, but it was also fanned by the wind, the person is liable, for his [actions] caused damage. And whenever a person's [actions] cause damage, he is liable to pay for the full amount of the damages from the choicest property he owns, as if the damage was inflicted directly.

8 When a fire spread and consumed wood, stone or earth, [the person who kindled the fire] is obligated to make restitution, as it is written: "[When a fire] spreads through thorns [and consumes...] a field." [The following rules apply when] a fire consumes a grain heap or the like and there were utensils hidden in the grain heap. If [the utensils include] a thresher, a yoke for cattle or other articles that it is likely for farmers to hide in their grain heaps, [the person who kindled the fire] is liable. If [the utensils include] clothes, glassware and the like, he is not liable for the damage to the utensils.

9 When does the above apply? When a person kindles a fire in a field

belonging to a colleague. If, however, he kindles the fire in his own [domain] and it spreads to a colleague's field, he is not liable for utensils hidden in a grain heap. He must, however, compensate [the owner] as if the space taken by the utensils had been filled with wheat or with barley.

10 A person who kindles a fire in a field belonging to a colleague is also liable [in the following instance]. The fire spread and consumed a kid that was tied to the grain heap or a servant near the grain heap. For this is also the ordinary practice near a grain heap. If, however, the servant was tied [to the grain heap], or the goat was near the grain heap, [the person who kindled the fire is not liable].

11 When a person lends a colleague space to make a grain heap, the colleague makes that grain heap and hides utensils in it, and then the person who lent him the space burns the grain heap, [the person who kindled the fire] is liable to pay [his colleague] only for the grain heap. If he lent him space to make a heap of wheat and he made a heap of barley, or he lent him space to make a heap of barley and he made a heap of wheat, or he made a heap of wheat and covered it with barley, or he made a heap of barley and covered it with wheat, [the person who kindled the fire] is not liable to pay any more than the value of a heap of barley.

12 When a person sets fire to a home belonging to a colleague, he must compensate for everything it contains, for it is the ordinary practice for people to keep all their utensils and possessions in their homes. The person whose house [was burned] is entitled to collect everything he

claims, provided he takes an oath while holding a [sacred] article. This oath is a Rabbinic institution, as will be explained. [The above applies] provided he claims articles that we can assume he owns or that it is customary for others to entrust to him.

13 [The following rules apply when] a camel that is loaded with flax passes through the public domain, the flax that enters the shop is ignited by the lamp belonging to the shopkeeper and then sets fire to the entire building. The owner of the camel is liable, because he overloaded [his beast]. [This applies regardless of] whether or not the animal stood. If the shopkeeper had placed his lamp outside, the shopkeeper is liable and must reimburse the camel driver even for the flax that burned, because he placed his lamp outside. [This applies] even with regard to a Chanukah lamp, for he should have sat [there] to guard it [from causing damage].

14 [The following rule applies when] a person bends standing grain belonging to a colleague toward a fire until it ignites. If the fire would not reach the grain unless it was spread by an uncommon wind, [the person who bent the grain] is not held liable by a mortal court. He does, however, have a moral and spiritual obligation to make reimbursement. When a person buries standing grain belonging to a colleague in earth or straw, and then a fire passes and consumes it, the person who buried [the grain] is not held liable by a mortal court. He does, however, have a moral and spiritual obligation to make reimbursement, because the person who kindled the fire is not liable for [the destruction of property that was] hidden.

15 When a fire spreads and harms a human being and injures him, the person who kindled the fire is liable for the damages, unemployment benefits, medical costs, pain and embarrassment suffered by the injured party, as if he had personally injured him. Although fire is one of a person's possessions, it is as if he caused him damage with his arrows. If, by contrast, injury to a man is caused by a person's animal or cistern, he is liable for the damages alone, as we have explained.

16 [The laws pertaining to] all the derivatives of fireare the same as [those pertaining to] fire itself. What is implied? If a person placed a stone, a knife or a burden on his roof, and it fell because of an ordinary wind and caused damage, he must pay the full extent of the damages. All these are derivatives of fire. If it was an uncommon wind that caused them to fall and create damage, he is not liable.

Mishneh Torah, Theft

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whenever a person steals property that is worth a *p'rutah* or more, he transgresses a negative commandment, as **Exodus 20:13** states: "Do not steal."

Lashes are not administered for the violation of this commandment, for one is obligated to give compensation. For the Torah requires a thief to compensate the party from whom he stole, whether he be a Jew or a gentile, an adult or a minor.

2 The Torah prohibits stealing even the slightest amount. It is forbidden to steal as a jest, to steal with the intent to return, or to steal with the intent to pay. All is forbidden, lest one habituate oneself to such conduct.

3 Who is a thief? A person who takes assets belonging to a colleague in stealth, without the owner's knowing - e.g., a pickpocket who is not detected by the owner or the like.

If, however, a person takes a colleague's assets in open view and with public knowledge by force, he is not considered a thief, but rather a robber.

For this reason, an armed bandit who steals is not considered a robber, but a thief. This applies even when the owner takes notice when he steals.

4 When two acceptable witnesses testify that a person stole, he is required to

pay twice the amount of the stolen property to its owner. If he stole a *dinar*, he must pay two. If he stole a donkey, a garment or a camel, he must pay twice its worth. He thus loses the amount that he desired that his colleague would lose.

5 When a thief admits that he stole, he must repay the principal, but he is not liable for the payment of the double amount, as indicated by **Exodus 22:8**: "one who is deemed guilty by the court must pay double." This excludes a person who admits his own guilt; he need not pay double.
This principle applies with regard to all the fines required by the Torah. A person who admits his own guilt is not liable for the fine.

6 The obligation to make double restitution applies with regard to all articles with the exception of a sheep or an ox. A person who steals an ox or a sheep and slaughters it or sells it must pay four times the amount of the sheep and five times the amount of the ox.

7 The obligation to pay double - or four or five times the amount - of the value of the stolen article applies equally to a man and to a woman. If a woman is married and thus has no financial resources with which to pay, the double payment remains a debt that she is obligated to pay when she is divorced or becomes a widow. At that time, the court exacts payment from her.

8 When a minor steals, he is not liable for the double payment. The stolen article must, however, be returned to its owner. If that article is lost, he is not obligated to pay the principal even after he attains majority.

9 When a servant steals, he is not liable for the double payment. Similarly, his owner is not liable. For a person is not liable for the damages caused by his servants although they are his property. The rationale is that the servants are mentally competent, and their owner is incapable of guarding them. Were the owner to be held liable for the damages his servants cause, if he angered a servant, the servant could desire to seek revenge and go and ignite a grain heap worth a thousand *dinar* or precipitate other similar damage to cause his owner to be liable.

If the servant is freed by his owner, he is obligated to pay the double payment.

10 It is appropriate for the court to administer corporal punishment to a child who steals, according to the child's strength, so that he will not become accustomed to such conduct. The same principles apply if he causes other types of damage.

Similarly, servants who stole or caused damage should be administered severe corporal punishment, so that they will not become accustomed to causing damage.

11 When the stolen article increased in value while it was in the thief's possession - e.g., a sheep bore a lamb and it was shorn - the thief must restore the sheep, its shearings and its offspring.

If the owner already despaired of the sheep's return, and it gave birth or was shorn, the thief must pay only the value at the time of the theft. If the thief invested in the stolen property, causing its value to increase - e.g., he force fed livestock - the thief is entitled to the increase in value even when

the owner does not despair of the article's return. When the thief restores the stolen article and the double payment, he should be repaid for the increase in value by the owner, or that amount should be deducted from the double payment.

12 When the stolen article remains unchanged in the possession of the thief, it should be returned to its owner regardless of whether or not he despaired of its return. If, however, it increased in value after the owner despaired of its return, the thief is entitled to that increase, as we have explained above.

If, however, the stolen article underwent a fundamental change while in the thief's possession, the thief acquires it and any increase in its value, even before the owner despairs of the article's return. All that is required of him is to return the value of the stolen article at the time of the theft.

13 If he stole a gaunt animal and he fattened it, or he stole a fat animal and he caused its weight to be reduced, he is liable to pay twice - or four or five times - the value of the animal at the time of the theft.

If he stole a kid and it grew into a ram, or a calf and it grew into an ox, he is liable to pay twice the value of the animal at the time of the theft. If he slaughtered it or sold it after it matured, it is considered to have undergone a change while in the thief's possession, and he acquires it. Thus, he is slaughtering or selling his own animal; he is not required to pay four or five times its worth.

14 When a person steals an animal, a utensil or the like that was worth four

zuz at the time of the theft, but at the time the case is brought to court, it depreciated and is worth only two, the thief must pay the worth of the principal at the time of the theft, and pay the double - or quadruple or quintuple - amount as evaluated at the time the case is brought to court.
The following rules apply if an animal or a utensil was worth two *zuz* at the time of the theft, but at the time the case is brought to court, it appreciated and is worth four. If the person slaughtered or sold the animal or destroyed or lost the utensil, he must pay double - or four or five times - the worth of the stolen article at the time the case is brought to court.
If the animal died or the utensil was lost as a matter of course, he must pay double the worth of the stolen article at the time of the theft.

15 When a person steals a utensil and destroys it or causes it to decrease in value - or it is destroyed or it decreases in value as a matter of course - the amount of the decrease is not evaluated. Instead, we evaluate the original worth of this utensil, and the thief is obligated to pay the owner twice this amount. The broken utensil becomes the property of the thief. The same laws apply in all similar instances.
If the owner desires to take the broken utensil and be compensated for the damage done to it and receive the double payment, his wishes are respected.

16 When a thief slaughters or sells a sheep or an ox before the owner despairs of its return, he is required to pay four or five times its amount, despite the fact that the sale is nullified and the purchaser does not acquire the article, but instead must return it intact to its original owner.

Needless to say, the above applies if he slaughters or sells the animal after the owner despairs of its return. For his deed is effective, and the purchaser is considered to have acquired the article.

17 When a thief steals from another thief, he is not required to pay twice its amount. This applies even if the original owner despaired of the stolen article's return. If the second thief slaughters or sells a stolen animal, he is not required to pay the first thief four or five times its worth.

The rationale is that the law is that this animal must be returned to its owner; it was never acquired by the thief. Nor must the second thief pay twice, four or five times the amount to the original owner, because he did not steal the property from the original owner's domain.

18 When a thief steals an animal and slaughters it, and then another person steals the meat, the second thief must make double restitution to the first thief, for the first thief acquired the animal because of the change his deed brought about. The first thief must, however, pay four or five times the animal's worth.

The following rules apply when a thief stole an animal and sold it, and another person stole it from the purchaser. If the original owner despaired of the animal's return, the first thief must pay four or five times the animal's worth, and the second thief must pay double its worth. If the original owner did not despair of the animal's return, the second thief is required to restore only the principal.

Chapter 2

1 When a person steals from a gentile or from consecrated property, he is required to pay only the principal, as implied by **Exodus 22:8**: "He shall pay twice the amount to his colleague." "To his colleague" excludes the Temple treasury and a gentile.

Similarly, a person who steals animals that were consecrated to be offered as sacrifices - both sacrifices of the highest sanctity and sacrifices of lesser sanctity - is not liable to pay twice or four or five times the animals' worth. This applies whether or not the owner is liable to bring another animal as an offering instead of the stolen animal.

The rationale is that **Exodus 22:6** describes the article as having been "stolen from a person's home" - i.e., not from the the Temple treasury.

2 Similarly, a person who steals servants, promissory notes or landed property is not liable to make double payment. For the Torah obligated double payment only for the theft of chattel that is itself worth money.

The exclusion of landed property is derived from **Exodus 22:8**, which speaks about paying double for: "an ox, a donkey, a sheep or a garment." Servants are equated with landed property, as **Leviticus 25:46** states: "You shall give them as an inheritance to your sons." And promissory notes are not themselves worth money.

3 When a person steals a firstling donkey belonging to a colleague before it was redeemed, he must make double restitution to the owner. Although the donkey is not yet his, it is fit to be his at a later date.

4 A person who steals *tevel* belonging to a colleague and eats it must

reimburse him for his *tevel*. A person who steals forbidden fats belonging to a colleague and eats it must reimburse him for his fats.

5 When a person steals *terumah* from an Israelite who owns it, he is not required to pay double. For the Israelite possesses merely the prerogative to give it to the priest of his choice,and that prerogative is not considered to be equivalent to money.

6 When a person steals a sheep or a cow from his father and slaughters or sells the stolen animal and then his father dies, he is liable to pay four or five times the animal's worth to his father's estate. If his father dies, and then he slaughters or sells the stolen animal, he must make double payment; he does not, however, pay four or five times the animal's worth.

If a thief steals a sheep or a cow, slaughters or sells the stolen animal and then consecrates it as a sacrifice, he must pay four or five times the animal's worth.

If, by contrast, a thief consecrates an animal and then slaughters or sells it - even if he consecrates it as a sacrifice of a lesser degree of sanctity - he must make a double payment; he does not pay four or five times the amount.

When does the above apply? When he consecrated the animal after the owner despaired of the animal's return. If, however, he consecrates it before the owner despairs of the animal's return, the consecration is not effective. If the thief slaughters or sells it, he must pay four or five times the amount.

7 If the owner consecrates the animal while it is in the thief's domain, the consecration is not effective. The rationale is that it is not in the owner's possession. If the thief slaughtered or sold it after the owner consecrated it, he must still pay four or five times its worth to the owner.

8 When a thief slaughters a sheep or a cow, but the slaughter is not ritually acceptable, or he kills the animal or rips out the signs of ritual slaughter, he is liable to pay only double the animal's worth.
If, however, he slaughters an animal for medicinal purposes, to feed it to the dogs - and after it was slaughtered it was discovered to be *taref* - or he slaughtered it in the Temple courtyard although it was not consecrated, he must pay four or five times its worth. Although it is forbidden to benefit from a non-consecrated animal that is slaughtered in the Temple courtyard, since that prohibition is Rabbinic in origin, he is liable to pay four or five times the animal's worth.

9 Similarly, if a person steals a half-breed that comes from a sheep and another animal, or he steals an animal that had been preyed upon, one whose leg had been cut off, one that limped or was blind, or that belonged to partners, and he slaughtered it or sold it, he is liable to pay four or five times its worth.

10 When a person steals a cow or a sheep and gives it to another person as a present, or he charges another person with slaughtering it, and the other person slaughters it, or he charges another person with selling it, and the other person sells it, the thief must pay four or fives times its worth.

He is also liable for this penalty if he stole it and sold it on credit, exchanged it for another article, paid a debt that he owed, or sent it as an engagement gift to his fiancee in his father-in-law's home.

11 A thief stole a sheep or a cow and sold it, but posited that the sale not take effect until thirty days have passed - and within those thirty days the thief was apprehended - he is required to pay only double its worth.
The following rule applies if the thief sold the stolen animal to another person except for one hundredth of its bulk, or except for its foreleg or its hindleg. If the thief retained ownership of a portion of the animal that is permitted to be used only through ritual slaughter, he is not liable to pay four or five times its worth. If he sold it with the exception of its shearings or its horns, he is liable to pay four or five times its worth, for these portions of the animal are permitted to be used even without ritual slaughter.

12 If a thief stole a sheep or a cow, cut off a limb and then sold it, or he sold it with the exception of the right to work with it, or he sold it except for a 30-day period, the payment for four or five times its amount should not be expropriated from the thief. If the person whose animal was stolen seizes this amount from the thief's assets, the property that he seized should not be expropriated from him.

13 If the thief was a partner in the animal he stole and then he sold it, he is not liable to pay four or five times its worth.

14 The following rules apply when partners steal a sheep or a cow. If one of

them slaughtered or sold the stolen animal with his partner's consent, they must both join in the payment of four or five times its worth. If he acted without the consent of his partner, they are not liable for the payment of four or five times the animal's worth. They must, however, make double restitution.

15 When a thief stole a sheep or a cow, was brought to court and was told by the judges: "Go and give him what you stole," and instead of making restitution he sold or slaughtered the animal, he is not liable for the payment of four or five times the animal's worth. If the judges told him: "You are obligated to return it to him," and then he slaughtered or sold the stolen animal, he is liable for the payment of four or five times the animal's worth. The rationale is that the judgment was not rendered in a definitive manner, and he is persevering in his theft.

16 When a person steals an object without removing it from the domain of its owner, he is not liable for a double payment.Similarly, if he slaughtered or sold a stolen sheep or cow in the owner's domain, he is not liable for the added penalty. If, however, he lifted the stolen object above the ground, he is liable as a thief, even though he did not take it out of the owner's domain.

What is implied? If he stole a lamb from the corral and was pulling it, and it died while in the owner's domain, he is not liable for the added penalty. If he lifted it up or removed it from the owner's domain, and then it died, he is liable.

If while in the owner's domain, the thief gave it to a priest in redemption

of his first-born son, to his creditor, to an unpaid watchman, to a borrower, to a renter or to a paid watchman, and the recipient was pulling the animal and it died, the recipient is not liable. If the recipient lifted it up or removed it from the domain of its owner and it died, the recipient is liable, because the thief did not remove it from the owner's domain and the recipient did.

17 When a herd of sheep or cows are in a forest, and a thief prods an animal to move and then hides it among the trees and woods, he is obligated to pay twice its worth. If he slaughters or sells it there, he is obligated to pay four or five times its worth.

18 When a thief steals a sheep or a cow in the owner's domain, and after the owner discovered the theft, the thief removed it and slaughtered it or sold it outside their domain, or if a thief stole and removed the animal from the owner's domain and then slaughtered or sold it in the owner's domain, he is obligated to pay four or five times its worth.

Chapter 3

1 We have already explained in *Hilchot Na'arah Betulah*, that whenever a person violates a transgression that is punishable by both capital punishment and a financial penalty, he is not obligated to pay the financial penalty, even though he performed the act unintentionally.
When a person performs a transgression that is punishable by lashing and a financial penalty, he shall be lashed and is not required to pay the

financial penalty. For a person should not receive both punishments: lashing and a financial penalty for the same deed. Therefore, if he performed the act unintentionally or he was not given a warning, he is required to pay and is not lashed.

When does the above apply? When the financial obligation and the transgression obligating capital punishment - or the financial obligation and the transgression punishable by lashing - came about at the same time. If, however, he became liable for a financial penalty and then became liable for capital punishment or lashing, or became liable for capital punishment or lashing and then became liable for a financial penalty, he shall be lashed and pay, or pay and be executed.

2 What is implied? If he propelled an arrow on the Sabbath, from the beginning of a four-cubit space until the end of the four-cubit space, and it tore a garment belonging to a colleague as it proceeded, he set fire to a grain heap belonging to a colleague on the Sabbath, or he stole a wallet on the Sabbath and was dragging it along the ground until he removed it from the owner's domain - which was a private domain - to the public domain, and caused it to be destroyed there, he is not liable for the damages. The prohibition against labor on the Sabbath, and the prohibition against theft or damages take effect at the same time. Therefore, he is not liable.

If, however, he stole a wallet on the Sabbath and lifted it up in the private domain, and then took it out to the public domain and threw it into a river, he is liable to make a double payment. For he became liable for the theft before he violated the prohibition punishable by execution by

stoning. The same laws apply in all similar situations.

Similarly, if a person cut down a tree belonging to a colleague on a festival, and a warning was issued, or he set fire to a grain heap belonging to a colleague on Yom Kippur and a warning was issued, or he stole and slaughtered an animal on Yom Kippur, he is not under any financial obligation. If, however, a warning was not issued to him, he is liable for payment, and with regard to the slaughter of a stolen animal must pay four or five times its worth.

3 If a thief stole a sheep or a cow and slaughtered it on the Sabbath or as a sacrifice to a false deity, he is not liable to pay four or five times its worth, as explained above. This applies even when he performs the transgression unintentionally.

4 If the cow had been lent to him and he slaughtered it on the Sabbath with the intent to steal it, he is not liable even for the double payment, for the violation of the prohibition against the laws of the Sabbath and the prohibition against theft came about simultaneously. For if there is no obligation for theft, there is no obligation for slaughter or for sale.

5 When a person steals a sheep or a cow and sells it on the Sabbath or sells it to a pagan deity, he is obligated to pay four or five times its amount, for the sale itself does not cause one to incur the death penalty. If a forbidden labor was performed on the Sabbath at the time of the sale, the thief is not liable to pay four or five times its amount.

What is implied? For example, he agreed that the sale would not take

effect until the animal comes to rest in the courtyard of the purchaser. Thus, when he took the animal from one domain to another domain, the prohibition against labor on the Sabbath and the sale take effect at the same time.

6 When a thief appointed an agent to slaughter a stolen animal for him, and the agent slaughtered it for him on the Sabbath, the thief must pay four or five times the animal's worth. For the thief did not perform a transgression punishable by death, and as we have explained, a person who has an agent slaughter for him is liable for the additional payment.

7 When two witnesses testify that a person stole a cow or a sheep, and then they themselves or two other witnesses testify that he slaughtered or sold the animal, the thief is liable to pay four or five times the animal's worth. If two witnesses testify that the person stole a cow or a sheep and one witness testifies that he slaughtered or sold the stolen animal, or the thief admitted that he slaughtered or sold the stolen animal on his own initiative, the thief must pay double. He is not, however, liable to pay four or five times the animal's worth. The rationale is that a person who admits his liability for a fine is not liable for that penalty, as we have explained.

8 The following rules apply when a person admits liability for a fine, and then afterwards witnesses come and testify to his liability. If he made his admission before a court while they were in session, he is not liable. If he made the admission when the court was not in session, or before two judges, and afterwards witnesses came and testified to his liability, he is

liable to pay the fine because of their testimony.

9 What is implied? A thief admitted that he stole to a court while it was in session, and afterwards witnesses came and testified that he stole. He is not liable for a double payment, because he obligated himself for the principal before the witnesses came.
If, however, he denied stealing in the presence of a court in this way, freeing himself of liability, and then witnesses came and testified that he stole a sheep or a cow, at which point he admitted in the presence of the court that he slaughtered or sold the stolen animal, and then witnesses came and testified that he slaughtered or sold the animal, he is liable to pay four or five times the animal's worth. The rationale is that first he denied the obligation entirely before witnesses came.

10 The following rules apply when a thief steals an ox belonging to two partners and slaughters it or sells it, and makes an admission to one in the presence of a court, but denies his liability to the other. If witnesses come afterwards and testify that he stole or sold, he must pay the partner whose claim he denied five times half the value of the ox. If the same situation takes place with regard to the theft of a sheep, he must pay four times half the value of the sheep.

11 The law requires a thief to pay the principal and to make the payment of double - or four or fives times - the value of the theft from his movable property. If he does not own movable property, the court assesses his possessions and expropriates the entire debt from the finest of his landed

properties, as is the practice with regard to other damages, regarding which **Exodus 22:4** states: "He shall pay from the best of his field."
If he owns neither landed property nor movable property, the court sells him as a servant and gives the money from his sale to the person from whom he stole, as *ibid.*:2 states: "If he has no resources, he shall be sold for his theft."

12 A man, but not a woman, may be sold because of a theft. This law is part of the Oral Tradition.
A thief is sold only because of the principal, but not for the payment of twice or four or five times the amount of the theft. If he can repay the principal, the additional amount remains a debt incumbent on him until he acquires the resources.

13 When a person steals from a gentile or steals consecrated property, he is not sold for the principal. Instead, it remains a debt incumbent on him until he acquires the resources.

14 When the principal of a theft was worth 100 *zuz* and the thief could be sold for only 50 *zuz*, he shall be sold, and the remainder of the principal and the double payment is considered a debt incumbent on him until he attains his freedom in the seventh year, acquires the resources and pays.
If the thief was worth 101 *zuz*, he shall not be sold. This is derived from the above verse, which states: "He shall be sold for his theft." Implied is that his entire worth must be included in the money received for his theft.

15 The following rules apply if a person stole and was sold for his theft, and

then stole again. If he stole from another person, he shall be sold as a servant a second time. Even if he stole from a hundred people, he shall be sold a hundred times. If, however, he stole from the first person a second time, he shall not be sold a second time. Instead, the entire amount remains a debt incumbent on him.

16 If a thief stole from three different people, they are all considered to be partners for his servitude. If the value of his work is equivalent to or less than the principal he owes the three, he is sold and they divide the proceeds of the sale. The double payments remain a debt incumbent on him until he acquires the resources. If his value exceeds the principal, he should not be sold. Instead, the entire amount remains a debt incumbent on him until he attains the resources.

17 When partners commit a theft together, the liability is divided among them. Each of them can be sold for his portion of the principal. If the value of one of them is more than his share of the principal for which he is liable, he is not sold.

Chapter 4

1 When a watchman claims that an entrusted article was stolen from his home and takes an oath to this effect, and afterwards, witnesses come and testify that he made a false claim and that he is still in possession of the entrusted article, the watchman is required to pay twice the worth of the stolen article. For the watchman is himself a thief.

If he slaughtered or sold a stolen animal after he took the false oath, he must pay four or five times its worth. He is not required to bring a guilt offering for taking a false oath that was discredited by witnesses. Nor is he required to add a fifth of the value of the stolen article. For a fifth is never paid when a double payment is paid. If witnesses come before he takes an oath, he is required to pay only the principal.

2 When does the above apply? When he took an oath before he misappropriated the entrusted article. If, however, he misappropriated the entrusted article, claimed that it had been stolen, and took an oath to that effect, and then witnesses came and discredited his oath, he is not liable for the double payment. As soon as he misappropriated the article, he became liable for it and acquired responsibility for it.

3 Similarly, if the watchman claimed that the entrusted article was lost and took an oath to that effect, and then claimed it was stolen and took an oath to that effect, and then witnesses came and testified that it was in his possession, the watchman is not liable for the double payment. For at the time he took the first false oath, the entrusted article was no longer considered the property of the original owner.

4 When a person who discovered a lost article claims that it was stolen and takes an oath to that effect, and afterwards, witnesses come and testify that the lost article was in his possession and that he made a false claim, he is required to pay twice the article's worth. This is implied by **Exodus 22:8**, which states that a double payment must be made for "any lost article."

The above applies when he claims that it was stolen by an armed thief, in which instance he would not be held liable. If, however, he claims that it was stolen in a manner that is not beyond his control, he is not liable for the double payment. For he would have been liable to pay for the lost article because of his claim, since a person caring for a lost article that he discovered is considered to be a paid watchman, as will be explained.

5 When a watchman claims that an entrusted article was stolen and takes an oath to that effect, and then witnesses come and testify that the entrusted article is in his possession, and then he again claims that it was stolen and takes an oath to that effect, and then witnesses again come and testify that the entrusted article is still in his possession - even if this sequence repeats itself 100 times - he is liable for a double payment for every claim.
Thus, if he took five false oaths, he is liable to pay six times the value of the entrusted article, the principal that was entrusted to him and five times its value, because of the five double payments that result from the five false oaths.

6 The following rules apply when a watchman claims that an entrusted article was stolen and takes an oath to that effect, and then claims that the entrusted article was lost - and then witnesses come and testify that the article was not stolen, and the watchman admits that it was not lost. Since he must pay twice the value of the entrusted article because of the witnesses, he need not pay an additional fifth as a surcharge because of the other oath, although he admitted it to be false. The rationale is that since this involves the same principal for which he is required to make the

double payment, he is not liable for the additional fifth.

7 The following rules apply if a person entrusted his ox to two people, they claimed that it was stolen and took an oath to that effect, and afterwards one of them admitted that the oath was false, and then witnesses came and testified that the other one lied. They both must pay the principal. If the owner of the entrusted object seizes property belonging to the partner whose oath was refuted in lieu of the double payment for his share of the stolen article, it shall not be expropriated from him. The one who admitted taking the false oath must pay an additional fifth for his share of the stolen article, as must all who voluntarily admit taking false oaths regarding entrusted objects.

8 These rules apply with regard to the obligations of a watchman and a thief in the following situations. The owner of an entrusted object demanded its return from an unpaid watchman. The watchman took an oath that the article was stolen.

Afterwards, the thief was discovered. The watchman filed a claim against the thief, who admitted stealing the entrusted article. Afterwards, the owner of the entrusted article filed a claim against the thief, and he denied stealing the entrusted article. Witnesses then came and testified that the thief stole the article.

If the watchman took a true oath when he claimed that the article was stolen, he is considered the agent of the owners, and the thief is freed from the responsibility for the double payment, because he admitted the theft to the watchman.

If the watchman took a false oath the question is unresolved. Therefore, the thief is not compelled to pay twice the value of the stolen article. If, however, the owner seizes property belonging to the thief in lieu of the double payment, it shall not be expropriated from him.

The owner demanded the return of the entrusted article from the watchman and he paid for the article, and then the thief was discovered. In such a case, the watchman acquires the right to the article and to the double payment. The owner filed a claim against the thief, who admitted stealing the entrusted article. Afterwards, the watchman filed a claim against the thief, and he denied stealing the entrusted article. Witnesses then came and testified that the thief stole the article.

The thief is not compelled to pay twice the value of the stolen article. If, however, the watchman seizes property belonging to the thief in lieu of the double payment, it shall not be expropriated from him.

Similar laws apply with regard to the payment of four or five times the value of a stolen sheep or cow if the thief sold or slaughtered it.

9 When a watchman claims that an article entrusted to him by a minor was stolen and takes an oath to that effect, and afterwards witnesses come and testify that the entrusted article is still in his possession, he is not liable. This applies even if the owner entrusted the article to the watchman when the owner was a minor and demanded its return after he attained majority. This is derived from **Exodus 22:6**, which states: "When a man will give his colleague... articles to watch...." A child's entrusting of an article is of no consequence. Instead, he must be past majority both when he entrusts the article and when he demands its return.

10 When a watchman steals an article entrusted to him from his own domain - e.g., he stole a lamb from a flock entrusted to him or a *sela* from a wallet entrusted to him - if witnesses testify regarding the theft, he is liable for twice the amount of the article.

The above applies even if he returned the *sela* to its place, and the lamb to the herd. For he remains responsible for them until he notifies the owner, since with his theft of the article his responsibility as a watchman is concluded. Thus, it is as if he had not returned anything until he notifies the owner.

Slightly different rules apply if a person steals a *sela* from a wallet belonging to a colleague, or a utensil from his home and then returns the utensil or the *sela* to its place. If the owner knew of the theft, but did not know of its return, the thief is still responsible for the article until his colleague counts his money.

11 When the owner counts his wallet and discovers the full amount, the thief is no longer liable. Moreover, if the owner did not know that the article was either taken or returned, it is not even necessary for the owner to count his money. As soon as the thief returned the money to its place, he is no longer responsible for it.

12 When does the above apply? With regard to an article that is not alive. When, however, a thief steals a lamb from a colleague's herd, the owner discovers the theft, the thief then returns it to the herd without informing the owner, and afterwards, the lamb dies or is stolen, the first thief is still liable. If, however, the owner counted his sheep, and the herd was

complete,the thief is no longer liable.

If the owner did not know that the lamb was stolen or returned, the thief is liable until he informs the owner, so that he will pay more attention to the stolen lamb. This is necessary, because the thief taught it a way other than that followed by the other sheep in this herd.

Chapter 5

1 It is forbidden to buy a stolen article from a thief. This is a severe sin, for it reinforces a transgressor and motivates him to steal in the future. For if he did not find a person who would purchase a stolen article from him, he would not steal. With reference to this, **Proverbs 29:24** states: "A person who shares profits with a thief hates his own soul."

2 When a thief steals and sells the stolen article before the owner despairs of its return, the thief is discovered, and witnesses come and testify that so and so stole this particular article in their presence, the stolen article shall be returned to its owner. The owner must reimburse the purchaser for the money that he paid the thief. This measure was ordained to enable uninhibited trade in the marketplace. The owner then sues the thief for the money he paid.

If the thief's reputation was known, our Sages did not ordain any leniency. The owner is not required to pay the purchaser anything, and instead, the purchaser must sue the thief and collect the money he paid from him.

3 Different laws apply when the owner despairs of the article's return, regardless of whether he despairs before the thief sold the article or afterwards. The purchaser acquires the article because of the owner's despair and the transfer from one domain to another. He is not required to return the article itself; instead, he must reimburse the owner if he purchased the article from a thief whose reputation was well known.

If the thief was not known to steal, the purchaser is neither required to give the owner the article, nor to reimburse him. This was ordained to enable uninhibited trade in the marketplace.

4 The following rule applies when the purchaser sues the original owner for the return of the money he spent. If there are no witnesses who can testify regarding the price, the trader must take an oath while holding a sacred article, stating the price he paid. He then collects this sum from the original owner.

Whenever a person takes an oath before he collects, the oath is a Rabbinical ordinance. He must take the oath while holding a sacred article, as will be explained in the appropriate place.

5 If, when the purchaser sues the thief for the return of his money, the thief claims that he received a lesser sum, the trader must take an oath while holding a sacred article. He may then collect this sum from the thief. He is required to take the oath because the thief is not given the option of taking the oath, since we suspect that he will take a false oath.

6 If a thief stole and gave the stolen article as payment for a loan or as

payment for a debt owed a merchant, our Sages did not ordain any leniency to encourage trading. Instead, the owner of the article shall take his article back from the thief's creditor without paying him, and the thief remains responsible for the debt as before.

When the stolen article was given as surety for a loan, regardless of whether the loan was given for more or less than the worth of the article, the original owner shall pay the person holding the surety and then sue the thief for the money, unless the reputation of the thief was public knowledge, as explained above.

7 When a person purchased a stolen article from a thief whose reputation is not public knowledge, he is entitled to collect the amount he paid from the original owner. Only then must he return the stolen article.

This applies regardless of whether he paid 100 *zuz* for an article worth 200, or 200 *zuz* for an article worth 100. Our Sages ordained this rule to allow for uninhibited trade, as explained above.

8 The original owner is not required to reimburse the recipient of the stolen article in the following situation. A person was owed 100 *zuz* by a thief. The thief stole an article and gave it to his creditor, who gave the thief another 100 *zuz*. The stolen article must be returned to its original owner, and we tell the creditor: "Demand payment for 200 *zuz* from the thief. For you did not give him the second hundred only because of the article that he gave you. Just as you trusted him with regard to the first hundred, so too, you trusted him with regard to the second."

9 Torah law does not allow profit to be made from the sale of a stolen article. For example, if a person purchased a stolen article from a thief whose reputation was not public knowledge, for 100 *zuz* and sold it to a colleague for 120, and afterwards the thief was apprehended, the original owner must pay the second purchaser 120 *zuz*. He then may take his article. Afterwards, he shall be reimbursed for 20 *zuz* by the seller and then collect 100 *zuz* from the thief.

If the reputation of the thief was public knowledge, the original owner shall pay the second purchaser 120 *zuz* and collect that amount from the trader who purchased the article from the thief. The trader shall then collect the principal, 100 *zuz*, from the thief.

The same principles apply if the second purchaser sold the stolen article to a third, or the third to a fourth. Even if the stolen article changed hands one hundred times. The final purchaser is reimbursed completely by the owner, who takes the profit from each of the middle men and collects the principal from the thief. All of this applies before the owner despaired of the return of the stolen article, as we have explained.

10 The following rules apply when there is a report that goods belonging to a person who was not known to sell his personal property were stolen, and that person recognizes his utensils and books in the possession of another person. They also apply when the person would frequently sell his personal property, but the utensils he recognized as his own were utensils that are made to lend or to rent out.

If witnesses come and testify that these utensils belong to the said individual, the person in possession of the utensils shall take an oath,

stating the price he paid for the utensils, and collect this sum from the the owner and then return them to him.

11 Different rules apply if the owner of the house would frequently sell his personal property, and the objects in question were not utensils that are made to lend or to rent out. In such an instance, even if there is a report that his property was stolen, the original owner is not entitled to claim it back from the purchasers, for it is possible that he sold it to others.

The house-owner's word is, however, accepted in the following situation. People came and lodged in his home. At night, he arose and called out: "My utensils and my scrolls have been stolen." His neighbors found a tunnel dug from his home and saw the people who lodged in his home leaving, carrying bundles of utensils on their shoulders. The thieves were not apprehended, but afterwards, the house-owner claimed to have discovered the stolen articles in the possession of another person, and everyone agreed, saying: "These are the house-owner's utensils and scrolls."

Under such circumstances, the house-owner's claim is accepted. The person in possession of the articles shall take an oath, stating the price he paid for the articles, and collect this sum from the house-owner and then return them to him.

12 If a person whose reputation as a thief is public knowledge entered a person's house, and witnesses testify that he left with utensils hidden under his cloak, his word is not accepted even though the house-owner was present. Although the thief claims to have purchased the articles, since

the house-owner claims that they were stolen, the house-owner's claim is accepted, provided he was not known to sell his personal property, the articles in question are not generally carried hidden, and the person in possession of the articles does not ordinarily carry them under his cloak. The house-owner must take an oath while holding a sacred article that they are his. He then may take his property.

If the person in possession of the articles is not known to be a thief, the house-owner's word is not accepted. Instead, the person in possession of the articles must take a Rabbinic oath that he purchased the articles. He may then depart.

Chapter 6

1 Whenever the prevailing assumption is that an article is stolen, one is forbidden to purchase it. Similarly, if the majority of a particular substance is stolen, one is forbidden to purchase it. Therefore, one should not purchase wool, milk or kids from shepherds. This applies within a settled community. In the desert, by contrast, one may purchase milk and cheese from them.

Similarly, one may purchase four sheep or the shearing of four sheep from the shepherd of a small herd, or five from the shepherd of a large herd, for we do not presume that an amount of this size is stolen.

2 To state the general principle: Whenever a shepherd sells an article that would be noticed by the owner, it may be purchased from the shepherd. If the owner would not notice it, it is assumed to be stolen and may not be

purchased from the shepherd.

3 We may not purchase wood or produce from the watchmen of produce unless they sit openly and sell with baskets of produce and scales in front of them. In such an instance, the matter is overt and will be spoken about; therefore, we can conclude that theft is not involved.

We may purchase from the entrance to a garden, but not from its rear. And whenever a seller says: "Hide the goods," it is forbidden to purchase from him.

One may purchase from a sharecropper, for he has a share in the produce and the wood.

4 We should not purchase articles from married women, servants or minors unless the prevailing assumption is that they were granted these articles by their owner; for example, women who sell linen garments in the Galilee or calves in the Sharon. In all instances, if they say "Hide the goods," it is forbidden to purchase from them, for we assume that the goods were stolen.

We may purchase eggs or roosters anywhere, from any person. If, however, one says "Hide what was sold," it is forbidden.

5 One may purchase a large measure of olives or oil from an owner of an olive press. One may not, however, purchase a small amount of olives or oil, for the prevailing assumption is that these would be stolen goods. Similar laws apply in other like situations.

6 A launderer of a new woolen garment is entitled to the fluff that he

removes. The strands that the comber removes, by contrast, belong to the owner of the wool.

The launderer may take three strands. Anything more belongs to the owner of the garment. If the additional strands were black against a white garment, the launderer may take all of them.

7 When a tailor leaves more thread than necessary to sew with a needle, and a piece of cloth that is more than three fingerbreadths by three fingerbreadths, he is obligated to return it to the owner. Anything less than that, he may keep as his own.

8 A carpenter may keep the shavings of wood that he produces with a plane. The chips he produces with a hatchet, by contrast, belong to the owner. If he is working for the owner as a hired hand, even the shavings belong to the owner.

With regard to all these matters, the prevailing local custom is followed.

9 Whenever a craftsman sells items to which he is not entitled according to the local practice - e.g., strands of fluff sold by a comber where it is customary that they are returned to the owner - it is forbidden to purchase from him, for we assume that they are stolen. If, however, he sells a pillow filled with wool, one may purchase it from him.

If a craftsman sells articles to which he is entitled according to the local practice, it is permitted to purchase them from him. If, however, he says, "Hide it," purchase is forbidden.

Chapter 7

1 When a person weighs for a colleague using weights that are less than the weights accepted by the people in that country, or he measures using a measure that contains less than the measure used by people in that country, he violates a negative commandment, as **Leviticus 19:35** states: "Do not act deceitfully with regard to a judgment concerning measures, weights and liquid measures."

2 Although a person who measures with an inaccurate measure or weight is a thief, he is not required to make a double payment of the stolen amount. All that is necessary is to give the proper measure of the article that was sold. Lashes are not given for the violation of this transgression, because the thief is obligated to make financial restitution.

3 Whoever possesses an imperfect measure or weight in his home or store violates a negative commandment, as **Deuteronomy 25:13** states: "You shall not have in your pocket two sets of weights...." One may not even use the imperfect measure as a chamber pot. For even if one does not use the imperfect measure oneself to buy and to sell, another person who does not know that it is imperfect may come and use it as a measure.
Lashes are not administered for the violation of this transgression, because it does not involve a deed.

4 If a standard seal was affixed to all the measures and weights in a city, and the imperfect measure did not have such a seal, it is permitted to leave it

for other household purposes.

Similarly, when a *sela* became blemished at its side, a person should not use it as a weight, nor should he cast it among his pieces of scrap metal, nor should he drill a hole in it and hang it around his son's neck, lest another person come and make it appear as a weight. Instead, one should grind it into powder, cut it into small pieces, pulverize it, or throw it into the Dead Sea.

5 If the size of a *sela* was reduced to the extent that it was halved, it may be used. If it was reduced to less than half or more than half, it should be cut until it becomes a half.

If it was reduced by less than one sixth of its worth, it may be used for buying and selling, but not as a weight. The reason it may be used is that most people will forgo any loss that is less than a sixth.

6 When a *sela* is damaged in its center, it may not be sold to a killer or a thief, for they may use it to deceive others. One may, however, place a hole in its center and hang it around a child's neck.

7 A person should make his measures the size of a *se'ah*, half a *se'ah* and a quarter of a *se'ah*, a *kav*, half a *kav*, a quarter of a *kav*, an eighth of a *kav* and a twenty-fourth of a *kav*. He should not, however, make a measure of two *kabbim*, lest it be mistaken for a quarter of a *se'ah*, which is a *kav* and a half.

Similarly, with regard to liquid measure, one should make a *hin*, half a *hin*, a third of a *hin*, a quarter of a *hin*, a *log*, half a *log*, a quarter of a *log*,

an eighth of a *log* and a sixty-fourth of a *log*.

The Sages did not forbid one from making a third of a *hin* and a quarter of a *hin*, although they could be confused with each other, because there were such measures in the Sanctuary from the time of Moses our teacher onward.

8 Whether a person deals with a Jew or a gentile, if he measures or weighs with a measure that is lacking, he transgresses a negative commandment and is obligated to return the difference.

Similarly, it is forbidden to deceive a gentile with regard to an account; instead, one must reckon carefully with him, as **Leviticus 25:50** states: "You should reckon with his purchaser."

This applies with regard to a gentile who is under your control; surely it applies to one who is not under your control. A person who performs such deceit is included among those about whom **Deuteronomy 25:16** says: "They are an abomination unto God, all who do these things, all who act crookedly."

9 Similar principles apply regarding the measurement of land. If a person deceives a colleague with regard to the measurement of land, he transgresses a negative commandment, as implied by **Leviticus 19:35**: "Do not act deceitfully with regard to a judgment concerning measures...."

"Measures" refers to the measurement of land. The verse is saying that one should not act deceitfully with regard to any judgment, be it a judgment concerning measures, one of weights or one involving a tiny liquid measure, the size of a *mesurah*.

10 When the members of a company are exact in their dealings with each other, and they exchange one portion of a sacrificial offering for another, or they borrow food and then return its equivalent, they transgress the prohibition against false measures, false weights and false amounts if they do not return the exact amount. If the exchange takes place on a festival, it is also a transgression of the prohibition against borrowing and repaying on a festival.

11 A person who usurps the property boundaries of a colleague and includes even a fingerbreadth of a colleague's landed property in his own property transgresses. If he acts openly, by the power of force, he is a robber. If he acts with stealth, he is a thief.

If he usurps a colleague's property in *Eretz Yisrael*, he transgresses two negative commandments: the prohibition against either theft or robbery, and the prohibition against moving a property boundary. One is liable for the transgression of this negative commandment only in *Eretz Yisrael*, for **Deuteronomy 19:14** states: "Do not usurp the property boundaries of a colleague... in the heritage that you will acquire...."

12 The punishment for the person who uses false measures is greater than the punishment for licentious sexual behavior, for this is a sin between a person and his colleague, and this is a sin between a person and God.

Whoever denies the mitzvah of just measures is considered as if he denied the exodus from Egypt, which is the first of God's commandments. Conversely, one who accepts the mitzvah of just measures is considered as if he acknowledges the exodus from Egypt, which brought about all of

God's commandments.

Chapter 8

1 It is a positive commandment to correct the scales, weights and measures carefully and to be exact in their measure when making them, as **Leviticus 19:36** states: "You shall have correct scales...."
Similarly, with regard to the measurement of land, one must be exact according to the principles of geometry. Even a fingerbreadth of land is considered to be a great loss, as if it were filled with saffron.

2 The four cubits that are next to an irrigation ditch need not be measured carefully, and those that are next to a river bank are not measured at all, for they belong to the public domain.

3 A person who measures land should not measure the portion of one partner in the summer and of the other in the winter, because a rope will contract in the summer. Therefore, if the measurement was made with a rod, with iron chains or with the like, the differences in season are of no consequence.

4 Weights should not be made of iron, lead or other metals of that nature, for they rust and become reduced in weight. One should make them from marble, glass, diamond and the like.

5 The stick used to level the top of a dry measure should not be made of a gourd, because it is too light, nor of metal, because it is too heavy. Instead,

it should be made of olive wood, walnut, box wood, sycamore wood or the like.

6 The stick used to level the top of a dry measure should not be made with one side narrow and one side thick. One should not level a measure slowly, bit by bit, for in doing so the seller is cheated, nor should it be leveled in one fell swoop, for by doing so the purchaser is cheated.

7 One may not bury weights in salt so that their weight will be reduced, nor may one heat while measuring a liquid.
This applies even if the measure is very small, for the Torah was concerned with even the slightest deviation from an honest measure, as implied by the mention of a *mesurah* in **Leviticus 19:35**. A *mesurah* is a very tiny measure, merely a thirty-third of a *log*.

8 Sellers of scrap iron and the like should construct the scale they use in the following manner. The balance that the person who is weighing holds in his hands should hang freely in the air for at least three handbreadths, and should be three handbreadths above the ground. The length of the center pole and the length of the cables should be twelve handbreadths.

9 A scale used by wool merchants and glass merchants should be constructed in the following manner. The balance should hang freely in the air for at least two handbreadths and should be two handbreadths above the ground. The length of the center pole and the length of the cables should be nine handbreadths.

10 A scale used by an ordinary storekeeper and a house-owner should be constructed in the following manner. The balance should hang freely in the air for at least one handbreadth, and should be one handbreadth above the ground. The length of the center pole and the length of the cables should be six handbreadths.

11 The cables on which the balance is hung, and similarly the cables of the scales used to weigh gold and used by merchants of purple fabric should be three fingerbreadths long and should be three fingerbreadths above the ground. No standard measure was given for the length of the balance and the length of its chains; it depends on the desire of the person doing the weighing.

12 What is the source that teaches us that one must tip the balance in favor of the purchaser when his purchase is being weighed for him? **Deuteronomy 25:15** states: "You shall have a perfect and just weight." The Torah's statements can be interpreted to mean: "Justify your balance from what you have and give it to him."

13 How much should the seller tip in the purchaser's favor? With regard to liquid measure, one hundredth of the amount purchased. With regard to dry measure, one four-hundredth of the amount purchased.
What is implied? If he sold him ten pounds of a liquid measure, he should give him one tenth of a pound as an extra amount. If he sold him twenty pounds of a dry measure, he should give him an extra twentieth of a pound. This ratio should be followed regardless of whether the amounts

involved are great or small.

14 When does the above apply? In a place where it is customary to sell by looking at the scale. In a place where it is customary actually to tip the balance, one must tip it at least a handbreadth in favor of the purchaser.

15 If the seller had to weigh ten pounds for the purchaser, the purchaser should not say: "Weigh them out one at a time and tip the balance each time." Instead, the seller may weigh out all ten at once and tip the balance only once for the entire amount.

16 In a place where it is customary to measure with a small measure, one should not measure with a large one. In a place where it is customary to measure with a large measure, one should not measure with a small one. Where it is customary to even off the measure, one should not sell a heaping measure and raise the price, nor where it is customary to give a heaping measure should one sell a level measure and reduce the price. Instead, one should measure according to the local custom.

17 When the inhabitants of a locale desire to increase the size of the measures or weights, they should not increase them more than a sixth. For example, if a *kav* held five measures, they may establish it as holding six. They should not, however, establish it as holding more than six.

18 A wholesale merchant must clean his measures once every 30 days. A house-owner must do this every twelve months, and a storekeeper twice a week. Once a week, he must wash his weights, and he should clean the

balance after every time that he weighs, so that it will not rust.

19 A person who desires to weigh three-fourths of a pound of meat should place a pound weight on one side of the balance and place the meat and a quarter-pound weight in the other side of the balance. If one said that he should place a half-pound weight and a quarter-pound weight on one side and the meat on the other side, it is possible that the quarter-pound weight will fall without being seen by the purchaser.

20 The court is obligated to appoint police in every city and town to inspect the stores periodically, correct the scales and measures, and set the prices. They are permitted to beat any person who possesses an unjust measure or weight or an improper balance according to his capacity, and to fine him as the court sees fit to enforce the matter.

Whenever a person raises prices and sells at a higher price, he may be beaten and compelled to sell at the ordinary market price.

Chapter 9

1 Whoever kidnaps another person transgresses a negative commandment, as **Exodus 20:13** states: "Do not steal." This verse is stated in the Ten Commandments and serves as a warning against kidnapping.

Similarly, a person who sells a kidnapped person violates a negative commandment, for this is included in the adjuration, **Leviticus 25:42**: "Do not sell him in the manner a servant is sold."

These two transgressions are not punished by lashing, because they

involve capital punishment, as **Deuteronomy 24:7** states: "When a person is found stealing one of his brethren... that thief shall die." He is to be executed by strangulation.

2 A kidnapper is not liable for capital punishment unless he kidnaps a Jewish person, brings him into the kidnapper's own domain, makes use of him, and then sells him to others, as Deuteronomy, *ibid.* states: "And he makes use of him, and sells him."

Even if he makes use of his services for a minor matter, not worth a *p'rutah* - e.g., he leaned on him or used him as a shield, even if the abducted person was asleep at that time - the kidnapper is considered to have made use of him.

3 If the kidnapper kidnapped a person, made use of him, and sold him without taking the abducted person from his own domain and bringing him into the kidnapper's domain, he is not liable for capital punishment. Similarly, he is not liable for capital punishment if he kidnapped him, brought him into the kidnapper's domain, made use of him, and did not sell him, or sold him before he made use of him.

Similarly, if the kidnapper made use of the abducted person, but sold him to one of the abducted person's relatives - e.g., he sold him to his father or his brother - he is not liable for capital punishment. For the above verse mentions "stealing... of his brethren." Implied is that the abducted person must be separated from his brothers and relatives through this sale.

Similarly, if the kidnapper kidnapped the abducted person, made use of him, and sold him - all of this while the abducted person was sleeping, the

kidnapper is not liable for capital punishment.

4 Similarly, if he kidnapped a pregnant woman and sold only her offspring - i.e., he made an agreement with the purchaser that he retained possession of the woman, and the purchaser is entitled only to her offspring, he is not liable.

5 The following individuals are not liable for capital punishment: a person who kidnaps his son or a brother who is below majority, a guardian who kidnaps the orphans who are in his trust, a house-owner who kidnaps one of the members of his household, and a teacher who kidnaps one of the students studying under him.

This applies even if the kidnapper makes use of and sells the abducted person. This is derived from the exegesis of **Exodus 21:16**: "And he is found in his hand." This excludes those who are constantly found in their hand.

6 A kidnapper - either a male or a female - is liable for capital punishment regardless of whether he kidnaps an adult or a one-day-old infant - provided the pregnancy was full-term - and regardless of whether the abducted person was male or female. This is implied by the above verse, which mentions "kidnapping a soul."

It makes no difference if one kidnaps a native-born Israelite, a convert or a freed Canaanite servant, for the above verse states: "one of his brethren." And the above are "our brothers," related by the bond of the Torah and its mitzvot. One is not, however, liable for capital punishment for

kidnapping a Canaanite servant or a servant who has been freed only partially.

7 When a person breaks into a home - whether at night or during the day - license is granted to kill him. If either the homeowner or another person kills him, they are not liable.
The license to kill him applies both on the Sabbath and during the week; one may kill in any possible manner. This is all implied by **Exodus 22:1**, which literally reads: "He has no blood."

8 The license mentioned above applies to a thief caught breaking in or one caught on a person's roof, courtyard or enclosed area, whether during the day or during the night. Why does the Torah mention "breaking in," because it is the general practice for thieves to break in at night.

9 Why did the Torah permit the blood of such a thief to be shed, although he is only attempting to steal money? Because it is an accepted presumption that if the house-owner arises and attempts to prevent the thief from stealing, the thief will slay him. And thus the thief entering his colleague's house to steal is in effect a pursuer seeking to kill his colleague. Therefore, he should be killed, whether he is an adult or a minor, or a man or a woman.

10 If it is clear to the house-owner that the thief who breaks in will not kill him and instead is only seeking financial gain, it is forbidden to kill the thief. If the house-owner kills him, the house-owner is consi- dered to be a murderer.

This is alluded to by **Exodus 22:2**, which states: "If the sun shines upon him..." - i.e., if it is as clear to you as the sun that he is at peace with you, do not kill him. Therefore, a father who breaks into his son's home should not be killed. But a son who breaks into his father's home may be killed.

11 Different rules apply with regard to a thief who stole and departed, or one who did not steal, but was caught leaving the tunnel through which he entered the home. Since he turned his back on the house and is no longer intent on killing its owner, he may not be slain.
Similarly, if he is surrounded by other people, or by witnesses, he may not be killed, even if he is still located within the domain which he broke into. Needless to say, if he is brought to the court he may not be killed.

12 Similarly, a person who breaks into a garden, a field, a pen or a corral may not be killed, for the prevailing presumption is that he came merely to steal money, for generally the owners are not found in such places.

13 Whenever license is not granted to kill a thief, we should remove stones from an avalanche that fell upon him on the Sabbath. If he destroyed utensils while inside the house, he is liable for the damages. When, however, license is granted to kill a person, and he broke utensils while in the home, he is not liable for the damages, as explained above.
This concludes "The Laws of Theft" with God's help.

Mishneh Torah, Robbery and Lost Property

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whoever robs an object worth a *p'rutah* from a colleague transgresses a negative commandment, as **Leviticus 19:13** states: "Do not rob."

Violation of this negative commandment is not punished by lashes, because it can be corrected by the fulfillment of a positive commandment. For if a person robs, he is obligated to return what he obtained by robbery, as *ibid.* 5:23 states: "And he shall return the article he obtained by robbery." This is a positive commandment.

Even if the robber burned the object that he obtained by robbery, he is not punished by lashing, because he remains obligated to pay its value. And whenever the transgression of a negative commandment results in a financial penalty, it is not punished by lashing.

2 It is forbidden to rob even the slightest amount.

It is forbidden even to rob or to withhold money from a gentile who worships idols. If one robs or withholds money from such a person, one must return it.

3 What is meant by a robber? A person who takes by force property belonging to a colleague. For example, a person who seizes movable property from a colleague's hand, who enters a colleague's domain and takes utensils against his colleague's will, who seizes a colleague's servants or livestock and makes use of them, or who enters a colleague's field and

eats his produce. These and any similar acts are considered robbery, as reflected by **II Samuel 23:21**, which states: "And he robbed the spear from the Egyptian."

4 What is meant by withholding a colleague's due? It refers to a person who was given money willingly by a colleague and then, when it was demanded of him, he forcefully maintained possession of it and refused to return it. For example, a person was given a loan or had hired a colleague, and when payment was demanded he forcefully refused to pay. Concerning this we were commanded, **Leviticus 19:13**: "Do not withhold money from your colleague."

5 Whoever robs is obligated to return the article that he obtained by robbery itself, as it is written: "And he shall return the article he obtained by robbery." If this article was lost or underwent a change, the robber must pay its value. Whether he admits the robbery himself, or witnesses come and testify that he committed robbery, he is required to pay only the principal that he obtained by robbery.

Even if a person robbed a beam and used it in building a house, Scriptural Law requires that he tear down the entire building and return the beam to its owner, for the beam remained unchanged. Nevertheless, to encourage robbers to repent, our Sages ordained that the robber pay the worth of the beam and did not require him to destroy his building. The same applies in all similar situations.

Even if a person robbed a beam and used it in building a *sukkah* on Sukkot, and the owner came and demanded the return of the beam in the

midst of the festival, the robber is required to pay only its value. After the conclusion of the festival, however, since the beam remains unchanged and it was not permanently affixed with mortar, the robber must return the beam itself.

6 When a person robs something worth less than a *p'rutah*, although he has committed a transgression, he is not required to return the article he obtained by robbery.

If a person robbed three bundles of vegetables or of branches that were originally worth three *p'rutot*, and their value decreased so that the three are now worth only two *p'rutot*, it is not sufficient for him to return two bundles. He is obligated to return the third, for it was originally worth a *p'rutah*.

If the person robbed two items together worth a *p'rutah* and returned one of them, he is not considered to possess an article that was robbed, nor has he an obligation to return the item that was robbed.

7 When a person robs from a colleague in a settled region, and in the desert offers to return the article that he obtained by robbery, the option is given to the person who was robbed. If he desires, he may take his article. If not, he may tell the robber: "I will accept the return of the article only in a settled region, lest it be taken from me here by powers beyond my control."

In such an instance, the article remains the responsibility of the robber until he returns it to the person in a settled region. The same principles apply with regard to payment for a robbed article.

8 When a person robs money from a colleague and returns it by including it in change he returns to the person whom he robbed, he fulfills the obligation of returning the article he obtained by robbery.

Moreover, even if the robber returned the money to a wallet belonging to the owner that contains money, he fulfills his obligation, because a person usually checks his wallet at all times, and the owner will count the money that was returned together with his money. The rationale is that an accounting that is made without the owner's having been informed of the money's return is sufficient.

If the robber returned the money that he obtained by robbery to a wallet that is empty, he does not fulfill his obligation. He remains responsible for the money he obtained by robbery] until he informs the owner that he returned the money to that particular wallet.

9 Anyone who covets a servant, a maidservant, a house or utensils that belong to a colleague, or any other article that he can purchase from him and pressures him with friends and requests until he agrees to sell it to him, violates a negative commandment,even though he pays much money for it, as **Exodus 20:14** states: "Do not covet."

The violation of this commandment is not punished by lashes, because it does not involve a deed. One does not violate this commandment until one actually takes the article he covets, as reflected by **Deuteronomy 7:25**: "Do not covet the gold and silver on these statues and take it for yourself." Implied is that the Hebrew *tachmod* refers to coveting accompanied by a deed.

10 Anyone who desires a home, a wife, utensils, or anything else belonging to a colleague that he can acquire from him, violates a negative commandment at the time he thinks in his heart, "How is it possible to acquire this from him?" and his heart is aroused by the matter, as **Deuteronomy 5:18** states: "Do not desire...." Desire refers to feelings in the heart alone.

11 Desire leads to coveting and coveting leads to robbery.For if the owners do not desire to sell despite the offer of much money and many supplications by friends, the person motivated by desire will be moved to robbery, as **Michah 2:2** states: "They coveted houses and stole."

And if the owner stands up against them to save his property, or in another way prevents the person motivated by desire from robbing, he will be moved to murder. Take, for example, the narrative of Ach'av and Navot.

12 Thus, we see that a person who desires another person's property violates one negative commandment. One who purchases an object he desires after pressuring the owners and repeatedly asking them, violates two negative commandments. For that reason, the Torah prohibits both desiring and coveting. If he takes the article by robbery, he violates three negative commandments.

13 Whenever a person robs a colleague of even a *p'rutah's* worth, he is considered as if he took his very soul, as **Proverbs 1:19** states: "Such are the ways of those who are greedy. They take away the soul of the owner."

Notwithstanding the severity of this sin, if the article that was taken by robbery no longer exists, and a robber seeks to repent and comes of his own volition to return the value of the article he obtained by robbery, our Sages ordained that one should not accept it. Instead, the robber should be helped and forgiven, to make the path of repentance more accessible to those who wish to return. Our Sages did not look favorably on anyone who accepts payment for an article that was taken from him through robbery.

Chapter 2

1 When an object taken by robbery remains unchanged, it itself must be returned to its original owner. This applies even when the owner has despaired of its return, and even when the robber himself has died, and the article is in his children's possession.

If, however, the article underwent a change while in the robber's possession the robber acquires it because of the change and is required to pay its value at the time of the robbery. This applies even when the owners have not despaired of its recovery.

2 This is the law as prescribed by the Torah, as **Leviticus 5:23** states: "And he shall return the object he obtained by robbery." The Oral Tradition interprets that verse to mean: If the object is still as it was at the time of the robbery, it should be returned. If it has undergone a change, he should pay its value.

If the owner despaired of its return, but it did not undergo a change, the

robber acquires the right to its increase in value from the time the owner despaired. He is required to pay only the value of the article at the time of the robbery. This is also a Rabbinic ordinance to encourage repentance.
In such an instance, when he returns the object he obtained by robbery, the increase in value is evaluated, and the robber is paid for it by the person he robbed.

3 If the robber sold the article obtained by robbery or gave it as a present and the owner despaired of its return, the purchaser is not required to return the article itself even though it did not undergo a change. Since the owner despaired of its return - regardless of whether that took place before the sale or afterwards - the purchaser acquires possession of it, because of the despair and because of the transfer from one domain to another.

4 When a person obtains an article by robbery, causes it to increase in value, and then sells it or bequeaths it to another person, he bequeaths or sells the increase in value, and the purchaser or the heir acquires the right to this increase. Therefore, at the time of judgment, he should be reimbursed by the original owner for the increase in value, and then return to him the article obtained by robbery. The original owner may then collect the worth of the increase in value from the robber, for he did not despair of its return.
Similarly, if the purchaser or the heir caused the object to increase in value, the original owner should reimburse them for that increase.

5 If the robber sold the object obtained by robbery to a gentile, and the

gentile caused it to increase in value, at the time of judgment, the article and the increase must be returned to the original owner.

If the gentile sold it to a Jew after it increased in value, since the robber is a Jew and the person in possession of the article is a Jew, the purchaser is considered to have acquired the increase in value. If, however, the original owner seizes the increase in value without paying for it, it is not expropriated from his possession.

6 As explained, in order to encourage repentance our Sages ruled that when an article obtained by robbery increases in value after the owner despairs of its return or after it has undergone a change, the robber is entitled to the increase in value. This applies even when the change comes about as a matter of course.

What is implied? If a person obtained a cow by robbery and it became pregnant in his possession, whether or not it bore a calf before he was called to court because of the robbery - since the owner despaired of its return, he is required to pay only the value of the cow at the time of the robbery. Similarly, if he stole a sheep and it grew wool, whether he sheared it before he was called to court or it had not yet been shorn, he is required to pay only its value at the time of the robbery.

If it bore offspring or was shorn, the robber is entitled to the offspring or the shearings. If it had not borne offspring, nor was it shorn at that time, the animal's increase in value is evaluated and may be collected from the original owner. Then the animal itself is returned.

7 If a person obtained a pregnant cow by robbery, the owner despaired of its

return and then it bore offspring, or he obtained a sheep laden with wool by robbery, the owner despaired of its return and then it was shorn, the robber should pay the value of a cow ready to bear offspring and a sheep ready to be shorn.

If the animal bore offspring or was shorn before the owner despaired of its return, the shearings or the offspring belong to the original owner. This applies even if the animal became pregnant or grew wool while in the possession of the thief. Since the owner did not despair, and the animal did not undergo a change, the object obtained by robbery is still considered to belong to its original owner, although the robber is held responsible in cases of loss due to forces beyond his control.

8 If a person stole or obtained an animal by robbery and consecrated or slaughtered it after its owner despaired of its return, it is considered to be the thief's property only from the time he consecrated it. This was enacted so that the sinner will not profit. All its offspring and its shearings from the time that it was stolen until the time it was consecrated belong to its original owner.

9 When does the above apply? To an increase in value that comes as a matter of course - e.g., an animal's shearing or its offspring. If, however, an animal was gaunt, and the robber fattened it, the robber may collect the increase in value due to the fattening from the original owner, even if it took place before the owner despaired. The same applies with regard to all instances where the increase in value comes about as a result of expense.

10 A change that can revert to its original state is not considered to be a change.
What is implied? When a person obtains boards by robbery and attaches them to each other with nails and makes a chest, this is not considered a change. For it is possible to separate them and make them simple boards, as they were previously.

11 If a person obtained sand by robbery and made it into a brick, he does not acquire it, because one can crush the brick and return it to sand.
If he obtained a strip of metal by robbery and made it into a coin, he does not acquire it, because one can melt the coin and return it to a strip of metal, as it was beforehand. The same principles apply in other similar instances.

12 If, however, a person obtained boards by robbery and burned them, cut them or carved them, and in this way fashioned them into a utensil; he obtained wool by robbery and dyed it, spun it or whitened it; he obtained threads by robbery and made them into a garment; he obtained a brick by robbery and made it into dust; obtained stones by robbery and smoothed them; or he obtained coins by robbery and melted them - this is considered a change, for if he makes other coins - or similarly undoes the other changes mentioned above - they are considered to be new entities. The same principles apply in all similar situations.

13 When a person robs old coins, polishes them and renews them, he is not considered to have acquired them, for they will age and return to their

previous state. If, however, he obtains new coins by robbery and causes them to look old, he does acquire them. For if they were made to appear new again, that would be considered to be a new development.

A person who robs a date palm that is growing and cuts it down does not acquire it. This applies even if he cuts it into sections. If he makes it into boards, he does acquire it.

14 If a person obtains large beams by robbery and cuts them into small beams, he does not acquire them. If he cuts them into boards, causing them to be called by a different name, he does acquire them.

If one obtained a palm branch by robbery and separated its leaves, one acquires the leaves. If one obtained palm leaves by robbery and made them into a broom, one acquires the broom.

If one obtains a lamb by robbery and it becomes a ram, or one obtains a calf by robbery and it becomes an ox, it is considered to have undergone a change while in the robber's possession. Therefore, he is considered to have acquired it, and he is required to pay only the value of the article at the time of the robbery, despite the fact that the owner never despaired of the article's return.

15 If a person obtains a utensil by robbery and breaks it, we do not evaluate its depreciation. Instead, the robber is obligated to pay its worth, and he is given the broken utensil.

If, however, the original owner desires to take the broken utensil, he is granted it, and the robber must pay for its depreciation. This ordinance was instituted for the sake of the owner, and if he does not desire it, he is

granted that prerogative. Similar principles apply in other analogous situations.

16 When an object obtained by robbery does not undergo a change, but its value increases, it itself must be returned to its original owner, and the robber is not entitled to anything. This applies even if the owner has despaired of its return.

For the Sages granted the robber only the increase in value after the owner despaired of the object's return, in instances like the shearing of wool and the offspring. He is not, however, granted any increase in value that comes from the rise in article's worth when it is returned intact to its owner.

Chapter 3

1 The following rules apply when a person robs a jug of wine from a colleague that was worth a *dinar* at the time of the robbery and increased in value while in the robber's possession until it was worth four *dinarim*. If he broke the jug, drank its contents, sold it or gave it away as a present after it increased in value, he must pay four *dinarim* - its worth when it left his possession. The rationale is that if he had left it, he would have had to return it intact.

If it broke because of other causes or it was lost, the robber must pay only a *dinar*, its value at the time of the robbery.

2 If it was worth four *dinarim* at the time of the robbery, but only one *dinar* when it left his possession, he must pay the four *dinarim* it was worth at

the time of the robbery. This applies whether he broke it or drank it, or whether it was broken or lost due to other causes. The same principles apply in other analogous situations.

3 The following rules apply when a person obtains by robbery a basket of fifty dates. If the entire basket were sold together it would cost nine coins, but if the dates were sold one by one they would be sold for ten. The robber is required to pay only nine. We do not heed the claim of the owner, who argues: "I would have sold them one by one."

Similar laws apply if a person damages a colleague's property or is required to reimburse him for a loss in a similar instance. This principle does not apply, however, with regard to property that is consecrated. In that instance, the robber must pay ten coins.

4 When a person obtains an animal by robbery and it becomes old, or it becomes weak and will never regain its strength - e.g., because of an illness for which there is no cure - a coin and it cracked or was disqualified by the ruling authorities, produce and the entire amount rotted, or wine and it became vinegar, he is considered to be a person who obtained a utensil by robbery and destroyed it, and he must pay the worth of the article obtained by robbery at the time of the robbery.

If, however, a person obtained animals by robbery and they became weaker, but their strength could be restored; servants and they became old; a coin and it was disqualified as currency by one country, but still accepted by another; produce of which a portion became rotten; *terumah* that became impure;leaven, and the festival of Passover was celebrated; or

an animal that was used for the purposes of sin, became disqualified for sacrifice on the altar, or was condemned to be stoned to death; the robber may tell the original owner: "Here is your article," and return to him the article obtained by robbery.

5 When does the above apply? When the article obtained by robbery is itself returned. If, however, the article obtained by robbery was burned or lost after benefiting from it became forbidden, the robber must pay its value at the time of the robbery.

Based on this rationale, if the robber denied possession of the article after deriving benefit from it became forbidden, and affirmed his denial with an oath, he is liable to pay the principal and an additional fifth of its value, and bring a guilt offering.

6 When a person obtains an animal by robbery and uses it to transport a burden, rides on it, plows or threshes with it or the like, and then returns it to its owner, he violates the commandment against robbery. Nevertheless, he is not liable for any payment, for he did not cause the animal any injury or weakness.

If, however, this person becomes habituated to robbing, withholding property or performing such acts time after time, he should be penalized. This applies even in the diaspora. The court should evaluate the wage or the increase in value that he earned with the animal, and that amount should be paid to the person whose property was taken.

7 When a person seizes a servant belonging to a colleague and causes him to

perform labor, but does not prevent him from performing work for his master, he is not liable. The rationale is that a person is happy that his servants do not go idle. If, however, this prevents him from performing work for his master, the person who seized the servant must pay the master the wages of the servant, as if he were a hired worker.

8 The following laws apply when a person seizes a boat belonging to a colleague and performs work with it. If the boat is not generally hired out, the damage to the boat should be evaluated and must be paid.
If the boat is generally hired out there are two guidelines that apply. If the person took the boat with the intent of renting it, since the owner did not grant his permission, the owner has the option. He may collect the wage usually paid or he may collect payment for the damage to the boat.
If the person took the boat as robbery, he must pay for the damages. Similar principles apply in all like situations.

9 The following rules apply when a person dwells in a courtyard belonging to a colleague without notifying him. If the courtyard is not usually rented out, he is not required to pay him rent. This applies even if the person who dwells within generally rents a dwelling, for one person is benefiting and the other is not suffering a loss.
If the courtyard is generally rented out, the person who dwells within must pay rent even though he does not usually rent a dwelling, because he is causing the owner a loss of income.

10 When a person owned wool that he was dyeing in a vat, and another

person came and added other dyes without the consent of the owner, the latter must pay the owner of the wool for the decline in the value of the wool he caused. This payment does not include the value of the dye the owner used for the wool.If the person whose property was damaged seizes the value of dye that he lost, that money should not be expropriated from him.

11 A person who without the owner's consent takes an object entrusted to him for safekeeping to use for his private purposes in a way that will diminish it, or to take as his own is judged as a robber. This applies whether he takes the article himself, or it is taken for him by his son, his servant or his agent.

The person who takes the article is liable for it if it is destroyed by forces beyond his control, and the object that he took is considered to be within his domain according to the laws that govern all robbers.

A watchman who decides to take an entrusted article for his private purposes is not held responsible for it until he actually takes it. When, however, he takes the article from one place to another in his domain in order to take it for his private purposes, he is liable although he did not take any portion of the entrusted article. For the watchman becomes responsible in such an instance even when the entrusted article remains intact.

12 As soon as the watchman lifts up the jug to take a *revi'it* of wine, he is liable for it in the event of its destruction by forces beyond his control, even though he has not taken it.

If, however, he lifts up a wallet containing many coins to take one *dinar*, there is a doubt whether he is liable for the entire wallet if it is destroyed by forces beyond his control, or he is liable only for the one *dinar*. Similar laws apply with regard to other instances where a container holds several discrete entities.

13 When produce was entrusted to a person for safekeeping and he took a portion of it as his own, he is responsible only for the produce that he actually took. The produce remaining in its place remains the property of the original owner. If, however, the entire produce becomes spoiled because of the amount that he took, he is liable for the entire amount.

What is implied? If the watchman tilted a jug while it remained in its place and removed a *revi'it* or more, and then the jug was broken afterwards, the watchman is liable only for the amount that he took, for he did not lift up the jug. If the wine turned into vinegar, he must pay the value of the entire jug at the time he took it. Similar principles apply in all like situations.

14 When a person denies in court having been given an object entrusted to him for safekeeping, he is considered to be a robber if the object was in his possession at the time of his denial. He is liable for the article if it is destroyed by factors beyond his control.

15 A person who borrows an object without the consent of its owner is considered to be a robber.

If a utensil was in the hands of a person's son or servant and another

person took it from him and used it, he is considered to have borrowed the object without the consent of its owner. The article is considered to have entered his domain, and he is responsible for it in the event of its destruction by forces beyond his control until he returns it to the owner. Therefore, if he returns it to the minor or to the servant who was holding it beforehand, and then it is lost or stolen, the borrower is liable. Similar principles apply in all like situations.

16 When a person seizes collateral from a debtor without receiving license from the court, he is considered to be a robber, despite the debt that he is owed. Needless to say, if he enters the debtor's home and seizes collateral, he is considered to be a robber, for **Deuteronomy 24:11** explicitly states: "Stand outside and the man who owes the debt to you will bring the security out to you."

Chapter 4

1 Our Sages penalized robbers and gave the person whose property was taken the prerogative of taking an oath to support his claim regarding the value of the goods taken. He may then collect that money from the robber, provided that there are two witnesses who testify that this person robbed him.

2 What is implied? A person came into a colleague's home to collect collateral. He was observed by two witnesses. When he entered he was not carrying anything under his cloak, and when he departed he was carrying

utensils under his cloak, but the witnesses were not able to discern what the utensils were, and the owner of the home states: "He robbed me of this and this."

Regardless of whether the robber claimed: "I never entered his home and I did not take anything," "I entered his home as the witnesses observed, but I did not take anything. The utensils under my cloak were mine," or he said: "I took this utensil," and the owner claims that he took another utensil besides the one he admits - in all instances the owner of the home must take an oath while holding a sacred article to affirm his claim. He may then collect everything that he claims.

3 When does the above apply? When the owner claims that the robber took articles that one might assume that he owned or that it was possible that such goods would be entrusted to him for safekeeping, and it was possible for those articles to be taken out by the robber under his cloak, as the witnesses testify.

4 Different rules apply, however, when witnesses observe a person enter a colleague's home to take collateral, but do not see him depart, or they see him depart without appearing to be carrying any utensil under his cloak. Although the owner claims that the defendant took such and such, the defendant is not held liable. This applies even if the defendant denies entering the home and thus contradicts the testimony of the witnesses.

The rationale is that if he claimed: "I entered his home but I did not take anything," he would be required to support his claim with a Rabbinic oath, and then he would be exonerated. For it is possible that he entered

with the intent of committing robbery, but did not.

5 Different rules apply when one witness testifies that a person entered a colleague's home and removed utensils under his cloak, but the witness was unable to recognize which utensils were taken, and the person who entered states: "I did not take anything," or he says, "I took goods that you gave to me because of a debt." The person who entered must take an oath while holding a sacred article that he did not commit robbery. He is given this prerogative because he is not considered to be a robber unless two witnesses testify against him.

6 Just as the owner of a home is entitled to take an oath and collect his due from the robber in the instances mentioned in Halachot 1-3, so too, a watchman appointed by the home owner, or even the wife of a watchman, may take such an oath, stating that the person took goods. This obligates the robber to pay.

7 If, however, the robber was observed by merely a worker or a harvester of the homeowner, they are not given the prerogative of taking an oath to allow the homeowner to collect against his claim. The person whose property was taken is not given the prerogative of taking the oath, because he was not at home at the time of the robbery. The witnesses are not able to identify the articles that the robber took under his cloak, so their testimony does not obligate him to make restitution. Nor is the robber given the opportunity to clear himself by taking an oath, for we suspect that he might take a false oath.

8 How is this matter resolved? The home owner has a ban of ostracism issued against any person who took goods from his home and does not admit the matter to a court.

Even if the robber admits to having taken certain articles, he is required to return only what he admits, for the owner cannot lodge a definite claim against him.

9 The following rules apply when a person robs one of five people, but does not know whom he robbed, and each of the five claims that it was he whom he robbed. Although there are no witnesses that this person robbed, each of the plaintiffs may take an oath, and then the robber is obligated to pay each the amount he admits.

This is also a penalty enforced by the Sages because he transgressed and robbed. According to Scriptural Law, however, he has no obligation to pay, because the identity of the person whom he robbed is a matter of doubt.

10 The following laws apply when a person tells two colleagues, "I robbed one of you" - or "...one of your fathers..." - "of a *maneh*, but I don't know whom." If he desires to fulfill his moral and spiritual obligation, he must pay the full amount of the robbery to each of the persons. The law, however, requires only that he give the value of the robbery, and they divide it among themselves.

The rationale is that neither of them knows that he has been robbed; it is the robber himself who is notifying them. Our Sages did not impose a penalty in this instance, because no one is lodging a claim against the

robber.

11 The following laws apply when a person lodges a claim against a colleague, saying: "You robbed me of a *maneh*." If the defendant replies: "I did not rob from you," he is required to take a *sh'vuat hesset*, as is the case with regard to any defendant.

If he admits that he robbed him of 50 *zuz*, he must pay the fifty he admits owing and take an oath required by Scriptural Law with regard to the remainder, as is the case with regard to any person who admits a portion of a claim. He is allowed to take this oath because witnesses did not establish that he was a robber.

Similarly because it was not established that a person was a robber, he is given the benefit of the doubt in the following situation: a person claimed that a colleague entered his home and stole utensils from him. The colleague replied that he took the utensils as collateral for a debt that that person owed him. The owner of the home denied the debt. Although the colleague admitted that he took the collateral without permission, since there are no witnesses who testify that he committed robbery, he is permitted to take an oath and collect the debt he claims from the collateral. For the very mouth that created the problem, rationalized it. Since he is taking an oath and collecting money, he must take an oath while holding a sacred article, as will be explained in *Hilchot To'en*.

12 The following laws apply when witnesses observe a person enter a colleague's home when the owner is not home, and take utensils. These laws apply even when he does not conceal the utensils, and even when the

owner of the home frequently sells his household articles.

If the owner claims: "He robbed them from me," and the defendant claims: "I entered with your permission, and you sold them to me," "...you gave them to me," or "I took them as payment for a debt you owe me," the defendant's claim is not accepted. The rationale is that whenever a person enters a colleague's home when he is not present and takes utensils and removes them in the presence of witnesses, we presume that he is a robber.

Therefore, he must return the utensils to the homeowner. The homeowner is not even required to take an oath, for the witnesses saw that the intruder committed robbery. After the defendant returns the utensils, he may lodge a suit against the homeowner according to his claims, and the judgment will be rendered according to law.

13 Similarly, if only one witness observed the intruder taking the article, and the homeowner claims that the intruder robbed him of the article, while the defendant claims that he purchased it, he took it as payment for a debt, or it was his and was entrusted to the homeowner for safekeeping, the intruder is obligated to return the article to the homeowner, and the homeowner is not even required to take an oath.

The rationale is that if two witnesses had observed the matter, the defendant would have been obligated to pay. Since there is only one witness, the defendant is required to take an oath. And in this instance he cannot take the oath, because he does not deny the statement of the witness. Therefore, we follow the principle: Whenever a person is obligated to take an oath and cannot take that oath, he must pay.

Accordingly, different rules apply if the defendant denied the matter, saying: "I never entered his house, nor did I take anything." Since there is only one witness, and the defendant denies his testimony, he is obligated to take an oath mandated by Scriptural Law, stating that he did not take anything from the home. With this, he is exonerated.

14 The following incident occurred. A person took a slab of silver from a colleague in the presence of one witness. The person who took the silver said: "Yes, I took it; and it was mine." Our Sages obligated him to return the silver, because the testimony of the witness obligates him to take an oath. He cannot take the oath, because he admits to what the witness says. Had there not been a witness involved, he would have been able to take a Rabbinic oath that the silver he seized belonged to him.If he denied the statements of the witness and said, "I never took the silver," he would be required to take an oath required by Scriptural Law that he did not take it. This judgment should be followed universally in all analogous cases.

15 The following rules apply if a person seizes gold coins from a colleague and the act was observed by one witness. The defendant says: "I seized my own money. There were twenty gold coins." Although the witness does not know how many coins there were, the defendant must pay twenty coins, for the witness knows that he took gold coins. If two witnesses had observed him, he would have been obligated to pay the full amount. Thus, when there is one witness, he is obligated to take an oath, but cannot, as explained above.

16 There are opinions that maintain that the following rule applies when, in the above situation, the person who took the coins said: "I seized twenty gold coins; they were mine," while the person who was robbed says, "He took 100." The defendant must pay the twenty he admitted to having taken, and take an oath required by Scriptural Law with regard to the remainder, for he was obligated for a portion of the plaintiff's claim. My opinion is that he is required merely to take a Rabbinic oath, for he did not admit any liability. Instead, he said that he took what belonged to him.

17 The following rules apply when a person enters a colleague's home when he is not present and takes utensils, while observed by one witness. The witness does not know how many utensils were taken. The owner claims that he had twenty utensils in his home, while the person who took them states: "I took only ten, and they were my own."

The defendant is required to return the ten, for he is obligated to take an oath, but cannot. He is not required to take even a Rabbinic oath concerning the remainder, because the owner cannot issue a definite claim against the robber.

Chapter 5

1 It is forbidden to purchase an object obtained by robbery from the robber. Similarly, it is forbidden to assist him in changing its nature, so that the robber will acquire it.

Whoever acts in this manner or the like assists transgressors and violates

the prohibition **Leviticus 19:14**: "Do not place a stumbling block before the blind."

2 It is forbidden for anyone to benefit from an article obtained by robbery even after its rightful owner has despaired of its return, if one knows for certain that this object was obtained through robbery.
What is implied? If one knows for certain that a particular animal was obtained by robbery, it is forbidden to ride on it or plow with it.

3 When a person obtains a house or a field by robbery, it is forbidden to pass through it or enter it. This applies even merely to seek shade or shelter from the rain. If he lives in another person's home, he must pay rent to the legal owners, as mentioned above with regard to a person who lives in a colleague's courtyard without the owner's knowledge.
If a person cuts down palm trees and constructs a bridge from them, it is forbidden for anyone to pass over it. The same applies with regard to other similar situations.

4 If a person transgressed and ate an object obtained by robbery after the owners despaired of its return, he is not liable to compensate the owners.
If he ate the article before the owners despaired of its return the owners must be compensated. They may collect from the person who ate the article, for it is still in their possession. Or if they desire, they may collect from the robber.

5 The following rules apply when a person commits robbery and dies. There is no difference if he fed the object he obtained by robbery to his

sons after the owner despaired of its return, or rather than feed it to them he sold it or it was lost.

If the robber left landed property, his heirs must reimburse the original owner. According to Talmudic law, they need not, by contrast, reimburse him if he left only movable property. For the value of the object obtained by robbery is considered to be a debt owed by the robber, and movable property is not placed on lien to a creditor after the principal's death.

6 The *Geonim* have already ordained that a debt owed a creditor can be expropriated from the movable property in the estate. This applies even to a loan supported by a verbal commitment alone. Therefore, in the above instance, the heirs are liable to reimburse the owners from either the landed property or the movable property in the robber's estate, regardless of whether or not the heirs ate the article obtained by robbery, and whether or not the owners despaired of its return.

7 The laws applying to a person who purchases movable property from a robber are the same as those applying to one who purchases from a thief. If the reputation of the robber was a matter of public knowledge, our Sages did not grant any leniency. If the robber's reputation was not public knowledge, our Sages ordained leniency to enable uninhibited trade in the marketplace, and required the original owner to pay a purchaser the price he paid for the article taken by robbery. He may then take the article and sue the robber for the price of the article.

If the owner already despaired of the article's return, the purchaser is considered to have acquired the article itself and is not required to return

it.

8 It is forbidden to benefit from a robber's property. If even a minor portion of his property was legitimately his, one is allowed to benefit from his property, unless one is certain that the article from which one is benefiting was obtained by robbery.

9 It is forbidden to benefit from the property of people whom we can assume to be robbers, when all of their property can be assumed to have come from robbery, for their profession is based on robbery - e.g., customs-collectors and highwaymen.
We may not change money from their cash-box, for all their money can be assumed to have come from robbery.

10 If a customs-collector takes a person's garment and then returns another one to him, or he takes a person's donkey and returns another one to him, the person may keep the one returned. This is considered to be a transaction, and we can assume that the original owner despaired of its return. Moreover, we do not know for certain that this object was obtained by robbery. If the recipient is diligent and is wont to be stringent concerning his personal gain, he should return the object to its original owner.

11 When does the statement that a customs-collector is considered to be a highwayman apply? When the customs collector is a gentile, is self-appointed, or was appointed by the king but is given unlimited jurisdiction and takes whatever he wants and leaves whatever he wants.

If, however, the customs-collector was appointed by the king to take a third, a fourth or any fixed amount of the subjects' goods or their value, the customs collector appoints a Jew to collect this sum for the king, and it is known that this person is faithful and does not add anything beyond what the king decreed, this person is not considered a robber. For the law established by the king is binding law. Indeed, anyone who does not pay this tax transgresses, for he is taking what is due the king. This applies whether the king is Jewish or gentile.

12 Similarly, if a king imposes a tax on all the inhabitants of a city, a fixed annual head tax or a fixed annual property tax, or decrees that anyone who violates a particular law will have all his property confiscated by the king, or decrees that anyone who is found in a field at the harvest time must pay the tax on it whether or not he is the owner of the field, or any similar decree, it is not considered to be robbery.

A Jew who collects these duties on behalf of the king is not considered to be a robber. On the contrary, he is considered of upright character, provided he does not add to or change the king's levy in any way, nor take any for himself.

13 Similarly, if a king becomes angered with a servant or an attendant who is one of his subjects and confiscates his field or his courtyard, it is not considered to be robbery, and one is permitted to benefit from it. If a person purchases it from the king, it becomes his and the original owners cannot expropriate it from him. For this is the law exercised by all kings: to confiscate all the property of their attendants if they become angered by

them.

Thus, it is the king who annulled the ownership over this courtyard or field, making it ownerless. Therefore, the person buying it from the king legally acquires it.

If, however, a king confiscates a courtyard or a field from one of the subjects of his country in a manner that is not in accordance with the laws that he enacted, he is considered to be a robber, and the owners may expropriate the property from the person who purchased it from the king.

14 The general principle is: Any law that a king decrees to be universally applicable, and not merely applying to one person, is not considered robbery. But whenever he takes from one person alone in a manner that does not conform to a known law, but rather seizes the property from the person arbitrarily, it is considered to be robbery.

Therefore, when the king's tax collectors and enforcement officers sell fields because the owner did not pay the fixed tax for the field, the sale is binding. A head tax, however, is the personal responsibility of each person and it may not be collected from his property. Thus, if a field was sold because an individual was delinquent in paying the head tax, the sale is not binding, unless this is the law enacted by this particular king.

15 The following rules apply when the law of a king is that whoever pays the tax for a particular field acquires ownership of that field. If the owner of a field flees to avoid paying the property tax, and another person pays this tax to the king and derives benefit from that field, it is not considered to be robbery.

The one who paid the taxes may reap the benefit of the field provided he continues to pay the taxes until the owners return and pay this duty. For the law of a king is binding, as stated above.

16 Similarly, if a king decrees that whoever pays a head tax for a person who has not paid acquires the delinquent person as a servant the decree is binding. If one Jew comes and pays a head tax for another indigent, he may compel him to work beyond ordinary limits, for the laws of a king are binding. He may not, however, have him toil as a slave.

17 When a king cuts down trees belonging to private people and uses them for a bridge, one is permitted to cross over it. Similarly, if he destroys homes in order to construct a road or a wall, it is permitted to benefit from it. The same principle applies in all analogous situations, because the laws of a king are binding.

18 When does the above apply? When the coins issued by a king are the tender of the land. This indicates that the inhabitants of that land have accepted him and consider him to be their leader and themselves to be his subjects.

If, however, the coins he issues are not the tender of the land, he is considered to be a robber who takes by the force of arms. He and his servants are like a band of armed thieves, whose laws are not binding. Such a king and his servants are considered to be robbers in all respects.

Chapter 6

1 The following rules apply when a river washes away beams, stones, wood and the like. If the owners despaired of their return, it is permitted for the finder to keep them, and they become his property. If, however, the finder does not know whether or not the owners have despaired, he is obligated to return the objects. Needless to say, this applies if the owners are pursuing the article.

2 Therefore, the same principle is applied when a person saves an article from the bed of a sea, from a flooding river, from gentiles, from a fire, from a lion, from a bear, from a tiger or from a leopard. If one knows that the owners have despaired of the article's return, it may be kept by the finder. If one does not know, one must return it.

3 When a person saves an article from a Jewish robber, he may keep it, for we assume that the owners despaired of its return. If, however, he knows that they did not despair of its return, he is obligated to return it.

When, by contrast, a person saves an article from a gentile robber, he is obligated to return it, for we do not assume that the owners despaired of its return. If, however, he knows that they did despair of its return, he may keep it.

Why do we say with regard to Jewish robbers that we can assume that the owners despair, while with regard to gentile robbers we do not assume that they despair? Because the owners know that the gentile authorities will require a robber to return an article obtained by robbery, although there are no witnesses that he committed robbery. Circumstantial evidence and probability are sufficient.

4 It is not considered robbery to take fresh cress that grows among flax, because it harms the flax belonging to the owner of the field. If the cress has become dry, taking it is considered robbery, because it has already caused whatever damage it might cause.

If it grows on the border of the rows of flax, it is forbidden to be taken even if it is fresh.

5 We have stated in *Hilchot Nizkei Mammon* that taking straw and hay that a person has placed in the public domain is not considered robbery. If, however, a piece of feces is placed in the public domain, whether during the time when taking out wastes is permitted or at other times, taking it is considered to be robbery.

6 When a person's clothes were exchanged for those belonging to another person at a house of mourning or a place of celebration, he should not use the article in his possession unless the owner comes and returns the original article and takes his own.

Slightly different rules apply if a person's articles become exchanged for another's in the home of a craftsman. If the craftsman's wife or children gave him the articles, or the craftsman gave him the articles and told him: "Take your articles," the person should not use the articles in his possession unless the owner comes and returns the original articles and takes his own.

If, however, the craftsman tells him: "Take this article," he may use it until the owner comes and returns the original articles and takes his own. For it is possible that the article belongs to the craftsman, or that the owner of

the article told the craftsman to sell it for him. Similar laws apply in all analogous situations.

7 Our Sages forbade many acts, classifying them as robbery - e.g., one who sets doves into flight or plays dice. If a person transgresses these prohibitions, he is considered a robber by Rabbinic decree.

What is meant by setting doves into flight? A person should not set doves into flight in a settled area, because he will take property belonging to others unjustly. For he will send out a male and it will bring a female from another dovecote; he will send out a female and it will bring a male.

This does not apply to doves alone. Instead, anyone who performs a like act with regard to other fowl, beasts or domesticated animals is considered to be a robber by Rabbinic decree.

8 Similarly, our Sages forbade snaring doves within a settled area, for we can assume that the doves belong to others. One may not set a snare for doves unless one places a distance of four *mil* between the snare and the settled area. Moreover, if the settled area is composed of vineyards, one should not set a snare even within 100 *mil*, for the doves belong to the owners of the vineyards.

Similarly, a person should not set a snare among dovecotes even if he owns those dovecotes, or they belong to a gentile or are ownerless, even if the dovecotes are more than 100 *mil* from the settled area, for the doves from the settled area will come to the area of the dovecotes.

9 When constructing a dovecote, a person should position it at least 50

cubits from the village. Similarly, a person should not construct a dovecote in his field unless he owns the property in a radius of 50 cubits on all sides, so the doves will not be drawn forth and damage the fields of others by eating their produce.

If a person purchased a dovecote from another person, he may continue using it even if there is only a distance in which a quarter of a *kav* of grain can be sown between the dovecote and the beginning of his colleague's field. We do not require him to move it further away.

10 What is meant by dice players? People who play with pieces of wood, pebbles, bones or the like and establish a condition that whoever will better a colleague in this sport is entitled to take a certain amount of money from him. This is robbery according to Rabbinic decree. Although the person himself consents to the other person's taking his money, since he is taking it for nothing, as part of the frivolous sport, it is considered to be robbery.

Similarly, those who gamble with regard to domesticated animals, beasts or fowl, making a condition that whosoever's animal will vanquish or outrace the other one's is entitled to take a certain amount of money from him - this and all forms of gambling are forbidden and considered to be robbery by Rabbinic decree.

11 When a person plays dice with gentiles, he does not violate the prohibition against robbery. He does, however, violate the prohibition against occupying oneself with empty matters. It is not fitting for a person to spend any of his days occupied in anything other than words of

wisdom or pursuits that lead to a stable world.

12 The following principle applies with regard to snares for beasts, fowl and fish: If an animal falls into such a snare and another person takes it, this is considered robbery by Rabbinic law. It is not considered to be robbery by Scriptural law because they have not as yet entered the possession of the person who acquires them.

13 A river and a stream that flow belong to all people.

When a poor person climbs to the top of an olive tree and beats the branches so that olives that have been forgotten by their owner will fall, he is entitled to them. If another poor person takes them, it is considered robbery by Rabbinic decree.

If the poor person collects them in his hand and then throws them to the earth, taking them is full-fledged robbery, for they have entered the possession of the person who acquires them.

14 Unlike chickens and ducks, bees are not considered the private property of a person according to Scriptural law. Nevertheless, it is possible to acquire them according to Rabbinic law.

A person who steals a swarm of bees or prevents their owner from taking them if the swarm comes into his domain is considered a robber by Rabbinic decree. Thus, if a swarm of bees leaves a person's property and comes to rest in a colleague's property, the owner of the bees has the right to enter his colleague's field and proceed until he takes his bees. If in his progress he damages his colleague's field, he must reimburse him for the

damages. He may not, however, cut down a branch with the intent that later he will reimburse the owner for the damages.

15 We accept the statements of a woman or a minor who says, "this swarm of bees left this property," provided that the statements are made in the course of conversation and the owners are pursuing the swarm and asking "Where did it come to rest?"
Although a woman or a minor is not generally accepted as a witness, since the ownership of bees is a matter of Rabbinic law, their testimony is accepted in this case.

16 Whenever a person is in possession of property that is considered to be robbed according to Rabbinic law, it cannot be expropriated by judges.
Similarly, if the person denied possession of it and took a false oath to that effect, he is not required to add a fifth, as he is with regard to property acquired by full-fledged robbery.

Chapter 7

1 Whenever a person becomes financially obligated to a fellow Jew, denies that obligation and takes a false oath to support his denial, should he later admit his obligation he is liable to return the principal that he denied plus a surcharge of one fifth of the new total. He is also liable to bring a sacrifice, which is called a guilt offering, for robbery.

2 The above applies to any of the following: one who robbed, one who withheld money due a colleague, one who stole, one who took a loan, one

who was given an entrusted article, one who discovered a lost article and denied it, a partner with whom money belonging to the partnership remained, and an employer for whom a worker performed work, but was not paid.

To state the general principle: Whenever a person who admitted the obligation would be obligated by law to pay, he must pay the principal and a fifth if he denies his obligation, as **Leviticus 5:21** says: "If he denies his colleague's claim regarding an entrusted object...."

3 When does the above apply? When the person is obligated to pay because of his own actions. When, however, he is liable because of his father, he is not liable for the additional fifth.

What is implied? If one's father robbed or stole or was in debt to others, and the son knew of the matter, and after the father's death the son denied the claim, took an oath and afterwards admitted his liability, he need pay only the principal. For **Leviticus 5:23** states: "that *he* obtained by robbery," implying that one is liable for an additional fifth for one's own robbery, but not for robbery committed by one's father.

4 When does the above apply? When the object obtained by robbery no longer exists. Different laws apply however, when a person's father obtained an object by robbery and then died, and the object still exists. If the heir denies his obligation, takes an oath to that effect and then admits his liability, he is liable for the principal and the addition of a fifth.

5 If the father committed robbery, took a false oath, admitted his guilt and

then died, his heir must pay the principal and the addition of a fifth.

6 If the father committed robbery, took a false oath and then died, and the heir admitted the father's guilt, the heir is liable to pay only the principal. In either instance, the heir is not obligated to bring the guilt offering.

7 A person who takes a false oath in response to the claim of a gentile and later admits his guilt is obligated to pay the principal, but not the additional fifth, for **Leviticus 5:21** speaks of one who "denies his colleague's claim."

Similarly, a person who takes less than the worth of a *p'rutah* by robbery, denies the charge and takes a false oath to that effect is not liable to pay an additional fifth, for anything less than a *p'rutah's* worth is not considered a significant financial responsibility.

What is meant by an additional fifth? One fourth of the principal. For example, if a person obtained four *zuz* by robbery and took a false oath, he must pay five. If the object obtained by robbery itself still exists, it must be returned and a fourth of its value added.

8 A person who takes a false oath denying a financial claim is not liable to pay an additional fifth unless he himself admits his guilt. If, however, witnesses come and despite his continued denial establish his guilt through their testimony, he is liable to pay only the principal, but not the additional fifth.

The rationale is that the additional fifth and the sacrifice were instituted for the sake of atonement. Therefore, he is obligated for them only when

it is his admission that makes him liable.

9 When a person robs from a colleague, even if he denied the robbery - as long as he did not take a false oath - if he afterwards admits his guilt he is not liable to seek out the owner to return the money in his possession. Instead, it may remain in the possession of the robber until the owners come and take his due.

If, however, he took a false oath concerning property worth a *p'rutah* or more, he is obligated to seek out the owner to return the money to him even if he is on far removed islands. The rationale is that once the robber took a false oath, the owner has despaired of the return of his property and will not demand it again.

10 Even if a robber returned the entire worth of the object obtained by robbery with the exception of a *p'rutah*, he is obligated to bring it to the original owner. He may not give the *p'rutah* to the owner's son or agent unless the owner appointed an agent for this purpose in the presence of witnesses.

If the robber brings the principal and the additional fifth to the Rabbinic court in his city, he may bring a guilt offering and gain atonement thereby. The court will then ensure that the object obtained by robbery will reach its original owner. Similarly, the robber may give the article to an agent of the court. Whenever a person returns an object obtained by robbery or the like to a Rabbinic court, he has fulfilled his obligation to return it.

11 When the robber gave the original owner the principal, but not the additional fifth, the owner waived payment of the principal but not of the additional fifth, or he waived payment of both with the exception of less than a *p'rutah's* worth of the principal, the robber does not have to seek out the owner. Instead, when the owner comes he will take the remainder of what is due him.

This ruling is followed when the owner waives payment of everything but less than a *p'rutah's* worth of the principal even when the object obtained by robbery itself exists. We do not suspect that perhaps the value of the article will increase, and thus the portion remaining will become worth a *p'rutah*.

If, however, the robber gave the owner the additional fifth, but did not give him the principal, or if the owner waived payment of the additional fifth but not of the principal, or he waived payment of both with the exception of a *p'rutah's* worth of the principal, the robber must seek out the owner or give the money to the Rabbinic court in his town, as explained in the previous halachot.

12 If the robber returned the principal to the owner after denying his claim and taking a false oath and then denied owing him the additional fifth and took a false oath concerning this, the additional fifth is considered as part of the principal with regard to all matters, and the robber must pay another fifth because of it.

This is derived from **Leviticus 5:24**, which states: "And he shall add its fifths." The use of the plural teaches that he must add a fifth to a fifth if he continues to take false oaths until the fifth that he denies - and

concerning which he takes a false oath - is worth less than a *p'rutah*.

13 The following rule applies with regard to a person who had been entrusted with an object for safekeeping and who repeatedly took false oaths concerning the entrusted article. For example, the watchman claimed that the article was lost, took a false oath to support his claim and then admitted that it was in his possession. He then claimed it was lost and took a second false oath and then admitted it was in his possession. He must pay an additional fifth for every false oath, plus the principal. This is derived from the phrase cited above: "And he shall add its fifths." The use of the plural teaches that he must pay several fifths for one principal.

Chapter 8

1 When a person robs a colleague and then the person whom he robbed dies, he must return the object obtained by robbery to his heirs. If the object became lost or underwent a change, he must pay them its value. If the robber originally denied the robbery and took a false oath to that effect, he must pay the heirs the principal and an additional fifth.

2 The following laws apply when a person robs his father and takes a false oath, and then the father dies. If the object obtained by robbery no longer exists, or it has undergone a change, he should make a reckoning with his brothers with regard to the principal and the additional fifth. If the object obtained by robbery exists, he is obligated to remove it from his

possession. Therefore, he must give the object and the additional fifth to his brothers, and they must make a reckoning with him.

3 If the robber does not have any brothers, and he is thus the only heir, he must still remove the object obtained by robbery from his possession by giving it to his children.

If this son who robbed his father does not have children, he may give it to his creditor, give it as a loan or give it to charity. In such instances, since he has removed the object itself from his possession, he is no longer under obligation, even though he gave it as a present or repaid his debt with it. He must, however, tell the recipient: "This article was obtained by robbery from my father."

4 Similar laws apply in the following instance. A person robs a convert, takes a false oath in response to his claim and then admits the robbery to him, and the convert considers the entire obligation a debt. If afterwards the convert dies, the robber acquires the object obtained by robbery as his own. He nevertheless is obligated to remove it from his possession.

5 When does the above apply? When he admitted the robbery to the convert in the interim. If, however, he robbed a convert who did not have any heirs and took a false oath to him, and the convert died, he is obligated to pay the principal and the additional fifth to the priests of the watch serving in the Temple that week. He then brings a guilt offering and thus achieves atonement.

6 Based on the Oral Tradition, it was taught that the verse in the Torah

Numbers 5:8: "If a person does not have a redeemer..." refers to a convert who died without leaving heirs. The guilt offering the verse refers to is the object obtained by robbery or its worth.

For this reason, a person who returns an object that had been obtained by robbing a convert to the priests at night does not fulfill his obligation. For the verse describes this return as a guilt offering, and sacrifices are not offered at night.

The priests may not divide one object obtained by robbing a convert together with another object obtained by robbing a convert, just as they are not permitted to divide the meat of one guilt offering together with the meat of another guilt offering.

7 Whenever the value of an object obtained by robbing a convert is not sufficient to give every priest from the watch of that week at least a *p'rutah's* worth, the robber who returns it does not fulfill his obligation. This is implied by Numbers, *ibid.*, which states "it should be returned to God, to the priest," implying that a significant value must be returned to each priest.

Why does the verse referring to the robbery of a convert use the term "a man"? To teach that if the convert has attained majority, we must research the matter to determine whether or not he has heirs. If, however, the convert is a minor, there is no need to research the matter, for we can assume that he does not have heirs.

8 With regard to the repayment of property obtained by robbing a convert, the priests are considered as recipients of presents. Therefore, when a

person robs *chametz* from a convert who dies without heirs and maintains possession of the *chametz* that he obtained by robbery during Pesach, he is obligated to pay the priests its value at the time of the robbery. For if he gave it to them at the present time, it would not be considered to be a gift, for one is forbidden to benefit from it. If, however, the convert himself were still alive, he could tell him: "Here is your article," as we have explained.

9 When a priest robs from a convert who has no heirs, takes a false oath to him, and then the convert dies before the object obtained by robbery is returned to him, the priest does not acquire the object in his possession. Instead, he must give it to his brethren, the priests of the watch serving in the Temple that week.

10 The following rules apply when a person robs from a convert, takes a false oath to him, the convert dies, the robber sets aside his guilt offering and the object obtained by robbery with the intent of bringing them to the priests, but dies before he could gain atonement. The robber's sons inherit the money set aside to pay for the object obtained by robbery or the object itself. The animal set aside for the guilt offering should pasture until it receives a disqualifying blemish, as has been explained in the appropriate place.

11 If the robber gave the money to the priests of the watch, but died before the sacrifice that brings him atonement could be offered, the robber's heirs may not expropriate the money from the priests.

This is derived from **Numbers 5:10**: "When a man gives it to the priest, it shall be his." Even when the robber is a child who does not have the halachic capacity to give his property away as a present, his heirs cannot have the property expropriated from the priests.

12 If the robber gave the money to priests from a watch that was not serving in the Temple at that time, and the animal to be sacrificed as the guilt offering to the priests of the watch serving in the Temple that week, the money should be given to the priests of the appropriate watch. For a watch that took money at a time other than its week did not acquire it, and it may be expropriated from the members of that watch.

13 The guilt offering should not be sacrificed until the robber returns the principal to its owner, or to the priests if it was a convert without heirs who was robbed.

If the robber gave the owner the principal but not the additional fifth and had the guilt offering sacrificed, he is granted atonement, for the additional fifth does not prevent atonement from being granted. He is, however, obligated to give the owner the additional fifth after receiving atonement.

14 The obligation to pay an additional fifth does not apply with regard to the robbery of Canaanite servants, promissory notes and landed property. This is derived from **Leviticus 5:21**, which states: "If he denies his colleague's claim regarding an entrusted object...." All the subjects mentioned in the verse are movable property that itself has financial

worth. Thus, it excludes landed property - and servants, for they are equated with landed property - and promissory notes, for they themselves are not of financial worth.

Similarly, if these articles were obtained by robbing a convert who has no heirs, there is no obligation to give them to the priests.

Moreover, landed property never becomes the property of a robber, but rather it always remains the property of its rightful owner. Even if it were to be sold to a thousand people in succession and the owner were to despair of its return, it must be returned to its rightful owner without charge.

The person from whom it was expropriated should then sue the person who sold it to him. Each person in turn should sue the one who sold it to him, until the person who purchases it from the robber should sue the robber and collect from him, as will be explained in the following chapter.

Chapter 9

1 The following rules apply when a person robs a colleague of property and depreciates its value - e.g., he digs cisterns, trenches or caverns in it, or he cuts down trees, spoils springs or destroys a building - he is obligated to return the house or the field in its original condition, or to pay the owner for the depreciation of value.

If, however, the property depreciats in value as a result of natural phenomena - e.g., the flooding of a river or a fire that came as a result of lightning - the robber can tell the owner: "Here is your property." For landed property remains in the possession of its owner at all times, and

the robber is not responsible for its decrease in value. Therefore, he is responsible only when he personally causes the damages. This is not the case with regard to movable property, as has been explained.

2 The following rules apply when a person robs a colleague of a field and it was in turn taken from him by robbery and seized by brigands in the name of the king. If this is a condition that plagues the land as a whole - e.g., the king has confiscated the fields or homes of all the land's inhabitants - the robber can tell the owner: "Here is your property." If, however, it was confiscated because of the robber, the robber is obligated to provide the owner with another field.

3 If the king compelled the robber to show him all the property he owned, and the robber showed him the field that he obtained by robbery together with his other fields, and the king confiscated it, the robber is obligated to provide the owner with another field comparable to the one taken, or to pay its value.

4 When a person obtains a field by robbery and damages it by his actions, the owner of the field is entitled to collect the damages only from the property in the robber's possession; his obligation is equivalent to that of a loan supported by a verbal commitment.

If the robber was called to court and obligated to pay for the damage to the property obtained by robbery, and afterwards sells other property that he owned, the rightful owner of the property taken by robbery may collect his due from properties that the robber has already sold.

5 If a person obtains property by robbery and benefits from its produce, he must pay for all the produce that he consumed from the property in his possession.

When a person obtains landed property by robbery and increases its worth, the increase should be evaluated. The robber is placed at a disadvantage. If the increase in the property's value is greater than the expenses he undertook, the owner is required to reimburse him only for the expenses. If the expenses he undertook are greater than the increase in the property's value, he receives reimbursement for the expenses only to the extent of the increase in value.

6 The following rules apply when a person obtains a field by robbery and sells it, and the purchaser causes its value to increase. If the increase in value is greater than the purchaser's expenses, he should be reimbursed for his expenses by the owner. He should collect the principal and the remainder of the increase in value from the robber.

7 The purchaser may collect the principal even from encumbered property that the robber had sold. By contrast, he may collect the remainder of the increase in the property's value only from property presently in the robber's possession.

If the purchaser was aware that the field had been obtained by robbery when he purchased it, he is entitled to collect only the principal. He forfeits the increase in the property's value that exceeds his expense.

If his expense was greater than the increase in value, regardless of whether or not he recognized that the field was obtained by robbery, he receives

reimbursement for the expenses only to the extent of the increase in value. This he collects from the owner of the field. He collects the principal from the robber, even from encumbered property that the robber had sold.

8 The following rules apply when a person obtains a field by robbery, sells it, and the purchaser derives benefit from its produce. He should calculate the value of the produce that he consumed and pay that to the owner of the field. He should collect this money from the property in the possession of robber.

If he was aware that it was obtained by robbery, he is not entitled to reimbursement for the produce, and may collect only the principal from the robber.

9 When a person sells a field that does not belong to him, the sale is not binding and the purchaser does not acquire anything, as we have explained. If, however, after selling the field, the robber purchased the field from its rightful owner, the sale to the purchaser is binding.

Even if the robber gave the field obtained by robbery away as a present and then purchased it from its rightful owner, the present is binding, because the thief took the trouble to purchase it so that he will have acted in good faith.

10 For this reason, if the purchaser sued the robber for selling him a field that did not belong to him, the robber was obligated to pay, the court ordered that an announcement be made regarding the sale of the robber's property in order to pay the purchaser, and the robber purchased the field from its

rightful owner after the announcement was made, the original sale to the purchaser is not binding.

Since a public announcement was made to expropriate his property, it was revealed that the robber had not acted in good faith. We thus conclude that he did not purchase the field from its rightful owner in order to establish the validity of the original sale.

11 If after selling the field he obtained by robbery, the robber purchased it from its rightful owner, but then sold it again, gave it away as a present or endowed it as an inheritance to another person, he has indicated that his intent in purchasing the field was not to establish the validity of the sale to the person who bought it after it was obtained by robbery.

Similarly, if the robber acquired the property as an inheritance, the validity of the original sale is not established.

12 The following principles apply if the robber expropriated from its owner the property that he had sold as payment for a debt. If the owner had property other than this, and the robber told him: "I want to collect this," we assume that his intent was to establish the validity of his sale. If, however, the owner had no other property besides this, his intent could have been solely to collect his debt.

13 If the original owner gave the property to the robber later as a present, the purchaser acquires it. The rationale is that if the robber had not exerted himself on behalf of the owner, he would not have given him a present. Why then did he exert himself on behalf of the owner? So that the owner

would give him the property and then he could act in good faith and establish the validity of his original sale.

14 The following rules apply when a person obtains a field by robbery, and after it was established that his intent was to take it by robbery, he then purchases it from the original owner. If the original owner claims: "I was acting under coercion at the time that I sold it to him. I sold it to him against my will, because he was a robber," the robber does not acquire the field, even though there are witnesses that he purchased the field in their presence. Instead, the field should be restored to its original owner, and the robber should be given back the money that he paid.

15 When is the money returned to the robber? When the witnesses testify that he counted out the money in their presence.
If, however, the witnesses testify that the owner of the land sold the robber the field and acknowledged that he gave him such and such an amount of money in their presence, and the owner claims that he never received the money and acknowledged this only because of his fear of the robber, then the robber is not given anything. Instead, the field is expropriated from him without payment. Since it has been established that the field was taken by robbery, we believe the owner's claim that he acknowledged the payment only out of fear.

16 The owner of the field does not have to issue a protest over the sale in such an instance, for it has been established that the field was taken by robbery, and any proof of ownership brought by the robber is not

accepted. For this reason, he need not issue a protest.

The laws pertaining to a robber are not the same as those that apply when a person coerces a colleague and inflicts physical harm upon him until he sells the property to him. For the person who applies coercion intends to rob, but as yet has not robbed. Therefore, in that instance, if the owner does not issue a protest, the sale is binding.

Chapter 10

1 The following law applies when a powerful and violent gentile took over property belonging to a Jew by force, seizing his field because the owner owed him a debt, caused him damages or caused him financial loss. If, after taking possession of the field, the gentile sold it to another Jew, the owner cannot expropriate it from the purchaser.

2 When does the above apply? When the owner admits that the gentile who sold the property told the truth, or when two Jewish witnesses substantiate the truth of the gentile's claims.

Similarly, if there was a king or a ruler in that locale who could summon the gentile to court, and the owner did not lodge a claim against him, he cannot expropriate the property from the person who purchased it from the gentile. This applies even though the owner does not admit the truth of the gentile's claim, and even though there are no witnesses that the gentile told the truth. For the purchaser can tell the owner: "If the gentile is a robber, why did you not sue him according to the laws of the land?"

3 The following laws apply with regard to gentiles who oppress the Jewish people and seek to kill them, unless they ransom themselves from the gentiles by ceding title to a field or a home, and giving it to the gentiles in return for their release.

When the oppressor desires to sell this land and the owner has the means to purchase the property, he is given priority over all others. If the owner does not have the means to purchase the property, or the property has remained in the possession of the oppressor for more than twelve months, whoever comes first and purchases the property from the oppressor acquires it.

The purchaser must, however, give the original owner a fourth of the land or a third of the funds. For the oppressor sells the land cheaply; since the land is not his, he will sell it for approximately a fourth less than its value. This portion belongs to the original owner, because the reason it was sold cheaply was that it belonged to him.

Therefore, a person who acquires it from the oppressor for 30 *zuz* must pay 10 to the original owner or give him one fourth of the land. If this is done, the purchaser acquires full title to the land. If he fails to do this, the quarter of the land is considered to be property obtained by robbery.

4 The following rules apply if a squatter enters a field belonging to a colleague without permission and plants trees there. If the field was one appropriate for trees to be planted, we evaluate how much a person would be willing to pay for trees to be planted in this field, and he collects this amount from the owner of the field. If this field is not suitable for planting, the squatter's improvement of the field should be evaluated, and

he is judged at a disadvantage.

5 Moreover, if the owner of the field tells the squatter: "Uproot your tree and go," the owner's wishes are heeded.If the squatter says: "I want to uproot my tree," his wishes are not heeded, because uprooting trees weakens the fertility of the land.

6 Courtyards are considered to be appropriate for construction and to add homes and lofts. Therefore, the *geonim* ruled that a squatter who builds in a colleague's courtyard without his consent is regarded like a person who plants trees in a field appropriate for planting. If the building is useful and is appropriate for that courtyard according to the local custom, we evaluate how much a person would give to have such a building constructed and require the owner to pay that sum to the squatter.

7 When a person enters a colleague's field with the latter's permission, his improvement of the field should be evaluated, and he should be given the advantage in evaluating the amount of money due him. This applies even if he planted trees in a field that was unfit for planting.

If his expenses exceed the field's increase in value, he is reimbursed for his expenses. If the field's increase in value exceeds his expenses, he is reimbursed for the field's increase in value.

A husband who tills property belonging to his wife, and a partner who tills a field in which he owns a share are considered to have been given permission to enter the land. Their improvement of the field should be evaluated and they should be given the advantage in evaluating the

amount of money due them.

8 When a squatter enters a field belonging to a colleague without permission and plants trees or builds there and the owner of the field comes afterwards and completes the building or guards the trees planted, or performs any other activity that indicates that he is pleased with the squatter's activity and considers it desirable, the squatter's improvement of the field should be evaluated and he should be given the advantage in evaluating the amount of money due him.

9 When a squatter enters a ruined building belonging to a colleague and rebuilds it without permission, the improvement he has brought about should be evaluated, and he is judged at a disadvantage.
If the owner of the building says: "I am taking my stones and wood," his words are heeded with regard to a house,but this principle is not applied with regard to a field, for building and destroying a structure in a field weakens the fertility of the land.
If the owner of the land tells him: "Remove what you built,"his words are heeded.

10 Whenever the improvements a person brought about are evaluated - whether he is judged at an advantage or at a disadvantage - he is not entitled to collect any money unless he first takes an oath while holding a sacred object, with regard to the amount of his expenses.
If he says: "Let the judges come and evaluate the expenses. Whatever I spent is in the open. Let them evaluate the worth of the wood, the stones,

the mortar, and the wages of the workers according to the lowest standards," his request is accepted, and he is entitled to collect his due without taking an oath. Similarly, if a person collects only the value of the improvement of the property, and he is judged at an advantage, he is not required to take an oath.

11 The following rule applies whenever the improvements a person made are to be evaluated and he is entitled to collect money, and the owner of the field claims to have paid him, and the person who tilled the field claims that he did not receive anything. The claim of the person who tilled the field is accepted. He must take an oath that he did not receive anything, and he is entitled to collect his due. For we tell the owner of the field: "An evaluation of what he is due was not made yet. Thus, you did not know how much you were obligated to give. How could you have paid him?"
A different rule applies, however, if the evaluation was already made and the owner of the field was told to pay a specific amount to the person who tilled it. If the owner of the field claims to have paid him, although the person who tilled the field has not taken an oath yet, the claim of the owner is accepted. The owner must take a Rabbinic oath that he paid, and then he is freed of liability. The rationale is that land is always considered to be in the domain of its rightful owner.

12 The following laws apply when a husband brings sharecroppers to till property belonging to his wife and then he divorces her. If the husband is himself a sharecropper, their involvement is also terminated when the husband's involvement with the land is terminated, for they agreed to

work the field on the husband's invitation. Their improvement of the field should be evaluated, and they are judged at a disadvantage.

If the husband is not a sharecropper and they agreed to work the field because it was necessary, they receive the share that is usually given to a sharecropper.

Chapter 11

1 It is a positive commandment to return an object lost by a fellow Jew, as **Deuteronomy 22:1** states: "And you shall certainly return it."

A person who sees an object lost by a fellow Jew and ignores it, leaving it in its place, transgresses a negative commandment, as it states *Ibid.*:4: "Do not see your brother's ox... and ignore it." He also negates the fulfillment of a positive commandment. If he returns the object, he fulfills the positive commandment.

2 If a person takes a lost object and does not return it, he negates the fulfillment of a positive commandment and transgresses two negative commandments: "You may not ignore it" *Ibid.*:3 and **Leviticus 19:13**: "Do not rob."

Even if the owner of the lost object is wicked and eats non-kosher meat for his own satisfaction and the like, it is a mitzvah to return an object that he lost. If, however, he eats non-kosher meat as a conscious act of rebellion against God, he is considered a non-believer. And just as it is forbidden to return a lost object belonging to a gentile, it is forbidden to return a lost object belonging to a Jew who is a non-believer, heretic, idol-

worshiper or violator of the Sabbath in public.

3 It is permissible to keep an object lost by an idolater, for **Deuteronomy 22:3** speaks of returning "an object lost by your brother." Indeed, if one returns such an article, one transgresses a prohibition, for one strengthens the power of the wicked peoples of the world. If, however, one returns it to sanctify God's name, so that others will praise the Jewish people and know that they are trustworthy, this is praiseworthy.

When there is a possibility of the desecration of God's name, it is forbidden to keep an object lost by an idolater, and it must be returned. As part of "the ways of peace," we should always bring in their utensils from the outside, lest they be taken by thieves, as we do for utensils owned by Jews.

4 A mistake in accounts made by a gentile is considered like a lost article, and it is permissible to benefit from it. This applies if he makes the mistake himself. It is, however, forbidden to cause him to make a mistake.

5 What is implied? A gentile made an account and made an error in a Jew's favor. The Jew must tell him: "Look, I am relying on your account. I know only what you tell me." In an instance like this, if the gentile does not correct himself, it is permitted to take advantage of his error. If, however, one does not tell him this, it is forbidden. It is possible that the gentile's intent is to check the Jew's honesty. By keeping the money, one may cause God's name to be desecrated.

6 The following rules apply in a town in which both Jews and gentiles live.

If half the inhabitants are Jews and half are gentiles, and a person finds a lost object, he should take it and announce its discovery. If a Jew comes and describes marks by which the object can be identified, the finder is obligated to return it.

7 Different rules apply if the majority of the inhabitants of the city are gentiles. If a Jew finds a lost object in a place where most of the people located there are Jewish, he is obligated to announce its discovery.

If he finds it on a public thoroughfare, a public market place or in a synagogue or a house of study where gentiles are often found, or in any place where many people are found, the finder may keep the object he discovers.

This applies even when another Jew comes and describes marks with which the object can be identified. We assume that the owner despaired of its return when it fell, for he will say: "A gentile found it."

Although a person is entitled to keep a lost article that he discovers, one who wishes to follow a good and an upright path should go beyond the measure of the law and return the lost article to a Jew, if he describes marks with which the object can be identified.

8 If a person finds a jug of wine in a city where the majority of the inhabitants are gentile, it is forbidden to benefit from the wine; the container is permitted as is a lost object. If a Jew comes and describes marks with which the container can be identified, the wine is permitted to be drunk by the person who discovered it.

9 When a fowl takes a piece of meat and casts it into another field, it is permitted to be kept as is a lost object. This applies even when most of the inhabitants of the town are Jewish, for the owners will have despaired of its return.

10 A person who finds a lost article on the bed of the sea or in a flooding river that does not cease may keep it. This applies even if the article has a mark with which it can be identified.

This concept is derived from **Deuteronomy 22:3**, which commands us to return "an article that one loses and is found," thus excluding an instance as the one above in which the article is lost not only to its owner, but to all men. In such an instance, the owner has surely despaired of its return.

11 When a person intentionally abandons his property, there is no need to help him regain it.

What is implied? A person placed his cow in a cowshed that did not have a door. He did not tie it there and he left. Or he tossed his wallet away in the public thoroughfare and left. In all instances of this nature, he is considered to have intentionally abandoned his money. Although the person who saw this is forbidden to take the property himself, he is not obligated to return it.

This is implied by **Deuteronomy 22:3**, which states: "So shall you do with regard to every lost article belonging to your brother that he loses." The seeming redundancy in the verse excludes an article that is not lost accidentally, but rather intentionally abandoned.

12 When a lost article is not worth a *p'rutah*, the finder is neither obligated to concern himself with it, nor to return it.

13 The following rule applies when a person finds a sack or a large basket. If he is a sage or a respected elder, who would not usually carry such articles himself, he is not obligated to concern himself with them.

He should judge his status in the following way. If the article were his own and he would return it, so too, is he obligated to return an article belonging to a colleague. If, however, he would not forgo his honor even if the article were his own, he is not obligated to return a similar article belonging to a colleague.

The following rules apply when he would take such articles in a field, but not in a city. If he finds it in a city, he is not obligated to return it. If he finds it in a field, however, he is obligated to return it to its owner's domain, even though in doing so he will pass through a city, where it is not his habit to carry such articles.

14 Similarly, if a person finds an animal and spurs it on, he becomes obligated to concern himself with it and to return it - even if doing so is not appropriate for his honor - for he began the performance of the mitzvah.

If a person returned an animal and it bolted away, he is obligated to return it again, even if this occurs 100 times. This is alluded to by **Deuteronomy 22:1**, which states: "And you shall certainly return it." The word השב implies that one must return it even 100 times.

A person who finds a lost animal must care for it until he returns it to a

place where it is secure in its owner's domain. If he returns it to a place that is not secure - e.g., the person's garden or his ruin and it becomes lost again - he is responsible for the animal.

15 If a person who discovered a lost article returns it in the morning to a place where its owners enter and leave each morning, he is not obligated to concern himself with it any more. For the owner will certainly see it. This applies even if it is placed in a location that is not secure.
When does the above apply? To any article that is not alive. A live animal, by contrast, must be cared for by the finder until it is returned to a secure place in the owner's domain. The owner need not be notified.

16 If a person sees an animal that has escaped from its corral and he returns it to its place, he has fulfilled the mitzvah. The owner need not be notified.

17 A person who seeks to follow a good and upright path and go beyond the measure of the law should return a lost article at all times, even if it is unbecoming to his dignity.

18 When a priest sees a lost object in a cemetery, he should not make himself impure so that he can return it. The rationale is that at the time the priest would fulfill the mitzvah of returning a lost object, he would nullify the positive commandment "Be holy" **Leviticus 21:6** and transgress the negative commandment: "A man may not defile himself for a corpse among his people *ibid.*:4." And the observance of a positive commandment never supersedes a negative commandment that is reinforced by a positive commandment.

19 If a person sees a lost object and his father tells him "Do not return it," he should return it instead of obeying his father. For by obeying his father and fulfilling the positive commandment "Honor your father" **Exodus 20:12**, he nullifies the positive commandment "And you shall certainly return it," and transgresses the negative commandment "You may not ignore it."

20 When a person sees flood waters coming that will ruin a building or a field belonging to a colleague, he is obligated to put up a barrier before them to check the waters. This is implied by the mention (**Deuteronomy 22:3** of "All objects lost by your colleague." "All" also includes the devastation of landed property.

Chapter 12

1 The following rules apply when a person loses an article and then discovers his own lost article and that belonging to a colleague. If it is possible for him to return both, he should return both. If it is possible for him to return only one, his lost object takes priority, even over a lost object belonging to his father or his teacher. His own lost object takes priority over that of any other person.

2 The following rules apply when a person discovers both a lost article belonging to his teacher and one belonging to his father and is capable of returning only one of them. If his father is equal in wisdom to his teacher, his father's lost object takes precedence. If not, his teacher's takes

precedence. This applies provided we are speaking about his primary teacher, the one from whom he gained the majority of his Torah wisdom.

3 If a person ignores his own lost article and instead returns the article belonging to his colleague, he is entitled only to the wage due him for his efforts.

What is implied? A river washed away his donkey and a donkey belonging to a colleague. His donkey was worth 100 *zuz*, while his colleague's was worth 200. If, instead of saving his own, he saved his colleague's, he should be reimbursed only for the wages due him for his efforts.

If he told his colleague - or made this condition in the presence of a court - "I will save your donkey, but you must reimburse me for my own," the colleague is obligated to reimburse him for his donkey. This applies even if the other donkey ascends from the river afterwards on its own. Since its owner did nothing to help it, the other person should be awarded the sum that he stipulated.

4 If the owner of the other donkey attempted to save the more valuable donkey, but was not successful, he should be given only the wage fit to be paid him.

Similarly, if a person was occupied with his work, and he negated work that was worth a *dinar* to return a lost article worth 100 *dinarim*, he may not tell the owner: "Give me the *dinar* that I lost," but rather the owner should pay him as an unemployed worker of the trade in which he is employed. If he stipulated to the owner or in the presence of a court that he should receive the amount that he lost, and they agreed, he may collect

it. If the owner or a court is not present, his own concerns take precedence.

5 Similar laws apply when two people are progressing on a road, and one was carrying a jug of wine, and the other a jug of honey. If the jug of honey cracks and before the honey spills to the ground, the other person pours out his wine and collects the honey in his jug, he should be given only the wage he is fit to be paid.

If he tells the owner of the honey: "I will save your honey, if you pay me for my wine," or he makes such a stipulation in the presence of a court, the owner of the honey is obligated to pay him.

If the honey spills to the ground, it is considered ownerless, and whoever takes it, takes it as his own.

6 Different rules apply if one person is carrying a jug of honey and his jug cracks, while another person was carrying empty jars. If the owner of the empty jars tells the owner of the honey: "I will not save this honey with my jars unless you give me half," "... a third," or "... so and so many *dinarim*," the owner of the honey is not obligated to keep this agreement. Even if he agrees, he is considered to have spoken facetiously and is not obligated to pay him more than the wage he is fit to be paid. The rationale is that he did not cause him any loss.

7 Similar rules apply if a person was fleeing from prison and there was a raft near him. If he told the owner of the raft: "Take me across the river and I will pay you a *dinar*," and the raft owner takes him across the river, the

fugitive is required to pay the raft owner only the wage he is fit to be paid. If the raft owner was a fisherman, and the fugitive told him, "Stop fishing and take me across the river," the fugitive must pay him whatever he stipulates. The same principles apply in all analogous situations.

8 The following rules apply when a caravan was traveling in a desert and they were confronted and attacked by an armed force. If the travelers cannot rescue their property from that force and one of them exerts himself and rescues everyone's property, he has rescued it for himself.
If the other members of the caravan can rescue their property, and one of them exerted himself and rescued all the property first, it should be divided among its rightful owners. This applies even if the one who rescued the property stated: "I am rescuing it for myself."

9 Different rules apply if it was possible for the owners to rescue their property with difficulty. If one person rescues all the property, it should be divided among its rightful owners. But if the one who rescues the property states: "I am rescuing it for myself," he is allowed to keep it as his own.
The rationale is that the other owners heard him say: "I am rescuing it for myself." Accordingly, they should have exerted themselves to rescue their property. Since they chose to sit still and not attempt to rescue it, we may conclude that they had despaired of its recovery.

10 Similarly, if two partners were traveling with goods and were attacked, and one of them rescues the goods, the property still belongs to the partnership. If he states: "I am rescuing it for myself," he has dissolved the

partnership and is allowed to keep the goods as his own.
By the same logic, if a person hires a worker to rescue goods from a situation of certain loss, whatever he rescues belongs to the employer. If the worker says: "I am rescuing it for myself," he is terminating his employment. Whatever he rescues after making this statement belongs to him.

11 The following rule applies when a caravan was camped in the desert and an armed force was poised to attack them. If they agreed to pay a ransom to the armed force, the ratio of each person's payment should be determined according to the value of the person's goods and not levied equally by head.
If they hired a guide to lead them on the journey, both the value of the persons' goods and the number of people should be considered when determining everyone's share of his wage. One should not, however, deviate from the standard practice followed by donkey-drivers.

12 Donkey-drivers may make an agreement among themselves saying that if one of the members of a caravan loses his donkey, the entire caravan must combine to provide another donkey for him. If he was negligent, and therefore it was lost, they are not obligated to provide a donkey for him.

13 If a person's donkey was lost and he said: "Pay me its value. I do not want another donkey. I will, however, guard together with you as if I had one," his request is not heeded. Instead, another donkey is purchased for him so that he will be diligent and guard his donkey.

Even if he already owns another donkey in the caravan his request is not heeded. The rationale is that the diligence shown by a person watching one donkey cannot be compared to that of a person watching two.

14 When a ship was traveling in the sea and a decision was made to reduce its cargo because waves threatened to sink it, the calculation is made according to the weight of each person's goods and not their value. One should not, however, deviate from the standard practice followed by seamen.

15 Boatmen may make an agreement among themselves saying that if one of them loses his boat, they will combine to provide another boat for him. If he was negligent and therefore it was lost, or he sailed his boat in a region where boats do not travel at that time of year, they are not obligated to provide a boat for him.

Chapter 13

1 When a person finds a lost object that he is obligated to return, he is obligated to announce its discovery and make it known, saying: "Whoever lost this type of article should come, identify it with marks and take it."
Even if the article was worth a *p'rutah* at the time of its discovery, but depreciated in value, the finder is required to announce its discovery.
There was a large stone outside of Jerusalem on which the announcements would be made.

2 How is an announcement made? If a person discovered money, he

announces: "Whoever lost coins should come...." Similarly, he announces "Whoever lost a garment..." "... an animal..." or "... promissory notes should come, identify them with marks and collect them."

He need not worry because he mentioned the type of object that was discovered, for he will not return it until it is identified with distinctive marks.

3 If the owner of the lost object came and identified it with marks that are not distinctive, it should not be returned to him until he identifies it with distinctive marks.

When a person is known as a deceiver, a lost article should not be returned to him even if he identifies it with distinctive marks. He must bring witnesses who testify that the article is his. Our Sages said: "Deuteronomy 22:2: "It shall remain in your possession until your brother asks... ," can also be interpreted to mean that one must examine the person to see whether or not he is a deceiver.

4 At first, whenever a person lost an article and came and identified it with marks, it would be returned to him, unless he was known as a deceiver. When the amount of deceivers proliferated, the court ordained that when a person claimed a lost object, he would be told: "Bring witnesses that you are not a deceiver. Then you may take it."

5 Distinctive marks are relied upon and used as the basis for court rulings in all matters according to Scriptural law. An object's measure, weight, its number or the place where it was lost are considered distinctive marks.

6 If two people come, and both identify the article by its marks in the same manner, the article should not be given to either of them. Instead it should remain in the finder's possession until one of them acknowledges his colleague's claim or they arrive at a compromise.

If one of them identifies the article by marks and the other brings witnesses who testify that the article is his, the article is given to the one who brought witnesses.

If both claimants identify the article with marks and one brings one witness to support his claim, the presence of the witness is not considered of consequence, and the article should remain in the finder's possession.

7 If a person finds a dress or an article of that nature and there are two claimants, one brings witnesses who testify that it was woven for him and one brings witnesses who testify that it fell from his possession, it should be given to the one whose witnesses testify they saw the article fall.

If one identifies it by stating its length and the other identifies it by stating its width, it should be given to the one who stated its length, for it is possible for a deceiver to deduce its width by watching its owner when wearing it.

If one identifies it by stating its length and width, and the other identifies it by stating its weight, it should be given to the one who stated its weight.

If one identifies it by stating its length and width, and the other identifies it by stating the measure of its fringes, it should be given to the one who stated its length and width.

8 Originally, whoever would find a lost object would announce its discovery

at three successive pilgrimage festivals. On the first festival he would say that he was making this announcement for the first time. On the second festival, he would say it was the second time.

On the third festival, he would announce the discovery of the article without mentioning the number of times, lest a listener hear incorrectly and confuse the second announcement with the third. After the third festival, he should wait seven days and make a fourth announcement. This provision enabled a person who heard to travel home in three days, check his household articles and return in three days. Thus, he could meet the person when he made the fourth announcement on the seventh day.

9 When the Temple was destroyed, our Sages ordained that announcements should be made in synagogues and houses of study.

When there was an increase in the number of men of violence who say: "All lost objects belong to the king," our Sages ordained that announcements should be made discreetly to one's neighbors and associates. That is sufficient.

10 If an announcement or notification was made and the owner did not come to claim the discovered object, it should remain in the possession of the finder until Elijah the prophet comes.

If it is lost or stolen while it is in the finder's possession, he is responsible for it. If it is destroyed by forces beyond his control, he is not liable. The rationale is that a person who cares for a lost object is considered a paid watchman. For he is involved in the performance of a mitzvah, and as such is freed from the obligation to perform several positive

commandments as long as he is occupied with guarding it.

11 The finder must pay attention to the lost article and inspect it so that it will not become spoiled and ruined over the course of time. This may be inferred from **Deuteronomy 22:2**, which states: "And you shall return it to him." Implied is that one must see to it that the article will in fact be returned intact.

What is implied? If one finds a woolen garment, one should shake it out every 30 days. He should not shake it out using a staff, nor with two people.

He may spread it out on a couch for its benefit alone, but not for its benefit and for his benefit. If guests visit him, he should not spread it out in their presence even for its own benefit, lest it be stolen.

12 If one finds wooden utensils, he should use them so that they do not rot. If he finds copper utensils, he should use them for hot substances, but he should not expose them to fire, because they become worn. Silver utensils should be used only for cold substances, but not for hot substances, because they become discolored.

If one finds rakes or hatchets, one should use them with soft substances, but not with hard ones, lest their value deteriorate. If one finds golden utensils, glass utensils or linen garments, one should not touch them until Elijah arrives.

The same principles that apply to a lost object which one discovered apply to an entrusted object whose owner undertook a long journey.

13 If he finds scrolls, he should read them once in 30 days. If he does not know how to read, he should roll them every 30 days. One should never study a subject for the first time, [from the scrolls], nor should one read a passage and repeat it or translate it.

One should not open the scroll more than three columns wide. Two people should not read two different subjects from the same scroll, lest each pull it to himself and ruin the scroll. Two people may, however, read the same subject. Three people may not read from the same scroll, however, even if they are reading about the same subject.

14 If one finds *tefillin*, he may have their value appraised and don them.

The rationale is that *tefillin* are common-place articles, possessed by everyone, and their purpose is only for the sake of the fulfillment of the commandment.

15 The following rules apply if a person finds a living being that must be fed. If the found object may be used to earn money although it eats - e.g., a cow or a donkey - the finder should care for them twelve months from the day of their discovery. He should hire them out and feed them. If the rental he receives for their hire exceeds the cost of their food, the additional amount belongs to the owner. Similarly, if one finds chickens, one should sell their eggs and feed them for twelve months.

From this time onward, one should have their value assessed, and they are considered as belonging in partnership to the finder and the original owner. The arrangement is governed by the laws applying to one who raises livestock for a colleague.

16 If one finds calves or ponies that pasture, he should care for them for three months. If he finds beasts that must be fed, he should care for them for 30 days.

If he finds large geese or roosters, he should care for them for 30 days. If he finds younger fowl and any other live being whose care is more costly than the wage that may be earned with it, he should care for them for three days. Afterwards, he should sell them in the presence of a court.

Similarly, if produce has begun to rot, or other similar things occur to a lost object, it should be sold in the presence of a court.

17 What should be done with the money from the sale? It should be given to the finder. He has permission to use it as a loan.

Therefore, if the money is lost by forces beyond his control - e.g., it was plundered by an attacking force or it sank in the sea - he is liable for its repayment even if he never made use of it. Since he has permission to use it, it is as if he borrowed it.

18 Which funds may a finder make use of? The money received for the sale of a lost object. Since he cared for the object he is given this privilege. If, however, a person finds money, he should not make use of it. Therefore, if it is lost because of forces beyond his control, he is not liable, for he is considered a paid watchman, as explained above.

19 During the entire time in which the finder cares for the lost animal before selling it in court, if he feeds it from his own resources, he must be reimbursed by the owner. It appears to me that he is entitled to collect this

sum without supporting his claim with an oath. This is a decree ordained for the benefit of society.

20 When a person finds a lost object, he is not required to take an oath. This is a decree ordained for the benefit of society. For if a finder of a lost article were required to take an oath, he would ignore the lost article and proceed on his way, so that he would not be required to take the oath.
Even if a person found a wallet, and the owner of the wallet claimed that there was another wallet tied together with it, and it would be impossible to find one without finding the other tied to it, the finder is not required to take an oath.

Chapter 14

1 **Deuteronomy 22:1-3** states: "Do not watch your brother's ox or sheep going astray and ignore them.... Return them to him.... This is what you must do to his donkey and to his garment and to all lost articles that your brother will lose and you will find."
A garment is included in the general category of "all lost articles that your brother will lose," as is an ox, a sheep and a donkey. Why then does the Torah mention a donkey individually? To teach that it should be returned when there is an identifying mark on its cushion and not on the donkey itself. Although the mark is on a matter of secondary importance, it should be returned.
Why does the Torah mention an ox and a sheep individually? To teach that the shearings of a sheep and even the shearing of the tail of an ox,

which is an insubstantial matter, must be returned.

Why does the Torah mention a garment individually? To teach the following concept. A garment is unique in that it has marks by which it could be identified, and we presume that its owner would seek its recovery. It thus becomes a paradigm, and any article that has marks and has owners who seek its recovery must be returned. If, however, a lost article no longer has owners who seek it, for they have despaired of its recovery, it belongs to its finder, even if it has marks by which it can be identified.

2 This principle must be followed with regard to a lost article: Whenever an article does not have a mark by which it can be identified - e.g., one nail or one needle - as soon as the owners knew that it is lost, we presume that the owners despaired of its recovery. For they cannot provide a mark by which it can be identified and returned to them. Therefore, it belongs to the finder.

3 When by contrast an article has a mark by which it can be identified - e.g., a garment or an animal - we presume that the owners have not despaired of its recovery. For they think that they will be able to identify it by its marks, and it will be returned to them.

For this reason, a person who finds it is obligated to announce its discovery unless he knows that the owners have despaired of its recovery - e.g., he heard them saying, "How terrible a loss!" or other things that indicate that they despaired of its return. In such an instance, the lost article belongs to its finder.

4 Similarly, if a person finds an article that has a mark by which it can be identified - in the sea, in a river or the like, or in a place where the majority of people are gentiles - he may presume that its owners despaired of its recovery at the time that it fell. It therefore belongs to the finder, even though he has not heard that the owners despaired of its recovery.

5 When the owner of an article does not know of its loss, he is not considered to have despaired of its recovery, even if it does not have a mark by which it can be identified.

What is implied? If a person dropped a *dinar* and did not realize that he dropped it, he is not considered to have despaired of its recovery until he becomes aware that he dropped it. Even though he will certainly despair of its recovery when he realizes that he dropped it it is forbidden to take the article until that time.

Moreover, if an owner is unaware that an article was dropped, even though he is aware of its absence, but thinks, "Maybe I gave it to so and so," "... placed it in a cabinet," "... made a mistake in my accounts," or the like, he is not considered to have despaired of the article's return.

6 When a person sees a colleague drop a *dinar* on the ground without being aware of it and takes the *dinar* before his colleague despairs of its recovery, he transgresses a positive commandment and two negative commandments, as we have explained.

Even if he returns the *dinar* to his colleague after the latter has despaired of its recovery, the return of the money is not significant. It is as if he is giving him a present, and he is considered to have already violated the

transgressions.

7 If the finder takes the *dinar* before the owner despairs of its return, with the intent of returning it, and after the owner despairs of its return decides to take it as his own, he transgresses only the positive commandment, **Deuteronomy 22:1**: "You shall certainly return it."

If he waits and does not notify the owners, but does not take the *dinar* until the owners become aware that it fell, at which time they will despair, as we have explained, and then he takes the *dinar* from the ground, he transgresses only the commandment *ibid.*: "You may not ignore it." The same applies in all similar situations.

8 A person who sees a *sela* or another coin drop from even three people, even though there is not a *p'rutah's* worth for each of them, is obligated to return it. The rationale is that they might all be partners, and one may have been willing to forgo his share in favor of a colleague. Thus, that person has a share in the lost article worth more than a *p'rutah*.

9 When a person sees a *dinar* fall from a colleague into sand or into dust and escape the colleague's vision, it is as if it fell into the sea or into a river, and it belongs to the finder. For the owner despairs of its recovery, since it does not have a mark by which it can be identified.

Even if he saw the original owner bring a sifter to search for the lost *dinar*, the owner is considered to have given up hope. He is searching out of wishful thinking, as would other seekers who search in the dust although they have not lost anything, in the hope that they will find what someone

else has lost. The owner is searching in such a manner; it is not that he has not despaired of the recovery of his money.

10 The following rules apply when a person finds a *sela* in the market place. If a colleague finds him and tells him: "It is mine. It is new; it comes from this and this country and was issued by this and this king" - indeed, even if he says "My name was written on it" - his words are of no consequence, and the finder is not obligated to return it.

The rationale is that the marks on a coin are not an accepted means of identification, because we can assume that a coin will be used for spending. Thus, we can say, "It was his, but he spent it, and it fell from the possession of another person."

Since the marks on a coin are not relied upon as means of identification, as soon as a person realizes that a coin has fallen, he despairs of its recovery. Therefore, it becomes the property of the finder.

11 When a person finds an article that does not possess a mark by which it can be identified, next to an article that possesses such a mark, the finder is obligated to announce the discovery of both articles.

If the owner of the article which possesses a mark by which it can be identified comes and takes his article, but says that he lost only this article, the finder acquires the article lacking the mark by which it can be identified.

12 The following laws apply when a person finds an earthenware utensil or any other type of utensil that is made in a standard manner. If new

utensils are found, they are acquired by the finder. For they are like a *dinar*, and there is no difference between one *dinar* and another, and thus no way of identifying them. Similarly, the owner cannot identify these earthenware utensils; he does not know whether this jar or this vial is his or if it belongs to someone else.

If, however, the earthenware utensils have been in their owner's possession for an extended period, and have become familiar to his eye, the finder is obligated to announce their discovery. For if a Torah scholar will come and say: "Although I cannot identify this utensil with a mark, I can recognize it as my own," the finder is obligated to show it to him. And if the scholar claims to recognize it and says that it belongs to him, it should be returned to him.

13 When does the above apply? To a refined sage who does not tell any falsehoods except to promote peace, or with regard to the tractate he is studying, the bed that he slept on or the house in which he stays.

What is meant by the above? If he was studying the tractate of *Niddah* and said that he was studying the tractate of *Mikvaot*, so that he would not be asked about the *Niddah* laws.

He slept in one bed, but said that he slept in another, lest signs of a seminal emission be discovered in the bed in which he slept.

He stayed at Reuven's home, but said that he stayed at Shimon's, so that others would not trouble Reuven.

He made peace between two people and added and subtracted from the statements each one of them made to heighten their feelings of closeness. Such deceptions are permitted. If, however, witnesses came and testified

that he made other false statements, there is no obligation to return an article that he claims to have recognized.

Chapter 15

1 Whenever a person finds an article that appears to have been intentionally placed down, it is forbidden for him to touch it. This applies whether or not it has a mark by which it can be identified.

The rationale is that perhaps the owner of the article left it there until he returns. Thus, if the finder takes it he will have ill-treated the owner. If the article does not have a mark by which it can be identified, he has purposefully caused his colleague financial loss, for the article does not have a mark that will enable it to be identified and returned. Even if it has a mark, he has wronged him, for he has troubled him to search for the article and identify it by its marks. Therefore, it is forbidden for the finder to touch it, unless it appears to have fallen.

Even if the finder is in doubt and does not know whether the article was lost or placed down, he should not touch it. If he transgressed and took it, he is forbidden to return it to its place. If it is an article that does not have a mark by which it can be identified, the finder acquires it; he is not obligated to return it.

2 Whenever a person takes an article that can be identified with a mark, whether originally it had been placed down or had dropped, whether in a private domain or in the public domain, he is obligated to announce its discovery.

What is meant by an article that appears to have been intentionally placed down? If a person finds a donkey or a cow pasturing on the road during the day, or he finds a utensil buried in a garbage heap, he should not touch them, for **Deuteronomy 22:1**, the verse that commands the return of a lost object, speaks of an ox or a sheep "going astray" in the way.

If, however, he found a donkey with its gear overturned, a cow running through vineyards or a utensil lying openly in a garbage heap, it is considered a lost article. It should be taken and its discovery announced.

3 If one sees a donkey or a cow pasturing in an ordinary place and manner at night, the animal is considered lost.

If he saw the animal pasturing at twilight or at dawn for three consecutive days, it is considered a lost article; it should be taken and its discovery announced.

The following laws apply when a person sees a cow running down a road. If it is facing the city, it is not considered a lost article. If it is not facing the city, it is considered a lost article.

4 If a person finds a cow pasturing among the vineyards, he is obligated to return the animal to its owner because of the damage that will be done to the property.

Therefore, if the vineyards belong to a gentile, the animal is not considered lost and there is no obligation to return it. If he suspects that perhaps the gentile will kill the animal when he finds it because it spoiled his vineyard, it is considered a lost article; it should be taken and its discovery announced.

5 The following rules apply if a person finds a cow in the public domain. If it is found beyond the Sabbath limits of the city, he is obligated to return it. If it was pasturing in the grass or located in a barn that is neither a totally secure place nor one from where it will definitely flee, the finder should not touch it; this is not a lost article.

If he found a garment or an axe at the side of a wall, he should not touch them. If he found them in a thoroughfare, he should take them and announce their discovery. The same applies in all similar instances.

6 If a person finds young doves whose wings are tied together and they are hopping behind a stone wall, a wooden fence or in a lane in the fields, he should not touch them, since it is possible that their owner left them there. If, however, he takes them, they become his property.

If they were found tied with a unique knot that can serve as a mark of identification, the finder is obligated to announce their discovery. Similarly, if he found them located in a fixed place, he is obligated to announce their discovery, for the place where an object is discovered can serve as a mark of identification.

7 If a person finds a utensil buried in a garbage heap, he should not touch it, as mentioned above. If the garbage dump is not usually cleared away, and its owner decides to clear it away, he should take the utensil and announce its discovery, even though it is buried. If he discovers small utensils - e.g., a knife, a spit or the like - he should take them and announce their discovery, even though they were buried.

8 If a person finds scattered produce that appears to have been intentionally placed down, he should not touch it. If it appears that it has fallen, he may keep it.

Similarly, if he finds small sheaves of grain in the public domain, he may keep them, for they do not have a mark. The same applies if he finds cakes of pressed figs, a baker's loaves, a string of fish, pieces of meat, raw wool as it comes from the country, bundles of flax or stretches of purple wool, for they also do not have marks by which they can be identified.

If an item has a mark by which it can be identified, the finder should take it and announce its discovery. Although the mark will ultimately be worn off by trampling, it is still considered a valid mark of identification.

9 If, however, a person finds bread baked by an ordinary person,wool that has been dyed by a craftsman, jugs of wine or jugs of oil, he is obligated to announce their discovery, for all these articles possess distinctive marks by which they can be identified.

If, however, this occurs during the season when the stores of wine and oil are opened, the jugs belong to the finder even when the seal is marked. For all the jugs will be marked in the same fashion. The jugs will thus resemble loaves of bread coming from a baker, which all possess a standard shape and weight.

10 The following laws apply if a person finds small sheaves in a private domain: If it appears that they have fallen, he may keep them. If it appears that they have been intentionally placed there, he must announce their discovery.

The rationale is that although they do not have a mark by which they can be identified, the place where they are discovered can serve as a mark of identification, even though it is not a distinctive mark of identification.
If he finds large sheaves, whether in the private domain or in the public domain, he should take them and announce their discovery.

11 If a person finds a cake of pressed figs that contain a shard, a loaf of bread that contains a coin, a piece of meat that is cut in an abnormal fashion, a fish that has been bitten and any similar item, he is obligated to announce their discovery. The rationale is that they possess an abnormal factor, and we can assume that their owner did this only so that it would serve as a mark of identification.

12 The following rules apply when a person finds scattered fruit in the place of the grain heaps. If there was a measure approximately the size of a *kav* in a square four cubits by four cubits or in a larger area, it may be kept by the finder. The rationale is that the owners will no longer trouble themselves to collect it.
If the produce was scattered in a smaller space, a finder should not touch it, for perhaps it was intentionally left there by the owner.
Our Sages were in doubt with regard to the following situations: If half a *kav* was left in a square two cubits by two cubits, two *kabbim* in a square eight cubits by eight cubits, or a *kav* of two or three types of produce - e.g., dates, sesame seeds and pomegranates in a square four by four. Therefore, at the outset, one should not take such produce. If, however, one takes it, one is not obligated to announce its discovery.

13 A person who finds a collection of fruit, fruit in a container, or an empty container is obligated to announce the discovery of these objects.
If one finds a container with fruit in front of it, one may keep the fruit, but one must announce the discovery of the utensil. For it is likely that the utensil belongs to one person and the produce to another, and there is no mark by which to identify the produce. If it appears that the produce and the container belong to the same person, one must also announce the discovery of the produce.

14 What is implied? If the back of the container is facing the produce, he may keep the produce. If, however, the front of the container is facing the produce, we suspect that the produce fell from the container. Nevertheless, even in such a situation, if the container has a rim, and it is totally empty, the finder may keep the produce. For if it had fallen from the container, the rim would have caused something to remain. If some fruit were in the container and some were on the ground, the finder is obligated to announce the discovery of the entire amount.

15 When a person finds berries set out to dry in the road, even if he finds them next to a field of berries, they may be kept by the finder. Similarly, when a berry bush hangs over a road and berries are found under it, one is permitted to take them; the prohibition against robbery does not apply.
The rationale for these rulings is that a berry becomes repulsive when it falls in the dust. Such berries are considered ownerless, and thus there is no requirement that a tithe should be given. These concepts do not apply to olives, carobs and other similar fruit; they are forbidden to be taken by

the finder.

16 Dates that are blown off a tree by the wind may be taken, for we assume that the owners forgo ownership over them in favor of anyone who finds them. If, however, they belong to orphans below the age of majority, they are forbidden to be taken, because a minor does not have the legal prerogative to waive his ownership over property.

Similarly, if the owner of the field takes care not to lose any of his produce and has surrounded the trees with a fence or put nets under the trees so that the fruit that drops should fall there until he gathers them, it is forbidden to take this fruit, for he has shown that he is not willing to forgo ownership.

17 A perverse cat that kills young children may not be kept by its owner. Hence, taking it from its owner is not considered robbery, nor is one obligated to return it, even though its hide has some worth. Instead, whoever finds it acquires it. He should kill it, and the hide belongs to him.

18 The following laws apply to a young dove that is found close to a dovecote. If it is found within 50 cubits of the dovecote, it belongs to the owner of the dovecote. If it is found beyond 50 cubits of the dovecote, it belongs to whoever finds it, for a young dove does not hop more than 50 cubits.

If a young dove is found between two dovecotes, it is granted to the owner of the closer one. If it is found midway between the two, its value should

be divided.

When does the above apply? When there are an equal number of doves in each dovecote. But if there are more doves in one dovecote than another, we assume that it came from the majority, even though it is further away.

Chapter 16

1 The following laws apply if a person finds needles, spits, nails or the like. If he finds them one at a time, he may keep them. If he finds them in sets of two or more, he is obligated to announce [their discovery, for the number of articles found is a mark by which they can be identified.

2 Similarly, if one finds scattered coins, he may keep them. Even if some of the coins are lying on each other, they are considered to be scattered. If, however, one finds a collection of coins, he must announce their discovery.

For example, if he found three coins placed one on top of the other like a tower, or there was one to the right, one to the left and one on top of both of them, or they were placed in succession, each one lying slightly on the other, so that if a sliver of wood were placed under them he would be able to pick them all up at one time, he is obligated to announce their discovery.

If they were placed in a circle, a line, like a tripod, like steps, the matter is one of doubt. Therefore, at the outset, one should not take them.

3 If a person finds money in a wallet or an empty wallet, he is obligated to

announce its discovery. If he found a wallet with money scattered before it, he may keep the money. If, however, it appears that the wallet and the money belong to the same person and that the money fell from the wallet, he must announce its discovery.

4 The following rules apply when a person finds money in a store. If the money is found between the counter and the storekeeper, it must be given to the storekeeper. If it is found on the counter, and needless to say, if it is found on the outside of the counter, it may be kept by the finder.
Why does the store not acquire the money on behalf of its owner? Because it is not a protected courtyard. Therefore, even though the owner was present, to acquire the money, the owner would have to say: "May my store acquire it on my behalf," as will be explained.

5 The following rules apply when a person finds money in a store of a moneychanger. If the money is found between the counter and the moneychanger, it must be given to the moneychanger.
If the money was found on the counter, even if it was wrapped in a purse and placed on the table, it may be kept by the finder, provided the majority of the clientele are gentiles, as we have explained. If, however, the majority of the clientele are Jewish, the finder must announce the discovery. Since they are wrapped in a purse, they have a mark by which they can be identified.

6 When a person purchases produce from a colleague or a colleague sends him produce, and he finds money wrapped in a purse among the produce,

he must announce the discovery. If the money is scattered, he may keep it.
When does the above apply? When one receives the produce from a merchant or from a private individual who purchased it from a merchant. If, however, a private individual threshed produce himself or had his Canaanite servants and maidservants do so, the finder is obligated to return the money to him.

7 When a person finds a buried treasure in a mound or in an old wall, it belongs to him, for we assume that it belonged to ancient Amorites. This applies provided he finds the treasure buried very low, as would be common for ancient valuables.
If, however, it appears that the treasure was recently placed there, even if he has doubts concerning the matter, he should not touch it, for perhaps it was intentionally placed there.

8 Since a person's domain can acquire property on his behalf without his knowledge, as will be explained, why does the owner of this courtyard not acquire the treasure buried within the old wall even if it originally belonged to the Amorites, and thus he would become its legal owner?
The rationale is that the treasure was not known about by him or by others. Thus, it was "lost to him and to all others." Therefore, it belongs to the finder.
Our Sages derived this concept as follows: With regard to a lost object, the Torah **Deuteronomy 22:3** states: "That is lost by him and found." This refers to an article that the owner lost, but others can find, thus excluding an article that fell into the sea and is "lost to him and all others." Surely,

this applies to an ancient treasure that the person never owned. It is certainly "lost to him and all others." Therefore, it belongs to the finder.

9 The following laws apply if a person finds a treasure in a new wall. If the manner in which the treasure was found indicates that it belongs to the owner, it is given to the owner. If the manner in which the treasure was found indicates that it belongs to a passerby from the marketplace, it is awarded to the finder.

What is implied? For example, with regard to a knife, its handle is the determining factor. With regard to a wallet, its opening is the determining factor. If the wall was filled with such articles, they should be divided between the owner and the finder.

10 The following rules should be adhered to if the wall contains money or pieces of gold that do not have a factor that indicates who placed them there. If they are halfway or more to the outer side of the wall, they belong to the finder. If they are halfway or more to the inner side, they belong to the owner.

11 It appears to me that the above applies only when the owner claims that the buried treasure belongs to him, or he is an heir and we claim on his behalf that perhaps it belonged to his father. If, however, he admits that this is a lost article, it belongs to the finder.

Therefore, if the person rents out his house to others, the article belongs to the last renter.

If he rented the domain to three gentiles at the same time, he is

considered to have made it an inn. Therefore, anything found in the walls, or even within the house itself belongs to the finder. For no one can claim that the article belongs to him or that it was buried, because the domain has been made an inn.

Chapter 17

1 Whenever we have said that the finder acquires the lost article he discovers, it does not become his property until it reaches his hand or his domain. If, however, he sees a lost article - even if he falls upon it - and then another person comes and takes hold of it, the person who takes hold of it acquires it.

2 If a person was riding on an animal and he saw a lost article and told a colleague, "Acquire it on my behalf," when the colleague lifts it up for him, the rider acquires it, although the rider himself did not take possession of it.
If the rider told his colleague: "Give it to me," and the colleague takes it and then says, "I acquired it for myself," the person who took it is granted possession. If, however, he gives it to the rider and then claims to have taken possession of it for himself, his words are of no consequence.

3 When a person lifts up a lost object on behalf of a colleague, the colleague acquires it, although the colleague did not tell the finder anything.
When two people lift up a lost article together, they both acquire it.

4 When a deaf mute, a mentally incompetent person or a minor lifts up an

article on behalf of a mentally competent individual, the mentally competent individual does not acquire the article. For these three types of individuals are not considered of sufficient mental capacity to acquire an article on behalf of another person.

If a deaf mute and a mentally competent individual lift up an article together neither acquires it. For since the mentally competent individual does not acquire a share, the deaf mute also does not acquire a share.

If both of the people who pick up an article are deaf mutes, our Sages ordained that they should acquire it to prevent strife from arising.

5 When two people see an ownerless camel or donkey and both rush and lead it, or both draw it after them, or one leads it and one draws it after himself, they both acquire it.

When does the above apply? With regard to a donkey. With regard to a camel, by contrast, if one leads it and one draws it after himself, the one that draws it after himself acquires it, and not the one that leads it.

6 When a person rushes and grabs the reins of an ownerless animal, he does not acquire it until he draws it after him or leads it. The same applies with regard to an animal belonging to the estate of a convert who died without an heir. He does, however, acquire the reins themselves.

7 The following rules apply when one person rides on an ownerless animal and one holds its reins. The rider acquires the animal and the portion of its reins attached to its cheeks. The one holding the reins acquires the portion that he is holding, and the remainder of the reins are not acquired

by either one.

8 A person's courtyard can acquire property for him without his being aware of it. Thus, if a lost object falls into a person's courtyard, he acquires it.

When does the above apply? When the courtyard is protected. When, by contrast, a lost article enters a person's field or garden different rules apply. If he is standing at the side of his field and says, "May my field acquire it for me," he acquires it. If, however, he is not standing there, or he is standing there but does not make such a statement he does not acquire it, and the one who takes possession first becomes the owner of the lost article.

Similarly, the area within a radius of four cubits next to the place where a person is standing can acquire property for him like his own courtyard. If a lost object comes into these four cubits, he acquires it.

9 Our Sages ordained this convention so that people who discover lost articles should not come to strife.

When is this convention employed? In an alleyway or at the sides of the public domain, which are not crowded with many people, or in a field that is ownerless. When, however, a person stands in the public domain or in a field belonging to a colleague, the area within a radius of four cubits cannot acquire property on his behalf. In such a place, he cannot acquire a lost article until it reaches his hand.

10 A female minor may acquire an article by virtue of its presence in her

courtyard or within the area within a radius of four cubits of her. A male minor, by contrast, may not acquire an article by virtue of its presence in his courtyard or within the area within a radius of four cubits of him.

The rationale for these laws is that we derive the concept that a female minor may acquire property by virtue of its presence in her courtyard from the fact that she is able to acquire an article that is placed in her hand. For just as she can be divorced by virtue of a bill of divorce being placed in her hand, so too, can she be divorced by virtue of a bill of divorce being placed in her courtyard. And just as her courtyard is effective with regard to the acquisition of a bill of divorce, so too, it is effective with regard to the acquisition of a lost object. From this we also conclude that she may acquire an article by virtue of its presence in the area within a radius of four cubits of her, for this area is considered her courtyard with regard to the acquisition of a lost article.

The potential for a man to acquire property by virtue of its presence in his courtyard is derived, by contrast, from the fact that he is able to acquire an article via an agent. Just as an agent can acquire an article for him, so too, can he acquire an article by virtue of its presence in his courtyard. Since a male minor is incapable of charging an agent to act on his behalf, so too, he cannot acquire an article by virtue of its presence in his courtyard or in the radius of four cubits around him; it must reach his hand.

11 The following rules apply when a person sees other people chasing an ownerless [animal that is moving - e.g., a] wounded deer or young doves that cannot fly in his property. When the following conditions are met: he was standing at the side of his field, the animals were on his property, and

he could catch them if he ran, he can acquire them by virtue of their presence in his field if he states: "May my field acquire them for me."
If he cannot catch the animals, they are like a deer that runs normally and doves that can fly, his words are of no substance. Instead, whoever catches them first acquires them.
If they were given to him as a present, since another person transferred ownership of them to him, and they are moving in his field, he acquires them by virtue of their presence in his field. Even if they were given as a present, if the deer can run normally and the doves can fly, he cannot acquire them by virtue of their presence in his field.

12 As a reflection of the paths of peace, the prohibition against robbery applies to a lost object taken by a deaf mute, a mentally incompetent individual and a minor.
As such, if a person transgresses and robs such an article from one of these individuals, it cannot be expropriated from him by legal process. If he denies taking the article and takes an oath to that effect, he is not liable to pay an additional fifth.

13 A person acquires a lost article discovered by the following individuals: a) his son or his daughter who derive their livelihood from his household, even though they are past majority,
b) his daughter who is a *na'arah*, even if she does not derive her livelihood from his household - indeed, even if she has been sold as a maidservant,
c) his Canaanite servants and maidservants,
d) his wife.

A person does not, however, acquire a lost object discovered by a son who does not derive his livelihood from his father's household even if he is a minor, his Jewish servants and maidservants, and his wife who has been divorced, even if there are doubts concerning the validity of the divorce.

Chapter 18

1 When a person finds a promissory note, he should not return it. This applies even if the note does not explicitly say that it creates a lien on the debtor's landed property, the presumed debtor acknowledges his obligation, and the signatures of the witnesses have been validated.

The rationale is that we suspect that the note was already paid, and the creditor and the debtor are joining together to deceive the purchasers of the debtor's landed property and expropriate that property unlawfully. This is the reason why the debtor acknowledges the creditor's claim. For the creditor can expropriate property sold by the debtor with this promissory note, even though it does not explicitly say that it creates a lien on the debtor's landed property.

We follow the principle that the omission of a clause mentioning the creation of a lien on the debtor's landed property in a legal document is merely a scribal error. This applies with regard to both promissory notes and deeds of sale.

Therefore, if the promissory note states explicitly that it does not create a lien on the landed property, and the debtor acknowledges his obligation, the note may be returned. If not, the finder should not return it, lest it have been paid.

2 Similarly, if a promissory note was dated on the day it was found, the signatures of the witnesses have been validated, and the debtor acknowledges his obligation, it may be returned to the creditor. If, however, the signatures of the witnesses have not been validated, it should not be returned, lest the debtor had the note written in the expectation of borrowing, but did not borrow yet.

3 If a promissory note is found in a leather container, a wooden vessel or the like, it should be returned to a claimant who can identify it by a mark.
If three promissory notes are found wrapped together in one bundle, placed one on top of the other or tied together, they should be returned to a claimant who can identify them by a mark.

4 If three promissory notes were found together and they mention one borrower and three different lenders, the notes should be returned to the borrower if the signatures of the witnesses have been validated. If the signatures of the witnesses have not been validated, the notes should be returned to whoever can identify them by a mark. For perhaps the lenders gave their promissory notes to a scribe to validate the signatures of the witnesses, and they fell from the possession of the judge.
If the notes mention one lender and three borrowers, they should be returned to the lender. If the three were written by one scribe, they should be returned to the person who can identify it by a mark. For it is possible that the three borrowers brought their documents to one scribe to write, and the documents fell from his hand.

5 If a person found several torn legal documents and among them a promissory note that was not torn, he should not return it. If together with these documents was a receipt for the promissory note, even if the receipt was not signed by witnesses, the promissory note should be returned to the borrower. Had it not been paid, the lender would not have placed it among torn legal documents, and moreover, there is a document stating that it was paid.

6 The following rules apply when a person finds a bill of divorce. If the husband acknowledges divorcing his wife, the document should be returned to the woman. If the husband does not acknowledge divorcing his wife, but the woman identifies the bill of divorce with a distinctive mark, it should be given her. If she cannot, it should not be returned to either of them.

If the husband claims that it fell from his hand, and he was able to identify it with marks, and the wife claims that it fell from her hand, and she was also able to identify it with marks, it should be given to her, provided she mentions a distinctive mark - e.g., there is a hole in the parchment next to a particular letter. The rationale is had the bill of divorce not reached her hand, she would not know of this matter.

7 If the husband identifies a bill of divorce by describing the signs of the string with which it was tied, and his wife provides the same description, it should be given to her, provided she provides a distinctive mark - the measure of the length of the string. If, however, she merely states that it was red or black, this is not considered a distinctive mark.

If the husband identifies a bill of divorce by stating that it was held in a leather container, and his wife provides the same description, it should be given to him, because this is not considered a distinctive mark.

8 When a person finds a legal document freeing a Canaanite servant, he should return it to the servant if the master acknowledges having given it. If the master does not acknowledge having given it, the finder should not return it to either of them.

9 The following rules apply if a legal document recording a present is found. If the present was given when the giver was healthy, the document should not be returned even though both the giver and the recipient acknowledge that the gift was given. The rationale is that perhaps the giver originally had the document composed with the intention of giving the present. After having the document composed, however, he sold the field or gave it to another person as a present. He then recanted and now acknowledges the original document in order to deceive the person to whom he later sold the field or gave it to as a present.

If the present was given by a person on his deathbed, and the giver acknowledges the gift, it should be given to the recipient. If he does not acknowledge it, it should not be given. The rationale is that if a person on his deathbed gives a present, and then retracts it and gives it to another person, the latter one acquires it, as will be explained.

10 If the man who gave the present when he was dying passes away, the document should not be returned, neither to the recipient, nor to the heir.

This applies even if the heir acknowledges that his testator gave this gift. The rationale is that perhaps the testator originally had the document composed with the intention of giving the present, but did not do so. After the testator's death, the heir sold the property or gave it to another person as a present. He then recanted and now desires to join together with the original recipient in order to take the property away from the latter recipient.

11 If a person finds a receipt, and the person to whom the promissory note was written admits that his note is no longer viable - e.g., it has been paid or he waived payment - the receipt should be given to its owner. If both the creditor and the debtor do not acknowledge the validity of the receipt, the receipt should not be given to either of them.

12 If a woman's marriage contract is found, it should not be returned to the woman even if both she and her husband acknowledge that the money due her by virtue of her marriage contract has not been paid. The rationale is that we suspect that the money due her by virtue of her marriage contract has been paid, or that she waived her right to it, afterwards the husband sold his property, and he wants to deceive the purchasers.

13 All the following legal documents should be returned to their owners if found: a document recording the worth of a debtor's property as evaluated by the court, a document recording a court's decision to sell a man's property to provide for the sustenance of his wife and/or daughters,

a document recording a *chalitzah* or *mi'un*, a document recording the judge's recollection of the claims made by each of the litigants, a document recording the litigants' choice of judges who they desire to preside over a certain litigation, or any document recording a final judicial act.

The general principle is: Whenever a legal document involves a monetary obligation, and there is room to suspect that the obligation has been met, the document should not be returned, lest the obligation have in fact been met. Even when the debtor admits that the debt is outstanding, if it is possible that he is making that admission to deceive a purchaser or a recipient of a present who acquired the debtor's property after the date mentioned on the document, so that the creditor could expropriate the property from them dishonestly, the document should not be returned although both the creditor and the debtor acknowledge the debt.

When, however, there is no reason to suspect that a monetary obligation has been repaid or that deception is being perpetrated, a legal document should be returned.

14 Whenever the law is that a legal document should not be returned, and the document was nevertheless returned, the document is considered acceptable and may be used to expropriate property.These documents should not be taken away from their owners. We assume that they are acceptable, and we harbor no suspicions about them.

This, with God's help, concludes the laws of robbery and the return of lost objects.

Mishneh Torah, One Who Injures a Person or Property

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person injures a colleague, he is liable to compensate him in five ways: the damages, his pain, his medical treatment, his loss of employment and the embarrassment he suffered. All these five assessments must be paid from the highest quality of property that he owns, as is the law with regard to payment for damages.

2 What is meant by "the damages"? If a person cuts off the hand or the foot of a colleague, we theoretically consider the injured colleague as a servant being sold in the market place and evaluate his value before the injury and his value afterwards. The person who caused the injury must pay the depreciation in value.

This is alluded to in **Exodus 21:24**: "An eye for an eye." The oral tradition interprets תחת, translated as "for," as an indication that the verse requires financial recompense.

3 The Torah's statement **Leviticus 24:20**: "Just as he caused an injury to his fellowman, so too, an injury should be caused to him," should not be interpreted in a literal sense. It does not mean that the person who caused the injury should actually be subjected to a similar physical punishment. Instead, the intent is that he deserves to lose a limb or to be injured in the same manner as his colleague was, and therefore he should make financial restitution to him.

This interpretation is supported by the verse, **Numbers 35:31**: "Do not accept a ransom for the soul of the murderer." Implied is that no ransom may be paid for a murderer alone, but a ransom may be paid for causing a loss of limb or other injuries.

4 Thus, the statement **Deuteronomy 25:12** with regard to a person who injures a colleague and causes him damage, "Do not have compassion," means "Do not have compassion in evaluating the amount he is required to pay." You should not say, "He is poor and did not intentionally mean to injure him; therefore, I will have mercy upon him. For this reason, it is written: "Do not have compassion."

5 How do we know that the intent of the Torah's statement with regard to the loss of a limb, "An eye for an eye," is financial restitution? That same verse continues "a blow for a blow." And with regard to the penalty for a giving a colleague a blow, it is explicitly stated **Exodus 21:18-19**: "When a man strikes his colleague with a stone or a fist... he should pay for his being idled and for his medical expenses." Thus, we learn that the word תחת mentioned with regard to a blow indicates the necessity for financial restitution, and so one can conclude that the meaning of the same word with regard to an eye or another limb is also financial restitution.

6 Although these interpretations are obvious from the study of the Written Law, and they are explicitly mentioned in the Oral Tradition transmitted by Moses from Mount Sinai, they are all regarded as *halachot* from Moses. This is what our ancestors saw in the court of Joshua and in the court of

Samuel of Ramah, and in every single Jewish court that has functioned from the days of Moses our teacher until the present age.

7 What is the source that teaches that a person who injures a colleague must pay independently for the pain that he caused? With regard to a maiden who has been raped **Deuteronomy 22:29** states that payment is imposed: "because he oppressed her." the same law applies to anyone who causes a colleague bodily pain. He is required to give him financial recompense for the pain he caused.

8 What is the source that teaches that he is liable for the victim's unemployment expenses and medical expenses independently? It is written **Exodus 21:19**: "He should pay for his being idled and for his medical expenses."

9 What is the source that teaches that he is liable for the embarrassment suffered by the victim independently? **Deuteronomy 25:11-12** states: "... And she extends her hand, grabbing his private parts. You must cut off her hand." The same law applies to anyone who embarrasses another person.

10 A person who causes embarrassment is not liable unless he acts intentionally, as implied by the phrase: "And she extends her hand." If, by contrast, a person embarrassed a colleague without intent, he is not liable. Therefore, if a person who was sleeping or the like embarrassed a colleague, he is not liable.

11 A man is considered *mu'ad* at all times - whether acting intentionally or

unintentionally, whether asleep or awake or intoxicated. If he injures a colleague or damages a colleague's property, he must always reimburse him from his choicest property.

When is a person who causes damage while asleep required to make restitution? When they both went to sleep at the same time, and one turned over and injured his colleague or tore his garment. If, however, a person was sleeping and a colleague came and lay down next to him, only the one who lay down afterwards is considered *mu'ad*. If the person sleeping injures the one who came afterwards, he is not liable.

Similarly, if a person places a utensil next to a person who is sleeping, and the one who is sleeping breaks it, he is not liable. For the one who placed the article down was the one who was *mu'ad* and who acted with negligence.

12 If a person fell from a roof because of an ordinary wind and caused damage, he is liable for four assessments, but is not liable for the embarrassment he caused. If he fell because of an exceptional wind, he is liable only for the injury, but not for the other four assessments. If, however, he turned over so that he would fall on a person to soften the blow he would receive, he is liable even for the embarrassment he caused. For whenever a person intentionally causes injury, he is liable for the embarrassment he caused, even though he did not have the intent of embarrassing the other person.

13 When two people injure another person at the same time, they are both liable and they divide the assessment between themselves. If one of them

acted intentionally and the other acted unintentionally, the one who acted unintentionally is not liable for the embarrassment that was caused.

14 If a person intended to embarrass a minor and instead embarrassed an adult, he is required to pay the adult what he would pay for embarrassing a minor.

If a person intended to embarrass a servant and instead embarrassed a free man, he is required to pay the free man what he would pay for embarrassing a servant.

15 If a stone was placed in a person's bosom - regardless of whether he had never known about it, or he had known about it and forgotten it - and when he stood up, the stone fell and caused damage, he is liable only for the injury, but not for the other four assessments.

Similarly, if he intended to throw a stone two cubits, and he throw it four cubits and it caused an injury, or if he caused an injury while sleeping, he is liable only for the injury, but not for the other four assessments.

16 Whenever a person injures a colleague, he is liable for the five assessments. Even if a person enters a colleague's domain without permission and the owner injures him, the owner is liable. For he has permission to remove the intruder from his domain, but he does not have permission to injure him.

If, however, the person who entered bumps into the owner and is injured, the owner is not liable. If the owner bumps into him and is injured, the person who entered is liable, for he entered without permission.

If they both had permission to be in that domain, or neither had permission to be in that domain, and one bumps into the other and is injured, neither is liable.

17 In all of the situations to be described, the person who caused the injury is liable for four assessments, but not for the embarrassment he caused: He was chopping wood in the public domain, and a piece of wood took flight and caused injury in the private domain. He was chopping wood in a private domain and caused injury in a public domain. He was chopping wood in a private domain and caused injury in another private domain. A person entered a carpenter's store - whether with permission or without permission - and a block of wood was propelled and hit him in the face.

18 Just as an evaluation is made with regard to death, so too, an evaluation is made with regard to damages.

What is implied? If he strikes a colleague with a small stone that is not large enough to cause injury, or a small sliver of wood and causes an injury that this article is not ordinarily capable of causing, he is not liable. This concept is alluded to by **Exodus 21:18**, which speaks of "a man strik(ing) a colleague with a stone or a fist" - i.e., an entity that is capable of causing injury. He is, however, liable for the embarrassment that he caused. [For even if he merely spat on his colleague's person, he is liable for the embarrassment that he caused.

Accordingly, the witnesses have to know the article that caused the injury. This article should be brought to the court, and an evaluation is made concerning it, and a reckoning.

If the article that caused the injury was lost and the person who caused the injury claims: "It was not sufficient to cause the injury. The injury occurred because of forces beyond my control," and the person who was injured claims: "It was sufficient to cause the injury," the person who was injured should support his claim with an oath and collect his due, as will be explained.

19 A metal object is never evaluated to see whether it can cause injury. Instead, we assume that it can, for even a small needle is capable of killing and surely of causing injury.

When a person throws a stone, and afterwards another person extends his head out from a window and is struck by it, the one who threw the stone is not liable at all. This is derived from **Deuteronomy 19:5**, which speaks of the head of an axe coming loose and "strik(ing) a colleague." This excludes one who causes himself to be stricken.

Chapter 2

1 When a person injures a colleague in a manner that warrants payment of all five assessments, he is required to pay all five. If he injures him in a manner that warrants the payment of only four, he is required to pay only four. If three, three; if two, two; and if one, one.

2 What is implied? If a person cuts off a colleague's hand or foot, or a finger or a toe, he must pay all five assessments: the damages, his pain, his medical treatment, his loss of employment and the embarrassment he

suffered.

If he struck him on his hand and it swelled, but it will ultimately return to size; on his eye and displaced it, but it will heal; he should pay four assessments: his pain, his medical treatment, his loss of employment and the embarrassment he suffered.

If he struck him on his head and it swelled, he should pay three assessments: his pain, his medical treatment and the embarrassment he suffered.

If he struck him on a place where the blow cannot be seen - e.g., he struck him on his knees or on his back - he should pay two assessments: his pain and his medical treatment.

If a person swats a colleague with a handkerchief he was holding, a document or the like, he should pay only one assessment: embarrassment.

3 If a person burned a colleague with a spit or a nail on his fingernails - i.e., in a place where a wound is not made - and that does not prevent the person from working, he should pay only for pain.

If one causes a colleague to drink a drug or anoints him with a drug that changes the color of his skin, he is required to pay merely for the medical expenses necessary until his skin returns to its original color. If he locked him in a room, he reimburses him solely for his loss of employment. Similar laws apply in all analogous situations.

4 When a person shaves the head of a colleague, all that it is necessary for him to pay is for the embarrassment, for his hair will grow back. If he removes his hair with a potion or burns his head so that his hair will never

grow back, he is liable for all five assessments: damages, pain and medical attention, because his head was heated by the burn or by the potion, and this will cause headaches. He must also pay him unemployment, because previously he was fit to dance and shake the locks of his hair, and he is thus prevented from performing this type of work. And he must be paid for embarrassment, because there is no greater embarrassment than this.

5 Thus, this indicates that whenever a person causes a colleague a loss of limb that will not grow back, he is liable for all five payments. Even if he knocked out a tooth, he is liable for all five payments. For it is impossible that he will not suffer pain in his mouth for a certain amount of time because of the loss. And although there is no medical treatment for the tooth itself, the gums require medical treatment.

6 Even if he causes him to lose a piece of flesh merely the size of a barleycorn, he must pay all five assessments. He must pay for the permanent damage, because the skin will never return; instead, scar tissue will form. Thus, if a person injures a colleague, cuts his flesh and causes him to bleed, he is liable for all five assessments.

7 A person who scares a colleague - even if the fright causes him to fall ill - is not liable according to the judgments of an earthly court; he does, however, have a moral and spiritual obligation to compensate him. This applies, however, only when he did not touch him, but merely shouted behind him, appeared before him in the darkness or the like.
Similarly, if a person shouted in a colleague's ear and caused him to

become deaf, he is not liable according to the judgments of an earthly court; he does, however, have a moral and spiritual obligation to compensate him.

If, however, a person grasped hold of a colleague and blew a horn in his ear and caused him to become deaf, touched him and/or pushed him when he frightened him, took hold of his clothes or the like, he is obligated to pay compensation even according to an earthly court.

8 It appears to me that if the injured party claims to have been deafened or blinded and thus cannot see or hear, his claim is not accepted on faith, lest he attempt to deceive. For we have no evidence about the matter. Instead, he is not entitled to compensation unless he will be observed for an extended period of time, and it will be established that he lost his sight or his hearing. Only then, must the person who caused the damage pay.

9 What compensation must be paid for pain? It all depends on the nature of the injured party. There are certain people who are delicate, spoiled and wealthy, and would not bear even a slight amount of pain for a large amount of money. And there are people who are heavy laborers, strong and poor, and will bear much suffering for a single *zuz*. These are the factors that are taken into consideration when evaluating and determining the compensation for pain.

10 How is the pain evaluated when there is a loss of limb?If a person cut off a colleague's hand or finger, we evaluate how much such a person would give to have this limb amputated with a potion instead of having it cut of

with a sword, if the king decreed that his hand or foot must be cut off. We evaluate the difference between the two, and the one who caused the injury is required to pay that amount.

11 How is the unemployment assessment evaluated? If he did not cause the person to lose a limb, but instead caused him to become sick and invalid, or his arm swelled but it will return to its original size, the person who caused the injury must pay the victim for his unemployment for each day, like an unemployed worker of the trade in which he is employed.
If he caused him to lose a limb or cut off his hand, he must pay him full compensation for his hand; this being "damages." In this instance, we judge him as if he were a guard at a patch of squash. We evaluate how much such a guard would earn each day and calculate the number of days he will be incapacitated. This is the amount the person who caused the injury must pay.
Similarly, if a person cut off a colleague's legs, we calculate a wage as if he were a door guard. If he blinded him, we calculate a wage as if he worked in a mill. Similar principles apply in all analogous situations.

12 If a person hits a colleague on his ear or blows a horn into his ear and causes him to become deaf, he must pay his entire worth, for the victim is no longer fit to perform any work.

13 The following law applies when a person blinded a colleague, and before the damages were evaluated cut off his hand, and before those damages were evaluated cut off his leg, and before those damages were evaluated

caused him to become deaf. Since an evaluation was not made for each of the damages and ultimately, the person who caused the injury was required to pay the victim's entire worth, that is all that he is obligated to pay.

If an evaluation was made for each of the previous damages and then an evaluation was made for his entire worth, the court collects only the injured's entire worth from the person who inflicted the injury. If, however, the injured seizes payment for every injured limb and for his entire worth from the property of the person who inflicted the injury, it is not expropriated from him.

14 How is the assessment for medical bills evaluated? We estimate how many days this ailment will last and what will be required to treat it. The person who caused the injury is required to give this sum immediately. We do not require him to make payments day by day. This is an enactment in favor of the person who caused the injury.

15 Similarly, the unemployment assessment is evaluated and must be paid immediately.

If the injured party's ailment develops complications and becomes extended beyond the amount originally estimated, the person who caused the injury is not required to pay him more. Conversely, if he becomes healed immediately, the assessment is not reduced.

16 When does the above apply? When the person who caused the injury agrees, for this enactment is to his benefit. If, however, the person who

caused the injury says: "I do not desire that this enactment be followed; instead, I will pay his medical bills day by day" - he is given that prerogative.

17 If the person who suffered the injury says: "Assess my injury and give me the money. I will heal myself," his request is not accepted. For the person who caused the injury can say: "Perhaps you will not be successful in healing yourself, and I will be viewed as responsible for the injury." Instead, he must pay his medical expenses day by day, or pay an assessment for the entire amount and give the money for his medical expenses to the court on his behalf.

18 If the person who caused the injury says: "I will heal you," or he says: "I have a physician who will heal you without charge," his words are not heeded. Instead, he is required to bring a professional physician who charges for healing him.

19 If an assessment was not made at the outset, for the person who caused the injury chose to pay the medical bills day by day, if an infection arose because of the wound, or if the wound opened again after it began to heal, he is required to pay for the medical expenses and for unemployment.

If an infection arose that was not caused by the wound, he is obligated to pay for the medical expenses, but is not obligated to pay for unemployment.

If the person who was injured disobeyed the physician's instructions and the severity of the ailment increased, the person who caused the injury is

not obligated to heal him.

20 When the court arrives at an assessment and obligates the person who caused the injury to pay, the entire amount is expropriated from him immediately. We do not grant him time to sell his property.
If he became obligated for embarrassment alone, we grant him time to sell his property, for he did not cause the victim a financial loss.

Chapter 3

1 How is the assessment for embarrassment evaluated? Everything depends on the character of the person who causes the embarrassment and that of the one who is embarrassed. For the embarrassment caused by a child cannot be compared to the embarrassment caused by a respected adult, since the embarrassment caused by the ignoble one is greater.

2 A person who embarrasses someone who is naked, or who is in the bathhouse is not liable. If the wind blew and raised a person's clothes up against his face, revealing his nakedness, and then another person removed more of his garments, the latter is liable for causing embarrassment. Nevertheless, the embarrassment caused to this person whose nakedness was revealed cannot be compared to the embarrassment of a person who was not naked at all.
Similarly, if a person lifted up his clothes to go down to a river or to ascend from a river, and another person embarrassed him, that person is liable. Nevertheless, the embarrassment caused to this person cannot be

compared to the embarrassment of a person who was fully clothed.

3 When a person embarrasses a colleague who is sleeping, he is liable for the embarrassment he caused. If the person died in his sleep and never became aware that this person had embarrassed him, the assessment for embarrassment should not be expropriated from the person who caused the embarrassment. If, however, the embarrassed person's heirs seized this amount from the property of the person who caused the embarrassment, it is not expropriated from them.

4 A person who embarrasses a mentally incompetent person is not liable. A person who embarrasses a deaf mute is liable.

A person who embarrasses a convert or a servant is liable. The following rules apply when a person embarrasses a minor: If the minor becomes embarrassed when he is shamed, the person is liable. If the minor does not feel the shame, the other person is not liable.

Even when he is liable, the liability for embarrassing a minor cannot be compared to the liability for embarrassing an adult, nor can that required for embarrassing a servant be compared to that required for embarrassing a free man, nor can that required for embarrassing a deaf mute be compared to that required for embarrassing a mentally competent person.

5 When a person embarrasses a colleague with words, or he spits on his clothing, he is not liable for a financial penalty. The court should, however, impose appropriate restraints concerning such matters in every place and time.

If a person embarrasses a Torah scholar, he is liable to pay him for the full measure of embarrassment, even though he embarrassed him only by verbal abuse. The rule has already been ordained that anyone who embarrasses a Torah scholar, even with mere verbal abuse, is penalized and is required to pay 35 gold *dinarim* - i.e., the weight of 8 and 3/4 *sela'im*. It is an accepted tradition, that this penalty is exacted in all places, in *Eretz Yisrael* and in the diaspora.

6 There have continually been instances of this in our community in Spain. There are some scholars who have waived this payment, and this is praiseworthy of them. There are those who demand payment and reach a compromise. The judges, however, tell the person who caused the embarrassment: "You are obligated to pay him a pound of gold."

7 Although a person who embarrasses someone else verbally is not liable for a financial payment, it is a grave sin. Only a wicked and foolish person abuses and insults people. The Sages of the earlier generations said: "Whoever embarrasses a proper Jewish person in public with words does not have a share in the world to come."

8 There are many types of blows that involve embarrassment and a small amount of pain, but no permanent damage. Our Sages have already ordained specific payments for these types of blows. Whoever strikes a colleague with one of these blows must pay this specified amount. These are all considered *k'nasot*.

The specific amount that the person must pay is the assessment for pain,

embarrassment, medical attention and unemployment. Whether or not the injured requires medical attention and loses employment, this is the amount that must be paid.

9 How much must be paid? A person who kicks a colleague with his foot must pay five *sela'im*. If he butts him with his knee, he must pay three *sela'im*. If he hits him with a fist, he must pay thirteen *sela'im*. If he slams his colleague with his palm, he must pay a *sela*. If he slaps him in the face, he must pay fifty *sela'im*. If he slaps him in the face with the back of his hand, he must pay 100 *sela'im*.

Similarly, if he twists his ear, pulls his hair, spits at him and the spittle touches his body, removes a man's garment or a woman's head covering, he must pay 100 *sela'im*.

He must pay this amount for every blow he gives. What is implied? If he kicks his colleague four times - even if he kicks him in immediate succession, he must pay him twenty *sela'im*. If he slaps him in the face twice, he must pay him 100 *sela'im*. The same rule applies with regard to the other payments.

10 All the *sela'im* mentioned in this context refer to the silver coins used in *Eretz Yisrael* at that time. Every *sela* was composed of half a *dinar* of pure silver and three and a half *dinarim* of copper. Therefore, if a person became liable to pay a colleague 100 *sela'im* because of such blows, he is liable to pay him twelve and a half *sela'im* of pure silver.

11 When are these assessments imposed? When a distinguished person is

involved. If, however, an ignoble person is involved - one who is not particular about these things or the like - he receives only the amount of money that is appropriate for him, as assessed by the judges.
For there are base people who are not concerned with being shamed and will demean themselves in any humiliating manner for foolishness and frivolity, or to receive a *p'rutah* from the fools who jest with them.

Chapter 4

1 A person who strikes a woman and causes her to miscarry is liable, even if her injury was caused unintentionally. He must compensate the woman's husband for the value of the fetus, and the woman for the injury and the pain.

2 How is the payment for the fetus assessed? We evaluate how much the woman would be worth before she gave birth, and how much she would be worth had she given birth. The difference between these two figures should be given to her husband.
If her husband died after she miscarried, the assessment should be given to his heirs. If a woman was struck after her husband died and she miscarried, the assessment for the fetus should also be given to the woman.

3 If the woman who miscarries was married to a convert, and a person injures her during the convert's lifetime, he must pay the assessment for the fetus to the husband. If the convert dies without leaving any heirs, he

is not liable. If the woman is injured after the convert dies, she acquires the right to the assessment for the fetus.

4 If the woman was a maidservant or a gentile at the time of conception, and was freed or converted before the accident took place, the assessment for the fetus belongs to her.

5 When a person strikes a woman, and she miscarries and dies, he is not liable for payment, even if he struck her unintentionally.This law is derived as follows. **Exodus 21:22** states: "If there will not be a fatal injury, he must certainly be punished financially." Thus, we see that Scripture did not distinguish between unintentional and intentional conduct with regard to an act punishable by execution by the court, and freed the perpetrator from financial liability in all instances.

6 When does the above apply? When the person intended to strike the woman. When, however, he intended to strike his colleague, but instead struck the woman - although she died - since he killed her without intention, this is considered a matter that does not involve capital punishment, and he is liable for the assessment for the fetus.

7 A person who strikes his father or his mother, but does not draw blood, is liable to pay the five assessments. If, however, he drew blood while striking his parents or injured a colleague on the Sabbath - even if he did so unintentionally - he is not liable for a financial penalty, because these sins are punishable by execution by the court. And as we explained, Scripture did not distinguish between unintentional and intentional

conduct with regard to an act punishable by execution by the court, and freed the perpetrator from financial liability in all instances.

8 With regard to causing injury on the Sabbath, one might ask: "A person who causes injury is considered to be performing destructive activity, and one who performs destructive activity on the Sabbath is not liable for execution. Why then is the person who causes injury considered to be transgressing a sin punishable by execution by the court?"
The resolution is: since the person is satisfying his evil inclination by injuring his colleague, he is considered to be performing constructive activity. Thus, he is performing an act that is punishable by execution. Therefore, he is not liable for a financial penalty.

9 When a person injures a colleague on Yom Kippur, he is liable to pay financial compensation, even though he did so intentionally.
This is the halachah although he transgressed a sin that is punishable by lashes. Generally, whenever a deed that a person commits obligates the person to receive lashes and pay a financial penalty, he should be lashed and is not required to pay a financial penalty, for a person is never obligated for both lashes and a financial penalty. Although this is the general rule, an exception is made with regard to a person who injures a colleague. For the Torah specifically stated that a person who injures a colleague should pay compensation, as **Exodus 21:19** states: "He shall pay unemployment compensation."

10 A person who injures a Canaanite servant whom he owns is not liable for

any penalty. If he injures a Hebrew servant whom he owns, he is liable for all the assessments, with the exception of unemployment compensation.
When a person injures a Canaanite servant belonging to a colleague, the owner of the injured servant receives the five assessments. Even if he gave him powerful medication that caused the servant pain but healed him quickly, the owner is entitled to payment for all medical expenses.

11 Whenever a servant has been freed, but his bill of release has not been given to him yet, the penalty granted to the owner if the servant is killed by an ox is not paid because of him. If others injure him, he cannot collect the money for himself, because he is not a totally free man yet. Nor may his owner collect that money, because he no longer owns him.
For this reason, if an owner knocks out one of his servant's teeth, and then blinds his eye, he must free him because of his tooth, but he is not required to pay him because of the eye. If, however, the servant seizes the assessment that would be due him, it is not expropriated from him.

12 When a servant has been half-freed, he must work for his master one day, and may work for himself the next day.
The following rules apply if such a servant was embarrassed by a person, or one caused him pain, or he was gored by an ox, or the like. If this took place on the day on which he must work for his master, the master is entitled to the payment. If this took place on the day when he works for himself, he is entitled to the payment.

13 When a person injures a Hebrew servant belonging to another person, he

is liable for all five assessments. Land should be purchased with the money, and the servant's master is entitled to the profits. When the servant is freed, the land is released from his owner's control.

If the servant was injured in a way that does not impair his work at all - e.g., the tip of his ear or the tip of his nose was cut off - the entire payment should be given to the servant, and his owner is not entitled to the benefit.

14 The following rules apply when a person injures a girl below the age of majority who is not his own daughter. If the injuries reduce the money her father would receive for consecrating her, the assessment should be given to her father. Similarly, the unemployment assessment should be given to her father, for her wages belong to him, and the money received for selling her as a servant belongs to him.

The assessments for pain, embarrassment and medical attention, by contrast, belong to the girl herself. Similarly, if the injuries do not reduce the money he would receive for consecrating her, the assessment should be given to [the daughter].

When a person injures his own daughter, he must pay her only the assessments for pain, medical attention and embarrassment.

15 The following rules apply when a person injures a married woman. The unemployment benefits and medical assessment should be given to her husband. With regard to shame and damages, the rules are: If the damage is plainly evident - e.g., he injured the woman's face, her neck, her hands or her arms - a third is given to her, and two thirds are given to her

husband. If the damages are in concealed places, a third is given to her husband, and two thirds are given to her.

The assessment for the husband should be given to him immediately. The assessment for the woman should be used to purchase land, from which the husband is entitled to the profits.

16 When does the above apply? When others injured her. When, however, a husband injures his wife, he is required to pay her the entire assessment for the damages, the embarrassment and the pain. This money is hers entirely. The husband has no rights to the profits. If she desires to give the money to another person, she may. This is the ruling rendered by the *geonim*. The husband must pay for her medical expenses, as he pays for all her other medical expenses.

17 When a person injures his wife through sexual intercourse, he is liable for the damages.

18 The following rules apply when a woman injures her husband. In a case where he had added an amount above the minimum to her marriage contract, if the husband desires, we require her to sell the right to this additional amount to her husband for the price she would receive for it, and her husband is entitled to collect the damages from these funds. If he desires, he may divorce her and collect the damages from the entire sum of the money due her by virtue of her *ketubah*.

If he had not added an amount above the minimum to her marriage contract, she may not sell him the rights to the money due her by virtue

of her *ketubah* itself, for it is forbidden for a person to remain married to a woman for one moment without a marriage contract. Thus, if the husband desires, he may have a promissory note written obligating her to pay for the damages, or he may divorce her and collect the amount due him from the money due her by virtue of her *ketubah*.

19 The following rules apply when a person injures his sons who have attained majority. If they are not dependent on him for their livelihood, he must pay them the damages immediately. If they are below the age of majority, he should purchase land for them with the money due them for the damages,and they are entitled to the benefits. The same rules apply if they are injured by others.

If a father injures sons who are dependent on him for their livelihood, he is not liable. This applies whether or not they are above majority. If others injure them, the person who causes the injury must compensate them immediately if they are above majority. If they are below majority, the damages should be used to purchase landed property. They are entitled to its profits until they reach majority at which time the property becomes theirs without limitation.

20 An encounter with a deaf mute, a mentally incompetent individual or a minor is undesirable. For if a person injures them, he is liable, but if they injure another person, they are not.

Even if the deaf mute gains the ability to speak and hear, the mentally incompetent person attains competency, and the minor comes of age, they are not obligated to pay for injuries they caused previously. For at the time

they caused the injuries, they were not fully mentally competent.

21 An encounter with a servant or a married woman is undesirable. For if a person injures them, he is liable, but if they injure another person, they are not liable to pay immediately.
They must, however, pay afterwards - i.e., if the woman is divorced or if her husband dies and if the servant is freed. They are held responsible because they are mentally competent. They are considered as a creditor who has no resources with which to pay, and who is thus held liable with regard to damages if he becomes wealthy.

22 A servant belonging to a man is considered as his own person, and an animal as one of his possessions.
What is implied? If a person places a burning coal on the heart of a servant belonging to a colleague and causes him to die, or if he pushes him into the sea or into a fire from which the servant could ascend, but the servant fails to do so and died instead, the person who caused his death is not obligated to pay financial compensation. If, however, he does this to an animal belonging to a colleague, it would be considered as if he had placed a coal on a garment and burned it, in which case he would be liable for damages. Similar laws apply in all analogous situations.

Chapter 5

1 It is forbidden for a person to injure anyone, neither his own self nor another person. Not only a person who causes an injury, but anyone who

strikes in strife an upright Jewish person, whether a minor or an adult, whether a man or a woman, violates a negative commandment, as **Deuteronomy 25:3** states: "Do not continue... to flog him." One may conclude that if the Torah adjures us against adding to the blows due a sinner, surely this prohibition applies with regard to striking a righteous person.

2 It is even forbidden to raise up one's hand against a colleague. Whoever raises a hand against a colleague, even though he does not hit him, is considered to be a wicked person.

3 When a person strikes a colleague with a blow that does not warrant a *p'rutah* to be paid in recompense, he should receive lashes. For there is no financial penalty to be exacted for transgression of this negative commandment.

Even if a person strikes a servant belonging to a colleague with a blow that does not warrant a *p'rutah* to be paid in recompense, he should receive lashes. This penalty is required because a servant is obligated to perform certain mitzvot.

If a gentile strikes a Jew, he deserves capital punishment, as implied by **Exodus 2:12** : "He turned to and fro... and struck the Egyptian."

4 Our Sages imposed a penalty on foolish and violent men, and gave a person who was injured [the following privilege. His word is accepted when he takes an oath while holding a sacred article that another person caused him such and such an injury, and he is awarded the appropriate

damages. This applies provided there are witnesses.

What is implied? Two people testify that the injured person entered the domain of the accused whole and left after being injured, but they did not see the injury being inflicted. Although the accused claims not to have inflicted the injury, since the injured person claims that he did, the injured person is given the prerogative of taking an oath and collecting the money due.

5 When does the above apply? When the injury was located in a place where the person could have inflicted it upon himself, or a third person was there whom the injured person could have instructed to strike him to implicate the accused. If, however, a third party was not present, and the injury was in a place that the injured could not have inflicted upon himself - e.g., he was bitten between his shoulders and the like - he may collect the appropriate payment without an oath.

6 If the person who caused the injury admits causing it, he is liable to pay all five assessments. For there are witnesses that the injured person entered the accused's domain of sound body at the time of the quarrel and departed with an injury.

If, however, there are no witnesses there at all, the injured person states: "This person injured me," and the accused admits doing so, he is not liable for the assessments for damages and the pain. He is, however, liable for the assessments for unemployment, embarrassment and medical attention, because of his own admission.

For this reason, if he denies causing the injury, he can free himself of

liability by taking a Rabbinic oath.

7 Why should a person pay these three assessments on the basis of his own admission? The assessments for unemployment and medical attention represent a financial obligation and are not considered to be *k'nasot*. For if he does not reimburse the injured person for them, he will have caused him to forfeit the money he spent on medical treatment and the money he lost through unemployment.

And with regard to embarrassment, it was when he admitted before the court that he caused the injury, that he brought about the embarrassment. For when an injury is caused in private, a person is not caused any embarrassment. It is his admission before the court that embarrasses him.

8 From this one can conclude that there is no difference with regard to the embarrassment assessment, whether that assessment is due him because he caused the person to be embarrassed in the presence of others, or it is due him because he made an acknowledgement in the presence of others of the embarrassment he caused. Therefore, a person is liable for an embarrassment assessment because of his own statements.

9 A person who damages a colleague's property cannot be compared to one who injures his physical person. When a person who damages a colleague's property pays him what he is obligated to pay him, he receives atonement. In contrast, when a person injures a colleague's physical person, paying him the five assessments is not alone sufficient to generate atonement. Even if the person who caused the injury sacrifices all the rams

of Nevayot, he cannot generate atonement, nor is his sin forgiven until he asks the person who was injured to forgive him.

10 It is forbidden for the person who suffered the injury to be cruel and not to forgive the one who caused the injury. This is not the course of behavior for a descendant of Israel.

Instead, since the person who caused the injury asks and pleads of him for forgiveness once or twice, and he knows that he has repented from his sin and regrets his evil deeds, he should forgive him. Whoever hastens to grant forgiveness is praiseworthy and is regarded favorably by the Sages.

11 There is another difference between the damages to an individual's physical person and to his property. If a person tells a colleague: "Blind my eye..." or "Cut off my arm, and you will not be liable," he is liable for the five assessments. The rationale is that it is well known that a person does not genuinely desire this.

When, by contrast, a person tells a colleague: "Tear my garment..." or "Break my jug, and you will not be liable," he is not liable. If, however, he did permit him to damage his property, but did not stipulate that he would not be liable, he is obligated to pay for the damages.

12 When does the above apply? When first the person entrusted the articles to the person who destroyed them as a watchman - i.e., he borrowed them or was entrusted with them for safekeeping. In such a situation, if the owner told the watchman to break it or rip it, and the watchman did so, the watchman is liable to pay for the damages, unless the owner explicitly

stipulated that the watchman would not be held liable.

When, however, the owner of an article tells a colleague: "Take this utensil and break it," "Take this garment and rip it," if the other person follows the instructions he was given, he is not liable.

13 When a person tells a colleague: "Break a utensil belonging to so and so, and you will not be liable," and the listener follows these instructions, the listener is liable financially. It is as if he told him: "Blind so-and-so's eye, and you will not be liable."

Although the person who caused the damages is liable to pay, the person who gave him the instructions is considered to be his partner in the transgression and a wicked person. For he caused a blind man to stumble, and supported a person who committed a transgression.

Chapter 6

1 A person who damages property belonging to a colleague is obligated to pay the full extent of the damages. Regardless of whether he did so unintentionally or because of forces beyond his control, it is considered as if he had acted intentionally.

What is implied? If a person fell off a roof and broke utensils, or tripped while he was walking, fell on a utensil and broke it, he is liable to pay the full extent of the damages. This is implied by **Leviticus 24:21**, which states: "A person who strikes an animal will pay for the damages," without distinguishing between an intentional and unintentional blow.

2 The same laws i.e., that the person who caused the damage should pay for it, as indicated by the proof-text apply whether one kills an animal belonging to a colleague, breaks his utensils, tears his garments or cuts down crops or trees he planted.

3 When does the above apply? When the damage is done in a domain belonging to the person whose possessions were damaged. If the damage was done in a domain belonging to the person who caused the damage, he is not required to pay unless he purposely caused the damage. If he caused the damage unintentionally or due to forces beyond his control, he is not liable.

Similarly, if both of them were present in a domain belonging to a third party with his permission - or without his permission - and one unintentionally damaged property belonging to the other, the person who caused the damage is not liable.

4 The following rules apply when a person was climbing a ladder and the rung of the ladder broke under him, and it fell and caused damage. If the rung was not tightly fit or it was not strong enough to bear the person's weight, he is liable. If it was tightly fit and strong enough to bear the person's weight, but it slipped from its place or rotted, the person is not liable. For this is an act of God. The same concepts apply in all analogous situations.

All the above applies if the damage takes place in the domain belonging to the person whose possessions were damaged. If the damage takes place in the domain belonging to the person who causes the damage, he is not

liable unless he intentionally causes the damage, as explained above.

5 If another person filled a courtyard belonging to a colleague with jugs of wine and oil, the owner of the courtyard may enter and leave in an ordinary manner. If any of the jugs break when he enters or leaves, he is not liable for them. This applies even if the jugs were brought in with the permission of the owner of the courtyard, as long as the owner of the courtyard did not accept responsibility for watching them.
If, however, the owner of the courtyard broke the jugs intentionally, he is liable to pay for them. This applies even if the jugs were brought in without the permission of the owner of the courtyard.

6 When one ox climbs on top of another ox with the intention of killing it in a domain belonging to the owner of the lower ox, and the owner of the lower ox pulls his ox away to save it, thus causing the upper ox to fall and die, the owner of the lower ox is not liable. This applies regardless of whether the ox that attacked was *tam* or *mu'ad*.

7 The following rules apply when the owner of the lower ox pushes the upper ox, and it dies. If he could have pulled one ox away, so that the attacking ox would not be pushed violently, and he did not do so, he is liable. If he could not have pulled an ox away, he is not liable.

8 The following rules apply when two people were walking in the public domain. If one approached carrying a jug, and the other approached carrying a beam, and the person's jug was broken by the other's beam, the owner of the beam is not liable. The rationale is that they both have

permission to walk in this domain.

If the owner of the beam was walking ahead and the owner of the jug following afterwards, and the jug was broken on the beam,the owner of the beam is not liable. If the owner of the beam stood still to rest because of the weight of his burden, and the jug was broken on the beam, the owner of the beam is liable. If the owner of the beam warned the owner of the jug and told him to stand still, the owner of the beam is not liable.

If the owner of the beam stood still to adjust his burden, he is considered as if he is walking, and he is not liable. This applies even if he failed to warn the owner of the jug, for he is preoccupied with his own progress.

If the owner of the jug was walking ahead, and the owner of the beam following afterwards, and the jug was broken on the beam, the owner of the beam is liable. It is considered as if he broke the jug intentionally with his hands. If the owner of the jug stood to rest, the owner of the beam is not liable. If, however, the owner of the jug warned the owner of the beam and told him to stand, the owner of the beam is liable. If the owner of the jug stood still to adjust his burden, the owner of the beam is liable, even if the owner of the jug did not warn him.

Similar principles apply if one person proceeds while carrying a lamp, and another comes carrying flax, or in other analogous situations.

9 When two people were proceeding in the public domain, one of them was running and one was walking, and one was injured by the other unintentionally, the one who is running is liable, for he is departing from the norm.

If it was Friday afternoon, after sunset, when the collision took place, he is

not liable. For he has permission to run at that time, so that the Sabbath will not enter when he is not ready to accept it. If both individuals were running, and one injured the other, neither is liable. This applies even on other days.

10 There is no difference whether a person injures a colleague with his hand, injures him by throwing a stone or shooting an arrow, opens a current of water on a person or on utensils and damages him or them, or spits or sneezes and causes damage with his spittle or mucus while it is being propelled by his power. All of these are considered derivatives of damage that a person causes,and he is liable for all of them, as if he had caused the damage with his hands.

If, however, the spittle or the mucus came to rest on the ground, and afterwards a person slips on them, the person who spat or sneezed is liable as if it were a cistern. For every obstacle is considered a derivative of a cistern, as we have previously explained.

11 When a blacksmith who was beating with a hammer on an anvil causes a spark to fly from beneath the hammer, and the spark causes damage, the blacksmith is liable. It is as if he threw a stone or an arrow.

Similarly, if a builder who is contracted to tear down a wall cracks the stones or causes other damage, he is liable. If he is tearing down one side of a wall, and the stones on the other side fall, he is not liable. If they fall because of his blows, he is liable. For this is considered like shooting arrows and causing damage.

12 A person who holds under water an animal belonging to a colleague, or if an animal fell into water and he prevented it from ascending and thus caused it to die in the water, or if he left it in the sun and restricted its movement so that it could not find shade until the sun killed it - in all these, and in any analogous situations, the perpetrator of these acts is liable to pay for the animal's loss.

13 If two people kill an animal together or break a utensil together, the damages are divided between them.

14 Our Sages ruled in the following manner concerning the liability in the situation to be described. Five people placed their five burdens on an animal and it did not die, and then a sixth person came and placed his burden upon it, and it did die. If the animal was walking while carrying the previous burdens, and it stood still and did not walk when the last person placed its burden upon it, the last person is liable.
If at the outset, the animal was not walking, the last person is not liable. If it is not known whether or not the animal was walking, all the six people should share the damages equally.

15 Similarly, if five people sat on a chair and it did not break, and then another person sat down upon it and it did break, the last person who sat down is liable. Although it was fit to break before he sat down, he is responsible, since he caused it to break sooner. For the others could say to him: "Had you not used it for support, we would have stood up before it broke."

If they all sat down at the same time, they are all liable. The same rules apply in other analogous situations.

16 Our Sages divided the liability for the damages in situations when a man and an ox combined to push into a cistern a person, utensils, or an ox that was disqualified for use as a sacrifice. If the person or the animal pushed into the cistern was injured or died, or the utensils were broken, all three - the person who pushed, the owner of the ox and the owner of the cistern - are liable, and the damages should be divided among them in the following manner.

With regard to the payment for offspring which were aborted because of the fall and the four assessments other than damages, the man is liable, and the owner of the ox and the owner of the cistern are not liable. With regard to the atonement fine and the fine of 30 *shekalim* for killing a servant, the owner of the ox is liable, and the man and the owner of the cistern are not liable. With regard to the destruction of utensils and the death of an animal that was disqualified as a sacrifice, the man and the owner of the ox are liable, and the owner of the cistern is not liable.

Chapter 7

1 When a person causes damage to a colleague's property that is not evident to the eye, he is not liable to make financial restitution according to Scriptural Law. For the object has not changed, nor has its form become altered. Nevertheless, our Sages ruled that he is liable according to Rabbinic Law, for he reduced the value of the article. They required him

to pay the amount by which its value was reduced.

2 What is implied? If a person causes food belonging to a colleague to be rendered ritually impure, he mixes produce together with produce that is *terumah* causing it to be considered *dimu'a*, he mixes a drop of wine that had been used for the sake of idolatry in a colleague's wine, causing the entire quantity to be forbidden, or the like - the amount of the loss is evaluated, and the person who caused the loss is required to pay the entire damages from the finest property in his possession, as is the law regarding anyone who causes damages.

3 This ruling was a penalty prescribed by our Sages so that none of the ravagers will go and render a colleague's produce impure and then excuse himself, saying: "I am not liable."

For this reason, if the person who caused damage that is not noticeable dies, the penalty is not expropriated from his estate. For our Sages enforced this penalty only upon the person who transgressed and caused the damage, but not on his heirs, who did not cause any damage.

Similarly, a person who inadvertently causes damage that is not noticeable, or as a result of forces beyond his control, is not liable, for our Sages imposed this penalty only upon a person who intentionally causes damage.

4 When priests intentionally cause a sacrifice to be rendered *piggul*, they are obligated to make financial recompense to the person who brought the sacrifice. If they cause such an effect unintentionally, they are not liable.

Similarly, a person who intentionally performs work with a red heifer or with water designated for its ashes is obligated to make financial recompense to its owner. If he does so unintentionally, he is not liable.

5 A person who brings a red heifer to the place where a team of cows are threshing, so that it will nurse and thresh, and a person who is carrying water designated for the ashes of the red heifer who diverts his attention from the water is not held liable by an earthly court. He does, however, have a moral and spiritual obligation to make financial recompense.

6 When a person pours wine belonging to a colleague as a libation to idol worship, he does not cause the wine to become forbidden. For a Jewish person does not cause property that does not belong to him to become forbidden.

In any of the following situations, the person does cause the wine to be forbidden, and he is therefore liable to make financial recompense:

a) he is a partner with the owner;

b) he is an apostate, who is considered like a gentile;

c) he is given a warning, acknowledges it, and yet disobeys, in which case he is considered an apostate.

How is it possible for such a person to be liable for financial recompense when this act causes him to be liable for capital punishment? Because he becomes obligated to pay for the wine at the time that he lifts it up, while he does not become liable for capital punishment until he actually pours it as a libation.

7 Whenever a person causes property belonging to a colleague to be damaged - even though he himself is not the one who ultimately causes the damage - since he is the primary cause, he is liable to make financial recompense from the finest property in his possession, like others who cause damage.

What is implied? A person throws a utensil that he owns from a roof onto pillows and blankets, and another person comes and removes the pillows from the ground, causing the utensil to hit the ground and break. The person who removes the pillows is liable to pay the entire sum of the damages, as if he broke the utensil with his own hands. For it was the removal of the pillows and the coverings that caused the utensil to break. The same applies in all analogous situations.

8 When by contrast a person throws a utensil belonging to a colleague from a roof onto pillows and blankets that belong to the owner of the utensil, and the owner comes and removes the pillows from the ground, the person who threw the utensil is liable to pay for the damages to it. His throwing the utensil is the primary cause for its breaking.

In the above instance, if a person other than the owner of the utensil removes the pillows, both the person who threw the utensil and the one who removed the pillows are liable. For together they both caused the owner's property to be damaged.

9 Similarly, a person who burns promissory notes belonging to a colleague is liable to pay the entire debt that was mentioned in the promissory notes. Although the promissory notes themselves are not of financial worth, by

burning them one causes his colleague a direct financial loss.

When does this apply? Only when the person who burned the note admits that it had been validated in court, that it was for such and such an amount of money and that because it was burned the owner cannot collect the debt. If the person who burned the note does not believe the owner with regard to any of these points,he is required to pay only the value of the paper.

10 Similarly a person is liable for causing a colleague financial loss in the following situation. Reuven was owed money by Shimon and sold the promissory note recording the debt to Levi. After he sold the note, he waived Shimon's obligation, freeing Shimon of responsibility, as will be explained in its place.

Reuven becomes liable to pay Levi the entire amount mentioned in the promissory note, for he caused him to lose the money that he could have collected with the note. It is as if he destroyed it by fire. Similarly, if one of Reuven's heirs waived the debt, the person who waived the debt must make financial recompense for Levi's loss from the finest property in his possession.

11 Similarly, if a person designates a servant as an *apotiki* for a loan and then frees the servant, he is liable to pay the creditor, for he nullified his lien and caused him to lose his money. We also compel the creditor to free the servant, so that when he encounters him, he will not tell him: "You are my servant."

Similarly, if a person pushes a colleague and causes a coin belonging to

him to fall from his hand and roll until it descends into the sea, he is liable to pay for it. Similarly, if a person blemishes the ear of a cow, he is obligated to make financial recompense, for he has reduced its value.

Similarly, a person who scrapes the surface of *dinarim* belonging to a colleague and removes their imprint is liable to pay, for he has caused him a loss. The same applies in all analogous situations.

12 When a person throws a utensil from a roof toward the earth without there being any pillows beneath it to soften its fall, and another person comes and breaks the utensil with a staff while it is in the air before it hits the earth, the person who breaks it is not liable. The rationale is that he broke only a utensil that would certainly have been broken immediately. And so, it is as if he is breaking a broken utensil. He is not considered to be one who caused damages. Similarly, anyone who performs analogous actions is not liable.

13 The following rule applies when a person, without the consent of the owner, slaughters an ox that was condemned to be slaughtered because it injures others,or cuts down a tree that was condemned to be cut down because it causes damage to others. He is liable to pay the owner as dictated by the judges, because he prevented him from performing a mitzvah.

If the person who caused the damage claims that the owner told him to slaughter the animal or cut down the tree, he is not liable since it was intended for that fate.

14 Similarly, if a person slaughters a beast or a fowl, and another person covers the blood without the consent of the slaughterer, he is liable to pay a fine as dictated by the judges.

There are authorities who rule that in such instances a fine of a fixed amount, ten gold pieces, should be paid. For they ruled that anyone who prevents a colleague from performing a positive commandment - that he is fit to perform - by performing it first, should pay the owner ten gold pieces.

15 When a person causes damage with his own hands, the damage is evaluated in the same way as it would have been evaluated if the damage had been caused by his property.

What is implied? If a person kills an animal belonging to a colleague or breaks one of his utensils, we evaluate the animal's previous worth and the worth of the carcass, or the utensil's previous worth and its present worth. The person who caused the damage must pay the difference to the owner together with the carcass or the broken utensil, as we have explained above with regard to damage caused by an ox. For the same principles prevail.

If a person treads grapes belonging to a colleague, we must evaluate the loss. The same principles apply in other analogous situations.

16 When the loss he caused is expropriated from the person who caused the damage, it should be expropriated from his movableproperty. If he has no movable property, it should be expropriated from the finest landed property that he owns.

Similarly, the fines to be paid by a rapist, a seducer or a person who

spreads malicious gossip about his wife must be paid from the finest landed property that he owns.

17 When someone damages property belonging to a colleague and does not know the extent of the damage, the person whose property was damaged is given the prerogative of taking an oath according to the institutions of our Sages - as is a person whose property was stolen - and he may then collect the money that he claims. This applies provided he claims property that one might suppose that he did possess, as has been explained with regard to a person whose property was stolen.

18 What is implied? A person takes a wallet belonging to a colleague and throws it into the sea, or into a fire, or gives it to a person of force and thus causes it to be lost. The owner of the wallet claims that it was filled with gold coins, while the person who caused the damage says: "I do not know what it contained. Perhaps all it contained was earth or straw."

The person whose property was damaged is entitled to take an oath while holding a sacred article and collect the money he claims, provided he claims articles that we may assume that he owns or that were entrusted to him and would ordinarily be put in a wallet or the like.

If, however, it is not customary to place such articles in such containers, the owner is considered negligent and the person who caused the damage is not held liable.

What is implied? A person grabbed a filled covered leather sack or basket and threw it into the water or burned it. The person whose property was destroyed claimed that it was filled with pearls. His claim is not accepted,

and the person who caused the damage is not required to take an oath. For it is not customary to place pearls in baskets or leather sacks.

If, however, the person whose property was damaged seizes property belonging to the person who caused the damage equivalent to the value of his claim, it should not be expropriated from him. Instead, he is required to take an oath that it contained pearls, and then he is able to keep their worth from the goods that he seized. The same laws apply in all analogous situations.

19 If the person who caused the damage knew that the wallet contained gold coins, but does not know their amount, and the person whose property was damaged claimed that it contained 1000 coins, the plaintiff's claim is accepted. He may collect 1000 gold coins without taking an oath provided he could be presumed [to possess such an amount of money. For the defendant is required to take an oath, but cannot, as will be explained with regard to an entrusted object.

Chapter 8

1 When a person informs about property belonging to a colleague and causes it to be taken by a strong, lawless person, he is required to reimburse the owner from the finest property in his possession. If the person who informs about the property dies, the owner may collect his due from his heirs, as is the law concerning others who cause damage.

Whether the strong, lawless person is a gentile or a Jew, the person who informs about the property to be taken by him is considered a *moseir* and

is required to reimburse the owner for everything taken by the lawless person. This applies even if the *moseir* did not actually hand the other person's property over to the lawless person, but merely informed him about it.

2 When does the above apply? When the *moseir* showed the lawless person his colleague's property on his own volition. If, however, gentiles or Jews compelled a person to show them property belonging to a colleague, he is not liable to reimburse his colleague.

Nevertheless, should he physically give over his colleague's property to a lawless person, he is liable to reimburse his colleague even though he was forced to do so. The rationale is that a person who saves himself with money belonging to a colleague is obligated to reimburse him.

3 What is implied? A king decreed that wine, straw or the like should be brought to him. A *moseir* arose and said: "So and so has a storehouse of wine or straw in this and this place." If the king's servants went and took possession of the other person's property, the *moseir* is required to compensate him.

If the king compelled this *moseir* to go and show him the storehouses of wine or straw, or to show him property belonging to a colleague who is fleeing from the king, and the *moseir* showed him because of the compulsion, he is not liable. If he had not shown these resources to the king, he would have been beaten or killed.

4 If the *moseir* took his colleague's property and handed it to the lawless

individual, he is liable to pay, although the king compelled him to do so.

When is he liable to pay if, under duress, he took his colleague's property and handed it to the lawless individual? When the property did not come into the lawless person's possession previously. Different laws apply if, however, the lawless person compelled a Jew to show him a colleague's property, and the lawless person stood over the colleague's property and it came into his possession.

If he then compelled a Jew to transport the colleague's property to another place, even if the person who transported the property is the *moseir* who showed it to the lawless person, the Jew is not liable. The rationale is that since the lawless person stood at the side of the storehouse, it is considered as if all its contents had been already destroyed; it is as if they had been consumed by fire.

5 The following rule applies when two litigants are involved in a dispute concerning landed or movable property, each one claiming that it belongs to him. If one of them turns the property in question over to a gentile, he should be placed under a ban of ostracism until he removes the lawless person from the situation, returns the circumstances to their former state and brings the matter for judgment in a Jewish court.

6 When a person was apprehended by gentiles because of a colleague, and his money was taken by them because of that colleague, the colleague is not liable to reimburse him.

The only instance that reimbursement is required from a colleague when a person is apprehended on that colleague's behalf is when a person is

apprehended because of someone's failure to pay the head tax that is applied to all the inhabitants of a country each year, or because of the gift that every individual is required to give the king when he or his soldiers require hospitality. In these instances, the person who failed to pay is obligated to reimburse the person who made the payment, provided the money was taken from him explicitly on account of his colleague, and this took place in the presence of witnesses.

7 The following laws apply when there are witnesses that a person informed about property belonging to a colleague to a lawless person in a manner that obligates him for reimbursement - i.e., he pointed out his colleague's property on his own initiative or was compelled actually to bring the property to the lawless person, but the witnesses do not know the value of the loss he caused. If the person whose property was taken claims that he lost a specific amount, while the *moseir* denies that such a loss took place, and the person whose property was taken seizes property belonging to the *moseir*, it is not expropriated from him. Instead, the plaintiff is required to take an oath while holding a sacred article, and then he is entitled to maintain possession of the property he seized.

If the plaintiff did not seize the *moseir's* property, property may not be expropriated from the *moseir* unless there is definite proof of the extent of the loss he caused.

8 A *moseir* who showed a colleague's property to a lawless man on his own initiative is not given the prerogative of taking an oath. This applies both to a severe oath, or a *sh'vuat hesset*. For such a person is deemed wicked;

there is no disqualifying factor greater than this.

When, however, a person was compelled to show a lawless man a colleague's property or compelled actually to bring this property to the lawless person, in which instance he is liable to pay, he is not deemed a wicked person. He may be liable to pay, but he is entitled to take an oath, like other worthy men.

9 It is forbidden to inform about a colleague to the gentiles and endanger his physical person or his property. This applies even when the person concerned is a wicked person who commits sins, and even if he causes one irritation and discomfort. Anyone who actually informs about a Jew and endangers his person or his property to the gentiles will not receive a portion in the world to come.

10 It is permissible to kill a *moseir* in any country,even in the present age, when the court no longer metes out capital punishment.

It is permitted to kill him before he informs. When he says: "I will inform on so and so and endanger his person and/or his property" - even property of minimal value - he has made it permissible for others to kill him.

He should be warned and told: "Do not inform." If he says brazenly, "No. I will inform about him," it is a mitzvah to kill him, and whoever kills him receives merit.

11 If the *moseir* carried out his threat and informed on a fellow Jew, it appears to me that it is forbidden to kill him, unless he has made it an established pattern to inform. In such an instance, he should be killed, lest he inform

on others.

In the cities of the west, the common practice is to kill the *mosrim* who have made an established pattern of informing with regard to people's property, and to hand the *mosrim* over to gentiles to punish them, beat them and imprison them, according to their wicked ways.

Similarly, one who causes difficulty and irritation to the community may be handed over to the gentiles to be beaten, imprisoned and fined. It is, however, forbidden to hand over to gentiles a person for causing irritation to one individual.

It is forbidden to destroy property belonging to a *moseir*, although it is permitted to destroy his life. The reason is that his money is given to his heirs.

12 When a *rodef* pursues another Jew to kill or to rape him or her and breaks utensils - either those belonging to the person he is pursuing, or those belonging to another person - he is not liable to make financial restitution. The rationale is that he is liable to be killed, for pursuing another Jew warrants his own death.

13 When a person who is being pursued destroys utensils belonging to the *rodef*, he is not liable. The rationale is that the *rodef's* property should not be considered dearer than his life. If he breaks utensils belonging to others, he is liable. For a person who saves his own life with property belonging to someone else must make restitution.

14 When a person pursues a *rodef* to save the person he is pursuing, and in so

doing breaks utensils - whether those belonging to the *rodef* or those belonging to another person - he is not liable. This does not follow the letter of the law, but is a Rabbinic ordinance, enacted so that a person will not refrain from trying to save his colleague, or will hesitate and proceed carefully while he chases after the *rodef*.

15 When a ship is about to sink because it is heavily loaded, and one person stands up and makes it lighter by jettisoning some of its cargo, he is not liable. For the cargo is considered like a *rodef* who is pursuing them to kill the passengers. On the contrary, by jettisoning the cargo and saving them, he performed a great mitzvah.

This concludes "The Laws of Injury and Damages" with God's help.

Mishneh Torah, Murderer and the Preservation of Life

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whenever a person kills a human being, he transgresses a negative commandment, as **Exodus 20:13** states: "Do not murder." If a person kills a Jew intentionally in the presence of witnesses, he should be executed by decapitation.

This is implied by **Exodus 21:20**, which states that when a person kills a servant, "vengeance will certainly be executed." The Oral Tradition explains that this refers to decapitation.

Whether he kills the victim with an iron weapon or burns him with fire, the murderer should be executed by decapitation.

2 It is a mitzvah for the blood redeemer to kill the murderer, as **Numbers 35:19** states: "The blood redeemer shall put the murderer to death." Whoever is fit to inherit the victim's estate becomes the redeemer of his blood.

If the blood redeemer did not desire - or was unable - to kill the murderer, or if the victim did not have a relative to redeem his blood, the court executes the murderer by decapitation.

3 The following rules apply if a father kills his son. If the victim has a son, this son should kill his grandfather, because he is the blood redeemer. If he does not have a son, none of the victim's brothers becomes the blood redeemer who must kill his father. Instead, he should be executed by the

court.

Both a male and a female may become blood redeemers.

4 The court is enjoined not to accept ransom from the murderer to save him from execution. Even if he gave all the money in the world, and even if the blood redeemer was willing to forgive him he should be executed.

The rationale is that the soul of the victim is not the property of the blood redeemer, but the property of the Holy One, blessed be He. And He commanded, **Numbers 35:31**: "Do not accept ransom for the soul of a murderer."

There is nothing that the Torah warned so strongly against as murder, as *Ibid.:33* states: "Do not pollute the land in which you live, for blood will pollute the land."

5 When a murderer kills willfully, he should not be killed by witnesses or observers until he is brought to court and sentenced to death, as implied by **Numbers 35:12** "A murderer should not be put to death until he stands before the congregation in judgment."

This law applies to all those liable for execution by the court, who transgressed and performed the forbidden act. They should not be executed until their trial is completed by the court.

6 When does the above apply? When the person has already transgressed and performed the transgression for which he is liable to be executed by the court. When, however, a person is pursuing a colleague with the intention of killing him - even if the pursuer is a minor - every Jewish

person is commanded to attempt to save the person being pursued, even if it is necessary to kill the pursuer.

7 What is implied? If the *rodef* was warned and continues to pursue his intended victim, even though he did not acknowledge the warning, since he continues his pursuit he should be killed.

If it is possible to save the pursued by damaging one of the limbs of the *rodef*, one should. Thus, if one can strike him with an arrow, a stone or a sword, and cut off his hand, break his leg, blind him or in another way prevent him from achieving his objective, one should do so.

If there is no way to be precise in one's aim and save the person being pursued without killing the *rodef*, one should kill him, even though he has not yet killed his victim. This is implied by **Deuteronomy 25:11-12**, which states: "If a man is fighting with his brother, and the wife of one... grabs the attacker by his private parts, you must cut off her hand; you may not show pity."

8 There is no difference whether she grabs "his private parts" or any other organ that imperils his life. Similarly, the *rodef* may be a man or a woman. The intent of the verse is that whenever a person intends to strike a colleague with a blow that could kill him, the pursued should be saved by "cutting off the hand" of the *rodef*. If this cannot be done, the victim should be saved by taking the *rodef's* life, as the verse continues: "you may not show pity."

9 This, indeed, is one of the negative mitzvot - not to take pity on the life of

a *rodef*.

On this basis, our Sages ruled that when complications arise and a pregnant woman cannot give birth, it is permitted to abort the fetus in her womb, whether with a knife or with drugs. For the fetus is considered a *rodef* of its mother.

If the head of the fetus emerges, it should not be touched, because one life should not be sacrificed for another. Although the mother may die, this is the nature of the world.

10 The laws of a *rodef* apply whether a person is pursuing a colleague with the intent of killing him, or a maiden that had been consecrated with the intent of raping her, as reflected by **Deuteronomy 22:26**, which establishes an equation between murder and rape, stating: "Just as when a man arises against his colleague and kills him, so too, is this matter i.e., the rape of a consecrated maiden."

The same principle is reflected by another verse within the passage, which states (*Ibid.*:27): "The consecrated maiden cried out, but there was no one to save her." Implied is that if there is someone who can save her, he must do so, using all means including taking the life of the pursuer.

11 The same laws apply with regard to any woman forbidden as an *ervah*, but not to relations with an animal. With regard to homosexual rape, by contrast, one may save a man from being raped by killing the intended rapist.

If one pursues an animal with the intent of sodomizing it, or one seeks to perform a forbidden labor on the Sabbath or to worship idols - although

the Sabbath and the prohibition against idol worship are fundamental elements of our faith - the person should not be killed until he commits the transgression and is brought to court, convicted and executed.

12 If a person pursued a woman forbidden as an *ervah*, took hold of her and inserted the head of his organ within her,he may not be slain, even though he has not concluded sexual relations. He must be brought to court.

If a man was pursuing a woman forbidden as an *ervah*, and other men were pursuing him to save her, and she tells them, "Let him be, so that he does not kill me," they should not listen to her.Instead, he should be intimidated and prevented from raping her, by maiming his limbs. If he cannot be prevented by maiming his limbs, his life may be taken, as explained above.

13 When a person could prevent a murder or a rape by maiming the *rodef's* limbs, but did not take the trouble and instead saved the victim by killing the *rodef*, he is regarded as one who shed blood and is liable for death. Nevertheless, he should not be executed by the court.

14 Whenever a person can save another person's life, but he fails to do so, he transgresses a negative commandment, as **Leviticus 19:16** states: "Do not stand idly by while your brother's blood is at stake."

Similarly, this commandment applies when a person sees a colleague drowning at sea or being attacked by robbers or a wild animal, and he can save him himself or can hire others to save him. Similarly, it applies when he hears gentiles or *mosrim* conspiring to harm a colleague or planning a

snare for him, and he does not inform him and notify him of the danger. And it applies when a person knows of a gentile or a man of force who has a complaint against a colleague, and he can appease the aggressor on behalf of his colleague, but he fails to do so. And similarly, in all analogous instances, a person who fails to act transgresses the commandment: "Do not stand idly by while your brother's blood is at stake."

15 When a person sees a *rodef* pursuing a colleague to kill him, or a woman forbidden as an *ervah* to rape her, and he has the potential to save the victim and yet fails to do so, he has negated the observance of the positive commandment: "You must cut off her hand," and has transgressed two negative commandments: "You may not show pity," and "Do not stand idly by while your brother's blood is at stake."

16 Even though lashes are not given as punishment for the transgression of these prohibitions - because they do not involve committing a forbidden deed - they are nevertheless very severe. For whoever causes the loss of a Jewish soul is considered as if he destroyed the entire world, and whoever saves a Jewish soul is considered as if he saved the entire world.

Chapter 2

1 Whenever a person kills a colleague with his hands - e.g., he strikes him with a sword or with a stone that can cause death, strangles him until he dies or burns him in fire - he should be executed by the court, for he himself has killed him.

2 But a person who hires a murderer to kill a colleague, one who sends his servants and they kill him, one who binds a colleague and leaves him before a lion or the like and the beast kills him, and a person who commits suicide are all considered to be shedders of blood; the sin of bloodshed is upon their hands, and they are liable for death at the hands of God. They are not, however, liable for execution by the court.

3 Which source indicates that this is the law? **Genesis 9:6** states: "When a person sheds the blood of a man, by a man his blood shall be shed." This refers to a person who kills a colleague by himself, without employing an agent.

The verse continues: "Of the blood of your own lives I will demand an account." This refers to a person who commits suicide.

"From the hand of every wild beast will I demand an account" *Ibid.* 9:5 This refers to a person who places a person before a wild beast so that he will devour him.

"From the hand of a man, from the hand of one's brother, will I demand an account for the soul of a man" ibid.. This refers to a person who hires others to kill a colleague. In all of the three last instances, the verse uses the expression "will I demand an account," indicating that their judgment is in heaven's hands.

4 When a Jewish king desires to slay any of these murderers and the like - who are not liable for execution by the court - by virtue of his regal authority, in order to perfect society, he has the license.

Similarly, if the court desires to execute them as a result of a immediate

fiat, because this was required at the time, they have the license to do as they see fit.

5 If the king did not execute them, nor did the court deem the time as such to require strengthening the strictures against murder, it should nevertheless have the murderer beaten with severe blows - so that he is on the verge of death - and imprisoned, deprived and afflicted with all types of discomfort in order to strike fear and awe into the hearts of other wicked men, so that this death should not be a stumbling block and a snag for them, causing them to say: "Let me arrange to have my enemies killed the way so-and-so did, and I will not suffer the consequences."

6 Whether a person kills an adult or an infant that is one day old, a male or a female, he should be executed if he killed him intentionally, or exiled if he killed him unintentionally.

With regard to an infant, the above applies provided it was born after a full term pregnancy. If, however, it was born before nine months passed, it is considered to be an inviable birth until it lives for 30 days. If it is killed within those 30 days, the killer should not be executed.

7 Whether a person kills a healthy person, a sick person who is on the verge of dying, or even a person in his actual death throes, the killer should be executed. If, however, one kills a person in his death throes because of wounds inflicted upon him by others - i.e., he was stricken until he was on the verge of death, and he is in his death throes, the killer should not be executed by the court.

8 When, by contrast, a person is considered *trefah*,even though he eats, drinks and walks in the market place, one is not held liable by an earthly court for killing him.

Every person is presumed to be physically sound, and a person who kills him should be executed unless it is certainly known that he is a *trefah*, and the physicians say that his infirmity does not have any remedy for humans and it will surely cause his death, if no other factor does first.

9 When a person who is a *trefah* kills another man, he should be killed, as reflected by **Deuteronomy 19:19**, which states: "And you shall destroy the evil from among your midst."

When does this apply? When he committed the murder in the presence of a court. If, however, he committed the murder in the presence of witnesses, he is not liable. The rationale is that the witnesses may be disqualified through *hazamah*. And if they are disqualified through *hazamah*, they will not be punished by execution, for they intended merely to have a person who was *trefah* executed. And whenever the laws of *hazamah* cannot be applied to testimony, it is not considered to be valid testimony in capital cases.

10 If a person kills either a Jew or a Canaanite servant, he should be executed. If he kills inadvertently, he should be exiled.

11 At first, a person who killed a resident alien should not be executed by the court, as implied by **Exodus 21:14**, which introduces the laws regarding the punishment for murder, by stating: "When a man acts intentionally

against his colleague, killing him...." Needless to say, this ruling applies with regard to a gentile.

Whether a person kills his own Canaanite servant or a servant belonging to someone else, he should be executed. For a servant has accepted the yoke of mitzvot and has been added to "the heritage of God."

12 What is the difference between killing one's own Canaanite servant and a servant belonging to someone else? With regard to one's own servant, one has the right to strike him. Thus, if one strikes him with a blow that is sufficient to cause death, and he is on the verge of dying, but survives for 24 hours and dies afterwards, the owner should not be executed, although the servant died because of the blow, as **Exodus 21:21** states: "But if he survives for a day or two, he shall not be avenged, for he is his property."

What is the intent of the phrase "for a day or two"? A day that is like two days - i.e., a full 24-hour cycle.

13 Different rules apply when, by contrast, one strikes a Canaanite servant who belongs to another person. If one strikes him with a blow sufficient to kill, one may be executed for killing him, as one would be executed for killing any free Jew, even if he does not die because of the blow until several days have passed.

14 It appears to me that when a person strikes his servant with a knife, a sword, a stone, a fist or the like, and it was assessed that he would die, and he did die, the leniency granted if the servant survives more than 24 hours does not apply. Instead, even if the servant dies a year later, the owner

should be executed because of the servant's death.
To underscore this point, **Exodus 21:20** mentions striking the servant "with a rod." For the Torah has granted the owner permission to beat his servant only with a rod, a staff, a strap or the like, and he may not strike him with murderous blows.

15 The following rules apply when a person sells his servant and stipulates that the servant must continue to serve him for 30 days - and in those 30 days, either the seller or the purchaser strikes the servant - the leniency granted if the servant survives more than 24 hours does not apply, neither to the seller nor to the purchaser, and the killer should be executed.
The rationale is that the servant no longer is the personal "property" of the seller, nor has he entered the domain of the purchaser.

16 Similarly, if a person is half servant and half free,or there is a servant belonging to two partners, and the owner or one of the owners strikes and kills the servant, the leniency granted if the servant survives more than 24 hours does not apply. For in these cases, there is not an owner who owns the servant as his personal "property." Therefore, the owner should be executed, as would any other person.

Chapter 3

1 The following rule applies when a person strikes a colleague intentionally with a stone or a piece of wood and causes his death. We assess the object with which he was struck, and the place where he was struck, and

determine whether or not it is likely that such an article would cause death when used to give a blow in such a place.

This is implied by **Numbers 35:17-18**, which states: "If he struck him with a fist-sized stone that could cause death... or if he struck him with a fist-sized wooden article that could cause death." "That could cause death" teaches that the murder weapon must be such that would likely cause him to die.

Striking a person on his heart cannot be compared to striking him on his thigh.

2 Since the verse states "That could cause death," this phrase also implies that we assess the place where the victim was struck.

Just as we assess the object with which he was struck, and the place where he was struck, we also assess the force of the blow. This is implied by the phrase (*Ibid.*): "a fist-sized stone," from which we infer that we evaluate the force of the hand. For one cannot compare a person who throws a stone at his colleague from a distance of two cubits to one who throws a stone from a distance of ten cubits. At ten cubits, the stone will have more force. Nor can one compare a person who throws a stone at his colleague from a distance of ten cubits to one who throws a stone from a distance of 100 cubits. For over an extended distance, the force of the blow will be diminished.

3 Similarly, the blow itself and the power of the killer and the victim should be assessed: Is he large or small? Is he strong or weak? Is he healthy or sickly? These and all similar questions should be investigated. This is all

implied by the phrase: "That could cause death." It teaches that all the factors involved in the person's death should be assessed.

4 The Torah did not mention a minimum size with regard to an iron object, as **Numbers 35:16** states: "If he struck him with an iron utensil and he dies, he is a murderer." This applies even to a needle, provided the object is pointed like a needle, a spit, a knife or the like.
If, however, a person strikes a colleague with a hunk of metal or the like, we evaluate the blow as we would evaluate it if it had been dealt with a piece of wood or a stone.

5 When a person strikes a colleague without an object and kills him - e.g., he strikes him with his hand or foot or butts him with his head and kills him - we should assess the force of the blow, the strength of the victim and the place where the blow was given. One cannot compare a person poking at a colleague with his finger to one who kicks his colleague with all his strength. Nor can one compare a blow given on the heart to a blow given in the groin. Nor can one compare a weak person who strikes a healthy, strong person to a healthy, strong person who strikes a weak or sickly person.

6 What is the source that teaches that an assessment must be made in such an instance? **Numbers 35:21** states: "Or if he maliciously strikes him with his hand and he dies, the one who strikes him shall certainly die." Although it mentions "with his hand," the verse also states that the blow must be given "maliciously." Implied is that we assess the force of the

blow.

7 Similarly, when a person pushes a colleague from a rooftop, causing him to fall and die, we assess the height of the place from which he pushed him and the strength of the person who was pushed. For an infant who fell cannot be compared to an adult who fell.

What is the source that teaches that we must assess the height from which the victim fell? **Numbers 35:20** states: "If he pushes him down with hatred."

It appears to me that any place that is not more than ten handbreadths high is not considered of sufficient height to kill, as explained with regard to an animal that fell into a cistern.

8 The same laws apply if a person strikes a colleague with a stone, a block of wood, a clod of earth, a block of salt or sulfur, or a basket full of dust or pebbles, or even if he strikes him with a cake of dried figs. This is implied by the phrase "That could cause death" - i.e., anything that may cause death. And it is the weight of the object that makes it fit to cause death.

9 When a person pushes a colleague into water or into a fire, an assessment should be made. If the person could ascend, the one who pushed him is not liable for execution. If he could not ascend, the one who pushed him is liable.

Similarly, if one held a colleague in water or in fire until he did not have any strength to ascend, and the colleague died, the one who held him is liable, even if he did not push him there at the outset.

Similarly, a person is liable for execution in all of the following instances: he held his hand over a colleague's mouth and nose until he left him in his death throes, unable to live; he bound a colleague and left him in the sun or the cold until he died; he built an airtight construction over him that prevented air from coming in; he placed a colleague in a house or a cave and filled it with smoke until he died; or he placed a colleague in an airtight marble building and lit a candle, causing the colleague to die because of the lack of air. In all of these instances, the person who caused the victim's death is executed; it is as if he had strangled him by hand.

10 Different rules apply, however, in the following instances: A person binds a colleague and leaves him to starve to death; he binds him and leaves him in a place that will ultimately cause him to be subjected to cold or heat, and these influences indeed come and kill the victim; he covers him with a barrel; he uncovers the roof of the building where he was staying; or he causes a snake to bite him. Needless to say, a distinction is made if a colleague dispatches a dog or a snake at a colleague. In all the above instances, the person is not executed. He is, nevertheless, considered to be a murderer, and "the One who seeks vengeance for bloodshed" will seek vengeance for the blood he shed.

11 Similarly execution is not required in the following instances. A person pushed his colleague into a cistern and there was a ladder that he could have used to climb out, or he shot an arrow at him, but he was holding a shield with which he could protect himself - and another person came and took away the ladder or the shield. Neither of the two is executed by the

court.

Moreover, even if the person who pushed the victim is himself the one who takes away the ladder, he is not liable for execution. God will, however, seek him out and avenge the bloodshed.

12 When a person throws a stone against a wall, and the stone rebounds and kills a person, the thrower of the stone is liable for execution by the court. For it was propelled by the power of the person who threw it.

A similar principle applies with regard to a person playing with a ball, who was given a warning and caused death by throwing it. If the victim was within four cubits of the wall, he is not liable. If the victim was beyond four cubits away, even if he was standing at the end of a distance of 100 cubits, the thrower is liable, provided the ball is of sufficient weight to kill, as explained.

13 If a person threw a stone upward and it went to the side and caused death, the one who threw it is liable.

If a person binds a colleague and puts him in a place where he cannot flee, and then turns a current of water on him, causing him to die, the killer should be executed. This law applies provided the victim dies from the first burst of water that flows because of his deeds.

Chapter 4

1 A person who intended to kill one person and instead killed another is not liable - neither for execution by the court, nor for financial liability, nor

for exile.

He is not liable for exile because the cities of refuge will not serve as protection for him, as will be explained.

Therefore, a person who throws a stone into a group of Jews without the intent of killing any specific person is not liable for execution by the court, even though he in fact kills a person.

2 Similarly, a killer is not held liable for execution in the following instances. He intended to strike a colleague on his loins, and the utensil was not sufficient to kill if it struck a person on his loins, but it instead struck him on his heart and he died. Or a person intended to strike a colleague on his heart, and the blow was sufficient to kill had it struck him on the heart, but instead it struck the victim on his loins and it was not sufficient to kill an ordinary person if it struck him on his loins, but this person died. In these instances, the killer is not liable for execution by the court, nor is he exiled, because a person who kills intentionally is never exiled.

If, however, he intended to strike him on his loins, and the blow was sufficient to kill him if it struck him on his loins, but it struck him on his heart, killing him, the killer should be executed. Similar principles apply in all analogous instances.

3 When a person strikes a colleague with a stone or a fist in a manner that could cause his death, but he does not die immediately, an assessment should be made.

If the judges assess that the victim would live, the person who struck the

blow is liable only to pay the five damages awarded to a person who is injured, and he is released. Even if the victim falls ill, and his situation becomes more serious and ultimately he dies, the person who struck the blow is not held liable.

If the judges assess that the victim would die, they should imprison the person who struck the blow immediately and wait to see the outcome. If the victim does die, the person who struck the blow should be executed. If, however, the victim's condition improves, and he becomes healed entirely to the extent that he walks in the marketplace on his feet like other healthy people, the person who struck the blow should pay the damages and should be released.

4 The Torah's expression על משענתו does not mean that he should walk while supported by a staff or by another person. For even a person who is on the verge of dying can walk leaning on a support. Instead, the intent in this verse is that he walk supported by his own power, without relying on any other factor for support.

5 If it was assessed that the victim would die, and afterwards his condition improved, but then deteriorated, and ultimately he died, the killer should be executed. We do not make a second assessment after the victim's condition improves, for there is a basis for the assumption that he died because of the original blow.

6 If ten people strike a person with ten different sticks and he dies, they are all not held liable for execution by the court. This law applies regardless of

whether they struck him one after the other or they struck him at the same time.

These concepts are derived from **Leviticus 24:17**: "If he strikes any person mortally he should be put to death." כל translated as "any" also means "all." Implied is that death is not required unless one person alone is entirely accountable for the person's death.

The same law applies if two people push a colleague into water or hold him there, or several people are sitting together and an arrow emerges from their company and kills; none is held liable for execution.

7 A different ruling is rendered in the following instance. Ten people threw stones at a person one after the other, and none of the stones was of sufficient weight to cause death. Afterwards, another person cast a stone that was of sufficient weight to cause death and the victim died. The last person who threw the stone should be executed.

If a murderer who was sentenced to execution becomes intermingled with other people, they are all absolved. Similarly, when a murderer who was not convicted becomes intermingled with other murderers who were sentenced to execution, none should be executed. The rationale is that judgment can be passed on a person only in his presence. All the killers should, however, be imprisoned.

8 The following laws apply when a person kills people, but the witnesses did not observe his act together - instead one saw him after the other did: a person killed in the presence of witnesses, but a warning was not given; or the witnesses to a murder contradicted each other with regard to the fine

points of the testimony, but not with regard to the fundamental questions. All those murderers should be forced to enter a *kipah*.There they are fed parched bread and small amounts of water until their digestive tract contracts. Then they are fed barley until their bellies burst because of the extent of the sickness and they die.

9 This measure is not taken with regard to other crimes punishable by execution by the court. If a defendant is liable for execution, he should be executed. If he is not liable for execution, he should be released.

Although there are other sins that are more serious than murder, they do not present as serious a danger to society as murder does. Even idol worship - and needless to say, incest or the violation of the Sabbath - are not considered as severe as murder. For these sins involve man's relationship with God, while murder also involves man's relationship with his fellow man.

Whoever commits this sin is an utterly wicked person. All the mitzvot that he performs throughout his lifetime cannot outweigh this sin and save him from judgment. Thus, **Proverbs 28:17** states: "A man weighed down with life's blood will flee to the pit."

Come and learn from the example of Ach'av King of Israel. He was an idolater so debased in his paganism that **I Kings 21:25** says: "There was none like Ach'av who gave himself over to the performance of wickedness in the eyes of God." And yet when his merits and sins were weighed in the presence of the Lord of spirits, there was no sin that warranted his destruction and was not counterbalanced by a positive quality, except the blood of Navot.

Thus, it is written *Ibid.* 22:21, in the description of the prophecy of Ach'av's death in battle: "And the spirit came and stood before God." Our Sages commented:: "This is the spirit of Navot." And God told the spirit (*Ibid.*:2): "You will persuade him and prevail."

Now this wicked man Ach'av did not actually kill his victim with his own hands; he merely brought about his death. How much more so this condemnation should apply when a person kills another with his own hands.

10 It is a mitzvah to kill *minim* and *apikorsim*.

The term *minim* refers to Jewish idolaters or those who perform transgressions for the sake of angering God, even if one eats non-kosher meat for the sake of angering God or wears *sha'atnez* for the sake of angering God.

The term *apikorsim* refers to Jews who deny the Torah and the concept of prophecy.

If there is the possibility, one should kill them with a sword in public view. If that is not possible, one should develop a plan so that one can cause their deaths.

What is implied? If one sees such a person descend to a cistern, and there is a ladder in the cistern, one should take the ladder, and excuse oneself, saying: "I must hurry to take my son down from the roof. I shall return the ladder to you soon." Similarly, one should devise other analogous plans to cause the death of such people.

11 With regard to a gentile idolater with whom we are not at war, a Jewish

shepherd of small livestock, and the like, by contrast, we should not try to cause their deaths. It is, however, forbidden to save their lives if their lives are threatened. For example, if such a person fell into the sea, one should not rescue him. **Leviticus 19:16**] states: "Do not stand idly by while your brother's blood is at stake." This does not apply with regard to such individuals, because they are not "your brothers."

12 When does the above apply? With regard to a Jew who sins and perseveres in his wickedness, continually repeating it - e.g., shepherds of small livestock who show no consideration for the prohibition against robbery and continue in their perversity.

When, by contrast, a Jew commits transgressions, but does not maintain his wickedness continually, merely occasionally sinning for his own personal satisfaction - e.g., one who eats non-kosher food for pleasure - it is a mitzvah to save his life, and it is forbidden to stand idly by when his life is threatened.

Chapter 5

1 Whenever a person kills unintentionally, he should be exiled from the city in which he killed, to a city of refuge. It is a positive mitzvah to exile him, as implied by **Numbers 35:25**: "He shall dwell there until the death of the High Priest."

The court is admonished not to accept a ransom from the killer to enable him to remain in his city, as *Ibid.*:32 states: "You shall not accept a ransom so that he will not have to flee to his city of refuge."

2 A person who kills unintentionally is not exiled unless the person whom he kills dies immediately. If, however, he wounds a person unintentionally - even though the court assesses that the victim will die - and the victim indeed falls sick and dies, the killer is not exiled. The rationale is that the death may not have been entirely the killer's fault; perhaps the victim in some way hastened his own death or wind entered his wound and caused him to die.

Even if the killer severed the victim's windpipe and esophagus, if the victim remained alive for a short while, the killer is not exiled on his accord. Therefore, it is only when the victim died without entering any death spasms at all, or was killed in a place that was not open to the wind - e.g., a closed marble building, or the like - that the killer is exiled.

3 When a Jew unintentionally kills a servant or a resident alien, he must be exiled. Similarly, if a servant unintentionally kills a Jew or a resident alien, he should be exiled.

Similarly, a resident alien who kills another resident alien or a servant unintentionally should be exiled, for the passage concerning the cities of refuge, **Numbers 35:15**, describes them as being for "the children of Israel, an alien and the residents among you."

4 When a resident alien kills a Jew unintentionally, he should be executed, even though he acted unintentionally. The rationale is that a person must always take responsibility for his conduct.

Similarly, if a resident alien kills another resident alien because he thought that it was permitted to kill, he is considered to be close to acting

intentionally, and he should be executed, for he intended to kill.

When one gentile kills another gentile unintentionally, the cities of refuge do not serve as a haven for him, for the above verse states: "For the children of Israel."

5 When a son unintentionally kills his father, he should be exiled. Similarly, when a father unintentionally kills his son, he should be exiled.

When does the above apply? When the father kills the son while not in the midst of Torah study, or when he was teaching his son a profession that is not necessary for him. If, however, he imposes punishment on his son while teaching him Torah, secular knowledge or a profession, and the son dies, the father is not liable for exile.

6 Similarly, when a teacher strikes a student or an emissary of the court strikes a litigant who refuses to appear in courtand accidentally kills him, he is not liable for exile.

This concept is derived from **Deuteronomy 19:5**, which mentions the punishment of exile for a person who unintentionally kills a colleague while "chopping wood" - i.e., a permitted act. Thus, this punishment is not imposed when a father strikes a son, a teacher strikes a student, or an emissary of the court strikes a litigant, for they unintentionally killed while performing a mitzvah.

7 At the outset, both a person who killed unintentionally and one who killed intentionally should flee to a city of refuge. The court in the city in which the killing took place sends for the killer and brings him back to

that city, as *ibid.*:12 states: "And the elders of his city shall send and take him from there."

If the killer is condemned to execution, he should be executed, as *ibid.* continues: "And they shall give him to the hand of the blood redeemer." If a person is absolved, he should be released, as **Numbers 35:25** states: "And the congregation shall save the killer from the hand of the blood redeemer." And if the killer is sentenced to exile, he should be returned to his previous place, as *ibid.* continues: "And the congregation shall return him to his city of refuge."

8 When he is returned to his city of refuge, he is given two Torah sages to accompany him, lest the blood redeemer attempt to kill him on the way. They should tell him: "Do not deal with him in the manner of those who shed blood. It was unintentional that this happened."

9 When a blood redeemer slays a person who killed unintentionally outside the Sabbath limits of his city of refuge, he is not held liable, as **Deuteronomy 19:6** states: "He is not judged as liable to be executed."

10 The above applies whether he kills him on the road before he enters his city of refuge or if he kills him when returning together with the two who are guarding him. If he enters his city of refuge and intentionally departs beyond its Sabbath boundaries,he has granted license for his life to be taken. The blood redeemer is permitted to kill him. And if another person kills him, that other person is not liable, as **Numbers 35:27** states: "There is no liability for his blood."

11 If the killer leaves his city of refuge unintentionally, whoever slays him - whether the blood redeemer or another person - should be exiled. If the killer is slain within the Sabbath limits of the city of refuge, the one who slayed him should be executed.

12 The altar in the Temple serves as a haven for killers. This is derived from **Exodus 21:14**, which states with regard to a person who kills intentionally: "You shall take him from My altar to die." One can derive from this, that one who kills unintentionally should not be killed at the altar.
Thus, if a person kills unintentionally and takes refuge at the altar, and the blood redeemer kills him there, he should be executed as if he killed him in a city of refuge.

13 What serves as a haven is only the top of the altar in the Temple. Moreover, it serves as a haven only for a priest who is in the midst of sacrificial worship. For a person other than a priest, a priest who is not involved in the sacrificial worship, or a priest who was involved in the sacrificial worship but was near the altar or holding on to its horns, the altar does not serve as a haven.

14 If someone takes refuge on the altar, he is not left there. Instead, he is given guards and taken to a city of refuge.
When does the above apply? When one is obligated to be exiled. If, however, a person feared that a king will have him executed as is the king's authority, or that the court will execute him as an immediate directive, and fled to the altar and held on to it, he should be saved.

This applies even if he is a commoner. He should not be taken from the altar to die unless he was sentenced to death because of the testimony of witnesses who delivered a warning, as is always required with regard to those executed by the court.

Chapter 6

1 There are three categories of unintentional killers.

2 There is a person who kills unintentionally, without at all knowing that this will be the consequence of his actions. Concerning such a person, **Exodus 21:13** says: "Who did not lay in ambush." The law applying to such a person is that he should be exiled to a city of refuge, as we have explained in the previous chapter.

3 There is a person who kills unintentionally, whose acts resemble those caused by forces beyond his control - i.e., that the death will be caused by an extraordinary phenomenon that does not commonly occur. Such a person is not liable to be exiled, and if he is slain by the blood redeemer, the blood redeemer should be executed for killing him.

4 There is a person who kills unintentionally, whose acts resemble those willfully perpetrated - e.g., they involve negligence or that care should have been taken with regard to a certain factor and it was not. Such a person is not sentenced to exile, because his sin is very severe and exile cannot bring him atonement, nor do the cities of refuge served as a haven for him. For they serve as a haven only for those obligated to be exiled.

Therefore, if the blood redeemer finds this killer anywhere and slays him, he is not liable.

5 What should such a person do? Sit and protect himself from the blood redeemer.
Similarly, if the blood redeemer slays any of the murderers whose acts were observed by only one witness, or who were not given a warning or the like, the blood redeemer is not liable for execution. Killing such individuals should not be considered more severe than killing a person who killed unintentionally.

6 What does the above imply? When a person throws a stone into the public domain and it causes death or he tears down his wall into the public domain, and a stone falls and causes death - whether he tears down the wall during the day or during the night - he is considered to be close to having acted intentionally. A city of refuge does not serve as a haven for him. For he should have checked the surroundings and then thrown the stone or torn down the wall.

7 The following rules apply if a person tears down a wall into a garbage dump at night. If it is likely that people are there, he is considered to be close to having acted intentionally, and a city of refuge does not serve as a haven for him. If people are never found there, the death is considered close to having been caused by forces beyond his control, and he is not liable for exile.

8 Different rules apply if people would use a garbage dump to relieve

themselves at night, but would not use it for this purpose during the daytime. If it happened that a person sat there during the day, and he was killed by a stone that came from a person tearing down his wall, the person who tore down his wall should be exiled.

If after the stone began to fall, the person came and sat down, and the stone struck him and caused his death, the person who tore down his wall is not liable to be exiled.

9 Similarly, if a person threw a stone into the public domain, and after the stone left his hand, the victim stuck his head out from a window and was struck by it, the person who threw the stone is not liable for exile. This is derived from **Deuteronomy 19:5**, which states: "the iron slips from the wood and finds his fellow." This excludes an instance when the victim causes himself to be found by the iron or other object that causes death.

10 When a person who hates the victim kills unintentionally, the city of refuge does not serve as a haven for him. This is implied by **Numbers 35:23**, which states that a person who is exiled: "is not the victim's enemy." We operate under the presumption that one who is an enemy is close to having acted willfully.

Who is considered to be an enemy? A person who did not speak to the victim for at least three days because of animosity.

Similarly, all the following individuals are considered close to having acted willfully, and a city of refuge does not serve as a haven for them:

a) a person who entered an intersection holding an open knife in his hand without realizing that the victim was approaching from the other side and

unintentionally stabbed him, causing his death;
b) a person who unintentionally pushed a colleague to his death with his body and not with his hands;
c) a person who intended to throw a stone that could kill two cubits, and instead threw it four;
d) a person who thought that it was permitted to kill;
e) a person who intended to kill one person and instead killed another. This applies even if he intended to kill a gentile or an animal and instead killed a Jew.

11 When a person enters a courtyard of a homeowner without permission, and the homeowner kills him unintentionally, the homeowner is not liable to be exiled as can be inferred from **Deuteronomy 19:5**, which, when describing a person who must be exiled speaks of one: "Who encounters his colleague in the forest." Our Sages commented: A forest is a place that the victim has the right to enter. Similarly, in all such places, and only in such places, is a killer liable to be exiled.
Therefore, if a person enters a carpenter's shop without permission, and a block of wood flies forth and strikes him in the face and kills him, and he dies, the carpenter is not liable to be exiled. If he entered with permission, the carpenter should be exiled.

12 When a person was lifting a barrel with a pulley to bring it up to a roof, and the the rope broke, causing it to fall on a colleague, or a person was climbing up a ladder and fell on a colleague and killed him, the person who caused the death is not liable to be exiled. This is considered to be

something beyond his control. For this is not something that is likely to happen, but is rather an extraordinary occurrence.

If, by contrast, a person was lowering a barrel with a rope and it fell on a colleague and killed him, he was descending on a ladder and fell on a colleague, or he was shining with a polisher and it fell on a colleague and killed him, the person responsible should be exiled.

This is derived from **Numbers 35:23**, which states: "And it fell upon him, and he died," implying that the article must descend in an ordinary manner. An object that descends frequently causes damage. Indeed, it is likely that this will happen, for the nature of a heavy object is to descend downward speedily. Therefore, if the person did not hurry and act appropriately and properly while the object descended, he is responsible and should be exiled. The same applies in other analogous situations.

13 The following rules apply when a butcher was cutting meat and lifted his hands backward while holding a cleaver, and then brought them forward to break a bone, as butchers do. If anyone is killed while he draws the cleaver back - i.e., while he lifts it up in front of him or while he causes it to descend behind him, the butcher is not exiled. If anyone is killed when he brings the cleaver forward - i.e., while he lifts it up behind him or while he causes it to descend in front of him - the butcher should be exiled.

This is the governing principle. Whenever the object that kills is descending, the person responsible should be exiled. If it is not descending, he should not be exiled. Even a descent for the purpose of ascent does not cause the person to be exiled.

14 What is an example of a "descent for the purpose of an ascent"? If a person was ascending on a ladder, and a rung gave way under his feet and fell and caused death, the person climbing is not obligated to be exiled.

Similarly, in the following situations, the death is considered close to having been caused by factors beyond the control of the individuals involved and they are not exiled:

a) a person intended to throw an article in one direction and it went in another direction,

b) a person had a stone in his bosom that he had never been made aware of and when he stood up it fell, or

c) a blind man killed someone unintentionally.

15 If there was a stone in his bosom that he was aware of and he forgot it, and then he stood up, the stone fell and caused death, he is exiled, as implied by **Numbers 35:15**, which mentions the death taking place "unintentionally." From the use of that term, we can infer that he knew of the stone's existence beforehand.

If the iron slips from the axe rebounding from the tree he is chopping, he is not exiled, because this does not come from his own force, but from the effect generated by his force. Thus, it is like a factor that is beyond his control.

Similarly, if a person throws a stone into a date palm to knock down dates, and the dates fall on an infant and kill him, the person who throws the stone is not liable to be exiled, because the infant was killed, not by force that he generated, but from the effect generated by his force. Similar principles apply with regard to other blows brought about by analogous

situations.

Chapter 7

1 When a Torah scholar is exiled to a city of refuge, his teacher is exiled together with him. This is derived from **Deuteronomy 19:5**, which states: "He shall flee to one of these cities, and he shall live." Implied, is that everything necessary for his life must be provided for him. Therefore, a scholar must be provided with his teacher, for the life of one who possesses knowledge without Torah study is considered to be death. Similarly, if a teacher is exiled, his academy is exiled with him.

2 When a servant is exiled to a city of refuge, his master is not obligated to provide for his sustenance. The income from his labor, however, belongs to his master.

When a woman is exiled to a city of refuge, her husband is obligated to provide for her sustenance. For he cannot tell her: "Take the fruits of your labor in exchange for your sustenance," unless the woman is capable of earning a sufficient amount to provide for herself.

3 When a killer was sentenced to exile and died before the sentence was implemented, his bones should be taken to a city of refuge and buried there.

When a killer dies in his city of refuge, he should be buried there. When the High Priest dies, the bones of the killer may be taken to his ancestral plot.

4 When any of the other Levites who live in the city of refuge dies, he should not be buried within the city or within its Sabbath boundary. As **Numbers 35:3** states: "Their open space will be for their animals, for their property and for all their life." Implied is that these cities were given for life, and not for burial.

5 When a killer kills accidentally in a city of refuge, he should be exiled from one neighborhood to another. He should not depart from the city.
Similarly, when a Levite kills in one of his own cities, he should be exiled to another one of the cities of the Levites. For they all serve as a haven, as will be explained. If he killed outside the cities of the Levites and fled to his own city, that city serves as a haven for him.

6 When the majority of the inhabitants of a city of refuge are killers, it no longer serves as a haven. This is derived from **Joshua 20:4**, which speaks of the designation of the cities of refuge and states: "And the killer will speak his words in the ears of the elders of the city." Implied is that there is a distinction between their words and his words.
Similarly, a city that does not have elders does not serve as a haven, for it is written: "The elders of that city."

7 When a killer was exiled to a city of refuge, and the inhabitants of the city desire to show him honor, he should tell them: "I am a killer."
If they say, "We desire to honor you regardless," he may accept the honor from them.

8 A person who was exiled to a city of refuge should never leave his city of

refuge, not even to perform a mitzvah or to deliver testimony - neither testimony involving monetary matters, nor testimony involving a capital case. He should not leave even if he can save a life by delivering testimony, or he can save a person from gentiles, from a river, from a fire or from an avalanche. This applies even if he is a person like Yoav ben Tz'ruyah, upon whom the salvation of the entire Jewish people may depend. He should never leave the city of refuge until the death of the High Priest. If he departs, he has allowed for his death, as explained.

9 When it is said that a killer may return after the death of the High Priest, the intent is a High Priest anointed with the anointing oil, one who assumed his office through wearing his vestments, one who performs the service of a High Priest, and one who was removed from his office. When any of these four die, a killer may return from his city of refuge.
When, by contrast, a priest anointed to lead the nation in war dies, a killer may not return, for this priest is considered to be an ordinary priest.

10 The following individuals are exiled and never return from their exile:
a) a person who was sentenced to exile at a time when the office of High Priest was not filled;
b) a person who killed a High Priest unintentionally and there was no other High Priest; or
c) a High Priest who killed unintentionally and there was no other High Priest.

11 If, however, the killer was sentenced, but the High Priest died before the

killer was actually exiled, he is not required to go into exile.
If before the killer was sentenced, the High Priest dies, and another High Priest was appointed in his stead, and then the sentence of exile was delivered, the killer returns after the death of the second High Priest, the one in whose term of office he was sentenced.

12 If a killer was sentenced and it was discovered that the High Priest was the son of a divorcee or the son of a woman who underwent *chalitzah*, the High Priesthood is negated. It is as if he were sentenced without there having been a High Priest; he may never leave his city of refuge.

13 When a killer returns to his city after the death of the High Priest, he is considered to be an ordinary citizen. If the blood redeemer slays him, the blood redeemer should be executed, for the killer has already gained atonement through exile.

14 Although the killer has gained atonement, he should never return to a position of authority that he previously held. Instead, he should be diminished in stature for his entire life, because of this great calamity that he caused.

15 Although a person who intentionally injures his father is liable to be executed by the court just like a person who kills another person, if a person unintentionally injured his parents, he is not liable for exile. For the Torah prescribed exile only for a person who unintentionally killed another man, as we have stated.

Chapter 8

1 It is a positive commandment to set aside cities of refuge, as **Deuteronomy 19:2** states: "You shall set aside three cities." The practice of setting aside cities of refuge applies only in *Eretz Yisrael*.

2 There were six cities of refuge. Three Moses our teacher set aside in TransJordan, and three Joshua set aside in the land of Canaan.

3 None of the cities of refuge served as a haven until they were all set aside, as implied by **Numbers 35:13**: "There shall be six cities of refuge for you." And so, Moses informed us that the three cities of refuge in TransJordan did not serve as a haven until the three in the land of Canaan were set aside.

If so, why did Moses set them aside? He said: "Since a mitzvah came to my hand, I will fulfill it."

4 In the era of the King *Mashiach*, three other cities will be added to these six, as **Deuteronomy 19:9** states: "And you shall add three other cities to these three cities."

Where are these cities added? In the cities of the Keni, K'nizi, and the Kadmoni, concerning which a covenant was made with Abraham, but which have not yet been conquered. Concerning these cities, the Torah *ibid.*:8 says: "And if God, your Lord, will expand your boundaries...."

5 The Jewish court is obligated to construct roads leading to the cities of refuge; they should be maintained and widened. Any stumbling block and

obstacle should be removed from them.

On these roads neither a hill, a valley, nor a river should be left. Instead, a bridge should be built across so as not to impede a person fleeing there. This is all implied by **Deuteronomy 19:3**, which states: "You shall prepare the road for yourselves."

The width of the road to the city of refuge should not be less than 32 cubits. Signs stating "Refuge, refuge," should be written at intersections, so that killers would be aware of the way and turn there.

6 Every year, on the fifteenth of Adar, the court would send out emissaries to inspect the roads leading to the cities of refuge. Wherever they found flaws, they would have them repaired. If a court was dilatory regarding this matter, it is considered as if they shed blood.

7 When the cities of refuge were first set aside, they would measure from one city to another to determine whether they were set aside in equal measures. This is also implied by the verse: "You shall prepare the road for yourselves."

8 The cities of refuge that are designated should not be big cities or metropolises, nor should they be small villages. Instead, they should be cities of intermediate size.

They should be located solely in trading places, where water is found. If there is no water near them, water should be diverted toward them. They should located solely in a populated area. If the surrounding populace is reduced, it should be increased. If the number of inhabitants of the city of

refuge decrease, priests, Levites, and Israelites should be brought to live there.

Snares may not be set in such a city, nor may rope traps be set there, so that the blood redeemer will not come there.

9 All of the cities of the Levites serve as a haven; each is a city of refuge. This is indicated by **Numbers 35:6-7**: "And in addition to them, you shall give them 42 cities. All the cities that you shall give the Levites shall be 48 in number." The verse thus established an association between them; all of them serve as havens.

10 What then is the difference between those cities that are set aside as cities of refuge, and the other cities of the Levites?

The cities of refuge serve as havens whether one enters them with the intent of taking refuge or one enters them without that intent; since a killer enters their confines, they serve as a haven for him. The other cities of the Levites serve as a haven only when one enters with that intent in mind.

Also, a killer who lives in a designated city of refuge does not have to pay rent. If, by contrast, he lives in another one of the cities of the Levites, he must pay his landlord rent.

11 Whenever a city serves as a haven, the surrounding area also serves as a haven.

When a tree is standing within the limits of a city of refuge and its leaves extend beyond those limits, once a killer comes below its leaves they serve

as a haven for him. If a tree stands outside the limits and its leaves extend within those limits, as soon as he reaches its trunk it serves as a haven for him. If the blood redeemer kills him there, he should be executed.
Even though the surrounding area of a city serves as a haven, a killer should not dwell there, as [implied by **Numbers 35:25**: "He shall dwell in it," i.e., not in its surrounding area.

Chapter 9

1 The following procedure should be adhered to when the corpse of a slain person is found lying on the earth, and it is not known who struck him. It is left in place. Five elders from the High Court in Jerusalem come and measure from the corpse to the nearby cities, as indicated by **Deuteronomy 21:2**: "And your elders and your judges shall go out and measure...."
Even if the corpse is found right next to a city, or it is clearly obvious that a particular city is closer, it is a mitzvah to measure.

2 After they measure and establish which city is closest, they bury the person who was murdered in the place he was found. The elders from Jerusalem return to their city, and the court of the city that was designated brings a calf paid for by all the inhabitants. They bring the the calf to a river that flows forcefully. This is the meaning of the term *eitan* found in the Torah (**Deuteronomy 21:4** .

3 It should be decapitated there with a cleaver, from behind. The court of that city and all the elders of the city, even if they are 100 in number,

must wash their hands at the place where the calf was decapitated.

There, in the midst of the river, the elders declare in the holy tongue **Deuteronomy 21:7**: "Our hands did not shed this blood, nor did we see this with our eyes." Their intent is that the murdered person did not come into their city and they let him leave without giving him provisions for the way, nor did they see him go and they let him leave without accompaniment.

The priests then say in the Holy Tongue *Ibid.*:8: "Atone for Your nation Israel...." They depart. The Holy One, blessed be He, then forgives the shedding of the blood, as the above verse continues: "And the blood will be atoned."

4 When the judges measure the distance from the corpse to the nearest city, they must measure exactly and not by estimation. They should measure only to a city that has a court of 23 judges.

They should never measure, however, to Jerusalem, for the inhabitants of Jerusalem are never required to bring a calf to be decapitated. For Jerusalem was never divided among the tribes, and the mitzvah of decapitating a calf applies "in the land that God your Lord is giving you to inherit" **Deuteronomy 19:1**.

5 If the corpse is found close to Jerusalem or close to a city that does not have a court, that city should be ignored, and a measurement should be made to the other cities close by.

If the corpse is found close to a border city or to a city inhabited by gentiles, no measurement is made at all. For we presume that the person

was killed by gentiles.

6 The city that is closest to the corpse does not bring the calf unless its population is equal to that of the city that is further away. If, however, the population of the city that is further away exceeds that of the closer city, the number of inhabitants becomes the determining factor, and the more populous city must bring the calf.

7 Although at times the Torah considers number to be a determining factor, and at times proximity to be a determining factor, number carries more weight than proximity.

8 If a corpse is found equidistant between two cities, and both cities have the same number of inhabitants, they should bring a calf in partnership and make the following stipulation: If this city is the closer, the calf belongs to its inhabitants, and the others are giving them their portion in it as a present. And if the other city is closer, the calf belongs to its inhabitants and the others are giving them their portion in it as a present. For it is impossible to be exact in measurement, even with regard to something that comes about as a result of human activity.

9 From which portion of the corpse should we measure? From the nose.
If the body of a corpse is found in one place and the head in another place, the body is brought to the head, and then the corpse is buried in that place. Similarly, whenever a corpse is found with no one to bury it, the body is brought to the head, and then the corpse is buried in that place.

10 If many corpses were found next to each other, a measurement should be made from the nose of each one individually. If one city is discovered to be closest to all of them, it brings one calf for all the corpses.
If the corpses are found piled one on top of the other, we should measure from the top corpse, since it is lying on top of the others.

11 **Deuteronomy 21:1** states: "When a corpse is found...." *Challal*, the term used for corpse indicates a person slain with a sword, and not strangled to death, nor a person in his death throes; these are not implied by the term *challal*.
The verse continues "on the earth" - i.e., not buried in a mound; "fallen" and not hanging from a tree; "in the field" - and not floating on the water. "And it is not known who killed him" - thus, if the murderer's identity is known, a calf was not decapitated.

12 Even if only one witness - or even a servant,a woman, or a person disqualified to serve as a witness because of his transgressions - saw the murderer, the calf would not be decapitated. For this reason, in the later part of the Second Temple Period, when the number of those who murdered overtly increased, the decapitation of the calf was nullified.

13 If one witness says: "I saw the murderer," and another witness disputes his statement, saying: "You did not see him," the calf would be decapitated.
When does the above apply? When the two witnesses came at the same time. If, however, the witness who claims to have seen the murderer came first and testified, his word is believed as would be that of two witnesses in

this context. Therefore, if another witness comes and disputes his testimony, claiming that the first witness did not see the murderer, the words of the second witness are of no consequence, and the calf would not be decapitated.

14 If after the one witness testifies that he saw the murderer, two witnesses come and testify that he did not see him, it is considered as if there are two testimonies of equal weight, disputing each other, and the calf should be decapitated.

If a woman says: "I saw the murderer," and another woman disputes her testimony and says: "You did not see," the calf should be decapitated. This applies regardless of whether the women came together or one after the other.

If two say: "We saw him," and one says, "You did not see him," the calf should not be decapitated. If one says: "I saw him," and two say, "You did not see him," the calf should be decapitated.

15 When does the above apply? When the three witnesses mentioned are either all acceptable or all unacceptable. If, however, one acceptable witness says: "I saw the murderer," and two women or two unacceptable witnesses contradict him and say that he did not see him, the calf should not be decapitated.

16 When two women or two unacceptable witnesses say: "We saw the murderer," and one acceptable witness denies their statements and says that they did not see him, the calf should be decapitated.

Even when 100 women or 100 unacceptable witnesses say: "We saw the murderer", and one acceptable witness denies all their statements, all the unacceptable witnesses are considered as if they were one man, with the weight of a single witness.

17 When three women or three unacceptable witnesses say: "We saw the murderer," and four women or four unacceptable witnesses say: "You did not see him," the calf should be decapitated. This is the guiding principle: With regard to unacceptable witnesses, accept the testimony supported by the most witnesses in all situations.

Chapter 10

1 The law of the decapitated calf is practiced only in *Eretz Yisrael*. It is also practiced in TransJordan.

2 The calf that is decapitated may be two years old or younger. If, however, it is two years and one day old, it is not acceptable. Physical blemishes do not disqualify it. Nevertheless, if it is *taref*, it is unacceptable. For "atonement" is mentioned with regard to it, as it is mentioned with regard to sacrificial offerings.

3 **Deuteronomy 21:3** states: "that has never been worked, and that has never carried a yoke." Accordingly, all types of work disqualify the calf, just as they disqualify a red heifer.

Why is "a yoke" then singled out; seemingly it is included with the other tasks in the expression "that has never been worked"? To teach that a yoke

disqualifies a calf whether or not it carries it while working. If a calf carries a yoke for a distance of a handbreadth, it is disqualified even though it did not plow with it or perform any work. With regard to other tasks, by contrast, they do not disqualify a calf unless work was actually performed.

4 Whenever the calf performs a task for its own benefit, that does not disqualify it; for example, the owner spread his garment over it to protect it from flies. Any task that is not for its own benefit - e.g., the owner spread his garment over it, so that it should carry it - disqualifies it. The same applies in all analogous situations, as we have explained in *Hilchot Parah*.

5 The calf should be decapitated only during the daytime, for "atonement" is mentioned with regard to it, as it is mentioned with regard to sacrificial offerings.

It is acceptable to decapitate it any time during the entire day. Two calves should not be decapitated at the same time, for mitzvot should not be performed in bundles.

6 It is forbidden to benefit from a calf that is decapitated. It should be buried at the place where it was decapitated.

Once it is taken down to the river, benefiting from it becomes forbidden, even though it has not yet been decapitated. Thus, if it dies there or was slaughtered after it was decapitated, one is forbidden to benefit from it, and it should be buried.

7 If, however, the witnesses are found to be lying, it is permitted to benefit

from the calf.

What is implied? One witness testified that he saw the murderer, and two witnesses come and negate his testimony, telling him: "You did not see him." If on this basis, the court set aside a calf and brought it down to the river to decapitate it because of their testimony, and these witnesses were disqualified afterwards as lying witnesses, it is permitted to benefit from the calf.

8 If the murderer was discovered before the calf was decapitated, it should be released and allowed to pasture with the herd. If he was discovered after the calf was decapitated, before it was buried, it should be buried in its place. For at the outset, it was brought because of a doubt. It atoned for this lack of knowledge and served its purpose.

Even when the murderer is discovered after the decapitation of the calf, he should be executed, as **Deuteronomy 21:9** states: "You shall thus rid yourselves of the guilt for the shedding of innocent blood."

9 It is forbidden ever to sow seeds or till the river in which the calf was decapitated, as **Deuteronomy 21:4** states: "that must never be worked or sown." Whoever performs work with the land itself - e.g., he plowed, he dug, he seeded, he planted, or the like - should be punished with lashes.

It is, however, permitted to comb flax there, or to drill stones, for this is similar to weaving a garment there or sewing it there, for these are tasks that are not performed with the land itself. To emphasize this concept, the verse states: "that must never be worked or sown." Implied is that just as sowing involves the land itself, similarly all work that is forbidden there

involves the land itself.

10 When the inhabitants of a city that was closest to a corpse have delayed and have not brought a calf for decapitation, they should be compelled to bring it even though several years have passed. For those who are liable to bring a calf for decapitation remain liable despite the fact that Yom Kippur has passed.

Chapter 11

1 It is a positive commandment for a man to build a guardrail for his roof, as **Deuteronomy 22:8** says: "And you shall make a guardrail for your roof." This applies with regard to a building used as a dwelling. But for a warehouse or a cattle barn and the like, there is no necessity. Similarly, any building that is not four cubits by four cubits does not require a guardrail.

2 A house owned by two partners requires a guardrail. As can be inferred from **Deuteronomy 22:8**: "For one who falls may certainly fall from it," the obligation stems from the fact that one may fall.
If so, why does the verse state "your roof"? To exclude synagogues and houses of study, for they are not intended to serve as dwellings.
If the public domain is higher than a person's roof, he does not need to erect a guardrail, for the phrase "For one who falls may certainly fall from it" implies that the guardrail is intended to prevent people from falling "from the roof," and not onto the roof.

3 The height of a guardrail should not be any less than ten handbreadths, so

that a person who might fall will not fall from it.

A guardrail must be a partition strong enough to enable a person to lean on it without falling.

Anyone who leaves his roof open without a guardrail negates the observance of a positive commandment and violates a negative commandment, as **Deuteronomy 22:8** states: "Do not cause blood to be spilled in your home." The violation of this commandment is not punished by lashes, for it does not involve a deed.

4 This requirement applies to a roof, and similarly, to any place that might present a danger and cause a person to stumble and die. For example, if a person has a well or a cistern in his courtyard, he must erect a sand wall ten handbreadths high around them or make a cover for them, so that a person will not fall in and die.

Similarly, it is a positive mitzvah to remove any obstacle that could pose a danger to life, and to be very careful regarding these matters, as **Deuteronomy 4:9** states: "Beware for yourself; and guard your soul." If a person leaves a dangerous obstacle and does not remove it, he negates the observance of a positive commandment, and violates the negative commandment: "Do not cause blood to be spilled."

5 Our Sages forbade many matters because they involve a threat to life. Whenever a person transgresses these guidelines, saying: "I will risk my life, what does this matter to others," or "I am not careful about these things," he should be punished by stripes for rebelliousness.

6 They include: A person should not place his mouth over a conduit through which water flows and drink. Nor should he drink at night from rivers and lakes, lest he swallow a leech without seeing.
Similarly, a person should not drink water that was left uncovered, lest a snake or other poisonous crawling animal might have drunk from them, and as a result, the person would die.

7 These are the liquids that are forbidden if left uncovered: water, wine - even watered-down wine, or wine whose flavor has begun to change to vinegar - milk, honey, and brine. Other liquids are not forbidden if left uncovered, because venomous animals will not drink from them.

8 When garlic has been crushed or a watermelon cut open and left uncovered, they are forbidden. The same applies in all analogous situations.
The prohibition against drinking uncovered beverages does not apply to wine that has been boiled or to unfermented wine. Unfermented wine refers to wine from the time it was squeezed from the grapes until three days have passed.
Similarly, the prohibition against drinking uncovered beverages does not apply to wine, water or milk that are hot to the extent that vapor arises from them, nor to liquids into which liquid is descending from above drop after drop, providing the liquid continuously descends. For crawling animals fear bubbles and vapor, and will not drink from them.

9 The prohibition against drinking uncovered beverages does not apply to

water used for pickling, cooking food or cooking vetch. Similarly, this prohibition does not apply when pickled foods, cooked foods or vetch have been left to soak in water, if they have changed the taste of the water. If they did not change the taste, the water is forbidden if left uncovered. Similarly, water in which quince and Syrian pears were washed for a sick person is forbidden if left uncovered.

10 The prohibition against drinking uncovered beverages does not apply when sharp tasting substances like pepper, or bitter substances like wormwood are mixed with wine to the extent that its flavor changes. The same applies with regard to other beverages.

11 When a liquid is forbidden if left uncovered, it is forbidden whether it was left uncovered during the day or during the night. This applies even when a person was sleeping beside the liquid. For crawling animals are not afraid of sleeping men.

For how long must a liquid be left uncovered to be forbidden? For as long as it takes for a crawling animal to emerge from under the container, drink, and return to its place.

12 The quantity of water that becomes forbidden if uncovered is an amount in which the venom could remain a distinct entity and cause danger. If, however, there is so much that the venom will be nullified as if it does not exist, the water is permitted. This applies to water contained in utensils or on the ground. The same law applies to other liquids.

13 The prohibition against drinking uncovered beverages does not apply to a

stream that is flowing, even slightly.

When a container of wine is left uncovered in a chest, a bureau or a closet, or in a larger container in a pit that is even 100 cubits deep, in a tower that is 100 cubits high, or in a hall that is ornamented and plastered, it is forbidden.

If the person checked the bureau or the chest and then put the wine there, it is permitted. If there was a hole in the chest, it is forbidden. How large must the hole be? Large enough for a child to insert his small finger.

14 When a jug is left uncovered, a person should not drink from it, although nine people drank from it before him without dying.

An incident occurred, and it was reported that the tenth person who drank from a jug died, because the venom of the snake sank to the bottom of the jug. And there is venom from some crawling animals that rises to the surface of liquids, and other venom that becomes suspended in the middle. Therefore, everything is forbidden. This applies even if one filtered the liquid with a filter.

Similarly, when a watermelon was left uncovered, even if nine people partook of it without dying, a tenth should not partake of it.

15 Water that was left uncovered should not be poured into the public domain, nor should it be used to settle the dust of a home, nor should it be used to mix mortar, nor should it be used to wash one's face, to water one's animal or an animal belonging to a colleague. It may, however, be used to water a cat.

16 When dough has been mixed with water that has been left uncovered, it should be burned. This applies even if the dough was *terumah*. Even if it has been baked, it is forbidden.

Chapter 12

1 When an animal, a beast or a fowl has been bitten by a snake or another poisonous animal, or it ate a poison that could kill a person, and the nature of the poison has not changed in the animal's body, it is forbidden to partake of meat from that animal, because of the deadly danger involved.

For this reason, if an animal, a beast, or a fowl was found with its feet cut off, although it is permitted and it is not considered *taref* because its feet were cut off, it is forbidden because of the possible danger, unless it is checked, because of the possibility that a poisonous crawling animal bit it.

How should such meat be checked? If should be roasted in an oven. If the meat does not break into pieces or react differently from ordinary roasted meat, it is acceptable.

2 Similarly, figs, grapes, zucchini, squash, watermelons and cucumbers that have holes are forbidden, lest a snake or other poisonous animal have bitten them. This applies even if the produce was very large, and regardless of whether it was still growing or detached, even if it was placed within a container, as long as it has moisture, and it is discovered that it was bitten it is forbidden.

Even if one saw a bird or a rat sitting and making holes in the fruit, it is

still forbidden. Perhaps they made the hole in the place of an existing hole.

3 When the stem of a grape or a fig has been removed, the produce is not considered to have been left uncovered. Therefore, a person may eat figs and grapes at night without concern.
A fig that had a hole, but dried to the extent that it can be considered a dried fig, and a date that had a hole and dries, are both permitted.

4 It is forbidden for a person to place coins or *dinarim* in his mouth, lest there be the remnants of dried spittle from a leper or a *metzora*, or sweat on them. For all sweat from a person is like poisonous venom, except sweat from one's face.

5 Similarly, a person should not place the palm of his hand under his armpits, lest his hands have touched a leper or a poisonous substance, for "hands are active."
A person should not place a cooked dish under the couch on which he is reclining, even though he is in the midst of his meal, lest an entity that could harm him fall into the food without his noticing.

6 Similarly, one should not stick a knife into an etrog or into a radish, lest a person fall on its point and die.
Similarly, it is forbidden for a person to pass under a wall that is leaning, or over a shaky bridge or to enter a ruin. Similarly, it is forbidden to enter all other places that are dangerous for these or other reasons.

7 Similarly, it is forbidden for a Jew to enter into privacy with a gentile, for they are suspected of bloodshed. Nor should one accompany gentiles on a journey. If a Jew encounters a gentile on a journey, he should make sure the gentile is at his right.

If they are making an ascent or a descent together, the Jew should be careful that he should be in the higher position and the gentile in the lower position, but not vice versa, lest the gentile fall on him with the intent of killing him. Nor should a Jew bend down before a gentile, lest he crush his skull.

8 If a gentile asks a Jew where he is going, he should give him a misleading answer, as Jacob gave a misleading answer to Esau, as **Genesis 33:14** states: "Until I come to my master, in Seir."

9 It is forbidden to take medication from a gentile, unless there is no hope that the sick person will live. It is forbidden to be healed by a heretic, even if there is no hope that the person will live.

It is permitted to take a medication from a gentile for an animal, or for an external affliction - e.g., a compress or a bandage. If, however, the affliction involves a danger to life, it is forbidden to take medication from them. The general rule is: One should not take medication from a gentile for any affliction for which one may desecrate the Sabbath.

10 It is permitted to ask the opinion of a gentile doctor and follow his directives if he says: "This drug is good for you; you should perform these and these treatments." One should not take the prescription from him

directly.

11 It is forbidden to have one's hair cut by a gentile in a private domain, lest the barber kill him. If the person whose hair is being cut is an important personage, it is permitted, because the gentile will be afraid to kill him.
It is also permitted for a person who creates an impression of being an important personage for a gentile barber, so that he will fear him and not kill him, to have his hair cut by him.

12 It is forbidden to sell gentiles any weaponry. We may not sharpen weapons for them or sell them a knife, chains put on the necks of prisoners, fetters, iron chains, raw Indian iron, bears, lions, or any other object that could cause danger to people at large. One may, however, sell them shields, for these serve only the purpose of defense.

13 Just as it is forbidden to sell such weaponry to a gentile, so too, is it forbidden to sell it to a Jew who will sell it to a gentile.
It is permitted to sell weapons to the soldiers of the country in which one lives, because they defend the Jewish inhabitants of the land.

14 Every article that is forbidden to be sold to a gentile is also forbidden to be sold to a Jewish robber, for by doing so one reinforces a transgressor and causes him to sin.
Similarly, anyone who causes a person who is blind with regard to a certain matter to stumble and gives him improper advice, or who reinforces a transgressor - who is spiritually blind, for he does not see the path of truth, because of the desires of his heart - transgresses a negative

commandment, as **Leviticus 19:14** states: "Do not place an obstacle in front of a blind man." When a person comes to ask advice from you, give him proper counsel.

15 It is forbidden to give good advice to a wicked gentile or servant. It is even forbidden to counsel him to observe a mitzvah if he perseveres in his wickedness. Daniel was subjected to a test solely because he advised Nebuchadnezzar to give charity, as **Daniel 4:24** states: "O King, let my counsel be acceptable to you. Redeem your sins through charity."

Chapter 13

1 When a person encounters a colleague who is on a journey and his animal has fallen under its load, he is commanded to unload the burden from it. This applies whether the animal was carrying a burden appropriate for it, or a burden greater than it could bear.
This is a positive commandment, as **Exodus 23:5** states: "You shall certainly help him."

2 One should not unload the animal and depart, leaving the wayfarer in panic. Instead, one should lift up the animal together with its owner, and reload the animal's burden upon it, as **Deuteronomy 22:4** states: "You shall certainly lift it up." This is another positive commandment.
If one leaves the wayfarer in panic without either unloading or reloading, one has negated the observance of a positive commandment and violated a negative commandment, as Deuteronomy, *ibid.* states: "You shall not see

the donkey of your brother... and conceal yourself...."

3 When a priest sees an animal fallen in a cemetery, he should not contract ritual impurity to unload and reload it, just as he does not contract ritual impurity to return a lost article.
Similarly, if he is an elder, whose practice is not to unload and load animals, since this is beneath his dignity he is not liable.

4 This is the general principle: If the animal were his own and he would unload and reload it, he is obligated to unload and reload it for a colleague.
If he is pious and goes beyond the measure of the law, even if he is a great *nasi*, and sees an animal belonging to a colleague fallen under a load of straw, reeds or the like, he should unload and load it with its owner.

5 If one unloaded and reloaded the animal, and it fell again, one is obligated to unload and reload it another time, indeed even 100 times, This is indicated by the verbs עזוב תעזוב and הקם תקים in the proof-texts cited above.
For this reason, one must accompany the animal for a *parsah*, unless the owner of the burden says that it is not necessary.

6 When does one become obligated to unload and reload together with its owner? When he sees the fallen animal in a way that can be described as an encounter. For **Exodus 23:5** states "When you see your colleague's donkey..." and the previous verse states: "When you encounter...."
How far a distance is implied? Our Sages determined it as being a distance

of 266 2/3 cubits - i.e., 1/7.5 of a *mil*. If a person was further away from a fallen animal, he is not obligated.

7 It is a mitzvah from the Torah to unload an animal without charge. Loading it, however, is a mitzvah for which one may charge. Similarly, for the time when one accompanies the animal for a *parsah*, one may receive payment.

8 If one finds an animal belonging to a colleague fallen under its load, it is a mitzvah to unload and reload it even if its owner is not present, for "You shall certainly help" and "You shall certainly lift up..." implies that one must fulfill these mitzvot in all situations.

If so, why does the Torah say "together with him" i.e., the animal's owner? To teach that if the owner of the animal was there and goes off to the side, telling the passerby, "Since you have a mitzvah, if you would like to unload it yourself, unload it," the passerby is not obligated. This is implied by "together with him."

If the owner of the animal was old or ailing, the passerby is obligated to load and unload the animal by himself.

9 The following rules apply when the animal [that has fallen is owned by a gentile, but the burden it is carrying is owned by a Jew. If the gentile is the one driving his donkey, one is not obligated toward him. If not, one is obligated to unload and reload it because of the distress suffered by the Jew.

Similarly, if the animal that has fallen is owned by a Jew, but the burden it

is carrying is owned by a gentile, one is obligated to unload and reload it because of the distress suffered by the Jew.
When, however, both the animal and the burden are owned by a gentile, a passerby is not obligated to concern himself with the animal, unless there is the possibility that animosity will be aroused.

10 When the legs of a donkey owned by one of the donkey drivers in a caravan are shaky, his colleagues may not proceed and pass before him. If it falls, the other donkey drivers may pass him.

11 If one donkey was laden with a burden, and another was carrying a rider, and the way became too narrow for both of them, the rider must move to the side to allow the laden donkey to proceed.
If one donkey was laden with a burden, and another was burden-less, the burden-less one must move to the side to allow the laden donkey to proceed. If one was carrying a rider, and another was burden-less, the burden-less one must move to the side to allow the donkey carrying a rider to proceed.
if both are laden with burdens, carrying riders or burden-less, the owners should negotiate a compromise.

12 Similarly, there are criteria laid down when two ships that are passing through the same straits confront each other, and if they both try to pass at the same time they would sink, but they could pass one by one, or when two camels that are climbing a high pass confront each other, and if they both try to pass at the same time they would fall, but they could pass

one by one.

What should they do? If one was carrying cargo, and another was burden-less, the burden-less one should move to the side in favor of the one that was carrying cargo. If one was close to the port or city from which it set out and one was further removed, the one that was closer should move to the side in favor of the one that was further removed.

If they are both far removed, both close or both laden with cargo, and they both share the same difficulty, they should come to a compromise and reach a financial settlement between themselves. With regard to such situations, it is said **Leviticus 19:15**: "Judge your colleague with righteousness."

13 When a person encounters two individuals: one whose donkey is fallen under its load and one with a donkey whose burden has been unloaded, but who cannot find anyone to help him reload it, it is a mitzvah to unload the fallen donkey first, because of the discomfort suffered by the animal. Afterwards, he should reload the other animal.

When does the above apply? When the two people he encounters are both friends or both enemies. If, however, the one whose donkey must be reloaded is an enemy and the other is a friend, it is a mitzvah for the passerby to reload his enemy's donkey first, in order to subjugate his evil inclination.

14 The enemy mentioned in the Torah is not a gentile, but rather a Jew.

One might ask: How is it possible for one Jew to hate another? Is it not written **Leviticus 19:17**: "Do not hate your brother in your heart"?

Our Sages explained that this is referring to a person who while alone sees a colleague violate a transgression and rebukes him, but the colleague did not cease transgressing. In such an instance, it is a mitzvah to hate the person until he repents and abandons his wickedness.

Even if he did not repent yet, if one sees him in panic because of his cargo, it is a mitzvah to unload and reload with him, instead of leaving him inclined toward death, lest he tarry because of his money and be brought to danger. For the Torah showed concern for the lives of the Jewish people, both the wicked and the righteous, for they are attached to God and believe in the fundamentals of our faith. And **Ezekiel 33:11** states: "Say to them, 'As I live,' says God, the Lord, 'Do I desire the death of a wicked man? I desire that the wicked return from his path and live.'

Blessed be God who grants assistance.

With the help of the Almighty, the eleventh book has been completed.

The number of chapters in this book are 62.

Hilchot Nizkei Mammon has 14 chapters.

Hilchot Geneivah has 9 chapters.

Hilchot Gezelah Va'Avedah has 18 chapters.

Hilchot Chovel UMazik has 8 chapters.

Hilchot Rotzeach USh'mirat HaNefesh has 13 chapters.

Mishneh Torah, Sales

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 An article is not acquired merely through a verbal agreement. This applies even when witnesses testify that the principals have reached an agreement. What is implied? A person says: "I am selling you this house," "I am selling you this wine," or "I am selling you this servant," and a price is fixed. The purchaser agrees and says: "I have purchased it," the seller says: "I have sold it," and they tell witnesses: "Serve as witnesses that so and so has sold and so and so has purchased", their words are of no consequence. It is as if they had never spoken to each other at all. The same applies with regard to a person who gives a gift and its recipient.

2 If, however, the purchase is completed through one of the media by which property is transferred, the purchaser acquires the object. There is no need for witnesses; neither the seller or the purchaser may retract.

3 How is an acquisition made? Landed property can be acquired in one of three ways: a) through the transfer of money, b) through the transfer of a deed of sale, or c) through *chazakah* (manifesting one's ownership).

4 How is property acquired through the transfer of money? If one person sold another person a house or a field, and the purchaser gave him the money agreed upon, he acquires it. When does the above apply? In a place where it is not customary to write a deed of sale. In a place where it is

customary to write a deed of sale, however, the purchaser does not acquire the property until a deed is composed.
Landed property cannot be acquired for less than a *p'rutah's* worth.

5 If the purchaser makes the following stipulation: "If I desire, I will acquire it through the transfer of money, or if I desire I will acquire it through the transfer of a deed of sale," and gives money on the basis of this stipulation, it is established as a binding condition. Once the money has been paid, the seller cannot retract, because of the stipulation. The purchaser can, however, retract until the deed of sale is written.
Similar laws apply if the seller makes such a condition.

6 When a person tells a colleague: "Give so and so a *maneh* and you will acquire my house," once the colleague makes the payment, he acquires the house. This is an extension of the laws applying to a guarantor.

7 How is property acquired through the transfer of a deed of sale? The seller writes for the purchaser on a piece of paper, on a shard or on a leaf. "My field is given to you," or "My field is sold to you." Once the deed reaches the purchaser's hand, he acquires the field, even though there are no witnesses at all, and despite the fact that the document itself is of no financial value. When does the above apply? When a person sells his field because it is undesirable. With regard to other landed property, by contrast, even though the deed of sale reaches the purchaser's hand and is signed by witnesses, the purchaser does not acquire the property until he pays its price.

8 How is property acquired through the manifestation of ownership? If a person sold a colleague a house or a field or gave him such properties as a gift, the purchaser or the recipient acquires the property when he locks the entrance to the property, encloses the property with even the slightest portion of a fence or breaks through even the slightest portion of one of the walls surrounding the property, provided his deeds bring him benefit. When does the above apply? When the person manifests his ownership in the presence of the seller or the one who gives the gift. If, however, he does so outside the presence of the seller or the one who gives the gift, the seller or the giver must tell him: "Go, manifest possession over it and acquire it." If this statement is made, and afterwards the purchaser or the recipient manifests possession, he acquires the property even if he acts outside the presence of the previous owner.

9 When a person sells a house to a colleague and gives him the key, it is as if he told him: "Go, manifest possession over it and acquire it." Similarly, if a person sells a colleague a cistern, once he gives him its bucket it is as if he told him: "Go, manifest possession over it and acquire it." When he manifests his possession, he acquires it.

10 What is meant by saying that one who locks a property acquires it? For example, when a person sells a house or a courtyard whose entrance was open, and the purchaser locked the entrance and then opened it; the purchaser is considered to have acquired it, for he used it in a way that brings benefit.

11 What is meant by saying that one who encloses the property with even the slightest portion of a fence acquires it? For example, there was a fence that people could climb over easily, and the purchaser added a small portion to its height, making it ten handbreadths high thus causing it to be difficult to climb over. His deeds are of benefit and he acquires the property.
Similarly, if there was an opening in the fence that allowed people to enter only with difficulty, and the purchaser widened it even slightly, allowing people to enter easily, his deeds are of benefit and he acquires the property.

12 If the purchaser placed down a rock in a way that causes benefit - e.g., he completed an irrigation channel that brought water to the field - or he removed a rock in a way that causes benefit - e.g., he opened a dammed irrigation ditch and let water flow into the field - he acquires it. The same applies in all analogous situations.

13 The following rules apply when a person sells a colleague a field that is located next to one of that colleague's fields, or gives him such a field as a gift. Once the colleague breaks down the partition that separates the two fields from each other and makes them one large field, he acquires it.
If, however, he merely walks the length and breadth of the new property, this walking serves no benefit and it therefore does not serve as a manifestation of his ownership. When he sells him a path for vineyards, however, the purchaser does acquire it by walking, for that is its purpose.

14 How wide is the path that a person acquires by walking? If it is defined by barriers, he acquires an area at least large enough to enable him to lift one

foot up and place the other next to it. If it is not defined by barriers, he acquires a width sufficient to allow him to walk carrying a package of twigs on his head and turn around with it.

15 If the property being sold is a rocky patch that cannot be enclosed with a fence and an entrance, nor can it be sowed, the way in which a person manifests his ownership and acquires it is to spread produce upon it, to have an animal stand there, or to use it in another way.

16 When a person sells a field to a colleague, and the colleague enters and sows it, plows it and leaves it fallow, collects its produce, prunes it or the like, he acquires it, for he has manifested his ownership. Neither of them may retract.

Similarly, if the seller collects a basket of produce and gives it to the purchaser, the purchaser acquires the field. This is considered manifestation of ownership, for the seller revealed his intent of transferring ownership of the field to the purchaser in an outright way, so that its produce would be his.

17 A gentile cannot acquire property by manifesting his ownership over it. He can acquire a property only through the transfer of a legal document after money has been paid. A Jew who comes on account of a gentile is considered like a gentile and can acquire property only through the transfer of a legal document.

Any entity that is attached to landed property is considered like landed property and can be acquired through the transfer of money, the transfer

of a deed of sale or through *chazakah.*

If, however, the produce no longer needs the nurture of the land - e.g., grapes that are ready to be picked - it is considered movable property with regard to the laws of acquisition. And like movable property, the laws of deception apply with regard to their sale.

18 Just as landed property itself is acquired through the transfer of money, the transfer of a deed of sale or *chazakah,* so too, the rental of land is finalized through the transfer of money alone, the transfer of a deed of sale alone, or *chazakah,* and neither party can retract.

19 When a person sells a colleague ten fields in ten different countries, the purchaser acquires them all by manifesting his ownership over one of them. Even if one of the fields was located on a high mountain and another in a valley - and thus the manner in which one is tilled differs from the other -nevertheless, by manifesting his ownership over one of them, the purchaser acquires them all.

20 When does the above apply? When he pays for all of them. If, however, he does not pay for all of them, he acquires only a measure of property equal to the money that he pays. Therefore, if all the fields were given as a gift, he acquires them all.

Similarly, with regard to the rental of landed property, if a person manifests ownership over one of the properties he is renting, he acquires them all for the entire duration of the rental period.

If a person is purchasing some properties and renting others, once he

manifests his ownership over one property, whether that property be purchased or rented, he acquires them all.

Chapter 2

1 A Canaanite servant is considered as landed property with regard to the laws of acquisition, and can be acquired through the transfer of money and a deed of sale, or through *chazakah.*

2 What manifestation of ownership is effective in acquiring a servant? Making use of him as one makes use of a servant in the presence of his previous master.

What is implied? If the servant unties his new master's shoe, puts on his shoe, carries his articles to the bathhouse, undresses him, anoints him, combs his skin, dresses him or lifts him up, the master acquires the servant.

Similarly, if the master lifts up the servant, he acquires him.

3 If the new owner pushes the servant and brings him close to him, he acquires him, for a Canaanite servant can be acquired through *meshichah* in this manner. If, however, he called the servant and he came to him, or the servant's previous owner told him to go to the purchaser, and he followed those instructions, the new owner does not acquire him until he pushes him or until he makes use of him in the manner described above.

If the new owner manifests his ownership over the servant outside the presence of the previous owner, the previous owner must tell him: "Go,

manifest your ownership and acquire him" for the *kinyan* to be effective.

4 A servant below the age of majority is considered like an animal and can be acquired through both the processes by which an animal is acquired and those by which servants are acquired. Therefore, he can be acquired by *meshichah* even though the new owner did not push him.

5 Livestock, whether light or heavy, can be acquired through *meshichah.* When lifting an animal is possible, it need not be lifted, because it may receive a blow when placed back on the earth. If a person lifts it up, he acquires it.

Lifting up an object serves as a *kinyan* in all places, while *meshichah* is effective as a *kinyan* only in a corner off the public domain, or in a courtyard whose ownership the buyer and the seller both share. *Meshichah* is not effective as a *kinyan* in the public domain or in a courtyard whose ownership is not shared by both the seller and the purchaser.

6 How is an animal acquired through *meshichah*? Needless to say, the transaction is completed if the purchaser pulls the animal and it walks after him, or he rides upon it and causes it to walk. The transaction is effective even if he calls it and it comes, or he swats it with a stick and causes it to run. When the animal lifts both a forefoot and a hind foot, the purchaser acquires it.

The above applies provided the purchaser performs *meshichah* in the presence of the previous owner. If he performs *meshichah* outside the presence of the previous owner, that person must tell the purchaser before

he performs *meshichah,* "Go, perform *meshichah* and acquire it."

7 When a person sells a herd to a colleague or gives it to him as a gift, if he gives him the *mashkuchit* - i.e., the animal that leads the herd, that all the others follow - he does not have to tell him, "Perform *meshichah* and acquire it." For giving him this animal is tantamount to saying: "Go, perform *meshichah* and acquire it." Thus, once the purchaser or the recipient performs *meshichah* with the herd, he acquires it, even if he performs *meshichah* outside the presence of the previous owner.

8 When a person tells a purchaser or a recipient of a gift: "Perform *meshichah* over an animal and then you will acquire it," or "Perform *chazakah* over property and then you will acquire it," he does not acquire it if he performs *meshichah* or *chazakah.* For the expression "you will acquire it" is in the future tense and implies that he has not transferred ownership to him yet.

Instead, the seller or the giver of the gift must say: "Go, perform *chazakah* and acquire it," "Go, perform *meshichah* and acquire it," or the like, using an expression that implies that he will acquire it at the time he performs *meshichah* or *chazakah.*

9 When a person tells a colleague: "Perform *meshichah* with an animal and you will acquire it after 30 days," and he performs *meshichah,* he does not acquire it.

If he told him "...acquire it now and after 30 days," he acquires it, even if it is standing in a swamp on the thirtieth day. For this resembles a

situation in which an acquisition was made in the present, conditional on a stipulation, in which instance, when the stipulation is met, the transaction becomes effective.
Whenever a person uses the expression "with the intent that...," it is as if he said that the transaction would take effect from the present.

10 The following rules apply when a person sells an animal to a purchaser or gives it as a gift and tells the purchaser or the recipient: "Acquire it in the manner in which people normally acquire it." If he performs *meshichah* or *hagbahah,* he acquires it. If, however, he rides upon it a distinction is made: If this is done in the field, he acquires it. If it is done in the city, he does not acquire it, for it is not common for people to ride in a city.
For this reason, if the purchaser or recipient is an important person - who is accustomed to riding in a city, a very base person - who is not concerned about riding through the city, e.g., a person who raises animals or servants, or a woman, or if the animal is in the public domain where many walk, it can be acquired by riding, provided the rider causes the animal to proceed.

Chapter 3

1 According to Scriptural Law, both livestock and other movable property are acquired by the payment of money. Once the purchaser pays money, neither he nor the seller can retract. Our Sages, however, ordained that movable property should be acquired only through lifting up the article *(hagbahah)* or pulling *(meshichah)* an article that is not commonly lifted

up.

2 What is implied? When a person gathers together a heavy load of wood, flax or the like that cannot be lifted up, this load cannot be acquired through *meshichah,* for it can be unbound, and each individual piece of wood can be lifted up. The same principle applies in other similar situations.

In contrast, a large load of nuts, peppers, almonds or the like that no one person could lift up, can be acquired through *meshichah.* For if one untied the load and separated it, lifting each individual item would involve great difficulty. The same principle applies in other similar situations.

3 With regard to a ship: since it is impossible to lift it up, and it is very difficult to pull it - this is possible only when many are involved - our Sages did not require *meshichah.* Rather, they ruled that it can be acquired through being handed over *(mesirah).* The same principles apply in all similar situations.

If the seller tells the purchaser, "Go, perform *meshichah* and acquire the ship," the ship cannot be acquired until one pulls it after oneself, shifting its position entirely, moving it from the place where it had been resting. For the seller had specified that it be acquired solely through *meshichah*.

4 From the above, one may conclude that a person who purchases movable property may retract, even though he has paid for his purchase. Similarly, the seller can retract until the purchaser lifts up the object of sale or performs *meshichah* on an article that is not usually lifted up, or the seller

gives the purchaser an article that is not usually pulled.

When, however, the purchaser lifts up the object of sale, performs *meshichah* on an article that is not usually lifted up, or is given an article that is that is not usually pulled, he acquires it. Neither party can retract, and the purchaser is compelled to pay if he has not done so already.

5 Why did our Sages make such an ordinance with regard to movable property? This is a decree, enacted lest a purchaser pay for an article and before he takes possession of it, it be destroyed by factors beyond his control - e.g., a fire breaks out and burns it, or thieves come and take it. If the article is considered as in the possession of the purchaser, the seller may hesitate and not endeavor to save it.

For this reason, our Sages ordained that the article remain within the possession of the seller, so that he will attempt to save it. For if it is destroyed, he is obligated to pay.

6 Thus, if a purchaser paid for an article and it was destroyed by forces beyond his control before he took it, the purchaser may tell the seller: "Give me the article I purchased or return my money." Even though there are witnesses who saw that the article was destroyed by forces beyond control, the seller could not save it, and he was not lazy regarding the matter, the seller must return the money. For our Sages ordained that a *kinyan* is finalized through *meshichah.*

For this reason, if the purchaser owned the house in which the article that was sold was held, and he was renting it to the seller, our Sages did not ordain that the article must be acquired through *meshichah.* For the article

that was sold is in the domain of the purchaser. In this instance, once he pays the money, the sale is concluded, and neither can retract.

7 Similarly, if a person rented the place where the movable property that was sold was stored, he acquires the movable property, and neither can retract, even though he did not lift up the object of sale, perform *meshichah* on it or have it given him. For the object has entered his domain. As we have already explained, the rental of landed property is finalized through the transfer of money, the transfer of a rental contract or through *chazakah.*

8 When a person transfers ownership of landed property and movable property simultaneously, once the purchaser or the recipient acquires the landed property through the transfer of money, the transfer of a deed of sale or through a *chazakah,* he acquires the movable property together with it.

This applies whether he sold both types of property, gave them both as gifts, sold the movable property and gave the landed property as a gift or sold the landed property and gave the movable property as a gift. When the purchaser or the recipient acquires the landed property, he acquires the movable property.

9 When does the above apply? When the movable property was collected within the landed property. If, however, it was in another place, it is necessary for the seller to tell the purchaser: "Acquire the movable property by virtue of your acquisition of the immovable property."

Even when the movable property is in another country, and the seller tells

the purchaser: "Acquire the movable property by virtue of your acquisition of this landed property," once the purchaser acquires the landed property, he acquires the movable property together with it, even though the movable property was not collected within the landed property.

If the seller did not tell the purchaser: "Acquire the movable property by virtue of your acquisition of this landed property," the purchaser does not acquire the movable property.

Even the smallest amount of landed property is sufficient to be used to acquire any movable property one desires by virtue of its acquisition.

10 Different rules apply when a person transfers ownership of a field to one person and movable property to another person, even though he tells the latter: "Acquire the movable property by virtue of your colleague's acquisition of this landed property."

Although the recipient manifests ownership over the landed property, the other does not acquire the movable property. If, however, this person seizes possession of it after the seller desires to retract, it should not be removed from his possession, for he took possession of it after his colleague acquired the landed property by virtue of whose acquisition this movable property was to be acquired.

11 When a person desires to transfer ownership over servants and landed property at the same time, although he manifests ownership over the servants, he does not acquire the landed property. Similarly, although he manifests ownership over the landed property, he does not acquire the

servants unless they are standing within the landed property. Even though the seller tells the purchaser: "Acquire the servants by virtue of your acquisition of this landed property," the purchaser does not acquire the servants unless the servants are within the landed property. The rationale is that a servant goes from place to place on his own volition.

12 When a person transfers ownership of servants and movable property at the same time, the purchaser does not acquire the servants by performing *meshichah* on the movable property. If he manifested his ownership over the servants, he did not acquire the movable property, unless the servant was carrying the movable property. Moreover, the servant must be bound, so that he cannot walk.

13 The following laws apply when a person transfers ownership of both an animal and the articles it was bearing at the same time. Although he performs *meshichah* of the animal and acquires it - he does not acquire the articles it was bearing until he lifts up or performs *meshichah* on the articles themselves, if it is not customary to lift them up. The rationale is that an animal is like a walking courtyard, and thus, what it bears is not acquired by its owner. Therefore, if the animal was bound, by performing *meshichah* on it, one also acquires the articles it was bearing.

14 When the seller tells the purchaser, "Perform *meshichah* over this animal in order to acquire the articles on it," since he does not transfer ownership of the animal itself - even if the purchaser performs *meshichah* on the animal while it is bound - he does not acquire the articles on it, unless he

performs *meshichah* on those articles themselves.

15 The following rules apply when a flowerpot with a hole was owned by one person, and the plants growing in it by another person. If the ownership of the flowerpot was transferred to the owner of the plants, he acquires it when he performs *meshichah*. If the ownership of the plants was transferred to the owner of the flowerpot, he does not acquire it until he manifests his ownership over the plants themselves.

16 The following rules apply when both a flowerpot with a hole and the plants growing in it were owned by one person, and he desired to transfer ownership of the entire entity to another person. If that person manifests his ownership over the flowerpot with the intent of acquiring the plants, he does not even acquire the flowerpot. If he manifests his ownership over the plants with the intent of acquiring both them and the flowerpot, he acquires the flowerpot.

This is implied by the teaching: Property that is not on lien to the seller's obligations can be acquired together with property that is on lien to the seller's obligations. For the plants in the flowerpot with a hole are considered as if they are planted in the earth. And whenever an entity is attached to the ground, it is considered to be landed property, as we have explained.

17 As we have already explained, produce that is ready to be harvested is considered as though it has already been harvested, and can be acquired only through *hagbahah* or other procedures by which movable property is

acquired.

18 The following laws apply when flax is attached to the earth, but is dry and no longer needs the nurture of the earth. If the owner tells another person: "Clean the smallest portion of this land for me, and acquire it as a rental property together with all the flax on the entire surrounding field, once he uproots even the slightest amount, the renter acquires the entire quantity, on the basis of this stipulation.

If, however, the original owner transferred ownership over the flax through a sale or a gift, the recipient acquires only what he uproots, for that is what he has lifted up. The same principles apply in other analogous situations.

Chapter 4

1 Containers owned by a person can acquire articles on his behalf wherever he has permission to place them down. Once movable property enters this container, neither can retract; it is as if the article were lifted up or placed in his home.

Therefore, a person's containers cannot acquire articles on his behalf in the public domain or in a domain belonging to the seller unless the seller tells him, "Go, acquire the article with this container."

Similarly, if the purchaser first acquired the container and lifted it up, and afterwards placed it down in the domain of the seller and bought produce from him, once the produce is placed in this container, he acquires it. Since the seller derives satisfaction from selling the container, he does not

object to the container being placed in his domain.

2 Just as containers belonging to the purchaser do not acquire articles for him when placed in the seller's domain, so too, containers belonging to the seller do not acquire articles for the purchaser even when they are within the purchaser's domain.

3 *Mesirah* may be used to acquire an article only in the public domain, or in a courtyard that is not owned by either the seller or the purchaser. *Meshichah* may be used to acquire an article only in a corner off the public domain or in a courtyard that is owned jointly by the seller and the purchaser. *Hagbahah* may be used to acquire an article in any place.

4 The following rule applies when an article that could be acquired through *meshichah* is located in the public domain, and is drawn by the purchaser into his own domain or into a corner of the public domain. As soon as he removes a portion of the article from the public domain, he acquires it.

5 When there is a load of produce in the public domain and, after having established a price, the purchaser draws it into his own domain or into a corner of the public domain he acquires it, even if he has not measured it. Similarly, if, while in the public domain, the purchaser measures produce that he purchases, he acquires it, item by item, for as he measures it, he is lifting it up.

6 If, by contrast, the seller measures the produce into containers belonging to the purchaser, the purchaser does not acquire it. For a purchaser's

containers cannot acquire on his behalf in the public domain.

If the produce is located in a domain belonging to the purchaser, once the seller agrees to sell the produce, the purchaser acquires it, even if he does not measure it.

If the produce is located in a domain belonging to the seller, or in a domain belonging to a person to whom the seller has entrusted it, the purchaser does not acquire the produce until he lifts it up, or until he removes it from the seller's domain by renting its place, or the like, as we have explained.

7 The following rules apply when the produce is located in a corner of the public domain or in a domain belonging to both the seller and the purchaser -or even if it is in a domain belonging to the purchaser, but in containers belonging to the seller- and the seller agreed to sell the produce, and has begun to measure it into containers belong to the seller. If the seller tells the purchaser: "I will sell you a *kor* of produce for 30 sela," he can retract even at the last *se'ah,* because the produce is in his containers, and he has not completed the measurement. For the containers belonging to a seller do not acquire for a purchaser, even in the purchaser's domain.

If he told him: "I will sell you a *kor* of produce for 30 *sela,* i.e., each *se'ah* for a *sela*" the purchaser acquires each *se'ah,* one by one as it is measured.For since the seller mentioned the price for each individual *se'ah,* each of those units is a distinct entity. Whenever the seller lifts up a *se'ah* and pours it into the measure, the sale of this unit is concluded.

The rationale for this law is that the produce is not located in a domain

belonging to the seller, nor is it in the public domain. If the produce was not held in the containers of the seller, the purchaser would acquire it once a price was agreed upon, since it is located in his domain even though it had not been measured, as has been explained in the previous halachah.

8 Similar rules apply when a person sells wine or oil to a colleague in a corner of the public domain or in a courtyard belonging to both the seller and the purchaser, or in a domain belonging to the purchaser, and the measure belongs to the broker. Before the measure is filled, the liquid remains the seller's. Once the measure is filled, the liquid becomes the purchaser's. Neither of them can retract.

9 Similar rules apply if produce is held in a corner of the public domain or in a courtyard belonging to both the seller and the purchaser, the measuring container does not belong to either of them, and the seller was measuring. Before the measure is filled, it remains in the possession of the seller. Once the measure is filled, however, it becomes the purchaser's.

10 The following rules apply when the measure belongs to either the purchaser or the seller, and it has marks indicating the halfway point, thirds, quarters and the like. Once the produce reaches one of those markings, that portion is acquired even though the entire measure has not been filled. For every marking is considered to be a measure in its own right. For the measure belongs to one of them, and he relies on its markings.

11 Maintain awareness of this significant general principle: When a person acquires movable property, he acquires it, if he establishes the price and afterwards lifts up the article. If first he lifts it up and puts it down, and then a price is established afterwards, he does not acquire it because he lifted it up at the outset. Instead, it is only when he lifts it up after a price is established, or performs *meshichah* on an object that is not ordinarily lifted up.

12 When an object that has a standard and known price is sold, and the purchaser lifts it up, he acquires it, even though he and the seller agree on the price only after he lifts it up. Similarly, with regard to other means through which movable property is acquired. The acquisition must be made after the price of the article is established, unless there is a standard price for the article, as has been explained.

13 For this reason, the following rules apply if a person draws donkey-drivers and the produce their beasts are carrying and porters bearing containers filled with produce into his home. If the produce is measured before a price is established - even if the purchaser is the one who measures - or they established the price and then the seller measures the produce, both the seller and purchaser are entitled to retract. Different rules apply if the purchaser unloaded the produce and brought it into his home. If a price was established and then the seller measured, neither can retract. For the seller had made a commitment to sell. If he measured before a price was established, both can retract, because he has not made a commitment to sell. This applies even if the purchaser measures.

14 The following rules apply if a person takes utensils from a craftsman in order to inspect them to see whether he will purchase them. If they have a fixed price, and they are destroyed by forces beyond his control while in his possession, he is responsible for their value. The rationale is that since they are of a fixed value, they are considered to have entered his domain at the time he lifted them up.

The above applies under two conditions: a) he lifts the utensil up with the intent of acquiring it in its entirety, and b) the article being sold would be appreciated by a purchaser.

When, however, the seller is repelled by an article and seeks - and indeed pursues - an opportunity to sell it, it remains in the domain of the seller until a price is established and the purchaser lifts it up afterwards.

15 All the above rules apply whether the purchaser himself performs *meshichah* on an object, lifts it up or manifests ownership over it, or tells another person to lift it up, perform *meshichah* or manifest ownership. The other person acquires for the purchaser. This also applies with regard to other acts of acquisition.

Chapter 5

1 The exchange of any movable property brings about a binding transaction. What is implied? If a person exchanges a cow for a donkey, or wine for oil, once one performs *meshichah* or lifts up the article that he intends to acquire, the other person acquires the second form of movable property stipulated in the exchange, wherever it is located. It is considered

to have entered his domain, even though he has not performed *meshichah* upon it.

The above applies although both parties to the transaction are particular about the price, have determined how much this article is worth and how much the other article is worth, and exchanged them after making that determination.

2 When a person exchanges a donkey for a cow and a lamb, if he performs *meshichah* on the cow but not on the lamb, the acquisition is not concluded, for he did not complete the *meshichah.* The same principle applies in all analogous situations.

3 When one is not precise about the amount of money involved in a transaction, the money is considered in the same way as other types of movable property, and its exchange brings about a binding transaction.

What is implied? A person scooped up coins without weighing them or counting them, but rather took an estimated amount, said: "Sell me your cow...," or "...this wine, for these coins," and gave him the coins, the transaction is completed; neither party may retract. Since this is an uncommon situation, our Sages did not require the purchaser to perform *meshichah.*

4 Similarly, movable property can be acquired without *meshichah* in the following situation. Reuven sold movable property to Shimon for 50 *zuz*. Shimon acquired the movable property and obligated himself to pay Reuven the price agreed upon. After Shimon became obligated to Reuven

for these 50 *zuz,* he desired to sell wine, an animal, a servant or other similar movable property. Reuven told him: "Sell that object to me for the 50 *zuz* that you owe me for the sale," and Shimon agreed.

Reuven acquires the movable property regardless of where it is located, even though he neither performed *meshichah* nor lifted the object up. The rationale is that this also is an abnormal circumstance, and our Sages did not require *meshichah.*

When, by contrast, a person is in debt for reasons other than a sale, and his creditor tells him: "Sell me the movable property for the debt that you owe me," even though both agree, the transaction is not completed until he lifts up the object, performs *meshichah* on an object that is not usually lifted up, or acquires it through other means by which movable property can be acquired.

5 Landed property, servants, livestock and all other movable property can be acquired through the *kinyan* referred to as *chalifin.* This way of finalizing a transaction is so commonly used that it is also referred to as *kinyan.*

The fundamental manner in which such a transaction is effected is as follows: The purchaser gives the seller any type of article and tells him: "Acquire this article in exchange for the courtyard,..." "...wine,..." "...animal,..."or "...servant that you sold me in exchange for this and this amount of money."

Once this statement is made, when the seller lifts up the article and acquires it, the purchaser acquires that landed property or that movable property even though he did not perform *meshichah* or pay the money. Neither of the parties involved can retract.

6 Such a transaction may be completed only through the use of a utensil. A utensil is effective, however, even if it is not worth a *p'rutah.*
Such a transaction may not be completed using an article from which it is forbidden to benefit, nor with produce, nor with a coin.
Such a transaction may not be completed using an article belonging to the seller; only one belonging to the purchaser.

7 When a third party transfers a utensil to the seller so that the purchaser will acquire merchandise that was designated, the purchaser acquires it.
Even though he transfers the utensil to him with the intent that it be returned, the transaction is binding, and the purchaser acquires the merchandise intended. For a gift that is given with the stipulation that it be returned is nevertheless considered a gift.
Moreover, even if the seller does not take hold of the entire utensil that was transferred to him in exchange for his merchandise, but rather holds a portion of it, and the person transferring the utensil to him holds the other portion, the purchaser acquires the merchandise, provided [the seller] holds a portion of the utensil that can itself be considered to be a utensil, or grabs it in a manner in which he would be able to pull the entire utensil from the hands of the person transferring it into his own possession.
Therefore, if the person transferred a portion of a garment to a seller, the seller must hold a portion of the garment the size of three fingerbreadths. Thus, if he cuts off the portion that he is holding, it would be considered a utensil in its own right. For a portion of a garment the size of three fingerbreadths is considered a garment, as has been explained with regard

to the subject of the ritual impurity of garments. Similarly, if the seller holds on to a portion smaller than three fingerbreadths but could pull the entire garment into his possession, the purchaser acquires the merchandise being sold.

8 The above concepts are reflected in the expression used in legal documents: "And we performed a *kinyan* with so and so with a utensil that is acceptable to be used to conduct a transaction."
"A utensil" excludes produce and the like. "That is acceptable" excludes objects from which it is forbidden to benefit. And "to be used to conduct a transaction" excludes a utensil belonging to the seller.

9 This transaction need not be performed in the presence of witnesses. Instead, even if it was performed only in the presence of the seller and the purchaser, the transaction is finalized. For the only reason the Torah required witnesses with regard to monetary laws is to prevent a person from denying what transpired.
A seller, one who gives a gift, rents out an object, lends an object or the like does not require witnesses. Whenever the second party finalizes the transaction through one of the accepted practices - lifting the article up, *meshichah,* transferring it, *chalifin,* the payment of money, the transfer of a legal document or through manifesting ownership - the transaction is concluded, even when there are no witnesses present.

10 Although a person who sells or gives an article confirms the transaction with a *kinyan chalifin,* both of them may retract as long as they are

discussing the matter. This applies even when the *kinyan* was performed in the presence of witnesses. If they concluded discussing the matter, neither may retract even though the transaction was not observed by witnesses.

Just as the seller and the giver may retract, so too, the purchaser and the recipient may retract as long as they are discussing the matter. This leniency does not apply with regard to other *kinyanim*.

11 There are many matters that do not require a *kinyan,* and indeed there is no reason to perform a *kinyan* with regard to them - e.g., a person who frees his slave, divorces his wife, appoints an agent, issues a protest with regard to a sale, nullifies a protest or waives a colleague's obligation to pay a debt or return an entrusted object. Similar laws apply to other analogous situations.

12 It has become customary in the majority of places to perform a *kinyan* to confirm certain of the above matters and the like, even though it is not necessary. The witnesses say: "We performed a *kinyan* with so and so, confirming that he appointed so and so as an agent," "...waived the debt that so and so owed him," or "...nullified the protest he had issued concerning this bill of divorce," or the like.

13 Such a *kinyan,* which is customarily performed with regard to these matters, is of no consequence except to demonstrate that the parties involved were not acting facetiously or in jest when making the statements, but had in fact made a resolution in their hearts before

making the statements. Therefore, if a person says: "I am making my statements with a full heart, and I have resolved to do this," nothing else is necessary.

14 A *kinyan* is of no consequence with regard to statements that are of no substance.

What is implied? If it is stated in a legal document: "We performed a *kinyan* with so and so, confirming that he will travel to sell merchandise with so and so," "...that they will form a craft partnership," "...that they will divide a field between themselves," or the like, this is considered a *kinyan* with regard to words, and it is of no consequence. The rationale is that the person did not transfer to his colleague a specific and known entity, neither the entity itself or the fruits of that known entity.

Chapter 6

1 Although produce cannot be used for *chalifin,* as explained, it can be acquired through *chalifin* like other movable property. With regard to a coin, by contrast, just as it cannot be used for *chalifin,* it cannot be acquired through *chalifin.* Thus, a coin cannot be acquired through a *kinyan chalifin,* and it cannot be used for a *kinyan chalifin* to acquire other articles.

2 Slabs of gold and silver are regarded in the same way as pieces of raw iron or copper. They are like other movable property and can be acquired through *chalifin* and exchanged for each other, as has been explained.

Coins of silver, gold and brass are all considered to be money received as payment for other movable property. If one gives one of these as payment for movable property, one does not acquire it until one performs *meshichah* or lifts it up, as has been explained. None of these coins can be acquired through *kinyan chalifin,* or used for such a *kinyan.*

3 When does the above apply? When one is acquiring other movable property, servants or landed property with these coins. When, however, gold *dinarim* are being exchanged for silver coins, the gold coins are considered to be "produce." Similarly, copper coins are considered to be "produce" with regard to silver coins.

4 What is implied? If a person gave a colleague a *dinar* of gold for 25 *dinarim* of silver, the owner of the gold acquires the silver even though it has not yet been transferred into his domain. The owner of the silver is obligated to give his colleague 25 silver *dinarim,* as he committed himself. If he committed himself to give new silver coins, he must give new ones; if he committed himself to give old coins, he must give old ones.
If, however, the owner of the silver gave 25 silver *dinarim* for one gold *dinar,* the transaction is not concluded until he takes the gold *dinar*. Both parties have the right to retract.

5 Similarly, if a person gave a colleague 30 *isar* of copper for a *dinar* of silver, the owner of the copper acquires the silver even though it has not yet been transferred into his domain. The owner of the silver is obligated to give his colleague a silver *dinar*, as he committed himself. If he committed

himself to give a new silver coin, he must give a new one; if he committed himself to give an old coin, he must give an old one.

If, however, the owner of the silver gave a silver *dinar* for 30 copper *isar,* the transaction is not concluded until he takes the copper *isarot.* Both parties have the right to retract.

6 Similarly, bad coins that were disqualified by the ruling kingdom or municipal authorities, or *dinarim* that are not acceptable as legal tender in that country - i.e., coins that are not used for exchange unless they are changed for others, these are considered to be produce with regard to all matters.

They may be acquired through a *kinyan chalifin;* when they are transferred, money is acquired; and the transfer of money does not acquire them, as is true with regard to other produce.

7 There is no way in which a person can acquire a coin that is not in his physical possession, except by virtue of his acquisition of landed property -e.g., a person will purchase land and by virtue of its acquisition also acquire coins, or he will rent the place where the coins are held. In these instances, once the purchaser acquires the land through the transfer of money, a legal document, manifestation of his ownership or a *kinyan chalifin,* he acquires the money.

The above applies provided that the coins exist and are held for safekeeping in a specific place. If, however, Shimon owed Reuven money, and Reuven transferred land to Levi, and intended that by virtue of Levi's acquisition of the land, he acquire the debt owed to Reuven by Shimon, it

appears to me that Levi does not acquire the debt.

8 If three people the lender, the borrower and a third party (the intended recipient) are standing together and the lender tells the borrower, "Give the *maneh* that you owe me (whether an entrusted article or a loan) to so and so the third party," that third party acquires the *maneh* in question. None of the three can retract. Our Sages described this law as a dictate whose reason cannot be explained. Therefore, one cannot derive any other precept from it.

9 If Reuven owed Shimon 100 *zuz* and told Levi: "Give Shimon the 100 *zuz* that I owe him, and I will repay you," or "...I will make a reckoning with you"- although both Levi and Shimon agree, all three have the potential to retract.

Even if Levi pays Shimon a portion of Reuven's debt he is not bound to pay the remainder. Therefore, if Levi does not pay Shimon the entire debt, Shimon may demand payment for the remainder of the debt from Reuven.

10 When a person sells a promissory note to a colleague or gives one to him as a gift, the physical transfer of the note does not bring about a transfer of the obligation it carries. For he transferred only the proof of the debt. And that proof is not something that can be grasped by the hand.

11 How indeed can the promissory note be acquired? The seller must write to the purchaser: "Acquire the promissory note of so and so and all the obligations associated with it," and then give him the promissory note.

Thus, the note is acquired through the writing and through being transferred.

There is no need for witnesses with regard to the actual transfer. Witnesses are necessary, however, for the debt to be collected. The debtor can tell the purchaser: "Who is to say that my creditor did in fact write to you that the debt is transferred and give you the promissory note?"

12 The transfer of the ownership of promissory notes is a Rabbinical institution. According to Scriptural law, there is no way to acquire the proof of an obligation; only an actual object can be acquired. Therefore, a person who sells a promissory note to a colleague can still waive the debt. Even his heir has the right to waive the debt.

13 When a woman brings her husband a promissory note as part of her dowry, she cannot waive payment of it without his approval, because her domain has become his.

14 When a person transfers ownership of even the smallest amount of property to a colleague and by virtue of its transfer also transfers the ownership of a promissory note, the purchaser acquires the note regardless of where it was located, although a written statement was not made and the document was not transferred to the purchaser. It appears to me that in this instance as well, the original creditor has the right to waive payment after selling it.

Similarly, if a person sells land and writes a deed of sale even though the purchaser is not present, when the purchaser manifests his possession over

the land he acquires the deed regardless of where it is located.

15 The following rules apply if a person tells a colleague: "Take possession of this field on behalf of so and so, and compose a deed of title for him." Although the agent manifests ownership over the land on behalf of the recipient, the giver can retract his statement concerning the legal record of the present unless it has already been given to the recipient, despite the fact that he cannot rescind his gift of the field.

16 If, however, the giver told the agent: "Take possession of the field with the stipulation that you write the deed of title," even though the agent manifests ownership over the land on behalf of the recipient, the original owner can retract both with regard to the deed and with regard to the field until the deed of title reaches the hand of the recipient of the gift.

Chapter 7

1 Whenever a person pays money, but does not perform *meshichah* on the produce, although the purchaser does not acquire the movable property, as we have explained, the person who retracts - whether the purchaser or the seller - is considered not to have conducted himself in a Jewish manner. He is liable to receive the adjuration referred to as *mi shepara.* Even if the purchaser only made a deposit, if either of the parties involved retracts, that party is eligible to receive the adjuration referred to as *mi shepara.*

2 What does receiving the adjuration referred to as *mi shepara* involve? He is cursed in court and told: "May He who exacted retribution from the

generation of the flood, the generation who were dispersed, the inhabitants of Sodom and Amorah, and the Egyptians who drowned in the sea, exact retribution from a person who does not keep his word."
After this curse is administered, the seller should return the money.

3 The following laws apply when a purchaser pays - either completely or partially - for movable property that he desires to purchase and then retracts and the seller tells him, "Come and collect your money." The money is considered to be an entrusted object. If it is stolen or lost, the seller is not responsible for it.
If, however, the seller retracts, the money is considered to be within his domain, and he is responsible for it even though he tells the purchaser, "Come and collect your money." This applies until he receives the adjuration *mi shepara* and tells the purchaser afterwards: "Come and collect your money."

4 When a person is owed a debt by a colleague and tells him: "Sell me this jug of wine for the debt that you owe me," and the seller agrees, it is considered as if the purchaser paid the money at that time. If either party retracts, he is liable to receive the adjuration *mi shepara*.
Moreover, if he sold him landed property in exchange for the debt, neither party is allowed to retract. This applies even if the money given as a loan is no longer in the seller's possession at the time of the sale.

5 When a person purchases landed property, servants or other movable property from a colleague, a price is agreed upon, and the purchaser leaves

collateral in place of the money, the transaction is not completed. Either of the two can retract; he is not even liable to receive the adjuration *mi shepara*.

6 The following rules apply when a verbal agreement alone was concluded with regard to the sale, a price was established, and the purchaser made a mark on the article so that he will have a sign that it is his. Even though the purchaser did not pay any money at all, if either of the parties retracts after the purchaser made the mark, he is liable to receive the adjuration *mi shepara.*

Moreover, if it is the accepted local business custom that making a mark constitutes a binding act of contract, by making that mark, the purchaser completes the transaction. Neither can retract, and the purchaser is liable to pay the price agreed to.

7 It is a clear fact that this law applies only when the mark is made in the presence of the seller, or if the seller says: "Mark your purchase." For this indicates that he has agreed to transfer ownership, as explained with regard to *chazakah* and *meshichah.*

8 When a person agrees to a transaction with a verbal commitment alone, it is appropriate for him to keep his word even though he did not take any money at all, did not make a mark on the article he desired to purchase, nor leave security. If either the seller or the purchaser retracts, although they are not liable to receive the adjuration *mi shepara,* they are considered to be faithless, and the spirit of the Sages does not derive satisfaction from

them.

9 Similarly, if a person promised to give a colleague a gift and failed to do so, he is considered to be faithless.
When does the above apply? With regard to a small gift, because the recipient will depend on the promise that he was given. With regard to a large gift, by contrast, the giver is not considered to be faithless if he retracts, because the recipient does not believe that he will give him these articles until he transfers ownership through a formal *kinyan.*

10 The following rule applies when a person gave money to a colleague to purchase landed property or movable property, and the agent left his colleague's money in his domain and went and purchased the object for himself with his own money. The purchase he performed is concluded; he is, however, considered to be a man of deceit.

11 If the agent knows that the seller has affection for him and honors him and would sell the article to him, but not to the person who charged him with purchasing it, the agent is permitted to buy it for himself. He must, however, return and notify the one who sent him. If he is afraid that another person will come and purchase the article before him, he may purchase the article for himself and then notify the one who sent him.

12 Several Rabbinic authorities have ruled that if the agent purchased the article for himself using the money entrusted to him by his colleague after considering it to be a loan, he is considered to have purchased the article for himself. We accept his claim: "I considered the money that I was given

to be a loan."

I differ and maintain that this ruling is not true. Instead, the purchase belongs to the principal, as will be explained with regard to the laws of an investment partnership.

13 The following rules apply when three people give money to one agent to purchase an article for them: If the monies were mixed together, and the agent used only a portion of the money to purchase the article, the article is considered the property of all the purchasers, and they divide ownership of it according to their share of the money. This applies even if the intent of the agent was that the article be purchased by only one of them.

14 If the money of one of the partners was bound up and sealed, and that money was used to complete the purchase, the partner whose funds were used alone acquires ownership. This applies even if the agent intended that the article be acquired by all the partnership as a joint enterprise.

Chapter 8

1 The following rules apply when a person sold his field to a colleague for 1000 *zuz,* the purchaser paid a portion of the funds, and the seller was repeatedly demanding payment of the remainder. Even if there was only one *zuz* remaining unpaid, the purchaser does not acquire the entire field. This applies even if the seller had a deed of sale composed or the purchaser manifested ownership.

2 In the above situation, if the purchaser retracts, the seller is given the

upper hand. If he desires, he can tell the purchaser: "Here is your money," or he can tell him: "Acquire a portion of the land equivalent to the money that you paid me." In this instance, he gives the purchaser the land of least value.

If the seller retracts, the purchaser is given the upper hand. If he desires, he can tell the seller: "Give me my money," or he can tell him: "Give me a portion of the land equivalent to the money that I paid." In this instance, he takes the choicest portion of the land.

If the seller was not repeatedly demanding payment of the remainder, the purchaser acquires the entire property. Neither can retract. The remainder of the money unpaid at the time of sale is considered as any other debt.

3 If a person sold his field because it was of inferior quality, even when the seller repeatedly demands payment of the remainder of the money, the purchaser acquires the entire property, and he is not entitled to retract. For the reason the seller is pursuing the purchaser and demanding payment is not that he has not agreed to transfer ownership, but to prevent the purchaser from retracting.

4 The same law applies with regard to the sale of movable property. Although the purchaser draws produce after him and brings it into his domain, if the seller repeatedly demands payment of the remainder of the money, the purchaser does not acquire the goods. The person who retracts has the lower hand, as has been explained above, unless the seller sold the goods because of their inferior quality. In such an instance, the purchaser acquires all the goods.

5 When a person buys a field worth 100 *zuz* for 200, and the seller repeatedly demands payment of the remainder of the money, the status of the transaction remains an unresolved question: Is the person considered to be one who sold his field because of its inferior quality, and he is demanding payment only because he sold it for more than its worth? Or he is not considered to be one who sold his field because of its inferior quality, and he is demanding payment because he did not decide to complete its sale until he received all the money?

Because the matter is unresolved, neither party is allowed to retract. If the seller seizes possession of a portion of the property that was sold equivalent to the worth of the money left unpaid, it should not be expropriated from his possession.

6 When a person acquires something from a colleague and pays him money, but errs in the amount of money he gave him the transaction is valid. If afterwards the seller lodges a claim against the purchaser, saying: "You were supposed to pay me 100 *zuz,* and you paid me only ninety," the transaction is still viable. The purchaser must, however, pay the additional ten *zuz*.

The above applies even though several years have passed since the transaction and applies with regard to the sale of both landed property and movable property.

7 The following rules apply when a person tells a colleague: "If I sell this field, it will be sold to you retroactively from the present time for 100 *zuz"* and confirms this with a *kinyan.* If the seller later sells it to another

person for 100 *zuz,* it is acquired by the first person.

If he sells it for more than that amount, the second person acquires it. The rationale is that by saying: "If I sell," he meant "If I sell it with the same approach that I have now." And this person did not want to sell it; he sold it only because of the additional amount that the other person added on. It is as if he were forced to sell.

8 If the seller told the first purchaser: "If I sell this field, it will be sold to you retroactively from the present time for the price to be evaluated by a court of three," the price need be agreed on by only two of the three.

If he said: "As dictated by three," all three must agree. If he said: "As evaluated by a court of four," all four must agree. For the sale to the first purchaser to take effect, the judges must agree on the price, and he must sell it to another person as they agreed. Afterwards, the first purchaser acquires the property.

If three or four people evaluate it and the seller says: "I will not sell it until three or four others evaluate it," we do not heed him. For he confirmed his commitment to sell retroactively with a *kinyan.*

Chapter 9

1 The following rules apply when a person sells an article to the Temple treasury. If the representative of the treasury asks him: "How much are you selling it for?" and the person says: "Ten *zuz"* even if it is worth 100, once he said ten he cannot retract. For making a promise to the Most High is considered equivalent to transferring the article in question to the

possession of a colleague.

2 Whether a representative of the treasury buys or sells an article, he is always given the upper hand if there is a fluctuation in the article's value.
What is implied? If the representative paid with money from the Temple treasury, but did not perform *meshichah* on the produce, although the value of the produce increases, the Temple treasury nevertheless acquires the produce, as prescribed by Scriptural Law. If the value of the produce decreases, the Temple treasurer may retract, for he did not perform *meshichah,* and the legal power of an ordinary person should not be greater than that of the Temple treasury.
Similarly, if the Temple treasurer sold an article that had been consecrated, the purchaser performed *meshichah,* but did not pay for it, and then the value of the article decreases, the transaction is finalized. For the legal power of an ordinary person should not be greater than that of the Temple treasury. If the value of the article increases, the representative of the treasury may retract, for he did not accept payment, and consecrated articles may be acquired only through the payment of money, as implied by the verse: "And he shall give the money and it will be established as his." The representative of the treasury is not liable to receive the adjuration *mi shepara*.

3 Property belonging to orphans is governed by the same rules as those governing the Temple treasury.
What is implied? When orphans sell produce, and *meshichah* is performed on the produce, but they have not yet received the money for it, they may

retract from the agreement if the value of the produce increases. For like consecrated property, property belonging to orphans can be acquired only through the transfer of money.

If the value of the produce decreases the transaction should be allowed to stand. For the legal power of an ordinary person should not be greater than the legal power of orphans.

4 Similarly, if orphans received payment, but *meshichah* was not performed on their produce before it increased in value, they may retract as may ordinary individuals. If, however, the value of the produce decreased and the purchasers desire to retract, they may do so, but they must receive the adjuration *mi shepara,* as would be the law with regard to others.

They are allowed to retract because if we required them to keep the produce, as would be required by Scriptural Law, this would be a disservice to the orphans. For if this were the law, when the orphans desire to sell an object, they would never find anyone who would be willing to pay them money unless the object were handed over first.

5 Similar principles apply if orphans purchase produce and perform *meshichah* on the produce, but have not yet paid for it. If the value of the produce increases, the legal power of an ordinary person should not be greater than their legal power. Therefore, the transaction should be allowed to stand."

If the value of the produce decreases, they are not allowed to retract. For this would be a disservice to them. If they were given this privilege, should they desire to purchase produce, they would not find anyone who would

sell it to them before they made payment.

6 If the orphans paid for produce but did not perform *meshichah,* and then the value of the produce decreases, they may retract, for the legal power of an ordinary person should not be greater than their legal power. If the value of the produce increases, the sellers may retract if they desire and receive the adjuration *mi shepara.* For if the law were that the orphans acquire the produce by the payment of money, the seller would tell them that the produce was destroyed by fire or another factor beyond human control after the produce entered their property, at the time payment was made.

7 On four occasions during the year, our Sages restricted their enactments and applied Scriptural Law with regard to the purchase of meat, for on these days, all people need meat. The times are the day before Shemini Atzeret, the day before the first day of Pesach, the day before Shavuot and the day before Rosh HaShanah.

What is implied? If a butcher had a steer that was worth even 100 *dinarim,* and he took one *dinar* from the purchaser in exchange for meat that he would slaughter, he cannot retract, even if enough money is not collected to pay for the entire value of the steer. Instead, the butcher is compelled to slaughter against his will. He is forcibly made to slaughter the steer and provide the purchaser with meat.

For this reason, if the steer dies before being ritually slaughtered, the purchaser suffers the loss.

Chapter 10

1 When a person compels a colleague to sell an article and to take the money for the purchase - even if he hung him until he sold the article - the purchase is binding. This applies with regard to movable property and landed property. We say that since he compelled him, he committed himself to selling. This applies even if the seller did not take the money in the presence of witnesses.

Therefore, if the seller issues a protest before he sells and tells two witnesses: "Know that the reason I am selling this and this article - or this and this property - is that I am being compelled against my will," the sale is nullified. Even if the purchaser was in possession of the article or the property for several years, it may be expropriated from him, at which point, the seller returns the money.

2 The witnesses must know that the seller is selling because of compulsion, and that he is actually being compelled against his will.

Any record of a protest that does not contain the statement: "We the witnesses know that so and so the seller acted under compulsion - is not a valid protest.

3 When does the above apply? With regard to a person who conducts a sale or who negotiates a compromise. With regard to a gift or a waiver of a debt, if the person issues a protest before giving the gift, the gift is nullified even though the person was not compelled to give the gift.

The rationale is that with regard to a gift, the factor that is significant is

the expression of the giver's will. Since he does not wholeheartedly desire to transfer ownership, the recipient does not acquire the gift. Waiving a debt is equivalent to giving a gift.

4 Whether one compels a colleague to sell by hitting him, by hanging him or by threatening to employ a measure against him through gentiles or through Jews, he is considered to have been compelled against his will.

An incident occurred with regard to a person who had rented an orchard from a colleague for ten years, and the landlord of the orchard lost the debt contract. After the tenant derived benefit from the orchard for three years,the tenant told the owner: "If you do not sell it to me, I will hide the rental contract and claim that I purchased it." The Sages explained that this is considered to be compulsion. The same principles apply in all similar situations.

For this reason, if the landlord issued a claim against the tenant in court and the tenant denied it and claimed that the orchard was his, and afterwards, the landlord issued a protest, and then sold the property to the tenant who denies having rented it, the sale is nullified, for there are witnesses that the landlord was compelled against his will. These are the witnesses in whose presence the tenant denied the rental of the property in court, and they are the witnesses before whom the protest was issued.The same principles apply in all similar situations.

5 When does the above apply? With regard to a person who forces a colleague to sell. He is considered a *chamsan* because he compels a colleague to sell his property against his will.

When, however, a person steals property - is established as a thief - and afterwards purchases the field that he stole the sale is nullified automatically. The seller does not have to issue a protest, as explained in *Hilchot Gezelah*.

6 The witnesses to the protest may themselves sign the deed of sale concerning which the protest was issued to them; their participation is of no consequence.

Even if the seller tells them in the presence of the person who is compelling him: "I am selling the property willfully, without compulsion," the protest is still viable. Just as the other person compelled the seller to sell unwillingly, he compelled him to say that he was selling it willingly.

7 Similarly, if the seller admitted in the presence of witnesses that he received money after he issued a protest, he is not obligated to return anything to the thief. We say that the person compelling him compelled him to make this admission. This statement is not heeded for the witnesses already knew that he was compelled against his will.

If, however, the robber counted money out to the seller in the presence of the witnesses, the seller is obligated to return the money when the sale is nullified.

8 If the witnesses to the sale testified that the seller nullified the protest, the protest is nullified.

If the seller tells the witnesses to the protest: "Know that every *kinyan* in

which I engage to negate a protest, and a protest regarding a protest are all nullified. I am engaging in them only because of the factor compelling me, of which you are aware. I do not ever have the intention of transferring my property to the person compelling me," the sale is nullified despite the fact that the seller performed a *kinyan* to nullify his protest, in the manner we have explained.

Chapter 11

1 When a person transfers ownership of an article - whether landed property or movable property - and establishes conditions that can be fulfilled the conditions are binding - whether established by the seller or the purchaser. If the conditions are fulfilled, then the ownership of the object is transferred. If the conditions are not fulfilled, the ownership of the object is not transferred.

We have already described the laws governing conditional agreements in *Hilchot Ishut.*

2 When does the above apply? When a person stated a condition and then carried out a *kinyan* transferring ownership of the article through one of the accepted procedures. For then, he is obligated to fulfill the condition.

If, however, the person did not perform a *kinyan,* but merely entered into a conditional agreement stating that if this condition is fulfilled he will transfer ownership, and if it is not fulfilled he will not transfer ownership, the transfer of ownership is not effected even if the condition is fulfilled.

This is considered an *asmachta* - i.e., he made his transfer of ownership

dependent on the performance of certain deeds. An *asmachta* is never binding, for the person transferring ownership did not make a firm decision in his heart to transfer ownership.

3 What is implied? A person sold a house to a colleague or gave it to him as a present, on condition that the recipient travel to Jerusalem with the seller on a given day. If the recipient manifests ownership over the house, he acquires it when he travels to Jerusalem with the seller on the date stated. If that day passes and he does not make the journey, he does not acquire it.

If, however, the owner made a condition and told the potential purchaser: "If you go with me to Jerusalem on this and this day...," or "If you bring me this article, I will give you this house," or "...I will sell it to you at such and such a price," although the person travels with him on that day or brings him the article, he does not acquire the house. This applies even if the potential purchaser manifests his ownership over the house after he fulfills the condition, for this is an *asmachta.* The same laws apply in all analogous situations.

4 For this reason, the following rules apply if a purchaser gives security to a colleague and tells him: "If I retract, I waive ownership of the security in your favor," and the seller says: "If I retract, I will double your security." If the purchaser retracts, the seller acquires the security, because it is in his possession. But if the seller retracts, we do not require him to double the security. For his promise was an *asmachta* and is not binding.

5 A similar principle applies if a debtor paid a portion of a debt and the creditor entrusted the promissory note to a third party after the debtor made the following statement: "If I do not pay the remainder until such and such a date, return the promissory note." If the date arrived and the debtor did not pay, the third party should not give the promissory note to the creditor. For this agreement is an *asmachta.*

6 Similarly, all the conditions that people establish between themselves, even when confirmed by witnesses and a legal document - e.g., "If such and such will take place..." or "If you do such and such, I will give you a *maneh"* or "...I will transfer ownership of this house to you, but if this does not take place..." or "if you do not do such and such, I will not transfer ownership," or "...I will not give you," are considered *asmachta'ot.* Even though the potential recipient performs the desired action, or the event occurs, he does not acquire the promised article. For his intent is undefined, being dependent on whether or not the stipulation will be met.

7 Whenever a person says: "Acquire an entity upon fulfillment of a condition, retroactive to the present time," it is not considered an *asmachta* at all, and the transaction is binding. For if the person had not made a definite commitment to transfer ownership, he would not have transferred ownership retroactively to the time of the agreement.

What is implied? If a person says: "If I return between now and such and such a date, you acquire this house retroactively to the present time," and his commitment is affirmed by a *kinyan* the transaction is binding if he

returns within the set time. The same applies with regard to all similar situations.

8 When a person sells a courtyard or a field and specifies at the time of the sale that he is selling the property in order to travel to a particular place, or because there has been a drought and he desires to buy wheat with the money he receives for his courtyard, it is considered as if he sold the property conditionally.

Therefore, if it rained after he made the sale, or wheat was imported and sold at a lower price, or he was prevented from travelling to that land, or factors did not facilitate his journey or his purchase of wheat, the seller may return the money he received and have the land returned to him. For he stated that he was selling the property only for the sake of performing a specific act - and that act was not performed. Similar principles apply in all analogous situations.

9 If, however, a person sells landed property without making any explicit statement, the sale is final even though he had the intent in his heart that he was selling the property for a particular reason, and even if it is apparent that he is selling the property for that reason. The rationale is that he did not make an explicit statement, and thoughts in a person's heart are of no consequence in business transactions.

10 The following rules apply if one transferred ownership of an entity to a colleague and stipulated that he acquire it on the condition that he give or sell that entity to another person. If the person gives or sells the entity to

that person, the transaction is binding. If he does not fulfill the stipulation and sells it to another person, or does not give or sell it to the person intended within the time frame established, the original transaction is not binding.

Similarly, if the seller or the purchaser of an article establishes a condition that the article be returned at a specific time or returned at that time in exchange for money, the transaction is binding, and the article must be returned as stipulated.

11 Different rules apply in the following situation. A person sold landed property to a colleague. The seller made a stipulation, saying: "When I acquire money, return this land to me." The produce of the land belongs to the seller.

If the seller made the sale without stipulating a condition, and the purchaser said on his own volition: "When you acquire funds, bring them to me, and I will return this property," the stipulation is binding. The purchaser can derive benefit from the property; doing so is not considered "a shade of interest," because the purchaser voluntarily obligated himself by this condition.

12 An incident occurred concerning a woman who sent an agent, Reuven, to purchase a courtyard for her from one of her relatives, Shimon. Shimon, the seller, said to Reuven, the agent: "If I acquire funds, so and so, my relative, should return this property to me."

Reuven answered him: "You and so and so are relatives. You are so close, you are like brother and sister" - i.e., it is as if he were saying, "It is very

likely that she will return it to you, and that she will not show concern about such a matter."

Afterwards, the matter was brought to the Sages, and they ruled that the agent did not purchase anything. For the relative selling the field did not rely on the agent's words, since they were not a clear reply. Therefore, the seller did not make a final decision to transfer ownership. Similar principles apply in other analogous situations.

13 When a *kinyan* confirming an *asmachta* is made in a prominent court, it is considered as binding. This applies, provided the person involved entrusts the legal documents involved to the court, and provided he is not acting under duress.

14 What is implied? A person entrusted his promissory note or his receipt to the court and engages in a *kinyan,* stating that if he does not come by such and such a date, the promissory note should be given to the other litigant. If the date arrives without the person's coming, the note should be given. If he was prevented from coming by a river or by illness, the promissory note should not be given to the other litigant. Similar principles apply in all analogous situations, provided that this is done in the presence of a prominent court.

15 When a person undertakes a financial obligation to another person without making any stipulation, he becomes liable although he did not owe that person anything previously. He is giving him a present; this is not an *asmachta.*

What is implied? A person tells witnesses: "Serve as witnesses that I owe so and so a *maneh,"* he composes a legal document that states that he owes the other person a *maneh* even though it is not observed by witnesses, or he told the other person in the presence of witnesses: "I owe you a *maneh* as recorded in a legal document." In the latter circumstance, even though he did not tell the witnesses to serve as witnesses, since he said "as recorded in a legal document," it is as if he told them: "Serve as witnesses that I am obligated."

Even though both parties admit - and the witnesses know - that the giver did not owe the recipient anything, he accepted an obligation on himself and becomes liable, as a guarantor does. The majority of the *geonim* ruled in this manner.

16 The following rules apply when a person accepts an obligation on himself that is unlimited in nature - e.g., he says: "I obligate myself to feed you..." or "...to clothe you for five years." Even though he affirms his commitment to the recipient with a *kinyan,* he is not liable. For this resembles a present, and yet there is no specific and known entity that is being given as a present. My masters ruled in this manner.

17 If so, why is a person who makes a commitment to his wife to provide food for her daughter from a previous marriage obligated to provide for her? Because he made this commitment at the time of their marriage. And the matter resembles entities that are acquired although only a verbal commitment is made.

18 When the sages of Spain desired to make a *kinyan* with regard to an *asmachta,* they would adhere to the following guidelines: They would establish a *kinyan* with one party that he is obligated to the other party one hundred *zuz*. After he has undertaken such an obligation, a *kinyan* is made with the person to whom he indebted himself, that as long as this and this condition prevails or if he does such and such, the obligation is waived, effective retroactively to the time of the agreement, but that if this condition does not prevail or if he does not do such and such, he will sue him for the payment of the money for which he obligated himself.

This is the procedure that is followed in all stipulations that are made between a man and his wife with regard to engagements and other similar matters.

Chapter 12

1 It is forbidden for a seller or a purchaser to take unfair advantage of a colleague, as **Leviticus 25:14** states: "When you sell an entity to your colleague or purchase an entity from a colleague, one man should not take unfair advantage of his brother."

Even though such a person transgresses a negative commandment, he is not punished by lashes, because the funds can be returned. Whether the person intentionally deceived his colleague or did not know that this transaction involved taking unfair advantage, he is obligated to pay the unwarranted gain.

2 How much unfair gain must there be in a transaction for the one who

profits to be required to return it? An even sixth.

What is implied? If a person sold an article worth six *zuz* for five, or for seven, or one worth five *zuz* for six, or one worth seven *zuz* for six, it is considered to be unfair gain. The transaction is completed, and the person who profited is required to return the entire amount of unfair gain to the one who suffered the loss.

3 If the unfair gain was even the slightest amount less than that - e.g., the person sold an article worth sixty *dinarim* for fifty *dinarim* and a *p'rutah,* he is not required to return anything. For it is common for people to waive any loss less than one sixth of the article's value.

4 If the unfair gain was even the slightest amount more than one sixth - e.g., one sold an object worth 60 *dinarim* for 50 minus a *p'rutah,* the transaction is nullified. The purchaser may return the object without the transaction being completed at all.

The person who took the unfair gain, however, is not entitled to retract if the purchaser desires and seeks to maintain possession of the article, even though the transaction is nullified. The person who received the unfair gain is not obligated to return it unless the unfair gain exceeds a *p'rutah.* If the unfair gain was exactly a *p'rutah,* he is not obligated to return it, because the laws of *ona'ah* do not apply with regard to a *p'rutah.*

5 Until when does the purchaser have the right to demand the return of the unfair gain or the nullification of the transaction? Until he has time to show the article to a merchant or to a relative. If he waits longer, even if he

purchased an article worth 100 *zuz* for 200, he may not nullify the transaction.

6 With regard to whom does the above apply? To a purchaser. For the article he purchased is in his possession, and it is common for him to show it to others.

The seller, by contrast, always has the opportunity to demand the return of the unfair gain. Needless to say, this applies with regard to the nullification of the sale. For he does not know the correct price of the article he sold until he sees a comparable article being sold. Accordingly, if the merchandise was a standard article that does not vary -e.g., peppers, or the like - he is given merely the time it takes to check the current market price.

7 Similarly, if it is known that an article comparable to the one he sold came into the seller's possession, he realized that he had erred regarding the initial sale, but he did not protest, he can no longer protest, for he has already waived his claim.

8 Just as the laws of *ona'ah* apply with regard to an ordinary person, so too, they apply with regard to a merchant, although he is knowledgeable concerning prices.

Just as the laws of *ona'ah* apply with regard to produce and animals, so too, they apply with regard to coins.

9 What is implied? If a golden *dinar* was valued at 24 silver *dinarim,* and it was exchanged for 20 *dinarim* or 28 *dinarim,* the unfair gain must be

returned. If the unfair gain was more than that, the exchange is nullified. If it is less than that, it is considered as if the other party waived his right to that money.

10 Similarly, if a *sela* was lacking a sixth of its weight, and *sela'im* were being exchanged by number, rather than by weight, the unfair gain should be returned.

11 Until when is the recipient obligated to return a *dinar* or a *sela'im*? In large cities, the amount of time necessary to show the coin to a money-changer. In villages, where a money-changer is not frequently found, until the end of the week. The rationale is that only a money-changer recognizes *sela'im,* whether they are lacking, and their worth.

Similar concepts apply with regard to sellers of books, and sellers of gems and pearls. The purchaser has the right to retract if the seller took unfair advantage of him until he has time to show the article he purchased to a merchant who is expert in such matters, wherever such an expert may be found. For not everyone is expert in the appraisal of such matters.

Therefore, if there was no expert available in that country, and after a considerable amount of time the purchaser took the object to another place, or an expert came and stated that the price was in error, the purchaser may retract.

12 The following rules apply when a person gives a *sela* that is lacking in weight to a colleague. Should he be able to identify it, even after twelve months, the recipient may return it. If it will be accepted as currency,

albeit with difficulty, the recipient may not return it after a lengthy time has passed, unless the giver accepts it as an expression of commitment beyond the measure of the law.

13 The following rules apply in a situation where a person sold a colleague an article worth four *zuz* for five. As mentioned above, ordinarily, the transaction would be nullified. In this instance, however, before the purchaser had the opportunity to show the article to a merchant or to a relative, its price rose to seven *zuz*. The purchaser has the right to retract, and not the seller. For the purchaser will tell the seller: "If you had not taken unfair advantage of me, you would not have the right to retract. Now, because you have taken unfair advantage, do you think you should have the right to retract? Should a sinner receive reward?"

14 Similarly, if one sold an object worth five *zuz* for four, and then its value decreased to three, the seller has the right to retract and not the purchaser. For the seller will tell the purchaser: "By deceiving me, you did not gain the right to retract."

15 If a person sold an article worth five *zuz* for six, and before the purchaser had the opportunity to show the article to a merchant, its value increased to eight, the seller is obligated to return the *zuz* of unfair gain. For the transaction is completed and the seller is obligated to reimburse the purchaser for the unfair gain. When the article increased in value afterwards, it increased in value while in the possession of the purchaser.
Similarly, if a person sold an article worth six *zuz* for five and its value

decreased to three, the purchaser is obligated to return the *zuz* of unfair gain. For the transaction is completed, and the article decreased in value while in the possession of the purchaser.

Chapter 13

1 When a person exchanges one article for another, or one animal for another, the laws of *ona'ah* do not apply. This is true even when he exchanges a needle for a necklace, or a lamb for a donkey. This person may desire the needle more than the necklace.

When, however, a person exchanges produce for produce, the laws of *ona'ah* do apply, regardless of whether the produce is evaluated before the sale or after the sale.

2 When a person purchases an article with coins without measuring their number, volume or weight - e.g., he took a handful of coins and said: "Sell me your cow for these" - this is considered an exchange. The transaction is completed, and the unfair gain must be returned, as explained above.

This law also applies if someone purchases fruit without measuring its number, volume or weight for a *sela* or two. The transaction is completed and the unfair gain must be returned. When a homeowner sells his personal belongings, the laws of *ona'ah* do not apply. For a man would not sell his personal belongings unless he were offered an exorbitant amount of money.

3 Although a person tells a colleague, "We are completing this transaction

on the condition that you do not hold me responsible for the unfair gain," the laws of *ona'ah* apply.

When does the above apply? When the statements are made without being explicit. In such an instance, the other party does not know how much money he is forgoing in favor of his colleague. Needless to say, this is the law when one tells the other: "We are completing this transaction on the condition that there is no *ona'ah* involved," for *ona'ah* is involved.

If, however, one explicitly mentions the amount of unfair gain, the laws of *ona'ah* do not apply, because all conditions that are accepted by both parties are binding in cases of financial law.

4 What is implied? If the seller tells the purchaser: "I am selling you this article for 200 *zuz* although I know it is worth only 100. I am selling it to you on the condition that you do not hold me responsible for the unfair gain," the laws of *ona'ah* do not apply.

Similarly, if the purchaser tells the seller: "I am purchasing this article from you for a *maneh* although I know it is worth 200. I am purchasing it from you on the condition that you do not hold me responsible for the unfair gain," the laws of *ona'ah* do not apply.

5 When a person buys and sells in a faithful manner, the laws of *ona'ah* do not apply.

What is implied? The seller tells the purchaser: "I purchased this article for such and such, and I am making this and this amount of profit," the laws of *ona'ah* do not apply.

6 When a person buys and sells in a faithful manner and purchases many different utensils and garments in one lot, he should not calculate and sell the inferior items in a faithful manner, and the superior items according to their value. Instead, he should sell either the entire lot in a faithful manner, or the entire lot according to its value.

The seller may include the cost of porters, donkey drivers and his lodgings in the cost of the article. He may not, however, add his own wages as a worker to the cost. Instead, he must say: "I am taking this and this amount as profit," and be specific about that amount.

7 The laws of *ona'ah* do not apply with regard to a gentile. This is implied by **Leviticus 25:14**, which states: "When you sell an entity... or purchase an entity..., one man should not cheat his brother."

If a gentile takes unfair advantage of a Jew, he is required to return the unfair gain according to our laws. Dealings with a gentile should not be more severe than dealings with a fellow Jew.

8 The laws of *ona'ah* do not apply with regard to the following objects: landed property, servants, promissory notes and consecrated property. Even if one sells one of these entities that is worth one thousand *zuz* for one *zuz,* or an entity worth one *zuz* for one thousand *zuz,* the laws of *ona'ah* do not apply.This is derived from **Leviticus 25:14**, which states: "Or when you purchase an entity from the hand of your colleague." "From the hand of indicates that the verse is referring to an article whose ownership is transferred from hand to hand, thus excluding landed property. And this also excludes servants, for an association has been established linking

the laws governing them to those governing landed property. It also excludes promissory notes, since one is not purchasing the note itself. It merely serves as proof of the obligation it records.
"Your colleague" excludes consecrated property.

9 When does the above apply? When one sells one's own property. When, by contrast, an agent makes the slightest error with regard to the value of either movable property or landed property, the transaction is nullified.
It appears to me that the same laws apply to a guardian entrusted with the property of orphans. If he makes the slightest error with regard to the value of either movable property or landed property, the transaction is nullified. He is not considered comparable to a court, because he is merely one individual.

10 The following laws apply when a court sells either movable property or landed property belonging to orphans, and errs. If they erred with regard to less than one sixth of the value of the object, it is considered as if the unfair gain is waived, as is the law with regard to an ordinary person. If they erred with regard to one sixth, the transaction is nullified.
If the court did not desire to nullify the transaction, but instead have the unfair gain returned, they may. For the legal power of an ordinary person should not be greater than that of a court.

11 It appears to me that if a court sold landed property or servants belonging to orphans at an unfair price, selling entities worth 100 *zuz* for 200, the purchaser cannot retract. For the legal power of an ordinary individual

should not be greater than that of orphans. Similarly, if a guardian of orphans sells landed property or servants at an unfair profit, the purchaser cannot retract because of the unfair profit, as is the law with regard to an ordinary individual.

12 When brothers or partners divide movable property, they are considered like purchasers. If there is unfair gain less than one sixth of the article's value, the transaction is completed, and there is no need to return anything. If the unfair gain exceeds one sixth, the transaction is nullified. If it is an even sixth, the transaction is completed and the unfair gain must be returned.

If the involved parties made an agreement to divide the property according to the evaluation of judges, and the judges erred with regard to a sixth or more, the division is nullified. For when judges who make an evaluation reduce or increase the value of an article by a sixth, the transaction is nullified.

13 Livestock, pearls, a sword, and a Torah scroll are considered like other movable property, and the laws of *ona'ah* apply to transactions involving them. There are no entities in which the laws of *ona'ah* do not apply, except the four entities mentioned by our Sages. And even with regard to these entities, this is true provided the person is buying or selling his own property, as we have explained.

14 Just as the laws of *ona'ah* do not apply to the purchase of landed property, so too, these laws do not apply to the rental of landed property. Even if

one rents a large hall for only one *dinar* a year, or a small coop for a *dinar* a day, the laws of *ona'ah* do not apply.

15 When a person hires a worker to work for him - whether with regard to movable property or with regard to landed property - the laws of *ona'ah* do not apply. It is as if he is purchasing him for that time, and the laws of *ona'ah* do not apply with regard to servants.

16 There is an unresolved doubt in the following situation. A person hires a contractor to sow a field, the contractor claims to have sowed it in a proper manner, and witnesses testify that the contractor sowed fewer seeds than are supposed to be sown. We are unsure whether the laws of *ona'ah* apply because of the seeds, or whether these laws do not apply because of the land.

Therefore, the funds should not be expropriated from the defendant, nor is he required to take anything but a Rabbinic oath, because of the connection the dispute has to landed property.

17 The laws of *ona'ah* apply with regard to the rental of a utensil or an animal. For rental is considered to be a sale for a day. Thus, if there is an unfair gain of one sixth or more - regardless of whether this unfair gain is taken at the advantage of the owner or the person who rents the article - the unfair gain must be returned. This applies even when a lengthy period of time has passed since the transaction.

18 It appears to me that the laws of *ona'ah* apply with regard to a contractor.

What is implied? A person agreed to weave a particular garment for ten

zuzim, or to sew a particular cloak for two *zuzim.* If there is unfair profit involved, the laws of *ona'ah* apply. Either the contractor or the owner of the garment may always retract as a seller may.

Chapter 14

1 We have already explained that if a person buys and sells in a faithful manner, saying "This is the extent of profit that I am making," the laws of *ona'ah* do not apply. Even if he says: "I purchased the article for a *sela,* and I am selling it for ten," this is permitted.
Nevertheless, the court is obligated to regulate prices and appoint officers of the law, so that people at large will not be able to reap whatever profit they desire. Instead, the court should regulate that a person should earn only a profit of a sixth. A seller should not profit more than a sixth of his investment.

2 When does the above apply? With regard to articles on which our lives depend - e.g., wine, oil and fine flour. With regard to herbs - e.g., costus, frankincense, and the like - by contrast, a set limit is not established by the court. The seller may take any measure of profit he desires.

3 Profit may not be taken twice when selling eggs. The first merchant who sells them may take a profit, and the person who buys them from him must sell them at cost.

4 It is forbidden to do business in *Eretz Yisrael* with articles on which our lives depend. Instead, one person should bring from his produce heap,

and another person should bring from his produce heap, so that they sell cheaply. In places where oil is abundant, it is permitted to do business with oil.

5 Produce on which our lives depend should not be stored for the future in *Eretz Yisrael* or in any place that is predominantly inhabited by Jews, for this causes anxiety for the Jewish people.
When does the above apply? When a person purchases such produce in the market place. When a person stores his own produce, he may store the *kav* that he possesses.

6 It is permitted to store produce during three years: the year before the Sabbatical year, the Sabbatical year and the year following the Sabbatical year.
In a year of drought, one should not store even a small measure of carobs, because one brings a curse on the market prices. Whoever causes prices to rise or who stores produce in *Eretz Yisrael* or in a place primarily inhabited by Jews is likened to one who lends money at interest.

7 When does the above apply? With regard to produce on which our lives depend. It is, however, permitted to store spices like cumin and pepper in *Eretz Yisrael* and to transport them from place to place like other herbs.

8 We may not take produce on which our lives depend - e.g., wine, oil and fine flour - from *Eretz Yisrael* to the diaspora or to Syria. Nor may such produce be taken from the domain of one king to the domain of another king in *Eretz Yisrael.*

9 The inhabitants of a city are permitted to establish fixed prices for any commodities they desire, even meat and bread. They may establish conditions stating that anyone who violates these guidelines will be punished in such and such a fashion.

10 Similarly, craftsmen in a specific profession may establish provisions and agree that one should not work on the day on which another is working or the like, and that anyone who violates these guidelines will be punished in such and such a fashion.

11 When does the above apply? In a city where there is not a distinguished sage to correct the conduct within the city and improve the ways of its inhabitants. If, however, there is such a distinguished sage, a condition established by craftsmen is not effective without the ruling of the sage. They may not punish or inflict loss on anyone who does not accept their stipulation, unless that stipulation was made with the consent of the sage. Whoever causes a colleague a loss because of a stipulation that was not made with the consent of the sage is liable to pay.

12 Just as the prohibition against *ona'ah* applies with regard to business transactions, it applies with regard to speech, as **Leviticus 25:17** states: "A person should not abuse his colleague, and you shall fear your God. I am the Lord"; this refers to verbal abuse.

13 What is implied? If a person is one who has repented, one should not say: "Remember your initial deeds." If a person is a descendant of converts, one should not tell him: "Remember your ancestors' deeds."

If a convert comes to study the Torah, one should not tell him: "Should a mouth that ate meat from animals that were not ritually slaughtered and that were *trefah* come and study the Torah that was given by the Almighty?"

If a person was afflicted by illness and suffering or he is forced to bury his children, one should not speak to him in the manner that Job's friends addressed him **Job 4:6-7**: "Your fear of God was for your own security.... Can you recall anyone who was innocent who perished?"

14 If donkey drivers are seeking grain, one should not tell them: "Go to so and so," if one knows that this person has never sold grain.

If a question regarding a point of knowledge was raised, one should not ask a person who has never studied that field of knowledge: "How would you answer this question?" or "What do you think about this matter?" The same applies to other matters of this like.

15 Whoever abuses a convert, whether in financial transactions or verbally, transgresses three prohibitions, as **Exodus 22:20** states: "Do not abuse a convert..." this refers to verbal abuse- "and do not oppress him" - this refers to taking unfair financial advantage of him.

This teaches that anyone who verbally abuses a convert transgresses three negative prohibitions: "A person should not abuse his colleague," and "One man should not take unfair advantage of his brother," "Do not abuse a convert."

16 Similarly, if a person oppresses a convert and takes unfair financial

advantage of him, he transgresses three negative prohibitions: "A person should not abuse his colleague," "One man should not take unfair advantage of his brother," and "Do not oppress him."

17 Why does a person transgress the prohibition against verbal abuse when he takes unfair financial advantage of a convert, and the prohibition against taking unfair financial advantage if he verbally abuses him? Because the Torah uses the word *ona'ah* with regard to both these prohibitions, without being more specific, and repeats these two prohibitions with regard to a convert explicitly: "Do not abuse" and "do not oppress him."

18 Verbally abusing a person is more severe than taking unfair advantage of him financially. For the latter can be repaid, while the former can never be repaid. The latter involves only the person's possessions, while the former involves his person.

And with regard to verbal abuse, **Leviticus 25:17** states: "And you shall fear your God," for the matter is one of feelings. With regard to all matters of feeling, the Torah states: "And you shall fear your God."

Whenever a person cries out because of verbal abuse, he is answered immediately, as implied by the conclusion of the above verse: "...I am God."

Chapter 15

1 When a person sells an item to a colleague by measure, by weight or by

number, and errs to the slightest degree, the colleague may seek redress at any time.

The principles of *ona'ah* apply only with regard to an object's value. An error in calculation, by contrast, is always reason to seek redress.

2 What is implied? A person sold a colleague 100 nuts for a *dinar,* and then it was discovered that he gave him 101 or 99. The transaction is binding, and the extra or missing nut must be returned. This applies even if several years have passed.

Similarly, if it is discovered that more or less money was given than the amount originally agreed upon the error should be corrected. This applies even if he performed a *kinyan* attesting to the fact that his colleague does not owe him anything. For the *kinyan* was performed under mistaken premises. Similar principles apply in all analogous situations.

3 Similarly, when a person sells a colleague landed property, a servant, an animal or movable property, and there is a defect in the property that the purchaser was not aware of, he may return it, even though several years have passed. For the transaction was concluded under erroneous premises.

The above applies provided he did not use the purchased article after he discovered the blemish. If, however, he made use of it after he discovered the blemish, he is considered to have forfeited his right to retract, and he may not return the article.

4 We do not evaluate the diminution in value caused by the blemish. Instead, even if one sold a colleague a utensil worth ten *dinarim,* and a

blemish was discovered that reduced its value by an *isar* the purchaser may return the utensil. The seller may not tell him: "Here is an *isar,* the decrease in value caused by the blemish." For the purchaser may say: "I desire a perfect article." Conversely, if the purchaser desires that the transaction stand, but seeks to be reimbursed for the diminution in value caused by the blemish, the option is given to the seller. He may tell him: "Either purchase the utensil as is for the full price, or take your money and depart.

5 Whenever there is a blemish that the people of a city agree is serious enough to warrant the nullification of a transaction, the article should be returned. Whenever the people agree that a fault is not considered to be a blemish, the article should not be returned unless the purchaser explicitly stated that he refused to accept even the slightest blemish. The rationale is that whenever a person conducts business without making any specific demands, it is assumed that he is following the prevailing customs of the community.

6 Whenever a person purchases an article without making any specific statements, it is assumed that he desired to purchase an article that is perfect, without any blemish.

Even if the seller explicitly said: "This article is sold to you on the condition that you do not return it as blemished," the purchaser may nevertheless return the article unless the purchaser says: "I accept any blemish that I will discover in this article although it causes it to be worth such and such less." For when a person waives money that is due him, he

must know how much he is waiving and make an explicit statement to that effect, as applies with regard to the laws of *ona'ah.*

7 When a person sells a cow to a colleague and states that it has some blemishes that are obvious and some blemishes that are not obvious, and the cow does not possess any of the blemishes that are obvious, but does possess one of the blemishes that are not obvious, the transaction is considered to have been concluded under erroneous premises. The cow may be returned although the blemish that was discovered was mentioned explicitly. The rationale is that the purchaser will say: "Since I saw that the cow did not possess any of the apparent blemishes that you mentioned, I said to myself: 'In the same manner, it does not have any of the blemishes that are not apparent. Why did the seller mention them? To make me feel good about my purchase.' "

8 What is implied? The seller says: "This cow is blind; it is lame; it bites and it crouches suddenly," and it is discovered that the cow only bites or only crouches suddenly, the transaction is considered to have been concluded under erroneous premises.

If the cow possesses all the blemishes the seller mentioned, the transaction is not considered to have been concluded under erroneous premises. Similarly, if the cow is lame but not blind, and it is discovered that it bites, the transaction is not considered to have been concluded under erroneous premises.

9 The following rule applies if the seller shows the purchaser a blemish that

the cow possesses and tells him: "It has this blemish and also these other blemishes." Although the cow possesses all or several of the non-obvious blemishes that the seller mentioned, the transaction is not considered to have been conducted under false premises.

10 Similarly, if a person sells a maidservant to a colleague and says: "She has only one hand; she limps; she is blind; she is a maniac; she is an epileptic," and she does not possess any of the blemishes the seller mentioned, but she is epileptic, the transaction is considered to have been conducted under false premises. The same principles apply in all analogous situations.

11 On this basis, I maintain that if a person sells an article to a person for 100 *dinarim* and tells him: "This article is not worth more than one *zuz,* and I am selling it to you on the condition that the laws of *ona'ah* do not apply to me," the laws of *ona'ah* do apply. For the purchaser will say: "Since I saw the seller say that it was only worth a *zuz,* I realized that he was only trying to make me feel good about my purchase. "The above holds true until the seller explicitly mentions the amount of unfair gain involved in this purchase - or mentions a figure that is close to that, concerning which a person could possibly err. For then we know that the purchaser certainly waived his right to this money. It is fitting to rule according to this logic.

12 When a person sells a manservant or a maidservant, the purchaser may not return it because it possesses blemishes that do not prevent the man or

woman from working. These blemishes are called *simpon.* If the *simpon* was evident, the purchaser saw it at the time of purchase.If it was not always evident - e.g., a mole in its flesh, a scar from a dog-bite or a foul odor coming from the mouth or the nose - he may not return it, for these blemishes do not prevent the servant from working. And servants are not for the purpose of physical intimacy, but to perform work.

13 If the servant has extremely uncomfortable boils or a sickness that weakens his strength, or if he is epileptic or insane, it is considered to be a blemish, because this prevents him from working. Similarly, if he has *tzara'afi* or other conditions that are revolting, it is considered to be a blemish, because a person is repelled by them, and therefore he will not use this servant to serve food or drink.

Similarly, if he is discovered to be an armed robber, this is considered to be a blemish that destroys his entire worth. For the ruling authorities will seize him and execute him.

Similarly, if he has been conscripted by the ruling authorities, this is considered to be a blemish for which the servant can be returned, for the king will seize him to work for him whenever he desires. If, however, the servant is discovered to be a thief, a pilferer, a kidnapper, one who constantly tries to escape, a glutton or the like, the purchaser may not return him unless he explicitly stated that he refused to accept a servant with any of these qualities. For all servants can be assumed to possess these undesirable attributes.

Chapter 16

1 The following laws apply when a person sells seeds of garden vegetables to a colleague, when the seeds themselves are not eaten. If the seeds do not grow, the seller is responsible to reimburse him for the money that he took from him. For we can assume that he purchased the seeds to sow them.
The above applies provided that the seeds did not grow because of a problem with the seeds themselves. If, however, the reason they did not grow is that the land was smitten with hail or the like, the seller is not responsible for the loss, for perhaps the reason that the seeds did not grow is the hail. Similar principles apply in all analogous situations.

2 If, by contrast, a seller sold seeds that are eaten - e.g., wheat or barley -and the purchaser sowed them, and they did not grow, the seller is not responsible to reimburse the purchaser.Even if he sold him flax seeds, which most people purchase to sow, the seller is not responsible if they are destroyed when they are sown, since there are some who eat these seeds.
If, however, the purchaser notifies the seller that he is purchasing the seeds with the intent of sowing them, the seller is responsible for them. The same applies to objects that are purchased for medicinal purposes or for dyes. Similar principles apply in all analogous situations.

3 From the above, we can derive the following law. Whenever a person purchases an item from a colleague and informs him that he intends to transport it to another city to sell it there, and after he transported it there a blemish which nullifies the sale was discovered, the seller may not tell the purchaser: "Bring my article here." Instead, the seller must reimburse the purchaser, and the seller must take the trouble of returning the article

to its original place or selling it in the place to which it was transported. Even if the article was lost or stolen after the purchaser notified the seller, it is considered to have been in the seller's domain.

Different laws apply, however, when the purchaser did not tell the seller that he was planning to transport the article to another country and transported it nevertheless. If he then discovered a blemish, the article is considered to be in the domain of the purchaser until he returns it with its blemish to the seller.

4 When a person purchases produce and discovers a blemish, and afterwards the article is lost or stolen, the article is considered in the domain of the purchaser until he returns it to the seller. If the produce becomes wormy and is spoiled because-of the length of time it had been kept, it is considered to be in the domain of the seller. If the purchaser realized the difficulty and should have notified the seller, but failed to do so, the produce is considered to be in his domain.

5 When a person sells an ox to a colleague and it is discovered to have tendencies to gore, the seller can excuse himself from responsibility by saying: "I sold it to you for the purpose of slaughter."When does the above apply? When the purchaser buys oxen for both slaughter and plowing. If, however, the seller knows that the purchaser purchases oxen only to plow, the transaction is considered to have been conducted under false premises, and it is nullified. The same principles apply in all analogous situations.

6 The following rule applies when a person sells an animal to a colleague for slaughter, the purchaser slaughters it, and it is discovered to be *trefah*. If it can definitely be determined that it had been *trefah* when it was purchased,the purchaser should return the slaughtered animal, and the seller must return the money.

From this ruling, we can derive the following principles that apply when a seller sells an entity that possesses a blemish, and the purchaser makes another blemish before he discovers the first blemish. If the purchaser creates the blemish in the process of performing an act that would ordinarily be performed - e.g., one who slaughters an animal that is *trefah* - he is not liable. If, however, he deviates from ordinary practice and makes another blemish before he discovers the first blemish, he should return the article to its owner and reimburse him for the blemish that he made.

7 The following rules apply when a person purchases a garment and cuts it with the intent of making a cloak from it. If, because of the cut he made, he discovers a blemish in the fabric, he may return the pieces.

Should he sew the cloak and then discover the blemish in the fabric, he may return it. If he has increased its value, he may collect from the seller the value of the increase his sewing generated. Similar principles apply in all analogous situations.

8 The following principles apply when a person sells landed property to a colleague, the purchaser derives benefit from the property, and afterwards discovers a blemish in it. If he desires to return the land to its owners, he

must reimburse them for all the benefit that he derived. If it was a courtyard and he dwelled in it, he must pay them rent.

9 When a person sells an article with a blemish that is not recognized, and the article that is sold becomes destroyed because of that blemish, the seller must return the money that he received.

10 What is implied? A person sold an ox that did not have molars. The purchaser placed that ox together with his cattle, placed food before all of them, and they ate. He did not realize that the ox he had purchased was not eating until it died of starvation.

In such an instance, the purchaser may return the corpse to the seller, who is required to return his money to him. Similar principles apply in all analogous situations.

11 Different rules apply if the seller is a broker who purchases from one person and sells to another without keeping the animal in his possession. For this reason, we assume that the broker did not know of the blemish. Therefore, the broker is required to take a Rabbinic oath that he did not know of the blemish, and then he is absolved of responsibility.

The rationale is that the purchaser had the responsibility of checking the ox he purchased independently and returning it to the broker before it died. The broker would then have returned it to the one who sold it to him. Since the purchaser did not do this, he caused himself a loss. Similar principles apply in all analogous situations.

12 The following rules apply when a person slaughters a firstborn animal,

sells its meat, and then the purchaser discovers that the seller had not shown it to an expert: What the purchaser ate is not taken into consideration, and the seller is required to return to the purchaser the money he paid. The seller should receive the remainder of the meat from the purchaser and return his money to him.

Similarly, if a butcher slaughters a cow and sells it, and it is discovered that it was *trefah,* what the purchaser ate is not taken into consideration, and the seller is required to return the purchaser's money to him.The meat that was not eaten should be returned to the butcher,] and he should return the money to the purchaser.

13 If the purchaser sold the meat that was *trefah* to gentiles, he should come to an understanding with the butcher with regard to the money for the *trefah;* the butcher should then return the remainder to him. Similar principles apply in all analogous situations.

14 When a person sells meat to a colleague and it is discovered to be the meat of a firstborn animal, or he sells produce and it is discovered to be *tevel,* or wine and it is discovered to be wine used for idolatry, what the purchaser consumed is not taken into consideration, and the seller is required to return the money he paid to the purchaser.

The same laws apply to any substance from which it is forbidden to partake according to Scriptural Law. This applies both when the prohibition is punishable by *karet,* or when there is merely an ordinary prohibition involved.

Different rules apply if one sells an object that is forbidden by Rabbinic

law to be eaten. If the produce exists, one should return the produce and receive in return the money originally paid. If, however, one ate them, then one has benefited from it, and the seller is not obligated to return anything to the purchaser.

Whenever it is forbidden to benefit from an object - whether by Scriptural or Rabbinic law - the seller must return the money he received.There is no binding legal convention governing such a sale.

Chapter 17

1 There are four states applicable with regard to a seller:

a) The seller sold wheat assuring the purchaser that it was of a high quality, and it was discovered to be of a low quality. In such an instance, the purchaser may retract, but not the seller.

b) If the purchaser convinced the seller that the wheat was of a low quality, and it was discovered to be of a high quality. In such an instance, the seller may retract, but not the purchaser.

c-d) If the produce was said to be of a low quality, and it was discovered to be of a low quality, but not of the absolutely lowest quality, or he assured him that it was of a high quality, and it was discovered to be of a high quality, but not of the absolutely highest quality, we see if there was an unfair gain of one sixth of its value. If there was, neither may retract, but the unfair gain must be returned.

2 If, however, a person claims to be selling red wheat and in fact, it is white, white wheat and in fact, it is red, olive wood and in fact, it is from a wild

fig tree, or wild fig wood and in fact, it is from an olive tree, wine and it is discovered to be vinegar, vinegar and it is discovered to be wine, both the seller and the purchaser can retract. For the object of the sale is not of the type that the seller stated he was selling. Similar principles apply in all analogous situations.

3 When a person sells wine to a colleague and the purchaser transfers it to his own containers, even if it turns into vinegar immediately, the seller is not held responsible for it. This law applies even if the purchaser says: "I am purchasing it to use for cooking." If the seller knew that his wine was turning sour, the transaction is considered to have taken place under false pretenses.

Different laws apply if a person sold a colleague wine, and it remained in the seller's containers and turned into vinegar. If the purchaser told the seller: "I need this for cooking," and the wine turns sour, the purchaser may return it and say: "Here is your wine and your containers. I did not buy it to drink, but rather to use for cooking a little bit at a time."

If the purchaser did not say: "I need this for cooking," he may not return it. For the owner may tell him: "Why didn't you drink it immediately. You should not have left it until it turned sour."

4 The following rules apply when a person sells a barrel of beer to a colleague in a barrel belonging to the seller. If the beer becomes like vinegar within the first three days [after the sale, the change is considered to have taken place in the seller's domain and he must return the money he received. From that point onward, the change is considered to have

taken place in the purchaser's domain.

5 The following rules apply when a person sells a barrel of wine to a colleague who intends to sell it little by little. If half or a third of the wine becomes sour, it may be returned to the seller. If, however, the purchaser changes the hole for the spout, or the market day came and he was lax and did not try to sell the wine, it is considered to be in the purchaser's domain. Similar laws apply when a person accepts a barrel of wine from a colleague with the intent of transporting it to a particular destination and selling it there. If the price of the wine decreases or it becomes sour before it reaches the destination, it is considered to be in the purchaser's domain, for the barrel and the wine are his. Similar principles apply in all analogous situations.

6 When a person tells a colleague: "I am selling you fragrant wine," he is responsible for the wine to retain its fragrance until the holiday of Shavuot. If he tells him: "I am selling you aged wine," he must give him wine from the previous year. If he mentions vintage wine, it must be in its third year and must retain its flavor without turning sour until the holiday of Sukkot.

In a locale where there is a well-known custom, everything is determined by the local custom.

7 When a person tells a colleague: "I am selling you this cellar of wine for cooking," or merely "...a cellar of wine," the purchaser accepts the fact that the wine from ten containers out of one hundred will not be of as

high a quality and will already have begun to sour. If more wine changes flavor, he has not acquiesced.

8 If the seller told the purchaser: "I am selling you a cellar of wine for cooking," or he told him: "I am selling you a barrel of wine," he must provide him with wine that is entirely of high quality and fit to be used for cooking. If he told him: "I am selling you this cellar of wine," he should provide him with wine similar to that sold in a store - i.e., of average quality, neither bad nor good. If he told him, "I am selling you this cellar," and did not mention that it contained wine, the purchaser must accept it, even if it was all vinegar. Similar principles apply in all analogous situations.

9 When a person tells a colleague: "I am selling you a wooden kneading tray," or "I am selling you a beam for an olive press," he may not give him a piece of wood that is fit to have a kneading tray hewn out from it, or a beam that is fit to be made into a beam for an olive press. Instead, he must give him a kneading tray that has already been fashioned or a beam for an olive press that has already been fashioned, one that any person seeing it will say: "This is a kneading tray," or "this is a beam for an olive press." Similar principles apply in all analogous situations.

Chapter 18

1 It is forbidden to deceive people with regard to a business deal or to beguile them. This prohibition applies equally to Jews and to gentiles.

If a seller knows that the article he is selling has a blemish, he must notify the purchaser about it. It is even forbidden to beguile a person with false flattery.

2 One may not improve the appearance of a man being sold as a servant, nor of an animal, nor of old utensils, by making them appear to be new. One may, however, improve the appearance of new utensils, by polishing them, ironing them and beautifying them as much as necessary.

3 One may not feed a man water in which bran was cooked, which causes his body to swell, making his face appear larger. One may not paint one's face with rouge and the like.

One may not inflate intestines that are being sold in a butchery, nor may one soak meat in water. All practices similar to the above are also forbidden.

One may not sell a gentile meat from an animal that was not ritually slaughtered on the pretense that it was ritually slaughtered, although religiously there is no difference to him whether or not ritual slaughter was performed.

4 It is permitted to remove the husks from kernels of grain or beans, provided one does not do so only on the top of the grain sack, for doing so creates a false impression that the entire quantity has been husked.

It is permitted for a merchant to distribute roasted seeds and nuts to children and maidservants so that they will frequent his establishment. A merchant may discount the ordinary market price of an item to increase

his volume of customers. The other merchants in the market place may not prevent him from doing so, nor is this considered to be deceiving a customer.

5 One may not mix two batches of the same species of produce together. This applies when both batches are freshly harvested. Certainly, it is forbidden to mix produce harvested previously with freshly harvested produce. This applies even when previously harvested produce is more expensive than the freshly harvested, because the purchaser may desire to store the produce for an extended time.

An exception was made with regard to wine, and it is permitted to mix stronger wine with lighter wine during the time the wine is fermenting alone, because one improves the flavor of the other. If the flavor of the wine added is distinct, it is permitted to mix them at any time. For whenever an entity is distinct, its presence can be detected by a purchaser. And therefore, mixing it in is permitted.

6 Water may not be mixed together with wine that one intends to sell. When water has been mixed with a person's wine, he should not sell it in a store unless he notifies the customers. He should not sell it to a merchant, even if he notifies him, lest the merchant deceive others. In a place where it is customary to add water to wine, one may do so, provided one does so at the time the wine is fermenting.

7 A merchant may take from five wine vats and store the mixture in one tank. He may take from five granaries and store the mixture in one

warehouse, as long as he does not intend to mix the produce.

8 It is forbidden to mix dregs with either wine or oil. Mixing even the slightest amount is forbidden. One may not even mix the dregs produced yesterday with the dregs produced today.
If, however, one pours wine from one container into another, one may add the dregs to the wine.

9 When a person sells "refined oil" to a colleague, the purchaser refuses to accept any dregs at all. If he sells him oil without mentioning any descriptive term, the purchaser is willing to accept that one and a half *log* from every 100 *log* will be dregs. And he accepts the fact that the remainder of the oil will have dregs; thus, it will be murky, with dregs being suspended in the oil in addition to the quantity of dregs that is standard in that locale.

10 When does the above apply? When he pays the money in Tishrei, when oil is cloudy, and receives the oil in Nisan according to the measure of Tishrei, which is larger because of the unrefined oil above. If, however, the purchaser takes the measure given in Nisan, which is smaller because the oil has already become clear, he accepts only the measure of dregs mentioned in the previous halachah.

11 When a person sells wheat to a colleague, the purchaser accepts that he will receive one fourth of a *kav* of legumes for every *se'ah.* When he purchases barley, he accepts that he will receive one fourth of a *kav* of dried-out kernels for every *se'ah.* When he purchases lentils, he accepts

that he will receive one fourth of a *kav* of pebbles for every *se'ah*. When he purchases figs, he accepts that he will receive ten wormy ones for every hundred.

If a person sells any other type of produce to a colleague, the purchaser accepts that he will receive one fourth of a *kav* of dirty produce for every *se'ah*.

If the amount of lower quality produce exceeds these measures, the seller must sift the entire batch and give the purchaser sifted and cleaned produce that has no undesirable qualities.

12 All of the above applies only in a place where there is no established custom. In a place where there is an established custom, everything follows the established custom.

13 There are places where it is customary for all produce to be sold when it has been cleaned and sifted, removing all foreign bodies, and for the wines and the oils to be clear, without selling any dregs at all. And there are other places where produce is sold even when there are half dregs, or there is half the amount of sand, straw or another substance in the produce.

Therefore, in such a locale, if a person takes a stone from a colleague's grain heap, he must reimburse the owner as if the stone he took were wheat. For if he had left it there, it would have been sold as part of the measure of wheat.'If one would say, "Let him return the stone," this is forbidden, for it is forbidden to mix even the slightest amount of foreign substances into produce.

14 When a person sells barrels in the Sharon in a place where there is no established custom, the purchaser accepts that out of 100 barrels, he will receive ten that are of inferior quality. Even these must, however, be attractive and fixed with pitch.

Chapter 19

1 It is forbidden for a person to sell a colleague landed property or movable property concerning which there is a dispute or a judgment pending, until he notifies the purchaser. This law applies even if the seller is responsible for the property if it is expropriated from the purchaser. The rationale is that a person does not desire to pay money for an object and then be forced to enter into litigation concerning it, because he is being sued by others.

2 When a person sells landed property to a colleague and claims of ownership are filed by others - after the purchaser acquires the property through one of the established modes of acquisition, but before he makes use of it - the purchaser may retract; there is no blemish greater than this. Before he has even made use of his purchase, claimants come and demand it.

Therefore, the transaction should be nullified and the seller should return the money and enter into litigation with the claimants. If the purchaser made any use of it whatsoever, even if he merely threw down its property marker and joined it to his own adjacent property, he may not retract. Instead, he must enter into litigation with the claimants. If they are

successful in expropriating it from him in court, he may seek settlement from the seller, as is the law with regard to all from whom property is expropriated.

3 Whenever a person sells landed property, a servant or other movable property, he is responsible for them. What is implied? If a litigant expropriates the purchased article from the purchaser because of the seller, the purchaser may collect all the money he paid from the seller, because the article was taken because of him.

This law applies with regard to all sales, even if the purchaser does not explicitly make this stipulation, but purchases the article without any qualification. Even if he purchases landed property by virtue of the transfer of a legal document, and the seller's responsibility is not mentioned in the document, the seller is responsible for the property. The fact that his responsibility is not mentioned is considered to be a scribal error.

4 When does the above apply? When the purchased article was expropriated from the purchaser in a Jewish court. For example, the purchased article was movable property and it was proven that it was obtained by theft or robbery, or landed property was taken by robbery, or a creditor of the seller came and expropriated it from the purchaser.

All the above applies if the expropriation was dictated by a Jewish court. If, however, a gentile expropriates the purchased article from the purchaser, whether through an edict of the king or through a secular court, the seller is not responsible for the article. Although the gentile

claims that the seller stole this article or robbed him of it and brought witnesses to that effect, the seller is not liable at all. For the expropriation of the article by gentiles is considered to be beyond the seller's control, and a seller is not liable for losses that are beyond his control.

5 When a person sells landed property to a colleague and the seller makes a stipulation that he will reimburse the purchaser for any loss of this property due to factors beyond his control, he is liable to pay even if a gentile comes and seizes by force the property due to the seller.
If, however, a stream that was watering the field dries up, the flow of a stream deviates and makes a portion of land into a pool, or an earthquake comes and destroys it, the seller is not liable. For matters of this nature are both beyond one's control and infrequent. It would not have occurred to a seller to think about such an abnormal matter at the time he made this stipulation. Similarly, any other factor beyond one's control that is abnormal is not included in this stipulation.

6 This same principle applies with regard to any condition that is made with regard to monetary matters. We analyze the intent of the person making the stipulation. We include within its scope only matters that are well-known that we would assume to have been taken in within the stipulation, because they would have been in the mind of the person making the stipulation at that time.

7 An incident occurred concerning a person who hired sailors to transport sesame seeds to a certain place. He made a stipulation with them that they

are responsible for any loss that occurs because of factors beyond their control until the sesame seeds reach their destination. And then, the river on which they expected to transport the cargo ceased flowing.
Our Sages said: This is an abnormal factor beyond their control. They are not likely to transport these sesame seeds on an animal to that place. Similar principles apply in all analogous situations.

8 When a person sells landed property to a colleague and the seller explicitly stipulates that he is not responsible, the seller is not held responsible. This applies even if it becomes known with certainty that the property was stolen, and it is expropriated from the purchaser.
Needless to say, should a creditor of the seller come and expropriate it from the purchaser, the seller is not liable to reimburse him. For any stipulation that is made with regard to financial matters is binding.

9 The following rule applies when Reuven sold a field to Shimon without taking responsibility for it, and Levi comes and expropriates it from Shimon based on a claim against Reuven. If he desires, Reuven can enter into litigation with Levi. Levi cannot protest: "What business do you and I have together? You have no responsibility for the property." For Reuven will tell him: "I do not want Shimon to have any claims against me, for he has lost money on my account."

10 The following rule applies when Reuven sold a field to Shimon without taking responsibility and then repurchased it from him requiring Shimon to take responsibility. If a creditor of Reuven comes to expropriate the

field from him, he may not require Shimon to pay for it. Although he did not accept responsibility when he sold it to Shimon, he took responsibility with regard to himself, that he should not be the seller and then expropriate the property himself.

If, however, a creditor of Jacob, their father, comes and expropriates the property from Reuven, Reuven may demand payment of the entire worth of the field from Shimon. For Shimon accepted responsibility for the field when he sold it back to Reuven, while Reuven did not accept any responsibility for others when he sold it to Shimon.

Chapter 20

1 The following rules apply in the situation to be described. A person wanted to purchase an article from a colleague. The seller said: "I will sell it to you for 200 *zuz*,"but the purchaser said: "I will not purchase it for more than a *maneh."* They each returned home. Afterwards, they came together again and the purchaser took possession of the article by *meshichah* without making any further statements. If it was the seller who made the proposition to the purchaser and gave him the article, he is required to give him only a *maneh.* If, however, it was the purchaser who performed *meshichah* without making any further offers, he is required to pay 200 zuz.

2 The following rule applies when a person purchases an article from one of five people, but is unsure of the identity of the seller, and each of the five claims that he was the seller. The purchaser should place the money for

the item among them and depart. The money should remain in custody until the false claimants admit that it is not theirs or Elijah comes. If the purchaser is pious, he should pay each one of the claimants to fulfill a moral and spiritual obligation.

3 Different rules apply when a person purchased an article from one of five people, did not pay at the time, denied taking the article by making a false oath and then repented and wanted to make restitution. If all five demanded payment from him, saying, "I am the one from whom you denied taking the article, and to whom you made a false oath," and he says, "I do not know," he is obligated to pay each of them, because he committed a transgression.

4 The seller's word is accepted when he says: "I sold the article to this one, and I did not sell the article to this one."When does this apply? When the article that he is selling is in his possession. If, however, the article is no longer in his possession, his statements are given no more credence than those of one witness, and the laws applying to him with regard to this testimony are no different from those applying to other people, for he is no longer involved in the matter concerning which he testified.

Therefore, if a seller took money from two people, one intentionally and one gave him money against the seller's will, and the seller does not know the identity of the person from whom he took money intentionally and that of the person who gave him money against his will, there is no testimony at all. Each of the persons must take an oath holding a sacred article, as dictated by our Sages. Each then receives half of the purchased

article and half the money.

This applies whether the article is in the hands of the seller or both of the claimants are holding it.

5 The principle, "When a person desires to expropriate property from a colleague, the burden of proof is upon him," is applied in all the following situations and in other similar ones:

The purchaser claims: "You sold the article to me," and the seller claims that he did not;

The seller claims that he sold the article to the purchaser, and the purchaser did not pay for it; The purchaser claims that he paid the money, but did not perform

meshichah;

The purchaser claims that he performed *meshichah* without seeing a particular blemish, and the seller claimed to have appraised him of it beforehand; or One of them claimed that the transaction had been made conditional on a stipulation, and the other denied that.

6 In the above instances, if the plaintiff does not prove his claim, the defendant who denies the claim must support his own claim with a *sh'vuat hesset.* If he admits a portion of the plaintiff's claim, or the plaintiffs claim is supported by one witness, the defendant must take an oath, as mandated by Scriptural Law, as applies with regard to all other claims.

7 The following rules apply when a person tells a storekeeper: "Give me a

dinar's worth of produce," and the storekeeper gives it to him, and the produce is placed in the public domain. If the storekeeper demands payment of the *dinar* and the purchaser replies "I paid you the money, and you put it into your pocket," the purchaser is required to take an oath as ordained by our Sages, holding a sacred object. Afterwards, he may take the produce. The rationale is that the produce has already left the domain of the seller and was placed in the public domain.

If the produce was in the domain of the purchaser, he would be required to take only a *sh'vuat hesset,* and then he would be freed of responsibility. If the produce was in the domain of the storekeeper, the storekeeper would be required to take a *sh'vuat hesset,* and the produce would remain his.

8 Different rules apply if a purchaser gives a *dinar* to a storekeeper to take produce that has been placed down in the public domain. If the storekeeper says: "The *dinar* that you just gave me is payment for produce that I previously gave you and that you took to your home. I never sold you this produce that is now placed in the public domain," the storekeeper must take an oath to support his claim while holding a sacred object. The produce is then returned to the storekeeper, for he never admitted selling it to the purchaser. And if the produce was located in his store, all that would be required of him would be a *sh'vuat hesset,* as explained in the previous halachah.

9 Similar rules apply when a person gives a *dinar* to a money-changer to take coins when the coins are piled in the public domain. If the money-

changer admits to having sold the coins and he has not taken the *dinar,* the purchaser must support his claim by taking an oath while holding a sacred object and may then take the coins. If, however, the money-changer does not admit to having sold the coins to the purchaser, even though he admits taking a *dinar* from the purchaser at this time, for he claims that the *dinar* is payment for coins that the purchaser already took home, the money-changer must support his claim by taking an oath while holding a sacred object. The coins are then returned to his store.

10 The following laws apply when a person exchanges a cow and a donkey, and the cow bears a calf, or one sells a maidservant and she gives birth. The seller claims: "She gave birth before I sold her." The purchaser claims: "She gave birth after I purchased her." The purchaser must bring proof of his claim to be granted possession.

This ruling applies even if the seller says: "I do not know when she gave birth." Indeed, even if the cow is located in a swamp or the maidservant in a corner of the public domain, they are considered to be in the possession of the seller until the purchaser brings proof of his claim. If the purchaser does not bring proof of his claim, the seller must take an oath while holding a sacred object to support his claim. This applies with regard to the offspring of a cow. With regard to the offspring of a maidservant, by contrast, he is required only to take a *sh'vuat hesset.* For an oath associated with a sacred object is never taken with regard to servants or landed property, as explained in *Hilchot To'en V'Nit'an.*

11 If one says: "I do not know when the offspring was born," and the other

also does not know, and the offspring is located in a domain that does not belong to either of them, it should be divided.

If one says: "The offspring was born in my domain," and the other remains silent, the one who makes the claim is awarded the offspring.

12 The following rules apply when a dispute arises concerning a seller who owns two servants, one an adult and one a minor, or two fields, one large and one small. The purchaser claims: "I purchased the greater one," while the seller claims: "You purchased the smaller one." The burden of proof lies with the purchaser. If he does not substantiate his claim, the seller should take a *sh'vuat hesset* that it was the smaller one that he sold and he is allowed to keep the larger one.

13 If the purchaser says: "I purchased the greater one," and the seller remains silent, the purchaser is awarded the greater one.

If the seller says: "I do not know," the burden of proof lies on the purchaser. If he does not substantiate his claim, the seller should take a *sh'vuat hesset* that he does not know which article was purchased, and the purchaser is awarded only the smaller one.

14 Whenever a doubt over responsibility for an article arises the burden of proof lies on the person in whose domain the doubt arises.

What is implied? A person exchanges a cow for a donkey, and the owner of the donkey performs *meshichah* on the cow, but before the owner of the cow can perform *meshichah* on the donkey, the donkey dies. The burden of proof is on the owner of the donkey to verify that the donkey was alive

at the time *meshichah* was performed on the cow. The same principle applies in all analogous situations.

15 The following laws apply when someone sold an animal to a butcher before its slaughter, but the money had not yet changed hands, it was slaughtered, and afterwards, a needle was discovered in the animal's second stomach that had pierced it from side to side.
If a drop of blood is found upon it, it is clear that it became *trefah* before its slaughter. If a scab had formed over the wound, it is clear that it became *trefah* three days before its slaughter. If a scab had not formed over the wound, there is a lack of clarity concerning the matter, and the butcher must bring proof that the disqualifying factor arose before the purchase. This decision is rendered because the cow was in his possession when the doubt arose. If he cannot bring proof to this effect, he must pay the money due to the seller, as explained above.

Chapter 21

1 The following rules apply when a person transfers a non-specific entity to a colleague. If the species being sold is known, even though its measure, its weight and its number are not known, the transaction is binding. If the species is not known, the transaction is not binding.

2 What is implied? If a person tells a colleague: "I am selling you this heap of wheat for this and this amount," "I am selling you this cellar of wine for this and this amount," or "I am selling you this bag of figs for this and

this amount," the sale is binding, even though the measure of the grain heap, the weight of the figs and the number of containers of wine is unknown.

These principles apply even if the quantity is greater or less than the estimation of the seller or the purchaser. The laws of *ona'ah* apply, and the purchase price is compared to the market price, as explained.

3 If, however, a person tells a colleague: "I will sell you whatever this house contains for this and this amount," "...whatever this chest contains,..." or "whatever this sack contains for this and this amount," the purchaser agrees and performs *meshichah,* the transaction is not binding. For the purchaser did not make a binding commitment, since he does not know what the receptacle contains, whether straw or gold. This is no more than gambling. The same applies in all analogous situations.

4 Similarly, if a person tells a colleague that he is selling him wheat for ten *dinarim,* but does not stipulate how many *se'ah* he is selling him, he must give him an amount of wheat equivalent to the market price at the time of the sale. Should either of the parties retract after the money has been paid, because they do not agree to the market price at the time of the sale, that party must receive the adjuration *mi shepara,* as explained.

5 When a person sells property to a colleague to build a house or a barn for cattle, he should give him a place four cubits by six cubits. Similarly, when a person agrees to build a wedding home for a colleague's son or a home for a widowed daughter he should build a home of this size.

If he sells him property to build a large house, he should give him a space eight cubits by ten cubits. If he sells him a place for a reception hall, he should give him a space ten cubits by ten cubits. A place for a garden of a courtyard is twelve cubits by twelve cubits.
The height of a structure is half of its combined length and width.

6 Similarly, when a person sells a property to a colleague for a family burial plot or if a person agrees to prepare a burial plot for a person, he should build a crypt beneath the earth and prepare for eight graves, three on one side, three on the other side and two opposite the entrance to the crypt.
The measure of the crypt should be four cubits by six cubits, and each grave should be four cubits long, six handbreadths wide and seven handbreadths deep. Thus, there should be a cubit and a half between each of the graves on the sides and two cubits between the graves opposite the entrance.

7 When a person sells a colleague a place in his own field to make an irrigation ditch to water a parched field, he must give him a ditch two cubits wide, with a cubit on each side for its banks.
If he sells him a place for an irrigation ditch that uses a pipe, he must give him a ditch that is a cubit wide, with half a cubit on each side for its banks.

8 The seller may plant trees on this land at the banks of the ditch, but he may not sow grain there, for grain weakens the land and damages the irrigation ditch. Should this land at the banks of the ditch become washed

away, the purchaser may replace it by taking from the earth in that field. For the seller's acceptance of the fact that an irrigation ditch will pass through his field is conditional to this stipulation.

9 The following rules apply when a person sells a colleague a path in his field. If he sells him a path for one person, is he must give him a path two and a half cubits wide, so that a donkey and its burden can pass on the path.ffff

If he sells him a path that leads from one city to another, he must give him a path that is eight cubits wide. If he sells him a path for use as a public thoroughfare, he should give him a path that is sixteen cubits wide.

10 A path for a king and a path to a grave have no limits. It appears to me that this is considered as if one sells an object whose species is not identified, in which instance the transaction is not binding.

11 If a person sells a colleague a place for relatives to stand and eulogize a person who has passed away,he must give him a place large enough to sow four *kabbim* of grain.

12 When a person tells a colleague: "I am selling you a cistern and its walls," he must give him a wall three handbreadths wide.

13 The following rules apply when a person sells a field to a colleague and while defining the boundaries of the field draws one boundary line long and another short. If the field on the boundary line that he drew longer belongs to only one person, the purchaser does not acquire any more land

on that side of the field than on the side that he drew short. If the fields on that side belong to two individuals, the purchaser acquires the land as separated by a diagonal.

14 If the fields on the east and the west belong to Reuven, and those on the north and the south belong to Shimon, when drawing the map, the seller must write "the boundary of Reuven" on two sides and "the boundary of Shimon" on two sides.

15 If the seller drew three boundary lines, but did not draw the fourth, the purchaser acquires the entire field. With regard to the fourth boundary, however, he does not acquire it.

If the fourth boundary is included within the other boundaries, and it is not designated by a row of palm trees, and it is not large enough for nine *kabbim* of grain to be sown within, the purchaser also acquires the fourth boundary.

If it is not included within the other boundaries, and it is designated by a row of palm trees, or it is large enough for nine *kabbim* of grain to be sown within, the purchaser does not acquire the fourth boundary. If it is included within the other boundaries, but it is designated by a row of palm trees, or it is large enough for nine *kabbim* of grain to be sown within, or it is not included within the other boundaries, but it is not designated by a row of palm trees, nor is it large enough for nine *kabbim* of grain to be sown within, the matter is entrusted to the court, and they divide it in the manner in which they see fit.

16 If the seller designates only the corners of the property, without designating the entire boundary line in each direction, or he designates two corners in an L-shape, or he designates certain portions in each direction,the purchaser does not acquire the entire property. Instead, he acquires only the portion the seller transfers to him and the portion granted to him by the judges.

17 If a person sells a colleague a *bayit* in a larger building, although he drew for the purchaser the external boundaries of the entire building, and there are some who would call the entire building a *bayit,* the purchaser acquires only the apartment; he merely made the boundaries appear larger.
Had he sold him the entire building, he would have written in the deed of sale: "I did not retain ownership of anything in this sale."
Similarly, when a person sells a field in a large valley, although he drew him the boundaries of the entire valley, he merely made the boundaries appear larger.

18 When a person tells a colleague: "I am selling you fields," we interpret his intent to be the very minimum that would justify the use of the plural term: two.
If he tells him: "...all my fields...," then all his fields, even three or four are acquired by the purchaser, with the exception of gardens and orchards. If he tells him: "...my property...," even his gardens and orchards are sold. If he tells him: "...all my property...," everything he owns, even his servants, his buildings, all the movable property that he is known to own, including even the *tefillin* he wears on his head, are encompassed in the sale.

19 When a person tells a colleague: "I am selling you one of my homes," or "...one of my oxen," he is required only to give him the smallest one. If one of the oxen dies or one of the homes collapses, the seller may show the purchaser the one that died or collapsed and tell him that it is his, for the claim of the person possessing the deed of sale is considered at a disadvantage.

20 When a person tells a colleague: "I am selling you a field from the house of Chiyya," and he possesses two fields that are described in this manner, the purchaser acquires only the lesser one. Similar principles apply in all analogous situations.

21 The purchaser's claim is favored in the following situation: A person tells a colleague: "I am selling you Reuven's field." When the purchaser comes to make use of the field that is popularly known by that name, the seller tells him: "This is not the field that was owned by Reuven. It is only called that by people, but it never belonged to him. This is the field that belonged to Reuven" he says, pointing to another field. "I purchased it from him, and this is the field that I sold to you."

The seller must prove his claim. If he does not prove it, the purchaser acquires the field that is popularly known as belonging to Reuven. Similar principles apply in all analogous situations. We follow the name that is accepted universally.

22 When a person tells a colleague: "I am selling you half a field," we should evaluate the worth of the entire field, and the seller should give the

purchaser a portion worth half the value of the entire field, from its lesser portion.

Similarly, when a person tells a colleague: "I am selling you the southern half of a field," we should evaluate the worth of the entire field, and the seller should give the purchaser a portion worth half the value of the entire field from its southern half.

Implicit in such an agreement is a commitment by the purchaser to make a place for a fence in his portion, including a small trench three handbreadths wide behind the fence, but close to it - and a larger trench, six handbreadths wide, outside the fence - and to leave the width of a handbreadth between the two trenches. All this is necessary to prevent a marten or the like from jumping from one field to the other.

23 The following rules apply when a person owns half of a field: If he tells a colleague: "I am selling you the half of the field that I own," the purchaser acquires the entire half. If he tells him: "I am selling you half the field that I own," the purchaser acquires only one fourth.

The following rules apply when a seller tells a purchaser: "These are the boundaries of the field from which a portion is divided...," "...is separated...," or"...is apportioned for you."If he tells him: "And these are its boundaries,"the purchaser acquires half. If he does not specify its boundaries, the purchaser acquires merely a portion on which he could sow nine *kabbim.*

Chapter 22

1 A person cannot transfer ownership over an article that has not yet come into existence. This applies with regard to a sale, with regard to a present or with regard to the disposition of an oral will.
What is implied? If a person states: "What my field will produce is sold to you," "What this tree will grow is given to you," "Give so and so the offspring that this animal bears," the recipient does not acquire anything. Similar principles apply in all analogous situations.

2 When a person sells the fruit of a date palm to a colleague, he may retract even after the fruits of the date palm have already come into existence. If the purchaser harvests the fruits, they are not expropriated from him. If either of them retracts, he is not required to receive the adjuration *mi shepara.*

3 When, however, a person sells produce at the market price, although the seller was not in possession of the type of produce, the seller is obligated to purchase the amount of produce he pledged, and give it to the purchaser. If he retracts, he must receive the adjuration *mi shepara.*

4 The following rules apply when a person sells produce at the market price, promising to give four *se'ah* for a *sela.* Even if the grain was in stalks, the transaction is completed, and if he retracts, the seller is liable to receive the adjuration *mi shepara,* provided either of the following stipulations is met:
a) the seller shows the purchaser that he possesses grain in his storehouse, or
b) the purchaser tells the seller in the market place: "I am relying on you."

If the purchaser did not tell the seller: "I am relying on you," the seller does not consider this to be a firm agreement, and he is not required to receive the adjuration *mi shepara* if he retracts. For he says to himself: "Perhaps the purchaser also made such an agreement with another individual and he does not actually require this wheat."

5 An entity that is not in the possession of the seller cannot be acquired; it is like an entity that has not come into existence.

What is implied? When a seller says: "What I will inherit from my father is sold to you," "What my net will bring up from the sea is sold to you," or "When I purchase this field, it is sold to you," the purchaser does not acquire anything. Similar principles apply in all analogous situations.

6 When a person was on his deathbed and the heir desired to sell some of the dying person's property to spend the money for the sake of the burial, our Sages ordained that if the heir says: "What I will inherit from my father today is sold to you," the sale is binding. The rationale is that since the son is poor, if he is forced to wait until his father dies to sell the property, the corpse will remain unburied and be disgraced.

Similarly, provisions were made for a poor fisherman who has nothing to eat. If he says: "What my net brings in today from the sea is sold to you," the sale is binding. This was ordained to provide for his livelihood.

7 If a son sold property belonging to his father during his father's lifetime, but the son died in his father's lifetime, the son's son may expropriate the property from the purchasers. The rationale is that his father sold

something that had not entered his domain. Thus, the property remained in the domain of the grandfather, and the grandson inherited the estate of his grandfather. Similar principles apply in all analogous situations.

8 The following rules apply when a person gave a colleague landed property as a present, and together with it gave him 100 *dinarim* through a *kinyan agav.* If the *dinarim* existed in his domain at the time he gave the present, when the recipient acquired the field, he also acquired the *dinarim.* If. however, the giver does not have a *dinar,* we do not obligate the giver to give the recipient 100 *dinarim* until the recipient brings proof that the giver possessed *dinarim* at the time the recipient acquired the present.

The same principles apply to other movable property that a person desires to transfer together with landed property through a *kinyan agav.* If the movable property is not in the domain of the seller or the giver at the time the recipient acquires the present, he does not acquire it. For a person may not transfer ownership over an article that is not in his domain.

9 When a person has entrusted an object to a colleague for safekeeping, he may transfer ownership over it, either through a sale or through a gift. The rationale is that an entrusted object is in the domain of its owner, and we operate under the presumption that the entrusted object continues to exists

If, however, the person to whom the article was entrusted denies receiving it, the owner may not transfer ownership of it. It is as if the article were lost; it is not in his domain.

Different rules apply with regard to a loan. Since a loan is given with the

intent that it be spent, it cannot be transferred except through a *ma'amad sh'loshtam,* a convention that is not based on a motivating reason, as we have explained.

If the loan was supported by a promissory note, the creditor may transfer ownership of the promissory note with a written authorization and the transfer of the note, for there is an entity that can be transferred through which one can acquire the encumbrance it contains.

10 Just as a person may not transfer ownership of an article that has not yet come into existence, so too, he may not transfer ownership of an article to someone who has not come into existence. Even a fetus is considered to be someone who has not come into existence, and thus, when a person wishes to endow a fetus with an article, the transaction is not binding.

If, however, the fetus is the person's son, the transaction is binding. The rationale is that a person feels great closeness to his son.

11 When, however, a person tells his wife: "I will give my property to the children that you will bear," the children do not acquire anything. Since the woman was not pregnant at the time the present was given, the children had not yet reached a stage at which it could be said that a person feels great closeness for them.

12 When a person desires to transfer ownership of property to an animal, the transfer is not effective at all. If a person attempted to transfer part of his property to an animal or to a person who did not exist, and afterwards told a colleague: "Acquire a share of my property as this animal does," or

"... as this fetus does," [the colleague does not acquire anything.
If he tells him: "You and this animal shall acquire my property," or "You and this fetus ... ," the person acquires half of the property.

13 A person cannot transfer ownership - neither through a sale nor through a present - over an object unless it has substance. If it has no substance, ownership of it cannot be transferred.

14 What is implied? A person cannot transfer ownership over the fragrance of an apple, the taste of honey, the color of crystal or the like. Therefore, when a person desires to transfer ownership of the right to partake of the fruits of this date palm or to dwell in this home, the recipient does not acquire anything. For the transaction to be effective, the owner must transfer the house itself for the sake of dwelling in it, or the tree itself for the purpose of eating its fruit, as will be explained.

15 The laws applying to transactions involving property consecrated to the Temple, the poor, and vows are not the same as those involving ordinary people. If a person says: "All the offspring of my animal will be consecrated to the Temple treasury," "... will be forbidden to me," or "... will be given to charity," although the offspring does not become consecrated - because it does not yet exist - the person making the statement is obligated to keep his word,, as **Numbers 30:3** states: "He must act according to the statements that he utters."

16 Since this is so, if a person on his death bed says: "Whatever this tree produces should be given to the poor," or "The rent from this house

should be given to the poor," the poor acquire these objects.

17 There are *Geonim* who differ with this principle and hold that the poor acquire only in a similar matter to that of an ordinary person. Therefore, they do not acquire an entity that has not come into existence. I do not accept these principles. My rationale is that a person is not commanded to transfer ownership of property. He is, however, commanded to fulfill his pledges to charity or to consecrate property, as he is commanded to fulfill other vows, as we have explained in *Hilchot Arachin.*

Chapter 23

1 A person can transfer ownership over a property itself with regard to the produce it yields. This applies with regard to a sale, with regard to a present or with regard to an oral will. This is not considered to be transferring ownership of an entity that has not come into existence. For the article itself exists, and the person is transferring ownership over its produce. To what can the matter be compared? To a person who rents a house or a field to a colleague, in which instance he did not transfer ownership over the property in its entirety, but rather merely the right to derive benefit from it.

2 What is implied? A person sold or gave away a field with regard to its produce for a limited time, or for the entire lifetime of the seller or of the purchaser.

Similar rules apply to a person who sells or gives away a tree for its fruit, a

sheep for its shearings, an animal or a maid-servant for her offspring or a servant for his work. In all such instances, the sale or the present is binding.

3 There is an unresolved question if a sale is binding when a person sells his servant with regard to his fine - i.e., whether the fine which is imposed if the servant is gored by an ox and killed should be given to the purchaser or not. Therefore, the purchaser does not acquire the money; if he seizes it from the servant's owner, it is not expropriated from him.

4 When a person sells a tree to one person and its fruit to another, when making the first sale he did not leave over the rights to the fruit. Therefore the second purchaser does not acquire anything.
If, however, a person sells a tree and leaves its fruit to himself, it is considered as if he retained the branches, the place where fruit grows, even if he did not explicitly say so. The rationale is that when a person retains property for himself, he acts generously.

5 When a person sells landed property for a specific time, the sale is binding. The purchaser may use the body of the land as he desires and derive benefit from it throughout the duration of the sale. At the end of the specified time period, the property returns to its original owner.

6 What is the difference between a person who sells landed property for a specific time and one who transfers ownership of it with regard to its produce? A person who purchases land with regard to its produce may not change the form of the land. He may not build, nor may he destroy.

When, by contrast, a person purchases land for a specific time, he may build and destroy. During that specific time, he may act in the same manner as does one who purchases the land forever.

7 What is the difference between a person who sells a field with regard to the produce it yields, and a person who sells a colleague the produce of a particular field?

When a person sells the produce of a particular field, the purchaser has no right to use this field at all. He is forbidden even to enter, except to take out his produce. The owner of the field, by contrast, may do whatever he desires within.

When, by contrast, a person sells a field with regard to the produce it yields, the owner of the field may not enter the field without the consent of the purchaser, and the purchaser may use the field as he desires.

8 What is the difference between a person who purchases a field with regard to the produce it yields, and a person who rents a field from a colleague?

A person who purchases a field with regard to the produce it yields may plant trees or seeds within it whenever he desires or leave it fallow. A renter does not have this right, as will be explained with regard to rentals.

A renter does not have the right to sublet the property. One who buys the property may, however, sell the rights he purchased to another person.

9 When a person sells the benefit to be obtained from a dovecote or the benefit to be obtained from a beehive to a colleague, the sale is binding. He is not considered to have sold an entity that has not come into

existence. For he is not selling the doves that will be born or the honey that will be produced in the beehive. Instead, he is selling the dovecote with regard to the benefit it produces, and the beehive for its honey.

The seller can be compared to a person who rents a stream of water to a colleague, in which instance the renter may derive benefit from everything he catches within. Similarly, when a person sells a dovecote with regard to its benefit, it is as if he sells a tree with regard to its fruit. And the laws applying to both of them are like those applying to a person who rents a house, as we have explained in Halachah 1. Such a person may derive all the possible benefits from the property. Similar laws apply in all analogous situations.

10 The owner of the dovecote does not acquire the eggs and the fledglings in the dovecote until they fly. This is a Rabbinic decree, enacted as a safeguard to the prohibition, **Deuteronomy 22:6**: "Do not take the mother with the young."

Therefore, if a person wants to transfer the ownership of these eggs or these fledglings to a colleague, he should rap on the dovecote so that the mothers will fly away, lifting themselves up from the ground. He should then transfer ownership of the dovecote to his colleague via a *kinyan chalifin,* by virtue of the transfer of landed property, or via another means of acquiring movable property.

11 When a person purchases the benefit to be derived from a dovecote from a colleague, he is not entitled to take all the fledglings that will be born from the time of the purchase onward. If he did that, the mothers would

fly away and he would destroy the dovecote entirely. Instead, he should leave enough of the fledglings so that the dovecote will remain populated.

12 How many of the fledglings must he leave? If there were mother doves and female fledglings at the time he sold the benefit from the dovecote, he should leave the first pair of offspring that the mothers will bear, so that the mothers will be able to establish rapport with the first pair and with the female fledglings that were with them from the time of the sale. He should also leave two pairs of fledglings from those that the daughters who were in the dovecote from the time of the sale bear, so that the daughters will be able to establish rapport with these two pair that they bore. Whatever offspring are born after the first two pair from the daughters and the first pair of the mother belong to the purchaser.

13 When a person purchases the benefit to be gained from a beehive from a colleague, he may take three swarms of bees - one after the other. After that, he should take a swarm and leave a swarm to populate the beehive.

14 When a person purchases blocks of a beehive from a colleague, he should leave at least two blocks in the beehive, so that the bees do not fly away and abandon the hive.

15 When a person purchases olive trees from a colleague to cut down as lumber, he must leave two fistfuls of the tree above the ground before cutting. If he purchases a wild fig tree that was never cut down, he must leave three handbreadths before cutting. If he purchases a wild fig tree that was cut down previously, he must leave two handbreadths. For other trees,

one handbreadth must be left before cutting.
For reeds and vines, he must leave the lowest knot above the ground. With regard to palm trees and cedar trees, the purchaser should dig out its roots, for it will not grow again.

Chapter 24

1 When a person sells three trees within his field, even three small newly planted trees, or three growths of one tree, the purchaser also acquires the land necessary to nurture them. Even if the trees dry up or are chopped down, he still owns the land necessary to nurture them. The purchaser also acquires all the other trees between them.

2 How much land is necessary to nurture them? The land beneath them, between them and beyond them, in which a person picking fruit can stand together with his basket.
This place - the place in which a person picking fruit can stand together with his basket - may not be sown by either the buyer or the seller unless the other agrees.

3 When does the above apply? When the three trees that he purchases are positioned like the three feet of a range on which a pot is placed - i.e., two parallel to each other and the third equidistant between them, but not on the line connecting them. There must be at least four cubits between each tree, and no more than sixteen cubits.

4 From where does one measure? From the wide portion of the trunk of the

tree.

In the following situations, by contrast, the purchaser does not acquire land: the trees were not standing in such a position, they were closer together than four cubits or more distant than sixteen cubits; he purchased one after the other; he sold him two trees in the midst of his field and the third on the boundary line; the purchaser bought two trees in one person's field and one in a field belonging to a colleague; or a cistern, an irrigation ditch or the public domain was interposed between the purchaser's three trees.

Therefore, the purchaser does not acquire the trees between the trees he purchased. If his trees dry up or are cut down, he has no further rights.

5 The following rules apply whenever a person purchases three trees and therefore acquires land: If the trees grow and a new branch emerges outward from the trunk, it should be cut off, so as not to limit the passage of the owner of the field.

All the twigs and small branches that emerge from the trees - even those that emerge from the roots - belong to the owner of the trees, for he has acquired the land.

6 When a person purchases two trees in a field belonging to a colleague, the purchaser does not acquire any land. Therefore, if one of his trees dies or is cut down, he has no further right to the land.

If his two trees grow and produce twigs and small branches, they should be cut off, lest they grow into the earth and appear as a third tree. Then the purchaser would tell the seller: "You sold me three trees and I have a

right to the land."

7 The following laws apply to all the branches that the owner of the trees trims from them. Any branches that grow from the portion of the trunk that sees the sun belong to the owner of the trees. The branches that grow from the roots and do not see the sun belong to the owner of the field. With regard to palm trees, the owner of the tree does not acquire any of the branches, for they do not grow from the trunk.

8 When a person sells landed property but retains the rights to the trees, he also retains possession of half of the land. For if he did not retain possession of the land, the purchaser would tell him: "Uproot your trees." Similarly, if he retains the rights to two trees, he also retains possession of the land appropriate for them. For if he did not retain possession of the land, the purchaser would tell him: "Uproot your trees."

9 When a person sells trees, but retains possession of the land, the owner of the trees acquires possession of the land necessary for them, as we have explained.

If a person sold the land to one person and the trees to another, and the purchaser of the trees manifested his ownership over the trees, and the purchaser of the land manifested his ownership over the land, the purchaser of the trees acquires the trees and half the land, while the purchaser of the land acquires only half the land.

10 When brothers divide an inheritance, one taking an orchard and one taking a field of grain, the owner of the orchard receives four cubits in the

field of grain next to the orchard. He is granted this land because we assume that they divided the land with this stipulation in mind. It need not be stated explicitly, because it is something that is well known.

11 The following rules apply when a person sells a field containing date palms to a colleague and specifies that he is selling him the field with the exception of one specific tree. If it is a valuable and high-quality tree, we assume that he retained ownership of that one date palm alone; the remainder belong to the purchaser. If the date palm that he specified that he was retaining is inferior, we assume that he surely retained ownership over the others, and the purchaser does not acquire any of the date palms at all.

12 The following rules apply when a person sells a field to a colleague and tells him that he is selling it to him with the exception of the trees. If it contains only date palms, the seller retains ownership over the date palms. If it contains only vines, the seller retains ownership over the vines. Similar rules apply if it contains only one other type of tree.

If the field contains vines and date palms, the seller retains ownership over the vines alone. If it contains other trees and vines, the seller retains ownership over the other trees alone. Similarly, if it contains other trees and date palms, he retains the other trees alone. The rationale is that whoever sells, sells generously,

If the seller retains ownership over date palms, he retains ownership over only those date palms that are tall and that one must ascend by means of a rope. The others belong to the purchaser. If he retains ownership over

trees, he retains ownership over only those trees that will not be bent over by a yoke. Those that can be bent over by a yoke belong to the purchaser and are considered to be part of the field.

13 The following rules apply when a person tells a colleague, "I am selling you land and date palms." Even if there are no date palms on the land that he was intending to sell, if he desires to transfer ownership of two other date palms, the transaction is binding. The purchaser does not have the option of saying: "I am purchasing only land that has date palms growing on it."

If, however, the seller tells him: "I am selling you land with date palms," the sale is binding only when there are at least two date palms on the land. If not, it is considered a transaction entered into under false premises, and it is nullified. If the seller tells the purchaser: "I am selling you land for date palms," it need not have date palms. This expression indicates merely that the land is fit to grow date palms.

14 When a person sells an orchard to a colleague, he must write: "Acquire the date palms, the dates and the palm branches." Although the purchaser acquires all of these entities even when they are not explicitly mentioned in the deed of sale, mentioning them makes the wording of the document articulate.

Similarly, when a person sells landed property to a colleague, he must write: "I have not retained ownership over anything in this sale," to prevent judgments and claims from arising.

15 The following rules apply when a person sells a house to a colleague: Even though he writes in the deed of sale: "I have transferred ownership of its depths and its heights," he must write to him: "Acquire from the ground of the earth's depths to the heights of the sky." For the heights and the depths of the property are not transferred when no specification is made.
If he said that he was transferring ownership of the heights and the depths, the purchaser would acquire the height - i.e., the atmosphere alone- and the depths, what is under the ground. He does not acquire what is in their midst. When, however, he writes: "From the ground of the earth's depths to the heights of the sky," he acquires a water receptacle and a cistern that are in the midst of the earth and the pathways that are in between the ceiling and the top of the building.

16 When a person sells a home on the condition that the upper storey remains his, he retains possession of that portion of the building. If he desires to extend projections from it, he has the right. If it falls, he may rebuild it. And if there was a third storey built on top of the second and it fell, if he desires to rebuild it, he may build it as it was before it fell.

17 Although a person sells his grave, the path to his grave, the place where the funeral procession stands in honor of the departed, or the place where eulogies are recited, the family may come and bury the deceased there or perform any of the other rites against the will of the purchaser.
This privilege was granted lest the failure to do so blemish the honor of the family. They must pay the purchaser for the grave in which the deceased was buried. This provision is granted even though it was not

stated explicitly in the original deed of sale.

Chapter 25

1 When a person sells an entity that has appurtenances, he is not including the appurtenances in the sale unless that is explicitly stated.
What is implied? If a person sold a house, he did not sell the patio around the house, even though it opens to the house. When does the above apply? When the patio is four cubits or more wide. If it is smaller than this, it is considered to be part of the house.
Similarly, a loft that is above a house and that opens up to it through an opening in the ceiling of the house is considered to be part of the house.

2 When a person sells a house, he is not including a room that is located behind the house in the sale. This applies even when it is included in the external borders of the property that the seller draws for the purchaser. Nor does the sale include the roof if it is four cubits wide and possesses a guardrail that is ten handbreadths high. Nor does it include a water receptacle hollowed out in the ground or a cistern that is built within a pit projecting above the ground. This applies even when he sold him the height and the depth of the property, as we have explained above.

3 The seller must purchase a path from the purchaser in order to gain access to the water receptacle or the cistern that he retained. For when a person sells property, he sells generously.
If at the time of the original sale, the seller tells the purchaser: "I am

selling you the house with the exception of the water receptacle or the cistern," he does not have to buy a path to the cistern. Similarly, when a person purchases a water receptacle or a cistern alone, the purchaser does not have to purchase a path. Instead, he may enter the seller's house and proceed as far as the cistern and fill his container.

4 The following rules apply when there are two rooms, one inside the other: If one sold them to two separate people or gave them to two separate people, neither of the recipients has the right to make a path through the other's property. Needless to say, this applies if the original owner gave the external room away and sold the inner one.

If, however, he sold the outer room and gave away the inner room, the recipient of the inner room has the right to make a path for himself through the outer room. The rationale is that a person is more generous when he gives than when he sells.

5 When a person sells a house, he also sells the oven, the range, the door frames that are attached with mortar, the door, the beam, the lock, but not the key. He also sells a mill that is permanently affixed in the ground, but not one that is movable. He sells the wooden base on which a mill is positioned, but not the container into which the flour descends. Nor does he sell the blocks for the feet of a bed, nor the window frames, even though they are affixed with mortar, for they are intended for decoration.

When the seller says that he is selling the house and all its contents, all of the above are also sold.

6 When a person sells a courtyard, he includes in the sale any water reservoirs, vaults or cellars that are located in it, all the outer and inner buildings, the buildings that contain sand and the stores that open to it. The stores that do not open to it, by contrast, are not included in the sale.
If stores open both inside and outside the courtyard the following rules apply. If the majority of the activity performed within them is performed within the courtyard, they are included in its sale. If not, they are not included in the sale. Movable property located in the courtyard is not included in the sale.
When the seller says that he is selling the courtyard and all its contents, all of the above are also sold. Regardless of what he said, a bathhouse or an olive press located within are not sold.

7 When a person sells an olive press, he includes in the sale the large stone that is affixed in the ground, upon which the olives are ground, the cedar beams that are used for support when the olives are being ground, the storage reservoirs and the storage containers in which the crushed olives are placed. These are called *mafrechot.* Not included in the sale is the upper millstone.
When the seller says that he is selling the olive press and all its contents, all of the above are also sold. Regardless of what he said, the blocks that are used to press the olives, the apparatus that rotates the stone, the beam, the sacks and the leather sacks used in the press are not sold.

8 When the seller says: "I am selling you an olive press and all its accessories," all of the above are sold.

The following rules apply if there are stores outside the olive press where olives or sesame seeds are spread out. If when the seller drew the external boundaries, he included these, they are all included in the sale. If not, the purchaser acquires only what is inside the building of the press itself.

9 When a person sells a bathhouse, included in the sale is the plank room where people sit while they are naked, the storehouse for the containers in which water is placed, the room where there are benches in the courtyard of the bathhouse where people sit when they are clothed, and the towel room in which they dry themselves. Not included in the sale are the planks, the water containers, the benches or the towels themselves.
When the seller says that he is selling [the bathhouse] and all its contents, all of the above are also sold. Regardless of what he said, he did not include in the sale the pools that provide water for the bathhouse in the summer and in the winter, nor the lumber shed where wood is stored.
When the seller says: "I am selling you a bathhouse and all its accessories," all of the above are sold, even though they are located outside [the bathhouse itself.)"

Chapter 26

1 When a person sells a town, included in the sale are the homes, the water reservoirs, vaults, cellars, bathhouses, dovecotes, olive presses, aqueducts in the town and near the town, the woods that surround the town, the fields that are known to be part of the town, the pens for wild animals, fowl and fish that face the town, even though they are distant from it. Not included

in the sale is the movable property the town contains.

When the seller says that he is selling the town and all its contents, the movable property is also sold. Regardless of what he said, he did not include in the sale fields that are not known to be part of the town, the villages that surround it, the woods that are distant from it, its portion of a sea, its portion of dry land, or the pens for wild animals, fowl and fish that do not face the town.

2 When a person sells a field, included in the sale are the stones that support the fence and the stones that are placed on the sheaves, for they are necessary elements of the field. Also included in the sale are the planed reeds that are placed under the vines to support them, the grain that is attached to the ground even though the time for its harvest has come, a place where reeds grow that is less than the area necessary to sow a fourth of a *se'ah* of grain, even though the reeds that grow there are thick and strong, the hut for the watchman which is made with mortar, even though it is not a permanent structure, a carob tree even though other trees have not been grafted upon it, wild fig trees that have not been cut down yet, even though their trunks are thick, and all the date palms it contains.

The following articles, by contrast, are not included in the sale: the stones that are not structured to support the fence, and the stones that are not placed on the sheaves, even though they are prepared for these purposes, the reeds in the vineyard that are not placed under the vines even though they have been planed, made flat and prepared for this purpose, and the grain that has been uprooted from the ground even though it still requires the field. When the seller says that he is selling the field and all its

contents, these are also sold.

3 Regardless of what the seller said, he did not include in the sale a place where reeds grow that is the size of an area necessary to sow a fourth of a *se'ah* of grain - even though the reeds growing in it are thin and small - a small block of spices that has a name of its own - e.g., it is called so and so's rose garden - the hut for the watchman, which is not made with mortar even though it is affixed to the ground, a carob tree upon which other trees have been grafted, and stumps of wild fig trees that have been cut down even though they are thin.
Nor is a water reservoir, a grape press or a dovecote - whether complete or destroyed - included in the sale.

4 The seller must purchase from the purchaser a path in order to proceed to the water reservoir, grape press or dovecote that he retained in the field. If the seller explicitly said: "The field is sold with the exception of these items," he does not have to purchase a path.

5 When do the above restrictions with regard to what is included in a sale apply? With regard to a seller, for the purchaser should have explicitly stated that these entities are being included in the sale. Since he did not make such a statement, he does not receive them.
When, however, a person gives a present, the recipient acquires all the entities mentioned above - whether a field, a house, a courtyard or an olive press - that are being transferred. The general principle is that when a person gives landed property as a present, the recipient acquires

everything that is attached to it unless the giver specifies otherwise.

6 Similarly, when brothers divide an inheritance, and one acquires a field, he acquires all the articles associated with the field. When a person takes possession of the property of a convert who dies, if he takes possession of a field, he acquires all of the above. And when a person consecrates a field, he consecrates all of the above.

7 Even with regard to a seller and a purchaser, all the above concepts apply with regard to these matters only when there is not a fixed custom or known terms commonly used with regard to every individual article. In a place where it is customary that a person who sells a particular entity includes in the sale other particular entities, those entities are included in the sale even if they are not mentioned explicitly, for we rely on the custom.

Similarly, in a place where the term "house" refers to the house alone, or the term "house" refers not only to the house but to all of its surroundings and everything that is upon it, we follow the meaning common in that locale.

Similarly, when a person sells a courtyard, a field, a town or movable property, with regard to everything we follow the meaning of the terms that are used by all the local people.

8 This is a fundamental principle: With regard to all matters of commerce and trade, we follow the commonly accepted meanings of the terms used by people of that place, and the local business customs. When, however,

there are no local business customs or commonly accepted meanings of terms, and instead, one person will have this intent and another, another intent, we follow the guidelines explained by the Sages in these chapters.

Chapter 27

1 When a person sells a ship, included in the sale are the mast, the sail, its anchors, the ropes used to steer it, the ramp and the ladder with which one ascends to the ship and descends to its lower deck, and the reservoir of drinking water it contains.

Not included in the sail is the *beitzit* - the small boat in which one sails to land, the *dugit* - the small boat with which the sailors fish - the servants who work on the ship, or the sacks and the merchandise that it contains. When the seller tells the purchaser: "I am selling you a ship and everything it contains, they are all included in the sale.

2 When a person sells a carriage, he has not sold the mules if they are not attached to it. If he sells the mules, he has not sold the carriage.

If a person sells a yoke, he does not sell the oxen. If he sells the oxen, he does not sell the yoke. This applies even in a place where, when some people say "oxen," they are referring to a yoked team.

3 When a person sells a single yoke, he also sells the cow. When he sells a cow, he does not sell its yoke. When he sells a wagon, he sells the oxen. When he sells oxen, he has not sold the wagon.

In all these matters and the like, the price of the article is no proof of the

seller's intent.

4 When a person sells a donkey, included in the sale are the saddlecloth and the saddle, even though they are not on the donkey. The saddle-bags and a riding seat for women are not included in the sale, even if they are on the donkey at the time of the sale.

5 The price paid for an article is not considered to be proof of the seller's intent. If the purchaser erred with regard to a sum that one might ordinarily err, the laws of *ona'ah* are applied, or the transaction is nullified, as is the law with regard to any seller and purchaser. If, however, the error is inordinately greater than one would make, the transaction is not nullified. We assume that the extra money is a present that the purchaser gave the seller, and the purchaser receives merely a donkey without its saddlebags.

The same applies in all analogous situations: We do not bring proof of the seller's intent from the price.

6 When a person sells a maid-servant, included in the sale are all the garments she is wearing, even if there are one hundred. Nevertheless, jewelry

- e.g., a bracelet, a nose ring, a finger ring or a choker worn around the neck

- are not included in the sale.

If the seller says: "I am selling you a maid-servant and everything that is upon her," even if she is wearing articles that are worth 100 *maneh,* they

are all included in the sale.

7 If a person tells a colleague, "I am selling you a pregnant maid-servant," or "I am selling you a pregnant cow," the fetus is sold together with the mother.

If a person tells a colleague, "I am selling you a nursing maid-servant," or "I am selling you a nursing cow," the infant or the calf is not included in the sale.

If a person tells a colleague, "I am selling you a nursing donkey, the donkey colt is included in the sale, because no one ever sells a donkey for its milk.

8 If a person tells a colleague, "I am selling you the head of this servant," or "... of this donkey," half of the animal is included in the sale. Similar laws apply with regard to any organ on which the life of the animal depends.

If the seller tells the purchaser: "The hand of this servant..." or "the forearm of this donkey is sold to you," an evaluation is made between them. Similar laws apply with regard to any organ on which the life of the animal does not depend.

If he tells him: "I am selling you the head of this cow," only the head is included in the sale, for the head of a cow is always being sold in butcher shops.

9 When a person sells the head of a large animal, the feet are not included in the sale. If he sells the feet, the head is not sold. If he sells the windpipe, the liver is not sold. If he sells the liver, the windpipe is not sold.

With regard to a small animal, however, different laws apply. When a person sells the head, the feet are included in the sale. If he sells the feet, the head is not sold. If he sells the windpipe, the liver is sold. If he sells the liver, the windpipe is not sold.

10 When a person sells a water reservoir, the water is not included in the sale. When he sells a garbage dump, the garbage is included in the sale. When he sells a beehive, the bees are included in the sale. When he sells a dovecote, the doves are included in the sale.

11 Do not let the fundamental principles governing these matters escape your eyes. These are the accepted local customs, and the commonly accepted meaning of terms for every particular entity. In a place where there is no local custom defined, and a term does not have a specific meaning that excludes a more encompassing conception, we follow these principles that were explained by our Sages, as stated previously.

Chapter 28

1 The following rules apply when a person tells a colleague: "I am selling you a parcel of earth fit to sow a *kor."* If the land contains small hollows that are ten handbreadths deep even if they do not contain water, or rocks that are ten handbreadths high, they are not included in the above measure.The rationale is that a person does not want to pay money for one parcel of land and have it appear as two or three parcels. The purchaser acquires these rocks and hollows as part of the parcel of land fit

to sow a *kor* without paying for them.

If the hollows or the rocks are smaller than ten handbreadths, they are measured together with the remainder of the field.

2 When does the above apply? When together, the area of all the rocks and the hollows was no more than the area necessary to sow four *kabbim* and was contained within an area where at least five *kabbim* could be sown, and was contained within the majority of the field.

If the area of the rocks and the hollows is more than the area necessary to sow four *kabbim* that area is very spread out, or it is contained within a lesser area than one in which five *kabbim* could be sown, they are not included in the measure of the field, even if they are not ten handbreadths high or deep.

All the following situations are questions left unresolved by the Talmud: The majority of the area necessary to sow four *kabbim* is contained in a small portion of the field, a small portion of the area necessary to sow four *kabbim* is contained in the majority of the field, the rocks are in a straight line, in a circle, in a triangle, they are in the shape of a star, or in a jagged line. In all these instances, because of the doubt involved, we follow the principle: One who desires to expropriate money from a colleague must prove his contention.Similarly, if there is earth on top and a rock beneath it, or a rock on top and earth beneath it, there is an unresolved doubt among our Sages, and the above principle is followed.

3 If there is one large rock, even if it is only as large as the area necessary to sow a quarter of a *kav,* it is not included in the measurement. If a rock is

next to the border of a field, even if it is very small, it is not included in the measurement. If there is some earth between the rock and the boundary, there is an unresolved doubt among our Sages.

4 When the seller tells the purchaser: "I am selling you a parcel of earth like the area fit to sow a *kor"* different rules apply. Even if it has hollows that are ten or more handbreadths deep or stones that are ten or more handbreadths high, they are included in its measure.

5 When a person tells a colleague: "I am selling you a parcel of earth fit to sow a *kor,* as measured with a rope" the measurement must be exact. If the land is even slightly smaller, the purchaser may reduce the payment proportionally. If it is even slightly larger, the extra amount should be returned to the seller.

6 When the seller tells the purchaser: "I am selling you a parcel of earth fit to sow a *kor,"* it is as if he said "approximately a parcel of earth fit to sow a *kor,* perhaps more, perhaps less."

The following laws apply. If the measure was one twenty-fourth less - i.e., a fourth of a kav, for each parcel of earth fit to sow a *se'ah,* it is considered to be within the terms of the original agreement. If the deviation is larger than that, he should calculate the amount due for all the parcels of land fit to sow a fourth of a *kav* that are either lacking or additional. He should deduct from the price for the entire amount that is less than the parcel of earth necessary to sow a *kor* or make restitution to the seller for everything that is more than that amount.

7 How should restitution be made to the seller? If the additional amount is less than an area fit to sow nine *kabbim,* the purchaser should return to the seller the percentage of the price paid at the time of the sale. This is done to strengthen the position of the seller.

If the extra portion of land is located next to another field belonging to the seller, the purchaser should return the land itself. For the seller can include it with his other fields and will not suffer any loss.

If the additional amount is more than an area fit to sow nine *kabbim,* the purchaser should return to the seller a fourth of a *kav* for each parcel of earth fit to sow a *se'ah.* If the remainder besides these fourths of-a-kav parcels is an area fit to sow nine *kabbim,* the purchaser should give the seller these fourths of-a-kav parcels and the additional land. If the seller does not desire the land, the purchaser has the option of paying the seller according to the price at the time of purchase.

8 When does the above apply? When the land was inexpensive at the time of the sale and rose in value at the time when restitution is being made. If, however, the land was expensive and decreased in value, we tell the purchaser: "If you desire, pay him for the entire additional amount, giving him the price at the time of the sale. If you desire to give him land, give it to him according to its present value."

9 The same laws that apply to an area fit to sow nine *kabbim* in a field apply to an area fit to sow half a *kav* in a garden. If there is less than half a *kav* in addition to the fourths of a *kav* for each parcel of earth fit to sow a *se'ah,* the purchaser is required only to return money. If there is an additional

half *kav,* the purchaser should pay him for all the additional fourths and the extra amount or return the land to him even if its price decreased at the time it is being returned.

10 When a person sells a field and it becomes a garden while in the possession of the purchaser, or he sells a garden and it becomes a field while in the possession of the purchaser, there is a doubt whether the laws are determined according to its state at the time of the sale or its immediate state.

11 When a person tells a colleague: "I am selling you a parcel of earth fit to sow a *kor,* as measured with a rope, perhaps more, perhaps less," or if he says: "I am selling you a parcel of earth fit to sow a *kor,* perhaps more, perhaps less, as measured with a rope," one should follow the less committing of the implications. The purchaser does not receive more according to the principle: "When a person desires to expropriate property from a colleague, the burden of proof is on him," whether the seller's statements imply more or less.

12 When a person sells a colleague a parcel of land fit to sow a *kor* and states signs and boundaries for it that are a sixth less or a sixth more than the area fit to sow a *kor,* the sale is binding. If it is less than that amount by more than a sixth, the seller must subtract from the sum the purchaser pays. If the field was more than a sixth larger, the purchaser should give him either money or land as appropriate for the extra amount. If the extra amount was less than an area fit to sow nine *kabbim* in a field, or less than

an area fit to sow half a *kav* in a garden and it was not located next to a field belonging to the seller, the purchaser should return the appropriate amount of money.

13 The following rule applies when a person sells to a colleague a field with which the colleague is familiar and knows its boundaries. Even if he tells him that its measurement is 200, and in truth it is only 150 the sale is binding. For he knew the field and accepted it. By saying its measure is 200, he was stressing its importance. It is as if he had said: "It is as valuable as a field that is 200 in measure."

14 When a person tells a colleague: "I am selling you this and this parcel of land fit to sow a *kor"* even though when measured, it is fit to sow only a *letech,* the sale is binding. For he sold him a place that was called "fit to sow a *kor."* For this reason, the seller must bring proof that the parcel of land is called "fit to sow a *kor."*

Similarly, if a person tells a colleague: "I am selling you my vineyard in this and this place," even if there are no vines on the land, the sale is binding, provided the place is described as a vineyard.

Similarly, if a person tells a colleague: "I am selling you this orchard," even if there are no pomegranates on the land, the sale is binding, provided the place is described as an orchard. Similar principles apply in all analogous situations.

15 All the above rules apply only in a place where there is no prevailing local custom, as we have explained. When, by contrast, there is a prevailing

local custom, that custom should be followed. Similarly, we follow the implied meanings of the expressions used by the majority of the local people.

Chapter 29

1 There are three types of individuals whose purchase is not considered a binding purchase, nor is their sale considered a binding sale according to Scriptural Law: a deaf mute, a mentally incapable or emotionally unstable individual, and a minor. Our Sages, however, ordained that a deaf mute and a minor may buy and sell in order to guarantee their livelihood.

2 How does a deaf person buy and sell? Both a deaf mute and a deaf person who can speak may buy and sell through gestures.
This applies with regard to movable property, but not with regard to landed property. Moreover, even with regard to movable property, his deeds are not binding until he has been tested many times and the matter is considered thoroughly by the court.

3 Different rules apply with regard to a mute who can hear but cannot speak, or someone who has lost the ability to speak. Both sales and purchases in which he engages are binding, as are the presents which he gives, whether movable property or landed property is involved, provided he is tested as one tests with regard to a bill of a divorce, or he writes instructions by hand.

4 Neither a sale nor a purchase involving a mentally incapable or

emotionally unstable individual is binding, nor are the presents he gives effective. Instead, the court must appoint a guardian for such a person, just as it appoints guardians for minors.

5 The following rules apply when a person is at times unable to control his behavior and capable of doing so at other times - e.g., an epileptic. During the times he is capable of controlling his behavior, all of his financial undertakings are binding. He can acquire property for himself and for others like any other ordinary person. When he is not in control, his deeds are not binding.

Witnesses to a transaction must research the matter carefully - perhaps the transaction was concluded at the conclusion of a period of mental instability, or when an unstable period began.

6 The following rules apply to a minor: Until he is six years old, he may not transfer property to others at all. From the age of six until he attains majority, he should be tested. If he possesses an understanding of the nature of financial transactions, any purchases or sales he undertakes, and any presents he gives, are binding.

This applies whether a large matter or a small matter is involved, whether he is giving a present while healthy or he is dispensing his property on his deathbed.

As we have explained, this is a Rabbinic decree, instituted so that the minor will not be forced to remain idle, without finding anyone to sell to him or buy from him. And this applies only with regard to movable property. With regard to landed property, a minor cannot sell or give

property away until he attains majority.

7 When does the above apply? With regard to a minor who does not have a guardian. If, however, the minor has a guardian, his transactions, even those involving movable property, are of no consequence unless they are approved by the guardian. If the guardian does desire to approve a purchase, a sale or a present of movable property, it is binding.

8 We test a minor to see whether or not he possesses an understanding of the nature of financial transactions. For there are some minors who are wise and astute and understand such matters even at age seven, and there are others who do not understand financial transactions even when they reach the age of thirteen. When a minor who does not have a guardian and who possesses a good understanding of financial matters errs with regard to the appraisal of an object, the same laws that apply to an adult apply to him. If the error is less than a sixth of the value of the object, he is considered to have waived the difference. If it is a sixth, the unfair gain must be returned, and if it is more than a sixth, the transaction is nullified, as we have explained.

I maintain that a purchase or a sale of movable property in which a minor engages is not binding unless the transaction is concluded by *meshichah.* If, however, a minor paid money for an article and then reneged, the transaction is nullified.The minor is not required to receive the adjuration *mi shepara.* If, however, others renege on their commitment to him, they are required to receive the adjuration *mi shepara.*

9 Similarly, if a *kinyan sudar* was made with a minor or the purchaser rents the place on which the movable property was located, and the minor retracted, the purchaser does not acquire the movable property.For property cannot be expropriated from a minor through legal process. And a *kinyan* established by a minor is of no consequence. For a *kinyan* depends on a legal document, and witnesses will not sign a legal document unless the parties involved are above the age of majority.

10 Similarly, if a minor purchased movable property and sought to finalize the transaction with a *kinyan sudar* or by renting the place where the movable property was located, he does not acquire the movable property until he performs *meshichah.* The rationale is that he cannot acquire property using any of the legal processes that are used by an adult. Proof of this thesis can be drawn from the fact that a male minor does not acquire by virtue of the presence of property in his courtyard, nor by virtue of the presence of property within the radius of four cubits next to him. The rationale is that these are effective with regard to the acquisition of property, because of the principle of agency, not as an extension of his physical person, as will be explained. It is improper that a *kinyan sudar* and the rental of the place where property is located should be more effective than the acquisition of property by virtue of its presence in one's courtyard.

Different rules apply with regard to a female minor. She is given the right to acquire property by virtue of its presence in her courtyard, as an extension of her physical person. Therefore, she may finalize the acquisition of movable property with a *kinyan sudar* or by renting the

place where the movable property was located.

11 It appears to me that when a minor acquires landed property, pays its price, and manifests possession over the property, it should remain in his possession, despite the fact that he cannot sell property. The rationale is that it is as if the minor were not in our presence. And we follow the principle: we may acquire a benefit for a person outside his presence, but we cannot cause a loss for a person outside his presence.

12 When a minor attains majority - i.e., a male over thirteen years old and a female over twelve, when they manifest signs of physical maturity - any purchase, sale or present of movable property that he or she undertakes is binding. This applies even if he or she does not possess an understanding of the nature of financial transactions.
With regard to landed property, by contrast, his deeds are not effective unless he is past majority and possesses an understanding of the nature of financial transactions.

13 When does the above apply? With regard to his own property. With regard to landed property that he inherited from his parents or from other deceased persons, his sale of this land is not effective until he is twenty years old. This applies even though he has manifested signs of physical maturity and possesses an understanding of the nature of financial transactions. This restriction was applied lest the youth sell the land cheaply, because he is attracted by money, and he has not become settled within ordinary worldly ways.

14 When a youth below the age of twenty gives a present of landed property - whether he gives it while healthy or as part of the distribution of his property in an oral will - it is binding. The rationale is that unless he received significant benefit, he would not have given it. Moreover, this is a rare occurrence. Our Sages said: "Let his present endure, so that his words will be heeded."

15 When does the license for a youth to sell property inherited from his father after he reaches twenty apply? When he has manifested signs of physical maturity or manifested signs of being sterile. If, however, he did not manifest signs of physical maturity or sterility, he is still considered a minor, and a sale of landed property that he makes is not binding - even with regard to property that he acquires himself - until he reaches the age of 35.

16 The following rule applies when a youth sells landed property - that he either purchased or inherited - and then dies, and his heirs maintain that he was a minor at the time of the sale. If they seek to have an examination made, we do not heed their desire to debase his remains. Moreover, it is questionable whether the examination would be of any value, because the appearance of these physical signs changes at the time of death. A further rationale to accept the validity of the sale is that we accept the presumption that witnesses would not sign a deed of sale unless they knew with certainty that the seller had attained majority.

17 When a youth who is below the age of twenty sells property that he

inherited, he may expropriate it from the purchaser, whether before the age of twenty or after the age of twenty.

When he expropriates the property, he may also expropriate the value of all the produce of the property that the purchaser has consumed. If the purchaser undertook expenses or planted or sowed, we evaluate the amount due him, but he must return the remainder.

This is the way my masters have ruled. I maintain that even if a minor sells property that he inherited, if he does not protest immediately after he becomes twenty, he is no longer able to protest. The rationale is that since the seller took the money, and the purchaser used the land with his consent after he attained the age of twenty without his protest, the acquisition of the property by the purchaser is confirmed, because the seller showed his appreciation of his sale.

18 A drunken man is considered to be responsible for his actions. A sale, a purchase or a present involving him is binding. If, however, his drunken state approaches that of Lot- i.e., he is so drunk that he does not realize what he is doing - his deeds are of no consequence. It is as if he were a mentally incompetent person or a child below the age of six.

Chapter 30

1 When a person sells landed property or movable property to a colleague and someone acquires the property on the purchaser's behalf without the purchaser's knowledge, the option is given to the purchaser. If the purchaser desires to acquire the property, the seller cannot retract. If the

purchaser does not desire to acquire the property, the property returns to its original owner.

Therefore, a deed of sale can be written for a seller even when the purchaser is not present. The purchaser, however, is always required to pay the scribe's fee. This applies even if a person sells his field because it is of inferior quality.

2 Similarly, when a Canaanite servant buys or sells property, or whether he gives a present or a present is given to him, the option is given to the servant's owner. If he desires to perpetuate the servant's act, the servant's acts are binding. If the master does not grant his consent, the servant's acts are nullified entirely.

The master may perpetuate or nullify the servant's act with merely a verbal statement. It is not necessary that he confirm his decision with a *kinyan*.

3 Similarly, when a woman sells or gives a present - whether of property belonging to her husband, property defined as *nichsei tzon barzel* that she brought him, property that he designated for her in her marriage contract, or property defined as *nichsei m'log,* whether landed property or movable property - the option is given to her husband. This ruling also applies if she purchases property or if she is given a present. If her husband desires to perpetuate the transfer, it is binding. If he desires to nullify it, it is nullified entirely.

Different rules apply when a husband sells or gives away property to which his wife shares a connection - e.g., land that she brought to him

that was recorded in her marriage contract, land that he designated for her in consideration of goods she brought to the marriage, or property that he designated for her in her marriage contract. Even though the purchaser has the woman confirm her husband's deeds with a *kinyan,* whatever he has done is nullified, because she may rationalize her actions, stating: "I did it only to generate satisfaction for my husband."

4 If the husband sold or gave as a present *nichsei m'log,* whether landed property or movable property, the option is granted the woman. If she desires to nullify the sale, she may. If, however she confirms her husband's actions, the purchaser acquires the property.

5 The following rule applies when a husband sells movable property that is classified to be *nichsei tzon barzel* or movable property that he gave his wife from his own property. Although he does not have the right to do so, if he transgresses and sells or gives away such property, it is acquired by the purchasers, and his wife may not expropriate it from them.
Similarly, the husband has the right to sell all of his property, even though it is under lien to his wife's marriage contract. If she is later granted the right to expropriate the property, she will expropriate it. This applies unless she first wrote a disclaimer for the purchaser, and confirmed it with a *kinyan.*

6 When a woman sells or gives *nichsei tzon barzel* to her husband, he does not acquire the property. Instead, she may expropriate it from him, as explained in *Hilchot Ishut.*

When a court sells or purchases property on behalf of orphans - whether landed property or movable property - both the purchase and sale are binding. If, however, it gives the orphans' property away as a present, the gift is of no consequence. The rationale is that a person may not give away something that does not belong to him.

The same principles apply with regard to an orphan's guardian, whether a guardian appointed by the court or one appointed by the orphan's father before his death.

7 When a person sells or gives away property on the Sabbath - and needless to say, on the holidays - although he is punished by stripes, his deeds are binding.

Similarly, when a person enters into a *kinyan chalifin* on the Sabbath, the *kinyan* is binding. After the Sabbath, a legal record may be composed and the property transferred.

Mishneh Torah, Ownerless Property and Gifts

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Whoever takes hold of ownerless property acquires it. Any objects found naturally in deserts, rivers and streams - e.g., grass, trees, wild fruit and the like - are ownerless. Whoever first takes hold of such an object acquires it.

2 When a person catches fish in a sea or in a river, and similarly, when he catches fowl, or various wild beasts, since they are ownerless, he acquires them. He may not, however, hunt in a field belonging to a colleague. Nevertheless, if he snares an animal there, he acquires it.

If fish - or wild beasts or fowl - are in vivariums belonging to another person, they belong to the owner of the vivarium. A person who snares an animal there is considered to be a robber. This applies even if the vivarium is large and effort is required to snare the animal.

3 However, when a person takes a fish from the net of a colleague at sea, or takes a beast from a snare of a colleague set in the desert, this is prohibited by virtue of Rabbinic decree. If the snare could be considered to be a container, and the person took the fish or the animal from the container, he is considered to be a robber.

4 When a person spreads out a snare in a field belonging to a colleague, and traps a beast or a fowl, he acquires it, even though he does not have permission to do this. If the owner of the field was standing in the field at

the time the animal was trapped, and said: "My field acquires this on my behalf," the owner of the field acquires it, and the owner of the snare does not acquire anything.

5 When fish jump into a boat, they become acquired by the owner of the boat, for the boat is considered to be a protected courtyard. It is not considered to be a moving courtyard, because the boat does not move on its own. It is the water that moves it.

6 When a convert dies without having fathered a Jew after his conversion, he has no heirs. Instead, the first person who takes hold of his property acquires it. A neighbor does not have the right to buy the property from the person who took hold of it, because this is considered to be a gift.

7 The following laws apply when there are two fields in an estate that belong to a convert, with one boundary marker between them. If a person manifests ownership over one of the fields with the intent of acquiring it, he acquires it. If he manifests ownership over it with the intent of acquiring both it and the other field, he acquires the field over which he manifested ownership, but he does not acquire the other field.

If he manifests ownership over one field with the intent of acquiring only the other field, he does not acquire either of them. He does not acquire the field over which he did not manifest ownership because he did not manifest ownership over it. He does not acquire the field over which he did manifest ownership because he did not manifest ownership with the intent of acquiring it.

If he manifests ownership over one field with the intent of acquiring it, the other field and the boundary marker between them, or if he manifests ownership over the boundary marker with the intent of acquiring both fields, there is an unresolved doubt with regard to the matter. If another person comes and manifests ownership over one of the fields itself with the intent of acquiring it, the latter person becomes the legal owner.

8 Similarly, when two houses are located one within the other, if a person manifests ownership over one of the houses with the intent of acquiring both it and the other house, he acquires only the house over which he manifested ownership. If he manifests ownership over one house with the intent of acquiring only the other one, he does not acquire even the house over which he did manifest ownership.

9 When a person takes hold over a deed of sale within the estate of a convert with the intent of acquiring the land mentioned in that deed, he acquires only the document itself. He may use it to wrap around the top of a bottle or the like.

10 When the boundaries of a field belonging to a deceased convert are clearly marked, when a person plunges a spade into the field in one place, he acquires the entire field. If the boundaries of the field are not clearly marked, by plunging the spade into that one place, he acquires only a portion over which a team of oxen will pass when plowing, before the team returns.

A boundary marker and a *chatzav* used to designate boundaries serve as

cut-off points with regard to the estate of a convert. Whoever manifests ownership over the field acquires only up to the boundary marker or the *chatzav*.

11 Whatever is considered significant to create a separation with regard to the distribution of *pe'ah* is also considered significant to create a separation with regard to the acquisition of the property of a deceased convert.

What is implied? If there was a stream, an irrigation ditch or the like, the person seeking to acquire the field acquires only up to the stream or up to the irrigation ditch.

Whatever creates a distinction with regard to the domains of the Sabbath, creates a distinction with regard to the acquisition of the property of a deceased convert - for example, a situation where a private domain or a *carmelit* is interposed between two fields. Indeed, a distinction is created, even if the two fields were separated by a domain that is considered a distinction with regard to the transfer of a bill of divorce.

12 Whenever a distinction is created with regard to the laws of ritual impurity, it also applies with regard to the acquisition of the property of a deceased convert.

What is implied? A person enters a valley. There is an object that conveys ritual impurity on one side of the valley, and the person does not know whether or not he has reached the place that is ritually impure. Wherever the person would be considered to be ritually impure is considered to be a separate entity from the field as a whole.

13 The following law applies when there is a large valley containing many fields, all belonging to one convert, and there is no boundary marker, *chatzav* or any other entity that creates a distinction between them. If one person comes and manifests ownership over a portion of the valley with the intent of acquiring the entire valley, he acquires all the land that is known to be owned by that convert.

14 When a gentile sells movable property to a Jew or buys movable property, he acquires and transfers the property through *meshichah* or through the transfer of funds.

Different rules apply with regard to landed property. A gentile does not acquire landed property from a Jew without a deed of sale, nor does he transfer property without a deed of sale. For he will not rely on anything but a deed of sale.

For this reason, if a Jew purchased a field from a gentile and paid the money for it, but before he could manifest his ownership over it, another Jew came and manifested ownership over it in a manner similar to that described above with regard to the acquisition of the property of a deceased convert, the latter person acquires the land. He must, however, repay the money to the purchaser.

The rationale for the decision is that the gentile abrogates his ownership over the property at the time he receives the money. And yet, the Jew purchasing the land does not acquire it until the deed of sale reaches his hand. In the interim, the property is like property in the desert concerning which the rule is: Whoever manifests ownership over it acquires it.

15 When does the above apply? When there are no known laws enforced by the governing sovereign. If, however, the law of the governing sovereign and his judgment is that only a person whose name is mentioned in the deed of sale - who paid money for the property or the like - can acquire the land, we follow the law of the governing sovereign. For we rule according to all the financial laws of the governing sovereign.

Chapter 2

1 The property of a deceased convert who has no heirs, property that is ownerless, and a field that a gentile sold to a Jew who has not taken hold of it are all governed by the same laws. Whoever manifests ownership over them using a valid *chazakah* - to be described in *Hilchot Mechirah* - acquires them, with one exception: eating produce.

2 What is implied? When a person buys landed property from a colleague and manifests his ownership over it by eating produce, he acquires it, as we have explained. But with regard to the acquisition of ownerless property or property of a deceased convert, even if a person eats produce of a tree for several years, he does not acquire the tree itself or the land itself until he performs a deed involving the land itself or performs a task involving the tree.

An incident occurred when a woman ate the produce of a date palm for thirteen years, and then another person manifested ownership over the tree by performing a task involving the tree itself. The incident was brought before the Sages and they ruled that the latter person acquired it.

3 There are many acts that if performed by a purchaser to prove ownership of property are not effective, but when performed to manifest ownership over ownerless property, property belonging to a deceased convert or the like, are effective in acquiring it.

What is implied? When a person finds large palaces constructed on property belonging to a deceased convert or on ownerless property, if he paints them slightly or plasters them slightly - e.g., for a cubit or more opposite the entrance - he acquires them.

4 When a person makes a design in the property of a deceased convert, he acquires it. If he sets out mattresses in the property of a deceased convert, he acquires it. If he plows a field with the intent of leaving it fallow in the property of a deceased convert, he acquires it.

When a person cuts branches of a vine or of a tree, or fronds from a date palm in the property of a deceased convert, if his intent is to improve the tree, he acquires the property. If his intent is to feed the branches to his animal, he does not acquire the property.

5 What is implied? If the person prunes the branches of the tree from both sides, we can assume that he intends to improve the tree. If he cuts from only one side, it appears that his intent is only for the branches.

Similarly, when a person collects wood, grass and stones from a field, if his intent is to improve the land, he acquires the field. If his intent is to collect the wood, he does not acquire the field.

6 What is implied? If the person collected both large and small branches, we

can assume that his intent was to improve the land. If, by contrast, he collected only large branches and not small ones, we can assume that his intent was to collect wood.

Similarly, when a person levels the surface of the land, if his intent is to improve the land, he acquires the field. If his intent is to level a place to use as a grain heap, he does not acquire the field.

7 What is implied? If the person takes earth from a high place and brings it to a lower place, it appears that his intent is to improve the land. If we see that he is not concerned with this and instead throws earth and stones anywhere without concern, we can assume that his intent is merely to level one limited area to use as a grain heap.

Similarly, when a person opens a flow of water into a field, if his intent is to improve the land, he acquires the field. If his intent is to catch fish, he does not acquire the field.

8 What is implied? If the person made only a place for water to enter, it appears that his intent is to improve the land. If he made two openings - one for the water to enter and one for the water to leave - it appears that his intent is to catch fish.

9 When a person builds large palaces on property belonging to a deceased convert, and another person comes and sets up the doors, the second person acquires the property.

The rationale is that the first person did not do anything with the land itself, It is as if he piled up stones on the land, an act that does not bring

about his acquisition of the property.

Nor is his acquisition effective because by constructing the building he made a fence around the land since this fence is not useful, because the entrance to the building is wide enough and one can pass through it. Setting up the structure of this building is not at all useful until one sets up the doors.

10 When a person spreads seeds in rows in a field, he does not acquire the field. The rationale is that at the time he sowed the seeds, he did not improve the field at all. And at the time the produce grew, the benefit came as a result of a natural course of events. This is not sufficient for an acquisition to be made.

11 If a partition existed within the property of a deceased convert, and another person came and built another partition on top of the existing one, he does not acquire the field. This applies even when the first partition sinks into the ground, and the higher partition is still functional. The rationale is that at the time the partition was built, it was not beneficial. And when it became beneficial, the benefit came as a result of a natural course of events.

12 When a person manifests ownership over property belonging to a deceased convert or ownerless property, without the intent of acquiring it, he does not acquire it despite the fact that he built or erected a fence.

13 When a person plows on property belonging to a deceased convert under the mistaken conception that it is his own property, he does not acquire it.

If he plows on property belonging to one deceased convert, while he thinks that it belongs to another, he does acquire it. For he intended that his deeds acquire ownerless property.

14 If a convert was holding security belonging to a Jew, and when the convert died another Jew came and took possession of this security, it should be expropriated from him and returned to its owner. The rationale is that when the convert died, his lien on the article was nullified.

15 When a Jew was holding security belonging to a convert, the convert dies, and another Jew takes hold of the security, the creditor should receive payment for the money owed him from the security. If it is worth more, the second person acquires the remainder.

16 When does the above apply? When the security was not kept in a courtyard belonging to the first person. If it was kept in such a courtyard, his courtyard acquires it on his behalf, even without his knowledge, as we have explained with regard to an article that is discovered, and the person who takes hold of it afterwards does not acquire anything.

17 The following rules apply when a convert dies and Jews take possession of his property. If the estate contains Canaanite servants above the age of majority, they acquire their freedom. Servants below the age of majority, by contrast, are regarded as are livestock. Whoever manifests ownership over them acquires them. We have already explained the manner in which a person manifests ownership over servants and acquires them.

18 The following rules apply when it is rumored that a convert died and Jews take possession of his property, and then it is discovered that he did not die, that he has a child or that his wife is pregnant. They must all return the property.

If they all returned the property and then discovered that the first rumor had in fact been true and the convert had died at that time, that his son died before him, or that his wife miscarried, whoever takes possession at this time acquires the property. Those who originally took possession do not acquire it.

Chapter 3

1 When a person gives a gift to a colleague, the recipient does not acquire it until he takes possession through one of the legal processes by which a purchaser takes possession of a purchase.

If the giver desires to give him movable property, the recipient must lift up the article, perform *meshichah* on an article that one would not ordinarily lift up, or acquire that article through one of the other means through which movable property is acquired.

If he is giving him landed property or servants, the recipient does not acquire them until he manifests ownership over them as a purchaser would, or until a legal document recording the gift reaches his hand.

A verbal statement is not sufficient. The recipient does not acquire the gift, and either one of them still has the option of retracting.

2 When, by contrast, a creditor forgoes a debt to a colleague or gives him an

object that previously had been entrusted to the recipient for safekeeping, such a gift is made final by a verbal statement alone. Nothing further is necessary, as we have explained.

3 Similarly, if a person tells a colleague: "You owe me a *maneh.* Give it to this person," the intended recipient acquires it. Neither has the option of retracting. This applies whether he gave the recipient the *maneh* in payment for a debt he owed him, or whether he gave it to him as a gift. And it applies whether the *maneh* had been given to the person to whom the giver charged with making the gift as a loan or it had been entrusted to him for safekeeping, as we have explained.

4 Just as with regard to buying and selling, witnesses are necessary only to reveal the truth of the situation when there are claims and denials, so too, with regard to the waiver of obligations and gifts, witnesses are necessary only because of liars.

5 Just as a seller must define the property that he sells, as we have explained, so too, a person who gives a gift must define what he is giving.

What is implied? If a person writes a deed to a colleague which states: "Land from my property is given to you," or he writes: "All of my property is acquired by you with some exceptions," since he did not identify the property he was giving, and the recipient did not know what he was receiving, the recipient does not acquire anything. The recipient may not demand of the giver: "Give me the least valuable of your properties." Instead, he acquires nothing unless the giver defines the place

that he is giving him.

Different rules apply, however, if the giver tells the recipient: "I am giving you a portion worth such and such in this and this field." Since he defined the field, even though he did not define the portion of the field, the recipient may collect a portion of that value from the least valuable portion of the field.

6 The following rules apply whenever a person gives a gift within the context of a conditional agreement. Whether the condition was stipulated by the giver or by the recipient, should the recipient take possession of and acquire the gift, the gift becomes binding when the condition is fulfilled. If the condition is not fulfilled, the gift is nullified and the recipient must return the benefit that he derived. This applies provided that the condition was stated in the proper manner.

7 We have already explained that with regard to all conditional agreements concerning gifts, purchases and sales, it is necessary that the condition be restated, that the positive dimension of the condition be stated before the negative, that the condition precede the deed, and that the condition is one that is possible to fulfill. If any one of these factors is lacking, the condition is nullified, and it is as if it had never been stated.

8 Whenever a person uses the expression: "conditional on the following," it is as if he said that the transaction will take effect retroactive to the present time"; he does not have to restate the condition. Some of the *geonim* have ruled in this manner. And this is also my opinion.

My teachers ruled that there is no need to restate the condition or state the positive dimension of the condition first, except in cases of divorce and consecration. There is no proof to substantiate this approach.

9 Whenever a person gives a gift on the condition that it be returned, the gift is valid. The gift is valid whether the condition was made to return the article immediately, that it be returned after a specific time passes, that it remain as a gift for the entire lifetime of either the giver or the recipient, or that it remain as a gift for the entire lifetime of another person.
The above applies both with regard to movable property and landed property. The recipient may derive benefit from the gift for the entire time that it is his.

10 When a person tells a colleague: "I am giving you this ox as a gift on the condition that you return it," if the recipient consecrates the ox and then returns it, it is consecrated, and he has fulfilled his obligation to return it.
If, however, the giver tells the recipient: "I am giving it to you on the condition that you return it to me," the ox is not consecrated. For implied in the condition stated by the owner is that he return to him an article that will be fitting for him to use. The same applies in all analogous situations.

11 It is forbidden for a Jew to give a gentile a gift without charge. He may, however, give such a gift to a resident alien, as implied by **Deuteronomy 14:21**: "Give it to the stranger in your gates to eat or sell it to a gentile."
To a gentile, it must be sold; it may not be given. To a resident alien, by

contrast, it may be sold or given. The reason for the distinction is that we are obligated to sustain a resident alien, as implied by **Leviticus 25:35**: "A stranger or a resident, he shall live among you."

12 When a person gives a gift to a Canaanite servant or a married woman, it is acquired by the husband or the owner. There is, however, a distinction between their powers of acquisition. The servant's master acquires the article itself, while the husband acquires merely the right to the benefit from the article.

13 Even if a person gives a gift to a married woman on the condition that her husband have no authority over it, or to a servant on the condition that his master have no authority over it, the master or the husband acquires it. If, however, one gives a gift to a married woman or to a servant and the giver stipulates that the gift itself may be used for only this or this purpose, the master or the husband does not acquire it.

14 What is implied? When a person gives a gift to a married woman and tells her: "This money is given to you as a gift on the condition that you use it for clothing, that you use it for beverages or that you do with it what you desire without the permission of your husband," the husband has no authority over it.

Similarly, if a person told a servant: "This money is given to you as a gift on the condition that you use it for food and drink, that you use it to obtain your freedom or that you do with it what you desire without the permission of your master," the master has no authority over it. The same

principles apply in all analogous situations.

15 When a person gives all his possessions to a servant as a gift, the servant acquires himself, and he becomes a free man. He then acquires all the other property.

If, however, the master retains for himself even the slightest amount of property - even movable property, the servant does not acquire anything.

The rationale is that the deed is not a complete bill of freedom, for the master retains some connection to the bill of transfer. Therefore, the servant is not freed, and since he is not freed, he does not acquire anything.

Chapter 4

1 Once a person acquires a gift, he cannot nullify his acquisition. To cite an example: A person received a gift and acquired it. After it entered his domain while he remained silent, he retracted and said: "I do not desire it," "It is nullified," or "I see this blemish in it," his statements are of no consequence. Just as the giver cannot retract, so too, the recipient cannot retract once he has acquired it.

The gift that the recipient stated that he did not desire after it entered his possession becomes ownerless. The first person to take possession of it acquires it. For the recipient declared it ownerless after he acquired it. If, however, the recipient protested from the very outset, he does not acquire it , and it should be returned to its original owners.

2 The following rules apply when a person transfers ownership over an article to a colleague through the agency of a third party. Once the third party takes possession of it - e.g., he performs *meshichah* on movable property, a deed of transfer of landed property reaches his hand, or he manifests ownership over the land - his colleague acquires the gift, even though it does not reach his hand. The giver can no longer retract.

The recipient by contrast has the option in his hand. If he desires, he may accept it. If he does not desire, he need not accept it. For a positive acquisition may be made for his person without his consent, and an obligation cannot be undertaken on his behalf without his consent. If a person desires that a gift be given to him, it is considered to be a positive acquisition. If, however, he does not desire it, a person cannot be forced to accept a gift that is given to him.

3 There is an unresolved question among our Sages when another person accepts a gift on behalf of the recipient, when the recipient hears about the gift and remains silent, and afterwards he protests and states that he does not desire to receive it. We do not know whether the reason he remained silent at first is that he desired to accept it, and the reason he protested was that he retracted. Or perhaps he remained silent at the outset because nothing had reached his hand at that time. When the article did reach his hand, he protested, and his ultimate statements reveal his original intent.

Therefore, if another person comes first and acquires the article himself, it should not be expropriated from his possession. For perhaps the recipient originally acquired the article, and when he said: "I do not desire it," he

declared it ownerless, as explained above. Thus, the person who came and took possession of it while it was ownerless acquires it.

If, however, the original owner comes and takes the article out of the possession of the person who took it, it should not be expropriated from his possession. The rationale is that perhaps the recipient did not acquire it, for when he said: "I do not desire it," his ultimate statements reveal his original intent. Thus, the person who took possession of it did not acquire it, and it remained in the possession of its original owner.

4 The above principles can be applied in the following situation: Reuven desired to give 100 *dinarim* to Shimon. He sent him the 100 *dinarim* with Levi. If Reuven told Levi: "Acquire these 100 zuz on behalf of Shimon," or "Give these 100 *zuz* to Shimon," Reuven cannot retract his gift.

If, however, he tells him: "Bring these 100 *zuz* to Shimon," he has the option of retracting until the 100 *zuz* reach Shimon.

5 In the above instance, if Levi took the 100 *zuz* that he was sent to bring to Shimon and looked for Shimon, but could not find him, he should return the money to Reuven.

If Shimon died during Reuven's lifetime, Levi should return the money to Reuven or to his heirs. But if Reuven died in Shimon's lifetime, the 100 *zuz* should be given to Shimon or his heirs.

The rationale is that it is a mitzvah to carry out the instructions of a deceased person, even though he gave those instructions while he was healthy. And in this instance, the 100 *zuz* are still in the possession of the agent.

6 A person cannot acquire a gift on behalf of a colleague unless the person acquiring the gift is past majority and mentally competent. Both a man and a woman - indeed, even a married woman or a servant or maidservant can acquire property on behalf of another person.

A gentile, by contrast, cannot acquire property for a Jew. Since he is not fit to serve as an agent, he can never acquire property on behalf of a Jew. Similarly, just as a Jew cannot serve as an agent for a gentile, he cannot acquire property for a gentile.

7 When a child reaches the state of understanding that when he is given a stone he throws it away, but when he is given a nut he keeps it, he can acquire property on his own behalf, but he cannot acquire on behalf of others. If he is less mature than this, he cannot even acquire property on his own behalf.

Similarly, a mentally or emotionally incompetent person cannot acquire property, neither on his own behalf nor on behalf of others. When a person gives property to a mentally or emotionally incompetent person through the agency of a mentally competent person, the incompetent acquires it.

A deaf mute can acquire property on his own behalf, as explained in *Hilchot Gezelah.*

8 One may acquire property for a minor - even a newborn child - or an adult, in his presence or outside his presence.

A person's courtyard can acquire property on his behalf even though he is not standing there. The rationale is that since the gift reached the person's

courtyard, it is as if another person acquired it on his behalf.

9 When does the above apply? With regard to a courtyard that is safeguarded. Different rules apply with regard to a courtyard that is not safeguarded - e.g., a field or a ruin. In such an instance, a person does not acquire an article unless he is standing next to the courtyard and says: "Let my field acquire the article for me."

Similarly, the area within a radius of the four cubits next to where a person is standing can acquire property on his behalf, if he is standing in an alleyway, at the sides of the public domain, which are not crowded with many people or in a field that is ownerless. However, when a person stands in the public domain or in a field belonging to a colleague, he does not acquire the article until it reaches his hand.

A female minor may acquire an article by virtue of its presence in her courtyard or within the area within a radius of four cubits of her. A male minor, by contrast, cannot acquire a gift unless it reaches his hand or is acquired on his behalf by another person.

10 A gift is like a bill of divorce, in that a person cannot transfer words alone to an agent.

What is implied? If a person tells three people: "Tell so and so and so and so to compose and sign a deed recording a gift and give it to so and so," his statement is of no consequence. If these people convey these instructions to those witnesses and the witnesses write the deed and give it to the intended recipient, the recipient does not acquire anything.

Similarly, if a person tells two people, "Compose and sign a deed

recording a gift and give it to so and so," they cannot tell a scribe to compose such a deed. Instead, they must compose it themselves, as applies with regard to a bill of divorce.

11 When a person writes a deed saying: "I gave such and such a field to so and so," "I gave it to him," or "Behold, it is his," the person named acquires the field when the deed reaches his hand.

When, by contrast, the prospective donor writes in a deed: "I will give it to him," the intended recipient does not acquire the property even if witnesses testify with regard to the document.

The intended recipient does not acquire the property until the giver tells the witnesses: "Compose a deed recording a gift, and give it to him." Then they should compose the deed and give it. The rationale is that a recipient does not acquire the property given to him until a deed recording the gift reaches his hand or until the giver transfers ownership of the property to him via a third party, as explained.

12 When a person says: "I gave this and this field to so and so," but the recipient says: "He did not give it to me," we suspect that perhaps the giver had another person acquire it for him.

Different rules apply if the giver states: "I composed a deed and gave it to him," and the recipient states: "He did not compose such a deed, nor did he give it to me." If the recipient of the gift himself makes such a statement, the admission of the principal himself is equivalent to the testimony of 100 witnesses. Therefore the giver is entitled to receive the produce of the field.

If the son of the recipient is the one who states: "You did not give this field to my father," while the giver maintains: "I wrote a deed and gave it to him," the produce should be entrusted to a third party until the status of the field becomes known.

13 When a person thought to have received a gift claims: "The object in my possession was not given to me as a gift; instead, I am a watchman for it," or the like, or he says: "The gift was nullified from the outset, because I did not accept it," "I was forced to accept it against my will," "I accepted it by mistake," or the like, his claim is accepted. He is required to take a *sh'vuat hesset,* and the gift is returned to its original owners.

14 If the alleged giver of a gift denies giving it, and instead, claims: "You are a watchman over it," "I gave it to you unwillingly," or "It is stolen property that you have," and the person in possession of the disputed article states: "You gave it to me as a gift," the alleged recipient must support his claim with a Rabbinic oath. Afterwards, he is under no obligation.

Chapter 5

1 Whenever a person - whether healthy or sick - gives a gift, the gift must be made publicly and conspicuously.

If a person tells witnesses: "Write a deed recording a gift in hiding and give it to the intended recipient," his statement is of no consequence. For he is acting subtly in order to take money belonging to others, for he will sell the property after giving the gift.

2 Therefore, whenever a deed recording a gift of land does not state: "So and so, the giver, said to us: 'Sit down in the market place and the streets and write a deed recording a gift in a public and conspicuous manner,' " or does not use a similar expression, we suspect that perhaps the gift was given in a hidden manner. Therefore, the recipient does not acquire it.

3 When a person writes two deeds recording a gift for the same field, the first one hidden, and the second public and conspicuous, the person to whom the latter deed was given acquires it. This applies even if the deed recording the first gift does not mention that the gift should be hidden or that it be conspicuous, but just states that a gift should be given, the recipient of the latter document acquires the property,

4 As explained, when a person issues a protest and then gives a gift, the gift is nullified, even though the person is not being forced to give the gift against his will.

The rationale is that with regard to a gift, we follow solely the intent of the giver. Since the giver revealed his intent that he did not desire to give the gift, his gift is nullified.

Accordingly, when it is evident that a person did not desire to give a gift, even when he gave the gift in a conspicuous manner, but it was discovered that he had previously given a hidden gift, both gifts he gave are nullified: the first because it was given in a hidden manner, and the second because it is obvious that he did not want to give the gift. For the hidden gift that was discovered is considered like a protest for the second gift.

5 An incident occurred with regard to a person who desired to marry a woman. She told him: "I will not marry you unless you write me a deed giving me all your property." The man's elder son heard this and objected at being left empty handed.

The man said to witnesses: "Go and hide and write a document, granting him all my property as a gift." Afterwards, he wrote a document granting all his property to his prospective bride and married her.

The incident was brought before the Sages. They ruled: The son did not acquire the property, nor did the woman acquire the property. The woman did not acquire the property because the man did not willingly compose the document granting her his property. It is as if he had been acting under duress. For by giving the first gift, even though it was nullified - because it was hidden, he revealed his intent. Similar laws apply in all analogous situations.

6 The following rules apply when there are two legal documents with the same date, either deeds of sale or deeds recording a gift, applying to one field. If it is customary for the people of that locale to record the hour of the day when the document was signed in the document, the person with the document dated earlier acquires it. If it is not customary for the people of that locale to record the hour in the document, the matter is left to the discretion of the judges. The field is granted to the person whom they feel it is proper to recognize as the owner.

7 When does the above apply? With regard to a legal document that does not mention a *kinyan,* but rather the recipient desired to acquire the field

through the transfer of this legal document. In such an instance, we do not know who received the legal document first. If, however, both of the legal documents mention a *kinyan,* the one with whom a *kinyan* was made first acquires the property. The witnesses should be asked about the matter.

Similarly, if there were witnesses who know who received the deed recording the gift first, that person acquires the field.

8 The following laws apply when there are two legal documents concerning the transfer of one field to one buyer, and they are dated differently.

If one legal document records a sale and the other a gift, we do as follows: When the earlier dated document records a gift and the later document a sale, the later document does not nullify the former one. For we assume that the giver wrote the document recording a sale to add his acceptance of responsibility for the field, if expropriated by a creditor. This applies even when the document does not mention this responsibility. For the omission of such responsibility is considered to be a scribal error.

Similarly, if the earlier document records a sale and the later document a gift, the recipient acquires the field from the date of the first document. We assume that the seller had the document regarding a gift composed to strengthen the purchaser's position, and to protect him against a possible claim of a neighbor.

9 Different rules apply if both legal documents mention a sale, or both mention a gift. If the second document adds any fact enhancing the position of the recipient or the purchaser, the first document is valid. We

assume that the second was composed only because of the additional points.

If no additional points were made in the second document, the second document nullifies the first, and the first owner's responsibility does not begin until the date mentioned in the second document.

For this reason, the purchaser must return all the produce that he consumed until the date mentioned in the second document. If there is an annual levy from the king on that field, the giver or the seller is required to pay that levy until the date mentioned in the second document.

Chapter 6

1 Whenever a gift is given, we assess the intent of the giver. If the situation indicates his ultimate intent, we act according to that intent, even if it is not stated explicitly.

What is implied? A person's son traveled overseas and the father heard a report that his son had died. The father then signed over all his property as a public and binding gift to a third party, and afterwards his son returned. The gift is not binding, for the situation indicates that if the father had known that his son was alive, he would not have signed over all of his property to the third party. Therefore, if he retained ownership over any of his property - whether landed property or movable property - the gift is binding.

2 Similarly, when a person assigns all his property to one of his sons, whether the giver is healthy or on his death bed, we assume that he merely

made that son the executor of the estate. He receives the same share as the other sons in his estate. It can be presumed that the father's intent was merely that the other brothers should listen to this son. This assumption is followed even if the son in question is an infant, lying in a cradle.
If, however, he retained any of his property - whether landed property or movable property - the son acquires the gift given him.

3 When does the above apply? When he mentioned one son among many sons. If, however, he mentioned one son among many daughters, one daughter among many daughters, or one or another heir among many others, the gift is binding even though he did not retain any property.

4 Similarly, when a person assigns all his property to his wife - whether the husband is healthy or on his death bed - we assume that he merely made his wife the executor for the heirs. This applies even when he confirmed this with a *kinyan*.
Moreover, this applies regardless of whether the husband's heirs are her descendants, those of another wife or other relatives. If, however, he retained ownership of any property - either landed property or movable property - his wife acquires everything he assigned to her.

5 To whom does the above apply? To a woman who has already been married. If, however, a person assigns all his property to his wife whom he has merely consecrated or to his divorcee, even if he did not retain any property, she is considered as any other person, and the gift is binding.

6 When a person assigns all his property to one of his sons and another

person, that other person acquires half of the property, and the other half is given to all his sons. The son who is assigned the property is appointed an executor for the other sons.

7 Similarly, if a person assigns all his property to his wife and to another person, the other person acquires half, and his wife is appointed as an executor for the other half.

8 Whenever a woman acquires all her husband's property as a gift, she forfeits her right to the money due her by virtue of her *ketubah.* Therefore, the *ketubah* should be torn.

Accordingly, if a promissory note is claimed against her deceased husband's estate, and the entire estate is expropriated to pay the debt that predated the gift, she is left without anything. She does not collect the money due her by virtue of her *ketubah.*

The rationale is that we presume that the satisfaction she receives upon hearing that her husband assigned all his property to her is sufficient to cause her to forfeit any other claim she has to his property with the exception of this gift.

9 Similarly, when a man assigns property to his children - either his sons or his daughters, whether he does so while healthy or on his death bed - and assigns even the slightest amount of landed property to his wife together with them, if she does not protest she forfeits her right to the money due her by virtue of her *ketubah.*

The rationale is that the satisfaction she receives from being made a

partner together with his children is great enough to cause her to forfeit her rights to this property. She may not expropriate anything from the property in the estate at the time of her husband's death. She may, however, collect the money due her by virtue of her *ketubah* from money accrued by his estate afterwards.

10 If, however, the husband merely assigned movable property to her, or he retained a certain portion of his landed property for himself, her *ketubah* is still valid.

It is an enactment of the *Geonim* that even if he retained some movable property, she is given the right to collect the money due her by virtue of her *ketubah* . The rationale is that she will say: "I will collect the money due me from what he retained." Since she is allowed to expropriate from what he retained, she is also given the privilege of expropriating from the remainder of the estate.

11 When a person assigns all his property to his children and assigns a portion of his property to his wife together with them, and then one of the children dies during his father's life, the woman is allowed to collect the money due her by virtue of her *ketubah* from the share of the child who died. For she forfeited only her right to collect the money due her by virtue of her *ketubah* from the property inherited by her husband's heirs at the time of his death.

12 When a woman desires to marry, she may assign all her property to her son or to another person. If afterwards she marries and becomes divorced

or her husband dies, the gift she gave is nullified. For she was merely attempting to circumvent the laws of inheritance. She assigned her property to the other person solely so that her husband would not inherit it. Implicit in the agreement was that if she needed it at any time, it would be returned to her. Therefore, if she died during her husband's lifetime, the recipient of the gift inherits it in its entirety. If she retained anything for herself, even movable property, her gift is binding. Even if she is divorced, the property does not revert to her ownership.

13 Whenever a person gives away all his property, when the gift is nullified and the property reverts to the original owner, the recipient of the gift is not required to return the produce that he ate. For even if a person explicitly states that he is giving a gift with the intent that it be returned after the duration of so and so's life, the recipient is entitled to derive benefit from the fruits produced by the gift, as we have explained.

14 The following rules apply when a person sends articles from overseas to his household and instructs: "Give these to my children." They should be given to both his sons and his daughters. The gifts that are appropriate for the sons - e.g., books or weapons - should be given to the sons. Those that are appropriate for the daughters - e.g., colored silk garments and golden bracelets - should be given to the daughters. If they are appropriate both for sons and daughters, they are taken by the sons.

Similar laws apply when a person sends articles to his home without any instructions. If there are utensils that are appropriate for his daughters, they should be taken by his daughters. It is logical to assume that he sent

the gifts for them. If he does not have daughters, or his daughters are married, they may be taken by the wives of his sons, for it is logical to assume that he sent them for them.

15 When a person celebrates the marriage of his eldest son to a virgin maiden in a home, the son acquires the home. This applies when this is the first time this son is marrying, the father did not marry off another son before him, and the father did not leave any property of his own in the home designated for the son.

This ruling resembles a halachah instituted without a reason. Our Sages came to this decision out of their assessment of the person's attitude, feeling that because of his great happiness and love, he decided to transfer the house to him. This is indicated by the fact that he did not leave any of his own property in the home. For this reason, if he left anything of his own, even a small cruse, the son does not acquire the home.

If the father designated for the wedding a house and household utensils, although he left a utensil in the home belonging to himself or he kept a storeroom or the like in that home, the son acquires the household utensils he designated. He does not, however, acquire the house.

16 If he designated both a house and a loft for his son, he acquires the house, but he does not acquire the loft.

Similarly, if he designated both a house and a porch, he acquires the house, but not the porch. If the house contained two apartments, one behind the other, the son acquires only the one in which he was married.

17 With regard to marriages, we have already explained that a special indulgence is granted when a couple is engaged, and the father of the son and father of the bride make commitments, saying: "How much will you give to your son?", "So and so much. And how much will you give for your daughter?", "So and so much." If, afterwards, the groom consecrates the bride, the couple acquire what the parents promised by virtue of their statements alone.

Nevertheless, the transfer of property brought about by this consecration does not take effect until the time of the couple's marriage. For the intent of the promise was that the property be given to the couple when married. Also, for the transfer to be effective, the articles that the person promised must exist within his domain, for a person may not transfer an article that does not as yet exist, as we have explained.

These promises may not be written down so that the commitment would have the power of a legal document. Therefore, if such a record is made, it is not considered to be a legal document that would give the couple the power to expropriate the property if sold to others.

18 When a man consecrates a woman, even if he consecrates her by giving her 1000 *dinarim,* whether she retracts, he retracts, he dies or she dies, the money or article given to effect the consecration never needs to be returned. Instead, it is considered to be an outright gift, which need not be returned.

19 If the consecration was made erroneously, the money given for that purpose must be returned.

20 When a man consecrates his sister, the money he gives her is a gift. The rationale is that every man knows that the consecration of one's close relatives is not valid; the person is not making an error. We therefore assume that he made up his mind to give her the money as a gift.

21 When a person sends betrothal gifts to his intended bride while she is in his father-in-law's home, whether significant or insignificant in size, whether he partook of a betrothal feast there or not, whether he died, she died, or he retracted, all the engagement gifts should be returned with the exception of food and drink.

22 Similar principles apply with regard to garments of minor value that the prospective groom sent his prospective bride to wear while she was living in her father's home. If she used them and they became worn or lost, they need not be returned. If, however, they are still intact, everything should be returned. They may be expropriated in court. For it is well known that he sent them only as a complimentary gesture.

23 If, by contrast, the woman retracts, everything must be returned, even the food and drink. For the latter, however, she is required only to pay a lesser amount. The *Geonim* have agreed that if the food and the drink were worth six *zuz,* she should pay four if she retracts. For he gave her these gifts only with the understanding that she would not retract.

24 My masters ruled that when the local custom is that when an engagement is announced every prospective groom makes a feast and hosts all his friends or distributes funds to his helpers, attendants and the like, if he

follows the popular custom and she retracts, she should pay the entire amount. For she caused him a financial loss, and whoever causes money belonging to a colleague to be lost must reimburse him.
This applies provided he has witnesses to how much he spent. For we do not allow him the option of taking an oath and collecting the sum he claims.

Chapter 7

1 It is a universally accepted custom in most countries that when a man marries, his friends and acquaintances send him money to support the expenses he must undertake on behalf of his wife. Then the friends and acquaintances who sent him this money come and eat and drink with the groom during all - or part - of the seven days of wedding celebration; everything should be done according to the accepted local custom.
The money that he is sent is called *shushvinut,* and the people who send the money and then come and eat and drink with the groom are called *shushvinin.*

2 *Shushvinut* is not an outright gift. For it is plainly obvious that a person did not send a colleague 10 *dinarim* with the intent that he eat and drink a *zuz's* worth. He sent him the money solely because his intent was that when he would marry, he would send him money as he has sent him.
Therefore, if the sender marries a woman, and the recipient does not return the *shushvinut,* the sender may lodge a legal claim against the recipient and expropriate the money from him.

3 He cannot lodge a claim against him unless he marries in the same way as he did.

What is implied? If Reuven married a maiden and Shimon sent him *shushvinut,* and then Shimon married a widow, Shimon cannot demand that he return the *shushvinut,* for he will tell him: "I will return it to you only for a maiden, as you gave to me." Conversely, if the giver sent the recipient *shushvinut* for the marriage of a widow, he cannot demand that it be returned for the marriage of a maiden.

4 If Reuven made a large public reception, while Shimon made a modest private affair, or Reuven married modestly and Shimon made a public affair, he cannot lodge a claim against him. For he can tell him: "I will not do for you anything else than what you did for me."

5 Reuven married a woman and Shimon sent him *shushvinut,* and came and ate and drank with him. Afterwards, Shimon married in precisely the same manner as Reuven did, and Reuven came and ate and drank with him, or Shimon called Reuven and he did not desire to come, or Reuven was in the city and heard the herald in a place where it is not customary to give private invitations, but rather everyone who hears the announcement comes, and Reuven heard the announcement and yet did not come, Reuven is obligated to return the entire amount of the *shushvinut.* For he knew about the wedding and did not come or was given a private invitation in a place where that is the custom, and yet he did not come.

6 If Reuven was not in the city when Shimon married, he may deduct the

cost of the food that Shimon ate at his wedding feast, but must return to him the remainder of the *shushvlnut.* Similarly, if Reuven was in the city when Shimon married, and he did not invite him or notify him, he may make such a deduction. Moreover, he has a justified complaint, for he should have notified him.

7 How much should he deduct? These are the deductions customarily made. If Shimon sent him only a *dinar,* he need not return anything to him, for the *dinar* is the cost of what he ate. If Shimon sent him between a *dinar* and a *sela* half should be deducted.

8 If he gave more than a *sela,* we must assess the intent of the sender and the size of the *shushvinut.* If he is a prestigious person, half of what he gave is deducted. If he is tightfisted and keeps careful account of his expenditures, only what he ate and drank should be deducted, and he must pay him the remainder.

9 If Shimon dies before he marries, or he marries and dies in the midst of the wedding celebrations, Reuven is not required to give anything to his heirs. For he can tell the heirs: "Bring me my *shushvinin;* I will gladly celebrate with him and pay my due."

10 Therefore, if Reuven rejoiced with Shimon and afterwards Shimon died, Shimon invited him to the wedding and he did not come, Reuven was not in the city at the time of Shimon's wedding, or he did not notify him, since Shimon died after the days of rejoicing were concluded, Reuven is obligated to return the *shushvinut* to Shimon's heirs - either in its entirety

or after a deduction has been made - if he did not notify him or if he was not in the city.

11 Different rules apply if Reuven died, and then Shimon married a woman and the days of rejoicing were concluded. If the local custom is to collect the *shushvinut* from the heirs, Reuven's heirs are compelled to return the *shushvinut.* In a place where this is not the local custom, Reuven's heirs are not obligated to pay anything.

12 If Reuven died after Shimon married a woman and the days of rejoicing were concluded, Reuven's heirs are compelled to pay the *shushvinut* regardless of the locale in which they live. For their testator was obligated to pay before his death. If he was required to pay the entire sum, they must pay that amount. If a deduction was made, that deduction also applies to them.

13 Five statements were made concerning *shushvinut:*

a) It may be expropriated by a court of law, for it is only like a loan and not an outright gift;

b) It need be repaid only at the required time, when the marriage is held in the same manner as the first person's marriage; this is like a condition of the loan, although he did not explicitly state that he was giving the loan with this intent;

c) The prohibition against taking interest is not involved; even if a person sent his colleague a *dinar* and the colleague sent him ten, it is permissible; the rationale is that he did not send him with the intent that he add;

d) It is not nullified in the Sabbatical year; the rationale is that the giver may not demand payment from the recipient until he marries in the same manner as he married;

e) The firstborn does not receive a double portion when the *shushvinut* is returned to the giver's heirs; the rationale is that at the time of the division of the estate, it is not an actual part of the estate, but rather *ra'ui;* and the firstborn does not receive a double portion of *ra'ui,* as will be explained with regard to that subject.

14 When a person offers a colleague money when the latter's financial status suffers, the intended recipient refuses to take it, and the giver takes an oath that he is unwilling that the recipient not accept it, and he presses the recipient until he accepts it, even though the giver did not say so explicitly, the money is considered to be a gift.

The same law applies when a person sends a gift of food to a colleague or offers other similar forms of generosity. The giver may not retract and demand repayment unless he explicitly states that he is making the gift as a loan.

15 When a person sends jugs of wine or oil to a colleague at the time of his wedding, he may not demand repayment in court. These gifts are considered to be deeds of kindness; the laws of *shushvinut* apply only to money.

Chapter 8

1 A blind, lame or handless person, and similarly, one who feels pain in his head, his eye, his hand, his foot or the like, is considered to be a healthy person with regard to all matters that concern his purchases, his sales or gifts that he gives.

2 However, when a person becomes ill to the extent that he feels weak throughout his entire body - indeed, because of his illness, his strength has dwindled to the extent that he cannot walk on his feet in the market place, and he is confined to his bed - he is referred to as a *sh'chiv* me'ra. The laws applying to his gifts differ from those applying to the gifts given by a healthy person.

What is implied? When a *sh'chiv me'ra* gives orders and says: "Give so and so such and such, and so and so such and such" the intended recipients acquire all the property apportioned to them when the sick person dies. This applies whether he issued his instructions during the week or on the Sabbath, and whether or not a written record was drawn up.

Nor must his instructions be confirmed by a *kinyan* for the statements of a *sh'chiv me'ra* are considered as if they have been written down, and transferred. This is a Rabbinic decree. Nevertheless, although it is only a Rabbinic decree, our Sages conveyed upon this convention the power of Scriptural Law, so that a dying person will not become exasperated, knowing that his words are of no consequence.

3 Accordingly, if the dying man says: "Confirm my statements with a *kinyan"* we confirm his statements even on the Sabbath. For this *kinyan* is unnecessary.

4 When apportioning his property, a *sh'chiv me'ra* does not have to say: "You are my witnesses." Instead, whoever hears his statements may serve as a witness. The rationale is that a person does not speak facetiously at the time of his death.

5 When a *sh'chiv me'ra* orders that a gift be given to a fetus in its mother's womb, the fetus acquires the property. The rationale is that a person has unique feelings of closeness toward his son, as we have explained.

6 When a *sh'chiv me'ra* says: "If my wife gives birth to a boy he should receive a *maneh,* but if she gives birth to a girl she should receive 200 *zuz,"* if she gives birth to a boy, he receives a *maneh,* and if she gives birth to a girl, she receives 200 *zuz.*

If she gives birth to both a boy and a girl, the boy receives a *maneh,* and the girl, 200 *zuz.* If she gives birth to a tumtum or an *androgynous,* that child should be given the lesser of the two amounts.

7 The following rule applies when a *sh'chiv me'ra* is asked: "To whom should your property be given?" and he replies: "I thought that I had a son or that my wife is pregnant; now that I know that I do not have a son and my wife is not pregnant, my property should be given to so and so." If it is discovered that in fact he had a son or his wife was pregnant - even if afterwards the wife miscarried or the son died - the gift is not binding.

8 Ownership of a gift given by a *sh'chiv me'ra* is not transferred until after the death of the *sh'chiv* me'ra. No one acquires any of the landed property or movable property apportioned to him until after the death of the

sh'chiv me'ra.

9 For this reason, we expropriate money to pay the *ketubah,* and the living expenses for the deceased's wife and his daughters from the property that the *sh'chiv me'ra* apportioned to the intended recipients.
The rationale is that with his death, his estate became obligated to pay his wife the money due her by virtue of her *ketubah* and her living expenses, and the recipients of the gifts did not acquire what was given to them until after the death of the *sh'chiv me'ra.*

10 When a document recording a gift given by a *sh'chiv me'ra* mentions a *kinyan* - whether it involves a portion of the deceased's estate or his entire estate - there are doubts about the matter. Perhaps he did not make up his mind to transfer ownership except via a legal document. In such an instance, the gift would not be effective. For a gift given by a *sh'chiv me'ra* takes effect only after the principal's death, and a legal document cannot transfer property after the principal's death.

11 If, however, the *kinyan* was made solely to augment the legal power of the recipient - e.g., it was written: "And a *kinyan* was performed to amplify this gift" - the gift is binding.

12 When a *sh'chiv me'ra* says: "Compose a record and give to so and so a *maneh,"* but he dies before the record was composed and the gift was given to him, the record should not be composed, nor should the gift be given. We suspect that perhaps the *sh'chiv me'ra* made up his mind to transfer the gift to the recipient via a legal document, and a legal

document cannot effect a transfer after the principal's death.

13 If, however, he said "Compose a record" solely to augment the legal power of the recipient - e.g., he said; "Give so and so a *maneh"* - and then he added, "and compose a record and give it to him" - a legal record should be composed, signed and given even after the death of the *sh'chiv* me'ra.

14 The following rule applies when a *sh'chiv me'ra* apportions all his property unconditionally, without retaining anything for himself: If he recovers, the gift is retracted. This applies even if he confirmed his statements with a *kinyan* to augment the legal power of the recipient. Similarly, it applies whether he apportioned all his property to one individual or to two individuals.

The rationale is that we assume that he did not want to give all his property to that persons as a gift, and his intent was that the recipient should not acquire anything until after he died.

15 If he retains anything for himself - either landed property or movable property - he has given only part of his property as a gift. If such a gift is given without an explicit statement of intent, it is considered to be a gift given by a healthy man, and it is effective from the time it was written. Therefore, it is not retracted upon the recovery of the *sh'chiv me'ra*. This applies provided he confirms the gift with a *kinyan.* For a gift given by a *sh'chiv me'ra* that transfers only part of his property requires a *kinyan* whether he recovers or does not recover.

16 When does the above apply? When the person gave the gift without

making any explicit statement. In such an instance, we assess his intent and presume that since he retained property, his intent was to transfer the property during his lifetime, like a gift given by a healthy man.

17 If, however, the dying man explicitly states that he is giving the portion of estate as a gift of a *sh'chiv me'ra,* which takes effect only after his death, there is no need to confirm it with a *kinyan,* and if he recovers it is retracted. If, however, he does not recover, the intended recipient acquires that portion of the estate.

If such a gift was confirmed by a *kinyan,* the intended recipient does not acquire the property apportioned to him unless the *kinyan* was intended to amplify the legal power of the recipient, as explained above.

18 Do not err: Should a dying man apportion all his property and state explicitly that he is giving everything from the present, and that his gift should take effect during his lifetime - such a gift is not governed by the laws pertaining to a gift of a *sh'chiv me'ra.* Instead, it is like any other gift given by a healthy person. If the legal document reaches the hand of the recipient, or the giver confirms the gift with a *kinyan,* the recipient acquires everything, and the giver cannot retract.

19 When a person on his deathbed gives a gift and, its legal record states: "In life and in death ..." or "From my life and in my death ...," it is considered to be a gift given by a *sh'chiv me'ra,* because it says "in death." This applies whether the dying man apportions all his property or only a portion of it.

The expression "in death" indicates that the intent is that the gift should

take effect after the giver's death. It says "in life" only to settle the giver's mind and express a prayer that that he will survive this illness.

20 Even though a person on his deathbed apportions all the property that he is known to possess, it is considered as if he apportioned only part of his estate. If the *sh'chiv me'ra* confirmed the gift with a *kinyan* and then recovered, the gift is not retracted. The rationale is that we suspect that he owns other property in a distant country.

This law applies unless the dying man says: "All my property that is these...," or unless it is the common assumption that the person owns only the property that he apportioned. In such instances, the gift is considered to apply to all his property.

21 The following rules apply when a *sh'chiv me'ra* apportions all his property to other people. We see whether it appears that his intent was to divide his estate. If that is so, if he dies all the intended recipients acquire the property designated for them. If he recovers, all the gifts are retracted.

Different laws apply if, however, it appears that he was reconsidering the matter - e.g., after he made a gift with which he left over part of his property, he paused and then apportioned more, and then paused and then apportioned more and confirmed each of his gifts with a *kinyan.* If he dies, all the intended recipients acquire the property designated for them. If he recovers, only the final gift he designated is retracted. For this person alone was given all his remaining property.

22 When a *sh'chiv me'ra* signs over all his property to one of his servants and

then recovers, the gift of the property is retracted. The gift of freedom to the slave, however, is not retracted, for he has already gained the reputation of being a free man.

23 When a *sh'chiv me'ra* apportions his property because of his impending death - i.e., he thinks that he will die, and this is obvious from his words - even though a *kinyan* is made to confirm the gift of a portion of his estate - if he recovers, the gift is retracted.

24 When a person goes out to sea or on a caravan journey, is being transported in chains, or is dangerously ill, having fallen sick suddenly with a severe infirmity - any of these four individuals is considered to be a person who apportions his property because of his impending death. His statements are considered as if they are written down in a legal document and his property has already been apportioned. If these individuals die, their instructions are carried out.

If they are saved and recover, even though a *kinyan* had been made to confirm the gift of a portion of his estate, the gift is retracted, as is the law with regard to anyone who apportions his property because of his impending death.

25 The following laws apply when a *sh'chiv me'ra* passes from one sickness to another. If he does not recover and does not walk unsupported in the marketplace, the gift that he gave is binding.

26 Different rules apply when the dying man stands and walks supported between the sickness in which he apportioned his property and the

sickness from which he died. We have physicians assess whether or not he died from the first sickness that affected him. If this is so, the gift is binding. If not, the gift is not binding. If he walked in the marketplace without a support, no assessment is necessary, and the gifts that he originally gave are nullified.

27 When there is a record of an oral will made by a *sh'chiv me'ra* that does not say that he died because of the sickness during which he apportioned his property, and the witnesses are not present to corroborate this, the gift is nullified, despite the fact that he died. For his death is not proof that he did not recover. Perhaps he recovered from the sickness during which he apportioned his property and then contracted another sickness and then died.

Therefore, the property is presumed to belong to the legal heirs unless the recipients of the gift bring proof that he died because of the sickness during which he apportioned his property.

Chapter 9

1 When a *sh'chiv me'ra* instructs those listening to the apportionment of his property: "Do not reveal this gift and do not tell anyone about it until after my death," the gift is binding. It is not considered to be a hidden gift. For at the time when the transfer takes place - i.e., after the testator's death - the testator said: "Reveal the matter."

2 A person who apportions his property because of his impending death

does not have to say: "Publicize the gift...." Even though it is written without any specific instructions, we do not assume that the intent was that it be hidden.

3 When a *sh'chiv me'ra* says: "Let so and so take all my property," or "...part of my property," or he uses the verb "take hold of," "acquire," "obtain" - they are all expressions connoting a gift. Similarly, if he says "inherit" or "receive as an inheritance," when the intended recipient is fit to inherit the property, the intended recipient acquires it.

4 If the *sh'chiv me'ra* said: "May so and so benefit from my property," "May he stand in it," or "May he be supported by it," the intended recipient does not acquire the property.

5 The following rules apply when a *sh'chiv me'ra* apportions all his property to another person. If he is not fit to inherit the property, he is awarded it as a gift. If he is fit to inherit it, he is awarded it as an inheritance.
When does the above apply? When the intended recipient is one of the dying man's daughters, one of the members of his household, one of his brothers or one of his other heirs. If, however, the dying man gave his entire estate to one of his sons, we assume that he appointed him an executor, as explained above.

6 If before a person's death, he was asked: "To whom should your property be given? Perhaps to so and so?", and the dying man answers, "To whom else?" that person is awarded the property. We see whether he is fit to inherit the property. If he is, he is awarded it as an inheritance. If not, he

is awarded it as a gift.

7 When a convert has a son who was not conceived in holiness, since the son is not considered an heir - as will be explained in the section dealing with this subject - the convert cannot give the son his entire estate as a gift given by a *sh'chiv me'ra.* This applies to his entire estate and to a portion of his estate.

The rationale is that when speaking about a potential heir, there is no difference whether one uses wording that connotes an inheritance, or wording that connotes a gift. Thus, if in the situation mentioned above one said that the convert's son should acquire the property, it would be as if he inherited his father's estate.

8 Therefore, if the dying convert gave his estate as a gift to any other convert as a *matnat sh'chiv me'ra,* the gift is effective.

9 When a *sh'chiv me'ra* acknowledges that he owes a debt of a particular amount to a given person and asks that it be given to him from his estate, his acknowledgement is of consequence and his request is fulfilled. This principle also applies when he states that a given utensil is an entrusted object belonging to another person and should be returned to him, a particular courtyard belongs to another person, a debt that another person is reputed to owe him is in fact owed to another person, or in any analogous situation.

Even if a convert acknowledges an obligation to a son who was not conceived in holiness, his statements are binding. Indeed, even if a person

acknowledged a debt owed to a gentile, the gentile should be repaid.

10 When, by contrast, a *sh'chiv me'ra* orders that a gift be given to a gentile from his estate, we do not heed his words, for it is as if he commanded that a transgression be performed with his property.

11 If a dying man says: "My servant, so and so, make him a free man," "I made him a free man," or "Behold he is a free man," we compel the person's heirs to free the servant. The rationale is that a servant is obligated to perform certain mitzvot.

12 If a dying man says: "Generate satisfaction for so and so, my maid-servant," satisfaction should be generated for her. She should be given only the type of work she desires out of all the types of work that are known to be performed by servants in that locale.

13 When a *sh'chiv me'ra* apportions all his property to a specific person, and that person says: "I do not desire it," he does not acquire it.

14 If the intended recipient remained silent, and then protests, he acquires the property. The rationale is that the words of a *sh'chiv me'ra* are considered as if they have been already recorded in a legal document and the property already transferred. Thus, once the recipient remains silent, he can no longer retract.

15 When a *sh'chiv me'ra* apportions his property to one person and then changes his mind and apportions his property to another person, the latter

person acquires it. For a *sh'chiv me'ra* has the right to retract until he dies. The above applies whether he desires to retract the entire amount or only a portion of it, and whether he seeks to retain the property for himself or give it to another person.

Even if he apportioned the property to a person and had someone acquire the property on his behalf, and then apportioned it to another person and had someone acquire the property on his behalf, the latter person acquires it. The rationale is that even when a *sh'chiv me'ra* has someone acquire the property on the recipient's behalf, the transaction is still considered to be a gift given by a *sh'chiv me'ra.*

16 If, however, a *sh'chiv me'ra* apportioned his property to a person, had someone acquire the property on the recipient's behalf and then confirmed the transfer with a *kinyan,* nothing can be done after the *kinyan.* He cannot retract - neither to give the property to another person nor to retain it for himself. This applies whether he gave his entire estate or only a portion of it.

17 When a *sh'chiv me'ra* retracts part of his apportionment of his estate, the entire apportionment is nullified.

What is implied? If he gave all his property to one person, and confirmed his gift with a *kinyan* to bolster the recipient's legal power, and then retracted and gave part of his property to another person and confirmed his gift with a *kinyan* to bolster the second recipient's legal power, the second person acquires the property he was given. The first person does not acquire anything. This applies whether the *sh'chiv me'ra* recovers or

dies.

18 The following rules apply when a dying man gives a portion of his estate as a gift and confirms this with a *kinyan,* and then gives his entire estate to another person and confirms this gift with a *kinyan* to bolster the recipient's legal power. If the *sh'chiv me'ra* dies, the first recipient acquires the portion given to him, and the second recipient acquires the remainder. If the *sh'chiv me'ra* recovers, the first recipient acquires the portion given to him, and the second recipient does not acquire anything.

19 When a *sh'chiv me'ra* consecrates all his property without retaining anything, declares his estate ownerless or divides his estate among the poor -if he recovers, he retracts everything.

20 If a person conducts a sale while a *sh'chiv me'*ra, the sale is binding even if he recovers.

21 Different rules apply when by contrast, a dying man sells his entire estate. If the money itself that he received for the estate is still in his possession, he may retract if he recovers. If, however, he has spent the money, he cannot retract.

22 The following laws apply when a legal document recording a gift is brought before us, and it does not explicitly state whether the giver was healthy when he gave it, or whether he was a *sh'chiv me'ra;* the giver claims that he was a *sh'chiv me'ra,* that he recovered and now desires to retract his gift; the recipient of the gift claims that the giver was healthy and

therefore does not have the option of retracting. The recipient must bring proof that the giver was healthy. If he does not find proof, the giver must take a *sh'vuat hesset* supporting his claim. Afterwards, the landed property remains in the possession of the giver.

23 Different rules apply if, however, the gift involved movable property, and that movable property is now in the possession of the recipient. Since the recipient could claim: "The movable property is mine," he is allowed to retain possession of the movable property, provided he takes a *sh'vuat hesset* that the giver was healthy when he gave this gift.

24 The following rule applies when a person dies, and a legal document recording a gift is discovered tied to his thigh. Even though the document is signed by witnesses and mentions that a *klnyan* was undertaken to bolster the legal power of the recipients, the document is of no consequence. We assume that after the *sh'chiv me'ra* had it written, he changed his mind and retracted his gift.

25 If through the legal document the person transferred ownership over the property to another person, whether he is a legal heir or is not a legal heir, everything stated within takes effect, as is true with regard to all gifts given by a *sh'chiv me'ra*.

26 Similar laws apply when a *sh'chiv me'ra* has a promissory note composed stating that he owes money to a particular person - to one of his sons or to one of his other heirs - and he entrusts that document to a third party. If he tells that third party: "Hold this in your possession," but does not

make any further statement, or tells him: "Leave this until I tell you what to do with it," and dies before making any further statements, the document is of no consequence.

Chapter 10

1 When a *sh'chiv me'ra* says: "Give a *maneh to* so and so," the *maneh* should be given after the dying man's death. The rationale is that the words of a *sh'chiv me'ra* are considered as if they have been recorded in a legal document, and that the property concerned has already been transferred. We do not suspect that the *sh'chiv me'ra* was referring to a buried *maneh.*

2 Similarly, if a *sh'chiv me'ra* states: "I have loaned money..." or "...entrusted an object to so and so; give it to this and this person," his words are binding, and a *ma'amad sh'loshtam* is not required.

Similarly, if a *sh'chiv me'ra* says: "Give so and so this particular promissory note," the recipients acquire the debt mentioned in the promissory note, as if the *sh'chiv me'ra* wrote the transfer on the promissory note and gave it to the intended recipient, even though the promissory note was not actually transferred. An heir does not have the right to waive payment of a promissory note that was given as a *matnat sh'chiv me'ra.*

Why is that when a person sells or gives a promissory note to a colleague, and an heir waives payment, the waiver is binding, while when a *sh'chiv me'ra* apportions a promissory note as a *matnat sh'chiv me'ra,* an heir cannot waive payment.

The rationale is that the transfer of a promissory note is a Rabbinical

ordinance. Therefore, according to Scriptural Law, the promissory note still belongs to the heir. Thus, his waiver of it is of consequence. The transfer of a gift given by a *sh'chiv me'ra* is also a Rabbinic ordinance. Nevertheless in this instance, our Sages reinforced their decision and conveyed upon it the power of Scriptural Law. Thus, it is as if the recipient acquired the money mentioned in the promissory note according to Scriptural Law, and the money already reached his possession. Thus, the heir no longer possesses any right to it. Therefore, he cannot waive its payment.

3 The following rules apply when a *sh'chiv me'ra* states: "There is a *maneh* belonging to so and so in my possession." If he says: "Give it to him," it should be given to him. If he does not make such a statement, it should not be given to him. We suspect that perhaps he made his original statement only so that it would not be said that his heirs are wealthy.

4 Therefore, if the *sh'chiv me'ra* made the statement as a sincere acknowledgement, and there was no suspicion of subterfuge, the money should be given to the person mentioned, even though the *sh'chiv me'ra* did not explicitly say that it should be given to him.

5 Similarly, the following rules apply if witnesses observe a father hiding money in a drawer, a chest or a tower, and he says: "They belong to so and so," or "They are *ma'aser sheni."* If it appears that he is conveying his desires for the use of the money, his words are upheld. If it appears that he is being deceptive, his statements are of no consequence.

6 The Rabbis also discussed a similar situation. If a person came and told sons: "I saw your father hide money in a drawer, a chest or a tower, and he says: "It belongs to so and so," or "It is *ma'*aser." If the money is hidden in the sons' house, his statements are of no consequence. If it is in a field, his words should be upheld.

The general principle is that whenever the witness could have taken the money if he had wanted to, his words are upheld. If he could not have, his statements are of no consequence.

7 An incident occurred when a person was upset because of money that he knew that his father had left him, but he did not know where his father had hid it. He was told in a dream: "There was so and so much money. They are in this and this place, but they belong to so and so," or "...but they are *ma'aser sheni."* He found the exact sum of money in the place that was told him. The question was brought before the Sages and they said: "Words from dreams neither avail nor impair."

8 When a *sh'chiv me'ra* acknowledged that he owes so and so a *maneh,* and afterwards, the orphans state: "At a later date, our father told us that he paid the debt," their word is accepted. They must, however, take a *sh'vuat hesset* to confirm their claim.

9 If, however, the *sh'chiv me'ra* said "Give the *maneh* to so and so" when making the acknowledgement his statements cannot be retracted. Even if the orphans state: "At a later date, our father told us that he paid the debt," their word is not accepted.

10 If a *sh'chiv me'ra* says: "I owe so and so a *maneh"* and after his death the heirs say: "We gave it to him," their statements are not accepted. Since the *sh'chiv me'ra* did not say: "Give it," how would they know that they were obligated to give it?

11 If the dying man said: "Give so and so the money owed him," and the heirs claim to have paid the debt, the heirs are believed. They must, however, take a *sh'vuat hesset.*

12 The following rules apply when a *sh'chiv me'ra* gives a *maneh* to a third party and tells him: "Bring this *maneh* to so and so," and the third party goes to the designated recipient, but finds that he has died. If the recipient was alive at the time the *sh'chiv me'ra* gave the money to the third party, he should give it to the heirs of the intended recipient. The rationale is that the words of a *sh'chiv me'ra* are considered as if they have been recorded in a legal document, and the object concerned already transferred.

If the intended recipient was not alive at that time, the third party should return the money to the heirs of the principal, for a deceased person cannot acquire property.

13 When a *sh'chiv me'ra* says: "Give 200 *zuz* to so and so, 300 *zuz* to so and so, and 400 *zuz* to so and so," we do not say that the first person mentioned in the legal record of his statements receives his portion first. Instead, if the estate does not contain 900 *zuz,* it is divided proportionately. And if a promissory note is issued against the estate, the

creditor expropriates from all recipients proportionately.

What is implied? If the debt was for 450 *zuz,* the person granted 200 gives 100, the person granted 300 gives 150, and the person granted 400 gives 200.

14 If, however, the *sh'chiv me'ra* says: "Give 200 *zuz* to so and so. Afterwards, give 300 to so and so, and then 400 to so and so," whoever is mentioned first in the legal record is granted priority.

Therefore, if a promissory note against the estate is brought up, the creditor should expropriate the money from the last recipient. If his holdings are not sufficient to satisfy the debt, the creditor should expropriate the money from the one mentioned before him. If his holdings are also not sufficient, the creditor should expropriate the money from the one mentioned before the second to last recipient.

15 If a *sh'chiv me'ra* says: "Let so and so live in this house," or "Let so and so partake of the fruits of this palm tree," his words are of no significance. The rationale is that he did not transfer an object of substance. For living and eating are like speech and sleep, which cannot be transferred.

If, however, the *sh'chiv me'ra* said: "Give this house to so and so, so that he may live in it," or "Give so and so this tree, so that he may partake of its fruits," his statements are effective. The rationale is that he transferred the entity itself mentioned in the gift with the intent that benefit be derived. This entity is an object of substance. Similar laws apply in all analogous situations.

Chapter 11

1 When a *sh'chiv me'ra* says: "This property of mine should be given to *banai,"* his daughters are not included among the recipients.
Even when the descendants of the *sh'chiv me'ra* include only one son and a daughter, or one son and the son of another son, and he used the expression *banai* - which is a plural term - the estate should be given to his son alone. For one son can be referred to as "my sons."

2 When a *sh'chiv me'ra* says: "My property should be given to Tovia," and then dies, and a person named Tovia comes and claims the estate, it should be given to him.
If, however, it is established that the claimant is referred to as "Rav Tovia," the estate should not be given to him. Nevertheless, should the *sh'chiv me'ra* be familiar with the claimant and be on first name basis with him, the estate should be given to him although he is generally referred to as Rav Tovia.

3 The following principles apply when two claimants come, and it is established that they are both called Tovia. If one of them is a Torah scholar and the other is not, the Torah scholar receives precedence. If neither of them is a Torah scholar, but one is a neighbor or a relative, the neighbor or relative receives precedence. If one is a neighbor and the other is a relative, the neighbor is given precedence.
If both of the claimants are relatives, neighbors or Torah scholars, the judges should act on their own assessment of the circumstances; the estate

should be given to the claimant whom they think the deceased intended. Similar principles apply if there are several intended recipients.

4 If a *sh'chiv me'ra* says: "My property should be given to so and so, to so and so, and to so and so," the intended recipients should divide the estate equally. This applies even if 100 people are mentioned.

5 When a *sh'chiv me'ra* says: "My property should be given to so and so and to my sons," the estate should be divided between them. The person named receives half, and all his sons together receive the other half.
An incident occurred concerning a person who told his wife: "My property should be given to you and my sons." Our Sages said: She should receive half of the estate, and all the sons should divide the other half.

6 If a *sh'chiv me'ra* says: "My property should be given to so and so, to so and so, and to the sons of so and so," the sons of so and so receive half of the estate, and the other two people mentioned receive the other half.

7 When a *sh'chiv me'ra* says: "So and so should receive a portion of my property," he should receive half. When he says: "Give a portion of my property to so and so," he should be given one sixteenth. There are, however, those who maintain that he should be given one fourth of the estate.

8 If a *sh'chiv me'ra* says: "Give so and so a portion of the wine that I possess," the person named should be given one fourth of the wine. If he says: "Give him a portion of the wine to pour into jugs," he has

diminished that person's share, and the person named should be given one eighth of the wine.

If he says: "Give him a portion of the wine for cooking, the person named should be given one twelfth of the wine. If he says: "Give him a portion of the wine for a small cup, the person named should be given one sixteenth of the wine. For he revealed that his intent was to give him merely a small portion.

9 One should not extrapolate from the measures mentioned with regard to any other matters.

10 When a *sh'chiv me'ra* says: "Let my wife receive a portion like one of the sons," she should be given a portion the size of that given to each of the sons. If sons are born to the deceased after he has made this deposition of his property, they are added to the sons who existed at the time the will was made, and she receives a portion equal to that given to each of them.

What is implied? If the *sh'chiv me'ra* had three sons at the time he made his will, and two more sons were born to him afterwards, she should receive a portion equal to that given the five sons - i.e., one sixth of the estate.

11 The widow receives a portion only from the property that the deceased owned at the time he made his will. She does not receive a portion of any property he acquires after the will was made. The rationale is that a person cannot transfer ownership of an entity that is not in his possession.

12 When a *sh'chiv me'ra* says: "So and so should receive movable property

that I own," the person named should receive his personal utensils. He is not, however, given wheat, barley or other similar entities that the deceased owned. If, however, he says: "...all the movable property that I own," the person named receives everything.

13 Servants are included in the category of movable property, but not a lower millstone or the like. For the lower millstone is attached to the earth.

14 If the *sh'chiv me'ra* said: "...everything that can be carried," the intended recipient acquires even a lower millstone and similar objects.

15 When a *sh'chiv me'ra* says: "Give my property to so and so," that person receives all his movable property, all his landed property, the garments, the servants, the livestock, the fowl, the *tefillin* and the other sacred texts; for these are all considered to be property.

There is, however, an unresolved question of whether or not a Torah scroll is considered to be "property." Therefore, if the recipient takes possession of it, it should not be expropriated from him.

16 When a *sh'chiv me'ra* says: "Give 200 *zuz* to so and so, my firstborn, as is appropriate for him," he should be given that sum as well as his portion as a firstborn.

17 In the above situation, if the *sh'chiv me'ra* said: "Give him 200 *zuz* as his firstborn portion," the firstborn is given the option: He may take his firstborn portion, or he may take the 200 *zuz*.

18 Similarly, if the *sh'chiv me'ra* said: "Give 200 *zuz* to my wife so and so, as is fitting for her, she receives that sum and the money due her by virtue of her *ketubah. If* he said: "Give her 200 *zuz* for her *ketubah"* the option is hers.

19 If the *sh'chiv me'ra* said: "Give 200 *zuz* to so and so, my creditor, as is fitting for him," he receives that sum and the money due him because of the debt. If he said: "Give him 200 *zuz* for his debt," he may collect only his debt.

20 If a *sh'chiv me'ra* said: "Give 400 *zuz* to so and so and let him marry my daughter," it is as if he gave him two gifts. Whichever he desires, he may take. Therefore, if he desires to take the money but not to marry the daughter, he may do so.
If, however, the *sh'chiv me'ra* said: "Let him take my daughter and give him 400 *zuz"* he is making the gift conditional. The person mentioned does not acquire the gift unless he marries the daughter.

21 The following principle applies if a *sh'chiv me'ra* said: "Give 400 *zuz* to my daughter as her *ketubah"* or "...for her *ketubah."* If it is the custom of the people of that city to add to the appraisal of the dowry and to write a *maneh's* worth as 200 *zuz,* the daughter should be given only 200 *zuz.* For the *sh'chiv me'ra* did not say "400 *zuz"* without any modifier, but rather "400 *zuz* as her *ketubah."* It is as if he said: "Give her what is necessary so that her *ketubah* will be appraised at 400 *zuz."*

22 If a *sh'chiv me'ra* said: "Give such and such clothing and such and such

articles to my daughter for her dowry," and the price of the garments and the articles decreases afterwards, the heirs profit, and they are required to give her only what she was promised according to the lesser price.

Similarly, if a *sh'chiv me'ra* said: "Give my daughter the 400 *zuz,* the money from this wine," and the price of wine increases, the heirs profit, and the daughter is given only 400 *zuz.*

An incident occurred concerning a person who was being led off in fetters. He said: "Give so and so 400 *zuz* from the wine in this and this place." Our sages said: "He should receive 400 *zuz* from the price of that wine." The condemned man did not intend to give the person named an amount of wine equal in weight to 400 *zuz*. He intended to give him the monetary amount. He specified the place from which he could collect the money to strengthen the legal power of the recipient.

Another incident occurred concerning a man who said: "Give my daughter the date palm," but he left only two halves of a date palm. Our Sages said: "She should receive the two halves of the date palm, for that was his intent. He called them a date palm."

And another incident occurred concerning a person who said: "Give so and so a building that contains 100 *korim*." It was discovered that the building owned by the person who apportioned his property could contain 120 *korim*. Our Sages said: "He acquires that house, because it appears that this was his intent." For everyone who gives a gift gives generously. The same applies in all analogous situations.

23 When a *sh'chiv me'ra* says: "Give my sons a shekel each week," or even if he said: "Do not give them anything but a shekel each week," and it is

discovered that a *sela* a week is necessary to meet their needs, they are given whatever they need. We assume that his intent was not to starve his children, but to encourage them not to live on a very lavish budget.

24 When a sh'chiv me'ra orders: "Do not eulogize me," he should not be eulogized. If he says: "Do not use funds from my estate to bury me," his words are not heeded. We do not enable him to secure the funds of his children and make himself a burden on the community. For it is forbidden to leave him without a burial. Instead, we compel his heirs to bury him from the funds in his estate.

Chapter 12

1 When a *sh'chiv me'ra* says: "My son, so and so, should inherit my estate," that son alone should inherit the estate, and not the man's other sons. Similarly, if he makes such statements about one daughter with regard to his other daughters, one brother with regard to his other brothers, or similarly, with regard to other heirs, his words are binding.

2 If a healthy person makes such statements, his words are of no consequence.

3 When a *sh'chiv me'ra* states: "My property should be given to so and so, and after him, to so and so," the second person receives only what the first person leaves over.

4 If, however, the first person was fit to inherit the estate of the *sh'chiv me'ra*

- e.g., he was one of his sons - the second person does not receive anything. For regardless of the expression used to give a gift to an heir, it is considered as if he were given an inheritance. And an inheritance never ends. This applies even though the giver said: "After him, it should be given to so and so."

5 If, however, a healthy person gave a gift in this manner and had a deed composed saying: "My property should be given to you, and after you to so and so," the second person receives only what the first person leaves over. This applies whether or not the first person was fit to inherit the estate of the giver.

6 There is an exception to the principle stated above with regard to a *sh'chiv me'ra* who says: "My property should be given to you, and after you to so and so," and the first recipient is fit to inherit the giver's estate. If the giver explicitly states: "I am not giving you this property as an inheritance that never ceases, but as a gift, and I have set a limit to it," the second person acquires what the first leaves over.

For this reason, if the giver entrusted the money to a third party, or he said: "Give my sons a *shekel* every week. I am not giving them this money as an inheritance. Afterwards, what remains of the estate after their death should be given to so and so," they should be given only a *shekel* a week, even though it does not suffice for them.

7 If a *sh'chiv me'ra* states: "My property should be given to so and so, and after him to so and so," and the first person named dies, the property is

acquired by the second. If the second person named also dies, the property is given to the heirs of the second person.
If, however, the second person dies during the lifetime of the first, and the first dies before the *sh'chiv me'ra,* the property should be given to the heirs of the first person.

8 Although the second person named receives only what the first person leaves over, it is forbidden for the first person to sell or give as a gift the body of the property that he has been given. Instead, he is entitled to reap the benefits from the property until he dies, at which time the second person acquires the property.

9 If, however, the first person transgresses and sells or gives as a gift the property, the second person cannot expropriate the property from the recipient. For the second person does not have any right to the body of the property or the benefits from it, but only what remains after the first person dies.
Any person who advises the first person named to sell the property is called "wicked."
Even if the estate contained servants and the first person granted them their freedom or garments and he made them shrouds for a corpse, his deeds are binding.

10 When does the above apply? When the first person sold or gave as a gift the property to an outside party. If, however, the first person sold or gave them as a gift to his son or to another heir, his deeds are of no

consequence.

Similarly, if he gave the property as a gift of a *sh'chiv me'ra* to an outside party, his deeds are of no consequence. The rationale is that the recipient of a gift given by a *sh'chiv me'ra* does not acquire it until after the *sh'chiv me'ra* dies, and when the first recipient dies, the property has already been acquired by the second person named by the original giver.

11 In the above situation, if the first recipient owes a debt or must pay his wife the money due her by virtue of her *ketubah,* and the court seeks to collect the debt from this property, even if the first recipient is still alive, the court does not collect the debt from the body of the property itself. Instead, only the proceeds from it are indentured.

If the first person dies and his creditor or his wife seeks to expropriate this property, nothing at all is expropriated for them. This applies even when he made them an *ipotiki* or designated them for his wife so that she could collect the money due her by virtue of her *ketubah* from them. Nothing is expropriated from this property, because it belongs to the second person.

12 When a *sh'chiv me'ra* says to an unmarried woman: "My property should be given to you, and after you to so and so," and then the woman marries, her husband is considered to be a purchaser, and the second person may not expropriate the property from him.

If the woman was already married when the *sh'chiv me'ra* said: "...and after you to so and so," the second person may expropriate the property from the husband. The rationale is that since she acquired the property on this condition when she was married, it is as though the *sh'chiv me'ra* told

her explicitly: "After your death, so and so will acquire the property, and not your husband."

Therefore, if she sold this property while she was married to her husband, and then died while married to her husband, the property should remain in the possession of the purchaser. For if the husband expropriated the property from the purchaser because his wife sold it while she was married, the second person mentioned by the original giver may expropriate the property from the husband, and then the man who purchased it from the woman may expropriate it from the second person, for she sold the property to him, and the second person is entitled only to property that the woman left over. And the cycle could continue endlessly. Nevertheless, since the only one who spent money for the property is the purchaser, the property is allowed to remain in his possession.

An incident occurred with regard to a person who said: "Let my property be given to my mother, and after her to my heirs." He had a married daughter. That daughter died during her husband's lifetime, and also in the lifetime of her father's mother. After she died, the elder woman also died.

Our Sages said: The daughter's husband does not inherit that property, for it was only fitting for his wife to inherit, and she did not actually have a right to acquire the property until she had died.

If the daughter had left a son or a daughter, they would have inherited the estate, for the expression "heirs" used by the deceased includes even the heirs' heirs. And if the dying man had said: "When the elder woman dies, the estate becomes my daughter's retroactive to the present time," the daughter's husband would inherit it after his wife's death.

13 When a person has a legal record composed giving property to his son after his death, the body of the property becomes the son's from the time this legal record is composed. The benefit from the property is retained by the father until he dies.

Accordingly, the father cannot sell this property, because it has already been given to his son. Nor can the son sell the property, because it is under the father's control.

If the father dies and there is produce attached to the ground on this property, it belongs to the son. The rationale is that a person feels a closeness to his son. If the produce has already become detached or it is ready to be harvested, it belongs to the other heirs.

If the father transgresses and sells the property, the sale is binding until he dies. When he dies, the son expropriates the property from the purchaser. If there was produce attached to the property, its worth should be evaluated and credited to the purchaser, and the son must pay him for it. If the produce was detached or ready to be harvested, it belongs to the purchaser.

If the son transgresses and sells the property, the purchaser does not receive anything until the father dies. If the son sold the property during the father's lifetime, the son died, and then the father dies, the purchaser takes possession of the property when the father dies. The sale of the property by the son is not nullified, because the father possesses only the right to benefit from the property, and possession of the right to benefit from a property is not the same as possession of the property itself.

14 When the deed recording a gift given by a healthy person states that the

gift takes effect "from today and after the person's death," it is considered to be a gift given by a *sh'chiv me'ra.* The implication is that although he acquires the body of the property from the day of the gift, he may not take possession of it and partake of its fruits until after the giver's death.

15 The following laws apply with regard to a deed recording a gift, which states that so and so should acquire a particular field after the death of the giver.

Whether or not the legal document records a *kinyan*, since it mentions a date and the giver was alive on that date, the date indicates that he transferred ownership of the property during his lifetime. The recipient may not take possession of it until after the giver's death.

This is certainly the intent. For if the giver's intent had been to transfer the property with this document after his death, he would not have dated it.

Therefore, even though the document does not state that the gift takes effect "from today and after the person's death," the recipient acquires the property after the giver's death.

The reason we write "from the present time" in a legal document although it is dated, is to clarify the matter, even though it is unnecessary.

16 When a healthy person gives a gift and composes the deed recording it saying: "During my lifetime and in my death," it is a completely binding gift, taking effect during the person's lifetime, for it states: "During my lifetime." The fact that it also states: "And in my death," is as if it states: "from now until eternity." It is an embellishment of the document.

17 Perfectly righteous men and men of spiritual stature would not receive gifts from other men. Instead, they would trust in God, blessed be His name, and not in generous men. And **Proverbs 15:27** states: "One who hates gifts will live."

Mishneh Torah, Neighbors

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The following rules apply when a person purchases half of a field from a colleague, two people together purchase a field from a colleague, they both inherited a field, a field was given them as a gift, or they took possession of ownerless land or property belonging to a convert who died without leaving Jewish heirs - i.e., any situation in which two people own land in partnership.

If one of the partners asks to divide the property and take his portion alone, and the property is large enough to be divided, we compel the other partners to divide the property with him. If the property is not large enough to be divided, neither partner can require the other one to divide the property. Similar laws apply with regard to movable property.

When does the above apply? When neither of the parties recognizes a specific portion of the property they share as his own, but rather both use the entire property equally. If, however, one of the partners recognizes a portion of the property as his own, each one has the right to compel the other partner to make a divider between his portion and his colleague's portion, although the property is not large enough to be divided.

2 In a situation where the property is not large enough to be divided or with regard to an entity that cannot be divided - e.g., a maidservant or a utensil - if one of the partners tells the other: "Sell me your portion for this and

this much, or buy my portion for the same price," his request is supported by the law. We compel the other partner either to sell his share to his colleague or to purchase his colleague's share from him.

If, however, the other partner does not desire to purchase his partner's share or does not have the means to do so, he cannot compel his colleague to purchase his share from him even at the low market price. For his colleague may tell him: "I do not want to buy; I want to sell."

Therefore, the following laws apply if two brothers, one rich and one poor, inherited from their father a bathhouse or an olive press. If the father made these premises for the purpose of hire, the two share the rental equally for as long as they desire to remain partners.

If the father made these structures for his personal use, the poor brother cannot force the rich brother to hire them out. Instead, they should use them as their father used them. The rich brother can tell the poor brother: "Purchase olives and crush them in the olive press; purchase servants and have them come and wash in the bathhouse."

The poor brother cannot compel the rich brother to purchase his portion unless the poor brother tells him: "Purchase my portion from me or sell me your portion. For I will borrow from others and purchase it or sell it to others, and they will purchase it." If he makes such statements, his claim is supported by law.

If each of the brothers says: "I don't want to purchase your portion; I want to sell my portion," the property should be sold to others.

The following rules apply if both of them say: "I will not sell," but instead each of them wishes to purchase his colleague's portion, or neither of them desires to purchase his colleague's portion, nor to sell his own

portion, but instead to remain partners in the property.

What should they do? If the place was fit to rent, they should hire it out and divide the rent. If the place was not fit to rent they should alternate. If the property is a courtyard, they should dwell in it, each for a year at a time. The rationale for this ruling is that it is impossible for them to dwell in it together, because of the lack of privacy, and it is not large enough to divide. A more frequent rotation is not employed, because a person would not trouble himself to move from one courtyard to another every 30 days. Hence, the rotation is carried out from year to year.

If the shared property is a bathhouse, both of them are allowed to enter at all times during the day. The same principle applies to any object that is fit to be used at all times and is not usually hired out - e.g., a bathhouse, a mattress or a Torah scroll. One cannot tell the other: "You use it one day, and I will use it the next day." For the other can claim: "I want to use it every day."

3 When one person rents from a colleague a portion of a courtyard or a field that is not large enough to divide or two people rent such a property in partnership, each one can compel his colleague and tell him: "Either rent my portion from me or rent me your portion." If the property is large enough to divide, it should be divided.

4 What is meant by a property being large enough to divide? That if it were divided among the partners, even the partner with the smallest share would receive a portion of the property large enough to be referred to by the same name that is used to refer to the entire entity. If, however, the

name that is used to refer to the entire entity would not be used for this portion, it is not large enough to divide.

What is implied? Whenever a courtyard does not contain four cubits by four cubits, it cannot be called a courtyard. Whenever a field is not large enough to sow nine *kabbim* of grain, it is not considered to be a field. Whenever a garden is not large enough to sow a half a *kav*, it is not considered to be a garden. Whenever an orchard is not large enough to sow three *kabbim*, it is not considered to be an orchard.

Therefore, a courtyard is not divided among partners unless it is large enough for each of the partners to receive at least four cubits by four cubits. A field is not divided unless it is large enough for each of the partners to receive at least enough to sow nine *kabbim*. A garden is not divided unless it is large enough for each of the partners to receive at least enough to sow half a *kav*. And an orchard is not divided unless it is large enough for each of the partners to receive at least enough to sow three *kabbim*.

Where does the above apply? In *Eretz Yisrael* and lands like it. In Babylonia and lands like it, by contrast each partner must receive a larger measure. A field is not divided unless it is large enough for each of the partners to receive at least enough to require a day of plowing. An orchard is not divided unless it is large enough for each of the partners to receive at least 36 trees - this is the number that requires one person to tend to them for a day. A field that is watered with a utensil is not divided unless it is large enough for each of the partners to receive at least enough that a workman will spend a day watering it.

5 One should not divide a hall, a large building, a dovecote, an olive press, a bathhouse or a garment unless each of the recipients will receive a portion sufficient for himself. If one is dividing a bathhouse, each portion must be useful as a bathhouse. If one is dividing a dovecote, each portion must be useful as a dovecote. The same principles apply with regard to a garment or other objects.

If the entity is not large enough to divide, its value is assessed. One can tell one's fellow partner: "Either sell it to me or buy it from me."

If the entity is not large enough to divide, but one partner says to the other: "Let us divide this even though the portions are not equal. I will take the smaller portion and you take the larger portion," we are not required to accept his proposition. For the other partner will tell him: "I do not desire to receive a gift." Instead, since the entity is not large enough for an equal division, we assess its financial value.

Chapter 2

1 The following laws apply with regard to courtyards in villages where every person builds a house for himself, and thus the courtyard in between the two houses is used jointly by all the members of the two households. Every opening is granted four cubits in front of it for the entire length of the opening. With regard to the remainder of the courtyard, if there is enough to provide every partner with four cubits by four cubits, it is divided. If not, it is not divided. For any courtyard that is not four cubits by four cubits cannot be called a courtyard, as we have explained.

What is implied? If there were two partners, one owned two houses in the

courtyard and the other owned one. For the one who owns two houses, we grant him four cubits from the courtyard in front of the entire width of the entrances to each of his homes, even if the entrances of each are ten cubits wide. And we give the partner who owns one house four cubits in front of the entire width of the entrance to his home.

With regard to the remainder of the courtyard, if it is at least eight cubits by four cubits, so that each one will receive a portion at least four cubits by four cubits in addition to the area in front of the entrances, it is considered large enough to divide, and it should be divided. If it is smaller than this, it is not large enough to divide.

2 When a house in a courtyard has many entrances on all sides, it is granted four cubits on every side. If the owner designates one entrance as the entrance to the house, he is granted four cubits only opposite this entrance.

3 When a person can enter an *excedra* carrying his load, he is not granted these four cubits. If not, he is granted these four cubits. For the sole reason our Sages said that a person is granted four cubits for every entrance is so that he can unload his burden there.

4 A person is granted four cubits in front of a guard's room or a porch.

If there are five structures that open up to a porch, and the porch opens up to a courtyard, only four cubits are granted.

5 A chicken coop is not granted four cubits.

6 When a house has a roof over half of it, but not over the second half, regardless of whether the roofed portion is on the inside or toward the outside, it is not granted four cubits.

7 Although the entrance to a house is closed off, the owner is granted four cubits. If, however, the owner destroyed the doorway and closed it entirely, it is not granted four cubits.

8 When a house is smaller than four cubits by four cubits, its owner is not granted four cubits in the courtyard.

Thus, the following rule applies if there is a courtyard with two structures, and at least one of them is smaller than this minimal size. If the courtyard contains four cubits for one owner and four cubits for the other, even though this measure reaches the entrance of the structure, the courtyard is divided.

The manure in the courtyard should be divided according to the entrances. The levy of the king for the keep of his legions is divided according to the number of people living in the courtyard.

9 When partners desire to divide an entity that is not fit to be divided, they may divide it, although because of their actions it will no longer be called by the same name.

With regard to holy scrolls, by contrast, even though the partners desire, a scroll should not be divided.

When does the above apply? When all the sacred writings are contained in one scroll, but if the sacred writings are contained in two scrolls, they may

be divided.

10 When partners desire to divide a place that is not large enough to be divided, each one has the right to retract until the actual division is made. This applies even when the decision was confirmed with a *kinyan*, for this is merely a *kinyan* concerning words, as we have explained.
If, however, the partners made a *kinyan*, stating that this one desired the portion of the property in one direction, and the other desired the portion of the property in the other direction, they cannot retract. Similarly, if each one went and manifested ownership over his portion, neither can retract, even though they did not confirm their commitment with a *kinyan*.

11 When brothers divide an estate by lottery, once one of them receives his lot, they all acquire the remainder of the property. The rationale is that with the satisfaction that they receive from the fact that they carried out the agreement that they arranged between themselves, each one concluded the matter and transferred the appropriate share to his fellow.

12 When brothers divide an estate, they are considered as having purchased their shares from each other. Thus, none of them is entitled to claim from any of the others the right of passage, the right to erect a ladder, the right to maintain a window, or the right to the passage of an irrigation channel. For once they have divided the property, none of them has any right with regard to the property belonging to any of the other brothers.
Therefore, one brother may tell another: "When the field was owned by

one person, he would cause this irrigation ditch to pass from one place to another. Now, however, that this field has become my portion, I have the right to close the irrigation ditch." Similarly, he may block off a window that looks over his portion and build next to a ladder, even though it nullifies its usefulness.

The same laws apply when two people buy a field in partnership from one person and then decide to divide the property. Neither has any rights with regard to the portion of his colleague. The owner of either portion may dam the irrigation ditch or block off the windows.

13 When, by contrast, two people buy a field from two other people, or from two brothers, neither has the right to dam the irrigation ditch or to change any other of the privileges that one of the sellers had established as his own, even though it is damaging to his colleague.

14 The following rule applies with regard to a courtyard owned in partnership that is large enough to divide or one that was divided by consent, even though it is not large enough to divide. Each of the partners may compel the other to join in the building of a wall in the middle of the courtyard, so that one will not see the other when using the courtyard.

The rationale is that damage caused by an invasion of privacy is considered to be damage.

Neither partner can claim that it is an established fact that the courtyard has remained without a wall. Instead, even though the courtyard stood many years without a divider, one partner can compel the other to join in the building of a divider whenever he desires.

15 The space where the wall will be built comes from both partners.
How wide must the partition be? Everything depends on local custom. Even if the local custom is to make a partition from reeds or palm leaves, such a partition is made, provided it does not leave open space for one neighbor to look and see his colleague.

16 How high must the wall be? No smaller than four cubits. Similarly, in a garden, a person may compel his neighbor to separate their two gardens with a divider ten handbreadths high. But in a stretch of fields, there is no need to separate one person's stretch of fields from another unless this is the local custom.
If a person desires to make a distinction between his stretch of fields and that belonging to his colleague, he must build the barrier within his own property. Therefore, he should make a sign of approximately a cubit by a cubit of mortar on the outside to indicate that the wall belongs to him. Therefore, if the wall falls, both the land and the stones belong to him.
If the wall is built by the two of them in partnership, they should build a projection on both sides. Therefore, if the wall falls, they both share the space and the stones.

17 The following rule applies when a person sells a garden to a colleague without any specifications. If it is attached with other gardens, we compel the purchaser to construct a fence between them. This applies even when the custom is not to erect fences in gardens. If, however, he sells a field without any specifications, we do not require him to erect a fence unless this is the local custom.

18 In a place where it is customary to use stones that are not hewn to build the walls that divide courtyards or gardens, each of the partners should give three handbreadths. If they use hewn stones, each of the partners should give two and a half handbreadths. If they use broken bricks, each of the partners should give two handbreadths. If they use bricks, each of the partners should give a handbreadth and a half. All these measures include the thickness of the wall and the mortar.

Since the space of the wall belongs equally to both of them, should the wall fall, the space and the stones are shared equally between them. Even if the wall fell into the property of one of them, or one cleared all the stones into his property and claimed that his colleague sold him his portion or gave it to him as a gift, his word is not accepted. Instead, they are considered to belong to both of them unless one of them proves his claim.

Chapter 3

1 When a wall that separates between two partners falls, each of the partners may compel the other to share in its construction until it reaches the height of four cubits, so that they will not see each other. We do not, however, compel a partner to build it any higher than four cubits.

The following rule applies if one of the partners takes the initiative and builds the wall higher than four cubits. If the other colleague comes and builds another wall of his as high as the wall between them, we obligate that partner to pay his share in the additional height that is opposite his wall.

What is implied? One person built a wall between himself and another

partner and elevated it to a height of ten cubits. Afterwards, the other partner came and built another wall opposite it or at its side for the sake of making a room, and built that wall six cubits high. We obligate him to pay his share in the two cubits that were added to the minimum of four cubits. For it is obvious that he desired them.

Similarly, if he hewed out a place on the top of the wall between them to place beams or affixed permanently there a large beam on which the others rest, we obligate him to pay his share in the entire six cubits that his colleague added to the minimum of four cubits, although he did not build the entire wall. For he revealed his intent, that he desired the entire height of the wall.

2 The following rule applies when one of the partners builds a wall four cubits high that separates between his property and his colleague's property and demands that his colleague pay his share of the costs. If the other colleague claims to have paid his share, we assume that he paid. He is required to take a *sh'vuat hesset* that he paid, and he is then under no further obligation unless the plaintiff brings proof that he did not pay.

If, however, one partner demands of the other that he pay his share in the portion of the wall that he added above the minimum four cubits, because he built next to it or opposite it, and that partner claims to have paid, his statements are not believed. Instead, the plaintiff is given the option of taking an oath while holding a sacred article, that the defendant did not pay him. He may then expropriate the money, as is the case with regard to all those who take oaths and collect, unless the defendant brings proof that he paid him.

3 The following rules apply when a person owns one ruin in the midst of several ruins belonging to a colleague. Although the colleague builds a divider on one side of the owner's ruin, and then on a second side, and then on a third side, and thus the ruin is enclosed from three sides, we do not obligate the owner to pay any of the costs. For the construction is of no benefit to him, since his ruin is still open to the public domain as it was before.

Therefore, if the builder also encloses the fourth side for him, and thus the owner's ruin is totally enclosed by a partition, we require him to pay his share in the entire amount. He must pay half the costs that his colleague undertook in building the divider four cubits high around all four sides. This applies provided the place of the wall belongs to both of them.

4 If, however, the builder constructs the wall on his own property, it appears to me that the owner is charged only a small amount, as the judges see fit, because he does not have the right to use the walls.

If the person whose property was enclosed himself encloses the fourth side, he has revealed his consent and he must pay half the cost of the other three sides if the wall belongs to both of them. Similar principles apply in all analogous situations.

5 Principles similar to those that govern walls dividing courtyards apply to the construction of guard rails on roofs. If there are two houses situated next to each other, and their roofs are fit for use, one owner should make a guard rail for the half of the roof where he dwells, and the other should

make a guard rail for the half of the roof where he dwells. They should extend the partitions beyond the midpoint, so that they will not see each other.

This applies even if the houses are built on two sides of the public domain. Although the people from the public domain can see the person on his roof, each one can tell his colleague: "The people in the public domain see me only during the day, when I stand on my roof. You, by contrast, see me at all times."

6 When a person's roof is close to a courtyard belonging to a neighbor, he should build a guard rail four cubits high.

Between one roof and another, however, four cubits are not necessary. For people do not live on the roofs, and there is no concept of invasion of privacy. One must, nevertheless, make a divider ten handbreadths high between one roof and another to make a distinction, so that if one enters the other's property, it will be obvious that he is like a thief.

7 When there are two courtyards, and one is situated above the other, the owner of the upper courtyard may not say: "I will build from my level and higher." Instead, both of them must share in the building from below upward, and the owner of the upper courtyard must build from his level and higher alone.

If a person's courtyard was higher than the roof belonging to a colleague, the owner of the higher property need not be concerned with the lower property at all.

8 When a wall belonging to a person that was located next to a garden belonging to a colleague falls, we compel the owner of the wall to remove his stones. If the owner of the wall tells the owner of the garden: "See, it came to you; they are yours," we do not heed him.

If, however, the owner of the garden desired the stones and agreed, saying "yes, " when he removes them, he acquires them. The owner of the wall may not retract. Even if he tells the owner of the garden: "Here is the money for your costs; let me take my stones," we do not heed him. If, however, the owner of the garden did not remove the stones, he does not acquire them. We assume that the owner of the wall made the statement only to procrastinate.

9 The following laws apply when there are five gardens that derive water from one spring, and the spring becomes impaired. All the owners of the gardens must share in the repairs made by the owner of the first garden. Thus the owner of the lowest garden must share in the repairs undertaken by all the others, but must make any repairs necessary in his own domain by himself. The owner of the first garden, by contrast, does not share in the repairs of the second, nor in any of those that are below him.

Similar laws apply when the inhabitants of five courtyards pour water into one drain, and the drain becomes damaged. All the inhabitants of the courtyards share in the repairs of the lower one. Thus, the inhabitants of the highest courtyard must share in the repairs undertaken by all the others, but must make any repairs necessary in his own domain by himself. The inhabitants of the lowest courtyard, by contrast, do not share in the repairs of the second, nor in any of those that are above it.

10 People with properties adjacent to a river who irrigate their fields with water from the river should do so in the sequence in which their properties are situated.

If one of the owners desired to dam up the river so that the water would flow through his property first, and only afterwards would he open it, and another owner wants the river to remain open so that his property will be irrigated first, whoever overcomes the other prevails.

When a cistern is close to an irrigation ditch, it can be filled first as an expression of "the ways of peace."

Chapter 4

1 The following rules apply when a person owns a loft that is situated above a house belonging to a colleague. If one of the walls of the house falls, the owner of the loft is not required to pay any of the costs incurred by the owner of the house in repairing it. And he may compel the owner of the house to repair it as it was originally. If, by contrast, one of the walls of the loft falls, the owner of the house cannot compel the owner of the loft to repair it.

The ceiling is the responsibility of the owner of the house. The plaster above it is the responsibility of the owner of the loft.

2 If both the house and the loft fall, both owners share equally in the wood, the stones and the sand.

If some of the stones are broken, we determine which of the stones were more likely to have broken, the stones of the house or the stones of the

loft. This can be determined by the manner in which the stones fell: whether the upper stones fell on the lower stones and destroyed them or the lower stones slipped out and the upper stones fell and were destroyed. If it cannot be determined how the stones fell, both the whole stones and the broken stones should be divided equally.

3 The following rule applies when both structures fall, and the owner of the loft tells the owner of the house to rebuild his home so that he can build his loft upon it, but the owner of the home refuses to do so. The owner of the loft may rebuild the home to its original size and live inside it until the owner of the home reimburses him for all his costs. Then he must leave, and he may build his loft upon it if he desires.

4 If neither of them is able to rebuild the building, the owner of the loft receives one third of the land, and the owner of the house receives two thirds of the land.

5 If the owner of the house desires to rebuild his home, he should rebuild it as it was originally. The following laws apply if he desires to change the structure of the walls: If he desires to strengthen them and increase their width beyond their previous measures, his desire is heeded. If he desires to make them narrower or weaker - e.g., originally, they had been made from stone, and now he wants to make them from bricks - his desire is not heeded.

If he desires to build the ceiling with heavier and stronger beams, his desire is heeded. If he desires to make them narrower than they were

originally, his desire is not heeded.

If he desires to add more windows or increase the height of the house, his desire is not heeded. If he desires to reduce the number of windows or diminish the height of the house, his desire is heeded.

Similarly, the owner of the loft should rebuild it as it was originally. If he desires to change the structure of the walls, to increase their width and strengthen them, his desire is not heeded, because he places an additional burden on the lower walls. If he desires to make them narrower, his desire is heeded.

Similar laws apply with regard to the beams of the ceiling of the loft. If he desires to exchange them for lighter ones, his desire is heeded. If he desires to use heavier beams, his desire is not heeded.

If he desires to add more windows or diminish the height of the loft, his desire is heeded. If he desires to reduce the number of windows or increase the height of the house, his desire is not heeded.

6 The following rules apply when the beams of the ceiling sink lower and descend into the space of the house. If they reach within ten handbreadths of the ground, the owner of the house may destroy and rebuild the entire structure. If they do not reach that low, the owner of the loft may prevent him from doing so. Even if the owner of the house tells the owner of the loft: "I will rent you another place to live until I repair the ceiling," his desire is not heeded. For the owner of the loft will tell him: "I do not want the difficulty of moving from place to place so that you can repair your home."

7 If an agreement was made between the two of them that as long as the house is high enough that a person can enter while carrying an ordinary sized burden on his head despite the fact that the beams have bent lower, the owner may not tear it down. If, however, he cannot enter while carrying such a burden unless he bends his head, he may tear it down, repair it and rebuild it, then the owner of the loft may not prevent him. For this was the agreement they made at the outset.

8 The following rule applies when an olive press is built in the midst of a mountain, a garden is located upon it, and then the top of the olive press becomes opened four handbreadths or more. The owner of the garden may descend and sow the earth of the olive press until the owner of the olive press makes a covering for the olive press, so that the owner of the higher property can restore the earth of his garden and sow it.

9 The following rules apply when there are two gardens, one on top of the other on the slope of a mountain, and there are vegetables growing on the surface of the earth between them. Any vegetables to which the owner of the higher property can extend his hand and pull out by their roots belong to him, provided he does not strain himself. The remainder belong to the owner of the lower property.

If the owner of the higher property can reach the leaves of the vegetables, but cannot reach their roots, he should not take them. If, however, he does take them, they should not be expropriated from his possession.

Different laws apply with regard to a tree that stands on the boundary line between two properties. Even though it leans into the field belonging to

one of them, both of them may divide the fruits.

10 The following rules apply if a river washes away olive trees belonging to one person and plants them in a field belonging to another. If the owner of the trees says: "I want to take my olive trees, his desire is not heeded, in order that the land be settled. Instead, they should remain in their place.
If the river uproots the trees together with their earth when it replants them, the owner of the field and the owner of the olive trees should divide the fruit for the first three years. After three years, all the produce belongs to the owner of the field. If they were not uprooted together with their earth, the owner of the field is entitled to the entire benefit immediately.

11 Similar concepts apply when a person sells his olive trees to be used as wood. If the agreement was that he would cut them down immediately, all the fruit they produce belongs to the owner of the land. If the agreement was that he could cut them down whenever he desires, all the fruit they produce belongs to the owner of the trees.
The following rules apply when the trees were sold without a specific agreement. If they produce no more than a *revi'it* per *se'ah* beyond the costs involved, they belong to the owner of the olive trees. If they produce more than a *revi'it* per *se'ah* beyond the costs involved, they should be divided.

Chapter 5

1 When a courtyard is jointly owned by partners, each one may compel the

other to build a gate-keeper's room, a door, and any other element that is sorely needed for a courtyard or anything that is customary for the local people to build. He cannot compel him with regard to other matters - paintings and designs and the like. If one of the partners in the courtyard made such an addition on his own initiative, and then another demonstrated that he appreciated what his colleague did, he is held responsible for his share in the entire project and must pay his portion of the costs.

2 When a person has a house in another courtyard besides the one in which he lives, the inhabitants of the courtyard in which he does not live, can force him to contribute toward the building of a door, a bolt and a lock. However, he cannot be compelled to contribute to other matters. If he dwells with them in the courtyard, he can be forced to contribute to everything.

3 When one of the owners of a house in the courtyard seeks to put an animal or a mill in the courtyard or to raise chickens there, his colleagues can prevent him from doing so. Similarly, with regard to other things that people are not accustomed to doing in their courtyards, the partners can prevent him from doing this.

There is an exception: doing laundry. For it is not the custom of the daughters of Israel to shame themselves by doing laundry at the riverside.

4 In a courtyard owned jointly by several owners or a lane that ends in a cul-de-sac, all the inhabitants of the lane or the courtyard can restrain one of

their number so that he makes use of the lane only in a manner in which other people living in that country make use of lanes.

5 If one of the partners in a courtyard put an animal, a mill or the like into a courtyard, and the other partner did not protest against him, he may prevent him from doing so at any time. If he erected a partition ten handbreadths high in front of the animal or the like, he has established his claim to it. For partners will protest if one erects a partition. Since the partner did not protest, but instead allowed the partition to remain, he forgoes his right to protest.

When does the above apply? In a courtyard that is jointly owned by partners. If, however, a person placed an animal in a courtyard belonging to another person, even if he erects a partition, he has not established his claim to it. For it is known that the owner only lent him the space. Similar laws apply if one brought in an oven or a range, or raised chickens or the like. This is certainly the law. For if one would say that the visitor establishes his claim to the space, a person will never lend space to a colleague.

6 If one of the partners in a courtyard desires to open up a new window from his house overlooking the courtyard, his colleague may prevent him from doing so, for this allows him the possibility of looking at him at all times. If he opens such a window, he must close it.

Similarly, partners in a courtyard should not open the entrance of a house opposite the entrance of a colleague's house, or a window opposite a colleague's window. In the public domain, by contrast, a person may open

an entrance opposite a colleague's entrance and a window opposite a colleague's window. For if the colleague would protest, he could tell him: "I am just like one of the people in the public domain who see you."

7 Nevertheless, even in the public domain, a person should not open up a store opposite the entrance to a colleague's courtyard, for this represents an ongoing damage. The passersby in the public domain go to and fro, while this person will sit in his store the entire day and look at his colleague's entrance.

8 When one of the partners in a courtyard purchases a home in another courtyard, he may not open an entrance from his new home into the courtyard that he shares.

Even if he built a loft over his home, he is not entitled to open a new entrance for it to his courtyard, for he is making passage through the courtyard slower. It is as if the other partners in the courtyard had only one neighbor, and suddenly they were given many neighbors. One may, however, build an entrance to the loft within one's own home. And if a person desires to divide his apartment into two, he may.

9 From this, one may deduce that if one of the partners in a courtyard brings people from another house to his house, the partners in the courtyard may prevent him from doing so, because he makes passage through the courtyard slower.

Similarly, if a person rents his house to the master of another household, who later brings his relatives and friends to dwell with him together in

this one house, the owner who rents out the house can prevent him from doing so.

10 If the entrance to a courtyard from the home of one of the partners was small, he may not enlarge it, for another partner may protest: "When your entrance is small, I could hide from you when making use of the courtyard. I cannot hide from you when your entrance is large."
Similarly, if a person has a large entrance, he may not divide it in two, for another person may protest: "I am able to hide myself when there is only one entrance. If there are two entrances, I will not be able to hide myself."

11 When, by contrast, a person has a small entrance from his house to the public domain and he desires to enlarge it, or he has a wide entrance and he would like to divide it into two, a person who lives opposite him - and needless to say, the people within the public domain - cannot prevent him from doing so.

12 The inhabitants of a lane may compel each other to share in the construction of a pole or a beam for the lane.

13 When a person has an entrance from his private domain to a lane, the inhabitants of the lane do not have the right to compel him to erect a gate for that entrance to the lane, for he can tell them: "I want to enter carrying my burden up to my entrance."
When a lane has entrances to the public domain at either of its ends, and the inhabitants of the lane desire to erect gates at the entrance to the lane, the people in the public domain may prevent them from doing so, for at

times people in the public domain are pressed for space and enter the lane.

14 When a person seeks to open an entrance from his home to a lane that ends in a cul-de-sac, the inhabitants of the lane may prevent him from doing so, because he makes passage through the courtyard slower. If the lane has openings to the public domain on either side, he may at the outset open any opening he desires.

15 If a person has an entrance to his home that has been closed in a lane that ends in a cul-de-sac, he may open it at any time. If, however, he had destroyed the door frames, the inhabitants of the lane can prevent him from doing so.

Similarly, when one of the inhabitants of a lane desires to close the entrance to his home and transfer it to another lane, the inhabitants of the first lane may prevent him from doing so. For perhaps a tax will be levied against the lane, and the presence of another person reduces the share of the tax each of the inhabitants of the lane must pay.

Accordingly, when there is no fixed tax levied on the inhabitants of the lane, the person may close his entrance whenever he desires.

16 The following laws apply when there are five courtyards that open up to a lane ending in a cul-de-sac. All of the inhabitants of the courtyards use the portion of the lane near the outer courtyard, while the inhabitants of the outer courtyard use only the portion of the lane near their own property. Similarly, the inhabitants of the second courtyard use the portion of the lane near their own property and the outer courtyard, but they do not use

the portion of the lane near the others. Thus, the inhabitants of the innermost courtyard use the portion of the lane near all the others as well as that near their own property.

Therefore, if the owner of the second courtyard built a bench in front of his entrance, blocking it, the owner of the outer courtyard may not prevent him from doing so. The inhabitants of the inner courtyards may prevent him from doing so for he is lengthening their path, by making them walk around the bench.

Similarly, if the owner of the second courtyard opens a second entrance between his courtyard and the outer courtyard, the owner of the outer courtyard may not prevent him from doing so, for he is allowed to use only the land that is outside that entrance. If, however, the owner of the second courtyard opens a second entrance between his courtyard and the third courtyard, the owners of the inner courtyard may prevent him from doing so, for the owner of the second courtyard is allowed to use only the land in the lane that is outside his first entrance and to its exterior. The same laws apply with regard to all the other owners.

Chapter 6

1 The inhabitants of a city may compel each other to participate in the building of a wall, gates, a bolt, to build a synagogue for the inhabitants and to purchase a Torah scroll, and scrolls of the Prophets and Writings, so that any member of the community who desires may read from it.

2 When a person buys a city in *Eretz Yisrael*, the court may compel him to

purchase a path to the city from all four directions for the sake of the settlement of *Eretz Yisrael*.

People who own fields among a stretch of fields in a valley may compel each other to dig a trench and a smaller trench around the valley.

3 Although a person owns a courtyard in one city, if he also owns property in another city, the inhabitants of the latter city can compel him to participate in the digging of cisterns, caverns and irrigation ditches. He is not, however, compelled to join in other communal matters. If he dwells together with them in that city, he is compelled to participate in all matters.

4 When a levy is placed upon a city's inhabitants for the construction of the wall, the levy is made according to the proximity of the houses to the wall. Those whose homes are closer to the wall must pay more.

5 Whenever a person lives in a city for twelve months or buys a dwelling there, he must contribute together with all the inhabitants of the city for the improvements that must be made - e.g., the walls, the gates, the wages of the soldiers who guard the city and all similar matters that are necessary for the protection of the city.

6 Payment for all the things necessary for the protection of a city is collected from all of its inhabitants, even from orphans, with the exception of Torah scholars. For Torah scholars do not require protection; their Torah study protects them. Payment for the improvement of the thoroughfares and the streets, by contrast, is collected even from the scholars.

If the people go out and fix the streets themselves, the Torah scholars should not go out to work with them. For it is not the practice of Torah scholars to demean themselves in the presence of common people.

7 If the inhabitants of a city contracted workers to dig a river to bring water to a city, we collect even from orphans. For this is to their benefit, so that their fields and vineyards are watered.

Therefore, if it transpired that despite the work, the water did not come, since the orphans did not benefit, everything that was taken from them should be returned to them. Similar laws apply in all analogous situations.

8 The inhabitants of a lane can compel each other to prevent a tailor, a leather craftsman or any other craftsman from opening a business in the lane.

If a craftsman lived in the lane, and no protest was lodged against his practice of his craft, or there was a bathhouse, a store or a mill in the lane, and another person came and built another bathhouse opposite it or built another mill, the owner of the first establishment cannot prevent him, claiming: "You are destroying my livelihood. "This applies even if he comes from another lane, for this trade is already practiced in this lane.

If, however, a stranger from another city comes to establish a store next to a person's store, or a bathhouse next to this person's bathhouse, they can prevent him from doing so. If, however, he pays the head-tax of the king together with them, they cannot prevent him from establishing his business.

9 When perfume merchants travel from city to city, the inhabitants of a city may not prevent them from selling their wares. For it is one of the ordinances established by Ezra for these merchants to travel in this manner so that perfume will be easily available for Jewish women. They may not, however, establish a fixed place where they sit and sell their wares unless the inhabitants of the city consent. If, however, the merchant is a Torah scholar, he may establish a fixed place wherever he desires.

10 When merchants bring their wares to sell in cities, the inhabitants of the city may prevent them from doing so. If, however, they would sell their wares only on the market day, they cannot prevent them, provided they sell their wares only in the marketplace. They may not, however, go from door to door selling them, even on the market day.

If they have an outstanding loan in the city, they are permitted to sell what is necessary for their livelihood, even on days other than market day, until they repay their loan and move on.

11 When one of the inhabitants of a lane that ends in a cul-de-sac desires to open up a profession as a blood letter, a weaver or a teacher of gentile children, the inhabitants of the lane may prevent him, for he increases the number of people coming in and going out of the lane.

Similarly, a person who owns a house in a courtyard shared by others may not rent it to a doctor, a blood letter, a weaver, a Jewish scribe who writes legal contracts or a teacher of gentile children.

12 When a store is located in a courtyard, the neighbors can protest, telling

the owner: "We cannot sleep because of the noise made by the people going in and out. " Instead, he should perform his work at home and sell it in the marketplace.

They may not, however, protest against him and say: "We cannot sleep because of the noise made by your hammer," or "your mill," for he has already established his right to perform these activities.

Similarly, a person may teach Jewish children Torah in his house. The other partners in his lane may not protest against him, saying: "We cannot sleep because of the noise made by the school children."

13 When one person owns a cistern within a house belonging to a colleague, he may enter only when it is customary for people to enter, and must depart when it is customary for people to depart. He may not bring his animal through his colleague's home to provide him with water from the cistern. Instead, he should fill up buckets with water and water it outside.

They both are entitled to make a lock on the entrance to the cistern: the owner of the cistern to protect his water, and the owner of the home, because of his suspicions concerning his wife, so that she will be able to enter there only when he knows.

14 When one person owns a garden whose entrance is within a garden belonging to a colleague, he may enter only when it is customary for people to enter, and must depart when it is customary for people to depart. He may not bring merchants through his colleague's garden, nor may he enter it to go to another field. The owner of the outer garden may sow vegetables on the path.

If both agree to move the path to the side of the garden, the owner of the inner garden may enter and depart when he desires, and he may bring merchants in. He may not, however, enter it to go to another field, Either of the parties can prevent the other from sowing vegetables in the path that was placed on the side.

Chapter 7

1 When a person has a window in his wall and a colleague comes and builds a courtyard next to it, the owner of the courtyard cannot tell the owner of the window: "Close this window, so that you will not look at me," for the owner of the window has established his right to maintain the window even though it is a source of damage.
If his colleague desires to build a wall opposite the window to block the invasion of his privacy, he must leave a space of four cubits next to the window, to avoid casting a shadow upon it.

2 If the window was positioned low in the wall, the owner of the window may force the owner of the courtyard to build the wall four cubits away from the window and build it at least four cubits high, so that the owner of the courtyard cannot look through the window and watch the owner of the window.

3 The following rules apply when the window was positioned high on the wall and the owner of the courtyard built a wall below the window. If there were more than four cubits from the top of the wall to the window,

the owner of the window may not prevent the owner of the courtyard from building the wall even though he does not leave any space between his wall and the wall in which the window is located. For the new wall is not casting a shadow over his window, nor does it invade the privacy of the owner of the window.

If, however, there is less than four cubits between the top of the wall and the window, the owner of the window may force the owner of the wall either to lower the wall so that the owner of the courtyard will not be able to stand on the wall and look through the window; or he may force the owner of the courtyard to build his wall four cubits from the window, and build it more than four cubits higher than the wall. In this way, it will not cast a shadow, nor will the owner of the courtyard be able to look in and see him.

4 When the owner of the courtyard builds one wall next to the window, he must build the wall at least a handbreadth away from the window, and must build the wall at least four cubits higher than the window or make the wall narrow on top, so that he will not sit on it, and look into the window and watch his neighbor.

5 When a person builds two walls, one on either side of the window, there must be at least four cubits between them, and the window must be situated in the center of those four cubits. The owner of the courtyard may not place *s'chach* over the space between the walls, unless he leaves a space of four cubits between the *s'chach* and the wall where the window is located, so that it will not cast a shadow over it.

Accordingly, if a person comes to open a window - whether a large window or a small window - overlooking a courtyard belonging to a colleague, that colleague may prevent him from doing so, for he can tell the owner of the window: "You will be invading my privacy by looking at me. " Even if the window is located high on the inner wall, the owner of the courtyard may protest, saying: "You will climb up on a ladder and look at me."

6 If a person has opened a window overlooking a courtyard belonging to a colleague, and the owner of the courtyard waived his right to protest or displayed his willingness to consent - e.g., he helped him in the window's construction or he knew about this source of damage and did not protest - the owner of the window has established his right to the window. The owner of the courtyard cannot come at a later date and protest that he must close it.

What are the laws that apply with regard to this window that he was allowed to open? If it is large enough for a person to insert his head, or it is less than four cubits high, even if it is not large enough for a person to insert his head into it, the owner of the courtyard may not build a wall opposite or at its side unless he moves four cubits away, as explained in the previous halachah.

7 If, however, the window was too small for the head of a person to be inserted, and it is more than four cubits high, the owner of the courtyard may build a wall opposite it or at its sides. For he can claim: "I allowed you to open the window only because it is small and high, but it was not

my intent to give you a right that would require me to move away my building."

When does the above apply? When the window was opened to be used or to allow air to enter. If, however, the window was opened so that light could enter, even if it was very small and very high, since the owner of the courtyard did not protest at the time of its construction, the owner of the window is granted a right to it. The owner of the courtyard may not build a structure opposite it or at its side unless he moves four cubits away, so that he does not cast a shadow against it, for he granted him the right to the light.

Similarly, if a person had a window for which he established a right, and the owner of the courtyard built opposite it or at its side without moving away, or he closed the window, and the owner of the window did not protest, the owner of the window cannot come at a later time protesting and demanding that the window be opened or that the structure be moved. Since he remained silent, he waived his right to protest. For a person will not remain silent while another person blocks his light unless he relinquishes his right.

8 When a person has windows on the lower portion of his wall, and a person who owns an adjoining property desires to erect a building that would block them he is not permitted to do so. Even if he proposes: "I will open up new windows for you in this wall above these others, " the owner of the windows may prevent him from doing so, explaining "When you open the windows, you will shake the foundations of the wall and ruin it."

Even if the person who desires to build offers: "I will tear down your wall and rebuild it for you with windows higher up. And I will rent a home for you to live in until I build it, " the owner of the home can still prevent him. For he may say: "I do not want the trouble moving from one place to another."

Therefore, if there is no difficulty involved at all, and it is not necessary for him to leave his home, he cannot prevent him from performing this construction. We compel him to allow his friend to close the window below and build a new window for him higher up. Not to allow this would be following the traits of Sodom. Similarly, whenever there is a situation where one person will benefit and his colleague will not lose nor be lacking anything, we compel that person to cooperate.

9 When, by contrast, the owner of a window desires to change the location of his window, whether to raise it or lower it, the owner of the adjoining courtyard can prevent him from doing so. This applies even if the window was large, and its owner says: "I will open only a small window in another place, and close this one. " Needless to say, he cannot make the window larger.

10 The following rule applies when two brothers divide a courtyard that they received as an inheritance on their own accord, evaluating the building and the trees in each other's portion, but failing to pay attention to the value of the open space. Thus, one received the garden of the courtyard, and one received an excedra. If the brother who received the garden in the courtyard desires to build a wall at the end of his portion, in front of his

brother's excedra, he may do so, even though he casts a shadow over it. For when dividing the estate, they did not pay attention to the value of the open space.

Chapter 8

1 When a person desires to build a projection from his property - regardless of its size - extending over the space above a courtyard belonging to his colleague, his colleague may prevent him from doing so, for he will invade his privacy by looking at him when he hangs articles on the projection or uses it in any way.

If he built the projection and the owner of courtyard did not protest immediately, the builder of the projection establishes his right to it.

2 If the projection was a handbreadth wide, the owner of the projection has established his right to the empty space of the courtyard. If the owner of the courtyard desires to build under the projection and as a result nullify its usefulness, the owner of the projection may prevent him from doing so.

If the projection is not a square handbreadth, the owner of the projection does not establish his right to the empty space of the courtyard. Whenever the owner of the courtyard desires, he may build under the projection and as a result nullify its usefulness. The owner of the projection may not prevent him from doing so.

3 When the projection that was constructed was one handbreadth wide and

extended out four handbreadths into the space of his colleague's courtyard, and the owner of the courtyard did not protest against this, the owner of the projection establishes the right to a space four handbreadths by four handbreadths. If the owner of the projection desires, he may widen the projection until it is four handbreadths by four handbreadths.

The owner of the courtyard may not build anything in the space of his courtyard below the projection unless he leaves a space of ten handbreadths below the projection so that the owner of the projection may make use of it.

4 When a person sets up a small ladder that has fewer than four rungsin a courtyard or a field belonging to a colleague next to his own wall, he has not established a right to use his colleague's property in this manner. Whenever the owner of the courtyard desires, he may build next to the ladder and nullify its usefulness.

If by contrast the ladder is large - possessing four rungs or more - the owner of the ladder establishes his right to maintain it. If the owner of the courtyard desires to build a structure that would nullify its usefulness, the owner of the ladder may prevent him from doing so unless he moves a sufficient distance away. For he granted him the right of constructing a large ladder.

For this reason, if an owner of a roof comes to set up a large ladder in an adjacent courtyard, the owner of the courtyard may protest and prevent him from doing so, so that he does not establish this right. If, however, he sets up a small ladder, the owner of the courtyard may not prevent him from doing so. For we tell him: "You are losing nothing from this.

Whenever you desire, you may move it away."

5 The following rules apply when a person desires to extend a drainpipe from his roof over a courtyard belonging to a colleague so that water will flow unto his colleague's property, or he made a gutter on his wall, so that the water will drain off and descend into his colleague's courtyard. The owner of the courtyard can prevent him from doing so. If the owner of the courtyard does not protest, the neighbor establishes his right to the drainpipe.

If, afterwards, the owner of the pipe desires to close it, the owner of the courtyard can prevent him from doing so. For just as the owner of the roof established his right to have his water flow into the courtyard belonging to his colleague, the owner of the courtyard established his right to have the water from his colleague's roof flow into his garden.

If the owner of the roof desired to move the drainpipe from one corner of the roof to the other or the drainpipe was long and he desired to shorten it, the owner of the courtyard may not prevent him from doing so. For the right that he established was merely that the water flow into his property.

Similarly, if the owner of the courtyard desires to build under the drainpipe, the owner of the projection may not prevent him from doing so. For a drain pipe is not made for use like a projection, so that it could be said that the owner of the roof has established his right to the open space of the courtyard. For a drainpipe is made only for the purpose of letting water flow through it.

6 The following rules apply when a person caused the water from his roof to

descend unto the courtyard of his colleague and established his right to this privilege. If the water was dripping in several places and he desired to have it collect to one place and make a drainpipe, he may. Similarly, if the water would descend in one place, and the owner of the roof wanted it to flow in several different places, he may.

He may even build a slanted canopy on his roof, so that the water will flow speedily into the courtyard of his colleague, for he has established the right to have water descend into the courtyard of his colleague.

7 When there is a wall between the properties of Reuven and Shimon, and they share its ownership, both may use it. One may hollow out space from one side and insert his beams, regardless of their size, and the other may hollow out space from the other side and insert his beams.

If the wall belonged to Reuven alone, Shimon may not make use of it. If, however, Shimon hollowed out space in the wall and inserted one beam, and Reuven remained silent and did not protest, he established his right to the place of that beam. Even if his original beam was small and Shimon desired to change it to a big and thick beam, he may.

If the beam was part of a temporary *sukkah*, he does not establish the right to maintain it for 30 days. For Reuven will say: "I did not waive my right to protest. I allowed it merely because it was temporary." If the owner of the beam maintains the *sukkah* for 30 days, he establishes his right to it, for that is no longer considered temporary.

Different rules apply if he constructed a *sukkah* for the holiday. Within all the seven days of the holiday, he does not establish his right to maintain it. After the seven days are completed, he does establish his right.

If he joins the end of the beam to the wall with mortar, he establishes his right immediately, provided he brings proof that Reuven helped him in the construction or saw and did not protest.

8 If a person established a right to insert one beam into a wall, he does not have a right to insert a second beam. For the owner of the wall waived his right to protest with regard to only one beam.

When does the above apply? When the person inserting the beam admitted that the wall did not belong to him, and the owner waived his right to protest with regard to the insertion of this beam. If, however, he claimed, "I am a partner in this wall," since he made use of it for one beam, his word is accepted and he is allowed to insert all his beams. He takes a *sh'vuat hesset* that he is a partner in the entire wall.

9 When one of the colleagues builds the wall without the participation of the other, only he has the right to it. If beams belonging to Reuven were placed within the wall, and there was also space hollowed out on Shimon's side for him to place his beams, Shimon has not established his right to it. Shimon may not insert his beams into the wall, nor may he claim that he is a partner in it, for he has no right to use it.

Reuven can refute Shimon's claims, stating: "Before building the wall I hollowed out these places on your side, so that they will be prepared for you so that when you will purchase a share from me, or when you will request me to waive my right to protest and allow you to insert your beams, you will be able to do so without hollowing out the wall, so that the wall will not be shaken when it is hollowed out.

Chapter 9

1 A person may not dig a cistern, a trench or a storage vat next to a wall belonging to a colleague unless he distances himself at least three handbreadths from the wall. Nor may he extend an irrigation ditch or make a pool for soaking clothes to be laundered near a wall, unless he makes such a separation. He must seal the wall of this cistern, water reservoir or irrigation ditch with cement on the side near his colleague, so that the water does not seep through and damage his colleague's wall.

2 A separation of three handbreadths must be placed between olive debris, tar, salt, lime, or flint stones and a wall belonging to one's colleague, or these substances must be coated with cement.
Similarly, a separation of three handbreadths must be made between a wall and plants, plowing, and a cesspool where urine is collected.

3 A mill must be placed at a distance from a colleague's wall. The lower millstone must be separated from the wall by at least three handbreadths, causing the upper millstone to be separated by four handbreadths, so that the millstone will not cause tremors to the wall, and so that its noise will not frighten the neighbor.

4 An oven should be separated from a wall; a separation of three handbreadths should be made between the wall and its base, resulting in a distance of four handbreadths between the wall and its upper portion, so that the wall will not become heated.

5 A separation of four cubits must be made between a wall belonging to a colleague and a stone used by a launderer to beat garments until they become white. For otherwise, when the launderer beats the garments with the stone, the water will spray outward and damage the wall.

6 A person should not urinate next to a wall belonging to a colleague unless he distances himself three handbreadths from it.
When does the above apply? With regard to a brick wall. With regard to a stone wall, by contrast, it is necessary to distance oneself by only one handbreadth. If the stones are marble, one may urinate on the side of the wall without making any separation.

7 A ladder should be separated from a dovecote by at least four cubits, so that, when the ladder is placed down, a marten will not leap up and ascend to the dovecote and eat the doves.

8 One should leave a space of four cubits between a wall and a drainpipe belonging to a colleague, so that the owner of the drainpipe can set up a ladder to fix his drainpipe. Since he has established his right to the drainpipe he is given this additional privilege.

9 When a wall belonging to Reuven was joined to a wall belonging to Shimon in a L shape, and Reuven desires to build a second wall opposite Shimon's wall so that the three walls will appear as a *Bet*, Shimon can prevent him from doing so, and require him to leave a space of four cubits between the walls so that there will be a wide space between the walls where people can tread and strengthen the earth.

When does the above apply? With regard to a wall of a garden, or with regard to the wall of a courtyard in a new city. In an older city, by contrast, this is unnecessary, and one may build opposite the wall without making any separation. Similarly, if the length of Shimon's wall opposite which Reuven was building was less than four cubits, Reuven may build opposite it without making any separation, even though he prevents people from walking there. The rationale is that a wall that is less than four cubits long does not have to have the earth near it strengthened.

10 The following rules apply when a person comes to dig a cistern at the end of his field, near the property boundary of a colleague. If the field belonging to the person's colleague is not appropriate to contain cisterns, the person may dig his cistern next to the boundary. The colleague may not protest against him. If the colleague changes his mind and decides to dig a cistern next to the cistern that was dug, he must separate himself three handbreadths from the wall of the cistern, so that there will be six handbreadths between the cavities of the two cisterns.

If the field belonging to the person's colleague is appropriate to contain cisterns, the person may not dig his cistern next to the boundary. Instead, he must distance himself three handbreadths from the boundary before digging. Similarly, when his colleague comes to dig a cistern, he must also make a separation, digging the cistern three handbreadths within his field.

11 The following rules apply when the first storey of a house and its second storey belong to two separate individuals. The owner of the house should not build an oven in the first storey of his house unless he leaves a space of

four cubits above it. The owner of the second storey may not build an oven until there is a ceiling three handbreadths thick below it. For a range, one handbreadth is sufficient. If he desires to build a baker's oven, there must be a ceiling four handbreadths thick below it. For a range belonging to a baker, three handbreadths is required.

Even if the person took the necessary precautions and separated the required distance, if a fire emanated from the oven and caused damage, he must pay for the damages, as explained in the source dealing with this subject.

12 The following rules apply when a person owns a store below a storage warehouse belonging to a colleague. In the store, he should not make a bakery, a paint factory or a barn for cattle, nor should he bring in hay or other substances that generate warm air, for this will damage the produce stored in the warehouse.

For this reason, if the warehouse was used to store wine in Eretz Yisrael that is not ruined by heat, the store owner may perform any task involving fire that he desires. He should not, however, make it a barn for cattle, for this will spoil the aroma of the wine.

If the store had already been established as a barn, a bakery or the like, and afterwards the owner of the second storey desired to make his loft a warehouse for produce, he may not protest against the store owner's continued use of the premises for their original purpose.

13 If the owner of the second storey swept out his premises and sprinkled water on the floor, or made many windows so that he could use his

premises as a warehouse, and the owner of the lower storey rushed and began building an oven before his colleague brought in produce to the warehouse, the owner of the second story began to store sesame seeds, pomegranates, dates and the like, and the owner of the lower storey rushed and began building an oven before his colleague brought in wheat to the warehouse, or the owner of the store built a loft on top of his store to separate between the store and the warehouse, the owner of the warehouse may prevent him from taking these actions. If, however, the owner of the store transgressed and built an oven or the like, the owner of the warehouse does not have the power to force him to remove the oven in all these situations.

Chapter 10

1 A tree should be planted at least 25 cubits away from a city. A carob tree and a wild fig tree should be planted at least 50 cubits away. These measures were instituted for the aesthetic appearance of the city. When a tree is found within these distances, it should be cut down. If the tree was planted there before the city expanded to its present size, the inhabitants of the city must pay the owner for his tree. If there is a doubt concerning the matter, and it is not known which came first, the owner of the tree is not reimbursed. Instead, he must take his tree and depart.

2 A significantly large threshing floor should be separated from a city at least 50 cubits, so that the wind will not carry the straw when the produce is winnowed and cause it to harm the inhabitants of the city.

Similarly, a person should not make a significantly large threshing floor within his own property unless he owns 50 cubits around it in all directions, so that the straw does not damage his colleague's plants or a field that he has left fallow.

3 Animal carcasses, graves and leather works must be situated at least 50 cubits away from a city.

4 Leather works should be positioned only to the east of a city, because the east wind is warm and minimizes the harm caused by the odor of the leather making process.

5 The following principles apply when a person intends to soak flax near a vegetable garden belonging to a colleague, in which instance the water used for soaking would be absorbed in the earth and damage the vegetables; or he plants leeks near onions belonging to a colleague, in which instance the flavor of the onions will be weakened; or he plants mustard next to a beehive, in which instance the bees will eat the leaves, and thus the honey will be spoiled. The person whose actions will cause the damage is not required to make a separation so that damage does not take place. Instead, it is the person whose property that will be damaged who must distance his crops if he wishes that the damage not occur. For the other person is performing his activity on his own property; the damage occurs on its own as it were.

When do we say that he does not have to keep a distance? When the damage comes about by itself after the person whose deeds caused the

damage ceases his activity. When, however, the acts that this person performs in his own domain cause damage to his colleague's property at the time he is performing the action, he is considered to have damaged the property with his hands. To what can the matter be likened? To a person who is standing in his own property and shooting arrows into his neighbor's, and saying: "What's the problem? I am acting in my own property. " Certainly, such a person should be prevented from causing damage.

With regard to all the instances above where a separation was required, if the person does not make the required separation, he is considered to have caused the damage with his arrows. Therefore, one must make a separation of three handbreadths or slightly more between soaking flax and vegetables, leeks and onions, and mustard and bees, so that one will not be considered as having caused the damage through one's own actions. It is, however, not necessary to make a separation great enough to prevent the damage from occurring on its own accord.

6 The following rules apply when the owner of a second storey pours out water on his floor and it descends into the room below him. If there was plaster between the ceiling and the floor in which the water could collect at the time it was poured, so that after the owner of the upper storey had completed pouring his water, it would be absorbed, and only later would it descend into the lower dwelling, it is the responsibility of the owner of the lower dwelling to correct the situation, and prevent damage from occurring to him.

If there was no plaster there, and immediately when water was poured out

it would descend, the owner of the upper storey is considered as if he causes damage with his arrows, and he is required either to fix the flooring or to refrain from pouring water. Similar laws apply in all analogous situations.

7 The following rules apply when a person has a tree growing in his own field, but near a cistern belonging to a colleague. The owner of the cistern may not lodge a complaint against him, protesting that "the roots of your tree enter into my cistern and destroy it. " The rationale is that the damage comes about as a matter of course, at a later time; at the time he planted it, it did not cause any damage. Just as the owner of the cistern may dig within his own property, so too, the owner of the tree may plant within his own property.

Similarly, if Reuven dug a cistern and found the roots of a tree belonging to his neighbor Shimon in his field, he may cut them off and dig deeper. The wood belongs to him. If he dug within sixteen cubits of Shimon's tree, the roots belong to Shimon. He may cut them off, but must give them to him.

The following rule applies if he does not have to dig a cistern, and the roots of Shimon's tree grow into his field. He should dig down three handbreadths, the amount of space necessary to prevent a plow from being impeded. He may cut off any root that is within these three handbreadths. He need not be concerned that perhaps this will cause his colleague's tree to dry out, for he is digging within his own property.

8 The following rules apply when a field belonging to a person's neighbor

was planted with vines or trees, and the person decides to plant vines in his field next to those vines or trees next to those trees. He must distance these four cubits from those.

When does the above apply? In *Eretz Yisrael*. In the diaspora, by contrast, he is required to separate only two cubits between the vines. Between vines and trees, or between two sets of trees, however, a four-cubit separation is required in every land. If there was a fence between the two properties, in any land, both neighbors may plant to the edge of the fence.

When a tree belonging to a person's neighbor is leaning into that person's field, he may cut to the height of the goad that is on the plow. With regard to a carob tree and a wild fig tree, he may cut down all the branches until the branches are even with the property line. Similarly, if any tree is planted near a parched field or an orchard, the owner may cut down all the branches belonging to a neighbor until the branches are even with the property line.

Chapter 11

1 When a person makes a threshing floor within his own property, or establishes a latrine or a place to perform work that creates dust, dirt or the like, he must distance the place of his activity far enough that the dirt, the odor of the latrine, or the dust does not reach his colleague and cause him damage. Even if it is the wind that brings dirt, the loose strands of flax or the chaff or the like, generated when he performs his activity to his colleague's premises, he must separate himself so that it does not reach his colleague's property and cause damage even when this is caused by an

ordinary wind. For all of these situations can be likened to causing damage with one's arrows.

2 Even though a person is obligated to make such a separation, if an ordinary wind carried the chaff or the dirt and it caused damage, the person performing the activity is not liable to pay. For it is the wind's influence that caused the damage; it did not come about because of the force of the person whose acts led to the damage.

3 When someone crushes groats or the like in his own property, but when he beats upon them, his colleague's adjoining courtyard shakes to the extent that a cover falls off a jug, he is considered to have caused damage with his arrows. He must either move far enough away so that the courtyard does not shake, or must cease the tasks that cause the damage. Moreover, if he causes damage when the courtyard shakes, he is liable to pay, because the damage came from his force.

4 The following principles apply with regard to all of the required separations mentioned in the previous chapters. If the person who was required to separate failed to do so, and the neighbor saw the disturbing factor and yet remained silent, he is considered to have waived his right to protest, and he may not raise a protest later to require him to move.
The above applies provided it is obvious that he waived his right to protest - e.g., he immediately helped his colleague in performing this activity, he told him to do so, or he saw him perform this activity next to him and remained silent and did not take issue with him. The general principle is:

Whenever a person establishes a right to perform a damaging activity, that right is entrenched as his own, as has been explained.

When does the above apply? When he established his right to perform any damaging activity with the exception of the four mentioned in this chapter: smoke, the odor of a latrine, dust and the like, and the shaking of the ground. For with regard to these activities, one can never establish his right to perform them. Even if the person suffering from this damage remains silent for several years, he may come and force his neighbor to distance himself.

Similar concepts also apply with regard to the invasion of privacy in places where it is required to build a partition. He may compel him to build a partition whenever he desires, as explained.

Why are these damaging factors different from all other damaging factors? Because a person's disposition will never be willing to bear these damaging activities, and we assume that he has not waived his right to protest. For the damage is of an ongoing nature. If, however, a *kinyan* was concluded, confirming that he waives his right to protest these activities, he may not retract.

5 Similar rules apply with regard to a person who has established himself in a profession involving blood, animal carcasses or the like on his premises, and ravens and other birds of that type will come because of the blood, and eat. While doing so, they cause discomfort to the person's neighbor with their sounds and chirping, or with the blood on their feet. For they sit on the neighbor's trees and soil his produce. If the neighbor is irritable or sick, and the chirping of the birds harms him, or his produce is spoiled

because of the blood, the person performing the task must cease or must separate to the extent that his neighbor does not suffer any harm because of him. For this type of harm is comparable to the odor of a latrine and the like, for which one can never establish the right to perform a task.
Similarly, if one of the inhabitants of a lane or a courtyard became a craftsman, and the other inhabitants did not protest, he established his right to practice this profession.Nevertheless, if there are people constantly coming in and out to purchase his wares, despite the fact that the neighbors remained silent, the craftsman does not establish his right to have his customers enter. At any time, the neighbors may protest and say: "We cannot sleep because of all the people coming in and going out. " For this damage is of an ongoing nature, like smoke or dust. The *Geonim* ruled in this fashion.

6 The following rules apply when a person is known to have exercised a privilege that encroaches upon a colleague in a situation where his establishment of the right to this privilege would be recognized - e.g., he opened a window overlooking his neighbor's property, he diverted the direction of an irrigation ditch, or did not distance himself from his neighbor's property to the extent required. The person who established the right told his neighbor "You told me to do this, " "You waived your right to protest against me after you saw what I did, " or "The encroachment against your property was recognized, and yet you remained silent and did not protest against me. " The person whose rights were encroached, by contrast, claims: "This is the first time I saw it; I did not know of it beforehand, " or "When I saw it, I protested against you

and you told me: 'I will distance myself,' or 'I will close it,' and you are continuously deferring me so that you can establish your rights to the privilege. " In all claims of this or a similar nature, it is the responsibility of the person whose rights were encroached to bring proof of his claim. If he does not bring proof, the person whose actions encroached upon his colleague may take a *sh'vuat hesset* and depart.

7 Different rules apply when a person is known to have exercised a privilege that encroaches upon a colleague in a situation where his establishment of the right to this privilege would not be recognized - e.g., producing smoke, the foul odor of a latrine and the like. If the person encroaching on his colleague claims that he established a *kinyan* with his neighbor with regard to this privilege, it is the responsibility of the person encroaching upon his colleague to prove that a *kinyan* was indeed performed. If he cannot produce proof, the neighbor whose rights were encroached must take a *sh'vuat hesset* that he never entered into a *kinyan* with regard to this matter. Afterwards the person who encroached upon his colleague must remove the disturbance.

Chapter 12

1 The following rules apply when brothers or partners come to divide a field, with each taking a portion. If the field was all of equal value, without one place being better and another worse, but instead it was all the same, the field is divided by measure. If one of the partners said: "Give me my portion on this side so that it will be close to another field which I

own, so that they will be one large field, " his request is heeded, and we compel the other partner to grant him this privilege. For holding back in such a situation would be a reflection of the traits of Sodom.

If, however, one portion was of a higher quality than the other, closer to a river or to a path, and the two portions were evaluated, the good being made equivalent to the bad, and one of the partners asked that he be granted a portion on a particular side, we do not heed his request. Instead, they receive their portions by lot.

If one said to them: "Give me only half the measure of the entire property although I am being given from the lower quality portion without the field being evaluated, and you can receive the half of higher quality, so that my portion will be closer to me field, " the *Geonim* ruled that his request is heeded. My conception also leans toward this conclusion. It is appropriate to rule in this manner.

2 When a firstborn participates in the division of a property, he is granted both his shares together. When, however, a *yevam* divides his father's estate together with his brothers, he is allotted both his portion and his brother's portion by lottery. If he is allotted both of these portions together, this is his allotment. And if he is allotted them in separate places, that is his allotment.

3 When a property is surrounded by a river on its east and north sides and by a path on its south and west sides, it is divided on a diagonal. In this way, each person receives access to a river and a path. If one of the partners requested: "Give me my portion on this side, because it is next to

my field, his request is heeded. The general principle is: Whenever there is a matter which provides benefit to one party, but does not cause a colleague a loss at all, we compel the colleague to comply.

4 When one of a group of brothers or partners sells his portion to another individual, the other brothers or partners may remove that individual from his purchase. They must pay him the price he paid, but he must depart. This privilege was granted to prevent a foreign party from entering among them.

5 This is not the limit of this principle. Even when a person sells property which he owns to another person, his colleague, the owner of the property neighboring his, has the right to pay the purchase price to the buyer and remove him from his purchase. The purchaser who comes from afar is considered as the agent of the neighbor.

This applies whether the original owner's agent conducted the sale, or whether the property was sold by the court, the privilege of a neighbor is granted. Even if the purchaser was a Torah scholar, a non-immediate neighbor,and a relative of the seller, while the neighbor was an unlearned learned person with no family connections to the seller, the neighbor receives priority and may remove the purchaser.

This practice stems from the charge **Deuteronomy 6:18**: "And you shall do what is just and good. " Our Sages said: "Since the sale is fundamentally the same, it is 'just and good,' that the property should be acquired by the neighbor, instead of the person living further away."

If there are many neighbors, all have a right to acquire the property which

was sold. It is divided among them equally, according to their number, and they all must reimburse the buyer for the purchase price.

This applies provided they all come at the same time. If, however, one comes and purchases the property from the buyer, he alone acquires it, for he is a neighbor. Similarly, if some of the neighbors comes and purchase it and others are in a distant country, those who are present are entitled to purchase it and it becomes theirs.

Similarly, if a person sells a property to one neighbor or one of his business partners, even if he is not a partner in the ownership of landed property, that person acquires it. The other partners or neighbors do not have the right to acquire it together with him.

6 When a person sells all his properties to one person, a person whose property borders on one of the fields that were sold does not have the right to displace the purchaser from that field, for he purchased it and the other fields at once.

Similarly, when a person sells a field to its original owners, or when one purchases it from a gentile, the neighbor is not given the right to purchase it.

7 When a person sells property to a gentile, the seller is placed under a ban of ostracism until he accepts responsibility for any loss that the gentile might cause his neighbors and the gentile agrees to conduct himself in relation to his neighbors according to Jewish law in all matters. If the gentile compels a neighbor to accept a loss for which he would not be responsible according to Jewish law, the seller is compelled to make

restitution.

8 The rights of a neighbor do not apply with regard to the rental of property.

9 When a person designates a property as security, and afterwards sells it to the person to whom he had designated it as security, the neighbors are not given the right to displace the purchaser.
Similarly, the neighbors are not given the right to displace the purchaser when a person sells a property because it is located far from him in order to purchase another that is located closer, when the seller sold a less valuable property in order to use the proceeds of the sale to purchase a more valuable one, when he sold a property to pay his taxes to the king, or when a property was sold to pay for burial expenses or the support of the owner's widow or daughters. Instead, the purchaser acquires the property.

10 Why are the neighbors not given the right to displace the purchaser? For in all these situations, the seller is very anxious to sell the property, and he is selling it because of a dire need. If the neighbors were given the right to displace the purchaser, no one would ever be willing to purchase property. For the purchaser will say; "Why should I trouble myself to purchase this property? So that the neighbor will come and displace me? " And the seller will not be able to wait until the neighbor brings money and purchases it.

11 The following rules apply when the purchaser claims that the seller sold the property to him because he was pressed for funds to pay a tax or the

like, and the neighbor claims that he is lying and fabricating a story in order to nullify his right. The neighbor is responsible for proving his claim. Only then can he expropriate the property from the purchaser. If the neighbor does not prove his claim, the purchaser must support his claim with a *sh'vuat hesset*.

12 Even if the purchaser does not have a definite claim concerning the matter, the purchaser cannot be compelled to relinquish his purchase unless the neighbor brings clear-cut proof. Therefore, if the purchaser claims "You have stolen the field that you claim to be your own," "You are merely a sharecropper," "a renter," or "received it as security," the neighbor must prove that he is a neighbor and that he has established his claim to the property he alleges to own. Similar laws apply in all analogous situations.

13 When a person sells property to orphans below the age of majority,the neighbor is not given the right to displace the purchaser. For "goodness and justice" is to act generously toward such individuals more than a neighbor.

14 Similarly, when a person sells property to a woman, the neighbor is not given the right to displace the purchaser. The rationale is that it is not customary for women to trouble themselves frequently to purchase property. Hence, since a woman did make such an effort, and purchased property, it is an act of kindness to allow her to retain ownership of it.

15 If property was sold to a *tumtum* and an *androgynous,* a neighbor is given

the right to displace them, because there is a doubt [regarding their halachic status. Possibly, they may be considered as] woman.

16 The following laws apply when the land of a property is owned by one individual and the building or the trees situated upon it is owned by another. If the owner of the building or the trees has privileges with regard to the land, each of them is considered to be the other's neighbor. Therefore, if either of them sold his portion, his colleague has the right to displace the purchaser.

Different rules apply when, by contrast, the owner of the trees or the building does not have any right to the land, and whenever he desires the owner of the land may tell the owner of the trees or the building: "Uproot your trees," or "Destroy your building." If the owner of the field sells his property, the purchaser acquires his purchase. Neither the owner of the trees nor the owner of the building has the right to displace him. If the owner of the trees or the owner of the building sells his possession, the owner of the land has the right to displace him.

17 The following rules serve as guidelines when a row of date palms, a tall and sturdy building, a ditch, or the like separate between a person's property and the property border of a colleague: We see if it is possible to plant even one row of produce within the intervening entity, so that the two fields would be joined. If so, he is considered a neighbor, and he has the right to displace the purchaser. If not, he may not displace the purchaser.

Chapter 13

1 When a person gives landed property as a gift, the rights of a neighbor do not apply. When the deed recording a gift states: "The giver accepts financial responsibility for this gift, " the rights of a neighbor do apply. Since the deed mentions financial responsibility, it is obvious that the transfer was a sale; it used the term "gift, " only to nullify the rights of the neighbor. How much should the neighbor pay? The value of the property.

2 In the above situation, if the purchaser admits the ruse, saying: "Yes, we tried to perpetrate deception. It was a sale, and this is the price I paid for it, " he must support his claim by taking an oath while holding a sacred article. He may then collect his claim, as is the law concerning agents.
It appears to me that the purchaser must claim only a price that is appropriate for the property or slightly more. If, however, he claims to have paid 200 *zuz* for a property worth 100, his word is not accepted.

3 If the deed recording a gift states: "I accept financial responsibility for this gift. If it is expropriated from the recipient, I will give him 200 *zuz*, " the neighbor must pay the recipient 200 *zuz*. Only afterwards, may he displace him. This applies even if the property is worth only a *maneh*.

4 When a person exchanges a courtyard for another courtyard,a neighbor is not given the right to displace one of the recipients.
When a person exchanges a courtyard for an animal or for movable property, we evaluate the worth of that animal or movable property. The

neighbor then gives this amount to the purchaser and displaces him. The purchaser cannot tell the neighbor: "Give me an article like the one I used for the purchase. " For this is a ruse, and it is not reckoned with at all.

5 The following rules apply when a person sells a colleague a small portion of land in the midst of his field, and then sells him a larger portion of land next to that field. We evaluate the property. If the small portion that he sold him first is of greater or lesser value than the portion of the land he sold him afterwards, the purchaser acquires the desired land, and the neighbor cannot displace him. For the purchaser himself is a neighbor by virtue of the small amount of land he purchased in the center.
If the small portion of land in the center is of the same value as the portion on the side, this is an act of deception, and the neighbor is entitled to displace the purchaser from the second portion of the field that he bought.

6 When a person sells a property within the context of a conditional agreement, whether the condition was stipulated by the seller or the purchaser, a neighbor cannot displace the purchaser until all the conditions are met and the purchaser acquires the property entirely without the original owner retaining any connection to it. Only then may the neighbor displace him.

7 When the purchaser has built or improved the property he purchased, or destroyed or impaired it, when the neighbor displaces him, he must pay him the money that is appropriate for him. In all his deeds, he is

considered the agent of the neighbor.

Similarly, if the purchaser took a loan before the neighbor displaced him and the neighbor displaced afterwards, his creditor may not expropriate the property from the neighbor.

The following principle governs all these laws: Whenever a person purchases property bordering on a colleague's property line, he is considered that person's agent, and it is as if he were sent only to better his interests and not to impair them.Thus, if he improves the property, he receives only his expenses. If he impairs the value of the property by digging, destroying or partaking of its produce, we reduce the money paid to him.

When do we take into account the produce of which he partook? When he partook of this produce after the neighbor came and brought money to displace him. This does not apply with regard to the produce of which he partook before that time. On the contrary, he is considered to have partaken of his own produce, and none of it is taken into account.

8 When a person purchases a field from two owners, and a neighbor comes and desires to displace him only from the portion of the property that he purchased from one, he is not given that right. He must either displace him from the entire property, or leave him with the entire property.

When, by contrast, a person sells a property to two people, a neighbor has the right either to displace them both, or to displace one and leave the other.

9 When a neighbor comes to displace the purchaser, but before he displaces

him he sells him the field he owns that borders on the property, he forfeits his right.

10 When an agent conducts the sale of a property and he himself is a neighbor, he does not have the right to displace the purchaser. Since he himself sold him the property, there is no greater waiver possible.

11 When a creditor of the seller expropriates a field from the neighbor, the neighbor should collect his due from the purchaser whom he displaced. The purchaser in turn should collect his due from the seller.

12 Whenever a creditor expropriates property as payment for an outstanding debt, a neighbor has the right to displace him. For a person expropriating property should not have a greater right than one who purchases.
If at any later date the original owner desires to pay back the money that he owed, the ownership of his field will revert to him; he always has this right, as will be explained in the appropriate place.

13 When a minor is a neighbor and the court sees that it is to his benefit, it displaces the purchaser on his behalf or enables him to share in the division of the property among the other neighbors, as it sees fit.

14 When a man's wife owns property that borders on a property that is being sold, the husband has the right to displace the purchaser. For all of his wife's property is in his domain, and he has the right to exercise every privilege that would be hers.
Even if the woman performed a *kinyan* affirming that she waives this right

on behalf of the purchaser, her act is of no consequence and her husband may displace him.

The following rules apply if the wife took the initiative and displaced the purchaser, or a servant who carried on business affairs on behalf of his master displaced the purchaser. If the husband or the master acquiesces to the displacement, he confirms their deeds. If he desires, he may not confirm their deeds, and the wife or the servant must return the property.

Chapter 14

1 The following rules apply when a person desires to sell a field and brings his neighbor and the prospective purchaser to court. If he tells the neighbor: "If you desire to buy the field at this and this price, do so. If not, withdraw. Here is the purchaser, " the neighbor has no room to protest. He must either bring money immediately and purchase the field or waive his privilege.

If the neighbor says: "I will work to raise money, " he is not heeded. If he says: "I will go and bring money, " and one would presume that he possesses the resources at hand, we wait until he goes and brings the funds. If one would not presume that he possesses the resources, we do not heed him, for we assume that he is merely seeking to delay. Therefore, we tell him: "Either produce the funds immediately or waive your privilege. " The rationale is that a neighbor is not given time to amass funds.

The following rule applies when both the neighbor and the prospective purchaser produce money, and the coins produced by the purchaser are

better or more likely to be accepted than those produced by the neighbor. The neighbor is not given a privilege; the property may be sold without his being given the right to displace the purchaser.

If the prospective purchaser desires to buy the property to build houses, and the neighbor desires to purchase it as a field, the purchaser is granted it because of the virtue of settling the land. The neighbor is not granted the privilege of displacing him.

2 If a purchaser comes and consults with a neighbor, asking him: "So and so, your neighbor desires to sell his field to me; should I purchase it?", the neighbor does not forfeit his right even if he tells him: "Go and purchase it." Instead, he may displace him after he purchases it unless he performs a *kinyan* confirming that he does not desire the property.

When is it necessary for the neighbor to confirm that he has no claim against the purchaser with a *kinyan*? When he makes such statements before he purchases the property. If, however, he waives his right after he purchases the property - e.g., the neighbor comes and helps the purchaser, rents a piece of the property from him,or sees that he is building or destroying even the smallest portion of the property and using it as his own - and the neighbor does not protest or assert a claim, he is considered to have waived his right and he is not given another opportunity to displace him.

3 When the neighbor was in another country, sick or below the age of majority, and afterwards he recuperated, came of age or returned from the journey, he does not have the right to displace the purchaser. If he were

given such a right, a person would never be able to sell his landed property. For the purchaser would fear: "It will be taken from me at a later date." The *Geonim* have ruled in this manner.

4 The following rules apply when a person sells property that is worth 200 *zuz* for a *maneh*. If the seller would discount the price for everyone, the neighbor is required to pay the purchaser only 100 *zuz* before he displaces him. If the seller would not discount the price for everyone, the neighbor must pay the purchaser the 200 *zuz* that the property is worth. For it is as if the seller gave the purchaser a gift.

If a person purchased property worth a *maneh* for 200 *zuz*, a neighbor cannot displace him unless he gives him 200.

If the neighbor protests: "They are perpetrating an act of deception together,"the purchaser must take an oath while holding a sacred article. Afterwards, he may collect the 200 *zuz*.

If there were witnesses that the purchaser gave 200 *zuz*, but the neighbor claims that there was an agreement between him and the seller, and that he definitely knows that in truth the seller took only 100 *zuz* from him, the neighbor must pay the amount of money the witnesses stated. Afterwards, he may displace the purchaser and require him to take a *sh'vuat hesset* that he purchased the property for 200 *zuz*. After taking that oath, he is under no further obligations.

5 The following rules apply whenever a person wants to sell landed property and two people come offering to purchase it, and each one is willing to pay the same price and neither of them is a neighbor. If one of the

prospective purchasers was an inhabitant of the city and the other dwelled in the outlying fields, the inhabitant of the city is given priority.

If one of them lives close to the property being sold, and the other is a Torah scholar, the Torah scholar is given priority. Similarly, if one is a relative and the other is a Torah scholar, the Torah scholar is given priority. If one is a relative, and the other lives close to the property, the one who lives close to the property is given priority, for this is also an act of "good and justice."

In any of the above situations, if the other person acted first and acquired the property, his colleague does not have the right to displace him. For neither of them owns property bordering on the property being sold, and our Sages established these rules only as an expression of piety and a generous spirit.

Mishneh Torah, Agents and Partners

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person tells a colleague: "Go out and sell landed property for me," "...movable property...," or "...purchase for me...," then the person should perform his agency, selling or buying. All his deeds are binding.

It is not necessary for a person who appoints an agent to perform a *kinyan* or have the appointment observed by witnesses. Instead, the statement he makes to his colleague is sufficient. Witnesses are necessary solely to reveal what transpired if one of the two denies the matter, as is the case with regard to other claims.

2 When an agent intentionally violates the instructions of his principal, his deeds are of no consequence. Similarly, if he erred even with regard to the slightest amount, the transaction - whether involving landed property or movable property - is nullified. For the principal can claim: "I sent you to improve my position, not to impair it."

The principle is that with regard to movable property, the laws of *ona'ah* do not apply unless one pays a sixth or more than the proper price for an article, and that these laws do not apply at all with regard to the sale of servants, promissory notes and landed property. They do, however, apply when the seller or the purchaser himself conducts the transaction. When, however, it is conducted by an agent, and he erred in his valuation with regard to even the slightest amount, the transaction is nullified.

3 When a person gives money to an agent to purchase landed property, and the agent purchases it for him without requiring the seller to accept financial responsibility if it is expropriated from the purchaser, he is considered to have damaged the principal's position. The agent must purchase the property without financial responsibility, as he did, for himself. Then he must sell it to the principal and accept financial responsibility. This decision is rendered because the agent purchased the property with money belonging to the principal. The agent must accept the financial responsibility himself. Similar laws apply in all analogous situations.

Therefore, if the principal explicitly stipulates that he is appointing the agent in that capacity, whether he improves his position or impairs it, he may not retract, even if the agent sold a field worth 100 *dinarim* for a *dinar* for him, or purchased one worth a *dinar* for 100. And the principal must pay the agent as he originally stipulated.

4 When a person tells his agent: "Sell a portion of my field large enough to sow a *se'ah*," and he sells a portion large enough to sow two *se'ah*, the agent is considered to have added to the principal's instructions, and the purchaser acquires only an area large enough to sow one *se'ah*.

If the principal told the agent: "Sell a portion large enough to sow two *se'ah*," and the agent sold only an area large enough to sow one *se'ah*, the agent is considered to have violated the principal's instructions, and the purchaser does not acquire anything.

If the principal told the agent: "Sell my field to one person for me," and the agent sold it to two people, the sale is nullified, for he violated the

principal's instructions. If the principal told the agent: "Sell the field for me" without giving further instructions, the sales made by the agent are binding, even if he sold the property in 100 portions.

5 When a person gives money to his agent to purchase wheat or any other type of merchandise, and the agent does not make the purchase, the principal does not have a financial claim against the agent, only complaints.

The following rules apply if a principal gives an agent money to purchase wheat - whether to eat or to use as merchandise - and the agent purchases barley. If the price of the barley that he purchased becomes less than the price of wheat, the agent must bear the loss, because he deviated from the instructions he was given. If the price of the barley increases more than the price of wheat, the profit belongs to the owner of the money.

If the price of merchandise was fixed, and an additional quantity, weight or measure was given the agent, whatever was added by the seller should be divided between the two; i.e., the additional measure should be split between the agent and the principal. If the object sold does not have a fixed price, everything should be given to the principal.

6 The following rules apply when a person owes a colleague money, whether because of a debt, an entrusted article or a wage, and he gave the money to an agent and told him: "Bring this money to my creditor," the agent is not required to take special care of the matter and pay the creditor in the presence of witnesses.

If the principal told the agent: "Do not pay the debt unless witnesses

observe it, " and he paid the debt in the absence of witnesses, the agent is liable should the creditor demand payment of the debt again. Similarly, if the debt was recorded in a promissory note, and the agent paid the debt outside the presence of witnesses, and did not take the promissory note, the agent is liable should the creditor demand payment of the debt again.This applies whether the debtor told the agent: "Take the promissory note and give him the money," or "Give him the money and take the promissory note." For by not taking the note, the agent impaired the principal's position and did not improve it.

7 The following rules apply when a person sends money that he possesses with an agent, saying: "Bring this money to so and so, because I owe it to him," and the agent went and gave the creditor the money outside the presence of witnesses. If the agent said: "I paid," and the creditor or the worker said: "I did not receive it," and the three are standing together the following course of action should be taken.

The agent should take a *sh'vuat hesset* that he paid the debt. The creditor or the worker should take an oath that he did not receive anything, and then the principal should pay the creditor or the owner of the entrusted object. Even if there were two agents entrusted with making the payment, their testimony is of no consequence, because they are involved parties - for they are required to take a *sh'vuat hesset*.

When does the above apply? When the agent denies the statements of the creditor and the three are standing together. If, however, the agent comes to the principal and tells him: "I paid your creditor as you instructed me," the principal may not require him to take an oath that he performed the

mission, for there is no one who issues a definite claim that he did not perform his mission.

Similarly, if the agents died or traveled overseas, and the creditor came and demanded payment of the debt, the debtor may not require him to take a *sh'vuat hesset* that the agent did not pay him, for there is no one who issues a definite claim that he received the money. Instead, the debtor should have a ban of ostracism issued against anyone who demands payment a second time. Afterwards, he must pay the debt he owes. Similar principles apply in other analogous situations.

8 The following laws apply when Reuven sends a letter to Shimon telling him: "You owe me a *maneh*. Send it to me with Levi." If Shimon is willing to send the money with him, he is no longer responsible for it. This applies whether a loan or an entrusted object is involved, provided he recognized that the letter was written in Reuven's handwriting.

If the creditor claims "I did not write the note or send it to you," the debtor must take a *sh'vuat hesset* that he received a note and he therefore sent the money. He is not under any further obligation. This is the manner in which my teachers ruled.

Different rules apply, however, if the note was not written in the principal's handwriting, or the debtor did not know that it was written in his handwriting - even if it contained signs and letters that only they knew about. If Reuven claims: "I did not send a letter; other people tricked you," Shimon is responsible for the funds and must pay Reuven if the funds do not reach him after he issues a ban of ostracism against anyone who intentionally sent a letter and denies it. There are those who rule that

Reuven must take an oath before collecting the money, as is required of others who take oaths before collecting their due.

9 The following laws apply when Levi comes as an agent of Reuven and takes 50 *zuz* from Shimon, and then Reuven comes and claims: "I sent him to take only 20, and all that he brought me was 20." Reuven must take an oath supporting his claim, as is required of anyone who admits a portion of the claim made against him. And Levi must take a *sh'vuat hesset* that he gave Reuven the 50 *zuz* that were given to him.
If the above scenario was repeated in an instance where Shimon owed money to Reuven, Shimon must pay the difference from his own resources. Similar laws apply in all analogous situations.

Chapter 2

1 A non-Jew may never be appointed as an agent for any mission whatsoever. Similarly, a Jew may never be appointed as an agent for a non-Jew for any mission whatsoever. These concepts are derived from **Numbers 18:28**: "And so shall you offer, also yourselves." This is interpreted to mean: Just as you are members of the covenant, so too, your agents must be members of the covenant. This principle is applied to the entire Torah.
Moreover, the converse is also true: Just as your principals are members of the covenant, so too, in every aspect of Torah law, the principal must be a member of the covenant.

2 A man may appoint either a man or a woman as an agent. He may even

appoint a married woman, a servant or a maidservant. Since they possess a developed intellectual capacity and are obligated to perform some of the mitzvot, they may serve as agents with regard to financial matters.

A person who does not have a developed intellectual capacity - i.e., a deaf-mute, a mentally or emotionally unsound individual or a minor - may not be appointed as an agent, nor may they appoint agents. This applies to both a male minor and a female minor.

Accordingly, if a person sends a son who is below the age of majority to a storekeeper for oil, the storekeeper measures out an *isar's* worth of oil for him and gives the child an *isar* as change, but the child loses the oil and the *isar* he gave him, the storekeeper is liable to pay. For the father sent the child only to inform the storekeeper that he needed the oil, and the storekeeper should have sent it with a mature person. Similar laws apply in all analogous situations. If, however, the recipient explicitly told the storekeeper: "Send it to me with the child," the storekeeper is not liable.

3 When a person tells a colleague: "You owe me a *maneh*, send it to me with so and so" - if the debtor desires to send it to the creditor with that person, he discharges his obligation and is no longer responsible for the money even if the person named was a minor. This applies regardless of whether the money was given as a loan or as an entrusted object.

Similarly, when two people agree on a stipulation between themselves that whoever desires to send an object to his colleague may send it with whomever the sender desires, the sender may send it with whomever he sees fit, provided he is appropriate to transfer such an article. If the article is stolen or lost on the way, or the agent denies receiving it, the sender is

not liable. The rationale is that every stipulation regarding financial matters that is accepted is binding.

4 When an agent buys or sells an article and notifies the other party that he is acting as an agent for another person in this transaction, and it is discovered that he violated the instructions given him by the principal, the sale is nullified and the article must be returned, even if *meshichah* was performed.

If the agent did not notify the other party that he was an agent, the transaction is binding, and the agent must then satisfy the principal.

5 The following rules apply when Reuven purchased a field from Shimon and told him: "I purchased it on behalf of Levi," Reuven drew up a deed of sale for Levi, and afterwards Reuven said: "I purchased the field for myself. Draw up a deed of sale for me." The seller is not compelled to draw up another deed of sale for Reuven.

If, however, Reuven made a stipulation at the outset, telling the seller: "I am purchasing it for myself, I am having the deed of sale drawn up on behalf of Levi only so that people will not know that I am the buyer," Reuven may compel Shimon to compose another deed of sale in his own name.

6 A broker is an agent, except that he receives a fee for his services. Therefore, if he deviates from the instructions of the owners, he must take responsibility for the loss he caused.

What is implied? Reuven gave an article to Shimon - a broker - and told

him: "Sell this article for me, but do not sell it for less than 100 *zuz*." If Shimon sold it for 50, he must pay Reuven 50 from his own resources. If he sold it for 200, Reuven receives everything. Similar principles apply in all analogous situations.

If Reuven claims: "I told you to sell it for 100," and the broker says: "You told me 50, and I sold it for 50," the broker must take an oath mandated by Scriptural Law, for he admitted a portion of the plaintiff's claim. If he already gave him the 50, he is required to take only a *sh'vuat hesset* that he carried out the mission, and the purchaser acquires the article.

If the purchaser knew that the article belonged to Reuven and that the person selling it to him was only a broker, he must return the article to its owner. He may, however, have a ban of ostracism issued against anyone who gave permission for an article to be sold for 50 *zuz* or agreed to the sale at 50 and then retracted after the sale was made.

7 The following rule applies whenever a broker informs the purchaser that a specific article or piece of property belongs to a principal, Reuven. If, after the purchaser acquires the article, Reuven says: "I don't want to sell at this price," the purchaser must return the article. For Reuven did not specify a price and tell the agent: "Sell the article for this and this much."

Whenever a broker loses an article, or it is stolen or broken, he is liable to reimburse the owner, for he is considered a paid watchman.

8 The following rules apply when a person takes articles from a craftsman's workplace to send as presents to his future father-in-law's home and tells the craftsman: "If they accept them from me, I will pay you for them. If

not, I will reimburse you slightly for the favor." If the presents were destroyed by forces beyond his control while they were being delivered, the giver is liable to pay. If they were destroyed by forces beyond his control while they were being returned, he is not liable.

More stringent rules apply if he took the articles with the intent of selling them to others, telling him: "If they will be able to be sold in such and such a place," or "until such and such a time, I will pay you such and such. If they will not be sold, I will return them to you." If they were destroyed by forces beyond his control, whether while they were being transported or while they were being returned, the person who took the articles is liable to pay.

9 Whenever an agent claims that a loss beyond his control occurred, causing him to lose this and this amount, he must take the oath required of agents to support his claim, and then he is released of responsibility.

If the loss occurred in a place where it was likely that he would be able to find witnesses to corroborate his statements or the matter is of public knowledge and witnesses could thus be found, he must bring witnesses to substantiate his claim. If he does not bring witnesses, his claim is not accepted, and he is required to pay.

An incident occurred concerning a person who told his agent: "Buy 400 measures of wine for me with money of mine that is in your possession." The agent bought the wine for him and it turned out to be vinegar. The Sages said: "Such a large quantity of vinegar is bound to have been spoken about publicly." Since it is possible to substantiate the claim with witnesses, the agent must bring witnesses that the wine had not turned

into vinegar at the time of the purchase, and thus free himself from responsibility. If he does not substantiate his claim, he must pay. Similar laws apply in all instances regarding entities where it is feasible to substantiate a claim.

When, by contrast, the claim concerns a hidden matter that is not easy to substantiate, the agent must take an oath concerning it. Similar laws apply to all claims to be issued by a partner and the like. And similar laws apply with regard to watchmen. If it is likely that the claim can be substantiated, the watchman must substantiate it, as will be explained.

Chapter 3

1 The following laws apply when a person owns landed property that another person is using or he has movable property that he had given him as an entrusted object, and he seeks to appoint an agent to carry out legal procedures with that other person and expropriate that property or entrusted object from his possession. He must compose a deed granting him power of attorney. And he must perform a *kinyan* certifying that he was granted power of attorney, telling him: "Take it to court, acquire it, and expropriate it for yourself," or the like.

If the principal does not compose such a deed for the agent, he may not enter into litigation on his behalf, for the defendant will argue: "You are not the party with whom I have contention."

Even if the principal does compose such a deed, the agent is no more than that, and any property that he acquires belongs to the principal. And any expenses undertaken by the agent with regard to the dispute for which he

was given power of attorney must be borne by the principal. For this is also written in the deed granting power of attorney: "Any expenses that you undertake in this case, I undertake to pay."

2 If the principal transfers ownership to the person to whom he gave power of attorney, granting him only a third or a fourth of the property his colleague is holding, the person granted power of attorney may enter into litigation concerning the entire holding. Since he is entitled to enter into litigation concerning the portion that he owns, and he is justified to enter into litigation with him on that, he may enter into litigation concerning the entire amount.

3 When one of a group of brothers who have not divided an estate between themselves, or one of a group of partners comes and lodges a claim on a portion of the property they assert to be their own, his claim involves the entire property. The defendant must respond to him. Since this person owns a portion of the property in question, he does not need power of attorney from the other partners.

If the defendant prevails, another one of the partners cannot lodge a claim against the partner who engaged in the litigation, telling him: "If I had been there, I would have raised other arguments and caused the defendant to be held liable," for the partner who engaged in the litigation can tell him: "Why didn't you come and raise those arguments?"

For this reason, if the other partner was in another country, that partner can seek out the defendant and enter litigation against him, telling him: "I do not agree with all the arguments my partner raised."

Accordingly, the defendant can delay, telling the first partner: "Either enter into litigation concerning only your share, or bring me power of attorney from the other party. For I am holding property belonging to both of you, and you both are involved parties in this case. Tomorrow, your brother - or your partner - will come and also lodge a claim against me."

4 A husband needs power of attorney to lodge a claim concerning his wife's property. If, however, there is produce on the property, he has the right to lodge a claim concerning the produce - for it belongs to him - he may also lodge a claim about the property itself. For if his wife does not own the property, he has no right to the produce.

5 Although a person has entrusted an object to a colleague or given him a loan - whether movable property or money - and appointed an agent in the presence of witnesses to bring that object or loan back to him, the option belongs to the borrower or the lender. If he desires to give it to the agent, he is no longer liable, and is free of responsibility if it does not reach the principal, for he gave it to his agent.

If he does not desire to give it to the agent, he is not required to do so. For the agent is not the litigant. This applies unless the agent brings power of attorney from the owner of the entrusted object.

Every person who comes to demand payment from a colleague, using power of attorney, is described by the verse (**Ezekiel 18:18** : "He did what is not good among his people."

6 When a person lodges a court claim against a colleague for either movable property or money he entrusted to him, and the defendant has already denied it, the plaintiff cannot write a bill giving another person power of attorney to collect this property or money from that person. The rationale is that he appears to be making a false statement. For he says: "I am granting you power of attorney to take everything that I own that so and so has," and so and so has already denied possessing anything belonging to the principal.

Similarly, if a person is required to take an oath in response to a colleague's claim, that colleague cannot grant another person power of attorney to have the oath administered. The rationale is that he is not transferring to the prospective agent an object of substance. And a person cannot transfer power of attorney on a claim that involves merely words. For words cannot be transferred unless they are associated with a financial claim.

7 When a person has entrusted money to a colleague and desires to grant an agent power of attorney to bring it, a *kinyan chalifin* is not effective. For money is not acquired through a *kinyan chalifin*.

What should he do? He should give the agent a portion of land of any sizeand transfer the money to him by virtue of his acquisition of the land with the intent that he expropriate it with this power of attorney. The agent may then go, enter into litigation, and expropriate the money.

If a person lent money to another person, he cannot compose a bill transferring power of attorney concerning it. This applies even if the loan is recorded in a legal document.The rationale is that a loan was given with

the intent that the borrower spend the money. Thus, the money given by the lender no longer exists. And a person cannot transfer ownership over an entity that does not exist. The only way a person can transfer ownership of a debt is through a *ma'amad sh'loshtan* - which is a dictate whose rationale cannot be explained, as mentioned above, or through transferring the debt by writing a deed transferring ownership of the promissory note and giving it to the recipient, for in this way one transfers the lien that the note conveys.

This is my understanding of the law from the *Gemara.* The *Geonim* have, however, ordained that one may also grant power of attorney with regard to a loan, so that no one should take money belonging to a colleague and go to a distant country.

They also ordained that if a person was granted power of attorney to collect money belonging to a colleague that was held by another person or to demand payment of a loan from him, and the person transferring the debt did not own land, he could transfer to him four cubits of his heritage in *Eretz Yisrael*, and then transfer the money to him, by virtue of his acquisition of the land.

Such statements appear to me extremely flimsy and insubstantial. For who is to say that this person has a portion in *Eretz Yisrael*? And even if he is fit to receive a portion of the land, it is presently not in his possession. The *Geonim* who ordained this ruling did not say: "Let the law pierce the mountain." Instead, they explained that the ruling was issued only to intimidate the defendant, so that if he desires to enter into litigation and pay the money when presented with this power of attorney, he is no longer under obligation.

Why is he no longer under obligation? For a person who brings this insubstantial power of attorney is no worse than an agent appointed in the presence of witnesses. If, however, the defendant does not desire to enter into litigation with the person granted the power of attorney, he is not compelled to give him the money or take an oath until the principal comes himself.

Similarly, the *Geonim* ruled that if a person granted a colleague a loan, whether it is supported by a promissory note or by a *kinyan* observed by witnesses, even though the person denied his obligation in court, a deed granting power of attorney can be composed, because the defendant is denying a claim involving a lien on property. If, however, the loan is supported by a verbal commitment alone, and it is denied, the *Geonim* did not ordain that a deed granting power of attorney be composed concerning it.

8 When a person granted power of attorney to one individual and then desired to nullify his agency and grant power of attorney to someone else, he may nullify his first appointment.

The person granted power of attorney, however, may not grant power of attorney to another person. For the principal might not agree, saying: "I do not want my property entrusted to another individual." Therefore, if the agent had stipulated that he be given the right to grant power of attorney to someone else, and have that person grant power of attorney to another, the agent may write a deed granting power of attorney to a second individual, and the second individual may do so for a third. Everything follows the stipulation.

9 When a person who was granted power of attorney waives the payment owed by the defendant, sells him the article he was sent to collect, waives his obligation to take an oath, or negotiates a compromise with him, his actions are of no substance. For the principal will tell the agent: "I sent you to improve my position, not to impair it."

Therefore, if the agent had the principal stipulate that the agency is effective whether he improves his position or impairs it, his acts are binding, even if he waives payment of the entire obligation.

10 When Reuven is granted power of attorney and files a claim against Shimon, Shimon cannot turn him away, saying: "Maybe the principal who sent you appointed another person and nullified your agency." For Reuven will tell him: "Give me the article that was entrusted, and I will leave the deed recording my power of attorney with you." If the principal does in fact grant another person power of attorney, he has caused himself a loss. Shimon is not liable, for he gave the object to a person with power of attorney.

11 The following law applies when Reuven comes with power of attorney from Shimon and demands payment from Levi, and Levi tells him: "Nothing like that ever happened, but if Shimon wants, he may take an oath and collect the article he claims." We expropriate the money from Levi and have it kept in court until Shimon comes, takes the oath and collects the article.

Similarly, with regard to any other claim that Levi makes that is dependent on Shimon, Reuven should enter into litigation regarding the

matter, and the property should be placed in the court until Shimon comes and is questioned. Reuven may have a ban of ostracism issued against anyone who issues a false claim to withhold payment and delay it.
If Levi is required to take an oath, he may not delay and say: "I will not take an oath until I have a ban of ostracism issued in the presence of Shimon against anyone who issues a false claim against me." For the issuance of this ban of ostracism is merely a minor ordinance that the later *Geonim* ordained so that the litigants will be forthright in their claims. And we do not delay having the defendant take an oath, because of this minor ordinance.

Chapter 4

1 When partners desire to establish a partnership, how does each one acquire the assets invested by his colleague, so that they are considered partners? If they desire to establish a partnership with money, each one should bring his money and place it in a common pouch. Then each of them lifts up the pouch.
If, however, they composed a legal document detailing the partnership and had witnesses testify that they both performed a *kinyan chalifin* that each will bring 100 *zuz* for the partnership, the agreement is not binding and the partnership has not yet been established, for money is not acquired through *chalifin*.
Therefore, if they established their partnership with regard to other movable property, when they entered into a *kinyan* that one would bring his barrel of wine and the other his jug of honey and they would become

partners, the partnership is established in this manner. Similarly, if they mixed their produce together or hired a property in partnership, and one left the jug and the other the barrel with which they desired to act as partners, the partnership is established.

The general principle is: All the means of acquisition that a purchaser employs to acquire property can be used by partners to acquire the assets that are contributed to the partnership.

2 When craftsmen join together in a professional partnership, even though they perform a *kinyan* with each other, they are not considered partners.

What is implied? If two tailors or two weavers stipulate between themselves that whatever either of them earns will be divided between them equally, they are not considered partners. For a person cannot transfer ownership to a colleague of an article that does not yet exist. If, however, they purchase the cloth for the garments with their common funds, sew them and sell them, or purchase the woof and warp with their common funds, weave garments and sell them, and a partnership has been established through the use of the money, they are partners. Whatever they earn as payment for their work and their commercial activity is divided equally.

3 When three partners enter into a partnership, one investing a *maneh,* the second 200 *zuz*, and the third 300, and they all do business with the money, whether they profit or lose, the profit or loss is divided among them according to their number, not according to the size of their investments. Even if they purchase a bull for slaughter in which instance,

if they slaughter it, each one of them would take a portion of its flesh according to the size of his investment. If they sell the bull while it is alive and profit or lose, the profit or loss is divided equally among the partners.

When does the above apply? When they bought and sold with the money of the partnership. If, however, the money still exists within the treasury of the partnership, and was not spent, but its value rose or dropped because of currency fluctuations depending on the ruling authority or the local populace, the profit or the loss is divided according to the amount of money invested.

When does the above apply? When the partners entered into the partnership without making a specific agreement. If, however, it was stipulated that the person who invested 100 *zuz* should receive three fourths of the profit, and the person who invested 200, one fourth, and if they lose the person who would be given three fourths of the profit would not suffer more than one fourth of the loss, and the one who would gain one fourth of the profit should suffer three fourths of the loss, the money is divided according to their stipulation. For every stipulation made with regard to financial matters is binding.

4 When partners make a stipulation that they continue in the partnership for a specific duration of time, each them can prevent his colleague from dissolving the partnership. Neither one can withdraw until the set time arrives or the money in the partnership is exhausted. Neither can take his portion of the principal or of the profit until the end of that time.

If they established a partnership without making a stipulation and without establishing a set time, they may dissolve the partnership

whenever any of them desires. This one should take his portion of the merchandise from the partnership, and this one should take his portion. If the merchandise is of the type that cannot be divided, or if making the division would cause a loss, the article should be sold and the money should be divided.

If there was a time when the merchandise of the partnership would ordinarily be sold, each partner can prevent his colleague from dissolving the partnership until the merchandise will be sold at the known time for such merchandise to be sold. Neither can take his portion of the principal or of the profit until the time of the division, unless a stipulation was made between them.

If the partnership was owed a debt by others, one partner cannot tell the other: "Let us not dissolve the partnership until we collect all the debts that are owed to us." Instead, the assets of the partnership should be divided. When the debts are repaid, each one should be given his portion.

The following rules apply when, by contrast, the partnership owes a debt to another person. If they are not responsible for each other, they should divide the assets of the partnership, and when the time for the debt comes, each one should pay his portion of the debt.

If they are responsible for each other, each one can prevent the other from dissolving the partnership until the time when the promissory note comes due and the debt is repaid. Why is each one given this right? Because one colleague can tell the other: "Since each of us can be required to pay the entire promissory note, let us continue to do business with the money until the date of payment comes."

If his colleague tells him: "Let us divide the assets, and you can receive all

the money for the promissory note. Do business by yourself and pay the note when it comes due," the other colleague may still impede, saying "Maybe I will lose, for two people make greater profit than one."

5 When a person gives a colleague money to go to a different country and buy merchandise, buy produce to sell as merchandise, or buy and sell merchandise while sitting in a store, the person who took the money may not retract and return the money to his partner until he goes to the place where the stipulation was made and returns, buys the produce and sells it, or sits in the store. The rationale is that this is considered as if he fixed a time to sell the merchandise.

Chapter 5

1 When a person enters into a partnership agreement without making any stipulations, he should not deviate from the local custom followed with regard to that merchandise. He should not take the merchandise and travel to another place, enter into a partnership with other individuals, be involved with other merchandise, sell it on an extended payment plan unless it is ordinarily sold in such a manner, nor should it be entrusted to others unless a stipulation to that effect was made at the outset or he did so with the consent of his colleague.

If a partner transgresses, and performs one of the above activities without the knowledge of his colleague, but when he informs him afterwards of what he did the other partner agrees, he is not liable. A *kinyan* is not necessary to formalize a partner's consent to any of the above matters; a

verbal commitment is sufficient.

2 When one of the partners transgresses and sells merchandise on credit, takes it on a sea voyage, travels with it to another place, does business with other merchandise at the same time, or the like, he alone is liable to pay for any loss that occurs because of his activity. If he profits from his activity, the profit should be split between the partners according to their stipulations regarding profit.

For this reason, the following rules apply when a person gives a colleague money to purchase wheat as part of a partnership agreement and the partner purchases barley, or he gives him money to purchase barley and he purchases wheat: if there is a loss, it is suffered by the one who transgressed. If there is a profit, it is split.

Similarly, if a partner entered into partnership with another person using funds belonging to the partnership, if there is a loss, the persons suffers it alone. If there is a profit, it is split. If, however, he entered into a partnership with another person with his own money: if there is a loss, the persons suffers it alone. If there is a profit, he alone receives the profit. If a stipulation was made between the partners, everything is concluded according to that stipulation.

3 When a person gives a colleague money to purchase produce with the profits to be divided in half, the person given the money is permitted to purchase more of that produce for himself. When he sells the produce, he should not sell the two together. Instead, he should sell the produce owned jointly separately, and his own produce separately.

Similarly, he should not purchase wheat for himself and barley for his colleague.Instead, he should purchase wheat for the entire amount, or barley for the entire amount, so that the funds of them both should be equal in case of loss.

4 When one of the partners says: "Let's take the merchandise to this and this place, where it is highly priced, and sell it there," the other partner may prevent him from doing so even if the first partner accepts responsibility for any loss by factors beyond his control or depreciation that may occur. The rationale is that the second partner may tell the first: "I do not desire to give you the money that is in my possession and then have to pursue you and bring you to court to expropriate it from you." Similar laws apply in all analogous situations.

5 If one of the partners desires to let the produce age until the time when it is known to sell that produce, his colleague cannot prevent him from doing so. If there is no set time to sell this type of produce, his colleague can prevent him from aging the produce.

6 When partners evaluated their produce, and then established a partnership with them, the laws of *ona'ah* apply to each of them. If they mixed their produce together without evaluating it, sold it, and then did business with the profits, they should evaluate the worth of the produce at the time the partnership was established, and appraise the profit or the loss accordingly.

7 When custom collectors waived a fee from partners, each is granted an

equal share. If the collectors say: "We waived the fee because of so and so," he alone is granted the value of the waiver.

The following rules apply when partners were traveling on the road and were attacked by thieves, who sought to steal the merchandise carried by the caravan.If one of the partners saved the goods from being taken, all the partners receive an equal share in what he saved. If he says: "I am saving it for myself," he has saved it for himself alone.

8 When property is known to belong to the partnership, it is assumed that both partners have a share in its ownership throughout the entire duration of the partnership. This applies even though the property was located in the domain of only one of the partners. The partner in whose domain it is located may not claim that he purchased it from the other partner, or that he gave it to him as a present. In such an instance, we do not follow the principle: When a person desires to expropriate property from a colleague the burden of proof is on him. Instead, the property is assumed to belong to both partners unless one of them brings proof otherwise.

9 When one of the partners desires to dissolve the partnership without the knowledge of his partner, he should divide the assets in the presence of three people. They may even be unlearned people, provided they are trustworthy and able to evaluate property. If a partner divides the assets in the presence of fewer than three people, his actions are of no consequence.

When does the above apply? When he divides produce. If, however, the partnership's assets were money, the money is considered as if it had been already divided. The partner may therefore divide the money outside the

presence of a court and then deposit his colleague's share with the court for safe-keeping.

When does the above apply? When all the money is of one currency and of equal value. If, however, some coins are new and others old - and needless to say if some are considered desirable and others considered undesirable - the money is also considered as produce and should not be divided outside the presence of a court of three.

10 It is forbidden for a person to enter into partnership with a gentile, lest his colleague be obligated to take an oath to him and he swear in the name of his false deity.

We have already explained in the appropriate place that it is forbidden to do business with produce that grows in the Sabbatical year, nor with firstborn animals, nor with animals that are *trefah*, nor with meat from dead animals, nor with produce that is *terumah*, nor with crawling or teeming animals. If a person transgresses and invests money belonging to a partnership in these, the profit should be divided among the partners. It appears to me that if he loses, he must bear the loss himself. This ruling is granted because he transgressed.

11 When one of the members of a partnership or an investment agreement dies, the partnership or the investment agreement is nullified. This applies even if the agreement was originally made for a specific time. The rationale is that the money has already been transferred to the domain of the heirs. The *Geonim* ruled in accordance with this decision.

Chapter 6

1 When two partners both do business with the money belonging to the partnership, even if the money was originally invested by only one of them, their relationship is referred to as a partnership. If they lose or they profit, the loss or the profit is divided equally, or they may stipulate any other division of the profits or the losses, as we have explained.

If, however, only one of the partners was doing business with the money belonging to the partnership, even if the money was originally invested by both of them, this type of partnership is called an *esek* (an investment agreement). The person who does the buying and selling is called an administrator, for he alone is the one involved in the transactions. And the partner who is not involved in the business dealings is referred to as the investor.

2 Our Sages ordained that whenever a person entrusts money to a colleague to use for business purposes, half of the money should be considered a loan. The administrator is responsible for this money even if it is destroyed by forces beyond his control. The second half is considered an entrusted object, and the investor is responsible for it. If the half that is considered an entrusted article is stolen or lost, the administrator is not liable to pay. Therefore, any profit that is earned by this half of the investment will belong to the investor.

According to this construct, the profit or the loss of the entire investment should not be equally divided between the investor and the administrator. For if this were the case, the investor would receive a profit for the half of

his money that is an entrusted object without doing anything for it. The administrator is working for the sake of the half of the investment that was an entrusted article, because of the money that he was lent. Thus, this brings the two to *avak ribit*, the shade of interest.

What should be done if they desire that the profit or the loss be equally shared? The investor should pay the administrator the wages to be paid to an unemployed laborer of the profession in which he was involved. If the administrator has any other occupation in which he is involved aside from caring for this investment, the investor does not have to pay him a daily wage. Instead, even if he paid him only one *dinar* for the entire time of the partnership, this is sufficient. If the partnership lost or gained, the loss or profit should be divided equally.

Similarly, if the investor told the administrator: "In addition to the portion that is divided, you will receive one third or one tenth of the profit," since he has another occupation, it is permitted. If there is a loss, the loss is divided equally.

If the administrator is a sharecropper working the fields of the investor, and he has another business, he is not required to pay him any other wage at all. For a sharecropper is obligated to take care of the interests of the owner of the field.

3 Our Sages also ordained that whenever a person gives a colleague money to use for a business and the investor did not desire to pay the administrator a wage, and they did not make any stipulation with regard to the division of the profits and the losses, the profit or the loss should be divided as follows: The wage of the administrator for handling the half of

the investment that is considered an entrusted article is one third of the profit of that half, which is one sixth of the profit of the entire investment. Therefore, if a profit is made, the administrator should receive two thirds of the profit: half of the profit stemming from the half of the investment that was a loan, and the sixth of the profit that is his wages for handling the money considered as an entrusted article. Thus, he receives two thirds of the profit.

If there is a loss, the administrator should bear a third of the loss. This figure is reached as follows: He is liable for half the loss because of the half [of the original investment that was a loan. He deserves a sixth of the loss as his wage for handling the half of the investment that was considered an entrusted article. Thus, his responsibility is one third of the loss. The investor must bear two thirds of the loss.

4 There is an opinion that makes an error, maintaining that when a person makes an investment without making any stipulations with regard to the division of profits and losses, they should be divided as follows: If there is a profit, the administrator should receive half, but if there is a loss, he must bear only a third of the loss. This is not the rule unless they made an explicit stipulation to this effect.

Similarly, if they stipulated that if there be a loss the administrator should suffer half the loss, and if there be a profit he should be granted two thirds of the profit, this is permitted. Similarly, if they stipulated that if there be a profit, the administrator should receive one ninth and if there be a loss, he should lose one tenth, this stipulation is binding. The rationale is that they made a stipulation that the administrator should receive a greater

share of the profit than his share of the loss, and he is granted this additional amount because of his work.

My teachers ruled that such a conditional agreement is not effective unless the administrator has another occupation. If he does not have another occupation, the profit that the administrator can receive must be at least a sixth more than the loss he could suffer, as we have explained. They maintain that a prohibition is involved, and the stipulation cannot supersede it. This ruling does not appear correct to me.

5 My teachers ruled that if a stipulation was made that the administrator should receive three fourths of the profit and the investor only one portion, only one fourth of the money will be considered an entrusted article and three fourths will be considered a loan. Therefore, if there is a loss, the administrator should bear three fourths of the loss, minus a twelfth. The investor should suffer a fourth of the loss plus a twelfth - i.e., one third of the entire loss.

What is implied? The investor gave the administrator 100 *dinarim* according to this stipulation, and they lost 24 *dinarim*, the investor should lose eight, and the administrator sixteen.

These ratios should be followed at all times. Whenever there is a profit, the investor should receive the share of the profit that was stipulated. If there is a loss, he should bear that same proportion of the loss, but should be given one third of the investor's portion. Thus, according to this approach, if it was agreed that the administrator would receive a fourth of the profits, he does not lose anything if there is a loss. For in place of the fourth of the loss that he is required to bear, he is due one third of the

portion of the owner - i.e., one fourth. And so, one cancels out the other.

These authorities maintain that similar principles apply if a stipulation was made regarding losses without mentioning profits. If a loss was incurred, the administrator must bear the loss as stipulated. If a profit was made, the administrator should receive the share of the loss that he was supposed to bear, plus one third of the portion to be received by the investor.

What is implied? If a stipulation was made that in the event of a loss, the administrator should bear one fourth of the loss. If there is a loss, he must pay the investor one fourth. If there is a profit, the administrator receives half the profit.

Although the rules that they issued are words of logic, if these principles are followed, it is possible for the administrator to cause a loss and yet receive profit.

What is implied? It was stipulated that the administrator should receive one seventh of the profit. A loss was incurred. Thus, the administrator should receive as a wage one seventh in addition to this loss.

How is this illustrated? They suffered a loss of seven *dinarim*. The administrator will tell the investor: "I owe you one *dinar* according to our stipulation, but you owe me two *dinarim*, which is one third of the portion of the entrusted article." Thus, the investor is obligated to pay him a *dinar* as wages for losing seven *dinarim*. And if he had lost fourteen *dinarim*, the investor would have to pay him two *dinarim* as wages. This is an unfathomable matter, which cannot be accepted by logic. To me, it appears like a dream.

Instead, the proper approach and the true law appears to me as follows: If

there is a loss, the administrator should bear as a loss two thirds of the percentage he would receive if there were a profit. Similarly, if they made a stipulation concerning a loss and they profited, the administrator should receive the portion he would lose in the event of a loss, plus a third of the share of his colleague. Thus, according to this approach, if a stipulation was made that the administrator should receive one fourth of the profit and he incurred a loss, he should pay one sixth of the loss. And if a stipulation was made that he should lose a fourth and he profited, he should receive a half. Following this approach will not lead to unthinkable results, and there will be expressed a law that is just.

Chapter 7

1 When a person gives money to a colleague to use for business purposes without making any stipulation, or explicitly states that they will share the profit and the losses equally, and the money is lost, there is an opinion that states that if only a portion of the money is lost, the administrator should pay the investor one third, as we have explained. It appears to me, however, that the administrator should pay the half that is a loan. Our Sages' statement that he should bear one third of the loss applies when the loss is not great enough for the investor to receive less than half of his money.

What is implied? Reuven gave Shimon 120 *dinarim* to invest in a business. Shimon did business with the money and lost ninety *dinarim*. Shimon should pay 30. Thus, Reuven receives 60.

If, however, Shimon lost 105 *dinarim*, we do not say that Shimon must

pay only 35 *dinarim*. For if so, Reuven will receive only 50, and Reuven should never receive less than 60.

For this reason, if a legal document recording an investment contract involving the deceased father of orphans was presented against them, the possessor of the contract must take an oath. Afterwards, he is entitled to collect the half that is a loan. This applies even though we always advance arguments in support of an heir. Thus, we can derive from this that an investor never receives less than half.

Why do I not say that the extent of the loss the administrator must bear should be reduced in consideration of his wage for taking care of the portion of the investment considered as an entrusted article? Because the entire half considered as an entrusted article was lost, and no portion remained. Hence, it is not appropriate to say that if he does not receive a wage, his efforts will appear as interest. For all that he receives is the portion that he gave as a loan.

Similarly, if it is stipulated that the administrator would receive one fourth of the profit, in the event of the loss of the entire investment, he must pay the entire fourth that was given to him as a loan. If, however, enough of the money remains so that if the administrator adds one sixth of the loss to the small portion that remains, the investor would receive a fourth or more of his original investment, the administrator is required to pay only one sixth of the loss, because of the reasons we have explained.

2 When an administrator loses money and then labors until he profits, he cannot tell the investor: "Let us first calculate the loss that we suffered originally, of which you will bear two thirds. And then we will calculate

the profit that we accrued at the end, of which you will receive only a third." Instead, we calculate only the profit or the loss that was ultimately arrived at. And the administrator receives only a share of the profit that he gained beyond the principal.

3 When an investor gives an administrator 200 curtains for 200 *dinarim* in an *iska* agreement, and composes two separate legal documents concerning the partnership, the administrator may calculate each legal document as a separate investment. The investor caused himself a loss.
If he gave him 100 curtains for 100 *dinarim* and then gave him another investment of 100 barrels of wine for 100 *dinarim*, but wrote one investment contract for 200 *dinarim*, they must consider it a single contract. The administrator caused himself a loss.
What is implied? If he sold the 100 curtains for 130 *dinarim* and the hundred barrels for 70, the investor receives the entire amount, because one contract was composed, and the administrator did not make any profit. If, however, he had left them as two separate investments as they originally were, the administrator would have earned a profit of 20 *dinarim* in the deal involving the cloth, and would have lost 10 in the deal involving the barrels. Thus, he would have earned a total profit of 10 *dinarim*. The same principles apply in all analogous situations.

4 An administrator may not divide the money or the merchandise he was entrusted, saying; "I will take the half that I was given as a loan for myself and do business with it, and I will place the half that is considered an entrusted object in the court for safekeeping." For he was given this

money solely with the intent that he do business with the entire amount. If he dissolved the investment contract and did the above, even if he entrusted the money to the nation's highest court, his actions are of no consequence. The profit or the loss should be divided among them according to the principles we have explained.

5 When an administrator gives other people a present from movable property belonging to the investment agreement or from money belonging to the investment, and the investor brings clear proof that this movable property or this money belongs to the investment, it may be expropriated from the recipient. Even if the recipient changed it, sold it or gave it away as a present to others, or destroyed it, the administrator is obligated to pay for it, provided the investor brings definite proof that the recipient was given property or funds belonging to the investment.
We have already explained that if the administrator dies, the investor may take an oath and collect half of the money invested. If there are witnesses who testify that merchandise was purchased with the money of the investment, the investor may take it without taking an oath. Similarly, no other creditors or wives of the administrator may expropriate anything from these goods unless there was a profit. For the portion of the profit belonging to the deceased belongs to his heirs, and from that portion, his creditors and wives may expropriate money that is due them.

6 When a person gives a colleague money to purchase produce, with the profits to be split among them, and the colleague fails to do so, all the investor has against him are complaints. If he has definite proof that he

purchased produce and then sold it, he may expropriate the profit from him against his will.

7 When a person gives a colleague money to purchase produce with the profits to be split among them, the colleague may purchase any type that he desires. He should not, however, buy garments, wood or the like.

When a person hires a colleague to run a store with the profits to be split among them, if the person hired as the storekeeper is a craftsman, he should not work at his craft, for his attention is not focused on the store while he is working at his craft. If, however, his partner was present in the courtyard at that time, it is permitted. The person hired as the storekeeper should not purchase and sell other merchandise. If he does, the profit should be split.

Chapter 8

1 When a person gives eggs to a chicken farmer with the intent that the chicken farmer have chickens sit on the eggs until they hatch, and then for the chicken farmer to raise the chicks with the profits to be divided between them, the owner of the eggs must provide the chicken farmer with a wage for his work and sustenance.

Similarly, when a person evaluates calves and ponies and then entrusts them to a caretaker with the intent that he tend to them until they grow into large animals with the profits to be divided between them, the owner of the animals must provide the caretaker with a wage for his work and sustenance for every day, like an unemployed worker. He must raise calves

until they are three years old, and a donkey until it is capable of bearing a burden. He cannot sell the animal without the consent of his partner until this time.

Similarly, if one evaluates animals and then entrusts them to a caretaker to fatten them, with the profits to be divided between them, the owner of the animals must provide the caretaker with a wage for his work, like an unemployed worker. If the owner tells the caretaker: "Take the head and the fat tail for yourself in exchange for your work, aside from your share of the profits," it is permitted.

If the caretaker has other animals that he was also working to fatten in addition to this one that was evaluated, and similarly, if one has other calves, ponies or eggs, since he is caring for his own at the same time as he is caring for his colleagues', even if the owner gives him only a small amount as a wage for the entire period of the partnership, it is acceptable, and they may divide the profits equally. If the caretaker was already employed as the owner's sharecropper and he is taking care of animals belonging to both himself and the owner of the field, the owner does not have to pay him anything as a wage.

2 When a person has calves or ponies evaluated, he has chickens sit on eggs, or he has an animal evaluated to be fattened with the profits to be divided between them and he does not pay a wage to the caretaker, the laws that govern such a relationship are the same as those that govern an investment of money. We see how much the animals or the eggs were evaluated for and how much profit was made, and the caretaker is given two thirds of the profit. If there is a loss, he is required to bear one third of the loss.

3 We evaluate a cow, a donkey and any other animal that usually performs work and eats, and the profits are divided between the owner and the caretaker. For although care is required, the caretaker is able to derive other profit for himself because of the work of the animals. For he may hire them or work with them himself and benefit from the fee or their work.

One should not evaluate a calf together with its mother, or a pony with its mother. For the calf or the pony does not perform any work, and yet it requires care.

4 When a person has an animal evaluated and entrusts it to a colleague, until when is the colleague obligated to care for it? For a female donkey, 18 months. For an animal that lives in a corral - e.g., sheep or cattle - 24 months. If the owner desires to divide the profits within this period, the caretaker can prevent him from doing so, because they entered into a partnership without making any stipulations.

We set these rules because the care and profit ratio for an animal for the first year cannot be compared to that of the second year. In the first year, it requires much care and brings little profit, because at the beginning it becomes heavier only with much difficulty. In the second year, by contrast, it requires little care and there is much profit, because it becomes much heavier, gaining every day. Therefore, the caretaker may prevent him from dissolving the partnership until the end of the second year.

If the animal that was evaluated gives birth while in the possession of the caretaker, the calf is considered part of the profit and is divided between them. In a place where the custom is that the caretaker raises the

offspring, he should raise them and afterwards sell them. In a place where it is not customary that the caretaker raise the offspring, he is nevertheless required to care for the offspring for a limited period. For a lightweight animal, he is required to care for it for 30 days. For a large animal, he is required to care for it for 50 days. Afterwards, the offspring is sold and the profits are divided.

If the caretaker desires to care for them longer than this period, he should evaluate them before three men on the thirtieth or fiftieth day. Afterwards, any profit that is made should be divided between them as follows: The caretaker should receive three fourths of the profit, and his partner, one fourth. The rationale is that the caretaker owns half of the offspring and because he cares for the half belonging to his colleague, he is given half of that half - i.e., a total of three fourths. If the caretaker did not make such a stipulation in the presence of three witnesses, he is considered to have waived this extra profit, and the offspring are divided equally among them.

In a place where it is customary to figure in a porter's fee to the money invested, that fee should be added. The entire fee that the administrator receives for carrying the merchandise should be figured into the profit on the investment. Similarly, if it is the local custom to add an extra fee for handling an animal, it should be added. In a place where it is customary to add an extra fee to the caretaker's wages for handling offspring, it should be added. Whenever a person enters into an investment or partnership agreement, he should not deviate from the local business practices.

5 The following rules apply when Reuven owns a field and invites Shimon to till it, to sow it or to plant within it, to manage the expenses spent on its account, to sell the produce, and to divide between them the profit that exceeds the cost. Whether they agreed to divide the profits equally or they agreed that Reuven would receive a larger share, whether all the expenses were undertaken by Reuven or by Shimon, any such arrangement is permitted. Even "the shade of interest" is not involved.

Shimon, who takes care of working the land, managing the expenses and selling the produce, is called a sharecropper. If the sharecropper claims: "I agreed to till the field for half the profits," but the owner of the field claims that they agreed on a third, we follow the local custom. The one whose claim departs from the local custom must bring proof to support his position.

6 The following laws apply when a husband hires sharecroppers to till property belonging to his wife, and then he divorces her. If the husband is himself a sharecropper, since the husband does not have any connection to the property any longer, the sharecroppers' connection also ceases. If the value of the field increases, they are granted only the share of their expenses equal to the field's increase in value. And they must support their claim with an oath.

If the husband is not a sharecropper, we assume that the sharecroppers were hired according to the custom of the land, and they are given the share granted to other sharecroppers.

7 When brothers or other heirs do not divide the estate of their benefactor,

but instead, they all use it together, they are considered partners in all matters.

If one of a group of brothers or one of a group of partners was appointed to the service of the king, the profit he receives is divided among them. If one of them becomes ill and is cured, the expenses required for his cure should be shared. If, however, he became sick because of his own negligence, he went out in the snow, or in the sun during the summer until he became ill or the like, he is responsible for bearing the expenses for his cure by himself.

Chapter 9

1 The following - all types of partners, sharecroppers, guardians of orphans who were appointed by the court, a woman who does business in the family home or who was charged by her husband to serve as a storekeeper, and a member of the household - are all required by Rabbinic Law to take an oath, despite the fact that the claimant does not have a certain claim against them, lest they may have stolen something from their colleague while performing business on his behalf, or perhaps they were not exact when making a reckoning.

Why did the Sages ordain this oath? Because these people give themselves license, thinking that they are deserving of whatever they will take from the property of the owner, since they do business and work on his behalf. Therefore, the Sages ordained that they are required to take an oath despite the fact that the claimant does not have a certain claim against them, so that they will perform all their deeds justly and in good faith.

2 None of the above are required to take an oath because of an indefinite claim until the plaintiff suspects them of taking two silver pieces - i.e., two silver *me'ah*, as will be explained. If, however, they are suspected of taking less than this amount, they are not required to take an oath.

3 Based on this, my teachers ruled that if one partner died, the heirs cannot compel their father's partners to take an oath concerning an indefinite claim. For they are not knowledgeable about their father's affairs and do not know for certain that their father suspected the partner of wrongdoing so that it can be said that the heirs suspect the partner of taking two silver *me'ah*.

There are, however, others who rule that the heir may require him to take an oath despite the fact that his claim is indefinite. It is proper to rule in this manner. For we see that the heirs may require a widow who became a guardian during the lifetime of her husband to take an oath.

4 Although there are no witnesses that a person was his colleague's sharecropper or partner, but rather he himself admits to this fact, saying: "I am his partner, sharecropper or member of his household - but I did not steal anything from him," he must take an oath while holding a sacred article. The rationale is that we do not employ the principle of *migo* to free a person from the responsibility of taking an oath, but only to free him from a financial commitment.

Which member of the household can be required to take an oath because of an indefinite claim? One who brings workers in and leads workers out, who brings produce in and takes produce out. When, however, a member

of the household is not involved in the business affairs of the household, but merely enters and leaves, he cannot be required to take an oath because of an indefinite claim.

Similarly, a guardian appointed by the father of orphans before his death cannot be required by the orphans to take an oath because of an indefinite claim. Similarly, a woman who did not serve as a guardian in her husband's lifetime, and did not do business with the property of the estate after her husband's burial cannot be required to take an oath because of an indefinite claim.

Similarly, if she did business with the property of the estate between her husband's death and burial, she is not required to take an oath regarding the transactions conducted during this period. For if she were required to take an oath, she would not sell any property in order to make the burial possible, and the deceased would become loathsome.

5 When a person sends an article with a colleague to sell, or sends money with him to purchase produce or merchandise for him, even though the principal did not pay the agent a wage, and the agent does not own any portion of the merchandise nor derive any benefit from it, since he did business with his colleague's money, he is considered a member of his household. Even though the principal has merely an indefinite claim, the agent can be required to take an oath that he did not steal anything from him when he brought him the merchandise that he purchased or a portion of it, or the money from the sale he conducted for him.

6 When both partners are involved in the business of the partnership or the

one who is involved in the business entrusts the merchandise - or a portion of the merchandise - or the funds belonging to the partnership without weighing, measuring or counting them, there is a doubt concerning both of them, and either one can require the other to take the oath required of a partner. If, however, only one of the partners does business and the other is not involved in the business dealings at all, only the former can be required to take this oath.

7 The above oath can be administered when the initial relationship is still current. If, however, the partners or the sharecroppers dissolved their relationship, the woman was divorced, the member of the household went elsewhere, or the agent brought the principal the merchandise he purchased for him or the money from the merchandise he sold for him, the principal remained silent without making a claim against the other party, and the other party departed, the principal is not able to require that other party to take an oath because of an indefinite claim afterwards. If, however, the principal has a definite claim against him, he can require him to take an oath, and then require him to take additional oaths concerning anything he desires.

Similarly, if at a later time, the other person is required to take an oath to the principal - whether required by Scriptural Law or by Rabbinic Law - e.g., he became a partner or a member of the person's household again - the principal can require him to take an oath that he did not steal anything during their present partnership or while he was his partner, sharecropper, member of his household or guardian previously. Similar laws apply in all analogous situations.

8 When partners have dissolved their partnership, but the partnership is still owed debts by others, the partners cannot require each other to take an oath because of an indefinite claim, for they have already divided the partnership's resources. The debts that remain are not significant in this context, for they are matters of public knowledge. When any portion of the debt is repaid, they will each take their appropriate portion of the debt.

Similar concepts apply if it has been made known that cash remains in the coffers of the partnership, but the partners have not taken their portion of that cash. Neither may require an oath of the other, because cash is considered as if it is already divided.

Similarly, if a reckoning was made of the assets of the partnership possessed by all the partners, and it was determined that one partner was holding a specific and known entity belonging to another, it is considered as if the assets were divided, even though he had not taken it as of that time.

If, however, any of the produce belonging to the partnership remained, and it had not been divided or weighed, or any dimension of the partnership remained concerning which an accounting had not been made and thus, neither of them knew the extent of the portion that is due him, the partnership is still considered viable, and either may require the other to take the oath mentioned above.

9 When a person issues a claim against a colleague after the dissolution of a partnership, he cannot compel him to take an oath except through the convention of *gilgul sh'vuah*, as explained above. He may, however, have a

ban of ostracism issued against anyone who stole from his colleague while he was his partner, sharecropper or member of his household, and does not admit that he stole.

Chapter 10

1 The following law applies when a partner claims that the partnership relationship with his colleague involved a certain stipulation, and the colleague denies that such a stipulation ever existed or admits the existence of a stipulation, but claims it was for a lesser amount than the plaintiff claims. The plaintiff may determine the oath the defendant takes. The same ruling applies if the plaintiff asks that property belonging to the partnership be returned to him, and the defendant claims to have given it to him, but the plaintiff claims that he never received it, or the defendant claims that merchandise was his, while the plaintiff claims that it belongs to the partnership, or with regard to any other claims of this type.

What is implied? If the plaintiff desires not to require the partner to take the oath required of partners, but instead to require him to take merely a *sh'vuat hesset* on the claim he denies and does not admit to have taken place, he may require him to take only the lesser oath. If he desires, he can include all the claims in the oath required of a partner. Although he has an indefinite claim, he will require the partner to take an oath that he did not steal anything throughout the duration of the partnership, that these and these stipulations existed between the partners, that the merchandise was his, or that he paid this and this amount. The same principles apply in all analogous situations.

2 The following rule applies when a person lodges a claim against a partner with the intent of obligating him to take the oath required of partners, the defendant claims: "We have already divided the assets of the partnership, and nothing that belongs to you remains in my possession," and the plaintiff differs, maintaining that the assets were not divided, nor was a reckoning made. The defendant cannot be required to take an oath because of an indefinite claim. [This ruling also applies when the plaintiff admits dividing the assets, but claims that the division was made with the stipulation that the defendant take the oath required of partners whenever the plaintiff demanded, and the defendant has constantly been procrastinating.

This ruling applies even when the defendant admits that after the division of the assets, he owed the plaintiff something, but claims that the plaintiff agreed to consider that as a debt, or considered it as an object entrusted to the defendant for safekeeping.

Even if there are witnesses that the two were once partners, the plaintiff cannot require an oath with an indefinite claim. Nor may the plaintiff require the defendant to take a *sh'vuat hesset* that they divided the assets or that they were never partners. The rationale is that a *sh'vuat hesset* is never required, nor even is a claim included in an oath using the convention of *gilgul sh'vuah*, unless the claim is such that if the defendant admitted it, he would be liable to pay money. If, however, the claim is one that if the defendant admitted it, he would be required only to take an oath, he may not be required to take an oath on the indefinite claim, even because of the convention of *gilgul sh'vuah*. *Geonim*, who are masters of instruction, ruled in this manner.

3 The following rule applies if the plaintiff claims: "You are still my partner, and property belonging to me worth such and such remains in your possession," and the defendant counters, by claiming: "We already divided the assets of the partnership, and I no longer have anything belonging to you in my possession," or "I was never your partner." The defendant must take a *sh'vuat hesset* that he does not possess anything belonging to the plaintiff, and because of the convention of *gilgul sh'vuah*, he must include in the oath that he did not steal anything from him. The defendant need not include in the oath that he was not his partner or that they already divided the assets of the partnership, for the reason explained above.

4 The following rule applies when the plaintiff claims that he and the defendant are still partners, and that he therefore has the right to require him to take an oath because of an indefinite claim, while the defendant denies ever becoming the plaintiff's partner. If the plaintiff brings witnesses who testify that the defendant was his partner, and the defendant then claims: "We divided the assets of the partnership," his claim is not accepted. The rationale is that he was proven to be a liar with regard to this oath. Therefore, he is required to take the oath required of a partner. Similar laws apply in all analogous situations.

5 The convention of *gilgul sh'vuah* is also relevant in the following situation. Reuven placed 400 *dinarim* in the coffers of the partnership, while Shimon invested 200 *dinarim*. They worked as partners and did business together, but all the money was held by Reuven. If Reuven claimed that there was a loss of 500 *dinarim*, Reuven may not take the oath required of

partners that he suffered such a loss to require Shimon to pay 50 *dinarim* from his own funds. Instead, Reuven should take the oath required of partners that there was a loss. He should take the *maneh* that is in his possession, but Shimon is not required to pay anything.

If Reuven claims that Shimon has definite knowledge of the loss, he may require Shimon to take the oath required of partners, and based on the convention of *gilgul sh'vuah*, he may compel him to include that he does not have definite knowledge of this loss.

Different rules apply if Shimon was not at all involved in the work of the partnership. Shimon should take a *sh'vuat hesset* that he does not have definite knowledge of the loss, and he is then freed of liability. Moreover, if the *maneh* that remains was in Shimon's possession, it should be divided equally between them. The rationale is that a partner is not one of those who is required to take an oath and then collect money from the defendant. Instead, the oath he takes enables him merely to be freed of responsibility or to assume ownership of property in his possession. Be careful with regard to this law, for even masters of instruction have erred with regard to it.

6 The following law also involves the division of the assets of a partnership. Shimon claims that he owes Levi a *maneh* because of this partnership. If he has resources of the partnership in his possession that are sufficient to pay the debt, and he can give them to Levi, his word is accepted. He should repay the debt, and afterwards he and Reuven should calculate how the assets should be divided.

If Shimon does not have funds from the partnership in his possession, we

do not rely upon his word to expropriate money from Reuven or merchandise known to belong to the partnership, lest Shimon and Levi are perpetrating deception, seeking to obtain Reuven's property. Even if the loan is recorded in a promissory note, Reuven is not required to pay any portion of it.

If Shimon claims that Reuven has definite knowledge that the debt Shimon incurred came as a result of the partnership, and should be borne by both of them, Reuven is required to take a *sh'vuat hesset* that he does not know that the partnership has incurred this debt - or because of the convention of *gilgul sh'vuah*, he should include this statement in the oath he takes as required of partners. Afterwards, Shimon should pay the debt from his own funds.

Similarly, if there is a promissory note stating that, due to Shimon, Levi owes the partnership 100 *dinarim*, and Shimon claims: "I received payment and returned the money to the coffers of the partnership," or "I extended credit to him for a two- or three-year period," his word is not accepted, lest he be perpetrating deception, seeking to obtain Reuven's property.

How should this case be adjudicated? Levi was already freed from obligation through Shimon's admission. If Shimon does not bring proof of his claim, Shimon must pay Reuven's share from his own funds. He should then demand payment from Levi at the end of the time span he mentioned. Similar principles apply in all analogous situations.

Mishneh Torah, Slaves

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The term "Hebrew servant" used by the Torah refers to a Jew whom the court sells by compulsion, or a person who sells himself willingly.

What is implied? When a person steals and does not have the resources to repay the principal, the court sells him, as we have explained in *Hilchot Geneivah*.

No other Jewish person is sold by the court, except a thief. Concerning such a thief sold by the court **Exodus 21:2** states: "When you acquire a Hebrew servant." And concerning this person, **Deuteronomy 15:12** states: "When your Jewish brother will be sold to you."

To what does the term "a person who sells himself" refer? When a Jew becomes sorely impoverished, the Torah gives him permission to sell himself as a servant, as **Leviticus 25:39** states: "When your brother will become impoverished and be sold to you."

A person is not allowed to sell himself as a servant and stash away the money, use it to buy merchandise or utensils, or give it to his creditor. He may sell himself only when he needs the money for his very livelihood. A person is not permitted to sell himself unless he has no property remaining at all - i.e., even his clothing no longer remains. Only in such a situation may he sell himself.

2 We have already explained that a woman is never sold because of a theft.

Similarly, she may not sell herself as a servant, nor may she purchase a Hebrew servant or a Canaanite slave, because of the suspicion of immoral behavior.

A convert may not sell himself as a servant. This is derived from **Leviticus 25:41**: "And he shall return to his family" - i.e., it is speaking about someone who has a family within the Jewish faith.

3 A Hebrew servant who is sold by the court is sold only to a native-born Israelite or to a convert to Judaism. Similarly, a person who sells himself as a servant is not permitted to sell himself to a gentile, not even to a resident alien. If he transgresses and sells himself, even to a gentile, even to the service of a false divinity itself, the sale is binding, as indicated by **Leviticus 25:47**, which speaks of a person's selling himself: "to what must be uprooted from a sojourner's family." "What must be uprooted" refers to a false divinity.

4 If a person says: "I am going to sell myself to a gentile," you are not obligated to do anything for him until he actually sells himself. Once he sells himself to a gentile, however, although he transgressed and acted improperly, it is a mitzvah to redeem him, so that he does not assimilate among them, as **Leviticus 25:48** states: "After he is sold, redemption should be granted him."

5 Neither a person who sells himself, nor one who is sold by the court, should be sold in public on an auction block, nor in an alley, as slaves are sold, as **Leviticus 25:42** states: "He shall not be sold as a slave is sold."

Instead, he should be sold in a private and honorable manner.

6 It is forbidden to make any Hebrew servant perform excruciating labor. What is excruciating labor? Labor that has no limit, or labor that is unnecessary and is asked of the servant with the intent to give him work so that he will not remain idle.

Based on the above, our Sages said that a master should not tell a Hebrew servant: "Hoe under the vines until I come," for he has not placed a limit on the work asked of him. Instead, he should tell him: "Hoe until this and this time," or "until you reach this and this place."

Similarly, he should not tell him "Dig in this place," if he has no need for that activity. Even telling him to warm a drink for him, or to cool one off for him, if he does not need it, is forbidden, and reflects the violation of a negative commandment, as **Leviticus 25:43** states: "Do not impose excruciating work on him." Thus, a Hebrew servant may be compelled to perform only a limited and necessary task.

Similarly, if a Hebrew servant is sold to a gentile, who imposes excruciating labor upon him, the Jews are commanded to prevent him from doing so. If they allow him to continue, they transgress a negative commandment, as *Ibid.*:53: "He should not impose excruciating work upon him before your eyes." We are not, however, required to enter the gentile's domain and check to see that he is not imposing excruciating labor upon him. This is implied by the term: "before your eyes" - i.e., when you see.

7 Whenever a Jew purchases a Hebrew servant, he may not make him

perform debasing tasks that are relegated only for servants - e.g., to have him carry his clothes to the bathhouse or remove his shoes - as **Leviticus 25:39** states: "Do not have him perform servile tasks." Instead, one should treat him as a hired laborer, as *Ibid.*:40 continues: "He shall be like a hired laborer or a resident among you."

It is, however, permitted to have the servant cut the master's hair, launder his clothes and bake his dough. He may not, however, make him the manager of a public bathhouse, a public barber or a public baker. If, however, this was his profession before he was sold, it is permitted. Indeed, at the outset, he should not teach him any profession at all. Instead, he should work at the profession at which he worked previously.

When does the above apply? To a Hebrew servant. For his self-image is depressed because of his being sold. When, however, a Jew has not been sold, he may be hired to perform servile tasks. For he is performing this work out of his own desire and his own consent.

8 When people do not conduct themselves in an appropriate manner, it is permissible to impose one's authority over them by force and subjugate them.

When a king decrees that anyone who does not pay the fixed head tax should be enslaved to the person who pays the head tax for him, a person who pays the head tax for someone may use that person for labor beyond the ordinary measure. He may not, however, use him as a Canaanite slave. If, however, that person does not conduct himself properly, he may use him as a slave.

9 A master is obligated to treat any Hebrew servant or maid servant as his equal with regard to food, drink, clothing and living quarters, as implied by **Deuteronomy 15:16** "for it is good for him with you." The master should not eat bread made from fine flour while the servant eats bread from coarse flour. The master should not drink aged wine while the servant drinks fresh wine. The master should not sleep on cushions while the servant sleeps on straw. Nor should the master live in a walled city while the servant lives in a village, or the master live in a village while the servant lives in a walled city, as implied by **Leviticus 25:41**: "And he shall leave you."

On this basis, our Sages said: "Whoever purchases a Hebrew servant purchases a master for himself."

A master must treat his servant with brotherly love, as implied by **Leviticus 25:46**: "And with regard to your brothers, the children of Israel." Nevertheless, the servant himself must conduct himself as a servant with regard to those tasks he must perform.

10 The institution of a Hebrew maid-servant and that of a Hebrew servant is not practiced except in the time when the Jubilee year is observed. This applies both to a Hebrew servant who sells himself, and to one who is sold by the court. We have already explained when the observance of the Jubilee year was nullified.

Chapter 2

1 A Hebrew servant who is sold by the court {and one who sells himself}

can be acquired through the transfer of money or articles worth money or the transfer of a deed of sale.

What is implied? The person selling himself writes on a paper or a shard: "I am sold to you," or "I have been acquired by you," and gives him the deed.

2 A servant sold by the court must serve his master for six years from the day that he was sold. At the beginning of his seventh year, he is released as a free man. If the Sabbatical year falls within his six years of servitude, he must work during it. If, however, the Jubilee year falls during this time, even if he was sold only one year before the Jubilee, he should be granted his freedom, as **Leviticus 25:40** states: "Until the Jubilee year, he shall work with you," and *ibid.*:13 states: "In this Jubilee year, each man shall return to his ancestral heritage."

3 A person who sells himself into servitude may sell himself for more than six years. Nevertheless - even if he sold himself for ten years or twenty years - if the Jubilee falls a year after he sold himself, he is released in the Jubilee, as it is written: "Until the Jubilee year, he shall work with you."

4 If either a servant who sold himself or who was sold by the court flees his master's domain, he is obligated to complete his six years of servitude. If, however, the Jubilee falls during this time, he is granted his freedom.

5 Should the servant become sick - whether he is sick year after year, or whether he becomes sick repeatedly for short periods - if the time during which he is sick is less than four years, it should be counted in the period

of six years. If, however, he is sick for four years or more, he is required to complete work for all the days of his illness beyond the six years for which he was originally sold. This is implied by **Leviticus 25:40**: "He shall be like a hired laborer or a resident among you." If the Jubilee falls in the midst of the time he is compensating for the missed years, he should be released.
When do we calculate the days of sickness? When the sickness is severe and the servant is unable to work. If, however, his sickness is not very severe, and he can do needlework, the time is counted, even if he was sick for the entire six years.

6 When a person sells himself to a gentile, if he is not redeemed he is not released except in the Jubilee, as **Leviticus 25:54** states: "If he is not redeemed by these, he shall be released in the Jubilee, he and his sons together with him."

7 When a person is sold to a gentile, if he cannot obtain the funds necessary to redeem himself, his relatives should redeem him. The closer the relatives, the greater the responsibility as implied by **Leviticus 25:49**: "His uncle or his uncle's son shall redeem him." The court compels the relatives to redeem him, so that he will not become assimilated among the gentiles.
If his relatives do not redeem him, and he does not attain the funds to redeem himself, it is a mitzvah for every Jew to redeem him. Whether he was redeemed by his relative, or by any other person, he is released and obtains his freedom.
The servant may borrow money to redeem himself from a gentile, and he

may redeem himself partially. When, by contrast, a person is sold to a Jew, his relatives, may not redeem him, he may not borrow money to redeem himself, and he may not redeem himself partially.

What is the law that applies to him? If he obtains the funds to pay the amount due for the years that remain, he may pay that amount and be released. If he does not obtain the full amount, he is not released.

8 Whether a person sells himself to a Jew or a gentile, or whether he is sold by the court, he may deduct money from the price at which he was sold when redeeming himself and obtain his release.

What is implied? A servant was sold by the court for sixty *dinarim* and worked for four of the six years. He then obtained resources. He should pay 20 *dinarim* and be granted his freedom. Similarly, if he sold himself for 40 *dinarim* for ten years, he should deduct four *dinarim* for every year. He may give the remainder in money or in objects worth money and obtain his freedom.

Similarly, a servant sold to a gentile should calculate the number of years left until the Jubilee, as **Leviticus 25:50** states: "And he shall calculate with his master the number of years from the year he was sold until the Jubilee year."

What is implied? If the servant sold himself for 100 *dinarim* and ten years remained until the Jubilee, he should calculate ten *dinarim* for each year that he worked, deduct this amount from the money that he was paid, give his owner the remainder in cash and then he is granted his freedom. He may not give his owner produce or utensils. This is implied by the above verse, which mentions: "the money of his purchase" - i.e., he is

redeemed with money from a gentile, and not with articles that are worth money.

9 Whenever a Hebrew servant or maid-servant is redeemed by deducting from the price of the sale, the calculation is always made in his or her favor - whether his health improves and his value increases, or his health deteriorates and his value decreases.

What is implied? A servant was sold for 100 *dinarim*, but now he is worth 200. We calculate the value of the remaining years on the basis of 100. If he was sold for 200 and is now worth 100, we calculate the value of the remaining years on the basis of 100.

10 When a person is sold to a gentile, he can redeem himself partially, as stated above. Sometimes this will work to his advantage, and sometimes it will work to his disadvantage.

How can it work to his advantage? His master purchased him for 200 *zuz*. His value decreased and he is now worth 100. The servant gives his master 50, half of his present worth. He then regains his health and is again worth 200. All he is required to pay is 100, the remaining half of his value. He is then released.

How can it work to his disadvantage? His master purchased him for 200 *zuz*. The servant gave his master half of his worth, 100 *zuz*. His value then decreased and he is now worth 100. To redeem himself, he must pay his master 50 *zuz*, half the remaining amount. Thus, he paid 150 *zuz* to redeem himself even though he is now worth only 100.

11 Although a master forgoes the remaining amount of money for which a servant is obligated to work, this obligation is not considered to be waived until the master writes a bill of release for the servant.

What is implied? His master purchased him for 60 *zuz*. The servant worked for a year or two and then his master told him: "I am willing to waive the work due for the remainder of the money. Go on your way." The servant is not released from his servitude until his master has a legal document composed.

12 The following rules apply when a servant's master dies. If the master is survived by a son, the servant must serve the son until the conclusion of the six years, until the conclusion of the years for which he sold himself, until the Jubilee year, or until he deducts the money for the years he worked and pays the remainder.

If, however, the master is not survived by a son, the servant is granted his freedom. He need not serve a surviving daughter or the deceased's brother. Needless to say, he need not serve other heirs. When a servant is sold to a convert or a gentile, he is not required to serve even his master's son. Instead, when his master dies, he attains his freedom.

Thus, a Hebrew servant can be acquired through the transfer of money or a bill of sale, and can acquire his freedom through one of five means:

a) the conclusion of his years of servitude,

b) the advent of the Jubilee year,

c) by paying money, an amount reduced in consideration of the years he worked,

d) through being given a bill of release, and

e) through the death of the master without a son, or if the master is a gentile or a convert, even if he is survived by a son.

It is a mitzvah to tell a servant: "Go out," at the time of his release. Nevertheless, even if his master does not tell him this, the servant attains his freedom without any cost. Nor is a bill of release required. Even if he had been sick and his master spent much on his medical expenses, the servant has no obligations to the master, as implied by **Exodus 21:2**: "He shall go free at no charge."

Chapter 3

1 A master is obligated to provide sustenance for the wife of every Hebrew servant. This applies when their marriage has been consummated as *nisuin*, but not when she is merely an *arusah*, or if she is awaiting her *yavam*. And this applies only when she is permitted to her husband. If, however, she is forbidden to him by a Torah prohibition, or even if she is a *sh'niyah*, the master is not required to provide her with her sustenance. This is derived from **Exodus 21:3**: "His wife together with him" - i.e., a woman who is fit to live together with him. Similarly, the master is liable to provide the servant's sons and daughters with their sustenance.

These concepts are derived as follows: With regard to the release of a servant sold by the court, it is written *ibid.*: "If he is married to a woman, his wife will leave together with him." Would you think that because the master purchased the servant, the servant's wife would be placed in servitude? Instead, the verse is stated for the sole purpose of teaching that the master is obligated to provide the servant's wife with her sustenance.

With regard to the release of a servant who sells himself, **Leviticus 25:41** states: "And he shall depart from you, he and his children with him." And with regard to the release of a servant sold to a gentile, it is written *ibid.*:54: "And he shall go out in the Jubilee year, he and his children with him."

This applies to a wife or children the servant had at the time he was sold, or a wife and children that he acquired after the sale, provided he married with the consent of his master. If, however, the servant married without the consent of his master, the master is not obligated to provide for her sustenance.

2 Although a master is obligated to provide for the sustenance of a servant's wife and children, he is not entitled to the proceeds of their work at all. Instead, the proceeds of the work of the servant's wife and any ownerless objects she finds belong to her husband. Whatever rights the husband has in his relationship with his wife, he retains although he is a Hebrew servant.

3 When a servant is sold by the court, his master has the option of giving him a Canaanite maid-servant as a wife. This applies to the master who purchased him or the son who becomes his master if the master dies. He may give him a Canaanite maid-servant as a wife and compel him to engage in relations with her so that she gives birth to slaves that he conceived.

She is permitted to him throughout the period of his servitude, as implied by **Exodus 21:4**: "If his master will give him a wife." A person who sells

himself as a servant is forbidden to marry a Canaanite slave, as are all other Jews.

4 A Hebrew servant is not permitted to marry a Canaanite maid-servant unless he already has a Jewish wife and children. If, however, he does not have a Jewish wife and children, his master may not give him a Canaanite maid-servant against his will. This concept is part of the Oral Tradition.
Even if the man sold as a servant is a priest, he is permitted to marry a Canaanite maid-servant throughout the duration of his servitude.

5 If a Hebrew servant has a wife and children, although his master may give him a Canaanite maid-servant as a wife, he may not separate the Hebrew servant from his Jewish wife and children. This is implied by the phrase "his wife together with him." He may not give him two maid-servants, nor may he give one maid-servant to two Hebrew servants, as he is allowed to do with regard to his Canaanite slaves, as implied by the phrase: "Give him a wife."
When a servant whose master gave him a Canaanite maid-servant and whose ear was pierced does not desire to leave his master's domain when the Jubilee year arrives, although his master urges him to depart, if his master injures him his master is not liable. He is permitted to strike him, because at that time, the servant becomes prohibited to have relations with a maid- servant.

6 A person who sells himself may not prolong his servitude by having his ear pierced. If, however, a servant was sold by the court, worked for six

years and does not desire to receive his freedom, he may have his ear pierced. In this instance, he must work until the Jubilee year, or until his master dies.

7 Even though the master leaves a son, the servant whose ear was pierced does not serve the son. This is derived from the exegesis of **Exodus 21:6**: "And he shall serve him forever." This is interpreted to mean: "And he shall serve him," and not his son; "forever," until the Jubilee year. We thus learn that a servant whose ear was pierced gains his freedom only at the Jubilee or with the death of his master.

8 A Hebrew servant who is a priest may not have his ear pierced, because this gives him a physical blemish that disqualifies him from service in the Temple, and **Leviticus 25:41** states: "And he shall return to his family," to the status that he enjoyed previously. He does not, however, return to the position of authority that he previously held.

9 How is the servant's ear pierced? His master brings him to a court of three judges and the servant makes his statements in their presence. At the conclusion of the six-year period, he brings him to the door or to the doorpost as they are standing affixed in the building. It could be done near the door or the doorpost of the master, or one belonging to any other person.

He should pierce his right ear, in the middle lobe of the ear, with a metal awl until it reaches the door, as **Deuteronomy 15:17** states: "And you shall put it through his ear at the door." The doorpost is mentioned only to

indicate that the servant may stand next to either the door or the doorpost. Just as the doorpost must be standing, so too, the door must be standing. But the piercing is done to the door.

The master himself pierces the servant's ear, as **Exodus 21:6** states: "His master shall pierce" i.e., he, and not his son, his agent or an agent of the court. The ears of two servants should not be pierced at the same time, for mitzvot should not be performed in bundles.

10 More particulars can be derived from the exegesis of **Exodus 25:5**: "If the servant shall certainly say" - i.e., he must repeat his statement. "The servant" - he must make this statement as a servant - i.e., he must make and repeat his statement at the conclusion of the six years of servitude, at the beginning of the last *p'rutah's* worth of his servitude.

What is implied? That there remain from the final day at least a *p'rutah's* worth or slightly more of the servant's time. If, however, there remained less than a *p'rutah's* worth of time, it is as if he made the statements after the six years were concluded.

11 If the servant has a Canaanite maid-servant as a wife and children from her, and his master does not have a wife and children, his ear should not be pierced, as implied by **Deuteronomy 15:16**: "Because he loves you and your household."

If the master has a wife and children, and the servant does not have a wife and children, his ear should not be pierced, as implied by **Exodus 21:5**: "I love my master, my wife and my children." If the servant loves his master, but his master does not love him, his ear should not be pierced, as implied

by Deuteronomy, *op. cit.*: "It is good for him with you." If the master loves the servant, but the servant does not love his master, his ear should not be pierced, as implied by Deuteronomy, *op. cit.*: "He loves you."
If the servant is sick, but his master is not sick, his ear should not be pierced, as implied by: "It is good for him with you." If the master is sick, but the servant is not sick, or they are both sick, his ear should not be pierced, as implied by: "It is good for him with you" - i.e., they both must share in goodness.

12 What are the differences between a servant who sells himself and a servant sold by the court? A servant who sells himself does not have his ear pierced, while a servant sold by the court has his ear pierced. A servant who sells himself is forbidden to marry a Canaanite maid-servant, while the master of a servant sold by the court may compel the servant to marry a Canaanite maid-servant.
A servant who sells himself may be sold to a gentile, while a servant sold by the court may be sold only to a Jew, as **Deuteronomy 15:12** states: "When your brother is sold to you" - i.e., the court sells him only to "you."
A servant who sells himself may be sold for six years or for more than six years, while a servant sold by the court may be sold for only six years. A servant who sells himself does not receive a severance gift, while a servant sold by the court does receive a severance gift.

13 According to the Oral Tradition, we learned that a Hebrew maid-servant may not have her servitude prolonged by having her ear pierced. This

appears to be reflected from the relevant verses. For with regard to the piercing of a servant's ear, **Exodus 21:5** states: "I love my master, my wife and my children."

What then is implied by **Deuteronomy 15:17**: "Even to your maid-servant do this"? It teaches that just as it is a mitzvah to give a severance gift to a Hebrew servant, so too, it is a mitzvah to give a Hebrew maid-servant a severance gift.

14 Whoever sends away his servant or maid-servant empty-handed transgresses a negative commandment, as **Deuteronomy 15:13** states: "Do not send him away empty-handed." The verse also made provision for this to be remedied with a positive commandment, as *Ibid.*:14 states: "You shall certainly give him a severance gift."

This applies to a Hebrew servant who is released at the conclusion of his six years of servitude, at the advent of the Jubilee, or at the death of his master. Similarly, a severance gift is given to a Hebrew maid-servant who is released under these circumstances, or because she displays signs of physical maturity. When, however, a servant or a maid-servant purchases his freedom by paying the pro-rated portion of his purchase price, a severance gift need not be given, as implied by *Ibid.*:13 "When you send him away from you as a free man." A servant who redeems himself is not being sent away free. Instead, he pays the amount of money due for the time he was obligated to work and then departs.

Ibid.:14 states: "Give him a generous severance gift from your sheep, your threshing floor and your vat as God has blessed you." By mentioning sheep, a threshing floor and a vat, the verse indicates that the servant must

be given objects that will naturally increase and generate blessing as a severance gift. He need not, however, be given money or garments.

How much should he be given? He should not be given less than 30 *selaim* worth. This may be from one substance or from many substances. This figure parallels the 30 *selaim* paid as a fine for killing a servant, which **Exodus 21:32** states: "Give to his master."

The severance gift must be given whether the master's household was blessed because of the servant's presence or whether it was not blessed, as it is written: "Give him a generous severance gift" - i.e., in all situations. Why then does the verse say: "As God has blessed you"? To teach that you should give him according to the measure of blessing you have been granted.

15 If the servant fled and the Jubilee fell and thus he attains his freedom, his master is not obligated to grant him a severance gift, as implied by the term "When you send him away."

The severance gift granted a Hebrew servant is his own; a creditor may not expropriate it. The severance gift granted a Hebrew maid-servant and any ownerless object she finds belong to her father. If her father dies before it reaches his possession, it belongs to her. He brothers have no right to it. For a person cannot transfer to his son as an inheritance a right that he possesses with regard to his daughter.

Chapter 4

1 A Hebrew maid-servant is a girl below the age of majority sold by her

father. When she manifests signs of physical maturity after reaching twelve years of age and becomes a *na'arah*, he does not have the right to sell her, even though he still has authority over her and may consecrate her to whomever he desires.

Even a girl who has already manifested physical signs that she is an *aylonit*, and thus is not fit to manifest physical signs of maturity, may be sold by her father as long as she is below majority. Neither a *tumtum* nor an *androgynous* may be sold as a Hebrew servant, nor as a Hebrew maid-servant.

2 A father may not sell his daughter as a maid-servant unless he became impoverished to the extent that he owns nothing, neither landed property, movable property, not even the clothing that he is wearing. Nevertheless, we compel a father to redeem his daughter after he sold her, because this is a blemish to the family.

If the father fled, died or did not have the resources to redeem her, she must work until she is released.

3 A Hebrew maid-servant is acquired through the payment of money or objects that are worth money, or through the transfer of a legal document. She may not be acquired for a *p'rutah*, because it is necessary to acquire her with a sum that will allow her to reduce her price according to the number of years she has worked, so that she can redeem herself and depart.

How is she acquired through the transfer of a legal document? Her father should write to her master on a piece of paper or on a shard: "My

daughter is sold to you," or "My daughter is acquired by you," and give it to the master. The deed of transfer of a Hebrew maid-servant must be written by the father.

4 A Hebrew maid-servant must work for six years, like a servant sold by the court, as reflected by **Deuteronomy 15:12**: "When your brother, a Jew or a Jewess, will be sold to you."

She receives her freedom at the beginning of the seventh year. If the Jubilee year falls in the middle of these six years, she is released as is a male servant. If her master dies, she is released without payment, even if he leaves a son, as is a servant whose ear is pierced, as reflected by **Deuteronomy 15:17**: "Even to your maid-servant shall you do this."

Similarly, she may be redeemed by paying a pro-rated figure that considers the time for which she served. If her master writes her a bill of release and waives her service for the remainder of the time, she is released without charge, like a Hebrew servant.

5 A Hebrew maid-servant has an advantage over a Hebrew servant in that she attains her freedom when she manifests signs of physical maturity.

What is implied? She manifested signs of physical maturity and became a *na'arah* - she is released and becomes free without charge, as **Exodus 21:11** states: "She will depart without charge." With this verse, the Torah granted her another cause for release beyond those granted to servants. And according to the Oral Tradition, it was taught that this refers to the manifestation of physical signs of maturity. This law applies even if she manifests signs of physical maturity on the day she was purchased.

When a maid-servant is released, she returns to her father's domain until she attains *bagrut* and leaves her father's domain. If the girl is an *aylonit*, who is not granted a period of *na'arah* but goes directly to *bagrut*, when she attains *bagrut* she is granted her freedom.

6 A Hebrew maid-servant is not released if her prominent limbs are damaged, as implied by **Exodus 21:7**: "She shall not depart as the servants depart." Similarly, a Hebrew servant is not released for such a reason. Instead, if his master knocks out his tooth or blinds him in an eye, he should pay him as one must pay another colleague whom one injures as explained in *Hilchot Chovel Umazik*.

Thus, we have learned that a Hebrew maid-servant is acquired through two means - the payment of money or the transfer of a legal document - and obtains her freedom through six means: the passage of six years, the advent of the Jubilee, paying a pro-rated amount of the purchase price, the transfer of a bill of release, the death of her master and the manifestation of signs of physical maturity.

7 If the master of a Hebrew maid-servant designates her as a wife for himself or for his son, she is like any other consecrated woman. She is not released because of any of the reasons mentioned above - but only because of the death of her husband or through a bill of divorce. The mitzvah of designating a maid-servant as a wife takes precedence over the mitzvah of redeeming the maid-servant.

How is the mitzvah of designating a maid-servant as a wife performed? The master tells the maid-servant in the presence of two witnesses:

"Behold, you are consecrated to me," "You are betrothed to me," or "Behold, you are my wife." This may be done even at the conclusion of the six years of her servitude before the setting of the sun. He need not give her anything, for the first moneyswere given with the intent that they could serve for the purpose of consecration.From this point onward, he must treat her as a wife, and not as a servant.

He may not designate two maid-servants as wives at the same time, for **Exodus 21:8** states: "He will designate her."

How does a master designate a maid-servant as a wife for his son? If his son is past majority and gives his father permission to designate the maid-servant as his wife, the father tells the maid-servant in the presence of two witnesses: "Behold you are consecrated to my son."

8 A master may not designate a maid-servant as his wife or as his son's wife without her knowledge. Although her father already received money because of her, the Torah uses the term *ya'adah*, which implies with her knowledge.

If the master dies, his son cannot designate the maid-servant as a wife. For she obtained her freedom at her master's death.

9 Designating a maid-servant as a wife is equivalent to consecration, but not to marriage. Therefore, the husband may not become impure because of her, he does not inherit her estate, nor does he annul her vows until she enters the *chuppah*.

Exodus 21:11 states: "If he does not do any of these three for her" - i.e., designate her as a wife for himself or for his son, or enable her to be

redeemed by paying a reduced amount - "she will be released without charge" - when she manifests signs of physical maturity, as we have explained, in addition to the ways she can obtain her freedom as a Hebrew servant obtains his.

10 A master may not sell a Hebrew maid-servant, nor may he give her as a gift to another person, regardless of whether or not he shares a family connection with him. If he sells her or gives her away, his deeds are of no consequence, as **Exodus 21:8** states: "He does not have the authority to sell her to a different man, when he betrays her."

Similarly, a master may not sell or give away a Hebrew servant to another person. It appears to me that the only reason the Torah had to state this explicitly with regard to a maid-servant is that the master is able to designate her as a wife for his son. Therefore, it is necessary to say that "He does not have the authority to sell her to a different man."

11 A Hebrew maid-servant may be sold to a person only when a marriage between her and either him or his son would be binding, so that she is fit to be designated as a wife.

What is implied? A person may sell his daughter to his father. For although the master may not designate her as a wife, she is fit for his son to marry. For the maid-servant is his brother's daughter. A person may not, however, sell his daughter to his son, for she is not fit to marry the master, for she is his sister, nor is she fit to marry the master's son, for she is his father's sister.

12 A person may sell his daughter to certain individuals whom she is forbidden to marry - e.g., a widow to a High Priest, or a divorcee or a woman who underwent *chalitzah* to an ordinary priest. For although marriage between such individuals is forbidden, the marriage is binding.

13 When a person has consecrated his daughter when she was a minor and she becomes widowed or divorced, he cannot sell her as a maid-servant afterwards. For a man may not sell his daughter as a maid-servant after she has been married. He may, however, sell her as a maid-servant after she had served as a maid- servant.

What is implied? The father sold her as a maid-servant and then the master designated her as a wife. Afterwards, the master died or divorced her, and she returned to her father's domain because she is a minor. Her father may sell her a second time, even to a priest.

Similarly, if she was widowed after being designated as a wife, and her *yavam* performed *chalitzah* for her, the *chalitzah* is unacceptable, because she is a minor. She is nevertheless disqualified from marrying a priest. Even so, her father may sell her as a maid-servant to a priest, because if he consecrated her the marriage bond would be binding, as explained above.

14 When a person sells his daughter and she is released after serving six years, at the advent of the Jubilee year, or because he redeemed her by paying a prorated amount, he may sell her again if she is still a minor, as we have explained above.

15 The following laws apply when a person sells his daughter as a maid-

servant and then goes and consecrates her to another person: If the master desires to designate her as a wife, he may. If the master does not designate her as a wife - neither for himself nor for his son - when she leaves the master's domain her consecration to the other man is completed, and she becomes his wife.

16 When a person sells his daughter as a maid-servant, but stipulates that the owner may not designate her as a wife - if the owner desires, he may designate her as a wife, for he has made a stipulation against what is written in the Torah. And whenever a person makes a stipulation against what is written in the Torah, his stipulation is nullified.

Chapter 5

1 A Canaanite slave is acquired through five means and acquires his freedom through three. He may be acquired through the transfer of money, the transfer of a deed of purchase, the manifestation of one's ownership, a *kinyan chalifin* or by drawing him after oneself. He acquires his freedom through the transfer of money, the transfer of a legal document and because of the loss of the tips of his limbs or organs.

A Canaanite slave who is a minor is like an animal and is acquired by drawing him after oneself as one draws an animal. We have already explained in the beginning of this book all the means by which a slave is acquired.

2 How can a Canaanite slave acquire himself through the transfer of money?

When another person gave the slave's master money, telling him: "This is yours with the intent that your slave be granted his freedom because of it." Once the master receives the money or merchandise worth money, the slave is granted his freedom.

There is no need for the slave to know of this matter, for it is to his advantage to be released. And something that is to a person's advantage can be acquired on his behalf outside his presence.

Similarly, the slave can be freed if a person gives the slave money, specifying that it is given to him "with the intent that he use it to obtain his freedom." Should the master desire to accept the money, the slave is granted his freedom. If the master does not desire to accept the money, it is not acquired by the slave, because it was given to him only with the intent that he purchase his freedom with it.

Both money or merchandise worth money are effective in acquiring the slave or in his acquiring his freedom.

3 How does a slave achieve his freedom through the transfer of a legal document? The master must write to him on a paper or on a shard: "Behold, you are a free man," "Behold, you are your own property," "I no longer have anything to do with you," or other statements that share this theme. For this is the primary content of a bill of release.

Afterwards, he gives him the document in the presence of two witnesses. Similarly, if witnesses have signed on the bill of release and he gives the slave the bill of release in private, he attains his freedom. For the bill of release and his capacity to receive it come at the same time.

Different rules apply if the master tells the slave "Behold, you are a free

man," "Behold, you are your own property," but does not write it in a document: Even though witnesses testify in court that the master made such statements, and even if the master affirmed the statements with a *kinyan*, the slave has not yet been freed. For a slave is not granted freedom except through the transfer of money, the transfer of a legal document or because of the loss of the tips of his limbs or organs.

When a person writes in a legal document to his maid-servant: "Behold you are permitted to any man," his statement is of no consequence.

4 How is a slave released because of the loss of the tips of his limbs or organs? A person intentionally struck his slave and caused him to lose one of the 24 tips of his limbs or organs that will not regenerate; he is granted his freedom. A bill of release is required.

If this applies to the 24 limbs, why does the Torah mention explicitly a tooth and an eye? To extrapolate from them. What characterizes the loss of an eye and a tooth an eye or a tooth? That they are obvious blemishes that will not be regenerated; so too, all obvious blemishes that will not be regenerated cause a slave to be granted his freedom. If, by contrast, a master castrates his slave or cuts out his tongue, the slave is not granted his freedom, for these are not revealed blemishes. Similarly, if a person knocks out one of a young slave's baby teeth, the slave is not released, for the tooth will grow back.

5 The only slaves released because of the loss of the tips of their limbs or organs are slaves that have been circumcised and immersed in the *mikveh*, for they are obligated in the observance of some of the mitzvot. A slave

who is an outright gentile is not released because of the loss of the tips of his limbs or organs.

These are the tips of the limbs and organs that will not regenerate: the 10 fingers and the ten toes, the tips of the ears, the tip of the nose, the tip of the male organ, the nipples of a woman's breasts. The eyes and the teeth are not included in this reckoning, because they are explicitly mentioned in the Torah.

6 Should a slave possess an extra finger, and the master cut it off, the slave is released because of its loss if the finger is counted on his hand together with his other fingers. If the slave's eye was blinded, and the master cut it out, the slave is released because of its loss. For the master caused him the loss of an organ.

The same law applies with regard to any other of the tips of the organs that are not functional and cannot be used for a task: if the master cuts it off, the master caused him the loss of an organ, and the slave is released because of its loss.

7 If the master struck the servant on his eye and blinded him, or on his ear and made him deaf, the slave is released because of it. If, however, the master struck the slave near his eye and afterwards, he no longer saw, or near his ear, and he no longer heard, the servant is not released because of this.

8 The following rules apply if the master struck the slave on his eye and reduced its sight, or struck him on his tooth and caused it to wobble. If

the slave can use these organs, he is not released. If not, he is released.

9 The following rules apply if the slave's eye was not functioning well, and he saw with difficulty, or the slave's tooth was wobbly, and the master struck him and knocked out the wobbly tooth or blinded the weak eye. If the slave was able to use these organs beforehand at all, he is granted his freedom because of their loss. If not, he is not granted his freedom.

10 If the master struck the slave on his hand and it became swollen, but it would ultimately return to its normal state, the slave is not released because of it. If the master pulled at the slave's beard and in doing so, dislocated his jaw bone, the slave is granted his freedom, because the master nullified the use of the teeth that are located in that bone.

11 If the master knocked out the slave's tooth or blinded his eye unintentionally - e.g., he threw a stone at an animal and it hit the slave and knocked out his tooth or cut his finger - he is not released. This is alluded to by **Exodus 21:27**, which states: "If he will knock out his slave's or his maid-servant's tooth." The wording implies that he must do so intentionally.

12 If the master inserted his hand into the womb of his maid-servant and blinded the eye of the fetus within, he is not granted his freedom. For he did not know anything of the entity so that he could intend to strike it.

13 If the slave's master was a physician and the slave told him: "Treat my eye for me," and he blinded it, "Hollow out my tooth for me," and he

knocked it out, the slave tricked the master and is granted his freedom. For although he did not have the intent of injuring the slave, he did intend to touch the slave's limbs and became endangered because of them. Needless to say, if the slave's eye was hurting, and his master was a blood-letter and removed it for him, the slave is granted his freedom.

14 When a person knocks out the tooth of a slave and then blinds his eye, he must grant the slave his freedom because of his tooth, and pay him damages for his eye. The same principles apply in all analogous situations.

15 When a person is half a slave and half a free man or he is jointly owned by two masters, he does not receive his freedom because of the loss of the tips of his limbs or organs. The rationale is that he is not the sole property of the master who injured him.

16 Slaves that belonged to a wife and are considered as *tzon barzel* are released because of the loss of the tips of their limbs or organs if the husband injures them, but not if the wife injures them.
Slaves that belong to a wife and are considered as *nichsei m'log*, are not released because of the loss of the tips of their limbs or organs, neither if the husband injures them - for he owns merely the use of them, nor if the wife injures them - for they are not solely hers.

17 The release of slaves because of the loss of the tips of their limbs or organs is practiced in every place, and in every time. This ruling may be delivered only by judges who possess *semichah*, for this is a fine.
For this reason, if a servant told his master: "You knocked out my tooth

and blinded my eye," and the master admits doing this, the master is not liable. The rationale is that had he taken the initiative and admitted having caused this injury, he would not be liable to grant the slave his freedom unless witnesses testify. For a person who admits his guilt in a case requiring a fine is not liable. As *Hilchot Geneivah* states, anyone who admits his guilt in a case requiring a fine is not liable.

Chapter 6

1 When a person composes a bill of release for his slave and gives it to another person to acquire on the slave's behalf, saying: "Take possession of this bill of release for so and so, my slave," the slave is granted his freedom even though the bill of release did not reach his hand. For it is possible to acquire something of benefit to a person outside his presence.
If, however, a person said: "Give this bill of release to my slave," he may not retract, but the slave does not attain his freedom until the bill of release reaches his hand. Therefore if a person says: "Give this bill of release to my slave" and dies, it should not be given to him after his master's death.

2 When a person composes a legal document saying: "I made my slave so and so a free man," "My servant so and so was made a free man," or "He is a free man," he is released. If, however, the document states: "I will make him a free man," he is not released.

3 When a master states that he released his slave and the slave denies being

released, we suspect that the master had another person acquire the bill of release on behalf of the slave.

If the master said: "I composed a deed of release and gave it to the slave," and the slave says: "You neither wrote it nor gave it to me," the statement of a principal is considered as equivalent to the testimony of 100 witnesses, and he is considered a slave until he is freed in the presence of witnesses.

4 When a person commands at the time of his death: "My heirs should not subjugate so and so, my maid-servant," she is still considered a maid-servant as before, but it is forbidden for his heir to subjugate her. For it is a mitzvah to fulfill the words of a deceased person.

Similarly, if a dying man says: "Generate satisfaction for so and so, my maid-servant," we compel the heirs not to make her perform any tasks other than the ones that she desires to perform. If he commanded them to free her, we compel them to free her.

5 There are six matters in which a bill of release given to a servant is equivalent to a bill of divorce. With regard to other matters, a bill of release is equivalent to other legal documents. These are the six:

a) they are not acceptable if prepared by gentile legal authorities;

b) they are acceptable if one witness is a *kuti*,

c) they must be written for the sake of the slave who is being freed;

d) they may not be written on an article that is attached to the ground;

e) the witnesses may sign only in the presence of each other; and

f) the same laws apply to a bill of divorce and a bill of release with regard

to bringing these legal documents from one place to another.

6 What is implied? All legal documents that are composed by gentile legal authorities are acceptable provided they conform to all the conditions stated in *Hilchot Halva'ah* with the exception of bills of divorce for women and bills of release for slaves.

Any legal document that is signed by even one witness who is a *kuti* is not acceptable, with the exception of bills of divorce for women and bills of release for slaves, provided the *kuti* is known to be precise in his observance.

In the present age, when the *kutim* are considered as gentiles with regard to all matters, we apply the laws stated with regard to them to the Sadducees. For the Sadducees in the present era are considered like the *kutim* of the previous era, before it was decreed that they would be considered like gentiles.

With regard to a woman's bill of divorce, **Deuteronomy 24:1** states: "And he shall write to her," which is interpreted by our Sages to mean: "for her sake." And with regard to a Canaanite maid servant's bill of release, **Leviticus 19:2** states: "Nor was freedom given to her," teaching that the bill of release must be written for her sake.

With regard to a woman's bill of divorce, *Ibid.*:1,3 states: "And he shall write, and he shall give," which is interpreted by our Sages to mean that the bill of divorce should be written on a substance that is lacking only to be given. This excludes a bill of divorce that is written while the article on which it is written is attached and afterwards detached. For it is lacking both being detached and being given. Similarly, with regard to a bill of

release, it is written: "given to her," teaching that the bill of release should be lacking only being given.

Witnesses may not sign bills of divorce for women and bills of release for slaves outside each other's presence. We have already explained that reason for this ruling in *Hilchot Gerushin*.

7 What is meant by the statement that the same laws apply to bills of divorce and bills of release with regard to bringing these legal documents from one place to another? When an agent brings a bill of release from one place to another in *Eretz Yisrael*, he does not have to testify that it was written and signed in his presence. And in the diaspora, if there are no witnesses present to verify the authenticity of the bill of release, and the agent states that it was written and signed in his presence, its authenticity is considered as verified. Afterwards, if the master comes and protests, no attention is paid to him, as we have explained with regard to a bill of divorce.

Just as when a woman brings her bill of divorce, she does not have to have the authenticity of the document verified, because the bill of divorce is in her possession, so too, when a servant's bill of release is in his possession, he does not have to have the authenticity of the document verified.

Just as the woman must say: "It was written and signed in my presence," when it was stipulated that she do so, as we have explained in that context, so too, when a servant brings his bill of release and states: "It was written and signed in my presence," his word is accepted in the same way, and he does not have to have the authenticity of the document verified.

8 Everyone who is acceptable to bring a bill of divorce to a woman as the husband's agent is also acceptable to bring a bill of release for a slave as the agent of the master.

A slave may receive a bill of release for another slave from that slave's master, but not from his own master.

When an owner writes a legal document with which he seeks to consecrate his Canaanite maid-servant, even though he tells her: "Attain your freedom by virtue of this document and become consecrated because of it," this expression is not one that conveys freedom, and she is neither consecrated nor freed.

Chapter 7

1 The wording of a bill of release must connote that it is severing the connection between the slave and his master, so that his master no longer has any rights with regard to him. Therefore, if a master writes to his slave: "You and everything I own except for such and such a property or such and such a garment are now your property," the connection between them is not severed. The bill of release is nullified. And since the bill of release is not effective, the slave is not freed and he does not acquire any of the property. The same principles apply in all analogous situations.

2 When a slave brings a bill of release that states: "Your person and my property are acquired by you," he acquires his own person and becomes a free man immediately. He does not, however, acquire the property until the authenticity of the signatures to the document are verified, as is the

law with regard to other legal documents.

Similarly, if the document states: "All my property is acquired by you," he acquires his own person, but does not, however, acquire the property until the authenticity of the signatures to the document is verified. We divide the content of the document and say: "He acquires his own freedom, for we trust him when he brings his own bill of release, and he does not have to verify the authenticity of the document. With regard to property, a person does not acquire it unless he has clear proof of his ownership. Therefore, he does not acquire it until the authenticity of the document is verified.

3 When a master frees two slaves with one bill of release, they do not acquire their freedom. Instead, one must write a bill of release for each slave individually. Therefore, if a person writes a single legal document transferring all his property to two slaves, they do not acquire even their own persons. If the master wrote two documents, one for each slave, they acquire the property and free each other.

When does the above apply? When the master wrote in each legal document: "All my property is given to so and so and so and so, my slaves." If, however, he writes: "Half of my property is given to so and so, my slave, and the other half is given to so and so, my slave," even if the owner wrote two documents, the slaves do not acquire anything. For the slaves are included in the master's property, and possession of half of each one is retained. Thus, this is not a valid release, and since the slave was not freed, he does not acquire any of the property.

4 When a person seeks to release half of his slave with a bill of release, the slave does not acquire half of his person, and he is a slave just as he was before. If, by contrast, he releases half of a slave, because of a monetary payment - e.g., he took money for half his worth with the intent of freeing that half - the transaction is binding. Thus, he is half slave and half free man.

When does the above apply? When the master released half of the slave and retained half. If, however, he freed half of the slave with a legal document and sold the other half, or he freed half with a legal document and gave the other half as a present, since the slave leaves his domain entirely, the slave acquires half of his person, and he is half a slave and half a free man.

Similarly, when a slave is owned by two partners, and one frees his half - whether through money or through a legal document - the slave acquires his half, and he is half slave and half free man.

5 When a master composes a bill of release for his maid-servant who is pregnant, stating "You are free, but your child-to-be remains a slave," his words are binding. If, however, it states: "You remain a maid-servant, but your child- to-be is free," it is of no consequence. For this is as if he freed half of the maid-servant using a legal document.

6 With regard to a *shifchah charufah:* If the master desires to free her other half, making her a woman who is consecrated entirely, he may free her - whether with money or with a legal document. For even money completes her release.

7 A person who is half slave and half free is not permitted to marry a Canaanite maid-servant, nor a free woman. Therefore, we compel his master to make him a free man. And we have a promissory note composed stating that the slave owes the master half his value.

When does the above apply? For a male slave. For a male is commanded to be fruitful and multiply. A maid-servant, however, should remain in her immediate state and serve her master one day, and herself the next. If sinners treat her loosely, we compel her master to free her. And we have a promissory note composed stating that she owes the master half her value.

8 When a person is half slave and half free, and his master transferred the half he owns to his son who is below majority, so that the court would not be able to compel him to release him, the court appoints a guardian for the minor, and the guardian writes a bill of release. And we have a promissory note composed stating that the slave owes the master half his value.

If the minor needs the slave and has pangs of yearning for the slave, we separate him from him with money, for a minor has a great attraction for money.

9 When a dying man who had a legal document composed, transferring all of his property to a servant, recovers, he regains possession of the property. He does not, however, regain possession of the servant, for he has already acquired the reputation of being a free man.

Chapter 8

1 When a person sells his slave to a gentile, the slave is released as a free man. We compel the previous owner to buy him back from the gentiles at even ten times his value. He then composes a bill of release for him, and the slave is released.

If the gentile purchaser does not desire to sell the slave back at even ten times his value, we do not require the owner to make another offer. This fine is only collected and brought to judgment in a court of expert judges. If the seller dies, we do not require his heir to return the slave so that he can free him.

2 The following rules apply when a person borrows money from a gentile and offers a slave as collateral. If the borrower fixed a time and told the gentile: "If this and this date arrives and I have not paid you, you acquire the body of this slave," the slave must be released immediately. If he told him: "Acquire the proceeds of his work," the slave is not released.

If the gentile expropriated the slave as payment for the debt, or attackers came upon the master and sought to kill him, and he redeemed himself from them by giving them his slave, the slave is not freed, for he was taken from his master against his will.

3 If a person sells his slave to one of the servants of a king or his officers, despite the fact that the seller fears them, the slave receives his freedom. For he could have appeased them with other money.

4 In the following instances - a person sold his slave to a gentile for 30 days, sold him except for his work, sold him except for the mitzvot, or sold him

except for the Sabbaths and festivals - there is an unresolved question whether the slave is free or not. Therefore, if the slave seizes property belonging to his former master that equals his worth, so that he can purchase his freedom from the gentile, it is not expropriated from him.

5 Whether a Jew sells his slave to a gentile who serves idols, a *ger toshav*, or even to a *kuti*, the slave is granted his freedom. If he sells his slave to an apostate Jew, there is an unresolved question regarding the matter. Therefore, if the slave seizes property belonging to his former master that equals his worth, so that he can purchase his freedom from the apostate, it is not expropriated from him.

6 When a person living in *Eretz Yisrael* sells his slave to a master from the diaspora, the slave is granted his freedom. We compel his new master to compose a bill of release for him, and his money is forfeited.
Why did our Sages penalize the purchaser alone in this instance? Because if he had not purchased the slave, this slave would not have left *Eretz Yisrael* for the diaspora. Selling a slave to Syria or to Acre is considered as selling him to the diaspora.

7 There is an unresolved question when an inhabitant of Babylonia marries a woman in *Eretz Yisrael* with the intent of returning to Babylonia, and the woman brings slaves and maid-servants to his household. There is a doubt whether they are considered as having been sold to the diaspora, for the husband has the right to the fruits of their labor, or they are not considered as having been sold to him, since their physical person belongs

to the woman.

8 When a slave follows his master to Syria, and his master sells him there, the slave is considered to have forfeited his privilege.
When does the above apply? When his master took him to the diaspora with the intent not to return to *Eretz Yisrael*. If, however, his master's intent was to return, and the slave followed him with that intent, should the master sell him there, he is granted his freedom, and we compel the purchaser to release him.

9 When a slave asks his master to move to Eretz Yisrael, we compel his master to move there with him or to sell him to someone who is moving there. When a master living in *Eretz Yisrael* desires to move to the diaspora, he cannot compel the slave to move with him against his will. This law applies in all times, even in the present era, when the land is ruled by gentiles.

10 When a slave flees from the diaspora to *Eretz Yisrael*, he should not be returned to slavery. Concerning such a person, the Torah **Deuteronomy 23:16** states: "Do not return a slave to his master."
His master is told to compose a bill of release for him, and he writes a promissory note for his master for his worth, which the master holds until the freed slave earns that money and gives it to him. If the master does not desire to free him, the court invalidates his ownership of him, and the slave is free to go on his way.

11 This slave who fled to *Eretz Yisrael* is a righteous convert. Scripture adds a

specific warning for anyone who would desire to deride him, for he is even more humble-spirited than a convert. Therefore, Scripture **Deuteronomy 23:17** issues a command with regard to him: "He shall dwell with you, in your midst, in one of your cities that he desires. You shall not abuse him." Abusing him refers even to verbal derision.

Thus, a person who derides this convert transgresses three negative commandments: "A person should not abuse his colleague" (**Leviticus 25:14** , "Do not abuse a convert" (**Exodus 22:20** , and "You shall not abuse him." He also transgresses the commandment: "Do not oppress him" (Exodus, *Ibid.*), as explained with regard to the laws of *ona'ah*.

12 When a person purchases a slave from a gentile without making a stipulation beforehand, and the slave does not desire to be circumcised or to accept the mitzvot incumbent upon slaves, he is given leeway for twelve months. If at the end of this period, he still does not desire, the master must sell him to a gentile or to the diaspora.

If the slave made a stipulation with the master at the outset that he did not have to circumcise himself, the owner may maintain him as a gentile for as long as he desires and may sell him to a gentile or the diaspora.

Similarly, even when a slave who has been circumcised and immersed himself to become a slave, but afterwards caused himself to be captured by a group of brigands, if his master cannot expropriate him - neither through the laws of the Jews, nor through the laws of the gentiles - he may accept payment for him from the gentile and formalize the sale through the gentile authorities, for he is preserving his money from the gentiles.

13 When a person declares a slave ownerless, the slave is granted his freedom. A bill of release must be composed for him. If the master who declared him ownerless dies, his heir should compose the bill of release.

14 The following rules apply when a slave who was imprisoned flees from jail. If his master despaired of regaining ownership of him, he is granted his freedom. His master is compelled to compose a bill of release for him.

15 The following rules apply when a slave is taken captive by gentiles. If his first master despaired of regaining ownership of him, anyone who redeems him with the intent that he remain a slave may subjugate him, and he becomes his property. If he redeemed him with the intent that he become free, he is granted his freedom.

If the slave's first owner did not despair of regaining ownership, a person who redeems the slave with the intent that he remain a slave should take back the money he spent to redeem him from his owner, and the slave is returned to his original owner. If he redeemed him with the intent of freeing him, he is returned to his original owner without any payment.

16 If a master makes a slave an *apotiki* for his creditor and then frees the slave, the slave is freed. We also compel the creditor to free him as well. This is a measure enacted for the correction of society, lest the creditor encounter the slave at a later time and say: "You are my slave."

17 When a master marries his slave to a free woman, places *tefillin* on his head, or tells him to read three verses from a Torah scroll in public, or the like - i.e., matters in which only a freed person is obligated - he is

considered to be free. We compel his master to compose a bill of release for him.

Similar rules apply when the slave took a vow that we compel slaves to fulfill, as we have stated with regard to vows, and instead of compelling him, his master said: "The vow is annulled." Since he did not compel him in a situation in which he should have compelled him, he indicated that he was concluding his subjugation of him.

From this, I conclude that if a person frees a slave while speaking in any language and utters statements that indicate that his intent is that he does not retain any authority over him at all, and he has resolved to accept this step, he cannot retract. We compel him to write a bill of release even though he has not written one already.

If, however, a person borrows money from his slave, makes him a guardian, the slave puts on *tefillin* in his master's presence, or reads three verses in the synagogue in his master's presence, and his master does not rebuke him, he does not obtain his freedom.

18 It is forbidden for a person to teach his slave Torah. If he teaches him, he is not granted his freedom.

19 If a person purchases a slave from a gentile, and the slave takes the initiative and immerses himself with intent of becoming free in the presence of his master, he attains his freedom. If he does this outside his master's presence, he must explicitly state his intent. Accordingly, the slave's master must push him into the water.

20 If a Jew seizes possession of a gentile who was a minor, or finds a gentile child and has him immersed with the intent that he become a convert, he becomes a convert. If his intent was that the gentile become a slave, he becomes a slave. If his intent was that he become a free man, he becomes a free man.

21 When the slaves and maid-servants of a convert take the initiative and immerse themselves in his presence, they attain their freedom.

Chapter 9

1 When a Jew has relations with a Canaanite maid-servant - even if she is his own maid-servant - the offspring is considered a Canaanite slave with regard to all matters. And one may use him for service forever as any other slave.

2 The laws applying to a Canaanite slave apply whether the master purchases the Canaanite slave from a fellow Jew, a resident alien, a gentile living under our jurisdiction or a person from another nation.
Similarly, a resident alien, a gentile living under our jurisdiction or a person from another nation has the prerogative of selling himself to a Jew as a slave, and then he is a slave with regard to all matters. Similarly, when a gentile sells his sons and his daughters they become Canaanite slaves. This is reflected by **Leviticus 25:45**: "From the children of the residents from them and from their families who are with you who give birth in your land may you purchase." All of these are Canaanite slaves with regard

to all matters.

3 If a person from another nationality engages in relations with one of our Canaanite maid-servants, a son who is conceived is a Canaanite slave, as implied by the phrase *Ibid.*: "Who give birth in your land." If, however, one of our slaves has relations with a gentile woman, the offspring is not a slave, as implied by the phrase: "Who give birth in your land." For a slave is not considered to have any genealogical connection to his offspring.

4 When a gentile king wages war, brings captives and sells them, a slave who is purchased in this manner is considered a Canaanite slave with regard to all matters. The same laws apply if such a king grants permission for anyone who desires to go and kidnap people from the nation with whom he is waging war and sell them as slaves, or if his laws state that whoever does not pay his taxes - or does such and such or fails to do such and such - may be sold as a slave, the laws he ordains are binding, and these individuals are considered Canaanite slaves.

5 When a gentile purchases another gentile as a slave, he does not purchase his physical person, but only the fruits of his labor. Nevertheless, if the gentile sells this slave to a Jew, his physical person is acquired by the Jew.

6 A woman may purchase maid-servants, but she should not purchase slaves - even those below the age of majority, lest suspicions of her modesty arise. If she does purchase them, she acquires their physical person as a man would. It appears to me that she is forbidden only to purchase slaves that are nine years old or older.

Similarly, it is forbidden for a person to free a Canaanite slave. Anyone who frees such a slave violates a positive commandment, for **Leviticus 25:46** states: "And you shall have them work for you forever." Nevertheless, if the master frees him, he attains his freedom, as we have explained. And once he frees him, we compel his master to compose a bill of release for him conforming to all the laws we have described.

It is permitted to free a slave for the sake of a mitzvah, even a mitzvah of Rabbinic origin - e.g., if ten free men were not present in the synagogue, a person may free his slave to complete the quorum. Similar laws apply in all analogous situations. Similarly, if people are treating a person's maid-servant in a licentious manner and she presents a stumbling block to sinful people, we compel her master to free her so that she will marry and thus remove the stumbling block. The same principles apply in all analogous situations.

7 A master may tell his Canaanite slave: "Work for me, but I will not provide you with sustenance," and the slave must instead, go and beg from door to door and derive his sustenance from charity. For the Jews are obligated to support the slaves that live among them.

When does the above apply? To a man's own slaves. For the court does not take any steps to protect the property of adults. If a person does not provide food and drink for his slaves in a fitting manner, they will flee or die. And a person has greater concern for his own money than anyone else. Different rules apply, however, to slaves that his wife brought to his household as *nichsei m'log*. He is obligated to provide for their sustenance, for this is one of the conditions of bringing them to his household. For if

the husband does not provide them with sustenance, they will die or flee, and he is not responsible for them.

8 It is permissible to have a Canaanite slave perform excruciating labor. Although this is the law, the attribute of piety and the way of wisdom is for a person to be merciful and to pursue justice, not to make his slaves carry a heavy yoke, nor cause them distress. He should allow them to partake of all the food and drink he serves. This was the practice of the Sages of the first generations who would give their slaves from every dish of which they themselves would partake. And they would provide food for their animals and slaves before partaking of their own meals. And so, it is written **Psalms 123:2**: "As the eyes of slaves to their master's hand, and like the eyes of a maid-servant to her mistress' hand, so are our eyes to God."

Similarly, we should not embarrass a slave by our deeds or with words, for the Torah prescribed that they perform service, not that they be humiliated. Nor should one shout or vent anger upon them extensively. Instead, one should speak to them gently, and listen to their claims. This is explicitly stated with regard to the positive paths of Job for which he was praised **Job 31:13**, 15: "Have I ever shunned justice for my slave and maid-servant when they quarreled with me.... Did not He who made me in the belly make him? Was it not the One who prepared us in the womb?"

Cruelty and arrogance are found only among idol-worshipping gentiles. By contrast, the descendants of Abraham our patriarch, i.e., the Jews whom the Holy One, blessed be He, granted the goodness of the Torah and commanded to observe righteous statutes and judgments, are merciful

to all.

And similarly, with regard to the attributes of the Holy One, blessed be He, which He commanded us to emulate, it is written **Psalms 145:9**: "His mercies are upon all of His works." And whoever shows mercy to others will have mercy shown to him, as implied by **Deuteronomy 13:18**: "He will show you mercy, and be merciful upon you and multiply you."

Blessed be the Merciful One who grants assistance. This concludes the 12th book.

Mishneh Torah, Hiring

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The Torah mentions four types of watchmen, who are governed by three different rules. The four types of watchmen are an unpaid watchman, a borrower, a paid watchman and a renter.

2 These are the three rules that govern cases involving these watchmen: When an entrusted article is stolen from or lost by an unpaid watchman and - needless to say, when the entrusted article is destroyed by forces beyond the watchman's control - e.g., it was an animal and it died or was taken captive -the watchman must take an oath that he guarded the article in a manner appropriate for a watchman, and then he is freed of liability, as **Exodus 22:6-7** states: "And it was stolen from the man's home... and the homeowner shall approach the judges."

A borrower must make restitution in all instances, whether the borrowed object was lost, stolen, or destroyed by factors beyond his control - e.g., a borrowed animal died, was injured or taken captive. For with regard to a borrower, *ibid.:13* states: "If it becomes injured or dies - when its owner is not with it - he must certainly make restitution."

A paid watchman and a renter are governed by the same laws. If the article that was rented or was entrusted for a fee was lost or stolen, they must make restitution. If the article is lost by forces beyond the watchman's control - e.g., an animal died, was injured, was taken captive or was

attacked by a wild animal - the watchman is required to take an oath, and then he is freed of liability, as *ibid.:9-10* states: "If it died, was injured or taken captive, and there are no witnesses, an oath of God shall be between them." And *ibid.:11* states: "If it is stolen from him, he shall make restitution to its owner."

Thus, an unpaid watchman takes an oath in all instances. A borrower makes restitution in all instances except when an animal dies performing the labor for which it was borrowed, as will be explained. And a paid watchman and a renter make restitution when the article is lost or stolen, and take an oath when it is destroyed by forces beyond their control - e.g., it was injured, taken captive, died, attacked by beasts, lost in a ship that sank at sea, seized by armed thieves - or lost in any other major matter over which the watchman has no control.

3 The following rules apply when a person entrusts an article to a colleague for safekeeping, whether he offers payment or not or lends an article or hires it out. If the watchman also asks the owner of the article to work for him or hires him together with the article, the watchman is never held liable at all. Even if the watchman is negligent in his care of the article he was watching, and it was lost because of his negligence, he is not liable, as **Exodus 22:14** states: "If his owner is with him, he need not make restitution. If he is a hired worker, it comes with his wages."

When does the above apply? When the watchman asked or hired the owner to work at the time he took the article, even if the owner was not with him at the time the article was stolen, lost or destroyed by forces beyond his control. If, by contrast, he took the article and became

responsible as a watchman at the outset, and afterwards asked or hired the owner to work, he is not absolved of responsibility. Even if the owner was standing nearby at the time the entrusted article was destroyed by forces beyond the watchman's control, the watchman is liable to pay, as implied by *ibid.*: 13: "If the owner is not with him, he must certainly make restitution."

According to the Oral Tradition, these verses were interpreted to mean: If the owner was with the borrower at the time the article or animal was borrowed, he is not liable, even if he was not with him at the time it was stolen or died. If, however, he was not with the borrower at the time the article or animal was borrowed, he is liable, even if he was with him at the time it was stolen or died. The same laws apply to other watchmen. If the owners are "with them", they are all free of liability. Even if they are negligent, if the owners are "with them", they are all free of liability.

4 Whenever a watchman is negligent when he begins caring for the article, even though the article is ultimately destroyed by forces beyond his control, he is liable, as will be explained.

A borrower is not allowed to lend the entrusted article to another person. Even if he borrows a Torah scroll - in which instance, anyone who reads it performs a mitzvah - he may not lend it to someone else. Similarly, a renter is not permitted to rent the entrusted article to another person. Even if a Torah scroll was rented to him, he may not rent it to someone else. The rationale is that the owner will tell the watchman: "I do not want my article to be in someone else's hands."

The following rules apply if the watchman transgressed and entrusted the

article to another watchman. If there are witnesses who testify that the second watchman guarded the article in an appropriate manner, and the article was destroyed by forces beyond his control, the first watchman is not liable. For there are witnesses that the article was destroyed by forces beyond his control.

If there are no witnesses to give such testimony, the first watchman is liable to pay the owners, for he entrusted the article to another watchman. Afterwards, he should enter into litigation with the second watchman. Even if the first watchman was not paid for his services and he entrusted the article to a paid watchman, he is liable. For the owner of the article will tell him: "Although you are an unpaid watchman, you are trustworthy in my eyes, and I am willing to believe your oath. I don't consider the other person trustworthy."

For this reason, if the owner of the article would frequently entrust articles of this nature to the second watchman, the first watchman is not required to make restitution. For he could tell the owner: "Yesterday, you were willing to entrust the article that you entrusted to me to this person."

In the above instance, the watchman is freed of liability only when he does not reduce the level of responsibility for watching the article. What is meant by reducing the level of responsibility for watching the article? For example, the article was entrusted to the first watchman for a fee, and he entrusted it to the second watchman without charge, or the first watchman was a borrower, and he entrusted it to a paid watchman. In such instances, since the watchman reduced the level of responsibility for watching the article, he is considered to be negligent and is required to pay.

[The above applies] even if when the article was originally entrusted, the owner was working for or hired by the first watchman. For that watchman removed the entrusted article from his domain and entrusted it to another watchman.

5 If the second watchman was able to bring proof that would free the first watchman from responsibility for guarding the article, he is not liable.
What is implied? A paid watchman entrusted an animal that was entrusted to him to an unpaid watchman. If the second watchman brought witnesses who testify that the animal died in a natural manner, the first watchman is not liable. The same principles apply in all analogous situations.

6 When a watchman entrusted an animal entrusted to him to another watchman and increased the responsibility of the watchman and the animal died, the owner receives the benefit.
What is implied? A person rents a cow from a colleague and then lends it to another person. Afterwards, the cow dies in an ordinary manner in the possession of the borrower. Since the borrower is required to make full restitution, he should return the worth of the cow to its owners. For the renter is not carrying out business with his colleague's cow. Similar principles apply in all analogous situations.
The following rules apply when a person was in possession of an entrusted object belonging to a colleague and gave it to another person to bring to its owner. Since the first watchman is responsible for the article until it reaches its owner's domain, if he desires to retrieve the article from the

second watchman, he may. If it is established that the first watchman has denied that property was entrusted to him, he cannot retrieve the article from the second watchman although he remains responsible for the entrusted article.

Chapter 2

1 The three laws that the Torah states with regard to the four watchmen apply only with regard to movable property that is not consecrated and which belongs to a Jew.

This is derived from **Exodus 22:6**,9, which mentions: "money or articles and any animal." This excludes landed property and slaves, for they are equated with landed property. And it excludes promissory notes, for they themselves are not money.

And consecrated property is excluded, for *ibid.:6* states: "When a person will give to his colleague." And this also excludes property owned by gentiles. Accordingly, our Sages stated: An unpaid watchman need not take an oath with regard to claims involving slaves, promissory notes, landed property and consecrated property. Similarly, a paid watchman or a renter need not pay if they are destroyed. If the watchman performed a *kinyan* confirming his responsibility for such articles, he is responsible for them.

2 Our Sages ordained that the oaths required of watchmen should be taken with regard to consecrated property in the same manner as required by the Torah with regard to other property so that people should not deal lightly

with consecrated property.

3 It appears to me that a watchman who was negligent with regard to the care of slaves and the like is obligated to make restitution. For he is freed of responsibility with regard to slaves, landed property and promissory notes -only for the obligations stemming from theft, loss, death and the like. For if he was an unpaid watchman for movable property, and it was stolen or lost, he would be required to take an oath; but for slaves, landed property and promissory notes, he is not required to take an oath. Similarly, if he was a paid watchman, he would be required to make restitution for movable property that was stolen or lost, but for these he is freed of liability. If, however, he was negligent, he is required to make restitution. For everyone who is negligent is considered to be one who damages property, and there is no difference between the laws applying to a person who damages landed property and one who damages movable property.

This is a true judgment, as those who understand will see, and this is the appropriate way to rule. Similarly, my teachers issued the following rulings with regard to a person who entrusts his vine to a sharecropper or to a watchman and stipulates that he dig, prune or dust it from his own resources. If the watchman is negligent and does not perform the required task, he is liable as if he destroyed it with his hands. Similarly, he is liable in all instances where he causes a loss through his actions.

4 When a person entrusts produce that is growing on land - even grapes that are ready to be harvested - to a colleague to watch, they are

considered to be landed property with regard to the laws of watchman.

5 The following principle applies if a person entrusts consecrated property to a watchman and then redeems it, and so it is no longer consecrated at the time the owner takes it from the watchman, or he lends it to a person when it was not consecrated and then consecrates it while it is in the borrower's possession, or a gentile entrusts property and then converts. In all these situations, the laws of watchmen do not apply, unless the article was not consecrated property and belonged to a Jew from the beginning of the time the article was entrusted until the conclusion of that period.

6 The laws applying to borrowers apply equally to men and to women. This applies if the woman is the owner of the entrusted article, or an article was entrusted to her care.

7 When a minor entrusts an article to an adult or lends it to him, the adult must take the oaths required of a watchman to the minor. My teachers ruled that the adult is not taking the oath because of the claim of the minor in which instance, the oath would not be required. For an oath is never taken with regard to a claim made by a minor. The rationale is that all the oaths taken by watchmen are taken because of an indefinite claim.

8 Just as our Sages ordained that a purchaser must finalize his acquisition of an article through *meshichah;* so, too, they ordained that a watchman's responsibility for an article is established through *meshichah.*

When a person tells a colleague: "Watch an article for me," and he tells him: "Place it down in front of me," he is an unpaid watchman. If he tells

him: "Place it down before yourself," or "Place it down" without saying anything else, or tells him: "My house is before you," he is neither a paid watchman nor is an unpaid watchman, nor is he obligated to take an oath at all. The owner of the article may, however, have a ban of ostracism issued applying to anyone who took his article and did not return it to its owner. Similar principles apply in all analogous situations.

Whenever a person entrusts, lends or rents an article to a colleague, the same laws apply whether or not the transfer was observed by witnesses. When the watchman himself admits that he served as a watchman, or he borrowed the article, he is required to take the oath required of watchmen. We do not employ the principle of *miggo* to absolve a person of the responsibility for an oath, but only to free him of the responsibility to make restitution.

Even if the article that was borrowed, entrusted or rented was worth only a *p'rutah*, the watchman is required to take an oath concerning it. None of the watchmen are required to admit to a portion of the plaintiff's claim before being required to take the oath.

9 An unpaid watchman may make a stipulation to be freed of the responsibility to take an oath, and a borrower may make a stipulation to be freed of the responsibility to make restitution. Similarly, the owner of the entrusted object may make a stipulation that an unpaid watchman, a paid watchman or a borrower will be liable in all situations as a borrower is. This is acceptable, for any stipulation regarding money or an oath that involves money that is agreed upon by both principals is binding. Neither a *kinyan* to affirm it nor witnesses are required.

10 When the owner claims that there was a stipulation made requiring the watchman to undertake more responsibility, and the watchman denies that such a stipulation was made, the watchman must take the oath required of a watchman, and on the basis of the principle of *gilgul sh'vuah* he must include in his oath that there was no stipulation involved.

11 If the owner of an object claims that he entrusted it to a watchman, and the watchman answers that he said merely: "Place the article down before yourself," and thus never became obligated as a watchman, the defendant is required to take a *sh'vuat hesset* that this was the manner in which he received the article. He should include in his oath that he did not use it for his own purposes, destroy it with his own hands or cause it to be destroyed in a manner that would obligate him to make restitution.

12 If the owner of an object claims: "I lent it to you," "I rented it to you," or "I entrusted it to you," and the defendant responds: "This never took place," or "That is true, but I returned it to you, and my responsibility was concluded. There is no obligation between us at all," the defendant must take a *sh'vuat hesset.* He is then freed of responsibility.
When does this apply? When the watchman's responsibility is not recorded in a legal document. If, however, a legal document recorded that the article was entrusted, rented or lent, and the watchman claims that he returned the article, he must affirm his statement with an oath taken while holding a sacred article. The rationale for this ruling is that since an unpaid watchman could claim that the article was stolen or lost, and a borrower could claim that it died because he was working with it, his

word is accepted when he says he returned it. But just as if he claimed that it was destroyed by forces beyond his control, he would have been required to take a Scriptural oath while holding a sacred article; so, too, when he claims to have returned it, he is required to take an oath resembling a Scriptural oath. The rationale is that the plaintiff has a legal document recording that the article was entrusted.

When does the above apply? When the watchman could have claimed that the article was destroyed by forces beyond his control without having to bring proof of his claim. If, however, he would have to bring proof of his claim, as will be explained, his word is not accepted if he claims that he returned the article. Instead, the plaintiff in possession of the legal document should take an oath while holding a sacred article that the watchman did not return anything to him. The watchman is then required to make restitution.

There is no other instance where a defendant is obligated to take an oath while holding a sacred article because he could have used another argument, except a watchman against whom a legal document serves as evidence. Whenever any other defendant is obligated an opportunity to take an oath, because he could have used another argument, all that is involved is a *sh'vuat hesset.*

Chapter 3

1 The following rules apply when a watchman claims that the entrusted article was destroyed by a major factor over which he had no control - e.g., it was broken or it died. If the loss occurred in a place where

witnesses are ordinarily present, we require him to bring proof to support his claim that it was destroyed by factors beyond his control. He is then freed of liability, even for a watchman's oath. If he does not bring proof, he is required to make restitution, as **Exodus 22:9-10** states: "If there are none who see, the oath of God will be between the two of them." This implies that in a place where it is possible to bring proof, he cannot free himself of responsibility by taking an oath. Either he brings proof or he makes restitution.

If, however, the watchman claims that the article was destroyed in a place where witnesses are not ordinarily present, we do not require him to prove his claim. Instead, he must take an oath that it was destroyed by factors beyond his control, and then he is freed of responsibility. If he brings witnesses who testify that he was not negligent in his care for the article, he is not liable; he is not even required to take an oath.

An incident occurred with regard to a person who was hired to transfer a jug of wine and it broke in the market place of Mechuzah. The matter was brought before the Sages and they said that people are ordinarily present in the market place where the watchman claimed that the jug was broken. Hence they required him to either bring proof that he was not negligent, but instead stumbled and fell or make restitution. Similar principles apply in all analogous situations.

2 When a person is hired to transfer a jug from place to place for a wage, and the jug is broken, according to Scriptural Law, he should be required to pay. For this is not a major factor that is beyond the porter's control; breaking an article is equivalent to its being stolen or lost, for which he is

liable.

Nevertheless, our Sages ordained that the porter should be liable merely to take an oath that he was not negligent in caring for it. For if he were required to make financial restitution, no person would ever carry a jug for a colleague. Therefore, the Sages ordained that the breaking of a jug is equivalent to the death or the injury of an animal.

With regard to this matter, our Sages also ordained that if two people were carrying a jug with shafts, and it was broken, they should pay half the damages. For since this burden is very great for one person, but light for two people, it can be considered both similar and dissimilar to a loss due to factors beyond one's control. Therefore, if there are witnesses who testify that they were not negligent, they should pay half the damages.

If the jug was broken in a place where witnesses are not ordinarily present, the porters must take an oath that they did not break it through negligence. Afterwards, they are required to pay half the damages. For each one of them should not have attempted to transport anything more than a burden that he could transport on his own. From this, one can derive that when a person transports a large jug that a porter would not ordinarily transport, he is considered to be negligent. If it breaks in his hands, he must make full restitution.

3 The following rules apply when a porter breaks a jug of wine belonging to a merchant and was obligated to make restitution, and the jug was worth four *zuzim* on a market day, and three *zuzim* on other days. If he makes restitution on a market day, he must give him either a jug of wine or four *zuzim* This applies if the merchant does not possess other wine to sell on

the market day. If the merchant possesses other wine, the porter is required to pay only three. If the porter makes restitution on another day, he is required to return only three.

Whenever the porter makes restitution, a deduction is made for the effort the merchant would have to undertake in selling the jug, the damage the hole causes in the jug, and other similar matters.

4 The following rules apply when wolves come and attack herds being watched by a shepherd and seize some of them. If there is only one wolf, it is not considered to be a loss due to factors beyond his control. This applies even when there is an outbreak of wolves. If there are two wolves, it is considered to be a loss beyond his control. Two dogs are not considered to be a loss beyond his control, even if they come from two directions. If there are more than two, it is considered to be a loss beyond his control.

Armed thieves are considered to be a loss beyond his control. This applies even if the shepherd was armed and only one armed thief opposed him; it is considered to be a loss beyond his control. For a shepherd will not risk his life as a thief will.

A lion, a bear, a leopard, a cheetah or a snake are considered to be losses beyond his control.

When does this apply? When they come on their own initiative. If, however, the shepherd brings his herd to a place of wild beasts or thieves, losses incurred because of them are not considered to be losses beyond his control, and the shepherd is liable to make restitution.

5 When a shepherd encounters a thief and begins to boast to him, trying to show him that he is not concerned with him, saying: "We are in this and this place. We have these and these many shepherds, and these and these types of weapons," and the thief comes and overcomes him and seizes the animals, the shepherd is liable. For there is no difference between bringing the animal(s) to a place of beasts and thieves, or boasting and thus bringing the thieves to the place of the animal(s).

6 If a shepherd had the opportunity of saving an animal that was preyed upon or taken captive by calling to other shepherds or bringing staves, and he did not call to other shepherds or bring staves to save the animal, he is liable. This applies to both an unpaid watchman and a paid watchman. The difference is that an unpaid watchman should call to other watchman and bring staves without charge. If he cannot find any available for free, he is not liable. A paid watchman, by contrast, is obligated to hire other shepherds and staves until the value of the animal(s) in order to save them. Afterwards, he should collect their hire from the owner. If he does not do so and had the opportunity to hire others and did not avail himself of it, he is considered to be negligent and is liable to make restitution.

7 When a shepherd claims that he hired other shepherds to save a herd from danger, he is required to take an oath. He may then collect the amount that he claims. The rationale is that he cannot claim more than the value of the herd and he could have claimed that the herd was preyed upon. He is required to take an oath while holding a sacred object, as required of all those who take oaths and expropriate property.

8 The following laws apply when a shepherd abandoned his herd and came to the city - whether at the time the shepherds usually come to the city or at a time when this is not their practice - and wolves came and preyed upon the herd, or lions came and attacked them. We do not postulate that if he had been there, he definitely could have saved the animals. Instead, we assess the situation. If he could have saved them - even by hiring other shepherds and staves - he is liable. If not, he is not liable. If it is impossible to make such an assessment, he is liable.

9 If an animal dies in an ordinary manner, this is considered to be a loss beyond the shepherd's control, and he is not liable. If he oppressed it and it died, it is not considered a loss beyond his control. If it overcame the shepherd and ascended to a high cliff, and it overcame him and fell, it is considered to be a loss beyond his control. If he led it up a steep cliff or it ascended on its own accord, but he could have prevented it from doing so and failed to do so, even though it overcame him and fell and died or was injured, he is liable. For whenever there is negligence at the outset, but ultimately the actual loss happens because of factors beyond the watchman's control, he is liable.

Similarly, when a shepherd leads animals across a bridge, and one pushes another and it falls into the current of the river, the shepherd is liable. The rationale is that he should have brought them over one by one. Indeed, the reason a shepherd receives a wage is to watch the animals in an effective manner. Since he was negligent at the outset, by causing them to cross together, even though when the animal fell, the loss was beyond his control, he is liable.

10 If the shepherd was negligent and the animal went out to a swamp and died in an ordinary manner, he is not liable. For the animal's going there did not cause it to be lost due to forces beyond the shepherd's control. Since it died in an ordinary manner, what difference is it whether it died in the watchman's house or in the swamp?

If, by contrast, a thief stole it from the swamp, and it died in an ordinary manner in the thief's house, the watchman is liable, even if he is an unpaid watchman. For even if it had not died, it would have been lost to its owner in the possession of the thief, and its going out to the swamp allowed it to be stolen. Similar laws apply in all analogous situations.

Chapter 4

1 When a person rents a donkey to lead it through the mountains, and instead leads it through a valley, he is not liable if it slips, even though he went against the intentions of the owners. If it is harmed due to heat, the renter is liable. If he rented it to lead it through a valley, and instead leads it through a mountain, he is liable if it slips, because one is more likely to slip in a mountain than in a valley. If it is harmed due to heat, the renter is not liable, since valleys are warmer than mountains, because there is wind blowing in the mountains. If, however, it becomes overheated due to the effort in climbing to the heights, he is liable. Similar laws apply in all analogous situations.

Similarly, if a person rents a cow to plow on a mountain and plows with it in a valley, the renter is not liable should the cylinder of the plow break. The owner of the cow may sue the workers who did the plowing.

Similarly, if the renter did not go against the owner's instructions and the cylinder of the plow broke, the owner of the cow may sue the workers. If he rented it to plow in a valley, and instead plowed on a mountain, and the cylinder of the plow breaks, the renter is liable. The renter may sue the workers.

2 What is the ruling regarding the workers who break a plow while plowing? They must pay.

Who must pay? The one who holds the utensil while plowing. If, however, the field has several plateaus, they share the liability for the cost of the cylinder - both the person holding the guiding pole and the person holding the utensil.

3 If a person rented a cow to thresh beans and he used it to thresh grain, he is not liable if it slips. If he rented it for grain and used it to thresh beans, he is liable, for beans cause slippage.

An incident occurred with regard to a person who rented his donkey to a colleague and told him: "Do not go with it on the way of the Pikud Ravine, where there is water, but rather on the way of the Neresh Ravine, where there is no water." The person who hired the donkey went on the way of the Pikud Ravine and the donkey died. There were no witnesses who were able to testify to which way he went, but the person himself admitted: "I went on the way of the Pikud Ravine, but there was no water, and the donkey died due to natural causes."

Our Sages ruled: "Since there are witnesses that there is always water in the Pikud Ravine, he is obligated to pay, for he deviated from the

instructions of the owner. And we do not say: "Of what value would it be for him to lie," in a situation where witnesses were present.

4 When a person rents an animal to bring 200 *litra* of wheat, and instead, brings 200 *litra* of barley, he is liable if the animal dies. For the additional volume is more difficult to carry, and barley takes more space than wheat. The same laws apply if he hired an animal to carry grain, and instead used it to carry straw. If, by contrast, he rented an animal to carry barley and instead, brought the same weight of wheat, he is not liable if the animal dies. Similar principles apply in all analogous situations.

5 If a person rented an animal for a man to ride upon, he should not have a woman ride upon it. If he rented it for a woman to ride upon, he may have a man ride upon it. And he may have any woman ride upon it, whether she is small or large, even if she is both nursing and pregnant.

6 The following rules apply when a person rents an animal with the intent that it carry a burden of a specific weight, and the renter added to that weight. If he added a thirtieth to the weight that he specified, and the animal died, he is liable. If it was a lesser measure, he is not liable. He must, however, pay the fee appropriate for the extra measure.
If the renter rented the animal without specifying a measure, he may load upon it the burden that is the local standard for that animal. If he added more than a thirtieth to that weight - e.g., it usually carried 30 measures and he loads it with 31 - and it dies or becomes injured, he is liable. Similarly, if a person loaded a ship with one thirtieth more than its

ordinary cargo and it sank, he is liable to make restitution for its worth.

7 When a person added one *kav* to the burden of a porter, and the porter was injured because of this burden, the other person is liable for his injury. For although the porter is a conscious being and feels the weight of the extra burden, he might think that it feels heavy because he is ill.

8 When a person rents a donkey with the intent of riding upon it, he may place his garments, his flask, and his food for this journey upon it, for it is not customary for a renter to stop at each inn to purchase food. The owner of the donkey may prevent the renter from carrying with him anything more.

Similarly, the owner of the donkey may place barley and straw for the donkey's food on it for that day. The renter may prevent him from loading anything more, for it is possible for him to purchase these supplies at every inn. Therefore, if there is no place for him to purchase, he may load his food and food for his animal for the entire journey.

All of these guidelines apply when a person hires an animal without making any specifications in a place that has no known custom. If, however, there is an accepted local custom, everything follows that custom.

Chapter 5

1 The following rules apply when a person rents an animal and it becomes sick, goes mad, or is conscripted for the king's service, even when it will

not be returned. If it was taken or became sick or mad as the renter was journeying to his destination, the owner may tell the renter: "Behold the animal you hired is before you," and the renter is required to pay the full fee. When does the above apply? When he rented it to carry a burden that can be thrown to the ground without worry. If, however, he rented the donkey with the intent of riding on it or carrying glass utensils or the like, the owner of the donkey is required to provide another donkey for him if he hired a donkey without making any further specifications. If he does not provide another donkey, he must return the fee, and then a calculation should be made with regard to how much he should be paid for the portion of the journey that he traveled.

2 The following rules apply in the above situation if the animal died or was injured, regardless of whether it was rented to carry a burden or to ride. If the owner said: "I am renting you a donkey," without specifying the beast, he is required to provide another donkey for the renter. If he does not, the renter may sell the animal and purchase another animal with [the proceeds], or rent another animal until he arrives at the destination agreed upon if the proceeds are not sufficient to purchase another animal.
Different rules apply if the owner told the renter: "I am renting you this donkey." When he rented it to ride upon it or to carry glass utensils and it died in the middle of the way, he should purchase another animal with the proceeds from the sale of the carcass if that is possible. If the proceeds are not sufficient for that, he should rent an animal, even if this demands all the proceeds of the sale to transport him to the destination specified. If the proceeds are not sufficient - neither to purchase nor to rent an animal

- the renter must pay the owner the fee for the portion of the journey. With regard to the remainder, all he has against him is complaints.
If he hired it to carry a burden that was not fragile, since the owner said "this donkey," and it died in the middle of the journey, he is not required to provide another donkey for him. Instead, the renter must pay him the fee for the portion of the journey and leave him the carcass.

3 The following rules apply when a person hires a ship and it sinks in the midst of the journey. If the owner told the renter, "I am renting you this ship," and the renter hired it to carry wine without specifying which wine he would be carrying, even if the renter already paid the owner his fee, the owner must return it in its entirety. For the renter can tell him: "Bring the actual ship that I rented from you, for I was very specific in wanting this ship. When you do, I will bring wine and transport it on it."
If the owner does not specify a ship and the renter hires one to transport a specific shipment of wine, even though he did not pay the owner any portion of the fee, he is required to pay him the entire amount. For the owner can tell him: "Bring me the wine that you specified and I will transport it for you." He must, however, deduct compensation for the difficulty for half the journey, for a person who works to sail a ship cannot be compared to someone who is idle.
The following rules apply if the owner told the renter: "I am renting you this ship," and the renter mentioned a specific shipment of wine. If the renter already paid the owner his fee, he cannot require him to return it. If the renter did not pay it, he need not. The rationale is that the owner cannot bring that ship, nor can the renter bring that wine. If the rental

agreement did not specify the ship or the wine, the fee should be divided between them.

4 When a person rents a ship and unloads in the midst of the journey, he must pay the fee for the entire journey. If, however, the renter finds another person who will rent the ship in his place until the location he originally agreed, he may rent it out to him. The owner of the ship has, however, a complaint against him.

Similarly, if the renter sold all the merchandise on the ship to another person in the middle of the way and descended, and the purchaser ascended in his place, the owner of the ship takes half the rent from the first one and half from the second. The owner has a complaint against the renter, because he required him to accommodate the opinion of another person with whom he is not familiar. Similar laws apply in all analogous situations.

5 From this, I conclude that when a person rents a house from a colleague for a specific period and the renter desires to sublet the house to another person until the end of the lease, he may, provided there are the same number of people in the subletter's household as in his own. If, however, there are four in his own household, he should not sublet it to a household of five. The rationale is that our Sages' statement that a renter may not sublet the object that he rents applies only with regard to movable property.

The motivating principle for that restriction is that the owner may tell the renter: "I do not desire that my object be entrusted to the hands of

another person." With regard to landed property or a ship, by contrast, its owner is with it at all times, and this objection is not relevant.

Similarly, I conclude that if the owner of the home tells the renter: "Why should you trouble yourself to rent my house to others? If you do not desire to continue dwelling within it, leave and leave it alone; I am freeing you from the rent," the renter may not sublet it to anyone else. For in such an instance, the charge: "Do not withhold good from its owner" applies. For instead of renting it out to someone else, the tenant should leave this person his own home.

There are those who rule that the renter may not sublet the dwelling at all and must pay the rent until the appointed time. To me, this does not appear a true ruling.

6 When a person tells a colleague: "I am renting you this house," and after he rented it to him, it fell, he is not required to rebuild it for him. Instead, he should calculate the amount of rent due for the time during which he used it and return the remainder of the rent. If, however, the owner tears down the house, he is obligated to provide another home for the renter or rent a similar dwelling for him.

Similarly, if after renting the house to this person, he rented it or sold it to a gentile or to a person who does not abide by the law who supplanted the rental of the first person, the owner is obligated to rent a similar house for him. Similar laws apply in all analogous situations.

7 If a person rented a house to a colleague without specifying the house, and afterwards the house fell, the owner is required to build it for him or

provide him with another house. Even if the new house he gives him is smaller than the house that fell, the renter cannot prevent him from giving him this one, provided it is called a house. If, however, he told him: "I am renting you a house like this," the owner is obligated to provide him with a house that it is the same length and width as the house that he originally showed him. He cannot tell him: "My intent was only that the house should be close to the river," "... to the marketplace," or "... to the bathhouse, as this one is." Instead, he is obligated to provide him with a house of that size and shape.

Therefore, if it was large, he should not make it small. If it was small, he should not make it large. If it was a one-room apartment, he should not make it two. If it was a two-room apartment he should not make it one. He should not reduce the number of windows that it possessed, nor should he add to them unless they both agree.

8 When a person rents out a loft without any specifications, he is required to provide any such structure for the renter. If the owner tells him: "I am renting you the loft on top of this house," he made the house subservient to the loft. Therefore, if four handbreadths or more of the loft become ruined, the owner is obligated to fix it. If he does not fix it, the renter may descend and dwell in the house together with the owner until he fixes it.

The following rules apply when there are two lofts, one on top of the other: if the upper loft becomes ruined, he may dwell in the lower one. If the lower one becomes ruined, there is a doubt whether he has the right to dwell in the upper loft or the house. Therefore, he should not dwell in either of them. If, however, he dwells in one of them, he cannot be forced

to leave.

An incident occurred when a person told a colleague: "I am renting you this vine that is draped over this peach tree," and then the peach tree became uprooted from its place. The question was brought to the Sages and they told the owner: "You are obligated to provide the peach tree for him for as long as the vine exists." Similar laws apply in all analogous situations.

Chapter 6

1 When a person rents an apartment to a colleague in a large building, the renter may use the protrusions and the walls of the larger structure for four cubits. He may also use the garden in the courtyard and the yard behind the building. In a place where it is customary to use the thickness of the walls, the renter may use the thickness of walls.

In all these matters, we follow the prevailing local custom and the terminology that is in common usage, as we have stated with regard to purchases and sales.

2 When a person rents out his courtyard without making any specific statements, we assume that he did not rent out the barn located within it.

3 When a person rents a house to a colleague, he is obligated to provide doors for him, to open any windows that have been damaged, to strengthen the roof, to support a beam that is broken, to make a bolt and a lock, and to provide any other necessity that requires a craftsman's work

and that is a fundamental necessity when dwelling in a home and courtyard.

The renter is required to make a guardrail, affix a *mezuzah* and prepare the place for the *mezuzah* from his own resources. Similarly, if he desires to build a ladder, fix a slanted roof, or plaster the roof, he should do this from his own resources.

4 When a person rents out a loft to a colleague and its floor becomes opened for four square handbreadths or more, the owner is obligated to fix the ceiling of the lower apartment and the plaster upon it, for the plaster is support for the ceiling.

5 The dung in the courtyard belongs to the renter. Therefore, he is responsible to make the effort of clearing it out. If, however, there is a prevailing local custom, it takes precedence.

When does the above apply? When the animals that made the dung belong to the renter. If, however, the animals belong to other people, the dung belongs to the owner of the courtyard. For a courtyard that belongs to a person acquires property on his behalf without his knowledge, even when it is rented out to another person.

6 When a person rents out a house, a courtyard, a store or another property for a fixed time, the owner has the right to compel the renter to leave at the end of the prescribed period. He is not required to wait even one hour for him.

When a person rents a house to sleep in without making any

specifications, the minimum is one night. If he rents it for the Sabbath, the minimum is two days. If he rents it for a marriage, the minimum is 30 days.

7 When a person rents a house to a colleague without specifying the termination of the contract, he may not force him to leave the home unless he notifies him 30 days in advance, so that he can look for another place and will not be homeless. After 30 days, however, he must leave.
When does the above apply? In the summer. In the winter, by contrast, he may not force him to leave from Sukkot until Pesach.
When the owner gives the renter 30 days notice before Sukkot, if even one day from the 30 is after Sukkot, the owner may not compel him to leave until after Pesach. And he must notify him 30 days previously.
When does the above apply? In small towns. In large cities, by contrast, whether in the summer or the winter, the owner must notify the renter twelve months in advance.
Similarly, with regard to a store, whether in a large city or in a small town, the owner must notify the renter twelve months in advance.

8 Just as the owner is obligated to notify the renter, the renter is obligated to notify the owner 30 days before leaving in a small town and twelve months before leaving in a large city, in order for the owner to be able to look for a tenant so that his house will not be empty. If he does not notify him, he may not leave unless he pays rent regardless.

9 Although the owner may not send away the renter, nor may the renter

leave the dwelling until one notifies the other a proper time beforehand, if the price of renting homes increases, the owner can raise the rent and tell the renter: "Either rent it at its present value or depart."
Similarly, if the price of renting homes decreases, the renter may decrease the rent, telling the owner: "Either rent me your home at its present value, or I am leaving it for you."
If the house in which the owner is living falls, he may compel the renter to leave his house, telling him: "It is not appropriate that you dwell in my home until you find a dwelling while I am homeless. You have no greater right to this home than I do."

10 The following rules apply when the owner gives the house to his son to hold a wedding with his wife. If he knew that his son was getting married at this and this time and he could have notified the tenant earlier, but failed to do so, the owner may not force the tenant to leave.
If, however, the marriage came about suddenly and the son is wedding the woman in the immediate future, the owner may compel the renter to leave the home. For it is not appropriate that the renter dwell in the owner's home while the owner's son must rent a home in which to make the wedding.

11 If the owner sold the dwelling, gave it as a present or died and it was transferred as part of his inheritance, the new owner may not compel the renter to leave unless he notifies him 30 days or twelve months beforehand. For the renter may tell the new owner: "You have no greater privileges than the person from whom you acquired the home."

Chapter 7

1 Just as a person may make any stipulation that he desires with regard to a purchase or a sale; so, too, may he make any stipulation he desires with regard to a rental. For a rental is a sale for a limited amount of time.

Whenever a person's sale of his property is upheld, the rental of his property will also be upheld. Conversely, when a person is not granted power to sell his property, he may not rent out that property. The only exception is when all he owns is the right to the produce of the property. In such an instance, he may rent out the property, but he may not sell it.

2 When a person rents out a house to a colleague for a year, and a leap year is declared, the extra month is granted to the tenant. If, by contrast, the agreement is made according to months, the extra month is granted to the owner.

If the rental agreement mentions both months and years, the extra month is granted to the owner. This applies regardless of whether the owner said: "A *dinar* every month, twelve *dinarim* a year," or "Twelve *dinarim* a year, a *dinar* every month." The rationale is that the land is in the possession of its owner and we may not expropriate anything from the owner of the land without a clear proof.

Similarly, when the owner of a home says: "I rented out the house for a specific time," and the tenant says: "I rented it without any specifics," or "for a longer period," the renter must prove his claim. If he does not prove his claim, the owner may support his claim with a *sh'vuat hesset* and have the tenant removed from the home.

3 The following rules apply when the tenant claims: "I paid the rent that I was obligated for the house," and the owner claims: "I have yet to collect it." The same rules apply whether the agreement was recorded in a contract or observed by witnesses.

If the owner demands payment within 30 days of the beginning of the rental, the burden of proof is on the renter. Alternatively, he must pay. He may then have a ban of ostracism issued against anyone who took money from him. Or the tenant may lodge a suit against the owner for the money he originally gave him as a separate claim and require the owner to take a *sh'vuat hesset.*

If the owner demanded payment after 30 days passed or even on the thirtieth day, the owner must bring proof that he was not paid. Otherwise, the tenant may take an oath that he already paid him the rent and thus be released from any obligation.

Similarly, if when the tenant rented the property, he stipulated that he would pay him the rent annually - if the owner demands payment within the year, the tenant is obligated to bring proof that he already paid. If he demands payment after the year - even if he demands payment on the twenty-ninth day of Elul - the owner is obligated to bring proof that he was not paid.

4 The following rules apply when a person rents out a house to a colleague for ten years, has a rental contract composed, but does not date that contract. If the tenant claims: "Only one year passed from the time the document was composed," but the owner claims: "The entire period of the rental agreement has passed, and you have dwelled in the house for

ten years," the tenant is required to bring proof to support his claim. If he does not do so, the owner may take a *sh'vuat hesset* and compel him to leave the dwelling.

5 The following rules apply when a person rents an orchard - or it was entrusted to him as security - for ten years and it dries up. The tenant should sell the trees, purchase land with the proceeds, and benefit from the produce of that land until the conclusion of the rental contract or the period for which the security was entrusted. As a safeguard against the violation of the prohibition against taking interest, both the owner of the orchard - the borrower and the creditor are prohibited against taking the trees themselves that became dried out or were cut down.

6 The following rules apply when a contract for rental or security mentions "years" without stating the number of years. If the tenant claims that the agreement was for three years, and the owner of the land claims that it was for two years, and the renter - or the creditor - came and made use of the produce of the third year, we assume that the produce belonged to the person who made use of it unless the owner of the land brings proof that this is not so.

A difficulty could arise if the tenant or the creditor derived benefit from the property for three years and the legal record became misplaced. If he said: "I am entitled to the produce for five years," and the owner of the land says, "The agreement was only for three," we tell the concerned parties: "Show the legal record."

If the owner says: "It was lost," the tenant's claim is accepted, for if he

would have claimed that he had purchased it, his claim would also be accepted since he derived benefit from it for three years.

7 The following rules apply when a person brings his produce into his colleague's property without his consent or beguiled him into allowing him to bring in his produce and then left it and departed. The owner of the property may sell that produce in order to pay for workers to take it away and bring it to the market place.

It is pious conduct for the owner of the property to notify the court and rent a storage place with part of the funds in order to prevent the destruction of his colleague's property, even if that colleague acted in an improper manner.

8 The following rules apply when a person rents a mill from a colleague on the condition that the renter will grind 20 *se'ah* of grain for the owner every month as rent and afterwards, the owner of the mill became wealthy. Since he no longer needs to have his grain ground there he asks the renter to pay him the equivalent of the wage he would earn for grinding the 20 *se'ah*.

If the renter has wheat of his own or of others that he can grind instead, we compel him to pay the owner the wage he receives for grinding 20 *se'ah*. Not to pay him would be an expression of the qualities of Sodom. If the renter does not have wheat of his own or customers, he may tell the owner: "I don't have the funds. I am prepared to grind grain for you, as stated in the rental agreement. If you don't need this, sell the ground wheat to others." Similar laws apply in all analogous situations.

Chapter 8

1 The same laws apply when a person rents a field from a colleague to sow, or a vineyard to benefit from its fruits and agrees to pay him money or agrees to pay him a fixed amount of produce - e.g., he rented a particular field for 20 *kor* of grain a year or a particular vineyard for 20 jugs of wine a year. A person who rents property and agrees to pay in produce is called a *chocher*.

2 When a person takes a field or an orchard with the intent of working it, investing in it and giving the owner a third, a fourth or whatever other percentage of the harvest that they agree to, he is called a *mekabel*.
The following rules apply with regard to all the types of contracts mentioned above. Whenever an improvement is necessary for the sake of the land itself, it is the responsibility of the owner of the land to provide it. Whenever an improvement is an added measure of security, the renter is responsible for it.
The ax that is used to break up the land, the containers used to carry away earth, the bucket, the jug or the like that is used to draw water are the responsibility of the owner of the land. Digging the irrigation ditches, by contrast, is the responsibility of the renter.

3 When a person rents or makes a sharecropping agreement with regard to a colleague's field for only a few years, he should not sow flax. If he rents it or enters a sharecropping agreement for seven years, he may sow flax for the first year. The Sabbatical year is not included in this reckoning. If he

rents it or enters a sharecropping agreement for a seven-year period, the Sabbatical year is included in this reckoning.

4 The following laws apply when a person rents or makes a sharecropping agreement with regard to a colleague's field that is parched and requires irrigation, and the spring used to irrigate the field dries up, but the larger river has not ceased to flow, and it is possible to carry water from it in a bucket. The renter may not reduce his payments. If this is a problem that affects the entire region - e.g., the river itself dried up - he may reduce his payments. Similar laws apply if one rents an orchard and the trees of the orchard are cut down.

Different rules apply when the owner was standing in his field and told the renter: "I am renting you this parched field," or "I am renting you this orchard." If the spring dries up or the tree is chopped down, he may reduce his payments. Since he was standing in the property when he made that statement, we assume that by saying: "this field" or "this orchard," his intent was: "I am renting it to you in its present condition."

Therefore, when the owner is not standing in his field and told the renter: "I am renting you this parched field," or "I am renting you this orchard." If the spring dries up or the tree is chopped down, he may not reduce his payments.

5 The following rules apply when a person rents or makes a sharecropping agreement with regard to a colleague's field, and the crops are eaten by locusts or destroyed by drought. If this condition prevailed among the majority of the fields of that city, he may reduce his payments according

to the extent of the loss that he suffered. If this blight did not prevail among the majority of the fields, he may not reduce his payments. This law applies even though all the fields belonging to this land owner were ravaged.

If all the fields of the renter or the sharecropper were ravaged, even though the blight also affected most of the other fields, he may not reduce his payment. For the loss is dependent on the renter's bad fortune, as evidenced by the fact that all his fields were ravaged.

If the owner stipulated that the renter should sow the field with wheat, and he sowed it with barley, did not sow it at all or sowed it and nothing grew, the renter may not reduce his payments even though locusts or a drought came and the majority of the fields were ravaged. Until when must he till it and sow it a second time if the first crop does not grow? Until the time when it is fit to sow in that place.

6 The following rules apply when a person rents or makes a sharecropping agreement with regard to a colleague's field. If it is customary in that locale to cut down the crops, the renter should cut them down. He is not permitted to uproot them. If it is customary to uproot the crops, the renter should uproot them. He is not permitted to cut them down. Either of them can prevent the custom from being changed.

In a locale where it is customary to plow after the harvesting, the renter should plow. In a locale where it is customary to rent trees together with land, they are considered to have been rented out. This applies even though the owner rented the property for a price that is lower than usual. In a locale where it is not customary to rent trees together with land, they

are not considered to have been rented out. This applies even though the owner rented the property for a price that is higher than usual. Everything follows the local custom.

7 When a person rents a field from a colleague for ten *kor* of wheat and it suffered blight, he may pay the owner from the wheat of that field. Conversely, if it produces extremely high quality wheat, he should not tell the owner: "I will purchase wheat for you from the marketplace." Instead, he must give him the wheat from the field.

If a person rents a vineyard for ten baskets of grapes and they become sour after they were harvested, the renter may give the owner the grapes from the vineyard. A similar ruling applies to sheaves of grain that became ruined after they were harvested. If, however, a person rents a vineyard for ten jugs of wine, and the wine becomes sour, he is obligated to provide the owner with good wine.

The following rules apply when a person rented a field for 100 sheaves of cattle fodder, sowed another crop and then plowed the field and sowed it with cattle fodder. If it suffered blight, the renter may not give the owner the cattle fodder growing in it. Instead, he must give him high quality fodder, for he deviated from the terms of the initial agreement. Similar rules apply even if he sowed it with fodder at the outset, plowed it and then sowed it again and it suffered blight or in any other situation where the damage to the crops comes after the renter deviates from the initial agreement.

8 The following rules apply when a person rents a field from a colleague,

but does not desire to weed it. Although the renter tells the owner: "What will you suffer? I will give you the amount stipulated regardless," his words are not heeded. For the owner may respond: "Ultimately, you will leave it, and it will grow weeds for me."
Even if the renter says: "At the end I will plow it," his words are not heeded.

9 When a person rents a field with the stated intent of sowing barley, he should not sow wheat, because wheat saps the nutrients of the land more than barley. If he rented it with the intent of sowing wheat, he may sow barley.
If his original intent was to sow legumes, he may not sow grain. If his original intent was grain, he may sow legumes. In Babylon and lands of that nature, he should not sow legumes, for legumes sap the nutrients of the land.

10 When a person rents a field from a colleague for a few years according to a sharecropping agreement, the sharecropper does not receive a share of the wood that grows from the wild fig trees and the like, nor in the appreciation in the value of the field due to the trees growing in the field. We do, however, consider the place of the trees as if it were filled with the type of crop that was planted in the field. This applies provided the trees grew in a place that is fit to sow. If, however, they grow in a place that is not fit to sow, the sharecropper is not given any consideration. If the sharecropper rents the field for seven years or more, he is entitled to a share of the wood that grows from the wild fig trees and the like.

If at the time the sharecropper's lease runs out, there are plants in the field that have not reached the stage at which they are fit to be sold, or they have reached that stage, but the market day has not come yet, they should be evaluated and the sharecropper given his share by the owner of the land.

In the same manner as the sharecropper and the owner divide the grain; so, too, they should divide the straw and the stubble. In the same manner as they divide the wine; so, too, they should divide the twigs. Different rules apply with regard to the rods that are placed beneath the vine for support. If they were purchased in partnership, they should be divided in the same manner. If they were purchased by one party, they belong to the one who purchased them. Similar principles apply in all analogous situations.

11 When a person rents a field from a colleague according to a sharecropping agreement in order to plant vines, the owner accepts the possibility that there will be ten non-productive vines in an area sufficient to grow a *se'ah* of grain. If there are more non-productive vines, the sharecropper must pay for the entire area as if all the vines were productive.

12 The following rules apply when a person rents a field from a colleague under a sharecropping agreement and the field does not produce a significant yield. If its yield appears sufficient to produce at least two *se'ah* more than the investment made in it, the sharecropper is obligated to take care of it. For in the sharecropping agreement, he promises the owner of the land: "I will rise, plow the land, sow it, reap it, tie it in sheaves, thresh

it and make a grain heap before you, and you will receive half - or whatever other portion they agreed upon - and I will receive the remainder as payment for my work and the expenses that I undertook."

13 The following rule applies when a person rents a field from a colleague under a sharecropping agreement, and after taking possession of the field decides to leave it fallow. We evaluate the amount the field could be expected to produce and require the sharecropper to give the owner the portion agreed upon. For in the sharecropping agreement, he promises the owner of the land: "If I leave it fallow and do not till it, I will pay according to its best yield." The same rule applies if he left only a portion of it fallow.

Why is the renter obligated to pay? Because he did not stipulate that he would pay a fixed amount, in which instance we would say that it is an *asmachta,* but instead promised to pay the field's best yield. Therefore, he made a binding commitment.

If, however, he stipulated: "If I leave it fallow, I will pay you 100 *dinarim"* this is considered an *asmachta* and he is not obligated to pay that amount. Instead, he should give the owner only his share of what the field would be expected to produce.

14 The following rule applies when a person rents a field from a colleague under a sharecropping agreement with the intent of sowing sesame seeds, but instead, sows wheat. If the field produces a crop of wheat that is worth the same as the yield of sesame seeds could have been expected to be worth, the owner may have no more than complaints against him.

If the field produces a crop of wheat that is worth less than the yield of sesame seeds could have been expected to be worth, the sharecropper must pay the amount the crop of sesame seeds could have expected to yield. If the field produces a crop of wheat that is worth more than the yield of sesame seeds could have been expected to be worth, they should divide the crop according to their original stipulation although the owner of the land profits.

Chapter 9

1 The following rule applies when a person hires workers and tells them: "Get up early and work late." In a place where it is not customary for workers to get up early and work late, he cannot compel them to keep the times he desires. In a place where it is customary for an employer to provide his workers' meals, he must provide their meals. If it is customary for him to provide dried figs, dates and the like for the workers, he must. Everything follows the local custom.

2 When a person hires a worker and tells him: "I will pay you like any other worker in the city," we check the lowest wage paid and the highest wage paid and arrive at an average.

3 The following rules apply when a person tells his agent: "Go out and hire workers for me for three *zuz,"* and the agent hires them for four. If the agent told them: "I am responsible for your wage," he must pay them four. He receives three *zuz* from the employer, and forfeits one *zuz* of his

own.

If he told them: "The employer is responsible for your wages," the employer should pay them according to the local custom. If there are some in that city who are hired at three and others at four, he is not required to pay them more than three. They have, however, justified complaints'3 against the agent.

When does the above apply? When it cannot be determined that they invested extra effort in their work. If, however, it is obvious that they invested extra effort in their work, and it is worth four *zuz,* the employer must pay them four. For had the agent not told them four, they would not have worked harder and produced work that is worth four.

If the employer told the agent: "Hire workers for me at four," and the agent goes and hires them at three, they receive no more than three. This applies even when their work is worth four. For they accepted the lower amount. They do, however, have a complaint against the agent.

If the employer told the agent three *zuz,* and the agent hires them for four, but the workers say: "We will work for what the employer says," their intent is that the employer will pay them more than four *zuz.* Therefore, we evaluate their work. If it is worth four, they should receive four *zuz* from the employer. If the value of their work is not obvious or it is not worth four, they may be paid only three.

If the employer told the agent to hire workers at four *zuz,* and he hired them at three, but they say: "We will work for what the employer says," they may be paid only three. This applies even if their work is worth four, for they heard the agent say three and agreed.

4 When a person hires workers and the workers hoax the employer or the employer hoaxes the workers, all they have is complaints against each other.

When does the above apply? When the workers did not go to the appointed place. Different rules apply, however, if donkey drivers went to the appointed place and did not find any grain, workers went to a field and found that the ground was wet, or the employer hired workers to irrigate his field and they discovered that it was filled with water. If the owner checked the area that required work on the previous evening and saw that the workers were necessary, the workers are not entitled to any reimbursement. What could the owner have done? If, however, he did not check the land where he wants the work to be performed beforehand, he must pay them as an idle worker. For a person who comes carrying a burden cannot be compared to someone who comes empty-handed, nor can a person who performs labor be compared to someone who does not.

When does the above apply? When they did not begin doing work. If, however, the worker began doing his work different rules apply. A worker may quit his work even in the middle of the day. This is derived from **Leviticus 25:55**: "The children of Israel are servants to Me" - i.e., to Me alone. They are not servants to servants.

What is the law that applies to a worker who quits after having started work? We evaluate the work that he performed and he is paid that amount. If he is a contractor, we evaluate the work that still must be performed. Whether the price of labor was low at the time he was hired or it was not low, whether it was reduced afterwards or whether it was not reduced, we evaluate the work that must be performed.

What is implied? A person agreed to harvest standing grain for two *selaim.* He harvested half of the grain, but left half unharvested. Similarly, a person agreed to weave a garment for two *selaim.* He wove half of the garment, but left half unwoven. If the remainder would cost six *dinarim* to complete, the original contractor is paid a *shekel* or he is given the option of completing his work. If the remainder was worth only two *dinarim,* the owner need not pay the contractor more than a *sela,* because he did not perform more than half the work.

When does the above apply? With regard to work that does not involve an immediate loss. If, however, the work involves an immediate loss - e.g., he hired the workers to remove flax from the vat, or he hired a donkey to bring flutes for a funeral or for a wedding or the like - neither a worker nor a contractor may retract unless he is held back by forces beyond his control -e.g., he became ill or a close relative died. If the worker is not held back by forces beyond his control, and he retracts, the owner may hire others on their account or deceive them.

What is meant by deceiving them? He tells them: "I agreed to pay you a *sela;* take two so that you will complete your work." Afterwards, he is not required to give them anything more than he originally agreed. Moreover, even if he gave them two, he can compel them to return the additional amount.

What is meant by hiring others on their account? He hires other workers who complete their task so that he will not suffer a loss. Whatever he must add to pay these later workers beyond the amount the first workers agreed upon, he may take from the first workers.

To what extent are the first workers responsible? For their entire wage.

Moreover, if they have property that is in the employer's possession, the employer can use that property to hire workers to complete their work until he pays each worker 40 or 50 zuz a day although he originally hired the worker at three or four *zuz*.

When does the above apply? When there are no workers available to hire at the wage to be paid the original workers. If, however, such workers are available and the original workers tell the employer: "Go out and hire from these to complete your work so that you will not suffer a loss," whether a worker or a contractor is involved, the employer has only complaints against them. To determine the wage that should be paid, we follow these guidelines: For a worker, we calculate the work he already performed and for a contractor, we calculate the work that must be performed.

5 When a person hires a worker, but [the worker] is then taken to perform the king's service, the worker need not be paid for a full day's work. Instead, the employer should pay him only for the work he performed.

6 The following rules apply when a person hires a worker to irrigate his field from a particular river, and that river dried up in the middle of the day. If the river does not ordinarily dry up, the workers need only be paid for the work they performed.

Similarly, if the inhabitants of the city frequently dam the river, and they stop its flow in the middle of the day, the workers need only be paid for the work they performed. The rationale is that the workers know the pattern of this river. If, however, the river often dries up on its own

accord, the employer must pay the workers their entire wage. For it was his responsibility to inform them.

If a person hires workers to irrigate a field and it rains and completes the watering of the field, the workers need only be paid for the work they performed. If a river rises and irrigates the field, they should be paid their entire wage. From heaven, they were granted help.

When does the above apply? With regard to a worker. Different rules apply, however, when a person stipulates with a sharecropper that if he waters a field four times a day, he will receive half the crop, in contrast to other sharecroppers who water the field twice a day and receive a fourth of the crop. If rain comes and he does not have to draw water to irrigate the crop, he still receives half the crops, as he stipulated. The rationale is that a sharecropper is considered to be a partner, not a worker.

7 The following rules apply when a person hires a worker to perform work for an entire day and he completes it in half the day. If the employer has another task that is as - or less - difficult, he may have the worker perform it for the remainder of the day. If he does not have a task for him to perform, he should pay him as an idle worker. When the worker is one who digs, labors in the field or performs heavy labor of this nature and hence will become ill if he does not work, the employer must pay him his entire wage even if he is idle.

8 When a person hires a worker to bring him an object from one place to another, and the worker goes to the designated place but cannot find the object specified, the employer is obligated to pay him his entire wage.

If a person hires a worker to bring rods to use as supports for a vineyard, but the worker can not find them, and hence does not bring them, the employer must pay the worker his wage.

If he hired him to bring cabbage or prunes for a sick person, the worker went and when he returned, the sick person either died or recovered, the employer should not tell the worker: "Take what you brought as your payment." Instead, he must pay him the entire wage he promised him. Similar principles apply in all analogous situations.

9 When a person hires a worker to perform work in his own field, but shows him a field belonging to a colleague and has him perform work there, he must pay him his entire wage. Afterwards, he may require his colleague to reimburse him for the benefit he received from this work.

10 When a person hires a worker to work together with him with straw, stubble and the like, he is not given the option of telling the worker: "Take what you did as your payment." If, however, he made such an offer, and the worker agreed, he is not given the option of changing his mind and telling the worker: "Take your wage and I will take my straw."

11 An ownerless object discovered by a worker belongs to him. This law applies even when the employer told him: "Work for me today." Needless to say, it applies if he told him: "Hoe for me."

If, however, he hired him to take possession of ownerless objects - e.g., a river dried up and he hired him to collect the fish in a nearby marsh - whatever he finds, even a wallet filled with silver coins, belongs to the

owner.

Chapter 10

1 The following rules apply when a person gives a loan to a colleague and takes security in return. He is considered to be a paid watchman. This applies regardless of whether he lent him money or lent him produce, and regardless of whether he took the security at the time when he gave him the loan or afterwards.

Accordingly, if the security is lost or stolen, he is responsible for its value. If the security was lost because of causes beyond the lender's control -e.g., it was taken by armed thieves or the like - the lender must take an oath that it was lost due to forces beyond his control, and the owner of the security must repay his debt until the last *p'rutah.*

2 Whenever a person tells a colleague: "Watch my article for me and I will watch your article for you," it is considered as if the owner was employed by the watchman.

If, however, he tells his colleague: "Watch an article for me today, and I will watch an article for you tomorrow," "Lend an article to me today and I will lend an article to you tomorrow," "Watch an article for me today, and I will lend an article to you tomorrow," or "Lend an article to me today and I will watch an article for you tomorrow," they are each considered to be paid watchman for the other.

3 All craftsmen are considered to be paid watchman. Whenever a craftsman

says: "Take your article and pay for it," or "I have completed it," and the owner does not take the article, the craftsman is considered to be an unpaid watchman from that time onward.

If, however, the craftsman says: "Bring money and take your article," he is considered a paid watchman as before.

4 If a person gives an article to a craftsman to fix and the craftsman ruins it, the craftsman is liable to make restitution.

What is implied? If a person gives a carpenter a chest, a box or a closet to place a nail into, and he breaks the article he must make restitution. Similarly, if a person gives a carpenter the wood to make a chest, a box or a closet, and he breaks them after he completes making them, the carpenter must pay the employer for a chest, a box or a closet. The rationale is that the craftsman does not acquire a share in the increase in the value of the article.

If a person gives a craftsman wool to dye, and the vat in which he dyes it boils until the water evaporates, thus destroying the wool, the dyer must reimburse the owner for his wool.

The following rules apply in the ensuing situations: The dyer dyed the wool unattractively, the owner asked him to dye it red and he dyed it black, he asked him to dye it black and he dyed it red, or he gave wood to a carpenter to make an attractive chair, and he made a poor chair or a bench. In all these instances, if the increase in the value of the article exceeds the cost, all the owner of the article is required to pay is the cost. If the cost exceeds the increase in the value of the article, all the owner of the article is required to pay is the increase in the value of the article.

If the owner of the article says: "I do not desire this dispensation. I would prefer that he give me the value of the wool or the value of the wood," we do not heed his request. Conversely, if the craftsman says: "Here is the cost of your wool or your wood, depart," he is not heeded. The rationale is that the craftsman does not acquire a share in the increase in the value of the article.

5 When a person brings raw materials to a professional and he ruins them, the professional is liable to reimburse the owner for their value, for he is like a paid watchman. For example, a person gave wheat to a miller to grind and he did not soak it. Hence the flour came out as bran or coarse flour. A person gave flour to a baker and he made bread that crumbles, or a person brought an animal to a slaughterer and he slaughtered it unacceptably. They are all liable to make restitution.

Therefore, if an expert slaughterer slaughters an animal without charge and he caused it to be unacceptable, he is not liable to make restitution. If he is not an expert, even if he works without charge, he is required to make restitution.

Similar rules apply when a person shows a coin to a money changer and he says that it is acceptable, and it is discovered to be unacceptable. If he charged for his services, he is obligated to pay even though he is an expert and does not require further training. If he did not charge, he is not liable, provided he is an expert and does not require further training. If he is not an expert, he must reimburse the questioner even when he does not charge for his services.

The above applies when the questioner tells the money changer: "I am

relying upon you," or it is obvious from the situation that he is relying on his opinion and is not seeking another opinion.

When a ritual slaughterer slaughtered an animal without charge, but rendered it unfit, a money changer said that a coin was acceptable, and it was not, or in any similar situation, the person who caused the damage must supply proof that he is an expert. If he cannot supply proof, he is required to make restitution.

6 The following rules apply in a place where it is customary for a person who plants trees to receive half of the increase in value, and for the owner of the land to receive half of the increase in value. If he planted trees in a portion of the land and increased the value, but planted other trees in another portion of the land and caused a loss, we calculate the half of the profit that is due the planter and deduct the entire loss he caused. He then receives the remainder. Even if he stipulated that if he causes a loss in a certain portion of the land, he will not receive any profit at all, his words are not heeded and only the loss he actually caused is deducted from his profits. The rationale is that this stipulation is an *asmachta.*

When the person who plants trees terminates his relationship with the owner before reaping the crop, he bears the responsibility for his actions. To illustrate this principle: The local custom is that the person who plants receives half of the profits and the owner of the land, the other half. A sharecropper receives a lesser share, one third of the crop. The person who planted the trees caused the land to increase in value and then wished to terminate his relationship with the owner, forcing the owner to employ a sharecropper. The owner of the land may employ a sharecropper. Even so,

the owner of the land receives half of the profits; he does not suffer a loss. The sharecropper receives a third and the remaining sixth is given to the person who planted the trees. Since he willingly terminated his relationship, he suffers the consequences.

7 The following principle applies with regard to a person who plants trees on behalf of all the members of a city who caused a loss; similarly, a ritual slaughterer of a village who rendered an animal unacceptable for consumption, a blood-letter who caused an injury, a scribe who erred in composing a legal document, a teacher who was negligent with the children and did not teach them or taught them in error, or any other professional who made an error that cannot be corrected. They may be removed from their positions without warning, for the warning for them to perform their work carefully is self evident. They must faithfully apply themselves to their tasks, for they were appointed by the community to discharge this responsibility.

Chapter 11

1 It is a positive commandment to pay a worker his wage on time, as **Deuteronomy 24:15** states: "On the day it is due, pay him his wage." If an employer delays payment, he violates a negative commandment, as that verse continues: "Do not let the sun set without him receiving it." Lashes are not given for the violation of this prohibition, for he is liable to pay.

This principle applies to the wage of a person or the fee for hiring an animal or a utensil. In all these instances, one is obligated to make

payment when due, and if one delays payment, one violates a negative commandment.

The obligation to pay a wage when due applies to a resident alien, but one does not transgress a negative commandment if one delays paying him.

2 Whenever a person withholds the payment of a worker's wage, it is as if he takes his soul from him, as **Deuteronomy 24:16** continues: "Because of it, he puts his life in his hand." He violates four admonitions and a positive commandment: He transgresses the commandments not to oppress a colleague, not to steal, not to hold overnight the wage of a worker and not to allow the sun to set before having paid him, and the positive commandment to pay him on time.

When are a worker's wages due? A person who is hired to work during the day should collect his wages at any time throughout the following night. With regard to him, **Leviticus 19:13** states: "Do not hold the wage of a worker in your possession overnight until the morning."

A person who is hired to work during the night should collect his wages at any time throughout the following day. Concerning him, it is written: "On the day it is due, pay him his wage."

A person who is hired to work several hours during the day should collect his wage during the remainder of the day. A person who is hired to work several hours during the night, should collect his wage during the remainder of the night.

The following principles apply with regard to a person hired for a week, for a month, for a year or for a seven-year period. If he leaves his work during the day, he should collect his wage during the remainder of the

day. If he leaves his work during the night, he should collect his wage during the remainder of the night.

3 If a person gives his garment to a tailor, and the tailor completes it and notifies him, the owner does not transgress this commandment as long as the garment is in the possession of the tailor. This applies even if he delays paying him for ten days.

If the tailor returned it in the middle of the day, once the sun sets, the employer transgresses the commandment for holding the worker's wage past its due date. For contracting work is governed by the same laws as hired labor, and the craftsman must be paid when his wage is due.

4 The following rules apply when a person tells his agent: "Go out and hire workers for me," and the agent tells them: "The employer is responsible for your wages." They both do not transgress the prohibition against delaying payment of the worker's wages. The owner is not culpable, because he did not hire them, and the agent is not culpable, because he does not benefit from the workers' activity. If, however, the agent did not tell them: "The employer is responsible for your wages," the agent is considered to be transgressing the prohibition.

The employer does not transgress this prohibition unless the worker demanded payment and he did not give it to him. If, however, the worker did not demand payment or he demanded payment and the employer did not have the money to pay him, or he directed the worker to another person who accepted the responsibility of paying him, the employer is not culpable.

5 When a person delays payment of a worker's wages until after they are due, he is liable to pay him immediately, although he has already violated the positive and the negative commandment mentioned above. Throughout the time he delays payment, he transgresses a Rabbinic commandment, as alluded to by **Proverbs 3:28**: "Do not tell your colleague, 'Go and return for tomorrow I will pay.'"

6 The following rules apply whenever a worker who was hired in the presence of witnesses demands payment from his employer at the appointed time, the owner claims to have paid the wage, and the worker claims not to have received it. Our Sages ordained that, while holding a sacred object, the worker should take an oath that he did not receive his wage. He may then collect it according to the laws governing all those who take oaths and then collect their due.

The rationale for this ruling is that the employer is busy managing his workers and the worker is pinning his soul on his wage. Even if the worker is a minor, the worker may take an oath and collect his wage.

Different rules apply when the employer hired the worker without witnesses observing. Since the employer could say: "Such a thing never happened; I never hired you," we accept his claim when he says: "I hired you, and I paid you." Hence, the employer must take a *sh'vuat hesset* if he denies owing anything to the worker or a Scriptural oath if he admits a portion of his claim, as applies in all other suits. If there is one witness who testifies that the worker was hired, it is of no consequence.

Similarly, if the worker demands payment after the day on which his wage is due, we follow the principle: "A person who wishes to expropriate

money from a colleague must prove his claim." This applies even if there are witnesses that the employer hired him. If he does not prove his claim, the employer may support his claim with a *sh'vuat hesset* and be freed of liability. If the worker proves that he has been continually demanding payment, he may take an oath and collect his wage on the day on which he demands payment.

What is implied? The worker performed labor for the employer on Monday until the evening. The time he should be paid is Monday night. On Tuesday, he can no longer take an oath and collect his wage. If he brings witnesses who testify that he demanded his wage throughout Monday night, he may take an oath and collect his wage throughout the day on Tuesday, but from Tuesday night onward, we follow the principle: "A person who wishes to expropriate money from a colleague must prove his claim."

Similarly, if he has witnesses who testify that he had demanded his wage until Thursday, he may take an oath and collect his wage throughout the day on Thursday.

7 The following rules apply when there is a difference between the employer and the worker with regard to the wage promised - e.g., the employer states "I promised you two *zuz*" and the worker states: "You promised me three."

In this instance, our Sages did not entitle the worker to support his claim with an oath. Instead, they applied the principle: "A person who wishes to expropriate money from a colleague must prove his claim," If the worker did not prove his claim, even though the employer already gave him the

two *zuz* he admits owing him or says: "Here is your money," the employer must take an oath holding a sacred object. This oath was ordained by the Sages so that the worker will not depart with an unsatisfied soul.

When does the above apply? When the employer hired the worker in the presence of witnesses who did not know the wage they agreed on, and also when the worker demanded his wage on time. If, however, the employer hired the worker without this being observed by witnesses or the worker demanded payment after the time for payment passed, the employer is required to take only a *sh'vuat hesset* that he agreed to pay him no more than he already gave him or no more than he admits to owe him and told him that he was willing to pay, as is true with regard to all other claims.

8 The following rules apply when a person gives a garment to a tailor to mend, and a difference of opinion arises concerning the payment due the tailor. The tailor says: "You promised me two *zuz,"* and the owner says: "I promised to pay only one."

As long as the garment is in the possession of the tailor, and he would be able to claim that he purchased it, the tailor is given the opportunity of taking an oath while holding a sacred object and collecting the amount he claims. He may claim up to the amount of the article's worth as his wage. Once the garment has departed from his possession, or in a situation when we would not presume that he is the owner and he cannot claim that he purchased the garment, we follow the principle: "A person who wishes to expropriate money from a colleague must prove his claim." If he does not bring proof of his claim, the owner of the garment is required to take a *sh'vuat hesset* if he denies owing the tailor anything more than he

paid him or a Scriptural oath if he admits a portion of the tailor's claim, as is the law with regard to other claims. Such a situation is not governed by the special leniencies granted with regard to the laws applying to a worker.

9 When a worker comes to take an oath, we do not deal severely with him, nor is he required to take an oath with regard to other claims based on the principle of *gilgul sh'vuah.* Instead, he takes an oath that he did not receive payment and collects his due.

We are not lenient with any other people who come to take oaths, with the exception of a worker. In his case, we are lenient and invite him to take the oath, saying: "Do not cause yourself exasperation. Take the oath and collect your due."

Even when his wage is only a *p'rutah,* if the owner claims to have paid him already, he should collect it only after taking an oath. Similarly, whenever a person takes an oath and collects his due, even if the claim is only *one p'rutah,* he may not collect it unless he takes an oath resembling one required by Scriptural Law.

Chapter 12

1 When workers are performing activities with produce that grows from the earth, but the work required for it has not been completed, and their actions bring the work to its completion, the employer is commanded to allow them to eat from the produce with which they are working. This applies whether they are working with produce that has been harvested or produce that is still attached to the ground.

This is derived from **Deuteronomy 23:25**, which states: "When you enter the vineyard of your colleague, you may eat grapes as you desire," and *ibid.:26,* which states: "When you enter the standing grain belonging to your colleague, you may break off stalks by hand." According to the Oral Tradition, we learned that these verses are speaking solely about a paid worker. For if the owner of the produce did not hire him, what right does the person have to enter his colleague's vineyard or standing grain without his permission? Instead, the interpretation of the verse is that when you enter the domain of your employer for work, you may eat.

2 What are the differences in the application of this mitzvah between a person who performs work with produce that has been reaped and one who works with produce that is still attached to the ground? A person who performs work with produce that has been reaped may partake of the produce as long as the work necessary for it has not been completed. Once the work necessary for it has been completed, he may not eat. By contrast, a person who performs work with produce that is still attached to the ground - e.g., a harvester of grapes or a reaper of grain - may not partake of the produce until he has completed his work.

For example, a person harvests grapes and puts them into a large basket. When the basket is filled, it is taken away and emptied in another place. According to Scriptural Law, the worker may eat only when the basket has been filled. Nevertheless, in order to prevent the owner from suffering a loss, the Sages ruled that the workers may eat while they are walking from one row to another and while they are returning from the vat, so that they will not neglect their work to sit down and eat. Instead, they were granted

permission to eat while they are performing their work, so that they will not neglect it.

3 When a person neglects his work and eats or eats when he has not completed his work, he transgresses a negative commandment, as **Deuteronomy 23:26** states: "You shall not lift a sickle against your colleague's standing grain."

According to the Oral Tradition, it is explained that as long as the worker is involved in reaping, he should not lift a sickle in order to partake of the produce himself. Similar laws apply in all analogous situations.

Similarly, a worker who carries home produce with which he had worked or who takes more than he can eat himself and gives to others transgresses a negative commandment, as *ibid.:28* states: "You may not place in your containers." The violation of these two prohibitions is not punishable by lashes, because a person who ate when one should not have or took produce home is liable to make financial restitution.

4 A person who milks an animal, one who makes butter, and one who makes cheese may not partake of that food, for it is not a product of the earth.

When a person hoes around onion heads and garlic heads, even though he removes small ones from the larger ones, or the like, he may not partake of them, because this activity does not constitute the completion of the task.

Needless to say, watchmen over gardens, orchards and fields where any crops are grown - e.g., cucumber gardens and gourd gardens - may not

partake of the produce growing there at all.

5 A person who separates dates and figs [that have already been harvested and are stuck together] may not partake of them, for the work that obligates the performance of the mitzvah of tithing has been completed.
A person who works with wheat and the like after they have been tithed - e.g., a person was hired to remove pebbles from grain, to sift the kernels or to grind them - may partake of them, for the work that obligates the performance of the mitzvah of *challah* has not been completed. When, however, a person kneads dough, bastes loaves or bakes, he may not partake of the food, because the work that obligates the performance of the mitzvah of *challah* has become completed. And a worker may not partake of produce except when the work that obligates the performance of the mitzvah of tithing or *challah* has not been completed.

6 If the cakes of figs belonging to a person become broken up, his barrels of wine become open, or his gourds become cut, and he hires workers to tend to the produce, they may not partake of it, for the work necessary for them has been completed and they have become obligated to be tithed. Indeed, they are *tevel.* If, however, the owner did not notify the workers, he must tithe the produce and allow them to partake of it.
Workers may not partake of the crops in a field that was consecrated to the Temple treasury. This is derived from **Deuteronomy 23:25**, which speaks of "your colleague's vineyard."

7 When a person hires workers to work with produce that is *neta reva'i,* they

may not partake of it. If he did not inform them that it was *neta reva'i,* he must redeem it, and allow them to partake of it.

8 Workers who reap, thresh, winnow, separate unwanted matter from food, harvest olives or grapes, tread grapes, or perform any other tasks of this nature are granted the right to partake of the produce with which they working by Scriptural Law.

9 Watchmen for vats, grain heaps and any produce that has been separated from the ground, for which the work that obligates tithing has not been completed may partake of the produce because of local convention. They are not granted this privilege according to Scriptural Law, because a watchman is not considered to be one who performs an action.

If, however, a person works with his limbs whether with his hands, his feet or even with his shoulders, he is entitled to partake of produce according to the Torah.

10 A worker who is working with figs may not partake of grapes. One who is working with grapes may not partake of figs. These laws are derived from **Deuteronomy 23:25**, which states: "When you enter the vineyard of your colleague, you may eat grapes."

When a person is working with one vine, he may not eat from another vine. Nor may he partake of grapes together with other food; he should not partake of them together with bread or salt. If, however, the worker set a limit concerning the quantity that he may eat, he may eat the produce with salt, with bread or with any other food that he desires.

It is forbidden for a worker to suck the juice from grapes, for the verse states: "And you shall eat grapes." Neither the worker's sons nor his wife may roast the kernels of grain in a fire for him. This is implied by the above verse, which states: "You may eat grapes as you desire." The implication is that you must desire the grapes as they are. Similar laws apply in all analogous situations.

11 It is forbidden for a worker to eat an inordinate amount of the produce with which he is working. This is implied by the above verse, which states: "You may eat... as you desire, to your satisfaction." It is permitted, however, for him to delay eating until he reaches the place of higher quality grapes and eat there.

A worker may eat even a *dinar's* worth of cucumbers or dates even though he was hired to work only for a silver *me'ah.* Nevertheless, we teach a person not to be a glutton, so that he will not close the doors in his own face. if a person is guarding four or five grain heaps, he should not eat his fill from only one of them. Instead, he should eat an equal amount from each one.

12 Workers who have not walked both lengthwise and laterally in a vat may eat grapes but may not drink wine, for at that time they are still working solely with grapes. When they have treaded in the vat and walked both lengthwise and laterally, they may eat grapes and drink the grape juice, for they are working with both the grapes and the wine.

13 When a worker says: "Give my wife and my children what I would eat,"

or "I will give a small amount of what I have taken to eat to my wife and my children," he is not given this prerogative. For the Torah has granted this right only to a worker himself. Even when a nazarite who is working with grapes says, "Give some to my wife and children," his words are of no consequence.

14 When a worker - and his wife, his children and his slaves - were all employed to work with produce, and the worker stipulated that they - neither he nor the members of his household - should not partake of the produce, they may not partake of it.

When does the above apply? When they are past majority, because they are intellectually mature, responsible for their decisions, and willingly gave up the right the Torah granted them. If, however, the children are minors, their father cannot pledge that they will not eat, for they are not eating from his property or from what the employer grants them, but rather from what they were granted by God.

Chapter 13

1 An animal should be given the opportunity to eat whenever it works with produce, whether the produce is still attached to the ground or has been harvested. Similarly, it may partake of produce from the burden it is carrying until it has been unloaded, provided that the person caring for the animal does not take the produce in his hand and feed it.

2 Whoever prevents an animal from eating while it is working should be

punished by lashes, as **Deuteronomy 25:4** states: "Do not muzzle an ox while threshing."

The prohibition applies to an ox and to all other species of animals and beasts, whether a kosher animal or a non-kosher animal. Similarly, it applies with regard to threshing and all other types of work with produce. The Torah speaks about an ox threshing only to mention the most common instance.

An employer is not liable if he muzzles a worker. He is, however, liable for muzzling an animal. This applies whether he muzzles the animal while he is working with it or muzzles it beforehand and works with it while muzzled. He is liable even if he "muzzles it" with his mouth.

When a person rents an animal, muzzles it and then threshes with it, he receives lashes and must pay the owners the value of four *kabbin* of grain for a cow, and three *kabbin* for a donkey. Although generally a person does not receive both lashes and a financial penalty for the same transgression, an exception is made in this instance, because the renter was obligated to provide the animal with its sustenance from the time he pulled it after him, and he is not liable for lashes until he threshes with the animal while muzzled.

3 When a Jew threshes with a cow belonging to a gentile, he is subject to violating the prohibition against muzzling. When, by contrast, a gentile threshes with an ox belonging to Jew, he is not subject to violating this prohibition.

If a Jew tells a gentile: "Muzzle my ox and thresh with it," a thorn becomes lodged in the ox's mouth and he threshes with it so it does not

eat, he places a lion outside the threshing floor, he places the animal's son outside the threshing floor, he does not provide the animal with drink when it is thirsty, or spreads a hide over the grain so that it will not eat - all of these and similar acts are forbidden, but the person does not receive lashes.

When the produce with which the animal is working is bad for its digestion and will damage the animal's health or when the animal is sick and eating will cause it to become diarrheic, it is permitted to prevent the animal from eating. The rationale is that the Torah enacted this prohibition so that the animal would benefit, and in such an instance it does not benefit.

4 When a priest is threshing grain that is *terumah* or grain that is definitely *terumat ma'aser* with a cow that belongs to an Israelite, he is not subject to violating the prohibition against muzzling them.

This law also applies when cows thresh grain that is *ma'aser sheni* and when cows veer from the path. Nevertheless, because of the impression that might be created, when the cows are threshing grain that is *terumah* or *ma'aser sheni* the worker should bring that type of grain and place it in the food sack hanging below their mouths.

5 When a person muzzles a cow that is threshing produce that is *ma'aser sheni* which is *demai terumat ma'aser* which is *demai* or produce that grew from *terumah* he violates the prohibition against muzzling the animal.

6 The owner of an ox is permitted to make his animal hungry and aggrieve

it so that it will eat a large quantity of the grain that it is threshing. Conversely, the renter of the ox may feed it hay so that it will not eat a large quantity of the grain that it is threshing.

Similarly, an employer may provide his workers with wine so that they will not eat many grapes. Conversely, the workers may dip their bread in brine so they will eat many grapes.

A worker may not, however, perform work at night and then hire himself out during the day, or work with his ox in the evening and then rent it out in the morning. Similarly, he should not starve and aggrieve himself and give his food to his sons, because this leads to stealing from the work due his employer, for his energy will be sapped and his thinking unclear, and he will not be able to perform his work robustly.

7 Just as the employer is warned not to steal the wage of the poor person or to withhold it from him, the poor person is forewarned not to steal from the work due his employer and neglect his work slightly here and there, spending the entire day in deceit.

Instead, he is obligated to be precise with regard to his time. The importance of such preciseness is indicated by our Sages' ruling that workers should not recite the fourth blessing of grace, so as not to neglect their work.

Similarly, a worker is obligated to work with all his strength, for Jacob the righteous man said **Genesis 31:7**: "I served your father with all my strength." Therefore, he was granted a reward even in this world, as indicated by *ibid.* 30:43: "And the man became prodigiously wealthy."

Blessed be God who grants assistance.

Mishneh Torah, Borrowing and Deposit

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person borrows utensils, an animal or other movable property from a colleague, and it is lost or stolen, or even if it is destroyed by factors beyond his control - e.g., an animal is injured, taken captive or dies - the borrower is required to make restitution for the entire worth of the article, as stated in **Exodus 22:13**: "If a person borrows an animal from a colleague and it will become injured or die, and the owner is not with him, he must make financial restitution."

When does the above apply? When the loss due to factors beyond his control does not take place while the borrower is working with the animal. If, however, a person borrows a colleague's animal to plow, and it dies while plowing, the borrower is not liable. If, however, the animal dies before he plowed with it or after he plowed with it, or he rode upon it or threshed with it and the animal died while he was threshing or riding, the borrower is liable to make financial restitution. Similar laws apply in all analogous situations.

Similarly, if a person borrows an animal to travel to a particular place and the animal dies under him on that journey, he borrows a bucket to fill water with it and it falls apart in the cistern while he is filling it, he borrows a hatchet to split wood and it breaks because of the chopping while he is splitting the wood, he is not liable. Similar laws apply in all analogous situations. The rationale is that he borrowed the article solely to

perform this task, and he did not deviate from his original request.

2 The following rules apply when a person borrows an animal from a colleague, it dies, and the borrower claims that it died while in the midst of work. If he borrowed it to travel to a place where people are commonly present, he must bring witnesses who testify that it died or it was destroyed by forces beyond his control while he was working with it, and he did not deviate from his original request. He is then freed of liability. If he does not bring proof, he is liable.

Different rules apply when a person borrows an animal to fill up the earth in his ruin, i.e., a place where it is not common for witnesses to be present, or he borrowed a bucket to fill the cistern in his house and the bucket was destroyed in the cistern. If he brings proof that the animal or the object was destroyed in the process of performing the task for which it was borrowed, he is not liable even to take an oath. If he cannot bring proof, he must take the oath required of watchmen that the animal died during the performance of the task for which it was borrowed. Similar laws apply in all analogous situations.

3 When a person borrows a utensil from a colleague and it breaks, the utensil is evaluated in the same way as a utensil one damages is evaluated. We evaluate how much the object was worth while it was complete and how much it is worth in its present state. The borrower returns the broken utensil or the injured animal to the owner and makes financial restitution for the damages. Similarly, if the animal dies, he may return the carcass and make restitution for the animal's decrease in value.

4 When a person borrows an animal, he becomes liable to provide it with food from the time he performs *meshichah* until the conclusion of the time for which he borrowed it. If its meat depreciates in value, he is liable to pay for that reduction. If its meat depreciates in value because of the work the animal performs, he is not liable. He must, however, take the oath required of a watchman, swearing that it depreciated because of the work.

5 When a person borrows an article or an animal from a colleague without making any stipulation, the lender may require him to return it at any time. If he borrowed it for a set time, once he performs *meshichah* with it, he acquires it, and the owner may not compel the borrower to return it from his possession until the conclusion of the period for which it was borrowed. Indeed, even if the borrower dies, his heirs are entitled to continue using the borrowed article until the conclusion of the period for which it was lent out.

This concept can be appreciated by logical deduction. A purchaser acquires the body of the article he purchases forever in return for the money he gave. The recipient of a present acquires the body of the article he receives forever, although he did not give anything. Similarly, a renter acquires the body of an article for the sake of deriving benefit from it for a limited time in return for the money he gave. And a borrower acquires the body of an article for the sake of deriving benefit from it for a limited time without giving anything. Thus, just as the giver of a present resembles a seller in that he cannot retract his gift forever, so too, a person who lends an article resembles one who hires it out, in that he cannot

retract in the midst of the term of the agreement.

When a father leaves his sons a cow that he had borrowed and it dies, they are not liable for the loss its owner suffers. If they thought that it belonged to their father and they slaughtered it and ate it, they are required to pay the price of its meat at a low price. If their father left them an estate, and the borrowed cow died or was slaughtered by them, they must pay its worth from the estate.

6 When a person borrows a utensil for the sake of performing a particular task, the person who lent it cannot force the borrower to return it from his possession until the borrower performs that task. Similarly, if he borrows an animal in order to travel to a particular place, the owner may not compel the borrower to return it until he goes to that place and returns.

7 When a person asks a colleague: "Lend me your spade to hoe this orchard," he is allowed to hoe only that particular orchard. He may not hoe another orchard with it.

If the borrower said: "to hoe an orchard" without describing it further, he may use it to hoe any orchard he desires. If he borrowed it to hoe his orchards, he may hoe all the orchards he owns. Even if the iron of the spade becomes entirely worn away while hoeing, it is sufficient for him to return the wooden handle of the hoe. Similar laws apply in all analogous situations.

8 The following rule applies when a person borrows a utensil from a

colleague to use and tells him: "Lend me this item according to your generosity." That expression implies "Don't lend it to me like others who lend out articles, but according to the goodness of your heart and your generosity, that you will not be concerned about the time, even if it becomes extended."

If a *kinyan* was established with the lender concerning this, the borrower may use the article without limit until it is no longer suitable to perform its function. He must then return its broken pieces or the remnants. The borrower may not, however, fix the utensil and thus make it useful again.

9 When a person asks a colleague: "Lend me this stone tub of water," and it was destroyed, he may not rebuild it. If the borrower asks the owner: "Lend me a stone tub," without any description, and it is destroyed, he may rebuild it.

If he asked him: "Lend me the place of a stone tub," if a *kinyan* was established affirming this agreement, the borrower may build on the property of the lender until he constructs a stone tub that he may use to water his animal or irrigate his land, as he stipulated when speaking to the lender.

10 When a person borrows an inn from a colleague "to spend the night," the intent is no less than one day. "To spend the Sabbath," the intent is no less than two days. "For marriage," the intent is no less than 30 days.

When a person borrows a garment from a colleague to visit a person in mourning, he may keep it for the time it takes to go and return. When a person borrows a garment to attend a wedding celebration, he may keep it

for that entire day. If he borrows it for his own wedding, he may keep it for at least seven days.

Chapter 2

1 When a person borrows an article while the owner is working with him, he is not liable, even if the article that he borrowed is stolen or lost through negligence, as **Exodus 22:14** states: "If the owner is with him, he need not make restitution." This applies, provided he asked the owner to work with him at the time he borrowed the article, as we have explained.
This leniency applies whether the borrower asked the owner to work for him as a favor or hired him, and whether he asked him to perform the same work as he performs with the article, he asked him or hired him to perform another task, or he had him perform any task in the world. Even if he told a colleague, "Give me a drink of water," and the person asking for the water asked to borrow his colleague's animal, if the owner gives him a drink and lends him the animal, it is considered as if he lent him the animal while "with the owner," and he is not liable.
If the borrower performed *meshichah* with the animal first, and afterwards the owner gave him to drink, this is not considered to be borrowing an article while the owner is working with the borrower. The same principles apply in all analogous situations.

2 When a person lent or rented out his animal to carry a burden and went out to help the borrower or the renter to help him load his burden on it, this is considered to be borrowing an article while the owner is working

with the borrower. If he goes out with him to inspect the burden and to see that he was not overloaded, it is not considered borrowing an article while the owner is working with the borrower.

3 The following rules apply with regard to a teacher of young children, a person who plants trees for a city, a bloodletter for the city and their scribe. On the day any one of these individuals - or a person in a similar position - sits to perform the work of the city's inhabitants, if he lends or rents out an article to any of the people whose work he is performing, it is considered as if the owner is working with the borrower. Even if the watchman was negligent, he is not liable. If, however, one of these individuals borrowed or rented an article from one of the inhabitants of the city, he is liable in the event of damages. For they do not perform work for him.

4 When a teacher reads to his students at will, at the time he desires, whichever tractate he desires, they are obligated to come to him at all times, and even if he has already started studying one tractate with them, he has the license to switch from tractate to tractate, they are considered to be at his command, and he is not at their command. On the day of public study, when everyone comes to hear about the matters that concern the festival, he is considered to be at their command, and they are not at his command.

5 When a person tells his agent: "Go out and work together with my cow," it is not considered as if the owner is working with the borrower. This is

intimated by **Exodus 22:14**: "If the owners are with him, he need not make restitution." The wording implies that verse refers to the owners themselves, and not their agents.

If by contrast a person tells his Canaanite servant: "Go out and work together with my cow," it is considered as if the owner is working with the borrower. The rationale is that a Canaanite servant is considered an extension of the physical person of his master.

If the servant goes to work for the borrower without his master's consent, it is not considered as if the owner is working with the borrower.

6 When a person borrows an article from a woman, and her husband is performing a task for the borrower, it is not considered as if the owner is working with the borrower. The rationale is that the right to benefit from property is not equivalent to ownership of the property itself. And a woman's husband is entitled only to benefit from her property. He is not the owner.

7 When a husband borrows property from his wife or when partners borrow property from each other, it is considered as if the owner is working with the borrower. If one partner says to the other, "Lend me property today, and I will lend you tomorrow," it is not considered as if the owner is working with the borrower.

8 When a person borrows property from a partnership and also asks one of the partners to work for him, or if partners borrow property and one of the partners asks the owner to work for him, there is an unresolved doubt

whether it is considered as if the owner is working with the borrower or not. Therefore, if the animal dies, the borrower is not required to make restitution. If, however, the owner seizes the value of the article from property belonging to the borrower, it should not be expropriated from his possession. If the borrower was negligent, he is required to make restitution.

9 There is an unresolved doubt whether a person who borrows an animal to sodomize it, or to create an impression, or to perform work that is worth less than a *p'rutah*, or borrowed two cows to do work that is worth one *p'rutah* while the owner is working with him is considered as an instance when an object is borrowed while the owner is working with the borrower or not.

10 If a person borrowed an animal while the owner was working for him, and before he returned it, rented it for an additional period while the owner was not working for him, he is not liable if the animal is not returned. The rental is dependent on - and considered as an extension of - the borrowing.

There is, by contrast, an unresolved doubt with regard to all of the following situations:

The person rented the animal while the owner was working for him, and before he returned it, borrowed it for an additional period while the owner was not working for him.

He borrowed an animal while the owner was working for him, and before he returned it, rented it for an additional period while the owner was not

working for him and then borrowed it again while the owner was not working for him.

Or he rented an animal while the owner was working for him, and before he returned it, borrowed it for an additional period while the owner was not working for him, and then rented it again while the owner was not working for him.

11 When a woman borrows an article from one person and then marries another man, her husband is considered a purchaser - not a paid watchman nor a borrower. Accordingly, if the borrowed article was an animal that died, the husband is not liable even though he used it throughout the time that it was borrowed.This ruling applies even if he was negligent. The rationale is that he is considered as a purchaser.

When the woman receives money, she is obligated to make restitution. If she notified her husband that the article is borrowed, he undertakes her responsibility.

In all the situations that we have defined as borrowing while the owner is working for the borrower, if a renter or a paid watchman were involved, it would be considered as a rental while the owner is working for the renter, and he would not be held liable. Conversely, in all the situations that are not defined as borrowing while the owner is working for the borrower, if a renter or a paid watchman were involved, it would not be considered a rental while the owner is working for the renter. And with regard to all the situations for which there are unresolved doubts whether it is considered to be borrowing while the owner is working for the borrower; so, too, there are unresolved doubts with regard to rentals.

Chapter 3

1 When a person borrows a cow from a colleague and the colleague sends it to him with his own son, his agent or his servant, and it dies before it enters the borrower's domain, the borrower is not liable. This law applies even if the owner sends it with the son, the servant or the agent of the borrower.

If the borrower tells the owner: 'Send it to me with my son,' 'with my servant,' or 'with my agent,' or even 'with your Hebrew servant,' or 'with your agent,' the borrower is liable. This law also applies if the owner tells the borrower: 'I am sending it to you with your son,' 'with your servant,' 'with your agent,' 'with my son,' 'with my Hebrew servant,' or 'with my agent,' and the borrower agrees, the borrower is liable if he sends it and it dies on the way.

If the owner sends the cow with his own Canaanite servant, the borrower is not liable if the cow dies on the way after it is sent. This law applies even if the borrower consents. The rationale is that the servant is considered to be an extension of his master's physical person. Thus, the cow has never left its owner's domain.

2 The following rules apply when a person borrows a cow from a colleague, the borrower tells the owner: 'Switch it with a stick, and it will come on its own accord,' and the owner follows his instructions. The borrower is not liable until the cow enters his domain. If it dies on the way, he is not liable.

Similar laws apply when the borrower returns the animal to its owner. If

he sends it with another person and it dies before it enters the owner's domain, he is liable, because it is still the borrower's responsibility. If he returned it with another person with the consent of the owner and it died, he is not liable. If he returned it with his own Canaanite servant, and it died on the way, he is liable, even if the owner consented. The rationale is that the servant is considered an extension of his master's physical person. Thus, the cow has never left the borrower's domain.

When does the above apply? When the borrower returned the animal during the time for which it was lent out. If, however, he returns it after the end of the time for which it was lent out, he is not liable if it dies on the way. For once the time for which it was lent out has concluded, the laws of borrowing no longer apply, and the person who had borrowed the animal is considered a paid watchman. Therefore, if the animal is taken captive or dies after the period for which it was lent out has concluded, the person who had borrowed the animal is not liable. Similar laws apply in all analogous situations.

3 The following rules apply when a person borrows a cow from a colleague, the animal dies, and a dispute arises between the owner and the borrower concerning the circumstances of its death. For example, he borrowed it for half a day and rented it for half a day, borrowed it for one day and rented it for one day, or he borrowed one animal and rented another and one of the animals dies. The owner says: 'The borrowed animal died,' 'It died on the day it was borrowed,' or 'It died during the time it was borrowed,' and the borrower says: 'I don't know,' we follow the principle: When a person desires to expropriate property from a colleague, the burden of proof is on

him. This principle also applies if the borrower says: 'The rented ox died,' 'It died on the day it was rented,' or 'It died during the time it was rented,' and the owner said: 'I don't know,' or they both said: 'I don't know.'

If the owner cannot bring proof that the borrowed ox died, the renter must take an oath that the rented ox died or that he does not know, and he is freed of liability.

If the owner claims that the borrowed ox died, and the the watchman claims that the rented ox died, the watchman must take an oath that the rented ox died in an ordinary manner as he claims. Because of the convention of *gilgul sh'vuah*, he must also include in his oath that it was the rented ox that died.

4 The following rules apply when a person borrows two cows from a colleague, borrowing them for half the day and renting them for half the day, and the cows die. If the owner claims 'They died during the time that they were borrowed,' and the watchman replies: 'One did die during the time it was borrowed, but I don't know about the other one," since the watchman is not able to take an oath that denies the owner's claim, he must make restitution for the two cows.

Similar rules apply if the owner gave the watchman three cows, two were borrowed and one was rented and two cows died. If the owner claims: 'It was the two borrowed cows that died,' and the watchman replies: 'Certainly, one of the borrowed cows died, but I do not know whether the second cow that died was the borrowed one or the rented one,' since the watchman cannot take an oath that denies the owner's claim - for he says

that he does not know which one died - he must make restitution for the two cows.

In *Hilchot To'en V'Nit'an*, it is explained how and for which reasons a defendant is required to pay in this law and in all similar cases where a defendant is not able to take an oath.

Chapter 4

1 The following law applies when a person entrusts an article to a colleague without charge, and it is lost or stolen. The watchman is required to take an oath that the entrusted article was lost or stolen. He is then freed of liability, as **Exodus 22:6-7** states: 'If it is stolen from the person's house..., the owner of the house shall approach the court and take an oath that he did not extend his hands to his colleague's undertakings.'

When he takes that oath, based on the convention of *gilgul sh'vuah*,the watchman must also include in the oath:

a) that he was not negligent, but rather guarded the article in the ordinary manner watchmen do, and

b) that he did not use the article for his personal use before if it was stolen. For if the article was stolen after he used it for his own purposes, he is responsible for it.

2 Since the Torah freed an unpaid watchman from responsibility when an article was stolen, we can certainly infer that he is freed of responsibility when the entrusted object is destroyed by major factors beyond the watchman's control; for example, an animal was injured, taken captive or

died.

This leniency applies provided that the watchman does not misappropriate the entrusted article. If, however, he misappropriates the entrusted article, he is liable even though it is destroyed by forces beyond his control.

What is meant by 'in the ordinary manner watchmen do'? Everything depends on the entrusted article. There are certain entrusted articles that the manner in which they are watched is by placing them in a gatehouse - for example, beams and rocks. There are other entrusted articles that the manner in which they are watched is by placing them in a courtyard - for example, large packages of flax and the like. There are other entrusted articles that the manner in which they are watched is by placing them in a house - for example, dressings and garments. There are other entrusted articles that the manner in which they are watched is by placing them in a locked chest or a locked cabinet - e.g., silk clothes, silver objects, golden objects, and the like.

3 When a watchman placed an object in an inappropriate place and it was stolen from there or lost, he is considered negligent and is required to make restitution. This law applies even if it was destroyed by forces beyond the watchman's control - e.g., a fire broke out and consumed the entire house . It makes no difference whether the watchman placed the entrusted article together with his own property or not. If the place is fit for safekeeping, he is not liable. If it is not fit for safekeeping, he is liable. He may be careless with his own property. He does not have the right to treat another person's property in that manner.

4 The only appropriate way of guarding silver coins and *dinarim* of gold is to bury them in the ground, placing at least a handbreadth of earth over them, or to hide them in a wall within a handbreadth of the ceiling.
They should not be hidden in the midst of the wall, lest the thieves check thereand steal them. Even if a person locked them securely in a chest or hid them in a place where a person would not recognize or be aware of them, he is considered negligent and is liable to make restitution.
Several men of understanding have ruled that the same rules apply with regard to any object that is light and will not be destroyed speedily in the ground - e.g., slabs of silver. Needless to say, this applies to slabs of gold and to jewels. The only appropriate way of guarding such objects is in the ground. I tend to support this ruling.

5 When a person entrusts money to a colleague on Friday afternoon between the setting of the sun and the appearance of the stars, the watchman is not obligated to undertake the difficulty of burying it until Saturday night. If, however, he delayed burying it on Saturday night and before he buried it that night, it was stolen or destroyed by factors beyond his control, he is liable. If he is a Torah scholar, the watchman is not liable if he waits until after *havdalah* to bury it.

6 When a person entrusts money to a colleague on a journey to bring to his home, or sends money with him from one place to another, the money must be bound in a packet and held in the watchman's hand or tied on his stomach opposite his faceand carried in this fashion until he reaches his home and buries it in the appropriate manner. If he did not tie it in

this manner, even if the money was lost because of factors beyond the watchman's control, he is liable. The rationale is that at the outset, he was negligent.

An incident once occurred concerning a person who entrusted money to a colleague. The colleague placed the money in a partition made from reeds. The money was hidden in the midst of the partition and was stolen from there. When the matter was brought to the Sages, they said: Although this is an excellent manner of guarding to prevent theft,it is not a proper place to guard money in the event of fire. Since he did not bury it in the ground or the walls of a building, he is considered negligent. Whenever a person is negligent in his care for the article at the outset, even if it is ultimately destroyed by forces beyond his control, he is liable. Similar laws apply in all analogous situations.

7 The following law applies when a person entrusts either articles or money to a colleague. Should the owner demand of the watchman: 'Give me my entrusted article,' and the watchman tells him: 'I do not know where I placed the entrusted article,' or 'I do not know where I buried the money. Wait; I will look for it, find it and return it to you,' he is considered negligent and is required to make restitution immediately.

8 Whenever a person entrusts either articles or money to a colleague, he entrusts them with the understanding that they may be placed in the care of the person's wife, children or other members of his household who are above the age of majority. If, however, the watchman gave the entrusted article to his sons or the members of his household who are below

majority, his servants - whether they are above or below majority - or one of his relatives who does not dwell in his home and is not dependent on his larder - needless, to say, this applies if he gives the article to a stranger - he is considered negligent and is required to make restitution, unless the second watchman brings proof that he was not negligent, as we have explained.

An incident occurred with regard to a person who entrusted money to a colleague. The watchman gave the money to his mother, who hid it but did not bury it. Our Sages ruled: The watchman is not liable to pay, because he gave the money to his mother, and whenever a person entrusts an article to a colleague, he entrusts it with the understanding that it may be placed in the care of his sons or the members of his household.

Even though the watchman did not tell his mother that the money was not his, but had been entrusted to him, he is not liable, for he could claim: 'Certainly, she would have cared for it more carefully if she thought it belonged to me.' Similarly, his mother is not liable, because he did not tell her that the money was entrusted to him.

Our Sages ruled: The watchman must take an oath that the money that was entrusted to him was the money that he gave his mother, and the mother must take an oath that she hid it and it was stolen. Afterwards, they are both absolved of liability. Similar laws apply in all analogous situations.

9 From the above, one may conclude that should a watchman give an entrusted article to his wife or to the members of his household and inform them that it was an entrusted article, if they did not guard it in a

manner appropriate for a watchman, they are liable to pay the owner, and the person originally appointed as a watchman is not liable. The rationale is that whenever a person entrusts either articles or money to a colleague, he entrusts them with the understanding that they may be placed in the care of the person's wife or children.

An incident occurred with regard to a person who entrusted hops to a colleague. That colleague had other hops in his possession. The colleague told his attendant: 'Place these hops into the beer.' The attendant erred and took the hops that had been entrusted instead.

The Sages ruled that the attendant is not liable, because the watchman did not tell him: 'Place these hops, and do not place those hops.' Therefore, the attendant thought that he was merely recommending one pile, but not insisting on it. The owner is also not liable, because he instructed him to take the hops from his own pile. He is required to make restitution only for the benefit he received. Therefore, if the beer becomes vinegar, he is not liable to pay anything. Regardless of the outcome, the watchman is required to take an oath that these in fact were the circumstances. Similar laws apply in all analogous situations.

Chapter 5

1 If money designated to be given to the poor or to be used for the redemption of captives was given to a person, he was negligent in guarding it and it was stolen, the watchman is not liable. This is derived from **Exodus 22:6**, which states: "If a man gives money or articles to his colleague to watch...." The wording implies that obligations determined

by the verse apply when the money or the article was given to watch, but not when it was given to divide among the poor. This decision is rendered, because there is no one to claim the money as his own.

Even if the thieves attacked the person and he saved himself by giving them the money designated for the redemption of captives, he is not liable. There is no greater redemption of captives than this.

When does the above apply? When the money was not entrusted to him for the sake of the poor people of a particular place or a designated group of captives. If, however, the money was designated for a particular group of poor people or captives, and is thus set aside for them, it is considered to be money that people can claim. Therefore, the watchman must pay if he was negligent, or take an oath that he was not negligent, as is required of all watchmen.

2 The following rules apply when a person entrusts money or valuable articles to a colleague, thieves come and attack him and he gives them the entrusted article before offering any of his other property to save himself. If the person has the reputation of being wealthy, he is liable. The rationale is that we may presume that the thieves came because of the watchman. Thus, he is saving himself with money belonging to a colleague. If the watchman does not have the reputation of being wealthy, we presume that the thieves came only because of the entrusted article. Hence, the watchman is not liable. Similar laws apply in all analogous situations.

3 The following rules apply when a person entrusts articles or fruit to a

colleague. If thieves come and steal the entrusted article in his presence and he remains silent, he may be held liable. If people would have come and rescued the entrusted article had he called out, he is considered negligent for remaining silent and he is obligated to make restitution. Similar laws apply in all analogous situations.

4 The following laws apply when two people entrusted money to a colleague, one 100 *zuz* and the other 200 *zuz*, both claim to have entrusted the 200 *zuz*, and the watchman does not recall which one deposited 200, and which one 100. Each of the claimants must take an oath that he was the one who deposited the 200 *zuz* He may then collect the money he claims, as is the law with regard to any person who takes an oath and collects his due. The watchman must pay each claimant 200, losing 100 *zuz* from his own resources. The rationale is that he was negligent, for he should have written down the name of each person on the packet that he entrusted.

Therefore, if the two people together brought him the 300 *zuz* in a single packet, and afterwards each claims that the 200 belongs to him, the watchman is not considered negligent if he does not remember who brought the larger sum. He should give each one a *maneh*, and the balance should remain in the watchman's possession forever, or until one of them acknowledges the other's claim. The rationale is that the watchman can explain: "I saw that you two were not precise with each other, as indicated by the fact that you brought the money to me in a single packet. Therefore, I did not trouble myself to know and continuously remember who owned 100 and who owned 200."

Similar laws apply if two people entrusted one watchman with two utensils, one large and one small, each one claimed to be the owner of the larger utensil, and the watchman did not remember to whom it belonged. Each of the claimants must take an oath supporting his claim. The watchman must then give one of them the larger utensil, and the value of the larger one to the other. The smaller utensil remains his.If the two brought the two in a single container, he should give the smaller utensil to one and the worth of that utensil to the other. He may keep the remainder in his possession until one claimant acknowledges the other's claim or until eternity.

Similar laws apply if only one article was entrusted, and two people claim it as their own and the watchman says, "One of you is the owner, but I do not know which one." He must pay both of them. Similarly, when two people each entrust an animal to a shepherd, and one animal dies, if the watchman does not know whose animal died, he must make restitution to both of them. If they placed them in his herd without informing him, he may place one animal between them and depart. That animal shall remain until one acknowledges the other's claim or until they desire to divide it.

5 When a person entrusts produce to a colleague, the watchman should not mix it together with his own produce. The following rules apply if the watchman transgressed and mixed the produce together. He should calculate the quantity of produce entrusted to him, see how much produce was lacking from the entire amount and estimate the amount of loss suffered by the entrusted produce. He should return this amount to the owner after he takes an oath.

If the watchman made use of the combined quantity of produce and did not know how much he used, he should subtract the standard norm before returning the produce. For example, for wheat and for shelled rice, he should subtract four and a half *kabbin* for every *kor*; for barley and for millet, he should subtract nine *kabbin* for each *kor*; and for buckwheat, flax seeds in their stalks and unshelled rice, he should subtract three *se'ah* for each *kor*.

When does the above apply? When the original measurement of the produce was made at harvest time, and it was returned during the harvest time. If, however, the watchman returns the produce in the rainy season, he should not make a deduction because of spoilage, for the produce swells.

Similarly, a watchman may deduct a sixth of a quantity of wine entrusted to him and three *lugin* for every 100 *lugin* of oil entrusted to him, one and half *lugin* for dregs and one and a half *lugin* for absorption. If the oil was refined, the watchman should not make a deduction for dregs. If the containers are old, he should not make a deduction for absorption.

6 When a person entrusts produce that has not been measured to a watchman, and the watchman mixes it together with his own produce without measuring it, the watchman is considered negligent.

If the owner of the fruit says, "There was this and this amount of produce entrusted," and the watchman says, "I don't know how much there was," he is liable. For he is obligated to take an oath and yet cannot take the oath. My teachers, Rav Yosef HaLevi and his teacher, ruled in this manner.

Similarly, whenever a watchman is obligated to pay, but does not know

how much he is obligated to pay, if the owners say: "It was worth such and such," they may collect this amount without taking an oath. This law applies provided the owner claims a sum or an object that he can be presumed to possess. The watchman may have a ban of ostracism issued against anyone who expropriates more than his due.

What is the rationale for this law? Consider: The owner entrusted a purse full of gold coins to the watchman, and the watchman was negligent. The owner says, "It contained 200 *dinarim*, and the watchman says, "It certainly contained *dinarim*, but I do not know how much it contained." Thus, a claim is being issued for 200. The watchman admits a portion of the claim, and does not know about the remainder of the claim. He is thus obligated to take an oath, but cannot. Hence, he is required to pay, as will be explained.

7 The following rules apply when a person's father died, leaving him a closed sack. The heir entrusted it to a colleague for safekeeping, the colleague was negligent in its care, and it was destroyed. The depositor says, "I don't know what it contained. Maybe it contained pearls." Similarly, the watchman states: "I don't know how much I am obligated to pay. Maybe it was filled with pieces of glass."

I maintain that the ruling in this instance is that, as our Sages required, the watchman should take an oath that the entrusted object is no longer in his domain. He should include in this oath that he does not know whether it was worth more than a specific amount. He must then pay the amount that he admits that it was worth. Similar laws apply in all analogous situations.

An incident occurred concerning a person who entrusted a closed sack to his colleague. The latter was negligent in its care, and it was lost. The owner said, "It contained gold jewelry, pearls and the like." The watchman replied: "I don't know. Perhaps all it contained were pieces of scrap metal or sand."

Our Sages ruled: "The owner of the entrusted article may take an oath supporting his claim, and then collect the sum he claims, provided he claims a sum that he could be presumed to have entrusted to him.

Why must the owner of the entrusted article take an oath in this instance? Because in this instance, the watchman is not obligated to take an oath. For even if the watchman were to admit and say: "I am definitely certain that it contained scrap metal," and the owner claimed: "It contained pearls," the watchman could take a *sh'vuat hesset* and be freed of obligation. This resembles a case where the plaintiff demands wheat and the defendant admits owing barley. The same laws apply in all analogous situations. The fundamental principles upon which these laws revolve will be explained in *Hilchot To'en V'Nit'an*.

Chapter 6

1 The following rules apply when an unpaid watchman says, "I desire to pay and not to take an oath: If the entrusted article is of a uniform type and it is possible to purchase such articles in the market-place - e.g., produce, reams of wool and flax that are entirely uniform, beams on which images have not been carved, or the like- he may pay the value of the article and be excused from taking an oath.

If, however, the entrusted article was an animal, a decorated garment, a utensil that had been fixed, or an article that is not easily available to purchase in the market place, we suspect that the watchman coveted it for himself. We therefore require him to take an oath as instituted by our Sages, while holding a sacred article, that the entrusted object is no longer in his possession. Afterwards, he must make restitution.

The same law applies to other watchmen - e.g., a borrower who says that an entrusted animal died or was stolen, or a paid watchman, or a renter who says that an entrusted article was stolen or lost. Even though they are obligated to pay, they are required to take an oath that the article is no longer in their possession. Afterwards, they must make financial restitution for the entrusted animal or article. The rationale is that we suspect that the watchman coveted it for himself.

If the owner claims that the entrusted article was worth more than the watchman admits, he must also include in his oath that it was worth only such and such. Thus, every watchman who takes the oath required of watchmen must include three matters in the oath:

a) that he cared for the article in a manner appropriate for a watchman;

b) that this and this happened to the article and it is no longer in his domain; and

c) that he did not use the article for his own purposes before the event that absolves him of responsibility took place.

If he desires to make financial restitution, he must take an oath that the article is no longer in his domain and include in his oath that it is worth such and such.

2 When accepting an article for safekeeping, a watchman may stipulate that he will not guard the articles in a manner appropriate for a watchman; instead: "Money that is entrusted to me, I will keep in the corner of my house," or the like.

The following rule applies if the watchman claims that he made such a stipulation and the owner agreed, and the owner claims that such a stipulation was never made. The watchman's claim is accepted. This applies even if the owner entrusted it to him in the presence of witnesses. The rationale is that since he could have claimed: "I guarded it in a manner appropriate for a watchman, but it was destroyed by forces beyond my control," we accept his claim that he made such a stipulation. Therefore, he must take an oath that he did not use the article for his own purposes, that it is not in his possession, and that he had made such a stipulation.

3 When an unpaid watchman brings proof that he was not negligent, he is not required to take an oath. We do not suspect that he used the article for his own purposes before it was lost.

If the owner of the entrusted article brings proof that the watchman was negligent, the watchman must make restitution. If he claims that the owner had agreed to his stipulation that he not be required to guard the article in the manner required by witnesses, his claim is not accepted. The rationale is that there are witnesses who testify that he was negligent.

4 When a person entrusts an article to a colleague in the presence of witnesses, there is a disagreement between the owner and the watchman,

and the witnesses testify that the article that we see is the article that was entrusted in their presence, the watchman cannot claim: "Afterwards, I purchased it from him," or "He gave it to me as a present."

Therefore, if the watchman dies, the entrusted article may be expropriated from the orphans without an oath. Moreover, should a person come and tell an heir: "I entrusted this and this article with your father," and give very explicit signs to identify the article, if the entrusted article is found as he described it, and the judge knows that the deceased was not likely to have such an article, the judge may award the article to the person who identified it with the signs.

This law applies provided the person who claims that the article is his would not frequently visit the deceased. If, however, he would frequently visit him we do not award him the article. We suspect that perhaps it belongs to another person, and the claimant merely became familiar with its identifying characteristics.

If witnesses come and testify that the deceased is not likely to have owned the article, we do not expropriate the article from the orphans because of their testimony. For their estimation of the deceased's financial capacity is not necessarily that of the judge, and the judge should follow only information that he feels that he can rely only, as will be explained in *Hilchot Sanhedrin*.

An incident occurred concerning a person who entrusted sesame seeds to a colleague in the presence of witnesses and later came to claim them. The watchman replied: "I returned them."

The owner answered: "They were of this and this measure and they are now held in your jug."

The watchman responded: "I returned yours, and these are others."
The Sages ruled that the sesame seeds should not be expropriated from his possession, for perhaps these sesame seeds belonged to the watchman. Instead, the watchman is required to take an oath while holding a sacred object that he returned the entrusted object, as we have explained.

5 The following rules apply when the owner of an entrusted object asks for the return of that object and the watchman gives it to him, but a difference of opinion arises between them. For example, the owner claims: "This is not the article I entrusted, but a different one," "My article was whole, and you broke it," "It was new and you used it," or "I entrusted 100 *se'ah* to you, and there are only 50 here." The watchman responds to these claims, saying: "This is the article you personally deposited. You will be taking what you gave me."
In all such instances, the watchman is required merely to take a *sh'vuat hesset*, as is required of others who must take oaths in response to such claims. For a watchman is not obligated to take the oath required of watchmen mentioned in the Torah unless he admits accepting responsibility for the very article that the owner claims, but asserts that it was stolen, it died, or it was captured.
The general principle is: When a watchman makes a claim that absolves him from payment, he is required to take the oath required of watchmen. If, however, he says, "This is the article that you lent me," "... hired to me," or "... paid me for watching," and the owner claims that the article he seeks to return is not the one given or that it was changed from its original state, the renter is required to take merely a *sh'vuat hesset*, or a

Scriptural oath if he admits a portion of the plaintiff's claim.

What is implied? If the owner claims: "I entrusted 100 *se'ah* to you," and the watchman claims: "You only entrusted 50," he is required to take a Scriptural oath, because he admitted a portion of the claim, not because it is the oath required of a watchman. If the owner claims: "I entrusted 100 *se'ah* of wheat to you," and the watchman claims: "You entrusted only 100 *se'ah* of barley," he is merely required to take a *sh'vuat hesset*, as others who would have to take an oath with regard to this claim.

Chapter 7

1 When a person entrusts produce to a colleague, the watchman should not touch it even though its quantity is dwindling and diminishing.

When does the above apply? When it is diminishing at the ordinary rate that could be expected each year. If, however, the amount is diminishing beyond the ordinary norms, the watchman should sell the produce in the presence of a court. It is as if he were returning a lost object to the owner.

When he sells the produce, he should sell it to priests at the price at which *terumah* is sold, for perhaps the owner designated it as *terumah* or *terumat ma'aser* for other produce.

2 When a person entrusts produce to a colleague and it spoils, honey that becomes ruined, or wine that sours, the watchman should perform a service to the owner and sell the entrusted object in the presence of a court.

This law applies even though the loss reached its limit and the produce

would not spoil further, for the containers and the baskets would continue to spoil.

3 When a person entrusts leaven to a colleague and the Pesach holiday arrives, the watchman should not touch the produce until the fifth hour on the morning of the fourteenth of Nisan. After that, he should sell it in the market place at that hour, for it is like he is returning a lost object to the owner.

The same law applies to other entrusted objects. A watchman should not touch them even though he certainly knows that their value will diminish at this and this time, or they will be seized by the king, lest the owner come beforehand and take his property.

4 When a person entrusts a Torah scroll to a colleague, the watchman should roll the scroll once every twelve months. It is permitted for him to open it and read it while rolling it. He should not, however, open it for his own purposes and read. The same law applies with regard to other scrolls. If the watchman opened the scroll, read it and rolled it for his own purposes, he is considered to have misappropriated the entrusted article and is liable if it is destroyed by forces beyond his control.

If the owner entrusted a woolen garment to a colleague, he should shake it out once every 30 days. The same principles that apply with regard to lost objects apply to entrusted objects. He should care for other entrusted objects in a similar way; this is an obligation incumbent upon him, like the return of a lost article to its owner.

When does the above apply? With regard to an entrusted object whose

owner has traveled overseas. If, however, the owner was together with the watchman in that same land, the watchman should not touch the entrusted object even though it is being ruined.

5 Whenever a person sells an entrusted object under the supervision of a court, he must sell it to others and may not purchase it himself, lest suspicion arise. The money should be kept in his possession, and he has the right to make use of it. Therefore, he is considered to be a paid watchman with regard to these funds even though he did not make use of them.

6 The following rules apply when a person entrusts money to a storekeeper or a moneychanger. If the money was bound in a bag and sealed or tied with an unordinary knot, the storekeeper or the moneychanger should not use it. Therefore, if it became lost or was stolen, he is not responsible for it.

If the money was neither sealed nor tied in an unordinary manner, even though it is bound in a bag, the storekeeper or the moneychanger has the right to use the money. Therefore, he is considered to be a paid watchman, and if it is lost or stolen, he is responsible for it. If it is lost due to forces beyond his control - e.g., they were taken by armed thieves - he is not liable.

7 When does the above apply? Before the storekeeper or the moneychanger used them. If, however, he does use the money, he is responsible for it until he returns it to the owner, as for any other loan in the world.

8 When a person entrusts money to a householder, whether it is bound or not, the watchman may not use it. Therefore, if it became lost or was stolen, he is not responsible for it, provided he buries it in the ground, as has been explained.

9 The following rules apply when a person entrusts a jug to a colleague regardless of whether or not the owner of the jug designated a specific place where he could put the jug down. If the watchman moved the jug for his own purposes, he is liable, whether the jug was broken in his hand or after he returned it to the place designated for it. If he moved it for the sake of the jug, he is not liable - whether the jug was broken in his hand or whether it was broken after it was put down in a different place.

10 One should not accept entrusted articles from married women, from servants or from children. If a person accepted an entrusted object from a woman, he should return it to her. If she dies, he should return it to her husband. If he accepts an entrusted object from a servant, he should return it to him. If he dies, he should return it to his master. If he accepts an entrusted object from a child, he should buy a Torah scroll for him or a date palm so that he can eat its fruits.

With regard to all the above individuals, the following principles should be adhered to if, at the time of their death, they said, "The entrusted article belongs to so and so." If the watchman would accept their word, he should act upon their instructions. If not, he should return the entrusted article to their heirs.

11 One may demand the return of an entrusted object or an object that was lost and discovered only in the original place.

What is implied? If he entrusted the article to him in Jerusalem, he cannot demand its return in Nov. If the watchman returns it to him in Nov, he must accept it.

If a person entrusted an article to a colleague in a settled community, and that colleague brought the entrusted article with him to the desert, the owner is not required to accept it from him. Instead, the owner may tell the watchman: "You are responsible for it until you return it to me as settled land, just like I entrusted it to you in a settled land.

12 A question arose when a person entrusts an article to a colleague and then journeys overseas, and afterwards, the watchman also desires to travel overseas or depart in a caravan. There is an authority who ruled that if the watchman brings the entrusted article to the Jewish court, he is absolved of his responsibility.

These are well-reasoned words. For we do not imprison the watchman in this city because of the object entrusted to him by the person who departed overseas. The watchman cannot take the entrusted article with him, lest it be destroyed by factors beyond his control. The court should then entrust the article to a faithful person. This is like returning a lost object to its owner.

Chapter 8

1 The following rules apply when a person entrusts an animal or articles to a

colleague, and they were lost or stolen. If the watchman says, "I will pay," because he does not desire to take an oath, he acquires the rights to certain profits that come because of the article.

If the thief is discovered, he must pay twice the value of the article. If he slaughtered it or sold it, he should pay four or five times the value of the stolen animal. To whom should restitution be made? To the person who has the rights to the article i.e., the watchman, for he said that he would make restitution.

If the animal itself is returned, it should be returned to the owner - it, its shearings and its offspring. For the watchman does not acquire the profits that come from its body, but only the profits that come because of outside factors. We have already explained that the thief is required to return only the shearings and the offspring that preceded the owner's despair of the recovery of his property.

If the watchman took the oath because he did not desire to pay, and afterwards the thief is discovered, the thief must pay twice the value of the article. If he slaughtered it or sold it, he should pay four or five times the value of the stolen animal. To whom should restitution be made? To the owner of the entrusted article.

Similarly, when a person rents a cow from a colleague and it is stolen, if he says, "I am willing to pay and I will not take an oath," if the thief is discovered afterwards, he should pay double or four or five times to the renter. For had the renter desired, he could have taken an oath that the cow was stolen in a manner in which he could not control, and he would be released from liability.

2 When an unpaid watchman says, "I was negligent," he acquires the right to the double payment because he obligated himself to make restitution. For had he said, "It was stolen," or "It was lost," he would not have been liable. Similarly, when a paid watchman or renter says, "It was stolen," he acquires the right to the double payment because he obligated himself to make restitution. For had he said, "It died," he would not have been liable.

A borrower, by contrast, does not acquire the right to the double payment until he makes restitution on his own initiative. If afterwards the thief is discovered, he makes the payment of four or five times the animal's value to the borrower.

3 Whenever a watchman acquires the rights to the double payment, he also acquires the rights to any profit that comes as a matter of course.

What is implied? A person entrusts four *se'ah*, worth a *sela*, to his colleague. They were stolen or lost. The watchman says, "I will pay a *sela*; I do not desire to take the oath." If they were later discovered and at that time were worth four *sela'im*, they are granted to the watchman. He, however, is required to pay only a *sela*.

When does the above apply? When the watchman did not trouble the owner to undertake legal process to recover his money. Different rules apply, however, if the watchman admits that he was negligent and the court required him to pay, but he did not do so willingly and had to be compelled by the court, and it had to expropriate the money from him. If, afterwards, the thief is found or the entrusted article is discovered, it should be returned to the owner in its present condition. The money that

was expropriated from the watchman should be returned to him. If the court expropriated utensils or land from the watchman after evaluating them, the watchman's utensils or land should be returned to him.

4 When the owner demanded the return of the entrusted article from a watchman, the watchman took an oath to free himself of responsibility, but made restitution regardless, if the thief was discovered afterwards, since the watchman made restitution willingly, he acquires the right to the double payment.

This applies despite the fact that at the outset, he troubled the owner to take him to court until he took an oath. Similarly, if at first the watchman said, "I will not pay," and then he said, "I will pay," he acquires the right to the double payment.

5 All the following situations represent questions left unresolved by the Talmud: The watchman said, "I will pay" and then said, "I refuse to pay";

the watchman said, "I will pay" and then died, and his children said, "We refuse to pay";

the owner was not able to demand payment from the watchman before the watchman died; he demanded payment of his sons and they paid;

the sons of the watchman paid the sons of the owner;

the watchman paid half the sum;

he borrowed two cows and paid for one of them;

he borrowed from partners and paid one of them;

partners borrowed and one of them paid;

he borrowed from a woman and paid her husband;

a woman borrowed and her husband paid.

There is unresolved doubt with regard to all the above instances. The ownership of the money is in doubt, and it is not in the hands of either of them. Therefore, the double payment or the increase in the value of the entrusted article is divided between the owner and the watchman. If, however, one of them took the initiative and seized the entire amount, it should not be expropriated from his possession. This applies even in the diaspora.

6 When the entrusted article was stolen in a manner beyond the watchman's control, and afterwards the thief was discovered, both an unpaid watchman and a paid watchman must lodge a legal claim against the thief. The watchman is not required to take an oath.

The following rules apply when the watchman hurried and took the oath before the thief was discovered, and then the thief was discovered. If he is an unpaid watchman, he may remain content with his oath if he desires. If he desires, he may lodge a legal claim against the thief. If he is a paid watchman, he must lodge a legal claim against him.

There is a question when an animal that was deposited as an entrusted article is stolen in a manner beyond the watchman's control and then returned by the thief to the watchman's house, and it dies there because of the watchman's negligence. There is an unresolved question whether his responsibility as a watchman was concluded when the article was stolen, and hence he is absolved of liability or his responsibility did not conclude. Hence, the watchman is not required to make restitution. If the owner seizes the animal's worth, it is not expropriated from his possession.

Mishneh Torah, Creditor and Debtor

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to lend money to the poor among Israel, as **Exodus 23:24** states: "If you will lend money to My nation, to the poor among you." Lest one think that this is a matter left to the person's choice, it is also stated **Deuteronomy 15:8**: "You shall certainly loan to him."

This mitzvah surpasses the mitzvah of charity given to a poor person who asks for alms. For the latter person had already been compelled to ask, and this one has not yet sunk that low. Indeed, the Torah is very severe with regard to a person who does not lend money to a poor person, stating *Ibid.:9:* "Beware lest there be a defiant thought in your heart... and you look badly upon your poor brother and you not give him."

2 Whenever a person presses a poor person for payment when he knows that he does not have the means to repay the debt, he transgresses a negative commandment, as **Exodus 22:24** states: "Do not act as a creditor toward him." It is, by contrast, a positive mitzvah to press a gentile for payment and to cause him exasperation, as **Deuteronomy 15:3** states: "Press a gentile for payment." According to the Oral Tradition, we have learned that this is a positive commandment.

3 It is forbidden for one to appear before a person who owes him money when he knows that the debtor does not have the means to repay the debt.

It is even forbidden to pass before him, lest one frighten him or embarrass him, even though one does not demand payment. Needless to say, this applies if he demands payment.

Just as it is forbidden for a creditor to demand payment; so, too, it is forbidden for a borrower to withhold money that he possesses due a colleague, telling him: "Go and return," as **Proverbs 3:28** states: "Do not tell your colleague: 'Go and return.'"

Similarly, it is forbidden for a borrower to take a loan and use it when it is unnecessary and lose it, leaving his creditor without a source to collect the debt. This applies even if the owner is very wealthy. A person who acts in this way is wicked, as **Psalms 37:21** states: "A wicked man borrows and does not pay." Our Sages commanded: "Treat money belonging to your colleague as dearly as your own."

4 When a lender demands payment of a loan - even if he is wealthy and the borrower is in a pressing situation and struggles to support his family - we are not merciful in judgment. Instead, we expropriate all the movable property" that the person owns to pay the last penny of the debt. If the movable property he owns is not sufficient, we expropriate the landed property after issuing a ban of ostracism against any person who possesses movable property or knows of movable property he possesses and does not bring it to court.

We expropriate all the landed property the borrower possesses, even if it is on lien to the *ketubah* of the borrower's wife or to another creditor with a prior lien. We expropriate it for this creditor. If ultimately, the person with the prior lien will come to claim the property, he may expropriate it from

the creditor to whom it was given.

If the lender claims that the movable property in his domain does not belong to him, but instead was entrusted to him, rented by him, or lent to him, we do not heed his words. He must prove his statements or the property will be expropriated by the creditor.

5 A creditor may not collect his due by expropriating the wardrobe of the debtor's wife or his sons, not from colored garments that were dyed for them even though they have not worn them yet, nor from new sandals that were purchased for them. These belong to the wife and the children themselves. When does the above apply? With regard to their weekday garments. The creditor may, by contrast, expropriate their Sabbath and festival garments. Needless to say, if they own rings or golden or silver ornaments, they must all be given to the creditor.

6 The following rules apply when a borrower owned movable property or landed property, but also had outstanding promissory notes owed to gentiles. If he says: "All of my property is on lien to gentiles; if Jews take the property as payment for their debts, the gentiles will imprison me because of the debts I owe them, and I will be in captivity," my teachers have ruled that his words are not heeded, and the Jews are granted the right to expropriate his property. If the gentiles come and imprison him, all of Israel is commanded to redeem him.

7 We allow a debtor consideration in the same manner that consideration is granted to a person who makes a pledge to the Temple treasury and is

unable to pay it.

What is implied? The court tells the borrower: "Bring all the movable property that you own; don't leave anything, not even a needle."

After he brings his possessions, we give him from everything that he has brought:

a) food for 30 days;

b) clothing for 12 months that is appropriate for him - he should not wear silk clothes or a hat crowned with gold; instead, such garments are taken away from him and he is given appropriate garments for 12 months;

c) a couch to sit on and a bed and a mattress to sleep on; if he is a poor man, he is given a bed and a straw mattress to sleep on. These articles are not given to his wife or to his children, despite the fact that he is obligated to provide them with sustenance.

The borrower is also given his sandals and his *tefillin.* If he is a craftsman, he is given two of the tools of his craft of every type necessary. For example, if he is a carpenter, he is given two awls and two planes. If he has many types of one utensil and only one of another, he is granted two of the utensil of which he possesses many, and all that he owns of that he possesses one. We do not purchase other tools for him from the sale of those many tools.

Although the borrower is a farmer or a donkey driver, we do not grant him his team of oxen or his donkey. Similarly, if he is a sailor, we do not give him his ship, even though these are his only sources of livelihood. The rationale is that these articles are not considered utensils, but rather property. They should be sold with the other movable property in court and the proceeds given to the creditor.

8 The following law applies when a creditor comes to expropriate payment outside the presence of the borrower - e.g., the borrower journeyed to a distant country. If the borrower's wife seized possession of movable property belonging to her husband to sell so that she could derive her livelihood from it, it is expropriated from her and given to the creditor. The rationale is that even if her husband were present, he would not be entitled to provide for the sustenance of his wife and sons until he paid his debt in its entirety.

Chapter 2

1 According to Scriptural Law, when a creditor demands payment of his debt, and the debtor possesses some property, consideration is granted to the debtor and the remainder of the possessions are granted to the creditor, as explained.

If no property belonging to the debtor is found or only those items that are granted to him in consideration are found, the debtor is enabled to go free.

We do not imprison him, nor do we tell him: "Bring proof that you are poor." We do not require him to take an oath that he has no possessions as the gentile legal process does. All of the above is included in the prohibition (**Exodus 22:24** : "Do not act as a creditor toward him." Instead, we tell the creditor: "If you know that this person who owes you money possesses property, go and seize it."

2 If the creditor claims that the debtor possesses property, but is hiding it,

and it is present within his home, according to law it is not proper for either the creditor or an agent of the court to enter his home to seize the property. Indeed, the Torah warned concerning this saying **Deuteronomy 24:11**: "Stand outside." We do, however, issue a ban of ostracism against anyone who owns property and does not give it to his creditor.

When, however, the *Geonim* of the early generations who arose after the compilation of the Talmud saw that the number of deceitful people had increased and the possibility of obtaining loans was diminishing, they ordained that a debtor who claims bankruptcy should be required to take a severe oath, comparable to a Scriptural oath, administered while he is holding a sacred article, that he does not possess any property aside from what he is given in consideration, that he has not hidden his property in the hands of others, or given the property to others as a present with the intent that it be returned.

He should include in the oath that any profit he makes and everything that comes into his possession or domain which he acquires, he will not use to provide sustenance, clothing, or care for his wife or children, that he will not give any person in the world a present. Instead, he will take from everything that he earns food for 30 days and clothing for 12 months that is appropriate for him - not the food of gluttons or drunkards, nor that enjoyed by the sons of royalty, and not the garments of the officers of the royal court, but food and clothing that is commonplace for him. Anything beyond his needs, he should give to his creditor little by little until he pays his entire debt. Before the oath is administered, a ban of ostracism is issued against anyone who knows that so and so possesses property that is either revealed or hidden and does not

inform the court.

Even after this oath was ordained, neither a creditor nor an agent of the court is allowed to enter the house of the debtor. For an ordinance was not instituted to uproot the Torah's laws themselves. Instead, the debtor himself must bring out his utensils or say: "This and this is what I possess." We leave him what is appropriate for him, expropriate the rest and have him take the oath ordained as described above. This is the legal process among the Jewish community in all places.

If the debtor was seen with property after having taken this oath, and he tries to excuse himself, claiming that it belongs to others or that it was given to him as an investment, we do not accept his statements unless he brings proof. My teachers ruled in this manner.

3 When a person takes this oath that he is bankrupt and all that he earns will be given to his creditors, he may not be required to take this same oath by all of his creditors. Instead, one oath applies to all the creditors. The rationale is that this is an ordinance instituted by the later sages, and we are not precise in applying it stringently. On the contrary, we are lenient.

4 An exception to the above practice is made with regard to a person who has established a reputation for being poor and virtuous, and conducts himself in a trustworthy manner, and this is known to the judges and the majority of the people. If a creditor comes and seeks to make this person take the oath mentioned above, and it can be presumed that the plaintiff has no doubt about the debtor's state of poverty, but instead wishes to

cause him exasperation with this oath, to torment him and to embarrass him publicly, to take revenge upon him or to force him to borrow money from gentiles or take property belonging to his wife to pay this creditor and absolve himself from taking this oath, it appears to me that it is forbidden for a God-fearing judge to have this oath administered. If he does administer this oath, he violates the Scriptural prohibition: "Do not act as a creditor toward him."

Moreover, the judge should reproach the creditor and castigate him, for he is bearing a grudge and acting according to the reckless whims of his heart. Our Sages instituted this ordinance only because of deceitful people, as implied by **Deuteronomy 22:2**: "Until your brother seeks it out," which can be interpreted to mean: Seek out whether your brother is deceitful or not. In this instance, since it is established knowledge that this person is poor and that he is not deceitful, it is forbidden to require him to take this oath.

Similarly, when it is established knowledge that a person is deceitful and he deals corruptly in financial matters, we presume that he possesses financial resources although he claims to be bankrupt, and he is eager to take this oath. I maintain that it is not appropriate to require him to take the oath. Instead, if it is possible for the judge to compel him to make restitution to his creditor or to place him under a ban of ostracism until he makes restitution, he should do so. The rationale is that he is presumed to possess financial resources, and paying a creditor is a mitzvah.

The general principle is: Whenever a judge performs one of these activities with the sole intent of pursuing justice, as we have been commanded to, without intending to favor either of the litigants in judgment, he has that

authority, and he will receive a reward for his efforts, provided that they are carried out for the sake of heaven.

5 Whenever a person is obligated to take this oath because of a promissory note that he is liable for, he admitted owing money to other people, and he was able to amass more property than the minimum amount allotted to him, this extra amount should be given only to the creditors who possess promissory notes. The rationale is that we suspect that the debtor may be conspiring to perpetrate deception by making an admission of a debt concerning this property.

6 When Reuven owes Shimon 100 zuz and Levi owes Reuven 100 zuz, we should expropriate the money from Levi and give it to Shimon.

Therefore, if Reuven does not possess any property, but has promissory notes owed to him by Levi, those promissory notes are given to Shimon to collect. Accordingly, if Levi claims that the promissory note was given on faith or that it had already been paid, even though Reuven acknowledges the truth of Levi's statement, his admission is of no consequence. The rationale is that we fear that they may be conspiring to perpetrate deception to cause Shimon to lose his right to the money owed by Levi. Instead, Shimon may take an oath and expropriate the money from Levi. This is the law that applies to anyone who expropriates property; he may do so only after taking an oath.

Similarly, the following law applies to any person against whom there is an outstanding promissory note, who admits owing money to another person on his own initiative. If he does not possess enough property to pay both

debts, the person with the promissory note alone is entitled to collect his due. This is ordained, because we suspect that they may be conspiring to perpetrate deception to undermine the power of the person's promissory note.

7 It is forbidden for one to lend money - even to a Torah scholar - without having witnesses observe the transaction unless the lender receives an article as collateral. It is even more commendable to have the loan supported by a promissory note.
Whenever a person gives a loan without having witnesses observe the transaction, he transgresses the prohibition (**Leviticus 19:14** : "Do not place a stumbling block before the blind" and brings a curse upon himself.

8 When a master borrows money from his servant and afterwards frees him, he is not liable to him at all. The same laws apply when a husband borrows from his wife. The rationales are that everything that a servant acquires becomes acquired by his master, and any money that is in a woman's possession is assumed to belong to her husband, unless she brings proof that it comes from her dowry.

Chapter 3

1 Collateral may not be taken from a widow, whether she is rich or poor, whether it is taken at the time the loan is given, or after the time the loan is given, as **Deuteronomy 24:17** states: "You shall not take the garment of a widow as collateral." This prohibition applies even when the court would

supervise the matter.

If a creditor takes such collateral, it must be returned, even against his will. If the widow admits the debt, she must pay. If she denies its existence, she must take an oath. If the security the creditor took became lost or was consumed by fire before he returns it, he is punished by lashes.

2 Similarly, whenever a person lends money to a colleague - whether he offers the loan in exchange for collateral, he takes collateral after the loan was given, or the collateral was given him by the court - he should not take utensils that are used for making food - e.g., a mill, kneading troughs, large cooking pots, a knife used for ritual slaughter or the like - as **Deuteronomy 24:6** says: "Do not take as collateral... for one is taking a life as collateral."

If a creditor takes such collateral, it must be returned, even against his will. If the security he took became lost or was consumed by fire before the creditor returns it, he is punished by lashes.

3 When a person takes several utensils that are used to produce food - e.g., he took a kneading trough, a pot and a knife - he is liable for each utensil independently. Even if he took two utensils that are used for the same activity, he is liable for taking two utensils and is given lashes for taking each of them.

This is implied by the verse cited above, which mentions taking "a lower millstone and an upper millstone." This indicates that he is liable for each of the millstones independently. Just as the upper millstone and the lower millstone are two utensils that serve a single purpose, and the person is

liable for each one independently; so, too, a person is liable for any other two utensils independently even though they serve the same purpose. Similarly, if he takes as collateral a yoke for oxen that plow, he is liable for two transgressions.

4 When a person gives a loan to a colleague - whether the borrower is rich or poor - he should not take security himself. Instead, he should charge the court with this responsibility.

Moreover, even an agent of the court who comes to collect security should not enter the borrower's house to collect the security. Instead, he should stand outside. The borrower should go into his own house and bring out the security for him, as **Deuteronomy 24:11** states: "You shall stand outside."

If so, one might ask: What is the difference between the creditor himself and the agent of the court? The agent of the court may take the security from the borrower by force and give it to the lender. The creditor himself, by contrast, may not take the security unless it is willingly given him by the borrower.

If the creditor transgressed and entered the house of the borrower and took security, or took collateral away from him by force, he is not punished by lashes. The rationale is that the prohibition can be corrected by the performance of a positive commandment, as *Ibid.:* 13 states: "You shall certainly return the security to him before the setting of the sun."

If he did not fulfill the positive commandment concerning it - e.g., the collateral became lost or was consumed by fire - he is punished by lashes. In such an instance, the creditor should calculate the value of the

collateral, subtract it from the debt, and lodge a suit for the remainder.

5 When a person takes collateral from a colleague, whether through the medium of the court, or he personally takes it from him either by force or by consent of the lender he is not always entitled to maintain possession. If the borrower is poor and the creditor took as collateral an article that the borrower needs, he is commanded to return the collateral to the borrower at the time that the borrower needs it. For example, he should return a pillow at night for him to sleep on it and a plow during the day for him to work with. This is implied by **Deuteronomy 24:13**: "You must certainly return the collateral."

If the creditor transgressed and did not return to him a utensil to be used by day during the day, or a utensil to be used at night during the night, he transgresses a negative commandment, as *ibid.:12* states: "Do not sleep with his collateral." This means: "Do not go to sleep while his collateral is in your possession"; this refers to a garment worn at night. With regard to articles that he wears or uses to perform work during the day, **Exodus 22:25** states: "Until the setting of the sun, return it to him" - this teaches that he must return it to him throughout the day.

If the creditor must return the collateral to the debtor when he needs it, and may take it only when he does not need it, of what benefit is the collateral to him?

a) So that the debt will not be nullified in the Sabbatical year;

b) So that the collateral will not be considered part of the movable property inherited by the debtor's sons. Instead, the creditor may take payment from the collateral after the borrower dies.

Thus, a person who takes an object as collateral from a poor person who needs it and fails to return it at the appropriate time violates three commandments: "You shall not enter his house," "You must certainly return the collateral," and "Do not sleep with his collateral."

When does the above apply? When he took the collateral at a time other than the time the loan was given. If, however, he took the collateral from the debtor at the time the loan was given, he does not transgress these prohibitions.

6 An agent of the court who comes to take collateral should not take articles that a person cannot give as collateral - e.g., the garment he is wearing, the utensils with which he eats, or the like. He should leave a bed and a mattress for a rich man, or a bed and a straw mattress for a poor man. Whatever possessions the debtor has besides these should be taken as collateral. The creditor will then return to him an article used by day during the day, and an article used at night during the night.

If the debtor has two of a particular article, the creditor may take one, but must return the other.

Until when is the creditor obligated to return the collateral and then take it again? Forever. If, however, the collateral was an article that the debtor did not need, nor an article that is left for a debtor, the creditor must keep it for 30 days. Afterwards, he may sell the collateral in a court of law.

If the debtor dies, the creditor is not required to return the collateral to his sons. If the debtor dies after the collateral was returned to him, the creditor may pull it away from his sons and does not have to return it to them.

7 A creditor may take collateral from a guarantor by force. He may enter the guarantor's house and take the collateral, as **Proverbs 20:16** states: "Take his garment, because he guaranteed a stranger."
Similarly, a person who is owed a fee by a colleague - whether it be his own wages, a fee for his animal or his utensils, or rent for his house - may take collateral without consulting the court. He may enter his home and take collateral in lieu of his fee. If, however, he considered the fee as a loan, this is forbidden, as implied by **Deuteronomy 24:10**: "When you extend a loan of any type...."

8 The following rules apply with regard to a person who has in his possession collateral belonging to a poor person. If the fee for the rental of that article is more than the depreciation of the collateral - e.g., an ax, a large saw, or the like - it is permitted for him to rent it out and continually deduct the money he receives as its fee. This is like returning a lost object to its owner. He need not ask the owner for permission.

Chapter 4

1 *Neshech* and *marbit* are one in the same, as **Leviticus 25:37** states: "Do not give him your money with *neshech* and do not put forth your food at *marbit."* And further on, **Deuteronomy 23:20** speaks of: *"Neshech* from money, *neshech* from food, *neshech* from any substance that will accrue."
Why is interest called *neshech?* Because it bites. It causes pain to one's colleague and consumes his flesh. Why did the Torah refer to it with two terms? So that one would commit a twofold transgression when violating

this prohibition.

2 Just as it is forbidden to give a loan at interest; so, too, it is forbidden to borrow at interest, as Deuteronomy, *ibid.,* states: "Do not offer interest to your brother." According to the Oral Tradition, we learned that this is a warning to the borrower.

Similarly, it is forbidden to act as a broker between the borrower and the lender when interest is involved. Anyone involved, a guarantor, a scribe or a witness transgresses a negative commandment, as **Exodus 22:24** states: "Do not lay interest upon him." This is a warning against the witnesses, the guarantor and the scribe.

Thus, we see that a person who offers a loan at interest violates six prohibitions:

"Do not act like a creditor toward him," "Do not give him your money with *neshech"* "Do not put forth your food at *marbit"* "Do not take *neshech* and *tarbit* from him" (**Leviticus 25:36** , "Do not lay interest upon him," and "Do not place a stumbling block in front of the blind" (**Leviticus 19:14** .

A person who borrows at interest violates two prohibitions: "Do not offer interest to your brother." "Do not place a stumbling block in front of the blind"

The guarantor, the witnesses and the like violate only the prohibition: "Do not lay interest upon him." Any broker who connects between the lender and the borrower or assists or instructs one of them with regard to making the loan transgresses the commandment: "Do not place a stumbling block in front of the blind"

3 Although the lender and the borrower violate all the negative commandments mentioned above, they are not punished with lashes, because the interest must be returned. For whenever a person gives a loan at interest, if fixed interest is involved, it is forbidden by Scriptural Law and may be expropriated through legal process. The judges expropriate it from the lender and return it to the borrower. If the lender dies, it is not expropriated from his children's possessions.

4 When a father leaves his sons money obtained by taking interest, they are not obligated to return it, even though they know that it was obtained through interest. If, however, he leaves them a cow, a garment or any other specific article obtained through interest, they are obligated to return it as an expression of honor for their father.

When does the above apply? When their father repented, but was not able to return the article before he died. If, however, he did not repent, the sons need not be concerned with his honor. They are not required to return even a specific article.

5 When robbers and people who lend money at interest seek to return the money they took, we should not receive it from them. This will make the path of *teshuvah* more accessible to them. Whoever accepts repayment from them is not looked upon favorably by our Sages. If, however, the stolen article itself was intact or a specific article was given as interest, and it itself is there, it may be accepted.

6 When interest - whether fixed interest or interest forbidden by Rabbinic

law - is mentioned in a promissory note, the lender may collect the principal, but not the interest. If he collected the entire amount, any fixed interest can be expropriated from him. "The shade of interest" - i.e., interest forbidden by Rabbinic law - may not be collected from the borrower by the lender, nor is it expropriated by the court from the lender for the borrower.

7 Whenever a person writes a promissory note that includes interest, it is as if he documents and has witnesses testify that he denies God, the Lord of Israel. Similarly, whenever a person borrows or lends money at interest in privacy he denies God, the Lord of Israel, and denies the exodus from Egypt, as **Leviticus 25:37-38** states: "Do not give him your money with *neshech*... I am God your Lord, who took you out of the land of Egypt."

8 It is forbidden for a person to borrow money from his sons or the members of his household at interest. This is forbidden even when he is not tightfisted and he is merely giving them a present. The rationale is that in doing so, he might habituate them to this practice.

9 When Torah scholars lend money to one another and the borrower returns more than the amount loaned him, it is permitted. It is obvious that the extra amount was only a present that he gave him. For they know the severity of the prohibition against taking interest.

10 The following laws apply when a person lends money to a colleague, and the borrower discovers more than the sum originally agreed upon, or the borrower returned a debt and the lender discovers more than the sum that

was borrowed. If the additional amount was a sum about which a person might easily err, it must be returned. If not, we can assume that the borrower gave the lender a present, he had stolen property belonging to the lender in his possession and sought to return it together in the account without the lender being aware, or another person asked him to return money in such a manner.

What can be considered a sum about which a person might easily err? One, two, five or ten more. The latter figures are included, for perhaps the person counted out the sum in groups of five or ten.

Similarly, if the person found that a group of five or a group of ten had an additional one, he must return the extra amount. Maybe an additional one with which he was counting became mixed with a group of five or ten.

11 The following laws apply when a person lends a colleague according to a particular coinage, or stipulates in his wife's *ketubah* that a sum should be paid to her in a particular coinage, and then the ruling authorities increase the weight of that coinage. When the value of produce was reduced because of the increase, he should deduct the proportion of the increase, even if the increase was minimal. If, however, the value of produce is not reduced because of the addition, he need not deduct that proportion. Instead, he should pay him the coin used as currency at that time.

When does the above apply? When the addition was one fifth of its value -e.g., its weight was four units and it was increased to five. If, however, more than a fifth was added, he should deduct the entire proportionate amount of the increase, even though the price of produce did not increase.

Similar laws apply with regard to a loan when the weight of a coin was decreased.

12 The following rules apply when a person lends a colleague according to a particular coinage, and that coinage is disqualified by the ruling authorities. If the lender could use the disqualified coin as legal tender in another country, and the lender has a way of getting to that country, the borrower may repay him in the coinage that he lent him, telling him: "Go and use it in such and such a place." If the lender does not have a way of getting there, the borrower must repay him in the coinage that is legal tender at that time. Similar laws apply with regard to a *ketubah.*

13 Some of the *Geonim* have ruled that when a borrower forgoes the interest a lender charged or will charge on his behalf, his statements are of no consequence, even though he affirms his waiver with a *kinyan* or gives it as a present. Their rationale is that whenever interest is given, the borrower is waiving his rights. The Torah, however, does not accept this waiver and forbids it. Therefore, one cannot waive interest, even interest forbidden merely by Rabbinic Law on behalf of the lender.

It appears to me that this ruling is incorrect. Instead, since the lender is told to return the interest, and he knows that he violated a prohibition, and the borrower has the right to collect the money, if the borrower desires to waive the obligation to return the interest he may, just as a person may waive the return of a stolen article. Indeed, our Sages explicitly stated that when robbers and people who lent money at interest seek to return the money they took, we should not receive it from them.

This indicates that the waiver of the obligation to return the interest is effective.

14 It is permitted to give property belonging to orphans to a faithful person who has valuable properties to offer as security, in an arrangement that is likely to lead to profit and unlikely to lead to loss.

What is implied? The court tells the person: "Do business with their property. If there is a profit, give them a portion of the profit. If there is a loss, suffer the loss yourself." This is "the shade of interest." Nevertheless, "the shade of interest" is forbidden only because of a Rabbinic decree, and our Sages did not apply their decree to property belonging to orphans.

Chapter 5

1 One may lend money to and borrow money from a gentile and a resident alien at interest, as implied by **Deuteronomy 23:20**: "Do not offer interest to your brother." We may infer: Offering - and taking - interest from "your brother" is prohibited; from people at large, by contrast, it is permitted.

It is a positive mitzvah to lend money to a gentile at interest, as *Ibid:21* states: "You may offer interest to a gentile." The Oral Tradition teaches that this is a positive commandment. This is the Scriptural Law.

2 Our Sages, however, forbade a Jew from lending money to a gentile at a fixed rate of interest beyond what is necessary for him to earn his livelihood. They enacted this decree lest the lender learn from the gentile's

deeds as a result of the large extent of his contact with him. Therefore even according to the Sages, it is permitted to borrow money from a gentile at interest, for the Jew will flee from him, and will not frequent his company.

Torah scholars will not learn from a gentile's conduct. Hence, it is permitted for them to lend money to a gentile at interest, even to make a profit. Any transactions in the category of "the shade of interest" that involve gentiles are permitted for everyone.

3 The following law applies when a Jew borrowed money from a gentile at interest, and when he seeks to return it to him another Jew meets him and tells him: "Give it to me and I will pay you the rate of interest that you pay the gentile." This is forbidden, even if the original borrower brings the other Jew to the gentile. Instead, the gentile must take back his money and then give it as a loan to the other Jew.

4 When, by contrast, a gentile borrows money from a Jew at interest and desires to return it to him, and another Jew meets the gentile and tells him: "Give it to me and I will pay you the rate of interest that you pay the other Jew," this is permitted. If, however, the gentile brought the Jewish borrower to the Jewish lender and informed him of the loan, this is considered fixed interest, for he gave the money with the knowledge of the Jewish lender. This applies even if the gentile gave the Jewish borrower the money.

5 It is forbidden for a Jew to entrust his money to a gentile so that he can

lend them to a Jew at interest.

When a gentile loans money to a Jew at interest, it is forbidden for another Jew to serve as a guarantor. The rationale is that according to their laws, the lender may demand payment from the guarantor first. Thus, after paying the debt, the guarantor will demand payment for the interest that he is obligated to the gentile. Hence, if the gentile makes a commitment not to demand payment from the guarantor first, it is permitted.

6 The following laws apply when a Jew borrowed money from a gentile at interest and then the gentile converted. If a reckoning was made before he converted, the convert may collect the principal and the interest. If a reckoning was not made until after he converted, the convert may collect the principal, but not the interest.

Different rules apply when, by contrast, a gentile borrows money from a Jew at interest and then converts. After a reckoning is made, even if it was made after the conversion, the convert is required to pay the entire sum, the principal and the interest. This measure was instituted lest people say that the person converted for the sake of his money. Even after he converted, the Jew can collect the entire sum of interest for which he became liable while he was a gentile.

7 It is a mitzvah to lend money to a Jew without charge before lending money to a gentile at interest.

8 It is forbidden for a person to invest his money in a manner where his

share in the profit is great and his share in the eventuality of loss is minimal. This is considered "the shade of interest." A person who makes such investments is considered "wicked."

If a person makes such an investment, the profits and the losses are divided according to the laws governing a *hetter iska.* A person who invests his money in a manner where his share in the profit is minimal and his share in the eventuality of loss is great is considered pious.

9 We may not appoint a person as a storekeeper in return for half of the profits, nor may one entrust a person with money to buy produce in return for half of the profits, nor may one buy eggs to place under another person's chickens in return for half of the profits, nor may one evaluate calves and young donkeys and then have them fattened in return for half of the profits.

These arrangements are permitted only when the investor pays the manager a wage for his efforts and reimbursement for the upkeep of the animals, or grants the manager a greater share of the profits than his share in the event of a loss, as we explained with regard to partnerships.

10 When a person enters into a partnership arrangement with a colleague, entrusting him with money or with land, or making an *iska* agreement, he should not include the profit together with the principal as a single sum in the promissory note, lest there be no profit and this lead to interest.

Similarly, a person should not give a colleague money as an *iska* or in a partnership, but have a promissory note written as if it were a loan. This is prohibited lest he die and the promissory note be given to his heir, who

will use it to collect interest.

11 It is forbidden to pay interest before taking a loan or to pay it afterwards. What is implied? If a person thought about receiving a loan from a colleague and sent him presents so that he would grant him the loan, this is considered to be paying interest before giving a loan. If he took a loan from him and returned the debt, and then sent the lender a present for the fact that his money was in his possession without his receiving any benefit, this is considered as paying interest afterwards. If one transgresses and does this, this is "the shade of interest."

12 When a person who borrowed money from a colleague would not ordinarily greet him first, it is forbidden for him to greet him first. Needless to say, it is forbidden for him to praise the lender in public or go to his home. These prohibitions are derived from the phrase **Deuteronomy 23:20**: "All types of *neshech";* even words are forbidden.
Similarly, it is forbidden for the borrower to teach the lender Scripture or Talmud throughout the duration of the loan if the borrower was not accustomed to doing so previously, as implied by the phrase: "All types of interest."

13 When a person lends money to a colleague, he should not tell the borrower: "Take notice if so and so from this and this place comes." Implied is that the borrower should honor him and provide him with food and drink as is appropriate. Similar laws apply in all analogous situations.

14 There are practices that resemble interest, but which are permitted. What is implied? A person may purchase a promissory note from a colleague for less than its face value without any concern. A person may give a colleague a *dinar* so that he will lend a third party 100 *dinarim.* The rationale is that the Torah forbade only interest given by the borrower to the lender.

Similarly, a person may tell a colleague: "Here is a *dinar.* Tell so and so to give me a loan." This is permitted, because he gave him a wage only for making the suggestion.

15 There are certain matters that are permitted, and yet are forbidden because they are *ha'aramat ribit* (a circumvention of the prohibition against interest).

What is implied? The borrower tells the lender: "Lend me a *maneh."* The lender answers: "I do not have a *maneh.* I have wheat worth a *maneh,"* and he gave him the wheat for a *maneh* and then purchased it from him for 90 zuz. This is permitted, but it was forbidden by the Sages as a circumvention of the prohibition against interest. For he gave him 90 and received a *maneh.*

If the lender transgressed and carried out these transactions, the lender may expropriate 100 *zuz* from the borrower through legal process, because even "the shade of interest" is not involved. Similarly, if a field was given as security for a loan, the lender may not rent it back to the owner of the field, because this is a circumvention of the prohibition against interest. For the borrower is receiving the field that he owned and paying the lender rent each month because he lent him money.

16 It is forbidden to hire out *dinarim.* This does not resemble hiring out other utensils. In the latter case, the same utensil that was hired out is returned, In this instance, however, the recipient spends the *dinarim* he receives and pays him back with others. Hence, "the shade of interest" is involved.

17 The following rules apply when a king has established a law that whoever pays the head tax imposed on every person for a particular person has the right to take control of that person and treat him as a serf. If a person pays a *dinar* as the tax for a particular person and then has him work for more than a *dinar,* this is permitted. Similar principles apply in all analogous situations.

Chapter 6

1 Whenever a person gives a loan to a colleague of a *sela* for five *dinarim,* two *se'ah* of wheat for three, a *selah* for a *selah* and a *se'ah* or three *se'ah* for three *se'ah* and a *dinar,* it is forbidden. The general principle is whenever there is a stipulation that any increase be made to a loan, interest forbidden by Scriptural Law is involved, and it may be expropriated from the lender through legal process.

Similarly, when a person lends money to a colleague and makes a stipulation that he can live in the borrower's courtyard at no cost until he returns the loan, he rented the borrower's property for less than its fair value and established that this reduction would remain in force until he repaid the debt, or took as security property from which benefit can be

derived at the time of the loan - e.g., the borrower gave the lender his courtyard as security with the intent that the lender dwell in it without charge - all the above are forms of interest forbidden by Scriptural Law and it may be expropriated from the lender through legal process.

Similarly, when a person sells a field or a courtyard through an *asmachta,* since the purchaser does not acquire the field itself, any produce that he consumes is interest and must be returned. Similar laws apply to any person who has not completed a transaction that is not fully binding at the outset. He must return all the produce. For if he consumes the produce, he will be taking interest according to Scriptural Law.

Any other matter forbidden as interest outside the above categories is prohibited by Rabbinic decree. These decrees were enforced lest this lead to the violation of interest forbidden by Scriptural Law. Interest forbidden by the Rabbis is called "the shade of interest" and may not be expropriated from the lender through legal process.

2 When a person lends money to a colleague, he should not take that colleague's servant to perform work for him even if the servant is sitting idly. He should not dwell in his courtyard without charge, even though this courtyard is not fit to be rented out and the owner does not ordinarily rent out his property. If the lender does dwell in it, he must pay rent to the owner/borrower. If he does not pay rent, it is considered as "the shade of interest," because at the outset, he did not stipulate that if he makes the loan, he can dwell in his courtyard.

Therefore, the following rule applies if the borrower has not paid the debt and desires to deduct the rent for the courtyard in which the lender

dwelled from the debt. If the rent is equivalent to the entire debt, he may not deduct the entire amount - only the sum that the judges specify. The rationale is that if the lender were sent away without receiving anything, it would be equivalent to expropriating the interest by the court. And "the shade of interest" is not expropriated by the court.

3 My teachers issued the following ruling when a person lends money to a colleague and afterwards demands payment of the debt. If the borrower tells the lender: "Dwell in my courtyard until I repay the debt," it is considered as only "the shade of interest." The rationale is that this condition was not specified at the time the loan was given, as can be inferred from **Leviticus 25:37**: "Do not give him a loan with *neshech."*

4 The following rules apply when a person lends a colleague money and the borrower offers a field as security. Although the lender tells the borrower: "If you do not return the debt to me within three years, the field belongs to me," he does not acquire it. The rationale is that the agreement is an *asmachta* and an *asmachta* is not binding. Accordingly, the lender must deduct all the produce he consumed from the sum of the loan. For consuming that produce is interest forbidden by Scriptural Law.

Different rules apply, however, if the seller/borrower tells the lender/purchaser: "If I do not repay you within three years, acquire it retroactively from the present date." If the borrower brings the money to the lender within three years, the lender is not entitled to the produce. If he brings the money to the lender/purchaser after three years, all the produce belongs to the purchaser.

5 When a person sells a house or a field and tells the purchaser: "When I obtain money, return the property to me," the purchaser does not acquire the field. All the produce that he consumes is considered as fixed interest and can be expropriated from him through legal process.

If, however, on his own initiative, the purchaser tells the seller: "When you obtain money, I will return this field to you," it is permitted for him to do so. The purchaser may consume the produce until the seller returns his money.

6 The following laws apply when a person sells a field to a colleague and the purchaser pays a portion of the money to the seller. If the seller tells the purchaser: "Acquire a portion of the property in proportion to the percentage of your payment," each of them is entitled to consume a share of the produce proportional to the percentage of the property he owns.

If the seller tells the purchaser: "When you bring the remainder of the money, you will acquire the field retroactively to the present date," both of them are forbidden to benefit from the produce immediately. The seller is prohibited, lest the purchaser bring the remainder of the money and thus the field will belong to him from that date. Hence if the seller were to consume the produce, he would be receiving benefit from the money that the purchaser has yet to pay him.

Similarly, the purchaser is forbidden to benefit from the produce. The rationale is that perhaps he will not bring the remainder of the money and the transaction will be nullified. Thus, he will have benefited from the produce in consideration of the money he had given the seller. Therefore, the produce should be given to a third party until it is appropriate to give

it to one of them.

If the seller tells the purchaser: "When you bring the remainder of the money, you will acquire the field," the seller is entitled to benefit from the produce until the purchaser brings the money. If the purchaser consumes the produce, its value should be expropriated from him.

If the seller tells the purchaser: "Acquire the field at present and the remainder of the money is considered as a debt," the purchaser should benefit from the produce. If the seller consumes the produce, everything that he consumed should be expropriated from him.

7 My masters ruled that the following principle applies when a person lends money to a colleague and the borrower gives the lender his field as security with the intent that the lender benefit from the produce while he was holding it as security. Even though the lender does not deduct anything, this is considered merely "the shade of interest," and cannot be expropriated from the lender through legal process.

The rationale is that giving a field as security is different from giving a house as security. Because produce is not located in the field at the time the loan is given. It is possible that the lender will profit, for produce will grow, and it is possible that he will lose when sowing and working the field. Therefore, it is "the shade of interest."

Similarly, giving a field as security does not resemble selling a field under an *asmachta.* When a person sells under an *asmachta,* he does not resolve to make the sale. When he gives a field as security, by contrast, he resolves to sell the potential to benefit from the land.

Similarly, from the Talmud, it appears that a property given as security

involves "the shade of interest," and that can be understood only if we say that it refers to a person who gives a field as security, as my masters ruled.

Thus, there are three ways in which property can be given as security: security where taking benefit involves fixed interest, security where taking benefit involves the shade of interest and security where taking benefit is permitted.

What is implied? If a person gave a colleague a property where benefit is continually present, e.g., a courtyard, a bathhouse, or a store, as security, it is considered as fixed interest. If he gave him a field or the like as security and it produced profit from which he benefited, it is considered as "the shade of interest."

If he gave him a courtyard or the like as security and made a deduction, it is considered as "the shade of interest." If he gave him a field as security and made a deduction, it is permitted.

What is meant by "making a deduction"? A person lent a colleague 100 *dinarim.* The borrower gave him his courtyard or his field as security and the lender told the borrower: "I will deduct a silver *me'ah* each year as rent for the property, so that I can receive all of the benefit from the courtyard," or the like, it is forbidden. If he gives a field or the like as security, it is permitted.

8 Some of the *Geonim* have ruled that whenever property is given as security and nothing is deducted, it is considered to be fixed interest. They did not penetrate to the depth of the matter to distinguish between a field and a courtyard. Therefore, the words of the Talmud appeared problematic to them.

Similarly, they ruled that it is always forbidden to give property as security without a deduction being made, whether for a courtyard or a field, except according to the following arrangement.

What is implied? The lender loaned the borrower 100 *dinarim,* took a house or a field as security, and stipulated that after ten years the property would return to its owners at no charge. The lender is permitted to benefit from the produce of the property for the entire ten years, even if ordinarily its rent would be 1000 *dinarim* a year. For in effect, what he is doing is renting it at a lower price.

Similarly, it is permitted if the owner of the field added a stipulation that whenever he brought the renter or lender money, he would deduct a rent of ten *dinarim* a year from the amount and leave the property. Similarly, it is permitted if the borrower added a stipulation that whenever he desired, he could calculate the time that the lender or renter dwelled in the property and pay him the remainder and then he would leave the property. The rationale is that it is a rental that is involved, and any stipulation involving a rental is binding and permitted, as explained previously.

Chapter 7

1 The following rules apply when a person lends money to a colleague, and the borrower gives the lender his field as security for a set time or until the borrower repays the lender, at which time, the lender will leave the field.

Although the lender benefits from all of the produce of the field, even if he consumes the entire value of the debt, he should not be removed from

the field without any payment. The rationale is that if he were removed without payment, it would be as if one had expropriated money taken as "the shade of interest" through legal process. Needless to say, if the produce that the lender consumes is worth more than the money he gave, the difference should not be expropriated by him. Similarly, we do not calculate from one promissory note to another promissory note when property is given as security.

When the property given as security belongs to orphans, and the lender consumes an amount of produce equivalent to his debt, he is removed from the property without any payment. If, however, the lender's benefit exceeded the amount of the debt, we do not expropriate the additional amount from him. In the case of orphans, we may calculate from one promissory note to another promissory note.

What is meant by "calculating from one promissory note to another promissory note"? One field was given to a lender as security for a debt of 100 *dinarim* and another field was given to him as security for another debt for another 100 *dinarim.* If both fields belonged to the same person and the lender consumed produce worth 50 from one field and produce worth 150 from the other field, we tell him: "You already consumed 200 *dinarim* worth of produce; you are not owed anything more." For it is as if the two debts were one debt and security given for the entire sum as one.

2 In a place where it is customary to remove the lender from property given as security whenever the borrower pays the debt, it is as if this stipulation were explicitly stated. It is not necessary to make an explicit statement. Conversely, in a place where it is customary not to remove the lender from

property until the conclusion of the term for which the property was given as security, it is as if this stipulation was explicitly stated.
Whenever a person gives property as security without specifying a term for the loan, he cannot remove the lender from the property until at least twelve months pass.

3 Even in a place where it is customary to remove the lender from property given as security whenever the borrower desires to pay the debt, that custom can be superseded by an explicit condition. If a lender makes a stipulation that the borrower will not remove him from the property until after the full term for which the property was given as security, the borrower cannot pay the debt earlier and have him removed from the property.
In a place where it is customary not to remove the lender from property until after the full term for which the property was given as security, although the lender accepts a stipulation that he will leave the property whenever the borrower brings him his money, the stipulation is binding only when the lender affirms his commitment with a *kinyan.*

4 In a place where it is customary to remove the lender from property given as security whenever the borrower pays the debt, a creditor of the lender is not entitled to expropriate this property to collect his debt, as he can other properties belonging to his debtor. Similarly, a firstborn does not receive a double portion of it, and the Sabbatical year nullifies the debt. When the borrower pays the debt and causes the lender to leave the field, the lender may not take even produce that is ripe and that has fallen to the ground.

If, however, he lifted the produce up before he was forced to leave the property, he acquires the produce.

In a place where it is customary that the borrower cannot remove the lender from property given as security until the end of the term of the loan, a creditor of the lender may expropriate this property, a firstborn receives a double portion of it, and the Sabbatical year cannot nullify the debt.

5 Although giving a field as security is forbidden and involves "the shade of interest," as explained, it is possible that this custom was established in error, in relation to a gentile, or practiced by a person who sinned and took property as security in that city. Since "the shade of interest is involved," we follow the local custom. There is someone who ruled that this is what is meant by making a deduction when taking security.

6 When a gentile gives his courtyard as security to a Jew in return for a loan, and afterwards, the gentile sells it to another Jew, the person in possession of the security does not have to pay the Jewish owner rent from the time he purchased the courtyard. Instead, he may dwell in the courtyard without paying rent until the gentile repays the loan taken out against the courtyard. The rationale is that according to secular law, the property belongs to the person to whom it was given as security until the debt is repaid. Only then, he leaves the property.

7 The following rules apply when a person designates a house or a field as security for a loan in his colleague's possession and the owner of the land

derives the benefits from it. If the lender tells the borrower: "When you desire to sell this property, do not sell it to anyone but to me at this price," it is forbidden. If he told him: "Do not sell it to anyone else but to me at its fair value. It is on this condition that I am making the loan," it is permitted.

8 It is permitted to increase the rent offered for land in return for delayed payment. What is implied? A person rents a colleague a courtyard and tells him: "If you pay me now, it is yours at ten *selaim* a year. If you pay me month by month, the rent is a *sela* per month." This arrangement is permissible.

9 When a person rents a field to a colleague at ten *korim* a year, it is permissible for the tenant to tell the owner: "Give me a loan of 200 *zuz* to improve the field and I will pay you twelve *korim* a year." This is not considered interest, because if he uses this money to improve the field, it will be worth more to rent.

Similarly, if a person rents a colleague a store or a ship for ten *dinarim,* it is permissible for the renter to tell the owner: "Give me a loan of 200 *zuz* to use to remodel the store, decorate it and plaster it, or to improve the ship and its facilities, and I will pay you twelve *dinarim* per year." If, however, he tells him: "Give me a loan of 200 *zuz* so that I can do business with them in the store, purchase merchandise for the ship with them, or hire sailors, and I will increase the fee," that is forbidden.

10 It is forbidden to increase the compensation paid a person in return for

delayed payment. What is implied? A person should not tell a colleague: "Perform work for me today that is worth one silver piece and I will perform work for you in a later week that is worth two silver pieces.

11 It is permissible for a person to tell a colleague: "Weed with me today in my field, and I will weed with you tomorrow in your field," or "Hoe with me today, and I will hoe with you tomorrow." He should not, however, tell him: "Weed for me and I will hoe for you later," or "Hoe for me and I will weed for you later." One law applies for the entire summer, and one law for the entire rainy season. A person should not, by contrast, say: "Plow for me in the summer and I will plow for you in the rainy season," for there is greater difficulty in plowing during the rainy season. Similar principles apply in all analogous situations.

12 It is forbidden to hire a worker in the early winter to perform tasks in the later winter at a *dinar* a day and give him the money in advance, when a worker's wage in the winter is ordinarily a *sela.* The rationale is that it appears that he is giving him a loan immediately so that he will later reduce his wages.

It is, however, permissible for an employer to tell a worker: "Work for me from today until this and this time at a *dinar* a day," even though his wages would ordinarily be a *sela* a day. The rationale is that since he already began working, the worker is not considered to be receiving benefit for money that was paid to him in advance.

Chapter 8

1 It is forbidden to increase the price offered for merchandise in return for delayed payment. What is implied? A person sold landed property or movable property to his colleague and told him: "If you pay me now, the price is 100 *zuzim.* If you delay payment until this and this time, the price is 120." This is considered "the shade of interest," for it is as if he takes 20 *zuz* in return for giving him 100 to use until the time specified.

If the seller calls the purchaser to court, he is liable to pay only the 100 that it was worth at the time of the sale. Alternatively, if the article he purchased is intact, he may return it. Similarly, it is forbidden to sell movable property for 100 *zuz* with the stipulation that payment need not be made until a certain time, when it is worth 90 *zuz* in the marketplace, if payment is to be given immediately.

2 When, however, a person purchased an article for its fair market value on the condition that he may delay payment for twelve months, the seller may tell him: "Pay me a lesser amount now." There is no question of interest involved.

3 It is permissible to sell a colleague a jug of wine that is worth a *dinar* for two *dinarim* on the condition that he does not pay until the summer, provided that he accepts the stipulation that if an accident occurs to it, the jug is the seller's responsibility until the purchaser sells it - i.e., if it is lost or broken, the purchaser does not have to pay anything. Moreover, if he cannot find anyone to purchase it at a profit, he may return it to the owner.

Similarly, it is permissible for a person to sell a colleague wine for two

dinarim and tell him: "Anything more than two *dinarim* can be your profit, since you are involving yourself in its sale. And if you do not succeed in selling it at the price you desire, you can return it to me." In this situation, even if it is lost, stolen or becomes vinegar, it is the purchaser's responsibility.

4 The following rules apply when a person possesses produce that has a selling price of ten *dinarim* in the marketplace, but if the purchaser sought to purchase it, he would have to purchase it for twelve. It is permissible to sell the produce for twelve *dinarim* to be paid after a twelve-month period. The rationale is that even if the purchaser brought his money immediately, he would pay twelve *dinarim* for it. Similar principles apply in all analogous situations.

5 It is forbidden to purchase fruit from an orchard before its growth is completed and it becomes ripe. The rationale is that the seller will sell it for less - e.g., he will sell produce for ten now, even though it will be worth twenty when its growth is completed. Thus, the increase is being given for the delayed delivery.

It is permissible, however, if he purchases a calf for a low price on the condition that it remain in the previous owner's possession until it grows older. For if the calf dies or becomes weakened, it is in the owner's possession. And it is common and frequent that an animal will become weak or die.

6 The following rules apply when a person gives money to the owner of a

vineyard for the twigs and branches that will eventually be cut off. When they are cut off, they will be expensive. At present, however, he purchases them at a low price because he must wait until they dry out and are cut off. He must till the land under the vines while they are still attached to the ground. Thus, he is buying a tree for its offshoots. If he does not till the land, the money he pays is like a loan. Since the branches are being purchased for a lower price because of the delayed delivery, it is forbidden.

7 The following rules apply when watchmen in a field are given wheat from the grain heap as their wages at a price lower than its market value. When they go to the grain heap to collect their wages, they must perform work at the grainheap, so that they will be receiving the wheat at the conclusion of the time for which they were hired. If they do not do so, their wages will be considered as a loan extended to the employers, and the fact that they were given the wheat at a low price will be considered to be interest paid to them in return for the delay in paying their wages until the harvest reached the grain heap.

8 Generally, the owners of fields would require sharecroppers to leave a field in Nissan. The sharecroppers would give the owners four *se'ah* for every portion of the field large enough to sow a *kor* as rent. It is permissible for an owner to allow his sharecroppers to remain in his field until lyyar, but to take from them six *se'ah*. This does not involve interest.

9 It is permissible for the seller to give a purchaser more than the measure originally stipulated when the purchaser does not collect payment until

afterwards. For example, a person purchased four *se'ah* of wheat at a *sela;* this was the market price. He paid the money at that time, but did not come to collect the wheat until later. When he came, the seller increased the measure and gave him more. This is permitted, because he willingly gave him more. Had he not desired, he would not have given him more, because there was no stipulation to that effect.

10 When a person purchases a barrel of wine, it is permissible for him to pay the money to the seller and stipulate: "If it becomes vinegar from now until such and such a date, you are responsible. If, however, it increases or decreases in value, the barrel is mine." Since the purchaser also accepted the possibility of a depreciation in value, the transaction is considered as having the possibility of both gain and loss. Similar principles apply in all analogous situations.

Similarly, it is permissible for a person to buy 100 jugs of wine in Tishrei for a *dinar* each, but not to collect them until Tevet. And when he collects them, he may check each one, returning those that have become vinegar and taking those that are good wine. For he purchased only good wine from him. Those jugs whose contents became vinegar were fit to sour at the outset; it is just that the matter did not become known until later.

11 In a place where it is customary to rent out ships and receive payment for them, it is permissible to include a stipulation that if the ship is damaged, those damages will be assessed and reimbursement made over and above the fee charged. Similarly, it is permissible to hire out a pot of brass and the like and receive payment for it, and also to receive compensation if its

weight decreased. Similar laws apply in all analogous situations.

12 It is forbidden to accept *tzon barzel* from another Jew, because this is considered "the shade of interest"?

What is meant by the term *tzon barzel?* A person owned 100 sheep. A shepherd accepted the responsibility of caring for them on the condition that the shearing, the offspring and the milk would be split, either evenly, or one getting a third or a fourth for a year or two, as they stipulated. Included in the agreement is the condition that if the sheep die, the shepherd must make restitution for them.

This is forbidden, because the owner of the sheep is very likely to realize a profit, and highly unlikely to suffer a loss. Therefore, such an arrangement is permissible if the owner of the sheep accepts the condition that should the value of the sheep increase or decrease or should they be seized by predators, they are considered within his domain. Similar principles apply in all analogous situations.

13 The following laws apply when a person appraises an animal he receives from a colleague and tells him: "If it dies, I accept responsibility for 30 *dinarim,* and I will pay you a *sela* a month as a fee." This is permitted, because he did not establish this as the animal's value when alive, but only after its death.

14 A woman may rent out a chicken to a friend so that it can sit on eggs until they hatch for two chicks. There is no question of interest involved.

15 When a person owed a colleague four *dinarim* as interest and gave him an

article worth five *dinarim* instead, when the interest is expropriated from him, five *dinarim* are taken. The rationale is that he received it as interest. Similarly, if the borrower gave the lender a garment or a utensil, that garment or that utensil itself should be returned to him. If, in lieu of the four *dinarim* he owed him, he rented him a property that was normally rented for three *dinarim,* four *dinarim* are expropriated from him, because he accepted the rental as being worth that price.

Chapter 9

1 An order for produce cannot be placed until a market price has been established. Once a market price has been established, an order can be placed. Even though the person receiving the order does not have the desired produce, his colleague does.

What is implied? If the market price for wheat was fixed at four *se'ah* per *sela,* a purchaser may place an order of 100 *se'ah* and pay 25 *sela.* Even if the seller gives the purchaser the 100 *se'ah* of wheat later, at a time when a *se'ah* of wheat is selling for a *sela,* there is no interest involved at all. This applies even when the seller did not own any wheat at the time the order was placed.

When does the above apply? When the seller did not have in his possession any of the type of produce he sold. If, however, the seller had that type of produce in his possession, even if the work necessary to bring it to the market has not been completed, he may sell a produce order even though a market price has not been established. What is implied? If a farmer was one of the first to harvest, he may sell an order of grain even

though the grain is still in the grainheap.

A person can sell an order for wine once the grapes have been reaped and placed in the vat. He can sell an order for oil, when it has been placed in the vat. An order for lime can be placed when it is lowered into the oven. And an order for earthenware vessels can be placed when the balls of clay are made.

When is that necessary? When using white clay. But if dark clay is used, an order for utensils to be made from it can be placed even if the balls have not been made, for that clay is readily available. Even if one person does not possess it, another does. Similarly, a order for fertilizer may be placed throughout the year, even though the seller does not possess fertilizer himself, because it is continuously available.

2 Whenever all that is necessary to complete a product is one or two tasks, an order can be placed with a seller. When three or more tasks are necessary, an order cannot be placed unless the market price has been issued. For since more than three tasks are necessary to complete the product, it is as if the person does not possess that type of substance at all, and as if it has not come into existence as of yet.

What is implied? When a grain heap must be a) placed in the sun to dry, b) threshed, and c) winnowed, the owner may not accept an order unless a market price has already been issued. If it was dry, and all that was necessary that it be threshed and winnowed, he may accept an order.

If balls of clay lack shaping, drying, being placed in the kiln, being fired and being removed, the owner may not accept an order. If they are dry, and all that was necessary that they be placed in the kiln and fired, he may

accept an order. This applies when it is the custom of the buyer to remove the utensils from the kiln. If the seller is the one who removes them, they are considered to require the performance of three tasks. The owner may not accept an order unless a market price has already been issued. Similar principles apply in all analogous situations.

3 When a person who is going to milk his goats, shear his sheep or remove honey from his beehive meets a colleague, it is permissible for one to tell the other: "What I will milk from my goats is sold to you," "What I will shear from my sheep is sold to you," or "What I will remove from my beehive is sold to you." It is, however, forbidden for one to tell the other: "This and this amount of milk which I will milk from my goats is sold to you at this and this price," "This and this amount of wool that I will shear from my sheep is sold to you at this and this price," or "This and this amount of honey that I will remove from my beehive is sold to you at this and this price" unless he takes an order at the market price. Similar principles apply in all analogous situations.

4 Orders cannot be placed based on the market price of towns, because it is not firmly established, only on a market price established in a large city. If new wheat was being sold in a city at four *se'ah* for a *sela* and older wheat at three *se'ah* for a *sela,* an order may not be placed until an equal price is established for both the new and the old grain.

If wheat sold by gatherers was selling at four *se'ah* for a *sela* and wheat sold by a householder at three, one may place an order from a gatherer at the price of the gatherers. An order from a householder at the price of the

gatherers may not be placed unless the price for householders is established [at the same rate].

5 Once a market price has been established, it is permissible to place an order even for a high rate of exchange.

What is implied? Wheat was being sold at four *se'ah* for a *sela* and a purchaser placed an order that a seller would later give him wheat at a low rate of exchange. If the price of wheat was later established at ten *se'ah* for a *sela,* the seller must give him ten *se'ah* as is the market price, for he placed an order at the high rate of exchange.

If the purchaser gave the seller money without making a stipulation and without placing an order for the high rate of exchange, and the price of the produce fell, the seller may give the purchaser the produce at the price that the produce was worth when the money was paid. If a person reneges on his commitment, he receives the adjuration *mi shepara.*

When does the above apply? When a person is placing an order for himself. When, however, a person is acting as an agent, either for the buyer or the seller, either the purchaser receives at the lower price or the seller must return the funds. When an agent was involved, the purchaser is not required to receive the adjuration *mi shepara* if he retracts because of the agent's error. For he will say: "I charged you with improving my position, not with undermining it," as explained above.

6 The following laws apply when wheat was being sold at four *se'ah* per *sela,* the seller took the money and promised to give the purchaser five *se'ah* for a *sela.* If the seller possesses wheat at that time, it is permitted. If the seller

does not possess wheat, or even if he is owed a debt of wheat by others and he takes the money on condition that he collects what he is owed and gives it to the purchaser, it is forbidden. The rationale is that at the time of the transaction, the wheat has not yet been collected, and it is as if it does not exist. Hence, it is as if he fixed a time for a later delivery and reduced the price because of the postponement.

7 When wheat is selling at four *se'ah* for a *sela* in the large cities and six *se'ah* per *sela* in the villages, it is permitted to give a merchant a *sela* so that he will bring six *se'ah* from a village by a particular date. The wheat must, however, be considered to be in the possession of the purchaser. Thus, if is lost or stolen on the way, the purchaser suffers the loss.

It is forbidden for a distinguished person to carry out such a transaction. And if the transaction involves several types of merchandise, it is forbidden for all people to carry out such transactions. The rationale is that such types of merchandise are not continuously found in villages, in contrast to produce that is.

8 When donkey-drivers enter a city where the market-price is four *se'ah* for a *sela,* it is permitted for them to lower the price and sell wheat to their acquaintances or their brokers at five *se'ah* a *sela* in return for money given them at the outset, as soon as they enter the city, before they open their sacks and sell to others. The rationale is that they are not selling to them at the lower price because they gave them the money immediately and will not collect the produce until later, but because they inform them concerning the market price and offer them assistance.

9 The following rules apply when a person who is transporting his produce from one place to another place meets a colleague who tells him: "Give me your produce and I will give you produce that I possess in return at your destination." If the purchaser possesses such produce at that place, the transaction is permitted. If not, it is forbidden.
Slightly different laws apply when a person was transporting merchandise from place to place and a colleague told him: "Give me the merchandise and I will pay you the price it would be worth at your destination." If the seller is responsible for the merchandise until it reaches that destination, the transaction is permitted. If the purchaser is responsible, it is forbidden.

10 It is permissible for a person to give the owner of a garden payment for ten specific cucumbers or for ten specific watermelons, even though they are small and he stipulated that he would give them to him when they grow to full size. The rationale is that the seller leaves them and they grow by themselves. If he cut them off now, others would not grow in their place. Similar laws apply in all analogous cases where the seller will not suffer any loss or detriment by selling in advance.

Chapter 10

1 Just as it is permitted for a seller to take an order based on the market price; so, too, it is permitted to give a loan of produce without any conditions, to be returned without any conditions, without establishing a time when it must be returned once the market price has been established.

What is implied? If there was a fixed market price for wheat that was known by both the borrower and the lender, when the borrower borrows ten *se'ah* of wheat from a colleague, he is obligated to return ten *se'ah,* even though the price of wheat increased. The rationale is that when he borrowed the wheat from him, the market price was known. If he had wanted to, he could have purchased wheat and returned it, since a minimum term of the loan was not established.

2 If the borrower possesses some of the type of produce that he seeks to borrow, it is permissible for him to borrow this produce without any conditions, to be returned without any conditions, without establishing a time when it is due. Even if he possesses only a *se'ah,* he may borrow many *se'ah* because of it. Even if he possesses only a drop of oil or wine, he may borrow several jugs of wine and oil because of it.

If he did not possess any of that type of produce and the market price was not established yet, or the borrower and the lender did not know the market price, it is forbidden to lend a *se'ah* of produce for a *se'ah* to be returned at a later date. Similarly, with regard to other types of produce, a person should not lend them out until he establishes a financial equivalent. The following rules apply when a person makes a loan of produce without establishing a financial equivalent, and it decreases in value. The borrower must return the measure or the weight of the fruit he borrowed. If they increased in value, the lender may take only the amount they were worth at the time of the loan.

Even if a person possesses that type of produce, or the market price had already been established, it is forbidden to make a loan of produce that

must be repaid on a specific date. Instead, the loan must be made without any stipulation, and it can be repaid whenever the borrower desires to repay it.

3 A person should not tell a colleague: "Lend me a *kor* of wheat and I will return a *kor* to you at the time when wheat is brought to the granaries." He may, however, tell him: "Lend me wheat until my son comes, or until I find the key to my storehouse."

4 The following rules apply if a person lent out produce until a fixed date: If the produce diminished in value, the borrower should return the produce at the time set. If the produce increased in value, the borrower should pay him the money that it was worth at the time of the loan.

5 A person may lend wheat to his sharecroppers to be used as seed, in return for wheat to be paid back after the harvest. This applies both before the sharecropper enters the field and after he entered the field.

When does this apply? In a place where it is customary that the sharecropper supplies the seed for the crops. For the owner of the field has the right to remove the sharecropper from the field whenever he does not supply it.

Different laws apply in places where it is customary for the owner of the field to provide the seed. If the sharecropper did not enter the field yet, it is permitted for the owner to lend wheat for wheat to be returned in the future, for he still has the prerogative of removing the sharecropper from the field. Thus, when the sharecropper entered the field, he entered with

the intent of returning the wheat the owner lent him.

If, however, the loan was made after the sharecropper entered the field, since the owner can no longer have him removed, he is like any other person. It is forbidden to lend him wheat for seed in return for wheat to be paid back at a later date. He may, however, lend him wheat according to its market value if he does not make any stipulations.

6 A loan may not be repaid with a loan of produce. To explain: A person owed a colleague money. The lender told the borrower: "Give me my money, because I want to purchase wheat with it."

The borrower responded: "Go out and establish the money I owe you as a debt of wheat according to the present market price."

If the borrower possesses an equivalent quantity of wheat, this is permitted. If, however, he does not have that type of produce, this is forbidden. For our Sages said that it is permitted to place an order based on a commodity's market price, even though the seller does not possess any of that commodity, only when the purchaser is paying money for the acquisition. It is, however, forbidden to transfer a debt of money into a debt of produce unless the borrower possesses the produce.

The concept can be extended when, in the above situation, the borrower did possess wheat and the debt was transferred into a debt of wheat. Similar rules apply if afterwards the lender comes and tells him: "Give me the wheat, because I want to sell it and use the money to purchase wine," and in response, the borrower tells him: "Go out and consider the debt as a debt of wine, according to the present market price of wine." If he possesses wine, it is permitted and it is considered as if he owes him wine.

If he does not possess wine, it is forbidden.

If the borrower did not possess the commodity desired, but nevertheless, transgressed and transferred the debt into a debt of that commodity, he is not required to pay the debt in the commodity. Even though he did purchase the commodity afterwards, he should pay the lender the money he lent him.

Chapter 11

1 When a person lends money to a colleague in the presence of witnesses, or a borrower tells witnesses: "Serve as witnesses for me that I owe this person a *maneh"* or "You are my witnesses that I owe this person a *maneh,"* the obligation established is referred to as a *milveh b'al peh,* "a loan supported by an oral commitment." Such a debt need not be repaid in the presence of witnesses.' Therefore, if the debtor claims: "I repaid the debt," he is required to take a *sh'vuat hesset* and is discharged.

When, by contrast, a person lends money to a colleague and has the debt supported by a promissory note, the debtor must repay him in the presence of witnesses. Therefore, if the debtor claims: "I paid this promissory note," his words are not accepted. Instead, we tell him: "Bring witnesses who testify that you paid or "Arise and pay the debt you owe him."

Therefore, when a person tells witnesses: "Serve as witnesses for me that I owe this person a *maneh"* they may not write down a record of their testimony and give it to the lender, unless the borrower tells them: "Write a promissory note, sign it and give it to the lender. The rationale is that

their testimony, which is only oral, should not be given the legal power of a promissory note. Even when the borrower gives such instructions, they should consult with him after they have signed the promissory note. Only afterwards, may they give the promissory note to the lender in his hand.

If they performed a *kinyan* with the borrower affirming that he owes the lender a *maneh,* the witnesses may write a promissory note and give it to the lender, even though the borrower did not instruct them to do so. The rationale is that when a *kinyan* is performed without any further instructions, it is ready to be recorded in a legal document. There is no need to consult the borrower.

2 When a borrower writes a document by himself and witnesses write testimony upon it and give it to the lender, it is an acceptable promissory note.

Similarly, should the borrower compose a promissory note - even when there are no witnesses who sign it - and give it to the lender in the presence of witnesses, the loan is considered to be backed by a promissory note, provided that it is written with a script that cannot be forged and that the witnesses in whose presence it was transferred read it.

There are *Geonim* who ruled that the borrower should tell the witnesses in whose presence the promissory note was transferred: "Sign the note or testify that it was transferred in your presence."

3 If the lender produces a note written by the borrower , which states that he owes the lender money, but there are no witnesses who have signed it, it is considered as merely a loan supported by an oral commitment with

regard to all matters. This applies even if the authenticity of his writing was verified.

Hence, if the borrower claims to have paid the debt, and the lender denies receiving payment, the borrower need only take a *sh'vuat hesset* before being dismissed. Nor may the lender use this note to expropriate property from the heirs, nor from the purchasers.

4 Whenever a loan is supported by a promissory note, the lender may use this note to expropriate property from the heirs and from the purchasers, as will be explained. When, by contrast, a loan is merely supported by an oral commitment, the lender may expropriate payment from the heirs, but not from the purchasers. The rationale for this restriction is that such a loan does not become public knowledge. Therefore, the lender may not expropriate property because of such an obligation.

A loan supported by a promissory note, by contrast, does become public knowledge. Therefore, it may be used to expropriate property that was sold. The purchaser of such property caused himself a loss, because he did not inquire to the extent that he discovered that the property of the person he purchased it from was on lien because of the loan that person had taken. For according to Scriptural Law, all property belonging to a borrower is on lien to the loan.

5 When a person sells his field in the presence of witnesses, and a creditor of the seller expropriates the field from the purchaser, the purchaser may expropriate the money due him from property that was on lien to the sale that had been sold to others, as will be explained. The rationale is that

whenever a person makes a sale, it is done in public and becomes common knowledge.

6 A loan that is supported by an oral commitment alone may be collected from heirs only in one of the following three instances:

a) the person who is liable admits his debt, and while mortally ill stated that he still owes so-and-so a debt;

b) the loan was given for a specific time, and the time for payment had not come; we operate under the presumption that a person will not pay a debt until it is due;

c) because of his failure to pay, the debtor was placed under a ban of ostracism until he would make restitution, and he died while under that ban.

In all these instances, the creditor may collect the debt from the heirs without having to take an oath. If, however, witnesses come and testify that the deceased owed a colleague a *maneh,* or that he borrowed money in their presence, the creditor may not collect anything from the heirs, because it is possible that the deceased repaid the loan. For a person who borrowed money from a colleague in the presence of witnesses does not have to repay him in the presence of witnesses. Similarly, if a person shows heirs a note from their father stating that he owes the claimant money, he may not collect anything because of it, as we have explained.

7 The following rules apply when a borrower does not own movable property, but does own landed property. If the court is aware that he has deposited his money in the hands of other people, we compel him to sell

the landed property and pay his creditor.

If this is not known to them, they issue a ban of ostracism against anyone who knows that the debtor possesses movable property and does not bring it to court. Afterwards, they take possession of property he owns that is of intermediate worth and expropriate it for the creditor, as will be explained.

When does the above apply? When payment is collected from the debtor himself. When, however, a person comes to collect payment from heirs - whether they are above or below majority - he does not have the right to collect from the movable property belonging to the estate even if it was entrusted or loaned to another person. For movable property inherited by heirs is not under lien according to Scriptural Law. '

8 It is a mitzvah for the heirs to pay a debt left by their father from the movable property that he left. If an heir does not desire to make restitution, however, he is not compelled to do so. If the creditor seized property belonging to the debtor in the debtor's lifetime, he may collect his due from it.

If a creditor claims that he seized property during the debtor's lifetime, and the debtor's heir claims that the creditor seized the property after the debtor's death, the heir has the responsibility of proving his claim. Alternatively, the lender must take an oath that he was owed so-and-so much - he can claim up to the value of the property in his possession - and include in his oath that he seized the property in the debtor's lifetime.

If the property that he seized included promissory notes, and the lender claims that he is holding them as security for a debt and that he seized

them during the debtor's lifetime, the lender must prove that he seized them during the debtor's lifetime. If he cannot bring proof, he should return them to the heirs. The difference is that with regard to promissory notes, he is not claiming the acquisition of the obligation itself, but rather proof that such an obligation exists.

9 When heirs expropriated landed property because of a debt that others owed their father, a creditor of their father's can expropriate it from them. The rationale is that this land was in effect their father's.

10 The above principles can be extended and applied in the following situation. Reuven sold a field to Shimon, accepting financial responsibility for the sale. Shimon did not pay immediately, but instead had Reuven consider the price of the field as a loan. Reuven died afterwards. Reuven's creditor then came to expropriate the field from Shimon. Instead of giving the creditor the field, Shimon appeased him with money, and he departed. According to the law, Reuven's heirs may come and demand that Shimon pay the debt that he owed Reuven, for that loan is not on lien to Reuven's creditor.

Therefore, if Shimon is clever, he should give Reuven's heirs the land he purchased from them as payment for the debt that he accepted upon himself. He can then expropriate the property from them, because of the money that he gave to Reuven's creditor so that he would not expropriate it from him. This option is available because Reuven took financial responsibility for the field Shimon purchased.

11 All of the *Geonim* have ordained, however, that a creditor may expropriate movable property from the heirs in payment for a debt. This judgment is enforced universally in all courts of law.

In the West, however, they would have a provision written in the promissory notes giving the creditor the right to collect the debt from either landed property or movable property in the creditor's lifetime or after his death. Thus, this provision gives the creditor more power to collect the debt than the ordinance of the *Geonim*.

This is a great safeguard, because it is possible that the borrower will not have known about ordinance, and thus the property of the heirs will be expropriated unjustly, because an ordinance of the later Sages does not have the legal power to be binding upon heirs.

Chapter 12

1 We do not expropriate payment from heirs unless they are past majority. When the heirs are below majority, by contrast, we do not collect a debt supported by a promissory note from them.

2 Even if the promissory note contains all the stipulations in the world, the creditor may not use it to collect the debt until the heirs attain majority, lest they have proof that would disavow the promissory note.

3 If the loan was a debt at interest owed to a gentile, we appoint a guardian, attach the property that the minor inherited, sell it, and pay the debt. The rationale is that the interest consumes the estate.

Similarly, if a woman demands payment of the money due her by virtue of her *ketubah* - whether she is the deceased's widow or divorcee - we appoint a guardian for the heirs and attach the deceased's property, so that the woman will gain favor in the eyes of others; i.e., so that she will have a minimum of property so that she will remarry. Hence, if the woman hurried and remarried and then came to demand payment of the money due her by virtue of her *ketubah* from the estate acquired by the heirs, we do not pay heed to her until the heirs come of age." The rationale is that she is no longer entitled to receive her sustenance from the estate of the deceased, and she has remarried.

4 Several of the *Geonim* have ruled that if the estate left to the heirs does not have more than the money due the woman because of her *ketubah,* or it contains less than that amount, we do not pay heed to her. For the heirs will have no benefit from paying the money due the woman because of her *ketubah.*

According to this opinion, our Sages said: "We attach the estate left to heirs to pay a woman the money due her by virtue of her *ketubah* from it," only so that the estate would not become devalued because of the need to pay for the widow's sustenance." And in this instance, since the woman takes everything, of what value is it to the heirs who are below majority that the property is attached? These views were not concerned with increasing the favor of the woman in the eyes of others.

5 If the testator gave a command, saying: "Give a *maneh* to so-and-so," we pay heed to the claim, after appointing a guardian for the heirs to advance

arguments on behalf of the interests of the heirs. If the testator says: "Give this *maneh to so-and-so"* or "... this field to so-and-so," we make the endowment; there is no need to appoint a guardian for the heirs.

6 If it is discovered that land in the estate does not rightfully belong to the heirs, but instead, the plaintiff claims that the property was stolen by the person whose property they inherited, we pay heed to the claim and appoint a guardian to argue and enter into litigation on their behalf. If it is discovered that the property was in fact stolen, we return it to its owners.

Similarly, if a minor had his servants mount an attack and enter property belonging to a colleague and take control of it, we do not say that we will wait until he attains majority before the matter is adjudicated. Instead, we expropriate the property from him immediately. When he attains majority, if he has witnesses who support his claim, he should bring his witnesses.

7 When land is presumed to be the property of minors, the land is not expropriated from them until they attain majority even in the following situation. Another person comes and claims that he had purchased that land from the person from whom they inherited it, and the purchaser has witnesses who will testify that he established his possession of this land and benefited from it for three years in the lifetime of the deceased. The rationale is that we accept the testimony of witnesses only when delivered in the presence of the litigant against whom they are testifying. And the minor is considered as if he is not present.

If, however, the plaintiff produced a deed of sale that states that the field is property that he purchased, he must validate the authenticity of the deed of sale. Afterwards, he may expropriate the property from the heirs after a guardian is appointed for them.

8 When the court attaches property belonging to heirs for the purpose of selling it, they evaluate the property and then announce the sale for 30 consecutive days or on Mondays and Thursdays over the span of 60 consecutive days. Announcements are made in the morning and the evening, when workers enter the city, and when workers are sent out to their tasks. Whoever desires to purchase the property can bring his workers there to investigate it.

When an announcement is made, the borders of the field are clarified. They make known its yield, the evaluation given by the court and the reason it is being sold - to repay a creditor or to pay a woman the money due her by virtue of her *ketubah.* For there are some people who desire to repay a creditor and others who desire to pay a woman the money due her by virtue of her *ketubah.*

9 When an *adrachta* is written with regard to property belonging to heirs - whether they are above majority or below majority - the court must write: "And we identified the property as belonging to so-and-so, the deceased." If they did not write this, the *adrachta* is invalid, and a purchaser may not benefit from the proceeds of the property even though the announcements of the property's sale were completed.

10 When a court sells property without announcing its sale beforehand, it is considered as if they erred in a matter explicitly stated in the Mishnah. The sale is nullified, and the property is sold again after announcements are made.

When a court sells property, the financial responsibility for it is incumbent on the heirs.

11 When a court made announcements in the proper manner, investigated the matter thoroughly and carefully evaluated the property, their sale is binding even though they erred and sold property worth a *maneh* for 200, or property worth 200 for a *maneh.*

The following rules apply when, by contrast, the court was not careful in evaluating the property or did not compose a notice of evaluation, which details its assessment and the announcement of the sale of the property, and it erred in its appraisal. If they evaluated it at a sixth more than its value or at a sixth less than its value, the sale is nullified. If the error was less than a sixth, the sale is binding.

Similar concepts apply if a court sold landed property at a time when it was not necessary to announce its sale beforehand. If it erred and devalued the property by a sixth or overvalued it by a sixth, their sale is nullified. This applies even if it announced the sale beforehand. If their error was less than a sixth, its sale is binding even though it did not announce the sale. For an announcement was not necessary in these situations.

In which situations is it not necessary to make announcements before the sale of property? When land is sold to bury the deceased, for the sustenance of his wife and his daughters, or to pay the head-tax to the

king, it is not necessary to announce the sale, because the matter is pressing.

Similar concepts apply if a court sold types of property whose sale need not be announced beforehand. If it erred and devalued the property by a sixth or overvalued it by a sixth, the sale is nullified. If the error was less than a sixth, the sale is binding.

These are the types of property whose sale need not be announced beforehand: servants, promissory notes and movable property; servants, because they may flee; promissory notes and movable property, because they may be stolen. Instead, these articles should be evaluated by the court and sold immediately. If the market place is close to the city, they should be taken to the market place and sold there.

Chapter 13

1 The following laws apply when a lender comes to expropriate property on the basis of a promissory note in his possession and the borrower is not present: If it is possible to send a messenger to the borrower and notify him so that he can confront the lender in judgment, we send a messenger and notify him.

If it is impossible to notify the borrower speedily, we instruct the lender to take an oath, and then to expropriate property belonging to the borrower, either landed property or movable property. We do not consider the possibility that the borrower repaid the debt and the lender gave him a receipt.

This law is an ordinance of the Sages, enacted so that people at large

would not take money belonging to a colleague and go to dwell in another city. For this would hinder the possibilities of loans being granted in the future

2 The lender must bring proof of three matters to the court before he can expropriate property from the borrower outside his presence:
a) he must verify the authenticity of the promissory note in his possession;
b) he must prove that the debtor is in another city and is not present to defend himself in court;
c) he must prove that the property that he wishes to expropriate belongs to so-and-so, the borrower.

3 The following rules apply when a lender comes to the court, bringing security that is in his possession" and says: "This security belongs to so-and-so, and I desire to sell it to receive payment of the debt he owes me." The court does not take action and does not tell him: "Wait until the borrower comes and lodges his claim." The rationale is that had the lender desired to say that the security had been purchased his word would be accepted. The court advises him to sell the security in the presence of witnesses, so that the borrower will know for how much the security was sold.
Similarly, when a person gives a loan to a colleague and receives security in return, and then both the borrower and the lender die - regardless of whether the borrower or the lender dies first the lender's heirs may take an oath and collect the debt.
The lender's heir must take an oath holding a sacred object, before he

takes payment from the security, as is done by all those who take an oath and collect their due. His word is accepted, because he is taking payment from property that is in his physical possession. Had he desired, he could have said that he had purchased the property.

Why is the creditor not required only to take a *sh'vuat hesset?* Because he is not taking an oath that the security is his, but rather that the money is owed him. If he lodged a claim concerning the article itself, saying "You sold it to us," or "You gave it to us," he would be able to take a *sh 'vuat hesset* and be freed of responsibility. If, by contrast, there were witnesses who would testify that this article was given to the lender as security, but they did not know for what amount, he would be able to collect the money only after taking an oath. Since there are no witnesses, the lender would be able to claim: "It is mine." Therefore, we accept his word when he says: "So-and-so much money is owed to me and this is security for that debt," provided that he takes the same oath he would take if there were witnesses who would testify that the article was given as security.

We do not free him of the responsibility of the oath, because we do not employ the principle of *miggo* to free a person of the responsibility to take an oath, but only to free him of financial responsibility - i.e., he is not required to return the security before he takes what he claim.

4 The following rules apply when a person lends money to a colleague and receives security for the loan. Should the security be lost or stolen in a manner that is not beyond the lender's control, the lender is liable for the value of the security, as explained. If the lender says: "I lent you a *sela* for that security, but it was worth only two *dinarim"* and the borrower says:

"You lent me a *sela* for that security, and it was worth a *sela"* the lender must first take the oath taken by watchmen that the article is not in his possession. The borrower then must take a *sh'vuat hesset* that the security was worth the amount of the debt, and he is freed of responsibility.

If the lender says: "I lent you a *sela* for that security, but it was worth only two *dinarim"* and the borrower says: "You lent me a *sela* for that security, and it was worth three *dinarim"* the lender must first take an oath that the article is not in his possession. Afterwards, the borrower must take a Scriptural oath how much the article was worth; this is required because he acknowledged a portion of the plaintiff's claim.33 He then pays the *dinar* that he admits to owing.

If the borrower says: "You lent me a *sela* for that security, and it was worth two *sela'im"* and the lender says: "I lent you a *sela* for that security, and it was worth a *sela"* the lender must take an oath that the article is not in his possessions and include in that oath that the security was worth only the amount of the debt.

If the borrower says: "You lent me a *sela* for that security, and it was worth two *sela'im,"* and lender says: "I lent you a *sela* for that security, and it was worth only five *dinarim,* the lender must take an oath that the article is not in his possession and include in that oath that the security was not worth more than five *dinarim.* He must then pay the *dinar.*

If the lender says: "I lent you a *sela* for that security, but it was worth only two *dinarim"* and the borrower says: "I do not know how much it was worth," the lender must take an oath that the article is not in his possession and include in that oath that the security was worth only two *dinarim.* The borrower must then pay the remainder of the debt. The

rationale is that he definitely knows that he is liable for the two *dinarim* and does not know whether or not he repaid the debt.

If the borrower says: "You lent me a *sela* for that security, and it was worth two *sela'im"* and lender says: "I lent you a *sela* for that security, and I do not know how much it was worth," the lender must take an oath that the article is not in his possession and include in that oath that he does not know that the security was worth even a *p'rutah* more than the debt. He is then freed of responsibility, because he did not obligate himself at all. If, however, the lender said; "I know that the security was worth more than the loan, but I do not know how much more," he must pay everything that the borrower demands; the borrower is not even required to take an oath. This resembles an instance when a plaintiff lodges a claim for a 100 *zuz,* and the defendant responds: "I owe you 50, but I do not know whether or not I owe you the other 50." Such a person is obligated to take an oath, but cannot take the oath. Therefore, he must pay, as will be explained. He may, however, have a ban of ostracism issued against anyone who makes a false claim.

5 When a person lends money to a colleague and establishes a date when the loan must be repaid, even though he does not affirm the matter with a *kinyan,* he may not demand payment until the conclusion of that period of time. This applies regardless of whether the loan is supported merely by an oral commitment, by a promissory note, or by security, or whether the borrower or the lender dies.

When no other term is mentioned, the term of a loan is 30 days. This applies regardless of whether the loan is supported merely by an oral

commitment, by a promissory note or by security. If the lender stipulated that he could demand payment whenever he desires, he has the right to demand payment even on the day the loan was given. The rationale is that this is a stipulation involving monetary issues.

6 If the lender claims: "Today is the conclusion of the term I established for the loan," and the borrower responds: "You granted me another ten days," the borrower must take a *sh'vuat hesset* to support his claim. If there is one witness who testifies that the loan was due that day, the borrower must take a Scriptural oath, as is the law with regard to other claims.

If the lender claims: "There are only five days left before the loan is due," and the borrower responds: "There are ten days left," we tell the lender: "Wait until the end of the five days and then have the borrower take an oath that five days remain."

7 If the loan was supported by a promissory note and the borrower claims: "You established a time for me to pay the debt," it appears to me that the creditor should take a *sh'vuat hesset* that he did not place any time limit on the loan. He may then collect the loan immediately.

8 Payment for a loan may be demanded in any place.

What is implied? When a person lends money to a colleague in a settled place and demands payment from him in a desert, the borrower may not postpone payment. Instead, he is obligated to pay him wherever he demands payment.

If the borrower seeks to repay the loan in the desert, the lender is given

the option. If he desires, he may accept payment. If he desires, he may tell him: "Pay me back only in a settled area, just as I gave you the money in a settled area." The money then remains the borrower's responsibility until he pays the lender in a settled area.

Chapter 14

1 In the following situations, despite the fact that he possesses a promissory note, a lender may collect payment only after taking an oath that resembles one required by Scriptural Law:

a) a person who impairs the legal power of a promissory note;

b) a person who produces a promissory note that one witness testifies has been paid.

c) a person who seeks to collect payment outside the borrower's presence;

d) a person who expropriates property from purchasers;

e) a person who seeks to collect a debt from heirs, whether below majority or above majority.

When such a person comes to take the oath, we tell him: "Take the oath and collect your due." If the loan was not due until a specific time, and he demands payment on the day the loan was due, he may collect payment without taking an oath. Once the day the loan is due has passed, he may collect payment only after taking an oath.

2 The following rules apply when a person demands payment from a colleague for a debt recorded in a promissory note, the borrower claims that he paid this promissory note, and the possessor of the note claims

that he did not pay anything. The court tells the borrower: "Pay him."
If the borrower demands: "Have him take an oath for me that I did not pay him and then collect the debt," the court requires the lender to take an oath while holding a sacred object, that he did not pay him at all or that he paid him only such-and-such. Afterwards, he may collect his claim. If the lender is a Torah scholar, the court does not require him to take an oath.

3 There is a difference of opinion among the *Geonim* in the following situation. The lender produces a promissory note whose authenticity has been verified. The borrower claims: "This promissory note is false, I never wrote it," "This promissory note involves interest," "... or a shade of interest," "It was given on faith," "I wrote it with the intention of borrowing, but I never took the loan" - i.e., he issues a claim that if acknowledged by the lender would nullify the promissory note. The lender maintains that the promissory note is genuine and that the borrower is issuing a false claim. The borrower demands that the lender take an oath before collecting.
There is one opinion that rules that the holder of the promissory note is obligated to take an oath that resembles a Scriptural oath, just as when the borrower claimed that he paid the debt. My teachers by contrast ruled that the lender should not be compelled to take an oath unless the borrower claims that he paid him. The rationale is that he acknowledged the validity of the promissory note, and that debt is fit to be repaid. We do not, by contrast, accept the borrower's word with regard to all these other claims to nullify the legal power of a promissory note whose

authenticity has been verified. Instead, the borrower should pay, and afterwards lodge any claim against the lender that he desires. If the lender acknowledges the claim, he will return the money to him. If he denies it, he will take a *sh'vuat hesset.* My opinion also leans towards this view.

4 Our Sages issued these rulings in the following situation: A lender produced a promissory note, demanding payment from a colleague. He claims that he was not paid at all. The borrower claims that he repaid half the debt, and witnesses testify that the entire debt was repaid. The borrower must take an oath and then pay the other half. The rationale is that he admits to owing a portion of the debt. He is not considered to be comparable to a person who returns a lost object, because the promissory note causes him to be afraid. The lender may expropriate this half of the debt only from landed property that is within the borrower's possession. He may not attach property that has been sold. The rationale is that the purchasers will say: "We rely on the testimony of the witnesses and they have nullified the legal power of this promissory note."

5 The following rules apply when a lender produces a promissory note whose authenticity he is not able to verify, and the borrower says: "It is true that I wrote this promissory note, but I repaid it," "It was given on faith," "I wrote it with the intention of borrowing, but I never took the loan," or another claim of this nature. Since the borrower could have claimed, "This never happened," and our acceptance of the promissory note is dependent on his statements, his word is accepted. He may take a *sh'vuat hesset* and be freed of responsibility.

If the lender is able to verify the authenticity of the promissory note afterwards in court, it is considered as any other promissory note.

6 The lender's claim is not accepted in the following situation. The lender produces a promissory note whose authenticity has been verified, and the borrower claims: "It is a forgery, and I never wrote it," or "It was given on faith." The lender states: "That is true, but I had an acceptable promissory note and it was lost." Although it was the lender who invalidated his promissory note, and had he desired, he could have said: "It is not a forgery," for its authenticity was verified by the court, he cannot use it to expropriate property at all. Instead, the borrower may take a *sh'vuat hesset* and be freed of responsibility, for the promissory note is likened to a shard.

7 When a promissory note was used for a loan and then repaid, it may not be used again. For the lien it created was already waived, and it is likened to a shard.

8 The following laws apply when the lender produces a promissory note whose authenticity has been verified demanding payment from a colleague, the borrower replies: "Did I not pay you," and the lender answers: "You did, but I returned the money to you and then lent it to you a second time." The promissory note that he repaid is nullified, and it is likened to a shard.

If, however, the lender says: "I returned the money to you, because the coins were not good so that you could exchange them," he did not nullify

the promissory note, and the lien it created still exists.

9 A promissory note is disqualified in the following situation. A lender produces a promissory note whose authenticity has been verified that indicates that the borrower owes him a *maneh*. The borrower states: "Did I not pay in the presence of so-and-so and so-and-so." Those witnesses come and testify that the borrower indeed repaid the lender, but did not mention the promissory note. The lender replies: "It is true that you paid me, but you repaid me for another debt that you owed me." The lender's word is not accepted, and the promissory note is nullified.

When does the above apply? When the witnesses testify that the borrower gave the lender the money as repayment of a debt. If, however, they saw him give him money, but did not know whether it was given as repayment of a debt, for safekeeping or as a present different rules apply.

If the possessor of the promissory note says: "He never repaid me," he is established as a liar, and the promissory note is nullified. If he says: "It was payment for another debt," his word is accepted. He must take an oath and then he may collect the money mentioned in the promissory note. The rationale is that the borrower did not repay him in the presence of witnesses. Hence, since the borrower can claim: "You gave them to me as a present," his word is accepted if he says that the money was given him as repayment for another debt.

A promissory note is, by contrast, nullified in the following situation. The borrower told the lender: "This promissory note was composed for the price of a steer that I purchased from you, and you collected the money for its meat already." The lender replied: "Yes. The promissory note was

composed for that purpose, but I collected the money for that debt with the understanding that the promissory note would apply to another debt that you owe me." The rationale is that the lender himself admitted that the debt mentioned in the promissory note was for the meat of the steer, and that he received payment for that debt. This applies even if there are no witnesses that the money was given for the payment of that debt. Hence, all that is necessary is that the borrower take a *sh'vuat hesset* that he paid the debt. Similar principles apply in all analogous situations.

10 When a lender produces a promissory note that is signed by one witness and the borrower claims that he paid the debt, the borrower is obligated to take an oath. And since he cannot take that oath, he must make financial restitution.

If the borrower demands of the lender: "Take an oath that I did not pay the debt," he must take the oath. The rationale is that even if two witnesses were signed on the promissory note and the borrower demanded: "Take an oath that I did not pay the debt," the lender would be obligated to take that oath, as we have explained.

11 Similarly, my teachers ruled that when a person denies a loan supported by an oral commitment in a court, and one witness testifies that he borrowed the money, the defendant is required to take a Scriptural oath. If the defendant reversed his position and said: "Yes, I took the loan, but I repaid it," "... the lender waived payment in my favor," or "... owes me money because of another matter," we consider him to be a person who is required to take an oath, but who cannot take the oath, and must

therefore make financial restitution.

12 The following rules apply when a defendant claims that he paid a promissory note, but says: "Let the lender take an oath. If he does, he can collect the debt." We tell the defendant: "Bring your money to the court. Then he will take the oath and collect the debt." If the defendant does not have the funds to pay, we require him to take an oath, as ordained by the *Geonim,* that he has no financial resources. When he acquires resources, he must pay the creditor, but first he may require him to take an oath that the debtor did not repay him previously. Afterwards, the debtor must pay him.

13 The following laws apply when a person is owed a debt by a colleague that is supported by a promissory note, the promissory note becomes lost, but the witnesses are still present. Even though the debt was affirmed in the presence of the witnesses by a *kinyan,* if the borrower claims that he paid the debt, he is required only to take a *sh'vuat hesset.*

My teachers ruled that even if the debt was given for a specific time, and the due date had not yet arrived, when a promissory note was written, it is no longer in his possession and the borrower claims that he repaid the debt, the borrower's word is accepted provided that he takes an oath that he paid the lender. The rationale is that we suspect that he paid him and for that reason he tore the promissory note or destroyed it by fire.

Similarly, my teachers ruled that even if the promissory note is in the possession of another person and the borrower claims: "It fell from my possession after I paid it," he must take a *sh'vuat hesset,* and then he is

released from all obligations. This applies even if the due date of the promissory note has not arrived. Since the promissory note is not in the possession of the lender, we do not operate under the presumption that the debt is outstanding.

14 The following laws apply when both the borrower and the lender are holding on to the promissory note, and the lender says: "It is mine and I took it out to demand payment from you," and the borrower says: "I repaid you and it fell from my possession." If the authenticity of the promissory note can be verified, both claimants are each required to take an oath that no less than half the value of the promissory note belongs to them. The borrower then pays half. If the authenticity of the promissory note cannot be verified, the borrower must take a *sh'vuat hesset,* and then he is released from all obligations.

15 Our Sages ordained that precautions be adopted to protect the borrower's interest in the following situation. A person claims of his colleague: "You owe me a *maneh."* The colleague responds: "I do not owe you anything" or "I paid you." The plaintiff demands: "Take a *sh'vuat hesset* for me," and the borrower responds: "You have a promissory note concerning this debt. You want to compel me to take an oath first and then produce the promissory note and use it to collect payment."

We tell the lender: "Produce the promissory note." If the lender says: "I never had a promissory note against this person," or "I had a promissory note and I lost it," my teachers ruled that we tell the lender: "Nullify the legal power of any promissory note you possess until the present time.

Afterwards, you can require him to take a *sh'vuat hesset.* Alternatively, have a conditional ban of ostracism issued and go and seek until you find the promissory note.

Chapter 15

1 When a person lends money to a colleague in the presence of witnesses and tells the borrower: "Do not repay me outside the presence of witnesses," the borrower must repay him in the presence of witnesses because of this stipulation. This applies whether he made this stipulation at the time the loan was given or after the loan was given.

If the borrower claims: "I fulfilled the stipulation and repaid you in the presence of so-and-so and so-and-so, and they journeyed overseas or died," his word is accepted. He may take a *sh'vuat hesset,* and then he is freed of responsibility.

Similarly, if the lender states: "Repay me only in the presence of Torah scholars," or "... in the presence of doctors," and the borrower claims: "I repaid you in their presence, but those witnesses in whose presence I repaid you died or journeyed overseas," his word is accepted. He may take a *sh'vuat hesset,* and then he is freed of responsibility.

If, however, the lender stipulates: "Do not repay me except in the presence of so-and-so and so-and-so and so," and the borrower claims: "I repaid you in the presence of other witnesses, and they died or journeyed overseas," his word is not accepted. Indeed, the lender stipulated: "Do not pay me except in the presence of Reuven and Shimon," who are standing with him, so that the borrower will not rebuff him, saying: "I repaid you

in the presence of other people, and they journeyed away."

2 There are versions of the Talmud that state that when a person tells a colleague: "Do not repay outside the presence of witnesses," and the borrower claims: "I fulfilled the stipulation and repaid you in the presence of so-and-so and so-and-so, and they journeyed overseas or died," his word is not accepted. This is a scribal error. For this reason, the halachic authorities erred because of those texts. I have researched ancient versions of the text and I found that they state that the borrower's word is accepted. In Egypt, a portion of an ancient text of the Talmud written on parchment, as was the custom in the era approximately 500 years before the present era, came to my possession. I found two versions of this law among those parchments. Both state: "If he claims: 'I fulfilled the stipulation and repaid you in the presence of so-and-so and so-and-so, and they journeyed overseas or died,' his word is accepted."

Because of the error that occurred with regard to some texts, there are several *Geonim* who ruled that if the lender stipulates: "Do not repay me except in the presence of so-and-so and so-and-so," and the borrower repaid him in the presence of others, the borrower's word is not accepted even if he brought witnesses, and they testify that he paid him in their presence. This is also a great mistake. The true law is that if witnesses come and testify that he paid the lender in their presence, the borrower is freed from responsibility; there is no place for suspicion.

This ruling also stems from those texts that state with regard to a lender who tells his colleague: " 'Repay me in the presence of witnesses who study Torah law,' and the borrower repaid him in the presence of ordinary

witnesses...." This is also a scribal error. In the above-mentioned parchments, I found it written: "And he went and paid him in private."

Although these texts have been carefully edited, this appears to be the ruling based on the judgment of the Talmud. Moreover, these concepts make sense: "What should the borrower do? The lender told him: "Do not repay me except in the presence of witnesses," and he repaid him in the presence of witnesses. Should he have locked the witnesses in prison for their entire lives so that they do not depart? Besides, what could he do if they died? Thus, the borrower will be forced to pay the lender time after time until he brings witnesses to court. This makes this testimony equivalent to testimony recorded in a legal document. Thus, by saying: "Do not repay except in the presence of witnesses," the lender endows the loan with the strength of a loan recorded in a promissory note. There is no one who would think that this is correct.

Instead, certainly, if the lender stipulated: "Do not repay me except in the presence of so-and-so and so-and-so," the borrower caused himself a loss if he repaid the loan in the presence of other witnesses who departed. If, however, these witnesses come and testify that he repaid the debt, there is no question that the borrower should not be held responsible. This is the manner in which judgment should be rendered and instruction should be given.

3 If the lender had the borrower agree to the stipulation that the lender's word would be accepted whenever he claimed that the borrower did not pay him, he may collect the debt without taking an oath. This applies even though the borrower claims that he paid him. If, however, the

borrower brings witnesses who testify that he paid him, the lender is not entitled to expropriate any funds.

4 If the lender had the borrower agree to the stipulation that the lender's word would be accepted as the testimony of two witnesses, even if the borrower brings witnesses who testify that he paid him, he may collect the debt without taking an oath. For he accepted his word as that of two witnesses.) This law applies even if the borrower brought 100 witnesses that he paid the lender, for the legal power of two witnesses is the same as that of 100 witnesses.

If, however, the borrower told the lender: "I accept your word as that of three witnesses," since he mentioned a number, if the borrower pays the lender in the presence of four witnesses, we consider the debt to be paid. When a person accepted the lender's word as equivalent to that of two witnesses, how can he correct the matter? When he pays, he should have the promissory note ripped up, the lender testify that he nullifies every promissory note he has against so-and-so, the borrower, or the lender give testimony against himself outside the presence of the borrower that he received payment for all debts owed to him by so-and-so the borrower.

5 If the borrower pays the lender, the lender claims that he was not paid, and the borrower paid him a second time because of the stipulation, the borrower can lodge a suit against the lender claiming: "You owe me such and such, because I paid you twice." If the lender acknowledges the borrower's claim, he must repay him. If he denies the claim, he is required to take a *sh'vuat hesset,* stating that the borrower paid him only once.

Similar principles apply in all analogous situations.

6 When the borrower had the lender agree to the stipulation that the borrower's word would be accepted whenever he claimed that he paid the debt, the lender may not collect this debt on the basis of this promissory note - neither from the borrower's heir, nor from a person who purchased property from him. Moreover, even if the borrower said: "I did not pay this debt," the lender may not use this promissory note to expropriate property from a person who purchased property from the borrower. The rationale is that we suspect that the lender and the borrower perpetrated an act of deception to take the purchaser's property.

If the borrower claims to have paid a portion of the debt recorded in this promissory note, and the lender claims that he did not pay anything, the borrower is required to pay the portion that he admitted to owing. With regard to the remainder, he is required to take a *sh 'vuat hesset.* The rationale is that the lender accepted his word. If he originally stipulates that his word would be accepted without having to take a *sh'vuat hesset,* he is not required to take that oath.

7 If the lender stipulates that his word will be accepted without his having to take an oath, he may collect the debt without taking an oath. If, however, he must collect the debt from the borrower's heirs, he must take an oath; only afterwards may he collect the debt. If, however, he stipulated that he would also be able to collect from the heirs without taking an oath, he may collect the debt from them without an oath.

Similarly, if the lender stipulates that he will be able to expropriate the

most valuable property owned by the borrower, he may expropriate that property, even from the heirs. The rationale is that any stipulation made with regard to financial matters is binding.

If the lender comes to collect from a person who purchased property from the borrower, he may expropriate the property only after taking an oath. The rationale is that the borrower may not accept a stipulation that will cause a colleague a loss.

Chapter 16

1 The debt is the responsibility of the borrower until he pays the lender or the lender's agent. If the lender said: "Throw the money owed to me and become freed of responsibility," the borrower threw it to him, and it became lost or destroyed by fire before it reaches the lender, the borrower is not responsible.

The following rules apply if the lender told him: "Throw the money owed to me in a manner governed by the laws of a bill of divorce." If the money was closer to the borrower, it is still his responsibility. If it was closer to the lender, the borrower is no longer responsible. If it is half and half, and it is lost or stolen from there, the borrower is required to pay half of the debt.

2 When Reuven owes Shimon a *maneh,* gives the *maneh* to Levi and tells him: "Give this *maneh* that I owe Shimon to him," Reuven may not retract. Nevertheless, he is held responsible for the *maneh* until it reaches Shimon.

If Levi returned the *maneh* to Reuven, they are both responsible for it

until Shimon receives full payment for the debt owed him.

3 A transfer of a debt is rescinded in the following situation. Reuven owed Shimon a *maneh.* Shimon told Reuven: "Take the *maneh* that you owe me and give it to Levi." Since the three were standing together and Levi agreed, the transfer would ordinarily be binding. Nevertheless, if it is discovered that Reuven is poor and does not have the resources to pay, Levi can ask Shimon for payment of the debt, for he deceived him.

If Levi knew ' that Reuven was poor at that time or Reuven was rich at that time and became impoverished afterwards, Levi cannot demand payment from Shimon, for he accepted the transfer.

If Levi argues that Reuven was poor at the time and Shimon deceived him, and Shimon maintains that he was wealthy and later became impoverished, it appears to me that Shimon must bring proof of his claim. Only then is he freed of responsibility from the debt he owes Levi. This is no different from an instance where he has a receipt in his hand, and we tell him: "Prove the authenticity of your receipt, and then you will be freed of responsibility."

4 We already explained the following concept in the laws of business transactions. These laws apply when Reuven was not owed anything by Shimon, but did owe a *maneh* to Levi. If he told Levi to collect the debt from Shimon - even if he made that statement in the presence of the three of them -it is not binding. If Shimon does not desire to pay Levi, he need not. If, however, he does pay him, he may collect the money from Reuven, since he paid him because of his instructions.

Similarly, if Levi desires to retract and say: "I do not desire to collect the debt from Shimon," he may collect the debt from Reuven. This applies even if he collected a portion of the debt from Shimon; he may collect the remainder from Reuven.

5 The following laws apply with regard to a store-keeper who would give a house-owner anything he desires on credit, postponing payment until the entire amount reaches a substantial sum, at which time he would pay him. The employer says: "Give my workers a *sela...*" or "... my creditor the *maneh* that I owe him and I will repay you." Afterwards, the storekeeper said: "I gave the money you instructed me to give," and the worker or the creditor says: "I did not receive it." The worker or the creditor must take an oath; he may then collect the debt owed him from the employer. Similarly, the store-keeper may take an oath and collect what he claims from the employer, for he told him to pay that money.

The worker must take the oath in the presence of the storekeeper, and the storekeeper must do so in the presence of the worker or the creditor, so that they will be embarrassed by each other. Similar laws apply in all analogous situations.

This oath is a Rabbinical ordinance, administered while the person holds a sacred article, because both claimants are coming to collect money. Therefore, if the storekeeper dies, the creditor may collect the debt without taking an oath. Similarly, if the worker or the creditor dies, the storekeeper may collect the claim he makes without taking an oath. The rationale is that in such a situation the employer is not losing anything and is making payment only once.

6 When the store-keeper says: "You told me to give this person a *maneh,"* or "You commanded me and told me, 'If so-and-so comes, give him,'" and the employer claims: "I did not tell you," the employer must take a *sh'vuat hesset* to support his claim. He is then freed of responsibility. The store-keeper should then lodge a suit against the person he claims to have paid.
Similarly, if a storekeeper tells an employer with whom he has a credit arrangement: "It is written in my account book that you owe me a *maneh"* and the employer says: "I don't know," the employer must take a *sh'vuat hesset* that he does not know. He is then freed of responsibility, as is the law with regard to any situation where one person lodges a claim against another. There is no Rabbinical ordinance governing such a situation.

7 When Reuven produces a promissory note that states that Shimon owes a debt to Levi, and claims that Shimon gave it to him by signing a deed acknowledging the transfer and giving it to him, but that the deed of transfer was lost, or he claims that Levi transferred the promissory note to him via the acquisition of land, he may collect the debt from Shimon. The rationale is that Reuven is in possession of the promissory note.
If Shimon claims that he paid Levi and demands that an oath be taken, Levi must take an oath to Shimon. Afterwards, Reuven may collect the debt. If Levi admits that Shimon paid him, Levi must pay Reuven. If Levi claims that he neither sold nor gave the promissory note to Reuven, Levi is required to take a *sh'vuat hesset* and is then freed of responsibility.

8 When a promissory note is in the hands of a third party, and he produces it in a court of law and says: "It has been paid," his word is accepted. This

applies even if the authenticity of the note has been verified. The rationale is that if he had desired, he could have burned it or torn it.

Similarly, if the third party died, and a note is found in his possession stating that the promissory note entrusted to him has been paid, we consider it paid. This applies even though the note stating the debt was paid is not signed by witnesses.

When, by contrast, a note is found in the creditor's possession that a particular promissory note has been paid, even if the note stating that the debt was paid is in the creditor's handwriting, it is considered to be merely facetious.

9 If witnesses signed the note discovered in the creditor's possession, when their signatures have been verified, the note is considered paid. If their signatures have not been verified, the witnesses who signed the receipt should be interrogated. If they do not know of the matter or if they are not present to be asked, the receipt is ignored, because it was found in the possession of the lender or his heirs.

10 If the promissory note mentioned in the note that was discovered was found among the promissory notes belonging to the lender that have been paid, we assume that it was paid, even if the note that was found was not signed by witnesses.

Similarly, if it is written on the promissory note itself - whether on its front or back, or even on only a portion of it - that this promissory note or a portion of it was paid, we follow those statements. This applies even though witnesses did not sign the statement, and the promissory note is in

the possession of the lender. For if the promissory note had not been paid, he would not have written on the note itself.

11 When a person finds a promissory note among his other legal documents and he does not know its status, it should remain in his possession until Eliyahu comes.

12 When a person tells his sons: "One of the promissory notes among my promissory notes has been paid and I don't know which one it is," all of the promissory notes are considered paid. If there are two promissory notes from one person, the greater one is considered paid and the lesser one is considered unpaid.

If a person tells a colleague: "One of your promissory notes in my possession has been paid," the greater one is considered to be paid and the lesser one is considered to be unpaid. If he tells him: "The debt you owe me has been paid," all of the promissory notes he has against him are considered paid.

Chapter 17

1 The following laws apply when a lender dies and his heir comes and demands payment from a borrower, because of the promissory note for which he is liable. If the borrower claims: "I paid your father," and the heir says: "I don't know whether you did or not," we tell the borrower: "Arise and pay him."

If the borrower demands: "Take an oath for me," the heir should take an

oath, while holding a sacred object, that his father did not instruct him via another person that the debt was paid, that he did not tell him this verbally, and that he did not find a note saying that this promissory note was paid among his father's legal documents. After taking this oath, he may collect the debt.

2 If the borrower died after the lender died, and the lender's heir comes and demands payment from the borrower's heir, he may not collect payment unless he takes an oath. We tell him: "'Take an oath that 'My father did not instruct me...,' 'My father did not tell me...,' 'I did not find a note saying that this promissory note was paid among my father's legal documents.'"

Even if the heir was a baby lying in a cradle when his father died, he must take this oath and collect. If the lender made a statement immediately before his death that this promissory note has not been paid, the lender's heir need not take an oath before exacting payment. This applies even if he is collecting payment] from the heir.

3 If, however, the borrower died first and then the lender died, the lender's heirs may not collect anything from the borrower's heirs. The rationale is that when the borrower died, the lender became obligated to take an oath before collecting, as we have explained in the previous halachah. He has already died, and a person does not bequeath an oath to his sons. For they are unable to take an oath that their father was not paid anything.

Nevertheless, if a judge transgressed and required the lender's heirs to take an oath and enabled them to collect their debt, the money that they

collected should not be expropriated from their possession. Therefore, a promissory note that is used as the basis for a claim by the heirs of a lender who seek to collect from the heirs of a borrower when the borrower died first, should not be torn, nor should it be used to expropriate money. It should not be used to expropriate money, because a person does not bequeath an oath to his sons, as explained. It should not, however, be torn, lest there be a judge who will expropriate money because of it.

4 In the situation described above, even if the debt was secured by a guarantor, the lender's heirs should not expropriate the debt from the guarantor. The rationale is that if they are told to collect the debt from the guarantor, the guarantor will go and seek payment from the borrower's heirs.

5 Extrapolation is not made from this law to a similar instance. Instead, when a person who impairs the legal power of a promissory note then dies -although he is not entitled to collect the debt unless he takes an oath - his children may take an oath that their father did not instruct them..., their father did not tell them..., they did not find a note saying that this promissory note was paid in its entirety among his father's legal documents. They may then collect the remainder of the sum stated in the promissory note from the lender or from his heirs.

6 When a lender's heir comes to collect payment of a promissory note from the borrower's heirs and the latter say: "Our father told us: 'I did not borrow the money mentioned in this debt,'" the lender's heirs may collect

the debt without taking an oath. The rationale is that whenever a person says "I did not borrow," it is as if he says: "I did not pay."

Similarly, when the lender himself comes to collect payment from the heirs of a borrower, and they say: "Our father told us: 'I did not borrow the money mentioned in this debt,'" the lender may collect the debt without taking an oath. This applies even if in the promissory note the lender stated that he would accept the borrower's word whenever he claims to have paid the debt. For in this instance as well, we follow the rationale that whenever a person says "I did not borrow," it is as if he says: "I did not pay."

7 The following laws apply when the lender's heir comes and demands payment from a borrower on the basis of a promissory note that contains a stipulation that the borrower's word will be accepted, whenever the borrower says: "I paid the debt." He is required to take a *sh'vuat hesset* that he paid this debt and is freed of liability. This applies even if the stipulation does not state: "Your word will be accepted against a claim issued by my heirs." The rationale is that the very basis of the promissory note depends on this stipulation.

If the stipulation states that the borrower's word would be accepted without an oath, he is not required to take an oath, even to the lender's heirs.

8 The following laws apply when the lender's heir is below majority, he possesses a promissory noted owed to his father, but a receipt for this note was produced after the father's death. We do not rip up the promissory

note, nor do we allow payment to be expropriated on its basis until the heir reaches majority. The rationale is that it is possible that the receipt is a forgery. That possibility is reinforced by the fact that the borrower did not produce it during the lender's lifetime.

9 When a person produces a promissory note against a colleague, stating that it was composed in Babylonia, he collects the debt in the coinage of Babylonia. If the promissory note was written in *Eretz Yisrael,* he should collect the debt in the coinage of *Eretz Yisrael.* This is not the case with regard to a *ketubah*

The following rules apply when the promissory note did not state the place where it was composed. If the lender produced it in Babylonia, he should collect the debt in the coinage of Babylonia. If he produced it in *Eretz Yisrael,* he should collect the debt in the coinage of *Eretz Yisrael.* If the lender sought to collect the debt in the coinage of the place where he produced the promissory note, and the borrower protested, claiming that he is obligated to pay in a coinage that is worth less than the local coinage, the lender should support his claim with an oath. He may then collect the debt. If the promissory note states that money is owed without any more specifics, the lender may collect only what the borrower agrees to pay.

From these laws, we can derive the following principles: A legal document that does not mention the place where it was composed is acceptable for all matters. Similarly, a legal document that is not dated is acceptable, even though it is testimony that cannot be nullified through *hazamah.* The rationale is that in financial laws, we are not stringent and do not subject the witnesses to precise cross-examination and interrogation, as

will be explained. This leniency was adopted so as not to prevent loans from being granted. For this reason, post-dated promissory notes are acceptable, although the testimony of the witnesses who signed cannot be nullified through *hazamah* as will be explained in the appropriate place.

Chapter 18

1 When a person lends money to a colleague without any stipulations, all of the borrower's property is on lien and bound to the debt. Therefore, when the lender comes to collect his debt, he should demand payment from the debtor first. If the debtor does not have money, but is in possession of either landed or movable property, he may collect the debt from them with the borrower's consent. If the borrower did not give the property willingly, the lender should have the property expropriated by the court.

If the property in the borrower's possession was not equal in value to the amount stated in the promissory note, the lender may expropriate the debt from all the property that was in the borrower's possession, even though it is now sold or given as presents to others. The rationale is that since the borrower sold or gave away the property after it was subjugated to the lien of this debt, he may expropriate the property from the possession of purchasers or the recipients of the presents. This is called being *toreif.*

To what does the above apply? To landed property in the borrower's possession at the time of the loan. Property that the borrower acquired after the loan was given, by contrast, is not automatically on lien to the creditor, and he may not expropriate it from purchasers. If, however, the

lender established the stipulation that all the property that the borrower will acquire afterwards will be on lien for him to collect the debt from it, property that the borrower acquired after taking the loan and subsequently sold or gave away may be expropriated by a creditor.

2 The above statements apply only to landed property. Movable property that has been sold, by contrast, is not on lien to a debt. Even property in the borrower's possession at the time of the loan may not be expropriated by his creditor.

If the debtor transferred a lien to all his movable property by virtue of the lien on landed property so that the creditor can expropriate everything, he may expropriate that movable property. This applies only when he writes in the promissory note: "I have transferred to you a lien on my movable property by virtue of the lien on my landed property. This is not an *asmachta,* nor is this a standard form of a legal document."

Similarly, he may write: "All of the property that I will purchase in the future, whether landed property or movable property, is on lien to you so that you can expropriate payment from it, and the lien on my movable property is transferred to you by virtue of the lien on my landed property, so that you can expropriate payment from them. This is not an *asmachta,* nor is this a standard form of a legal document." In such an instance, the creditor may expropriate even the movable property that the borrower purchased after he borrowed the money. The rationale is that any stipulation made concerning a financial transaction is binding.

3 The following laws apply when a person designates a field of his as an

ipotiki for a creditor for a debt, or for a woman for her *ketubah* - i.e., he composed a legal document stating that they should collect payment from that source - and a river flooded the field. The creditor may expropriate other property as payment for the debt. If, however, it was stipulated that he should not derive payment from any place other than this, he should not expropriate other property.

Similarly, if a person borrowed money and explicitly stipulated that his property is not on lien to the debt, the creditor may never collect this debt from property that has been sold to others.

4 When a person designates a field of his as an *ipotiki* for a creditor for a debt, or for a woman for her *ketubah* and then sells it, the sale is binding. If when the creditor comes to collect his debt, he does not find any property that has not been sold, he may expropriate the field that had been designated from the person who purchased it.

When does the above apply? When the debtor sold the field for a limited amount of time. If, however, he desired to sell it forever, the sale is not binding.

5 When a person designates a servant as an *ipotiki,* a creditor can expropriate the servant in payment of the debt even if he was sold to another person. ' The rationale is that the matter will be publicized. If he designates his cow as an *ipotiki,* a creditor may not expropriate the cow. The same ruling applies with regard to other movable property, for the matter will not be publicized.

6 When a master designates his servant as an *ipotiki* and then frees him, he obtains his freedom. This applies even if he wrote in the promissory note: "You will not receive payment from any source but this."

Similar rules apply if he consecrates the servant. The rationale is that [the prohibition against leaven, freeing a servant and consecration remove the lien from an article.

The creditor may collect his debt from the debtor. If he does not have the means to pay him, he must compose a promissory note acknowledging his debt, and with that promissory note he can expropriate property that was sold by the debtor after the date of this second promissory note.

Why is he obligated to pay the debt? Because he caused his colleague's money to be lost. And whenever a person causes a colleague a loss, he must make financial restitution, as explained in the appropriate place.

We also compel the servant's second master to free him as well. This is a measure enacted for the correction of society, lest the creditor encounter the servant in the marketplace at a later time and say: "You are my slave."

7 When a person consecrates his property, the creditor cannot expropriate the property from the Temple treasury, for the consecration of property lifts the lien from it.

When the property is redeemed from the Temple treasury, we estimate how much a person would desire to give for this field, so that the creditor will be paid his due, or the woman the money due her by virtue of her *ketubah.* Therefore, when the field is redeemed and becomes unconsecrated property in the possession of the purchaser, the creditor can come and expropriate his debt from it, or the woman can take it as

payment for the money due her by virtue of her *ketubah,* as we have explained in *Hilchot Arachin.*

8 When a creditor comes to expropriate a field from the purchaser, if the purchaser has money in his possession, he may eliminate the creditor's claim by paying him the money for which he is expropriating the field. The purchaser then demands repayment from the seller. If, however, the debtor had designated the field as an *ipotiki,* the purchaser may not eliminate the creditor's claim by paying him.

9 The purchaser is also given the upper hand in the following situation: Reuven owed Shimon 200 *zuz.* Reuven owned two fields. He sold one to Levi for a *maneh,* and then sold him the other one for a second *maneh.* Shimon expropriated one for a *maneh* and then sought to expropriate the other for the second *maneh* that was owed him. Levi brought 200 *zuz* in coin and told Shimon: "If you desire to consider the field that you already expropriated as payment for the entire 200 *zuz* that you are owed, that is acceptable. If not, here are the 200 *zuz* of the debt; rescind your claim." Levi is given the upper hand.

If Shimon accepted Levi's proposition and kept the one field, Levi cannot demand payment from Reuven for more than one *maneti,* despite the fact that Shimon accepted it as compensation for 200 *zuz.*

10 The creditor, by contrast, is given the upper hand in the following situation. Reuven owed Shimon 200 *zuz.* Reuven died and left one field that was worth 100 *zuz.* Shimon came and expropriated it. The orphans

gave Shimon 100 *zuz* worth from the movable property that their father left, and thus removed Shimon from it. Shimon may, however, return and expropriate it for the remainder of his debt. The rationale is that by giving him the 100 *zuz,* they performed a mitzvah, for it is a mitzvah for heirs to pay their father's debt.

If the heirs told Shimon: "This 100 is for the field you expropriated," he cannot come back and expropriate it again for the remainder of the money owed him.

Chapter 19

1 When the court attaches the property of a borrower to expropriate it, they should expropriate only land of intermediate quality for a lender.

According to Scriptural Law, a creditor should receive only the property of inferior quality, as implied by **Deuteronomy 24:11**: "You shall stand outside and the person who owes you the money shall bring the security out to you." What is the tendency of a person to bring out? The least valuable of his utensils. Our Sages, however, ordained that a creditor could expropriate property of intermediate quality, so that people would not refuse to give loans.

When does the above apply? When the lender comes to collect from the borrower himself. If, however, the borrower dies, and the lender comes to collect from his heirs - whether they are below or above the age of majority -he may collect only property of inferior value.

2 We do not collect payment from property that has been sold, when the

debtor owns property that is still in his possession. [This applies even if the property in his possession is of inferior quality, and the property that has been sold is of intermediate or superior quality, and whether the property was sold or given away as presents.

If the property that has not been sold is flooded, the creditor may collect the property that has been sold. The rationale is that since it has been devastated, it is as if it no longer exists.

3 The creditor is given the upper hand in the following situation. Reuven sold all his fields to Shimon, and Shimon sold one of his fields to Levi. If one of Reuven's creditors comes to expropriate property in payment for his debt, he may expropriate property from either Shimon or Levi.

When does the above apply? When Levi purchased property of intermediate value. If, however, he purchased property that was of superior or inferior value, the creditor cannot expropriate property from Levi. For Levi will tell him: "I purposely took the trouble of purchasing a field that you have no right to expropriate, so that you would not have a claim against me." Similarly, if Levi purchased a field of intermediate worth and left Shimon a field of intermediate worth similar to the one of intermediate worth that he expropriated, the creditor cannot expropriate the field from Levi, for he will tell the creditor: "I left you property to expropriate as payment for your debt."

4 We have already explained that payment for damages should be expropriated from property of superior value, a lender should expropriate property of intermediate value, and the money due a woman by virtue of

her *ketubah* should be expropriated from property of inferior value.

When a person owns only property of superior value and property of inferior value, damages should be expropriated from the property of superior value, and a lender and a woman collecting the money due her by virtue of her *ketubah* should expropriate the property of inferior value.

If he owns only property of superior value and property of intermediate value, damages should be expropriated from the property of superior value, and a lender and a woman collecting the money due her by virtue of her *ketubah* should expropriate the property of intermediate value.

If he owns only property of inferior value and property of intermediate value, damages and payment for a loan should be expropriated from the property of intermediate value, and a woman collecting the money due her by virtue of her *ketubah* should expropriate the property of inferior value.

5 When a person owns three fields and he sells them to three people at the same time, they all take the place of the previous owner. Thus, payment for damages should be expropriated from property of superior value, a lender should expropriate property of intermediate value and the money due a woman by virtue of her *ketubah* should be expropriated from property of inferior value.

If he sold them one after the other, they should all expropriate their due from the last purchaser. If the worth of that property was not sufficient, they should expropriate from the property purchased before it. If the worth of that property was also not sufficient, they should expropriate from the property purchased first.

This applies even if the last purchaser acquired the property of inferior quality. For the purchaser who preceded him can tell the person who seeks to expropriate property: "I left you property from which you could collect your debt."

6 When a debtor sells all of his properties to one person, one after the other, that person takes the place of the original owner.

When does the above apply? When he purchased the property of superior quality last. When, however, he purchased the property of inferior quality last, all the creditors must collect their due from that property. For when a person comes to expropriate property, the purchaser will tell him: "I left you property from which you can collect your debt."

Why does the creditor not tell this to a person who seeks to expropriate the property when he purchased the property of superior value first, and thus a woman collecting the money due her by virtue of her *ketubah* and a lender would also expropriate their due from the property of superior value? Because this possibility is an ordinance instituted for the sake of the purchaser. And he will tell them: "I cannot accept this ordinance." Instead, each type of creditor will collect from the property fit for him.

7 Similarly, the following laws apply when the debtor sold all his properties to one person, one after the other, selling him the property of superior value last, and that purchaser sold the property of inferior and intermediate value to a third party and retained the property of superior value for himself. All the debtors collect their due from the property of superior value, for the purchaser does not have any property from the

original debtor to divert them to.

When the purchaser sold the property of superior value and retained the properties of inferior and intermediate value, payment for damages should be expropriated from property of superior value in the possession of the second purchaser. The debt owed a lender and the money due a woman by virtue of her *ketubah* should be expropriated from the property of intermediate and inferior value that the first purchaser retained.

8 As reflected in the following situation, when a person limits his power to expropriate property, his waiver may extend beyond his original intent: One person borrowed money from a colleague. Afterwards, the borrower sold his property to two people each person purchasing a portion for himself, one after the other. The creditor wrote to the second purchaser, pledging that he would not expropriate the property as payment for the debt and affirmed his commitment with a *kinyan.* Our Sages ruled that he is also not able to expropriate the property sold to the first purchaser. For that purchaser will say to the creditor: "I left you the opportunity of collecting the money owed you from the debtor by expropriating the property that the second purchaser bought after I did. You caused yourself a loss by removing your lien on it."

Similar laws apply with regard to a woman who seeks to collect the money due her by virtue of her *ketubah.* If she writes such a waiver to the second purchaser, she loses the right to the money due her by virtue of her *ketubah* and cannot expropriate property. If, however, such persons write such a waiver to the first purchaser, they may expropriate the property from the second purchaser.

The following situation can occur when a borrower sells a field to a purchaser and then the purchaser sells it to a second purchaser. The lender writes to the first purchaser, pledging that he would not expropriate the property as payment for the debt and affirms his commitment with a *kinyan*. The creditor may expropriate the property from the second purchaser. The first purchaser may expropriate the property from the creditor, because he pledged that he would not expropriate the property, and he did. The second purchaser can then expropriate the property from the first purchaser, because he sold it to him. The creditor may then expropriate the property again from the second purchaser, and the cycle continues until they arrange a compromise.

Similar laws apply with regard to a woman who seeks to collect the money due her by virtue of her *ketubah* and makes a pledge to the person who purchased her husband's property.

Chapter 20

1 When a person owes many debts, the person whose debt was made first has the right to expropriate property first - from the borrower himself and from his creditors. If a later creditor expropriated property before the first creditor, the first creditor may expropriate it from him. For the person whose debt was established first acquires the property.

To what does the above apply? To landed property that the borrower possessed at the time that he took the loan. When, however, he purchased landed property after borrowing from many creditors, no one is granted precedence over the others, even if the borrower wrote to each one in the

promissory note: "The property that I will purchase in the future is on lien to you." Instead, all are equal, and whoever comes first and expropriates the property acquires it, even if he was the last to make the loan.

2 When a borrower writes in the promissory note: "What I will acquire in the future is on lien to you," afterwards purchases a field and then borrows from another person, the field is on lien to the first lender. He has the right to expropriate it first. Similar principles apply even if there are 100 creditors.

There is no concept of precedence with regard to the expropriation of movable property. Instead, whoever comes first and expropriates it acquires it, even if he was the last to make the loan.

If another person came and seized possession of movable property belonging to this debtor in order to acquire the property on behalf of one of the creditors, that person does not acquire the property. The rationale is that a person who seizes property on behalf of a creditor in a situation where a loss is caused to another person does not acquire it. If, however, seizing it would not cause a loss to other people, he does acquire it for him. Similarly, if the borrower tells him: "Acquire this article on behalf of so-and-so," he acquires it for him. None of the other creditors can expropriate this movable property, because another person has already acquired it.

3 When promissory notes are all dated on the same date - or at the same hour, in a place where the hours are mentioned - whichever creditor

comes first and expropriates property, whether landed property or movable property, acquires it.

4 The ensuing laws apply when creditors whose promissory notes are dated on the same date all come to expropriate property together, or when creditors whose promissory notes were dated before one another come to expropriate movable property, for there is no concept of precedence with regard to movable property, or creditors come to expropriate property that the borrower purchased after taking the loan dated last, and the property the borrower possesses is not sufficient to enable each one to collect the debt that is owed to them.

How is the property divided? If when the property is divided in equal portions according to the number of creditors, the person owed the least will receive the amount owed him or less, the property is divided into that number of equal portions.

If dividing the property into equal portions would give the person owed the least more than he is owed, this is what should be done: We divide the sum equally among the creditors so that the person owed the least will receive the money that he is owed. He then withdraws. The remaining creditors then divide the balance of the debtor's resources in the following manner.

What is implied? A person owed three debts: one of a *maneh,* one for 200 and one for 300. If all the resources of the debtor total 300 *zuz,* they are divided 100 for each. Similarly, if his resources are less than 300, they should be divided equally among the three.

If his resources total more than 300 *zuz,* the 300 should be divided

equally and then the person owed 100 should withdraw. The remaining money should be divided equally in this same manner.

What is implied? If the debtor's resources total 500 or less, the 300 should be divided equally, and then the person owed 100 should withdraw. The balance of 200 or less should then be divided equally among the remaining creditors, and then the second one withdraws.

If the debtor's resources total 600, the 300 should be divided equally, and then the person owed 100 should withdraw. They then divide 200 between the two equally, and then the second one withdraws. The 100 that remain should then be given to the person owed 300; he thus receives only 300. The debtor's resources should be divided according to this pattern even if there are 100 creditors, if they come to divide the resources at the same time. There are, however, *Geonim* who rule that the resources should be divided in proportion to the amount owed each creditor.

5 The fact that a promissory note is not dated correctly creates difficulties for its bearer. For example, Reuven and Shimon each possess a promissory note, stating that Levi owes them money. The promissory note possessed by Reuven is dated Nissan 5, and that possessed by Shimon is dated Nissan, without specifying a day. Levi possesses only one field that is not equal in value to the debts owed them both. Reuven is allowed to take possession of the field, for perhaps the promissory note owed Shimon was signed at the end of Nissan.

Similarly, Shimon cannot expropriate a field that was sold by Levi from Iyyar or afterwards. For the purchaser will tell him: "Perhaps the date of your promissory note is the first of Nissan. There is a field that was not

sold at that time in the possession of Reuven. Expropriate it and then let Reuven, whose promissory note is dated after yours, come and expropriate the field from me." Therefore, if Reuven and Shimon write each other a document granting power of attorney, they may expropriate a field that was sold after lyyar using both vantage points.

Similar laws apply if Levi sold one field twice, composing separate deeds of sale for Reuven and for Shimon, with one dated on the first of Nissan and one Nissan, without specifying a day.

Chapter 21

1 When a creditor expropriates a field, he may also expropriate the increase in value that the purchaser brings about within the field. This applies whether the field increases in value because of an investment, or it increases in value as a matter of course.

There is, however, a difference between the two instances. If it increases in value as a matter of course, the creditor may expropriate the entire increase in value. If it increased in value because of an investment, the creditor may expropriate only half the increase.

What is implied? Reuven was owed a debt of 200 *zuz* by Shimon. Shimon sold a field to Levi for a *maneh.* Levi made an investment in the field and caused its value to increase and it is now worth 200. When Reuven expropriates it from Levi, he expropriates it from him for 100 and also the 50 that constitutes half the increase of value. If it increased in value on its own accord - e.g., the price rose or trees grew - he can expropriate the entire amount.

Great sages issued a ruling stating that a purchaser should not have lesser legal power than a person who occupies a field belonging to a colleague without permission, in which instance the increase in the field's value is appraised, and the squatter is given the weaker position. Therefore, if the field increased 100 *zuz* in value and Levi spent 50, Levi should receive all of his expenses and half of the increase in value beyond the expenses. The other half of the increase in value, and the principal, should be expropriated by the creditor. These are words of logic, and it is appropriate to rule accordingly. The purchaser then returns and expropriates the principal from Shimon's property, including even property that he sold or gave away after the time he sold this field to Levi. The increase in value that the creditor expropriated from Levi, the purchaser - whether half the increase in value or the entire increase - Levi may then expropriate only from property in the possession of Shimon. For it is an enactment instituted for the sake of society not to expropriate a property's increase in value, nor produce eaten by a thief, nor the sustenance given a widow and the deceased's daughters from property that has been sold. The rationale is that these are matters that have no limit. And it is one of the leniencies associated with a *ketubah* that a woman is not granted the opportunity of expropriating the money due her by virtue of her *ketubah* from a property's increase in value.

Why is a creditor able to expropriate only half the increase of value that comes after the investment was made? Because the increase in value comes after Shimon, the original owner borrowed money from Reuven and sold the property to Levi. Thus, Reuven and Levi can be considered to be two creditors of Shimon's and the increase in the value of the field as an

increase in the value of his property that came after he borrowed from both of them. In such an instance, they divide the increase equally, as we have explained. Accordingly, the following rules apply in the ensuing circumstance. Reuven borrowed a *maneh* from Shimon, and in the promissory note wrote that he is extending the lien to: "the property that I will acquire in the future." He then borrowed 200 *zuz* from Levi, and in the promissory note wrote that he is extending the lien to: "the property that I will acquire in the future." He then purchased a field and sold it to Yehudah for 150 *zuz*. Yehudah made an investment and caused its value to increase, and ultimately it was worth 300 *zuz*. Shimon and Levi expropriate the principal and divide it equally. Thus, each receives 75 *zuz*. The three - Shimon, Levi and Yehudah - then divide the 150 *zuz* of the field's increase in value according to the principles that we explained. Thus, Shimon expropriates the complete payment of the *maneh* owed him from this field. Levi expropriates 137 1/2, and Yehudah receives 62 1/2 from the field's increase in value. They should divide the increase in value in this manner. These principles apply even if there are 100 creditors.

2 All of the produce that the purchaser consumed, however, is not expropriated from him. The produce that is attached to the land, by contrast, including even the produce that no longer needs the nurture of the land - e.g., grapes that are ready to be harvested - may be expropriated by a creditor in the same way as he expropriates the property's increase in value.

3 When the recipient of a present invests in it and causes its value to

increase, the creditor may not expropriate any of its increase in value. Instead, we evaluate its worth at the time the present was given and allow him to expropriate that amount. If, however, it increases in value as a matter of course, the creditor may expropriate the entire field. If the person giving the present accepts responsibility for it, the creditor may expropriate the increase in value from this field just as he would if it were in the possession of a purchaser.

Why is a creditor given the right to expropriate half of a property's increase in value from a purchaser, but not from a person who receives a present? Because the seller of the property wrote to the purchaser in the deed of sale: "I am obligated to you for the principal, the labor you invest in it, and the increase in value that you will bring to it. I take responsibility for everything." The purchaser accepted this stipulation. For the purchaser took possession of the field on the condition that if the increase in the value of the field was expropriated from him, he would seek recompense from the seller. Even if this stipulation was not written in the deed of sale, it is a matter of public knowledge that this is the law governing the seller's responsibility to the purchaser. With regard to a present, by contrast, this stipulation does not apply. Hence, a creditor may not expropriate any increase in value that the recipient of a present brought about through investment.

4 Similarly, if orphans who inherit an estate increase its value, a creditor of their father may not expropriate any of its increase in value. If, however, the property increases in value as a matter of course, he may expropriate the entire increase.

5 The following laws apply when a creditor expropriates property for a debt owed him from a purchaser from the principal and half of the increase in the property's value. We then consider what remains of the landed property. If the land that remains would be of value to the purchaser - e.g., in a field, an area where nine *kabbin* of grain could be sown, in a garden, an area where half a *kab* of vegetables could be sown - the creditor and the purchaser should become partners with regard to the land. If the property is not large enough to be divided in a manner that the smaller portion of sufficient size would be referred to as a field or as a garden, the creditor should reimburse the purchaser financially for the increase in the value of the field, as is due him.

6 The following rules apply when a field was designated as an *ipotiki.* The creditor may expropriate the entire field. We consider the half of the field's increase in value which must be repaid to the purchaser. If half of the increase in value exceeds the purchaser's investment, he should collect the amount he invested from the creditor. He is given only this amount, because the creditor can tell him: "It is my field that increased in value." He should collect the remainder of the money due him from the field's increase in value from the seller.

If half of the field's increase in value is less than the purchaser's investment, the purchaser should be reimbursed by the person who expropriated the field for only half of the field's increase in value. He then collects from the seller the other half of the field's increase in value.

7 When a creditor comes to expropriate property from heirs, and the heirs

claim: "We caused the value of the property to increase," but the creditor claims: "Perhaps it was your father who caused the property to increase in value," the burden of proof is on the heirs.

If the heirs bring proof that they increased the value of the property, we evaluate the increase and their expenses. They receive the lesser of the two, and they are given this amount in money.

When does the above apply? When the field was designated an *ipotiki.* If, however, it was not designated an *ipotiki,* if the heirs desire, they have the right to pay the creditor the debt he is owed and absolve his claim. Or if they desire, they may take a share of the land that is equivalent to the value of the increase they brought to the value of the property.

Chapter 22

1 This is the order in which debts are collected: When the creditor brings his promissory note to the court and the authenticity of the witnesses' signatures are verified, we tell the borrower: "Pay." We do not attach his property until the creditor demands this. If a judge errs and gives the creditor access to the borrower's property before he demands it, we remove the creditor from it.

If the borrower responds: "I will pay. Establish a date for me, so that I will have time to borrow money from another person, offer my land as collateral, sell property and bring the money," we grant him 30 days. We do not require that he bring security to the court. For if he possessed movable property, the court would expropriate it immediately.

If the creditor desires, he may have a conditional ban of ostracism issued

against anyone who possesses money or movable property and uses arguments to avoid payment. We do not require the borrower to bring a guarantor until he pays.

If the borrower has not brought payment when these 30 days are concluded, the court composes an *adrachta.* Similarly, if at the outset, when the lender demanded payment of him, he said: "I will not pay," we compose an *adrachta* against his property immediately and do not grant him any time. Similarly, if what is involved is a loan supported by a verbal commitment alone and the borrower admits his obligation, we compose an *adrachta* against the property that is presently in his possession.

2 The following rules apply when the borrower claims: "The promissory note concerning which the signatures of the witnesses was validated is a forgery. I will bring proof and nullify the matter The witnesses are located in this and this place and their names are so-and-so and so-and-so." If it appears to the judges that there is substance to his words, a time is established in which he must bring his witnesses to court. If it appears to them that he is merely raising deceptive arguments and fallacious claims, they should tell him: "Pay." Afterwards, if he brings proof of his claim, the money should be returned to him.

If the creditor is a man of force and it is possible that the money will not be able to be recovered from him, it should be entrusted to a third party.

3 When a time was established for the borrower to bring proof and nullify the promissory note, that time came and he did not come to court, we wait for three court sessions Monday, Thursday and Monday. If he does

not come, we compose a *peticha* against him and place him under a ban of ostracism.

We give him a further respite of 90 days while he is under the ban of ostracism. The first 30, for perhaps he is seeking a loan, the middle 30, for perhaps he is seeking to sell property, and the final 30, for perhaps the person who purchased his property is seeking to bring him the money.

When these 90 days are completed and the borrower still does not appear in court, the court composes an *adrachta* against his property and releases him from the ban of ostracism.

4 If the borrower lives within a two-day journey or less from the court, we do not compose an *adrachta* until we send messengers and inform him of this impending step. If he lives further away, it is not necessary to inform him.

When does the above apply? When throughout the entire 90 days he would procrastinate and say: "Just now, I will bring proof that nullifies the promissory note." If, however, he says: "I refuse to appear in court," we compose an *adrachta* against both his movable and his landed property immediately. Similarly, if a person is being sued on the basis of a legal document recording an object entrusted to him for safekeeping, we do not wait 90 days and instead, we compose an *adrachta* against his property immediately.

5 The statements made above - that if the borrower does not come at the conclusion of the 90-day period we compose an *adrachta* - applies only with regard to landed property. With regard to movable property, by

contrast, different rules apply. Even after 90 days, as long as the borrower says: "I will bring a proof and nullify the promissory note," we do not allow the lender to expropriate movable property.

The rationale is that the alleged lender might consume it and afterwards, the borrower will bring the proof that nullifies the promissory note, and then he will not find property belonging to the alleged lender that he can collect for repayment. This applies even if the lender possesses landed property, for perhaps that property will decrease in value or become dried out.

6 How is the *adrachta* composed? If we are expropriating property that is in the borrower's possession, we write in that document:

"So-and-so was obligated by a judgment to pay so-and-so this amount. He has not made this payment on his own volition. Hence, we have composed this *adrachta* against this and this field that he possesses."

Afterwards, three experts evaluate a portion of that field equivalent in value to the debt that he owes, and its prospective sale is announced according to the appraisal until those who add to the estimation make their bids. If there are no buyers, we transfer ownership of that portion of the field to the creditor because of his debt and rip up the promissory note, if such a document existed. If there was no landed property in the borrower's possession, we compose the *adrachta* which states:

So-and-so undertook an obligation to so-and-so as recorded in the promissory note possessed by the creditor. The debtor has not paid this debt. We have not found property that is presently in the debtor's possession. We have already torn up the promissory note that the creditor

possessed and have given him license to seek out and research whether there are any properties that the debtor sold from this and this date and onward, with the intent that his hand be raised over them. He has license to derive payment and expropriate his debt from all such properties.

7 After this *adrachta* is composed, the lender goes and seeks property belonging or that once belonged to the borrower. If he finds property that is in his possession, they are evaluated for him. If he finds only property that has been sold after the date of his promissory note, he may expropriate it. We tear up the *adrachta* and write a *tirpa.*

8 How is the *tirpa* composed? We write:
Because of the debt of this and this amount that so-and-so owes him, so-and-so won in court the right to expropriate this and this field that so-and-so purchased for this and this amount at this and this time. We have already torn up the *adrachta* that was in his possession, and we have given him license to expropriate this and this amount from this property.

9 After the *tirpa* is written so that the lender may expropriate the property, we bring three experts to that field who evaluate that field and appraise how much of the field should be given to him for the principal and half of the field's increase in value, as explained. We then announce the property's sale for thirty days in the same manner as we announce the sale of property inherited by orphans.

10 Afterwards, if the borrower is with us on the land, we require the borrower to take an oath that he is bankrupt, as ordained by our Sages.

We also require the person expropriating the property to take an oath while holding a sacred object that he did not collect payment for this debt, that he did not waive payment of it, and that he did not sell it to another person. Afterwards, we give the lender possession of the purchaser's according to the assessment of the debt owed him, and we compose a *horadah.*

11 How is this document composed? The judges write:
After we had an evaluation of the property made for so-and-so, because of the debt he was owed, we announced the sale of the property as is fitting, and we required both the person expropriating the property and the debtor to take the appropriate oaths, we have given so-and-so possession of this and this field. He may use it as a person uses property that he has acquired.

12 From which time may the person who seeks to expropriate this property derive benefit from its produce? From the time the days of the announcement are completed.

13 Whenever an *adrachta* does not state: "We have torn up the promissory note," it is not an acceptable *adrachta.* Whenever a *tirpa* does not state: "We have torn up the *adrachta"* it is not an acceptable *tirpa.* Whenever a *shuma* does not state: "We have torn up the *tirpa,"* it is not an acceptable *shuma.*

14 When three experts descend to evaluate a property, one evaluates it as worth a *maneh* and two evaluate it at 200 *zuz,* or one evaluates it at 200

zuz and the other two evaluate it as worth a *maneh,* the assessor who offers the lone opinion is considered insignificant.

If one assessor evaluates it as worth a *maneh,* another at 80 *zuz,* and the third at 120, it is considered to be worth 100. If one says 100, the second 90, and the third 130, it is considered worth 110. This is our pattern of evaluation.

15 When the court evaluated property belonging to a purchaser on behalf of a person who sought to expropriate it and erred - even if the error was concerning the smallest amount - the sale if nullified. The rationale is that since the court is considered to be an agent of the person expropriating the property and the purchaser, they have permission to expedite the matter, but not to impair anyone's position as is the law applying to an agent. All of the Halachic authorities ruled in that manner.

16 When the court evaluates and expropriates a property for a creditor - whether from property in the creditor's possession or property that was in the possession of a purchaser - and afterwards, the borrower, the person from whom the property was expropriated, or their heirs, acquires financial resources and pays the creditor his money, the creditor is removed from that landed property. For property that was evaluated and expropriated should always be returned to its owners, as mandated by **Deuteronomy 6:18**: "And you shall do what is just and good."

17 When the court evaluates and expropriates a property for a creditor and then evaluates and expropriates a property for a creditor of that creditor,

the original owner can redeem it. The legal power of the second creditor is no greater than that of the first.

When a creditor sold the property expropriated for him, gave it away as a present, gave it to his creditor voluntarily, or he died and the property was inherited, the original owner does not have the right to redeem it. If landed property was evaluated and expropriated for a woman and then she married, or property she owned was evaluated and expropriated from her and she married, her husband is considered to be a purchaser with regard to her property. He is not required to return it, nor must it be returned to him.

Chapter 23

1 Promissory notes that are predated are invalid, because they will be used to expropriate property from purchasers in an unlawful manner. Accordingly, our Sages penalized the lender, ruling that he may expropriate only property in the debtor's possession with a predated promissory note. This is a decree, enacted lest he expropriate property from the first, earlier, date.

2 Postdated promissory notes are acceptable. For the legal power of the possessor of the promissory note has been diminished, for the lender can expropriate only property from the date of the promissory note. Even if the document does not state that it was postdated, it is acceptable.

3 When a promissory note is written during the day and signed in the night

that follows it, it is unacceptable, because it is predated. If, however, the borrower and the lender were involved in negotiating the matter until night fell and then they signed, it is acceptable, even when the *kinyan* was made at night.

4 When a promissory note is dated on the Sabbath or on the tenth of Tishrei, we assume that it was postdated and that it is acceptable. We do not suspect that perhaps it is predated and that it was written on Sunday or on the eleventh of Tishrei. Instead, we accept the presumption that the promissory note is acceptable. The rationale is that it is known that legal documents are not composed on the Sabbath. Therefore, it was postdated.

5 We may compose a promissory note for the borrower even though he is not accompanied by the lender. We do not, however, compose a promissory note for the lender unless he is accompanied by the borrower.
When does the above apply? With regard to a promissory note that was affirmed by a *kinyan* For from the time the *kinyan* was carried out, the borrower's property was on lien. When, however, a promissory note was not affirmed by a *kinyan,* we do not compose the note even for the borrower, unless he is accompanied by the lender and he gives the note to the lender in our presence. The rationale is that we suspect that the borrower may have the document composed at this time so that he can take a loan in Nissan, but in fact the loan will not be given until Tishrei. Thus, the lender will be able to use this promissory note to expropriate property that was in the borrower's possession unlawfully from Nissan, although the promissory note did not enter his possession until Tishrei.

6 The following rules apply when witnesses performed a *kinyan* with the borrower, the seller, or another person involved in a business agreement, but the composition of the legal document was delayed extensively. If they remembered the date on which the *kinyan* was established, they should write the date of the *kinyan* in the legal document, even though it was not the date that they signed the legal document. It is not necessary for them to state in the document: "Our signatures were delayed until this-and-this date." If the witnesses do not know the date on which the *kinyan* was performed, they should date the legal document from the day on which it was composed.

Similarly, witnesses who observed a business transaction in one country and composed a legal document in another country should not record the place where they observed the testimony in the legal document. Instead, they should record the place where they signed the legal document.

7 When deeds of sale are not dated with the date of the transaction, even those that are postdated are not acceptable. The rationale is that the purchaser may use them to expropriate property in an unlawful manner.

What is implied? For example, the seller could have repurchased the field from the purchaser before the date of the postdated deed of sale. The purchaser could then produce the postdated deed of sale and say: "I returned and purchased it from you a second time." He could thus expropriate property from a purchaser unlawfully.

Why don't we harbor the same suspicions with regard to a postdated promissory note? It is possible that the borrower paid the lender before the date stated in the promissory note, the lender will write him a receipt, and

then produce the promissory note and expropriate property unlawfully. We do not harbor such suspicions, because whenever a person composes a postdated promissory note, he can protect himself by having the receipt composed without a date. Thus, whenever the lender will produce the promissory note, the borrower can nullify it by producing this receipt. If the borrower did not do this and allowed the receipt to be composed dated the day when the debt was repaid, he caused himself a loss.

8 When a person was compelled to sell his field against his will and issued a protest, or hurried and sold the field or gave it away to another person before he sold it to the person who compelled him to sell it, the money that the person who compelled him to sell it gave him is considered to be a loan supported by a verbal commitment alone. He may not use that deed of sale to expropriate any property that had been sold by the seller to others. This law was stated, because this deed of sale should not have been written, and it was written only under compulsion. Similar laws apply in all analogous situations.

9 It is possible for a person to expropriate property without a legal document, merely on the basis of verbal testimony.

What is implied? If a person has witnesses who will testify that property was stolen from his father. He can expropriate the property on the basis of this testimony, although there is no legal document. Similarly, if witnesses testify that a judgment was concluded for his father to expropriate property from so-and-so, for this-and-this amount, at this-and-this time, and his father died without expropriating the property, the son may

expropriate property on the basis of this testimony.

10 Therefore, we should never compose two deeds of sale for the same property, lest the purchaser perpetrate deception together with the creditor and expropriate property unlawfully.

What is implied? This person will expropriate this field from the purchaser based on testimony that his father had the right to expropriate it. The purchaser will then use one deed of sale that he possesses to expropriate property from people who purchased property after he did from the borrower who sold him the property. The court will tear up the deed of sale that the initial purchaser possesses.

For the sake of deception, the person who expropriated the field will allow the purchaser to take possession of it again. He will then expropriate it again on the basis of the testimony of his witnesses. The purchaser will then produce the second deed of sale and expropriate property from other purchasers unlawfully.

If so, what should a person who has lost his deed of sale to a property do if the witnesses to the sale are still alive? A second deed of sale should be composed, saying: "This deed of sale may not be used to expropriate property that has been sold, or property that is in the possession of the seller. We have composed it only to establish so-and-so, the purchaser, as the owner of the field, so that the seller or his heirs cannot expropriate it from him."

11 This principle does not apply with regard to promissory notes. Even though the witnesses to the loan are alive and entered into a *kinyan* with

the borrower, if the lender returns immediately and tells the witnesses: "The promissory note that you composed for me is now lost or was burnt," they should not compose a second promissory note for him. We suspect that the debt was paid or that he waived payment.

The above applies even if the loan was given for a period of time. The lender cannot collect any money on the basis of the testimony of these witnesses, unless the borrower states: "The loan was never given." In that instance, he is established as a liar through their testimony, as will be explained.

12 When a promissory note in a person's possession is worn and it is beginning to become effaced, the lender should have witnesses look at it. He should then come to the court, and the court will validate it. The witnesses who signed the promissory note itself, however, may not compose another promissory note on their own initiative, even when the promissory note was blotted out in their presence. Instead, they should go to the court, and the court will validate the promissory note.

13 How should this promissory note be validated? The court composes a new document that states: "We the court composed of so-and-so, so-and-so, and so-and-so, saw how so-and-so, the son of so-and-so, produced a promissory note that was effaced in our presence. It was dated on this-and-this date. So-and-so, and so-and-so are his witnesses."

If they composed such a document and required the testimony of the witnesses, and their testimony was corroborated, the lender may collect the debt with this document that was composed for him. No further

validation is required.

If the court did not compose such a document , if the debtor protests that the document is a forgery, the lender must also bring proof regarding the signatures of the original witnesses, so that their testimony will be validated.

14 When a promissory note is torn, it is acceptable. If its wording is in the process of being rubbed out or muddled, as long as the form of the original letters are recognizable, it is acceptable.

If it is torn as the court tears a legal document, it is unacceptable. In which manner does the court tear a legal document? Both horizontally and vertically.

15 The following laws apply when a person repays a portion of a debt recorded in a promissory note. If the lender desires, he may exchange the original promissory note, and the court composes a new document for him for the remainder of the debt, with the lien beginning on the original date. The witnesses to the original promissory note may not take this initiative. If he desires, he may write the borrower a receipt.

16 When a person comes to pay his debt, and the lender tells him: "I lost my promissory note," the lender should compose a receipt for him and then the borrower should pay the entire debt. The borrower may, however, have a ban of ostracism issued against anyone who hides his promissory note and claims that it is lost.

If the borrower lodges a definite claim, saying: "The promissory note is in

his possession. He just placed it in his pocket," my masters have ruled that the lender should take a *sh'vuat hesset* that the promissory note was lost. Afterwards, the borrower should pay the debt and a receipt should be composed.

17 When a lender produces a promissory note for a *maneh* and asks that two promissory notes for 50 *zuz* be composed, we do not comply. The rationale is that it is of benefit for the borrower to have the entire debt recorded in a single promissory note. For if he pays him a portion of the debt, the legal power of the promissory note will be impaired.
Conversely, if the lender produced two promissory notes, each one for 50 *zuz,* and asks that one promissory note for 100 be composed, we do not comply. Instead, we validate both of them individually. The rationale is that it is of benefit for the borrower to have two promissory notes, so that the lender cannot compel him to pay the entire sum at one time.

18 When a lender produces a promissory note for 100 *zuz* and says: "Tear it up and compose another promissory note for 50," we do not heed his request. We fear that perhaps the borrower repaid the entire amount, and the lender wrote a receipt for him. If the lender authenticated the new promissory note for 50 *zuz* and the borrower produced the receipt, he would tell the borrower: "This is another promissory note."

Chapter 24

1 We have already explained that a promissory note concerning a loan that

was affirmed by a *kinyan* may be composed for a borrower even when the lender is not together with him. Similarly, we compose a deed of sale for a seller even though the purchaser is not together with him. And we compose a receipt for a lender even though the borrower is not together with him. We compose a receipt for a woman even though her husband is not together with her, and a bill of divorce for a man even though his wife is not with him.

We do not compose legal documents for consecration and marriage, sharecropping agreements, business contracts, the choice of judges, the claims of the litigants, and any act of court without the consent of both principals. It is necessary to be careful about all the particulars of the composition of these documents, as is the case with regard to other legal documents.

2 Who must pay the scribe's fee for the composition of these documents? With regard to promissory notes, the borrower must pay. With regard to deeds of sale, the purchaser must pay. The woman must pay the fee for the bill of divorce. The groom must pay the fee for documents for consecration and marriage. The recipient of the field, the sharecropper, or the worker must pay the fee for the composition of a contract. With regard to the document recording the choice of judges and the claims of litigants, both parties must share the fee.

3 The following law applies both to legal documents composed for one of the parties when the other is not present, and legal documents that can be composed only when both consent and both are present - e.g., a

promissory note written at the request of the lender, or a deed of sale written at the request of the purchaser. In all instances, the witnesses must recognize the identity of the individuals mentioned in the legal document, that this is so-and-so, the son of so-and-so, and that this is so-and-so, the son of so-and-so. This is necessary, lest two individuals come and try to perpetrate deceit, changing their names to the names of other people, and then acknowledge obligations to each other.

4 Whenever a person has established a name for 30 days in a city, we do not suspect that he has another name and has changed his name to perpetrate deceit. For if we would raise such suspicions, there would be no end to the matter.

Therefore, if a person who has not established has name in a city for 30 days comes and asks: "Write a promissory note for me that I am obligated to so-and-so" - or "... to this person for these and these many *dinarim"* we do not compose such a document for him unless he brings proof that this is his name, or he waits until his identity is established.

5 The following laws apply when there is a dispute with regard to any promissory note produced before us. For example, the borrower claims: "I do not owe anything. Maybe a charlatan pretended that his name was my name and acknowledged owing money to this person." Or he might claim: "I do not owe anything to this person, but rather to another person. This plaintiff is a charlatan in claiming that his name is the same as the name of the person to whom I owe." Since it has not been established that there are two people in that city with the same name, we

pay no attention to his claim. For it is an accepted presumption that witnesses will not sign a legal document unless they know the identity of the people mentioned within it.

Similarly, it is an accepted presumption that witnesses will not sign a legal document unless they know with certainty that the persons making the statements concerning themselves are adults and mentally competent. And witnesses will not sign a legal document unless they know how to read and sign their names.

6 When witnesses do not know how to sign their names, and the names of the witnesses were cut out from a blank paper and placed over the legal document, and then the witnesses "signed" with this script, they are given stripes for rebellious conduct, and the promissory note is unacceptable.

7 When the head of a court of law knows about the general circumstances described in a legal document, he may sign it even though he does not read it himself, but instead, it was read to him by one of his scribes. The rationale is that the head of the court trusts the scribe, and the scribe is afraid. No other person can do this. A witness may not sign a legal document until he reads it word for word.

8 The following laws apply when there are two people in a city, each named Yosef, the son of Shimon. Neither of them can demand payment from the other on the basis of a promissory note that he produces, nor can a third party demand payment from either of them on the basis of a promissory note that he produces unless the witnesses who signed the promissory

note come themselves and testify: "This is the promissory note concerning which we testified, and this is the person concerning whom we testified regarding the loan."

Similarly, such individuals cannot divorce their wives unless they do so in the presence of the other individual with the same name. Similarly, if a person finds a receipt among his legal documents saying, "The promissory note concerning the debt owed to Yosef, the son of Shimon, has been paid," the debts recording in the promissory notes this person owes to both of these individuals with the same name are considered to be paid.

What should people whose names and the names of their parents are alike do to enable them to compose valid legal documents? They should write the third generation as identification in the legal document. If the names of their grandparents are the same, they should write a sign. If the signs also looked alike, they should write their family lineage. If they were both priests or both Levites, they should write further generations.

9 The following laws apply when a person produces a promissory note against a colleague that states: "I, so-and-so, the son of so-and-so, borrowed a *maneh* from you." Although the name of the lender is not mentioned in the promissory note, any person who produces this promissory note from his possession can expropriate payment with it. The borrower cannot rebuff the plaintiff by saying that the promissory note belonged to another person from whom it fell.

Similarly, when there are two people named Yosef, the son of Shimon, dwelling in the same city and one of them produces a promissory note against one of the inhabitants of the city, the defendant cannot rebuff him

by saying: "I am obligated to so-and-so whose name is the same as yours and this promissory note fell from him." Instead, the person who produced the promissory note may use it to collect the debt. We do not suspect that the promissory note fell.

10 The following laws apply when two persons produce promissory notes against each other. The latter cannot tell the first: "If I owed you money, why would you borrow from me?" Instead, each one is entitled to collect the debt mentioned in his promissory note.

If both of the promissory notes were for 100 *zuz,* both of the principals possessed property of equivalent value, be it property of superior quality, property of intermediate quality, or property of inferior quality, we do not attend to them. Instead, each person remains with what he possesses. If one possesses property of superior quality and property of intermediate quality, and the other only property of inferior quality, the one should expropriate the property of intermediate quality, and the other should expropriate the property of inferior quality.

11 The following laws apply when a person produces a promissory note against a colleague and that person produces a deed of sale, stating that the alleged lender sold him a field. If they are in a place where the purchaser pays the money, and afterwards the seller writes the deed of sale, the promissory note is invalidated. The rationale is that the borrower will tell the alleged lender: "If I was indebted to you, you should have used the money to pay the debt."

In a place where the deed of sale is composed and then the money is paid,

however, the promissory note is viable. For the alleged lender can claim: "I sold you the field so that you would have known property from which I could collect my debt if you claimed bankruptcy."

Chapter 25

1 The following law applies when a person gives a loan to a colleague and afterwards, a third party says: "I will act as a guarantor," the lender sues the borrower and a third party says: "Let him go. I will act as a guarantor, or the lender was strangling the borrower in the market place and a third party says: "Let him go. I will act as a guarantor." The guarantor is not obligated at all. Even if the prospective guarantor says in the presence of a court: "I will guarantee the money," he is not liable.

If, however, he formalizes his commitment to guarantee the money with a *kinyan,* he becomes obligated in all the above situations. This applies whether the *kinyan* was made in the presence of the court, or together with the lender alone.

2 If, however, the guarantor told the lender when the money was being given: "Lend him, and I will be the guarantor," he becomes responsible. In such a situation, a *kinyan* is not necessary.

Similarly, if a court appointed him a guarantor, he becomes liable even though he did not affirm his commitment with a *kinyan.* For example, the court desired to expropriate property from the borrower, and this person told them: "Let him be. I will guarantee the debt for you." Since he receives satisfaction from being trusted by the court, he accepts a binding

commitment upon himself.

3 When a person lends money to a colleague because of the commitment of a guarantor, although though the guarantor becomes responsible to the lender, the lender should not demand payment from the guarantor first. Instead, he should demand payment from the borrower first. If he does not pay him, he should return to the guarantor and collect payment from him. When does the above apply? When the borrower does not own property. If, however, the borrower does own property. He should not collect the debt from the guarantor at all. Instead, he should collect from the borrower."

If, however, the borrower is a man of force, and the court cannot expropriate money from him, or he refuses to come to the court, the lender may collect payment from the guarantor first. Afterwards, the guarantor will make a reckoning with the borrower. If the guarantor can extract payment from him, he should. If that is not possible, the court should place the borrower under a ban of ostracism until he repays the guarantor.

4 Although the lender makes a stipulation with the guarantor and tells him: "I am giving the loan on the condition that I can collect the debt from whomever I desire," if the borrower possesses property, he should not collect the debt from the guarantor.

If he stipulated, "I am giving the loan on the condition that I can collect the debt from whomever I desire first," or the guarantor was a *kablan,* the lender may demand payment from this guarantor or this *kablan* first. He

may collect payment from them although the borrower possesses property.

5 Who is considered to be an ordinary guarantor and who is considered to be a *kablan?* If a person says: "Give him the loan and I will give you," he is considered to be a *kablan.* The lender has the option of seeking repayment from him, even though he did not explicitly stipulate: "On the condition that I can collect the debt from whomever I desire first."

If, however, he tells him: "Lend him and I will act as a guarantor," "Lend him and I will pay," "Lend him and I am obligated," "Lend him and I will give," "Lend him and I will act as a *kablan"* "Give him and I will act as a *kablan"* "Give him and I will pay," "Give him and I am obligated," or "Give him and I will serve as a guarantor" - all of these are statements that cause him to be considered a guarantor. The lender may not demand payment from him first. Nor may he collect payment from him in a situation where the lender possesses property unless he stipulates: "On the condition that I can collect... from whomever I desire first"

6 When a person guarantees a woman's *ketubah* he is not obligated to pay, even if he affirmed his commitment with a *kinyan.* The rationale is that he performed a mitzvah and did not cause her a financial loss. If a father guarantees his son's *ketubah* and affirms his commitment with a *kinyan,* the obligation is established. A person who becomes a *kablan* for a *ketubah* is liable.

7 The following rules apply when Reuven sells Shimon a field and Levi accepts financial responsibility for it. Levi is not considered responsible,

for this is an *asmachta.* If he affirmed with a *kinyan* his commitment to pay the money involved in this sale whenever demanded to do so by Shimon, he is obligated to do so. My masters ruled in this manner.

8 Similarly, if a guarantor or a *kablan* make a conditional commitment, they do not become obligated even if the commitment is affirmed by a *kinyan.* The rationale is that this is an *asmachta.*

What is implied? For example, the guarantor told him: "Give him the loan and I will give you if this-and-this will take place," or "... if it will not take place." The rationale is that whenever a person undertakes an obligation for which he is personally not liable and makes it dependent on a condition: "if this takes place," or "if this does not take place," he never makes a wholehearted commitment or *kinyan.* Therefore, he does not become liable.

9 When two people take out loans from the same person and record their debts in the same promissory note or together purchase a single article, they are considered as having guaranteed the other person's commitment even though they do not explicitly agree to do so. The same law applies when one of a group of partners undertakes a loan or makes a purchase for the partnership.

10 When two people both commit themselves to guarantee a debt taken on by one person, when the lender comes to collect payment from the guarantor, he may collect from either one of them, as he desires. If, however, one of them does not possess the entire amount of the debt, the

lender may demand payment of the remainder from the other guarantor.

11 If one person guarantees the debts of two different individuals, when a lender comes to collect payment he should tell the guarantor which of the two debts he is paying so that the guarantor will be able to seek reimbursement from the debtor.

12 When a person tells a colleague: "Guarantee a debt for so-and-so for this-and-this amount and I will guarantee the sum to you," it is as if he tells him: "Lend him the money and I will guarantee the debt." Just as the guarantor becomes obligated to the lender, the second guarantor becomes obligated to the first guarantor. The same laws that govern the relationship between the guarantor and the lender govern the relationship between the first guarantor and the second guarantor.

13 The following opinions were stated with regard to a person who did not limit the extent of the commitment he made to serve as a guarantor. For example, he told the lender: "Give him whatever you give him, I will guarantee it," "Sell to him, and I will guarantee it," or "Lend him, and I will guarantee it."

There are *Geonim* who rule that even if the other person sells 10,000 *zuz* worth of merchandise or lends 100,000 *zuz* to the person named, the guarantor becomes responsible for the entire amount. It appears to me, by contrast, that the guarantor is not liable at all. Since he does not know for what he undertook the liability, he did not make a serious commitment and did not obligate himself. These are words of reason that a person of

understanding will appreciate.

14 When a person tells a colleague: "Lend him. I will guarantee the borrower's physical person," he did not make a commitment with regard to the money itself. What he meant was: Whenever you want, I will bring him to you.

Similar principles apply when, after the lender makes the loan and demands payment, a person says: "Let him go. Whenever you lodge a claim against him, I will bring him to you." If he affirms his commitment with a *kinyan,* there are *Geonim* who rule that if the guarantor does not bring the borrower to the court, the guarantor is obligated to pay. There are, however, others who rule that even if he made a stipulation saying: "If I do not bring him, or if he dies or he flees, I will be obligated to pay," the guarantor does not become liable, for this is an *asmachta.* I favor this understanding.

Chapter 26

1 The following law applies when a person gives a loan to a colleague that is supported by a promissory note. After the witnesses signed the promissory note, the guarantor came and made a guarantee for the borrower's debt. Although his commitment was affirmed with a *kinyan* and thus he become obligated to pay, as explained, when the lender comes to expropriate payment from the property of this guarantor, he may not expropriate property that has already been sold.

Different rules apply if the guarantor was mentioned in the promissory

note itself before the signature of the witnesses. If they wrote: "So-and-so is the guarantor," the lender may not expropriate property that has already been sold, because the guarantor's name is not associated together with that of the borrower with regard to the loan. If, however, the promissory note states: "So-and-so borrowed such-and-such an amount from so-and-so and so-and-so guaranteed the loan, the guarantor affirmed his commitment with a *kinyan*, and then the witnesses signed the promissory note," the lender may expropriate property that has already been sold. The rationale is that the guarantor's name is associated together with that of the borrower in the promissory note.

2 When a lender demands payment from the borrower and discovers that he does not have property, he may not expropriate payment from the guarantor until 30 days after the guarantor became obligated to pay. The legal power of the guarantor should not be less than that of the borrower himself. The halachic authorities ruled in this manner. If, however, the lender made a stipulation with the guarantor about this matter, that stipulation is followed."

3 When a lender comes to demand payment from a borrower, the borrower cannot turn away the lender, telling him: "Go to the *kablan,* because you have the right to demand payment from him first." Instead, the lender may demand payment from anyone he desires first. If, however, the *kablan* took the money from the lender and gave it to the borrower, the lender has nothing to do with the borrower. If the borrower was in another country and the lender cannot notify him -or the borrower died

and left heirs below the age of majority, whose property the court cannot attach - the lender may demand payment from the guarantor first, because the borrower is not at hand.

4 When a lender demands payment from the borrower and discovers that he has become impoverished, he may not demand payment from the guarantor until the borrower takes an oath that he is bankrupt, as ordained by the later sages. The rationale is that we fear that the borrower and the lender might be trying to obtain the guarantor's property through deception.

5 The following law applies when a person has guaranteed a colleague with regard to a loan supported by a verbal commitment alone, the lender comes to demand payment from the guarantor, and the borrower is overseas. The guarantor may tell the lender: "Bring proof that the borrower did not repay you and I will pay you."

6 When a guarantor takes the initiative and pays the debt to the creditor, he may come back and collect from the borrower everything that he paid on his account, even though the loan was supported by a verbal commitment alone or was not observed by witnesses.

When does the above apply? When, at the time the guarantor made his commitment, the borrower told him: "Become my guarantor and pay." When, however, he acted independently and became a guarantor or a *kablan,* or the borrower told him: "Guarantee the debt for me," but did not give him the authority to pay the debt, if he pays the debt, the

borrower is not obligated to pay him anything. Similarly, if a person pays a promissory note of a colleague without that colleague's knowledge, even if it is a debt for which security was taken, the borrower is not obligated to pay him anything. Instead, he may take his security without paying anything; the other person forfeits his money. The rationale is that perhaps the borrower would have been able to appease the lender and have him waive the debt.

The following rules apply when the borrower dies, and the guarantor takes the initiative and pays the debt before he notifies the heirs. If it is known to us that the borrower did not pay the promissory note before he died - e.g., he admitted the debt on his deathbed, he was placed under a band of ostracism for failing to pay, and he died under that ban, or the due date of the loan did not arrive - he may collect from the heirs everything that he paid.

When the lender was a gentile, the heirs are not obligated to pay the guarantor. The rationale is that their parent might have given the guarantor the entire debt for which he was responsible. For a gentile demands payment from the guarantor first; for this reason the guarantor paid the gentile voluntarily before he notified the orphans. If, however, he notifies them that the gentile is demanding payment from him and that he is paying, the heirs are obligated to pay.

7 Whenever a guarantor comes to collect what he paid - whether he comes to collect from the borrower's heirs or from the borrower himself - he must bring proof that he paid the debt. The guarantor's possession of the promissory note is not considered proof. For perhaps the promissory note

fell from the lender's hand, and the guarantor did not pay him at all.

8 In all the claims to be mentioned, and in all similar situations, we follow the principle: When a person who seeks to expropriate property from a colleague, the burden of proof is upon him:
a) a person tells a colleague, "You agreed to serve as a guarantor for me," and the alleged guarantor denies accepting the obligation ;
b) the guarantor tells the borrower: "You gave me the license to act as a guarantor for you and to pay," and the borrower tells him: "You acted as a guarantor on your own initiative," or "You were not a guarantor at all";
c) the guarantor said: "I paid the debt in your presence," and the borrower said: "You did not"; or he told him: "I have already given you what you paid"; or
d) the lender told the guarantor: "You guaranteed 200," and the guarantor said: "I guaranteed only a *maneh."*
Alternatively, the defendant should take a *sh'vuat hessefi* or a Scriptural oath if he agreed to a portion of the claim, as is the law with regard to all financial claims.

9 The following principles apply when a servant or a married woman borrows money or guarantees the debts of others and is obligated to pay: When the servant is freed and the woman is divorced or widowed, they must pay.

10 If a minor borrows, he is obligated to pay when he attains majority. We do not, however, write a promissory note against him. Instead, even though it

was affirmed with a *kinyan,* the loan has the status of a loan supported by a verbal commitment alone. The rationale is that a *kinyan* undertaken by a minor is of no substance.

11 In a situation where a minor guaranteed others, the *Geonim* ruled that he is not liable to pay even after he attains majority. The person who lent his money because of a minor's word forfeits it. The rationale is that a minor does not have the intellectual responsibility to obligate himself in a matter in which he is not liable - not through becoming a guarantor, nor through other similar means. This is a ruling of truth and it is fitting to rule in this manner.

12 When a woman takes a loan that is supported by a promissory note or undertakes a commitment as a guarantor of a promissory note and then marries, she is obligated to pay even after she marries. If, however, it is a loan supported by a verbal commitment alone, it should not be repaid until she becomes divorced or widowed. The rationale is that her husband's authority is that of a purchaser, as we have explained in several sources. If, however, the money that was given as a loan is in her possession, it should be returned to the borrower.

Chapter 27

1 No matter which language and which characters a legal document is written in, if it is written according to the regulations for legal documents that prevail among the Jewish people, i.e., it cannot be forged, nor is it

possible to add to or detract from the content of the document, and its witnesses are Jews and they know how to read it, it is acceptable and may be used to expropriate property that has been sold.

All documents that are signed by gentiles, by contrast, are not acceptable except for deeds of sale and promissory notes. For the latter to be acceptable, the principal must count the money in their presence and they must write on the legal document: "In our presence, so-and-so counted out for so-and-so the money for the sale," or "... the money for the debt." This applies provided that they were prepared by their legal authorities. If, however, the documents were prepared in their courts without being authorized by their judges, they are of no value. Similarly, Jewish witnesses must testify that the gentile witnesses who signed the document and the judge who authorized their signatures are not known to accept bribes. If legal documents composed by gentiles lack any of these qualifications, they are considered shards. Similarly, legal documents acknowledging an obligation, deeds recording presents, compromises, and waivers of obligations are considered shards even if they are composed with all the above qualifications.

My masters ruled that even promissory notes composed by them that state that the money was given in their presence are unacceptable. They accepted only deeds of sale when the money was given in their presence. I do not accept this ruling.

If the Jewish judges do not know how to read a legal document prepared by gentile authorities, they should give it to two gentiles, each one outside the presence of the other, and have them read. Thus, each one of them is reading as is his ordinary practice. The document may be used to

expropriate property that has not been sold. It may not, however, be used to expropriate property that has been sold, because it does not become public knowledge. For the purchasers will not know of legal processes carried out by gentiles.

2 When a promissory note that was signed by gentile witnesses was given by the borrower to the lender or by the seller to the purchaser in the presence of two Jewish witnesses, it is acceptable and may be used to expropriate property that was not sold, even though it was not authenticated by the gentile legal authorities and was not prepared according to all the stipulations mentioned above. The above applies provided that the witnesses in whose presence the legal document was transferred were able to read it, they read it when it was transferred, and it was prepared according to the regulations for legal documents that prevail among the Jewish people, i.e., that it be composed in a manner that it cannot be forged, nor is it possible to add to or detract from the content of the document.

Why is it not acceptable to be used to expropriate property that has already been sold? Because it is not a matter of public knowledge.

3 The following regulations prevail for legal documents among the Jewish people: All legal documents must repeat the content of the legal document in the last line, because we do not take into consideration what was written in that line. The rationale is that we suspect the witnesses signed a line away from the body of the document and this falsifier came and wrote in the empty space of this line.

4 When the witnesses signed two lines or more from the conclusion of the writing, the document is not acceptable. If they leave less open space than this, it is acceptable.

The two lines mentioned refer to lines according to the handwriting of the witnesses and not according to the handwriting of the scribe. The rationale is that any person who forges will try to imitate the handwriting of the witnesses and not that of the scribe. The space of the two lines includes the lines and the space in between them, i.e., the space necessary to write a *lamed* above a final *chaf.*

If there was a space of more than two lines between the signature of the witnesses and the text of the documents, and they filled the space between the text and the signatures with the signatures of unacceptable witnesses and relatives, it is acceptable. For in this manner, it cannot be forged.

If the space was filled with lines of ink, it is unacceptable. For perhaps the witnesses signed for the lines of ink and not for the body of the document. If the document and the signatures of the witnesses were on one line, it is acceptable.

5 If the legal document was written on one line, and the witnesses signed on another line, it is unacceptable. We fear that possibly the witnesses had signed one line away from an acceptable legal document, and afterwards the person cut away that entire legal document and wrote the present document on that line. Thus, these witnesses were signed upon it.

A similar suspicion can arise when the document and the signatures of two witnesses were written on one line, two other witnesses were signed on a second line, and the maker of the legal document says: "I intended to

increase the number of witnesses."

We do not verify the authenticity of the document based on the signature of the witnesses below, in the second line, but rather on the signatures of those above. We fear that possibly there had been another document written originally, it was cut off, and the present document and the signatures of the two witnesses were written on the line between it and the witnesses who signed below.

6 The validation of the authenticity of the signatures of the witnesses by the court should be positioned next to their signatures, next to one of the sides of the legal document, or on its back, opposite the text. If there was a space of more than one line between the statement of validation and the legal document, it is invalid. We fear that someone might cut off the document that was validated and forge a new document and the signature of two witnesses on that one line. Thus, the validation would be on a forged document.

7 If the court wrote the validation more than two lines from the legal document and filled the entire empty space with lines of ink, the validation is acceptable, for there is no possibility of a forgery. ' And we do not suspect that the court would sign a validation of mere lines, but rather of the legal document itself.

8 Whenever words are written on a surface where there have been erasures, the scribe must write a validation of each of the these portions at the end of the legal document, stating: "This-and-this letter...", "This-and-this

word...", or "This-and-this line were written on a surface where there had been erasures," or "... are attached between the lines. Everything is valid."
If the erasure is in the place where the document states *sharir v'kayam,* and is the size that it takes to write these words, it is not acceptable even if the scribe validates that these words were written on an erased surface. We fear that a person might have erased the words *sharir v'kayam,* then written a false statement and then validated the document in the space between the document and the signature of the witnesses.

9 When both a legal document and the signatures of the witnesses are written on a surface where there have been erasures, it is acceptable. If one might protest, saying: "The person in possession of the document might erase it again and write a text that benefits him," that argument can be answered, for it is possible to differentiate between a surface that has been erased once and one that has been erased twice.
If one might protest, saying: "Maybe the person erased only the surface where the witnesses would sign twice, and then after writing the legal document above the twice-erased surface and having the witnesses sign it, he erased the document and wrote whatever he desired." In such a situation, the document and the signatures of the witnesses appear the same, because everything was erased twice. This protest is untenable, because our Sages already ordained that witnesses should not sign a document written on a surface where there have been erasures, unless it was erased in their presence.

10 When a legal document and the signatures of the witnesses are both

written on a surface where there have been erasures, and the validation of the authenticity of the signatures was written on paper that had never been erased, we do not validate the document because of the signatures of the witnesses who validated it previously, but because of the signatures of the witnesses who signed it originally.

The rationale is that it is possible that the validation of the document was written very far from the document itself, and the space between them was filled with lines of ink. We suspect that the person in possession of the document cut off the document itself, erased the lines of ink, and forged the document and the signatures of the witnesses on the portion that had been erased.

11 When a document is written on paper that had never been erased, and the witnesses signed on a surface where there were erasures, it is unacceptable. We suspect that the person might erase the document that the witnesses signed and replace it with a forgery. Thus, the document and the signatures of the witnesses will be on paper with erasures.

If the witnesses wrote: "We, the witnesses, signed on the portion of the paper where there were erasures, while the document was written on the portion of the paper that has never been erased," the document is acceptable. This statement should be written between the signature of one witness and the other, so that deception is not possible.

12 When a legal document is written on a portion of a paper where there have been erasures and the witnesses sign on a portion of the paper that has never been erased, the document is not acceptable. This applies even if

the witnesses write: "We, the witnesses, signed on the portion of the paper that has never been erased, while the document was written on the portion where there were erasures."

The rationale is that we fear the person in possession of the document will erase it a second time and write on it anything that he desires. Since the document as a whole has been erased twice, the forgery will not be obvious.

If, by contrast, one portion of the document was erased once and the other twice, a distinction could be made.

Among the prevailing regulations for legal documents is to carefully scrutinize the document, seeing if the *vavin* and the *zayinin* are not squeezed between the letters, lest the person have forged this letter, adding it to the document. Similarly, these letters must not be too far from the other letters of the word, lest the person have erased a portion of one letter - e.g., a *hei* or a *chet* - and left one of its legs in the place of a *vav.* Similarly, in all analogous situations, we scrutinize the text in any language and with any characters.

13 The numbers from *shalosh* (three) to *esser* (ten) should not be written at the end of a line, for it is possible for the person in possession of the document to forge the text and make the *shalosh, sheloshim* (30), and the *esser, essrim* (20).

If it would happen that a scribe would have to write these numbers at the end of a line, he should repeat the text of the document several times until the numbers come out in the middle of the line.

14 When the upper portion of a promissory note speaks of a *maneh* and the lower portion speaks of 200 *zuz,* or the upper portion of a promissory note speaks of 200 *zuz* and the lower portion speaks of a *maneh,* everything follows what is written in the lower portion.

Why do we not follow the lesser of the two numbers? Because in this instance, one is not dependent on the other. If the promissory note had said: "owes *amaneh,* which is 200 *zuz"* or "200 *zuz,* which is *amaneh,"* the lender would be granted only a *maneh.* When, however, there are two matters stated in the document and the latter portion is not dependent on the former portion, we follow the latter portion.

When the upper portion of a legal document mentions one name and the lower portion mentions a name that resembles it, we follow the lower portion. If so, why do we write the upper portion? So that if one letter of the lower portion is rubbed out, one could learn from the upper portion. For example, if the upper portion stated Chanani or Anani and the lower portion stated Chanan or Anan, we can assume that it is referring to the person named in the upper portion. This applies regarding only one letter. We do not, however, resolve a doubt regarding two letters in the lower portion from the upper portion.

15 If the upper portion of a promissory note speaks of a *sefel and* the lower portion speaks of a *kefel,* we follow the wording of the latter portion, for a *kefel* is less than a *sefel.*

If the upper portion of a promissory note speaks of a *kefel* and the lower portion speaks of a *sefel,* we suspect that perhaps a fly caused the left leg of the *kuf* to be rubbed out and made it appear like a *samech.* Hence, the

bearer may expropriate only a *kefel,* the lesser measure. Similar principles apply in all analogous situations, for the bearer of the promissory note has the weaker position.

An incident occurred concerning a promissory note that stated: "600 and one *zuz"* This raised a doubt. Was the intent 601 *zuz* or was the intent 600 *isteira* and one *zuz*? The Sages said: "The bearer of the promissory note may collect only 600 *isteira* and a *zuz,* for the bearer of the promissory note has the weaker position."

If so, why did they not say that he should collect 600 *p'rutot* and a *zuz*? Because a scribe would count the *p'rutot* as *zuzin* before composing the promissory note. Similar principles apply in all analogous situations. In all times and in all places, we follow the accepted norms.

16 When a promissory note states: *"Isteira* 100 m'ie," or "100 *m'ie isteira"* one should follow the lesser of the phrases. The person should receive only one *isteira.* The rationale is that the bearer of the promissory note has the weaker position, because he is trying to expropriate property from a colleague, and a person can expropriate property only when there is no doubt regarding his claim.

Similarly, whenever a promissory note could be interpreted in either of two ways, either this way or that way, the bearer receives the lesser of the amounts. If, however, he seizes possession of the greater amount, the borrower may not expropriate the money from him unless he can clearly prove the legitimacy of his own claim.

17 When a promissory note states: "a gold coin," we assume that the intent is

no less than a golden *dinar.* If it states "gold of *dinarim,"* or *"dinarim* of gold," we assume that the intent is no less than the value of two *dinarim* of gold. If it states "gold in *dinarim"* we assume that the intent is no less than the value in gold of two silver *dinarim.* Similar laws apply in all analogous situations.

This concludes the Laws of Lenders and Borrowers, with God's help.

Mishneh Torah, Plaintiff and Defendant

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 When a person who issues a claim against a colleague with regard to movable property, and the defendant acknowledges a portion of the claim, he must pay what he acknowledged, and take an oath with regard to the remainder. This is a Scriptural obligation, as **Exodus 22:8** states: "That this is it."

Similarly, if the defendant denies the entire obligation and says: "Such a thing never happened," and one witness testifies that the defendant is obligated to the plaintiff, the defendant is obligated by Scriptural Law to take an oath. The Oral Tradition teaches: Whenever two witnesses would obligate the person to pay money, one witness obligates him to take an oath.

Similarly, it was derived through the Oral Tradition that one witness shall not rise up against any man for any iniquity or any sin. He may, however, rise up against him to obligate him to take an oath.

2 There are only three individuals who are obligated by Scriptural Law to take an oath: a person who denied a portion of a claim of movable property, a person obligated by one witness, and a watchman. For with regard to a watchman, **Exodus 22:10** states: "The oath of God shall be between them." We have already explained the oath required of watchman in *Hilchot Sechirut*.

Each of these three individuals takes an oath and becomes free of his obligation to pay. In contrast, those who take an oath and collect the money they claim, e.g., an employee, a person who was injured, a person who impairs the legal power of his promissory note and the like, and similarly, those who take an oath because there is a possibility of a claim being lodged against them, e.g., partners and sharecroppers, all take oaths because of our Sages' ordinances. Although all these oaths were ordained by Rabbinic decree, they all resemble a Scriptural oath, and all must be taken while holding a sacred article.

3 A defendant is not liable to take a Scriptural oath when a colleague claims that he owes movable property and the defendant:

a) denies the entire matter, saying: "Such a thing never occurred";

b) admitted a portion of the claim and gave it to him immediately, saying: "This is all I owe you; here it is";

c) admits that he had originally owed the plaintiff the debt, but claims that the plaintiff waived payment, gave him the object claimed as a present, or that he already returned the debt;

d) admits owing barley, while the plaintiff claims wheat.

Nevertheless, the Sages of the *Gemara* ordained that in all these situations, the defendant should take a *sh'vuat heset*, before being freed of liability. This oath does not resemble a Scriptural oath, because one need not hold a sacred article while taking it. We have already described the process of taking a Scriptural oath and that of taking a *sh'vuat heset* in *Hilchot Sh'vuos*.

4 Whenever anyone is required to take an oath by Scriptural Law, he may take the oath and free himself of obligations. If he does not desire to take the oath, we attach his property and expropriate everything the plaintiff claims. For the plaintiff will say: "I will not budge from the Torah's ruling. Either take the oath or pay me." He may, however, have a conditional ban of ostracism issued against anyone who makes a false claim. He must then pay.

Different laws apply when, by contrast, a person is obligated to take an oath by Rabbinic degree. If he was one of those who must take an oath and collect his due, he cannot reverse the oath and require the defendant to take it. For the defendant will tell him: "Take the oath and collect as the Sages ordained for you." If he does not desire to take an oath, he should depart.

My masters ruled that if the plaintiff says: "I do not desire the ordinance which the Sages ordained on my behalf. Instead, I am no different than any other plaintiff," he may require the defendant to take a *sh'vuat heset*. If the defendant desires to reverse this oath and require the plaintiff to take it, we obligate the plaintiff to take the oath or to depart.

5 If a defendant was obligated by Rabbinic decree to take an oath to be released from responsibility, e.g., those who must take an oath because of a doubt or those required to take a *sh'vuat heset*, and he did not want to take an oath, he is placed under a ban of ostracism for 30 days. If he does not come and seek to be released from his ban, he is given stripes for rebellious conduct.

Similarly, whenever a person has been placed under a ban of ostracism for

30 days, he is given stripes for rebellious conduct and then his ban is lifted. His property is not attached, because he is not required to take an oath by Scriptural Law.

6 Whenever a person is obligated to take a *sh'vuat heset*, if he desires, he may reverse the oath and obligate the plaintiff. The plaintiff may take the *sh'vuat heset* and then collect his claim from his colleague.

There is no other person who takes a *sh'vuat heset* and collects his claim from his colleague except this person for whom the obligation to take a *sh'vuat heset*. A Scriptural oath and a Rabbinic oath that resembles a Scriptural oath may not be reversed.

7 A person cannot be required to take a *sh'vuat heset* unless a definite claim is lodged against him. If, however, the plaintiff's claim is doubt, the defendant is not liable for the oath.

What is implied? The plaintiff says: "It appears to me that you owe me a *maneh*," "I lent you a *maneh*, it appears to me that you did not repay me," "My father said that you owe me a *maneh*, "My father declared to me in the presence of witnesses that you owe me a *maneh*," "A certain article was stolen from my house. You were the only person there. In my eyes, it is likely that you stole it," "I calculated the money I have and I found that I was lacking some. Perhaps you caused me to err in the accounting," and to all these complaints, the defendant states: "I do not owe you anything," he is not liable even for a *sh'vuat heset*. The same applies in all analogous situations.

8 The defendant is required to take a *sh'vuat heset* in the following situations. The plaintiff claims: "You definitely owe me a *kor* of wheat," and the defendant replies: "I don't know. Maybe I owe you, maybe I do not owe you," the defendant must take a *sh'vuat heset* that he does not know of the obligation. He is then released. He is not liable, because he did not definitely obligate himself. Similar laws apply in all analogous situations.

Similarly, if the plaintiff claims: "You definitely owe me a *kor* of wheat," and the defendant replies: "I don't know whether I owe you a *kor* of wheat or barley," the defendant must take a *sh'vuat heset* that he does not know and pay the plaintiff a *kor* of barley. Similar laws apply in all analogous situations.

9 Different rules apply when the plaintiff claims: "You definitely owe me a *maneh*," and the defendant replies: "I did owe you a *maneh*. I do not know, however, if I returned it to you or did not return it to you yet." The defendant is obligated to pay. The plaintiff is not obligated to take an oath at all, not even a *sh'vuat heset*.

The rationale is that the defendant knows that he was liable and the plaintiff is lodging a definite claim against him, and he does not know whether he fulfilled his obligation or not. Similar laws apply in all analogous situations.

This stringency does not apply if there is no plaintiff, i.e., on his own initiative, the defendant said: "I stole from you...", "You lent me a *maneh*...", "Your father entrusted me with a *maneh*, and I do not know if I returned it to you or not, he is not liable at all. If he desires to fulfill his

moral and spiritual obligations, he is liable to make restitution.

10 As mentioned above, a *sh'vuat heset* can be reversed. Thus if a plaintiff claims: "You owe me a *maneh*," and the defendant responds: "I do not owe you anything," the plaintiff may tell him: "Take a *sh'vuat heset* and go on your way." And the defendant may respond: "You take the *sh'vuat heset* and collect your claim." If the plaintiff says: "I do not desire to take the oath," the defendant may tell him: "Either take the oath and collect your claim or go away without anything." The obligation to take the oath may not be reversed again. The plaintiff may, however, have a conditional bill of ostracism issued against anyone who owes him money and refuses to pay.

11 My masters ruled that anyone who is obligated to take an oath - whether a Scriptural oath or a Rabbinic oath, even a *sh'vuat heset* - may, before taking the oath, have a conditional ban of ostracism issued against anyone who lodges a claim against him for money which he does not owe so that he will have to take an oath unnecessarily. The person requiring him to take the oath must answer *Amen*. Afterwards, the defendant must take that oath.

This is a proper ordinance for litigants so that they will refrain from making false claims and not cause God's name to be mentioned for no purpose, thus preventing them from lodging spurious suits.

12 Whenever a person is required to take an oath - whether a Scriptural oath or a Rabbinic oath - the plaintiff can require him to include in his oath a

denial of any other claim that he desires which would obligate the defendant financially.

To what extent can he be forced to include a claim? Until the plaintiff has him include in the oath that he was not sold to the plaintiff as a Hebrew servant and is still under his bond.

As mentioned, a worker who is required to take an oath cannot be forced to include other claims in that oath.

13 The following principle applies whenever a person is obligated to take an oath, even a *sh'vuat heset*, and the plaintiff begins to demand that he include in the oath matters which were not included in the original claim. If the defendant sees this and says: "I do not desire to take the oath. Instead, I will pay the original claim whose denial obligated me to take the oath," we do not accept his request. Instead, we tell him: "Either pay all the definite claims he asked you to include in the oath or take the oath and be released of responsibility."

14 When a person lodges many claims against a colleague, the defendant cannot be forced to take an oath on each claim individually. Instead, he includes all the claims in one oath. If a person was obligated to take two oaths on two different claims, one lenient and one more severe, he is required to take the more severe oath and include in it the other claims based on the principle of *gilgul sh'vuah*.

15 When a person lodges a claim against a colleague which would not result in a financial obligation if he would acknowledge its truth, even if the

defendant denies the claim, we do not require him to take a *sh'vuat heset*, nor do we issue a conditional ban of ostracism.

What is implied? The plaintiff claims: "You promised to give me a *maneh,*" and the defendant states: "That never happened," the defendant is not required to take a *sh'vuat heset*, nor is a conditional ban of ostracism issued against him. The rationale is that even were he to have acknowledged making such a promise, he would not be obligated to fulfill it. Similarly, if a plaintiff claimed: "You cursed me," or "You spread a disparaging report about me," and the defendant replied: "That never happened," a ban of ostracism is not issued in such a situation. Similar principles apply in all analogous situations.

16 If a plaintiff claims: "You injured me," and the defendant states: "That never happened," the defendant is required to take a *sh'vuat heset*. The rationale is although the defendant is not liable to pay a *k'nas* because of his own admission alone, he would be liable to pay the injured party for his unemployment, his medical expenses, and the embarrassment he suffered.

The following rule applies when a plaintiff claims: "You embarrassed me," and the defendant states: "That never happened." If they were in a place where claims involving *k'nasot* were collected, the defendant is required to take a *sh'vuat heset*, for if he would acknowledge the truth of the claim, he would be required to pay for the embarrassment he caused.

17 When do we apply the above statement: "A person who admits his guilt with regard to a claim involving a *k'nas* is not liable"? When the defendant

says: "I injured this person."

If, however, the defendant says: "I injured this person. He brought witnesses against me in court and it obligated me to pay so and so much for his damages," he is liable. Accordingly, were the plaintiff to claim that a court obligated the defendant to pay him 100 *dinarim* because he injured him, and the defendant denied the claim, the defendant would be required to take a *sh'vuat heset*. Similar principles apply in all analogous situations.

Chapter 2

1 Whenever it is suspected that a person might take a false oath, no oath - neither a Scriptural oath, a Rabbinic oath, nor a *sh'vuat heset* - is administered to him. Even if the plaintiff desires that he take this oath, we do not heed his request.

2 A person who took a false oath - whether a *sh'vuat bitui*, a *sh'vuat edut*, or a *sh'vuat hapikadon* - or an unnecessary oath, he is considered suspect to take a false oath.

Similarly, a person who is not acceptable to serve as a witness because he committed a transgression, whether disqualified because of a Scriptural prohibition, e.g., a person who lends at interest, one who eats meat from an animal that was not ritually slaughtered, or a thief, or because of a Rabbinic prohibition, e.g., a dice-player or a dove racer, is considered suspect to take a false oath and we do not administer an oath to him.

3 A person is not deemed suspect to take a false oath until witnesses testify that he violated the transgression for which he is disqualified. Different rules apply, however, if a person himself admits that he is suspect to take a false oath, because he committed a transgression that disqualifies him.

We consider him under suspicion and it is not appropriate to make him a witness at the outset. Nevertheless, if he is obligated to take an oath, we administer that oath. For we tell him: "If you are telling the truth, take the oath. The fact that you committed a sin does not make it forbidden for you to take a truthful oath. And if you are lying, acknowledge the other litigant's claim." When a person is deemed suspect because of the testimony of witnesses, we do not believe that he will take a truthful oath.

4 Our Sages ordained that whenever a person who is suspect to take a false oath is obligated to take a Scriptural Oath because of a definite claim, the plaintiff is given the option of taking a Rabbinic oath and may then collect what he claims.

If they were both suspect, the responsibility for taking the oath returns to the one obligated to take it, i.e., the defendant. Since he cannot take the oath, he is required to pay.

If the person who was suspect was a watchman who claims that the entrusted article was lost or stolen, the plaintiff cannot take an oath, because he does not have a definite claim that the watchman consumed it. Therefore, if the owner of the entrusted object claims: "He used my entrusted article for his own purposesin my presence," or "I know that he was negligent," the plaintiff may take an oath as ordained by our Sages and collect the money he claims.

5 The following laws apply if the person suspect to take a false oath was liable to take a Rabbinic oath. If he is one of those who takes an oath and collects, he may not take the oath and collect. Instead, the defendant is allowed to take a *sh'vuat heset* and then is freed of liability.
Similarly, when a person who is suspect impairs the legal power of his promissory note or the like and the borrower claims to have paid and requires the plaintiff to take an oath, the defendant is given the option of taking the oath, and in that way becoming released from the obligation of the promissory note.

6 If the person who is suspect was one of those who is required to take an oath because of an indefinite claim, he is not allowed to take the oath, nor does the plaintiff take the oath. The rationale is that the defendant was not obligated to take an oath by Scriptural Law and the plaintiff is not lodging a definite claim against him that he could support with an oath.

7 When a person who is suspect becomes obligated to take a *sh'vuat heset*, the plaintiff is not given the option of taking the oath and collecting what he claims. The rationale is that a *sh'vuat heset* is itself a measure ordained for the benefit of the plaintiff. Therefore we did not ordain a second measure for his benefit. Instead, the defendant is released from liability without taking an oath.

8 When a person is obligated to take a *sh'vuat heset* and the plaintiff is suspect to take a false oath, the defendant does not have the option of reversing the responsibility to take the oath. For the plaintiff is unable to

take the oath. Instead, the defendant must pay the claim or take a *sh'vuat heset*.

We do not accept his request to make the judgment dependant on an impossible factor. This is comparable to a person who seeks to reverse the responsibility of an oath and place it upon a minor. We do not heed him. Instead, he must either take a *sh'vuat heset* or pay.

9 The following principle applies when a person was obligated to take an oath - whether of Scriptural or Rabbinic origin - and he took the oath and either collected his claim or was released and afterwards, witnesses came and testified that he was suspect to take a false oath. The oath which he took is of no consequence. The other litigant may expropriate the money which the person who was suspect collected from him or the other litigant may take an oath and collect his claim.

10 These principles are applied with regard to a person suspect of taking a false oath until he receives lashes in court. If there are witnesses that he received lashes and repented, his status is restored and he is acceptable both as a witness and to take an oath.

11 The following rules apply when a person lodges a claim against a colleague, the defendant denies the claim and supports his denial by taking either a Scriptural oath or a Rabbinic oath. If afterwards, witnesses come and testify that he took a false oath, he must pay the claim and is deemed suspect of taking a false oath.

We already explained in *Hilchot Sh'vuot*, that anyone who takes a false

oath with regard to money belonging to his colleague and repents must add an additional fifth.

12 The following rule applies when a plaintiff claims that a defendant owes him a debt which was undertaken in the presence of witnesses and affirmed by a *kinyan*, and the defendant agrees that originally this was so, but claims to have paid the debt, or the defendant says: "I do not owe you anything," and takes an oath to support either of these claims. If, afterwards, witnesses to the *kinyan* testify or the plaintiff produces a promissory note and verifies its authenticity, the defendant is obligated to pay. He is not, however, considered as suspect to take a false oath. For the witnesses did not testify that he did not pay. And the defendant did not say: "This never happened." Similar principles apply in all analogous situations.

Chapter 3

1 A person who admits a portion of a claim is not liable to take a Scriptural oath until he admits an obligation of a *p'rutah* or more and denies owing two silver *me'in* or more.

How much is a *p'rutah* worth? The weight of half a barleycorn of pure silver. How much is two *me'in* worth? The weight of 32 barleycorns of pure silver.

2 Whenever the Torah speaks of *kessef* it refers to a holy *shekel* which is worth 20 *me'in*. Whenever the term *kessef* is used with regard to Rabbinic

law, the intent is a coin used in Jerusalem referred to as a *sela*. This coin was one eighth silver and the remainder copper as we explained. A *meah*, by contrast, even in Jerusalem was pure silver; it was the smallest silver coin used in Jerusalem in that era.

Since the requirement that the claim denied be two measures of silver is Rabbinic in origin, the Sages established it as two silver coins of Jerusalem, i.e., two *me'in*, rather than two "holy" *shekalim*. This is the interpretation that appears correct with regard to the amount of money from the claim that must be denied for an oath to be required.

My teachers ruled that the amount of money from the claim that must be denied for an oath to be required is 19 and ½ barleycorns of silver. I have several proofs to refute the path of reasoning they adopted which led to their arriving at this figure. I think that it is an error.

3 When the plaintiff claims: "You owe me two *me'in* and a *p'rutah*," and the defendant responds: "I owe you only two *p'rutot*," he is not obligated to take this oath. The rationale is that he denied owing less than two *me'in*.

When the plaintiff claims: "You owe me a *maneh*," and the defendant responds: "I owe you only half a *p'rutot*," he is not obligated to take this oath. The rationale is that whenever a person acknowledges a debt of less than a *p'rutah*, it is as if he did not acknowledge any debt at all.

4 When the plaintiff claims: "You owe me 100 dates," and the defendant responds: "I owe you only ninety," we make calculations. If the ten dates that he denies are worth two *me'in*, he must take an oath. If they are not, he is not liable.

When the plaintiff claims: "You owe me five or six nuts," and the defendant responds: "I owe you only one," we make calculations. If the nut that he admits owing is equivalent to *p'rutah*, he must take an oath. If it is not, he is not liable. Similar principles apply in all analogous situations.

5 When does the above apply? With regard to money, merchandise, produce, or the like. With regard to utensils, by contrast, we do not evaluate their worth. Even when ten needles are being sold for a *p'rutah*, if a plaintiff claims two needles and the defendant admits owing one and denies owing the other, he is liable to take an oath.

This is derived from **Exodus 22:6** which speaks of "money or utensils...." Implied is that all utensils are like money.

The following rules apply when the plaintiff claims that he is owed both money and utensils and the defendant admits owing the utensils, but denies owing the money. If the money he denies is equivalent to two *me'in*, he is obligated to take this oath. If not, he is under no obligation. Conversely, if he admits owing the money, but denies owing the utensils, he is liable if he admits owing a *p'rutah*. Similar principles apply in all analogous situations.

6 When one witness testifies against a colleague, stating that he owes money, he is required to take an oath even when he denied owing only a *p'rutah*. The rationale is that whenever the testimony of two witnesses would require a person to make a payment, the testimony of one witness obligates him to take an oath.

What is implied? The plaintiff claims: "You owe a *p'rutah*," or "...merchandise worth a *p'rutah*," the defendant responds: "I don't owe you anything," and a witness testifies that he does owe the plaintiff, he is required to take an oath.

Similar concepts apply with regard to an oath taken by a watchman. Even if a person entrusted a *p'rutah* or the worth of a *p'rutah* to a colleague and that person claimed that it was lost, he is required to take an oath. Anything less than a *p'rutah* is not financially significant and the court does not concern itself with it. Similarly, all those who take oaths and collect their claim, they take their oaths and collect any claim equivalent to a *p'rutah* or more.

7 My teachers' ruled that a person who takes an oath and collects his claim does not have to issue a claim equivalent to two silver *me'in*. I differ and maintain that the defendant must deny a claim equivalent to two silver *me'in* for the plaintiff to be required to take an oath as ordained by the Sages to collect his claim. The rationale is that those who must take an oath because of a claim concerning which doubt exists are not required to take that oath unless there is a sum equivalent to two silver *me'in* which is denied.

8 A person who admits a portion of a claim is not obligated to take an oath unless the admission is of the same nature as the claim.

What is implied? The plaintiff claims: "You owe me a *kor* of wheat." If the defendant responds: "I only owe you a *letach* of wheat," he is liable to take the oath. If, however, the defendant responds: "I only owe you a *kor* of

barley," he is not liable. The rationale is that the defendant did not admit owing the species which the plaintiff claimed, and the plaintiff did not claim the species which the defendant admitted owing.

If the plaintiff claims: "I gave you golden *dinarim* for safekeeping," and the defendant responds: "You entrusted me only with silver *dinarim*," or the plaintiff claims: "I gave you a silver *meah* for safekeeping," and the defendant responds: "You entrusted me only with a *p'rutah*, the defendant is not liable, because the plaintiff claimed one species and the defendant admitted owing another.

Similarly, if the plaintiff claims: "I gave you 10 Egyptian *dinarim* for safekeeping," and the defendant responds: "You entrusted me only with Tyrian *dinarim*," he is not obligated to take an oath. Similar laws apply in all analogous situations.

9 If the plaintiff claims: "You have a large lamp of mine," and the defendant responds: "I have only a small lamp of yours," he is not liable. If, however, the plaintiff claimed a lamp weighing ten *liter*, and the defendant admitted owing a lamp weighing five *liter*, he is considered as one who has admitted a portion of a claim. The rationale is that one can cut away the larger lamp and cause it to weigh only five.

Similarly, if the plaintiff claimed being owed a large belt, and the defendant replied: "I have only a small belt," he is not liable. If he claimed a curtain that was 20 cubits long and he admitted owing a curtain ten cubits long, he is required to take an oath, because it can be cut and limited to ten. Similar principles apply in all analogous situations.

10 If the plaintiff claims: "You have a *kor* of wheat of mine in your possession," and the defendant answers: "I have only a *kor* of barley," he is not liable, not even for the barley. The rationale is that the plaintiff states: "You do not owe me barley." Thus the situation resembles one in which a person tells a colleague in court: "I have a *maneh* of yours," and that colleague replies: "You do not owe me anything." In such a situation, the court does not require the person making the admission to pay his colleague anything.

If the plaintiff who claims the wheat seizes possession of the barley, we do not expropriate it from him.

11 When a person claims that a colleague owes him two types of produce and the colleague admits owing only one, his admission is considered as the same type of the claim and he is required to take an oath. What is implied? The plaintiff claims: "You have a *kor* of wheat and a *kor* of barley of mine in your possession," and the defendant answers: "I have only a *kor* of wheat," he is liable.

The following rules apply when the plaintiff begins saying: "You have a *kor* of wheat in your possession," and before the plaintiff can complete his statements and add: "And you have a *kor* of barley of mine in your possession," the defendant answers: "I have only a *kor* of barley." If it appears to the judges that the defendant is seeking to deceive, he is required to take the oath. If it appears, that he acted in good faith, he is not liable.

12 Different rules apply if the plaintiff does not issue both claims at once.

For example, he claims: "You have a *kor* of wheat of mine in your possession," and the defendant answers: "Yes." And then he says: "and a *kor* of barley," to which the defendant replies: "I have no wheat of yours." He is not considered as admitting a portion of the claim unless the defendant makes these statements at one time. For an oath to be required, the plaintiff must claim: "You have a *kor* of wheat and a *kor* of barley of mine in your possession," and the defendant must answer: "I have only a *kor* of barley." Similar laws apply in all analogous situations.

13 Similarly, the defendant is not held liable for an oath when the plaintiff claims: "You have a quantity of oil large enough to fill ten jugs of mine in your possession," and the defendant answers: "I owe you only ten empty jugs." The rationale is that the plaintiff claimed oil and the defendant admitted owing only earthenware.

Different rules apply if the plaintiff claimed: "You have ten jugs of oil of mine in your possession," and the defendant answers: "I owe you only ten empty jugs." The defendant is liable to take an oath. The rationale is that the plaintiff claimed both jugs and oil and the defendant admitted owing the jugs. Similar laws apply in all analogous situations.

14 My teachers ruled that the defendant is considered as admitting a portion of a claim and is required to take an oath when the plaintiff claims: "You owe me a *maneh* which was given to you as a loan," and the defendant answers: "That never happened. I never borrowed from you. I do, however, owe you 50 *dinarim* which you entrusted to me for safekeeping," "...because of damages," or the like. The rationale is that the plaintiff

claimed that the defendant owed him 100 and the defendant admitting owing 50. What difference does it make to me if he became liable because of a loan, as a trustee of an entrusted article, or because of damages? I also favor this approach.

15 When a plaintiff claims: "You owe me a *maneh* and a utensil" and the defendant responds: "I owe you only the utensil. Here it is," the defendant is not required to take a Scriptural oath. He must, however, take a *sh'vuat heset* that this is all he owes him.

If the owner of the utensil claims that the utensil the defendant seeks to give him is not his own, the defendant must include in his oath that the utensil belongs to the plaintiff. If the defendant admits that this utensil is not the plaintiff's, but was exchanged for it, he is obligated to take an oath.

Whenever we have mentioned above that the defendant is not obligated, the intent is that he is not obligated to take a Scriptural oath. He is, however, obligated to take a *sh'vuat heset* as we explained on several occasions.

Chapter 4

1 A person who admits a portion of a claim is not required to take a Scriptural oath until the plaintiff lodges a claim against him for an entity with a specific measure, weight or number, and the defendant admits owing a portion of that measure, weight or number.

What is implied? A plaintiff claims: "You owe me 10 *dinarim,"* and the

defendant responds: "I owe you only five"; "You owe me a *kor* of wheat," "I owe you only a *letech";* "You owe me two *litras* of silk," "I owe you only a *rotel."* In all these and in other similar situations, he is liable.

Different rules apply, however, if the plaintiff claims: "I gave you a wallet full of coins," and the defendant answers: "You gave me only 50," or he claims: "I gave you 100 *dinarim"* and the defendant answers: "You gave me only this pouch, and you did not count the contents before me. I do not know what was in it. You are receiving what you gave me." In these and all similar situations, he is not liable to take an oath.

2 Similarly, if the plaintiff claims: "I gave you a room full of grain," and the defendant answers: "You gave me only ten *korim"* or he claims: "I gave you ten *korim,"* and the defendant answers: "I do not know how much you gave me, because you did not measure them before me. You are receiving what you gave me," the defendant is not liable.

3 If, however, if the plaintiff claims: "I gave you this room that was filled with grain until the projection," and the defendant responded: "It was filled only to the window," he is liable. Similar laws apply in all analogous situations.

4 A person who admits a portion of a claim is not required to take a Scriptural oath, unless he makes his admission with regard to a matter that he could deny [owing.

What is implied? A plaintiff lodged a complaint against a colleague, saying: "You owe me 100 *dinarim.* 50 are recorded in this promissory

note, and 50 are not recorded in a promissory note." The defendant responds: "I owe you only the 50 mentioned in the promissory note." He is not considered to be a person who admits a portion of a claim. For his denial would be of no consequence with regard to the sum mentioned in the promissory note. All of his property is on lien to it, and even if he denied it, he would be obligated to pay. Therefore, he is required to take only a *sh'vuat hesset* concerning the 50 that are not mentioned in the promissory note.

5 The following rules apply when a dispute arises concerning a promissory note that mentions that the defendant owes *sela'im,* but does not mentioned the number of *sela'im* he owes. The lender states: "You owe me five *sela'im,* and that is the intent of the promissory note." The borrower counters: "I owe you only three; that is what is implied by the promissory note."

Because of the promissory note alone, he would be obligated to pay only two *sela'im"* He is, nevertheless, not liable to take a Scriptural oath ' despite the fact that he admitted owing a *sela* that he could have denied, because he is like a person who returns a lost article. And it is one of the ordinances instituted by our Sages that any person who returns a lost article should not be required to take an oath, as explained in the appropriate place.

Similarly, when a person tells his colleague: "My father told me that you owe me a *maneh."* The defendant responded: "I owe you only 50 *dinarim*." He is a person returning a lost object, and he is not liable even for a *sh'vuat* hesset. Needless to say, this applies if a person on his own

initiative acknowledged: "I owed your father a *maneh.* I repaid him 50 *dinarim,* but I still owe him 50." He is not liable even for a *sh'vuat hesset.*"

If, however, the heir claims: "I know with certainty that you..." or "...your father owe my father a *maneh"* and the defendant responds: "I owe your father only 50 *dinarim"* or "My father owes you only 50," he is considered to be a person who admits a portion of a claim and is required to take a Scriptural oath.

6 When a plaintiff claims: "You owe me a *maneh* and this article is security for it," and the defendant claims: "I owe you only 50 *dinarim"* he is considered to be a person who admits a portion of a claim and must take a Scriptural oath.

If the security is worth only 50 *dinarim* or less, the defendant must take the oath and pay the 50 that he acknowledged owing. If the security was worth 100 *dinarim* or more, since the lender has the right to claim its value, the lender should take an oath and collect his claim from the value of the security.

If the security was worth 80 *dinarim,* the lender must take an oath that he is owed at least 80 and then he collects that amount from the security. The borrower must also take a Scriptural oath with regard to the 20 that he denies.

If the borrower denies the entire matter, saying: "This is not security. Instead, it is an entrusted article and I do not owe him anything," the lender must take an oath that he is owed at least 80 and the borrower must take a *sh'vuat hesset* with regard to the 20 that he denies.

7 The following ruling applies when a plaintiff claims: "You owe me a *maneh"* and the defendant responds: "I know that I owe you 50 *dinarim,* but I am unsure of whether or not I owe you the other 50." The defendant is obligated to take a Scriptural oath, because he acknowledged a portion of a claim. He cannot take an oath regarding the portion he denied owing, because he does not know whether he is liable or not. Therefore, he must pay the entire *maneh;* the lender is not required to take an oath. Similar laws apply in all analogous situations.

The defendant may have a conditional ban of ostracism issued against anyone who lodges a claim against him when the plaintiff is not certain that the defendant is obligated.

8 Similar concepts apply in the following situation. The plaintiff claims: "I lent you a *maneh* and here is one witness who will testify that this is so." The defendant responds: "That is true, but you owe me a *maneh* to match it." The defendant is obligated to take an oath, but cannot take that oath, and hence, is obligated to pay.

Why can he not take an oath? Because he acknowledges the content of the testimony of the witness. And a person who must take an oath because of the testimony of one witness may take the oath only when he contradicts the witness, denies his testimony and takes the oath to support his denial.

Similarly, when there is a promissory note signed by one witness and the defendant claims to have paid the debt, or a person denied a claim, a witness testified against him, and then the defendant stated that he paid the debt or returned the entrusted article, ? the defendant is obligated to take an oath, but may not take the oath. Hence, he must pay.

An incident once occurred concerning a person who seized a slab of silver from a colleague in the presence of one witness. Afterwards, he said: "I seized it, but what I seized was mine." Our Sages said: "He is obligated to take an oath, but may not take the oath. Hence, he must pay. Similar principles apply in all analogous situations.

9 The testimony of one witness is also significant in the following instance. The plaintiff claims: "I lent you a *maneh."* The defendant denies the matter entirely, and the plaintiff brings one witness who testifies that the defendant took a loan in his presence. Had there been two witnesses, a presumption that the defendant is lying would have been established, and the defendant would be obligated to pay, as will be explained. Hence, the defendant is required to take an oath because of the testimony of one witness. For wherever the testimony of two witnesses requires a defendant to make financial restitution, the testimony of one witness requires him to take an oath.

If after the witness testifies, the defendant changes his claim and states that he paid the debt, he is required to make financial restitution. The plaintiff is not required to take an oath, as we have explained.

10 When a plaintiff claims: "You owe me a *maneh"* the defendant denies the claim entirely, and witnesses testify that the defendant still owes the plaintiff 50 *dinarim,* all of the *Geonim* have ruled that the law is that the defendant must pay 50 and take an oath concerning the remainder. The rationale is that the principal's own admission should not have greater legal power than the testimony of witnesses.

Chapter 5

1 An oath is not taken on claims concerning the following according to Scriptural Law: landed property, servants, promissory notes and consecrated property. Even though a defendant admitted a portion of a claim or a witness testified against him, or he served as a watchman and sought to free himself on the basis of one of the claims according to which a watchman is freed of liability, he is not required to take an oath. These concepts are derived from **Exodus 22:6**, which, with regard to the obligation to take an oath, states: "When a person will give his colleague" - this excludes consecrated property - "money or utensils..." - this excludes landed property. And it excludes servants, which the Torah associated with landed property. It also excludes promissory notes, for their actual substance is not of financial value like money or utensils. They only serve as proof of an obligation.

With regard to all of these matters, the defendant must take a *sh 'vuat hesset* if the plaintiff issues a definite claim with the exception of consecrated property. In that instance, even though a person is not liable to take an oath concerning them according to Scriptural Law, our Sages ordained that the defendant take an oath resembling a Scriptural oath. This requirement was instituted so that people would not treat consecrated property lightly.

2 Accordingly, when a plaintiff claims: "You sold me two fields," and the defendant responds: "I sold you only one," or he claims: "I entrusted two servants..." or "...two promissory notes to you," and the defendant

responds: "You entrusted only one," the defendant is required to take only a *sh'vuat hesset.*

Similarly, if the plaintiff claims: "This courtyard, this servant or this promissory note that is in your possession is mine; you sold it to me," and the defendant denies the existence of the matter entirely, he is required to take merely a *sh'vuat hesset.* This applies whether the plaintiff brings a witness to support his claim or not.

A similar law applies when a person digs cisterns, trenches or caves in his colleague's property, reducing its value, and the owner of the field claims that the digger is liable to make financial restitution. Regardless of whether the owner claimed that a defendant dug such caves, and the defendant responded: "I did not dig anything," the owner claimed: "You dug two caves," and the defendant answered, "I dug only one," or one witness testified that he dug caves and the defendantresponded: "I did not dig anything," the defendant is required to take only a *sh'vuat hesset* regarding the claim.

3 The following laws apply when the plaintiff claimed both utensils and landed property. Whether the defendant: acknowledged owing all of the landed property, but denied owing any of the utensils, acknowledged owing all the utensils, but denied owing any of the landed property, acknowledged owing some of the landed property, but denied owing the remainder as well as all of the utensils, he must take a *sh'vuat hesset.*

If, however, the defendant acknowledged owing some of the utensils and denied owing the remainder, as well as all of the landed property, since he is required to take an oath with regard to the utensils that he denied, he

must also take an oath concerning the landed property that he denied together with them, for it is all one claim.

Similar laws apply when the plaintiff claims utensils and servants, or utensils and promissory notes, for all such claims are governed by the same legal process.

4 When a plaintiff lodges a claim concerning grapes that are ready to be harvested, or grain that has dried and is ready to be reaped, and the defendant accepts a portion of the claim and denies a portion of the claim, he must take an oath concerning those he denied, as is required with regard to other movable property, provided they no longer require the nurture of the ground. The rationale is whatever is ready to be harvested is considered as though it has been harvested with regard to the denial and admission of claims.

If, however, the crops require the nurture of the ground, they are considered to be landed property in all contexts, and only a *sh'vuat hesset* is required concerning them.

5 When a person lodges a claim against his colleague, saying: "You dwelled in my courtyard for two months, and you owe me two months rent," and the defendant responds, "I dwelled there for only one month," he is considered a person who denied a portion of a claim.

Thus, if the rent for the month that he denied owing is equivalent to two silver *me'in,* he must take an oath. The rationale is that the claim does not focus on the land itself, but on the rent for it, and that is movable property.

6 When a plaintiff claims: "I gave you a promissory note that served as proof of a debt of ten *dinarim,"* and the defendant denies the matter entirely, the defendant is required to take a *sh'vuat hesset.*

If he reverses the obligation for the oath, requiring it of the plaintiff, the plaintiff must take a *sh'vuat hesset* that the note served as proof of a debt of ten *dinarim,* which he lost when the promissory note was destroyed. Afterwards, he may collect his claim.

If the defendant admitted: "It is true that you gave me the promissory note, and it was lost," he is not liable, even to take a *sh 'vuat hesset.* For even if he was negligent in its care and it was lost, he would not be liable, as we have explained in *Hilchot Chovel.*

7 When a person tells a colleague: "The promissory note in your possession mentions a factor that is advantageous to me," and the colleague states: "I will not produce my promissory note," or "I do not know if it states anything that serves as support for your position," we compel him to produce the promissory note and bring it to court.

8 If the holder of the promissory note claims that it was lost, we issue a conditional ban of ostracism against him.

If, however, the person who desires to see the promissory note claims that he is certain that his colleague is holding a promissory note that mentions a factor that is advantageous to him, his colleague must take a *sh'vuat hesset* that the promissory note is no longer in his possession and it is lost. My teachers ruled in this manner.

9 An oath is never administered because of claims issued by deaf-mutes, mentally or emotionally incapable individuals and minors. In the latter instance, this principle applies regardless of whether the minor's claim involves his own issues or those of his father. For admitting a portion of a claim owed to a minor is like returning a lost article.

Similarly, if the defendant denied the entire debt, and one witness came and testified on behalf of the minor, the defendant is not required to take an oath. For it is as though there were one witness, but no plaintiff, because a claim lodge by a minor is not a substantial claim.

Thus, if a minor said to an adult: "You owe me..." or "You owe my father a *maneh,"* and the defendant said: "I owe you only 50," or "I do not owe you anything" and there was one witness who corroborates the minor's claim, the defendant is not liable to take a Scriptural oath.

If, however, a person acted as a watchman for a minor and claimed that the entrusted article was lost, he is required to take the oath required of a watchman. The rationale is that this oath is not taken because of a claim.

Similarly, if a person admitted that he was a partner or a sharecropper of a minor, the court should appoint a guardian for the minor, and the partner or the like should take an oath despite the fact that there is only an indefinite claim against him.

10 My teachers ruled that although a Scriptural oath is not taken because of the claim of a minor, a *sh'vuat hesset* must be taken. This applies even when the minor is not resourceful with regard to financial matters. The rationale is that an opportunity should not be granted for a person to take money belonging to a minor, and depart without paying him at all. I also

favor this approach, and think that it will lead to the improvement of society.

Thus, if a minor lodges a claim against an adult, whether the adult admits a portion of the claim or denies it entirely, whether there is a witness who supports the plaintiff or not, the defendant is required to take a *sh'vuat hesset*. He cannot reverse the responsibility for the oath, placing it on the minor, because an oath is never administered to a minor. Even a conditional ban of ostracism is not imposed upon the minor, for he does not know the severity of the retribution received for taking a false oath.

11 The following rules apply when an adult lodges a claim against a minor. If the claim involves a matter that will benefit the minor - e.g., a claim involving business transactions - and the minor admits his liability, we expropriate payment from the minor's property. If the minor does not possess any resources, we wait until he gains such. Then he must pay. If the minor denies the obligation, the plaintiff must wait until the minor attains majority. At that point, he is required to take a *sh'vuat hesset*.

The following rules apply when a person lodges a claim against a minor in a matter that will not benefit the minor - e.g., damages or personal injury. Even though the minor admits his responsibility and he has resources with which he could pay, he is not liable even after he attains majority. If the plaintiff was one of those who takes an oath and collects the money that he claims - e.g., an employee and the like - since the minor benefits from the fact that an employee will work for him, he may take an oath and collect from the minor. A storekeeper who takes an oath because of his account book, by contrast, may not take an oath and collect from a minor.

The rationale is that the minor does not derive any benefit from this. For regardless, he must pay his workers who take oaths and collect from him. Thus it is the storekeeper who caused himself a loss, because he gave his money because of a minor's word. Similar laws apply in all analogous situations.

12 With regard to a deaf-mute and a mentally or emotionally incapable individual, we do not concern ourselves with them with regard to any claim, not a claim that they lodged against others, nor a claim that others lodge against them, nor for a lesser oath, and, needless to say, not for a severe oath or to compel them to make financial restitution. A blind man, by contrast, is considered to be a healthy person with regard to all matters concerning such subjects. He must take all types of oaths if required, and oaths are taken in response to his claims.

Chapter 6

1 The court requires that precise statements be made by the litigants. For example, litigants come to court and one of them claims: "He owes me a *maneh* that I lent to him," "... that I entrusted to him," "... that he stole from me," "... that he owes me as wages," or the like. Should the defendant answer: "I do not owe you anything," "I have nothing of yours," or "You are issuing a false claim," this is not a proper response. Instead, we tell the defendant: "Reply to his claim and clarify your answer as he clarified his claim. Say whether you borrowed from him or did not borrow from him," "... whether he entrusted an article to you or did not,"

"... whether you stole from him or did not," "... whether he hired you or did not," or lodge any other specific claim. Why do we not accept the general answer? Because it is possible that the person is making an error and this will lead to his taking a false oath. For it is possible that he borrowed money as the plaintiff claims and returned the debt to the lender's son or wife, or gave the lender a present of the value of the debt, and thinks that because of this, he is no longer liable for the debt. Hence, the court tells him: "Why are you saying that you are not liable? Maybe the law would hold you liable and you do not know. Instead, tell the judges the details of the matter, and they will tell you whether or not you are liable."

Even if the defendant is a wise man of great stature, we tell him: "You have nothing to lose by responding to his claim and telling us why you are not liable to him, whether it is because nothing of that nature ever happened, or because you were liable and you repaid the debt. You will not lose, because we follow the principle of *miggo."*

Similarly, if the plaintiff claims: "This person owes me a *maneh,"* or "He has a *maneh* of mine in his possession." We ask him: "On what basis do you make this claim? Did you lend him money? Did you entrust it to him for safekeeping? Did he damage your property? Tell us why he is obligated to you." For it is possible that a person will think that a colleague is obligated to him when he is not - e.g., he suspects that he stole from him he promised him to give him a *maneh* but did not, or the like.

The defendant's word is not accepted in the following situation. The plaintiff claimed that he lent the defendant a *maneh,* and the defendant denied ever taking the loan. Afterwards, the plaintiff brought witnesses

who testified that the loan was given in their presence. In response, the defendant replied that he took the loan, but repaid it. We do not accept his claim. Instead, a presumption that the defendant is lying is established, and he is required to pay.

If, however, in the latter situation, the defendant first replied: "I am not liable," "I do not owe you anything," "You are lying," or the like a different rule applies. Even though the plaintiff brings witnesses who state that the loan was given in their presence, if the defendant says: "That is true, but I returned the entrusted object" or "... repaid the loan," a presumption that the defendant is lying is not established. He may take a *sh'vuat hesset* and then is released of all obligations.

2 The following rules apply when witnesses see that the plaintiff counted out money and gave it to the defendant, but did not know for which reason. If the defendant demands payment in a court of law, saying: "Give me the money that I lent you,"" and the defendant replied: "You gave me a present," or "You repaid a debt," his word is accepted. He may take a *sh'vuat hesset* and then is released of all obligations. If, however, he claims that he was never given any money, and the witnesses came and testified that money was counted out in their presence, a presumption that the defendant is lying is established.

A person is never presumed by the court to be a liar unless he denies a matter in court and two witnesses come and offer testimony that contradicts the denial he made.

3 There is a corollary to the above concept. The plaintiff claimed: "I lent

you a *maneh."* The defendant denied the matter in court, saying: "The incident never occurred." Two witnesses came and testified that the defendant borrowed money from the plaintiff and repaid the debt. After these comments were made, the lender stated: "I did not receive payment." The defendant is obligated to pay. The rationale is that anyone who says: "I did not borrow," is considered to have said: "I did not repay the debt," in the event that witnesses come and establish that he in fact took a loan. Thus, in the above situation, it is as if the borrower said: "I did not repay the debt," despite the fact that witnesses testify that he did. We postulate that the admission of the principal is considered as strong as the testimony of 100 witnesses and the borrower is held liable. The lender is not required to take an oath, for a presumption that the borrower is lying has been established.

A similar law applies if the lender produces a signed note saying that he is liable, and the borrower denies the entire matter and claims that he did not write the note. If the authenticity of the note was established in court or witnesses come and testify that it was his note, a presumption that the defendant is lying is established, and he is required to pay.

4 There are times, however, when a person is not presumed to be lying despite the fact that his statements conflict with the testimony of witnesses. For example, a plaintiff claims: "I lent you a *maneh,* and it is in your possession." The defendant responds: "I paid you in the presence of so-and-so-and so-and-so," but those two witnesses come and deny having observed the matter. We do not say that a presumption that the defendant is lying is established. The rationale is that witnesses will remember only a

matter concerning which they were designated to serve as witnesses. Hence, a presumption that the defendant is lying is not established, and the borrower may take a *sh'vuat hesset* and be freed of responsibility.

Similarly, if the plaintiff claims: "Give me the *maneh* that I lent you when you were standing next to this pillar," and the defendant responded: "I never stood next to that pillar," a presumption that the defendant is lying is not established even though witnesses come and testify that he stood there. The rationale is that a person will not take notice of matters that are not significant. Similar laws apply in all analogous situations.

5 When a person lends money to a colleague in the presence of witnesses, the borrower is not required to repay him in the presence of witnesses, as explained. Accordingly, if the lender claims: "Give me the *maneh* that I lent to you; here are the witnesses in whose presence the loan was given." And the defendant claims: "I repaid you in the presence of so-and-so and so-and-so," we tell the borrower: "Bring them to court and be freed of responsibility." If they do not come, or they died, or they journeyed to another country, the borrower must take a *sh'vuat hesset* that he paid the debt. For the only reason we require the defendant to bring the witnesses is to clarify his position and be released from the obligation of an oath.

6 An admission made by the borrower outside of court may not be binding. For example, the plaintiff told the defendant in the presence of witnesses: "You owe me a *maneh"* and the defendant agreed. The following day, the plaintiff lodged a claim against the defendant in court and brought the witnesses to support his claim. If the defendant claimed: "I was joking

with you and I do not owe you anything," he is not held liable. He must merely take a *sh'vuat hesset* that he does not owe anything.

This ruling applies even when the defendant denies that the event ever happened. The rationale is that the defendant never designated the witnesses to serve in that capacity. And when a person is not charged with acting as a witness with regard to a situation, he will not necessarily remember its particulars. Therefore, even if the defendant said that the events did not ever take place, we do not accept the presumption that he is lying.

7 Morevoer, the defendant's denial is allowed to stand even in the following situation. The plaintiff hid witnesses behind a fence and told the defendant: "You owe me a *maneh,"* and the defendant agreed. The plaintiff then told him: "Do you wish so-and-so and so-and-so to act as witnesses against you?"

He replied: "No. Lest you press me to judgment tomorrow; for I have nothing to pay you."

On the next day, he called him to court with these witnesses. Whether the defendant claimed: "I was speaking frivolously," or whether he claimed that the matter never took place, he may take a *sh'vuat hesset* and is then released of responsibility. The rationale is the testimony is not committing until the borrower says: "You are my witnesses," or the lender makes that statement in the presence of the borrower, and the borrower remains silent. The defendant is not presumed to be a liar, because of testimony of this nature.

An incident occurred concerning a person called *kav r'shu* ("a full measure

of indebtedness") - i.e., that he had many debts. He would say: "The only person to whom I owe money is so-and-so." When that person came and lodged a claim against him, he said: "I do not owe him anything." Our Sages said: "He may take a *sh'vuat hesset* and be released of all obligation."
Similarly, there was a person about whom people would gossip that he was wealthy. At the time of his death, he said: "If I had money, would I not pay so-and-so and so-and-so." After his death, so-and-so and so-and-so lodged a claim against the estate. Our Sages said: "They have no claim against the estate." For a person is wont to try to make himself appear as if he does not possess any money, and even as if he did not leave money to his children. Similar laws apply in all analogous situations.

8 As mentioned, witnesses who are hidden cannot give binding testimony, and similarly, when a person admits a debt on his own initiative while witnesses are listening, or a person tells a colleague in the presence of witnesses: "You owe me a *maneh"* and the colleague admits the obligation, the testimony of the witnesses is not significant. Nevertheless, in all these situations, when the principals come to the court, we tell the defendant: "Why don't you pay the debt you owe him?"
If he says: "I do not owe him anything," we tell him: "Behold you made a statement saying this-and-this in the presence of these individuals," or "You admitted the obligation on your own initiative." If he arises and makes restitution, that is desirable. If he does not offer a defense, we do not suggest one for him. If, however, he claims: "I was speaking frivolously with him," "The event never occurred," or "I did not want to appear wealthy," he is not liable and is required to take a *sh'vuat hesset,* as we have

explained in the previous halachah.

Chapter 7

1 When a person admits that he owes a *maneh* to a colleague in the presence of two witnesses, and makes his statement as an admission and not as a casual matter of conversation, his remarks serve as the basis for testimony. This applies even if he did not charge the witnesses to serve in that capacity, and the plaintiff was not present. If the plaintiff lodged a claim against him and he denied making these statements, his words are not heeded, and he is required to make restitution on the basis of the testimony of the witnesses. If there was only one witness present when he made his statements, he is required to take an oath, for he made his statement as an admission.

If, after the witnesses came and testified, the defendant claimed: "I made the admission in order not to appear wealthy," his word is accepted, but he is required to take a *sh'vuat hesset.* If the plaintiff was with the witnesses at the time the defendant made the admission, he cannot claim that he made the admission so as not to appear wealthy. If, however, he claims that he paid the debt afterwards, his word is accepted, but he is required to take a *sh'vuat hesset.*

2 Whenever a person makes an admission in the presence of two witnesses, he cannot claim again: "I was speaking facetiously." Needless to say, this applies if he made the admission before three people. Instead, he is obligated to pay the sum that he admitted. For whenever a person makes a

statement as an admission, it is as if he charges them with serving as witnesses.

Nevertheless, a legal record of his statements is not composed unless he charges them: "Compose a record, sign it and give it to the plaintiff." Even if he charged them, they must consult with him a second time before they give it to the plaintiff, as we have explained.

Similarly, if a person makes an admission in the court after he was summoned, a legal record may be composed, as will be explained in the following halachah. This applies provided the court knows the identity of both principals," so that two people will not perpetrate deception to obligate another person.

3 The following rule applies when a court of three judges were sitting on their initiative in the place fixed for their sessions, and the plaintiff came and lodged a complaint in their presence. If they sent a messenger summoning the defendant, he came and admitted owing the debt in their presence, they may compose a legal record and give it to the plaintiff.

Different rules apply, however, if they were not in their fixed place, and they did not summon him, but instead, he collected them and caused the three judges to sit in session, admitting his debt in their presence and telling them: "Act as judges with regard to my issue." If the plaintiff comes afterwards and says: "Write down the admission for me," we do not compose the document. The rationale is that we suspect that the defendant paid him, and despite that, the plaintiff will try to lodge a claim against the defendant with the legal document. When does the above apply? With regard to a claim involving movable property. If, however, a

person admitted an obligation involving landed property, the witnesses may compose a legal record and give it to him even though the admission was made only in the presence of two witnesses, the defendant did not affirm his statement with a *kinyan,* and the defendant did not instruct them: "Compose a document and give it to him." The rationale is that we need not worry that the defendant will give the defendant the land and then the plaintiff will lodge a claim against him again.

4 Despite the fact that a legal record of a debtor's admission produced by the plaintiff does not state: "The defendant told us: 'Write down this record, sign it, and give it to the plaintiff,'" it is acceptable. For it is an accepted presumption that if the defendant had not given the witnesses such instructions, they would not have composed a legal record and given it to the plaintiff.

A question may arise if a legal document states only: "So-and-so acknowledged a debt in our presence in court." If the document does not state that there were three judges present or state information that would indicate that there were three judges present, we suspect that there were only two people present, and they erred and thought that an admission made in the presence of two people is considered an admission made in court. Therefore, we do not regard such a record as a legal document.

5 We have already explained that an admission made in court or testimony given by witnesses in court has the same legal power as a loan supported by a promissory note.

When does the above apply? When the defendant did not accept the

judgment until he was summoned and brought to court, as we have explained. If, however, two people come to a judgment and one lodges a claim against the other saying, "You owe me a *maneh"* and the defendant acknowledges the debt, his word is accepted if, after he departs, he claims to have paid the debt. He must, however, affirm that claim with a *sh'vuat hesset.*

The above applies whether the judges said: "You are obligated to pay him," or "Go out and pay him." Therefore, if the plaintiff comes back and says:

"Write down the admission he made," we do not write it down, for it is possible that the defendant paid him.

Similarly, if a person who was obligated to take an oath in court leaves the court and then returns and said: "I took the oath," his word is accepted. He is not required to take an oath that he took an oath. If there are witnesses who testify that he did not take an oath, a presumption that the defendant is lying with regard to that oath is established. His word is not accepted if he states that he took an oath unless the other litigant acknowledges - or he brings witnesses - that he took the oath in their presence.

6 The following rule applies when two people come to judgment, one is obligated to the other, and the judges tell him: "Go out and pay him." If he leaves the court and then returns and said: "I paid," but there are witnesses who testify that he did not pay, a presumption that the defendant is lying with regard to that money is established.

Different rules apply if the judges tell him: "You are obligated to pay

him." If he leaves the court and then returns and said: "I paid," but there are witnesses who testify that he did not pay, we do not say that a presumption that the defendant is lying is established. The rationale is that we assume he is procrastinating until the judgment is researched.

Therefore, if on another occasion he claimed that he paid the money that he was obligated to pay by these judges and there are no witnesses who deny his statements this second time, he is required to take a *sh'vuat hesset* and is then released from all obligations. For this reason, the trained men of wisdom of Spain would, in the presence of the court, tell the judges and a lender who admitted a debt or who was obligated to take an oath in court: "Serve as witnesses that he should not pay me or take an oath for me outside the presence of witnesses."

7 When a person acknowledges in court that he owes a plaintiff a *maneh* and then says: "I now remember paying him the debt that I acknowledged and here are witnesses who substantiate my present claim," their testimony is effective, and the appropriate action is taken. The rationale is that he did not contradict the testimony of the witnesses, and it is not considered as if he said: "I never took this loan."

8 A litigant who advanced a claim in court can return and issue a second claim that contradicts the first one. We rely on the second claim even though he did not provide an explanation why he originally lodged a different claim. Even if he left the court and returned he may change and reverse any claims he desires, until witnesses come and testify.

After witnesses come and contradict the final claim on which he relied, he

cannot change it to another claim, unless he provides an explanation for the claim on which he relied that could extend its meaning to include also the claim that he made afterwards.

The above applies provided he did not depart from the court. If, however, he departed from the court, he cannot come back and issue a different claim after witnesses came and testified. This is not acceptable; we fear that perhaps wicked people taught him to issue false claims. Similar laws apply in all analogous situations.

Chapter 8

1 It is an accepted presumption that all movable property belongs to the person who is in physical possession of it.' This applies even if the plaintiff brought witnesses who testify that the movable property in question was known to belong to the plaintiff.

What is implied? A plaintiff lodges a claim against a defendant: "This garment..." or "This utensil that is in your possession..." or "... that is in your house belongs to me..,", "... I entrusted it to you for safekeeping...", or "... I lent it to you. Here are witnesses who knew that it was previously in my domain."

The defendant responds: "That is not so. You sold it to me," or "...You gave it to me as a present," the defendant is required to take only a *sh'vuat hesset* and is freed of responsibility.

2 If the defendant claims that the movable property he is holding is security, he may claim up to its value. He must, however, take an oath while

holding a sacred object. Afterwards, he may collect his due, as explained.

3 When does the above apply? To articles that are not made to lend out or rent out - e.g., garments, produce, household articles, merchandise and the like. Different rules apply with regard to articles that are made to lend out or rent out. Although they are found in the possession of a particular person and there are no witnesses that the original owner lent or rented out this article to this person, it is an accepted presumption that they belong to their original owner.

What is implied? Reuven owned a utensil that was made to lend or rent out, and he has witnesses who know that such an article belonged to him. This utensil is presently in the possession of Shimon. Reuven claims that he lent it or rented it to him," while Shimon claims that Reuven sold it to him, gave it to him as a present or entrusted it to him as security. We do not accept Shimon's claim. Instead, Reuven may take his utensil after taking a *sh'vuat hesset* in response to Shimon's claim.

Even if Shimon died, Reuven may take his utensil. The *Geonim* ruled that Reuven must take a *sh'vuat hesset,* for we advance claims on behalf of an heir.

4 When does the above apply? When the utensil can be seen in the possession of Shimon.

Different rules apply when, however, Reuven lodges a claim against Shimon saying: "You have this-and-this utensil of mine. You rented it. Give it back to me. I have witnesses who know that it belongs to me." If Shimon responds: "You sold it to me" or "You gave it to me," his word is

accepted. He must take a *sh'vuat hesset* and then he is released of all obligations. The rationale is since he could say: "Nothing like this ever happened. I do not have anything that belonged to you," we accept his word if he claims: "I have the article, but you sold it to me."

5 The above-mentioned concepts apply only when the owner of the utensil claims: "I entrusted it to you" or "I lent it to you." Different laws apply if, however, he claims: "This article is mine. It was stolen, lost or taken by robbery." Although he brings witnesses who testify that the article was known to be his, if the person in possession of the article says: "I do not know what you are talking about. Someone else sold it to me or gave it to me as a present," we allow it to remain in that person's possession although it is an article that is made to be lent out or rented out. He is not required to take an oath at all, because there is no claim against him.

6 If a well-founded report has circulated that utensils belonging to the original owner have been stolen, the person in possession of the article may take an oath while holding a sacred article, stating how much he spent on the article. The original owner must reimburse him for this expense and may then take his article, as stated in *Hilchot Geneivah.*

If the defendant claims: "You sold it to me" or "You gave it to me as a present," he must take a *sh'vuat hesset,* and he is then allowed to maintain possession of the article, even though a well-founded report has circulated that utensils belonging to the original owner have been stolen, provided the article was not made to be lent or rented out.

From these laws, the following concept can be derived: A person has

movable property in his possession and another person claims that it belongs to him. The defendant could claim that he purchased it. Thus, he would be required to take a *sh'vuat hesset* and would then be released of all obligations. Nevertheless, if the defendant says: "It belongs to you, but you owe me this-and-this," he must take an oath while holding a sacred object. Afterwards, he collects his claim from the property in his possession, as is the law applying to all those who take oaths and collect their due.

7 When a person has in his possession articles that were made to lend or rent out, he is allowed to maintain possession even though he acknowledged the plaintiff's ownership, telling him: "I know that this property was yours, but so-and-so sold it to me," or "... gave it to me as a present," we do not expropriate it from the defendant's possession.
The above applies even if the plaintiff brings witnesses who testify that the property was known to belong to him. The rationale is that a person is wont to sell his personal property.

8 If, however, the plaintiff claims: "I rented it to you," or "I lent it to you," we expropriate it from his possession. If the object in question was not one that was made to lend or rent out, the defendant may retain possession of the article. He must, however, take a *sh'vuat hesset* that the plaintiff) did not lend or rent the article to him, but that he purchased it from so-and-so.

9 Do not err and interpret the phrase "entities made to lend out or rent

out" as meaning "entities that are wont to be lent out or rented out" as did many, [including great sages. For all articles are fit to be lent out and are wont to be lent out. Even a person's cloak, mattress, and bed are fit to be lent out.

The phrase "articles made to lend out or rent out," by contrast, refers to utensils that people in that country make initially with the intent that they be lent out or rented out, so that they can receive a fee for them. They are considered to belong to their owners like landed property, concerning which benefit is derived from its produce, but the land itself remains. Similarly, these utensils are made primarily to benefit from renting them out - e.g., large brass pots used for cooking at party halls, bronze jewelry inlaid with gold that are rented for brides to wear. Such articles are not made to be sold, nor for the owner to use them in his own home. Instead, they are lent out to others with the expectation of receiving benefit in recompense or of renting them out for a fee.

Similarly, if a person has ordinary utensils, but there are witnesses who will testify that he rents them out at all times and lends them, and it is an accepted presumption that he lends them and rents them, they are considered utensils that were made for the sake of being lent or rented.

10 When the possible damage to an article is greater than the fee one would receive for renting it out, and people are therefore careful not to lend such articles - e.g., a ritual slaughterer's knife - it is an accepted presumption that it was not made with the intent of being lent or rented out. Therefore, even if people came and testified that a person lent out or rented out such an article on several occasions, their testimony does not

negate this presumption, and these utensils are considered to be all other utensils.

Proof of this position can be brought from the fact that Ravva expropriated tailor's scissors used to make a cloak, and an *Aggadah* scroll as articles that were made to be lent or rented out. Had it not been clarified to him through the testimony of witnesses that these were entities that were lent out, he would not have expropriated them from the orphans. It is evident that other scissors and other scrolls are not placed in this category even though they could be lent or rented out.

This concept is a fundamental principle of law and a point of logic that may be relied upon in judgment. It is clear to those who give forth knowledge. It is appropriate for a judge to keep it in mind at all times and not to sway from it.

Chapter 9

1 We do not accept it as a presumption that the utensils in the possession of a craftsman belong to him. This applies both to articles that are made to lend and rent out, and to other articles.

What is implied? A person sees his utensils in the possession of a craftsman. He brings witnesses who testify that they know that the article belongs to him and claims that he gave it to the craftsman to repair. The craftsman, by contrast, maintains that he purchased it, or that it was given to him as a present. Or he claims: "After it was given to me to repair, you sold it to me or gave it to me as a present." Although the owner of the utensil did not give it to the craftsman in the presence of witnesses, his

word is accepted and the article is expropriated from the craftsman. The owner must however, take an oath to support his claim.

There are *Geonim* who ruled that even though the owner did not bring witnesses to testify that the article was his, since he saw his article in the craftsman's possession and the craftsman admits that the article belonged to him, but claims that he sold it to him, the owner's word is accepted. If, however, the craftsman claimed: "This never happened; the article is mine," the craftsman's word is accepted, provided that he takes a *sh'vu'at hesset.* If, however, the owner brings witnesses who testify that the article was known to belong to him, the craftsman's word is not accepted. This decision is incredulous in my eyes.

2 Different rules apply if the owner did not see his utensil in the possession of the craftsman, but instead claimed: "I gave you this-and-this utensil to repair." If the craftsman claims: "You came back and sold it to me" or "... gave it to me as a present," the craftsman is required to take a *sh'vu'at hesset* and is then released of responsibility. The rationale is that he could claim that the article was never given him."

Moreover, even if the owner gave the article to the craftsman to repair in the presence of witnesses, the craftsman's word is accepted, because he could claim: "I returned it." For although an article is entrusted to a person in the presence of witnesses, he is not required to return it to him in the presence of witnesses. Therefore, the craftsman is required to take only a *sh'vu'at hesset;* we do not require him to produce the article.

If, however, he does produce the article, since it becomes visible, the owner may bring witnesses who testify that it belongs to him. He may

then expropriate it even though he did not entrust it to the craftsman in the presence of witnesses, as explained in the previous halachah.

Based on the above, the following rules apply if the craftsman claimed: "You agreed to pay me two *dinarim* as a wage," and the owner responded: "I agreed to pay you only one." If the utensil was visible before them, since the craftsman's possession does not bring about an accepted presumption of ownership, and we would not accept his claim that he purchased the article, the owner's claim regarding the promised wage is accepted, provided that he takes a *sh'vu'at hesset,* as we stated in *Hilchot Sechirut.* He must pay that amount.

If, however, the utensil is not visible, since the craftsman could claim that he purchased the article, he can also claim a wage equal to its value. He must take an oath holding a sacred article. Then he may collect his claim, as do all those who take an oath and collect, as we have explained.

3 A craftsman who gave up his profession, and a craftsman's son are like any other person. When movable property is in their possession, we presume that it belongs to them, as we have explained.

4 The following rules apply when a person enters a colleague's house in the presence of the owner and leaves with utensils hidden under the corners of his garments, and witnesses see him. Afterwards, the owner lodges a claim against him, saying: "Return the utensils that I lent you; here are witnesses." Although the defendant claims: "I purchased them," his word is not accepted. Instead, the owner must take a *sh'vu'at hesset* to support his claim that he did not sell or give away the utensils. The court returns

the utensils to the owner.

When does the above apply? With regard to an owner who is not accustomed to sell his property, when the person who removed the utensils under his cloak does not normally hide them, and when the utensils are not of the type that people would ordinarily hide. Therefore, the defendant is obligated to return the articles. We assume that he hid them only so that he could deny taking them.

If, however, an owner frequently sells his personal property, even though the person who took the utensils would not ordinarily hide them, and it is not ordinary practice for these utensils to be hidden under one's cloak, the defendant may take a *sh'vu'at hesset* that he purchased the articles.

Similarly, if he took the articles out so that they were visible for the witnesses to see, even when the owner does not frequently sell his personal property, the defendant's word is accepted when he says that he purchased the utensils, provided that the articles are not of the type that are made with the intent of being lent or rented out. For it is possible that the owner needed money, and hence sold his property.

If, however, the articles are of the type that are made with the intent of being lent or rented out, our presumption is always that they belong to their original owner, as we have explained. Even if the person took out such utensils in a visible manner and the owner was accustomed to selling his personal utensils, if he has witnesses that this utensil that was made with the intent of being lent or rented out was known to belong to him, he may expropriate the utensils from the defendant immediately, unless he brings proof that he sold it to him or gave it to him as a present, as is the law with regard to landed property.

5 In the above situation, if the person in whose possession the utensil was found died, we expropriate it from the heir. Moreover, the owner is not required to take an oath. An oath is not required because, since his father is not present to claim that that he purchased it or that it is security for a specific amount, the heir cannot require the owner to take an oath.

If the heir lodges a definite claim, saying: "He gave it to my father - or sold it to him - in my presence," the owner is required to take a *sh'vu'at hesset,* as required of all those who are obligated to take oaths. We explained that there are opinions that require the owner to take a *sh'vu'at hesset* in all instances before his utensil is returned by the heir, but I do not accept this approach.

6 When a person takes an ax and says: "I am going to chop down the palm tree belonging to so-and-so," if he in fact chops down the tree, we presume that it belonged to him. For a person would not be so bold as to cut down a tree that did not belong to him. If the owner claims that he did not sell it, the person who cut down the tree is required to take a *sh'vu'at hesset* that the tree belonged to him. He is then freed of responsibility. The rationale is that once the tree is cut down, it is like other movable property.

Similar laws apply when a person enters a colleague's field without permission and partakes of its produce for a year or two. If the owner claims that the person entered without permission, that he is a robber, and that he partook of the field's produce, and the owner brings witnesses who confirm that he partook of the produce, and the person claims that the owner gave him permission to partake of the produce, that person's word

is accepted.

The rationale is that it is an accepted presumption that a person would not be so bold as to eat produce that does not belong to him. Although the land is presumed to belong to its original owner, the produce is not. For a person does not necessarily sell produce with a bill of sale, so that the purchaser could be told: "Present your bill of sale."

Needless to say, these laws apply if the squatter partook of a field's produce for many years. In such a situation, since he could claim that he had purchased the field, his word is accepted when he says that he has a right only to the produce. He must, however, take a *sh'vu'at hesset.*

7 The following laws apply when two people are holding one article, both are riding on one animal, one was riding the animal and one was leading it, or they were sitting next to an ownerless pile of wheat that was located in a lane or in a courtyard belonging to both of them. If each claims that the article belongs to him in its entirety, they should both take an oath holding a sacred article that they own no less than half the article. Afterwards, it should be divided between them.

This oath was ordained by the Sages so that everyone will not grab unto a garment belonging to a colleague and take it without having to take an oath.

8 If one says: "The entire article belongs to me," and the other says: "Half of it belongs to me," the one who claims the entire article must take an oath that he owns no less than three fourths of the article, and the one who claims half the article must take an oath that he owns no less than one

fourth. They then divide the article accordingly.
From this, one can learn that all those who take an oath to expropriate property - whether a minor oath or a severe oath - should not take that oath concerning what they claim, but rather what they will receive even though they claim more.

9 When two people were both clinging to a garment, and each claims that the entire garment belongs to him, each is awarded the portion he is holding. The remainder is divided equally after they take the appropriate oaths. Based on the principle of *gilgul sh'vu'ah,* each of the litigants can require the other to take an oath that he is legally entitled to everything he collects.

10 If one was holding the strings on one side of the garment, and the other holding the strings on the other side, they should divide the entire garment equally, after they take the required oaths.
When the term "division" is used in this context, it refers to a division of the article's value, not that a utensil itself or a garment should be divided and ruined, or that an animal should be killed.

11 If one person was holding onto the article in its entirety, and the other was struggling with him and clasping it, the article is considered to belong to the person holding it in its entirety.

12 The following rules apply when two people came to court holding onto the garment, and one pulled it away from the other in our presence. If at first the person from whom the garment was taken remained silent, even

though afterwards he protested, we do not expropriate it from the possession of the one who seized it. The rationale is that since he remained silent at the outset, it is as if he acknowledged the other's ownership.

If the second person came and grabbed it from the one who seized it, even though that person protested continuously, the garment should be divided between the two of them.

13 The following laws apply when two people come to court holding onto a garment, and the court instructs them to go out and divide its value. They depart and return, but the article is now in the possession of only one of them. The person in possession claims: "He acknowledged my claim and withdrew his claim from it," while the other person claims: "I sold it to him," or "He overcame me and seized it from me," we follow the principle: "A person who seeks to expropriate property from a colleague must prove his claim." If he cannot bring proof of his claim, the other litigant may take an oath that the article belongs to him and be released of liability. Similar principles apply in all analogous situations.

Chapter 10

1 We do not presume that an animal or a beast that is not kept in an enclosed place, but instead roams freely and pastures everywhere, belongs to the person who seizes it if the animal is known to have a prior owner.

What is implied? When a plaintiff brings witnesses who testify that a certain animal is known to belong to him, and the person maintaining

possession of the animal claims: "You gave it to me" or "You sold it to me," the defendant's word is not accepted. The fact that the animal is in his possession is not considered proof of ownership, because it is possible that it roamed and entered his domain by itself. Therefore, if the defendant does not bring proof of his acquisition of the animal, it should be returned to its owner. The owner must, however, reinforce his claim by taking an oath.

2 If it was usual for an animal to be kept in an enclosed place or entrusted to a shepherd, we assume that it belongs to the person in whose possession it is found. This applies even if the plaintiff brings witnesses who testify that it belonged to him. Thus, if the person who holds the animal in his possession claims: "You sold it to me" or "You gave it to me," he is required to take a *sh'vu'at hesset* that it belongs to him, and then he is released of all obligations.

3 Therefore, the following rules are applied when a person seizes possession of an animal belonging to a colleague that had been kept in an enclosed place or entrusted to a shepherd. If the owner claims: "The animal went out and came to you on its own initiative," "It was entrusted to you for safekeeping," or "It was lent to you," and the person who seized it agrees, saying: "It is not mine, but you owe me this-and-this much," "You gave it to me as security for this-and-this much," or "You owe me such-and-such for damages that you caused my property," his word is accepted if he claims the value of the animal or less. The rationale is that since he could claim that he purchased it, his word is accepted if he lodges another

plausible claim. He must, however, take an oath holding a sacred article. Then he may collect his claim.

4 Similar laws apply with regard to servants. Since they can walk independently, the fact that they are in the physical possession of a person is not presumed to be a sign of ownership. Instead, if the plaintiff brings witnesses who testify that it is known that this servant belonged to the plaintiff, the defendant's word is not accepted if he claims: "You sold him to me" or "You gave him to me as a present." Instead, the servant should be returned to its owner. He must, however, take an oath that he did not sell the servant or give him away as a present.

Different rules apply if the defendant who was asserted to have seized possession of the servant brought witnesses who testified that the servant was in his possession, day after day, for three consecutive years, and that the defendant would have him serve him as servants serve their masters. Since the original owner did not raise objections throughout all these years, the defendant's word is accepted. We allow him to maintain possession after he takes a *sh'vu'at hesset* that he purchased the servant from the original owner or the owner gave the servant to him as a present.

These rules do not apply to a servant who is a young child and cannot walk on his legs because of his youth. He is considered as other types of movable property. We presume that he is owned by the person in whose domain he is located, and we follow the principle: When a person seeks to expropriate property from a colleague, the burden of proof is upon him.

5 As we explained, a plaintiff can alter his statements and offer another

claim if it is plausible. To apply that concept to the issues at hand: A person issued a claim against a colleague, stating: "This garment...", "This animal...", or "This servant that is in your possession belongs to me. It was lent to you," "... it is stolen," "... I entrusted it to you," or "... I rented it to you."

The defendant claimed, "No. It is my money. I inherited it." The plaintiff then brought witnesses who testified that they know that this article, servant, or animal is known to belong to the plaintiff. The defendant then countered and replied: "Yes. It was yours, but you gave it to me..." or "... you sold it to me. I said: 'I inherited it,' not because I inherited it from my father, but that my ownership is so strong that it is as if I inherited it." The defendant's claim is accepted provided that he supports it by taking a *sh'vu'at hesset.*

6 The following laws apply when two people are contending with regard to a boat or the like, each claiming: "It belongs entirely to me." If they come to the court and one asks the court: "Take possession of it until I bring witnesses to support my claim," the court should not take possession of it. If the court took possession of it, that person went and did not find witnesses, and returned and asked: "Leave it for us as before, and whoever will overcome the other will acquire it, as was the law before," it does not heed the request. Instead, the court does not release it from its possession until a claimant brings witnesses who support his claim, one acknowledges the truth of the other's claim, or they willingly agree to divide it after taking an oath, as we have explained.

Chapter 11

1 Whenever landed property is known to have belonged to a person, we presume that he is the owner even though the property is now in the possession of another person.

What is implied? Reuven was using a courtyard as a person would commonly use his own property, living in it, renting it to others, building and tearing down structures. After a while, Shimon came and lodged a claim against him, saying: "The courtyard that is in your possession belongs to me. I rented it to you," or "... I lent it to you."

Reuven replied: "It was yours, but you sold it to me," or "You gave it to me as a present."

If Shimon does not bring witnesses who testify that it was known to belong to him, Reuven is required to take a *sh'vu'at hesset,* and he is allowed to retain possession of the courtyard. If, however, Shimon brings witnesses who testify that this field belonged to him, our presumption is that Shimon is the owner. We tell Reuven: "Bring proof that he sold it to you or gave it to you." If he does not bring proof, we force him to leave and establish Shimon as the owner. This law applies even when Reuven does not admit that the field ever belonged to Shimon, because there are witnesses who support Shimon's claim.

2 When do we require Reuven to bring proof that he acquired the field or to depart? When he did not use the property for an extended time. If, however, Reuven brings witnesses who testify that he partook of the produce of this field for three consecutive years and benefited from it in

its entirety in the manner in which any person would benefit from that field, we allow Reuven to maintain possession. This applies provided that it was possible for the original owners to know that this person had taken possession of the field, and they did not lodge a protest against him. Reuven must take a *sh'vu'at hesset* that Shimon sold him the field or gave it to him, and then he is released of all obligation.

The rationale for this decision is that we tell Shimon: "If your claim that you did not sell or give him the property is true, why is this person using your land year after year, when you do not have a legal document stating that it was rented to him or given to him as security for a loan, and yet you have not lodged a protest against him?"

If the plaintiff responds to this by claiming that the news that the other person was using his property did not reach him because he was in a distant country, we tell him: "It is impossible that the information did not reach you in three years. And when the information reached you, you should have lodged a protest in the presence of witnesses, telling them that 'So-and-so stole property from me, and in the future I will lodge a claim against him in court.' Since you did not issue a protest, you caused yourself a loss."

Therefore, if there was a war or a disruption of travel routes between the place where Reuven was located and the place where Shimon was located, we expropriate the property from Reuven even if he benefited from its produce for ten years. We return it to Shimon, because he could say: "I did not know that this person was using my property."

3 Even in a situation where there was a war and a breakdown in

communication, if Reuven brought witnesses who testify that each year Shimon came and stayed in this place" for 30 days or less, we tell Shimon: "Why didn't you protest when you came? You have lost your rights."
If Shimon claims: "I was very much occupied at the business fair and I did not know that so-and-so was in my courtyard," his claim is respected. For it is possible that a person will be occupied at a business fair for 30 days. If he stayed for more than 30 days and did not protest, he loses his rights.
It appears to me that this law applies only in the villages, for the people there are very much occupied with their business fairs.

4 Why do we not tell Reuven: "If it is true that he sold the property to you or gave it to you as a present, why did you not take care of your deed of acquisition?" Because a person does not take care of his legal documents for his entire life, and it is an established presumption that a person will not take care of a legal document for more than three years. If by that time, he sees that no one is protesting his ownership, he will not take care of it any longer.

5 If Shimon issued a protest in a distant country, why can Reuven not claim: "I did not hear that he lodged a protest against me so that I felt it necessary to safeguard my deed of acquisition"?
Because we tell him: "Your friend has a friend, and his friend has a friend. And it is an established presumption that word of the protest reached you. Hence, since you know that he lodged a protest against you within the three years, if it is true that you had a deed of acquisition and you did not safeguard it, you caused yourself a loss."

6 Therefore, if Shimon lodged a protest in the presence of witnesses, but told them: "Do not utter a word about this protest," the protest is of no consequence. If, however, the witnesses said on their own volition: "We will not utter a word about this," the protest is significant. For a person will ultimately speak of a matter that he was not charged to keep private.
Similarly, if the original owner told the witnesses: "Don't tell the person who took possession of the property about my protest," or the witnesses said on their own volition: "We will not notify him," the protest is of consequence. For even though they will not notify him, they will notify others, and ultimately the information will reach him.

7 What constitutes a protest? That the owner says in the presence of two witnesses: "So-and-so who is using my field is a robber. In the future, I will call him to court." Similarly, if he says: "The property is rented out to him or it was given to him as security for a loan. If he claims that I sold it to him or gave it to him as a present, I will lodge a claim against him in court." Similarly, if he makes other analogous statements, the protest is of consequence even though he did not issue it in the country where the person in possession of the land is located.
If, however, he told them merely: "So-and-so who is using my field is a robber," that is not a valid protest, for Reuven will say: "When I heard this, I said to myself: 'Maybe he was merely slandering me.' Therefore, I was not careful about keeping my deed of acquisition."

8 A protest made in the presence of two witnesses is of consequence. They may compose a legal record of it, even if the owner does not tell them to

compose it.

Once the owner issued a protest in the first year, he does not have to issue another protest each year. There must not, however, be three full years between each protest. He must, therefore, issue a protest at the end of each three-year period. If he protested, delayed for three full years and protested afterwards, the protest is of no consequence.

9 If Reuven brought witnesses who testify that Shimon, the owner of the field, gathered the produce of the field together and gave it to Reuven, he is allowed to retain possession of the field. This applies even if Reuven claims that Shimon sold him or gave him the field that day. The rationale is that if he did not give him or sell him the field, he would not have helped Reuven in the field and given him its produce.

10 If Shimon responds, claiming: "It's true; that event transpired. I sold him the rights to the field's produce and it belonged to him, but I never sold him the field itself," his word is accepted and the field should be returned to Shimon. There is, however, an exception: when Reuven partook of the produce for three years with Shimon's knowledge and Shimon did not protest against him, as explained.

Chapter 12

1 The three years mentioned in the previous chapter must be from day to day. Even if one day was lacking, a claim of ownership is not established and the person in possession of the property is removed from it.

When does the above apply? With regard to landed property that produces benefit at all times - e.g., houses, courtyards, cisterns, pits, storage cavities, stores, inns, bathhouses, dovecotes, olive presses, fields that are continually irrigated and hence can be used for sowing and for planting, gardens, and orchards, and also servants who go on their own initiative, as we have explained.

Different rules apply with regard to a field that is watered only from rain and a grove of trees. The "threes years" are not calculated from day to day. Instead, after the person in possession partakes of three harvests from one type of produce, it is considered as if three years have passed.

What is implied? There was a date grove and the person in possession harvested it three times, a grape orchard and he harvested it three times, or an olive grove and he harvested it three times, he is considered to have established a claim of ownership. This applies even if the trees were planted one after the other, and there was not enough space left between them. Although ultimately, they will dry and have to be uprooted, since the person derived benefit from them for three harvests, he has established a claim of ownership.

2 If a person brings witnesses who testify that he dwelled in this courtyard for three years or rented it out to a tenant for three years, he establishes a claim of ownership.

If the owner of the courtyard claims: "Maybe you - or your tenant - did not dwell there during the day and during the night," his claim is valid. We tell the person in possession: "Bring witnesses that throughout these years, you dwelled there during the day and during the night, or depart."

Even when witnesses come and testify, saying: "The person in possession rented the field to us, and we dwelled there during the day and during the night," if the owner of the field demands: "Let them bring witnesses that they dwelled there during the day and during the night," these tenants must bring proof that they dwelled there at all times. The rationale is that the matter is dependent on them and is not dependent on the claim of the person in possession of the property that they should testify on his behalf.

3 Different laws apply if the person in possession of the property or the witnesses were traveling salesmen who journey from village to village or the like. In such a situation, the court makes a claim on behalf of the owner at the outset. When he brings witnesses to try to substantiate his claim of ownership, the court tells him: "Bring witnesses who will testify that you manifested possession during the day and the night."
When does the above apply? With regard to courtyards, houses, and the like, in which people live during the day and the night. Different laws apply with regard to stores operated by merchants and the like, in which people dwell only during the day. In such a situation, if a person dwelled in the store for three years during the day, he establishes a claim of ownership.

4 The three years mentioned must be consecutive, one following the other. If a person in possession of a field sowed it one year and left it fallow the next year, and then sowed it one year and left it fallow the next year, he does not establish a claim of ownership. This applies even if he followed this pattern for many years.

If the custom of the farmers of that area was to leave fields fallow, the person is considered to have established a claim of ownership. This applies even if some of the local farmers sow their fields year after year, and some sow their fields for one year and leave them fallow the next. For the person in possession may claim: "I left it fallow only so that it will produce more in the year that I sow it."

5 When two partners maintained possession of a field for six years, one partaking of the produce in the first, third and fifth years, and the other partaking of the produce in the second, fourth and sixth years, neither is considered to have established a claim of ownership. The rationale is that the owner of the field can say: "Since I neither saw nor heard of one person maintaining possession year after year, I did not protest."
Accordingly, if these partners composed a legal document attesting to their partnership and stating that they should each utilize the field in successive years, if three years pass in which they use it, they establish a claim of ownership. The rationale is that a legal document becomes public knowledge. Hence, if the owner did not protest, he forfeited his right.
Similar laws apply if two people maintain possession of a servant and use his services year after year. Ordinarily, they do not establish a claim of ownership. If they compose a legal document concerning the servant, they do.

6 The following rules apply when a person who took possession of a property derived benefit from its produce for one year and then sold it, the purchaser derived benefit from its produce for one year and then sold

it, and the second purchaser derived benefit from its produce for a year. If they sold it to each other with a deed of sale, the activities of the three are combined and a claim of ownership is established, because the previous owner did not protest.

If they did not record the transaction in a deed of sale, a claim of ownership is not established, because the original owners can say: "Since one person did not maintain a presence within it for three years, there was no necessity to issue a protest."

7 When a father derived benefit from a property for one year, and his son derived benefit for two years, or the father derived benefit for two years, and his son derived benefit for one year, a claim of ownership is established.

The same law applies if the father derived benefit for a year, the son derived benefit for a year, and the person who purchased it derived benefit for a year, provided that he purchased it with a deed of sale.

8 When a person seeking to establish a claim of ownership partakes of produce from a field for one year in the presence of the father who was the owner, and two years in the presence of his son, or two years in the presence of the father and one year in the presence of the son, a claim of ownership is established.

Similarly, a claim of ownership is established when the person in possession of the field partakes of its produce for one year in the presence of the father, one year in the presence of the son, and one year in the presence of a person who purchased the field from the son. This law

applies when the son sold the field together with all his fields. In such an instance, the person in possession of the field will not appreciate that it was sold, and hence will not necessarily be careful to maintain possession of his deed of acquisition beyond the three-year period. If, however, the son sold the field as a discrete entity the property is expropriated and given to the purchaser. For there can be no greater protest against the squatter's possession than this.

9 If the person in possession left the field fallow year after year - even for many years - since he did not derive any benefit from it, he does not establish a claim of ownership.
Similarly, if he irrigated it or even irrigated it and did no more than break up large clumps of earth, since he did not benefit from its produce, he does not establish a claim of ownership.

10 If the person in possession sowed it, but did not make any profit - i.e., he sowed a *kor* and reaped a *kor* - he does not establish a claim of ownership, since he did not derive any benefit from it.

11 If he harvests the field as straw, he does not establish a claim of ownership. If in that region it was common to sow to harvest straw because straw is very expensive, he does establish a claim of ownership.

12 If the person in possession partook of produce of a field that was *orlah,* grew during the Sabbatical year, or contained mixed species, he establishes a claim of ownership despite the fact that he derived benefit through transgression.

13 If the property in question was a stone or a rocky area unfit to be sown, the person in possession must benefit from the land in an appropriate manner - e.g., use it to spread out fruits to dry, as a place for an animal to pasture, or the like. If he does not derive benefit throughout all these three years in an appropriate manner, he does not establish a claim of ownership.

14 The following rules apply when a person would tie his animal in a specific place in a courtyard belonging to a colleague, he would raise chickens there, he would place an oven, a range or a mill there, or he would place his fertilizer there. Whether or not he erects a barrier there, if he uses the property for these purposes during the day and the night and claims that the owner of the courtyard sold or gave him that place, he establishes a claim of ownership.

15 The following rules apply when a field is surrounded by a fence and a person took possession of it and sowed crops outside the fence, deriving benefit from the portion that is not protected. Even though he derives benefit year after year, he does not establish a claim of ownership. The rationale is that the owner can claim: "Since we saw that he was sowing crops in a place that was unprotected, we said: 'Whatever he sowed, the beasts of the field will eat. Therefore, we did not protest.'" This law also applies to anyone who sows crops in a place that is not protected and the crops are accessible to animals and other people.

16 When the person in possession derives benefit from the entire property

with the exception of one portion fit to sow a quarter of a *kav* of grain, he establishes a claim of ownership over the entire field, with the exception of the portion from which he did not benefit. Even if that was a rocky portion in the midst of the field, since he did not use it in a way appropriate for it, he does not establish a claim of ownership over it.

17 The following rules apply when one person took possession of trees and derived benefit from their produce, and another took possession of the land, sowed crops there, and derived benefit from them, and each of them claims that the entire property belongs to him, because he purchased it from the owner. The person in possession of the trees is given the trees and the land necessary to tend to them - i.e., the space in which a person picking fruit can stand together with his basket for each tree. The person in possession of the land receives the remainder of the land.

18 Similarly, when a person benefits from all the produce of a tree for three years and then issues a claim against the owner of the tree: "You sold me this tree and its land," he is granted an amount of land equivalent to the thickness of the tree until the depths of the earth.

19 The following laws apply when there are 30 trees within a tree grove large enough to sow three *se'ah* of grain. If a person in possession benefited from ten trees in the first year, ten in the second year, and ten in the third, he establishes his possession over the entire grove.

The above applies when the ten trees from which he benefited were spread through the entire area of the field, and the other trees did not produce

any fruit. If, however, the other trees produced fruit and he did not partake of it, he establishes a claim of ownership only on the produce from which he partook.

20 When does the above apply? When he benefited from some of the fruit and the people reaped the remainder of the fruit. If, however, he left the fruit on the trees and benefited from the fruit from several portions throughout the entire grove, he establishes a claim of ownership concerning the entire field, even though he did not collect all its produce.

Chapter 13

1 The following individuals are not given the privilege of establishing a claim of ownership even though they have benefited from a property for three years: craftsmen, sharecroppers, guardians, partners, a husband with regard to property belonging to his wife, a wife with regard to property belonging to her husband, a son with regard to property belonging to his father, and a father with regard to property belonging to his son.

The rationale is that in all these instances the owners will not be irritated if the other uses the property. Therefore, the fact that they benefited from it does not serve as proof of ownership, even though the owner did not protest. Instead, the property should be returned to the owner, provided that they bring proof that this land was known to belong to them, and that they take a *sh'vu'at hesset* that they did not sell or give away the land, as we have explained.

2 Similarly, the exilarchs of that period, a robber and a gentile cannot establish a claim of ownership because they benefited from a property. The rationale is that they are men of force.

Similarly, a deaf-mute, a mentally or emotionally unstable person and a minor cannot establish a claim of ownership through benefiting from a property. The rationale is that they do not have a claim on which the property could be awarded to them. Instead, the property should be returned to its owners. Conversely, if a person manifests ownership over his property for three years, the fact that he benefited from the property is not considered proof of ownership.

3 What is meant by the statement that they are not given the privilege of establishing a claim of ownership over property? Reuven benefited from a field originally belonging to Shimon for a sufficient number of years to establish a claim of ownership. He claims that he purchased the land. Shimon brought witnesses who testify that the property was known to belong to him. Similarly, he brought witnesses who testify that Reuven was known to be his partner, his sharecropper or his guardian. For this reason, he claims that he did not protest. The field is returned to Shimon, provided that he takes a *sh'vu'at hesset* that he did not sell or give the property to Reuven. Similar laws apply with regard to the others mentioned above.

Different laws apply, however, if Shimon does not bring proof that Reuven was his partner or sharecropper, but instead, Reuven made this admission on his own initiative, saying: "Yes, he is my partner and he sold me the property." Since he benefited from the land for the number of

years long enough to establish a claim of ownership and he could have said: "He was never my partner," his word is accepted like the word of other persons.

4 What is meant by the exclusion of craftsmen? If a person was building a property or repairing it for many years he cannot establish a claim of ownership over it.
If the craftsman abandoned his profession and benefited from a property for three years after he abandoned the profession, he can establish a claim of ownership.

5 What is meant by the exclusion of sharecroppers? For example, a person worked as a sharecropper for the father of the owner of the property, or for another member of the family. Since he is a sharecropper who has worked for the family, the owner will not lodge a protest against him. If, however, a person becomes a sharecropper for the first time and then benefits from the land for the length of time necessary to establish a claim of ownership, he is allowed to retain possession. We tell the owners: "How did you allow him to benefit from the property year after year without issuing a protest?"

6 Moreover, even when a sharecropper who has worked for the family brings other sharecroppers to work in his place, he may establish a claim of ownership. For ordinarily, there is no way that a person will bring sharecroppers into a colleague's property, and the latter will remain silent.
If, however, he divided the land among other sharecroppers who also

worked on that property, he may not establish a claim of ownership. For it is possible that the owner appointed him as a supervisor over the sharecroppers.

When a sharecropper ceases working in that capacity and afterwards benefits from the produce of the land on which he had been working for three years, he establishes a claim of ownership.

7 What is meant by the exclusion of guardians? The exclusion applies whether the guardian was charged with caring for a particular field or all of an heir's properties, whether he was appointed by the court or appointed by the father of the orphans, and the orphans came of age and allowed him to remain in that capacity, or whether an adult appointed a guardian to supervise his income and expenditures. Since these persons have permission to use the property, they cannot establish a claim of ownership. If a guardian left his position and benefited from the property for three years after leaving, he establishes a claim of ownership.

8 What is meant by the exclusion of partners? When a person is a partner in a field that is not required to be divided , even though he alone benefits from the entire field for several years, the field is still presumed to be owned by both of the partners.

If, however, it is large enough to be divided and only one of the partners benefited from it in its entirety for the years necessary to establish a claim of ownership, he establishes such a claim. For he may tell his partner: "If it is true that you did not sell or give me your share of the field, why did I alone benefit from the entire field? Why did you remain silent and not

protest for all these three years?"

Similarly, when a man who had stipulated that he waives the right to benefit from his wife's property nevertheless derives benefit from his wife's property for the number of years necessary to establish a claim of ownership, the fact that he derived benefit is of no consequence. This applies even when - while she was consecrated but not yet married - he stipulated that he would not inherit her property, and afterwards derived benefit from it, built or destroyed structures on it, doing whatever he desired.

Similarly, when a woman derived benefit from her husband's property and made use of it as she desired for several years, the fact that she derived benefit is of no consequence. This applies even if her husband designated another field for her to derive her livelihood from, and she benefited from other fields.

Similarly, when a son receives his livelihood at his father's home and is considered one of the members of his household, if he benefits from his father's property for the number of years necessary to establish a claim of ownership, it is of no consequence. The same law applies when the father derives benefit from the property of this son, who derives his livelihood from him for the number of years necessary to establish a claim of ownership.

9 If such a son leaves his father's household or a woman is divorced - this applies even if there is a question whether the divorce is effective - they are bound by the laws that apply to all other individuals.

10 The exilarchs of the Talmudic era could not establish a claim of ownership because they benefited from a field. The rationale is that they had the authority to rale over the people.

Similarly, when a person manifests ownership over property belonging to the exilarchs, even if he benefits from it for a number of years, the fact that he derived benefit is not significant. The rationale is that the exilarchs do not protest because they have the power to remove the other person from the property whenever they desire. Instead, they must take a *sh'vu'at hesset* that they did not sell or give that person the property. Conversely, if they took possession of the property of another person, and that person says that he did not sell the property, that person must take a *sh'vu'at hesset* that he did not sell or give them the property.

11 What is meant by the exclusion of robbers? When a person is presumed to have stolen this field, or his ancestors were presumed to kill people in order to take their property, although he benefits from a field for several years, he does not establish a claim of ownership, and the field should be returned to its owners.

Chapter 14

1 If any of the individuals who are not able to establish a claim of ownership by benefiting from a property bring witnesses who testify that the owner sold them this particular field or gave it to them as a present, the testimony is accepted as substantial. There are two exceptions: a robber, and a husband with regard to his wife's property. With regard to which

property were the above statements made? With regard to *nichsei tzon barzel,* a field designated as payment for the money due her by virtue of her *ketubah,* a field belonging to her and mentioned in her *ketubah,* or a field that her husband had evaluated in her *ketubah* as a present for her. With regard to *nichsei milog,* by contrast, he may bring proof, as stated in *Hilchot Ishut.*

2 What is meant by saying that a robber cannot substantiate the sale of a property? Once it has been established that a person gained possession of a field through robbery, he cannot substantiate his possession of a field even though he brings proof that, in the presence of witnesses, the owner acknowledged the fact that he sold him this field and received payment for it. For the owner can say: "We never sold the field; we acknowledged [the sale only out of fear." In such an instance, we expropriate the field from the robber, and he is not given anything.

If witnesses testify that the robber counted out a specific sum of money to the owner, we expropriate the field from the robber and require the owner to return the money, as stated in *Hilchot Gezelah.*

3 The following rules apply when the son of a craftsman, the son of a sharecropper, or the son of a guardian benefits from a field for the number of years necessary to establish a claim of ownership. If these individuals claim that the owner sold the property to them, or gave it to them as a present, their claim is established. If, however, they claim that the property is an inheritance that they received from their father, who benefited from it for the number of years necessary to establish a claim of

ownership, their claim is not accepted.

If they bring witnesses who testify that the owner acknowledged to their father that he sold it or gave it to him, they are allowed to retain possession of the field.

4 Although the son of a robber brings proof that the owner acknowledged to their father that he sold a property to him, it is of no consequence, as explained above. When, however, a robber's grandson claims that he - or even his father - acquired a property, he can establish a claim of ownership. If, however, his claim is based on his grandfather's acquisition, he cannot establish a claim of ownership.

5 Even though a gentile benefited from a property for several years, he cannot establish a claim of ownership on this basis. If he does not bring a deed of sale, we require that the field be returned to its owner. An oath is not required, for a *sh'vu'at hesset* was ordained only when the plaintiff was Jewish.

When a Jew claims a property on the basis of the claim of a gentile, he is governed by the same laws as the gentile, and the fact that he benefited from the property is not significant.

6 If the Jew who acquired the property from the gentile claimed: "In my presence, the gentile who sold me the land acquired this land from the Jew who is disputing my claim," his claim is accepted, provided that he supports it with a *sh'vu 'at hesset.* The rationale is that since the claimant could have asserted: "I acquired it from you and I benefited from it for the

number of years necessary to establish a claim of ownership," we accept his word when he asserts: "I acquired it from so-and-so who, in my presence, acquired it from you."

7 A claim of ownership cannot be established with regard to property inherited by a minor, even when the minor later attains majority. What is implied? A person benefited from property inherited by a minor for one year in the minor's presence before the minor attained majority, and for two years after he attained majority. Although he claims: "You sold it to me" or "You gave it to me," his claim is not accepted unless he benefits from the property for three consecutive years after he attains majority.

8 The following rules apply when a person maintains possession of property belonging to a minor for many years and claims: "I am maintaining possession of it as security, and I am owed this-and-this on its account." Since if he had desired, he could have said: "I purchased it," his word is accepted, for it has not been established that the property belonged to this person's father. Hence, the person in possession may collect what he claims from the property' s increase in value. The property itself is then returned to the orphans.

If, however, the property is reputed to belong to the orphans, the claim of the person in possession is not accepted. The rationale is that a claim of ownership cannot be established over property belonging to a minor. Instead, the field and all the produce that the person used must be returned to the orphans. When they come of age, the plaintiff will lodge a claim against them. 6

9 Different rules apply if the person in possession benefited from the field for the time necessary to establish a claim of ownership during the lifetime of the orphans' father. Since he could have claimed that he is the owner because he purchased it from their father, we accept his word when he claims that a debt is owed him by their father. He collects the debt from the produce of the field. Since he could say that the produce belongs to him, he is not required to take an oath concerning it.

10 When a person has to flee because of a danger to his life - e.g., the king desired to kill him - a claim of ownership cannot be established with regard to his property. Even if the person in possession of it derived benefit for several years and claimed that he purchased it, the fact that he derived benefit is not significant. We do not tell the owner of the field: "Why didn't you protest?" For the answer is obvious; he was concerned over his life. If, however, a person flees because of financial matters, he is considered like any other person. Thus, if he does not protest, a claim of ownership can be established over his property.

11 A claim of ownership can be established over the property of a married woman.

What is implied? A person benefited from the land for a portion of the period necessary to establish a claim of ownership during the lifetime of the woman's husband, and for three years after the husband's death. If he claims: "You and your husband sold it to me," he is allowed to maintain possession. The rationale is that since the person in possession could say: "I purchased it from you after the death of your husband" - for he

benefited from it for the amount of time necessary to establish a claim of ownership after the death of her husband and she did not protest his word is accepted with regard to the claim mentioned above.

If, however, he benefited from the property for several years during the lifetime of her husband, but did not benefit from it for the amount of time necessary to establish a claim of ownership after the death of her husband, he does not establish a claim of ownership.

12 Possession of property for the time necessary to establish a claim of ownership is of no consequence unless it is accompanied by a claim of acquisition.

What is implied? A person benefited from the produce of a field for several years. Afterwards, the person raising the protest comes and claims: "How did you acquire this field? It's mine."

The person in possession responds: "I don't know who the owner is. Since no one said anything to me about it. I took possession of it."

This does not establish a claim of ownership. For he is not claiming that he acquired it, that it was given to him, or that he inherited it. Nevertheless, even though he does not issue such a demand, the field is not expropriated from him until the person protesting brings witnesses that the field belongs to him. When, however, he brings witnesses, the field and all the benefit that he received from it is expropriated from the squatter.

We do not open by asking the squatter: "Perhaps you had a deed of acquisition and you lost it." He must make such a claim on his own. If he does not make such a claim, he must return all the produce that he

reaped. Similarly, when a person benefits from a field for the number of years necessary to establish a claim of ownership on the basis of a deed of sale, and that deed of sale was disqualified, the claim of ownership established is nullified. The field and all of the produce reaped must be returned to the original owner.

13 When a person claims ownership of a field as an inheritance, he must bring proof that his father dwelled in or used this field for even one day. Once that is accomplished, since he benefited from the field for three years on the basis of his father's ownership, he is allowed to retain possession.

If, however, he did not bring proof that his father lived in it at all, the field and all of the produce reaped must be returned to the person lodging the protest, if he brings witnesses who testify that the field belongs to him. The rationale is that the person in possession does not claim that the owner sold or gave him the field, and it is not known that the field belonged to his ancestors.

If the person in possession brought proof that his father was seen in the field, it is of no consequence. Perhaps he went to inspect it and did not purchase it. Instead, he must bring proof that his father dwelled there for at least one day.

14 The following laws apply when a person benefited from a field for many years and the person raising the protest states: "What are you doing in this field?"

The person in possession acknowledges the truth of his statements, but

says: "I know that it once belonged to you, but so-and-so sold it to me, and he purchased it from you."

The person raising the protest states: "So-and-so, the person who sold you the field, is a robber."

Since the person in possession admitted that the field belonged to him and that he did not purchase it from him, the field and all of its produce must be returned to the person raising the protest. This applies even though that person does not bring witnesses that the field belongs to him. Similar laws apply in all analogous situations.

If the person in possession brings witnesses who testify that the person who sold the field to him lived in it for even one day or he told him, "He purchased it from you in my presence and afterwards he sold it to me," he is allowed to retain possession, for he has a definite claim and he has established a claim of ownership. If he desired, he could have claimed: "I purchased it from you." His claim would have been accepted, for he lived in it long enough to establish a claim of ownership.

Chapter 15

1 The following rules apply when a person raises a protest regarding the ownership of a particular field and brings witnesses who testify that it was known to belong to him. The person in possession produces a deed of sale that he purchased it from the protester and also brings witnesses who testify that he benefited from the land for enough time to establish a claim of ownership. We tell the person in possession at the outset: "Validate your deed of sale." If the deed of sale is validated, it is preferable, and the

judgment is based on the deed of sale. If he cannot validate the deed of sale, we rely on the witnesses who testify that he has established a claim of ownership. The person in possession must take a *sh'vu'at hesset* that he purchased it from the protester.

2 When there are differences between the testimony of the two witnesses who testify that a claim of ownership has been established - e.g., one testifies that the person in possession benefited from wheat for three years and the other testifies that he benefited from barley - their testimony is accepted. For witnesses are not concerned with these particulars. If one witness testifies that the person in possession benefited from the property in the first, third and fifth years, and the other testifies that he benefited in the second, fourth and sixth years, their testimonies cannot be linked together. The rationale is that neither testified concerning the year about which the other testified. Hence, the land and its produce must be returned.

3 If a person took possession of a field on the assumption that he is the heir and benefited from the field, and then it was discovered that there was another heir who shared a closer connection and is fit to inherit the field, the person who took possession of the field first is obligated to return all the produce that he ate. This applies whether witnesses testified to the closer relative's identity or the person who first took possession of the property acknowledged it.

4 The following laws apply when two people are disputing the ownership of

a field, each claiming it to be his own, but neither has proof of his claim. These same laws apply when both claimants bring witnesses who testify that the field belongs to them or to their parents, or when each of them brings witnesses who testify that the claimants benefited from the field for the time necessary to establish a claim of ownership, and both pairs of witnesses testify about exactly the same time period. We leave the field in their hands, and whoever overcomes the other one assumes possession. If the other seeks to expropriate the field from him, he must bring proof of his ownership.

If a third party comes, seizes the property from them and takes possession of it, he is removed from it and it is returned to the others.

5 If one claimant brings witnesses who testify that the field belonged to his ancestors, that he benefited from it for the period necessary to establish a claim of ownership, and that it is in his possession, and the other brings witnesses who testify that he benefited from it for the period necessary to establish a claim of ownership and that it is in his possession, the testimonies regarding the claims of ownership contradict each other. We grant the field to the person who produced witnesses that it belonged to his ancestors, and give him possession of it.

If the second person also brought witnesses who testify that the field belonged to his ancestors, and so this testimony also involves a contradiction, the court rescinds its initial ruling, removes the first claimant from it, and leaves it in possession of both of them. The one who overpowers the other acquires the right of ownership.

6 When both claimants say that the field belonged to their ancestors, and one brings witnesses who testify that the field belonged to his ancestors, while the other brings witnesses who testify only that he benefited from the field for the period necessary to establish a claim of ownership, the field should be returned to the one who brought witnesses that it belonged to his ancestors. The other claimant must return the produce that he used. The rationale is that he did not issue a claim. Hence, his consumption of the produce does not serve as proof. For any claim of ownership that is not based on a assertion against the owners is of no consequence.

If the person in possession of the field retorts: "Yes. It belonged to your ancestors and you sold it to me. When I originally claimed that it belonged to my ancestors, I meant that my claim of ownership over it is so strong that it is as if it belonged to my ancestors," or he states: "It was my ancestors, because they purchased it from your ancestors, his claim is valid, for he gave an explanation for his original statements. Hence, we allow him to maintain possession.

If at the outset, he claimed: "It belonged to my ancestors and not your ancestors," we do not accept his later claim. Similar laws apply in all analogous situations.

7 The following rules apply when Reuven was in possession of a field and Shimon came and protested his ownership. Reuven responded: "I purchased this field from Levi and benefited from it for the amount of time necessary to establish a claim of ownership."

Shimon answered him: "I have a validated deed of sale in my possession

that I purchased the field from Levi four years ago."

Reuven retorted: "Do you think that it is only three years since I purchased. I purchased it many years ago? My claim precedes yours."

Reuven's claim is acceptable, for it is common for a person to call many years "the amount of time necessary to establish a claim of ownership." Therefore, if Reuven brings witnesses who testify that he benefited from the field for seven years - and he thus would have established a claim of ownership before Shimon purchased the field - he is allowed to retain possession. If, however, he benefited from it for less than seven years, the field is returned to Shimon. The rationale is that Levi could not have issued a greater protest over Reuven's use of the field than selling it to Shimon before Reuven established a claim of ownership.

8 The following rules apply when one claimant stated: "The field belonged to my ancestors" and brought witnesses who substantiate his claim and another claims: "It belonged to my ancestors," but does not have witnesses. The field should be returned to the one who brought witnesses. All the produce that the other claimant acknowledges consuming is expropriated from him, even though there are no witnesses that he consumed it. The rationale is that he admits that he consumed produce because the field belonged to his ancestors, and there are witnesses that the field belonged to the ancestors of the other claimant. Similar laws apply in all analogous situations.

9 We apply the principle of *miggo* in the following situation: One person is in possession of a field. Another raises a protest, bringing witnesses who

testify that the field once belonged to him. The person in possession states: "I purchased it from you. Here is the deed of sale," and produces a deed that is validated.

The person raising the protest claims that the deed is a forgery. The one in possession admits this, but claims: "I had a valid deed of sale, but I lost it. I took this so that I would have something in hand to intimidate him, so that he would admit that he actually sold it to me."

Since he could have stood by his deed of sale, for it has been validated, his word is accepted. We do not expropriate the field from his possession. He must, however, take a *sh'vu'at hesset* to support his claim.

10 The following rules apply when a person protests a colleague's ownership of a field and brings witnesses who testify that the field belongs to him. The person in possession claims: "I purchased the field from you and benefited from it for the time necessary to establish a claim of ownership" and brings witnesses who support his claim.

The protester responded, claiming: "How could you claim that you purchased it from me on this date three years ago? At that time, I was not in this country."

To resolve the question, the court requires the person in possession to bring proof that the person raising the protest was together with him in that city at the time he claims that he sold him the field, even for one day, so that he could have sold it. If he did not bring proof, he is removed from the field.

11 The following rules apply when a person journeyed overseas, and the path

to his field was lost. These laws apply whether the fields surrounding his field were owned by four different people or they were all purchased from one person. Each of the owners may turn away the claimant, telling him: "What makes you say that your way passes through my property? Maybe it passes through the property of my colleagues?" Hence, the claimant must purchase a path, even though it costs 100 *maneh,* or he must fly through the air.

Similarly, when the four fields belong to one person who purchased them from four people, he is not required to provide the claimant with a path. For he can tell him: "If I now returned each one his deed of sale, you would not be able to pass through the property of any one of them. And I purchased from each one every right that he possessed."

If, however, there was one person who owned all four fields, and he was this person's neighbor from the beginning until the end, the claimant can tell him: "You certainly must provide me with a path." Hence, he should be given the shortest path through any one of the fields that the owner chooses. Similar laws apply in all analogous situations.

If the claimant takes possession of a path saying: "This is my path," he may not be removed from it unless the owner of that property brings explicit proof that it never belonged to him.

Chapter 16

1 A person's protests are not accepted in the following situation. Reuven sold a field to Shimon, and Levi was one of the witnesses who signed the deed of sale. Afterwards, Levi came and protested Shimon's ownership of

the field, claiming that Reuven stole it from him. We do not heed Levi's protest, nor do we pay attention to the proofs he brings concerning his ownership of that field. He has forfeited all of his rights to it. For we tell him: "How could you serve as a witness to the sale and then come and protest?"

Similar concepts apply if Levi gives testimony in a legal document that speaks of "the field belonging to Reuven on the east" or "... on the north." Since he referred to that field as an identification marker for the sake of another person and recorded this testimony in a legal document, he forfeited his right to it and cannot issue a protest concerning it. For we tell him: "How could you serve as a witness in this legal document that mentions this field being near another field and then issue a protest concerning it?"

2 If, in the above situation, the witness claimed: "There is one row? that I designated as a sign, but not the entire field. That row that is next to the boundary of the field alone belongs to Reuven," this is a claim that is worthy of being heard. He may protest the ownership of the entire field, with the exception of that row.

All of the above concepts apply only with regard to one of the witnesses to the legal document who comes to protest. When, by contrast, a judge verified the authenticity of the signatures of the witnesses to a bill of sale, he may protest the ownership of a field even though it was mentioned in that bill of sale. The rationale is that he can claim: "I did not know what was written in the bill of sale." For a judge may verify the authenticity of the signatures of the witnesses to a legal document even though he did not

read it. Witnesses, by contrast, may not sign a legal document unless they read it in its entirety and paid attention to its details.

3 The following rules apply when Shimon comes and consults Levi, telling him: "I am buying this-and-this field from Reuven. I will buy it with your advice." Even though Levi tells him: "Go and buy it. It is good," Levi has the right to protest Shimon's ownership. He does not forfeit this right, because he did not perform a deed. He can tell Shimon: "I desired that the field leave the hands of Reuven, for he is a man of force, so that I could lodge a claim in court and take possession of my field."

4 The following rules apply when Reuven protests Shimon's ownership of a field, and Shimon tells him: "I don't know what you are talking about. I purchased this field from Levi. Here are witnesses who will testify that I benefited from it for the amount of time necessary to establish a claim of ownership."

Reuven responds to him: "I have witnesses who will testify that yesterday evening, you came to me and asked me to sell you this field." This is not proof of Reuven's ownership. For Shimon could say: "I desired to purchase it from you so that you would not protest and trouble me to enter legal proceedings, even though I do not know whether or not it is really yours." Similar laws apply in all analogous situations.

If Shimon does not make such a claim, the court does not advance it on his behalf, n

5 The following rules apply when Reuven protests and brings witnesses who

testify that the field belongs to him, and Shimon who is in possession of it claims: "You sold it to me and I benefited from it for the amount of time necessary to establish a claim of ownership." Reuven responds: "You benefited from the field as a robber."

Whether there were no witnesses that he benefited from the field or whether there was only one witness who testified that he benefited for three years, the person in possession is not required to return the produce that he consumed. The rationale is that he is claiming: "I consumed my own produce," and there are no witnesses who are obligating him for the produce. On the contrary, he acknowledged it himself. And the witness who testified that he benefited from the property for three years is coming to reinforce the power of the person who benefited. Indeed, if there were another witness with him, the person in possession would be allowed to retain possession of the field.

Therefore, Reuven must take a *sh'vu'at hesset* that he did not sell the field, and then the field is returned to him. Shimon must take a *sh'vu'at hesset* that he does not owe Reuven anything because of the produce he consumed. He is then released of liability.

6 When there are two witnesses who testify that Shimon benefited from a field for less than the amount of time necessary to establish a claim of ownership, he must return all the produce he consumed. Even if there is only one witness, he is liable to return all the produce because of his testimony. The rationale is that he is not contradicting the testimony of the witness. Instead, he is saying: "He testified truthfully. I did consume the produce for two years, but I consumed what was mine." He is thus

obligated to take an oath, but unable to do so. Hence, he must pay.

7 The following principle applies whenever a person is obligated to return the produce he consumed, the extent of the benefit is unknown, and the court is unable to estimate - i.e., in contrast to houses and the like, which have a standard rate - the benefit he received from the produce of trees or the produce of the fields. Since the owner does not have a definite claim, he is required to pay only what he admits to have consumed. We issue a conditional ban of ostracism against anyone who consumed more produce and did not make restitution.

8 The following laws apply whenever a person in possession of property is required to return it. If he rented the property to others while he was in possession of it, and the renters are accessible, we expropriate the rent from them a second time and give it to the owner of the land. They in turn should lodge a claim against a person who rented them land that he did not own.

9 It is forbidden for a person to lodge a false claim to distort a judgment or prevent its execution. What is implied? If a person was owed a *maneh* by a colleague, he may not lodge a claim against him for 200 *zuz,* so that he will admit owing the *maneh* and be obligated to take an oath.

If a person owes a colleague a *maneh,* and the colleague claims 200 from him, he should not say: "I will deny the entire amount in court so that I will not be required to take an oath and acknowledge the debt of the *maneh* in private."

10 When a person owes money to three people, and he denies owing a debt to one of them the three should not collaborate and perpetrate the following scheme. One person will claim the entire sum, and the others will falsely testify to his claim. When the money is expropriated from him, they will then divide it. With regard to things of this nature and the like, the Torah **Exodus 23:7** warned us: "Keep a distance from words of falsehood."

This concludes the Laws Governing Disputes between Plaintiffs and Defendants, with God's help.

Mishneh Torah, Inheritances

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 This is the order of inheritance: When a person dies, his children inherit his estate. They receive priority over everyone else, and the sons receive priority over the daughters.

2 In every situation, a female does not inherit together with a male.
If a person does not have children, his father inherits his estate. A mother does not inherit her son's estate. This has been conveyed by the Oral Tradition.

3 With regard to every concept of precedence for an inheritance, a person's blood descendants receive precedence. Therefore, when a person - either a man or a woman - dies and he leaves a son, he inherits everything. If the son is no longer alive, we look to see if the son left descendants. If there are descendants of the son, whether male or female - even the daughter of the daughter of the son's daughter, and this chain can be continued endlessly -that descendant inherits everything.
If the son does not have descendants, we return to the deceased's daughter. If there are descendants of the daughter, whether male or female - and this chain can be continued endlessly - that descendant inherits everything.
If the son does not have descendants, the estate returns to the deceased's father. If the father is no longer alive, -we look to see if the father left

descendants - i.e., the brothers of the deceased. If there is a brother of the deceased or the descendant of a brother, he inherits everything. If there are no brothers, we return and look to see if the deceased had a sister. If there is a sister or the descendant of a sister, that person inherits everything.

If there are no descendants of the deceased's brothers or sisters, since there are no descendants of the deceased's father, the estate returns to the deceased's paternal grandfather. If the paternal grandfather is no longer alive, we look to see if the paternal grandfather left descendants - i.e., the uncles or aunts of the deceased. The males receive precedence over the females, and even the descendants of the males receive precedence over the females, as is the law with regard to the descendants of the deceased himself.

If there are no uncles or none of their descendants, the estate returns to the deceased's paternal great-grandfather. Following this pattern, the chain of inheritance continues to extend until Reuven the son of Jacob. Thus the order of inheritance is as follows: A son takes precedence over a daughter. Similarly, all of the son's descendants take precedence over the daughter. The daughter takes precedence over her paternal grandfather, and similarly, all her descendants take precedence over her paternal grandfather.

The deceased's father takes precedence over the deceased's brothers, because they are the father's descendants. The deceased's brothers take precedence over his sisters. Similarly, all their descendants take precedence over the sister.

The deceased's sister takes precedence over her paternal grandfather, and similarly, all her descendants take precedence over her paternal

grandfather.

The deceased's paternal grandfather takes precedence over the deceased's uncles. The uncles take precedence over the aunts. Indeed, all the uncles' descendants take precedence over the aunts. The aunts take precedence over the deceased's paternal great-grandfather. Indeed, all the aunts' descendants take precedence over the deceased's paternal great-grandfather. This pattern should be continued until the beginning of all generations. Thus, there is no Jew who does not have heirs.

4 When a person dies and leaves a daughter and the daughter of a son - or even the daughter of the son's daughter and this chain can continue for several generations - the son's daughter takes precedence. She inherits everything; the deceased's daughter does not receive anything.

Similar laws applies when a person is survived by his brother's daughter and his sister, by his uncle's daughter and his aunt, or in all other analogous situations.

5 A woman is, however, given full rights in the following situation. A person had two sons who died in his lifetime. One of the sons left three sons and the other left a daughter. Afterwards, the elder man died. The three grandsons inherit half of the inheritance and the granddaughter inherits the other half. For each inherits their father's portion. Similar laws apply with regard to the division of an estate among the children of the deceased's brothers, the children of his uncles, or the children of other relatives extending back until the beginning of all generations.

6 With regard to the concept of inheritance, the family of a person's mother is not considered family. Inheritance is relevant only with regard to one's father's family. Therefore, maternal brothers do not inherit each other's estates, while paternal brothers do. This applies to brothers who share only a father or who share both a father and a mother.

7 All relatives who were conceived through forbidden relations have equal inheritance rights to those who are conceived through permitted relations. What is implied? When a person has a son or a brother who is a *mamzer,* he is treated like any of the other sons or any of the other brothers when it comes to the concept of inheritance. A person's son who is born by a maid-servant or a gentile woman is not considered his son at all, and has no right of inheritance whatsoever.

8 A woman does not inherit her husband's estate at all.

A husband inherits all his wife's property, according to the words of our Sages. He takes precedence over all others with regard to inheriting her estate. This applies even if she is forbidden to him - e.g., a widow who was married to a High Priest, or a divorcee or a woman who had performed *chalitzah* who was married to an ordinary priest. Similarly, this applies even if the woman was below majority. Even though a husband is a deaf-mute, he inherits his wife's estate.

9 We have already explained in *Hilchot Ishut* that a husband does not inherit his wife's estate until she enters his domain, and that a man who is mentally aware does not inherit the estate of a woman whom he married

as a deaf mute. This applies even if she later becomes fully mentally aware. There we also explained that a husband inherits the property that enters his wife's domain and which she took possession of during her lifetime. This applies to the property she brought to his household as a dowry, and property that she did not bring to his household. When a husband attempted to divorce his wife, although there is a question about the validity of the divorce, her husband does not inherit her estate after her death.

10 When a man marries a young girl who does not need the right of to nullify a marriage, he does not inherit her estate, because there is no marriage. Similarly, when a man who was mentally or emotionally unstable married a mentally aware woman, or a mentally aware man married a woman who was mentally or emotionally unstable, the husband does not inherit his wife's estate, for our Sages did not ordain marriage for such individuals.

11 When a man's wife died, and afterwards her father, her brother, or any of the other individuals whose estate she may inherit dies, her husband does not inherit their estate. Instead, the estate should be inherited by her descendants, if she has descendants. If not, the right of inheritance should return to the family of her father's home. The rationale is that the husband does not inherit property that is fit to become hers afterwards, only property that she already inherited before she died.

12 Similarly, a husband does not inherit his wife's estate while he is in the

grave as is the ordinary pattern of inheritance for members of his father's family.

What is implied? A man died, and afterwards his wife died. We do not say: Since the husband receives precedence over all others with regard to the inheritance, the husband's heirs should receive precedence over the woman's other heirs. Instead, the woman's heirs from her father's family inherit her estate if she dies after her husband.

13 Similarly, a son does not inherit his mother's estate while he is in the grave, so that the estate will be inherited by his paternal brothers.

What is implied? A person died, and afterwards his mother died. We do not say that if the son were alive, he would take precedence in the inheritance of her estate, and hence, the heirs of the son take precedence over the heirs of this woman. According to the latter conception, the son's paternal brothers would inherit the estate of his mother after her death. This view is not accepted. Instead, if the son has children, they should inherit his mother's estate. If he does not have children, the estate should return to her father's family.

If, however, the mother died first and then the son died, even if he was a newborn baby who was born prematurely, since he survived his mother and then died, he inherits his mother's estate and then transfers the rights to that estate to the family of his father.

Chapter 2

1 A firstborn receives a double portion of his father's estate, as **Deuteronomy**

21:17 states: "To give him twice the portion."

What is implied? If a father left five sons, one the firstborn, the firstborn receives a third of the estate and each of the other four receives a sixth. If he left nine sons, the firstborn receives a fifth and each of the other eight receive a tenth. We follow this pattern in dividing the estate in all instances.

2 When a firstborn is born after his father's death, he does not receive a double portion. This is derived from *ibid.:* 16-17: "On the day when he transfers his inheritance to his sons... he shall recognize the firstborn, the son of the hated one." If his forehead emerged during the lifetime of his father, even though his entire head did not emerge until after his father's death, he receives a double portion.

3 When a firstborn was born with his genitals covered by flesh and afterwards, an operation was performed and it was discovered that he was male, he does not receive a double portion. Conversely, when an ordinary son was born with a similar condition and after the operation was performed, it was discovered that he was male, he does not reduce the firstborn's share. These concepts are derived from *ibid.:15* "And she will bear him sons." Implied is that the sons must be sons from the moment of birth.

4 What is meant by saying that such a son does not reduce the firstborn's share? A person had a firstborn, two ordinary sons, and this son whose genitals were covered by flesh and afterwards were revealed through an

operation. The firstborn receives one fourth of the estate as his extra share as the firstborn, as if there were only two other sons. The remaining three fourths of the estate are divided equally among the two ordinary sons, the son who underwent the operation, and the firstborn.

5 A child who lived for only one day reduces the portion of the firstborn, but a fetus does not. Similarly, a son born after his father's death, does not reduce the portion of the firstborn.

6 When there is a question if a son is a firstborn or an ordinary son - e.g., the firstborn became mixed together with another - he does not receive a double portion.
What is done? If at first, the babies were distinct and then they became mixed together," they may compose a document granting power of attorney to each other, and on that basis take the portion of the firstborn with their brothers. If the identity of the firstborn was never known - e.g., the two wives gave birth in one hiding place, - they should not compose a document granting power of attorney to each other, for there is no extra portion for the firstborn.

7 The following laws apply when a person had two sons - a firstborn and an ordinary son - and they both died in his lifetime, after fathering children. The firstborn left a daughter and the ordinary son left a son. The son of the ordinary son inherits one third of the estate of his grandfather - i.e., his father's portion. And the daughter of the firstborn inherits two thirds of that estate, her father's portion.

The same laws apply with regard to the sons of the deceased's brothers, or the sons of his uncles, or any other set of heirs. If the father of any of the heirs was a firstborn, the person who inherits his share of the estate also receives the firstborn's share.

8 A firstborn does not receive a double portion of his mother's estate. What is implied? When a firstborn and an ordinary son inherit their mother's estate, they divide it equally. This applies with regard to a son who was the firstborn with regard to the laws of inheritance, and to one who "open his mother's womb."

9 The firstborn with regard to the laws of inheritance is the first child born to the father, as *ibid.:17* states: "Because he is the first manifestation of his strength." We do not pay attention to the child's status vis-a-vis his mother. o Even if she gave birth to several sons previously, since this was the first son born to the father, he receives a double portion of the inheritance.

10 A son who is born after stillborn babies, even if the stillborn baby was alive when its head emerged from the womb, is considered the firstborn with regard to the laws of inheritance. Similarly, when a fetus was born after a full-term pregnancy, but was not alive when its head emerged, the son who follows is considered the firstborn with regard to the laws of inheritance.

The term "the first of his strength," **Deuteronomy 21:17**, used with regard to the firstborn implies that no child before him emerged alive into the

world. Hence, when a fetus was alive after its head emerged after a full-term pregnancy, a son born afterwards in not a firstborn even the first baby died immediately thereafter.

11 Neither a son born by Cesarean section, nor the son born after him, is considered "the firstborn." The first son was never "born," and *ibid.*: 15 states "and she bore sons to him." And the second son is not given this privilege, for he was preceded by another.

12 When a person had sons as a gentile and then converted, he does not have a firstborn with regard to the rights of inheritance. If, however, a Jewish man fathered sons from a maid-servant or from a gentile woman, since they are not considered his sons, a son he fathers afterwards from a Jewish woman is considered his firstborn with regard to the laws of inheritance, and he receives a double portion of his father's estate.

13 Even if the firstborn is a *mamzer,* he receives a double portion. This is reflected by **Deuteronomy 21:16**: "But rather he will recognize the firstborn, the son of the hated one." This refers to a woman whose marriage is "hated." Needless to say, this applies if the firstborn is the son of a divorcee or a woman who performed *chalitzah.*

14 There are three individuals whose word is accepted with regard to the designation of a firstborn: the midwife, the mother and the father.
The midwife's word is accepted only at the moment of birth. For example, a woman gave birth to twins; if the midwife said: "This one emerged first," her word is accepted.

His mother's word is accepted for the first seven days after birth, when she says: "This one is the firstborn."
His father's word is always accepted. Even if the father said that a person who was not known to be his son was his firstborn son, his word is accepted. Similarly, his word is accepted if he says that the person whom we consider to be his firstborn is not his firstborn.

15 When a father loses his ability to speak, we check the soundness of his intellect in the same way as is done with regard to a bill of divorce. If through his motions he indicates - or he writes - that this is his firstborn son, that son receives a double portion.

16 If witnesses testify that they heard a father make certain statements that clearly indicate that a child is his firstborn son, the son receives a double portion even though the father did not explicitly say: "This is my firstborn son."

17 If the father was heard saying: "This son of mine is a firstborn," the son does not necessarily receive a double portion of the estate because of this testimony. Perhaps the son was the mother's firstborn, and this was his father's intent. For the son to receive a double portion, the father must call him: "My son, my firstborn."

Chapter 3

1 A firstborn does not receive a double portion of property that will later accrue to his father's estate, only of that property that was in his father's

possession and had already entered his domain at the time of his death. This is derived from **Deuteronomy 21:17** which states: "of everything that he possesses."

What is implied? If one of the people whose estate the father would inherit dies after he did, the firstborn and an ordinary son receive equal shares. Similarly, if the father was owed a debt or he owned a ship at sea, all sons share the inheritance equally.

2 If the father left his sons a cow that was rented out, hired out, or that was pasturing in open territory and it gave birth, the firstborn receives a double share of it and its offspring.

3 If one of the colleagues of a person's father slaughtered an animal and then the father died, the son is entitled to a double portion of the presents from that animal.

4 A firstborn does not receive a double portion of an increase to the value of the estate that accrued after his father's death. Instead, he should have the value of that increase assessed, and he should give the financial equivalent of the difference to the ordinary sons.

The above applies provided the property undergoes a change, e.g., budding grain became ears, or budding dates became dates. If, however, the value of the land improved as a matter of course, without undergoing a change - e.g., a small tree grew taller and thicker, or sediment was washed up onto land, the firstborn receives a double portion of the increase in value. If the property increased in value because of investment,

he does not receive a double portion.

5 A firstborn does not receive a double share of a debt owed to his father. This applies even though the debt was supported by a promissory note and land was expropriated to pay the debt.

If the father was owed a debt by the firstborn, there is an unresolved doubt concerning the matter. It might be said that he should receive a double portion, because the money was in his possession. It could, however, be argued that he should not receive the extra amount, since he is inheriting it because of his father, and it did not enter his father's possession before his death. Therefore, he should take half of the firstborn's portion from it.

6 When a firstborn sells his extra share of the inheritance before the estate is divided, the sale is binding. For the firstborn's extra share is distinct, even before the estate is divided. Therefore, if initially, the firstborn divides a portion of the estate, either landed property or movable property, and accepts the same portion as an ordinary son, he is considered to have waived his right to an extra portion with regard to the entire estate. He receives only an ordinary son's share of the remainder.

When does the above apply? When he did not protest. If, however, he protested against his brothers and said in the presence of two witnesses: "Although I am dividing these grapes equally with my brothers, I have not waived my right to the firstborn's share," his protest is significant and he is not considered to have waived his right to the other property.

Even if he protested with regard to the division of grapes while they were

still attached to the earth, and yet agreed to divide them equally after the harvest, he is not considered to have waived his right to the other property. If, however, the grapes were pressed, and he divided the wine equally with them and did not issue a protest when the wine was made, he is considered to have waived his right to the other property. To what can the matter be compared? To a person who issued a protest when grapes were divided but then divided olives equally, in which instance he is considered to have waived his rights to an extra portion of the entire estate.

7 The brother who performs the rite of *yibbum,* marrying his brother's childless widow, inherits all of the property in his estate at the time of his brother's death. With regard to any property that is fit to enter the deceased's estate afterwards, he receives the same share as the others. This concept is derived from the fact that the verse refers to him as a "firstborn," as **Deuteronomy 25:6** states: "And the firstborn that she will bear will take the place of the brother who died, and thus his name will not be wiped out among Israel."

Just as the brother who performs the rite of *yibbum* does not acquire property that is fit to be acquired by the estate, in contrast to property that is within the estate; so, too, he does not acquire the increase in the estate's value.

To what does the latter phrase refer? To the increase in his deceased brother's share in his father's estate, which increased in value in the time between his father's death and the division of that estate among his brothers. Even if the property increased in value after he married his

brother's widow, but before it was divided, he receives the same share of the increase as the other brothers. This applies despite the fact that he receives two shares of this property, his own share and the share of his brother whose widow he married. For the father died while they were all alive.

8 We already explained in *Hilchot Shechenim* that the firstborn is given his two portions of a field together. This does not apply with regard to a person who marries his brother's childless widow. He receives his portion and his brother's portion by lot. If it happens that he is allotted portions in two different places, these are the portions he receives.

9 The following laws apply when a childless widow who was waiting to be married by her deceased husband's brother dies. They apply even when one of the brothers designated her for marriage. Her family from her father's household inherit her *nichsei m'log* and half of her *nichsei tzon barzel,* and her husband's heirs inherit the money due her by virtue of her *ketubah* and the other half of her *nichsei tzon barzel.*

Since they inherit the money due her by virtue of her *ketubah,* her husband's heirs are obligated to bury her, as we have explained in the appropriate place.

Chapter 4

1 When a person says: "This is my son," "This is my brother," "This is my uncle," or identifies a person as any of his other heirs, his word is accepted

and that person inherits his estate. This applies even when he makes this acknowledgment concerning people who are not recognized to be his relatives. And it applies whether he made such a statement when he was healthy or when he is on his deathbed. Even if he lost his power of speech and identified a person as his heir in writing, his word is accepted, provided we test his powers of understanding as we test a man with regard to divorce.

2 When one person is recognized to be another person's brother or cousin, and the latter says: "He is not my brother," or "He is not my cousin," his word is not accepted. His word is accepted, however, with regard to a person who is recognized to be his son. If he says he is not his son, he does not inherit his estate.

It appears to me that even if the son already fathered children - although at that point, the father's word is no longer acceptable with regard to the determination of his lineage, and we do not consider him a *mamzer* because of his father's statement - his father's word is, nevertheless, accepted with regard to the concept of inheritance. He should not inherit his father's estate.

3 When a person states: "This is my son," and afterwards, says: "He is my servant," his latter statement is not accepted.

If he states: "He is my servant," and afterwards, says: "He is my son," his latter statement is accepted. This applies even though the "son" serves him like a servant. We interpret his statement that he is his servant to mean that he relies on him like a servant. Nevertheless, if people would call this

individual "A slave worth 100 zuz" or the like - i.e., expressions that are appropriate only for servants - the deceased's retraction is not accepted.

4 If a person had to pass through customs and identified an individual as his son, but afterwards identified him as a servant, his later statement is accepted. We assume that he identified him as his son only to avoid paying customs duty. If, however, in customs, he identified a person as his servant, and afterwards identified him as his son, his word is not accepted.

5 A person should not call a servant Papa Joe or a maidservant Mama Sarah lest this lead to an undesirable outcome and a blemish be placed on his lineage. Therefore, if there were servants or maidservants who were very distinguished personages, their reputations are well known, and everyone in the community recognizes them and the children and servants of their master - e.g., the servants of the *nasi* - it is permitted for the children of that household to refer to the servants in the above manner.

6 The following rules apply when a person had a maidservant and fathered a son with her, and he would treat the son as one treats a son or said: "He is my son and his mother was freed." If the person involved is a Torah scholar or an honorable person whose conduct has been scrutinized and he is found to be precise in the observance of the details of the mitzvot, the "son" may share in the inheritance of his estate. Nevertheless, this "son" may not marry a Jewish woman until he brings proof that his mother was freed before she gave birth. The rationale for this stringency is that it has been established for us that the woman is a maidservant. If the

person is one of the ordinary people - and needless to say, if he is one of those who act loosely in this manner - the "son" is presumed to be a servant with regard to all matters. His paternal brothers may sell him. If his father does not have any children other than him, the father's wife must undergo the rite of *yibbum.*

This is the law as it appears to me, for it follows the fundamental principles of the received tradition. There are, however, authorities who do not make a distinction between honorable people and people at large, except with regard to the ruling that his brothers may not sell him. ' And there are others who rule that this "son" may even inherit his father's estate, so that a distinction is not made with regard to Jews. It is not appropriate to rely on this ruling.

7 All the heirs may inherit on the basis of the prevailing presumption that they are the deceased relatives. What is implied? When witnesses testify that the prevailing presumption is that a person is an individual's son or his brother, the former may inherit the latter's estate on the basis of this testimony, even though the witnesses do not testify concerning the person's lineage, nor do they possess indubitable knowledge concerning his lineage.

8 A person's statements regarding his relatives affect his share of an inheritance, but not that of his brothers. To illustrate by example: Jacob died and left two sons: Reuven and Shimon. The prevailing presumption was that he did not have any sons other than these two.

Reuven took Levi from among people at large and said: "He is also our

brother." Shimon replied: "I don't know." Shimon is granted half the estate. Reuven is given a third, for he acknowledged that they are three brothers, and Levi is given a sixth.

If Levi dies, that sixth is returned to Reuven. If other property had been acquired by Levi, it should be divided between Reuven and Shimon, for Reuven acknowledges Shimon's claim to a portion of the estate, because Levi is their brother.

Different rules apply if the sixth that Levi was given increased in value on its own accord and then Levi died. If the increase were crops that were almost ready to be reaped - e.g., grapes that are ready to be harvested - they are considered to be property acquired from others and should be divided among the two brothers. If they are not ready to be reaped, they belong to Reuven alone.

If Shimon said explicitly: "Levi is not my brother," and Levi received part of Reuven's share, as explained above, and then died, Shimon should not inherit any part of his estate. Instead, Reuven should inherit both the sixth from his share and any other property that Levi left. These principles apply with regard to any other heirs when a portion of them acknowledge the existence of other heirs that the remaining portion do not acknowledge.

Chapter 5

1 The following principles apply with regard to questions concerning the right of inheritance: Whenever there are two prospective heirs, one who is definitely an heir and one whose right to inherit is a matter of question,

the person whose right is in doubt does not receive anything. If there are two claimants whose rights are a matter of question, perhaps this one is an heir or perhaps the other is an heir, they divide the estate equally.

Accordingly, if a person died and left a son and a *tumtuni* or an *androgynous?* the son inherits the entire estate. For the status of the *tumtum* or the *androgynous* is a matter of question. If he left daughters and a *tumtum* or an *androgynous,* they share equally in the inheritance. The *tumtum* or *androgynous* is considered as one of the daughters.

2 In *Hilchot Ishut,* we explained the laws pertaining to the portions of an estate given to daughters from the sons' share to provide for the daughters' sustenance? and for their livelihood. There' we explained that the sustenance of the daughters is one of the provisions of the *ketubah.*

When the estate is ample," the daughters receive only their sustenance. The sons inherit everything, and they should give dowries to the daughters of a tenth of the estate each so that men will desire to marry them as husbands. When the estate is limited, the sons do not receive anything. Instead, everything is set aside for the daughters' sustenance.

Accordingly, the following rules apply when a person died and left sons, daughters and a *tumtum* or an *androgynous.* If the estate is ample, the sons inherit the estate and compel the *tumtum* to be treated as one of the daughters. He is given only his sustenance as they are. If the estate is limited, the daughters compel the *tumtum* to be treated as one of the sons. They tell him: "You are a male and hence you are not entitled to receive your sustenance as we are."

3 The following rules apply when a woman did not wait three months after parting from her husband, but instead, married within that time and gave birth to a son. We do not know if the son was born after nine months and is her first husband's child or was born after seven months and was her second husband's son.

This son does not inherit the estate of either father, because his claim is doubtful. If this son dies, both of them inherit his estate, sharing it equally, because both of their claims are doubtful. Maybe this one is his father? Or maybe the other one?

4 The following laws apply when a childless widow did not wait three months after her first husband's death, married her husband's brother and bore a son. We do not know if the son was born after nine months and is her first husband's child, or was born after seven months and was her second husband's son.

With regard to the inheritance of the estate of the woman's first husband, the son whose parentage is doubtful says: "Perhaps I am the son of the deceased, in which instance I would inherit my father's entire estate. You would not be fit to marry my mother, for she would not be required to perform the rite of *yibbumP*

The brother who married her says: "Perhaps you are my son and thus your mother was required to perform the rite of *yibbwn.* You have no right to my brother's estate."

Since not only the status of the "son," but also that of the brother who married the widow is doubtful, they share the estate equally. The same laws apply when this "son" whose status is doubtful and the other sons of

the brother who married the widow come to divide the estate of the brother whose widow was married. They divide the estate equally. The "son" whose status is doubtful receives half, and the other sons of the brother who married the widow receive half.

If the brother who married the widow died after dividing the estate of his deceased brother with the son whose status is doubtful, the sons of that brother who are fit to inherit his estate are granted it. The son whose status is doubtful may feel entitled to claim: "If I am your brother, give me a share in this estate. And if I am not your brother, return to me the half of my father's estate that your father took." This claim is not accepted. Instead, the son whose status is doubtful is not given any share in the estate of the brother who married the widow; he does not expropriate property from them.

5 The following rules apply when the son whose status is doubtful and the brother who married the widow come to divide the estate of the father of the family. The brother who married the widow is definitely an heir. In this instance as well, there is a question concerning the rights of the son whose status is doubtful. If he is the son of the deceased brother, he receives half; if he is the son of the brother who married the widow, he does not receive anything. Therefore, the estate should be given to the brother and the son whose status is doubtful should be overlooked.

The following principles apply with regard to the inheritance of the grandfather's estate if the brother who married the widow left two sons whose lineage is definite and died. The son whose status is doubtful claims: "I am the son of the deceased brother. Hence, I should receive half

and you two should receive half."

The two sons say: "You are our brother and the son of the brother who married the widow. Hence, you deserve only one third of the estate of our grandfather." ?

The two sons receive the half that the son whose status is doubtful acknowledges as belonging to them. The third that they acknowledge as belonging to him is given to him, and the remaining sixth is divided equally: he receives half of it and they receive half of it. ?

If the son whose status is doubtful dies, the brother who married the widow may claim: "Perhaps he is my son and I have the right to inherit his estate." His father may say: "Perhaps he is the son of my deceased son and I have the right to inherit his estate." In such a situation, they should divide the estate equally.

(If the son who married the widow died, the son whose status is doubtful may claim: "He is my father and I have the right to inherit his estate." His father may say: "Perhaps you are the son of my other son and this is your father's brother. Thus, I have the right to inherit his estate." In such a situation, they should divide the estate equally.)

6 The following rules apply when a house fell on a person and his wife and they both died. It is not known if the woman died first, in which instance the heirs of her husband inherit her entire estate, or the husband died first, and the woman's heirs inherit her estate.

How is the issue resolved? We consider the *nichsei m'log* to be in the possession of the woman's heirs. The money due her by virtue of her *ketubah* - both the essential obligation and the additional amount - are

considered to be in the possession of her husband's heirs. Her *nichsei tzon barzel* are divided, half are given to the woman's heirs and half to the husband's heirs.

If a house fell on a person and his mother, the estate of the mother may be retained by her heirs from her father's household, for they are definitely heirs. The status of the heirs of the son, by contrast, is doubtful. For if the son died first, his paternal brothers do not have a share in the inheritance of his mother, as we have explained.

7 The following rules apply if a house fell on a person and his daughter's son. If the father died first, his daughter's son would inherit his estate, and thus the estate would be given to the son's heirs. If his daughter's son died first, the son does not inherit his mother's estate after his death as we have explained. Thus, the estate would be given to the father's heirs. Since we do not know who died first, the father's heirs should divide his estate with the heirs of his daughter's son.

Similar rules apply if the father was taken captive and died while in captivity, and his daughter's son died in his city, or conversely, the son was taken captive and died while in captivity and his mother's father died in his city. Since we do not know who died first, the father's heirs should divide his estate with the heirs of his daughter's son.

8 The following rules apply if a house fell on a person and his father or on other person whose estates he would acquire, and the son was responsible for the money due his wife by virtue of her *ketubah* and other debts. The father's heirs claim that the son died first without leaving an estate.

Hence, the debts will remain unpaid. The creditors maintain that the father died first, and thus the son acquired the inheritance. Hence, they have a source from which they can collect the debts owed them. The estate is considered to be in the possession of the heirs. The son's wife or the creditors must prove that the father died first, or they must depart without receiving anything.

9 The same laws apply to people who die in a landslide, were drowned at sea, fell into a fire, or died on the same day in different countries. For in all these and other analogous situations, we do not know who died first.

Chapter 6

1 Although all that is involved is money, a person may not give property as an inheritance to a person who is not fit to inherit, nor may he exclude a rightful heir from inheriting. This is derived from the verse in the passage concerning inheritance, **Numbers 27:11**: "And it shall be for the children of Israel as a statute of judgment."

This verse implies that this statute will never change, and no stipulation can be made with regard to it. Whether a person made statements while he was healthy or on his deathbed, whether orally or in writing, they are of no consequence.

2 Therefore, if a person states: "So-and-so is my firstborn son, he should not receive a double portion," or "My son so-and-so should not inherit my estate together with his brothers," his statements are of no consequence.

Similarly, if he says: "Let so-and-so inherit my estate" when the dying man has a daughter, or "Let my daughter inherit my estate" when he has a son, his statements are of no consequence. Similar laws apply in all analogous situations.

If, however, he had many heirs - e.g., many sons, brothers, or many daughters - and he says while on his deathbed: "Of all my brothers, only my brother so-and-so should inherit my estate," or "Of all my daughters, only my daughter so-and-so should inherit my estate," his words are binding. This applies whether he made these statements orally or in writing.

If, however, he states: "My son so-and-so should be my sole heir," different rules apply]. If he made this statement orally, his words are binding. If, however, he had a document composed stating that his entire estate should be given to one son, he is considered merely to have appointed him as a guardian, as explained.

3 If a person states: "So-and-so my son should inherit half my estate and my other sons should inherit the other half," his words are binding. If, however, he states: "My firstborn should inherit as an ordinary son," or "My firstborn should not receive a double portion among his brothers," his words are of no consequence. This is derived from **Deuteronomy 21:16-17**: "He cannot give the firstborn rights to the son of the beloved instead of the firstborn, the son of the hated. Instead, he shall recognize the firstborn, the son of the hated."i4

4 If the person desiring to bequeath his estate was healthy, he may not

increase or decrease either the portion of the firstborn or that of any other heirs.

5 When does the above apply? When the person making the bequest uses the expression "inherit." If, however, he gives a present, his statements are binding.

Accordingly, when a person apportions his estate verbally to his sons on his deathbed, his statements are binding even though he gave a greater portion to one, reduced the portion of another and equated the portion of the firstborn with that of his other sons. If, however, he used wording that speaks of "inheritance," his statements are of no consequence.

6 If, when apportioning his estate, a person wrote that he is giving his estate as a present, whether at the beginning, the middle, or the end, his statement is binding even though he also spoke of an inheritance.

What is implied? The person said: "Have this-and-this field given to so-and-so, my son, and let him inherit it," "Let him inherit this-and-this field, have it given to him and let him inherit it," or "Let him inherit it and have it given to him." Since he mentioned a present, even though he spoke of an inheritance at the beginning and/or at the end of his statements, his words are binding.

Similarly, if he was apportioning three fields to three different heirs, and he said: "May so-and-so inherit this-and-this field. This-and-this field should be given to so-and-so, and so-and-so should inherit this-and-this field," the intended recipients acquire the gifts even though wording indicating an inheritance was used with regard to one individual, and

wording indicating a present was used with regard to another.
This applies provided that the person making the bequest did not make a significant pause between his statements. If, however, he paused, he must mention giving a present with regard to all three individuals.

7 What is implied? If the wording mentioning a present was in the middle, he should say: "So-and-so, so-and-so, and so-and-so, should inherit this-and-this field, this-and-this field, and this-and-this field that I gave them as a present, and they should inherit it."
If the wording mentioning a present was in the beginning, he should say: "May this-and-this field, this-and-this field, and this-and-this field be given to so-and-so, so-and-so, and so-and-so, and they should inherit it."
If the wording mentioning a present was at the end, he should say: "May so-and-so, so-and-so, and so-and-so, inherit this-and-this field, this-and-this field, and this-and-this field that I gave to them as a present."

8 Although a husband's right to inherit his wife's estate is a Rabbinic decree, our Sages reinforced their words and gave them the strength of Scriptural Law. Hence, a stipulation in which the husband waives his right to her inheritance is not effective unless he made this stipulation while the woman was consecrated, as we have explained in *Hilchot Ishut.*

9 According to Scriptural Law, a gentile inherits his father's estate. With regard to other inheritances, we allow them to follow their own customs.

10 A convert does not inherit the estate of his father, a gentile. Nevertheless, our Sages ordained that he be able to inherit the estate as he was entitled

previously, lest he return to rebellion against God.

It appears to me that a stipulation can be made with regard to this inheritance, for a gentile is not obligated to accept our Sages' ordinances.

A gentile does not inherit the estate of his father, a convert, nor does one convert inherit another convert's estate, neither according to Scriptural Law nor according to Rabbinic Law.

11 Our Sages did not derive satisfaction from a person who gives his property to others, taking it away from his heirs. This applies even when the heirs do not conduct themselves properly toward him. Nevertheless, the recipients acquire everything that was given to them.

It is an attribute of piety for a pious person not to act as a witness with regard to a will in which property is being taken from an heir. This applies even when the property is being taken from a son who does not conduct himself properly, and being given to a brother who is wise and who conducts himself properly.

12 Although a Jew converts out of the faith, he retains the right to inherit the estates of his Jewish relatives as before. If, however, the court sees fit to make him forfeit his money and penalize him by preventing him from receiving the inheritance so as not to strengthen his hand, they have that power. If he has children " among the Jewish people, the inheritance due their father, the apostate, should be given to them. This is the custom that is always followed in the West.

13 Our Sages commanded that a person should not differentiate between his

children in his lifetime, even with regard to a small matter, lest this spawn competition and envy as happened with Joseph and his brothers.

Chapter 7

1 Heirs are not given their inheritance until they bring clear proof that the person whose estate they are inheriting did in fact die. Even if they heard that he died, or gentiles mentioned that he died in the course of conversation, despite the fact that this is sufficient for license to be given for the person's wife to remarry and to receive the money due her by virtue of her *ketubah,* the heirs do not receive their inheritance on this basis.

2 When a woman comes and states: "My husband died," although her testimony is accepted and she is given license to remarry and to receive the money due her by virtue of her *ketubah,* the heirs do not receive their inheritance on this basis.

If she testifies: "My husband died," and is married by his brother, the brother receives the deceased's estate on the basis of her testimony. This is derived from **Deuteronomy 25:6**: "He will assume the name of his deceased brother," and he has assumed his position.

3 When a person drowned in a body of water that has no end, and witnesses testify that he drowned in their presence and all traces of him were lost, his heirs may inherit his estate on the basis of their testimony, despite the fact that, at the outset, his wife is not permitted to remarry in this

situation.

Similarly, if witnesses come and testify that they saw a person fall into a lions' or tigers' den, they saw him crucified with birds eating from his body, he was pierced in battle and died, or he was killed, but his face was not recognizable, but there were definitive signs on his body and they were identified - with regard to these and similar situations, if all traces of the person were lost afterwards, the heirs may assume possession of the inheritance because of such testimony, although the person's wife is not given license to marry.

I maintain that our Sages were stringent concerning these matters only because of the severity of the prohibition involving *karet* involved. With regard to financial matters, by contrast, if witnesses testify with regard to matters that we can presume will lead to death, saying that they saw these matters, all traces of the person are lost, and afterwards it is heard that he died, we allow the heirs to assume possession of the estate on this basis. This is the standard practice followed on an everyday basis in all courts of law. We have not heard about anyone who rules differently regarding this matter.

4 When a report was heard that a person who had been captive died, and the heirs assumed possession of his estate and divided it among themselves, we do not expropriate it from their possession. A similar law applies when a report is heard about the death of a person who fled because of danger to his life."

If, however, a report was heard that a person who voluntarily left his city died, and the heirs assumed possession of his estate and divided it among

themselves, we do expropriate it from their possession unless they bring proof that this person died.

5 The court is obligated to take responsibility for the property belonging to a person who was taken captive or one who fled because of mortal danger. What do they do? They entrust all the movable property to a person deemed trustworthy by the court for safekeeping. They give possession of the landed property to relatives who are fit to inherit it, so that they would work the land and care for the property until they know whether the person died or he comes.

When the person who was taken captive or who fled comes, we evaluate the increase in value brought about by the relatives who were granted trusteeship and the benefit they received according to the norms applying to sharecroppers in that region.

Why does the court not appoint a guardian at all times, both for movable property and for landed property, until the owners come or until it is definitely known that they died? Because the court is not obligated to appoint guardians for adults who are intellectually mature.

6 When a person was taken captive or fled because of danger and left standing grain to reap, or grapes, dates or olives to harvest, the court takes possession of their property and appoints a guardian who will reap or harvest this produce and sell it. The money is then entrusted to the court for safekeeping together with the remainder of the movable property. Afterwards, the relative is given possession of the property as stated in the previous halachah. This procedure is followed because if the relative were

given the land at the outset, he might harvest this produce - for it is already as if it had been reaped - and consume it.

This concept also applies with regard to courtyards, inns and stores that are fit to be rented out, do not need work, for here is no difficulty in tending to them, and they are usually not given out in a sharecropping agreement. We do not place them in the possession of an heir, for he would collect the rent and consume it.

What is done instead? The court appoints a collector and has the rent placed in the court until the heir brings proof that the owner died or until the owner comes and takes his property.

7 A relative is never given possession of property other than fields, gardens, vineyards and the like. In these properties, he is considered as a sharecropper. This measure is instituted so that the properties will not be ruined and be left fallow and desolate.

8 The following laws apply when a person left his dwelling place voluntarily, abandoning his property, and we do not where he went or what happened to him. We do not give his property to a relative. If, however, a relative takes possession of it, we do not remove him from it. The court does not have the responsibility to tend to such a person's property and appoint a guardian, neither for the landed property nor for the movable property. The rationale is that he voluntarily departed and abandoned his property.

What are the laws governing this person's property? The movable property should remain in the possession of the person in whose domain it is found until this person comes and claims it or until he dies and it is

claimed by heirs.

9 With regard to landed property in which he left someone dwelling, we do not collect rent from him. If there is a field or a vineyard left to a sharecropper, it should remain as he left it until he comes. If he left a field or a vineyard fallow, it should be left fallow. The rationale is that he willingly caused the loss of his property, and when a person willingly forfeits his property, we are not required to return it.

10 If we hear a report that the person who had left voluntarily died, the court collects all the movable property belonging to him and entrusts it to a person whom they consider faithful. They give the fields and vineyards to a relative to care for as a sharecropper, until the heirs bring clear proof that the owner died or until the owner comes.

Chapter 8

1 When the fields of a person who was taken captive, or who fled, or who left voluntarily but was reported to have died are given to a relative in a share-cropping arrangement, we do not entrust them to a minor, lest he ruin the property.

Conversely, we do not give a minor's property to a relative in a share-cropping arrangement. This is a safeguard, lest that person claim that the property belongs to him, that it is his portion that he received through inheritance. The minor's property is not even given to a relative of a relative.

What is implied? There were two brothers, one older and one younger, and the younger was taken captive or fled, we do not give the younger brother's field to the older brother. For the younger brother will not be able to protest. Perhaps the older brother will take possession of the property and after many years, he will claim: "This is my portion that I received through inheritance; I took possession as an inheritance."

Even the son of the brother of the minor who was taken captive is not given the property in a share-cropping agreement, lest he claim: "I inherited this portion because of my father."

2 No relative is ever given possession of the property of a minor, not even a person whose family connection stems from one's maternal brother, who is not fit to inherit. This is an extra safeguard.

Even if there is a document recording the division of the estate, whether homes or courtyards, the property should not be given to the relative. Even if the relative states: "Write a document stating that I received the field as part of a sharecropping agreement," he should not be given the field. Perhaps the documents will be lost, and after a long period the person will claim that he received it as an inheritance, or that he received it as an inheritance from a relative who received it as an inheritance.

An incident once occurred concerning an old woman who had three daughters. The old woman and one daughter were taken captive. A second daughter died and left a son below the age of majority. The Sages said: We do not give the property to the remaining daughter in a sharecropping agreement, for perhaps the elderly woman died and thus one third of the estate would belong to the minor, and we do not give a

relative property belonging to a minor. Similarly, we do not give the property to the minor. For perhaps the old woman is still alive, and the property of a person taken captive should not be given to a minor.

"What should be done instead? Since a guardian must be appointed for the half designated for the minor, we appoint a guardian for the old woman's entire estate."

Afterwards, it was reported that the older woman died. Our Sages said: "The remaining daughter should receive the third that is her portion of the inheritance. The minor should receive the third that is his portion of the older woman's estate. And a guardian should be appointed for the third that belongs to the daughter in captivity, because of the portion of it that the minor might receive. For if the daughter in captivity also dies, the minor would receive one half of her third." Similar principles apply in all analogous situations.

Chapter 9

1 When brothers have not yet divided the inheritance they received from their father, but instead all use the estate together, they are considered partners with regard to all matters. Similarly, all the other heirs are considered partners with regard to the estate of the person they inherited. Whenever any of them does business with the resources of this estate, the profits are split equally.

2 When there were heirs above majority and others below majority, and those above majority improved the estate, the increment is split equally. If

they said: "See the estate that our father left us. We will work it and benefit from the increase," the persons who brought about the increase are entitled to it. This applies provided the increase comes about because of the expenses undertaken by those persons. If the value of the estate increased on its own accord, that increase is shared equally.

3 Similar laws apply if the wife of the deceased was also his relative and had a right to inherit the estate together with her sisters or her cousins. If she increased the value of the estate, the increase is shared equally. If she said: "See the estate that my husband left me. I will work it and benefit from the increase," should she increase the value of the estate through investments she made, the increase belongs to her.

4 The following rules apply when a person inherits his father's estate, improves its value by planting trees and building structures, and afterwards he discovers that he has brothers in another country. If they are minors, the increase in value is divided equally. If they are above majority, since he did not know that he had brothers, he is given a portion as if he was a sharecropper."

Similarly, if a brother took possession of property belonging to a minor and improved it, he is not given a portion as if he were a sharecropper. Instead, the increase of the entire estate is divided equally, because he did not have permission to make use of the property.

5 The following rule applies when one of the brothers took money from the inheritance and engaged in commerce with it. If he is a great Torah

scholar who ordinarily does not abandon his Torah study for one moment, the profits are given to him. For he would not abandon his Torah studies to engage in commerce for the sake of his brothers.

6 The following laws apply when a king appoints one of the brothers who share in the father's estate as a tax collector, an accountant who supervises the influx and efflux of the king's monies, or to another one of the positions in the king's service. If the son was appointed for his father's sake - i.e., his father was renowned for this skill, and the king said: "Let us appoint his son in his stead in order to act graciously to the orphans," the portion that the son who receives the appointment receives and any wages he earns in this task should be shared among all the brothers. This ruling applies even if that son is very wise and fit to be appointed on his own merit. If the king appointed him on his own merit, his wages are his alone.

7 The following laws apply when one of the brothers was carrying out transactions on behalf of the household and purchased servants as his own individual property, or lent money to others and had the promissory note written to him alone. If he says: "The money that I lent or with which I purchased the servants is my own. It came to me as an inheritance from my maternal grandfather, I found an ownerless object, or a present was given to me," he is required to verify the authenticity of his statements.
Similar laws apply when a married woman was carrying out transactions on behalf of the household and deeds of purchase of servants and promissory notes were composed in her own name. If she says: "The

money belonged to me. I received it as an inheritance from my father's family," she is required to verify the authenticity of her statements. Similar laws apply when a widow was carrying out transactions with funds belonging to orphans, and deeds of purchase and promissory notes were circulated in her personal name. If she claimed them as her own, saying: "It came to me as an inheritance, I found an ownerless object, or a present was given to me," she is required to verify the authenticity of her statements.

If she said: "I took them from the resources of my dowry," her word is accepted. If, however, she does not have a dowry, or in the situation described in the previous clauses, she did not bring proof of her statement, everything is assumed to be owned by the heirs.

8 When does the above apply? When the brothers or the widow do not eat separately. When, however, they eat separately, we suspect that they saved from their food allowance. Hence, the other brothers must prove that the money was taken from the estate. Similarly, if the brother who was managing the funds died, the other brothers are required to bring proof that the money was taken from the estate, even though they did not eat separately.

9 The following laws apply when one of the brothers is in possession of a promissory note owed to his father. He is obligated to bring proof that his father gave him the note, signing and transferring a document attesting to the fact that the note was given as a gift, or that, at the time of his death, the father commanded that it be given to that brother. If the brother in

possession does not bring proof of this nature, the note must be shared equally as part of the estate.

10 When does the above apply? With regard to brothers, because the prevailing assumption is that they take from each other. When, however, a promissory note is in the possession of another person who claims that the creditor gave it to him or that he purchased it from him, he may collect the debt. He is not required to bring proof of his claim.

11 If one of the brothers took 200 *zuz* from his share of the estate to study Torah or to study a profession, the other brothers may tell him: "If you do not live together with us, we will not give you a food allocation beyond what it would cost were you living with us." For the food expenses incurred by an individual living alone are much higher than they would be were he to live with others.

12 When a person died, leaving sons past majority and under majority, the older sons cannot be required to receive only what is allocated for the younger sons' living expenses. Nor may younger sons be required to receive only what is allocated for the older sons' food expenses. Instead, the estate should be divided equally.

If the older brothers married after their father's death using the funds of the estate, the younger brothers may marry using the funds of the estate, and then divide it. If the older brothers married during their father's lifetime, we do not heed the requests of the younger brothers who say: "Let us marry using the funds of the estate, as you married." Instead,

whatever the father gave the older brothers is considered as a present.

13 The following laws apply when a father married off one of his sons and made a feast for him, paying for the expenses himself. If a wedding gift was sent to this son during the father's lifetime, should the wedding gift have to be repaid after the father's death, it should be repaid by the estate as a whole. If, however, the brother paid for the expenses of the wedding feast from his own resources, the brother who received the gift must repay it from his portion alone.

14 When the father sent a wedding gift to a friend in the name of one of his sons, when that wedding gift is repaid to that son, it is his alone. If, however, the father sent the wedding gift in the name of his sons without making any specification, when it is repaid, it should be repaid to the estate as a whole.

The person to whom the wedding gift was sent is not required to return it unless all the brothers rejoice together with him, for they are all members of the wedding party and the gift was sent in all of their names. Therefore, if he rejoiced with only several of them, he need return only the portion appropriate for those with whom he rejoiced. The money he repays is shared by the estate as a whole.

15 When the oldest of the brothers dresses and garbs himself in fine raiment, he may purchase these garments from the funds of the estate if this brings his brothers benefit, i.e., because of his fine clothing, his words are heeded by other people.

Chapter 10

1 When two brothers divided an estate and then a third brother came from overseas, or when three brothers divided an estate and then a creditor came and expropriated the portion of one of them, the division is nullified. They should return and divide the remainder equally. This applies even if originally one brother took land and the other cash.

2 When, before his death, a person commanded that so-and-so be given a palm tree or a field from his property, but the brothers divided the estate without giving that person anything, their division is negated. What should they do? The entity concerning which the deceased commanded should be given to that person, and then they should divide the estate anew.

3 When brothers divide an estate, we evaluate the clothes they are wearing. We do not evaluate the clothes that their sons and daughters are wearing that they purchased with the funds of the estate. Similarly, the clothes that their wives are wearing are considered as if they have already been acquired by them.

When does the above apply? With regard to weekday garments. With regard to Sabbath and festival garments, we evaluate what the women and children are wearing.

4 The following law applies when a person died leaving some orphans who are past majority, and others who are below majority. If they desired to

divide their father's estate so that the older brothers could receive their portion, the court appoints a guardian for the minors and chooses a good portion for them. Once they come of age, they may not protest the division, because it was made by the court. If, however, the court erred in its evaluation of the estate's worth and reduced their portion by a sixth, they may issue a protest. In that instance, a new division is made after they come of age.

5 When a person dies, leaving some orphans who are past majority and others who are below majority, he must appoint a guardian before his death, who will care for the portion of the minors until they come of age." If the father does not appoint such a guardian, the court is obligated to appoint a guardian for them until they come of age. For the court acts as the parents of the orphans.

6 If the dying person ordered: "Give the minor's portion of my estate to him. Let him do whatever he wants with it," he has the license to deal with his own estate in this manner."

Similarly, if the dying person appointed a minor, a woman or a servant as the guardian for the minors, he has the license to deal with his own estate in this manner. A court, by contrast, should not appoint a woman, a servant, a minor or an unlearned person who is suspect to violate the Torah's prohibitions' as a guardian.

Instead, they should seek out a faithful and courageous person who knows how to advance the claims of the orphans and bring arguments on their behalf, one who is capable with regard to worldly matters to protect their

property and secure a profit for them. Such a person is appointed a guardian over the minors whether or not he is related to them. If he is a relative, however, he should not take control of the landed property.

7 When the court appointed a guardian and afterwards heard that he was eating, drinking and making other expenses beyond what he could be expected to, they should suspect that he is using the resources of the orphans. They should remove him from his position and appoint someone else.

If, however, the guardian was appointed by the orphan's father, he should not be removed in such a situation; it is possible that he found an ownerless article. If, however, witnesses come and testify that he is ruining the orphans' estate, he is removed from his position.The *Geonim* agreed that he should be required to take an oath in such a situation, for he is causing the orphans a loss.

Similarly, when a guardian was appointed by the orphans' father who had a praiseworthy reputation, was known to be upright and to pursue the mitzvot, and he became a glutton and a drunkard and began following paths that arouse suspicion, or became reckless with regard to vows and the shade of theft, the court is required to remove him from his position and require him to take an oath. Afterwards, they appoint an appropriate guardian. These matters are dependent on the perception of the local judge. For each and every court must act as the parents of the orphans.

8 When a minor attains majority, even if he eats and drinks excessively, ruins his estate and follows an undesirable path, the court does not

withhold his property from him, nor does it appoint a guardian, unless his father or the person whose property he inherited ordered that the property not be given to him unless he conducts himself uprightly and successfully, or that it not be given to him until later.

A person who is mentally or emotionally unstable or a deaf-mute are considered as minors, and a guardian should be appointed for them.

Chapter 11

1 Money belonging to orphans that was left to them by their father does not require a guardian. What, instead, is done with it?

We search for a person who owns property that can be expropriated by a creditor and that is of high quality. This person should be trustworthy, one who heeds the laws of the Torah, and who was never placed under a ban of ostracism. He is given the money in the presence of the court to invest in a manner that will most likely lead to a profit and will not likely lead to loss. Thus, the orphans will derive benefit from the investment of the money.

Similarly, if such a person does not have landed property, he should give bars of gold that do not have any identifying marks as security. The court takes the security and gives him the money to invest in a manner that will most likely lead to a profit and will not likely lead to loss.

Why does he not give golden utensils or golden jewelry as security? For perhaps these articles belong to another person. We fear that in the event of the investor's death, that other person will claim these articles by identifying them with signs. They will then be given to him if the judge

knows that the investor was unlikely to possess such articles.

How much should be given to the orphans as profit? As the judges determine, a third of the profits, half of them, or even a fourth of them; if the judges ascertain that this is in the best interests of the orphans, such an arrangement is followed.

If the court cannot find a person to give the money to invest in a manner that will not likely lead to loss and will most likely lead to a profit, they should use a small amount of the money to provide the orphans with their livelihood until they use the money to purchase land that they entrust to a guardian whom they appoint.

2 Movable property inherited by orphans should be evaluated and sold in the presence of a court. If the marketplace is close to their city of residence, we have the articles brought to the marketplace. They are sold and the proceeds added to the financial resources of the orphans."

3 The following principle applies when a person possesses beer belonging to orphans and he is beset by a quandary: If he leaves it in its place until it is sold it might sour, and if he brings it to the marketplace it might become lost because of factors beyond his control. Our Sages ruled that he should do as he would do with his own beer. Similar laws apply in all analogous situations.

4 When the court appoints a guardian, he is given all the property of the minor: the landed property and the movable property that was not sold. He sells and purchases whatever he determines is necessary; he builds and

he destroys; he rents, plants, sows and does whatever he thinks is in the best interests of the orphans. He should provide them with food and drink and provide them with their expenses according to their financial capacity and their social standing. He should not be overly generous with them, nor should he be overly parsimonious.

5 When the orphans come of age, the guardian should give them the property of the person whose estate they inherited. He does not have to give them an account of what he purchased and what he sold. Instead, he tells them: "This is what remains," and takes an oath holding a sacred article that he did not steal anything from them.

When does this apply? When the guardian was appointed by the court. When, however, the guardian was appointed by the orphans' father or other relatives, he is not required to take an oath because of an indefinite claim.

A guardian may dress and garb himself in a distinguished manner using the fund belonging to the orphans, so that he will be esteemed and his words will be heeded, provided that the orphans will benefit from the fact that he is esteemed and his words are heeded.

6 A guardian may sell animals, servants, maidservants, fields and vineyards belonging to the estate to provide sustenance for the orphans. He may not sell these assets and hoard the money. Nor may he sell fields to purchase servants, nor sell servants to purchase fields, for perhaps he will not be successful. He may, however, sell fields to purchase oxen to work other fields, for oxen are the fundamental element of the fields one possesses.

7 The guardian is not permitted to sell a field located far from the city and purchase a field close to the city, nor may he sell a poor field and purchase a good field, for perhaps his purchases will not be successful.
Similarly, a guardian may not enter into a lawsuit to argue on behalf of the orphans with regard to a claim registered against them, with the intent of benefiting them. The rationale is that he may not be successful, and the claim against them will be substantiated.

8 The guardians are not permitted to grant Canaanite servants their freedom. They may not even take money from the servant so that he will be released. Instead, they sell the servants to others and take the money from them with the intent that they grant them their freedom. It is those purchasers who release the servants.

9 The guardians should separate *terumah* and the tithes from the crops of the orphans so that they can provide them with food. . For we may not feed the orphans forbidden substances. They may not, however, tithe or separate *terumah* so that the produce will be ready for use. Instead, they should sell it as *tevel.* Those who desire to make it ready for use will do so.

10 The guardians must make a *lulav,* a *sukkah, tzitzit,* a *shofar,* a Torah scroll, *tefillin, mezuzot* and a *megillah* on behalf of the orphans. The general principle is: All mitzvot that have a fixed measure - whether of Scriptural or Rabbinic origin - should be made available for them, although they are obligated in these mitzvot only as part of their education. We do not, however, levy charitable assessments against their property, even for the

sake of the redemption of captives. The rationale is that such mitzvot have no limit to them.

11 When a person loses his intellectual faculties or becomes a deaf-mute, the court levies charitable assessments against his property if he has the means.

12 Although a guardian does not have to make an accounting, as mentioned above, he must keep a personal account, being extremely precise, so as not to incur the wrath of the Father of these orphans, He who rides upon the heavens, as **Psalms 68:5-6** states: "Make a path for He who rides upon the heavens... the Father of orphans."

13 סליקו להו הלכות נחלות בס"ד. נגמר ספר שלשה עשר והוא ספר משפטים, הלכותיו חמשה, ופרקיו חמשה ושבעים. הלכות שכירות שלשה עשר פרקים, הלכות שאלה ופקדון שמונה פרקים, הלכות מלוה ולוה עשרים ושבעה פרקים, הלכות טוען ונטען ששה עשר פרקים, הלכות נחלות אחד עשר פרקים.

Mishneh Torah, The Sanhedrin and the Penalties within …

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive Scriptural commandment to appoint judges and enforcement officers in every city and in every region, as **Deuteronomy 16:18** states: "Appoint judges and enforcement officers in all your gates."
"Judges" refers to magistrates whose attendance is fixed in court, before whom the litigants appear. "Enforcement officers" refers to those equipped with a billet and a lash who stand before the judges and patrol the market places and the streets to inspect the stores and to regulate the prices and the measures. They inflict corporal punishment on all offenders. Their deeds are controlled entirely by the judges.
Whenever a person is seen perpetrating injustice, they should bring his to the court, where he will be judged according to his wickedness.

2 We are obligated to appoint courts in every region and in every city only in *Eretz Yisrael*. In the diaspora, by contrast, we are not obligated to appoint courts in every region. This is derived from the continuation of the above verse: "Appoint...in all your gates which God your Lord is giving you for your tribes."

3 How many established courts should there be among the Jewish people and how many judges should there be in each court?
First, a supreme court is established in the Temple. This is called the Great *Sanhedrin*. It was composed of 71 judges. This is derived from **Numbers**

11:16 which states: "Gather for Me seventy men from the elders of Israel." And Moses presided over them, as the verse continues: "And they shall stand there with you." Thus there are 71.

The one who is of greatest knowledge is placed as the head over them. He acts as the *Rosh Yeshivah*. And he is called the *nasi* by the Sages in all sources. He assumes the position of Moses our teacher.

The greatest among the remaining 70 is appointed as an assistant to the head. He sits at his right and is called *av beit din*. The remaining judges from the 70 sit before them and are seated according to their age and according to their stature. Whoever possesses greater wisdom than his colleague is seated closer than his colleagues to the *nasi* on his left. The members of the *Sanhedrin* sit in a semi-circle so that the *nasi* and the *av beit din* can see all of them.

In addition, two courts of 23 judges each are appointed. One holds sessions at the entrance to the Temple courtyard. and the other at the entrance to the Temple Mount.

In addition, in every city in Israel in which their are 120 or more adult males, we appoint a minor *Sanhedrin*. They hold court at the entrance to the city, as implied by **Amos 5:15**: "And you shall present judgment in your gates." How many judges should be in such a court? 23. The one who possesses the greatest wisdom is the chief justice and the remainder sit in a semi-circle so that the chief justice can see all of them.

4 When there are less than 120 adult males in a city, we appoint a court of three judges. For a court should never be less than three. In that way, there will be a majority and a minority if there is a difference of opinion in any

particular judgment.

5 When a city does not possess two sages of great knowledge - 0ne fit to teach and issue rulings with regard to the entire Torah and one who knows how to listen diligently and knows how to raise questions and arrive at solutions - a court should not be appointed for it even though thousands of Jews live there.

6 When a court has two judges of this caliber: one capable of listening with regard to the entire Torah, and one capable of expounding, it is a valid court. If there are three, it is of intermediate esteem. If the court possess four judges who can expound upon the entire Torah, it is a wise court.

7 We sit three rows of Torah scholars before every minor *Sanhedrin*. In each row, there are 23 men. The first row is seated next to the *Sanhedrin*, the second row below it, and the third row below it. In each row, the scholars are seated in the order of their level of wisdom.

8 If there is a difference of opinion among the judges and it is necessary to grant *semichah* to one student to add to the number, the scholar of the greatest stature from the first row is granted *semichah*. The first scholar in the second row advances and sits in the first row to make up for the lack, and the first scholar in the third row advances and sits in the second row to make up for the lack. One of the remaining people is chosen and is seated in the third row. Similarly, if they must grant *semichah* to a second or third judge, they follow this pattern.

9 Whenever a *Sanhedrin* functions, two legal scribes should stand before them: one at the right and one at the left. One writes the arguments of those who seek to hold the defendant liable, and one writes the arguments of those who seek to exonerate him.

10 Why is a *Sanhedrin* appointed only in a city with a population of 120? So that there will be a *Sanhedrin* of 23 judges, three rows of 23 students each, ten sitters in the synagogue, two scribes, two court officers, two litigants, two witnesses, two witnesses who seek to invalidate the testimony of the witnesses, two witnesses who seek to invalidate the testimony of the second pair of witnesses and restore the validity of the first, two charity collectors, and a third to distribute these collections, a doctor who is a bloodletter, a scribe, and a teacher for young children. This reaches a total of 120.

Chapter 2

1 We appoint to a *Sanhedrin* - both to the Supreme *Sanhedrin* and to a minor *Sanhedrin* - only men of wisdom and understanding, of unique distinction in their knowledge of the Torah and who possess a broad intellectual potential. They should also have some knowledge concerning other intellectual disciplines, e.g., medicine, mathematics, the fixation of the calendar, astronomy, astrology, and also the practices of fortune-telling, magic, sorcery, and the hollow teachings of idolatry, so that they will know how to judge them.

We appoint to the *Sanhedrin* only priests, Levites, and Israelites of lineage

of fine repute who can marry into the priesthood. This is derived from Number 11:16: "And they shall stand there with you." Implied is that they should resemble you, Moses in wisdom, the fear of heaven, and in lineage.

2 It is a mitzvah for there to be priests and Levites in the Supreme *Sanhedrin*, as **Deuteronomy 17:9** states: "And you shall come to the priests and to the Levites. If appropriate ones are not found, it is permissible for all the judges to be Israelites.

3 We should not appoint to a *Sanhedrin* a man of very old age or one who does not possess male physical attributes, for they possess the trait of cruelty, nor a man who is childless, so that the judges should be merciful.

4 A king of Israel may not be included in the *Sanhedrin*, for we are forbidden to disagree with him and repudiate his words. The High Priest, by contrast, may be included in the *Sanhedrin* if his knowledge makes him fitting.

5 Although the kings of the House of David may not be included in the *Sanhedrin*, they may sit in judgment over the people. Conversely, they may be called to judgment if a person has a complaint against them. The Kings of Israel, by contrast, may not serve as judges, nor may they be called to judgment. The rationale is that they do not humble themselves before the words of the Torah, and letting them serve as a judge or issuing a judgment against them may lead to a disaster.

6 Just as the judges of a court must be on the highest level of righteousness; so, too, must they be unsullied by any physical blemishes.

An effort should be made that they all be white-haired, of impressive height, of dignified appearance, men who understand whispered matters, who understand many different languages so that the *Sanhedrin* will not need to hear testimony from an interpreter.

7 We are not careful to demand that a judge for a court of three possess all these qualities. He must, however, possess seven attributes: wisdom, humility, the fear of God, a loathing for money, a love for truth; he must be a person who is beloved by people at large, and must have a good reputation.

All of these qualities are mentioned explicitly in the Torah. When relating Moses' statements concerning the appointment of judges, **Deuteronomy 1:13** mentions: "Men of wisdom and understanding." This refers to wisdom.

The verse continues: "Beloved by your tribes." This refers to those who are appreciated by people at large. What will make them beloved by people? Conducting themselves with a favorable eye and a humble spirit, being good company, and speaking and conducting their business with people gently.

When relating Jethro's advice to Moses to appoint judges, **Exodus 18:21** speaks of "men of power." This refers to people who are mighty in their observance of the mitzvot, who are very demanding of themselves, and who overcome their evil inclination until they possess no unfavorable qualities, no trace of an unpleasant reputation, even during their early

manhood, they were spoken of highly. The phrase "men of power" also implies that they should have a courageous heart to save an oppressed person from the one oppressing him, as **Exodus 18:21** continues: "God-fearing" - the intent is obvious. It mentions: "men who hate profit," i.e., people who do not become overly concerned even about their own money. They do not pursue the accumulation of money, for anyone who is overly concerned about wealth will ultimately be overcome by want.

The verse continues: "men of truth," i.e., people who pursue justice because of their own inclination; they love truth, hate crime, and flee from all forms of crookedness.

8 Our Sages relate: From the Supreme *Sanhedrin*, they would send emissaries throughout the entire land of Israel to seek out judges. Whenever they found a person who was wise, sin-fearing, humble, modest, with a good reputation, and beloved by people at large, they have him appointed as a judge in his own city. From there, they promote him to the court which holds sessions at the entrance to the Temple Mount. From there, he is promoted to the court which holds sessions at the entrance to the Temple Courtyard, and from there, to the Supreme *Sanhedrin*.

9 When one of the judges of a court of three is a convert, the court is disqualified. His mother must be a native-born Jewess. If, by contrast, one of the judges is a *mamzer*, even if all three of them are *mamzerim*, they are acceptable to pass judgment.

Similarly, if all of the members of a court of three were blind in one eye, it

is acceptable. This does not apply with regard to a *Sanhedrin*. If, however, a judge is blind in both eyes, he is unacceptable to serve on all courts.

10 Although a court requires no less than three judges, it is permissible for one judge to adjudicate a case according to Scriptural Law, as **Leviticus 19:15** states: "Judge your fellow countryman with righteousness." According to Rabbinic Law, however, there should be three judges. When two judges adjudicate a case, their ruling is not binding.

11 When a judge is an expert and he is known by many to possess such knowledge or if he was granted permission by the court, he may adjudicate a case alone. Nevertheless, he is not considered as a court.
Even though it is permitted for such a person to issue judgments alone, it is a mitzvah from the Sages for him to have others sit in judgment with him, for our Sages said: "Do not act as a judge alone, for there is only One who judges alone."

12 A person may execute judgment himself if he has the power to do so. If he acts according to the dictates of our faith and according to law, he is not obligated to take the trouble to come to the court. This applies even if he would not suffer any financial loss if he would delay and bring the matter to the court.
Consequently, should the other litigant lodge a complaint against him and bring him to court, if the court investigates and discovers that he acted according to law, i.e., the decision which he arrived at was true, we do not abrogate his decision.

13 Although a court of three is considered as a complete entity, whenever there are more judges, it is praiseworthy. It is preferable to make a decision with 11 judges than with ten. All the judges who sit in court must be Torah scholars and of appropriate character.

14 It is forbidden for a wise man to sit in judgment until he knows with whom he will be sitting. This restraint is observed lest he be coupled with men who are unsuitable. Thus he will be part of "a band of traitors," and not part of a court.

Chapter 3

1 Until when should the judges hold session? A minor *Sanhedrin* and a court of three should hold sessions from after the morning service until the end of the sixth hour of the day. The supreme *Sanhedrin*, by contrast, would hold sessions from the time of the slaughter of the morning sacrifice until the offering of the afternoon sacrifice. On Sabbaths and on festivals they would hold sessions in the House of Study on the Temple Mount.

2 The High Court of 71 judges was not required to sit all together in their place in the Temple. Instead, when it was necessary for them to gather together, they would all gather together. At other times, whoever had private affairs would tend to his concerns and then return.
The above applies provided there would be no less than 23 judges in attendance whenever they were sitting. If a judge needs to leave, he should

look at his colleagues who remain. If there are 23 remaining, he may leave. If not, he should not leave until another comes.

3 A court should not begin adjudicating a case at night. According to the Oral Tradition, this concept was derived as follows: Based on **Deuteronomy 21:5** which mentions: "Every dispute and every blemish," an equation is established between the adjudication of disputes and blemishes. Just as blemishes are viewed only during the day; so, too, disputes should be adjudicated only during the day.

4 Similarly, we do not listen to the testimony of witnesses or validate the authenticity of legal documents at night. With regard to cases involving monetary law, if the judges began hearing the matter during the day, it is permitted for them to conclude the judgment at night.

5 The division of an inheritance resembles a judgment, for with regard to them, **Numbers 35:29** states: "For the statutes of judgment." Therefore inheritances are not divided at night.

6 When two people enter to visit a person who is deathly ill, if he makes statements dividing his estate in their presence, they may record his statements, but they may not adjudicate the division of the estate. They were three, if they desire, they may record his statements, or they may adjudicate the division of the estate.

When does the above apply? During the day. During the night, they may record his statements, but they may not adjudicate the division of the estate.

7 Whenever a suitable court among the Jewish people sits in judgment, the Divine Presence rests among them. Accordingly, the judges must sit in awe and fear, wrapped in *tallitot*, and conduct themselves with reverence. It is forbidden to act frivolously, to joke, or to speak idle matters in court. Instead, one may speak only words of Torah and wisdom.

8 Whenever a *Sanhedrin*, a king, or an exilarch appoints a judge who is not fitting and/or is not learned in the wisdom of the Torah and is not suitable to be a judge - even if he is entirely a delight and possesses other positive qualities - the person who appoints him violates a negative commandment, as **Deuteronomy 1:17** states: "Do not show favoritism in judgment." According to the Oral Tradition, we learned that this command is addressed to those who appoint judges.

Our Sages declare: "Perhaps a person will say: 'So and so is attractive, I will appoint him as a judge,' 'So and so is strong, I will appoint him as a judge,' 'So and so is my relative, I will appoint him as a judge,' or "So and so knows all the languages, I will appoint him as a judge.' This will lead to those who are liable being vindicated and those who should be vindicated held liable, not because the judge is wicked, but because he does not know Torah law. Therefore the Torah states: "Do not show favoritism in judgment."

Our Sages also declare: "Whoever appoints a judge who is not appropriate for the Jewish people is considered as if he erected a monument, as implied by **Deuteronomy 16:22**: "Do not erect a monument which is hated by God, your Lord." If he is appointed instead of a Torah scholar, it is as if one planted an *asherah*, as *Ibid.*:21 states: "Do not plant an *asherah* or any

other tree next to God's altar."

And our Sages interpreted **Exodus 20:20**: "Do not make gods of silver and gods of gold together with Me" to mean "Do not appoint a judge because of silver and gold." This refers to a judge who was appointed because of his wealth alone.

9 Whenever a judge pays money in order to be appointed, it is forbidden to stand in his presence. Our Sages commanded that he be denigrated and derided. And our Sages declare: "Consider the *tallit* with which he wraps himself as the saddle blanket of a donkey."

10 This was the manner of conduct of the sages of the previous generations. They would flee from being appointed to a court and would undergo extreme pressure not to sit in judgment until they knew that there was no other person as appropriate as they were and that if they would refrain from participating in the judgment the quality of the legal system would be impaired. Even so, they would not sit in judgment until the people at large and the elders would compel them and implore them to do so.

Chapter 4

1 At least one of the members of the Supreme *Sanhedrin*, a minor *Sanhedrin*, or a court of three must have received *semichah* (ordination) from a teacher who himself had been given *semichah*.

Our teacher, Moses ordained Joshua by placing his hands upon him, as **Numbers 27:23** states: "And he placed his hands upon him and

commanded him." Similarly, Moses ordained the 70 judges and the Divine presence rested upon them. Those elders ordained others, and the others still others in later generations. This tradition continued until the Talmudic era, when the Sages had received ordination one from the other in a chain extending back to the court of Joshua, and to the court of Moses.

A person who is ordained by the *nasi* and one ordained by another ordained judge have the same status, even if that ordained judge never served in a *Sanhedrin*.

2 How is the practice of *semichah* practiced for all time? The person conveying ordination does not rest his hands on the elder's head. Instead, he is addressed by the title of Rabbi and is told: "You are ordained and you have the authority to render judgment, even in cases involving financial penalties.

3 The *semichah* which ordains elders as judges may be conveyed only by three individuals. One of the three must have received *semichah* from others as explained.

4 The term *Elohim* can be applied only to a court which received *semichah* in *Eretz Yisrael* alone . They are wise men who are fit to render judgment who were scrutinized by a court within *Eretz Yisrael* which appointed them and conveyed *semichah* upon them.

5 At first, whoever, had received *semichah* would convey *semichah* on his students. Afterwards, as an expression of honor to Hillel, the elder, the

Sages ordained that *semichah* would not be conveyed upon anyone unless license had been granted by the *nasi*.

They also ordained that the *nasi* should not convey *semichah* unless he is accompanied by the *av beit din*, and that the *av beit din* should not convey *semichah* unless he was accompanied by the *nasi*. The other elders could convey *semichah* themselves after receiving license from the *nasi*, provided they were accompanied by two others. For *semichah* cannot be conveyed by less than three judges.

6 *Semichah* may not be conveyed upon elders in the diaspora even if the judges conveying *semichah* received *semichah* in *Eretz Yisrael*. Even if the judges conveying *semichah* were in *Eretz Yisrael* and the elders to receive *semichah* were in the diaspora, they should not convey *semichah*. Needless to say, this applies if the judges conveying *semichah* were in the diaspora and the elders to receive *semichah* were in *Eretz Yisrael*.

If both of them were in *Eretz Yisrael*, *semichah* may be conveyed even though the recipients are not in the same place as those conveying *semichah*. Instead, the judges conveying *semichah* send to the elder or write to him that he has been given *semichah* and that he has permission to adjudicate cases involving financial penalties.

This is acceptable, because both of them are located in *Eretz Yisrael*. The entire area of *Eretz Yisrael* which the Jews who left Egypt took possession of is fit to have *semichah* conveyed within it.

7 Judges who themselves were granted *semichah* may convey *semichah* on many individuals - even 100 - at one time. King David once conveyed

semichah on 30,000 individuals on one day.

8 Such judges may appoint whoever they desire for particular matters, provided he is fit to adjudicate all matters.

What is implied? A court has the authority to give *semichah* to a remarkable judge who is fit to issue rulings with regard to the entire Torah and limit his authority to the adjudication of financial matters, but not to what is forbidden and permitted. Conversely, they may grant him authority with regard to what is forbidden and permitted, but not to adjudicate cases involving financial matters. Or they may give him license with regard to adjudicate both such manners, but not laws involving financial penalties, or to rule with regard to financial penalties, but not to rule that a blemish disqualifies a firstborn animal. Or they may give him license merely to absolve vows, to judge stains, or to rule only within other similarly limited parameters.

9 Similarly, the judges conveying *semichah* have permission to give the person receiving *semichah* license to judge only for a specific time, telling him: "You have permission to judge or issue rulings until the *nasi* arrives here," or "...as long as you are together with us in this city," or to issue other similar restrictions.

10 When a sage of remarkable knowledge is blind in one eye, he is not given *semichah* with regard to matters of financial law although he may adjudicate such cases. The rationale is that he is not fit to judge all matters. Similar principles apply in all analogous situations.

11 If there was only one judge in *Eretz Yisrael* who possessed *semichah*, he should call two other judges to sit with him and they should convey *semichah* on 70 judges at one time or one after the other. Afterwards, he and these 70 should join together to make up the Supreme *Sanhedrin* and grant *semichah* to others to make up other courts.

It appears to me that if all the all the wise men in *Eretz Yisrael* agree to appoint judges and convey *semichah* upon them, the *semichah* is binding and these judges may adjudicate cases involving financial penalties and convey *semichah* upon others.

If so, why did the Sages suffer anguish over the institution of *semichah*, so that the judgment of cases involving financial penalties would not be nullified among the Jewish people? Because the Jewish people were dispersed, and it is impossible that all could agree. If, by contrast, there was a person who had received *semichah* from a person who had received *semichah*, he does not require the consent of all others. Instead, he may adjudicate cases involving financial penalties for everyone, for he received *semichah* from a court.

The question whether *semichah* can be renewed requires resolution.

12 When a court received *semichah* in *Eretz Yisrael* and then departed to the diaspora, they may judge cases involving financial penalties in the diaspora in the same manner as they judge such cases in *Eretz Yisrael*. For the *Sanhedrin* exercises judicial authority in *Eretz Yisrael* and in the diaspora, provided the judges have received *semichah* in *Eretz Yisrael*.

13 The exilarchs in Babylon function instead of the kings. They have the

authority to impose their rule over the Jewish people in all places and to judge them whether they consent or not. This is derived from **Genesis 49:10**: "The staff will not depart from Judah" - this refers to the exilarchs of Babylon.

14 Any judge who is fit to adjudicate cases and was given license to serve as a judge by the exilarch has the authority to act as a judge throughout the entire world, whether in *Eretz Yisrael* or in the diaspora. Even though either or both of the litigants do not desire to argue the case before him, they are required to do so despite the fact that he does not have the authority to adjudicate cases involving financial penalties.

Any judge who is fit to adjudicate cases and was given license to serve as a judge by the court in *Eretz Yisrael* has the authority to act as a judge throughout *Eretz Yisrael* and in the cities which are located on its boundaries even though the litigants do not desire to argue the case before him. In the diaspora, by contrast, the license granted him does not afford him the authority to compel the litigants to appear before him. Although he has the sanction to adjudicate cases involving financial penalties in the diaspora, he may adjudicate such cases only when the litigants consent for him to judge. He does not have the authority to compel the litigants to accept his rulings unless he is granted such authority by the exilarch.

15 When a person is not fit to act as a judge because he is not knowledgeable or because he lacks proper character and an exilarch transgressed and granted him authority or the court erred and granted him authority, the authority granted him is of no consequence unless he is fit. To cite a

parallel: When a person consecrates an animal with a physical blemish to be sacrificed on the altar, the holiness does not encompass it.

Chapter 5

1 A king may not be enthroned except by the High Court of 71 judges. A minor *Sanhedrin* for every tribe and every city may be appointed only by the High Court of 71 judges. A tribe that has been led to apostasy in its entirety, a false prophet, or a case in which the High Priest might be liable for capital punishment, may be judged only by the High Court of 71 judges. Financial cases involving a High Priest, by contrast, may be adjudicated by a court of three.

Similarly, the determination of a rebellious elder or a city led to apostasy and the decision to cause a woman suspected of adultery to drink the waters which test her may only be done by the High Court. Similarly, the decisions to extend the city limits of Jerusalem and the limits of the Temple Courtyard, to enter a voluntary war, and to measure the distance between a corpse and the nearby cities may be done only by the High Court of 71 judges. These concepts are derived from **Exodus 18:22**: "All the major matters will be brought to you."

2 Cases involving capital punishment may not be judged by a court with less than 23 judges, i.e., a minor *Sanhedrin*. This applies not only to instances where humans are judged with regard to capital punishment, but also when animals face such judgment. Therefore an ox which is stoned to death and an animal used in bestial sexual practices is

condemned to death only by a court of 23 judges. Even when a lion, a bear, or a cheetah that has been domesticated and which has owners kill a human, it is executed based on the judgment of a court of 23. When, however, a snake kills a human, even one ordinary person may kill it.

3 When a person who spreads a malicious report concerning his wife, at the outset, the case is judged by a court of 23. For there is the possibility of a capital case arising if the husband's claim proves true and the woman is to be stoned to death. If the husband's claim is not substantiated, and the woman's father comes to demand payment of the fine, the matter may be judged by a court of three.

What is the source which teaches that capital cases may be judged only by a court of 23? Although this is a matter conveyed by the Oral Tradition, there is an allusion to it in the Torah. **Numbers 35:24-25** states: "And the congregation shall judge... and the congregation shall save...." Implied is that there must be the possibility of a congregation judging - and condemning him to death - and a congregation saving - and seeking his acquittal. Now a congregation is no less than ten. Thus there are at least 20 judges. We add three judges so that there not be an equally balanced court and to allow the possibility of "following after the inclination of the majority."

4 Lashes are decided upon by a court of three judges. Even though the person may die when lashes are administered to him.

5 Decapitating the calf is performed by five judges.

6 The enlargement of the month is decided upon by three judges.

7 The enlargement of the year is decided upon by seven judges. All of the above must possess *semichah* as we explained.

8 Cases involving financial penalties, robbery, personal injury, the payment of double for a stolen article, the payment of four and five times the value of a stolen sheep or ox, rape, seduction, and the like may be adjudicated only by three expert judges who have received *semichah* in *Eretz Yisrael*,
Other cases of financial law, e.g., admissions of financial liability and loans, do not require an expert judge. Even three ordinary people, or even one expert judge may adjudicate them. For this reasons, cases involving admissions of financial liability, loans, and the like may be adjudicated in the diaspora. Although a court in the diaspora is not referred to as *Elohim*, they carry out the charge of the court of *Eretz Yisrael*. This charge does not, however, give them license to adjudicate cases involving financial penalties.

9 The courts of the diaspora adjudicate only cases that commonly occur and which involve financial loss, e.g., admissions of liability, loans, and property damage. Matters that occur only infrequently, by contrast, even though they involve financial loss, e.g., an animal that injures another, or events that commonly occur, but do not involve financial loss, e.g., a double payment for theft, are not adjudicated by the judges of the diaspora.
Similarly, all the financial penalties which our Sages imposed against a

person who punches a colleague, slaps a colleague, or the like are not adjudicated by the judges of the diaspora. Whenever a person is required to pay half the damages for the destruction of property the matter is not adjudicated by the judges of the diaspora, with the exception of the half payment for damages caused by pebbles propelled by one's animals. For that is a reimbursement for financial loss and is not a financial penalty.

10 Whenever the injuries a person suffers are evaluated by calculating his worth as one calculates the worth of a servant, the payment is not expropriated by the judges of the diaspora. Therefore if a person injures a colleague, compensation for the damages, the pain, and the embarrassment for which he is liable is not expropriated by the judges of the diaspora. Compensation for the inability to work and medical expenses is, by contrast, expropriated in the diaspora, because they involve a financial loss. The *Geonim* ruled in this manner and stated that it is a commonplace matter to expropriate compensation for the inability to work and medical expenses in the diaspora.

11 The judges of the diaspora do not exact payment when an animal injures a person, because this is an uncommon occurrence. When, by contrast, a person damages an animal belonging to a colleague, he must pay the complete damages to his colleague regardless of where this takes place, just as he is responsible if he ripped his garments, broke his utensils, or cut down his produce.

Similarly, when an animal causes damage by eating or by treading, since its owner is forewarned that this is its inherent natural tendency, it is a

common matter and the damages are expropriated by the judges of the diaspora. This applies whether it damaged another animal, e.g., it rubbed against it, it consumed produce that it would naturally eat or the like, or it damaged food or utensils by treading upon them in which instance he is obligated to pay full damages. Payment for all of these damages can be expropriated by the judges of the diaspora.

If, however, an animal was not prone to cause damage, then it caused damages to the extent that the owner was warned, and then it caused damage again, e.g., it bit, it butted with its body, it lay down, it kicked, or it gored, these damages are not expropriated by the judges of the diaspora. The rationale is that there is no concept of the owner of an animal being forewarned in the diaspora. Even if an animal caused its owner to be forewarned in *Eretz Yisrael*, and then it was taken to the diaspora where it caused damage, the damages are not expropriated, because this is an uncommon occurrence.

12 Why is there no concept of warning an owner in the diaspora? Because testimony must be given against the owner in the presence of a court. And the concept of a court applies only with regard to judges who have been given *semichah* in *Eretz Yisrael*.

Accordingly, if a court of judges from *Eretz Yisrael* were in the diaspora, just as they have the authority to judge laws involving financial penalties in the diaspora; so, too, testimony regarding an animal can be delivered in their presence in the diaspora.

13 When a person steals or robs, the principal can be expropriated by the

judges of the diaspora. They do not, however, expropriate the double payment.

14 The judges of the diaspora do not expropriate payment in every situation where a person would be liable to make compensation based on his own statements. For the payment to a maiden's father for blemishing her virginity and for the embarrassment she suffers, and a person who must pay an atonement fee because his ox killed another person are situations where a person must make compensation, because of his statements. For example, he said: "I seduced so-and-so's daughter," or "My ox killed so-and-so." Nevertheless, such payments are not expropriated by the judges of the diaspora.

15 Judgments involving situations where a person's actions served as a direct cause of damage are not equivalent to laws involving *k'nasot* and they may be adjudicated by the judges of the diaspora.

16 Similarly, the laws applying to a person who gives money belonging to a colleague to gentiles - even if he merely threatens to do so - may be adjudicated by the judges of the diaspora.

17 The custom of the *yeshivot* of the diaspora is that even though they do not expropriate money due as *k'nasot*, they place the person who causes the damage under a ban of ostracism until he satisfies the plaintiff or goes with him to *Eretz Yisrael* to have the case adjudicated.

Once the person who causes the damage pays the amount that he would be held liable for, the ban of ostracism is lifted whether the person who

suffered the injury is appeased or not. Similarly, if the person who suffered the injury seizes an amount of property belonging to the person who causes the damage equivalent to the amount he would be awarded by the court, we do not expropriate it from his possession.

18 When one person is an expert judge and he is known by many to possess such knowledge, although he is allowed to judge cases involving financial law alone, an admission of liability made in his presence is not considered as an admission made in the presence of a court. This applies even if he possesses *semichah*.

When, by contrast, a court is composed of three judges, even though they do not possesses *semichah*, and even if they are ordinary men and are not referred to as *Elohim*, an admission made in their presence is considered as an admission made in a court of law. Similarly, if a person denies an obligation in their presence and witnesses come and testify against him, he is established as one who has lied. He cannot offer another claim, as we have explained.

The general principle is: With regard to the admission of financial responsibility, cases involving debts, and the like, their authority is the same as that of a court composed of judges possessing *semichah* with regard to all matters.

Chapter 6

1 The following laws apply whenever a judge adjudicates a case involving financial matters and errs. If his error involves matters that are revealed

and known - e.g., a law that is explicitly stated in the Mishnah or the Gemara, the ruling is reversed. The situation is returned to its original status and the judgment required by halachah is rendered. If it is impossible to return the matter to its original status, e.g., the person who unwarrantedly received the money traveled overseas, or he was a stubborn and strong person, the judge is not liable. Although he caused a loss, he did not have the intent of doing so. Similar laws apply if a judge ruled that a substance that was pure was impure, that an animal that was kosher was unacceptable and had it fed to the dogs, or the like.

2 Different principles apply if the judge errs in a case requiring a decision to be made by using one's logic to weigh alternative positions, for example, a case arouse involving the subject of a difference of opinion among the Sages of the Mishnah or the Sages of the Gemara where it was not explicitly stated whose opinion the halachah follows. The judge decided to follow one opinion without knowing it had already been universally established practice within the Torah community to follow the other view.
In such a situation, if the judge was an expert who had been given license to adjudicate cases by the exilarch, or even if he had not been given such license, but the litigants voluntarily accepted him as their judicial authority, the ruling is reversed. The rationale is that he is an expert.
If the ruling cannot be reversed, he is not liable to make restitution. This applies both to a judge who received permission from the exilarch or one received permission from a Jewish court to adjudicate cases in *Eretz Yisrael*, but not to serve as judge in the diaspora, as explained.

3 Different rules apply if the person who erred in a question of logical deduction was an expert judge, but he had not received license to adjudicate cases, nor was he accepted by the litigants as an authority, or was not an expert, but was accepted by the litigants to adjudicate their case according to Torah law. If he personally took property from one litigant and gave it to the other, his actions are irreversible and he should pay the damages from his own resources. If, however, he did not personally take the property from one and give it to the other, the decision should be reversed. If the decision cannot be reversed, he should pay the damages from his own resources.

4 When, however, a person is not an expert and was not accepted by the litigants adjudicates a case, even though he was given permission to act as a judge, he is considered as one of the men of force and not as a proper judge. Therefore, the judgment he renders is of no consequence. This applies whether he erred or whether he did not err. Either one of the litigants may withdraw and have the case adjudicated by a proper court.
If such a judge erred and personally gave property from one litigant to the other, he is obligated to pay from his own resources. He may then regain the money from the litigant to whom he gave property unlawfully. If one litigant paid the other because of the ruling of such a judge and the recipient is unable to return the money or if the judge rendered an object ritually impure or gave meat that was kosher to the dogs to eat, the judge must bear the loss as is the law regarding anyone who causes damages. For such a person has the intent of causing damages.

5 When a judge errs and obligates a person who is not required to take an oath to do so, and in order to free himself from the obligation to take the oath, this person negotiated a compromise with the other litigant, the compromise may be revoked. Even though he affirmed the compromise with a *kinyan*, it is of no substance. He agreed to pay or to waive the other person's liability only to free himself from the oath to which the person who erred obligated him. And whenever a *kinyan* is carried out on the basis of an error, it is annulled. Similar laws apply in all analogous situations.

6 When two people are involved in a dispute concerning a judgment, one states: "Let us have the matter judged here," and the other says, "Let us ascend to the Supreme Court, lest these judges err and expropriate money contrary to the law," we compel the latter litigant to have the matter adjudicated locally.

If he asks the judges: "Write down the rationale why you have rendered this judgment against me and give it to me, lest you have erred," they must write down their rationales and give him the transcript. Afterwards, they expropriate what he owes. If the local judges feel the need to ask for clarification regarding a matter from the Supreme Court in Jerusalem, they should write down their question and send it. After their inquiry, the judgment should be rendered in the local court on the basis of the answer written to them by the Supreme Court.

7 When does the above apply? With regards to judgments dependent on claims issued by both litigants or a situation when a lender desires to have

the case adjudicated locally and the borrower says: "Let us go to the Supreme Court." If, by contrast, the lender says: "Let us go to the Supreme Court," we compel the borrower to ascend with the lender, as implied by **Proverbs 22:7**: "A borrower is a servant to the lender."
Similarly, if a person claims that his colleague injured or damaged his person or his property or stole from him, and the plaintiff desires to ascend to the Supreme Court, the local court compels the defendant to ascend together with him. Similar laws apply in all analogous situations.

8 When does the above apply? When the person from who property was stolen, the person who suffered injury or damage, or the lender has witnesses or proof that support his claim. When, however, his claim is unsupported, we do not obligate the defendant to leave his locale. Instead, he takes an oath there and is freed of obligation.

9 Similar concepts apply in the present age, when there is no Supreme Court, but there are places where there are great sages whose expertise is renown and there are other places where there are scholars who are not on that level. If the lender says: "Let us go to this-and-this place in this-and-this land to have the case adjudicated by so-and-so, the great sage," we compel the borrower to go with him. This was the practice continually in Spain.

Chapter 7

1 The following law applies when one of the litigants says: "Let so and so

act as a judge for me," and the other litigant says: "Let so and so act as a judge for me." Together the two judges which were chosen by each of the litigants respectively choose a third judge and the three of them adjudicate the case for the two litigants. In this manner, a true judgment will emerge. Even if the judge chosen by one of the litigants is a great sage who has received *semichah*, the one litigant cannot compel the other litigant to have him adjudicate the case. Instead, he also chooses a judge he desires.

2 The following rules apply when a litigant accepts his own or an opposing litigant's relative or another person who is unacceptable to serve as a judge or a witness in his case. If he affirms his commitment with a *kinyan*, he cannot retract his consent. If he did not affirm his commitment with a *kinyan*, he can retract his consent until the case is concluded. Once the verdict is rendered and the unacceptable judge ruled in his verdict - or a verdict was rendered on the basis of the testimony of an unacceptable witness - that money should be expropriated, the litigant may not retract.
The above laws also apply if a litigant accepted a person who is disqualified because he committed a transgression as two witnesses to testify concerning him or as a court of three judges to rule concerning his interests. Similarly, it applies regardless of whether he gave his consent at the risk of forfeiting rights and waiving a claim that he is pressing or he gave his consent at the risk of having to pay what the plaintiff demands of him because of the testimony of this unacceptable witness or because of the ruling of this unacceptable judge.

3 Similarly, the following rules apply when a person was obligated by a

court to take an oath to a colleague and the person to whom the oath must be given state: "Take an oath on your own life, and be freed of liability," or "Take an oath on your own life that your claim is justified and I will give you everything that you claim." If he affirms his commitment with a *kinyan*, he cannot retract his consent. If he did not affirm his commitment with a *kinyan*, he can retract his consent until the case is concluded. Once the case is concluded and he took an oath as stipulated, he cannot retract and is obligated to pay.

4 Similar laws apply when a person was obligated to take a *sh'vuat hesset* and he reversed it and obligated the plaintiff. If he affirmed his consent with a *kinyan* or the plaintiff took the oath, the defendant cannot retract.

5 Similarly, when a person was not obligated to take an oath and yet he said: "I will take an oath in response to your claim," if he affirmed his statement with a *kinyan*, he cannot retract. If he did not affirm his statement with a *kinyan*, he has the right to retract until the judgment is concluded and he actually takes the oath, even though he made his commitment in court.

6 When a person was obligated by a court, and then brought witnesses or proof to vindicate himself, the judgment is rescinded and the case should be tried again. Although the judgment was already rendered, whenever he brings support for his claim, the judgment is rescinded.

Even if the judges tell him: "Bring all the proofs that you have within 30 days," a litigant may have the judgment rescinded although he brings

proof after 30 days. What can he do if he did not discover the proof within 30 days, but found it afterwards?

7 If, however, the litigant completed stating his claims, he cannot have the judgment rescinded.

What is implied? The judges asked him: "Do you have witnesses supporting your claim?"

He replied: "I do not have witnesses."

"Do you have proof of your position?"

"I do not have proof," he answered.

In such a situation, if the court judged him and held him liable, the judgment is not rescinded. Although when he sees that he was being held liable, he declared: "So-and-so and so-and-so come forward and testify on my behalf" or he produced written proof from his money-belt, it is not significant. We do not pay any attention to his witnesses or his proof.

8 When does the above apply? When the proof was in his possession and the witnesses were together with him in the country. If, however, he said: "I have neither witnesses, nor proof," and afterwards, witnesses came from overseas or a leather satchel belonging to his father where legal documents were held had been entrusted to another person and that person came and supplied him with proof, he may call on these witnesses and/or this proof and have the ruling rescinded.

Why may he have the ruling rescinded? Because he could claim: "The reason I said: 'I don't have any witnesses' and 'I don't have any proof is because they were not available to me." Whenever he could make such a

claim and there is substance to his words, he is not considered to have completed stating his claims when he originally stated: "I have no witnesses...." He may bring the witnesses and/or proof and have the judgment rescinded.

Accordingly, if he explicitly states: "I have no witnesses at all, neither here or overseas, nor any written proof, neither in my possession or in the possession of others," he cannot have the judgment rescinded.

9 When does the above apply? With regard to an adult who was held liable and then brought written proof or witnesses after completing the statement of his arguments.

Different concepts apply, however, with regard to an heir who was a minor when the person whose estate he inherited died and a suit was lodged against him because of that person after he came of age. Even though he stated: "I have neither witnesses, nor proof," and after he departed from the court after being held liable, others told him: "We know testimony that favors your father that will cause this judgment to be rescinded," or "The person whose estate you inherited entrusted this written proof to me," he may bring the testimony or the proof immediately and have the judgment rescinded. The rationale is that a minor is not aware of all the proofs possessed by the person whose estate he inherited.

10 The following rules apply when a person affirmed his consent to the following agreement with a *kinyan*: If he does not come on this-and-this day and take an oath, his colleague's claim would be accepted and that

colleague could take whatever he claims without taking an oath. Alternatively, if he does not come on this-and-this day, take an oath, and collect his due, he forfeits his right to the claim. Nothing is to be granted him and his colleague is released of liability. Should that day pass and he not come, the stipulation is binding and he forfeits his rights.

If, however, he brings proof that he was held back by forces beyond his control on that day, he is not bound by his agreement. He may take an oath against the claim issued by his colleague as before. Similar laws apply in all analogous situations.

Chapter 8

1 When a court reaches a split decision - some say that the defendant is not liable, and others say that he is liable, we follow the majority. This is a positive mitzvah of Scriptural origin, as **Exodus 23:2** states: "Follow after the inclination of the majority."

When does the above apply? With regard to financial matters and with regard to laws involving questions of what is forbidden and what is permitted, what is impure and what is pure and the like. With regard to capital cases, different laws apply if there is a difference of opinion whether the transgressor should be executed or not. If the majority rule to exonerate him, he is exonerated. If, however, the majority rules that he is guilty, he should not be executed until there are at least two more judges who hold him guilty than who exonerate him.

According to the Oral Tradition, we learned that the Torah warned against this saying *Ibid.*: "Do not follow the majority to do harm." That is to say

that if the majority are inclined "to do harm," i.e., to execute the defendant, you should not follow them until there is a significant inclination, and there is a majority of two judges who rule that he is guilty.

This is implied by (*Ibid.*): "to follow the inclination of the majority and influence the judgment." A positive inclination may be made on the basis of a majority of one, a harmful inclination, on the basis of a majority of two. All of these concepts are based on the Oral Tradition.

2 The following laws apply when there is a difference of opinion within a court of three judges with regard to a monetary issue: If two say the defendant's claim should be vindicated and one says that he is liable, his claim is vindicated. If two say that he is liable and one says his claim should be vindicated, he is held liable. If one says that his claim should be vindicated and one says he is liable, or two say that his claim should be vindicated or that he is liable and the third judge says: "I do not know," we add another two judges. Thus five judges debate the matter.

If three say the defendant's claim should be vindicated and two say that he is liable, his claim is vindicated. If three say that he is liable and two say his claim should be vindicated, he is held liable. If two say that his claim should be vindicated and two say he is liable, and the fifth judge says: "I do not know," we add another two judges. If, however, four say his claim should be vindicated or that he is liable and one says: "I don't know," or three say his claim should be vindicated and one says that he is liable, and the fifth says: "I don't know," we follow the majority. This applies whether the judge who says: "I don't know" is the same who said "I don't

know" at the outset or another individual.

If, in this situation as well, the opinions are evenly balanced and one says: "I don't know," or in any situation that there is a doubt, we continue to add two more judges until we reach 71 judges. If, after reaching 71, the issue is still unresolved, i.e., 35 hold him liable, and 35 wish to vindicate his claim and one says: "I don't know," they debate the matter until the judge who has not made up his mind sides with one of the opinions and thus there will be 36 who vindicate him or 36 who hold him liable. If neither that judge or another changes his opinion, the matter remains unresolved and the money is allowed to remain in the possession of its owner.

3 Whenever a judge says: "I don't know," he is not required to explain the rationale for his statements and explain the reason why he is in doubt. In contrast, a judge who rules that a litigant's claim is vindicated must state why he vindicates the claim, or if he holds him liable, he must state why he holds him liable.

Chapter 9

1 When all the judges of a *Sanhedrin* begin their judgment of a case involving capital punishment and say that the defendant is liable, he is exonerated. There must be some who seek to exonerate him and argue on his behalf, but yet the majority hold him liable. Only then he is executed.

2 The following rules apply when there is a difference of opinion in a minor

Sanhedrin. If twelve judges say that he should be exonerated and eleven say that he should be held liable, he is exonerated. If twelve say that he is liable and eleven say that he should be exonerated or eleven say that he should be exonerated and eleven say that he is liable, and one says: "I don't know," we add two judges. Even if there are twelve who wish to exonerate him and twelve who hold him liable, and one who one says: "I don't know," we add two judges. The rationale is that the judge who says: "I don't know," is considered as if he does not exist, for he cannot change his mind and explain why the defendant should be held liable. Thus after the addition, there are 24 judges aside from the person who says: "I don't know."

If twelve say that he should be exonerated and twelve say that he is liable, he is exonerated. If eleven say that he should be exonerated and thirteen say that he is liable, he is liable. This applies even if one of the original judges says: "I don't know." For there are two more judges who rule that he is liable.

If twelve say that he should be exonerated and twelve say that he is liable, we add two judges. And similarly, if the balance is not broken, we continue to add two judges until there is at least one more judge who rules that he should be exonerated or at least two more judges who rule that he should be held liable. If there are an even number of judges on both sides, and one says: "I don't know," or if the number of judges who rule that he is liable is only one more than those who rule that he should be exonerated, we continue to add judges until we reach 71.

The following rules apply when the court reaches that size. If 36 say that he should be exonerated and 35 say that he is liable, he should be

exonerated. If 36 say that he is liable and 35 say that he should be exonerated, they debate back and forth against each other until one of them sees the other's perspective and either exonerates him or holds him liable. If such a change in perspective does not take place, the judge of the greatest stature declares: "This judgment has become aged," and he is released.

If 35 say that he is liable and 35 say that he should be exonerated, and one says "I don't know," we release him. If 34 say that he should be exonerated and 36 say that he is liable, and one says: "I don't know," he is held liable. For there is a majority of two judges who hold him liable.

3 When there is a difference of opinion in the Supreme *Sanhedrin*, whether with regard to a law involving capital punishment, monetary law, or other matters of Torah law, we do not add judges. Instead, they debate against each other and the ruling follows the majority. If their difference of opinion involves whether a person will be executed, they should debate against each other until they either exonerate him or hold him liable.

Chapter 10

1 When one of the judges in a case involving capital punishment rules to acquit the defendant or to hold him liable, not because this is his own opinion which he arrived upon the basis of his own decision, but rather he was swayed after his colleague's words, he commits a transgression, as implied by **Exodus 23:2**: "Do not respond to a dispute with an inclination." According to the Oral Tradition, this command is

interpreted to mean that, when the judges are determining the verdict, a person should not say: "It is sufficient for me to adopt so-and-so's understanding." Instead, he should say what he thinks himself.

2 Included in this interdiction is a prohibition against a judge who had proposed a rationale to exonerate a defendant in a capital case to propose a rationale to convict him. This is also implied by: "Do not respond to a dispute with an inclination."
When does the above apply? In the give and take among the judges. At the time of the verdict even a judge who had proposed a rationale for acquittal may join the others who vote for conviction.

3 When a scholar offers a rationale for acquittal and then dies, we consider it as if he is alive and advocating this position.

4 If a judge says: "I can offer a rationale to acquit him" and then lost the power of speech or died before he could explain the rationale for acquittal, it is as if he does not exist.

5 When two judges mention one rationale, even if they cite different prooftexts, they are only counted as one.

6 According to the Oral Tradition, we learned that with regard to cases involving capital punishment, we do not ask the judge of the highest stature to render judgment first, lest the remainder rely on his opinion and not see themselves as worthy to argue against him. Instead, every judge must state what appears to him, according to his own opinion.

7 Similarly, with regard to cases involving capital punishment, we do not begin with a condemnatory statement, but rather one which points towards acquittal.

What is implied? We tell the presumed transgressor: "If you did not commit the transgression concerning which testimony was given concerning you, do not fear the words of the witnesses.

8 When one of the scholars makes a statement with regard to a case involving capital punishment: "I can teach a rationale which would convict him," we silence him. If he states: "I can teach a rationale which will exonerate him," he is raised up and included in the *Sanhedrin*. If his words are of substance, we heed his statements and he never descends. If his words are not of substance, he does not descend from the court for that entire day.

Even if the defendant himself says: "I can teach a rationale which will exonerate myself," we heed his statements and he is counted among the judges, provided his words are of substance.

9 When a court errs with regard to a case involving capital punishment and convict an innocent person, ruling that he is guilty, and later they discover a rationale that would require that the ruling be nullified and he be vindicated, they nullify the ruling and retry the case. If, however, they erred and acquitted a person liable to be executed, the judgment is not nullified and the case is not retried.

When does the above apply? When they erred with regard to a matter that the Sadducees would not acknowledge. If, however, they erred with regard

to a matter that the Sadducees acknowledge, we retry the case to convict him.

What is implied? If they said that a person who has adulterous or incestuous anal intercourse is not liable and they released him, he is retried and executed. If, however, they said a person who merely entered the woman's anus with the crown of his organ is not liable, and they released him. He is not retried. Similar principles apply in all analogous situations.

Chapter 11

1 What are the differences between cases involving financial matters and cases involving capital punishment? Cases involving financial matters are adjudicated by three judges, while cases involving capital punishment are adjudicated by 23. In cases involving financial matters, we begin the judgment either with a statement to the defendant's detriment or his advancement, while with regard to cases involving capital punishment, we begin with a statement which points towards acquittal, as we explained, and we don't begin with one which points toward his conviction.

In cases involving financial matters, we make a decision based on a majority of one whether it is to the defendant's detriment or in his support, while with regard to cases involving capital punishment, we acquit him on the basis of a majority of one, but convict him only when there is a majority of two. In cases involving financial matters, we retry a judgment whether doing so is to the defendant's detriment or his advancement, while with regard to cases involving capital punishment, we

retry a judgment if it will lead to acquittal, but not if it will lead to conviction, as we explained.

In cases involving financial matters, everyone - both the judges or the scholars - is entitled to advance any rationale whether it is to the defendant's detriment or in his support. With regard to cases involving capital punishment, by contrast, everyone - even the students - may advance a rationale leading to acquittal, but only the judges may advance a rationale leading to conviction. In cases involving financial matters, a person who advanced a rationale to the defendant's detriment may change his mind and advance a rationale in his support. Conversely, one who advanced a rationale in the defendant's support may change his mind and advance a rationale to his detriment. With regard to cases involving capital punishment, by contrast, a judge who advanced a rationale for conviction may advance a rationale for acquittal, but a judge who advanced a rationale for acquittal may not change his mind and advance a rationale for conviction. At the time the judgment is being rendered, however, he may vote to be counted among those favoring conviction, as we explained.

Cases involving financial matters are adjudicated during the day, but the verdict may be rendered at night. Cases involving capital punishment are adjudicated during the day and the verdict must also be rendered during the day. The verdict in cases involving financial matters is rendered on that very day, whether it is to the defendant's detriment or in his support. With regard to cases involving capital punishment, by contrast, a verdict of acquittal is rendered on that very day, but a verdict of conviction is not rendered until the following day.

2 For this reason, we do not adjudicate cases involving capital punishment on Fridays, nor on the days preceding festivals. The rationale is that the defendant may be convicted and it is impossible to execute him on the following day, but it is forbidden to postpone his execution until after the Sabbath. Hence, we imprison him and begin his trial on Sunday.

3 According to Scriptural Law, cases involving financial law can be adjudicated at all times, as **Exodus 18:22** states: "They shall judge the people at all times." According to Rabbinic Law, cases are not adjudicated on Fridays.

4 All of the same laws that apply to cases involving capital punishment apply also to cases involving lashes and exile, except that cases involving lashes are adjudicated by three judges. None of these distinctions are made with regard to the judgment of an ox that is stoned except for one, that the judgment is adjudicated by 23 judges.

5 The laws which pertain to a *mesit*, a person who entices others to serve false divinities, differ from those pertaining to others liable for capital punishment. We hide witnesses to observe his act. He does not need a warning as must be given to others who are executed. If he departed from the court after being acquitted, and someone said: "I know a rationale that will lead to his conviction," he is returned and retried. If he was sentenced to death and someone said: "I know a rationale that will lead to his release," he is not retried. The court does not advance arguments in defense of a *mesit*. An elderly person, a eunuch, and a person who does

not have sons are placed on the court which judges him, so that they will not have mercy on him. For cruelty to those who sway the people after emptiness brings mercy to the world, as implied by **Deuteronomy 13:19:** "so that God will turn away from His fierce anger and grant you mercy."

6 With regard to cases involving monetary matters and similarly questions of ritual purity and impurity, the judge of the greatest stature gives his ruling first and the other judges hear his ruling. With regard to laws involving capital punishment, we begin from the side. The words of the judge of the highest stature are not heard until the end.

7 With regard to cases involving monetary matters and similarly questions of ritual purity and impurity, a father and his son and a teacher and his student are counted as two judges. With regard to cases involving capital punishment, lashes, and the sanctification of the moon and the declaration of a leap year, a father and his son and a teacher and his student are counted as one.

8 The concept that a father and a son are counted as one or as two applies when one is a member of the *Sanhedrin* and the other was one of the students attending the court who said: "I can contribute a rationale that will lead to his vindication," or "...to his being held liable." We listen to his words and enable him to participate in the debate, and he is counted in the polling of the judges.

9 At the time of the final judgment, relatives are not included. For judges who are related to each other are not acceptable to rule together, as will be

explained.

10 When a student was wise and understanding but is lacking sufficient knowledge of the tradition, his master may convey to him the tradition which he requires with regard to these laws and then he may serve as a judge even in cases regarding capital punishment.

11 All individuals are acceptable to judge cases involving financial laws, even a convert, provided his mother is a native-born Jewess.
A convert may judge a fellow convert even if his mother is not a native-born Jewess. Similarly, a *mamzer* and a person who is blind in one eye are acceptable to adjudicate financial disputes. Cases involving capital punishment, however, may be judged only by priests, Levites, and Israelites with lineage acceptable to marry into the priesthood. not one of them may be blind even in one of his eyes, as we explained.

Chapter 12

1 How are cases involving capital punishment judged? When the witnesses come to the court and say: "We saw this person violate such-and-such a transgression," the judges ask them: "Do you recognize him? Did you give him a warning?"
If they answer: "We do not recognize him," "We are unsure of his identity," or "We did not warn him," the defendant is exonerated.

2 Both a Torah scholar and a common person need a warning, for the obligation for a warning was instituted only to make a distinction between

a person who transgresses inadvertently and one who transgresses intentionally, lest the person say: "I transgressed inadvertently."

How is a warning administered? We tell him: "Desist..." or "Do not do it. It is a transgression and you are liable to be executed by the court..." or "to receive lashes for it." If he ceases, he is not liable. Similarly, if he remains silent or nods his head, he is not liable for punishment. Even if he says: "I know," he is not liable for punishment until he accepts death upon himself, saying: "It is for this reason that I am doing this." In such a situation, he is executed.

He must commit the transgression directly after receiving the warning, within the time to offer a salutation. If he waits longer than that, a second warning is necessary.

The warning is acceptable whether it was administered by one of the witnesses or by another individual, even a woman or a servant. Even if the transgressor hears the voice of the person administering the warning, but does not see him, and even if he himself administers the warning, he should be executed.

3 If the witnesses say: "He was given a warning and we recognize him," the court intimidates them.

How do they intimidate them in cases involving capital punishment? They say: "Maybe you are speaking on the basis of supposition, or on the basis of hearsay, one witness from another witness, or maybe you heard from a trustworthy person?" "Maybe you do not know that ultimately we will subject you to questions and crossexamination?"

"Know that cases involving capital punishment do not resemble those

involving financial matters. With regard to financial matters, if there is any deceit, a person can make financial restitution and receive atonement. With regard to capital punishment, the victim's blood and the blood of his unborn descendants are dependent on the murderer until eternity. As it is said with regard to Cain, 'The voice of the blood of your brother is crying out.' The Torah uses the plural form of the word blood, implying his blood and the blood of his descendants.

"For this reason, man was created alone in the world. This teaches us that a person who eliminates one soul from the world is considered as if he eliminated an entire world. Conversely, a person who saves one soul is considered as if he saved an entire world.

"All the inhabitants of the world are created in the image of Adam, the first man, and yet no one person's face resembles the face of his colleague. Therefore each person can say: 'The world was created for me.'

"If you might say: 'Why should we enter this difficulty?' It is written **Leviticus 5:1**: 'If he witnessed, observed, or knew....' If you will say: 'Why should we become responsible for shedding the defendant's blood? It is already said: 'At the destruction of the wicked, there is joy. '

If they stand by their word, the witness of the greater stature is brought into the court alone and he is questioned and cross-examined, as will be explained in *Hilchot Edut*. If his testimony appears to be factual, the second witness is brought into the court, and he is questioned as the first one was. Even if there are 100 witnesses, each one is questioned and cross-examined.

If the testimony of all the witnesses is accurate, we begin the judgment with a statement that tends to acquittal as stated. We tell him: "If you did

not transgress, do not fear their words." Then we judge him. If grounds for acquittal are found, he is released. If they do not find grounds for acquittal, the defendant is imprisoned until the following day.

On that day, the *Sanhedrin* divides itself into pairs and they examine the judgment. They eat little and do not drink wine throughout that entire day. They debate the matter throughout the night, each one with his comrade or alone. On the morrow, they come to the court early. Each of those who voted for acquittal state: "I am the one who voted for acquittal yesterday, and I still favor that ruling." Each of those who voted for conviction state: "I am the one who voted for conviction yesterday, and I still favor that ruling," or "...I have changed my mind and I vote for acquittal." If they erred in that regard, or did not know who voted for conviction or who voted for acquittal on the basis of one rationale and hence are considered only as one, as we explained, the two scribes of the court remind them, for they write down the rationale given by each one of them.

We begin the judgment. If they find a rationale to acquit him, they acquit him. If it is necessary to add judges, they add. If there is a majority of judges who seek to convict him, and he is convicted, he is taken out to be executed immediately.

The place where the court conducts the execution is outside the court and removed from it, as implied by **Leviticus 24:14**: "Take the blasphemer outside the camp...." It appears to me that it should be approximately 6 *mil* , the distance between the court of Moses our teacher which was before the entrance of the Tent of Meeting and the extremities of the camp of the Jewish people.

4 After a defendant has been convicted, we do not delay the matter, but instead execute him immediately. Even if a woman is pregnant, we do not wait until she gives birth. Instead, we give her a blow against the womb so that the fetus will die first. If, by contrast, she is already in the throes of labor, we wait until she gives birth.
Whenever a woman is executed, it is permitted to benefit from her hair.

5 When a person is being taken out to be executed and a sacrifice of his has already been slaughtered, we do not execute him until the blood of his sin offering or guilt offering has been sprinkled on the altar for his sake. If, however, he was already convicted and the animal designated as a sacrifice has not been slaughtered already, we do not wait until the sacrifice is brought, for we do not prolong his judgment.

Chapter 13

1 When a person is sentenced to death, he is taken out of the court and led to the place of execution. One person stands at the entrance to the court with flags in his hands and a horse distant from him. An announcement is made before him: "So-and-so is being taken to be executed in this-and-this manner, because he violated this prohibition, in this place at this time. So-and-so and so-and-so are the witnesses. If there is anyone who knows a rationale leading to his acquittal, let them come and tell us."
If a person says: "I know a rationale that leads to his acquittal," the person with the flags waves them and the rider on the horse races to bring the defendant back to the court. If a factor leading to his acquittal is found,

he is released. If not, he is taken back for execution.

If the defendant himself says: "I know a rationale that leads to my acquittal," even though there is no substance to his words, he is returned to the court once or twice. We suspect that perhaps out of fear, he could not present his arguments and when he is returned to the court, he will be composed and will state a substantial reason for acquittal.

If they return him to the court, and it is discovered that his words are without substance, for a third time, he is taken to be executed. If on this third occasion, he also says: "I know a rationale that leads to my acquittal," we return him to the court - even several times - if his words are substantial. For this reason, two scholars are sent to accompany him and listen to his statements on the way. If his words are of substance, he is returned to the court. If not, he is not returned.

If an argument leading to his acquittal is not discovered, he is brought out for execution. The witnesses are the ones who execute him in the manner for which he is liable. When a murderer is not executed by his witnesses, all other people are obligated to execute him.

Approximately ten cubits from the place of execution, he is told to confess. For all those who are executed should confess. For if they confess, they receive a portion in the world to come. If he does not know how to confess, we tell him: "Say 'may my death atone for my sins.' Even if he knows that he was the victim of false testimony, he should confess in this manner.

2 After he confessess, he is given a granule of frankincense dissolved in a cup of wine, so that he will lose control of his mind and become drunk.

Afterwards, he is executed in the manner for which he is liable.

3 The wine, the frankincense, the stone used to execute a person stoned to death, the sword used to decapitate a defendant, the cloth used for strangulation, the pole on which a blasphemer or an idolater is hung after being executed, the flags that are waved before those being executed, and the horse that runs to save him all are paid for from communal funds. Anyone who wants to donate them may donate them.

4 The court does not attend the funeral of the executed person. Whenever a court has a person executed, they are forbidden to eat for the remainder of that entire day.. This prohibition is included in the interdiction (**Leviticus 19:26** : "Do not eat upon the blood." A meal of comfort is not given the relatives of those executed by the court. This too is derived from the above verse. These acts are forbidden, but they are not punishable by lashes.

5 When a person is held liable for the death penalty during *Chol HaMoed*, the court prolong their analysis of his judgment. The judges eat and drink. Afterwards, shortly before sunset, they conclude the judgment and have him executed.

6 Mourning rites are not held for those executed by the court. Their relatives come and inquire about the well-being of the witnesses and the well-being of the judges to show that they have no bad feelings against them in their hearts and that they acknowledge that their judgment was true. Although they do not observe the mourning rites, they do observe *aninut*. For *aninut* is solely a reflection of the feeling in one's heart.

7 When a person was sentenced in one court, fled, and brought to another court, we do not reopen his case. Instead, wherever two people will arise and state: "We testify that this person was sentenced to death in this court and that so-and-so and so-and-so are those who testified against him," he is executed.

When does the above apply? To a murderer. Other people who are obligated to be executed are not given that punishment until the witnesses who originally testified against them come and testify that they were sentenced to death. The witnesses must then execute the convicted themselves. The above applies provided testimony is given in a court of 23 judges.

8 When a person was sentenced to death by a court in the diaspora and fled to a court in *Eretz Yisrael*, we reopen his case at least. If he comes before the same court who sentenced him in the diaspora, we do not reopen his case, even though they sentenced him in the diaspora and now they are in *Eretz Yisrael*.

Chapter 14

1 Four types of execution were given to the court: stoning, burning, decapitation with a sword, and strangulation. Stoning and burning are explicitly mentioned in the Torah. Moses our teacher taught that whenever the Torah mentions the death sentence without any further description, the intent is strangulation. When a person kills a colleague, he should be decapitated. Similarly, the inhabitants of a city that goes

astray are executed by decapitation.

2 Every one of these forms of execution involves a positive commandment for the court to execute a person with the form of death for which he is liable. A king has permission to execute using only one of them - by decapitation.

3 Whenever a person is obligated to be executed and the court did not execute him, the judges negated the observance of a positive commandment, but do not transgress a negative commandment. There is one exception: a sorcerer. If they do not kill him, they violate a negative commandment, as **Exodus 22:17** states: "Do not allow a sorcerer to live."

4 Stoning to death is a more severe form of execution than burning. Burning is a more severe form than decapitation, and decapitation is more sever than strangulation.

When a person is liable to be executed with two different forms of execution, he should be executed with the more severe form. This applies whether he committed two transgressions, one after the other, or he committed one transgression which involved two death penalties. Even if he was sentenced to be executed for the less severe form of execution and afterwards, committed a transgression punishable by the more severe form, should he be convicted, he is executed in the more severe manner.

5 Both men and women are executed in these four ways.

6 Whenever people who are all liable to be executed are mixed together,

each one of them is executed in the less severe manner.

7 When a person who has been sentenced to death becomes mixed together with others and it is unable to distinguish him from them, and similarly, when a person who was not convicted becomes mixed together with others who have been convicted and sentenced to death and it is unable to distinguish him from them, they are all released from liability. The rationale is that we complete the judgment of a person only when he is present.

8 When a convicted person fights for his life and it is impossible for the court to have him bound so that he can be executed in the manner in which he is obligated to die, the witnesses should kill him in any manner they can, for he has been sentenced to death. No one else, however, has the right to kill him first.

For this reason, if the hands of the witnesses are cut off, the convicted person is released. If, however, at the outset, the witnesses did not have hands, the convicted person should be executed by others.

When does the above apply? To all people who are liable to be executed by the court with the exception of a murderer. When, however, a murderer has been sentenced by the court every person should pursue him using any means possible to kill him until he is executed.

9 All of the people executed by the court should not be buried in their family plots together with the entire Jewish people. Instead, the court sets aside two different burial plots: one for those who are stoned and those

who are burnt, and the other for those who are decapitated and strangled. This is a halachah conveyed by the Oral Tradition.

When the flesh of the corpse decomposes, they would gather the bones and rebury them in their ancestral plots. The relatives may make a coffin and shrouds in which to rebury the bones.

10 The court must be very patient with regard to laws involving capital punishment and ponder the matter without being hasty. Whenever a court executes a person once in seven years, it is considered a savage court. Nevertheless, if it happens that they must execute a person every day, they do. They do not, however, judge two cases involving capital punishment on the same day. Instead, one is judged immediately, and the other on the following day.

If, however, the two people committed the same sin and are punished with the same form of execution, e.g., a man and a woman who committed adultery, we judge both of them on the same day. Therefore if an adulterer had relations with the daughter of a priest, since he is executed by strangulation and she is burnt to death, they are not executed on the same day.

11 Cases involving capital punishment are adjudicated only when the Temple is standing. It is also necessary that the High Court hold its sessions in the Chamber of Hewn Stone in the Temple. This is derived from the statements of **Deuteronomy 17:12** with regard to a rebellious elder: "who refuses to heed the priest." According to the Oral Tradition, it was taught: "At a time when there is a priest offering sacrifices on the altar, cases

involving capital punishment are adjudicated." This applies provided the court is holding sessions in its place.

12 At the outset, when the Temple was constructed, the Supreme *Sanhedrin* would hold session in the Chamber of Hewn Stone in the Courtyard of the Israelites. The place where the judges would sit was not consecrated. For only kings of the House of David were permitted to sit in the Temple Courtyard.

When the moral character of the Jewish people declined, the *Sanhedrin* went in exile. They traveled to ten different places in exile, the last being Tiberias. Afterwards, until the present age, the Supreme *Sanhedrin* has never been convened. And it is an accepted tradition, that in the future, the *Sanhedrin* will first convene in Tiberias, and from there, they will proceed to the Temple.

13 40 years before the destruction of the Temple, capital punishment was nullified among the Jewish people. Although the Temple was still standing, since the *Sanhedrin* went into exile and were not in their place in the Temple, these laws could not be enforced.

14 In the era when cases involving capital punishment were adjudicated in *Eretz Yisrael*, such cases could also be adjudicated in the diaspora, provided the members of that court received *semichah* in *Eretz Yisrael*. As we have already stated, the *Sanhedrin* exercises judicial authority in *Eretz Yisrael* and in the diaspora.

Chapter 15

1 How is the mitzvah of stoning carried out? Four cubits from the place of execution, we remove the clothes of the person to be stoned; we do, however, cover his sexual organ in front. A woman is not executed naked. Instead, she is allowed to wear one cloak.

The place of execution was two storeys high. The convicted person ascends there with his hands tied, together with his witnesses. One of the witnesses pushes him at his loins from behind, he falls over, landing on his heart on the ground. If he dies because of this, they have fulfilled their obligation, for **Exodus 19:13** states: "Or he will be cast down or stoned," creating an equation between a person who has a stone fall upon him with one who himself falls on the earth.

If he does not die after this fall, the witnesses pick up a stone that is so large it requires two people to carry it. The second witness lets go and the first casts the stone on the convicted person's heart. If he dies because of this, they have fulfilled their obligation. If not, he should be stoned by the entire Jewish people, as **Deuteronomy 17:7** states: "The hand of the witnesses shall be raised up against him first to execute him, and the hand of the entire nation afterwards."

2 An idolater should be stoned at the gateway to the place where he performed the transgression. If the majority of the population of a city are gentiles, he should be stoned at the entrance to the court. This concept has been conveyed by the Oral Tradition. The term "to your gates" where **Deuteronomy 17:8** states that an idolater should be executed refers to the

gate where he performed the transgression and not the gate where he was sentenced.

3 The mitzvah of executing a person by burning is performed as follows: The convicted is placed in fertilizer until his knees. A firm cloth is placed within a soft cloth and they are wound around his neck. The two witnesses are positioned on either side and each pull the cloths toward himself until the convicted opens his mouth. Tin, lead, and the like are melted down and then poured into his mouth. The molten metal descends and burns his innards.

4 The mitzvah of decapitation is performed as follows: We cut of his head with a sword as the kings do.

5 The mitzvah of executing a person by strangulation is performed as follows: The convicted is placed in fertilizer until his knees. A firm cloth is placed within a soft cloth and they are wound around his neck. Each of the two witnesses pulls the cloths toward himself until the convicted expires.

6 It is a positive commandment to hang a blasphemer and an idolater after they have been executed, as implied by **Deuteronomy 21:23**: "A person who is hung is cursing God." This refers to the blasphemer. With regard to an idolater, **Numbers 15:30** states: "He blasphemes God."
A man is hung, but a woman is not hung, as implied by **Deuteronomy 21:22**: "When a man has sinned and is condemned to die, after he is executed, you shall hang him...."

7 How is the mitzvah of hanging carried out? After the convicted is stoned, a beam is implanted in the ground with a rafter protruding from it. The two hands of the corpse are intercrossed and he is hung close to sunset.
He is released immediately. If not, a negative commandment is transgressed, as *Ibid.*:23 states: "Do not let his corpse tarry overnight on the beam."

8 It is a positive mitzvah to bury the persons executed by the court on the day of their execution, as *Ibid.* states: "For you shall surely bury him on that day."
Not only those executed by the court, but anyone who leaves a deceased overnight without burying him transgresses a negative commandment. If, however, a burial is delayed overnight to honor the deceased, e.g., to bring a coffin or shrouds, there is no transgression.

9 We do not hang a person on a tree that is still growing from the ground, only from one which has been detached. In this way, the tree will not have to be chopped down before the person's burial. For the tree on which the executed is hung is buried with him, so that it will not be an unfavorable remembrance, causing people to say: "This is the tree on which so-and-so was hung."
Similarly, the stone, the sword, and the cloths used for execution are all buried near the deceased, but not in his actual grave.

10 The Torah mentions 18 people who are executed by stoning. They are: a) a person who engages in relations with his mother, b) with his father's

wife, c) his daughter-in-law, d) a maiden who was consecrated, e) a man involved in homosexual relations, f) a man who sodomizes an animal, g) a woman who has relations with an animal, h) a blasphemer, i) an idolater, j) a person who gives his descendants to *Molech*, k) a person who divines with an *ov*, l) a person who divines with an *yidoni*, m) a person who entices others to worship idols, n) the people who lead a city to idol worship, o) a sorcerer, p) a person who desecrates the Sabbath, q) a person who curses his father or his mother, and r) a wayward and rebellious son.

11 There are 10 people who are executing by burning: a) a priest's daughter who commits adultery, b) a person who has relations with his daughter, c) with his daughter's daughter, d) with his son's daughter, e) with his wife's daughter, f) with the daughter of his wife's daughter, g) with the daughter of his wife's son, h) with his mother-in-law, i) with the mother of his mother-in-law, and j) with the mother of his father-in-law.
The latter prohibitions apply if the man has relations with them during his wife's lifetime. After his wife's death, these relations are punishable by *kerait* alone like other incestuous relationships.

12 There are two who are decapitated: a murderer, and the inhabitants of a city enticed to idolatry.

13 There are six who are executed by strangulation: a) an adulterer, b) a person who wounds his father or mother, c) a person who kidnaps a fellow Jew, d) a rebellious elder, e) a false prophet, and f) a person who prophecies in the name of a false deity.

Thus the court executes individuals for a totality of 36 prohibitions.

Chapter 16

1 Just as it is a mitzvah to execute a person who is obligated to be executed; so, too, it is a positive commandment to give lashes to a person who is obligated to receive lashes, as **Deuteronomy 25:2** states: 'And the judge should cause him to fall and will have him beaten in his presence.' Although transgressions punishable by lashes are adjudicated by three judges, lashes are equivalent to execution.

2 Lashes are administered in the present age in any place, according to Scriptural Law in the presence of three judges who were given *semichah*. This punishment is not, however, administered in the presence of three ordinary people.

3 All the lashes that are administered by the judges of the diaspora in every place are 'stripes for rebellious conduct.'

4 A person is not punished by lashes unless his transgression was observed by witnesses and they administered a warning to him. The witnesses are questioned and cross-examined in the same manner as they are in cases involving capital punishment.

The following laws apply when a person transgresses a negative commandment that can be corrected by a positive commandment. Before the transgressor violates the negative commandment, witnesses must administer a warning, telling him: 'Do not perform this activity. If you

perform it and do not fulfill the positive commandment associated with it, you will receive lashes.' If, after receiving such a warning, the transgressor violates the commandment and does not fulfill the positive commandment, he receives lashes. Although the warning involved uncertainty, - for if he fulfills the positive commandment, he will be released unpunished - an uncertain warning is considered as a warning.

5 The following rules apply when a person performs a prohibited act that is punishable both by lashes and execution by the court, e.g., he slaughtered an animal and its offspring on the same day as a sacrifice to a false divinity. If he was warned that his act is punishable by execution, he is stoned to death and is not given lashes, for he is obligated for a more severe judgment. If he was given a warning only for lashes, he receives lashes.

6 There is no need for the two witnesses who obligate a person for lashes, to observe other than at the time the transgression is committed. The prohibition itself, by contrast, can be established on the basis of one witness.

What is implied? One witness said: 'This substance is fat from the kidneys, 'These grapes were grown together with grain in a vineyard, 'This woman is a divorcee or a *zonah*." If a person partook of this food or had relations with these women after he was warned, he receives lashes, despite the fact that the essence of the prohibition was established by one witness.

When does the above apply? When he did not contradict the witness when he established the prohibition. If, however, he said: "This is not fat,"

"She is not a divorcee," and then he partook of the food or had relations with the woman after his denial, he does not receive lashes until the prohibition was established through the testimony of two witnesses.

7 If the person remained silent when the one witness testifies to establish the prohibition, and after he violated the transgression and was warned, he issued a claim to contradict the witness, his words are not accepted. Instead, he receives lashes.

8 How are lashes administered? The transgressor's two hands are bound to a pillar on either side. The community attendant takes hold of his clothes and pulls downward. If they tear at the front, that is satisfactory; if the tear at the sides, that is satisfactory. He continues until he uncovers his heart. The rationale is that he should not administer lashes on his garment, as indicated by **Deuteronomy 25:2**: "And he shall strike him," i.e., "him," and not his garment.

A stone is placed behind him. The attendant who administers the lashes stands on it. He holds a strap of calf's leather that is folded into two, and a second one, making four, and two straps of donkey leather attached to it that rise and descend with it.

The strap is a handbreadth wide and it is long enough to reach the transgressor's belly. The handle of the strap is a handbreadth wide.

9 The man administering the lashes should be heavily endowed with knowledge and minimally endowed with physical power. He should lift up the strap with both his hands and strike him with one hand, with all

his power.

He should strike him with a third of the lashes on his front, i.e., on his breast, between his nipples, and two thirds of the lashes on his back, one third on one shoulder and the other third on the other shoulder.

10 The person receiving the lashes should not stand, nor should he sit. Instead, he should bend over as **Deuteronomy 25:2** states: "The judge shall cast him down." The verse continues: "And he shall strike him before him." This implies that the attention of the judge should be focused upon him. He should not look at other matters while having him lashed. From this, we learn that two people are never lashed at the same time.

11 Through the time the person is being lashed, the judge of the highest stature reads the passage **Deuteronomy 28:58** "If you are not careful to heed and to perform... in an extraordinary way, God will increase the blows against you and your offspring...." He should have the intent to complete the passage with the lashes. If the lashes are not completed, he should return to the beginning of the passage and read it again - and again if necessary until all the lashes are administered.

The judge of intermediate stature counts the lashes and the third judge tells the attendant before each blow: "Strike him." Throughout the entire time he administers the lashes, he does so following the judge's instruction.

12 If the person receiving the lashes dies while receiving them, the attendant administering them is not liable. If he added another blow to the estimate

arrived at by the judges and the person receiving the lashes dies, the attendant is exiled. If he does not die, the attendant is held liable for transgressing a negative commandment, as **Deuteronomy 25:3** states: "Do not add."

Similarly, any other person who strikes a colleague violates a negative commandment. If a person who was given permission by the Torah to strike a colleague is warned not to strike him more than is required to punish his wickedness, certainly, this applies with regard to other people. For this reason, whenever a person strikes a colleague - even a servant - with a blow for which the victim would not receive a *p'rutah* in damages, the offender should be lashed. If, however, the blow is worth a *p'rutah* in damages, the offender is not lashed. The rationale is that he is obligated to make financial restitution, and a person never both receives lashes and is required to make financial restitution, as explained previously in several places.

Chapter 17

1 How are lashes administered to a person liable to receive them? According to his strength, as indicated by **Deuteronomy 25:2**: "According to his wickedness by number." The number 40 stated in the following verse is mentioned to teach that more than 40 lashes are never administered even if the person is as healthy and as strong as Samson. When, by contrast, a person is weak, the amount of lashes is reduced. For if a weak person is given many lashes, he will certainly die. Therefore our Sages said: that even a very healthy person is given only 39 lashes. For if accidentally an

extra blow is administered, he will still not have been given more than the 40 which he was required to receive.

2 When the court estimates how many lashes the condemned is able to bear, the estimation is made in numbers that are divisible by three. If it was estimated that he could bear 20, we do not say that he should be given 21, so that the number of lashes will be divisible by three. Instead, he is given 18 lashes.

If the court estimated that he could bear 40 lashes, but when they began lashing him, they saw that he was weak and that he would not be able to bear more than the nine or twelve lashes that he already received, he is released. If they estimated that he could bear twelve and after he was lashed, they saw that he was strong and could bear more, he is released. He is not lashed more than the original estimate.

3 If, on a specific day, it was estimated that he could bear twelve lashes to be given on that day, but he was not lashed until the following day, and on the following day, he is able to bear eighteen, he receives only twelve.

If it was estimated on one day that if he was lashed on the following day, he could bear twelve and he was not lashed until the third day, at which time he was strong enough to bear eighteen, he should be given eighteen lashes. The rationale is that at the time the estimation was made, it was reckoned that he would not be lashed until a later date. Similar laws apply in all analogous situations.

4 The following rules apply when a person was obligated to receive several

sets of lashes whether for the transgression of several sins, or he performed one deed that involved several transgressions and hence, caused him to be liable for several sets of lashes. Everything depends on the judges. If they made one estimation for both transgressions, he receives lashes and is absolved. If not, he is given lashes, given time to recuperate, and then given lashes again.

What is implied? He was held liable for two transgressions punishable by lashes. The court estimated that he could bear 45 lashes, once he receives these 45, he is absolved from further punishment. If, however, they estimated the amount of lashes he could bear for one transgression, and they gave him three, nine, or thirty lashes according to their estimation, we wait until he is healed, and estimate how many lashes he can bear for the second lashing until he is given all the lashings for which he is obligated.

5 When it was estimated that a person could bear a specific number of lashes, they began lashing him and he became discomfited because of the power of the blows and either defecated or urinated, he is not given any more lashes. This is derived from **Deuteronomy 25:3**: "and your brother will be degraded before your eyes." Since he was discomfited, he is absolved.

If, however, he became discomfited from fear before being beaten, even if he became discomfited when he was taken out from the court to be lashed, and even if he became discomfited on the previous evening, he is given all the lashes that it was estimated that he could bear.

If one estimation was made for two transgressions punishable by lashes,

and he becomes discomfited, whether in the midst of the first set of 40 or the second set of 40, he is absolved. If the lash became severed in the midst of the second lashing, he is absolved. If it became severed in the midst of the first lashing, he is absolved from the first set of lashes, but is given the lashes of the second set.

6 If they bound him to the pillar to be lashed, and he severed the ties and fled, he is absolved. We do not force him to return.

7 Whenever a person sins and is lashed, he returns to his original state of acceptability, as implied by the verse: "And your brother will be degraded before your eyes." Once he is lashed, he is "your brother."
Similarly, all those obligated for *kerait* who received lashes are absolved for *kerait*.

8 When a High Priest sins, he is lashed on the basis of the judgment of a court of three like people at large. Afterwards, he returns to his position of eminence.

9 When, by contrast, the head of the academy transgresses, he is given lashes in the presence of a court of three, but does not return to his position of authority. He also is not reinstated as one of the other judges of the *Sanhedrin*. The rationale is that we ascend higher in matters of holiness, and do not descend.

Chapter 18

1 These are the individuals who receive lashes:

a) anyone who transgresses a negative commandment punishable by *kerait*, but which is not punishable by execution by the court, e.g., a person who eats either fats, blood, or *chametz* on Passover,

b) anyone who transgresses a negative commandment punishable by death at the hand of heaven, e.g., a person who eats *tevel*, or a priest who eats *terumah* that is ritually pure, while he is in a state of ritual impurity,

c) anyone who involves a negative prohibition that involves a deed, e.g., a person who eats milk and meat or who wears *sha'atnez*.

When, however, a prohibition does not involve a deed, i.e., a gossiper, a person who takes revenge, or who bears a grudge, and a judge who hears a false report, a violator does not receive lashes.

2 Whenever a prohibition does not involve a deed, it is not punishable by lashes except for a person who takes a false oath, a person who transfers the sanctity of one sacrificial animal to another, and one who curses a colleague using God's name. Similarly, any prohibition punishable by execution by the court, e.g., "Do not commit adultery," or do not perform labor on the Sabbath is not punishable by lashes.

Whenever a prohibition requires financial recompense, e.g., "Do not rob," or "Do not steal," it is not punishable by lashes. Whenever a prohibition can be corrected by the performance of a positive commandment, e.g., "Do not take the mother together with the offspring," or "Do not complete the reaping of the corners of your field," it is not punishable by lashes, unless one does not perform the positive commandment.

Similarly, a prohibition of a general nature is not punishable by lashes. All

other Scriptural prohibitions are punishable by lashes.

3 What is meant by a prohibition of a general nature? A prohibition that includes many matters, e.g., **Leviticus 19:26**,: "Do not eat over the blood." Similarly, if the Torah states: "Do not do this and this," since a prohibition was not explicitly stated with regard to each deed, these prohibitions are not punishable by lashes unless the Torah divides them into separate prohibitions or it is conveyed via the Oral Tradition that they have been divided.

What is implied? **Exodus 12:9** states: "Do not partake of it partially roasted or cooked." If a person partakes of a portion of the Paschal sacrifice while it is partially roasted and another portion that has been cooked at the same time, he does not receive two sets of lashes, only one.

With regard to *Chadash*, **Leviticus 22:14** states: "You shall not partake of bread, roasted grain, or fresh grain...." A violator is liable for three sets of lashes for these three transgressions. According to the Oral Tradition, we learned that a distinction is to be made.

It is also written: "There shall not be found among you one who passes his son or daughter through the fire, one who divines...." Even though all the matters are included in one prohibition, in other places, the Torah distinguishes them as separate prohibitions, as **Leviticus 19:26** states: "Do not augur and do not read omens." This teaches that each one is a separate prohibition. Similar principles apply in all analogous situations.

4 The following rules apply when a person receives lashes in a court because of the violation of a prohibition punishable by *kerait*, and then received

lashes a second time for the violation of that same prohibition - e.g., he ate forbidden fat, received lashes for it, and then ate forbidden fat again and received lashes for it. If he eats such fat a third time, he is not given lashes. Instead, he is compelled to enter a *kipah*, a narrow place that is his height where he cannot lie down. He is given meager portions of bread and water until his digestive tract contracts and he becomes ill. Afterwards, we feed him barley until his stomach bursts.

5 When a person violates a prohibition punishable by *kerait* or by execution by the court and received a warning beforehand, if he nodded his head, or remained silent and did not acknowledge the warning, we do not execute him, as explained above, nor do we give him lashes. If he repeats this transgression, receives a warning, nods his head, or remains silent, we neither execute him or give him lashes. If he repeats this transgression a third time, receives a warning, even though he merely nodded his head or remained silent, he is placed in a *kipah* until he dies.

All these individuals who did not acknowledge the warning they received are given "stripes for rebellious behavior" for they did at least commit a sin. Even a person who violates a Rabbinic prohibition is given "stripes for rebellious behavior."

6 When a person steals one of the sacrificial vessels from the Temple, curses God's name using the name of a false divinity, or has relations with an idolatrous gentile woman, the court does not deal with this matter. Instead, the zealous strike them. Whoever slays them merits. Similarly, when a priest served in the Temple while ritually impure, his priestly

brethren would not bring him to court. Instead, the young priests take him out of the Temple Courtyard and crack his head open with logs.

It is a Scriptural decree that the court does not execute a person or have him lashed because of his own admission. Instead, the punishments are given on the basis of the testimony of two witnesses. Joshua's execution of Achan and David's execution of the Amalekite convert because of their own statements was a directive of immediate relevance only or was by royal fiat. The *Sanhedrin*, however, may not execute or lash a person who admits committing a transgression, lest he become crazed concerning this matter. Perhaps he is one of those embittered people who are anxious to die and pierce their reins with swords or throw themselves from the rooftops. Similarly, we fear that such a person may come and admit committing an act that he did not perform, so that he will be executed. The general principle is the disqualification of a person's own testimony is a decree of the king.

Chapter 19

1 There are a total of 21 negative commandments that are punishable by *kerait*, but which are not punishable by execution by the court, for which lashes are administered. They are:

i) a person who has relations with his sister;

ii) ...with his father's sister;

iii) ...with his mother's sister;

iv) ...with the sister of his wife;

v) ...with his brother's wife;

vi) ...with the wife of the brother of his father;

vii) ...with a woman in the *niddah* state;

viii) a person who eats forbidden fat;

ix) ...blood;

x) ...leaven on Passover;

xi) ...on Yom Kippur;

xii) a person who performs forbidden labor on Yom Kippur;

xii) a person who partakes of sacrificial meat after the designated time;

xiv) ...of sacrificial meat disqualified as *piggul*;

xv) ...of sacrificial meat while ritually impure;

xvi) a person who enters the Temple Courtyard while ritually impure;

xvii) a person who slaughters a consecrated animal outside the Temple;

xviii) a person who burns a consecrated animal as a sacrifice outside the Temple;

xix) a person who prepares the anointing oil for personal use;

xx) a person who anoints himself with the anointing oil for his own benefit

xxi) a person who prepares the incense offering for his personal use;

2 There are a total of 18 negative commandments that are punishable by death by the hand of heaven, whose transgression involve a deed, for which lashes are administered. They are:

i) a person other than a priest who partakes of primary *terumah* whether it was ritually pure or ritually impure;

ii) a person other than a priest who partakes of *terumat ma'aser*;

iii) a person other than a priest who partakes of the first fruits after they

entered Jerusalem;
iv) a person other than a priest who partakes of *challah*;
v) a person who partakes of *tevel* before the primary *terumah* and *terumat ma'aser* were separated from it;
vi) a person who partakes of the product of dough from which *challah* was not separated;
vii) a priest who partakes of *terumah* that was ritually pure while he was in a state of ritual impurity;
viii) a priest who entered the Holy of Holies for a purpose other than sacrificial worship;
ix) a priest who departed from the Temple in the midst of the sacrificial worship;
x) a Levite who performed the service of the priests;
xi) a person other than a priest who performs service in the Temple;
xii) a person who does not wear all the priestly garments; he is considered as if he is not a priest and receives lashes if he serves in the Temple;
xiii) a priest who serves in the Temple while in a state of ritual impurity;
xiv) a person who was intoxicated from wine who served in the Temple;
xv) a person who immersed himself to emerge from a state of ritual impurity but must still wait until the end of the day to attain a state of purity who served in the Temple;
xvi) a priest who served in the Temple although he did not yet bring the required sacrifices to attain atonement;
xvii) a person who let his hair grow long who served in the Temple;
xviii) a person whose clothes are ripped who served in the Temple;

3 When, however, a person serves in the Temple without sanctifying his hands and feet, although he is worthy of death, he does not receive lashes, because he has violated only a positive commandment. Similarly, the following three - a prophet who withheld his prophecy or transgressed his own prophecy and a person who violated the words of a prophet - although they all are worthy of death - they do not receive lashes. For their transgression stems from a positive commandment, as **Deuteronomy 18:15** states: "And you shall listen to him." In all contexts, a prohibition that stems from a positive commandment has the status of a positive commandment and lashes are not administered because of it.

4 13There are a total of 168 negative commandments that are neither punishable by *kerait*, nor by execution by the court, for which lashes are administered. They are:

i) a person who fashions an idol;

ii) a person who makes an image for artistic purposes;

iii) a person who turns to idolatry with any deed;

iv) a person who erects a monument;

v) a person who plants a tree in the Temple;

vi) a person who places down an engraved stone on which to prostrate oneself;

vii) a person who takes a vow in the name of a false divinity;

viii) a person who takes an oath in the name of a false divinitiy;

ix) a person who derives benefit from a false divinity;

x) a person who rebuilds a city destroyed because it was swayed to idolatry;

xi) a person who benefits from the property of such a city;
xii) a person who follows the statutes of the gentiles;
xiii) a diviner;
xiv) an augurer;
xv) a reader of omens;
xvi) a person who casts spells;
xvii) a necromancer;
xviii) a person who erases God's name, or the like, e.g., he destroys a stone from the altar or destroys wood consecrated to the Sanctuary;
xix) a person who extinguishes fire from the altar;
xx) a person who ascends the altar with steps;
xxi) a person who enters the Temple Courtyard with impure garments;
xxii) a *zav* and the like who enters the Temple Mount;
xxiii) a person who removes the staves of the ark;
xxiv) a person who removes the High Priest's breastplate from his *ephod*;
xxv) a person who tears the collar of the High Priest's cloak;
xxvi) a person who offers anything else than the commanded offerings on the golden altar;
xxvii) a priest who enters the Sanctuary while not in the midst of sacrificial worship;
xxviii) a priest with a physical deformity who enters the Sanctuary;
xxix) a priest with who enters the Sanctuary while intoxicated;
xxx) a priest with a physical deformity who performs sacrificial worship;
xxxi) an uncircumcised priest who performs sacrificial worship;
xxxii) a priest who performs the tasks of the Levites;
xxxiii) a priest who enters the Sanctuary with uncut hair;

xxxiv) a priest who enters the Sanctuary with torn clothes;
xxxv) a person who consecrates an animal with a physical deformity;
xxxvi) a person who slaughters such an animal as an offering;
xxxvii) a person who sprinkles the blood of such animals on the altar;
xxxviii) a person who burns the fats of such animals on the altar;
xxxix) a person who offers an animal with a physical deformity on behalf of gentile;
xl) a person who produces a blemish in a consecrated animal at the time the Temple is standing;
xli) a person who performs labor with consecrated animals;
xlii) a person who shears consecrated animals
xliii) a person who makes a fire-offering of yeast or honey;
xliv) a person who allows the remainder of the meal-offerings to leaven;
xlv) a person who offers a sacrifice without salt;
xlvi) a person who offers a present given to a prostitute or an animal given in exchange for a dog;
xlvii) a person who adds oil to the meal-offering of a sinner;
xlviii) a person who adds frankincense to such an offering;
xlix) a person who adds oil to the meal-offering of a *sotah*;
l) a person who adds frankincense to such an offering;
li) a person who separates the head of a bird brought as a sin offering from its trunk;
lii) a person who transfers the holiness of one animal to another;
liii) a person who partakes of sacrificial meat after it became ritually impure;
liv) a person who partakes of sacrifices that have been disqualified;

lv) a priest who partakes of the meat of sacrifices of the most sacred order outside the Temple courtyard;
lvi) a non-priest who partakes of the meat of sacrifices of the most sacred order after their blood has been sprinkled on the altar;
lvii) a non-priest who partakes of the meat of a firstborn animal;
lviii) a daughter of a priest who married a non-priest who partakes of the breast and the foreleg given to the priests; this applies even after the death of her husband; lix) a *chalalah* who partakes of *terumah*;
lx) a person who partakes of sacrifices of lesser sanctity outside of Jerusalem;
lxi) a person who partakes of sacrifices of lesser sanctity before their blood is sprinkled on the altar
lxii) a person who partakes of an unblemished firstborn animal outside of Jerusalem;
lxiii) a person who partakes of the second tithe after it had entered Jerusalem once it had been taken outside Jerusalem again;
lxiv) a priest who partakes of the first fruits after they entered Jerusalem, but before they were placed down in the Temple Courtyard;
lxv) a priest who partakes of the first fruits after they were placed down in the Temple Courtyard and were then taken outside Jerusalem again;
lxvi) a person who partakes of *ma'aser sheni* in Jerusalem after it became impure, before it was redeemed;
lxvii) a person who is ritually impure who partakes of *ma'aser sheni* which was pure in Jerusalem;
lxviii) a person who partakes of *ma'aser sheni* - and similarly, any other consecrated food - while in a state of acute mourning;

lxix) an uncircumcised person who partakes of sacrificial meal or *terumot*;
lxx) a person who partakes of a meal offering brought by a priest or any other sacrifice that should be totally consumed by the fire of the altar;
lxxi) a person who partakes of the meat of the sin-offerings that are burned and any other sacrifices that must be burnt;
lxxii) a person who slaughters the Paschal sacrifice while he possesses *chametz*;
lxxiii) a person who breaks a bone from the Paschal sacrifice; this applies with regard to the first sacrifice or the second sacrifice;
lxxiv) a person who removes meat from the Paschal sacrifice outside the company of people partaking of it;
lxxv) a person who partakes of meat from the Paschal sacrifice outside of that company;
lxxvi) a person who partakes of meat from the Paschal sacrifice partially roasted or cooked; lxxvii) a person who purposely derives benefit from consecrated property;
lxxviii) a person who partakes of *tevel* from which the tithes, even the tithe for the poor, has not been separated, even though the *terumot* have been separated;
lxxix) a person who partakes of the meat of an animal that was condemned to be stoned to death, even if the condemned animal was slaughtered correctly;
lxxx) a person who eats meat from a non-kosher animal;
lxxxi) ... a non-kosher fowl;
lxxxii) ... a non-kosher fish;
lxxxiii) a person who partakes of a flying teeming animal;

lxxxiv) ... an earthbound teeming animal;

lxxxv) ... an aquatic teeming animal;

lxxxvi) ... an animal that crawls on the earth even though it does not reproduce;

lxxxvii) ... worms from fruit after they emerged from the fruit;

lxxxviii) a person who eats carrion;

lxxxix) ... an animal that was critically injured;

xc) ... a limb from a living animal;

xci) ... the sciatic nerve;

xcii) ... meat cooked with milk;

xciii) a person who cooks meat with milk;

xciv) a person who partakes of fresh grain before the bringing of the *omer*;

xcv) a person who partakes of *orlah*;

xcvi) a person who partakes of *kilai hakerem*;

xcvii) a person who partakes of *chametz* in a mixture on Pesach;

xcviii) ...after midday on the fourteenth of Nissan;

xcix) a person who maintains possession of *chametz* on Pesach, e.g., he causes his dough to leaven;

c) a person who drinks wine used as a libation for false deities;

ci) a nazarite who partakes of the products of the vine;

cii) ... cuts his hair,

ciii) ...who contracts impurity imparted by a corpse;

civ) a person who shaves the hair next to a blemish of *tzara'at*

cv) a person who cuts off signs of *tzara'at* or removes them with fire;

cvi) a person who tills a wadi where the neck of a calf was broken to atone for an unsolved murder;

cvii) a person who sows in *Eretz Yisrael* in the Sabbatical year;
cviii) a person who trims a tree in the Sabbatical year;
cix) a person who reaps freely growing produce in the Sabbatical year without deviating from his ordinary pattern;
cx) a person who harvests fruit in the Sabbatical year without deviating from his ordinary pattern;
cxi) a person who sows in the Jubilee year;
cxii) a person who reaps in the Jubilee year without deviating from his ordinary pattern;
cxiii) a person who harvests fruit in the Jubilee year without deviating from his ordinary pattern;
cxiv) a person who destroys the produce from the corners of his harvest without giving it to a poor person;
cxv) a person who collects the grapes that grow individually in his vineyard and does not give them to a poor person;
cxvi) a person who collects the grain that falls from the reapers and does not give it to a poor person;
cxvii) a person who collects the grapes that grow in underdeveloped clusters in his vineyard and does not give them to a poor person;
cxviii) a person who takes a forgotten sheaf and does not give it to a poor person;
cxix) a person who takes a mother bird together with her young and does not send away the mother bird;
cxx) a person who sows mixed species of seeds together while sowing in *Eretz Yisrael*;
cxxi) a person who sows mixed species in a vineyard in *Eretz Yisrael*;

cxxii) a person who grafts mixed species of trees; this prohibition applies in every place;
cxxiii) a person who mates mixed species of animals; this prohibition applies in every place;
cxxiv) a person who leads mixed species of animals; this prohibition applies in every place;
cxxv) a person who muzzles an animal while it is working; this prohibition applies in every place;
cxxvi) a person who slaughters an animal and its offspring on the same day; this prohibition applies in every place;
cxxvii) a person who takes security from a colleague and does not return it to him when he requires it;
cxxviii) a person who takes security from a widow and does not return it to her;
cxxix) a person who takes utensils used in the preparation of food as security;
cxxx) a lying witness who is not penalized financially;
cxxxi) a person who strikes a colleague with a blow that does not require a *p'rutah* to be paid as compensation;
cxxxii) a wayward and rebellious son after the first testimony was delivered against him;
cxxxiii) a person who spreads a libelous report about his wife who is discovered to have lied;
cxxxiv) a person who curses a colleague using God's name;
cxxxv) a person who takes a false oath
cxxxvi) a person who takes an unnecessary oath

cxxxvii) a person who abrogates his vow;
cxxxiii) a person who goes beyond the Sabbath limits on the Sabbath;
cxxxix) a person who performs a forbidden labor on a festival;
cxl) a person who removes the hair at the corner of his head;
cxli) a person who removes the hair at the corner of his beard;
cxlii) a person who gouges his flesh because of a person's death;
cxliii) a person who shaves his head because of a person's death;
cxliv) a person who tatoos himself;
cxlv) a person who wears *shaatnez*;
cxlvi) a person who chops down a fruit tree for a destructive purpose;
cxlvii) a man who wears the garments of a woman;
cxlviii) a woman who wears the garments of a man;
cil) a priest who contracts impurity because of contact with a corpse;
cl) a priest who consecrates a woman classified as a *zonah* and has relations with her;
cli) a priest who consecrates a divorcee and has relations with her;
clii) a priest who consecrates a woman classified as a *challalah* and has relations with her;
cliii) a High Priest who had relations with a widow even though he did not consecrate her;
cliv) a person who remarries his divorcee after she has been consecrated by another man;
clv) a person who marries a woman who is obligated to perform *yibbum*;
clvi) a man who has relations with a woman outside the context of marriage;
clvii) a *mamzer* who marries a native-born Jewess and has relations with

her;
clviii) a person with crushed testicles who marries a native-born Jewess and has relations with her;
clix) a person who castrates another man, or a male animal, beast, or fowl;
clx) a rapist who divorces his victim and does not remarry her;
clxi) a person who spreads a libelous report about his wife, divorces her without remarrying her;
clxii) a person who enjoys intimacy with a woman forbidden him even though he did not engage in sexual relations; such a person is suspect of forbidden sexual activity;
clxiii) a person who marries out of the faith;
clxiv) an Ammonite convert who marries a native-born Jewess and had relations with her;
clxv) a Moabite convert who marries a native-born Jewess and had relations with her;
clxvi) a king who takes more wives than allowed by the Torah;
clxvii) a king who acquires more horses than allowed by the Torah;
clxviii) a king who acquires more wealth than necessary;
Thus there are a total of 207 violations which are punishable by lashes. An acronym for them is *yilaku zerim* The strangers will be lashed.

Chapter 20

1 A court does not inflict punishment on the basis of conclusions which it draws, only on the basis of the testimony of witnesses with clear proof. Even if witnesses saw a person pursuing a colleague, they gave him a

warning, but then diverted their attention, punishment is not inflicted on the basis of their testimony. Or to give a graphic example, the pursuer entered into a ruin, following the pursued and the witnesses followed him. They saw the victim slain, in his death throes, and the sword dripping blood in the hand of the killer, since they did not see him strike him, the court does not execute the killer based on this testimony. Concerning this and the like, **Exodus 23:7** states: "Do not kill an innocent and righteous person."

Similarly, if two people testified that a person served a false deity in different circumstances, e.g., one saw him serve the sun and warned him, while the other saw him serve the moon and warned him, their testimonies are not combined. This can also be inferred from the verse: "Do not kill an innocent and righteous person." Since there is a rationale on which basis he could be held innocent and righteous, he should not be executed.

2 Whenever a person violates a prohibition punishable by execution by the court under duress, the court should not execute him. Even in situations where the transgressor was commanded to sacrifice his life and not transgress, if he sinned under duress, although he desecrated God's name, he should not be executed. This is derived from **Deuteronomy 22:26**: "To the maiden, you should not do anything." This verse is a warning to the court not to punish a person who transgresses under duress.

3 When a man is compelled to engage in relations with a woman forbidden to him, he is liable for execution by the court. The rationale is that an

erection can only come about willingly. When a woman is raped, by contrast, she is absolved. This applies even if, in the midst of the rape, she says: "Allow him to continue." It is her natural inclination that overcame her.

4 It is forbidden for the court to have compassion for the killer. The judges should not say: "Since this person has already been killed, what advantage is there in killing another person," and thus be lax in executing him. This is implied by **Deuteronomy 19:13**: "Do not allow your eyes to take pity. You shall eliminate innocent bloodshed."

Similarly, it is forbidden for the court to take pity on a person who was obligated to pay a fine. They should not say: "He is poor. He acted unintentionally." Instead, they should exact the entire payment from him without compassion, as *Ibid.*:21 states: "You shall not take pity."

Similarly, in questions of monetary law, one should not show mercy to the poor, saying: "He is indigent and the other litigant is wealthy. Since both I and the wealthy man are obligated to provide for the poor person's livelihood, I will vindicate him in judgment and thus he will derive his livelihood with honor." With regard to this, the Torah warned **Exodus 23:3**: "Do not glorify the indigent in his dispute," and **Leviticus 19:15**: "Do not show favor to the poor."

It is forbidden to show favor to a person of stature. What is implied? Two people come before one for judgment, one a wise man of stature and one, an ordinary person. One may not ask about the welfare of the person of stature first, nor treat him with favor, nor show him honor, lest this cause the other litigant to become tongue-tied. Instead, the judge should not

turn to either of them in a personal manner until the judgment is concluded. This is derived from [*Ibid.*: "Do not glorify the countenance of a person of stature." Our Sages said: One should not say: "This man is affluent; he is the son of people of stature, how can I embarrass him and witness his humiliation." With regard to this, it is written: "Do not glorify the countenance of a person of stature."

5 If two people come before a judge one observant and one wicked, he should not say : "Since he is wicked and it can be presumed that he is lying and conversely, it can be assumed that the other litigant does not falsify his statements, I will be biased against the wicked in judgment." With regard to this, **Exodus 23:6** states: "Do not be biased in the judgment of the poor person." The intent is even if a person is poor in the observance of mitzvot, do not be biased in his judgment.

6 **Leviticus 19:15**: "Do not act perversely in judgment" refers to a person who distorts the judgment and vindicates the litigant who should be held liable and obligates the litigant who should be vindicated. Similarly, a person who delays rendering judgment and extends his deliberations even though the matter is clear-cut in order to aggravate one of the litigants is also considered as one who acts perversely.

7 A person who is haughty when rendering judgment and hurries to deliver a judgment before he examines the matter in his own mind until it is as clear as the sun to him is considered a fool, wicked, and conceited. Our Sages commanded: "Be patient in judgment." And similarly, **Job 29:16**

states: "When I did not understand a complaint, I would investigate."

8 A judge who begins comparing a judgment that is brought before him to a judgment that was already rendered with which he was familiar is considered as wicked and haughty when rendering judgment if there is a scholar in his city who is wiser than him and he fails to consult him. Our Sages comment: "May evil upon evil befall him." For these and similar concepts stem from haughtiness which leads to the perversion of justice.

Proverbs 7:26: "She cast down many corpses" refers to a student who has not reached the level where he can deliver rulings, but does so. Awesome are all she has slain" *Ibid.* refers to a scholar who has reached the level where he can deliver rulings, but does not do so.

The latter denunciation applies provided his generation requires his services. If, however, he knows that there is another scholar capable of rendering decisions, and therefore he refrains from doing so, he is praiseworthy. Whenever a person refrains from becoming involved in a judgment, he removes the responsibility for antagonism, theft, and false oaths from himself. A person who is haughty in rendering judgment is foolish, wicked, and arrogant.

9 A student should not give a ruling in the presence of his teacher unless he is three *parseot* removed from him. This distance is the length of the encampment of the Jews in the desert.

10 A person should not say: "All of the above applies with regard to a judgment that involves the expropriation of a large sum of money from

one person to another." Instead, a judgment involving 1000 *maneh* and one involving a *p'rutah* should be regarded as identical with regard to all matters.

11 Judges should not sit down to adjudicate a case involving less than a *p'rutah*. If, however, they were required to adjudicate a complaint involving a *p'rutah*, they render a judgment even if ultimately, the outcome concerns less than a *p'rutah*.

12 Anyone who perverts a judgment against another Jew transgresses a negative commandment, as **Leviticus 19:15** states: "Do not act perversely in judgment." If the litigant was a convert, he transgresses two negative commandments, as **Deuteronomy 24:17** states: "Do not distort the judgment of a convert." If he was an orphan, the transgressor violates three negative commandments as that verse continues: "...the judgment of an orphaned convert."

Chapter 21

1 It is a positive commandment for a judge to adjudicate righteously, as **Leviticus 19:15** states: "Judge your colleagues with righteousness."
What is meant by a righteous judgment? Equating the litigants with regard to all matters. One should not be allowed to speak to the full extent he feels necessary while the other is told to speak concisely. One should not treat one favorably and speak gently to him and treat the other harshly and speak sternly to him.

2 When there are two litigants, one wearing precious garments and the other degrading garments, we tell the litigant who carries himself honorably: "Either clothe him as you are clothed for the duration of your judgment or dress like him, so that you will be equal. Afterwards, stand judgment."

3 One of the litigants should not be allowed to sit, while the other stands. Instead, they both should stand. If the court desires to seat both of them, they may. One should not be seated on a higher plane than the other. Instead, they should sit on the same level.

When does this apply? During the give and take of the arguments. When, however, the judgment is being delivered, both litigants must stand, as **Exodus 18:13** states: "And the people stood before Moses."

What is meant by the delivery of the judgment? The announcement: "So and so, you are vindicated? So and so, you are liable."

When does the above apply? To the litigants. The witnesses, by contrast, must always stand, as **Deuteronomy 19:17** states: "And the two men shall stand."

4 When a Torah scholar and a common person come to adjudicate a dispute, the Torah scholar is seated. And the common person is instructed to sit. If, however, he does not sit, it is of no consequence.

A student who wishes to have a dispute adjudicated should not come early and sit before his teacher if he desires to have him adjudicate the case. If, however, each one of the judge's students had a fixed time to read before the judge and one of them came to read at the time of his judgment, it is

permitted for the judge to hear the case.

5 It has already become customary in all the courts throughout Israel after the era of Talmud, in all the *yeshivot*, to have the litigants and the witnesses sit so that there will be no controversy. For we do not have the power to establish the judgments of our faith in a firm manner.

6 If there were many litigants before the judges, precedence should be give to a case involving an orphan to one involving a widow, as implied by **Isaiah 1:17**: "Judge an orphan, enter in a dispute on behalf of a widow." A case involving a widow receives precedence over a case involving a Torah scholar. A case involving a Torah scholar takes precedence over a case involving a common person. And a case involving a woman takes precedence over one involving a man, because the shame felt by a woman is greater.

7 It is forbidden for a judge to hear the words of one of the litigants before the other comes or outside the other's presence. Even hearing one word is forbidden, as implied by **Deuteronomy 1:16**: "Listen among your brethren." A judge who listens to only one litigant violates a negative commandment, as **Exodus 23:1** states: "Do not bear a false report." Included in this prohibition is a warning to a person who listens to malicious gossip, one who speaks malicious gossip, and one who bears false testimony.

Similarly, each litigant is warned not to tell his arguments to a judge before the other litigant comes. With regard to this and similar matters,

Exodus 23:7 states: "Keep distant from words of falsehood."

8 A judge should not hear from a translator. If he understands the language of the litigants and listens to their arguments, but is not fluent in their language in order to respond to them, he should appoint a translator to inform them of the ruling and the rationale why this person's claim was vindicated and the other was held liable.

9 A judge must listen to the arguments of the litigants and restate their claims, as evident from **I Kings 3:23** which states: "And the king said: 'This one says: "Mine is the son who lives and your son is the one who is dead."...'"

He should determine the just resolution of the judgment in his heart and then pronounce judgment.

10 What is the source which teaches that a judge should not justify the arguments of one of the litigants? "Keep distant from words of falsehood." Instead, the litigant should tell the judge what appears correct to him and the judge should remain silent.

He should not teach one of the litigants an argument at all. Even if the plaintiff brings only one witness, the judge should not say: "We do not accept the testimony of one witness." Instead, he should tell the defendant: "See, he has testified against you." Preferably, he will acknowledge the other's claim, saying: "He testified truthfully." The judge should not ignore the witness's testimony unless the other litigant says: "He is only one witness and I do not accept his testimony." Similar

principles apply in all analogous situations.

11 If a judge sees a vindicating argument for one of the litigants and realizes that the litigant is seeking to state it, but does not know how to articulate the matter, sees that one was painfully trying to extricate himself with a true claim, but because of his anger and rage, he lost touch of the argument, or sees that one became confused because of his intellectual inadequacy, he may assist him somewhat to grant him an initial understanding of the matter, as indicated by **Proverbs 31:8**: "Open your mouth for the dumb person." One must reconsider the matter amply, lest one become like a legal counselor.

Chapter 22

1 When two people come before a judge, one soft and one harsh - before he hears their words, or even after he hears their words, but does not know the direction in which the judgment is leaning - he has the license to tell them: "I will not involve myself with you," lest the harsh litigant be held liable and seek vengeance from the judge.

After he hears their words and knows in which direction the judgment is leaning, he does not have the license to tell them: "I will not involve myself with you," as **Deuteronomy 1:18** states: "Do not be intimidated by any person." That verse implies that one should not say: "So-and-so is wicked, maybe he will kill my son, set fire to my crops, or cut down my trees." If he was an expert appointed to judge the many, he is obligated to involve himself with them in all circumstances.

2 Similarly, if a student was sitting before his master and became aware of a factor that would vindicate a poor person and obligate his rich adversary, he transgresses the above commandment if he remains silent. Concerning such matters, **Exodus 23:7** states: "Keep distant from words of falsehood."
What is the source which teaches that a judge should not have an underdeveloped student sit before him? It is written: "Keep distant from words of falsehood."

3 What is the source which teaches that a student who sees his teacher erring with regard to a judgment should not say: "I will wait until he renders judgment. Then I will refute his ruling and then construct a new one so that the judgment will be quoted in my name"? It is written: "Keep distant from words of falsehood."

4 At the outset, it is a mitzvah to ask the litigants: "Do you desire a judgment or a compromise?" If they desire a compromise, a compromise is negotiated. Any court that continuously negotiates a compromise is praiseworthy. Concerning this approach, **Zechariah 8:16** states: Adjudicate a judgment of peace in your gates." Which judgment involves peace? A compromise. Similarly, with regard to King David it is stated: "And David carried out justice and charity for his entire people." When does justice involve charity? When a compromise is made.
When does the above apply? Before a judgment is rendered. Even though the judge has already heard their arguments and knows the direction in which the judgment is heading, it is a mitzvah to negotiate a compromise. Once the judgment is rendered and he declares: "So-and-so, your claim is

vindicated; so-and-so, you are liable," he may not negotiate a compromise. Instead, let the judgment pierce the mountain.

5 Although the litigants agreed to a compromise in court, they have the authority to demand a judgment until they confirm their commitment to the compromise with a *kinyan*.

6 A compromise has greater legal power than a judgment. If two ordinary people rendered a judgment, their judgment is not binding and the litigants need not accept it. If, however, such individuals negotiated a compromise and the litigants affirmed their agreement with a *kinyan*, they may not retract.

7 After leaving the court, it is forbidden for any of the judges to say: "I was the one who vindicated you or held you liable and my colleagues differed with me. What could I do? They outnumbered me." If he says this, he is among those to whom the words of censure, **Proverbs 11:13**,: "He proceeds gossiping, revealing secrets" is applied. An incident occurred with regard to one student who revealed the private conversations in the House of Study 22 years later. The court had him removed from the House of Study and denounced him as "a revealer of secrets."

8 If either of the litigants asks the court to compose a record of the judgment, they write it for him in the following manner: "So-and-so came to this-and-this court with so-and-so, the opposing litigant, claiming this-and-this. He was vindicated" or "...held liable." The record is given to him without it mentioning the names of those who vindicated him or those

who held him liable. Instead, it says merely "From the statements of the court of such-and-such, so-and-so was vindicated."

9 This was the custom of the men of Jerusalem: "They would bring the litigants into the court and listen to their statements and claims. They would then bring in the witnesses and listen to their statements. Afterwards, the judges would have all others removed and would debate the matter among themselves until they came to a decision. Afterwards, they would call the litigants in and the judge of the greatest stature declares: "So-and-so, your claim is vindicated; so-and-so, you are liable." In this way, the litigants do no know which judge vindicated him and which judge held him liable.

10 When a judge knows that a colleague is a robber or a wicked person, it is forbidden for him to sit in judgment with him, as it is stated: "Keep distant from words of falsehood."

This is the practice that would be followed by Jerusalem's men of refined character: They would not sit to participate in a judgment unless they knew who would sit with them. They would not sign a legal document unless they knew who would sign with them. And they would not enter a feast until they knew who would be joining them.

Chapter 23

1 **Deuteronomy 16:19** states: "Do not take a bribe." Needless to say, this command applies if the intent is to pervert judgment. The verse is

teaching that it is forbidden for a bribe to be given even to vindicate the just and to obligate the one who is liable; the judge transgresses a negative commandment. Such a person is included in the malediction, **Deuteronomy 27:25**: "Cursed be he who takes a bribe." He is required to return the bribe if he is demanded to by the giver.

2 Just as the recipient transgresses a negative commandment; so, too, does the giver, as [**Leviticus 19:14**] states: “Do not place a stumbling block before the blind.”

3 Any judge who sits and seeks to amplify his reputation in order to cause the wages of his attendants and scribes to be enhanced is included among those who seek after profit. This is what the sons of Samuel did. Hence **I Samuel 8:3** describes them as being "inclined to profit and taking bribery."
The above applies not only to a bribe of money, but a bribe of all things. An incident occurred concerning a judge who stood up in a small boat, as he was crossing a river. A person extended his hand and helped him as he was standing. Later that person came before the judge with a case. The judge told him: "I am unacceptable to serve as a judge for you."
Another incident took place where a person removed a feather of a fowl from a judge's scarf and another person covered some spittle that was lying before the judge and the judge told them: "I am unacceptable to serve as a judge for you." Another incident took place concerning a person who brought one of the presents given to priests to a judge who was a priest. The judge told him: "I am unacceptable to serve as a judge for you."

And another incident took place concerning a sharecropper of a field belonging to a judge who would bring him figs from his field every Friday. Once he came earlier and brought him the figs on Thursday, because he had a judgment over which he desired that the judge preside. The judge told him: "I am unacceptable to serve as a judge for you." This applies although the figs belonged to the judge. Since he brought them earlier than the ordinary time, that favor caused him to be disqualified as a judge.

4 Whenever a judge borrows an article, he is unacceptable to serve as a judge for the person who lent him the article. When does the above apply? When the judge does not have articles to lend him in return. If, however, the judge possessed articles to lend in return, it is acceptable for him to serve as a judge, for that person will also borrow from him.

5 Whenever a judge takes a wage for adjudicating a case, his judgments are nullified. This applies only when it is not evident that he is receiving compensation for losing his wages. If, however, he was involved in his profession and two people came to him for a judgment and he told them: "Provide me with a person who will work in stead of me and I will adjudicate your case or pay me for the wages that I will forfeit," this is permitted.

This leniency is permitted provided it is evident that the wage is merely in lieu of his hire, but no more and he takes equal payment from both of the litigants, receiving payment from each one in the presence of the other.

6 A judge may not adjudicate the case of a friend. This applies even if the

person is not a member of his wedding party or one of his more intimate companions. Similarly, he may not adjudicate the case of one he hates. This applies even if the person is not his enemy and one whose misfortune he seeks. Instead, the two litigants must be looked upon equally in the eyes and in the hearts of the judges. If the judge does not know either of them and is not familiar with their deeds, this is the fairest judgment that could be.

7 Whenever two Torah scholars hate each other, they are forbidden to act as judges together. For this will lead to a contorted judgment. The hatred each one of them bears for the other will cause him to overturn his colleague's words.

8 A judge should always see himself as if a sword is drawn on his neck and Hell is open before him. He should know Who he is judging, before Whom he is judging, and Who will ultimately exact retribution from him if he deviates from the path of truth, as indicated by **Psalms 82:1**: "God stands among the congregation of the Almighty." And **II Chronicles 19:6** states: "See what you are doing. For you are not judging for man's sake, but for God's."

9 Whenever a judge does not render a genuinely true judgment, he causes the Divine presence to depart from Israel. Whenever a judge expropriates money from one litigant and gives it to the other unlawfully, God exacts retribution from his life, as **Proverbs 22:23** states: "He will exact payment from the soul of one who exacts payment."

Conversely, when a judge adjudicates a case in a genuinely true manner for even one moment, it is as if he has corrected the entire world and he causes the Divine Presence to rest within Israel, as implied by the verse: "God stands among the congregation of the Almighty." If a judge will ask: "Why should involve myself in this difficulty?" He should know that it is written: II Chronicles, *loc. cit.*: "He is with you in the matter of judgment." Nor should the judge worry about erring. A judge may only base his judgment on what his eyes see.

10 At the outset, a judge should always look at the litigants as if they were wicked and operate under the presumption that both of them are lying. He should adjudicate according to his perception of the situation. When they depart, having accepted the judgment, he should view them both as righteous, seeing each of them in a favorable light.

Chapter 24

1 A judge may adjudicate cases involving monetary law bases on factors that he is inclined to regard as true and concerning which he feels strongly in his heart are correct even though he does not have proof of the matters. Needless to say, that if he personally knows that a matter is true, he may judge the case according to his knowledge.

What is implied? A person was obligated to take an oath by the court. A person who the judge regards as trustworthy and upon whose word the judge relies tells him that this person is suspect to take a false oath. The judge may reverse the obligation for the oath and place it on the other

litigant, allowing him to take an oath and collect his claim because the judge relied on the statements of this person.

Moreover, even if he regards a woman or a servant as trustworthy, should he feel strongly that the matter about which they are speaking is correct, he may rely on their statement and judge accordingly. Needless to say, if he himself knows that a person is suspect to take a false oath, he may judge accordingly.

Similarly, when a promissory note comes before him and a person upon whom he relies - even a woman or a relative - says that it has been repaid, if he trusts his word, he may tell the bearer of the note: "Payment will be required only when an oath is taken." Similarly, if the alleged debtor is also indebted to another person, the judge may have the debtor pay the creditor whose promissory note was not impugned at all and leave the promissory note that was impugned by the person's testimony unpaid. Or he may reject the promissory note and not consider it in judgment if he sees fit.

Similar laws apply if a person comes and claims that he entrusted an article to so-and-so who died and identified the article with extremely precise descriptive marks. If the claimant did not frequent the home of the deceased, and if the judge knows that the deceased did not have the means to own such an article and he firmly believes that the article did not belong to the deceased, the article may be expropriated from the heirs and given to the person provided he has the means to own it and identified it with descriptive marks. Similar laws apply in all analogous situations.

These matters are solely given over to the heart of the judge to decide according to what he perceives as being a true judgment. Why then did

the Torah require two witnesses? Because when two witnesses appear before a judge, he must judge according to their testimony whether or not he knows it to be true.

2 All of the matters mentioned above are the fundamental standard of law. Nevertheless, when courts which were not fitting - not necessarily courts which were not upright, but even those whose deeds were just, but whose judges were not sufficiently wise and masters of understanding - proliferated, the majority of the courts among the Jewish people agreed not to reverse oaths unless there was clear proof that a litigant was suspect of taking a false oath. Similarly, they agreed not to disqualify a promissory note on the basis of the testimony of a woman or an unacceptable witness, nor accept their testimony with regard to all other judgments, nor to judge according to the inclinations of one's thoughts without firm knowledge.

The rationale for this stringency is to prevent any simple person from saying: "My heart trusts this person's words and my mind relies on this." Similarly, we do not expropriate property from orphans unless there is clear proof . We do not rely on the judge's opinion, the evaluation of the deceased's financial capacity, or that of the claimant. Even though a trustworthy person delivered testimony concerned a certain matter and the mind of the judge was inclined to believe that he was telling the truth, he should hesitate in judgment. He should not reject his testimony. Instead, he should mediate between the litigants until they accept the testimony of the witness or agree to a compromise. Alternatively, the judge may withdraw from the case.

3 What is the source which teaches that a judge who knows that a claim is contrived should not say: "I will deliver a judgment and the responsibility will lie with the witnesses"? It is written **Exodus 23:7**: "Keep distant from words of falsehood."

What shall he do? He should question and cross-examine the witnesses exceedingly, following the cross-examination process employed in cases involving capital punishment. If it appears to him according to his understanding that there is no deception, he should deliver a judgment. If, however,

a) he still has hesitations because he feels that deception is involved,

b) he does not rely on the testimony of the witnesses although he cannot disqualify them,

c) he feels that one of the litigants is a deceiver and a beguiler and misled the witnesses even though they are fit to testify and testified honestly, it is only that the litigant led them astray, or

d) that from the things that were said, he feels that there are hidden factors which they do not desire to reveal,

in these and in all similar matters, it is forbidden for him to deliver a ruling. Instead, he should withdraw from this judgment and allow it to be decided by someone whose heart is at peace with the matter. These matters are given over to a person's heart. Concerning these **Deuteronomy 1:17** states: "Judgment is God's."

4 A court has the authority to administer lashes to a person who is not required to receive lashes and to execute a person who is not liable to be executed. This license was not granted to overstep the words of the Torah,

but rather to create a fence around the words of the Torah. When the court sees that the people have broken the accepted norms with regard to a matter, they may establish safeguards to strengthen the matter according to what appears necessary to them. All the above applies with regard to establishing directives for the immediate time, and not with regard to the establishment of halachah for all time.

An incident occurred where they had a man lashed for engaging in relations with his wife under a tree. And an incident occurred concerning a person who rode on a horse on the Sabbath in the era of the Greeks and they brought him to the court and had him stoned to death. And an incident occurred and Shimon ben Shetach hung 80 women on one day in Ashkelon. All of the required processes of questioning, cross-examination, and warnings were not followed, nor was the testimony unequivocal. Instead, their execution was a directive for that immediate time according to what he perceived as necessary.

5 Similarly, at any time, and in any place, a court has the license to give a person lashes if he has a reputation for immorality and people gossip about him, saying that he acts licentiously. This applies provided the rumor is heard continuously, as we explained, and he does not have any known enemies who would spread this unfavorable report. Similarly, a person with such an unsavory reputation may be humiliated and scorn may be heaped on his mother in his presence.

6 Similarly, at all times, a court has the prerogative to declare money belonging to others as ownerless. It may destroy those funds or give them

to whomever they see fit to close any breaches in the faith and to strengthen its observance or to penalize a stubborn and difficult person. The Book of **Ezra 10:8** states: "Whoever fails to come in three days according to the advice of the officers and the elders will have all of his property confiscated." From this we learn that when a court declares property ownerless, their declaration is effective.

7 Similarly, a judge may apply a ban of ostracism or excommunication to a person to whom these measures would not ordinarily be applied according to his perception of what is necessary at that time. He should state that he is ostracizing him or excommunicating him on his own conviction and should publicize his transgression in public. This is indicated by **Judges 5:23**: "'Curse Meroz,' said the angel of G-d. 'Curse him. Those who dwell with him are cursed, because they did not come to the aid of God's people.'"

8 Similarly, a judge may enter into a controversy with a person with whom it is necessary to enter into controversy, cursing him, having him beaten, having his hair pulled out, and compelling him to take an oath to God against his will so that he will not perform or that he did not perform a specific action, as Nechemiah 13:25 states: "I entered into controversy with them; I cursed them; I beat people among them; I tore their hair out, and I made them take an oath to God."

9 Similarly, he may have a person's hands and feet bound. He may imprison him and have him pushed to the ground and dragged, as **Ezra 7:26** states:

"Judgment will be speedily administered to him, to be executed, to be uprooted, to be punished by a loss of property, and to be imprisoned."

10 All of the above measures should be applied according to the judge's perception that it is appropriate that the violator be punished in this manner or the situation at large requires it. All of his deeds should be for the sake of heaven and the honor of people at large should not be light in his eyes. For consideration of their honor overrides the observance of a Rabbinic prohibition. Certainly, this applies with regard to the descendants of Abraham, Isaac, and Jacob who uphold the Torah of truth. He must take care not to ruin their honor and act only to increase the honor of the Omnipresent. For whenever a person debases the Torah, his person will be degraded for people at large. Conversely, when a person honors the Torah, his person will be honored by people at large. And there is no other honor for the Torah except to follow its statutes and judgments.

Chapter 25

1 It is forbidden for a judge to assert himself in a lordly and haughty manner over his community. Instead, he should conduct himself with humility and awe. Any leader who casts unnecessary fear upon the community not for the sake of heaven will be punished. And he will not see a son who is a Torah scholar, as implied by a non-literal reading of **Job 37:24**: "Therefore people fear him - he will never see anyone with a wise heart."

2 Similarly, a judge may not treat them with capriciousness even though they are common people. He should not step over the heads of the holy people. Even though they are simple people and lowly, they are the descendants of Abraham, Isaac, and Jacob and the hosts of God whom He led out of Egypt with great power and a strong hand. He should patiently bear the difficulty of the community and their burden like Moses our teacher, as **Numbers 11:12** states concerning him: "As a nursemaid will carry an infant." And **Deuteronomy 1:16** states: "And I commanded your judges." This is a admonition to the judges to bear the community like a nursemaid carries an infant.

Take an example from Moses, the master of all prophets whom the Holy One, blessed be He, sent to Egypt, about whom **Exodus 6:12** states: "And I commanded them concerning the children of Israel." The Oral Tradition relates that God told Moses and Aaron to accept this mission even though the people would curse them and stone them.

3 Just as a judge is commanded to fulfill this mitzvah; so, too, the community is commanded to show honor to a judge, as **Deuteronomy 1:18** states: "And I commanded you...." This is a command to the community that they should treat a judge with awe. He should not act in a demeaning manner in their presence, nor should he conduct himself in a frivolous manner.

4 When a person is given a position of leadership over the community, he is forbidden to perform work in the presence of three people, lest he be demeaned in their eyes. Now if performing work in public is forbidden to

him, certainly, it is forbidden for him to eat and drink or to become intoxicated in the presence of people at large and in the gatherings of the common people and in friendly get-togethers. Woe to those judges who conduct themselves in this manner, disgracing the Torah of Moses. They debase its judgments and lower them to the earth, casting them in the dust, bringing about harm to them and their descendants in this world and in the world to come.

5 It is forbidden to conduct oneself capriciously in relation to the agent sent by the court. For the word of the court's agent is accepted as that of two witnesses with regard to the question of ostracism. Were he to say: "So-and-so disgraced me," "...disgraced the judge," or "...refused to appear in court," that person is ostracized on the basis of his statements. We do not, however, have a document recording the ban of ostracism composed until two witness come and testify that he refused to appear in the court.

6 An agent of the court is not liable for relating unfavorable gossip for telling the court about these matters. Whenever anyone causes aggravation to the agent of the court, the court has the license to have "stripes for rebellious conduct" administered to him.

7 When the agent of the court orders a person to appear in court, saying: "So-and-so sent me," and mentioning the name of only one of the judges, a document declaring his ostracism cannot be composed against the litigant unless the agent summons him in the name of all three judges.
When does the above apply? When the agent went and conveyed this

message on a day on which it was not known that the court to hold session. On a day on which it is known to hold session, by contrast, everyone knows that all of the judges gather together. Even though the agent came and conveyed the message in the name of only one judge, it is as if he came in the name of all three.

8 When a person is summoned by the court and does not appear in court, a ban of ostracism is pronounced against him. This ban is recorded in a legal document; he is liable to pay the fee of the scribe who composes the document. When he comes to court, this document is torn.

If such a document was composed because a litigant did not accept a judgment, it may be torn up when he states that he is willing to accept it. When a court summons a litigant to appear on a certain day and he does not appear at all that day, a document recording the ban of ostracism is composed that evening.

When does the above apply? When he lived in the city and stubbornly refused to come. If, however, he lived in the outlying villages and would go in and go out from the city at times, we summon him to appear in court on Monday, Thursday, and the following Monday. If the second Monday passes without him appearing, we do not compose a ban of ostracism until the following day.

9 We do not summon a person to court during the month of Nissan, nor during the month of Tishrei, because the people are occupied with the preparations for the festivals. Nor is a summons issued for Friday, or for the day preceding a festival. We do, however, issue a summons in Nissan,

for him to appear after Nissan, and a summons in Tishrei, for him to appear after Tishrei. We do not, however, issue a summons on Friday for a litigant to appear after the Sabbath. The rationale is that everyone is busy on Friday.

10 When a person was located in a city and the agent of the court went to summon him, but could not find him, a court date is not set until the agent finds him and conveys this information.

Different rules apply if he lives in a village outside the city. If he is accustomed to coming on that day, the agent may tell one of his neighbors, even a woman: "If so-and-so comes, inform him that the court summoned him to appear at this time." If he does not come that day, he is placed under a ban of ostracism that evening.

When does the above apply? When the way which he is wont to follow does not pass the place of the court. If, however, his path passes the court, he is not placed under a ban of ostracism until the agent notifies him himself. For perhaps the neighbors will not notify him. For they will rationalize: "His path passes past the entrance to the court. Certainly, he visited them and was released." Similarly, if he will not come into the city until the following day, we do not rely on the neighbors, for perhaps they will forget and fail to notify him.

11 The following laws apply when a person comes to the court and accepts the judgment issued against him, he is told to make financial restitution, but does not do so. He is not placed under a ban of ostracism until he is given a warning on Monday, Thursday, and the following Monday. If he

does not pay by that time, he is placed under a ban of ostracism until he pays what he is liable. If he waits 30 days and does not seek to have the ban of ostracism lifted, he is excommunicated.

Chapter 26

1 Anyone who curses one of the judges of Israel transgresses a negative commandment, as **Exodus 22:27** states: "Do not curse a judge." Similarly, if a person curses a *nasi*, whether the head of the Supreme *Sanhedrin* or a king, he transgresses a negative commandment, as the verse continues: "Do not curse a prince among your nation."

This prohibition does not apply only to a judge or a *nasi*. Instead, anyone who curses any other Jew receives lashes, as **Leviticus 19:14** states: "Do not curse a deaf-mute." Why does the verse mention a deaf-mute? To teach you that even when a person who cannot hear and thus will not be bothered by being cursed, the person pronouncing the curse is lashed. It appears to me that a person who curses a child who is embarrassed receives lashes; the child resembles a deaf-mute.

2 A person who curses a deceased person is not liable.

Since a person who curses any Jewish person is liable, why did the Torah set aside a special prohibition for a judge and for a *nasi*? For the person to be liable for two transgressions. Thus we learn that a person who curses any Jew, whether a man, woman, or child receives one set of lashes. If he curses a judge, he receives two sets of lashes. If he curses a *nasi*, he receives three sets of lashes. And if the son of a *nasi* curses his father, he is liable for

four transgression, the three for which all others are liable and one for cursing his father.

3 A person who curses himself receives lashes just as one who curses others, as **Deuteronomy 4:9** states: "Take heed and guard your soul."
Whether a person curses himself, a colleague, a *nasi*, or a judge, he does not receive lashes unless he curses using one of God's names: *Yaw, Elohim, Shaddai*, or the like, or with one of the descriptive terms used to characterize God, e.g., the Merciful One, the Vengeful One, or the like. Since a person is liable if he cursed a colleague with any of these descriptive terms, he is also liable if he cursed him in any other language. For the names with which the gentiles refer to the Holy One, blessed be He, are comparable to all of these descriptive terms.
The term *arur* ("cursed") can imply an oath, a curse, and a ban of ostracism.

4 A person is not punished by lashing unless he is given a warning in the presence of two witnesses as applies with regard to the transgression of any other negative commandment. If, however, a warning was not issued, a curse was uttered without mentioned God's name or a descriptive term, e.g., he said merely: "Cursed be so-and-so," the curse was uttered indirectly, e.g., he said: "May so-and-so not be blessed unto God," or "May God not bless so-and-so," or the like, he is not lashed.

5 Even though he is not lashed, a person who curses a Torah scholar is placed under a ban of ostracism. And if the judges desire to have "stripes

for rebellious conduct" administered to him, they can have him beaten and punished as they see fit, for he disgraced a learned elder.

If he denounces a common person, the judges may punish him as they see necessary according to the needs of the situation, depending on the person who gave the verbal abuse and the one who receives it.

6 Although a judge or a *nasi* has the right to look past affronts to his honor, he cannot look past being cursed. Similarly, with regard to other people, even though the person who was cursed is prepared to look past the matter, the person who uttered the curse is lashed, for he committed a transgression and incurred liability.

If, however, a person is obligated to be placed under a ban of ostracism, because he conducted himself in an unbridled manner in court, and the judges desire to look past the affront to their honor and not impose a ban of ostracism, they have that license, provided it will not lead to a decline in the honor of the Creator. For example, people at large were repudiating the words of the Torah and the judges. Since the people overstepped the bounds, the court must act firmly and punish as they see necessary.

7 When any person has a judgment adjudicated by gentile judges and their courts, he is considered a wicked person. It is as if he disgraced, blasphemed, and lifted up his hand against the Torah of Moses our teacher. This applies even if their laws are the same as the laws of the Jewish people. This is indicated by **Exodus 21:1**: "These are the judgments that you shall place before them." "Before them" and not before gentiles; "before them" and not before ordinary people.

The following procedure should be carried out if the gentiles have a powerful law enforcement system and the opposing litigant is a stubborn and powerful person from whom one cannot expropriate property through the judicial system of the Jewish people. One should summon him before the Jewish judges first. If he did not desire to come, one may receive license from the court and salvage one's property from the litigant by having the case tried in a gentile court.

Mishneh Torah, Testimony

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 A witness is commanded to testify in court with regard to all pertinent testimony that he knows. This applies both to testimony that will cause his colleague to be held liable or testimony that will vindicate him. With regard to financial cases, this applies only when he is summoned to testify. The source for this commandment is **Leviticus 5:1**: "And should he witness, see, or know of the matter, if he does not testify, he will bear his sin."

2 If the witness was a wise man of great stature and the judges of the court did not possess the same degree of wisdom, he may refrain from testifying. The rationale is that it is not becoming to his dignity for him to go to testify before them. Hence, the positive commandment of honoring the Torah takes precedence.

When does the above apply? With regard to testimony concerning financial matters. With regard to testimony that safeguards a person from a prohibition, by contrast, or testimony in cases involving capital punishment or lashes, he must go and testify. This is derived from **Proverbs 21:30**: "There is no wisdom or understanding... before God." Implied is that whenever the desecration of God's name is involved, honor is not granted to a master.

3 A High Priest is not obligated to testify. An exception is made only with

regard to matters involving a king. In such an instance, he should go to the High Court and testify. With regard to other testimony, he is not obligated.

4 It is a positive commandment to question the witness and to interrogate them, asking many questions and weighing their replies exactingly. They should divert their attention from one matter to another while questioning them, so that they will refrain from speaking or retract their testimony if there appear to be flaws in it, as **Deuteronomy 13:15** states: "And you shall inquire and research thoroughly."

The judges must show extreme care when questioning the witnesses, lest from their questions the witnesses learn to lie. They ask them seven questions:

a) In which seven year cycle the event occurred?

b) In which year?

c) In which month?

d) On which day of the month?

e) On which day of the week?

f) At what time?

g) In which place?

Even if a witness says: "He killed him today," or "He killed him yesterday," we ask him all the above questions. In addition to these seven questions which are asked universally, the judges inquire into the fundamental issues involved. For example, if the witnesses testify that a person worshipped false deities, the judges ask them: "Which deity did he worship?" "What service did he perform?" If they testified that he

desecrated the Sabbath, the judges ask them: "Which forbidden labor did he perform?" "How did he perform it?" If they testify that he ate on Yom Kippur, the judges ask them: "Which food did he eat?" "How much did he eat?" If they testified that he killed someone, the judges ask them: "With what did he kill him?" Inquiries of this type are considered as fundamental questions (*chakirot*).

5 The *derishot* and the *chakirot* involve the matters that constitute the essence of the testimony. On their basis, the person will either be held liable or released. They include defining the deed that was performed, the time when it was performed, and the place where it was performed. On these basis, the testify of the witnesses will or will not be refuted through *hazamah*. For we cannot refute the testimony of the witnesses unless they define the time and place of the deed involved.

6 In addition, the judges question the witnesses exceedingly with regard to matters that do not involve the fundamental aspects of the testimony and their testimony is not dependent on them. These questions are called *bedikot*. The more a judge questions the witnesses with *bedikot*, the more praiseworthy it is.

What are examples of *bedikot*? Witnesses testified that a person killed a colleague. The witnesses were questioned with the seven *chakirot* which we mentioned which define the time and the place of the act. Similarly, they were interrogated with regard to the deed and they defined the deed and the murder weapon. The judges continue to interrogate them. They ask: What were the murderer and the victim wearing, white clothes or

black clothes? Was the earth where he was killed white or red? These and similar questions are called *bedikot*.

An incident once occurred when witnesses stated that a murder took place under a fig tree. The judges questioned the witnesses: "Were the figs black or white?", "Were their stems long or short?" The more a judge questions the witnesses with *bedikot* like these, the more praiseworthy it is.

Chapter 2

1 What is the difference between the *chakirot* and the *derishot* and the *bedikot*? With regard to the *chakirot* and the *derishot*, if one witness gave specific testimony and the second said: "I do not know," their testimony is of no consequence. With regard to the *bedikot*, by contrast, even if both of them say: "I don't know," their testimony is allowed to stand. If, however, they contradict each other, even with regard to the *bedikot*, their testimony is nullified.

What is implied? The witnesses testified that one person killed another. One of the witnesses specified the year of the seven year cycle, the year, the month, the date, the day of the week, Wednesday, the time, 12 noon, and the place of the murder. Similarly, they asked him: "With what did he kill him?", and he answered: "With a sword." If the second witnesses outlined his testimony in the same manner except for the time, i.e., he said: "I do not know the time of day at which the murder took place," or he was able to specify the time, but said: "I don't know what he used to kill him. I did not take notice of the murder weapon," their testimony is nullified. If, however, they outlined all the above factors identically, but

were asked: "Was he dressed in black or white?" their testimony is allowed to stand if they replied: "We don't know. We did not pay attention to factors like these which are of no consequence."

2 If one of the witnesses said: "He was wearing black clothes," and the second one said: "That is not so," he was wearing white clothes, their testimony is nullified. It is as one said: "It took place on Wednesday," and the other said: "It took place on Thursday," in which instance, the testimony is of no consequence. Or it can be compared to a situation where one said: ""He killed him with a sword," and the other says: "He killed him with a lance." The need for corroboration of the witnesses' testimony is derived from **Deuteronomy 13:15** which states: "And the matter is precise." If they contradicted each other in any matter, their testimony is not precise.

3 The following rules apply if there were many witnesses. If two of them testified in a like manner with regard to the *chakirot* and the *derishot*, their testimony is allowed to stand and the defendant is executed, even though the third witness says: "I don't know." If, however, that witness contradicts the other two, even with regard to the *bedikot*, their testimony is nullified.

4 If one witness says: "The murder took place on Wednesday, the second of the month," and another says: "It took place on Wednesday, the third of the month," their testimony is allowed to stand. Although there is a contradiction between them, we assume that one knew that an extra day

was added to the month, and one did not know.

Until when does the above apply? Until the middle of the month. After the middle of the month, by contrast, e.g., one said: "It took place on the sixteenth of the month," and the second said: "It took place on the seventeenth of the month," their testimony is nullified even though both of them spoke about the same day of the week. The rationale is that by the middle of the month, every one knows when Rosh Chodesh was commemorated.

5 If, however, one witness says: "It took place on the third of the month," and the other says: "It took place on the fifth of the month," their testimony is nullified.

If one witness says: "It took place during the second hour of the day," and the other says: "It took place during the third hour," their testimony is allowed to stand. The rationale is that it is common for people to err with regard to one hour. If, however, one says: "It took place during the third hour," and the other says: "It took place during the fifth hour," their testimony is nullified.

If one witness says: "It took place before sunrise," and the other says: "It took place at sunrise," their testimony is nullified. Even though the discrepancy between them is less than one hour, the matter is evident to all. Similar concepts apply with regard to sunset.

Chapter 3

1 The questioning and interrogation of witnesses is required with regard to

cases involving both monetary law and capital punishment, as **Leviticus 24:22** states: "You shall have one judgment." Nevertheless, our Sages ordained that witnesses in cases involving financial law not be questioned or interrogated, lest this prevent loans from being given.

What is implied? If witnesses say: "So-and-so lent so-and-so a *maneh* in this year," their testimony is allowed to stand even though they did not specify the month or the place in which the *maneh* was given, nor did they say of which coinage the *maneh* was.

2 When does the above apply? With regard to admissions of liability, loans, presents, sales, and the like. Cases involving fines, by contrast, require the full process of questioning and interrogation. Needless to say, this applies with regard to cases involving the penalties of lashes and exile. Similarly, if a judge perceives that a claim may be contrived and his suspicions are aroused, questioning and interrogation is necessary even with regard to cases involving financial matters.

3 Although there is no requirement to subject witnesses in cases involving monetary law to the full process of questioning and interrogation, if the witnesses contradict each other with regard to the *derishot* or the *chakirot*, their testimony is nullified. If the witnesses contradict each other with regard to the *bedikot*, their testimony is allowed to stand.

What is implied? One witness says: "He borrowed from him in Nissan," and the other witness says: "No, he borrowed in Iyar," their testimony is nullified. Or one says: "The loan was given in Jerusalem," and the second says: "No; we were in Lod," their testimony is nullified. Similarly, if one

says: "He lent him a barrel of wine," and the other says: "It contained oil," their testimony is nullified, for they contradicted themselves with regard to the fundamental questions.

If, by contrast, one said: "He lent him a black *maneh*," while the other said: "It was a white *maneh*. One said: "They were in the upper storey when he made the loan," and the other said: "They were in the lower storey," their testimony is allowed to stand. Moreover, even if one said: "He lent him a *maneh* and the other, "He lent him two hundred," the defendant is obligated to pay him at least a *maneh*, because 200 contains 100. Similarly, if one said: "He owes him the cost of a barrel of wine," and the other says: "...a barrel of oil," the defendant is required to pay the lesser amount of the two. Similar concepts apply in all analogous situations.

4 According to Scriptural Law, we do not accept testimony - neither in cases involving financial matter, nor in cases involving capital punishment - except orally from the witnesses, as implied by **Deuteronomy 17:6**: "On the basis of two witnesses...." Implied is that testimony is accepted only orally, and not on the basis of their written statements.

According to Rabbinic Law, however, we decide cases involving financial matters on the basis of testimony recorded in a legal document even if the witnesses are no longer alive. This measure was enacted lest the alternative prevent loans from being given. We do not adjudicate cases involving fines on the basis of testimony recorded in a legal document. Needless to say, cases involving lashes or exile are decided only on the basis of verbal testimony, not on the basis of a written document.

5 In both cases involving financial matters and cases involving capital punishment, once a witness has testified and has been questioned in court, he cannot retract.

What is implied? If the witness state: "I testified in error," "I inadvertently forgot the details and now remembered that it was not so," or "I testified only out of fear of him" we do not heed him, even if he provides an explanation for his statements. Similarly, he cannot add that any of the matters he mentioned in his testimony were conditional.

The general principle is: Any statement made by a witness after his testimony was delivered and questioned that will lead to the nullification of that testimony or that adds a condition to the points stated is not heeded.

6 Witnesses who sign a legal document are considered as if their testimony was delivered and questioned by a court of law. They cannot retract it.

When does the above apply? When the authenticity of the document can be verified without their testimony, e.g., other witness who could testify that it was their signatures were present or their signatures were found on other legal documents. If, however, the authenticity of the document could not be verified without their testimony and they said: "This is our handwriting, but we were compelled to do it," "...We were below majority at the time," "...We were related to the litigants," "...We were deceived," their statements are accepted and the legal document is nullified.

7 If the witnesses say: "We were not acceptable as witnesses because of a transgression we violated," or "We took a bribe to testify on this

document," their word is not accepted. The rationale is that a person's own testimony can never be used to have him considered as wicked. Instead, two witnesses must testify that he is wicked.
Similarly, if the witnesses say: "Our words were given on faith, their words are not accepted. For a person who signs as a witness on a promissory note given on faith is considered as if he gave false testimony.

8 If witnesses say: "A protest was made by the seller to us with regard to this deed of sale," their words are accepted even though their signatures were found on other legal documents.

9 When the witnesses signed on the document say: "The legal document was composed conditionally," their word is not accepted if their signatures were found on other legal documents. If, however, the authenticity of the document could not be verified without their testimony, their statements are accepted and we tell the litigants: "Fulfill the condition and then bring the matter to judgment."

10 If one of the witnesses says: "The transaction was made conditionally," and the other says, "There was no condition involved," the testimony of the one witness is of consequence.

11 Also in laws involving financial matters, we receive testimony only in the presence of the litigants. If, however, the plaintiff was deathly ill or the witnesses desired to travel overseas and the defendant was summoned and yet did not come, we receive the testimony outside his presence.
When does the above apply? To testimony given orally. The authenticity

of the signatures of a legal document, by contrast, may be verified outside the defendant's presence. Moreover, even if the defendant is present and protests vociferously: "This document is a forgery," "They are false witnesses," or "They are unacceptable witnesses," we pay no heed to him. Instead, we verify the authenticity of the document. If the defendant brings proof which disqualifies the document, it is disqualified.

12 Whenever a plaintiff has witnesses who will testify to prove his claim, he must tend to the witnesses until he brings them to court. If the court knows that the defendant is a strong and stubborn person and the plaintiff claims that the witnesses are afraid to come and testify on behalf of the plaintiff, the court compels the defendant to bring the witnesses. We adjudicate cases involving strong and stubborn people according to these and other analogous principles.

Chapter 4

1 Both witnesses in cases involving capital punishment must see the person committing the transgression at the same time. They must deliver their testimony together, in the same court. These requirements do not apply with regard to cases involving financial matters.

What is implied? If while looking from one window, a witness saw the person commit the transgression and the other witness saw him from the other window, their testimonies can be combined if they see each other. If they cannot see each other, their testimonies cannot be combined. If a person who administered the warning sees the witnesses and the witnesses

see him, because of the person administering the warning, their testimony is combined even though they do not see each other.

If they do not see the transgression at the same time, their testimony is not combined. For example, the two witnesses were in one house and one stuck his head out of the window and saw a person perform a forbidden labor on the Sabbath and another person issue a warning. He then thrust in his head and the other witness stuck his head out of the same window and saw the person commit the transgression. Their testimonies cannot be combined unless they both see the transgression at the same time.

The following laws apply when two witnesses see the transgressor from one window, two other witnesses see him from another window, and there is a person who gives a warning in between. If some of them see each other, they are considered as one group of witnesses. If they do not see each other and the person giving the warning does not include them together, they are considered as two groups of witnesses. Therefore if one group are discovered to be *zomamim*, the transgressor and the witnesses are executed. For the transgressor is executed on the basis of the testimony of the second group of witnesses.

2 With regard to cases involving financial matters, by contrast, even though they did not see each other, their testimony can be combined.

What is implied? One witness said: "In my presence, he lent money him on this-and-this day" or "In my presence, he acknowledged a debt," and the second witness says: "I also testify that he lent him money" or "...acknowledged a debt" on a different day, their testimony can be combined.

3 Similarly, if one witness states: "He gave a loan in my presence," and the other said: "He acknowledged a debt in my presence," or the first said: "He acknowledged a debt in my presence," and the other testified afterwards, saying: "He gave a loan in my presence," their testimony can be combined.

4 Similar concepts apply with regard to the time of their testimony in court. One may come on one day and the court will hear his testimony and the other may come on a later date and have his testimony heard. The testimonies may be combined and money expropriated on this basis.

5 Similarly, if the testimony of one witness was recorded in a legal document and the other testified orally, their testimony may be combined. If the witness who did not record his testimony states: "I entered into an act of contract with him concerning this manner, but the lender did not come and ask me to record my testimony in a legal document," the two can join together to give the claim the status of a loan backed by a promissory note. The borrower may not claim: "I repaid the debt."

6 The following laws apply in cases involving financial matters. If one witness delivered testimony in one court and the other witness delivered testimony in a second court, the two courts should come together and combine the testimonies. Similarly, if two witnesses delivered testimony in one court and then delivered testimony in another court, a member of either court can join together with a member of the other court. The

statements of a witness and a judge before whom two witnesses testified may not be combined.

7 Although testimony of two witnesses may be combined in matters of financial law, each of the witnesses must deliver testimony concerning an entire matter, as we explained. If, by contrast, one witness testifies concerning a portion of a matter and the other witness testifies concerning another portion of the matter, we do not establish the matter on the basis of their testimony, as indicated by **Deuteronomy 19:15**: "According to the testimony of two witnesses shall the matter be established."

What is implied? One witness testifies that a person benefited from a field one year, another testifies that he benefited in the following year, and a third testifies that he benefited in the third year, the testimonies of the three cannot be linked together to say that he benefited for three years. For each of them testified only about a portion of the matter.

Similarly, if one witness testifies: "I saw one hair on the person's right side," and another witness testifies: "I saw one hair on the person's left side," their testimonies are not linked together so that we can say that two people testified that the person concerned manifested signs of physical maturity on that particular day. For each of them testified only about a portion of the physical signs required. Even if two witnesses testified that they saw one hair and two other witnesses testified that they saw another hair, their testimony is of no consequence. Since they both testified about only half the matter, this is not acceptable testimony.

If, however, one witness testified that he saw two hairs on the person's right side and another witness testified that he saw two hairs on the

person's left side, their testimony can be linked together. Similar concepts apply in all analogous situations.

Chapter 5

1 A ruling is never delivered in any judgment on the basis of the testimony of one witness, not in cases involving financial law, nor in cases involving capital punishment, as **Deuteronomy 19:15** states: "One witness should not stand up against any person with regard to any transgression or any sin." According to the Oral Tradition, we learned that his testimony is effective with regard to an oath, as stated in *Hilchot Toein ViNitan*.

2 In two situations, the Torah accepted the testimony of one witness:
a) with regard to a *sotah*, so that she does not drink the bitter waters; and
b) with regard to a calf whose neck is broken, to prevent its neck from being broken, as we explained.
Similarly, according to Rabbinic Law, we accept the testimony of one witness with regard to testimony concerning a woman, if he testifies regarding her that her husband died.

3 Whenever the testimony of one witness is effective, a woman and a person disqualified as a witness may also testify. There is, however, an exception: a witness who requires that an oath be taken. We do not require that an oath be taken except on the basis of testimony that is acceptable and fit to be joined with the testimony of another person to obligate the person taking the oath to make financial restitution.

Deuteronomy 19:15 states: "On the basis of the testimony of two witnesses or on the basis of the testimony of three witnesses...," establishing an equation between three witnesses and two witnesses. Just as when there are two witnesses, if one of them is discovered to be a relative or unfit to deliver testimony, the entire testimony is nullified; so, too, if there are three - or even 100 - witnesses and one of them is discovered to be a relative or unfit to deliver testimony, the entire testimony is nullified. This applies both in matters involving financial law and in cases involving capital punishment.

4 When does the above apply? When all of the potential witnesses had the intent of delivering testimony. If, however, they did not all intend to deliver testimony, the testimony will not be nullified. What should two brothers do when they are together with other people and they and the others see a person murder a colleague, injure him, or grab an article from his hand?

5 How do we investigate the matter? When many witnesses come to the court as a single group, we ask them: "When you saw this person kill or injure was your intent to serve as a witness or merely to observe?" All those who say that their intent was not to serve as a witness, but they came merely to observe the matter as part of people at large are set aside. And all those who say: "I stood and took notice solely for the purpose of serving as a witness and being precise in my testimony," are set aside. If a relative or an unacceptable witness is found among those who intended to deliver testimony, the entire testimony is nullified.

When does the above apply? When a relative or an unacceptable witness was present. If, however, they are all acceptable to serve as witnesses, their testimony is taken into account whether they intended to serve as witnesses or not. Since they observed the matter, related the particulars of the testimony, and a warning was given the transgressor, the matter is adjudicated on this basis. This applies both in matters involving financial law and in cases involving capital punishment.

6 The following laws apply when there is a legal document with many witnesses and one of them is discovered to be a relative or unacceptable or two of them are related to each other and the witnesses are not alive so that they could be asked whether they intended to sign as witnesses or not. If there is definitive testimony that they all sat down with the intent of signing - i.e., they intended to give testimony - the document is unacceptable. If not, the testimony may be maintained on the basis of the other witnesses.

Why may the testimony be maintained on the basis of the other witnesses? Because it is possible that the acceptable witnesses signed and left a place for a person of stature to sign and the relative or the unacceptable witness signed without them knowing.

7 Even though an unacceptable witness is the first whose signature appears on the legal document, the document is acceptable.

8 Whenever a witness delivers testimony in a case involving capital punishment, he may not rule as a judge with regard to this murder. He

may not offer an opinion in favor of the accused's acquittal or conviction. If he states: "I have a rationale that should lead to his acquittal, he is silenced, as implied by **Numbers 35:30**: "One witness shall not make a statement with regard to a case involving capital punishment," i.e., his words are not accepted neither for acquittal, nor for conviction.

What is the intent of the phrase "involving capital punishment"? That once a witness testifies with regard to capital punishment, he should make no further statements. He should deliver his testimony and be silent. With regard to cases involving financial matters, he may, however, offer an opinion leading to the defendant being released from financial liability or held liable. He may not, however, be counted among the judges or serve as a judge. For a witness may not serve as a judge. This applies even in cases involving financial matters.

9 When does the above apply? With regard to matters that, according to Scriptural Law, require testimony and adjudication by judges. In matters of Rabbinic Law, by contrast, a witness may serve as a judge.

What is implied? A person brought a bill of divorce and stated: "It was written and signed in my presence." He and two other individuals may serve as a court and give the woman the bill of divorce. It is as if she received it in a court. Similar laws apply in all analogous situations.

Chapter 6

1 As explained, the verification of the authenticity of the signatures of the witnesses to legal documents is a Rabbinic provision so that loans will be

given freely. Nevertheless, we do not verify the authenticity of a legal document except in a court of three judges, for it is a judgment. Ordinary people, however, are acceptable to serve as the judges. For this reason, the authenticity of legal documents may not be verified at night, as we explained.

2 The authenticity of the signatures of the witnesses to legal documents may be verified in any of five ways:

a) the judges recognize the handwriting of the witnesses and know that this is so-and-so's signature and that this is so-and-so's signature;

b) the witnesses sign the legal document in their presence;

c) the witnesses who signed come and each testifies in the presence of the judges saying, "This is my signature and I am a witness to this matter";

d) if the witnesses to the legal document died or they were in another locale, other witnesses may come and testify to the authenticity of their signatures;

e) if the witnesses' signatures were found on other legal documents, the court compares these signatures to the signatures on those documents, seeing that they resemble each other and the signatures on these documents match these signatures.

3 The authenticity of the signatures of the witnesses to legal documents should not be verified from documents other than:

a) two deeds of sale from two fields whose owners benefited from them for three years in a proper and conspicuous manner without fear or dread from any claim in the world as all the owners of fields benefit from their

properties; or b) two *ketubot*.

These two legal documents must be in the possession of another person and not in the possession of the person who seeks to validate his legal document, for it is possible he forged all the signatures. Similarly, we may validate a legal document by comparing the signatures of the witnesses to those on a legal document whose authenticity was challenged and then verified by a court of law. Such a legal document alone can be used to verify the authenticity of the signatures to a legal document just as a legal document can be validated by comparing it to the deeds of sale for two fields or two *ketubot*.

4 When a court writes on a legal document: "In a sitting of three judges, the authenticity of this legal document was validated in our presence," it is validated even though they did not state in which of the five ways it was validated. For we do not suspect that the court erred. Nevertheless, it has already become accepted practice for all the courts which we have seen and about whom we have heard for the judges to describe the manner in which the document was validated.

5 A court never checks whether another court validated a legal document in a correct manner. Instead, we act under the presumption that they were knowledgeable and did not err. We do, however, check the witnesses.

6 When three judges sit to validate the authenticity of a legal document and one of them dies, the remaining judges should write: "We sat in a session of three judges, one of the judges exists no longer," lest an observer say: "A

court of two judges validated it." Even if the validation states that it was performed by a court, it would be insufficient, lest an observer say: "Perhaps they thought that two judges could constitute a court." If their wording implied that there were three judges, there is no need to mention the death of the other judge.

7 The following principles apply when there is a question if one of the judges was acceptable to serve in his position. For example, three judges sat to validate the authenticity of a legal document. Two witnesses came and challenged the propriety of one of the judges, saying that he was a robber or the like. Two others came and testified that he repented. If, before the judges signed, they testified that he repented, he may sign with them. For there were three acceptable judges at the time of the signing. If it was not until after the other two judges signed that the witnesses testified that he repented, the third judge may not sign together with them. For it is as if he did not exist at the time the other two signed.

When does the above apply? When his propriety was challenged because of a transgression. Different rules apply, however, when, however, his propriety was challenged because of a blemish in his lineage, e.g., they said: "His mother was never freed, and he is a servant," or "His mother never converted and he is a gentile." If after the other two judges signed, it was discovered that he does not have this type of blemished lineage and he is fit to serve as a judge, he may sign together with the other two. The rationale is that this is merely the revelation of a fact that existed previously.

8 It is permitted to write the validation on the document before the signatures on the document are validated. For it is the judges' signing of the validation, not the writing of it that is of fundamental importance.
The judges do not have to read the legal document when they validate its authenticity. Instead, they validate it based on the signatures of the witnesses even if they do not know what was written in it.

Chapter 7

1 A relative may give testimony with regard to his relative's signature.
What is implied? There was a legal document which Reuven and Shimon signed as witnesses. They died or traveled overseas. Reuven's son came and testified: "This is my father's signature," and Shimon's son came and testified: "This is my father's signature," it is as if they are two acceptable witnesses who are not related to the witnesses who have signed. If a third witness joins together with them and testifies with regard to the two signatures, the authenticity of the legal document is validated.

2 The statements of the following individuals are acceptable when, as adults, they testify with regard to what they observed as minors. A person's words is accepted when, as an adult, he states: "This is the signature of my father....", "This is the signature of my teacher...", "This is the signature of my brother which I learned to recognize when I was a minor."
The above applies, provided he is joined by another person who learned to recognize these signatures while an adult.

3 When there is a legal document on which Reuven and Shimon signed as witnesses and two others came and testified to the authenticity of the signatures of both Reuven and Shimon, the legal document is validated. If, however, one testified to the authenticity of Reuven's signature and the other testified to the authenticity of Shimon's signature, the document is not validated. The rationale is that two witnesses must testify with regard to both witnesses' signature. If there is a third witness who testifies with regard to the authenticity of both Reuven's and Shimon's signature, the document is validated.

4 When one witness says: "This is my signature," and he and another witness testify with regard to the signature of the other witness, the document is not validated, for three fourths of the money mentioned in the legal document is dependent on the testimony of one person. Similarly, if the son or the brother of the first witness testifies with another person with regard to the signature of the second witness, the document is not validated, because three fourths of the money is dependent on the testimony of relatives.

5 When two witnesses sign a legal document and one of them dies, it is necessary that two witnesses testify with regard to the authenticity of the witness who died. If there is only one other witness who recognizes his signature in addition to the witness who is alive, the latter should write his signature, even on a shard, in the presence of two witnesses and send it to the court so that his signature will be validated. In that instance, it is not necessary for him to declare that it is his signature. Accordingly, he and

another person can testify with regard to the signature of the deceased person so that his signature will be validated even though he is not present.

6 The following principles apply if three judges sit together to validate the authenticity of a legal document, two of them recognize the signatures of the witnesses and one of them does not. Before the judges sign the validation, the two witnesses who recognize the signatures may deliver testimony before the third judge. Then they may sign the validation, for witnesses may serve as judges in a matter that is a Rabbinic ordinance, as we explained.

If the two witnesses who recognize the signatures sign the validation before testifying, they may not testify in the presence of the third judge and have him sign. For at the time they signed, only those two recognized the signature of the witnesses. A legal document may be validated only when all three judges recognize the signatures or witnesses deliver testimony on the signatures before each one of them.

7 The following law applies when the two witnesses who signed on a legal document died and two others came and testified, saying: "This is their signature, but they signed under duress," "...they were minors," or "...they were unacceptable as witnesses." Even though there were other witnesses who testify with regard to their signatures or their signatures could be recognized from another legal document concerning which a protest was raised and afterwards, it was validated by the court, the legal document is not validated. Instead, the two witnesses who signed the document are

balanced against the two who testified that they were unacceptable as witnesses, and the legal document may not be used to expropriate money.

Chapter 8

1 The following law applies when a person signed on a promissory note and comes to testify with regard to his signature in a court of law. If he recognizes that the signature is definitely his, but does not remember the matter of concern at all and does not have any recollection that this person ever borrowed from the other, it is forbidden for him to testify with regard to his signature in court. For a person is not testifying about his signature, but instead about the money mentioned in the legal document, that one person is obligated to the other. His signature serves merely to remind him of the matter. If he does not remember, he may not testify.

2 Whether a person remembers his testimony at the outset, remembers it after seeing his signature, or remembers it after being reminded by others - even if he is reminded by the other witness - if he in truth remembers, he may testify. If, however, it is the plaintiff who reminds him, he may not testify. For it appears to the litigant that he is testifying falsely about a matter which he does not know.

3 Accordingly, if the plaintiff was a Torah scholar and the plaintiff reminded the witness of the matter, he may testify. The rationale is that a Torah scholar knows that if the witness did not remember the matter, he would

not testify. This is a leniency which was granted with regard to cases involving financial law. Even though a witness forgot a matter for many years and it was the written record that reminded him, he may testify.

4 Since this is true, the following law applies when a legal document is presented to the court and the witnesses come and say: "These are our signatures, but we never knew anything about this matter. We do not remember that this person borrowed anything from the other or sold anything to him." The legal document is not validated; the witnesses are considered as deaf-mutes unless they remember their testimony. Whoever does not rule in this manner does not know between his right hand and his left hand with regard to matters of financial law.

If, however, there was other evidence of their signatures or there were other witnesses who recognize their signatures, we pay no attention to their statements that they do not remember the matter stated in the document. We suspect that they may desire to retract their testimony and they say: "We don't remember," in order to nullify the legal document. This is just as if they said: "We were minors," or "We were not acceptable witnesses." Their testimony is not accepted, and the legal document is validated independent of their testimony.

For this reason, we validate all legal documents without calling the witnesses and asking them if they remember the matter or not. Even if they say: "We do not remember the matter," we do not heed their statements since it is possible to validate the legal document without their testimony.

5 The following laws apply whether a person writes his testimony as a legal document or merely finds a note in his records in his handwriting, stating: "So-and-so had me observe testimony concerning him on this-and-this date with regard to these-and-these matters." If he remembers the matter on his own initiative or if others remind him and he remembers, he may testify. If not, he may not testify. The situation is comparable to one in which a trustworthy person tells him: "So-and-so owes so-and-so such-and-such an amount," and the listener goes and testified that one borrowed from the other although he has no firsthand knowledge of the matter, but instead merely heard from another person and testified.

Chapter 9

1 There are ten categories of disqualifications. Any person belonging to one of them is not acceptable as a witness. They are:

a) women;

b) servants;

c) minors;

d) mentally or emotionally unstable individuals;

e) deaf-mutes;

f) the blind;

g) the wicked; h) debased individuals;

i) relatives;

j) people who have a vested interest in the matter; a total of ten.

2 Women are unacceptable as witnesses according to Scriptural Law, as

Deuteronomy 17:6 states: "According to the testimony of two witnesses." The verse uses a male form and not a female form.

3 A *tumtum* and an *androgynus* are also unacceptable, for there is an unresolved doubt whether they are considered as women. Whenever there is an unresolved doubt whether or not a person is acceptable as a witness, he is not accepted. The rationale is that a witness is coming to expropriate money from a defendant based on his testimony or to cause a defendant to be held liable for punishment. And according to Scriptural Law, money may not be expropriated when there is a doubt involved, nor do we inflict punishment when there is a doubt involved.

4 Servants are not acceptable to offer testimony according to Scriptural Law, as can be inferred from **Deuteronomy 19:19**: "And you shall do unto him as he conspired to do unto his brother." Implied is that his brother is like him. Just as his brother is a member of the covenant; so, too, the witness must be a member of the covenant.

By extension, we can infer that a gentile is certainly not acceptable. If servants who are obligated in certain mitzvot are unacceptable, certainly, this would apply with regard to gentiles.

5 A person who is half a servant and half a free man is not acceptable as a witness.

6 Whenever a servant has been freed, but he has not been given his bill of release, he is not acceptable as a witness. Only after the bill of release reaches his hand, he immerses himself in the *mikveh*, and he becomes a

member of the covenant may he give testimony.

7 Minors are unacceptable as witnesses according to Scriptural Law. This concept is derived as follows: With regard to witnesses, **Deuteronomy 19:17** states: "And the two men will stand." Implied is "men," and not minors. Even if the minor was understanding and wise, he is not acceptable until he manifests signs of physical maturity after completing thirteen full years of life.

If he reached the age of 20 without manifesting signs of physical maturity and on the contrary manifests physical signs of a lack of sexual potency, he is classified as a eunuch and may testify. If he does not manifest such signs, he may not testify until he completes the majority of his life, as we explained in *Hilchot Ishut*.

8 When a minor passes the age of thirteen and manifest signs of physical maturity in his upper body, he need not be checked to see whether he manifested signs of physical maturity in his lower body. If he does not manifest the upper signs of maturity, we do not accept him as a witness until he is inspected. When a child is thirteen years and one day and manifests signs of physical maturity, but is not very familiar with business dealings, his testimony is not accepted with regard to landed property. The rationale is that he is not precise about such matters because of his unfamiliarity. With regard to movable property, we accept his testimony since he has reached majority.

9 A person who is mentally or emotionally unstable is not acceptable as a

witness according to Scriptural Law, for he is not obligated in the mitzvot. We are not speaking about only an unstable person who goes around naked, destroys utensils, and throws stones. Instead, it applies to anyone whose mind is disturbed and continually confused when it comes to certain matters although he can speak and ask questions to the point regarding other matters. Such a person is considered unacceptable and is placed in the category of unstable people.

An epileptic in the midst of a seizure is unacceptable as a witness. When he is healthy, he is acceptable. This applies both with regard to an epileptic who has seizures only infrequently and one who continuously has seizures without having a fixed time for them, provided his mind is not continuously confused. For there are epileptics whose minds are disturbed even when they are healthy. One must ponder much before accepting testimony from epileptics.

10 People who are very feeble-witted who do not understand that matters contradict each other and are incapable of comprehending a concept as it would be comprehended by people at large are considered among those mentally unstable. This also applies to the people who are continually unsettled, tumultuous, and deranged. This matter is dependent on the judgment of the judge. It is impossible to describe the mental and emotional states of people in a text.

11 A deaf-mute is equivalent to a mentally unstable person, for he is not of sound mind and is therefore not obligated in the observance of the mitzvot. Both a deaf person who can speak and a person who can hear,

but is mute is unacceptable to serve as a witness. Even though he sees excellently and his mind is sound, he must deliver testimony orally in court or be fit to deliver testimony orally and must be fit to hear the judges and the warning they administer to him.

Similarly, if a person loses the ability to speak, even though his intellectual faculties have been checked as a husband is checked with regard to a bill of divorce, he testifies in writing, and his testimony is to the point, it is not accepted at all, except with regard to releasing a women from marriage, for leniency was granted so that women will not be forced to live alone.

12 The blind, although they can recognize the voices of the litigants and know their identities, are not acceptable as witnesses according to Scriptural Law. This is derived from **Leviticus 5:1**: "And he witnessed or saw," which implies that one who can see may serve as a witness.

A person who is blind in one eye is fit to serve as a witness.

Chapter 10

1 The wicked are unacceptable as witnesses according to Scriptural Law, as **Exodus 23:1** states: "Do not join hands with a wicked person to be a corrupt witness." The Oral Tradition interprets this as meaning: "Do not allow a wicked person to serve as a witness."

Even when an acceptable witness knows that his colleague is "wicked," but the judges are unaware of his wickedness, it is forbidden for him to offer testimony together with him even though he knows that the testimony is

true, for, by doing so, he is joining together with him. Thus the acceptable witness "joined hands" with the wicked person, enabling his testimony to be accepted. Needless to say, it is forbidden for an acceptable witness who knows testimony concerning a colleague to testify when he knows that the other witness who testifies with him is giving false testimony. This is also implied by the verse: "Do not join hands with a wicked person."

2 What is meant by "a wicked person"? Anyone who violates a prohibition punishable by lashes is considered wicked and is unacceptable as a witness. For the Torah referred to a person obligated to receive lashes with the term "wicked," as **Deuteronomy 25:2** states: "If the wicked person is liable to be beaten." Needless to say, a person who is obligated to be executed by the court is unacceptable, for **Numbers 35:31** states: "He is a wicked person who is sentenced to die."

3 When a person commits a transgression for which he is liable to receive lashes according to Scriptural Law, he is disqualified as a witness according to Scriptural Law. When the prohibition is Rabbinical in origin, he is disqualified by Rabbinic decree.

What is implied? A person who ate the meat of an animal cooked in milk, carrion, a teeming animal, or the like is not acceptable as a witness according to Scriptural Law. This applies whether he transgressed because of appetite or with the intent of angering God. The same law also applies if he desecrates the sanctity of the first day of a festival or wears a garment that is *shaatnez*, i.e., combed, spun, or woven with wool and linen. If he

eat the meat of fowl cooked in milk, he desecrated the second day of a festival observed in the diaspora, or wore a woolen garment in which a strand of linen was lost or the like, he is disqualified by Rabbinic decree. We have already enumerated all the transgressions for which one is punished by lashes. And with regard to each and every mitzvah, we have already explained which matters are forbidden by Scriptural Law and which are forbidden by Rabbinic decree.

4 There are other wicked persons who are not acceptable as witnesses even though they are required to make financial restitution and are not punished by lashes. Since they take money that does not belong to them lawlessly, they are unacceptable, as **Deuteronomy 19:16** states: "When a lawless witness rises up against a person...." For example, thieves and people who seize property, even though they make restitution, they are no longer acceptable as witnesses from the time they stole or robbed onward.

Similarly, a lying witness, even though his testimony was disproved with regard to financial matters and he made restitution, he is still unacceptable as a witness according to Scriptural Law for all matters. From when is he disqualified? From the time he testified falsely in court, even though his testimony was not disproved until several days later.

Similarly, when people are involved with loans at interest - both the borrower and the lender - if fixed interest is involved, both are disqualified according to Scriptural Law. If the shade of interest is involved, they are both disqualified by Rabbinic decree. Similarly, a person who transgresses the Rabbinic decrees against theft is disqualified by Rabbinic decree.

What is implied? People who seize property - either landed property or

movable property - without the consent of the owners, even though they pay its worth, are disqualified by Rabbinic decree. Similarly, herders of their own animals - both of small animals and of large animals - are disqualified, for it can be assumed that they take liberty and steal by allowing their animals to pasture in fields and orchards belonging to other people. Therefore, an ordinary herder is disqualified.

People who raise small animals in *Eretz Yisrael* are not acceptable as witnesses. In the diaspora, by contrast, they are acceptable. It is permissible to raise a large animal in every place.

Generally, the collectors of the king's duty are not acceptable, because it is assumed that they will collect more than what is required by the king's decree and keep the extra portion for themselves. Tax collectors, by contrast, are generally considered to be acceptable. If, however, it is known that they took more than is required to collect, even once, they are disqualified.

Similarly, those who guide the flight of doves in a settled area are disqualified, because we assume that they will steal doves belonging to others without paying for them. This ruling also applies to merchants of produce in the Sabbatical year, i.e., people who generally are idle but when the Sabbatical year arrives, they begin to do business with produce. It can be assumed that they collect the produce of the Sabbatical year and do business with it.

Similarly, dice-players are disqualified if this is their only occupation. Since such a person does not involve himself in ordinary business pursuits, it can be assumed that his livelihood is dependent on his gambling, which is forbidden as "the shade of robbery." The above applies not only to dice-

players, but also to all those who gamble with the shells of nuts or the shells of pomegranates. Similarly, our Sages did not disqualify only those who train doves, but also those who gamble with other animals, beasts, and fowl, saying the owner of the one that will outrace the other or vanquish the other will acquire the stakes put up by both. Similarly, other analogous types of gamblers are disqualified, provided they do not derive their livelihood from a source other than gambling. All of the above are disqualified according to Rabbinic decree.

5 The fact that a sharecropper takes a small amount of the produce which sprouts in Nisan and in Tishrei before the harvest is finished without the knowledge of the owner of the field does not cause him to be considered as a thief and he is acceptable as a witness. The rationale is that the owner of the field is not concerned with such a small quantity of produce. Similar principles apply in all analogous situations.

Chapter 11

1 When one does not read the Written Law, nor study the Oral Law, nor carry on ordinary social relationships, he can be assumed to be wicked and is disqualified as a witness according to Rabbinic decree. The rationale is that whenever a person has descended to such a degree, it can be assumed that he will transgress most transgressions that will present themselves to him.

2 For this reason, unlearned people should not be designated as witnesses,

nor do we accept such a person's testimony unless it has been established that he observes the mitzvot, performs acts of kindness, conducts himself in an upright manner, and carries on normal social relationships. The testimony of such a person may be accepted even though he is unlearned and is unfamiliar with both the Written and Oral Law.

3 Thus one may conclude any Torah scholar may be assumed to be acceptable as a witness unless he is disqualified, and any unlearned person may be assumed to be unacceptable unless it is established that he follows just paths.

4 Whoever accepts the testimony of an unlearned person before it is established that he possesses the above positive qualities or before witnesses come and testify that he observes the mitzvot and carries on ordinary social relations is a commoner and will be required to face judgment, for he has forfeited the financial resources of Jews on the basis of the testimony of the wicked.

5 Similarly, base people are disqualified as witnesses by Rabbinic decree. This refers to people who walk through the marketplace eating in the presence of everyone, those who go unclothed in the marketplace when they are involved in ignoble tasks, and the like. The rationale is that they are not concerned with their own shame. All these people are considered as dogs; they will not be concerned with testifying falsely.

Included are those who partake of charity given by gentiles in public. Although they could derive this benefit in private, they denigrate

themselves and accept it in public without showing concern for their honor. All of these individuals are disqualified according to Rabbinical decree.

6 What is the difference between a person who is disqualified as a witness according to Scriptural Law and one who is disqualified by Rabbinic decree? The testimony of a person disqualified by Scriptural Law is nullified even though it was not announced in synagogues and houses of study that he is unacceptable.

Announcements must be made about a person who is disqualified by Rabbinic decree, by contrast, before his testimony is disqualified. Accordingly, any testimony that he gives before such announcements are made are accepted so that people who relied on him will not suffer a loss, for they did not know that he was unacceptable, and he is disqualified only by Rabbinic decree.

7 The testimony of one witness is acceptable with regard to the Torah's prohibitions, even though his testimony is not accepted with regard to other matters. This is evident from the fact that when a wicked person known to transgress slaughters an animal, his slaughter is acceptable. We accept his word when he says: "I slaughtered it according to law." When, however, a person is suspected of violating a particular prohibition frequently, his word is not accepted with regard to his own matters. His word is accepted, however, with regard to others.

8 For this reason, a person suspected of violating a particular prohibition

may serve as a judge and as a witness for others. We operate under the assumption that a person will not transgress so that others will benefit.
What is implied? The word of an unlearned person is accepted if he states: "The produce of so-and-so has been tithed." Similarly, the word of a person who is suspected of selling the meat of a firstborn is accepted if he states: "The meat which so-and-so is selling is ordinary meat." Similar principles apply with regard to other prohibitions. For the wicked fear the Torah's prohibitions, but they do not fear causing others monetary loss.

9 The Kings of Israel may not testify, nor is testimony given against them, because they are strong-armed men of power who do not subjugate themselves to the yoke of the judges. Testimony may be made against a High Priest, by contrast, and he may give testimony concerning the king in the Supreme *Sanhedrin*, as explained.

10 Our Sages had no need to list informers, *epicursim*, and apostates among those who are not acceptable as witnesses. For they listed only the wicked among the Jewish people. These rebellious deserters of the faith are inferior to the gentiles. Gentiles need not be saved from a pit, but neither should they be pushed into one the pious among them will receive a share in the world to come. These deserters of the faith should be pushed into a pit and should not be saved from one; they will not receive a portion in the world to come.

Chapter 12

1 Whenever a person is disqualified as a witness for committing a transgression, he is disqualified if two witnesses testify that he committed a transgression despite the fact that they did not warn him and hence, he does not receive lashes.

When does the above apply? When the person committed a transgression that is universally known among the Jewish people to be a sin, e.g., he took a false or an unnecessary oath, he robbed, he stole, he ate meat from an animal that was not slaughtered in a ritual manner, or the like. Different rules apply, however, if the witnesses see him transgress a prohibition which he most likely violated unknowingly. In such an instance, they must warn him. Afterwards, if he transgresses, he is disqualified.

What is implied? If witnesses saw a person tying or untying a knot on the Sabbath, they must inform him that this desecrates the Sabbath, because most people are unaware of this. Similarly, if they see him performing a forbidden labor on the Sabbath or a festival, they must inform him that the day is the Sabbath or the festival, lest he have forgotten.

Similarly, if a person gambles continually, becomes a collector of the king's duty, or a tax collector who takes more for himself, the witnesses must inform him that a person who does this is not acceptable as a witness. For the majority of the people are unaware of this matter. Similar laws apply in all analogous situations. The general principle is: Whenever it appears to the witnesses that the person committing the transgression knew that he was acting wickedly and transgressed deliberately, he is not acceptable as a witness even though he was not given a warning and hence, does not receive lashes.

2 A person is not disqualified as a witness because of a transgression on the basis of his own testimony. What is implied? A person comes to court and admits that he stole, robbed, or lent money at interest. Although his own statement is sufficient to obligate him to make financial restitution, it does not disqualify him as a witness. Similarly, if he states that he ate meat from an animal that was not slaughtered in a ritual manner or had relations with a woman forbidden to him, he is not disqualified until two witnesses testify concerning the transgression. The rationale is that a person is not deemed as wicked on the basis of his own testimony.

Accordingly, if Shimon testifies that Reuven lent money at interest, and Levi testifies: "Reuven lent me money at interest," Reuven is disqualified as a witness on the basis of the testimony of Shimon and Levi. Although Levi admitted that he borrowed money at interest, he is not deemed as wicked on the basis of his own testimony. Hence, his word is accepted with regard to Reuven, but not with regard to himself.

Similarly, if a person testifies that so-and-so sodomized him, whether against the will of the person sodomized or with his consent, the person sodomized and one other witness can join together and through their testimony have the sodomizer condemned to execution. If a person states: "So-and-so had relations with my wife," he and one other witness can join together and through their testimony have that person, but not the wife condemned to execution. Similar laws apply in all analogous situations.

If a person testifies: "So-and-so sodomized my ox," he and one other witness can join together and through their testimony have that person condemned to execution. The rationale is that a person is not considered as related to his property.

3 When two people testify that a person is not acceptable as a witness because he committed one of the abovementioned transgressions and two others come and testify that he repented and renounced his improper conduct or received lashes as punishment for the transgression, he is acceptable. If, however, two witnesses came and contradicted the original witnesses, saying: "He did not commit the transgression and should not be disqualified," there is an unresolved doubt if he is disqualified as a witness or not. Therefore he should not testify, we do not expropriate money on the basis of his testimony, and he should not serve as a judge until he repents.

4 Whenever a person was obligated to receive lashes, he is considered as an acceptable witness again when he repents or when he received lashes in court. Other persons who were disqualified as witnesses because of money which they seized or stole must repent even if they made financial restitution. Instead, they are disqualified until it is known that they repented from their evil ways.

5 When is it considered that people who lend money at interest have repented? When they tear up their promissory notes on their own volition and manifest complete regret over their actions to the extent that they do not lend money at interest even to gentiles.

6 When is it considered that dice-players have repented? When they break their dice on their own volition and manifest complete regret over their actions to the extent that they do not even play without monetary stakes.

7 When is it considered that those who guide the flight of doves have repented? When they break the tools they use to snare them and manifest complete regret over their actions to the extent that they do not do this even in the desert.

8 When is it considered that merchants of produce in the Sabbatical year have repented? When the Sabbatical year arrives, they are investigated and it is discovered that they did not sell such produce.

Expressing regret verbally is not sufficient. Instead, they must compose a document, stating: "I, so-and-so, the son of so-and-so, earned 200 *zuz* from the sale of the produce of the Sabbatical year and this sum is given as a present to the poor."

9 When is it considered that a person suspected of benefiting from taking a false oath has repented? When he goes to a court which does not recognize him and tells them: "I am suspect to take a false oath." Alternatively, when he is obligated to take an oath in a court which does not recognize him with regard to a significant amount of money and he chooses to make financial restitution rather than take the oath.

Similarly, a butcher would check the animals he slaughtered by himself and market the meat who sold meat that was *trefe* is considered like those who partake of such meat and who are unacceptable as witnesses. Such a butcher is unacceptable as a witness until it is evident from his deeds that he regrets the evil he performed. He must wear black clothes, robe himself in black, and go to a place where his identity is not known and return a lost object that is significantly valuable or acknowledge that an animal

that is significantly valuable which he owned and slaughtered is *trefe*.

10 Similarly, a witnesses who was discovered to have lied who went to a place where he was not recognized and was offered a significant amount of money to deliver false testimony, but refused is considered to have repented and is reinstated as a witness. Similar principles apply in all analogous situations.

Chapter 13

1 Relatives are disqualified as witnesses according to Scriptural Law, as implied by **Deuteronomy 24:16**: "Fathers shall not die because of sons." According to the Oral Tradition, the verse is interpreted as meaning that included in this prohibition is that fathers should not die because of the testimony of sons, nor should sons die because of the testimony of fathers. Similar laws apply with regard to other relatives.
According to Scriptural Law, only paternal relatives are disqualified - i.e., a father with his sons and grandsons, paternal brothers with each other, and the sons of paternal brothers with each other. Needless to say the uncles may not testify with their brother's sons. Maternal relatives or people related by marriage are disqualified only by Rabbinic decree.

2 Converts are not considered as relatives. Even two twin brothers who convert may testify on each others behalf. For a convert is considered as a newborn child.

3 Brothers - whether maternal brothers or paternal - are considered as one

degree removed. Their sons are considered as two degrees removed. And their grandsons are three degrees removed.

4 A person who is three degrees removed may testify on behalf of one who is one degree removed. Needless to say, one who is three degrees removed may testify on behalf of one who is two degrees removed. But two who are both two degrees removed, and needless to say, one who is two degrees removed and one who is one degree removed are both disqualified from testifying.

5 A father and his son are considered as one degree removed. Therefore a father is disqualified from testifying with his grandson. With his great-grandson, i.e., the fourth generation, he is acceptable, for he is of the first degree and the great-grandson, three degrees, removed. Similar laws apply with regard to women relatives.

What is implied? Two sisters or a brother and a sister - whether paternally or maternally related - are considered as one degree removed. Their children whether male or female are considered as two degrees removed and their grandchildren - including the sons of their sons and the daughters of their daughters - are considered as three degrees removed. Just as we count the degrees descendants are removed for males - one degree, two degrees, and three degrees - so, too, we count the degrees for females.

6 Whenever a person is disqualified from testifying on behalf of a woman, he is also disqualified from testifying on behalf of her husband, for a

husband is considered like his wife. Conversely, whenever a person is disqualified from testifying on behalf of a man, he is also disqualified from testifying on behalf of his wife, for a wife is considered like her husband.

7 Whenever two women are removed by second degrees, their husbands may testify on behalf of each other. If, however, the women are one degree removed, e.g., a man married a woman, and a colleague married her daughter, the two men may not testify on each other's behalf.

8 Similarly, the husbands of two sisters are disqualified with regard to each other and are considered as one degree removed.

9 Similarly, a person should not testify on behalf of the son of his wife's sister, nor on behalf of the husband of the daughter of his wife's sister. He may, however, testify on behalf of the son of the husband of his wife's sister who was born to that person from another wife.

10 Whenever a witness is disqualified from testifying on behalf of a colleague because he is married to the witness' relative, the witness may testify on behalf of the other relatives of that colleague, e.g., his son and his brother. Similarly, whenever a witness is disqualified from testifying on behalf of a woman because she is married to the witness' relative, the witness may testify on behalf of her other relatives, e.g., her son and her brother.

11 The father of a bride and the father of a groom may testify on behalf of each other.

12 A person's paternal brother may testify on behalf of that person's maternal brother and the maternal brother may testify on behalf of the paternal brother, for they have no connection whatsoever.

What is implied? Rachel married Joseph and bore him a son Reuven. Joseph had a son, Menashe, from another wife. Joseph died and Rachel married Shimon and bore him Judah. Menashe and Judah may testify on each other's behalf.

13 A man and his wife are considered as being removed by one degree. Hence a husband may not testify on behalf of his wife's son, the wife of his wife's son, his wife's daughter, the husband of his wife's daughter, his wife's father, his wife's mother, the husband of his wife's mother, nor the wife of his wife's father.

14 When a person has consecrated a woman, although the marriage bond has not been consummated, with regard to testimony, it is as if she is fully married.

To whom does the above apply? To the woman he consecrated herself; he may not testify on her behalf. If, however, he testifies on behalf of the relatives of the woman he consecrated, e.g., her sister's husband, her son or daughter, or the like, we do not disqualify him until he marries her.

15 The Torah did not disqualify the testimony of relatives because we assume that they love each other, for a relative may not testify neither on his relative's behalf or against his interests. Instead, this is a Scriptural decree.

For this reason people who love each other or who hate each other are

acceptable as witnesses even though they are not acceptable as judges. For the Scriptural decree disqualifies only relatives as witnesses.

Chapter 14

1 Whenever a witness is disqualified from testifying on behalf of a colleague because he is married to the witness' relative, if that relative's wife dies, even if she left him sons, he is considered to have been released from any connection and is acceptable as a witness.

2 When a person knew of evidence concerning a colleague before he became his son-in-law, and then became his son-in-law, he is not acceptable. The same law applies if a person was in control of his senses and then became a deaf-mute, was able to see and became blind - even though he is aware of the measure of land concerning which he testifies and can define its boundaries, or was intellectually and emotionally sound and then lost control of his faculties.

If, by contrast, a person knew of evidence concerning a colleague before he became his son-in-law, became his son-in-law, and then that colleague's daughter died, the witness is acceptable. Similar laws apply if a person was in control of his senses, became a deaf-mute, and then regained control of his senses, was intellectually and emotionally sound, lost control of his faculties, and then regained control of them, or was able to see, became blind, and then regained his sight.

The general principle is: Whenever a person is an acceptable witness at the initial and the final stages, he is acceptable even though in the interim, he

was not acceptable as a witness. If, however, initially he is unacceptable, even though ultimately, he would be acceptable, he is disqualified. Therefore when a person is aware of evidence as a child, it is of no consequence for him to testify with regard to it when he attains majority.

3 There are matters concerning which we rely on the testimony which a person gives after he attains majority with regard to events that he observed when he was a child. The rationale is that these are matters of Rabbinical origin. The matters are as follows; a person's word is accepted when he states: a) "This is the signature of my father," "...my teacher," "...or my brother," the rationale is that the validation of legal documents is a Rabbinic requirement;

b) "I remember that when so-and-so was married, they performed the customs performed for a virgin"; since most women marry when virgins and a *ketubah* is a Rabbinic institution;

c) "This place is a *beit hapras,*" for the ritual impurity associated with such a place is a Rabbinic safeguard;

d) "We would proceed until this point on the Sabbath," because the restriction of the Sabbath limits until only 2000 cubits is a Rabbinic restriction;

e) "So-and-so would leave school to immerse himself in a *mikveh* and eat *terumah* in the evening" or "he would receive a portion of *terumah* with us;"

f) "We would bring *challah* and presents of meat to so-and-so, the priest"; this applies when the presents were sent with the person himself;

g) "My father told me, 'This family is acceptable; this family is not

acceptable";

h) "We ate from the fruit-barrel brought by the brothers of so-and-so to inform others that their brother, so-and-so, married a woman that was not appropriate for him.

All of the latter four points involve establishing a person as a priest to enable him to partake of *terumah* that is separated at present because of Rabbinic decree or to prevent him from partaking of it.

4 The leniency granted in all these situations to accept the testimony of a person who reached majority with regard to what he knew when he was a minor is not granted when a gentile or a servant witnessed such matters and gave such testimony after he converted and was freed.

5 If, before becoming a robber, a person knew of evidence concerning a colleague and recorded that evidence in a legal document and then became a robber, he cannot testify with regard to his signature. If, however, his signature to the legal document was validated in court before he became a robber, the legal document is acceptable.

Similarly, if a witness becomes a person's son-in-law, he may not testify concerning his signature on a legal document involving his father-in-law. Others, however, may testify concerning the son-in-law's signature. Even though the document is not validated by the court until after the witness becomes a person's son-in-law, it is acceptable. The disqualification of a witness because of a transgression is not the same as the disqualification of a witness because of a family connection, for a person disqualified because of a transgression is suspected of forging the document.

6 When a legal document has only two witnesses signed upon it and they are related to each other or one of them is disqualified because of a transgression, even if the document was transferred in the presence of acceptable witnesses, it is worthless, like a shard, because of the invalid signatures inside it.

7 The following rule applies when a person composes one legal document including testimony that he is granting all of his property to two people and the witnesses to the document are related to one of the recipients of the present, but not related to the other. The document is not acceptable, because it is one statement of testimony.

If, however, he writes in one legal document that he is giving this-and-this courtyard to Reuven and this-and-this field to Shimon, and the witnesses are related to one, but not to the other, the present given to the recipient to whom the witnesses are not related is binding. Even though the two statements are included in one legal document, they are considered as separate testimonies. To what can the matter be compared to a person who says: "Serve as witnesses that I gave Reuven this-and-this, that I gave Shimon this-and-this, and that I borrowed such-and-such from Levi." Although they were all included in the same legal document and there is only one person transferring the property, they are considered as three distinct statements.

Chapter 15

1 Whenever a person will benefit from giving testimony, he may not give

such testimony for it is as if he is testifying concerning himself. Therefore when a person comes to the inhabitants of a city with a complaint concerning the public bathhouse or thoroughfare, none of the inhabitants of the city can testify regarding this matter nor serve as a judge regarding this matter until they undertake a contractual act removing themselves from any connection to the property in question. Afterwards, they may testify or serve as a judge.

2 The following rules apply when a communal Torah scroll is stolen from the inhabitants of a city. Since it is intended to be listened to by all the members of the community, it is impossible for a person to withdraw his share of ownership from it. Hence, the matter should not be adjudicated by the judges of the city, and the inhabitants of the city may not testify to prove the city's ownership. Similar laws apply in all analogous situations.

3 When a person says: "Give a *manah* to the poor people of my city," the matter may not be adjudicated by the judges of that city and the inhabitants of the city may not testify to prove that the pledge was made.
When does the above apply? When the poor people depend upon them and they allocate charity to them. In such a situation, even if two members of the city promised: "We will give the fixed amount required of us regardless; let us testify," we do not heed their request. For they receive benefit from the fact that these poor people become wealthier for the poor are dependent on the inhabitants of the city. Similar laws apply in all analogous situations.

4 The following rules apply when a person raises a protest and seeks to expropriate land that is owned by two partners from the possession of one of the partners. The other partner may not testify on behalf of his partner concerning the land unless he withdraws from ownership of the land and undertakes an act of contract affirming that he gave his portion to his partner and committing himself to reimburse him for its value if his own creditor expropriates it from his partner. After undertaking such an agreement, he may testify concerning the field. Similar laws apply in all analogous situations.

5 The following rules apply when a person protests the ownership of a field. If it contains produce, a sharecropper may not testify with regard to it. For the sharecropper wishes it to remain in the possession of the owner so that he will receive his portion of the crops. If there is no produce in the field, he may testify concerning it.

Different rules apply with regard to a renter. If he brings the rent with him and says: "Let whoever is established as the owner of this field take this," he may offer testimony. If, however, he already paid the rent to the owner of the field he may not testify. For if the field is expropriated by the claimant, he would have to pay him rent for all the years he dwelled in it. Hence, he may not offer testimony. Similar laws apply in all analogous situations.

6 The following rules apply if Shimon borrowed money and Reuven guaranteed the debt. Yehudah entered into litigation against Shimon and sought to expropriate landed property from his possession. If Shimon

possesses another field equal in value to the debt guaranteed by Reuven, Reuven may testify with regard to the land, asserting that it belongs to Shimon. He does not derive any benefit from this, for even if Yehudah would expropriate the field, Shimon possesses another field from which the creditor could derive payment.

Similarly, a person who purchased a field may testify on behalf of another person who purchased a field from the same seller and affirm that the field is his. This applies provided the seller owns a field that is not on lien that is equivalent to the value of the field acquired by the first purchaser. In such a situation, the first purchaser does not derive any benefit from the field remaining in the possession of the second purchaser, for even if the field he purchased is expropriated from him, he may seek reimbursement from the seller and the seller possesses another field from which he could expropriate his due.

Chapter 16

1 The following rule applies when Reuven stole a field or a garment from Shimon and Yehudah lodges a claim against Reuven, stating that the field or the garment is his. Shimon may not testify on Reuven's behalf that the field or the garment does not belong to Yehudah. The rationale is that Shimon desires to have the field or garment remain in the possession of Reuven who stole it from him so that he will have it returned to him from the thief. For it is possible that the proof Shimon uses to expropriate it from Reuven will not enable him to expropriate it from Yehudah.

Similarly, if Reuven sold or transferred as an inheritance the stolen field to

Levi and Yehudah lodges a claim against Levi, Shimon may not testify that it does not belong to Yehudah. For perhaps it is more comfortable for him to expropriate it from Levi.

2 The following rules apply if Reuven sold the stolen garment to Levi and Yehudah lodges a claim concerning it. If Reuven died, Shimon may testify that it does not belong to Yehudah. The rationale is that this garment will never be returned to Shimon, because the purchaser acquires it because of his despair of recovering it and its change of domain. Reuven, the thief, died, and thus he has no one from whom he could receive reimbursement. If, however, Reuven is still alive, Shimon may not testify even concerning a garment. For he will receive benefit from the fact that it will not remain in Yehudah's possession so that he can bring proof that Reuven stole it and require him to make reimbursement for it.

Similarly, if the garment is in the possession of Reuven's heirs, Shimon may not testify concerning it. For ultimately, if the heir retains possession, it will be returned to the original owner. Similar laws apply in all analogous situations.

3 The following rule applies when Reuven sold a field to Shimon without taking financial responsibility for it and Yehudah issued a claim to expropriate it from Shimon. Reuven may not testify concerning it on Shimon's behalf. Even though he did not accept financial responsibility for the field, he desires that it remain in Shimon's possession. For if that is the case, one of Reuven's creditors may come and collect it as payment for Reuven's debt and thus Reuven will not be "a wicked person who borrows

and does not repay."

4 When, by contrast, Reuven sold a cow or a garment to Shimon and Yehudah raised a claim to expropriate it from Shimon, Reuven may testify that it belongs to Shimon. The rationale is that even if it were to remain in Shimon's possession, a creditor of Reuven does not have the right to expropriate movable property that was sold. This applies even when the movable property was designated as an *apoteiki*.

When does the above apply? When Shimon the purchaser admits that the cow or the garment certainly belonged to Reuven the seller and he knows that they truly belonged to him. If, however, Shimon does not acknowledge this, Reuven may not testify to deny Yehudah's right to the property. For if it is expropriated from Shimon, he will sue Reuven for its value, saying: "You sold me an article that did not belong to you, for witnesses came and stated that it belonged to Yehudah."

When do we accept Reuven's testimony to deny Yehudah's right to the movable property and thus leave it in Shimon's possession? When witnesses come and testify that Reuven never owned landed property. If, however, there are no witnesses to deliver such testimony, Reuven may not testify concerning a cow or a garment as well.

Why may he not testify concerning such objects? Because it is possible that he placed them on lien to his creditor by virtue of the latter's lien on landed property and in that contract stated: "That I will acquire," establishing a lien on them by virtue of the lien on the landed property. Thus his creditor has the right to expropriate a cow and a garment as well. Hence, Reuven should not testify concerning them. For he desires to have

them remain in Shimon's possession so that his creditor can come and expropriate them. Similar principles apply in all analogous situations.

These matters are dependent solely on the discerning capacity of the judge and the greatness of his understanding when he comprehends the fundamental thrust of the judgments and knows how one thing leads to another, deepening his perception. If he sees that a witness will derive benefit from this testimony even in an uncommon and extraordinary manner, he should not allow that person to testify.

Just as a person should not testify with regard to a matter because he may have a vested interest in the case; so, too, he should not act as a judge concerning such a matter. Similarly with regard to other disqualifying factors, just as they disqualifying a person as a witness; so, too, they disqualify him as a judge.

5 Therefore we do not appoint two judges to the *Sanhedrin* who are related to each other. This applies to both a minor *Sanhedrin* and the Supreme *Sanhedrin*. With regard to the judges that are added to reach the number of seven charged with declaring a leap year as mentioned in *Hilchot Kiddush HaChodesh*, it appears to me that it is of no consequence that there are relatives among them.

6 Whoever is fit to act as a judge as fit to act as a witness. There are, however, some who are acceptable to act as a witness, but not to act as a judge. They include friends, enemies, converts, and freed slaves. Similarly, an elderly person, a eunuch, a bastard, and a person with one eye are acceptable as witnesses, but are not acceptable as judges as we explained.

Chapter 17

1 When many men of great wisdom and fear of God testify to a person and tell him that they saw so-and-so commit a particular transgression or borrow money from a colleague, although the listener believes the matter in his heart as if he saw it actually transpire, he may not deliver testimony unless he actually sees the matter or the borrower acknowledges the debt verbally to him, saying: "Be a witness for me that so-and-so lent me a *maneh*." These concepts are derived from **Leviticus 5:1** which states: "And should he witness, see, or know of the matter...." There is no testimony that can be established through sight or knowledge alone except testimony involving financial matters.

Whenever a person delivers testimony on the basis of the statements of others, he is a false witness and transgresses a negative commandment, as **Exodus 20:16** states: "Do not bear false witness against your neighbor."

2 Therefore, we issue a warning also to witnesses who testify regarding financial matters.

How do we warn them? We issue this warning in the presence of all onlookers, telling them the severity of bearing false testimony and the shame suffered by those who deliver such testimony in this world and in the world to come.

Afterwards, we order all other people to go outside and leave the witness of the greatest stature inside. We say to him: "Tell us the basis on which you know that this person owes money to that." If he says: "He told me that the borrower said that I owe him the money," or he says: "So-and-so

told me that he owed him money," his statements are of no consequence. He must say: "In our presence, the defendant admitted to the plaintiff that he owes him the money."

Afterwards, we bring in the second witness and check his testimony in this manner. If their testimony corroborates each other's, the judges deliberate over the matter and conclude the judgment.

3 The following rules apply if a person hid witnesses against his colleague and that colleague acknowledged his obligation to him in private. The witnesses saw and heard him tell him: "Certainly, I owe you this and this amount, but I am afraid you will call me to judgment tomorrow." This is not valid testimony unless he makes the acknowledgment in the presence of witnessess.

4 Whether a person acknowledged a debt to a colleague, making the admission in a sincere manner that he owes him such-and-such an amount, he told the witnesses: "You are my witnesses," or he told them "Serve as witnesses for me," they are valid witnesses. This applies whether the statement is made by the borrower or whether it is made by the lender and the borrower remains silent as if he is accepting his words. Needless to say, it applies if he affirmed the appointment with an act of contract, telling them: "Compose a legal document stating that I owe so-and-so this-and-this amount," or the like, his statement is considered as an admission and the witnesses may testify on this basis.

5 When a teacher tells a student: "You know that if they would give me all

the money in the world, I would not lie. So-and-so owes me a *maneh*. I have one witness against him. Please, join him." If he joins him, he is a false witness.

6 If he tells him: "Come and stand together with the witness. You do not have to testify, but the borrower will become frightened and panic, thinking that you are two witnesses and he will admit the debt on his own volition," the student is forbidden to stand and make it appear that he is a witness even though he does not deliver testimony. With regard to this and similar matter, **Exodus 23:7** states: "Keep distant from words of falsehood."

7 A person who hires false witnesses to testify against a colleague is not liable according to mortal law, but does have a moral and spiritual obligation. Similarly, one witness who refrains from testifying is not liable according to mortal law, but does have a moral and spiritual obligation.

Chapter 18

1 When a person delivered false testimony and witnesses testify to that fact, he is called an *eid zomeim*, "a conspiring witness."

It is a positive mitzvah to requite him in the manner in which he desired through his testimony to effect his colleague. If witnesses testify with regard to a transgression for which one is liable to be stoned to death and it is proved that they testified falsely, they are all stoned. If the transgression was punishable by being burned to death, they are burned to

death. Similar laws apply with regard to other forms of capital punishment.

If they testified falsely with regard to a transgression punishable by lashes, each one of them is lashed as are all those obligated to be lashed. We estimate their capacity to bear the lashes and they are lashed. If they testified falsely to obligate the defendant to make a financial payment, we divide that amount according to the number of lying witnesses. Each witness must pay his share. The lying witnesses do not receive lashes when they are required to make financial reimbursement.

2 When does the above apply? When the witnesses were disqualified through *hazamah*? When, however, the testimony of two pairs of witnesses contradict each other, both testimonies are of no consequence, but neither of them receives punishment, because we do not know which pair is lying.

What is the difference between testimony which is contradicted and testimony which is disqualified through *hazamah*? A contradiction concerns the testimony itself. One pair states: "This is what took place," and the other pair states: "It never took place," or that conclusion was obvious from his statements. *Hazamah*, by contrast, focuses on the witnesses themselves. The witnesses who disqualify them do not know whether the event happened or not.

What is implied? Witnesses come and say: "We saw so-and-so kill a person..." or "...lend money to so-and-so on this-and-this date in this-and-this place." After they testified and the testimony was investigated, two other witnesses came and said: "On that day, we were with you and

with those people the entire day and those things never happened. He never killed him," or "...He never lent him." This is considered a contradiction.

Similarly, if witnesses say: "How can you testify in this manner. Either the murderer - or the victim or the borrower or the lender - were with us on that day in another city," the testimony is considered to be contradicted. This is as if they said: "So-and-so did not kill him..." or "So-and-so did not lend him, for they were together with us and this thing did not happen." Similar principles apply in all analogous situations.

If, however, the second pair of witnesses say: "We do not know if so-and-so killed so-and-so on this day in Jerusalem as you say or not. We are, however, testifying that you yourselves were with us in Babylon on that date," the first pair of witnesses are considered as *zomeimim* and they are executed or required to make financial restitution. The rationale is that the witnesses who disqualified them did not concern themselves with the testimony itself whether it was true or false, but with the presence of the witnesses in the place mentioned.

3 The fact that the Torah accepted the word of the latter pair of witnesses instead of that of the first pair of witnesses is a Scriptural decree. Even if there were 100 in the first group of witnesses and two witnesses came and disqualified them all through *hazamah*, saying: "We testify that all 100 of you were together with us on this date in this place," the 100 witnesses are punished on the basis of their testimony. For two witnesses are equivalent to 100 and 100 are equivalent to two. Similarly, when two groups of witnesses contradict each other, we do not follow the majority instead, we

nullify the testimony of both.

4 There is no need for lying witnesses to be given a warning.
When the testimony of witnesses was first contradicted and ultimately, disqualified through *hazamah*, the lying witnesses are executed, lashed, or forced to make financial restitution. The rationale is that a contradiction is the first stage of *hazamah*. It is not, however, completed.

5 The testimony of witnesses can be disqualified through *hazamah* only in their presence. It can, however, be contradicted outside their presence.
When the testimony of witnesses has been disqualified through *hazamah* outside the presence of the witnesses, it is considered to have been contradicted. Therefore if the witnesses who have been disqualified through *hazamah* die before the testimony disqualifying them is delivered in their presence, their testimony is nullified, for the two testimonies contradicted each other.

6 When the testimony of witnesses in cases of capital punishment was contradicted, but was not disqualified through *hazamah*, they do not receive lashes. This is true, even if the person they testified was killed comes himself to court to prove the suspected murderer's innocence. The rationale is that the prohibition is punishable by execution. Hence, lashes are not given because of it. Nevertheless, the court has the witnesses beaten with stripes for rebellious conduct according to their perception of the severity of the matter.

7 A public announcement must be made with regard to lying witnesses.

What type of announcement is made? A proclamation is written and sent throughout every city: "So-and-so and so-and-so testified in this manner. They were disqualified through *hazamah* and executed," "...lashed in our presence," or "fined so-and-so many *dinarim*." The necessity for this is derived from **Deuteronomy 19:20**: "Those who remain shall hear and become fearful."

8 The obligation of lying witnesses to make financial restitution when required is considered as a fine. Therefore, they are not required to pay when they admit their own guilt.

What is implied? The witnesses delivered testimony and their testimony was investigated by the court. Afterwards, they both admitted: "We delivered false testimony. This person does not owe the other person anything." Or they said: "We gave testimony concerning so-and-so with regard to this-and-this amount and we were disqualified through *hazamah*." They are not required to make restitution because of their own statements.

If, however, they said: "We gave testimony concerning so-and-so, we were disqualified through *hazamah* in the court of so-and-so and we were obligated to give him this-and-this amount," they are required to make financial restitution. For this is an admission of debt with regard to money that they were already sentenced to pay.

If one witness makes such statements, he is obligated to pay his portion.

Chapter 19

1 The following rules apply when two witnesses testify, saying: "So-and-so murdered a person in the eastern portion of the hall at this-and-this time," two other witnesses came and said: "You were together with us in the western portion of the hall at that time." If a person standing in the western portion could see what transpires in the eastern portion, they are not disqualified through *hazamah*. If, however, it is impossible to see what transpires, they are disqualified through *hazamah*. We do not say perhaps the eyesight of the first pair is very powerful and they can see things which transpire at a greater distance than all other men.

Similar principles apply if two people testified saying: "In the morning, so-and-so committed murder in Jerusalem," and two others come and tell them: "On that day, in the evening, you were together with us in Lod." If it is possible for a person to travel, even on horseback, from Jerusalem to Lod from the morning to the evening, they are not disqualified through *hazamah*. If not, they are disqualified through *hazamah*. We do not say perhaps they found a speedy camel and were able to travel the route faster than usual. Instead, we always calculate the matter using according to the known standards and disqualify them through *hazamah*.

2 The following rules apply when two witnesses state: "On Sunday, so-and-so murdered a person in this-and-this place," and two other witnesses came and said: "On that date, you were together with us in another far removed place, but so-and-so certainly murdered the victim on the following day," the murderer and the first pair of witnesses are executed. Even if the second pair of witnesses testify that he committed the murder several days previously,the above laws apply. The rationale is that at the

time they delivered testimony, the murderer had not yet been sentenced to death.

If, however, two witnesses come on Tuesday, and say: "On Sunday, so-and-so was sentenced to death," and two others come on Tuesday and say: "On Sunday, you were together with us in this distant place, but so-and-so was sentenced to death on Friday or on Monday," these witnesses are not executed. The rationale is that at the time they testified, the person had already been sentenced to death.

Similar principles apply with regard to the payment of a fine. What is implied? Two people came on Tuesday and said: "On Sunday, so-and-so stole, slaughtered the animal he stole, and was sentenced to pay a fine of four or five times the animal's worth." Two other witnesses come and testify: "On Sunday, you were with us in a distant place, but he was sentenced on Friday" - or even if they said: "On Sunday, so-and-so stole, slaughtered the animal he stole, and was sentenced on Monday," the witnesses who were disqualified through *hazamah* are not required to make financial restitution. The rationale is that at the time they testified against him, the defendant was obligated to make financial restitution. Similar laws apply in all analogous situations.

3 The witnesses to a legal document may not be disqualified through *hazamah* unless they testify in court, saying: "We composed the legal document at the time stated. We did not delay the dating of it." If they did not say this, even though a document composed in Jerusalem is dated the first of Nisan and witnesses come and testify that the witnesses to the legal document were in Babylon on that date, the legal document is

acceptable and the witnesses are acceptable. For it is possible that they composed the legal document and postdated it, i.e., they were in Jerusalem on the first of Adar and composed the legal document and postdated it, dating it the first of Nisan.

The following rules apply when, by contrast, they said: "We signed the document on the date stated," and they were disqualified through *hazamah*. If there are witnesses who know the day they signed the legal document or witnesses saw the legal document with their signatures on it on this-and-this date, once they are disqualified through *hazamah*, they are disqualified retroactively from the date on which it is known that they signed the legal document. The rationale is that witnesses who sign a legal document are considered as if their testimony was delivered in court from the time they signed.

If, however, there are no witnesses who saw them sign, giving testimony, nor did any see the signed document beforehand, the witnesses are disqualified only from the time they testified in court that the signature was theirs, saying: "We signed it on that date." The rationale is that it is possible that on the date that they testified in court, they signed a legal document that had existed for many years and they lied by saying: "We signed it on the day it was dated."

Chapter 20

1 Lying witnesses are neither executed, given lashes, or required to make financial restitution unless both of them were fit to serve as witnesses and they were both disqualified through *hazamah* after the judgment was

rendered.

If, however, only one of them was disqualified through *hazamah*, they were both disqualified through *hazamah* before the judgment was rendered, or after the judgment was rendered, one of them was disqualified because of family connections or because he was unfit to serve as a witness, the witnesses are not punished, even though they are disqualified through *hazamah* and no longer acceptable to deliver testimony in all matters of Scriptural Law.

2 Although according to Talmudic logic one might differ, if the person against whom they testified was executed and then they were disqualified through *hazamah*, they are not executed. This is derived from **Deuteronomy 19:19**: which speaks of: 'what they conspired to do.' Implied is that it was not already done. This rule is part of the Oral Tradition.

If, however, the person against whom they testified was lashed, they are lashed. Similarly, if money was expropriated from one person and given to another, it is returned to its owner and the witnesses are required to pay the penalty.

3 The following laws apply if there were three or even 100 witnesses. If the witnesses deliver testimony in court one after the other, each one testifying immediately after his colleague and several of them were disqualified through *hazamah*, they do not receive punishment until all of them are disqualified through *hazamah*.

If, however, the interval between testimonies was greater than the time it takes a student to greet a teacher, the testimonies are divided and the two

who were disqualified through *hazamah* are punished. The two who testified after there was such an interlude between their testimony and that of the first pair are not punished. This applies even though the entire testimony is disqualified because all of the witnesses are considered as one group and when the testimony of part of a group is disqualified, the entire testimony is disqualified.

4 When one witness delivers testimony, that testimony is investigated, and the second witness states: 'I also testify like him,' 'Yes, this is what happened,' or the like, they are both executed, lashed, or subjected to a financial penalty if they are both disqualified through *hazamah*. The rationale is that any witness who says 'Yes, this is what happened' after his colleague testified is considered as having testified and responded to cross-examination as his colleague did.

There is no concept of inadvertent transgression with regard to lying witnesses, because the transgression does not involve a deed. Therefore there is no need for a warning as we explained.

5 Just as two witnesses can disqualify 100 witnesses through *hazamah* if the 100 testify at one time; so, too, they can disqualify them through *hazamah* if they testify as 50 groups, coming two by two.

What is implied? A group of witnesses testified that Reuven killed Shimon in Jerusalem. Two witnesses came and disqualified that group through *hazamah*. Another group came and delivered that same testimony, that Reuven killed Shimon in Jerusalem and these same two witnesses arose and disqualified that group through *hazamah*. This happened a third time

and a fourth time. Even if it happens 100 times, all the other witnesses are executed on the basis of the testimony of these two.

6 When one group of witnesses testify that Reuven killed Shimon in Jerusalem and a second group come and disqualify the first group through *hazamah*, the lying witnesses should be executed and Reuven's life saved. If a third group come and disqualify the second group through *hazamah*, the second group and Reuven should be executed and the lives of the first group saved.

If a fourth group come and disqualify the third group through *hazamah*, the third and the first groups should be executed and the lives of Reuven and the second group saved. Similarly, even if there are 100 groups, each one disqualifying the testimony of the previous through *hazamah*, one group's testimony is accepted and the other group's testimony is disqualified.

7 When witnesses testify that a person who is *trefe* murdered a person and then the witnesses are disqualified through *hazamah*, the witnesses are not executed. The rationale is that even if they had killed him with their hands, they would not be executed, because he is *trefe*.

Similarly, if witnesses who were *trefe* testified concerning a matter punishable by execution by the court and were disqualified through *hazamah*, they are not executed. The rationale is that if their testimony was disqualified through *hazamah*, and the testimony of the witnesses who testified against them was disqualified through *hazamah*, those witnesses would not be executed, for they disqualified only a person who

was *trefe*.

8 The following rule applies when witnesses testify against another person and have him convicted in a matter that does not involve lashes, capital punishment, or a financial obligation and then the witnesses are disqualified through *hazamah*. They are given lashes even though they did not conspire to have the defendant lashed or to obligate him financially.
What is implied? Witnesses testified that a priest was a *challal*, e.g., they testified that his mother was divorced or released through *chalitzah* in their presence in this-and-this place on this-and-this date. If the witnesses are disqualified through *hazamah*, they are punished by lashing.
Similarly, if they testified that a person inadvertently killed a colleague and they are disqualified through *hazamah*, they are punished by lashing; they are not exiled. And if they testify that a person's ox killed another person and they were disqualified through *hazamah*, they receive lashes and are not required to pay an atonement fine. If they testify that a person was sold as a Hebrew servant and they were disqualified through *hazamah*, they receive lashes. These four rulings are part of the Oral Tradition.

9 With regard to the above matters, our Sages received the following tradition: When two people cause a righteous person to be condemned and a wicked person to be vindicated through their testimony and two others come and disqualify their testimony through *hazamah* vindicating the righteous person and condemning the wicked, the first pair of witnesses receive lashes even though their condemnation of the righteous person would not have had him subjected to lashes.

If, however, witnesses testify that a person partook of milk and meat or wore *shaatnez*, they are punished by lashes, as implied by **Deuteronomy 19:19**: 'You shall requite him as he conspired.'

10 When two witnesses testify that Reuven committed adultery with the daughter of a priest, Reuven was sentenced to death by strangulation and the daughter of the priest was sentenced to be burnt to death, and afterwards the witnesses were disqualified through *hazamah*, they should be executed by strangulation and not burnt to death. This is part of the Oral Tradition.

Chapter 21

1 The following rule applies when witnesses testify that so-and-so divorced his wife and did not pay her the money due her by virtue of her *ketubah* and, afterwards, these witnesses were disqualified through *hazamah*. Now either today or tomorrow, when the husband divorces his wife, he must pay her the money due her by virtue of her *ketubah*. Hence we calculate how much a person would pay for the right to collect the money due this woman by virtue of her *ketubah* in the event she would be widowed or divorced and the witnesses are required to pay this amount.

When calculating this amount, we take into consideration the state of the woman and the amount of her *ketubah*. If the woman is sick or old or there is peace between her and her husband, the value for which her *ketubah* will be sold will not be the same if she is young and healthy or there is strife between the couple. For such a woman is more likely to be

divorced and less likely to die.

Similarly, the amount to be received for a large *ketubah* is not the same as for a small *ketubah*. For example, if her *ketubah* is for 1000 *zuz*, it might be sold for 100. If it is for 100, it will not be sold for 10 but for less. These matters are dependent on the estimates of the judges.

2 Similar principles apply in the following situation. Witnesses testify with regard to a person, saying that he is obligated to pay so-and-so 1000 *zuz* in 30 days. The borrower admits the debt, but says that it is not due until five years and 30 days. If the witnesses are disqualified through *hazamah*, we evaluate how much a person would pay to have 1000 *zuz* available to him for five years. This is the sum paid to the borrower. Similar laws apply in all analogous situations.

3 When witnesses testify that a person's ox gored another ox and afterwards, the witnesses were disqualified through *hazamah*, they are required to pay half the damages. If the ox is not worth half the damages, they are required to pay only the value of the ox. For the fine of half of the damages must be paid only from the body of the goring ox itself. Therefore if they testified that the ox consumed produce or broke utensils while walking, the witnesses are required to pay the full amount of the loss. Similar laws apply in all analogous situations.

4 When witnesses testify that a person knocked out the tooth of his servant and then blinded the servant's eye, if afterwards, the witnesses were disqualified through *hazamah*, they are required to pay the master the

value of the servant and the value of his eye.

A different rule applies if they testified that the master blinded the servant's eye and afterwards knocked out his tooth, the witnesses were disqualified through *hazamah*, and it was later discovered that the events occurred in the opposite order, the master knocked out his tooth and afterwards blinded him. The witnesses must pay the worth of the eye to the servant. Similar laws apply in all analogous situations.

5 When witnesses who testified that a woman was warned by her husband not to enter into privacy with another man or who testified that she disobeyed the warning and entered into privacy with him are disqualified through *hazamah*, they are punished by lashes. If one witness comes and testifies that she committed adultery after she was warned and entered into privacy, and that witness was disqualified through *hazamah*, that witness is required to pay the money due her by virtue of her *ketubah*.

If there were two witnesses and they served as the witnesses for the warning, that she entered into privacy, and that she committed adultery, should they be disqualified through *hazamah*, they are required to pay the money due her by virtue of her *ketubah*; they do not receive lashes. Why are they not executed - they gave testimony with regard to adultery? Because they did not warn the woman.

6 If the lying witnesses testified that a person stole and slaughtered or sold the stolen animal, should they be disqualified through *hazamah*, they are required to pay the entire amount. If two witnesses testify that the person stole and two others that he slaughtered or sold the animal, and both pairs

of witnesses are disqualified through *hazamah*, the first witnesses are required to pay twice the animal's worth, and the second pair, two or three times its worth.

If the second pair alone were disqualified through *hazamah*, the thief is required to make a double payment to his victim. The later witnesses must pay the remainder of the four and five time payment. If one of the last witnesses is disqualified through *hazamah*, the entire last testimony is negated. If one of the first witnesses is disqualified through *hazamah*, the entire testimony is negated. For if there is no theft, slaughtering it or selling the animal does not obligate the person to pay anything.

7 When two witnesses testify that a person benefited from the produce of a field for three years and are disqualified through *hazamah*, they must pay the worth of the field to its owner. If two witnesses testify that a person benefited from the produce of a field for one year, two others testified that he benefited from its produce for a second year, and two others testified that he benefited from its produce for a third year, should they all be disqualified through *hazamah*, they divide the value of the field among themselves. For although the testimony concerning the establishment of the claimant's right to the field involves three separate testimonies, they are one testimony with regard to disqualification through *hazamah*.

For this reason, when there are three brothers and one other person, that person may join together with all three of the brothers and testify with regard to one of the years. Although they are three testimonies, they are considered as one testimony with regard to disqualification through *hazamah*. If they are all disqualified through *hazamah*, the three brothers

must together pay half the value of the field and the person who joined together with each of them must pay the other half of its value.

8 Different rules apply when an ox is declared to have a tendency to gore on the basis of the testimony of three groups of witnesses. If the first and the second pair of witnesses are disqualified through *hazamah*, all of the witnesses are released from liability. If all three sets of witnesses are disqualified, they are all obligated to pay for the entire damages even though half-damages are paid for an ordinary ox.

When does the above apply? When the witnesses are all motioning to each other, or they appear directly after each other, or they know the identity of the owner of the ox, but do not recognize the ox itself. If none of these factors are present, the first and the second group of witnesses are not liable, for they will say: "We came only to obligate him to pay half-damages. We did not know that subsequently another group would come and cause the ox to be deemed as a goring ox."

9 The following law applies when two people testified with regard to a "wayward and rebellious son" with regard to the first testimony and two others came afterwards and testified with regard to the second testimony which would cause him to be executed. If they are both disqualified through *hazamah*, the first group is lashed and not executed. The rationale is that they can say: "We came to have him lashed." The second group, however, is executed, because it is their testimony that causes him to be executed. If the second group consisted of four witnesses: Two said: "In our presence, he stole," and two said: "In our presence, he feasted,"

should they all be disqualified through *hazamah*, they are all executed.

If two witnesses testify that a person kidnapped a Jewish person and sold him, and they were disqualified through *hazamah*, they should be executed by strangulation. If two witnesses testified that a person kidnapped a fellow Jew and another two testified that he sold him, whether the witnesses who testified that he kidnapped or those who testified that he sold were disqualified through *hazamah*, either group which is disqualified through *hazamah* are executed. The rationale is that kidnapping is the beginning of the conviction and condemnation to death of the defendant.

If two witnesses testify that a person sold a fellow Jew and were disqualified through *hazamah*, but there were no witnesses that he kidnapped him, the witnesses are not liable. The rationale is that even if they were not disqualified through *hazamah*, the defendant would not have been executed, because he could have excused himself saying: "I sold my servant."

If witnesses who testify to the sale come after the disqualification of the witnesses who testified concerning the kidnapping, they are not executed. This applies even if we see that they are motioning to each other.

10 The following laws apply if a person spreads a libelous report about his wife, bringing witnesses that she committed adultery after she had been consecrated. If her father brought witnesses who disqualified the witnesses brought by the husband through *hazamah*, those witnesses are executed. If the husband brought witnesses who disqualified the witnesses brought by the father through *hazamah*, those witnesses are executed and are required

to make financial restitution to the husband. They are executed, because the witnesses brought by the husband were condemned to death on the basis of their testimony. They must pay a fine, because the husband was held liable to pay a fine because of their testimony. Thus they are obligated to be executed because of this person and obligated financially, because of another person.

Similarly, when two people testify that a person engaged in relations with a consecrated maiden and they are disqualified through *hazamah*, they are executed and are not required to make a financial payment. If they said: "He engaged in relations with the daughter of so-and-so," and they are disqualified through *hazamah*, they are executed and are required to pay the fine to her father.

If witnesses testify: "So-and-so sodomized an ox," and they were disqualified by *hazamah*, they are executed, but not held liable financially. If they said: "the ox belonging to so-and-so," they are executed and required to pay the value of the ox to its owner. Similar laws apply in all analogous situations.

Chapter 22

1 The following rules apply when two groups of witnesses contradict each other. If one witness from one group came together with one witness from the other group and they both delivered testimony concerning another matter, the testimony is of no consequence. For certainly one of them lied, but we do not know which one.

If one of these groups comes alone and gives testimony and the other

group comes alone and gives testimony regarding another matter, we accept the testimony of both groups individually.

2 Reuven produced two promissory notes against Shimon: one for a *maneh* and one for 200 *zuz*. Shimon denied being obligated for either of the promissory notes. The witnesses to one of the promissory notes were one of the groups whose testimonies contradicted each other and the witnesses to the other were the second group. Shimon is required to pay only a *maneh*, for the bearer of the promissory note has the position of lesser strength. He must take an oath concerning the remainder.

It appears to me that he must take this oath concerning the remainder while holding a sacred article, as is required of a person who admits a portion of the claim lodged against him. For there are two acceptable witnesses who testify concerning a portion of the money which he denied owing entirely. And the statements of his own mouth should not have greater legal power than the testimony of witnesses as we explained.

3 Reuven sued Levi, producing a promissory note signed by one of these groups of witnesses. Shimon also sued Levi and produced a promissory note signed by the other group. Although Levi denies both debts, both Reuven and Shimon are given the option of taking an oath and collecting what they claim. The rationale is that certainly one of them has a viable claim against him. The oath required is a Rabbinic institution as is required of a storekeeper who takes an oath to collect a claim supported by his ledger.

4 Reuven sued Shimon producing a promissory note signed by one of these groups of witnesses and sued Levi, producing a promissory note signed by the other group. If both defendants deny the debts, we follow the principle: 'A person who seeks to expropriate money from a colleague must prove his claim.' Since Reuven cannot validate either of these legal documents, both the promissory notes are like shards. Both of the defendants are required to take merely a *sh'vuat heset* and they are released of obligation.

When does the above apply? When the two groups of witnesses come to testify at the same time. Otherwise, whenever a person produces a legal document containing testimony of one of these two groups, he may expropriate property based upon it. Afterwards, if either he or another person produce a legal document with testimony from the other group, it can be used to expropriate property whether from the first borrower or from any other person. The rationale is that it is as if each of the two groups came alone and testified.

5 The following rules apply when a person brings witnesses, their testimony is investigated, they were disqualified through *hazamah*, and then he brought other witnesses concerning the same claim and they were also disqualified through *hazamah*. Even if he brings 100 groups who are disqualified, if afterwards, he brings other witnesses regarding that same claim and the testimony of these witnesses is found to be accurate, the case is adjudicated on this basis. Even though the plaintiff can be presumed to bring lying witnesses, we do not operate under the presumption that these witnesses are lying.

When, by contrast, there is a legal document concerning which a protest has been sustained, i.e., two witnesses came and said that the plaintiff told them to forge this legal document, we never use that legal document to expropriate property even if the authenticity of the signatures of the witnesses is validated.

It appears to me that if the witnesses to the legal document came and testified concerning their signature, the legal document may be used to expropriate money.

Mishneh Torah, Rebels

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 The Supreme *Sanhedrin* in Jerusalem are the essence of the Oral Law. They are the pillars of instruction from whom statutes and judgments issue forth for the entire Jewish people. Concerning them, the Torah promises **Deuteronomy 17:11**: "You shall do according to the laws which they shall instruct you...." This is a positive commandment.

Whoever believes in Moses and in his Torah is obligated to make all of his religious acts dependent on this court and to rely on them.

2 Any person who does not carry out their directives transgresses a negative commandment, as *Ibid.* continues: "Do not deviate from any of the statements they relate to you, neither right nor left."

Lashes are not given for the violation of this prohibition, because it also serves as a warning for a transgression punishable by execution by the court. For when a sage rebels against the words of the court, he should be executed by strangulation, as the following verse states: "A person who will act deliberately...."

We are obligated to heed their words whether they:

a) learned them from the Oral Tradition, i.e., the Oral Law,

b) derived them on the basis of their own knowledge through one of the attributes of Biblical exegesis and it appeared to them that this is the correct interpretation of the matter,

c) instituted the matter as a safeguard for the Torah, as was necessary at a specific time. These are the decrees, edicts, and customs instituted by the Sages.

It is a positive commandment to heed the court with regard to each of these three matters. A person who transgresses any of these types of directives transgresses a negative commandment. This is derived from the continuation of the above verse in the following manner: "According to the laws which they shall instruct you" - this refers to the edicts, decrees, and customs which they instruct people at large to observe to strengthen the faith and perfect the world. "According to the judgment which they relate" - this refers to the matters which they derive through logical analysis employing one of the methods of Biblical exegesis. "From all things that they will tell you" - This refers to the tradition which they received one person from another.

3 There can never be any difference of opinion with regard to matters received through the Oral Tradition. Whenever there arises a difference of opinion with regard to a matter that shows that it was not received in the tradition from Moses our teacher.

The following principles apply with regard to matters derived through logical analysis. If the entire body of the Supreme *Sanhedrin* agrees with regard to them, their consent is binding. If there is a difference of opinion, we follow the majority and decide the matter according to the majority. Similarly, with regard to the decrees, edicts, and customs, if a portion of the judges perceived that it was necessary to issue a decree, institute an edict, or establish a custom for the people, and a portion perceived that it

is not appropriate to issue this decree, institute this edict, or establish this custom, the judges should debate the matter back and forth. Afterwards, a vote is called, and we follow the majority and execute the matter according to the decision of the majority.

4 When the Supreme *Sanhedrin* was in session, there was never any prolonged differences of opinion among the Jewish people. Instead, if a doubt arose in a Jew's mind over any law, he would inquire of the court in his city. If not, the questioner and that court - or its agents - ascend to Jerusalem and ask the court which holds sessions on the Temple Mount. If they know, they will reply to him, if they do not know, everyone comes to the court that holds sessions at the entrance to the Temple Courtyard. If they know, they will reply to him, if they do not know, everyone comes to the Chamber of Hewn Stone, to the Supreme *Sanhedrin*, and presents the question. If the matter that was unresolved by all the others was known to the Supreme *Sanhedrin* - either as part of the Oral Tradition or because of its derivation through the principles of exegesis - they relate the decision immediately. If, however, the decision was unclear to the Supreme *Sanhedrin*, they deliberate about the matter at that time and debate it back and forth until they reach a uniform decision, or until a vote is taken. In such a situation, they follow the majority and then tell all the questioners: "This is the halachah." The questioners then all depart.

After the Supreme *Sanhedrin* was nullified, differences of opinion multiplied among the Jewish people. One would rule an article is impure and support his ruling with a rationale and another would rule that it is pure and support his ruling with a rationale. This one would rule an

article is forbidden and this would rule that it is permitted.

5 The following rules apply when there are two sages or two courts that have differing opinions in an age when there was no Supreme *Sanhedrin* or during the time when the Supreme *Sanhedrin* was still undecided concerning the matter - whether in one age or in two different ages - one rules that an article is pure and one rules that it is impure, one forbids an article's use and one permits it. If one does not know in which direction the law tends, should the matter involve a question of Scriptural Law, follow the more severe opinion. If it involve a question of Rabbinic Law, follow the more lenient opinion.

Chapter 2

1 When, using one of the principles of exegesis, the Supreme *Sanhedrin* derived a law through their perception of the matter and adjudicated a case accordingly, and afterwards, another court arose and they perceived another rationale on which basis, they would revoke the previous ruling, they may revoke it and rule according to their perception. This is reflected by **Deuteronomy 17:9**: "To the judge who will be in that age." This indicates that a person is obligated to follow only the court in his own generation.

2 The following rules apply when a court issued a decree, instituted an edict, or established a custom and this practice spread throughout the Jewish people and another court arose and sought to nullify the original

order and eliminate the original edict, decree, or custom. The later court does not have this authority unless it surpasses the original court in wisdom and in its number of adherents. If it surpasses the original court in wisdom, but not in the number of adherents, or in the number of adherents, but not in wisdom, it cannot nullify its statements. Even if the rationale for which the original court instituted the decree or the edict is nullified, the later court does not have the authority to negate their statements unless they are greater.

How is it possible that the later court will surpass the original court in number? For every Supreme *Sanhedrin* consists of 71 judges. The intent is the number of sages in the generation who consent and accept the matter stated by the Supreme *Sanhedrin* without opposing it.

3 When does the above apply? With regard to matters that were not forbidden to create a safeguard for the words of the Torah, but rather resemble other Torah laws. A different principle applies, by contrast, with regard to matters which the court sought necessary to issue a decree and create a prohibition as a safeguard. If the prohibition spread throughout the Jewish people, another Supreme *Sanhedrin* does not have the authority to uproot the decree and grant license even if it was of greater stature than the original court.

4 A court may, however, suspend the application of such decrees temporarily, even if it is of lesser stature than the original court. The rationale is that these decrees should not be considered as more severe than the words of the Torah itself, and any court has the authority to

abrogate the words of the Torah as a temporary measure.

What is implied? If a court sees that it is necessary to strengthen the faith and create a safeguard so that the people will not violate Torah law, they may apply beatings and punishments that are not sanctioned by Torah. They may not, however, establish the matter for posterity and say that this is the halachah.

Similarly, if they saw that temporarily it was necessary to nullify a positive commandment or violate a negative commandment in order to bring people at large back to the Jewish faith or to prevent many Jews from transgressing in other matters, they may do what is necessary at that time. To explain by analogy: Just like a doctor may amputate a person's hand or foot so that the person as a whole will live; so, too, at times, the court may rule to temporarily violate some of the commandments so that they will later keep all of them. In this vein, the Sages of the previous generations said: "Desecrate one Sabbath for a person's sake so that he will keep many Sabbaths."

5 When a court sees it necessary to issue a decree, institute an edict, or establish a custom, they must first contemplate the matter and see whether or not the majority of the community can uphold the practice. We never issue a decree on the community unless the majority of the community can uphold the practice.

6 If a court issued a decree, thinking that the majority of the community could uphold it and after the decree was issued, the majority of the community raised contentions and the practice did not spread throughout

the majority of the community, the decree is nullified. The court cannot compel the people to accept it.

7 Sages issued a decree and thought that it spread among the entire Jewish people and the situation remained unchanged for many years. After a long duration of time, another court arose and checked throughout the Jewish community and saw that the observance of this decree had not spread throughout the Jewish community, it has the authority to negate the decree even if it is of lesser stature than the original court in wisdom and in number of adherents.

8 Whenever a court releases two decrees, it should not rush to release a third decree.

9 A court has the authority to issue a decree and forbid something which is permitted and have its decree perpetuated for generations to come. Similarly, it has the authority - as a temporary measure - to release the Torah's prohibitions. What then is the meaning of the Scriptural prohibitions **Deuteronomy 13:1**: "Do not add to it and do not detract from it"?

The intent is that they do not have the authority to add to the words of the Torah or to detract from them, establishing a matter forever as part of Scriptural Law. This applies both to the Written Law and the Oral Law.

What is implied? The Torah states **Exodus 23:19**: "Do not cook a kid in its mother's milk." According to the Oral Tradition, we learned that the Torah forbade both the cooking and eating of milk and meat, whether the

meat of a domesticated animal or the meat of a wild beast. The meat of fowl, by contrast, is permitted to be cooked in milk according to Scriptural Law. Now if a court will come and permit partaking of the meat of a wild animal cooked in milk, it is detracting from the Torah. And if it forbids the meat of fowl cooked in milk saying that this is included in "the kid" forbidden by the Scriptural Law, it is adding to the Torah.

If, however, the court says: "The meat of fowl cooked in milk is permitted according to Scriptural Law. We, however, are prohibiting it and publicizing the prohibition as a decree, lest the matter lead to a detriment and people say: 'Eating the meat of fowl cooked in milk is permitted, because it is not explicitly forbidden by the Torah. Similarly, the meat of a wild animal cooked in milk is permitted, because it is also not explicitly forbidden.' "And another may come and say: 'Even the meat of a domesticated animal cooked in milk is permitted with the exception of a goat.' And another will come and say: 'Even the meat of a goat is permitted when cooked in the milk of a cow or a sheep. For the verse mentions only "its mother," i.e., an animal from the same species.' And still another will come and say: 'Even the meat of a goat is permitted when cooked in goat's milk as long the milk is not from the kid's mother, for the verse says: "its mother."' For these reasons, we will forbid all meat cooked in milk, even meat from fowl."

Such an approach is not adding to the Torah. Instead, it is creating safeguards for the Torah. Similar concepts apply in all analogous situations.

Chapter 3

1 A person who does not acknowledge validity of the Oral Law is not the rebellious elder mentioned in the Torah. Instead, he is one of the heretics and he should be put to death by any person.

2 Since it has become known that such a person denies the Oral Law, he may be pushed into a pit and may not be helped out. He is like all the rest of the heretics who say that the Torah is not Divine in origin, those who inform on their fellow Jews, and the apostates. All of these are not considered as members of the Jewish people. There is no need for witnesses, a warning, or judges for them to be executed. Instead, whoever kills them performs a great mitzvah and removes an obstacle from people at large.

3 To whom does the above apply? To a person who denied the Oral Law consciously, according to his perception of things. He follows after his frivolous thoughts and his capricious heart and denies the Oral Law first, as did Tzadok and Beitus and those who erred in following them.

The children of these errant people and their grandchildren whose parents led them away and they were born among these Karaities and raised according to their conception, they are considered as a children captured and raised by them. Such a child may not be eager to follow the path of mitzvot, for it is as if he was compelled not to. Even if later, he hears that he is Jewish and saw Jews and their faith, he is still considered as one who was compelled against observance, for he was raised according to their

mistaken path. This applies to those who we mentioned who follow the erroneous Karaite path of their ancestors. Therefore it is appropriate to motivate them to repent and draw them to the power of the Torah with words of peace.

4 The "rebellious elder" mentioned in the Torah, by contrast, is one of the sages of Israel who has received the tradition from previous sages and who analyzes and issues ruling with regard to the words of Torah as do all the sages of Israel. His rebellion involves an instance when he has a difference of opinion in one of the Torah's laws with the Supreme *Sanhedrin* and did not accept their views, but instead issued a ruling to act in a different manner. The Torah decreed that he should be executed. He should confess his sin before being executed so that he will be granted a portion in the world to come.

Even though he analyzes and they analyze; he received the tradition and they received the tradition, the Torah granted them deference. Even if the court desires to forgo their honor and allow him to live, they are not allowed so that differences of opinion will not arise within Israel.

5 A "rebellious elder" is not liable for execution unless he is a sage, erudite enough to issue halachic judgments who has received *semichah* from the *Sanhedrin* and who differs with that court with regard to a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering or with regard to *tefillin*. He must direct others to act according to his ruling or act according to his ruling himself, and differ with the *Sanhedrin* while they hold session in the Chamber of

Hewn Stone.

When, by contrast, a student who has not attained a level of erudition that enables him to issue halachic rulings, but, nevertheless, issues a ruling, he is not liable. This is derived from **Deuteronomy 17:8** which states: "If a matter of judgment exceeds your grasp...." Implied is that the passage concerns only a scholar who is unable to grasp something which is exceedingly difficult to comprehend.

6 If a sage was an exceedingly great scholar and a member of a court and differed with [the Supreme Sanhedrin] and he returned home and taught others according to his [original] conception, but did not direct them to act accordingly, he is not liable. [This is derived from ibid.:12 which] states: “And the person who acts obstinately”; [i.e., the punishment is warranted] not for speaking obstinately, but for issuing a directive for action or for acting oneself.

7 If he found the Supreme *Sanhedrin* outside their place and rebelled against their ruling, he is not liable. This is derived from *ibid.*:8 which states: "And you shall arise and ascend to that place," implied is that the place is the cause for capital punishment.

All of the individuals mentioned above who are not executed and anyone who acts in a similar manner, although they are not liable for execution, the Supreme *Sanhedrin* should place them under a ban of ostracism, separate them from the community, subject them to corporal punishment, and prevent them from teaching their interpretation of the matter.

8 How is the law applying to a rebellious elder adjudicated? When a matter is undecided because of its difficulty and a sage who is erudite enough to issue rulings whether with regard to a matter which he arrived at through his own reasoning or which he received from his teachers. He and the sages who differ with him ascend to Jerusalem and come to the court which holds sessions at the entrance to the Temple Mount.

The court tells them: "This is the law." If the elder listens and accepts the ruling, it is desirable. If not, they all go to the court which holds sessions at the entrance to the Temple Courtyard. They also say: "This is the law." If the elder listens and accepts the ruling, they go their ways. If not, they all go to the Supreme *Sanhedrin* in the Chamber of Hewn Stone from which the Torah emanates to the entire Jewish people, as **Deuteronomy 17:10** states: "From that place which God has chosen." The Supreme *Sanhedrin* tell them: "This is the law" and they all depart.

If the elder returns to his city and continues to interpret the law as he did previously and teaches this interpretation to others, he is not liable. If he gave a directive for action or acted according to his conception himself, he is liable for execution. There is no need for a warning. Even if he offers a rationale to explain his conduct, we do not heed him. Instead, once witnesses come and testify that he acted according to his own directive or that he directed others to perform a deed, we sentence him to death in his local court. We take hold of him and bring him from that place to Jerusalem. For we do not execute him in the presence of his local court, nor in the presence of the Supreme *Sanhedrin* who left Jerusalem, but instead, bring him to the Supreme *Sanhedrin* in Jerusalem. Until the next pilgrimage festival, he is kept under watch. During the pilgrimage festival,

he is executed by strangulation, as implied by *ibid.*:13: "And all Israel shall hear and become fearful." This indicates that his execution must be announced.

There are four transgressors whose execution must be announced publicly: a rebellious elder, lying witnesses, a person who entices others to worship idols, and a wayward and rebellious son. For with regard to all of them, the Torah states: "so that they will hear and become afraid."

Chapter 4

1 A rebellious elder who differed with the Supreme *Sanhedrin* concerning a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering is liable for execution. This applies whether the court forbids the matter and he permits it or the court permits the matter and he forbids it. Even if he bases his statements on the received tradition, saying: "This is the tradition I received from my masters," and they say: "This is what appears to us as appropriate on the basis of logical analysis," since he differs with their ruling and performs a deed or directs others to do so, he is liable. Needless to say, this applies if they also rule on the basis of their having received teachings through the Oral Tradition.

Similarly, he is liable for execution if he differs with them with regard to a decree that they issued to safeguard a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering is liable for execution. For example, if he permits the consumption of leaven on the fourteenth of Nissan during the sixth hour

or forbids deriving benefit from it in the fifth hour, he is worthy of execution. Similar laws apply in all analogous situations.

2 The above applies whether the rebellious elder disputes a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering or he disputes a matter which leads to a situation involving a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.

What is implied? If they disputed whether relations with a woman are adulterous or incestuous, if a shade of blood would render a woman ritually impure or not, if a woman is impure because of birth or not, if a woman is a *zavah* or not, if this fat is forbidden or permitted and the like, their difference of opinion involves a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.

What is meant by a matter that will lead to a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering. For example, the Sages differed concerning the declaration of a leap year, if the leap year must be declared before Purim or may be declared throughout Adar, he is liable. For this leads to partaking of *chametz* on Pesach. Similarly, if they differed with regard to a matter of financial law or with regard to the number of judges able to adjudicate matters of financial law, he is liable. For according to the opinion which maintains that the defendant is liable to the plaintiff, everything which he expropriated from him was expropriated according to law and according to the decisions of the court. But according to the opposing view,

whatever he expropriated is stolen property. If he uses it to consecrate a woman, she is not consecrated. And yet according to the opinion that the person expropriated his own property, the consecration is valid. If another person engages in relations with her willfully, he is liable for *kerait* and if he engages in relations with her inadvertently, he is liable to bring a sin offering. Thus their difference of opinion led to a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.

Similarly, if their difference of opinion concerned lashes, if one person was liable to receive lashes or not, or they differed with regard to the number of judges in whose presence lashes must be administered, he is liable. For according to the opinion who says that he should not be lashed, the court is injuring him and the judges are liable to make financial restitution. Anything expropriated from them is taken according to law. But according to the opinion which says that he is liable for lashes, everything he expropriates from them is stolen property. If he uses it to consecrate a woman, she is not consecrated.

Similarly, if they differed with regard to whether or not a person is obligated to pay after making an endowment evaluations or interdicted property, he is liable. For according to the opinion that says that he is not liable to pay, if it is taken from him, it is stolen property and if it is used to consecrate a woman, the consecration is not valid.

Similarly, he is liable if he differed with the majority concerning the redemption of consecrated property, had they been redeemed or not. For according to the opinion that the redemption is invalid, if he used that article to consecrate a woman, the consecration is not valid.

Similarly, if they differed with regard to bringing an *eglah arufah*, whether a city is obligated to bring or not, he is liable. For according to those who say that city is obligated to bring the calf, it is forbidden to derive benefit from it and if he uses it to consecrate a woman, the consecration is not valid. Similar concepts apply if they differed with regard to *orlah*. And similar concepts apply with regard to *leket, shichechah*, and *pe'ah*, if they differ whether it belongs to the poor or to the owner, he is liable. For according to the opinion which says that it belongs to the owner, it is stolen property in the hands of the poor and if one consecrates a woman with it, she is not consecrated.

Similarly, if the rebellious elder differs with the court with regard to a category of factors that impart ritual impurity, e.g., blemishes on the skin, blemishes on homes, or blemishes on garments, he is liable. For according to the opinion that the person is pure, he is permitted to enter the Temple and partake of consecrated foods, but according to the opinion that he is impure, if he enters the Temple or partakes of consecrated food willfully, he is punishable by *kerait*, and if he does so inadvertently, he is liable for a sin offering. Similar concepts apply if they differed with regard to the purification of a person afflicted by *tzara'at*, if he can be purified or not.

Similarly, he is liable if they differ with regard to the obligation to make a *sotah* drink the water which conveys the curse: Is a woman required to drink the water or is she not required? For according to the person who says that she must drink, if her husband dies before she drinks, she is forbidden to her *yevam*, while according to the person who says that she is not required to drink, she may perform the rite of *yibbum*. Similar laws apply in all analogous situations.

It is necessary to investigate and examine whether a difference of opinion will lead to these consequences. If it will lead to another consequence - which after a series of even 100 consequences - that will bring about a situation involving a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering, the rebellious elder is liable. This applies regardless of whether he ruled leniently and the others ruled stringently or he ruled stringently and they ruled leniently.

3 If the difference of opinion between the rebellious elder and the court will not lead to such a situation, the rebellious elder is not liable for execution unless the difference of opinion concerns *tefillin*.

What is implied? If the rebellious elder gave a directive to add a fifth compartment to *tefillin* or he himself made *tefillin* with five compartment, he is liable. This applies provided he first made four compartments as required by law and then made a fifth compartment and attached it to the outer compartment. For when an outer compartment is not exposed to the open space at all times, it is unacceptable.

The obligation of a rebellious elder in such a matter is a law transmitted by the Oral Tradition. If, however, they differed with regard to other mitzvot, e.g., he disputed one of the laws concerning a *lulav, tzitzit*, or a *shofar*, one claiming that it is unacceptable and the other claiming that it is acceptable, one claiming that the person fulfilled his obligation and the other claiming he did not fulfill his obligation, or one says: "He is pure," and the other says: "He is impure two degrees removed," the elder is not liable for execution. Similar laws apply in all analogous situations.

Chapter 5

1 A person who curses his father and mother should be executed by stoning, as **Leviticus 20:9** states: "He cursed his father and his mother; he is responsible for his death." He is stoned to death whether he curses them while alive or after they died. It is necessary that his act be observed by witnesses and they warn him as is required with regard to other individuals executed by the court.

The above applies to both a man and woman, and also to a *tumtum* and an androgynus, provided they reached majority, the age when they can be subjected to punishment.

2 A person is not liable for execution by stoning unless he curses his parents with one of God's unique names. If he cursed them with another term used to refer to Him, he is not liable for execution by stoning. He should, however, be lashed, as he would be lashed for cursing any other proper Jew.

3 Similarly, a person who curses his paternal and maternal grandfather is considered as if he cursed any other person.

4 What is the source which serves as a warning against cursing one's father and one's mother? We have heard the punishment explicitly stated, the warning, however, is not stated explicitly. Instead, it can be inferred from **Leviticus 19:14**: "Do not curse a deaf-mute." Since a person is warned not to curse any Jew, his father is also included, for he is also Jewish.

5 A person who strikes his father or mother should be executed by strangulation, as **Exodus 21:15** states: "One who strikes his father or his mother should certainly die." It is necessary that his act be observed by witnesses and they warn him as is required with regard to other individuals executed by the court.

The above applies to both a man and woman, and also to a *tumtum*, and an *androgynus* provided they reached majority, the age when they can be subjected to punishment.

A person is not liable for strangulation until he wounds his parents. If he does not wound them, it is as if he strikes another Jew. If he strikes them after their death, he is not liable.

6 When a person strikes his father on his ear and causes him to become deaf, he is liable for execution. The rationale is that it is impossible for him to become deaf without there being an internal wound. Instead, we can be certain that at least a drop of blood was released within the ear and that caused him to become deaf.

7 When a person lets blood for his father, or if he was a doctor and amputated flesh or a limb, he is not liable. Even though he is not liable, the initial and preferred option is for him not to perform the operation. Nor should he remove a thorn from the flesh of his father or mother lest he cause a bruise.

When does the above apply? When there is another person there who is capable of performing these actions. If, however, there is no one else there capable of doing this but him and they are suffering, he may let blood or

amputate according to the license that they grant him.

8 What is the source which serves as a warning against striking one's father and one's mother? We have heard the punishment explicitly stated, the warning, however, is not stated explicitly. Since a person is warned not to strike any Jew, his father and mother are also included.

9 A *shituki* is liable for cursing or striking his mother, but not his father. Although his mother is questioned and she says: "He is the son of so-and-so," he should not be executed by stoning or strangulation because of her testimony.

A person who is conceived through relations between a Jew and a maid-servant or a gentile woman, by contrast, is not liable for cursing or striking his father or his mother. Similarly, a convert - even if he was conceived outside the faith, but born within the faith - is not liable for cursing or striking his father.

10 Just as such a person is not liable for cursing or striking his father, he is not liable for cursing or striking his mother. This is derived from **Exodus 21:17**: "One who curses his father and mother shall die." Implied is one who is liable for cursing his father is liable for cursing his mother. Since such a person is not liable for his father, he is not liable for his mother.

11 A convert is forbidden to curse or to strike his gentile father or to degrade him, so that people will not say: "They came from a more severe level of holiness to a lesser level of holiness, for this person degrades his father."66 Instead, he should offer him certain measures of honor.

A servant, by contrast, has no connection to his natural parents. His natural father is as if he was not his father with regard to all matters. This applies even if they were both freed.

12 When a person's father and mother are absolutely wicked and violate transgressions - even if they were sentenced to death and being taken to their execution - it is forbidden for a son to strike them or curse them. If he curses them or wounds them, however, he is not liable. If they repent, even if they are being taken to their execution, he is liable and is executed because of them.

To whom does the above apply? To the convicted person's son. If, however, an unrelated individual struck or cursed a person after he was sentenced to death, even though he repents, he is not liable, for that person will be executed. If, however, he embarrasses him, he is liable to pay a fine for embarrassing him.

13 If a person's father or mother committed a transgression punishable by lashes and the son is a court attendant, he should not lash them. Similarly, if they were obligated to be placed under a ban of ostracism, he should not be the agent to apply this ban. Nor should he push them or degrade them while acting as the emissary of the court even though it is fit to do this to them and they have not repented.

14 A son should not serve as an agent to strike or curse his parents except if they entice others to worship idols. For concerning such a person, the Torah **Deuteronomy 13:9** states: "Do not have pity and do not cover up for

him."

15 In any situation where a person is obligated to take an oath to his son, we always saw that he never obligated him to take an oath that involves a curse. Instead, he should have him take an oath that does not involve a curse.

We already explained, that when a father kills his son, none of the slain person's brothers becomes "the redeemer of the blood."

The Torah showed concern not only for striking or cursing one's parents, but also for shaming them. Anyone who shames his parents, even with words alone or merely with an insinuation, is cursed by the Almighty, as **Deuteronomy 27:16** states: "Cursed be he who degrades his father and his mother." And **Proverbs 30:17** states: "The eye that mocks a father and scorns the training of a mother, the ravens... will gouge it out." The court has the right to administer stripes for rebellious conduct because of this and to punish in the manner they see fit.

Chapter 6

1 Honoring one's father and mother is a positive commandment of great importance, as is fearing one's father and mother. The Torah equates the honor and fear of one's parents with the honor and fear of God Himself. **Exodus 20:12** states: "Honor your father and your mother," and **Proverbs 3:9** states: "Honor God from your wealth." Similarly, with regard to one's father and mother, **Leviticus 19:3** states: "A person must fear his mother and father," and **Deuteronomy 6:13** states: "And you shall fear God, your

Lord." Just as He commands us to honor and fear His great name; so, too, He commands us to honor and fear our parents."

2 A person who curses his father or mother is executed by stoning and a person who blasphemes God is executed by stoning. Thus the punishment for the two is equated.

A father is mentioned before a mother with regard to honor and a mother is mentioned before a father with regard to fear to teach that they are both equal with regard to fear and honor.

3 What is meant by fear and what is meant by honor? Fear is expressed by not standing in his place, not sitting in his place, not contradicting his words, nor offering an opinion that outweighs his.

He should not call him by name, neither during his lifetime or after his death. Instead, he should say: "My father and my master." If his father or his teacher had the same name as others, he should call those other people by a different name. It appears to me that one should be careful only with regard to this matter with regard to a name that is unusual which is not used frequently by people. With regard to the names which people are generally called, by contrast, e.g., Abraham, Isaac, Jacob, Moses, and the like, one can call others by that name in any language and at any time outside his father's presence without thinking anything of the matter.

What is meant by honoring them? One should bring them food and drink, clothe them and cover them from their resources. If a father does not have financial resources and a son does, the son is compelled to sustain his father and his mother according to his capacity. He should

bring him out and bring him home and serve him in all the ways one serves a teacher. Similarly, he should stand before him as one stands before a teacher.

4 When a father was the student of his son, the father need not stand in the presence of the son. The son, by contrast, must stand before his father even if he is his student.

A son is obligated to honor his father in other matters when he is carrying out his business and seeing to his concerns. What is implied? If a person went to a place because of his father's words, he should not say: "Hurry and free me on my own account," or "Let me go on my own account," instead "Hurry and free me because of my father," "Let me go because of my father." Similar laws apply in all analogous situations. He should always include in his words statements that indicate that he is concerned with his father's honor and that he fears him.

5 A son is obligated to honor his father even after his death. What is implied? If he repeats a teaching in his father's name, he should not say: "This is what my father said." Instead, he should say: "This is what my father, and teacher - may I serve as atonement for him - said."

When does the above apply? Within twelve months of his passing. After twelve months, he says of him: "May he be remembered for the life of the world to come."

6 Both a man and a woman are obligated to honor and fear their parents. It is only that the man has the capacity to do this and a woman is subject to

another's influence. Therefore if she is divorced or widowed, they are both equal.

7 To what degree does the mitzvah of honoring one's father and mother extend? Even if one's parent takes his purse of gold and throws it into the sea in his presence, he should not embarrass them, shout, or vent anger at them. Instead, he should accept the Torah's decree and remain silent.
To what degree does the mitzvah of fearing them extend? Even if one was wearing fine garments and sitting at the head of the community, if one's father and mother came, ripped the clothes, struck him on the head, and spit in his face, he should not embarrass them. Instead, he should remain silent and fear the King of kings who commanded him to conduct himself in this manner. Were a mortal king to decree something which would cause him even more suffering he would not be able to move a limb in protest. Certainly, this applies when the command emanates from He who spoke and caused the world to come into existence as He desired it.

8 Although these commands have been issued, a person is forbidden to lay a heavy yoke on his sons and be particular about their honoring him to the point that he presents an obstacle to them. Instead, he should forgo his honor and ignore any affronts. For if a father desires to forgo his honor, he may.

9 A person who strikes a son who has attained majority should be placed under a ban of ostracism, for he is transgressing the charge, **Leviticus 19:14**: "Do not place a stumbling block in front of the blind."

10 When a person's father or mother lose control of their mental faculties, their son should try to conduct his relationship with them according to their mental condition until God has mercy upon them. If it is impossible for him to remain with them because they have become very deranged, he should leave them, depart, and charge others with caring for them in an appropriate manner.

11 A *mamzer* is obligated to honor and fear his father even though he is not liable for striking him or cursing him until he repents. Even when his father was a wicked person who violated many transgressions, he must honor him and fear him.

If he sees his father violate Torah law, he should not tell him: 'Father, you transgressed Torah law.' Instead, he should tell him: 'Father, is not such-and-such written in the Torah?', as if he is asking him, rather than warning him.

12 When a person's father tells him to violate the words of the Torah - whether he tells him to transgress a negative commandment or not to fulfill a positive commandment, even if all that is involved is a point of Rabbinic Law - he should not listen to him, as can be inferred from **Leviticus 19:3**: 'A person must fear his mother and his father and keep My Sabbaths.' Implied is that all are obligated in honoring Me.

13 The following laws apply when a person's father tells him: 'Draw water for me,' and he has the opportunity to perform a mitzvah. If it is possible for the mitzvah to be performed by others, they should perform it and he

should concern himself with honoring his father. For we do not negate the observance of one mitzvah, because of the observance of another mitzvah. If there are no others able to perform the other mitzvah, he should perform the mitzvah and neglect his father's honor. For he and his father are obligated to perform the mitzvah.
Torah study surpasses honoring one's father and mother.

14 If a person's father tells him: 'Bring me a drink of water,' and his mother tells him: 'Bring me a drink of water,' he should overlook his mother's honor and honor his father first. For both he and his mother are obligated to honor his father.

15 A person is obligated to honor his father's wife even though she is not his mother throughout his father's lifetime, for this is included in honoring his father. Similarly, he should honor his mother's husband throughout her lifetime. After her death, however, he is not obligated to honor him.
It is a Rabbinical decree that a person is obligated to honor his oldest brother as he is obligated to honor his father.

Chapter 7

1 It is explicitly stated that the wayward and rebellious son described in the Torah should be stoned to death. Now the Torah does not administer a punishment unless a warning was issued first. Where was the warning issued? In **Leviticus 19:26**: "Do not eat upon the blood," which can be interpreted to mean: "Do not partake of food that will lead to the

shedding of blood." This refers to the meal eaten by the wayward and rebellious son who is executed only because of the hateful feast of which he partook as **Deuteronomy 21:20** states: "He is gluttonous and a lush." According to the Oral Tradition, we learned that this was interpreted to mean that he ate meat and drank wine in a ravenous manner.

2 There are many particulars involved in the meal for which he is liable for eating. All of these are conveyed by the Oral Tradition. He is not liable for stoning until he steals from his father and buys meat and wine at a cheap price. He must then eat it outside his father's domain, together with a group that are all empty and base. He must eat meat that is raw, but not entirely raw, cooked but not entirely cooked, as is the practice of thieves. He must drink the wine as it is thinned as the alcoholics drink. He must eat a quantity of meat weighing 50 *dinarim* in one sitting, and drink half a *log* of this wine at one time.

If he stole from his father and partook of such a meal inside his father's domain, or stole from others and partook of this hateful meal in his father's domain or in another's domain, he is not liable. If the meal involves a mitzvah, even a mitzvah of Rabbinic origin, or the meal involves a transgression, even a transgression of Rabbinic origin, he is not liable. This may be inferred from the phrase (*Ibid.*): "He does not heed our voice"; i.e., through eating this meal, he violates only his parents' command. This excludes one who through this meal violates the words of the Torah or who partakes of it for the sake of a mitzvah.

What is implied? If he partook of such a hateful meal together with a wicked company for the sake of a mitzvah, or he partook of the second

tithe in Jerusalem, even if they eat a meal comforting the bereaved which is a mitzvah of Rabbinic origin, he is not liable. Similarly, if he ate meat from animals that were not ritually slaughtered or which were *trefe*, teeming animals or crawling animals, and even if he ate on a communal fast day, a transgression of Rabbinic origin, he is not liable for execution.

3 If he partook of any type of food, but did not partake of meat, even if he partook of fowl, he is not liable. If he partook of this meal from meat, but reached the sum of 50 *dinarim* by including fowl, he is liable. If he drank other beverages, but did not drink wine, he is not liable.

4 When he ate raw meat and undiluted wine, he is not liable. The rationale is that this is an occasional occurrence and not something that a person will be drawn after. Similarly, if he ate this meal of salted meat on the third day after it was salted, or drank fresh grape juice, he is not liable. For a person will not be drawn after such matters.

5 For this transgression, the Torah does not punish a child who has not come to the age where he is responsible for the observance of mitzvot. Similarly, a man who has matured and is independent is not stoned to death, because he ate and drank such a hateful meal.

What is implied? According to the Oral Tradition, we learned that this law concerns a youth of thirteen between the time he grew two pubic hairs and the time at which his entire male organ is surrounded by pubic hair. After the entire male organ is surrounded by pubic hair, he is considered as independent and is not executed by stoning.

6 The entire period for which a "wayward and rebellious son" is liable is only three months from the time he manifests signs of physical maturity. For it is possible that his wife will conceive and her fetus will be recognizable within three months. This is derived from **Deuteronomy 21:18**: "If a person will have a wayward and rebellious son...", a son, and not a "wayward and rebellious father."

Thus one may conclude that if one's pubic hair surrounds the entire organ before the three months are completed, he is not liable.

7 How is the judgment of a "wayward and rebellious son" adjudicated? First, his father and mother bring him to a court of three judges and tell them: "Our son is wayward and rebellious." They bring two witnesses who testify that he stole from his father and bought meat and wine with what he stole and partook of the meal described above after being warned. This is the first testimony.

He receives lashes as are administered to all of those who are obligated to be lashed, as **Deuteronomy 21:20** states: "they chastise him, but he does not heed them." Should he steal from his father a second time and partake of such a meal, his father and mother bring him to a court of 23 judges. They bring two witnesses who testify that he stole and partook of this meal after being warned. This is the second testimony. It is acceptable if the first two witnesses also deliver the latter testimony.

After their testimony is heard, the youth is examined to see if his pubic hair surrounded his entire male organ. If that is not the case and it is not three months after he became thirteen, he complete the judgment against him as is done with all those executed by the court and he is stoned to

death. He is not stoned to death unless the three judges who originally sentenced him to be lashed are present. This is implied by the phrase: "This son of ours," i.e., the one that was lashed in your presence."

8 If his father and his mother forgave him before he was sentenced, he is not liable.

9 If he fled before he was sentenced to death and afterwards, his pubic hair surrounded his organ, he is not liable. If he fled after he was sentenced, even if he grows old, whenever he is discovered, he should be stoned to death. For whenever a person has been sentenced to death, it is as if he has already been slain and he has no blood.

10 If his father desires to convict him and his mother does not desire, or his mother desires and his father does not desire, he is not judged as a "wayward and rebellious son," as implied by **Deuteronomy 21:19**: "His father and mother shall take hold of him."

If one of the parents has had his arm amputated, was lame, dumb, blind, or deaf, the son is not judged as a "wayward and rebellious son." These concepts are derived as follows: "His father and mother shall take hold of him" - This excludes parents with amputated arms" "And bring him out" - this excludes the lame. "They say" - this excludes the dumb. "This son of ours" - This excludes the blind. "He does not heed our voice" - This excludes the dumb.

11 There is a Scriptural decree that a "wayward and rebellious son" should be stoned to death. A daughter, by contrast, is not judged in this manner.

The rationale is that she does not have the tendency to become habituated to eating and drinking. For this reason, the Torah states: "A son," i.e., and not a daughter. A *tumtum* and an *adrogynus* are also excluded.

12 When an operation is performed on a *tumtum* and it is discovered that he is a male, he is not judged as a "wayward and rebellious son." The rationale is **Deuteronomy 21:18** states: "If a person will have a wayward and rebellious son...." Implied is that he must be a son at the time he receives the warning.

13 An announcement must be made concerning the execution of a "wayward and rebellious son." What type of announcement is made? A declaration is written and sent to the entire Jewish people: "In this-and-this court, we stoned so-and-so because he was a "wayward and rebellious son.'

14 A "wayward and rebellious son" is like all others executed by the court; their estate is inherited by their heirs. Even though the person's father caused him to be stoned to death, the father inherits all of his possessions. Blessed be God who grants assistance.

Mishneh Torah, Mourning

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 It is a positive commandment to mourn for one's close relatives,1 as implied by **Leviticus 10:20**: "Were I to partake of a sin offering today, would it find favor in God's eyes?" According to Scriptural Law, the obligation to mourn is only on the first day which is the day of the person's death and burial. The remainder of the seven days of mourning are not required by Scriptural Law. Although the Torah states **Genesis 50:10**: "And he instituted mourning for his father for seven days," when the Torah was given, the laws were renewed.

Moses our teacher ordained for the Jewish people the seven days of mourning and the seven days of wedding celebrations.

2 From when is a person obligated to mourn? When the grave is covered. But until the corpse has been buried, a mourner is not bound by any of the prohibitions incumbent on a mourner. For this reason, King David washed and anointed himself when his son died, before he was buried.

3 When does the obligation to mourn and count the seven and the thirty days of mourning for people executed by the gentile authorities who they do not allow to be buried? When their relatives despair of asking permission from the king to bury them, even though they did not despair of stealing their corpses to bury them.

4 When a person drowned in a river or was consumed by a wild beast, we begin mourning for him when we despair of finding his corpse. If his corpse was found limb by limb, we do not begin counting the days of mourning until his head and the majority of his body is found or they despair of finding the remainder of his corpse.

5 When it is customary for people to send a corpse to another city to be buried and they do not know when the burial will take place, from the time they turn back from accompanying the corpse, they are obligated to count the seven and thirty days of mourning and begin mourning rites.

6 We do not mourn for stillborn infants. Whenever a human offspring does not live for 30 days, he is considered as stillborn. Even if he died on the thirtieth day, we do not mourn for him.

7 If we know for certain that he was born after a full nine months of pregnancy, we mourn for him even if he died on the day of his birth.

8 A fetus from a full term pregnancy that was stillborn, a child born in the eighth month of pregnancy who died even after living 30 days, or a fetus that emerged cut or crushed even though it endured a full term pregnancy is considered stillborn. We do not observe mourning rites for them and we do not engage in activity on their behalf.

9 We observe mourning rites for all of those executed by the government, even when they were executed by the government's laws and the Torah granted it license to execute them. We don't withhold anything from

them. Their estate is given to the government, but they are buried in their ancestral plots.

We do not, by contrast, observe mourning rites for those executed by the court. We do, however, observe the rites of bitter regret (*aninut*), for *aninut* is an expression of the feelings in one's heart. They are not buried with their ancestors until their corpses have decomposed. Their estate, however, is granted to their heirs.

10 We do not conduct mourning rites for all those who deviate from the path of the community, i.e., people who throw off the yoke of the mitzvot from their necks and do not join together with the Jewish people in the observance of the mitzvot, the honoring of the festivals, or the attendance of synagogues and houses of study. Instead, they are like free and independent people like the other nations. Similarly, we do not mourn for heretics, apostates, and people who inform on Jews to the gentiles. Instead, their brothers and their other relatives wear white clothes, robe themselves in white, eat, drink, and celebrate for the enemies of the Holy One, blessed be He, have perished. Concerning them, Psalms139:21 states: "Those who hate You, O God, will I hate."

11 When a person commits suicide, we do not engage in activity on their behalf at all. We do not mourn for him or eulogize him. We do, however, stand in a line to comfort the relatives, recite the blessing for the mourners and perform any act that shows respect for the living.

What is meant by a person who commits suicide? Not necessarily one who climbs up on a roof, falls, and dies, but rather, one who says: "I am going

up to the top of the roof." If we see him climb up immediately in anger or know that he was distressed and see him fall and die, we presume such a person is one who committed suicide. If, however, we see him strangled and hanging from a tree or slain and lying on the back of his sword, we presume that he is like all other corpses. We engage in activity on his behalf and do not withhold anything from him.

Chapter 2

1 These are the relatives for whom a person is obligated to mourn according to Scriptural Law: His mother, his father, his son, his daughter, his paternal brother and paternal sister. According to Rabbinic Law, a man should also mourn for his wife if she dies while they are married. And a woman should mourn for her husband. Similarly, a person should mourn for a maternal brother and sister.

2 Even a priest who does not become impure for his maternal brother and sister or for his paternal sister who is married, mourns for them. For his married paternal sister who is married, he is required to mourn by Scriptural Law.

3 A person who has a son or a brother born by a maid-servant or a gentile woman should not mourn for them at all. Similarly, when a person and his sons convert or a person and his mother are freed from slavery, they do not mourn for each other.

Similarly, a person does not observe either the rites of *aninut* or the

mourning rites for a wife whom he has consecrated, but not married. Similarly, she does not observe either of these rites for him.

4 Whenever a person is obligated to mourn for a relative, he also mourns with that relative in his presence according to Rabbinical Law.

What is implied? If a person's grandson, his son's maternal brother, or son's mother dies, he is obligated to rend his garments in the presence of his son and follow the mourning rites while in his presence. Outside his presence, he is not obligated. Similar laws apply with regard to other relatives.

5 With regard to a wife with whom one is married: Although one must mourn for her, he does not mourn together with her for her other relatives with the exception of her father and her mother. He observes the rites of mourning for them in her presence.

When a man's father-in-law or mother-in-law dies, he overturns his bed and observes the mourning rites together with his wife within her presence, but not outside her presence. Similarly, when a woman's father-in-law or mother-in-law dies, she observes the rites of mourning in her husband's presence. With regard to other relatives, by contrast, e.g., the brother of one's wife or her son dies or when the brother of one's husband or his son dies, they do not observe the mourning rites in respect for each other.

Similarly, it appears to me that if the wife of a person's relative dies or the husband of one of his relatives, e.g., the wife of one's son or the husband of one's daughter, one need not observe mourning rites for them. Similar

concepts apply in all analogous situations.

6 See how severe the mitzvah of mourning is! For the prohibition against ritual impurity is superseded so that a priest can tend to his relatives' burial and mourn for them, as **Leviticus 21:2-3** states: "Except to one's flesh, to whom he is close, to his mother... to her shall he become impure." This is a positive commandment; if he does not desire to become impure, we force him to become impure against his will.

To whom does the above apply? To males who are commanded against contracting ritual impurity. Different rules apply to female members of the priestly family. Since they are not commanded against contracting ritual impurity, they are also not commanded to become impure when tending to their relatives' burial. If they desire, they may become impure and if not, they do not become impure.

7 A priest is forced to contract ritual impurity to tend to his deceased wife. This obligation is Rabbinic in origin. Our Sages had her considered as an unattended corpse. Since she has no other heir aside from him, there will be no one else to tend to her. He becomes impure only for a wife he has married. If he has merely consecrated her, he does not become impure for her.

8 Similarly, a priest does not become impure for any of those individuals for whom we do not mourn as stated above: e.g., those executed by the court, those who deviate from the ways of the community, stillborn infants, and those who commit suicide.

Until when does the mitzvah to become impure apply? Until the grave is covered. Once the grave is covered, however, the graves of one's close relatives are like those of any other corpse. If a priest becomes impure for their sake, he should be punished by lashes.

9 A priest should not become impure for the sake of a wife whom he is forbidden to marry. Therefore if a woman heard a report that her husband died and hence remarried, and then her first husband came, neither husband should become impure for her sake, for she is forbidden to remain married to either of them.

A priest may, however, become impure for the sake of his mother, even though she is a *challalah* and he may become impure for the sake of his son, his daughter, his brother and his sister even though they are of tarnished lineage. Even if they are illegitimate, he should become impure for their sake.

10 When a priest's sister is married - even to another priest, he does not become impure for her sake, "as **Leviticus 21:3** states: "his virgin sister who is close to him who has not been with a man." "Virgin" excludes a girl who has been raped or seduced. Should we also exclude a woman who attain majority or a woman who lost her signs of virginity because of reasons other than relations? The Torah teaches: "who has not been with a man," i.e., excluded is only one who lost her virginity because of a man. "Who has not been with a man" - this also excludes a sister who has been consecrated. He does not become impure, for her sake even if she is consecrated to a priest.

11 If, however, a priest's sister is divorced after consecration, before marriage, he must become impure for her sake. The phrase "who is close to him" includes a sister divorced after consecration.

12 A priest does not become impure for the sake of his maternal brother and sister, as implied by **Leviticus 21:2-3**: "To his son and to his daughter, to his brother and to his sister." Just as we are speaking of a son who is fit to inherit his father's estate; so, too, he must be fit to inherit the estates of his brother and sister.

13 A priest does not become impure for the sake of relatives whose family connection is doubtful, as implied by **Leviticus 21:3**: "to her shall he become impure." He becomes impure for those whose connection is definite and not for those whose connection is doubtful. Accordingly, in an instance where children become intermingled, there is a son concerning whom there is a question whether he was born after seven months from conception to his mother's later husband or after nine months to her first husband, and all the like, he does not become impure for their sake due to the doubt.

Similarly, in all cases concerning divorce that involve a question concerning the validity of the divorce or an invalid bill of divorce, , the priest does not become impure for the sake of his wife.

14 A priest may not become impure for the sake of a limb severed from his father while alive, nor for the sake of one of his father's bones. Similarly, when one's father's bones are being collected - even if his entire backbone

is intact - a priest may not become impure for their sake.

15 If his father's head is decapitated, he may not become impure for his sake. This is implied by **Leviticus 21:2**: "To his father," i.e., at a time when his corpse is intact and not when it is impaired. Similar laws apply with regard to other relatives.

The prohibition against contact with ritual impurity is bypassed with regard to one's relatives; it is not released entirely. For this reason, a priest is forbidden to become impure for the sake of another corpse at the time he has become impure for the sake of his relatives. This is implied by **Leviticus 21:3**: "to her shall he become impure," i.e., to her alone. He does not become impure for the sake of others together with her. He should not say: "Since I became impure for the sake of my father, I will go gather so-and-so's bones" or "...touch so-and-so's grave."

Therefore when the relative of a priest dies, care must be taken to bury him at the edge of the cemetery, so that he will not have to enter the cemetery and become impure because of other graves when he buries his dead.

Chapter 3

1 With the exception of the six relatives mentioned in the Torah and his wife, whenever a priest becomes impure because of contact with a corpse, if there are witnesses and a warning is administered, he is punished by lashes, as **Leviticus 21:1** states: "No one shall contract ritual impurity for the sake of a deceased person among his people."

This applies whether one touches the corpse, stands over it, or carries it. And it applies to a corpse and to all other forms of ritual impurity stemming from a corpse, as implied by "No one shall contract ritual impurity for the sake of a deceased person among his people." In *Hilchot Tumat Meit*, we already described all the factors associated with a corpse that convey ritual impurity according to Scriptural Law and according to Rabbinic Law.

2 Similarly, a priest receives lashes if he touches a grave. He may, however, touch clothes that touched a corpse, even though by doing so, he contracts ritual impurity that continues for seven days.

3 Similarly, if a priest enters a covered structure into which ritual impurity enters, he is lashed. This applies even though the source of impurity itself is in another building. We have already explained all the types of "tents" into which ritual impurity can enter and depart, the laws involving foliage and projections, the entities which bring ritual impurity and those which interpose between ritual impurity, which involve Scriptural Law and which involve Rabbinic Law. All of this is discussed in *Hilchot Tumat Meit*.

There we explained that non-Jews do not convey ritual impurity through overhangs. Therefore their graves are pure and a priest may enter their cemetery and walk on their graves. He is forbidden only to touch impurity or carry it, as we explained there.

4 The following laws apply when a priest enters a building where a corpse is

located or a cemetery inadvertently and he is given a warning after he discovers the fact. If he jumps and leaves, he is not liable. If, however, he remains there for the time it takes to prostrate oneself which we explained with regard to impurity in the Temple, he is lashed.

If he entered and departed, entered and departed, if he was given a warning for each time, he is given lashes for every entrance. Similarly, if he touches a corpse, is giving a warning, and then disengages himself, and afterwards, touches it and is given a warning - even if this sequence is repeated one hundred times, he is given lashes for each touch.

If he was touching a corpse and did not disengage himself or was standing in the cemetery and touched other corpses, although he is given a warning several times, he receives lashes only once. For as long as he does not cease, he is continuing to desecrate his priestly state.

5 The following rules apply when one causes a priest to contract ritual impurity. If they both acted intentionally, the priest receives lashes and the person who caused him to contract impurity violates the prohibition against placing a stumbling block in front of the blind. If the priest was not aware of the transgression and the person who caused him to contract impurity acted intentionally, that person receives lashes.

6 A High Priest may not become impure for the sake of his relatives, as **Leviticus 21:11** states: "He shall not become impure for his father's or mother's sake." Similarly, he does not enter a shelter where there is a corpse, even the corpse of one of his relatives, as *ibid.*:30 states: "He shall not enter a place where there is any corpse." Thus we learn that he is liable

both for not entering and for not becoming impure.

What is implied? If the High Priest touches or carries a corpse, he receives lashes for one transgression. If he enters a shelter and remains there until a person dies or he enters a chest, bureau, or drawer, and a colleague comes and opens the top of this container and thus his contact with impurity and his entrance into the shelter come at the same time, he receives two sets of lashes, for the prohibition against entering and for the prohibition against becoming impure.

7 If the High Priest became impure beforehand, and then entered a shelter where a corpse was located, if he is warned, he should receive lashes even for this entry.

8 When a priest - even a High Priest - encounters an unattended corpse on the road, he is obligated to become impure for its sake and bury it. What is meant by an unattended corpse? A Jewish corpse cast away on the road without anyone to bury it. This is a halachah conveyed by the received tradition.

When does the above apply? When the priest is alone and there is no one else with him; even when he calls out on the road, no one answers him. If, however, when he calls others answer, this is not considered an unattended corpse. Instead, he should call to the others and they should come and tend to the corpse.

9 If a priest and a nazirite are proceeding on a road and they encounter an unattended corpse, the nazirite should tend to it. The rationale is that his

holiness is not of an eternal nature. The priest - even an ordinary priest - should not become impure.

If a High Priest was going together with an ordinary priest, the ordinary priest should become impure. The general principle is: Whoever is on a higher level of holiness should become impure last. When a *s'gan* and the priest anointed to lead the army at war encounter an unattended corpse, the priest anointed to lead the army at war should become impure, not the *s'gan*.

10 When a *nasi* dies, everyone - even priests - should become impure for his sake. Our Sages had him considered as an unattended corpse, because everyone is obligated in his honor. Similarly, all must observe the rites of *aninut* for his sake.

11 The daughters of Aaron were not warned to avoid the ritual impurity imparted by a corpse. This derived from **Leviticus 21:1**: "Say to the priests, the sons of Aaron...." Implied is "the sons of Aaron," and not "the daughters of Aaron."

Similarly, *challalim* are permitted to become impure. This is also derived from the words, "the priests, the sons of Aaron," i.e., to be included in the prohibition, their priesthood must be intact.

12 When a priest is a minor, the adults are warned that they should not have him contact ritual impurity. If he comes to contract impurity on his own initiative, the court is not obligated to separate him from the source of impurity. His father, however, must educate him in the holiness of the

priesthood.

13 The four cubits circumscribed around a corpse are deemed impure. Any priest that enters into these four cubits is given stripes for rebellious conduct.

Similarly, if priests enter a *beit hapras*, go to the diaspora, become impure through contact with a mixture of blood, a gravestone, or the stones which support the gravestone, and the like, they are given stripes for rebellious conduct, because these entities are sources for ritual impurity by Rabbinic decree, as we explained in *Hilchot Tumat Meit*. If, however, a priest enters a cemetery, he receives lashes according to Scriptural Law.

14 It is permissible for a priest to become impure through walking through a *beit hapras* or the diaspora for the sake of a mitzvah, when there is no way other than that, e.g., he went to marry or to study Torah. Even though there is someone who could teach him in *Eretz Yisrael*, he is permitted to leave, because a person does not merit to learn from every colleague.

Similarly, a person may incur ritual impurity that is Rabbinic in origin to show respect to other people. What is implied? If a mourner walked through a *beit hapras*, everyone follows after him to comfort him. Similarly, we may walk over the coffins of the dead to greet Jewish kings. This is allowed even to greet gentile kings, so that a distinction will be able to be made between them and Jewish kings when their glory will return to its place. Similarly, leniency is granted in all analogous situations. Also, a priest may incur ritual impurity of Rabbinic origin to enter in judgment and disputation with gentiles concerning property, for

he is saving it from their hands. Similar laws apply in all analogous situations.

Chapter 4

1 These are the customs observed by the Jewish people with regard to corpses and burial. We close the eyes of the deceased. If one's mouth hangs open, we tie the jaw closed. After washing the corpse, we stuff closed the orifices, anoint it with different fragrances, cut its hair, and dress it in shrouds of white linen which are not expensive. Our Sages followed the custom of using a cloak worth a *zuz*, so as not to embarrass a person who lacks resources. We cover the faces of the deceased so as not to embarrass the poor whose faces turned black because of hunger.

2 It is forbidden to bury the dead, even a *nasi* among the Jewish people, in silk shrouds or clothes embroidered with gold, for this is an expression of haughtiness, the destruction of useful property, and the emulation of gentile practices.
We carry the dead on our shoulders to the cemetery.

3 The pallbearers are forbidden to wear sandals, lest the strap of one of them snap and he hold back the performance of the mitzvah.

4 We dig burial caves in the earth and make hollows at the side of the caves. There we bury the corpse with its face upward; we then place the earth and the stones back in place above it. They may bury it in a wooden coffin.

Those who accompany the corpse tell him: "Go in peace," as **Genesis 15:15** states: "You will go to your ancestors in peace."

Markings are made on the graves. A tombstone is placed on the grave. For the righteous, by contrast, a tombstone is not placed, because their words will cause them to be remembered; a person will not need to visit in the cemeteries.

5 A person in his death throes is considered as a living person with regard to all matters. We do not tie his cheek, stuff his orifices, nor do we place a metal utensil or a utensil that cools on his navel so that his body will not bloat. We do not anoint it or wash it or place it on sand or on salt until the person dies.

One who touches him is considered as shedding blood. To what can the matter be compared? To a candle that is flickering, were a person to touch it, it will be extinguished. Similarly, anyone who closes a dying person's eyes as his soul expires is considered as shedding blood. Instead, they should wait some lest he have fainted. Similarly, we do not rend our clothes because of him, uncover our shoulders, recite eulogies, or bring a coffin or shrouds into the house until the person dies.

6 When a person's dead is lying before him, he should eat in another house. If he does not have another house, he should construct a partition and eat. If he does not have the materials to make a partition, he should turn away his face and eat. Under no circumstances should he recline and eat or eat meat or drink wine.

He does not recite the blessing before eating, nor the grace after meals.

Others do not recite the blessings for him, nor is he included in a quorum of three for the recitation of grace. He is free from the obligation to recite the *Shema*, pray, put on *tefillin,* or observe any of the mitzvot stated in the Torah.

On the Sabbath, he should recline, eat meat, and drink wine, recite the blessing before eating, and recite grace. Others may recite blessings for him. He is included in a quorum for grace and is obligated in all the mitzvot of the Torah with the exception of sexual relations.

Once the dead is buried, he is permitted to eat meat and drink a small amount of wine to help digest the food that he has eaten, but not in an unrestrained manner.

7 We do not delay the burial of the dead. Instead, we hurry to bury him immediately. Hastening the burial is praiseworthy. For one's father and mother, by contrast, it is demeaning.

8 On Friday or the day before a festival, or when rain was drenching the coffin, it is permitted to hurry even the funeral of one's parents. For the person hurried the funeral only as an expression of honor for his father and mother.

Whoever delays the burial of his dead overnight violates a negative commandment, unless he delays the burial for the honor of the dead and to complete providing for his needs.

9 On the first day alone, it is forbidden for a mourner to put on *tefillin* or to eat food of his own. He must sit on a overturned bed. During the

remainder of the days of mourning, he may eat his own food, sit on a mat or on the ground, and put on *tefillin*.

What is the source which teaches that a mourner may not put on *tefillin* on the first day? Instructions were given Ezekiel (**Ezekiel 24:17** : "Your glory should be bound upon you." Implied is other people are forbidden. He was instructed: "Do not eat the bread of men." Implied is that other people should eat from others on the first day and are forbidden to eat their own food.

Chapter 5

1 These are the matters forbidden to a mourner on the first day according to Scriptural Law and on the remaining [six] days according to Rabbinic Law. He is forbidden to cut his hair, launder his clothes, wash, anoint himself, engage in sexual relations, wear shoes, perform work, study the Torah, stand his bed upright, leave his head uncovered, and greet others, eleven matters in total.

2 Which source teaches that a mourner is forbidden to have his hair cut? **Leviticus 10:6** warns the sons of Aaron: "Do not let the hair of your heads grow untended." Implied is that every mourner is forbidden to cut his hair. Instead, he lets his hair grow untended. Just as he is forbidden to cut off his hair; so, too, he is forbidden to trim his beard and any other hair on his body. This applies to cutting hair and having one's own hair cut. If he was in the midst of a haircut and he heard that his father died, he may complete the haircut. This applies to cutting hair and having one's own

hair cut.

Similarly, it is forbidden to cut off one's mustache or to cut one's nails with a utensil. One may, however, bite off one's nails or trim them with one's other nails.

3 Which source teaches that a mourner is forbidden to launder his clothes and to wash and anoint his body: **II Samuel 14:2** states: "Please conduct yourself as a mourner; please wear mourner's clothes and do not anoint yourself with oil." Washing is including in anointing oneself, for it is a preliminary step before anointing oneself as **Ruth 3:3** states: "Wash and anoint yourself."

Just as a mourner is forbidden to launder clothes; so, too, he is forbidden to wear new and freshly pressed white clothes.

4 As it is forbidden to anoint one's entire body; so, too, it is forbidden to anoint a portion of one's body. To remove filth, however, it is permitted. Similarly, it is forbidden to wash a portion of one's body in hot water. One may, however, wash one's face, one's hands, and one's feet - but not one's entire body - in cold water.

5 Which source teaches that a mourner is forbidden to engage in sexual relations. **II Samuel 12:24** states: "And David comforted his wife, Batsheva, and he came to her and lay with her." This indicates that this was forbidden beforehand.

Similarly, a mourner should not marry a woman, nor should a woman marry while mourning even though they do not engage in relations. It is

permitted for a mourner to remain in solitude with his wife even though he is forbidden to engage in sexual relations.

6 Which source teaches that a mourner is forbidden to wear shoes? Ezekiel was instructed **Ezekiel 24:17**: "And place your shoes on your feet." Implied is that all others are forbidden. If a person is traveling on a journey, he may wear shoes and proceed on his way. When he enters a city, he should remove his shoes.

7 An allusion to the prohibition against a mourner performing labor can be derived from **Amos 8:10**: "I shall transform your festivals into mourning." Just as it is forbidden to perform work on a festival; so, too, a mourner is forbidden to perform work. And just as a mourner is forbidden to perform work; so, too, is he forbidden to engage in commercial transactions and to travel from city to city on a business trip.

8 For the first three days, all mourners, even a poor person who derives his livelihood from charity, are forbidden to perform work. After that period, if the mourner is indigent, he may perform this work privately in his home. A woman may spin fabric on a spindle in her home.

9 When two brothers or two partners operate one store together and one of them is forced to mourn, the store should be closed for all seven days of mourning.

10 Even activities which are permitted to be performed during *chol hamo'ed* may not be performed by a mourner during the days of mourning. Others

may, however, perform these tasks on his behalf.

What is implied? If it is necessary to turn over a person's olives, put pitch on his barrels, or bring his flax up from the vat where it is soaking or his wool from the kettle where it is being dyed, he may hire someone else to perform this task on his behalf so that he will not suffer a loss. And he may have his field irrigated in the irrigation season.

11 His sharecroppers or those who hire his fields may perform work in their ordinary way. But donkey-drivers and camel-drivers who rent his animals and sailors who rent his ships should not perform work. If the animals or ships were hired out or rented out previously for a specific time, the renters may perform work.

12 A worker hired by the day - even if he is located in another city - should not perform work on behalf of the mourner.

13 When a mourner was charged with doing tasks on behalf of others, whether as a contractor or not as a contractor, he should not do it. If his tasks were entrusted to others, they should not work on it in his home, but may work on it elsewhere.

14 If a mourner has litigation with a colleague, he should not prosecute the matter throughout the seven days of mourning. If it concerned a matter that could lead to a loss, he should appoint an agent. The *Geonim* ruled in this manner.

15 Which source teaches that a mourner is forbidden to speak words of

Torah? Ezekiel was instructed **Ezekiel 24:17**: "Be silent from groaning."

16 He is forbidden to read from the Torah, the Prophets, and the Holy Scriptures and to study the Mishnah, the *Midrash*, and the *Halachot*. If many require his instruction, he is permitted, provided he does not appoint a spokesman. Instead, he should whisper to the person sitting next to him. That person should relate the teachings to the spokesman and the spokesman should communicate them to the people at large.

17 Which source teaches that a mourner should not sit on a bed? **II Samuel 13:31** states: "And the king arose, rent his garments, and lay on the ground."

18 A mourner is obligated to overturn his bed for all seven days of mourning. This applies not only to his own bed. Instead, he must overturn all the beds he has in his house. Moreover, even if he has ten beds in ten homes in ten cities, he is obligated to overturn all of them. Even if there are five brothers and one of them dies, all the remainder must overturn their beds. When a bed is set aside to be used for money or for utensils, it need not be overturned. Similarly, a *dargesh* need not be overturned. Instead, the straps should be released and the bed allowed to fall.

When bed posts emerge from a bed and so it is impossible to turn it over, he should turn it on its side while upright; this is sufficient.

If a person turned all his own beds over, but slept on beds belonging to others, on a chair, on a chest, or on the ground, he does not fulfill his obligation. Instead, he must sleep on the overturned bed.

19 Which source teaches that a mourner is forbidden to uncover his head? Ezekiel was instructed **Ezekiel 24:17**: "Do not veil your face until the lips." Implied is that others are obligated to cover their heads. He should use the sash with which he covers his head and wind a portion of it over his mouth slightly. In this vein, Onkelos renders **Leviticus 13:45**: "He should veil his face until his lips," as "He should cover himself like a mourner."

20 Which source teaches that a mourner is forbidden to exchange greetings with colleagues? Ezekiel was instructed: "Be silent from groaning."
For the entire first three days, if someone greets him, he does not respond with greetings. Instead, he notifies him that he is a mourner. From the third day until the seventh, when a person greets him, he should respond with greetings. From the seventh until the thirtieth day, he may greet others, but others should not greet him until after thirty days have passed. And when he is in mourning for his father or mother, he should not be greeted until after twelve months.
If he is forbidden to greet a colleague during the mourning period, one can certainly infer that he is forbidden to engage in lengthy talk and frivolity, as implied by the instruction: "Be silent." He should not hold an infant in his arms so that he will not lead him to laughter. And he should not enter a place of celebration, e.g., a feasting hall or the like.

Chapter 6

1 According to Rabbinic Law, a mourner should observe some of the mourning practices for 30 days. Which source did our Sages use as a

support for the concept of 30 days? **Deuteronomy 21:13** states: "And she shall cry for her father and mother for a month." Implied is that a mourner will feel discomfort for a month.

2 These are the practices forbidden to a mourner for the entire 30-day period. He is forbidden to cut his hair, to wear freshly ironed clothing, to marry, to enter a celebration of friends, and to go on a business trip to another city; five matters in all.

3 What does the prohibition against cutting one's hair involve? Just as it is forbidden to cut any of the hair of one's body, to shave one's mustache, or to cut one's nails with a utensil through the seven days of mourning; so too, he is forbidden throughout these 30 days.

To whom does the above apply? To a man. A woman, by contrast, is permitted to remove hair after seven days although a man must wait 30. For one's father or mother, a man is obligated to let his hair grow until it becomes noticeably long or until his colleagues rebuke him for not attending to his appearance.

4 Similarly, a mourner is forbidden to wear new white clothes that have been ironed for 30 days. This applies to both a man and a woman. If they are colored and ironed, it is permitted. Similarly, if they are not new although they are white and ironed, it is permitted. There is no prohibition against wearing linen clothes that were ironed.

After 30 days, one may wear ironed clothes, even if one is in mourning for one's father or mother.

5 What does the prohibition against marriage involve? It is forbidden to marry a woman throughout these 30 days. It is, however, permitted to consecrate her even on the day of the death of one's relative.

When a man's wife dies, if he already fulfilled the mitzvah of procreation, and he has someone to attend to him and he does not have young children, he may not remarry until three festivals pass. If, however, a person has not fulfilled the mitzvah of procreation, or fulfilled the mitzvah and has young children, or does not have someone to attend to him, he is permitted to consecrate and marry immediately. It is, however, forbidden for him to enter into relations with his wife until 30 days have passed. Similarly, a woman who was in mourning should not enter into relations until 30 days have passed.

6 A friendly get-together which a person is obligated to requite immediately may be held immediately after the seven days of mourning. If, however, he is not obligated to requite such a gathering, he is forbidden to enter one until 30 days pass.

7 When does the above apply? When one is mourning for other deceased persons. When mourning for one's father or mother, by contrast, under all circumstances, one is forbidden to enter a friendly gathering for twelve months.

8 When mourning for all other deceased persons, one is permitted to go on a business trip immediately after 30 days pass. When mourning for one's father or mother, by contrast, one should not go until his colleagues

rebuke him and tell him: "Come with us."

9 When mourning for all other deceased persons, if one desires, one may reduce his business activities. If he does not desire, he need not reduce them. When mourning for one's father or mother, by contrast, one should reduce one's business activities.

10 When a person is journeying from place to place, he should minimize his commercial activity if possible. If not, he should purchase the articles he needs for his journey and articles which are necessary to maintain his existence.

11 When a person's husband, wife, father, or mother was crucified in a city, it is forbidden for him to dwell in that city until the flesh of the corpse decomposes. If it is a major metropolis like Antioch, one may dwell in the other portion of the city, where one's relatives are not crucified.

12 Even a portion of the seventh day is considered as the entire day and is counted both as part of the seven days of acute mourning and the 30 days of mourning. Therefore it is permissible to launder, to wash, and to perform other activities on the seventh day. Similarly, even a portion of the thirtieth day is considered as the entire day and it is permitted to cut one's hair and iron one's clothes on that day.

13 The following laws apply when one suffers several losses for which he is required to mourn one after the other. If his hair grows overly long, he may trim it with a razor, but not with scissors. He may wash his clothes in

water, but not with soap or using sand. He may wash his entire body in cold water, but not in hot water.

Similarly, when one suffers repeated losses for which he must mourn after arriving from an overseas journey, being released from captivity or prison, being released from a ban of ostracism under which he had been placed, being absolved from a vow which he had taken, or emerging from a state of ritual impurity to one of purity, he may cut his hair in the midst of the period of mourning. The rationale is that one period of mourning followed the other and the people did not have the opportunity to care for themselves.

Chapter 7

1 The following rules apply when a person receives a report that a close relative of his died. If he received the report within 30 days of the person's death - even on the thirtieth day itself - it is considered a proximate report. He must observe the seven days of mourning from the time he receives the report. He must rend his garments and count 30 days for the prohibition against cutting one's hair and the other factors from that date. The general principle is: The day on which he hears the report is like the day of the person's burial.

If, however, a person receives a report after 30 days, it is considered as a distant report. He observes mourning rites for only one day and is not required to rend his garments. It is as if the day of the report is both the seventh day and the thirtieth day. And we follow the principle: A portion of the day is considered as the entire day.

2 What is implied by the statement: A portion of the day is considered as the entire day? Once one observed the mourning rites for a certain time He is permitted to wear shoes, wash, anoint himself, and cut his hair during the remainder of the day. Similarly, he has license not to observe any of the mourning rites.

3 When a person hears a proximate report in the midst of a festival or on the Sabbath and after the Sabbath or after the festival, the report will become distant, the Sabbath or the festival are counted for him. Thus he observes only one day of mourning after the festival or after the Sabbath. And a portion of the day is considered as the entire day as explained.

4 The following rules apply when a close relative of a person dies and that person does not know until he comes to that place. If he was in a close place, e.g., within ten *parseot* away, and thus he could come in one day, even if he came on the seventh day, if he finds people offering comfort to the person of greatest stature in the family, it is considered as if he was together with them and he counts with them the remainder of the 30 days. This applies even if they had already begun to rise, as long as he finds comforters, he counts with the other mourners.
If he did not find comforters, he counts for himself. Similarly, if he comes from a distant place, even if he comes on the second day, he counts seven and thirty days for himself from the day he comes.

5 During the first three days of mourning, a mourner does not even go the house of another mourner. From that time onward, he may go, but he

does not sit together with those offering comfort, but with those receiving comfort. He should not leave the entrance to his house to go any place for the entire first week. During the second week, he may leave his home, but should not sit in his ordinary place. During the third week, he may sit in his ordinary place, but should not speak in his ordinary manner. During the fourth week, he is like any other person.

6 The High Priest is obligated to observe all the mourning practices, except that he is forbidden to rend the upper portion of his garments, to let his hair grow long, or to follow the bier in the funeral procession.

The entire Jewish people come to his house to comfort him. When they bring him the meal of comfort, all of the people must sit on the ground; he, by contrast, sits on a bench. When they comfort him, they tell him: "We are atonement for you." And he tells them: "May you be blessed from heaven."

If he desires to comfort others, the deputee has him positioned among the people. And he tells the mourners: "Be comforted."

7 Similarly, a king is obligated to observe all the mourning practices, except that he does not leave his palace in the funeral procession for his dead. Needless to say, this applies with regard to other deceased. Nor does he comfort mourners. King David followed Avner's funeral procession only to show the people that he was not slain because of David's desire.

8 No one enters the king's presence to comfort him except his servants and those who are given permission to enter. They do not have permission to

speak words of comfort except what he allows them. When they serve him the meal of comfort, all of the others recline on the ground and he reclines on a *dargesh*.

Chapter 8

1 A mourner is obligated to rend his garments for his dead, as can be derived from **Leviticus 10:6**: "Do not rend your garments lest you die." Implied is that others must rend their garments.

One must rend one's garments only while standing, as **II Samuel 13:31** states: "And the king stood and rent his garments."

Where does one rend his garment? In front. If one rends his garment from the back or from the sides or from the bottom, he does not fulfill the obligation to rend his garments, with the exception of a High Priest who must rend his garment from the bottom.

2 What is the required measure for the tear? A handbreadth. It is not necessary to rip apart the border of the garment. One may rend his garments with a utensil.

One may rend one's garments inside, not in the presence of others. Therefore he may place his hand inside his garment and tear it modestly. He is only obligated to tear his upper garment.

3 For the entire seven days of mourning, he keeps the tear in front of him. If he desires to change his garments, he may. He is not required to rend the second garment, for any tear that is not made at the time of emotional

excitement, is not a tear.

When does the above apply? With regard to other deceased persons aside from his father and mother. For his father and mother, by contrast, he must rend his garment until he reveals his heart. He must rip apart the border of the garment; he may not tear it with a utensil, and must tear it outside, in the presence of people at large.

He must tear all the garments he is wearing. His underwear - i.e., the garments worn next to his flesh - need not be ripped. If he changes his clothes, he is required to rend them for all seven days. Similarly, for his father and mother, he uncovers his shoulder and takes his forearm out from his garment, revealing his shoulder and his forearm. He passes before the bier in this manner. After his father and his mother are buried, however, he is not required to uncover his shoulder.

4 A child's garments should be torn to create sorrow.

When a dangerously ill person loses a close relative, we do not rend his garments, nor do we notify him lest he lose control of his emotions. We silence the women in his presence.

5 A person should rend his garments when his father-in-law and mother-in-law dies as an expression of honor for his wife. Similarly, a woman should rend her garments for her father-in-law and mother-in-law as an expression of honor for her husband.

6 When a person does not have an outer garment to tear at the time of a person's passing and he obtains a garment within the seven days of

mourning, he is obligated to tear it. After seven days, he is not obligated to tear it. For his father and mother, he is obligated to tear it even if he obtains it after the seven days, but within the 30 days.

Whenever a person goes out wearing a torn garment before the dead implying that he tore the garment because of them, he is deceiving people and degrading the honor of the dead and the living.

7 When one tells a colleague: "Lend me your cloak so that I can visit my father who is dangerously ill," if, when he visits him, he finds that he died, he should rend the garment, mend it, and return it, reimbursing the owner for the tear. If he does not notify him that he is going to visit a person who is dangerously ill, he should not touch the garment.

8 The following rules apply when one has a dangerously ill person in his home, that person faints and he thinks that he has died and hence, he rends his garments, the sick person regains consciousness and then dies. If he dies immediately after the garments are torn, he need not rend his garments again. If he dies after even a short time has past, he must rend his garments again.

Similar concepts apply if someone tells a person that his father died and he therefore rent his garments and then it was discovered that his son died or if someone told him that a person close to him died, he thought it was his father and rent his garments and then he discovered that it was his son. If he realized the true situation immediately afterwards, he fulfilled the obligation to rend his garments. If he did not realize this until afterwards, he did not fulfill his obligation and is obligated to rend his garments

again.

9 When many close relatives die at once, a person should rend his garments once for all of them. If his father or mother are among them, he should rend his garments once for all the others, and once for his father or mother.

10 The following rules apply when a person's close relative dies, he rends his garments because of him and then another close relative dies. If the second relative dies within the seven days of mourning, he should tear his garments again. If it is after the seven days, he need only add the slightest amount to the original tear.

If a third close relative dies after the seven days of mourning for the second, again, he need only add the slightest amount to the original tear. And he can continue in this manner until he reaches his navel. Once he reaches his navel, he should distance himself at least three thumbbreadths and rend the garment again.

When the garment is entirely torn in front, he may turn it around. When its upper portion is entirely torn, he may make the bottom the top.

If he was told: "Your father died," and he rent his garments and after the seven days of mourning, his son died and he extended the tear, he may mend the lower tear, but not the upper tear as will be explained. If he was told: "Your son died," and he rent his garments and after the seven days of mourning, his father died, he may not merely extend the tear. Instead, he must make a new tear. For extending a tear is not sufficient for his father and mother.

Chapter 9

1 Whenever a person rends his garments after the loss of a relative other than a parent, he may sew the tear after the seven days of mourning and mend it after thirty days. For one's father and mother, he may sew the tear after thirty days, but may never mend it. A woman should rend her garments and sew them immediately, even when she lost a father or mother, as an expression of modesty.

2 Just as a person must rend his garments for the loss of his father and mother; so, too, he is obligated to rend his garments for the loss of a teacher who instructed him in the Torah, a *nasi*, the *av beit din*, the majority of the community who were slain, the cursing of God's name, the burning of a Torah scroll, when seeing the cities of Judah, Jerusalem, and the Temple in their destruction.

3 All of these tears should be rent to the extent that one reveals his heart and they should never be mended. Although they should never be mended, they may be sewed irregularly, sewn after the sides are wound or twisted together, or sewn like ladders. All that was forbidden was Alexandrian mending.

Whenever a person tears a garment in a place where it was sewn irregularly or sewn after the sides were wound and twisted together, his act is of no consequence. If, however, he rips a garment where it has been mended in an Alexandrian manner, it is of consequence.

Even one turns a rent garment upside down and makes its collar its hem,

he should not mend it.

4 Just as the seller may not mend it; so, too, the purchaser may not. Therefore the seller must notify the purchaser that this tear may not be mended.

5 What is the source that teaches that one is obligated to rend his garments at his teacher's death just as he rends his garments for his father? **II Kings 2:12** states: "He was calling out: 'My father, my father, the chariot of Israel and its horsemen.' And then he no longer saw him. And he took hold of his garments and tore them into two halves." This teaches that one must rip apart the collar.

6 What is the source that teaches that one is obligated to rend his garments at the death of the *nasi*, the *av beit din*, and a report that the majority of the community have been slain? **II Samuel 1:11-12** relates: "David took hold of his garments and rent them as did all the people who were with him. They mourned, they cried, and they fasted until the evening for Saul - the *nasi* - for his son Jonathan - the *av beit din* - and for the people of God and the House of Israel for they fell by the sword" - this is an unfavorable report.

7 What is the source which teaches that one is obligated to rend his garments when hearing the blasphemy of God's name? **II Kings 18:37** states: "And Elyakim ben Chilkiyah who oversaw the palace, Shevna the scribe, and Yoach ben Asaf the secretary, came to Chizkiyahu with rent garments." Just as one who hears the blasphemy itself must rend his

garments; so, too, one who hears the report of the blasphemy from the listeners must rend his garments.

8 The witnesses are not obligated to rend their garments when they testify in court, for they already tore them when they heard the blasphemy.

9 What is the source which teaches that one is obligated to rend his garments for a Torah scroll that is burnt? **Jeremiah 36:23-24** states: "And it came to pass that when Yehudi would read three or four columns... until the entire scroll was consumed by the fire in the hearth. And neither the king nor his servants became fearful, nor did they rend their garments." Implied is that one is obligated to rend one's garments.

One is obligated to rend one's garments only because of a Torah scroll that was burnt arrogantly as in the incident cited. One is obligated to rend one's garments twice: once for the parchment and once for the writing, as *ibid.*:27 states: "After the king burnt the scroll and the words."

10 What is the source which teaches that one is obligated to rend his garments when seeing the cities of Judah, Jerusalem, and the Temple in their destruction? **Jeremiah 41:5** relates: "Men came from Shechem, from Shiloh, and from Samaria, eighty men with their beards shaven and their garments rent."

11 Whoever is present with a dying person at the time his soul expires is obligated to rend his garments even if he is not his relative. Similarly, when a virtuous person dies, everyone is obligated to rend his garments because of him, even though he is not a sage. They tear them a

handbreadth as other mourners do. When, however, a sage dies, everyone is considered as his relative. They rend their garments for him until they reveal their hearts and uncover their right arms. The house of study of that sage should be discontinued for all seven days of mourning.

Torah scholars have universally accepted the custom of rending their garments for a handbreadth in respect for each other even though they are equal in stature and neither of them teaches the other.

12 Whenever a person rends his garments because of a sage who dies, as soon as he turns away from the bier, he may sew it irregularly. It appears to me that when a person rends his garments for a sage, he may mend them on the following day. For even when his teacher dies, one should mourn for him for only one day, either the day of his death or the day he hears the report of his death.

Similarly, it appears to me that a person who rends his garments because of the death of the *nasi* or the like may sew them irregularly on the following day even though he may never mend them.

13 When a report comes that a sage has died, we rend our garments only at the time he is eulogized. This is the honor granted to him. One may sew the garment that day and mend it on the following day.

14 When the *Av Beit Din* dies, everyone rends their garments because of him and uncovers their left arm. All of the houses of study in the city are discontinued. The members of the synagogue enter the synagogue and change their places. Those who sit at the south should sit at the north and

those who sit at the north should sit at the south.

15 When a *nasi* dies, everyone rends their garments because of him and uncovers both arms. All of the houses of study are discontinued. The members of the synagogue enter the synagogue on the Sabbath, call seven men to the Torah reading and depart. They should not stroll in the market place, but instead should sit together in families mourning the entire day.

Chapter 10

1 The Sabbath is counted as one of the days of mourning. Nevertheless, the laws of mourning are not observed on the Sabbath with the exception of private matters, e.g., veiling one's head, marital relations, and washing with hot water. With regard to matters which are obvious, however, the mourning laws are not observed. Instead, one may wear shoes, position his bed upright, and greet everyone.

If the mourner has another garment, he should change it. He should not wear a torn garment on the Sabbath even because of his father and mother. If he does not have a garment to change, he should turn the tear to the other side.

2 When may one position his bed upright on Friday? From the afternoon onward. Nevertheless, one should not sit on the upright bed until nightfall. Even when there remains only one day for the seven days of mourning, one should overturn the beds again on Saturday night.

3 On the festivals and similarly, Rosh HaShanah and Yom Kippur, we do not observe any of the mourning rites at all. Moreover, whenever anyone buries his dead even a small amount of time before a festival or before Rosh HaShanah or Yom Kippur, the decree requiring him to observe seven days of mourning is nullified.

Thus after Rosh HaShanah and Yom Kippur, a mourner counts 23 days. After Pesach, he counts16 days - for the seven days of mourning are nullified and the seven days of the festival are equal to 14. Similarly, if the deceased was buried before Shavuos, the mourner counts 16 days afterwards. For even though the holiday is only one day, since it is a festival, it is counted as seven days.

4 When a person buries his dead before Sukkos, he should count only nine days after the festival. For Shemini Atzeret is a holiday in its own right. Thus the first day concludes the seven days, then come the seven days of the holiday, and the eighth day is considered as a festival. Thus there are 21 days.

5 When a person buries his dead seven days before any one of the festivals or seven days before Rosh HaShanah or Yom Kippur, the decree requiring him to observe the 30 days of mourning is nullified. He is permitted to cut his hair and launder his garments on the day preceding the festival or Yom Kippur. The rationale is that a portion of the day is considered as the entire day. After the holiday, he does not count any other days of mourning.

If, however, he is mourning for his father or mother - even if they died

more than 30 days before the festival - he may not cut his hair until it grows uncontrolled or until his friends rebuke him. The festivals do not nullify this measure.

6 When the sixth day of mourning falls on the day before the festival - needless to say, this law applies if the fifth or the third day falls on that day - he may not cut his hair. The festival nullifies only the decree requiring him to mourn for seven days. He is not permitted to wash, anoint himself, or perform any other practice forbidden during the days of mourning until the onset of the festival. The festival concludes the seven days of mourning. After the festival, he concludes all 30 days from the day of the death. During them, he is forbidden to perform any of the five practices mentioned in Chapter 6.

7 The following rules apply when the seventh day of mourning falls on the day before a festival and that day is the Sabbath. The decree requiring him to observe the 30 days of mourning is nullified and he may cut his hair in the midst of the holiday. For he was held back by forces beyond his control since he cannot cut his hair on the Sabbath. Similarly, one may cut one's hair after Shavuot or after Rosh HaShanah and Yom Kippur, for the decree requiring him to observe the 30 days of mourning has been nullified and he may cut his hair whenever he desires.

8 When a person buries his dead in the midst of a festival, the laws of mourning do not apply to him. He does not observe the mourning rites in the midst of the festival. Instead, after the festival he begins to count the

seven days of mourning and observes all of the mourning rites at that time. He counts the 30 days of *Sheloshim* from the day of the burial. In the days that remain from these 30 days, he observes all the restrictions required.

9 In the above situation, in places where the holidays are observed for two days, one should count seven days from the second day of the final days of the festival. Since its observance is a Rabbinic institution, it is included in the reckoning and he need count only six days afterwards. He counts the 30 days of *Sheloshim* from the day of the burial as stated above.

10 When a person buries his dead on the second day of a holiday which is the final day of a festival or on the second day of Shavuot, he should observe mourning rites, for the observance of the second day of a festival is a Rabbinic institution and the observance of mourning rites on the first day is a Scriptural obligation. Hence the observance of a positive Rabbinic commandment is superseded by the observance of a positive Scriptural commandment.

If, however, one buries his dead on the second day of Rosh HaShanah, he should not observe the mourning rites. For the two days of Rosh HaShanah are considered as one long day, because of the rationale explained in *Hilchot Kiddush HaChodesh*.

Chapter 11

1 Although the mourning rites are not observed at all during the festival,

one should rend his garments because of his dead on a festival and uncover his shoulder. Similarly, we bring the mourners bread of comfort during a festival. All of the above applies during Chol HaMoed. On a festival, even the second day of a festival, one should not rend his garments, uncover a shoulder, or bring bread of comfort.

2 We rend our garments and uncover our shoulders during a festival only for the relatives for whom we are obligated to mourn, for a sage, an upright person, or for a person when one was present at the time his soul expired.

Everyone brings the meal of comfort to his colleague for a sage during a festival in the main street of the city in the way the meal of comfort is brought for mourners. For everyone is a mourner because of him.

3 When we bring mourners the meal of comfort during a festival, we serve them while they are sitting on upright couches. We do not recite the mourning blessing during a festival. We do however stand in a line, comfort the mourners, and take leave of them.

We do not leave the bier in the public thoroughfare lest that encourage the delivery of a eulogy. For it is forbidden to deliver eulogies and to fast during a festival. Similarly, one should not gather the bones of one's father and mother during a festival for this evokes mourning for the person. Needless to say, this applies with regard to one's other relatives.

Similarly, we do not eulogize the dead on Chanukah, Purim, or Rosh Chodesh. We do, however, observe all the rites of mourning on those days. It is permitted to deliver eulogies on the days which precede and

which follow Chanukah and Purim.

4 During a festival, the woman may lament, but they do not pound their hands together in grief. On Rosh Chodesh, Chanukah, and Purim, they may both lament and pound their hands together in grief; they may not, however, recite dirges on any of these days. Once the dead has been buried, they should neither lament, nor pound their hands together.

5 What is meant by lamenting? That all raise their voices in mourning together. By reciting dirges? That one recites a dirge and all respond in lament, as implied by **Jeremiah 9:19**: "to teach your daughters mourning and a woman, her friends, a dirge."

When do all the above restrictions apply? When ordinary people die. When, however, a Torah scholar dies, he is eulogized during a festival. Needless to say, this applies on Chanukah, Purim, and Rosh Chodesh. This does not apply on the second day of a holiday.

On the days when a eulogy is permitted, it is permitted only in the deceased's presence. Once he is buried, a eulogy is forbidden. On the day when one hears a report of his death, it is as if one is in his presence and he may be eulogized even if it is a distant report.

6 A woman should not have a eulogy recited for a deceased person within 30 days so that the festival will not arrive when they are grieving. For a deceased person will not be forgotten in less than 30 days. When does the above apply? With regard to a person who died previously. If, however, a person died within 30 days of a festival, a eulogy may be recited.

7 The seven days of the wedding celebrations are comparable to a festival. Thus if a close relative of a person - even his father or mother - dies in the middle of these days of celebration, he should complete the seven days of celebration and then observe the seven days of mourning. He also counts the 30 days of mourning from the conclusion of the days of celebration.

8 The following rules apply when one prepared all the necessities for the wedding feast, baked his bread, slaughtered his animals to enter the celebration, and then one of his close relatives died before he began the celebration. If he did not place the meat in water, he should sell the meat and the bread, observe the seven days of mourning, and then observe the seven days of the wedding celebrations.

If he already placed the meat in water - in which instance, it cannot be resold - the corpse is placed inside a room and the groom and the bride are taken to the wedding canopy. Afterwards, he should engage in the marital relations which are a mitzvah, and then separate from his wife. He should observe the seven days of celebration and then the seven days of mourning.

Throughout the seven days of celebration, he must observe the private aspects of the laws of mourning as is required on the Sabbath. Therefore he should sleep together with other men and his wife should sleep with other women so that they do not engage in relations. For these 30 days, the bride should not be prevented from wearing jewelry.

In a place where it is possible to sell the meat even though it was placed in water, it should be sold and the mourning period observed first. In a place where it is impossible to sell the meat even though it was not placed in

water, the wedding celebrations should be observed first.

When does the above apply? When the father of the groom or the mother of the bride die. For if this feast is spoiled, they have no one to work to prepare another for them. If, however, the father of the bride, the mother of the groom, or other relatives die, one should observe the mourning period first. Only afterwards, should he enter the marriage canopy and observe the seven days of wedding celebrations.

Chapter 12

1 A eulogy is an honor for the deceased. Therefore we compel the heirs to pay the wages of the men and women who recite laments and they eulogize him. If the deceased directed that he not be eulogized, we do not eulogize him. If, however, he directed that he not be buried, we do not heed him, for burial is a mitzvah, as **Deuteronomy 21:23** states: "And you shall certainly bury him."

2 Anyone who is sluggish with regard to the eulogy for a sage will not live long. Anyone who is sluggish with regard to the eulogy of an upright person is fit to be buried in his lifetime. Anyone who sheds tears for an upright person will have his reward for this guarded by the Holy One, blessed be He.

3 We do not place a Torah scroll on the bier of a sage. We do not change him from one bier to another. We take his bier out only through the doorway; we do not lower it to remove it through the gardens. For others,

this is permitted.

4 We rise and sit no less than seven times in honor of a deceased person. There should be no less than ten men who rise and sit. Only relatives should participate. This rite is carried out only on the first day, in the cemetery, in communities where it is customary to observe it.
How is this rite carried out in communities where it is customary to observe it? We have the other relatives and the members of the family who are not required to mourn stand and we recite dirges and the like in their presence. Afterwards, one says: "Sit honored persons, sit." He then recites other statements of lament before them while they are sitting and then says: "Stand honored persons, stand." He then speaks again while they are standing and repeats this pattern seven times.

5 Just as we rise and sit in honor of men in places where this custom is observed, we observe the same rites in honor of women. Never, however, do we leave the bier of a women in the public thoroughfare, for this is considered disrespectful for a woman. Instead, she is buried directly after her death.

6 When a person gathers the bones of a deceased, mourning dirges and lamentations should not be recited, not should the mourning blessing or words of comfort for mourners be said. Instead, we recite only words of praise to the Holy One, blessed be He, and exhortations to repentance.

7 The following rules apply when a person moves the coffin of a person from one place to another. If the corpse's backbone is intact, we stand in a

line for him, recite the mourning blessing and the words of comfort for mourners. We eulogize him even if his bones were moved after twelve months after his death. If its backbone is not intact, we do not eulogize him. We do not stand in a line for him, nor do we recite the mourning blessing and the words of comfort for mourners.
The term "mourning blessing" refers to what is said in the mourners' home. The words of comfort for mourners refers to what is said when standing in a line.

8 When a person gathers the bones of his father and his mother, he should mourn for them for that entire day. In the evening, he should not mourn even though they are bound up in his sheet. One does not recite mourning dirges.

9 We do not eulogize children. How old must a child be to be fit to be eulogized? For the children of the poor or the children of the elderly, five years old. For the children of the wealthy, six years old. This applies to both boys and girls.

10 The following rules apply when a child dies. If he dies within 30 days of birth, he should be carried in one's bosom and buried with one woman and two men in attendance. He should not be buried with one man and two women in attendance because of the prohibition against men and women being together alone. We do not stand in a line because of him, nor do we recite the mourning blessing or the words of comfort for mourners.

When a child was a full 30 days old, his corpse should be carried in a small coffin that can be carried on one's forearms. We stand in a line because of him and recite the mourning blessing and the words of comfort for mourners. A child of twelve months is carried out in a bier.

11 Whenever a corpse is taken out in a bier, people at large should grieve for him. Whenever it is not taken out in a bier, people at large need not grieve for him. Whenever anyone is known to people at large, people at large should occupy themselves with his burial. When one is not known to people at large, people at large need not occupy themselves with his burial.

In a place where it is customary for women to walk before the bier, they walk before the bier; where it is customary for them to walk after the bier, they walk after the bier.

12 We do not eulogize servants and maidservants. Nor do we stand in a line because of them, nor do we recite the mourning blessing nor the words of comfort for mourners. Instead, we tell the master, as we would say if one lost an ox or a donkey: "May the Omnipresent replenish your loss."

Chapter 13

1 How are mourners comforted? After the deceased is buried, the mourners gather together and stand at the side of the cemetery. All of those who attended the funeral stand around them, line after line. A line may not be less than ten and the mourners are not included in the reckoning.

2 The mourners stand at the left side of the comforters and the comforters pass by the mourners one by one and tell them: "May you be comforted from heaven."

Afterwards, the mourner goes home. On each of the seven days of mourning, people come to comfort him. Whether new people come or not, the others still comfort him.

3 The mourner sits at the head of the company. The comforters are permitted to sit only on the ground, as **Job 2:13** states: "And they sat with him on the ground." They are not permitted to say anything until the mourner opens his mouth first, as it is written (*ibid.*): "And no one spoke anything to him." And it states (*ibid.* 3:1, 4:1): "And then Job held forth.... And Eliphaz responded."

Once the mourner shakes his head, the comforters are no longer permitted to sit with him, so that they do not trouble him overly so.

4 When a deceased person has no mourners who must be comforted, ten upright men from the community at large come and sit in his place throughout the seven days of mourning. Others gather around them. If there are not ten fixed people who remain throughout the seven days, each day, ten other people are selected and they sit in his place.

5 Everyone is obligated to stand in front of a *nasi* except a mourner and sick person. To all who stand in his presence, he says: "Sit," with the exception of a mourner and sick person, for that would imply: "Remain in your mourning," "Remain in your illness."

6 We sweep and we mop in a mourner's home. We wash plates, cups, pitchers, and bottles, and light lamps. We do not, however, bring incense or spices.

7 We do not bring the food for the meal of comfort to a mourner's home in silver or cork utensils or the like, but wicker-work baskets of planed willow trees or the like so as not to embarrass a person who lacks means. Similarly, beverages are not poured in clear glasses rather than colored ones so as not to embarrass the poor whose wine is not of a high quality.

8 No one person should drink more than ten cups of wine in the house of a mourner: three before the meal, three during the meal, and four afterwards. One should not drink more lest he become intoxicated.

9 We do not relate teachings of Torah law or homiletic insights in the home of a mourner. Instead, we sit in grief. In the presence of the corpse, we speak only of matters related to the corpse. To be involved in Torah study in the presence of a corpse or in a cemetery is forbidden.

10 One should not cry over the deceased for more than three days and one should not eulogize him for more than seven.
When does the above apply? To people at large. With regard to Torah scholars, by contrast, everything depends on their wisdom. In any case, we do not cry over them for more than 30 days, for we have no one greater than Moses our teacher and concerning him, Deutronomy 34:8 states: "The children of Israel cried over Moses... for 30 days and the days of crying in mourning for Moses concluded."

We do not eulogize for more than twelve months, for we have no one of greater wisdom than our holy teacher Rabbeinu Hakodesh, and he was eulogized for only twelve months. Similarly, if a report of a wise man's death reaches us after twelve months, we do not eulogize him.

11 A person should not become excessively broken hearted because of a person's death, as **Jeremiah 22:10** states: "Do not weep for a dead man and do not shake your head because of him." That means not to weep excessively. For death is the pattern of the world. And a person who causes himself grief because of the pattern of the world is a fool.

What should one do? Weep for three days, eulogize for seven, and observe the restrictions on cutting one's hair and the other five matters for 30 days.

12 Whoever does not mourn over his dead in the manner which our Sages commanded is cruel. Instead, one should be fearful, worry, examine his deeds and repent.

If one member of a group dies, the entire group should worry. For the first three days, one should see himself as if a sword is drawn over his neck. From the third day until the seventh, he should consider it as if it is in the corner. From that time onward, as if it is passing before him in the market place. All of this is so that a person should prepare himself and repent and awake from his sleep. Behold it is written **Jeremiah 5:3**: "You have stricken them, but they have not trembled." Implied is that one should awake and tremble.

Chapter 14

1 It is a positive commandment of Rabbinic origin to visit the sick, comfort mourners, to prepare for a funeral, prepare a bride, accompany guests, attend to all the needs of a burial, carry a corpse on one's shoulders, walk before the bier, mourn, dig a grave, and bury the dead, and also to bring joy to a bride and groom and help them in all their needs. These are deeds of kindness that one carries out with his person that have no limit.
Although all these mitzvot are of Rabbinic origin, they are included in the Scriptural commandment **Leviticus 19:18**: "Love your neighbor as yourself." That charge implies that whatever you would like other people to do for you, you should do for your comrade in the Torah and mitzvot.

2 The reward one receives for accompanying guests is greater than all of the others. This is a statute which Abraham our Patriarch instituted and the path of kindness which he would follow. He would feed wayfarers, provide them with drink, and accompany them. Showing hospitality for guests surpasses receiving the Divine Presence as **Genesis 18:3** states: "And he saw and behold there were three people."
Accompanying them is greater than showing them hospitality. Our Sages said: "Whoever does not accompany them is considered as if he shed blood."

3 We compel people to accompany wayfarers in the same manner as we compel them to give charity. The court would prepare agents to accompany people who travel from place to place. If they were lax in this

matter, it is considered as if they shed blood. Even a person who accompanies a colleague for four cubits will receive a great reward.

What is the extent to which a person must accompany a colleague? A teacher must accompany his student to the outskirts of the city. A person must accompany a colleague to the city's Sabbath limits. A student must accompany his teacher for a *parsah*. If he was his master teacher, he must accompany him until three *parseot*.

4 It is a mitzvah incumbent on everyone to visit the sick. Even a person of great spiritual stature should visit one of lesser stature. One may visit many times during the day. Whoever increases the frequency of his visits is praiseworthy provided he does not become burdensome. Whoever visits a sick person removes a portion of his sickness and relieves him. Whoever does not visit the sick is consider as if he shed blood.

5 We do not visit the sick except from the third day onward. If, however, a person became ill suddenly and his illness became very severe, he should be visited immediately.

We do not visit the sick during the first three hours of the day, nor in the last three hours because his attendants are tending to the sick person's needs. We do not visit patients with stomach illnesses, eye illnesses, or headaches because the visits are difficult for them.

6 When one comes to visit a sick person, he should not sit on a bed, nor on a chair, nor on a bench, nor on a high place, nor above the invalid's head. Instead, he should wrap himself in a *tallit*, sit below his head, entreat God

for mercy on his behalf and depart.

7 It appears to me that comforting mourners takes precedence over visiting the sick. For comforting mourners is an expression of kindness to the living and the dead.

8 When a person is faced with either tending to a corpse or a bride, he should leave the bride and occupy himself with the corpse. Thus **Ecclesiastes 7:4** states: "The heart of the wise is in the house of mourning." When a corpse and a bride confront each other on a road, the corpse is turned aside before the bride. Both of these should turn aside before a king

9 We nullify Torah study for a funeral and for a wedding. When does the above apply? When there are not enough people to care for a corpse. If there are enough people to care for it, Torah study should not nullified. Whoever does not occupy himself with Torah study is obligated to occupy himself with the corpse.

10 If there is one corpse in a city, all the inhabitants of the city are forbidden to perform work until they bury him. If there is a person responsible for tending to the needs of funeral, the others are permitted.

11 When a Torah scholar dies, unless there are 600,000 to accompany him, we nullify Torah study for his funeral. If there are 600,000, we do not nullify Torah study. If he would also teach others, there is no limit. Instead, we nullify everyone from their ordinary activity for his funeral.

12 We bury the dead of the gentiles, comfort their mourners, and visit their sick, as an expression of the ways of peace.

13 It is forbidden to benefit from a cemetery. What is implied? We do not eat or drink, perform work read the Torah or study the Oral Law within them. The general principle is: We do not benefit from them nor act frivolously within them.

A person should not walk within four cubits of a grave with *tefillin* in his hand or a Torah scroll in his arm, nor should he pray there. At a distance of four cubits, this is permitted.

14 When a person is transporting the bones of a corpse from one place to another, he should not put them in a leather sack, place them on a donkey and ride upon them, because this is treating them contemptuously. If he was afraid of thieves or robbers, this is permitted.

15 We do not move a corpse from one grave to another, even from a denigrating site to an honorable one. If the grave was located in another person's property, the corpse may be moved even from an honorable site to a denigrating one.

16 We do not bury one corpse on top of another, nor do we bury two corpses together, for this is denigrating. A baby who sleeps with his mother may be buried with her.

17 It is not forbidden to benefit from the earth of a grave. For ordinary earth never becomes forbidden. It is, by contrast, forbidden to benefit from a

building which is a grave.

18 When a person builds a grave for a deceased person, the grave does not become forbidden until the corpse is placed inside. Even if one places a stillborn infant in a grave, the prohibition against benefiting from it takes effect.

19 The following rules apply when a monument is built for the sake of a living person and a corpse is placed within. If one row of bricks was added for the sake of the deceased person, it is forbidden to derive benefit from the entire monument even after the corpse was removed from there. If one recognized the addition, one may remove it and then the remainder is permitted. If the monument was made for the sake of the deceased, once the corpse was placed in it, it becomes forbidden even though the corpse was removed.

20 When a person builds a grave for his father and then buries his father's corpse in another grave, he should never bury another corpse in that grave. Instead, it is forbidden to benefit from this grave forever as an expression of respect for his father.

21 It is forbidden to benefit from a corpse with the exception of its hair. One may benefit from hair, because it is not his body. Similarly, it is forbidden to benefit from the coffin and the shrouds. There is no prohibition against benefiting from garments prepared to be used as shrouds. Even if one knitted a garment to be used for a corpse, they are not forbidden until they reach the bier which is buried with him. For designation of an article

to be used for a corpse does not cause it to be forbidden.

22 It is forbidden to benefit from all the garments thrown upon the deceased on the bier which is buried with him, so that because of them, confusion will not arise with regard to shrouds.

23 If a person's father or mother were throwing garments on the bier in their extreme aggravation, it is a mitzvah for others to save them. If they reached the bier which is buried with the corpse, we do not save them.

24 We teach a person that he should not recklessly destroy property and throw it to oblivion. It is better to give it to the poor than to throw it to maggots and worms. Whoever casts many articles on a deceased person violates the commandment against destroying property.

25 When a king dies, we ruin the horse that he would ride upon and the calf that pulls the wagon in which he would sit. We cut off its hooves from below the knee, a place that does not render it *trefe*.
We convene a *yeshivah* at his grave for seven days, as **II Chronicles 32:33** states: "They honored him in his death." Our Sages interpret this as meaning: they convened a *yeshivah* at his grave. When a *nasi* dies, we do not nullify his *yeshivah* for more than 30 days.

26 When a king or a *nasi* dies, one may burn his bed and all his personal utensils. This is not considered as an Amorite or destructive practice. For *Jeremiah* 34:5 states: "You shall die in peace, and as they made pyres for your ancestors, the earlier kings..., they will make pyres for you."

Mishneh Torah, Kings and Wars

Trans. by Eliyahu Touger, Moznaim Publishing

Chapter 1

1 Israel was commanded to fulfill three mitzvot upon entering the Promised Land:

a) To choose a king, as **Deuteronomy 17:15** states: 'Appoint a king over yourselves;'

b) To wipe out the descendents of Amalek, as **Deuteronomy 25:19** states: 'Erase the memory of Amalek;'

c) To build God's Chosen House, as **Deuteronomy 12:5** states: 'Seek out His Presence and go there.'

2 The appointment of a king should precede the war against Amalek. This is evident from Samuel's charge to King Saul (**I Samuel 15**: l-3): 'God sent me to anoint you as king ... Now, go and smite Amalek.'

Amalek's seed should be annihilated before the construction of the Temple, as **II Samuel 7:1-2** states: 'And it came to pass, when the king dwelled in his palace, and God gave him peace from all his enemies who surrounded him, the king said to Nathan, the prophet: 'Look! I am dwelling in a house of cedar, ... but the ark of God dwells within curtains.'

Since it is a mitzvah to appoint a king, why was God displeased with the people's request of a king from Samuel? Because they made their request in a spirit of complaint. Rather than seeking to fulfill the mitzvah of appointing a king, they were simply intent on rejecting the Prophet

Samuel as implied by God's reply to him (**I Samuel 8:7** : 'It is not you, but Me they have rejected.'

3 As an initial and preferred option, a king may be appointed only by a court of 70 elders, together with a prophet, as Joshua was appointed by Moses and his court, and as Saul and David, were appointed by Samuel of Ramah and his court.

4 A king should not be appointed from converts to Judaism. This applies even if the convert's ancestors had been Jewish for many generations, unless his mother [or father] is a native-born Israelite, as **Deuteronomy 17:15** states: 'You may not appoint a foreigner who is not one of your brethren.'

This does not apply to the monarchy alone, but to all positions of authority within Israel. A convert may not serve as an army commander, a leader of fifty, or as a leader of ten. He may not even supervise the allocation of water from a stream to various fields.

Needless to say, a judge or a *nasi* should only be a native-born Israelite, as it is stated (*ibid.*): 'Appoint a king over you from among your brethren.' This implies that all appointments must only be 'from your brethren.'

5 We may not appoint a woman as king. When describing the monarchy, the Torah employs the male form of the word king and not the female.

This principle also applies to all other positions of authority within Israel. Only men should be appointed to fill them.

6 Neither a butcher, barber, bath-attendant, nor a tanner should be

appointed king or High-Priest. This is not because of an inherent fault, but because their professions are less prestigious, and the people will always treat them lightly.

A person who has served in one of these professions for even one day, is disqualified for the monarchy.

7 When a king is appointed, he is anointed with oil reserved for this purpose, as **I Samuel 10:1** states: 'And Samuel took the cruse of oil and poured it over his head. Then, he kissed him.'

Once a king is anointed, he and his descendents are granted the monarchy until eternity, for the monarchy is passed down by inheritance, as **Deuteronomy 17:20** states 'Thus, he the king and his descendents will prolong their reign in the midst of Israel.'

If the king leaves only a young son, the monarchy should be held for him until he matures, as Yehoyada did for Yoash. The order of inheritance of the monarchy is the same as that governing the inheritance of property. An older son is given precedence over a younger one.

Not only the monarchy, but all other positions of authority and appointments in Israel, are transferred to one's children and grandchildren as inheritances forever.

The above applies if the knowledge and the fear of God of the son is equivalent to that of his ancestors. If his fear of God is equivalent to theirs but not his knowledge, he should be granted his father's position and given instruction. However, under no circumstance should a person who lacks the fear of God be appointed to any position in Israel, even though he possesses much knowledge.

Once David was anointed king, he acquired the crown of kingship. Afterwards, the kingship belonged to him and to his male descendents forever, as **II Samuel 7: 16** states: 'Your throne shall be established forever.' Nevertheless, his acquisition of the monarchy was conditional, applying only to the righteous among his descendents, as **Psalms 132:12** states: 'If your children will keep My covenant... their children shall also sit on your throne forever.'

Despite this condition, God assured David that the monarchy would never be taken from his descendents forever, as **Psalms 89:31-38** states: "lf his children will forsake My Torah and cease walking in My statutes ... I will punish their transgressions with the rod and their sins with plagues. Nevertheless, I will not utterly remove My grace from him.... His throne shall be ... established forever.'

8 If a prophet appoints a king from any other tribe of Israel and that king follows the path of Torah and mitzvot and fights the wars of God, he is considered as a king, and all the commandments associated with the monarchy apply to him.

Although the kingship was primarily given to David and one of his descendents will be serving as king, there is halachic legitimacy to the rule of other kings. Behold, Achiyah of Shilo appointed Jeroboam and told him (**I Kings 11:38** : 'And it shall be that if you obey all that I command you... I will build you a faithful house as I built for David.' Similarly, Achiyah told him (*ibid.*: 36): 'To his (David's) son, I will grant one tribe, so that David, My servant, will always have sovereignty before Me in Jerusalem.'

9 The kings of the Davidic dynasty will prevail forever (**II Samuel 7:16** : 'Your throne shall be established forever.' In contrast, should a king arise from other Israelites, the monarchy will eventually cease from his descendents. For behold, Jeroboam was told: **I Kings 11:39** 'I will afflict the House of David.... but not forever.'

10 Kings of Israel are not anointed with the special anointing oil, but with Afarsimon oil. Only a descendent of David may be appointed as king in Jerusalem. And only descendents of David are anointed with the special anointing oil.

11 The kings of the Davidic dynasty should only be anointed near a spring.

12 A son who succeeds his father as king is not anointed unless he assumes his position amid a dispute over the inheritance or during a civil war. Under these circumstances, he should be anointed in order to remove all disagreement.
Therefore, they anointed Solomon because of the claim of Adoniyahu, Jehoash, because of the usurpation of Atalyah, and Jehoachaz, because of [the claim of his brother, Jehoyakim.

Chapter 2

1 The king must be treated with great honor. We must implant awe and fear of him in the hearts of all men. The command **Deuteronomy 17:15**: 'Appoint a king' implies the obligation to be in awe of him.
We may not ride on his horse, nor sit on his throne, use his scepter, wear

his crown, or use any of his utensils. When he dies, they should all be burned before his bier.

Similarly, only another king is allowed to make use of his servants, maids, and attendants. Accordingly, Avishag was permitted to Solomon, but prohibited to Adoniyahu.

2 However, a king's wife is forbidden to share intimacy with another person forever. Even another king may not marry a king's widow or divorced exwife.

3 It is forbidden to observe him while he is naked, while he is having his hair cut, while he is in the baths, or while he is drying himself afterwards.

He may not perform *chalitzah*, for concerning that ritual, it is said **Deuteronomy 25:9**: 'And she shall spit before him.' This would be disrespectful to the king.

Even if he desires to perform this mitzvah, he is not given the opportunity because a king's honor must be preserved even though he is willing to forgo it.

Since he is not allowed to perform *chalitzah*, he is not eligible to participate in *yibbum*. Similarly, in the event of his death, since it is forbidden to initiate *yibbum* with his wife, *chalitzah* is also not performed for her. Rather, she must remain in her state of attachment forever.

4 Even if one of his close relatives dies, he may not leave his palace. When he is served the meal of comfort, the entire nation should sit on the ground and he should sit on a low couch.

If he enters the Temple courtyard, and he is of David's descendents, he may sit. For the only ones who may sit in the Temple Courtyard are kings of the Davidic dynasty, as **II Samuel 7:18** states: 'And David sat before God.'

5 A king should have his hair cut every day. He should dress and adorn himself in attractive and impressive garments, as **Isaiah 33:17** states: 'Your eyes shall behold the king in his beauty.'

He sits on his throne in his palace and has a crown placed on his head.

When he desires, the nation must present themselves before him. They should stand before him and prostrate themselves to the ground. Even a prophet must stand before the king and prostrate himself on the ground, as **I Kings 1:23** states: 'Behold, Nathan, the prophet came before the king and prostrated himself before the king.'

However, a High Priest need not come before the king unless he the High Priest desires to do so. The High Priest need not stand before the king. Rather, the king stands before the High Priest, as **Numbers 27:21** states: 'And he shall stand before Elazar, the priest.'

Nevertheless, it is a mitzvah for the High Priest to honor the king by having him seated and standing in his presence when he visits him. The king should only stand before him when he consults the *Urim* and *Tumim*.

Similarly, it is a mitzvah for the king to honor students of Torah when they enter his presence. He should stand before the *Sanhedrin* and the Sages of Israel and seat them at his side.

Jehosephat, King of Judah would follow this practice. Whenever even a

student of a Torah scholar would come to him, he would rise from his throne and kiss him and address him as 'My teacher and master.'

When does the above apply? When the king is alone in his palace. Then, in private, before his servants, he should behave in this fashion. However, in public, before the people at large, he should not conduct himself in this manner. He should not stand before anyone. He should not speak gently and should address a person using his name alone in order that the awe of him will be implanted in everyone's hearts.

6 Just as the Torah has granted him great honor and obligated everyone to revere him; so, too, has it commanded him to be lowly and empty at heart, as **Psalms 109:22** states: 'My heart is a void within me.' Nor should he treat Israel with overbearing haughtiness. For **Deuteronomy 17:20** describes how 'he should not lift up his heart above his brothers.'

He should be gracious and merciful to the small and the great, involving himself in their good and welfare. He should protect the honor of even the humblest of men.

When he speaks to the people as a community, he should speak gently, as **I Chronicles 28:2** states 'Listen my brothers and my people....' Similarly, **I Kings 12:7** states 'If today, you will be a servant to these people....'

He should always conduct himself with great humility. There is none greater than Moses, our teacher. Yet, he said **Exodus 16:8**: 'What are we? Your complaints are not against us.' He should bear the nation's difficulties, burdens, complaints, and anger as a nurse carries an infant.

Psalms 78:71 refers to a king as a shepherd: 'to pasture, Jacob, His nation.' The prophets have described the behavior of a shepherd (**Isaiah 40:11** :

'He shall pasture His flock like a shepherd, He shall gather the lambs with His arm and carry them in His bosom."

Chapter 3

1 During a king's reign, he must write a Torah scroll for himself in addition to the scroll which was left to him by his ancestors. A court of 71 elders should check this scroll by comparing it to the Torah scroll kept in the Temple Courtyard.

If his ancestors did not leave him a Torah scroll or that scroll was lost, he must write two Torah scrolls:

one, in whose writing, he is obligated as is every individual Israelite, and which he places in his treasury;

the second, which should not move from his presence except when he enters a lavatory, the baths, or other places in which it is not fit to read the words of Torah.

When he goes to war, this scroll should accompany him. When he returns, it should accompany him. When he sits in judgement, it should be with him. When he dines, it should be opposite him, as **Deuteronomy 17:19** states: 'It should accompany him and he should read it all the days of his life.'

2 'He should not amass many wives' **Deuteronomy 17:17**. The Oral Tradition states that he may take no more than eighteen wives.

The figure eighteen includes both wives and concubines. If he takes an additional wife and has relations with her, he is punished with lashes.

He may divorce one of his wives and marry another instead of the one he divorced.

3 He may not accumulate many horses, only what is necessary for his cavalry. It is even forbidden for him to have one additional horse to run before him as is customarily done by other kings. If he adds an additional horse, he is to be lashed.

4 He may not amass silver and gold to keep in his personal treasury in order to boost his pride or allow him to glorify himself. Rather, he may collect only what is necessary to pay his soldiers, servants, and attendants.

Any gold and silver which he does accumulate should be given to the Temple treasury to be kept there, in readiness for the needs of the community and their wars.

It is a mitzvah to accumulate such treasure stores. The prohibition is only against amassing personal wealth in his own treasure houses, as **Deuteronomy 17:17** states: 'He shall not amass for himself...' Should he amass personal wealth, he is to be lashed.

5 The king is forbidden to drink wine to the point of intoxication, as **Proverbs 31:4** states: 'It is not for kings to drink wine....'

Rather, he should be involved with Torah study and the needs of Israel by day and by night, as Deuteronomy, *loc. cit.* states: 'It should accompany him and he should read it all the days of his life.'

6 Similarly, he should not be overly indulgent in his relations with his wives. Even if he has only one wife, he should not constantly be with her as is

the practice of fools, as **Proverbs 31:3** states: 'Do not give your strength to women.'

When the Torah forbade the king from accumulating many wives, its emphasis was that his heart not go astray as **Deuteronomy 17: 17** warns: 'lest his heart go astray.' His heart is the heart of the entire congregation of Israel. Therefore, the verse commanded him to have it cleave to the Torah to a greater degree than the rest of the nation, as it is stated: 'all the days of his life.'

7 We have already explained that kings of the Davidic dynasty may be judged and testimony may be given against them.

However, in regard to the other kings of Israel, the Sages decreed that they neither sit in judgement or be judged. They may not give testimony, nor is testimony given against them. This is because they are arrogant and the matter may cause a tragedy and loss to the faith.

8 Anyone who rebels against a king of Israel may be executed by the king.

Even if the king orders one of the people to go to a particular place and the latter refuses, or he orders him not to leave his house and he goes out, the offender is liable to be put to death. The king may execute him if he desires, as **Joshua 1:18** states: 'Whoever rebels against your command ... shall be put to death."

Similarly, anyone who embarrasses or shames the king may be executed by the king as was Shim'i ben Gera.

The king may only execute people by decapitation. He may also imprison offenders and have them beaten with rods to protect his honor. However,

he may not confiscate property. If he does, it is considered theft.

9 A person who negates a king's command because he was occupied with a mitzvah, even a minor one, is not liable. Whose words should have precedence in case of conflict, the words of the Master or the words of the subject? Needless to say, if a king decrees that a mitzvah should be negated, his words should not be heeded.

10 A murderer against whom the evidence is not totally conclusive, or who was not warned before he slew his victim, or even one who was observed by only one witness, and similarly, an enemy who inadvertently killed one of his foes - the king is granted license to execute them and to improve society according to the needs of the time.

He may execute many on one day, hang them, and leave them hanging for many days in order to cast fear into the hearts and destroy the power of the wicked of the earth.

Chapter 4

1 The king is granted license to levy taxes upon the nation for his needs or for the purpose of war. He may also fix a duty on merchandise. It is forbidden to avoid paying this duty. The king has the right to decree that if someone does not pay these duties, his property will be seized or he will be killed.

These laws are derived as follows: **I Samuel 8:17** states: 'You will be servants to him, the king.' Previously, **Deuteronomy 20:11** states: 'They

shall be subject to your levy and they shall serve you.' From this association, it is derived that the king may levy taxes and fix duties.
The statutes that he establishes in these and related matters are accepted as law for all the matters mentioned in the Biblical passage concerning the king are rights to which the king is entitled.

2 He may also send throughout the territory of *Eretz Yisrael* and take from the nation valiant men and men of war and employ them as soldiers for his chariot and cavalry. Similarly, he may appoint them as his body guard and as footmen to run before him as **I Samuel 8:11** states: 'He shall place them among his charioteers and his horsemen and they shall run before his chariot.' He may also take the choicest of them to be his servants and attendants as *ibid.*:16 states: 'He shall take... your finest young men... to do his work.'

3 Similarly, he may take all those that are necessary for him from the nation's craftsmen and employ them to do his work. He must pay their wages. He may also take all the beasts, servants, and maids that are necessary for his tasks. He must pay their hire or their value as *ibid.*:12-16 states: 'He will set them to plough his ground and to reap his harvest, to make instruments of war, and gear for his chariots.... He will take your servants, your maids, your finest young men, and your donkeys to do his work.'

4 Similarly, he may take wives and concubines from the entire territory of *Eretz Yisrael*. The term 'wives' implies women who were married with A

ketubah and *kiddushin*; concubines, women who were not given A *ketubah* and *kiddushin*. With the act of *yichud* alone, the king acquires her and relations with her are permitted him.

A commoner is forbidden to have a concubine. The only similar relationship is the union with a Hebrew maid servant after she has been designated by her master.

The king may make the concubines which he takes to his palace cooks, bakers, and perfumers as *ibid.*:13 states: 'He will take your daughters to be perfumers, cooks, and bakers.

5 He may force those who are fit to serve as officers, appointing them as leaders of thousands and leaders of fifties as *ibid.*:12 states: 'He shall appoint them as leaders of thousands and leaders of fifties for himself.'

6 He may take fields, olive groves, and vineyards for his servants when they go to war and allow them to commandeer these places if they have no source of nurture other than them. He must pay for what is taken. This is stated in *ibid.*:14: 'He shall take your good fields, vineyards, and olive groves and give them to his servants.

7 He is entitled to a tenth of the produce of the seed and the orchards and the newborn beasts as *ibid.*:16-17 states: 'He will take a tenth of your seed and your vineyards...He shall take a tenth of your sheep.'

8 The Messianic king may take a thirteenth portion of all the lands conquered by Israel as his own. This will be an allotment for him and his descendants forever.

9 The property of all those executed by the king, belongs to the king. Similarly, all the treasures belonging to the kings of the kingdoms which he conquers become the property of the king.

In regard to the other spoil which is taken. The soldiers may take spoil. Afterwards, they must bring it to the king. He is entitled to one half of the spoil. He takes this portion first.

The second half of the spoil is divided between the combat soldiers and the people who remained in camp to guard the baggage. An equal division is made between them as **I Samuel 30:24** relates: 'The portion of those who go down to the battle will be as the portion of those who stay with the baggage. They shall divide equally.'

10 All the lands that he conquers belong to him. He may apportion them to his servants and soldiers as he desires and keep the remainder for himself. In all these matters, the judgement he makes is binding.

In all matters, his deeds shall be for the sake of heaven. His purpose and intent shall be to elevate the true faith and fill the world with justice, destroying the power of the wicked and waging the wars of God. For the entire purpose of appointing a king is to execute justice and wage wars as **I Samuel 8:20** states: 'Our king shall judge us, go out before us, and wage our wars.'

Chapter 5

1 A king should not wage other wars before a *milchemet mitzvah*. What is considered as *milchemet mitzvah*? The war against the seven nations who

occupied *Eretz Yisrael*, the war against Amalek, and a war fought to assist Israel from an enemy which attacks them.

Afterwards, he may wage a *milchemet hareshut*, i.e. a war fought with other nations in order to expand the borders of Israel or magnify its greatness and reputation.

2 There is no need to seek the permission of the court to wage a *milchemet mitzvah*. Rather, he may go out on his own volition and force the nation to go out with him. In contrast, he may not lead the nation out to wage a *milchemat hareshut* unless the court of seventy one judges approves.

3 The king may burst through the fences surrounding fields or vineyards to make a road and no one can take issue with him.

There is no limit to the road the king may make. Rather, it may be as wide as necessary. He need not make his road crooked because of an individual's vineyard or field. Rather, he may proceed on a straight path and carry out his war.

4 It is a positive commandment to annihilate the seven nations who dwelled in *Eretz Yisrael* as **Deuteronomy 20:17** states: 'You shall utterly destroy them.'

Anyone who chances upon one of them and does not kill him violates a negative commandment as *ibid.*:16 states: 'Do not allow a soul to live.' The memory of them has already been obliterated.

5 Similarly, it is a positive commandment to destroy the memory of Amalek, as **Deuteronomy 25:19** states: 'Obliterate the memory of Amalek.

It is also a positive commandment to constantly remember their evil deeds and their ambush of Israel to arouse our hatred of them, as *ibid.*:17 states: 'Remember what Amalek did to you.' The Oral Tradition teaches: ...Remember' - with your mouths; ...Do not forget' - in your hearts.' For it is forbidden to forget our hatred and enmity for them.

6 All the lands which Israel conquers in wars led by a king and approved by the court are considered as conquered by the people at large. Thus, they have the same status as *Eretz Yisrael* which was conquered by Joshua in every regard. This only applies if they were conquered after the conquest of *Eretz Yisrael* as described in the Torah.

7 It is permitted to dwell anywhere in the entire world with the exception of the land of Egypt. Its territory includes a square of 400 *parsah* by 400 *parsah* from the Mediterranean Sea proceeding westward, bordering on the land of Kush and the desert. It is forbidden to dwell in this entire territory.

In three places, the Torah warned against returning to Egypt:

a) 'God has told you, you must never again return on that path' (**Deuteronomy 17:16** ;

b) 'You shall not see it again' (**Deuteronomy 28:68** ;

c) 'You shall never see them again forever' (**Exodus 14:13** .

Alexandria is included in this prohibition.

8 It is permitted to return to Egypt for the purpose of trade and commerce and to pass through while conquering other nations. The prohibition

consists of settling there.

Lashes are not given as punishment for the violation of this prohibition because at the time one enters, there is no prohibition. Should he decide to settle there, there is no deed involved.

It appears to me that if a king of Israel would conquer the land of Egypt with the approval of the court, it would be permissible to settle there. The prohibition against returning was only given to individuals or to dwell there while it is under the rule of the gentiles for their behavior is more depraved than that of the peoples of other lands as can be inferred from **Leviticus 18:3**: 'Do not follow the ways of Egypt....'

9 It is forbidden to leave *Eretz Yisrael* for the Diaspora at all times except:

to study Torah;

to marry; or

to save one's property from the gentiles.

After accomplishing these objectives, one must return to *Eretz Yisrael*.

Similarly, one may leave *Eretz Yisrael* to conduct commercial enterprises. However, it is forbidden to leave with the intent of settling permanently in the Diaspora unless the famine in *Eretz Yisrael* is so severe that a *dinar's* worth of wheat is sold at two *dinarim*.

When do these conditions apply? When one possesses financial resources and food is expensive. However, if food is inexpensive, but a person cannot find financial resources or employment and has no money available, he may leave and go to any place where he can find relief.

Though it is permitted to leave *Eretz Yisrael* under these circumstances, it is not pious behavior. Behold, Machlon and Kilyon were two of the great

men of the generation and they left *Eretz Yisrael* only out of great distress. Nevertheless, they were found worthy of death by God.

10 Great sages would kiss the borders of *Eretz Yisrael*, kiss its stones, and roll in its dust. Similarly, **Psalms 102:15** declares: 'Behold, your servants hold her stones dear and cherish her dust.'

11 The Sages commented: 'Whoever dwells in *Eretz Yisrael* will have his sins forgiven as **Isaiah 33:24** states: 'The inhabitant shall not say 'I am sick.' The people who dwell there shall be forgiven their sins.'

Even one who walks four cubits there will merit the world to come and one who is buried there receives atonement as if the place in which he is buried is an altar of atonement as **Deuteronomy 32:43** states: 'His land will atone for His people.' In contrast, the prophet, Amos [7:17, used the expression] 'You shall die in an impure land' as a prophecy of retribution.

There is no comparison between the merit of a person who lives in *Eretz Yisrael* and ultimately, is buried there and one whose body is brought there after his death. Nevertheless, great Sages would bring their dead there. Take an example, from our Patriarch, Jacob, and Joseph, the righteous.

12 At all times, a person should dwell in *Eretz Yisrael* even in a city whose population is primarily gentile, rather than dwell in the Diaspora, even in a city whose population is primarily Jewish.

This applies because whoever leaves *Eretz Yisrael* for the Diaspora is considered as if he worships idols as **I Samuel 26:19** states 'They have

driven me out today from dwelling in the heritage of God, saying 'Go, serve other gods.' Similarly, Ezekiel's (13:9) prophecies of retribution state: 'They shall not come to the land of Israel.'

Just as it is forbidden to leave the chosen land for the Diaspora, it is also forbidden to leave Babylon for other lands as **Jeremiah 27:22** states: 'They shall be brought to Babylon and there they shall be until I take heed of them... and restore them to this place.'

Chapter 6

1 War, neither a *milchemet hareshut* or a *milchemet mitzvah*, should not be waged against anyone until they are offered the opportunity of peace as **Deuteronomy 20:10** states: 'When you approach a city to wage war against it, you should propose a peaceful settlement.'

If the enemy accepts the offer of peace and commits itself to the fulfillment of the seven mitzvot that were commanded to Noah's descendents, none of them should be killed. Rather, they should be subjugated as *ibid.*:11 states: 'They shall be your subjects and serve you.'

If they agree to tribute, but do not accept subjugation or if they accept subjugation, but do not agree to tribute, their offer should not be heeded. They must accept both.

The subjugation they must accept consists of being on a lower level, scorned and humble. They must never raise their heads against Israel, but must remain subjugated under their rule. They may never be appointed over a Jew in any matter whatsoever.

The tribute they must accept consists of being prepared to support the

king's service with their money and with their persons; for example, the building of walls, strengthening the fortresses, building the king's palace, and the like as **I Kings 9:15-22**) relates: "This is the tribute which Solomon raised to build the House of God, his own palace, the Milo, the wall of Jerusalem,... and all the store-cities which Solomon had... All the people that remained from the Amorites... upon them did Solomon lay a tribute of bondservice until this day."

In contrast, Solomon did not make bondsmen out of the children of Israel. They were men of war, his personal servants, his princes, his captains, the officers of his chariots, and his horsemen.

2 In the settlement he offers, the king may propose that he is entitled to take half their financial resources. Or he may propose to take all their landed property and leave them their movable property; or to take all their movable property and leave their land.

3 It is forbidden to lie when making such a covenant or to be untruthful to them after they have made peace and accepted the seven mitzvot.

4 If they do not agree to a peaceful settlement, or if they agree to a peaceful settlement, but refuse to accept the seven mitzvot, war should be waged against them.

All males past majority should be killed. Their money and their children should be taken as spoil, but neither women or children should be killed, as **Deuteronomy 20:14** states: 'But the women and the children... take as spoil." 'The children' refer to males below the age of majority.

The above applies to a *milchemet hareshut* fought with other nations. However, if either the seven nations or Amalek refuse to accept a peaceful settlement, not one soul of them may be left alive as *ibid.* 20:15-16 states: 'Do this to all the cities that ... are not the cities of these nations. However, from the cities of these nations,... do not leave a soul alive.' Similarly, in regard to Amalek, **Deuteronomy 25:19** states: 'Obliterate the memory of Amalek.'

How do we know that these commands are only referring to those who did not accept a peaceful settlement? **Joshua 11:19-20** states: 'There was no city which accepted a peaceful settlement with the children of Israel except the Chivites who lived in Gibeon. All the rest, they conquered in battle. This was inspired by God, Who strengthened their hearts to engage in battle against Israel so that they would be destroyed.' From these statements, we can infer that a peaceful settlement was offered, but they did not accept it.

5 Joshua sent three letters to the Canaanites before entering the promised land: At first, he sent them: 'Whoever desires to flee, should flee.'

Afterwards, he sent a second message: 'Whoever desires to accept a peaceful settlement, should make peace.'

Then, he sent again: 'Whoever desires war, should do battle.'

If so, why did the inhabitants of Gibeon employ a ruse? Because originally, when he sent the message to them as part of all the Canaanite nations, they did not accept. They were not aware of the laws of Israel and thought that they would never be offered a peaceful settlement again.

Why was the matter difficult for the princes of Israel to accept to the

point that they desired to slay the Gibeonites by the sword were it not for the oath they had taken? Because they made a covenant with them and **Deuteronomy 7:2** states 'Do not make a covenant with them.' Rather, the laws governing their status would have prescribed that they be subjugated as servants.

Since the oath was given to them under false pretenses, it would have been just to slay them for misleading them, were it not for the dishonor to God's name which would have been caused.

6 No offer of a peaceful settlement should be made to Ammon and Moav, as **Deuteronomy 23:7** states: 'Do not seek their peace and welfare for all your days.' Our Sages declared: Although it is written: 'Offer a peaceful settlement,' does this apply to Ammon and Moab? The Torah states: 'Do not seek their peace and welfare.'

Although it is written **Deuteronomy 23:17**: 'He must be allowed to live alongside you in you midst,' does this apply to Ammon and Moav? No, the Torah also forbids 'their welfare.'

Even though we should not offer them a peaceful settlement, if they sue for peace themselves, we may accept their offer.

7 When a siege is placed around a city to conquer it, it should not be surrounded on all four sides, only on three. A place should be left for the inhabitants to flee and for all those who desire, to escape with their lives, as it is written **Numbers 31:7**: 'And they besieged Midian as God commanded Moses.' According to tradition, He commanded them to array the siege as described.

8 We should not cut down fruit trees outside a city nor prevent an irrigation ditch from bringing water to them so that they dry up, as **Deuteronomy 20:19** states: 'Do not destroy its trees.' Anyone who cuts down such a tree should be lashed.

This does not apply only in a siege, but in all situations. Anyone who cuts down a fruit tree with a destructive intent, should be lashed.

Nevertheless, a fruit tree may be cut down if it causes damage to other trees or to fields belonging to others, or if a high price could be received for its wood. The Torah only prohibited cutting down a tree with a destructive intent.

9 It is permissible to cut down any non-fruit bearing tree, even if one has no need for it. Similarly, one may cut down a fruit bearing tree that has become old and produces only a slight yield which does not warrant the effort required to care for it.

What is the yield that an olive tree must produce to warrant that it should not be cut down? A quarter of a *kav* of olives. Similarly, a date palm which yields a *kav* of dates should not be cut down.

10 This prohibition does not apply to trees alone. Rather, anyone who breaks utensils, tears garments, destroys buildings, stops up a spring, or ruins food with a destructive intent transgresses the command 'Do not destroy.' However, he is not lashed. Instead, he receives stripes for rebellious conducts instituted by the Sages.

11 We should lay siege to the gentiles' cities at least three days before the

Sabbath. We may engage in battle with them every day, even on the Sabbath, as **Deuteronomy 20:20** states: 'against the city waging war with you until you subjugate it.' Our Sages explain: this implies 'even on the Sabbath.' This applies to both a *milchemet mitzvah* and a *milchemet hareshut*.

12 The army may camp anywhere.

A person killed in the war should be buried where he falls. He acquires that place in the same manner as a *meit mitzvah* acquires his.

13 Four leniencies are permitted in an army camp:

a) *Demai* may be eaten.

b) There is no requirement to wash one's hands before eating bread.

c) Wood may be gathered from anywhere. Even if one finds wood that has been cut down and dried, there is no objection to taking it for an army camp.

d) There is no obligation to make an *eruv chatzeirot* for an army camp. Rather, one may carry from tent to tent and from booth to booth.

The latter is only permitted when the entire camp is surrounded by a barrier at least ten handbreadths high, for as explained in *Hilchot Shabbat*, a barrier must be at least ten handbreadths high.

Just as these leniencies apply when the army goes out to war, they apply when it returns.

14 It is forbidden to defecate in an army camp or in an open field anywhere. Rather, it is a positive commandment to establish comfort facilities for the

soldiers to defecate as **Deuteronomy 23:13** commands: 'Designate a place outside the camp to use as a lavatory.'

15 Similarly, it is a positive commandment for every single soldier to have a spike hanging together with his weapons. When he goes out and uses those comfort facilities, he should dig with it, relieve himself, and cover his excrement as *ibid.*:14 states 'You must keep a spike among your weapons.'

They must follow these practices at all times, whether the ark accompanies them or not, as *ibid.*:15 states: 'God walks among your camp,... therefore, your camp shall be holy.'

Chapter 7

1 In both a *milchemet mitzvah* and a *milchemet hareshut*, a priest is appointed to address the nation before the battle. He is anointed with the oil of anointment and is called, the *meshuach milchamah*.

2 The *meshuach milchamah* speaks to the nation twice: Once, at the border, as the army is leaving before they assume battle positions. At that time, he tells the nation: 'Is there a man who has planted a vineyard and has not redeemed his first crop?...' (**Deuteronomy 20:6** . When these individuals hear his words, they should retreat from the battlefront.

He speaks a second time when the army has assumed battle positions: Then, he declares: 'Do not be afraid. Do not panic...' (*ibid.* 20:3).

3 When the armies assume battle positions and will shortly join in war, the

meshuach milchamah stands in an elevated place before the array of the entire army. He addresses them in Hebrew:

Listen, Israel, today you are about to wage war against your enemies. Do not be faint-hearted. Do not be afraid. Do not panic and do not break ranks before them. God, your Lord, is the One accompanying you to do battle for you against your enemies to deliver you (*ibid.* 20:3-4).

These words are related by the *meshuach milchamah*. Afterwards, another priest of a lower rank, proclaims them to the people in a loud voice. Then, the *meshuach milchamah* announces:

Is there a man who has built a new house?... Let him go home...

Is there a man who has planted a vineyard?... Let him go home...

Is there a man who has consecrated a woman?... Let him go home... (*ibid.* 20:5-7).

These words are related by the *meshuach milchamah*. Afterwards, an officer proclaims these words to the nation in a loud voice. the officer announces on his own initiative: 'Is there a man who is afraid or faint-hearted? Let him go home...' (*ibid.* 20:8). Another officer proclaims these words to the people.

4 After these individuals depart from the battlefront, the army is arrayed again and commanding officers are appointed at the head of the nation.

Powerful officers with iron axes in their hands are placed in the rear of each array of troops. If a person wants to leave the battle, they have permission to chop off his legs, for flight is the beginning of defeat.

In which instances are the above-mentioned individuals sent away from the battlefront? In a *milchemet hareshut*. By contrast, in a *milchemet*

mitzvah, the entire nation must go out to war, even a groom from his chamber, and a bride from her pavilion.

5 Those who leave the battlefront include a person who builds:
a house to dwell in,
a barn for his cattle,
a woodshed, or
a storage house.
A person who builds one of the latter is deferred because those structures are also fit for dwelling.
Just as a person who builds a home is deferred from military service; so, too, one who buys a home, receives one as a present, or inherits one should also return from the front.
However, one who builds (a silo,) a gatehouse, an *excedra*, a porch, or a house that is less than four cubits by four cubits, and similarly, a person who steals a house does not return from the war.

6 Just as a person who plants a vineyard is deferred from military service; so, too, one who plants five fruit trees, even though they are of five different species recieves a similar deferment.
This applies to one who plants a vineyard, one who extends, one who grafts, the extensions and graftings must be significant enough to obligate the vine in *orlah*, one who buys, one who inherits, and one who received one as a present.
However, one who plants four fruit trees or five trees that do not bear fruit and similarly, one who steals a vineyard does not return from the

battlefront because of it. Also, when a vineyard is planted by two partners, neither may return from the battlefront because of it.

7 Just as a man who consecrates a virgin is deferred from military service; so, too, a deferment is granted to one who consecrates a widow and similarly, to a man to whom a *yevamah* becomes obligated. Even if there are five brothers and one of them dies, all should return from the battlefont.
If a man consecrates a wife on the condition that the *Kiddushin* take effect retroactively from the day they were given after a year has passed and that time period is completed during a war, he should return from the battlefield.

8 A person who remarries his divorcee and one who consecrates a woman whom he is forbidden to marry, for example, a widow for a High Priest, a divorcee or a woman who has undergone *chalitzah* for a common priest, or a *mamzer* or a *natinah* to an Israelite, or an Israelitess to a *mamzer* or *natin*, should not return from the battlefield.

9 All those who return from the army camp, return when they hear the proclamation of the priest. They must supply food and water to their brethren in the army and fix the roads for them.

10 The following should not go out to the army camp at all and should not be bothered for any obligation whatsoever:
one who builds a house and dedicates it;
one who marries the woman he consecrated or his *yevamah*;
one who redeems his vineyard.

They are not conscripted until the completion of one year as **Deuteronomy 24:5** states: 'He must remain free for his home for one year and rejoice with the bride he took.' The Oral Tradition teaches that the one-year deferment applies whether he purchased a house, married a woman, or began to benefit from the fruit of his vineyard.

11 During this entire year, he is not obligated to supply the troops with food or water. He should not fix the roads, guard the walls or pay the levy for beams for the gates of the city, as *ibid.* states: 'He shall not enter military service or be assigned any duties.'
The repetition of the prohibition teaches that the transgression of two prohibitions are involved. He is not obligated to his city, nor to the army.

12 If a person builds a house and rents it to others, in the event the tenants pay the rent beforehand, it is considered as if he has already benefited from it. If they do not pay him rent until after twelve months have passed, it is considered as if he has not yet derived benefit.

13 The following rules apply when a man built a house, placed his belongings inside, and locked them within: If he has to spend time guarding them, it is considered as if he derived benefit from the home and began dwelling there. If he does not have to sit and guard them, he is considered as one who has derived no benefit from his home as of yet.

14 Anyone that builds a house or plants a vineyard outside of the land of Israel, is not sent back [from the battlefront].

15 To whom does the phrase 'Is there a man who is afraid or faint-hearted?' refer? The phrase should be interpreted simply, as applying to a person whose heart is not brave enough to stand in the throes of battle.

Once a soldier enters the throes of battle, he should rely on the Hope of Israel and their Savior in times of need. He should realize that he is fighting for the sake of the oneness of God's Name. Therefore, he should place his soul in his hand and not show fright or fear.

He should not worry about his wife or children. On the contrary, he should wipe their memory from his heart, removing all thoughts from his mind except the war.

Anyone who begins to feel anxious and worry in the midst of battle to the point where he frightens himself violates a negative commandment, as it is written (**Deuteronomy 20:3** : 'Do not be faint-hearted. Do not be afraid. Do not panic and do not break ranks before them.'

Furthermore, he is responsible for the blood of the entire Jewish nation. If he is not valiant, if he does not wage war with all his heart and soul, it is considered as if he shed the blood of the entire people, as *ibid.* 20:8 states: 'Let him go home, lest he demoralize the hearts of his brethren like his own.' Similarly, the prophetic tradition explicitly states: 'Cursed be he who does God's work deceitfully. Cursed be he who withholds his sword from blood.' **Jeremiah 48:10**

In contrast, anyone who fights with his entire heart, without fear, with the intention of sanctifying God's name alone, can be assured that he will find no harm, nor will bad overtake him. He will be granted a proper family in Israel and gather merit for himself and his children forever. He will also merit eternal life in the world to come as **I Samuel 25:28-29** states: 'God

will certainly make my lord a faithful house, for my lord fights the wars of God and evil will not be found with you... and my lord's soul will be bound in a bond of life with God.'

Chapter 8

1 When the army's troops enter the territory of gentiles, conquering them and taking them captive, they are permitted to eat meat from animals that died without being ritually slaughtered or which were *trefe*, and the flesh of pigs and similar animals, if they become hungry and can only find these forbidden foods.

Similarly, they may drink wine used in the worship of idols. This license is derived by the Oral Tradition which interprets **Deuteronomy 6:10-11**: 'God... will give you... houses filled with all the good things' as 'pigs' necks and the like.'

2 Similarly, a soldier may engage in sexual relations with a woman while she is still a gentile if his natural inclination overcomes him. However, he may not engage in sexual relations with her and then, go on his way. Rather, he must bring her into his home as **Deuteronomy 21:11** states 'If you see a beautiful woman among the prisoners...You shall bring her into the midst of your home...'

It is forbidden for him to engage in sexual relations with her a second time until he marries her.

3 Relations with a *yefat toar* are only permitted while she is in captivity as

the verse states ' If you see... among the prisoners.'

This license is permitted whether the woman is a virgin or not, even if she is married, for the gentiles' marriages are not recognized.

A number of laws are derived from the exegesis of the verse from Deuteronomy quoted above:

'And you desire' - even though she is not beautiful.

'Her' - and not another. He may not engage in sexual relations with two women. 'You may take her as a wife' - He may not take two women as captives with the intention of engaging in relations with one and saving the other for his father or brother.

What is the source which teaches that he may not pressure her in the midst of the war? **Deuteronomy 21:12** states: 'You shall bring her into the midst of your home...' Thus, he must bring her into an (vacant) place and then, engage in relations with her.

4 A priest is also allowed relations with a *yefat toar* initially. For the Torah only permitted relations as a concession to man's natural inclination. However, he is not permitted to marry her afterwards, for she is a convert.

5 What is the procedure which a Jew must follow regarding a *yefat toar* after he had relations with her once while she is still a gentile? If she desires to enter under the wings of the *Shechinah*, he may have her immersed in a *mikveh* for the purpose of conversion immediately.

If she does not accept the Jewish faith, she should dwell in his house for thirty days, as *ibid.* 21:13 states: 'She shall mourn her father and mother for thirty days.' Similarly, she should mourn the abandonment of her

faith. Her captor should not prevent her from crying.

She must let her nails grow and shave her head so that she will not appear attractive to him. She must be together with him at home. Thus, when he enters, he sees her; when he leaves; he sees her, so that he becomes disgusted with her.

He must be patient with her so that she will accept the Jewish faith. If she accepts Judaism and he desires her, she may convert and immerse herself in the *mikveh* for that purpose, like other converts.

6 A captor must wait three months before marrying his captive: the month of mourning and two months following it.

When he marries her, he must give her *Kiddushin* and a *Ketubah*. If he does not desire her, he must set her free. If he sells her, he violates a negative commandment, as **Deuteronomy 21:14** states: 'You may not sell her for money.' Should a captor sell his captive, the sale is invalidated and he must return the money.

Similarly, if after having relations with her, he forces her to become a servant, he violates a negative commandment from the time he makes use of her as *ibid.* states: *lo titamar boh*. That phrase means 'he should not make use of her.'

7 Her captor must be patient with her for twelve months if she refuses to convert.

If she still refuses after this interval has passed, she must agree to accept the seven universal laws commanded to Noah's descendants and then, she is set free. Her status is the same as all other resident aliens.

Her captor may not marry her, for it is forbidden to marry a woman who has not converted.

8 If she conceives after the initial relations with her captor, the child has the status of a convert. In no regard is he considered as the captor's son, for his mother is a gentile. Rather, the court immerses him in the *mikveh* and takes responsibility for him.

Tamar was conceived from King David's initial relations with a *yefat toar*, but Avshalom was conceived after marriage. Thus, Tamar was only Avshalom's maternal sister and thus, would have been permitted to Amnon. This can be inferred from the statement **II Samuel 13:13**: 'Speak to the king, for he will not withhold me from you.'

9 A *yefat toar* who does not desire to abandon idol worship after twelve months should be executed. Similarly, a treaty cannot be made with a city which desires to accept a peaceful settlement until they deny idol worship, destroy their places of worship, and accept the seven universal laws commanded Noah's descendants. For every gentile who does not accept these commandments must be executed if he is under our undisputed authority.

10 Moses only gave the Torah and mitzvot as an inheritance to Israel, as **Deuteronomy 33:4** states: 'The Torah... is the inheritance of the congregation of Jacob,' and to all those who desire to convert from among the other nations, as **Numbers 15:15** states 'the convert shall be the same as you.' However, someone who does not desire to accept Torah and

mitzvot, should not be forced to.

By the same regard, Moses was commanded by the Almighty to compel all the inhabitants of the world to accept the commandments given to Noah's descendants.

If one does not accept these commands, he should be executed. A person who formally accepts these commands is called a resident alien. This applies in any place. This acceptance must be made in the presence of three Torah scholars.

Anyone who agrees to circumcise himself and allows twelve months to pass without circumcising himself is considered as one of the nations.

11 Anyone who accepts upon himself the fulfillment of these seven mitzvot and is precise in their observance is considered one of 'the pious among the gentiles' and will merit a share in the world to come.

This applies only when he accepts them and fulfills them because the Holy One, blessed be He, commanded them in the Torah and informed us through Moses, our teacher, that Noah's descendants had been commanded to fulfill them previously.

However, if he fulfills them out of intellectual conviction, he is not a resident alien, nor of 'the pious among the gentiles,' nor of their wise men.

Chapter 9

1 Six precepts were commanded to Adam:

a) the prohibition against worship of false gods;

b) the prohibition against cursing God;
c) the prohibition against murder;
d) the prohibition against incest and adultery;
e) the prohibition against theft;
f) the command to establish laws and courts of justice.

Even though we have received all of these commands from Moses and, furthermore, they are concepts which intellect itself tends to accept, it appears from the Torah's words that Adam was commanded concerning them.

The prohibition against eating flesh from a living animal was added for Noah, as **Genesis 9:4** states: 'Nevertheless, you may not eat flesh with its life, which is its blood.' Thus there are seven mitzvot.

These matters remained the same throughout the world until Abraham. When Abraham arose, in addition to these, he was commanded regarding circumcision. He also ordained the morning prayers.

Isaac separated tithes and ordained an additional prayer service before sunset. Jacob added the prohibition against eating the sciatic nerve. He also ordained the evening prayers. In Egypt, Amram was commanded regarding other mitzvot. Ultimately, Moses came and the Torah was completed by him.

2 A Noachide who worships false gods is liable provided he worships them in an accepted manner.

A Noachide is executed for every type of foreign worship which a Jewish court would consider worthy of capital punishment. However, a Noachide is not executed for a type of foreign worship which a Jewish court would

not deem worthy of capital punishment. Nevertheless, even though a Noachide will not be executed for these forms of worship, he is forbidden to engage in all of them.

We should not allow them to erect a monument, or to plant an *Asherah*, or to make images and the like even though they are only for the sake of beauty.

3 A Noachide who curses God's Name, whether he uses God's unique name or one of His other names, in any language, is liable. This law does not apply with regard to Jews.

4 A Noachide who slays any soul, even a fetus in its mother's womb, should be executed in retribution for its death. Similarly, if he slew a person who would have otherwise died in the near future, placed a person before a lion, or starved a person to death, he should be executed for through one manner or other, he killed.

Similarly, one should be executed if he killed a pursuer when he could have saved the latter's potential victim by maiming one of the pursuer's limbs. These laws do not apply with regard to Jews.

5 There are six illicit sexual relations forbidden to a Noachide:

a) his mother;

b) his father's wife;

c) a married woman;

d) his maternal sister;

e) a male;

f) an animal.

These prohibitions are derived from the verse **Genesis 2:24**: 'Therefore, a man shall leave his father and his mother and cling to his wife and they shall become one flesh.'

'His father' - alludes to his father's wife;

'his mother' - is to be understood simply;

'cling to his wife' - and not his colleague's wife;

'his wife' - and not a male;

'They shall become one flesh' - this excludes a domesticated animal, beast, or fowl for man can never become 'one flesh' with them.

The prohibition against relations with a maternal sister is derived from the verse **Genesis 20:13**: 'She is my sister, my father's daughter, but not my mother's. Thus, she became my wife.'

6 A Noachide is liable for relations with his mother even though she was seduced or raped by his father and never married to him. She is, nevertheless, his mother.

He is liable for relations with his father's wife even after his father's death.

He is liable for relations with a male whether a minor or an adult and with an animal whether young or old. In the latter instance, the Noachide alone is executed and not the animal. We are only commanded to kill an animal with which a Jew engaged in relations.

7 A Noachide is not executed for adultery with his colleague's wife unless they engage in relations in the normal manner after she had engaged in relations with her husband at least once. However, if she was merely

consecrated or had undergone a wedding ceremony, but had never engaged in relations with her husband, one is not liable for engaging in relations with her, as **Genesis 20:3** states: 'For she has been possessed by her husband.'

When does the above apply? When a Noachide engages in relations with a Noachide woman. However, a gentile who engages in relations with a married Jewess is liable whether their relations were carried out in a normal or abnormal manner.

Similarly, a gentile who engages in relations with a Jewish maiden who has been consecrated is stoned to death because of her as is the law regarding Jews. If he engages in relations with her after she has undergone the wedding ceremony, but has not engaged in relations with her husband, he is strangled to death as is the Jewish law. However, if he engages in relations with a Jewish woman after she engaged in relations with her husband once, he is sentenced to be executed by decapitation as if he had engaged in relations with a gentile woman.

8 A Noachide who singles out one of his maid-servants for one of his slaves and, afterwards, engages in relations with her is executed because of her for violation of the prohibition against adultery. However, he is not liable for relations with her until the matter has become public knowledge and everyone refers to her as 'the wife of X, the slave.'

When do relations with her become permitted again? When he separates her from his slave and uncovers her hair in the market-place.

When is a Noachide woman considered divorced? When her husband removes her from his home and sends her on her own or when she leaves

his domain and goes her own way. They have no written divorce proceedings.

The matter is not dependant on the man's volition alone. Whenever he or she decide to separate, they may and then, are no longer considered as married.

9 A Noachide is liable for violating the prohibition against theft whether he stole from another gentile or from a Jew.

This applies to one who forcefully robs an individual or steals money, a kidnapper, an employer who withholds his worker's wages and the like, even a worker who eats from his employer's produce when he is not working. In all such cases, he is liable and is considered as a robber. With regard to Jews, the law is different.

Similarly, a Noachide is liable for stealing an object worth less than a *p'rutah*. Thus, if one Noachide stole an object worth less than a *p'rutah* and another Noachide stole it from him, they are both executed because of it.

10 Similarly, a Noachide is liable for violating the prohibition against eating a limb or flesh from a living creature. This applies regardless of the amount involved, for the specification of minimum amounts only applies to Jews.

A Noachide is permitted blood from a living creature.

11 The prohibition applies to a limb or flesh that is separated from either a domesticated animal or a beast. However, it appears to me that a Noachide is not executed for eating a limb taken from a living bird.

12 Though one slaughters an animal, even if one severs the two signs that distinguish it as having been slaughtered in a kosher manner, as long as the animal moves convulsively, the limbs and meat which are separated from it are forbidden to a Noachide because of the prohibition against a limb from a living creature.

13 All prohibitions that apply to a Jew regarding a limb from a living creature also apply to Noachides. Furthermore, there are instances where a Noachide would be held liable and a Jew will not for a Noachide is liable for a limb or flesh from a living creature whether from a domesticated animal or a beast, whether from a kosher or non-kosher species.

Similarly, a Noachide is forbidden to partake of a limb from a living creature for a limb or flesh which is separated from an animal that is moving convulsively even though a Jew has already severed the two signs.

14 How must the Noachides fulfill the commandment to establish laws and courts? They are obligated to set up judges and magistrates in every major city to render judgement concerning these six mitzvot and to admonish the people regarding their observance.

A Noachide who transgresses these seven commands shall be executed by decapitation. For this reason, all the inhabitants of Shechem were obligated to die. Shechem kidnapped. They observed and were aware of his deeds, but did not judge him.

A Noachide is executed on the basis of the testimony of one witness and the verdict of a single judge. No warning is required. Relatives may serve as witnesses. However, a woman may not serve as a witness or a judge for

them.

Chapter 10

1 A Noachide who inadvertently violates one of his commandments is exempt from all punishment with the exception of a person who kills inadvertently. In such an instance, the redeemer of the blood is not executed for slaying the killer, nor may the latter seek asylum in a city of refuge. However, the court will not execute him.

When does the above apply? When he inadvertently violates a command without sinful intention; for example, a person who engages in relations with his colleague's wife under the impression that she is his own wife or unmarried.

If, however, one knew that she was his colleague's wife, but did not know that she was forbidden to him or it occurred to him that this act was permitted or one killed without knowing that it is forbidden to kill, he is considered close to having sinned intentionally and is executed. This is not considered as an inadvertent violation. For he should have learned the obligations incumbent upon him and did not.

2 A Noachide who is forced by another person to violate one of his commandments is permitted to transgress. Even if he is forced to worship false gods, he may worship them. For Noachides are not commanded to sanctify God's name.

A Noachide minor, deaf-mute, or fool is never given punishment for they are not bound by any commandments.

3 A Noachide who converted, was circumcised, and immersed in the *mikveh*, and, afterwards, decided to forsake God and revert to his previous status as a resident alien is not granted permission to do so. Rather, he must remain as an Israelite in all matters or be executed.

If he was a minor and immersed by the court, he may repudiate his conversion when he attains majority and assume the status of a resident alien alone. However, if he does not object as soon as he attains majority, he is no longer given the opportunity to object and his status is that of a righteous convert.

Therefore, if a Jew has relations with a girl below the age of majority who was immersed in the *mikveh* by a court, the money due her as payment of her *ketubah* or as a fine for raping her or seducing her is placed in the custody of the court until she attains majority and does not repudiate her conversion. This step is taken lest she take the money, attain majority, and then, repudiate her conversion. Thus, she would derive benefit as a Noachide from monies to which she is only entitled according to Jewish law.

4 A Noachide who converts after cursing God's name, worshipping false gods, engaging in relations with a colleague's wife, or killing a fellow Noachide is exempt from punishment.

In contrast, if he converted after killing a Jew or having relations with a Jew's wife, he is liable. He is decapitated for killing the Jew and strangled to death for engaging in relations with a Jew's wife. He is given the latter punishment because the laws governing him have changed.

5 It has already been explained that Noachides are always executed by decapitation except in cases when one engages in relations with the wife of a Jew or a consecrated maiden. In the latter instance, he is stoned to death.

If he engaged in relations with a Jew's wife after they married, but before they ever engaged in relations, he is executed by strangulation.

6 According to the Oral Tradition, Noachides are forbidden to cross-breed animals and graft different species of trees together. However, they are not executed for violating this prohibition.

A gentile who gave a Jew a blow is liable to die for causing even the most minimal damage. Nevertheless, he is not executed.

7 Only Abraham and his descendants were commanded regarding circumcision as **Genesis 17:9-10** states: 'Keep My covenant, you and your offspring... circumcise every male.'

The descendants of Ishmael are excluded as implied by **Genesis 21:12**: 'It is through Isaac, that your offspring will be called.' Esau's descendants are also excluded, for Isaac told Jacob **Genesis 28:4**: 'May God grant Abraham's blessing to you and your descendants,' implying that only he is the true offspring of Abraham who maintains his faith and his upright behavior. Thus, they alone are obligated in circumcision.

8 Our Sages related that the descendants of Keturah who are the offspring of Abraham that came after Isaac and Ishmael are also obligated in circumcision. Since, at present, the descendants of Ishmael have become

intermingled with the descendants of Keturah, they are all obligated to be circumcised on the eighth day. However, they are not executed for failure to perform this mitzvah.

9 A gentile who studies the Torah is obligated to die. They should only be involved in the study of their seven mitzvot.

Similarly, a gentile who rests, even on a weekday, observing that day as a Sabbath, is obligated to die. Needless to say, he is obligated for that punishment if he creates a festival for himself.

The general principle governing these matters is: They are not to be allowed to originate a new religion or create mitzvot for themselves based on their own decisions. They may either become righteous converts and accept all the mitzvot or retain their statutes without adding or detracting from them.

If a gentile studies the Torah, makes a Sabbath, or creates a religious practice, a Jewish court should beat him, punish him, and inform him that he is obligated to die. However, he is not to be executed.

10 We should not prevent a Noachide who desires to perform one of the Torah's mitzvot in order to receive reward from doing so, provided he performs it as required. If he brings an animal to be sacrificed as a burnt offering, we should receive it.

If a Noachide who observes the seven mitzvot gives charity, we should accept it from him. It appears to me that it should be given to the Jewish poor for the Noachide may derive his sustenance from the Jews and they are commanded to support him if necessary. In contrast, if an idolater

gives charity, we should accept it from him and give it to the gentile poor.

11 The Jewish court is obligated to appoint judges for these resident aliens to judge them according to these statutes so that the world will not become decadent.

If the court sees fit to appoint the judges from the resident aliens themselves, they may. If it sees fit to appoint them from among the Jews, they may.

12 Should two idolaters come before you to have their dispute judged according to Jewish law. If they both desire to be judged according to Torah law, they should be judged accordingly. If one desires to be judged according to Torah law and the other does not, they are only forced to be judged according to their own laws.

If there is a dispute between a Jew and an idolater: If the Jew will fare better according to their laws, they are judged according to their laws. When the judgement is rendered, the judges explain: 'Your law obligates this judgement.' If the Jew will fare better according to our laws, they are judged according to Torah law. When the judgement is rendered, the judges explain: 'Our law obligates this judgement.' It appears to me that this approach is not followed in regard to a resident alien. Rather, he is always judged according to their laws.

Similarly, it appears to me that in regard to respect and honor and also, in regard to charity, a resident alien is to be treated as a Jew for behold, we are commanded to sustain them as **Deuteronomy 14:21** states: 'You may not eat any animal that has not been properly slaughtered... give it to the

resident alien in your gates that he may eat it.' Though our Sages counseled against repeating a greeting to them, that statement applies to idolaters and not resident aliens.

However, our Sages commanded us to visit the gentiles when ill, to bury their dead in addition to the Jewish dead, and support their poor in addition to the Jewish poor for the sake of peace. Behold, **Psalms 145:9** states: 'God is good to all and His mercies extend over all His works' and **Proverbs 3:17** states: 'The Torah's ways are pleasant ways and all its paths are peace.'

Chapter 11

1 In the future, the Messianic king will arise and renew the Davidic dynasty, restoring it to its initial sovereignty. He will build the Temple and gather the dispersed of Israel.

Then, in his days, the observance of all the statutes will return to their previous state. We will offer sacrifices, observe the Sabbatical and Jubilee years according to all their particulars as described by the Torah.

Anyone who does not believe in him or does not await his coming, denies not only the statements of the other prophets, but those of the Torah and Moses, our teacher. The Torah testified to his coming, as **Deuteronomy 30:3-5** states:

God will bring back your captivity and have mercy upon you. He will again gather you from among the nations... Even if your Diaspora is at the ends of the heavens, God will gather you up from there... and bring you to the land....

These explicit words of the Torah include all the statements made by all the prophets.

Reference to Mashiach is also made in the portion of Bilaam who prophesies about two anointed kings: the first anointed king, David, who saved Israel from her oppressors; and the final anointed king who will arise from his descendants and save Israel in the end of days. That passage **Numbers 24:17-18** relates:

'I see it, but not now' - This refers to David;

'I perceive it, but not in the near future;" - This refers to the Messianic king;

'A star shall go forth from Jacob' - This refers to David;

'and a staff shall arise in Israel' - This refers to the Messianic king;

'crushing all of Moab's princes' - This refers to David as **II Samuel 8:2** relates: 'He smote Moab and measured them with a line;'

'decimating all of Seth's descendants' - This refers to the Messianic king about whom **Zechariah 9:10** prophesies: 'He will rule from sea to sea.'

'Edom will be demolished' - This refers to David as **II Samuel 8:6** states 'Edom became the servants of David;'

'Seir will be destroyed' - this refers to the Messianic king as **Ovadiah 1:21** prophesies: 'Saviors will ascend Mount Zion to judge the mountain of Esau....'

2 Similarly, with regard to the cities of refuge, **Deuteronomy 19:8-9** states: 'When God will expand your borders... you must add three more cities.' This command was never fulfilled. Surely, God did not give this command in vain.

There is no need to cite proofs from the works of the prophets for all their books are filled with mention of this matter.

3 One should not presume that the Messianic king must work miracles and wonders, bring about new phenomena in the world, resurrect the dead, or perform other similar deeds. This is definitely not true.

Proof can be brought from the fact that Rabbi Akiva, one of the greater Sages of the Mishnah, was one of the supporters of King Bar Kozibah and would describe him as the Messianic king. He and all the Sages of his generation considered him to be the Messianic king until he was killed because of sins. Once he was killed, they realized that he was not the Mashiach. The Sages did not ask him for any signs or wonders.

The main thrust of the matter is: This Torah, its statutes and its laws, are everlasting. We may not add to them or detract from them.

4 If a king will arise from the House of David who diligently contemplates the Torah and observes its mitzvot as prescribed by the Written Law and the Oral Law as David, his ancestor, will compel all of Israel to walk in (the way of the Torah) and rectify the breaches in its observance, and fight the wars of God, we may, with assurance, consider him Mashiach.

If he succeeds in the above, builds the Temple in its place, and gathers the dispersed of Israel, he is definitely the Mashiach.

He will then improve the entire world, motivating all the nations to serve God together, as **Tzephaniah 3:9** states: 'I will transform the peoples to a purer language that they all will call upon the name of God and serve Him with one purpose.'

5 If he did not succeed to this degree or was killed, he surely is not the redeemer promised by the Torah. Rather, he should be considered as all the other proper and complete kings of the Davidic dynasty who died. God caused him to arise only to test the many, as **Daniel 11:35** states: 'And some of the wise men will stumble, to try them, to refine, and to clarify until the appointed time, because the set time is in the future.'

6 Jesus of Nazareth who aspired to be the Mashiach and was executed by the court was also alluded to in Daniel's prophecies, as ibid. 11:14 states: 'The vulgar among your people shall exalt themselves in an attempt to fulfill the vision, but they shall stumble.'

Can there be a greater stumbling block than Christianity? All the prophets spoke of Mashiach as the redeemer of Israel and their savior who would gather their dispersed and strengthen their observance of the mitzvot. In contrast, Christianity caused the Jews to be slain by the sword, their remnants to be scattered and humbled, the Torah to be altered, and the majority of the world to err and serve a god other than the Lord.

7 Nevertheless, the intent of the Creator of the world is not within the power of man to comprehend, for His ways are not our ways, nor are His thoughts, our thoughts. Ultimately, all the deeds of Jesus of Nazareth and that Ishmaelite who arose after him will only serve to prepare the way for Mashiach's coming and the improvement of the entire world, motivating the nations to serve God together as **Tzephaniah 3:9** states: 'I will transform the peoples to a purer language that they all will call upon the name of God and serve Him with one purpose.'

8 How will this come about? The entire world has already become filled with the mention of Mashiach, Torah, and mitzvot. These matters have been spread to the furthermost islands to many stubborn-hearted nations. They discuss these matters and the mitzvot of the Torah, saying: 'These mitzvot were true, but were already negated in the present age and are not applicable for all time.'

Others say: 'Implied in the mitzvot are hidden concepts that can not be understood simply. The Mashiach has already come and revealed those hidden truths.'

9 When the true Messianic king will arise and prove successful, his position becoming exalted and uplifted, they will all return and realize that their ancestors endowed them with a false heritage and their prophets and ancestors caused them to err.

Chapter 12

1 Do not presume that in the Messianic age any facet of the world's nature will change or there will be innovations in the work of creation. Rather, the world will continue according to its pattern.

Although **Isaiah 11:6** states: 'The wolf will dwell with the lamb, the leopard will lie down with the young goat,' these words are a metaphor and a parable. The interpretation of the prophecy is as follows: Israel will dwell securely together with the wicked gentiles who are likened to a wolf and a leopard, as in the prophecy **Jeremiah 5:6**: 'A wolf from the wilderness shall spoil them and a leopard will stalk their cities.' They will

all return to the true faith and no longer steal or destroy. Rather, they will eat permitted food at peace with Israel as **Isaiah 11:7** states: 'The lion will eat straw like an ox.'

Similarly, other Messianic prophecies of this nature are metaphors. In the Messianic era, everyone will realize which matters were implied by these metaphors and which allusions they contained.

2 Our Sages taught: "There will be no difference between the current age and the Messianic era except the emancipation from our subjugation to the gentile kingdoms."

The simple interpretation of the prophets' words appear to imply that the war of Gog and Magog will take place at the beginning of the Messianic age. Before the war of Gog and Magog, a prophet will arise to inspire Israel to be upright and prepare their hearts, as **Malachi 3:22** states: 'Behold, I am sending you Elijah.'

He will not come to declare the pure, impure, or to declare the impure, pure. He will not dispute the lineage of those presumed to be of proper pedigree, nor will he validate the pedigree of those whose lineage is presumed blemished. Rather, he will establish peace within the world as *ibid.* 3:24 continues: 'He will turn the hearts of the fathers to the children."

There are some Sages who say that Elijah's coming will precede the coming of the Mashiach. All these and similar matters cannot be definitely known by man until they occur for these matters are undefined in the prophets' words and even the wise men have no established tradition regarding these matters except their own interpretation of the

verses. Therefore, there is a controversy among them regarding these matters.

Regardless of the debate concerning these questions, neither the order of the occurrence of these events or their precise detail are among the fundamental principles of the faith. A person should not occupy himself with the *Aggadot* and homiletics concerning these and similar matters, nor should he consider them as essentials, for study of them will neither bring fear or love of God.

Similarly, one should not try to determine the appointed time for Mashiach's coming. Our Sages declared: 'May the spirits of those who attempt to determine the time of Mashiach's coming expire!' Rather, one should await and believe in the general conception of the matter as explained.

3 During the era of the Messianic king, once his kingdom has been established and all of Israel has gathered around him, the entire nation's line of descent will be established on the basis of his words and the prophetic spirit which will rest upon him, as **Malachi 3:3** states: 'He shall sit as a refiner and purifier.'

He will purify the lineage of the Levites first, stating 'He is a priest of defined lineage. He is a Levite of defined lineage.' Those whose lineage he will not recognize will be lowered to the status of Israelites. This is implied by **Ezra 2:63**: 'The governor said to them: 'They should not eat of the most holy things until a priest arises who will wear the *urim vitumim*.' From this verse, you can infer that the prophetic spirit will be used to define and notify the pedigree of lineage.

When he defines the lineage of the Israelites, he will make known their tribal lineage alone, stating: 'He is from this tribe and he is from another tribe.' He will not, by contrast, state concerning a person who is presumed to be of unblemished lineage: 'He is illegitimate or he is of slave lineage.' For the law is once a family has become intermingled with the entire Jewish people, they may remain intermingled.

4 The Sages and the prophets did not yearn for the Messianic era in order to have dominion over the entire world, to rule over the gentiles, to be exalted by the nations, or to eat, drink, and celebrate. Rather, they desired to be free to involve themselves in Torah and wisdom without any pressures or disturbances, so that they would merit the world to come, as explained in *Hilchot Teshuvah*.

5 In that era, there will be neither famine or war, envy or competition for good will flow in abundance and all the delights will be freely available as dust. The occupation of the entire world will be solely to know God.
Therefore, the Jews will be great sages and know the hidden matters, grasping the knowledge of their Creator according to the full extent of human potential, as **Isaiah 11:9** states: 'The world will be filled with the knowledge of God as the waters cover the ocean bed."